

132nd General Assembly  
Regular Session  
2017-2018

Sub. H. B. No. 49

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of the Revised Code effective December 31, 2017; 456  
to repeal the version of section 118.023 of the 457  
Revised Code that is scheduled to take effect 458  
September 29, 2017; to amend sections 109.572, 459  
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effective January 21, 2018; to amend section 462  
5101.61 and to amend, for the purpose of adopting 463  
a new section number as indicated in parentheses, 464  
section 5101.61 (5101.63) of the Revised Code 465  
effective one year after the effective date of 466  
this act; to repeal sections 103.44, 103.45, 467  
103.46, 103.47, 103.48, 103.49, and 103.50 of the 468  
Revised Code effective October 1, 2017; to repeal 469  
section 5166.35 of the Revised Code effective 470  
January 1, 2019; to amend for the purpose of 471  
codifying and changing the number of Section 472  
369.540 of Am. Sub. H.B. 64 of the 131st General 473  
Assembly to section 3333.95 of the Revised Code; 474  
to amend for the purpose of codifying and changing 475  
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and 812.50 of Sub. H.B. 26 of the 132nd General 479  
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as subsequently amended, Section 2 of Am. Sub. 490  
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subsequently amended, Section 3 of Sub. S.B. 9 of 492  
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H.B. 532 of the 129th General Assembly, as 494  
subsequently amended; to repeal Section 7 of Am. 495  
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Section 745.20 of Sub. H.B. 26 of the 132nd 497  
General Assembly; and to repeal Section 757.120 of 498  
the act effective August 10, 2018 to make 499  
operating appropriations for the biennium 500  
beginning July 1, 2017, and ending June 30, 2019, 501  
and to provide authorization and conditions for 502  
the operation of state programs. 503

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

**Section 101.01.** That sections 101.34, 102.02, 102.022, 504  
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6301.04, 6301.05, 6301.06, 6301.061, 6301.07, 6301.08, 6301.09, 652  
6301.11, 6301.12, and 6301.18 be amended; sections 103.42 653  
(103.416), 152.08 (123.011), 3742.49 (3742.44), 3742.50 (3742.45), 654  
3742.51 (3742.46), 4731.081 (4731.08), 4731.091 (4731.09), and 655  
4731.092 (4731.091) be amended for the purpose of adopting new 656  
section numbers as indicated in parentheses; and new sections 657  
3742.43 and 5739.18 and sections 9.58, 9.581, 9.582, 9.583, 9.584, 658  
107.036, 107.56, 109.46, 122.15, 122.151, 122.152, 122.153, 659  
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5709.49, 5709.50, 5747.031, 5747.503, 5747.504, 5748.10, 5907.17, 681  
6111.61, 6111.62, 6301.111, 6301.112, 6301.20, and 6301.21 of the 682  
Revised Code be enacted to read as follows: 683

Sec. 9.58. As used in sections 9.58 to 9.584 of the Revised 684  
Code: 685

(A) "Eligible project" means any capital improvement project 686  
located in this state that is designed to enhance, aid, provide, 687  
or promote transportation, economic development, housing, health 688  
care, recreation, education, government operations, culture, 689  
research, or purposes or activities authorized by Section 13 or 16 690  
of Article VIII, Ohio Constitution. 691

(B) "Foreign entity" means a state of the United States other 692  
than this state, or a political subdivision or governmental entity 693  
created by, or pursuant to the laws of, a state of the United 694  
States other than this state. The term does not include a foreign 695  
nation. 696

(C) "Governmental agency" means a department, division, or 697  
other unit of state government of this state or a municipal 698  
corporation, county, township, port authority, transportation 699  
improvement district, water or sewer district, solid waste 700  
management district, school district or other public school, 701  
health district, park district, soil and water conservation 702  
district, water conservancy district, regional transit authority, 703  
airport authority, or other political subdivision or public 704  
corporation, district, agency, authority, or commission created 705  
pursuant to the laws of this state or pursuant to an interstate 706  
compact or agreement authorized under the laws of this state. 707

Sec. 9.581. (A) A foreign entity shall not directly or 708

indirectly provide financing for an eligible project, through 709  
bonded indebtedness or otherwise, unless the foreign entity does 710  
both of the following: 711

(1) Within two business days after the foreign entity 712  
initially contacts or is contacted by the person or governmental 713  
agency proposing the project, the foreign entity notifies either 714  
of the following, as applicable, of its interest in the project: 715

(a) If the project will be located within the territory of a 716  
port authority, the port authority; 717

(b) If the project will not be located within the territory 718  
of a port authority, the county within which the project will be 719  
located. 720

(2) Upon entering into a financing agreement, the foreign 721  
entity provides written confirmation to the port authority or 722  
county, as applicable, that an agreement has been reached and that 723  
all of the following conditions are met: 724

(a) The interest or interest equivalent payable on the 725  
financing is intended to be excluded from gross income for federal 726  
income tax purposes. 727

(b) The financing for the project does not require public 728  
approval under section 147(f) of Title 26 of the United States 729  
Code and is not a current refunding of a project that required 730  
such public approval. 731

(c) The laws of the foreign entity do not prohibit this state 732  
or a political subdivision or governmental entity created by, or 733  
pursuant to the laws of, this state from providing similar 734  
financing for a capital improvement project located in that 735  
foreign entity or place more onerous conditions or restrictions on 736  
providing that financing than those set forth in division (A) of 737  
this section. 738

(B) Division (A) of this section does not apply if, in addition to financing the project in this state, the foreign entity is currently financing a similar project for the same person in another state. 739  
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Sec. 9.582. A governmental agency shall not directly or indirectly utilize a foreign entity to provide financing for an eligible project, through the issuance of bonded indebtedness or otherwise, unless the foreign entity complies with section 9.581 of the Revised Code. 743  
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Sec. 9.583. If a foreign entity provides financing for an eligible project without complying with section 9.581 of the Revised Code, the foreign entity shall pay to the appropriate port authority or county an amount equal to seventy-five per cent of all fees charged by the foreign entity to provide the financing, as and when those fees accrue, or, if greater in the aggregate, an amount equal to all fees the port authority or county would have charged to provide the financing based on a predetermined fee schedule, as and when those fees would become due under that schedule. 748  
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Sec. 9.584. If a foreign entity provides financing for an eligible project without complying with section 9.581 of the Revised Code, the director of development services or the appropriate port authority or county may bring an action for injunctive relief pursuant to Chapter 2727. of the Revised Code against the foreign entity. Upon proof by clear and convincing evidence of a failure to comply with section 9.581 of the Revised Code, the director, port authority, or county shall be entitled to such injunctive relief. Any injunction granted pursuant to this section shall have statewide effect. 758  
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**Sec. 101.34.** (A) There is hereby created a joint legislative ethics committee to serve the general assembly. The committee shall be composed of twelve members, six each from the two major political parties, and each member shall serve on the committee during the member's term as a member of that general assembly. Six members of the committee shall be members of the house of representatives appointed by the speaker of the house of representatives, not more than three from the same political party, and six members of the committee shall be members of the senate appointed by the president of the senate, not more than three from the same political party. A vacancy in the committee shall be filled for the unexpired term in the same manner as an original appointment. The members of the committee shall be appointed within fifteen days after the first day of the first regular session of each general assembly and the committee shall meet and proceed to recommend an ethics code not later than thirty days after the first day of the first regular session of each general assembly.

In the first regular session of each general assembly, the speaker of the house of representatives shall appoint the chairperson of the committee from among the house members of the committee, and the president of the senate shall appoint the vice-chairperson of the committee from among the senate members of the committee. In the second regular session of each general assembly, the president of the senate shall appoint the chairperson of the committee from among the senate members of the committee, and the speaker of the house of representatives shall appoint the vice-chairperson of the committee from among the house members of the committee. The chairperson, vice-chairperson, and members of the committee shall serve until their respective successors are appointed or until they are no longer members of the general assembly.

The committee shall meet at the call of the chairperson or 800  
upon the written request of seven members of the committee. 801

(B) The joint legislative ethics committee: 802

(1) Shall recommend a code of ethics that is consistent with 803  
law to govern all members and employees of each house of the 804  
general assembly and all candidates for the office of member of 805  
each house; 806

(2) May receive and hear any complaint that alleges a breach 807  
of any privilege of either house, or misconduct of any member, 808  
employee, or candidate, or any violation of the appropriate code 809  
of ethics; 810

(3) May obtain information with respect to any complaint 811  
filed pursuant to this section and to that end may enforce the 812  
attendance and testimony of witnesses, and the production of books 813  
and papers; 814

(4) May recommend whatever sanction is appropriate with 815  
respect to a particular member, employee, or candidate as will 816  
best maintain in the minds of the public a good opinion of the 817  
conduct and character of members and employees of the general 818  
assembly; 819

(5) May recommend legislation to the general assembly 820  
relating to the conduct and ethics of members and employees of and 821  
candidates for the general assembly; 822

(6) Shall employ an executive director for the committee and 823  
may employ other staff as the committee determines necessary to 824  
assist it in exercising its powers and duties. The executive 825  
director and staff of the committee shall be known as the office 826  
of legislative inspector general. At least one member of the staff 827  
of the committee shall be an attorney at law licensed to practice 828  
law in this state. The appointment and removal of the executive 829  
director shall require the approval of at least eight members of 830

the committee. 831

(7) May employ a special counsel to assist the committee in 832  
exercising its powers and duties. The appointment and removal of a 833  
special counsel shall require the approval of at least eight 834  
members of the committee. 835

(8) Shall act as an advisory body to the general assembly and 836  
to individual members, candidates, and employees on questions 837  
relating to ethics, possible conflicts of interest, and financial 838  
disclosure; 839

(9) Shall provide for the proper forms on which a statement 840  
required pursuant to section 102.02 or 102.021 of the Revised Code 841  
shall be filed and instructions as to the filing of the statement; 842

(10) Exercise the powers and duties prescribed under sections 843  
101.70 to 101.79, sections 101.90 to 101.98, Chapter 102., and 844  
sections 121.60 to 121.69 of the Revised Code; 845

(11) Adopt, in accordance with section 111.15 of the Revised 846  
Code, any rules that are necessary to implement and clarify 847  
Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code. 848

(C) There is hereby created in the state treasury the joint 849  
legislative ethics committee fund. All money collected from 850  
registration fees and late filing fees prescribed under sections 851  
101.72, 101.92, and 121.62 of the Revised Code shall be deposited 852  
into the state treasury to the credit of the fund. Money credited 853  
to the fund and any interest and earnings from the fund shall be 854  
used solely for the operation of the joint legislative ethics 855  
committee and the office of legislative inspector general and for 856  
the purchase of data storage and computerization facilities for 857  
the statements filed with the committee under sections 101.73, 858  
101.74, 101.93, 101.94, 121.63, and 121.64 of the Revised Code. 859

(D) The chairperson of the joint legislative ethics committee 860  
shall issue a written report, not later than the thirty-first day 861

of January of each year, to the speaker and minority leader of the 862  
house of representatives and to the president and minority leader 863  
of the senate that lists the number of committee meetings and 864  
investigations the committee conducted during the immediately 865  
preceding calendar year and the number of advisory opinions it 866  
issued during the immediately preceding calendar year. 867

(E) Any investigative report that contains facts and findings 868  
regarding a complaint filed with the joint legislative ethics 869  
committee and that is prepared by the staff of the committee or a 870  
special counsel to the committee shall become a public record upon 871  
its acceptance by a vote of the majority of the members of the 872  
committee, except for any names of specific individuals and 873  
entities contained in the report. If the committee recommends 874  
disciplinary action or reports its findings to the appropriate 875  
prosecuting authority for proceedings in prosecution of the 876  
violations alleged in the complaint, the investigatory report 877  
regarding the complaint shall become a public record in its 878  
entirety. 879

(F)(1) Any file obtained by or in the possession of the 880  
former house ethics committee or former senate ethics committee 881  
shall become the property of the joint legislative ethics 882  
committee. Any such file is confidential if either of the 883  
following applies: 884

(a) It is confidential under section 102.06 of the Revised 885  
Code or the legislative code of ethics. 886

(b) If the file was obtained from the former house ethics 887  
committee or from the former senate ethics committee, it was 888  
confidential under any statute or any provision of a code of 889  
ethics that governed the file. 890

(2) As used in this division, "file" includes, but is not 891  
limited to, evidence, documentation, or any other tangible thing. 892

(G) There is hereby created in the state treasury the joint 893  
legislative ethics committee investigative and financial 894  
disclosure fund. Investment earnings of the fund shall be credited 895  
to the fund. ~~Money in~~ All moneys credited to the fund shall be 896  
used solely for ~~the operations~~ expenses related to the 897  
investigative and financial disclosure functions of the committee 898  
~~in conducting investigations.~~ 899

**Sec. 102.02.** (A)(1) Except as otherwise provided in division 900  
(H) of this section, all of the following shall file with the 901  
appropriate ethics commission the disclosure statement described 902  
in this division on a form prescribed by the appropriate 903  
commission: every person who is elected to or is a candidate for a 904  
state, county, or city office and every person who is appointed to 905  
fill a vacancy for an unexpired term in such an elective office; 906  
all members of the state board of education; the director, 907  
assistant directors, deputy directors, division chiefs, or persons 908  
of equivalent rank of any administrative department of the state; 909  
the president or other chief administrative officer of every state 910  
institution of higher education as defined in section 3345.011 of 911  
the Revised Code; the executive director and the members of the 912  
capitol square review and advisory board appointed or employed 913  
pursuant to section 105.41 of the Revised Code; all members of the 914  
Ohio casino control commission, the executive director of the 915  
commission, all professional employees of the commission, and all 916  
technical employees of the commission who perform an internal 917  
audit function; the individuals set forth in division (B)(2) of 918  
section 187.03 of the Revised Code; the chief executive officer 919  
and the members of the board of each state retirement system; each 920  
employee of a state retirement board who is a state retirement 921  
system investment officer licensed pursuant to section 1707.163 of 922  
the Revised Code; the members of the Ohio retirement study council 923  
appointed pursuant to division (C) of section 171.01 of the 924

Revised Code; employees of the Ohio retirement study council, 925  
other than employees who perform purely administrative or clerical 926  
functions; the administrator of workers' compensation and each 927  
member of the bureau of workers' compensation board of directors; 928  
the bureau of workers' compensation director of investments; the 929  
chief investment officer of the bureau of workers' compensation; 930  
all members of the board of commissioners on grievances and 931  
discipline of the supreme court and the ethics commission created 932  
under section 102.05 of the Revised Code; every business manager, 933  
treasurer, or superintendent of a city, local, exempted village, 934  
joint vocational, or cooperative education school district or an 935  
educational service center; every person who is elected to or is a 936  
candidate for the office of member of a board of education of a 937  
city, local, exempted village, joint vocational, or cooperative 938  
education school district or of a governing board of an 939  
educational service center that has a total student count of 940  
twelve thousand or more as most recently determined by the 941  
department of education pursuant to section 3317.03 of the Revised 942  
Code; every person who is appointed to the board of education of a 943  
municipal school district pursuant to division (B) or (F) of 944  
section 3311.71 of the Revised Code; all members of the board of 945  
directors of a sanitary district that is established under Chapter 946  
6115. of the Revised Code and organized wholly for the purpose of 947  
providing a water supply for domestic, municipal, and public use, 948  
and that includes two municipal corporations in two counties; 949  
every public official or employee who is paid a salary or wage in 950  
accordance with schedule C of section 124.15 or schedule E-2 of 951  
section 124.152 of the Revised Code; members of the board of 952  
trustees and the executive director of the southern Ohio 953  
agricultural and community development foundation; all members 954  
appointed to the Ohio livestock care standards board under section 955  
904.02 of the Revised Code; all entrepreneurs in residence 956  
assigned by the LeanOhio office in the department of 957

administrative services under section 125.65 of the Revised Code 958  
and every other public official or employee who is designated by 959  
the appropriate ethics commission pursuant to division (B) of this 960  
section. 961

(2) The disclosure statement shall include all of the 962  
following: 963

(a) The name of the person filing the statement and each 964  
member of the person's immediate family and all names under which 965  
the person or members of the person's immediate family do 966  
business; 967

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 968  
section and except as otherwise provided in section 102.022 of the 969  
Revised Code, identification of every source of income, other than 970  
income from a legislative agent identified in division 971  
(A)(2)(b)(ii) of this section, received during the preceding 972  
calendar year, in the person's own name or by any other person for 973  
the person's use or benefit, by the person filing the statement, 974  
and a brief description of the nature of the services for which 975  
the income was received. If the person filing the statement is a 976  
member of the general assembly, the statement shall identify the 977  
amount of every source of income received in accordance with the 978  
following ranges of amounts: zero or more, but less than one 979  
thousand dollars; one thousand dollars or more, but less than ten 980  
thousand dollars; ten thousand dollars or more, but less than 981  
twenty-five thousand dollars; twenty-five thousand dollars or 982  
more, but less than fifty thousand dollars; fifty thousand dollars 983  
or more, but less than one hundred thousand dollars; and one 984  
hundred thousand dollars or more. Division (A)(2)(b)(i) of this 985  
section shall not be construed to require a person filing the 986  
statement who derives income from a business or profession to 987  
disclose the individual items of income that constitute the gross 988  
income of that business or profession, except for those individual 989

items of income that are attributable to the person's or, if the  
income is shared with the person, the partner's, solicitation of  
services or goods or performance, arrangement, or facilitation of  
services or provision of goods on behalf of the business or  
profession of clients, including corporate clients, who are  
legislative agents. A person who files the statement under this  
section shall disclose the identity of and the amount of income  
received from a person who the public official or employee knows  
or has reason to know is doing or seeking to do business of any  
kind with the public official's or employee's agency.

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

(iii) Except as otherwise provided in division (A)(2)(b)(iii)  
of this section, division (A)(2)(b)(i) of this section applies to  
attorneys, physicians, and other persons who engage in the  
practice of a profession and who, pursuant to a section of the  
Revised Code, the common law of this state, a code of ethics



applicable to the profession, or otherwise, generally are required 1022  
not to reveal, disclose, or use confidences of clients, patients, 1023  
or other recipients of professional services except under 1024  
specified circumstances or generally are required to maintain 1025  
those types of confidences as privileged communications except 1026  
under specified circumstances. Division (A)(2)(b)(i) of this 1027  
section does not require an attorney, physician, or other 1028  
professional subject to a confidentiality requirement as described 1029  
in division (A)(2)(b)(iii) of this section to disclose the name, 1030  
other identity, or address of a client, patient, or other 1031  
recipient of professional services if the disclosure would 1032  
threaten the client, patient, or other recipient of professional 1033  
services, would reveal details of the subject matter for which 1034  
legal, medical, or professional advice or other services were 1035  
sought, or would reveal an otherwise privileged communication 1036  
involving the client, patient, or other recipient of professional 1037  
services. Division (A)(2)(b)(i) of this section does not require 1038  
an attorney, physician, or other professional subject to a 1039  
confidentiality requirement as described in division 1040  
(A)(2)(b)(iii) of this section to disclose in the brief 1041  
description of the nature of services required by division 1042  
(A)(2)(b)(i) of this section any information pertaining to 1043  
specific professional services rendered for a client, patient, or 1044  
other recipient of professional services that would reveal details 1045  
of the subject matter for which legal, medical, or professional 1046  
advice was sought or would reveal an otherwise privileged 1047  
communication involving the client, patient, or other recipient of 1048  
professional services. 1049

(c) The name of every corporation on file with the secretary 1050  
of state that is incorporated in this state or holds a certificate 1051  
of compliance authorizing it to do business in this state, trust, 1052  
business trust, partnership, or association that transacts 1053  
business in this state in which the person filing the statement or 1054

any other person for the person's use and benefit had during the 1055  
preceding calendar year an investment of over one thousand dollars 1056  
at fair market value as of the thirty-first day of December of the 1057  
preceding calendar year, or the date of disposition, whichever is 1058  
earlier, or in which the person holds any office or has a 1059  
fiduciary relationship, and a description of the nature of the 1060  
investment, office, or relationship. Division (A)(2)(c) of this 1061  
section does not require disclosure of the name of any bank, 1062  
savings and loan association, credit union, or building and loan 1063  
association with which the person filing the statement has a 1064  
deposit or a withdrawable share account. 1065

(d) All fee simple and leasehold interests to which the 1066  
person filing the statement holds legal title to or a beneficial 1067  
interest in real property located within the state, excluding the 1068  
person's residence and property used primarily for personal 1069  
recreation; 1070

(e) The names of all persons residing or transacting business 1071  
in the state to whom the person filing the statement owes, in the 1072  
person's own name or in the name of any other person, more than 1073  
one thousand dollars. Division (A)(2)(e) of this section shall not 1074  
be construed to require the disclosure of debts owed by the person 1075  
resulting from the ordinary conduct of a business or profession or 1076  
debts on the person's residence or real property used primarily 1077  
for personal recreation, except that the superintendent of 1078  
financial institutions shall disclose the names of all 1079  
state-chartered savings and loan associations and of all service 1080  
corporations subject to regulation under division (E)(2) of 1081  
section 1151.34 of the Revised Code to whom the superintendent in 1082  
the superintendent's own name or in the name of any other person 1083  
owes any money, and that the superintendent and any deputy 1084  
superintendent of banks shall disclose the names of all 1085  
state-chartered banks and all bank subsidiary corporations subject 1086

to regulation under section 1109.44 of the Revised Code to whom 1087  
the superintendent or deputy superintendent owes any money. 1088

(f) The names of all persons residing or transacting business 1089  
in the state, other than a depository excluded under division 1090  
(A)(2)(c) of this section, who owe more than one thousand dollars 1091  
to the person filing the statement, either in the person's own 1092  
name or to any person for the person's use or benefit. Division 1093  
(A)(2)(f) of this section shall not be construed to require the 1094  
disclosure of clients of attorneys or persons licensed under 1095  
section 4732.12 of the Revised Code, or patients of persons 1096  
~~certified~~ licensed under section 4731.14 of the Revised Code, nor 1097  
the disclosure of debts owed to the person resulting from the 1098  
ordinary conduct of a business or profession. 1099

(g) Except as otherwise provided in section 102.022 of the 1100  
Revised Code, the source of each gift of over seventy-five 1101  
dollars, or of each gift of over twenty-five dollars received by a 1102  
member of the general assembly from a legislative agent, received 1103  
by the person in the person's own name or by any other person for 1104  
the person's use or benefit during the preceding calendar year, 1105  
except gifts received by will or by virtue of section 2105.06 of 1106  
the Revised Code, or received from spouses, parents, grandparents, 1107  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1108  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1109  
fathers-in-law, mothers-in-law, or any person to whom the person 1110  
filing the statement stands in loco parentis, or received by way 1111  
of distribution from any inter vivos or testamentary trust 1112  
established by a spouse or by an ancestor; 1113

(h) Except as otherwise provided in section 102.022 of the 1114  
Revised Code, identification of the source and amount of every 1115  
payment of expenses incurred for travel to destinations inside or 1116  
outside this state that is received by the person in the person's 1117  
own name or by any other person for the person's use or benefit 1118

and that is incurred in connection with the person's official 1119  
duties, except for expenses for travel to meetings or conventions 1120  
of a national or state organization to which any state agency, 1121  
including, but not limited to, any legislative agency or state 1122  
institution of higher education as defined in section 3345.011 of 1123  
the Revised Code, pays membership dues, or any political 1124  
subdivision or any office or agency of a political subdivision 1125  
pays membership dues; 1126

(i) Except as otherwise provided in section 102.022 of the 1127  
Revised Code, identification of the source of payment of expenses 1128  
for meals and other food and beverages, other than for meals and 1129  
other food and beverages provided at a meeting at which the person 1130  
participated in a panel, seminar, or speaking engagement or at a 1131  
meeting or convention of a national or state organization to which 1132  
any state agency, including, but not limited to, any legislative 1133  
agency or state institution of higher education as defined in 1134  
section 3345.011 of the Revised Code, pays membership dues, or any 1135  
political subdivision or any office or agency of a political 1136  
subdivision pays membership dues, that are incurred in connection 1137  
with the person's official duties and that exceed one hundred 1138  
dollars aggregated per calendar year; 1139

(j) If the disclosure statement is filed by a public official 1140  
or employee described in division (B)(2) of section 101.73 of the 1141  
Revised Code or division (B)(2) of section 121.63 of the Revised 1142  
Code who receives a statement from a legislative agent, executive 1143  
agency lobbyist, or employer that contains the information 1144  
described in division (F)(2) of section 101.73 of the Revised Code 1145  
or division (G)(2) of section 121.63 of the Revised Code, all of 1146  
the nondisputed information contained in the statement delivered 1147  
to that public official or employee by the legislative agent, 1148  
executive agency lobbyist, or employer under division (F)(2) of 1149  
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 1150

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

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

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

(b) A Subject to divisions (A)(4)(b)(i) and (ii) of this section, a person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy is to be voted on, whichever election occurs soonest,~~except that a.~~

(i) A person who is a write-in candidate shall file the statement no later than the twentieth day before the earliest election at which the person's candidacy is to be voted on.

(ii) A person who is a candidate for the nomination of a political party for an office and who subsequently receives a certificate of nomination under section 3513.02, 3513.30, 3513.301, or 3513.312 of the Revised Code because the person's primary race is uncontested shall file the statement no later than the thirtieth day before the primary election at which the person's candidacy would have been voted on if the race had been contested.

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

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

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

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

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

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

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

superintendents of city, local, exempted village, joint 1214  
vocational, or cooperative education school districts or 1215  
educational service centers shall be kept confidential, except 1216  
that any person conducting an audit of any such school district or 1217  
educational service center pursuant to section 115.56 or Chapter 1218  
117. of the Revised Code may examine the disclosure statement of 1219  
any business manager, treasurer, or superintendent of that school 1220  
district or educational service center. Disclosure statements 1221  
filed with the Ohio ethics commission under division (A) of this 1222  
section by the individuals set forth in division (B)(2) of section 1223  
187.03 of the Revised Code shall be kept confidential. The Ohio 1224  
ethics commission shall examine each disclosure statement required 1225  
to be kept confidential to determine whether a potential conflict 1226  
of interest exists for the person who filed the disclosure 1227  
statement. A potential conflict of interest exists if the private 1228  
interests of the person, as indicated by the person's disclosure 1229  
statement, might interfere with the public interests the person is 1230  
required to serve in the exercise of the person's authority and 1231  
duties in the person's office or position of employment. If the 1232  
commission determines that a potential conflict of interest 1233  
exists, it shall notify the person who filed the disclosure 1234  
statement and shall make the portions of the disclosure statement 1235  
that indicate a potential conflict of interest subject to public 1236  
inspection in the same manner as is provided for other disclosure 1237  
statements. Any portion of the disclosure statement that the 1238  
commission determines does not indicate a potential conflict of 1239  
interest shall be kept confidential by the commission and shall 1240  
not be made subject to public inspection, except as is necessary 1241  
for the enforcement of Chapters 102. and 2921. of the Revised Code 1242  
and except as otherwise provided in this division. 1243

(C) No person shall knowingly fail to file, on or before the 1244  
applicable filing deadline established under this section, a 1245  
statement that is required by this section. 1246

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

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

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

For state office, except member of the state board of education	\$95	
For office of member of general assembly	\$40	
For county office	\$60	
For city office	\$35	
For office of member of the state board of education	\$35	
For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	\$30	
For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center	\$30	

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

(4) For any public official who is appointed to a nonelective



office of the state and for any employee who holds a nonelective 1279  
position in a public agency of the state, the state agency that is 1280  
the primary employer of the state official or employee shall pay 1281  
the fee required under division (E)(1) or (F) of this section. 1282

(F) If a statement required to be filed under this section is 1283  
not filed by the date on which it is required to be filed, the 1284  
appropriate ethics commission shall assess the person required to 1285  
file the statement a late filing fee of ten dollars for each day 1286  
the statement is not filed, except that the total amount of the 1287  
late filing fee shall not exceed two hundred fifty dollars. 1288

(G)(1) The appropriate ethics commission other than the Ohio 1289  
ethics commission and the joint legislative ethics committee shall 1290  
deposit all fees it receives under divisions (E) and (F) of this 1291  
section into the general revenue fund of the state. 1292

(2) The Ohio ethics commission shall deposit all receipts, 1293  
including, but not limited to, fees it receives under divisions 1294  
(E) and (F) of this section, investigative or other fees, costs, 1295  
or other funds it receives as a result of court orders, and all 1296  
moneys it receives from settlements under division (G) of section 1297  
102.06 of the Revised Code, into the Ohio ethics commission fund, 1298  
which is hereby created in the state treasury. All moneys credited 1299  
to the fund shall be used solely for expenses related to the 1300  
operation and statutory functions of the commission. 1301

(3) The joint legislative ethics committee shall deposit all 1302  
receipts it receives from the payment of financial disclosure 1303  
statement filing fees under divisions (E) and (F) of this section 1304  
into the joint legislative ethics committee investigative and 1305  
financial disclosure fund. 1306

(H) Division (A) of this section does not apply to a person 1307  
elected or appointed to the office of precinct, ward, or district 1308  
committee member under Chapter 3517. of the Revised Code; a 1309

presidential elector; a delegate to a national convention; village 1310  
or township officials and employees; any physician or psychiatrist 1311  
who is paid a salary or wage in accordance with schedule C of 1312  
section 124.15 or schedule E-2 of section 124.152 of the Revised 1313  
Code and whose primary duties do not require the exercise of 1314  
administrative discretion; or any member of a board, commission, 1315  
or bureau of any county or city who receives less than one 1316  
thousand dollars per year for serving in that position. 1317

**Sec. 102.022.** Each person who is an officer or employee of a 1318  
political subdivision, who receives compensation of less than 1319  
sixteen thousand dollars a year for holding an office or position 1320  
of employment with that political subdivision, and who is required 1321  
to file a statement under section 102.02 of the Revised Code; each 1322  
member of the board of trustees of a state institution of higher 1323  
education as defined in section 3345.011 of the Revised Code who 1324  
is required to file a statement under section 102.02 of the 1325  
Revised Code; and each individual set forth in division (B)(2) of 1326  
section 187.03 of the Revised Code who is required to file a 1327  
statement under section 102.02 of the Revised Code, shall include 1328  
in that statement, in place of the information required by 1329  
divisions (A)(2)(b), (g), (h), and (i) of that section, the 1330  
following information: 1331

(A) Exclusive of reasonable expenses, identification of every 1332  
source of income over five hundred dollars received during the 1333  
preceding calendar year, in the officer's or employee's own name 1334  
or by any other person for the officer's or employee's use or 1335  
benefit, by the person filing the statement, and a brief 1336  
description of the nature of the services for which the income was 1337  
received. This division shall not be construed to require the 1338  
disclosure of clients of attorneys or persons licensed under 1339  
section 4732.12 of the Revised Code or patients of persons 1340  
~~certified~~ licensed under section 4731.14 of the Revised Code. This 1341

division shall not be construed to require a person filing the 1342  
statement who derives income from a business or profession to 1343  
disclose the individual items of income that constitute the gross 1344  
income of the business or profession. 1345

(B) The source of each gift of over five hundred dollars 1346  
received by the person in the officer's or employee's own name or 1347  
by any other person for the officer's or employee's use or benefit 1348  
during the preceding calendar year, except gifts received by will 1349  
or by virtue of section 2105.06 of the Revised Code, received from 1350  
parents, grandparents, children, grandchildren, siblings, nephews, 1351  
nieces, uncles, aunts, brothers-in-law, sisters-in-law, 1352  
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or 1353  
any person to whom the person filing the statement stands in loco 1354  
parentis, or received by way of distribution from any inter vivos 1355  
or testamentary trust established by a spouse or by an ancestor. 1356

**Sec. 102.03.** (A)(1) No present or former public official or 1357  
employee shall, during public employment or service or for twelve 1358  
months thereafter, represent a client or act in a representative 1359  
capacity for any person on any matter in which the public official 1360  
or employee personally participated as a public official or 1361  
employee through decision, approval, disapproval, recommendation, 1362  
the rendering of advice, investigation, or other substantial 1363  
exercise of administrative discretion. 1364

(2) For twenty-four months after the conclusion of service, 1365  
no former commissioner or attorney examiner of the public 1366  
utilities commission shall represent a public utility, as defined 1367  
in section 4905.02 of the Revised Code, or act in a representative 1368  
capacity on behalf of such a utility before any state board, 1369  
commission, or agency. 1370

(3) For twenty-four months after the conclusion of employment 1371  
or service, no former public official or employee who personally 1372

participated as a public official or employee through decision, 1373  
approval, disapproval, recommendation, the rendering of advice, 1374  
the development or adoption of solid waste management plans, 1375  
investigation, inspection, or other substantial exercise of 1376  
administrative discretion under Chapter 343. or 3734. of the 1377  
Revised Code shall represent a person who is the owner or operator 1378  
of a facility, as defined in section 3734.01 of the Revised Code, 1379  
or who is an applicant for a permit or license for a facility 1380  
under that chapter, on any matter in which the public official or 1381  
employee personally participated as a public official or employee. 1382

(4) For a period of one year after the conclusion of 1383  
employment or service as a member or employee of the general 1384  
assembly, no former member or employee of the general assembly 1385  
shall represent, or act in a representative capacity for, any 1386  
person on any matter before the general assembly, any committee of 1387  
the general assembly, or the controlling board. Division (A)(4) of 1388  
this section does not apply to or affect a person who separates 1389  
from service with the general assembly on or before December 31, 1390  
1995. As used in division (A)(4) of this section "person" does not 1391  
include any state agency or political subdivision of the state. 1392

(5) As used in divisions (A)(1), (2), and (3) of this 1393  
section, "matter" includes any case, proceeding, application, 1394  
determination, issue, or question, but does not include the 1395  
proposal, consideration, or enactment of statutes, rules, 1396  
ordinances, resolutions, or charter or constitutional amendments. 1397  
As used in division (A)(4) of this section, "matter" includes the 1398  
proposal, consideration, or enactment of statutes, resolutions, or 1399  
constitutional amendments. As used in division (A) of this 1400  
section, "represent" includes any formal or informal appearance 1401  
before, or any written or oral communication with, any public 1402  
agency on behalf of any person. 1403

(6) Nothing contained in division (A) of this section shall 1404

prohibit, during such period, a former public official or employee 1405  
from being retained or employed to represent, assist, or act in a 1406  
representative capacity for the public agency by which the public 1407  
official or employee was employed or on which the public official 1408  
or employee served. 1409

(7) Division (A) of this section shall not be construed to 1410  
prohibit the performance of ministerial functions, including, but 1411  
not limited to, the filing or amendment of tax returns, 1412  
applications for permits and licenses, incorporation papers, and 1413  
other similar documents. 1414

(8) Division (A) of this section does not prohibit a 1415  
nonelected public official or employee of a state agency, as 1416  
defined in section 1.60 of the Revised Code, from becoming a 1417  
public official or employee of another state agency. Division (A) 1418  
of this section does not prohibit such an official or employee 1419  
from representing or acting in a representative capacity for the 1420  
official's or employee's new state agency on any matter in which 1421  
the public official or employee personally participated as a 1422  
public official or employee at the official's or employee's former 1423  
state agency. However, no public official or employee of a state 1424  
agency shall, during public employment or for twelve months 1425  
thereafter, represent or act in a representative capacity for the 1426  
official's or employee's new state agency on any audit or 1427  
investigation pertaining to the official's or employee's new state 1428  
agency in which the public official or employee personally 1429  
participated at the official's or employee's former state agency 1430  
through decision, approval, disapproval, recommendation, the 1431  
rendering of advice, investigation, or other substantial exercise 1432  
of administrative discretion. 1433

(9) Division (A) of this section does not prohibit a 1434  
nonelected public official or employee of a political subdivision 1435  
from becoming a public official or employee of a different 1436

department, division, agency, office, or unit of the same 1437  
political subdivision. Division (A) of this section does not 1438  
prohibit such an official or employee from representing or acting 1439  
in a representative capacity for the official's or employee's new 1440  
department, division, agency, office, or unit on any matter in 1441  
which the public official or employee personally participated as a 1442  
public official or employee at the official's or employee's former 1443  
department, division, agency, office, or unit of the same 1444  
political subdivision. As used in this division, "political 1445  
subdivision" means a county, township, municipal corporation, or 1446  
any other body corporate and politic that is responsible for 1447  
government activities in a geographic area smaller than that of 1448  
the state. 1449

(10) No present or former Ohio casino control commission 1450  
official shall, during public service or for two years thereafter, 1451  
represent a client, be employed or compensated by a person 1452  
regulated by the commission, or act in a representative capacity 1453  
for any person on any matter before or concerning the commission. 1454

No present or former commission employee shall, during public 1455  
employment or for two years thereafter, represent a client or act 1456  
in a representative capacity on any matter in which the employee 1457  
personally participated as a commission employee through decision, 1458  
approval, disapproval, recommendation, the rendering of advice, 1459  
investigation, or other substantial exercise of administrative 1460  
discretion. 1461

(B) No present or former public official or employee shall 1462  
disclose or use, without appropriate authorization, any 1463  
information acquired by the public official or employee in the 1464  
course of the public official's or employee's official duties that 1465  
is confidential because of statutory provisions, or that has been 1466  
clearly designated to the public official or employee as 1467  
confidential when that confidential designation is warranted 1468

because of the status of the proceedings or the circumstances 1469  
under which the information was received and preserving its 1470  
confidentiality is necessary to the proper conduct of government 1471  
business. 1472

(C) No public official or employee shall participate within 1473  
the scope of duties as a public official or employee, except 1474  
through ministerial functions as defined in division (A) of this 1475  
section, in any license or rate-making proceeding that directly 1476  
affects the license or rates of any person, partnership, trust, 1477  
business trust, corporation, or association in which the public 1478  
official or employee or immediate family owns or controls more 1479  
than five per cent. No public official or employee shall 1480  
participate within the scope of duties as a public official or 1481  
employee, except through ministerial functions as defined in 1482  
division (A) of this section, in any license or rate-making 1483  
proceeding that directly affects the license or rates of any 1484  
person to whom the public official or employee or immediate 1485  
family, or a partnership, trust, business trust, corporation, or 1486  
association of which the public official or employee or the public 1487  
official's or employee's immediate family owns or controls more 1488  
than five per cent, has sold goods or services totaling more than 1489  
one thousand dollars during the preceding year, unless the public 1490  
official or employee has filed a written statement acknowledging 1491  
that sale with the clerk or secretary of the public agency and the 1492  
statement is entered in any public record of the agency's 1493  
proceedings. This division shall not be construed to require the 1494  
disclosure of clients of attorneys or persons licensed under 1495  
section 4732.12 of the Revised Code, or patients of persons 1496  
~~certified~~ licensed under section 4731.14 of the Revised Code. 1497

(D) No public official or employee shall use or authorize the 1498  
use of the authority or influence of office or employment to 1499  
secure anything of value or the promise or offer of anything of 1500

value that is of such a character as to manifest a substantial and 1501  
improper influence upon the public official or employee with 1502  
respect to that person's duties. 1503

(E) No public official or employee shall solicit or accept 1504  
anything of value that is of such a character as to manifest a 1505  
substantial and improper influence upon the public official or 1506  
employee with respect to that person's duties. 1507

(F) No person shall promise or give to a public official or 1508  
employee anything of value that is of such a character as to 1509  
manifest a substantial and improper influence upon the public 1510  
official or employee with respect to that person's duties. 1511

(G) In the absence of bribery or another offense under the 1512  
Revised Code or a purpose to defraud, contributions made to a 1513  
campaign committee, political party, legislative campaign fund, 1514  
political action committee, or political contributing entity on 1515  
behalf of an elected public officer or other public official or 1516  
employee who seeks elective office shall be considered to accrue 1517  
ordinarily to the public official or employee for the purposes of 1518  
divisions (D), (E), and (F) of this section. 1519

As used in this division, "contributions," "campaign 1520  
committee," "political party," "legislative campaign fund," 1521  
"political action committee," and "political contributing entity" 1522  
have the same meanings as in section 3517.01 of the Revised Code. 1523

(H)(1) No public official or employee, except for the 1524  
president or other chief administrative officer of or a member of 1525  
a board of trustees of a state institution of higher education as 1526  
defined in section 3345.011 of the Revised Code, who is required 1527  
to file a financial disclosure statement under section 102.02 of 1528  
the Revised Code shall solicit or accept, and no person shall give 1529  
to that public official or employee, an honorarium. Except as 1530  
provided in division (H)(2) of this section, this division and 1531



divisions (D), (E), and (F) of this section do not prohibit a 1532  
public official or employee who is required to file a financial 1533  
disclosure statement under section 102.02 of the Revised Code from 1534  
accepting and do not prohibit a person from giving to that public 1535  
official or employee the payment of actual travel expenses, 1536  
including any expenses incurred in connection with the travel for 1537  
lodging, and meals, food, and beverages provided to the public 1538  
official or employee at a meeting at which the public official or 1539  
employee participates in a panel, seminar, or speaking engagement 1540  
or provided to the public official or employee at a meeting or 1541  
convention of a national organization to which any state agency, 1542  
including, but not limited to, any state legislative agency or 1543  
state institution of higher education as defined in section 1544  
3345.011 of the Revised Code, pays membership dues. Except as 1545  
provided in division (H)(2) of this section, this division and 1546  
divisions (D), (E), and (F) of this section do not prohibit a 1547  
public official or employee who is not required to file a 1548  
financial disclosure statement under section 102.02 of the Revised 1549  
Code from accepting and do not prohibit a person from promising or 1550  
giving to that public official or employee an honorarium or the 1551  
payment of travel, meal, and lodging expenses if the honorarium, 1552  
expenses, or both were paid in recognition of demonstrable 1553  
business, professional, or esthetic interests of the public 1554  
official or employee that exist apart from public office or 1555  
employment, including, but not limited to, such a demonstrable 1556  
interest in public speaking and were not paid by any person or 1557  
other entity, or by any representative or association of those 1558  
persons or entities, that is regulated by, doing business with, or 1559  
seeking to do business with the department, division, institution, 1560  
board, commission, authority, bureau, or other instrumentality of 1561  
the governmental entity with which the public official or employee 1562  
serves. 1563

(2) No person who is a member of the board of a state 1564

retirement system, a state retirement system investment officer, 1565  
or an employee of a state retirement system whose position 1566  
involves substantial and material exercise of discretion in the 1567  
investment of retirement system funds shall solicit or accept, and 1568  
no person shall give to that board member, officer, or employee, 1569  
payment of actual travel expenses, including expenses incurred 1570  
with the travel for lodging, meals, food, and beverages. 1571

(I) A public official or employee may accept travel, meals, 1572  
and lodging or expenses or reimbursement of expenses for travel, 1573  
meals, and lodging in connection with conferences, seminars, and 1574  
similar events related to official duties if the travel, meals, 1575  
and lodging, expenses, or reimbursement is not of such a character 1576  
as to manifest a substantial and improper influence upon the 1577  
public official or employee with respect to that person's duties. 1578  
The house of representatives and senate, in their code of ethics, 1579  
and the Ohio ethics commission, under section 111.15 of the 1580  
Revised Code, may adopt rules setting standards and conditions for 1581  
the furnishing and acceptance of such travel, meals, and lodging, 1582  
expenses, or reimbursement. 1583

A person who acts in compliance with this division and any 1584  
applicable rules adopted under it, or any applicable, similar 1585  
rules adopted by the supreme court governing judicial officers and 1586  
employees, does not violate division (D), (E), or (F) of this 1587  
section. This division does not preclude any person from seeking 1588  
an advisory opinion from the appropriate ethics commission under 1589  
section 102.08 of the Revised Code. 1590

(J) For purposes of divisions (D), (E), and (F) of this 1591  
section, the membership of a public official or employee in an 1592  
organization shall not be considered, in and of itself, to be of 1593  
such a character as to manifest a substantial and improper 1594  
influence on the public official or employee with respect to that 1595  
person's duties. As used in this division, "organization" means a 1596

church or a religious, benevolent, fraternal, or professional 1597  
organization that is tax exempt under subsection 501(a) and 1598  
described in subsection 501(c)(3), (4), (8), (10), or (19) of the 1599  
"Internal Revenue Code of 1986." This division does not apply to a 1600  
public official or employee who is an employee of an organization, 1601  
serves as a trustee, director, or officer of an organization, or 1602  
otherwise holds a fiduciary relationship with an organization. 1603  
This division does not allow a public official or employee who is 1604  
a member of an organization to participate, formally or 1605  
informally, in deliberations, discussions, or voting on a matter 1606  
or to use the public official's or employee's official position 1607  
with regard to the interests of the organization on the matter if 1608  
the public official or employee has assumed a particular 1609  
responsibility in the organization with respect to the matter or 1610  
if the matter would affect that person's personal, pecuniary 1611  
interests. 1612

(K) It is not a violation of this section for a prosecuting 1613  
attorney to appoint assistants and employees in accordance with 1614  
division (B) of section 309.06 and section 2921.421 of the Revised 1615  
Code, for a chief legal officer of a municipal corporation or an 1616  
official designated as prosecutor in a municipal corporation to 1617  
appoint assistants and employees in accordance with sections 1618  
733.621 and 2921.421 of the Revised Code, for a township law 1619  
director appointed under section 504.15 of the Revised Code to 1620  
appoint assistants and employees in accordance with sections 1621  
504.151 and 2921.421 of the Revised Code, or for a coroner to 1622  
appoint assistants and employees in accordance with division (B) 1623  
of section 313.05 of the Revised Code. 1624

As used in this division, "chief legal officer" has the same 1625  
meaning as in section 733.621 of the Revised Code. 1626

(L) No present public official or employee with a casino 1627  
gaming regulatory function shall indirectly invest, by way of an 1628

entity the public official or employee has an ownership interest 1629  
or control in, or directly invest in a casino operator, management 1630  
company, holding company, casino facility, or gaming-related 1631  
vendor. No present public official or employee with a casino 1632  
gaming regulatory function shall directly or indirectly have a 1633  
financial interest in, have an ownership interest in, be the 1634  
creditor or hold a debt instrument issued by, or have an interest 1635  
in a contractual or service relationship with a casino operator, 1636  
management company, holding company, casino facility, or 1637  
gaming-related vendor. This section does not prohibit or limit 1638  
permitted passive investing by the public official or employee. 1639

As used in this division, "passive investing" means 1640  
investment by the public official or employee by means of a mutual 1641  
fund in which the public official or employee has no control of 1642  
the investments or investment decisions. "Casino operator," 1643  
"holding company," "management company," "casino facility," and 1644  
"gaming-related vendor" have the same meanings as in section 1645  
3772.01 of the Revised Code. 1646

(M) A member of the Ohio casino control commission, the 1647  
executive director of the commission, or an employee of the 1648  
commission shall not: 1649

(1) Accept anything of value, including but not limited to a 1650  
gift, gratuity, emolument, or employment from a casino operator, 1651  
management company, or other person subject to the jurisdiction of 1652  
the commission, or from an officer, attorney, agent, or employee 1653  
of a casino operator, management company, or other person subject 1654  
to the jurisdiction of the commission; 1655

(2) Solicit, suggest, request, or recommend, directly or 1656  
indirectly, to a casino operator, management company, or other 1657  
person subject to the jurisdiction of the commission, or to an 1658  
officer, attorney, agent, or employee of a casino operator, 1659  
management company, or other person subject to the jurisdiction of 1660

the commission, the appointment of a person to an office, place, 1661  
position, or employment; 1662

(3) Participate in casino gaming or any other amusement or 1663  
activity at a casino facility in this state or at an affiliate 1664  
gaming facility of a licensed casino operator, wherever located. 1665

In addition to the penalty provided in section 102.99 of the 1666  
Revised Code, whoever violates division (M)(1), (2), or (3) of 1667  
this section forfeits the individual's office or employment. 1668

**Sec. 103.41.** (A) As used in sections 103.41 to ~~103.415~~ 1669  
103.416 of the Revised Code: 1670

(1) "JMOC" means the joint medicaid oversight committee 1671  
created under this section. 1672

(2) "State and local government medicaid agency" means all of 1673  
the following: 1674

(a) The department of medicaid; 1675

(b) The office of health transformation; 1676

(c) Each state agency and political subdivision with which 1677  
the department of medicaid contracts under section 5162.35 of the 1678  
Revised Code to have the state agency or political subdivision 1679  
administer one or more components of the medicaid program, or one 1680  
or more aspects of a component, under the department's 1681  
supervision; 1682

(d) Each agency of a political subdivision that is 1683  
responsible for administering one or more components of the 1684  
medicaid program, or one or more aspects of a component, under the 1685  
supervision of the department or a state agency or political 1686  
subdivision described in division (A)(2)(c) of this section. 1687

(B) There is hereby created the joint medicaid oversight 1688  
committee. JMOC shall consist of the following members: 1689

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

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

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

(D) In odd-numbered years, the speaker shall designate one of the majority members from the house as the JMOC chairperson and the president shall designate one of the minority members from the senate as the JMOC ranking minority member. In even-numbered years, the president shall designate one of the majority members from the senate as the JMOC chairperson and the speaker shall designate one of the minority members from the house as the JMOC ranking minority member.

(E) In appointing members from the minority, and in designating ranking minority members, the president and speaker

shall consult with the minority leader of their respective houses. 1722

(F) JMOC shall meet at the call of the JMOC chairperson. The 1723  
chairperson shall call JMOC to meet not less often than once each 1724  
calendar month, unless the chairperson and ranking minority member 1725  
agree that the chairperson should not call JMOC to meet for a 1726  
particular month. 1727

(G) Notwithstanding section 101.26 of the Revised Code, the 1728  
members, when engaged in their duties as members of JMOC on days 1729  
when there is not a voting session of the member's house of the 1730  
general assembly, shall be paid at the per diem rate of one 1731  
hundred fifty dollars, and their necessary traveling expenses, 1732  
which shall be paid from the funds appropriated for the payment of 1733  
expenses of legislative committees. 1734

(H) JMOC may employ professional, technical, and clerical 1735  
employees as are necessary for JMOC to be able successfully and 1736  
efficiently to perform its duties. All such employees are in the 1737  
unclassified service and serve at JMOC's pleasure. JMOC may 1738  
contract for the services of persons who are qualified by 1739  
education and experience to advise, consult with, or otherwise 1740  
assist JMOC in the performance of its duties. 1741

(I) The JMOC chairperson, when authorized by JMOC and the 1742  
president and speaker, may issue subpoenas and subpoenas duces 1743  
tecum in aid of JMOC's performance of its duties. A subpoena may 1744  
require a witness in any part of the state to appear before JMOC 1745  
at a time and place designated in the subpoena to testify. A 1746  
subpoena duces tecum may require witnesses or other persons in any 1747  
part of the state to produce books, papers, records, and other 1748  
tangible evidence before JMOC at a time and place designated in 1749  
the subpoena duces tecum. A subpoena or subpoena duces tecum shall 1750  
be issued, served, and returned, and has consequences, as 1751  
specified in sections 101.41 to 101.45 of the Revised Code. 1752

(J) The JMOC chairperson may administer oaths to witnesses 1753  
appearing before JMOC. 1754

**Sec. 103.42 103.416.** ~~(A) During the period beginning July 1,~~ 1755  
~~2015, and ending June 30, 2018, the joint medicaid oversight~~ 1756  
~~committee JMOC~~ on a quarterly basis shall monitor the actions of 1757  
the department of medicaid under section 5167.04 of the Revised 1758  
Code in preparing to implement ~~and implementing~~ inclusion of 1759  
alcohol, drug addiction, and mental health services covered by 1760  
medicaid in the care management system established under section 1761  
5167.03 of the Revised ~~Code.~~ 1762

~~(B)(1) The committee shall review any proposal by the~~ 1763  
~~department to include all or part of the services in all or part~~ 1764  
~~of the system before January 1, 2018. In conducting its review,~~ 1765  
~~the committee shall consider all of the following for each service~~ 1766  
~~to be included:~~ 1767

~~(a) The proposed timeline for including the service;~~ 1768

~~(b) Any issues related to medicaid recipients' access to the~~ 1769  
~~service;~~ 1770

~~(c) The adequacy of the network of providers of the service;~~ 1771

~~(d) Payment levels for the service.~~ 1772

~~(2) The committee shall vote on whether to approve or~~ 1773  
~~disapprove the proposal. If a majority of the committee members~~ 1774  
~~approve the proposal, the committee shall notify the department~~ 1775  
~~and the proposal may be implemented.~~ 1776

~~(C) Beginning July 1, 2018, the committee Code. When the~~ 1777  
~~inclusion of the services in the system begins to be implemented,~~ 1778  
~~JMOC~~ on a periodic basis shall monitor the department's inclusion 1779  
of the services in the system. 1780

**Sec. 105.41.** (A) There is hereby created in the legislative 1781



branch of government the capitol square review and advisory board, 1782  
consisting of twelve members as follows: 1783

(1) Two members of the senate, appointed by the president of 1784  
the senate, both of whom shall not be members of the same 1785  
political party; 1786

(2) Two members of the house of representatives, appointed by 1787  
the speaker of the house of representatives, both of whom shall 1788  
not be members of the same political party; 1789

(3) Four members appointed by the governor, with the advice 1790  
and consent of the senate, not more than three of whom shall be 1791  
members of the same political party, one of whom shall be the 1792  
chief of staff of the governor's office, one of whom shall 1793  
represent the Ohio arts council, one of whom shall represent the 1794  
Ohio history connection, and one of whom shall represent the 1795  
public at large; 1796

(4) One member, who shall be a former president of the 1797  
senate, appointed by the current president of the senate. If the 1798  
current president of the senate, in the current president's 1799  
discretion, decides for any reason not to make the appointment or 1800  
if no person is eligible or available to serve, the seat shall 1801  
remain vacant. 1802

(5) One member, who shall be a former speaker of the house of 1803  
representatives, appointed by the current speaker of the house of 1804  
representatives. If the current speaker of the house of 1805  
representatives, in the current speaker's discretion, decides for 1806  
any reason not to make the appointment or if no person is eligible 1807  
or available to serve, the seat shall remain vacant. 1808

(6) The clerk of the senate and the clerk of the house of 1809  
representatives. 1810

(B) Terms of office of each appointed member of the board 1811  
shall be for three years, except that members of the general 1812

assembly appointed to the board shall be members of the board only 1813  
so long as they are members of the general assembly and the chief 1814  
of staff of the governor's office shall be a member of the board 1815  
only so long as the appointing governor remains in office. Each 1816  
member shall hold office from the date of the member's appointment 1817  
until the end of the term for which the member was appointed. In 1818  
case of a vacancy occurring on the board, the president of the 1819  
senate, the speaker of the house of representatives, or the 1820  
governor, as the case may be, shall in the same manner prescribed 1821  
for the regular appointment to the commission, fill the vacancy by 1822  
appointing a member. Any member appointed to fill a vacancy 1823  
occurring prior to the expiration of the term for which the 1824  
member's predecessor was appointed shall hold office for the 1825  
remainder of the term. Any appointed member shall continue in 1826  
office subsequent to the expiration date of the member's term 1827  
until the member's successor takes office, or until a period of 1828  
sixty days has elapsed, whichever occurs first. 1829

(C) The board shall hold meetings in a manner and at times 1830  
prescribed by the rules adopted by the board. A majority of the 1831  
board constitutes a quorum, and no action shall be taken by the 1832  
board unless approved by at least six members or by at least seven 1833  
members if a person is appointed under division (A)(4) or (5) of 1834  
this section. At its first meeting, the board shall adopt rules 1835  
for the conduct of its business and the election of its officers, 1836  
and shall organize by selecting officers other than a chairperson 1837  
as it considers necessary. In odd-numbered years, the majority 1838  
member from the senate shall serve as chairperson; in 1839  
even-numbered years, the majority member from the house of 1840  
representatives shall serve as chairperson. Board members shall 1841  
serve without compensation but shall be reimbursed for actual and 1842  
necessary expenses incurred in the performance of their duties. 1843

(D) The board may do any of the following: 1844

(1) Employ or hire on a consulting basis professional, 1845  
technical, and clerical employees as are necessary for the 1846  
performance of its duties. All employees of the board are in the 1847  
unclassified service and serve at the pleasure of the board. For 1848  
purposes of section 4117.01 of the Revised Code, employees of the 1849  
board shall be considered employees of the general assembly, 1850  
except that employees who are covered by a collective bargaining 1851  
agreement on September 29, 2011, shall remain subject to the 1852  
agreement until the agreement expires on its terms, and the 1853  
agreement shall not be extended or renewed. Upon expiration of the 1854  
agreement, the employees are considered employees of the general 1855  
assembly for purposes of section 4117.01 of the Revised Code and 1856  
are in the unclassified service and serve at the pleasure of the 1857  
board. 1858

(2) Hold public hearings at times and places as determined by 1859  
the board; 1860

(3) Adopt, amend, or rescind rules necessary to accomplish 1861  
the duties of the board as set forth in this section; 1862

(4) Sponsor, conduct, and support such social events as the 1863  
board may authorize and consider appropriate for the employees of 1864  
the board, employees and members of the general assembly, 1865  
employees of persons under contract with the board or otherwise 1866  
engaged to perform services on the premises of capitol square, or 1867  
other persons as the board may consider appropriate. Subject to 1868  
the requirements of Chapter 4303. of the Revised Code, the board 1869  
may provide beer, wine, and intoxicating liquor, with or without 1870  
charge, for those events and may use funds only from the sale of 1871  
goods and services fund to purchase the beer, wine, and 1872  
intoxicating liquor the board provides; 1873

(5) Purchase a warehouse in which to store items of the 1874  
capitol collection trust and, whenever necessary, equipment or 1875  
other property of the board. 1876

- (E) The board shall do all of the following: 1877
- (1) Have sole authority to coordinate and approve any 1878  
improvements, additions, and renovations that are made to the 1879  
capitol square. The improvements shall include, but not be limited 1880  
to, the placement of monuments and sculpture on the capitol 1881  
grounds. 1882
- (2) ~~Subject to section 3353.07 of the Revised Code, operate~~ 1883  
Operate the capitol square, and have sole authority to regulate 1884  
all uses of the capitol square. The uses shall include, but not be 1885  
limited to, the casual and recreational use of the capitol square. 1886
- (3) Employ, fix the compensation of, and prescribe the duties 1887  
of the executive director of the board and other employees the 1888  
board considers necessary for the performance of its powers and 1889  
duties; 1890
- (4) Establish and maintain the capitol collection trust. The 1891  
capitol collection trust shall consist of furniture, antiques, and 1892  
other items of personal property that the board shall store in 1893  
suitable facilities until they are ready to be displayed in the 1894  
capitol square. 1895
- (5) Perform repair, construction, contracting, purchasing, 1896  
maintenance, supervisory, and operating activities the board 1897  
determines are necessary for the operation and maintenance of the 1898  
capitol square; 1899
- (6) Maintain and preserve the capitol square, in accordance 1900  
with guidelines issued by the United States secretary of the 1901  
interior for application of the secretary's standards for 1902  
rehabilitation adopted in 36 C.F.R. part 67; 1903
- (7) Plan and develop a center at the capitol building for the 1904  
purpose of educating visitors about the history of Ohio, including 1905  
its political, economic, and social development and the design and 1906  
erection of the capitol building and its grounds. 1907

(F)(1) The board shall lease capital facilities improved by 1908  
the department of administrative services or financed by the 1909  
treasurer of state pursuant to Chapter 154. of the Revised Code 1910  
for the use of the board, and may enter into any other agreements 1911  
with the department, the Ohio public facilities commission, or any 1912  
other authorized governmental agency ancillary to improvement, 1913  
financing, or leasing of those capital facilities, including, but 1914  
not limited to, any agreement required by the applicable bond 1915  
proceedings authorized by Chapter 154. of the Revised Code. Any 1916  
lease of capital facilities authorized by this section shall be 1917  
governed by Chapter 154. of the Revised Code. 1918

(2) Fees, receipts, and revenues received by the board from 1919  
the state underground parking garage constitute available receipts 1920  
as defined in section 154.24 of the Revised Code, and may be 1921  
pledged to the payment of bond service charges on obligations 1922  
issued by the treasurer of state pursuant to Chapter 154. of the 1923  
Revised Code to improve, finance, or purchase capital facilities 1924  
useful to the board. The treasurer of state may, with the consent 1925  
of the board, provide in the bond proceedings for a pledge of all 1926  
or a portion of those fees, receipts, and revenues as the 1927  
treasurer of state determines. The treasurer of state may provide 1928  
in the bond proceedings or by separate agreement with the board 1929  
for the transfer of those fees, receipts, and revenues to the 1930  
appropriate bond service fund or bond service reserve fund as 1931  
required to pay the bond service charges when due, and any such 1932  
provision for the transfer of those fees, receipts, and revenues 1933  
shall be controlling notwithstanding any other provision of law 1934  
pertaining to those fees, receipts, and revenues. 1935

(3) All moneys received by the treasurer of state on account 1936  
of the board and required by the applicable bond proceedings or by 1937  
separate agreement with the board to be deposited, transferred, or 1938  
credited to the bond service fund or bond service reserve fund 1939

established by the bond proceedings shall be transferred by the 1940  
treasurer of state to such fund, whether or not it is in the 1941  
custody of the treasurer of state, without necessity for further 1942  
appropriation. 1943

(G)(1) Except as otherwise provided in division (G)(2) of 1944  
this section, all fees, receipts, and revenues received by the 1945  
board from the state underground parking garage shall be deposited 1946  
into the state treasury to the credit of the underground parking 1947  
garage operating fund, which is hereby created, to be used for the 1948  
purposes specified in division (F) of this section and for the 1949  
operation and maintenance of the garage. All investment earnings 1950  
of the fund shall be credited to the fund. 1951

(2) There is hereby created the parking garage automated 1952  
equipment fund, which shall be in the custody of the treasurer of 1953  
state but shall not be part of the state treasury. Money in the 1954  
fund shall be used to purchase the automated teller machine 1955  
quality dollar bills needed for operation of the parking garage 1956  
automated equipment. The fund shall consist of fees, receipts, or 1957  
revenues received by the board from the state underground parking 1958  
garage; provided, however, that the total amount deposited into 1959  
the fund at any one time shall not exceed ten thousand dollars. 1960  
All investment earnings of the fund shall be credited to the fund. 1961

(H) All donations received by the board shall be deposited 1962  
into the state treasury to the credit of the capitol square 1963  
renovation gift fund, which is hereby created. The fund shall be 1964  
used by the board as follows: 1965

(1) To provide part or all of the funding related to 1966  
construction, goods, or services for the renovation of the capitol 1967  
square; 1968

(2) To purchase art, antiques, and artifacts for display at 1969  
the capitol square; 1970

(3) To award contracts or make grants to organizations for 1971  
educating the public regarding the historical background and 1972  
governmental functions of the capitol square. Chapters 125., 127., 1973  
and 153. and section 3517.13 of the Revised Code do not apply to 1974  
purchases made exclusively from the fund, notwithstanding anything 1975  
to the contrary in those chapters or that section. All investment 1976  
earnings of the fund shall be credited to the fund. 1977

(I) Except as provided in divisions (G), (H), and (J) of this 1978  
section, all fees, receipts, and revenues received by the board 1979  
shall be deposited into the state treasury to the credit of the 1980  
sale of goods and services fund, which is hereby created. Money 1981  
credited to the fund shall be used solely to pay costs of the 1982  
board other than those specified in divisions (F) and (G) of this 1983  
section. All investment earnings of the fund shall be credited to 1984  
the fund. 1985

(J) There is hereby created in the state treasury the capitol 1986  
square improvement fund, to be used by the board to pay 1987  
construction, renovation, and other costs related to the capitol 1988  
square for which money is not otherwise available to the board. 1989  
Whenever the board determines that there is a need to incur those 1990  
costs and that the unencumbered, unobligated balance to the credit 1991  
of the underground parking garage operating fund exceeds the 1992  
amount needed for the purposes specified in division (F) of this 1993  
section and for the operation and maintenance of the garage, the 1994  
board may request the director of budget and management to 1995  
transfer from the underground parking garage operating fund to the 1996  
capitol square improvement fund the amount needed to pay such 1997  
construction, renovation, or other costs. The director then shall 1998  
transfer the amount needed from the excess balance of the 1999  
underground parking garage operating fund. 2000

(K) As the operation and maintenance of the capitol square 2001  
constitute essential government functions of a public purpose, the 2002

board shall not be required to pay taxes or assessments upon the square, upon any property acquired or used by the board under this section, or upon any income generated by the operation of the square.

(L) As used in this section, "capitol square" means the capitol building, senate building, capitol atrium, capitol grounds, the state underground parking garage, and the warehouse owned by the board.

(M) The capitol annex shall be known as the senate building.

(N) Any person may possess a firearm in a motor vehicle in the state underground parking garage at the state capitol building, if the person's possession of the firearm in the motor vehicle is not in violation of section 2923.16 of the Revised Code or any other provision of the Revised Code. Any person may store or leave a firearm in a locked motor vehicle that is parked in the state underground parking garage at the state capitol building, if the person's transportation and possession of the firearm in the motor vehicle while traveling to the garage was not in violation of section 2923.16 of the Revised Code or any other provision of the Revised Code.

~~**Sec. 107.031.** Until the first committee appointed under division (C) of section 3317.012 of the Revised Code to reexamine the cost of an adequate education makes its report to the office of budget and management and the general assembly, the The governor shall ensure that among the various budget recommendations made by the governor and the director of budget and management to the general assembly each biennium there are recommendations for appropriations to the Ohio ~~school~~ facilities construction commission, aggregating not less than three hundred million dollars per fiscal year, ~~excluding recommendations for appropriations from the education facilities trust fund, created~~~~



~~in section 183.26 of the Revised Code, for constructing, 2034~~  
~~acquiring, replacing, reconstructing, or adding to classroom 2035~~  
~~facilities, as such term is defined in section 3318.01 of the 2036~~  
~~Revised Code. 2037~~

Sec. 107.036. (A) For each business incentive tax credit, the 2038  
main operating appropriations act shall contain a detailed 2039  
estimate of the total amount of credits that may be authorized in 2040  
each year, an estimate of the amount of credits expected to be 2041  
claimed in each year, and an estimate of the amount of credits 2042  
expected to remain outstanding at the end of the biennium. The 2043  
governor shall include such estimates in the state budget 2044  
submitted to the general assembly pursuant to section 107.03 of 2045  
the Revised Code. 2046

(B) As used in this section, "business incentive tax credit" 2047  
means all of the following: 2048

(1) The job creation tax credit under section 122.17 of the 2049  
Revised Code; 2050

(2) The job retention tax credit under section 122.171 of the 2051  
Revised Code; 2052

(3) The historic preservation tax credit under section 2053  
149.311 of the Revised Code; 2054

(4) The motion picture tax credit under section 122.85 of the 2055  
Revised Code; 2056

(5) The new markets tax credit under section 5725.33 of the 2057  
Revised Code; 2058

(6) The research and development credit under section 166.21 2059  
of the Revised Code; 2060

(7) The small business investment credit under section 122.86 2061  
of the Revised Code. 2062

**Sec. 107.35.** ~~Not later than December 31, 2014, the~~ The 2063  
governor's office of workforce transformation, with staff support 2064  
and assistance from the departments of job and family services 2065  
~~and, education, and the Ohio board of regents higher education,~~ 2066  
and the opportunities for Ohioans with disabilities agency, shall 2067  
establish criteria to use for evaluating the performance of state 2068  
and local workforce programs using basic, aligned workforce 2069  
measures related to system efficiency and effectiveness. The 2070  
office shall include in the criteria a measure to determine the 2071  
effectiveness of a workforce program in transitioning individuals 2072  
participating in any federal, state, or local means-tested public 2073  
assistance program to unsubsidized employment. The office shall 2074  
develop and make available on the internet through a web site a 2075  
public dashboard to display metrics regarding the state's 2076  
administration of primary workforce programs, including the 2077  
following programs: 2078

(A) The adult basic and literacy education program; 2079

(B) Programs administered under the federal "Carl D. Perkins 2080  
Career and Technical Education Act of 2006," 120 Stat. 683, 20 2081  
U.S.C. 2301 et seq., as amended; 2082

(C) State aid and scholarships ~~within the Ohio board of~~ 2083  
~~regents~~ administered by the department of higher education; 2084

(D) Programs administered under title I of the federal 2085  
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801~~ 2086  
~~et seq., as amended~~ "Workforce Innovation and Opportunity Act," 29 2087  
U.S.C. 3101 et seq.; 2088

(E) The state vocational rehabilitation program administered 2089  
under title I of the federal "Rehabilitation Act of 1973," 29 2090  
U.S.C. 701, et seq. 2091

**Sec. 107.56.** (A) As used in this section, "board or 2092

<u>commission" means any of the following:</u>	2093
<u>(1) The accountancy board;</u>	2094
<u>(2) The architects board;</u>	2095
<u>(3) The state cosmetology and barber board;</u>	2096
<u>(4) The board of embalmers and funeral directors;</u>	2097
<u>(5) The board of executives of long-term services and</u> <u>supports;</u>	2098 2099
<u>(6) The crematory review board;</u>	2100
<u>(7) The motor vehicle dealers board;</u>	2101
<u>(8) The motor vehicle repair board;</u>	2102
<u>(9) The motor vehicle salvage dealer's licensing board;</u>	2103
<u>(10) The Ohio athletic commission;</u>	2104
<u>(11) The Ohio construction industry licensing board;</u>	2105
<u>(12) The Ohio landscape architects board;</u>	2106
<u>(13) The Ohio real estate commission;</u>	2107
<u>(14) The real estate appraiser board;</u>	2108
<u>(15) The state auctioneers commission;</u>	2109
<u>(16) The state speech and hearing professionals board;</u>	2110
<u>(17) The state board of education;</u>	2111
<u>(18) The state board of emergency medical, fire, and</u> <u>transportation services;</u>	2112 2113
<u>(19) The board of nursing;</u>	2114
<u>(20) The state board of pharmacy;</u>	2115
<u>(21) The state board of registration for professional</u> <u>engineers and surveyors;</u>	2116 2117
<u>(22) The state board of psychology;</u>	2118

<u>(23) The state chiropractic board;</u>	2119
<u>(24) The state dental board;</u>	2120
<u>(25) The state medical board;</u>	2121
<u>(26) The state veterinary medical licensing board;</u>	2122
<u>(27) The state vision professionals board;</u>	2123
<u>(28) The counselor, social worker, and marriage and family therapist board;</u>	2124 2125
<u>(29) The chemical dependency professionals board;</u>	2126
<u>(30) The state physical health services board;</u>	2127
<u>(31) Any other multi-member body created under state law that licenses or otherwise regulates an occupation or industry to which one or more members of the body belongs.</u>	2128 2129 2130
<u>(B) The common sense initiative office shall review an action taken or proposed by a board or commission that is subject to review under this section and that is referred to the office pursuant to division (C) of this section.</u>	2131 2132 2133 2134
<u>(1) The following actions are subject to review under this section:</u>	2135 2136
<u>(a) Any action that directly or indirectly has an effect of any of the following:</u>	2137 2138
<u>(i) Fixing prices, limiting price competition, or increasing prices in this state for the goods or services that are provided by the occupation or industry regulated by the board or commission;</u>	2139 2140 2141 2142
<u>(ii) Dividing, allocating, or assigning customers, potential customers, or geographic markets in this state among members of the occupation or industry regulated by the board or commission;</u>	2143 2144 2145
<u>(iii) Excluding present or potential competitors from the occupation or industry regulated by the board or commission;</u>	2146 2147

(iv) Limiting the output or supply in this state of any good 2148  
or service provided by the members of the occupation or industry 2149  
regulated by the board or commission. 2150

(b) Any other activity that could be subject to state or 2151  
federal antitrust law if the action were undertaken by a private 2152  
person or combination of private persons. 2153

(2) Except as provided in division (H) of this section, the 2154  
following actions are not subject to review under this section: 2155

(a) Denying an application to obtain a license because the 2156  
applicant has violated or has not complied with the Ohio Revised 2157  
Code or the Ohio Administrative Code; 2158

(b) Taking disciplinary action against an individual or 2159  
corporation that is licensed by a board or commission for 2160  
violations of the Ohio Revised Code or the Ohio Administrative 2161  
Code. 2162

(C)(1) The following persons or entities may refer an action 2163  
to the office for review under this section: 2164

(a) A board or commission that has taken or is proposing to 2165  
take an action; 2166

(b) A person who is affected by an action taken by a board or 2167  
commission or is likely to be affected by an action proposed by a 2168  
board or commission; 2169

(c) A person who has been granted a stay pursuant to division 2170  
(G) of this section. 2171

(2) A board or commission or person who refers an action to 2172  
the office shall prepare a brief statement explaining the action 2173  
and its consistency or inconsistency with state or federal 2174  
antitrust law and file the statement with the office. If the 2175  
action is in writing, the board or commission or person shall 2176  
attach a copy of it to the statement. The person shall transmit a 2177

copy of the statement to the board or commission. 2178

(3) The referral of an action by a board or commission for review by the office does not constitute an admission that the action violates any state or federal law. 2179  
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(4) A person who is affected by an action taken by a board or commission or is likely to be affected by an action proposed by a board or commission shall refer the action to the office for review within thirty days after receiving notice of the action or proposed action. 2182  
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(5) If an ongoing action or an action proposed by a board or commission is referred to the office for review under this section, the board or commission shall cease the ongoing action or not take the proposed action until the office has approved of the action pursuant to division (E) of this section and prepared and transmitted the memorandum required under division (F) of this section. 2187  
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(D) The office shall determine whether an action referred to the office under this section is supported by, and consistent with, a clearly articulated state policy as expressed in the statutes creating the board or commission or the statutes and rules setting forth the board's or commission's powers, authority, and duties. If the office finds this to be the case, the office shall determine whether the clearly articulated state policy is merely a pretext by which the board or commission enables the members of an occupation or industry the board or commission regulates to engage in anticompetitive conduct that could be subject to state or federal antitrust law if the action were taken by a private person or combination of private persons. 2194  
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(E) After making the determinations required under division (D) of this section, the office shall take one of the following actions: 2206  
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(1) Approve the board or commission action if the office determines that the action is pursuant to a clearly articulated state policy and that the policy is not a pretext as described in division (D) of this section. If the office approves the board's or commission's action, the board or commission may proceed to take or may continue the action. 2209  
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(2) Disapprove the board or commission action if the office determines that the action is not pursuant to a clearly articulated state policy or that if it is pursuant to a clearly articulated state policy, that policy is a pretext as described in division (D) of this section. If the office disapproves the board's or commission's action, the action is void. 2215  
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(F) The office shall prepare a memorandum that explains the office's approval or disapproval. The office shall transmit a copy of the memorandum to the person and the board or commission or to the board or commission if only the board or commission is involved. The office shall post the memorandum on the web site maintained by the office. 2221  
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(G)(1) A person having standing to commence and prosecute a state or federal antitrust action against a board or commission shall exhaust the remedies provided by this section before commencing such an action. This division shall not apply to the attorney general, a county prosecuting attorney, or any assistant prosecutor designated to assist a county prosecuting attorney. 2227  
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(2) The state, a board or commission, or a member of a board or commission in the member's official capacity, may request a stay of any lawsuit alleging that a board or commission engaged in anticompetitive conduct by taking an action described in division (B)(1) or (2) of this section that has not been previously reviewed by the office under this section. If the lawsuit was initiated by a person other than the attorney general, a county prosecuting attorney, or any assistant prosecutor designated to 2233  
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assist a county prosecuting attorney, the court shall grant the 2241  
request. If the lawsuit was initiated by the attorney general, a 2242  
county prosecuting attorney, or any assistant prosecutor 2243  
designated to assist a county prosecuting attorney, the court 2244  
shall deny the request. Any stay granted under this division will 2245  
continue in effect until the office has prepared and transmitted 2246  
the memorandum required under division (F) of this section. 2247

(H) The office shall review any action referred to the office 2248  
by a party who has been granted a stay pursuant to division (G) of 2249  
this section. 2250

(I) Notwithstanding any provision of this section to the 2251  
contrary, an action taken by a board or commission is not subject 2252  
to review under this section if the members of the board or 2253  
commission who are members of the occupation or industry affected 2254  
by the action are prohibited by statute from hearing, considering, 2255  
deciding, or otherwise participating in the action. 2256

(J) The office shall adopt rules under Chapter 119. of the 2257  
Revised Code that are necessary for the implementation and 2258  
administration of this section. 2259

**Sec. 109.46.** (A) As used in this section, "domestic violence 2260  
program" means any of the following: 2261

(1) The nonprofit state domestic violence coalition 2262  
designated by the family and youth services bureau of the United 2263  
States department of health and human services; 2264

(2) A program operated by a nonprofit entity the primary 2265  
purpose of which is to provide a broad range of services to 2266  
victims of domestic violence that may include, but are not limited 2267  
to, hotlines, emergency shelters, victim advocacy and support, 2268  
justice systems advocacy, individual and group counseling for 2269  
adults and children, or transitional service and education to 2270



prevent domestic violence. The program may provide some or all of 2271  
the services described in this division. 2272

(B)(1) There is hereby created in the state treasury the 2273  
domestic violence program fund consisting of money appropriated to 2274  
the fund by the general assembly or donated to the fund. The 2275  
attorney general shall administer the domestic violence program 2276  
fund. The attorney general may not use more than five per cent of 2277  
the moneys appropriated or deposited into the fund to pay costs 2278  
associated with administering the fund, and shall use at least 2279  
ninety-five per cent of the moneys appropriated or deposited into 2280  
the fund for the purpose of providing funding to domestic violence 2281  
programs under this section. 2282

(2) The attorney general shall adopt rules pursuant to 2283  
Chapter 119. of the Revised Code that shall establish procedures 2284  
for domestic violence programs to apply to the attorney general 2285  
for funding from the domestic violence program fund and procedures 2286  
for the attorney general to distribute money out of the fund to 2287  
domestic violence programs. 2288

(C)(1) Priority of funding from the domestic violence program 2289  
fund shall be given to the domestic violence programs in existence 2290  
on and after July 1, 2017. 2291

(2) A domestic violence program that receives funds from the 2292  
domestic violence program fund shall use the funds received for 2293  
the following purposes: 2294

(a) To provide training and technical assistance to service 2295  
providers, if the program that receives the funds is the nonprofit 2296  
state domestic violence coalition specified in division (A)(1) of 2297  
this section; 2298

(b) To provide services to victims of domestic violence, 2299  
including, but not limited to, education to prevent domestic 2300  
violence, if the program that receives the funds is a nonprofit 2301

entity described in division (A)(2) of this section. Funds 2302  
received under this division may also be used for general 2303  
operating support, including capital improvements and primary 2304  
prevention and risk reduction programs for the general population. 2305

(D)(1) There is hereby established in the office of the 2306  
attorney general the domestic violence advisory board. The board 2307  
shall consist of four members appointed by the attorney general as 2308  
follows: 2309

(a) One representative from the nonprofit state domestic 2310  
violence coalition specified in division (A)(1) of this section; 2311

(b) One representative each from a rural and an urban 2312  
nonprofit entity described in division (A)(2) of this section; 2313

(c) One survivor of domestic violence. 2314

(2) The domestic violence advisory board shall do both of the 2315  
following: 2316

(a) Provide advice and counsel to the attorney general in 2317  
determining the needs of victims of domestic violence and 2318  
developing a policy for the attorney general in the administration 2319  
of the domestic violence program fund created under this section; 2320

(b) Make recommendations to the attorney general in the 2321  
distribution of domestic violence program funds under this 2322  
section. 2323

(3) The members of the domestic violence advisory board shall 2324  
serve without compensation, but shall be reimbursed for travel and 2325  
other necessary expenses that are incurred in the conduct of their 2326  
official duties as members of the board. The members of the board 2327  
shall serve at the pleasure of the attorney general. 2328

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 2329  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 2330  
a completed form prescribed pursuant to division (C)(1) of this 2331

section, and a set of fingerprint impressions obtained in the 2332  
manner described in division (C)(2) of this section, the 2333  
superintendent of the bureau of criminal identification and 2334  
investigation shall conduct a criminal records check in the manner 2335  
described in division (B) of this section to determine whether any 2336  
information exists that indicates that the person who is the 2337  
subject of the request previously has been convicted of or pleaded 2338  
guilty to any of the following: 2339

(a) A violation of section 2903.01, 2903.02, 2903.03, 2340  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2341  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2342  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2343  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2344  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2345  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2346  
2925.06, or 3716.11 of the Revised Code, felonious sexual 2347  
penetration in violation of former section 2907.12 of the Revised 2348  
Code, a violation of section 2905.04 of the Revised Code as it 2349  
existed prior to July 1, 1996, a violation of section 2919.23 of 2350  
the Revised Code that would have been a violation of section 2351  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2352  
had the violation been committed prior to that date, or a 2353  
violation of section 2925.11 of the Revised Code that is not a 2354  
minor drug possession offense; 2355

(b) A violation of an existing or former law of this state, 2356  
any other state, or the United States that is substantially 2357  
equivalent to any of the offenses listed in division (A)(1)(a) of 2358  
this section; 2359

(c) If the request is made pursuant to section 3319.39 of the 2360  
Revised Code for an applicant who is a teacher, any offense 2361  
specified in section 3319.31 of the Revised Code. 2362

(2) On receipt of a request pursuant to section 3712.09 or 2363

3721.121 of the Revised Code, a completed form prescribed pursuant 2364  
to division (C)(1) of this section, and a set of fingerprint 2365  
impressions obtained in the manner described in division (C)(2) of 2366  
this section, the superintendent of the bureau of criminal 2367  
identification and investigation shall conduct a criminal records 2368  
check with respect to any person who has applied for employment in 2369  
a position for which a criminal records check is required by those 2370  
sections. The superintendent shall conduct the criminal records 2371  
check in the manner described in division (B) of this section to 2372  
determine whether any information exists that indicates that the 2373  
person who is the subject of the request previously has been 2374  
convicted of or pleaded guilty to any of the following: 2375

(a) A violation of section 2903.01, 2903.02, 2903.03, 2376  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2377  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2378  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2379  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2380  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2381  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2382  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2383  
2925.22, 2925.23, or 3716.11 of the Revised Code; 2384

(b) An existing or former law of this state, any other state, 2385  
or the United States that is substantially equivalent to any of 2386  
the offenses listed in division (A)(2)(a) of this section. 2387

(3) On receipt of a request pursuant to section 173.27, 2388  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 2389  
or 5123.169 of the Revised Code, a completed form prescribed 2390  
pursuant to division (C)(1) of this section, and a set of 2391  
fingerprint impressions obtained in the manner described in 2392  
division (C)(2) of this section, the superintendent of the bureau 2393  
of criminal identification and investigation shall conduct a 2394  
criminal records check of the person for whom the request is made. 2395

The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of, has pleaded guilty to, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) the date the person was found eligible for intervention in lieu of conviction:

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;

(b) Felonious sexual penetration in violation of former

section 2907.12 of the Revised Code; 2428

(c) A violation of section 2905.04 of the Revised Code as it 2429  
existed prior to July 1, 1996; 2430

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 2431  
the Revised Code when the underlying offense that is the object of 2432  
the conspiracy, attempt, or complicity is one of the offenses 2433  
listed in divisions (A)(3)(a) to (c) of this section; 2434

(e) A violation of an existing or former municipal ordinance 2435  
or law of this state, any other state, or the United States that 2436  
is substantially equivalent to any of the offenses listed in 2437  
divisions (A)(3)(a) to (d) of this section. 2438

(4) On receipt of a request pursuant to section 2151.86 of 2439  
the Revised Code, a completed form prescribed pursuant to division 2440  
(C)(1) of this section, and a set of fingerprint impressions 2441  
obtained in the manner described in division (C)(2) of this 2442  
section, the superintendent of the bureau of criminal 2443  
identification and investigation shall conduct a criminal records 2444  
check in the manner described in division (B) of this section to 2445  
determine whether any information exists that indicates that the 2446  
person who is the subject of the request previously has been 2447  
convicted of or pleaded guilty to any of the following: 2448

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2449  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2450  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2451  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2452  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2453  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2454  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2455  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2456  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 2457  
of the Revised Code, a violation of section 2905.04 of the Revised 2458

Code as it existed prior to July 1, 1996, a violation of section 2459  
2919.23 of the Revised Code that would have been a violation of 2460  
section 2905.04 of the Revised Code as it existed prior to July 1, 2461  
1996, had the violation been committed prior to that date, a 2462  
violation of section 2925.11 of the Revised Code that is not a 2463  
minor drug possession offense, two or more OVI or OVUAC violations 2464  
committed within the three years immediately preceding the 2465  
submission of the application or petition that is the basis of the 2466  
request, or felonious sexual penetration in violation of former 2467  
section 2907.12 of the Revised Code; 2468

(b) A violation of an existing or former law of this state, 2469  
any other state, or the United States that is substantially 2470  
equivalent to any of the offenses listed in division (A)(4)(a) of 2471  
this section. 2472

(5) Upon receipt of a request pursuant to section 5104.013 of 2473  
the Revised Code, a completed form prescribed pursuant to division 2474  
(C)(1) of this section, and a set of fingerprint impressions 2475  
obtained in the manner described in division (C)(2) of this 2476  
section, the superintendent of the bureau of criminal 2477  
identification and investigation shall conduct a criminal records 2478  
check in the manner described in division (B) of this section to 2479  
determine whether any information exists that indicates that the 2480  
person who is the subject of the request has been convicted of or 2481  
pleaded guilty to any of the following: 2482

(a) A violation of section 2151.421, 2903.01, 2903.02, 2483  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2484  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2485  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2486  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2487  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2488  
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2489  
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2490

2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2491  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2492  
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2493  
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2494  
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2495  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 2496  
Revised Code, felonious sexual penetration in violation of former 2497  
section 2907.12 of the Revised Code, a violation of section 2498  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2499  
violation of section 2919.23 of the Revised Code that would have 2500  
been a violation of section 2905.04 of the Revised Code as it 2501  
existed prior to July 1, 1996, had the violation been committed 2502  
prior to that date, a violation of section 2925.11 of the Revised 2503  
Code that is not a minor drug possession offense, a violation of 2504  
section 2923.02 or 2923.03 of the Revised Code that relates to a 2505  
crime specified in this division, or a second violation of section 2506  
4511.19 of the Revised Code within five years of the date of 2507  
application for licensure or certification. 2508

(b) A violation of an existing or former law of this state, 2509  
any other state, or the United States that is substantially 2510  
equivalent to any of the offenses or violations described in 2511  
division (A)(5)(a) of this section. 2512

(6) Upon receipt of a request pursuant to section 5153.111 of 2513  
the Revised Code, a completed form prescribed pursuant to division 2514  
(C)(1) of this section, and a set of fingerprint impressions 2515  
obtained in the manner described in division (C)(2) of this 2516  
section, the superintendent of the bureau of criminal 2517  
identification and investigation shall conduct a criminal records 2518  
check in the manner described in division (B) of this section to 2519  
determine whether any information exists that indicates that the 2520  
person who is the subject of the request previously has been 2521  
convicted of or pleaded guilty to any of the following: 2522



(a) A violation of section 2903.01, 2903.02, 2903.03, 2523  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2524  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2525  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2526  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2527  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2528  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2529  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 2530  
felonious sexual penetration in violation of former section 2531  
2907.12 of the Revised Code, a violation of section 2905.04 of the 2532  
Revised Code as it existed prior to July 1, 1996, a violation of 2533  
section 2919.23 of the Revised Code that would have been a 2534  
violation of section 2905.04 of the Revised Code as it existed 2535  
prior to July 1, 1996, had the violation been committed prior to 2536  
that date, or a violation of section 2925.11 of the Revised Code 2537  
that is not a minor drug possession offense; 2538

(b) A violation of an existing or former law of this state, 2539  
any other state, or the United States that is substantially 2540  
equivalent to any of the offenses listed in division (A)(6)(a) of 2541  
this section. 2542

(7) On receipt of a request for a criminal records check from 2543  
an individual pursuant to section 4749.03 or 4749.06 of the 2544  
Revised Code, accompanied by a completed copy of the form 2545  
prescribed in division (C)(1) of this section and a set of 2546  
fingerprint impressions obtained in a manner described in division 2547  
(C)(2) of this section, the superintendent of the bureau of 2548  
criminal identification and investigation shall conduct a criminal 2549  
records check in the manner described in division (B) of this 2550  
section to determine whether any information exists indicating 2551  
that the person who is the subject of the request has been 2552  
convicted of or pleaded guilty to a felony in this state or in any 2553  
other state. If the individual indicates that a firearm will be 2554

carried in the course of business, the superintendent shall 2555  
require information from the federal bureau of investigation as 2556  
described in division (B)(2) of this section. Subject to division 2557  
(F) of this section, the superintendent shall report the findings 2558  
of the criminal records check and any information the federal 2559  
bureau of investigation provides to the director of public safety. 2560

(8) On receipt of a request pursuant to section 1321.37, 2561  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 2562  
Code, a completed form prescribed pursuant to division (C)(1) of 2563  
this section, and a set of fingerprint impressions obtained in the 2564  
manner described in division (C)(2) of this section, the 2565  
superintendent of the bureau of criminal identification and 2566  
investigation shall conduct a criminal records check with respect 2567  
to any person who has applied for a license, permit, or 2568  
certification from the department of commerce or a division in the 2569  
department. The superintendent shall conduct the criminal records 2570  
check in the manner described in division (B) of this section to 2571  
determine whether any information exists that indicates that the 2572  
person who is the subject of the request previously has been 2573  
convicted of or pleaded guilty to any of the following: a 2574  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2575  
2925.03 of the Revised Code; any other criminal offense involving 2576  
theft, receiving stolen property, embezzlement, forgery, fraud, 2577  
passing bad checks, money laundering, or drug trafficking, or any 2578  
criminal offense involving money or securities, as set forth in 2579  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 2580  
the Revised Code; or any existing or former law of this state, any 2581  
other state, or the United States that is substantially equivalent 2582  
to those offenses. 2583

(9) On receipt of a request for a criminal records check from 2584  
the treasurer of state under section 113.041 of the Revised Code 2585  
or from an individual under section 4701.08, 4715.101, 4717.061, 2586

4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 2587  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 2588  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 2589  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 2590  
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, 2591  
or 4783.04 of the Revised Code, accompanied by a completed form 2592  
prescribed under division (C)(1) of this section and a set of 2593  
fingerprint impressions obtained in the manner described in 2594  
division (C)(2) of this section, the superintendent of the bureau 2595  
of criminal identification and investigation shall conduct a 2596  
criminal records check in the manner described in division (B) of 2597  
this section to determine whether any information exists that 2598  
indicates that the person who is the subject of the request has 2599  
been convicted of or pleaded guilty to any criminal offense in 2600  
this state or any other state. Subject to division (F) of this 2601  
section, the superintendent shall send the results of a check 2602  
requested under section 113.041 of the Revised Code to the 2603  
treasurer of state and shall send the results of a check requested 2604  
under any of the other listed sections to the licensing board 2605  
specified by the individual in the request. 2606

(10) On receipt of a request pursuant to section 1121.23, 2607  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 2608  
Code, a completed form prescribed pursuant to division (C)(1) of 2609  
this section, and a set of fingerprint impressions obtained in the 2610  
manner described in division (C)(2) of this section, the 2611  
superintendent of the bureau of criminal identification and 2612  
investigation shall conduct a criminal records check in the manner 2613  
described in division (B) of this section to determine whether any 2614  
information exists that indicates that the person who is the 2615  
subject of the request previously has been convicted of or pleaded 2616  
guilty to any criminal offense under any existing or former law of 2617  
this state, any other state, or the United States. 2618

(11) On receipt of a request for a criminal records check 2619  
from an appointing or licensing authority under section 3772.07 of 2620  
the Revised Code, a completed form prescribed under division 2621  
(C)(1) of this section, and a set of fingerprint impressions 2622  
obtained in the manner prescribed in division (C)(2) of this 2623  
section, the superintendent of the bureau of criminal 2624  
identification and investigation shall conduct a criminal records 2625  
check in the manner described in division (B) of this section to 2626  
determine whether any information exists that indicates that the 2627  
person who is the subject of the request previously has been 2628  
convicted of or pleaded guilty or no contest to any offense under 2629  
any existing or former law of this state, any other state, or the 2630  
United States that is a disqualifying offense as defined in 2631  
section 3772.07 of the Revised Code or substantially equivalent to 2632  
such an offense. 2633

(12) On receipt of a request pursuant to section 2151.33 or 2634  
2151.412 of the Revised Code, a completed form prescribed pursuant 2635  
to division (C)(1) of this section, and a set of fingerprint 2636  
impressions obtained in the manner described in division (C)(2) of 2637  
this section, the superintendent of the bureau of criminal 2638  
identification and investigation shall conduct a criminal records 2639  
check with respect to any person for whom a criminal records check 2640  
is required under that section. The superintendent shall conduct 2641  
the criminal records check in the manner described in division (B) 2642  
of this section to determine whether any information exists that 2643  
indicates that the person who is the subject of the request 2644  
previously has been convicted of or pleaded guilty to any of the 2645  
following: 2646

(a) A violation of section 2903.01, 2903.02, 2903.03, 2647  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2648  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2649  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2650

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2651  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2652  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2653  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2654  
2925.22, 2925.23, or 3716.11 of the Revised Code; 2655

(b) An existing or former law of this state, any other state, 2656  
or the United States that is substantially equivalent to any of 2657  
the offenses listed in division (A)(12)(a) of this section. 2658

(13) On receipt of a request pursuant to section 3796.12 of 2659  
the Revised Code, a completed form prescribed pursuant to division 2660  
(C)(1) of this section, and a set of fingerprint impressions 2661  
obtained in a manner described in division (C)(2) of this section, 2662  
the superintendent of the bureau of criminal identification and 2663  
investigation shall conduct a criminal records check in the manner 2664  
described in division (B) of this section to determine whether any 2665  
information exists that indicates that the person who is the 2666  
subject of the request previously has been convicted of or pleaded 2667  
guilty to the following: 2668

(a) A disqualifying offense as specified in rules adopted 2669  
under division (B)(2)(b) of section 3796.03 of the Revised Code if 2670  
the person who is the subject of the request is an administrator 2671  
or other person responsible for the daily operation of, or an 2672  
owner or prospective owner, officer or prospective officer, or 2673  
board member or prospective board member of, an entity seeking a 2674  
license from the department of commerce under Chapter 3796. of the 2675  
Revised Code; 2676

(b) A disqualifying offense as specified in rules adopted 2677  
under division (B)(2)(b) of section 3796.04 of the Revised Code if 2678  
the person who is the subject of the request is an administrator 2679  
or other person responsible for the daily operation of, or an 2680  
owner or prospective owner, officer or prospective officer, or 2681  
board member or prospective board member of, an entity seeking a 2682

license from the state board of pharmacy under Chapter 3796. of 2683  
the Revised Code. 2684

(14) On receipt of a request required by section 3796.13 of 2685  
the Revised Code, a completed form prescribed pursuant to division 2686  
(C)(1) of this section, and a set of fingerprint impressions 2687  
obtained in a manner described in division (C)(2) of this section, 2688  
the superintendent of the bureau of criminal identification and 2689  
investigation shall conduct a criminal records check in the manner 2690  
described in division (B) of this section to determine whether any 2691  
information exists that indicates that the person who is the 2692  
subject of the request previously has been convicted of or pleaded 2693  
guilty to the following: 2694

(a) A disqualifying offense as specified in rules adopted 2695  
under division (B)(8)(a) of section 3796.03 of the Revised Code if 2696  
the person who is the subject of the request is seeking employment 2697  
with an entity licensed by the department of commerce under 2698  
Chapter 3796. of the Revised Code; 2699

(b) A disqualifying offense as specified in rules adopted 2700  
under division (B)(14)(a) of section 3796.04 of the Revised Code 2701  
if the person who is the subject of the request is seeking 2702  
employment with an entity licensed by the state board of pharmacy 2703  
under Chapter 3796. of the Revised Code. 2704

(B) Subject to division (F) of this section, the 2705  
superintendent shall conduct any criminal records check to be 2706  
conducted under this section as follows: 2707

(1) The superintendent shall review or cause to be reviewed 2708  
any relevant information gathered and compiled by the bureau under 2709  
division (A) of section 109.57 of the Revised Code that relates to 2710  
the person who is the subject of the criminal records check, 2711  
including, if the criminal records check was requested under 2712  
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 2713

1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 2714  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 2715  
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 2716  
4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 2717  
5123.169, or 5153.111 of the Revised Code, any relevant 2718  
information contained in records that have been sealed under 2719  
section 2953.32 of the Revised Code; 2720

(2) If the request received by the superintendent asks for 2721  
information from the federal bureau of investigation, the 2722  
superintendent shall request from the federal bureau of 2723  
investigation any information it has with respect to the person 2724  
who is the subject of the criminal records check, including 2725  
fingerprint-based checks of national crime information databases 2726  
as described in 42 U.S.C. 671 if the request is made pursuant to 2727  
section 2151.86 or 5104.013 of the Revised Code or if any other 2728  
Revised Code section requires fingerprint-based checks of that 2729  
nature, and shall review or cause to be reviewed any information 2730  
the superintendent receives from that bureau. If a request under 2731  
section 3319.39 of the Revised Code asks only for information from 2732  
the federal bureau of investigation, the superintendent shall not 2733  
conduct the review prescribed by division (B)(1) of this section. 2734

(3) The superintendent or the superintendent's designee may 2735  
request criminal history records from other states or the federal 2736  
government pursuant to the national crime prevention and privacy 2737  
compact set forth in section 109.571 of the Revised Code. 2738

(4) The superintendent shall include in the results of the 2739  
criminal records check a list or description of the offenses 2740  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 2741  
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 2742  
whichever division requires the superintendent to conduct the 2743  
criminal records check. The superintendent shall exclude from the 2744  
results any information the dissemination of which is prohibited 2745

by federal law. 2746

(5) The superintendent shall send the results of the criminal 2747  
records check to the person to whom it is to be sent not later 2748  
than the following number of days after the date the 2749  
superintendent receives the request for the criminal records 2750  
check, the completed form prescribed under division (C)(1) of this 2751  
section, and the set of fingerprint impressions obtained in the 2752  
manner described in division (C)(2) of this section: 2753

(a) If the superintendent is required by division (A) of this 2754  
section (other than division (A)(3) of this section) to conduct 2755  
the criminal records check, thirty; 2756

(b) If the superintendent is required by division (A)(3) of 2757  
this section to conduct the criminal records check, sixty. 2758

(C)(1) The superintendent shall prescribe a form to obtain 2759  
the information necessary to conduct a criminal records check from 2760  
any person for whom a criminal records check is to be conducted 2761  
under this section. The form that the superintendent prescribes 2762  
pursuant to this division may be in a tangible format, in an 2763  
electronic format, or in both tangible and electronic formats. 2764

(2) The superintendent shall prescribe standard impression 2765  
sheets to obtain the fingerprint impressions of any person for 2766  
whom a criminal records check is to be conducted under this 2767  
section. Any person for whom a records check is to be conducted 2768  
under this section shall obtain the fingerprint impressions at a 2769  
county sheriff's office, municipal police department, or any other 2770  
entity with the ability to make fingerprint impressions on the 2771  
standard impression sheets prescribed by the superintendent. The 2772  
office, department, or entity may charge the person a reasonable 2773  
fee for making the impressions. The standard impression sheets the 2774  
superintendent prescribes pursuant to this division may be in a 2775  
tangible format, in an electronic format, or in both tangible and 2776



electronic formats. 2777

(3) Subject to division (D) of this section, the 2778  
superintendent shall prescribe and charge a reasonable fee for 2779  
providing a criminal records check under this section. The person 2780  
requesting the criminal records check shall pay the fee prescribed 2781  
pursuant to this division. In the case of a request under section 2782  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2783  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 2784  
the manner specified in that section. 2785

(4) The superintendent of the bureau of criminal 2786  
identification and investigation may prescribe methods of 2787  
forwarding fingerprint impressions and information necessary to 2788  
conduct a criminal records check, which methods shall include, but 2789  
not be limited to, an electronic method. 2790

(D) The results of a criminal records check conducted under 2791  
this section, other than a criminal records check specified in 2792  
division (A)(7) of this section, are valid for the person who is 2793  
the subject of the criminal records check for a period of one year 2794  
from the date upon which the superintendent completes the criminal 2795  
records check. If during that period the superintendent receives 2796  
another request for a criminal records check to be conducted under 2797  
this section for that person, the superintendent shall provide the 2798  
results from the previous criminal records check of the person at 2799  
a lower fee than the fee prescribed for the initial criminal 2800  
records check. 2801

(E) When the superintendent receives a request for 2802  
information from a registered private provider, the superintendent 2803  
shall proceed as if the request was received from a school 2804  
district board of education under section 3319.39 of the Revised 2805  
Code. The superintendent shall apply division (A)(1)(c) of this 2806  
section to any such request for an applicant who is a teacher. 2807

(F)(1) Subject to division (F)(2) of this section, all 2808  
information regarding the results of a criminal records check 2809  
conducted under this section that the superintendent reports or 2810  
sends under division (A)(7) or (9) of this section to the director 2811  
of public safety, the treasurer of state, or the person, board, or 2812  
entity that made the request for the criminal records check shall 2813  
relate to the conviction of the subject person, or the subject 2814  
person's plea of guilty to, a criminal offense. 2815

(2) Division (F)(1) of this section does not limit, restrict, 2816  
or preclude the superintendent's release of information that 2817  
relates to the arrest of a person who is eighteen years of age or 2818  
older, to an adjudication of a child as a delinquent child, or to 2819  
a criminal conviction of a person under eighteen years of age in 2820  
circumstances in which a release of that nature is authorized 2821  
under division (E)(2), (3), or (4) of section 109.57 of the 2822  
Revised Code pursuant to a rule adopted under division (E)(1) of 2823  
that section. 2824

(G) As used in this section: 2825

(1) "Criminal records check" means any criminal records check 2826  
conducted by the superintendent of the bureau of criminal 2827  
identification and investigation in accordance with division (B) 2828  
of this section. 2829

(2) "Minor drug possession offense" has the same meaning as 2830  
in section 2925.01 of the Revised Code. 2831

(3) "OVI or OVUAC violation" means a violation of section 2832  
4511.19 of the Revised Code or a violation of an existing or 2833  
former law of this state, any other state, or the United States 2834  
that is substantially equivalent to section 4511.19 of the Revised 2835  
Code. 2836

(4) "Registered private provider" means a nonpublic school or 2837  
entity registered with the superintendent of public instruction 2838

under section 3310.41 of the Revised Code to participate in the 2839  
autism scholarship program or section 3310.58 of the Revised Code 2840  
to participate in the Jon Peterson special needs scholarship 2841  
program. 2842

**Sec. 109.5721.** (A) As used in this section: 2843

(1) "Employment" includes volunteer service. 2844

(2) "Independent provider" has the same meaning as in section 2845  
5164.341 of the Revised Code. 2846

(3) "Licensure" means the authorization, evidenced by a 2847  
license, certificate, registration, permit, or other authority 2848  
that is issued or conferred by a public office, to engage in a 2849  
profession, occupation, or occupational activity, to be a foster 2850  
caregiver, or to have control of and operate certain specific 2851  
equipment, machinery, or premises over which a public office has 2852  
jurisdiction. 2853

~~(3)~~(4) "Participating public office" means a public office 2854  
that requires a fingerprint background check as a condition of 2855  
employment with, licensure by, or approval for adoption by the 2856  
public office and that elects to receive notice under division 2857  
~~(C)~~(D) of this section in accordance with rules adopted by the 2858  
attorney general. "Participating public office" also means the 2859  
department of medicaid if it elects to receive notices under 2860  
division (D) of this section regarding independent providers. 2861

~~(4)~~(5) "Public office" has the same meaning as in section 2862  
117.01 of the Revised Code. 2863

~~(5)~~(6) "Participating private party" means any person or 2864  
private entity that is allowed to request a criminal records check 2865  
pursuant to ~~divisions~~ division (A)(2) or (3) of section 109.572 of 2866  
the Revised Code. 2867

(B) Within six months after August 15, 2007, the 2868

superintendent of the bureau of criminal identification and 2869  
investigation shall establish and maintain a database of 2870  
fingerprints of individuals on whom the bureau has conducted 2871  
criminal records checks for either of the purpose of determining 2872  
following purposes: 2873

(1) To determine the individual's eligibility for employment 2874  
with, licensure by, or approval for adoption by a public office or 2875  
participating private party; 2876

(2) To determine whether an applicant for a medicaid provider 2877  
agreement as an independent provider is ineligible for the 2878  
medicaid provider agreement because of section 5164.341 of the 2879  
Revised Code. The 2880

(C) The superintendent shall maintain the database separate 2881  
and apart from other records maintained by the bureau. The 2882  
database shall be known as the retained applicant fingerprint 2883  
database. 2884

~~(C)~~(D) When the superintendent receives information that an 2885  
individual whose name is in the retained applicant fingerprint 2886  
database has been arrested for, convicted of, or pleaded guilty to 2887  
any offense, the superintendent shall promptly notify ~~any~~ the 2888  
following of the individual's arrest, conviction, or guilty plea: 2889

(1) Any participating public office or participating private 2890  
party that employs, licensed, or approved the individual ~~of the~~ 2891  
~~arrest, conviction, or guilty plea;~~ 2892

(2) The department of medicaid if the individual is an 2893  
independent provider. The 2894

(E)(1) A participating public office or participating private 2895  
party that receives ~~the~~ a notification under division (D) of this 2896  
section, and its employees and officers, shall use the information 2897  
contained in the notification solely to determine the individual's 2898  
continued eligibility for ~~continued employment~~ the following: 2899

(a) Employment with the participating public office or participating private party, to retain licensure issued; 2900  
2901

(b) Licensure by the participating public office, or to be approved; 2902  
2903

(c) Approval for adoption by the participating public office; 2904

(d) A medicaid provider agreement as an independent provider. 2905  
The 2906

(2) Except as provided in division (E) of section 5164.341 of the Revised Code, information contained in the notification is confidential and not a public record under section 149.43 of the Revised Code and a participating public office or participating private party, and its employees and officers, shall not disclose that information to any person for any other purpose not specified in division (E)(1) of this section. 2907  
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~~(D)~~(F) If an individual has submitted fingerprint impressions for employment with, licensure by, or approval for adoption by a participating public office or participating private party and seeks employment with, licensure by, or approval for adoption by another participating public office or participating private party, the other participating public office or participating private party shall reprint the individual. If an individual has been reprinted, the superintendent shall update that individual's information accordingly. 2914  
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~~(E)~~(G) The bureau of criminal identification and investigation and the participating public office or participating private party shall use information contained in the retained applicant fingerprint database and in the notice described in division ~~(C)~~(D) of this section only for the purpose of ~~employment with, licensure by, or approval for adoption by the participating public office or participating private party~~ this section. This information is otherwise confidential and not a public record 2923  
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under section 149.43 of the Revised Code. 2931

~~(F)~~(H) The attorney general shall adopt rules in accordance 2932  
with Chapter 119. of the Revised Code governing the operation and 2933  
maintenance of the database. The rules shall provide for, but not 2934  
be limited to, both of the following: 2935

(1) The expungement or sealing of records of ~~individuals~~ the 2936  
following: 2937

(a) Individuals who are deceased ~~or~~; 2938

(b) Individuals who are no longer employed, granted 2939  
licensure, or approved for adoption by the participating public 2940  
office or participating private party that required submission of 2941  
the individual's fingerprints; 2942

(c) Individuals who are no longer independent providers. 2943

(2) The terms under which a public office or participating 2944  
private party may elect to receive notification under division 2945  
~~(C)~~(D) of this section, including payment of any reasonable fee 2946  
that may be charged for the purpose. 2947

~~(G)~~(I) No public office or employee of a public office shall 2948  
be considered negligent in a civil action solely because the 2949  
public office did not elect to be a participating public office. 2950

~~(H)~~(J)(1) No person shall knowingly use information contained 2951  
in or received from the retained applicant fingerprint database 2952  
for purposes not authorized by this section. 2953

(2) No person shall knowingly use information contained in or 2954  
received from the retained applicant fingerprint database with the 2955  
intent to harass or intimidate another person. 2956

(3) Whoever violates division ~~(H)~~(J)(1) or ~~(H)~~(2) of this 2957  
section is guilty of unlawful use of retained applicant 2958  
fingerprint database records. A violation of division ~~(H)~~(J)(1) of 2959  
this section is a misdemeanor of the fourth degree. A violation of 2960

division ~~(H)~~(J)(2) of this section is a misdemeanor of the first 2961  
degree. 2962

**Sec. 109.71.** There is hereby created in the office of the 2963  
attorney general the Ohio peace officer training commission. The 2964  
commission shall consist of ~~nine~~ ten members appointed by the 2965  
governor with the advice and consent of the senate and selected as 2966  
follows: one member representing the public; one member who 2967  
represents a fraternal organization representing law enforcement 2968  
officers; two members who are incumbent sheriffs; two members who 2969  
are incumbent chiefs of police; one member from the bureau of 2970  
criminal identification and investigation; one member from the 2971  
state highway patrol; one member who is the special agent in 2972  
charge of a field office of the federal bureau of investigation in 2973  
this state; and one member from the department of education, trade 2974  
and industrial education services, law enforcement training. 2975

This section does not confer any arrest authority or any 2976  
ability or authority to detain a person, write or issue any 2977  
citation, or provide any disposition alternative, as granted under 2978  
Chapter 2935. of the Revised Code. 2979

Pursuant to division (A)(9) of section 101.82 of the Revised 2980  
Code, the commission is exempt from the requirements of sections 2981  
101.82 to 101.87 of the Revised Code. 2982

As used in sections 109.71 to 109.801 of the Revised Code: 2983

(A) "Peace officer" means: 2984

(1) A deputy sheriff, marshal, deputy marshal, member of the 2985  
organized police department of a township or municipal 2986  
corporation, member of a township police district or joint police 2987  
district police force, member of a police force employed by a 2988  
metropolitan housing authority under division (D) of section 2989  
3735.31 of the Revised Code, or township constable, who is 2990

commissioned and employed as a peace officer by a political 2991  
subdivision of this state or by a metropolitan housing authority, 2992  
and whose primary duties are to preserve the peace, to protect 2993  
life and property, and to enforce the laws of this state, 2994  
ordinances of a municipal corporation, resolutions of a township, 2995  
or regulations of a board of county commissioners or board of 2996  
township trustees, or any of those laws, ordinances, resolutions, 2997  
or regulations; 2998

(2) A police officer who is employed by a railroad company 2999  
and appointed and commissioned by the secretary of state pursuant 3000  
to sections 4973.17 to 4973.22 of the Revised Code; 3001

(3) Employees of the department of taxation engaged in the 3002  
enforcement of Chapter 5743. of the Revised Code and designated by 3003  
the tax commissioner for peace officer training for purposes of 3004  
the delegation of investigation powers under section 5743.45 of 3005  
the Revised Code; 3006

(4) An undercover drug agent; 3007

(5) Enforcement agents of the department of public safety 3008  
whom the director of public safety designates under section 3009  
5502.14 of the Revised Code; 3010

(6) An employee of the department of natural resources who is 3011  
a natural resources law enforcement staff officer designated 3012  
pursuant to section 1501.013, a natural resources officer 3013  
appointed pursuant to section 1501.24, a forest-fire investigator 3014  
appointed pursuant to section 1503.09, or a wildlife officer 3015  
designated pursuant to section 1531.13 of the Revised Code; 3016

(7) An employee of a park district who is designated pursuant 3017  
to section 511.232 or 1545.13 of the Revised Code; 3018

(8) An employee of a conservancy district who is designated 3019  
pursuant to section 6101.75 of the Revised Code; 3020



(9) A police officer who is employed by a hospital that 3021  
employs and maintains its own proprietary police department or 3022  
security department, and who is appointed and commissioned by the 3023  
secretary of state pursuant to sections 4973.17 to 4973.22 of the 3024  
Revised Code; 3025

(10) Veterans' homes police officers designated under section 3026  
5907.02 of the Revised Code; 3027

(11) A police officer who is employed by a qualified 3028  
nonprofit corporation police department pursuant to section 3029  
1702.80 of the Revised Code; 3030

(12) A state university law enforcement officer appointed 3031  
under section 3345.04 of the Revised Code or a person serving as a 3032  
state university law enforcement officer on a permanent basis on 3033  
June 19, 1978, who has been awarded a certificate by the executive 3034  
director of the Ohio peace officer training commission attesting 3035  
to the person's satisfactory completion of an approved state, 3036  
county, municipal, or department of natural resources peace 3037  
officer basic training program; 3038

(13) A special police officer employed by the department of 3039  
mental health and addiction services pursuant to section 5119.08 3040  
of the Revised Code or the department of developmental 3041  
disabilities pursuant to section 5123.13 of the Revised Code; 3042

(14) A member of a campus police department appointed under 3043  
section 1713.50 of the Revised Code; 3044

(15) A member of a police force employed by a regional 3045  
transit authority under division (Y) of section 306.35 of the 3046  
Revised Code; 3047

(16) Investigators appointed by the auditor of state pursuant 3048  
to section 117.091 of the Revised Code and engaged in the 3049  
enforcement of Chapter 117. of the Revised Code; 3050

(17) A special police officer designated by the 3051  
superintendent of the state highway patrol pursuant to section 3052  
5503.09 of the Revised Code or a person who was serving as a 3053  
special police officer pursuant to that section on a permanent 3054  
basis on October 21, 1997, and who has been awarded a certificate 3055  
by the executive director of the Ohio peace officer training 3056  
commission attesting to the person's satisfactory completion of an 3057  
approved state, county, municipal, or department of natural 3058  
resources peace officer basic training program; 3059

(18) A special police officer employed by a port authority 3060  
under section 4582.04 or 4582.28 of the Revised Code or a person 3061  
serving as a special police officer employed by a port authority 3062  
on a permanent basis on May 17, 2000, who has been awarded a 3063  
certificate by the executive director of the Ohio peace officer 3064  
training commission attesting to the person's satisfactory 3065  
completion of an approved state, county, municipal, or department 3066  
of natural resources peace officer basic training program; 3067

(19) A special police officer employed by a municipal 3068  
corporation who has been awarded a certificate by the executive 3069  
director of the Ohio peace officer training commission for 3070  
satisfactory completion of an approved peace officer basic 3071  
training program and who is employed on a permanent basis on or 3072  
after March 19, 2003, at a municipal airport, or other municipal 3073  
air navigation facility, that has scheduled operations, as defined 3074  
in section 119.3 of Title 14 of the Code of Federal Regulations, 3075  
14 C.F.R. 119.3, as amended, and that is required to be under a 3076  
security program and is governed by aviation security rules of the 3077  
transportation security administration of the United States 3078  
department of transportation as provided in Parts 1542. and 1544. 3079  
of Title 49 of the Code of Federal Regulations, as amended; 3080

(20) A police officer who is employed by an owner or operator 3081  
of an amusement park that has an average yearly attendance in 3082

excess of six hundred thousand guests and that employs and 3083  
maintains its own proprietary police department or security 3084  
department, and who is appointed and commissioned by a judge of 3085  
the appropriate municipal court or county court pursuant to 3086  
section 4973.17 of the Revised Code; 3087

(21) A police officer who is employed by a bank, savings and 3088  
loan association, savings bank, credit union, or association of 3089  
banks, savings and loan associations, savings banks, or credit 3090  
unions, who has been appointed and commissioned by the secretary 3091  
of state pursuant to sections 4973.17 to 4973.22 of the Revised 3092  
Code, and who has been awarded a certificate by the executive 3093  
director of the Ohio peace officer training commission attesting 3094  
to the person's satisfactory completion of a state, county, 3095  
municipal, or department of natural resources peace officer basic 3096  
training program; 3097

(22) An investigator, as defined in section 109.541 of the 3098  
Revised Code, of the bureau of criminal identification and 3099  
investigation who is commissioned by the superintendent of the 3100  
bureau as a special agent for the purpose of assisting law 3101  
enforcement officers or providing emergency assistance to peace 3102  
officers pursuant to authority granted under that section; 3103

(23) A state fire marshal law enforcement officer appointed 3104  
under section 3737.22 of the Revised Code or a person serving as a 3105  
state fire marshal law enforcement officer on a permanent basis on 3106  
or after July 1, 1982, who has been awarded a certificate by the 3107  
executive director of the Ohio peace officer training commission 3108  
attesting to the person's satisfactory completion of an approved 3109  
state, county, municipal, or department of natural resources peace 3110  
officer basic training program; 3111

(24) A gaming agent employed under section 3772.03 of the 3112  
Revised Code. 3113

(B) "Undercover drug agent" has the same meaning as in 3114  
division (B)(2) of section 109.79 of the Revised Code. 3115

(C) "Crisis intervention training" means training in the use 3116  
of interpersonal and communication skills to most effectively and 3117  
sensitively interview victims of rape. 3118

(D) "Missing children" has the same meaning as in section 3119  
2901.30 of the Revised Code. 3120

**Sec. 109.802.** (A) There is hereby created in the state 3121  
treasury the law enforcement assistance fund. The attorney general 3122  
shall use the fund to pay reimbursements for continuing 3123  
professional training programs for peace officers and troopers as 3124  
provided in this section and section 109.803 of the Revised Code, 3125  
compensation of any employees of the attorney general required to 3126  
administer those sections, and any other administrative costs 3127  
incurred by the attorney general to administer those sections. 3128

(B) The attorney general shall adopt rules in accordance with 3129  
Chapter 119. of the Revised Code establishing application 3130  
procedures, standards, and guidelines, and prescribing an 3131  
application form, for the reimbursement of public appointing 3132  
authorities for the cost of continuing professional training 3133  
programs for their peace officers and troopers. The rules shall 3134  
include, but are not limited to, all of the following: 3135

(1) A requirement that applications for reimbursement be 3136  
submitted on a calendar-year basis; 3137

(2) The documentation required to substantiate any costs for 3138  
which the applicant seeks reimbursement; 3139

(3) Procedures for submitting applications for reimbursement 3140  
for the cost of continuing professional training programs 3141  
completed by a peace officer or trooper for whom the executive 3142  
director of the Ohio peace officer training commission granted 3143

pursuant to division (A)(2) of section 109.803 of the Revised Code 3144  
an extension of the time for compliance with the continuing 3145  
professional training requirement specified in division (A) of 3146  
that section and who complied with the requirement prior to the 3147  
date on which the extension ends; 3148

(4) Any other requirements necessary for the proper 3149  
administration of the reimbursement program. 3150

(C) The Ohio peace officer training commission shall 3151  
administer a program for reimbursing public appointing authorities 3152  
for the costs of continuing professional training programs that 3153  
are successfully completed by the appointing authority's peace 3154  
officers or troopers. The commission shall administer the 3155  
reimbursement program in accordance with rules adopted by the 3156  
attorney general pursuant to division (B) of this section. 3157

(D) Each public appointing authority may apply each calendar 3158  
year to the peace officer training commission for reimbursement 3159  
for the costs of continuing professional training programs that 3160  
are successfully completed by the appointing authority's peace 3161  
officers or troopers. Each application shall be made in accordance 3162  
with, on an application form prescribed in, and be supported by 3163  
the documentation required by, the rules adopted by the attorney 3164  
general pursuant to division (B) of this section. 3165

(E)(1) The Ohio peace officer training commission, in 3166  
accordance with rules of the attorney general adopted under 3167  
division (B) of this section, shall review each application for 3168  
reimbursement made under division (D) of this section to determine 3169  
if the applicant is entitled to reimbursement for the training 3170  
programs for which the applicant seeks reimbursement. Except as 3171  
provided in division (E)(2) of this section, a public appointing 3172  
authority that complies with division (B) of section 109.761 of 3173  
the Revised Code and applies under division (D) of this section 3174  
for reimbursement is entitled to reimbursement for each of the 3175

appointing authority's peace officers or troopers who timely 3176  
complies with the continuing professional training requirement 3177  
specified in division (A)(1) of section 109.803 of the Revised 3178  
Code by completing the minimum number of hours of training 3179  
directed by the Ohio peace officer training commission under that 3180  
division and with the other requirements described in that 3181  
division. 3182

(2) If a peace officer or trooper of the public appointing 3183  
authority for whom the executive director of the commission 3184  
granted an extension pursuant to division (A)(2) of section 3185  
109.803 of the Revised Code complies prior to the date on which 3186  
the extension ends with the continuing professional training 3187  
requirement, and if the peace officer or trooper also has complied 3188  
with the other requirements described in division (A)(1) of 3189  
section 109.803 of the Revised Code, the public appointing 3190  
authority is entitled to reimbursement for the training programs 3191  
completed by that peace officer or trooper. An application for 3192  
reimbursement of the type described in this division shall be made 3193  
in accordance with rules adopted by the attorney general pursuant 3194  
to division (B) of section 109.802 of the Revised Code. 3195

(3) If a public appointing authority that applies under 3196  
division (D) of this section for reimbursement is entitled to 3197  
reimbursement under division (E)(1) or (2) of this section for 3198  
each peace officer and trooper who successfully completes a 3199  
training program, the commission shall approve reimbursing the 3200  
appointing authority for the cost of that program. The actual 3201  
amount of reimbursement for each authorized training program shall 3202  
be ~~determined by rules adopted by the attorney general under~~ 3203  
~~division (B) of this section~~ the actual cost incurred by the 3204  
appointing authority for that training program. 3205

If the public appointing authority is entitled to 3206  
reimbursement under division (E)(2) of this section, payment of 3207

the reimbursement shall not be withheld during the period of the 3208  
extension granted to the other peace officers or troopers of the 3209  
authority pursuant to division (A)(2) of section 109.803 of the 3210  
Revised Code, pending their compliance with the requirement. If 3211  
the public appointing authority is entitled to reimbursement under 3212  
division (E)(2) of this section and if one or more of its peace 3213  
officers or troopers who were granted an extension pursuant to 3214  
division (A)(2) of section 109.803 of the Revised Code fails to 3215  
complete prior to the date on which the extension ends the 3216  
required minimum number of hours of continuing professional 3217  
training set by the commission under division (A)(1) of section 3218  
109.803 of the Revised Code, the failure does not affect the 3219  
reimbursement made to the public appointing authority, and the 3220  
public appointing authority is not required to return the 3221  
reimbursement or any portion of it. 3222

(F) Each public appointing authority that receives funds 3223  
under this section shall keep those funds separate from any other 3224  
funds of the appointing authority and shall use those funds only 3225  
for paying the cost of continuing professional training programs. 3226

(G) As used in this section and section 109.803 of the 3227  
Revised Code: 3228

(1) "Peace officer" has the same meaning as in section 109.71 3229  
of the Revised Code. 3230

(2) "Trooper" means an individual appointed as a state 3231  
highway patrol trooper under section 5503.01 of the Revised Code. 3232

(3) "Appointing authority" means any agency or entity that 3233  
appoints a peace officer or trooper. 3234

**Sec. 109.803.** (A)(1) Subject to ~~division~~ divisions (A)(2) and 3235  
(B) of this section, every appointing authority shall require each 3236  
of its appointed peace officers and troopers to complete up to 3237

twenty-four hours of continuing professional training each 3238  
calendar year, as directed by the Ohio peace officer training 3239  
commission. The number of hours directed by the commission, up to 3240  
twenty-four hours, is intended to be a minimum requirement, and 3241  
appointing authorities are encouraged to exceed the number of 3242  
hours the commission directs as the minimum. The commission shall 3243  
set the required minimum number of hours based upon available 3244  
funding for reimbursement as described in this division. If no 3245  
funding for the reimbursement is available, no continuing 3246  
professional training will be required. 3247

(2) An appointing authority may submit a written request to 3248  
the peace officer training commission that requests for a calendar 3249  
year because of emergency circumstances an extension of the time 3250  
within which one or more of its appointed peace officers or 3251  
troopers must complete the required minimum number of hours of 3252  
continuing professional training set by the commission, as 3253  
described in division (A)(1) of this section. A request made under 3254  
this division shall set forth the name of each of the appointing 3255  
authority's peace officers or troopers for whom an extension is 3256  
requested, identify the emergency circumstances related to that 3257  
peace officer or trooper, include documentation of those emergency 3258  
circumstances, and set forth the date on which the request is 3259  
submitted to the commission. A request shall be made under this 3260  
division not later than the fifteenth day of December in the 3261  
calendar year for which the extension is requested. 3262

Upon receipt of a written request made under this division, 3263  
the executive director of the commission shall review the request 3264  
and the submitted documentation. If the executive director of the 3265  
commission is satisfied that emergency circumstances exist for any 3266  
peace officer or trooper for whom a request was made under this 3267  
division, the executive director may approve the request for that 3268  
peace officer or trooper and grant an extension of the time within 3269



which that peace officer or trooper must complete the required 3270  
minimum number of hours of continuing professional training set by 3271  
the commission. An extension granted under this division may be 3272  
for any period of time the executive director believes to be 3273  
appropriate, and the executive director shall specify in the 3274  
notice granting the extension the date on which the extension 3275  
ends. Not later than thirty days after the date on which a request 3276  
is submitted to the commission, for each peace officer and trooper 3277  
for whom an extension is requested, the executive director either 3278  
shall approve the request and grant an extension or deny the 3279  
request and deny an extension and shall send to the appointing 3280  
authority that submitted the request written notice of the 3281  
executive director's decision. 3282

If the executive director grants an extension of the time 3283  
within which a particular appointed peace officer or trooper of an 3284  
appointing authority must complete the required minimum number of 3285  
hours of continuing professional training set by the commission, 3286  
the appointing authority shall require that peace officer or 3287  
trooper to complete the required minimum number of hours of 3288  
training not later than the date on which the extension ends. 3289

(B) With the advice of the Ohio peace officer training 3290  
commission, the attorney general shall adopt in accordance with 3291  
Chapter 119. of the Revised Code rules setting forth minimum 3292  
standards for continuing professional training for peace officers 3293  
and troopers and governing the administration of continuing 3294  
professional training programs for peace officers and troopers. 3295  
The rules adopted by the attorney general under division (B) of 3296  
this section shall do all of the following: 3297

(1) Allow peace officers and troopers to earn credit for up 3298  
to four hours of continuing professional training for time spent 3299  
while on duty providing drug use prevention education training 3300  
that utilizes evidence-based curricula to students in school 3301

districts, community schools established under Chapter 3314., STEM 3302  
schools established under Chapter 3326., and college-preparatory 3303  
boarding schools established under Chapter 3328. of the Revised 3304  
Code. 3305

(2) Allow a peace officer or trooper appointed by a law 3306  
enforcement agency to earn hours of continuing professional 3307  
training for other peace officers or troopers appointed by the law 3308  
enforcement agency by providing drug use prevention education 3309  
training under division (B)(1) of this section so that hours 3310  
earned by the peace officer or trooper providing the training in 3311  
excess of four hours may be applied to offset the number of 3312  
continuing professional training hours required of another peace 3313  
officer or trooper appointed by that law enforcement agency. 3314

(3) Prohibit the use of continuing professional training 3315  
hours earned under division (B)(1) or (2) of this section from 3316  
being used to offset any mandatory hands-on training requirement. 3317

(C) The attorney general shall transmit a certified copy of 3318  
any rule adopted under this section to the secretary of state. 3319

**Sec. 111.42.** ~~(A) Except for a A person described in division 3320~~  
~~(F) of this section, an adult person, or a parent or guardian 3321~~  
~~acting on behalf of a minor, incompetent, or ward, when changing 3322~~  
~~residence, to whom all of the following applies may apply to the 3323~~  
secretary of state with the assistance of an application assistant 3324  
to ~~have~~ become a participant in the address confidentiality 3325  
program, in which an address designated by the secretary of state 3326  
~~serve~~ serves as the person's address or the address of the minor, 3327  
incompetent, or ward- on whose behalf the person is applying: 3328

(1) The applicant is an adult who is applying on behalf of 3329  
the person's self or is a parent or guardian applying on behalf of 3330  
a minor, incompetent, or ward. 3331

(2) The applicant or the minor, incompetent, or ward, as applicable, resides, works, or attends a school or an institution of higher education in this state. 3332  
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(3) The applicant or the minor, incompetent, or ward, as applicable, is changing residence. 3335  
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(4) The applicant fears for the safety of the applicant, a member of the applicant's household, or the minor, incompetent, or ward on whose behalf the application is made because the applicant, household member, minor, incompetent, or ward is a victim of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, or sexual battery. 3337  
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(5) The applicant or the minor, incompetent, or ward, as applicable, is not a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender. 3343  
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(B) An application to become a participant in the address confidentiality program shall be made on a form prescribed by the secretary of state and filed in the office of the secretary of state in the manner prescribed by the secretary of state. The application shall contain all of the following: 3347  
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(1) A notarized statement by the applicant that the applicant fears for the safety of the applicant, a member of the applicant's household, or the minor, incompetent, or ward on whose behalf the application is made because the applicant, household member, minor, incompetent, or ward is a victim of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, or sexual battery; 3352  
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(2) A statement that the application assistant recommends that the applicant or the minor, incompetent, or ward, as applicable, participate in the address confidentiality program; 3359  
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(3) A knowing and voluntary designation of the secretary of 3362

state as the agent for the purposes of receiving service of 3363  
process and the receipt of mail; 3364

~~(3)~~(4) The mailing address and telephone number or numbers at 3365  
which the secretary of state may contact the applicant; 3366

~~(4)~~(5) The address or addresses of the applicant's residence, 3367  
school, institution of higher education, business, or place of 3368  
employment that the applicant requests not be disclosed for the 3369  
reason that disclosure will increase the risk that the applicant, 3370  
a member of the applicant's household, or the minor, incompetent, 3371  
or ward on whose behalf the application is made will be threatened 3372  
or physically harmed by another person; 3373

~~(5)~~(6) The signature of the applicant, the name and signature 3374  
of the application assistant who assisted the applicant, and the 3375  
date on which the applicant and the application assistant signed 3376  
the application; 3377

~~(6)~~(7) Except for a claim based on the performance or 3378  
nonperformance of a public duty that was manifestly outside the 3379  
scope of the officer's or employee's office or employment or in 3380  
which the officer or employee acted with malicious purpose, in bad 3381  
faith, or in a wanton or reckless manner, a voluntary release and 3382  
waiver of all future claims against the state for any claim that 3383  
may arise from participation in the address confidentiality 3384  
program. 3385

~~(B)~~(C) Upon receiving a properly completed application under 3386  
division ~~(A)~~(B) of this section, the secretary of state shall do 3387  
all of the following: 3388

(1) Certify the applicant or the minor, incompetent, or ward 3389  
on whose behalf the application is filed as a program participant; 3390

(2) Designate each eligible address listed in the application 3391  
as a confidential address; 3392

(3) Issue the program participant a unique program participant identification number; 3393  
3394

(4) Issue the program participant an address confidentiality program authorization card, which shall be valid during the period that the program participant remains certified to participate in the address confidentiality program, and which shall include the address at which the program participant may receive mail through the office of the secretary of state; 3395  
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(5) Provide information to the program participant concerning the manner in which the program participant may use the secretary of state as the program participant's agent for the purposes of receiving mail and receiving service of process and the types of mail that the secretary of state will forward to the program participant; 3401  
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~~(5)~~(6) Provide information to the program participant concerning the process to register to vote and to vote as a program participant, if the program participant is eligible to vote. 3407  
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~~(C)~~(D) A program participant shall update the person's application information, within thirty days after any change has occurred, by submitting a notice of change to the office of the secretary of state on a form prescribed by the secretary of state. The secretary of state may, with proper notice, cancel a program participant ~~from the program~~ participant's certification if the participant is found to be unreachable for a period of sixty days or more. 3411  
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~~(D)~~(E) The certification of a program participant shall be valid for four years after the date of the filing of the application for the program participant unless the certification is withdrawn or invalidated before the end of that four-year period. 3419  
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~~(E)~~(F)(1) A program participant who continues to be eligible 3424  
to participate in the address confidentiality program may renew 3425  
the program participant's certification by submitting a renewal 3426  
application to the secretary of state with the assistance of an 3427  
application assistant. The renewal application shall be on a form 3428  
prescribed by the secretary of state and shall contain all of the 3429  
information described in division ~~(A)~~(B) of this section. 3430

(2) The secretary of state may prescribe by rule a grace 3431  
period during which a program participant whose certification has 3432  
expired may renew the program participant's certification without 3433  
being considered to have ceased being a program participant during 3434  
that period. 3435

(3) When a program participant renews the program 3436  
participant's certification, the program participant shall 3437  
continue to use the program participant's original program 3438  
participant identification number. 3439

~~(F)~~(G) A tier I sex offender/child-victim offender, a tier II 3440  
sex offender/child-victim offender, or a tier III sex 3441  
offender/child-victim offender is not eligible to participate in 3442  
the address confidentiality program described in sections 111.41 3443  
to 111.99 of the Revised Code. 3444

**Sec. 111.43.** (A) A program participant may request that a 3445  
governmental entity, other than a board of elections, use the 3446  
address designated by the secretary of state as the program 3447  
participant's address. Except as otherwise provided in division 3448  
(D) of this section and in section 111.44 of the Revised Code, if 3449  
the program participant requests that a governmental entity use 3450  
that address, the governmental entity shall accept that address. 3451  
The program participant may provide the program participant's 3452  
address confidentiality program authorization card as proof of the 3453  
program participant's status. 3454

(B) If a program participant's employer, school, or 3455  
institution of higher education is not a governmental entity, the 3456  
program participant may request that the employer, school, or 3457  
institution of higher education use the address designated by the 3458  
secretary of state as the program participant's address. The 3459  
program participant may provide the program participant's address 3460  
confidentiality program authorization card as proof of the program 3461  
participant's status. 3462

(C)(1) The office of the secretary of state shall, on each 3463  
day that the secretary of state's office is open for business, 3464  
place all ~~first class mail~~ of the following that the secretary of 3465  
state receives on behalf of a program participant ~~that the~~ 3466  
~~secretary of state receives~~ into an envelope or package and mail 3467  
that envelope or package to the program participant at the mailing 3468  
address the program participant provided to the secretary of state 3469  
for that purpose: 3470

(a) First class letters, flats, packages, or parcels 3471  
delivered via the United States postal service, including 3472  
priority, express, and certified mail; 3473

(b) Packages or parcels that are clearly identifiable as 3474  
containing pharmaceutical agents or medical supplies; 3475

(c) Packages, parcels, periodicals, or catalogs that are 3476  
clearly identifiable as being sent by a governmental entity; 3477

(d) Packages, parcels, periodicals, or catalogs that have 3478  
received prior authorization from the office of the secretary of 3479  
state for forwarding under this section. The 3480

(2) Except as provided in divisions (C)(1)(a) to (d) of this 3481  
section, the office of the secretary of state shall not forward 3482  
any packages, parcels, periodicals, or catalogs received on behalf 3483  
of a program participant. 3484

(3) The secretary of state may contract with the United 3485

States postal service to establish special postal rates for the 3486  
envelopes or packages used in ~~mailing~~ forwarding a program 3487  
participant's ~~first-class~~ mail under this section 3488

~~(2)~~(4)(a) Upon receiving service of process on behalf of a 3489  
program participant, the office of the secretary of state shall 3490  
immediately forward the process by certified mail, return receipt 3491  
requested, to the program participant at the mailing address the 3492  
program participant provided to the secretary of state for that 3493  
purpose. Service of process upon the office of the secretary of 3494  
state on behalf of a program participant constitutes service upon 3495  
the program participant under rule 4.2 of the Rules of Civil 3496  
Procedure. 3497

(b) The secretary of state may prescribe by rule the manner 3498  
in which process may be served on the secretary of state as the 3499  
agent of a program participant. 3500

(c) Upon request by a person who intends to serve process on 3501  
an individual, the secretary of state shall confirm whether the 3502  
individual is a program participant but shall not disclose any 3503  
other information concerning a program participant. 3504

(D) Division (A) of this section does not apply to a 3505  
municipal-owned public utility. The confidential addresses of 3506  
participants of the address confidentiality program that are 3507  
maintained by a municipal-owned public utility are not a public 3508  
record and shall not be released by a municipal-owned public 3509  
utility or by any employee of a municipal-owned public utility. 3510

**Sec. 111.44.** (A) A program participant who is eligible to 3511  
vote may apply to the board of elections of the county in which 3512  
the program participant resides to request that the program 3513  
participant's voter registration record be kept confidential. The 3514  
program participant shall submit an application to the director of 3515  
the board of elections, on a form prescribed by the secretary of 3516



state, that includes all of the following: 3517

(1) The information required under section 3503.14 of the 3518  
Revised Code to register to vote; 3519

(2) The program participant's program participant 3520  
identification number; 3521

(3) If the program participant is currently registered to 3522  
vote ~~in at another county or another state~~ address, the address at 3523  
which the program participant is registered to vote and a 3524  
statement that, if the program participant is registered in 3525  
another county or state, the program participant authorizes the 3526  
director to instruct the appropriate authority to cancel the 3527  
program participant's existing voter registration; 3528

(4) A statement that the program participant understands all 3529  
of the following: 3530

(a) That during the time the program participant chooses to 3531  
have a confidential voter registration record, the program 3532  
participant may vote only by absent voter's ballots; 3533

(b) That the program participant may provide the program 3534  
participant's program participant identification number instead of 3535  
the program participant's residence address on an application for 3536  
absent voter's ballots or on an absent voter's ballot 3537  
identification envelope statement of voter; 3538

(c) That casting any ballot in person will reveal the program 3539  
participant's precinct and residence address to precinct election 3540  
officials and employees of the board of elections and may reveal 3541  
the program participant's precinct or residence address to members 3542  
of the public; 3543

(d) That if the program participant signs an election 3544  
petition, the program participant's residence address will be made 3545  
available to the public. 3546

(B)(1) A program participant who is not currently registered to vote in this state must submit an application under this section not later than the thirtieth day before the day of an election in order to be eligible to vote in that election, as provided in sections 3503.01 and 3503.19 of the Revised Code.

(2) A program participant who is currently registered to vote in this state may submit an application under this section at any time to request that the program participant's voter registration record be kept confidential.

(C) Upon the receipt by the director of the board of elections of a valid application under division (A) of this section, all of the following shall apply:

(1) The director or the deputy director shall contact the secretary of state to confirm that the program participant identification number provided on the application matches the number the secretary of state issued to the program participant.

(2) The application shall be treated as the program participant's voter registration form. The form shall be stored in a secure manner, such that only the members of the board of elections, the director, and the deputy director have access to the form and to the residence address contained in the form.

(3) The director or the deputy director shall record the program participant's program participant identification number in the statewide voter registration database and the official registration list instead of the program participant's residence address and precinct.

(4) If the program participant is currently registered to vote in the county, the director or the deputy director shall do all of the following:

(a) Remove the residence address and precinct information from the program participant's voter registration record, the

statewide voter registration database, and the official 3578  
registration list; 3579

(b) Remove the program participant's name and registration 3580  
information from any pollbook, poll list, or signature pollbook in 3581  
which it appears and from any publicly available registration list 3582  
in which it appears. 3583

(5) If the program participant is currently registered to 3584  
vote in another county, the director or the deputy director shall 3585  
notify the board of elections of the county in which the program 3586  
participant is registered to cancel the program participant's 3587  
registration. ~~The program participant's existing registration 3588  
shall be considered to have been transferred to the county in 3589  
which the program participant currently resides. Notwithstanding 3590  
any contrary provision of section 3503.01 of the Revised Code, if 3591  
the program participant submitted the application less than thirty 3592  
days before the day of an election, the program participant shall 3593  
be eligible to vote in that election.~~ 3594

(6) If the program participant is currently registered to 3595  
vote in another state, the director or the deputy director shall 3596  
notify the appropriate authority in that state to cancel the 3597  
program participant's registration. 3598

(7) The director or the deputy director shall promptly send 3599  
an acknowledgment notice to the program participant on a form 3600  
prescribed by the secretary of state. 3601

~~(C)~~(D)(1)(a) The residence address or precinct of a program 3602  
participant who has a confidential voter registration record, as 3603  
described in this section, shall not appear in the statewide voter 3604  
registration database or in the official registration list. The 3605  
program participant's program participant identification number 3606  
shall appear in place of that information. 3607

(b) No information concerning the program participant, 3608

including the program participant's name, shall be included in any pollbook, poll list, or signature pollbook.

(c) No information concerning the program participant, including the program participant's name, shall be included in the version of the statewide voter registration database that is available to the public or in any version of an official registration list that is available to the public.

(2) Notwithstanding any contrary provision of the Revised Code, a program participant who has a confidential voter registration record may vote only by casting absent voter's ballots.

(3) Not later than the forty-fifth day before the day of an election, the secretary of state shall mail a notice to each program participant who has a confidential voter registration record. The notice shall inform the program participant of all of the following:

(a) That if the program participant wishes to vote in the election, the program participant should cast absent voter's ballots by mail;

(b) The procedure for the program participant to cast absent voter's ballots;

(c) That casting any ballot in person will reveal the program participant's precinct and residence address to precinct election officials and employees of the board of elections and may reveal the program participant's precinct or residence address to members of the public.

~~(D)~~(E)(1) A program participant who has a confidential voter registration record and who has had a change of name or change of address may submit an application under division (A) of this section that includes the program participant's updated information. The director or the deputy director shall treat that

application as a notice of change of name or change of address. 3640

(2) If the program participant currently resides in that 3641  
county, the director or the deputy director shall replace the 3642  
program participant's existing registration form with the new 3643  
registration form. 3644

(3) If the program participant currently resides in another 3645  
county in this state, the director or the deputy director shall 3646  
cancel the program participant's existing registration form and 3647  
shall transmit the program participant's new registration form to 3648  
the director of the board of elections of the county in which the 3649  
elector currently resides, and the new registration form shall be 3650  
processed in accordance with division ~~(B)~~(C) of this section. 3651

~~(E)~~(F) A person who has a confidential voter registration 3652  
record and who ceases being a program participant or who wishes to 3653  
cease having a confidential voter registration record shall submit 3654  
an application, on a form prescribed by the secretary of state, 3655  
that includes all of the following: 3656

(1) The information required under section 3503.14 of the 3657  
Revised Code to register to vote; 3658

(2) The person's program participant identification number; 3659

(3) A statement that the person has ceased being a program 3660  
participant or that the person wishes to cease having a 3661  
confidential voter registration record; 3662

(4) A statement that the director should do one of the 3663  
following: 3664

(a) Treat the person's existing voter registration form in 3665  
the same manner as other voter registration forms; 3666

(b) Cancel the person's voter registration. 3667

~~(F)~~(G)(1) Upon receiving a valid application under division 3668  
~~(E)~~(F) of this section from a person who wishes the board of 3669

elections to treat the person's existing voter registration form 3670  
in the same manner as other voter registration forms, or upon 3671  
receiving a notice from the secretary of state under division (B) 3672  
of section 111.45 of the Revised Code concerning a person who has 3673  
a confidential voter registration record, the director or the 3674  
deputy director shall do all of the following: 3675

(a) Store the person's voter registration form in the same 3676  
manner as other voter registration forms; 3677

(b) Remove the person's program participant identification 3678  
number from the person's registration form and from the statewide 3679  
voter registration database; 3680

(c) Ensure that the statewide voter registration database and 3681  
any poll list, pollbook, or registration list accurately reflect 3682  
the person's current name and registration information. 3683

(2) Notwithstanding any contrary provision of section 3503.01 3684  
of the Revised Code, if the director receives an application or 3685  
notice described in division ~~(F)~~(G)(1) of this section concerning 3686  
an elector less than thirty days before the day of an election, 3687  
the elector shall be eligible to vote in that election. 3688

~~(G)~~(H) Upon receiving a valid application under division 3689  
~~(E)~~(F) of this section from a person who wishes to have the 3690  
person's voter registration canceled, the director or the deputy 3691  
director shall cancel the person's voter registration. 3692

**Sec. 111.45.** (A) The secretary of state shall cancel the 3693  
certification of a program participant if any of the following are 3694  
true: 3695

(1) The program participant's application contained one or 3696  
more false statements. 3697

(2) The program participant has filed a written, notarized 3698  
request with the secretary of state, on a form prescribed by the 3699

secretary of state, asking to cease being a program participant. 3700

(3) The program participant's certification has expired and 3701  
the program participant has not renewed the certification in 3702  
accordance with division ~~(E)~~(F) of section 111.42 of the Revised 3703  
Code not later than the deadline specified by the secretary of 3704  
state by rule to renew the certification. 3705

(B) Upon canceling a certification under division (A) of this 3706  
section, the secretary of state shall notify the director of the 3707  
board of elections of the county in which the former program 3708  
participant resides. 3709

**Sec. 113.061.** The treasurer of state shall adopt rules in 3710  
accordance with Chapter 119. of the Revised Code governing the 3711  
remittance of taxes by electronic funds transfer as required under 3712  
sections 3769.103, 718.851, 5726.03, 5727.311, 5727.83, 5733.022, 3713  
5735.062, 5736.04, 5739.032, 5745.04, 5747.072, 5749.06, and 3714  
5751.07 of the Revised Code and any other section of the Revised 3715  
Code under which a person is required to remit taxes by electronic 3716  
funds transfer. The rules shall govern the modes of electronic 3717  
funds transfer acceptable to the treasurer of state and under what 3718  
circumstances each mode is acceptable, the content and format of 3719  
electronic funds transfers, the coordination of payment by 3720  
electronic funds transfer and filing of associated tax reports and 3721  
returns, the remittance of taxes by means other than electronic 3722  
funds transfer by persons otherwise required to do so but relieved 3723  
of the requirement by the treasurer of state, and any other matter 3724  
that in the opinion of the treasurer of state facilitates payment 3725  
by electronic funds transfer in a manner consistent with those 3726  
sections. 3727

Upon failure by a person, if so required, to remit taxes by 3728  
electronic funds transfer in the manner prescribed under section 3729  
3769.103, 718.851, 5726.03, 5727.83, 5733.022, 5735.062, 5736.04, 3730

5739.032, 5745.04, 5747.072, 5749.06, or 5751.07 of the Revised Code and rules adopted under this section, the treasurer of state shall notify the tax commissioner of such failure if the treasurer of state determines that such failure was not due to reasonable cause or was due to willful neglect, and shall provide the tax commissioner with any information used in making that determination. The tax commissioner may assess an additional charge as specified in the respective section of the Revised Code governing the requirement to remit taxes by electronic funds transfer.

The treasurer of state may implement means of acknowledging, upon the request of a taxpayer, receipt of tax remittances made by electronic funds transfer, and may adopt rules governing acknowledgments. The cost of acknowledging receipt of electronic remittances shall be paid by the person requesting acknowledgment.

The treasurer of state, not the tax commissioner, is responsible for resolving any problems involving electronic funds transfer transmissions.

**Sec. 120.08.** There is hereby created in the state treasury the indigent defense support fund, consisting of money paid into the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 4511.19 of the Revised Code and pursuant to sections 2937.22, 2949.091, and 2949.094 of the Revised Code out of the additional court costs imposed under those sections. The state public defender shall use at least ~~eighty-eight~~ eighty-three per cent of the money in the fund for the purposes of reimbursing county governments for expenses incurred pursuant to sections 120.18, 120.28, and 120.33 of the Revised Code and operating its system pursuant to division (C)(7) of section 120.04 of the Revised Code and division (B) of section 120.33 of the Revised Code. Disbursements from the fund to county governments shall be made at



least once per year and shall be allocated proportionately so that 3762  
each county receives an equal percentage of its total cost for 3763  
operating its county public defender system, its joint county 3764  
public defender system, its county appointed counsel system, or 3765  
its system operated under division (C)(7) of section 120.04 of the 3766  
Revised Code and division (B) of section 120.33 of the Revised 3767  
Code. The state public defender may use not more than ~~twelve~~ 3768  
seventeen per cent of the money in the fund for the purposes of 3769  
appointing assistant state public defenders, providing other 3770  
personnel, equipment, and facilities necessary for the operation 3771  
of the state public defender office, and providing training, 3772  
developing and implementing electronic forms, or establishing and 3773  
maintaining an information technology system used for the uniform 3774  
operation of this chapter. 3775

**Sec. 120.18.** (A) The county public defender commission's 3776  
report to the board of county commissioners shall be audited by 3777  
the county auditor. The board of county commissioners, after 3778  
review and approval of the audited report, may then certify it to 3779  
the state public defender for reimbursement. If a request for the 3780  
reimbursement of any operating expenditure incurred by a county 3781  
public defender office is not received by the state public 3782  
defender within sixty days after the end of the calendar month in 3783  
which the expenditure is incurred, the state public defender shall 3784  
not pay the requested reimbursement, unless the county has 3785  
requested, and the state public defender has granted, an extension 3786  
of the sixty-day time limit. Each request for reimbursement shall 3787  
include a certification by the county public defender that the 3788  
persons provided representation by the county public defender's 3789  
office during the period covered by the report were indigent and, 3790  
for each person provided representation during that period, a 3791  
financial disclosure form completed by the person on a form 3792

prescribed by the state public defender. The state public defender 3793  
shall also review the report and, in accordance with the 3794  
standards, guidelines, and maximums established pursuant to 3795  
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 3796  
prepare a voucher for fifty per cent of the total cost of each 3797  
county public defender's office for the period of time covered by 3798  
the certified report and a voucher for ~~fifty~~ one hundred per cent 3799  
of the costs and expenses that are reimbursable under section 3800  
120.35 of the Revised Code, if any, or, if the amount of money 3801  
appropriated by the general assembly to reimburse counties for the 3802  
operation of county public defender offices, joint county public 3803  
defender offices, and county appointed counsel systems is not 3804  
sufficient to pay fifty per cent of the total cost of all of the 3805  
offices and systems, for the lesser amount required by section 3806  
120.34 of the Revised Code. For the purposes of this section, 3807  
"total cost" means total expenses minus costs and expenses 3808  
reimbursable under section 120.35 of the Revised Code and any 3809  
funds received by the county public defender commission pursuant 3810  
to a contract, except a contract entered into with a municipal 3811  
corporation pursuant to division (E) of section 120.14 of the 3812  
Revised Code, gift, or grant. 3813

(B) If the county public defender fails to maintain the 3814  
standards for the conduct of the office established by rules of 3815  
the Ohio public defender commission pursuant to divisions (B) and 3816  
(C) of section 120.03 or the standards established by the state 3817  
public defender pursuant to division (B)(7) of section 120.04 of 3818  
the Revised Code, the Ohio public defender commission shall notify 3819  
the county public defender commission and the board of county 3820  
commissioners of the county that the county public defender has 3821  
failed to comply with its rules or the standards of the state 3822  
public defender. Unless the county public defender commission or 3823  
the county public defender corrects the conduct of the county 3824  
public defender's office to comply with the rules and standards 3825

within ninety days after the date of the notice, the state public 3826  
defender may deny payment of all or part of the county's 3827  
reimbursement from the state provided for in division (A) of this 3828  
section. 3829

**Sec. 120.28.** (A) The joint county public defender 3830  
commission's report to the joint board of county commissioners 3831  
shall be audited by the fiscal officer of the district. The joint 3832  
board of county commissioners, after review and approval of the 3833  
audited report, may then certify it to the state public defender 3834  
for reimbursement. If a request for the reimbursement of any 3835  
operating expenditure incurred by a joint county public defender 3836  
office is not received by the state public defender within sixty 3837  
days after the end of the calendar month in which the expenditure 3838  
is incurred, the state public defender shall not pay the requested 3839  
reimbursement, unless the joint board of county commissioners has 3840  
requested, and the state public defender has granted, an extension 3841  
of the sixty-day time limit. Each request for reimbursement shall 3842  
include a certification by the joint county public defender that 3843  
all persons provided representation by the joint county public 3844  
defender's office during the period covered by the request were 3845  
indigent and, for each person provided representation during that 3846  
period, a financial disclosure form completed by the person on a 3847  
form prescribed by the state public defender. The state public 3848  
defender shall also review the report and, in accordance with the 3849  
standards, guidelines, and maximums established pursuant to 3850  
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 3851  
prepare a voucher for fifty per cent of the total cost of each 3852  
joint county public defender's office for the period of time 3853  
covered by the certified report and a voucher for ~~fifty one~~ 3854  
hundred per cent of the costs and expenses that are reimbursable 3855  
under section 120.35 of the Revised Code, if any, or, if the 3856  
amount of money appropriated by the general assembly to reimburse 3857

counties for the operation of county public defender offices, 3858  
joint county public defender offices, and county appointed counsel 3859  
systems is not sufficient to pay fifty per cent of the total cost 3860  
of all of the offices and systems, for the lesser amount required 3861  
by section 120.34 of the Revised Code. For purposes of this 3862  
section, "total cost" means total expenses minus costs and 3863  
expenses reimbursable under section 120.35 of the Revised Code and 3864  
any funds received by the joint county public defender commission 3865  
pursuant to a contract, except a contract entered into with a 3866  
municipal corporation pursuant to division (E) of section 120.24 3867  
of the Revised Code, gift, or grant. Each county in the district 3868  
shall be entitled to a share of such state reimbursement in 3869  
proportion to the percentage of the total cost it has agreed to 3870  
pay. 3871

(B) If the joint county public defender fails to maintain the 3872  
standards for the conduct of the office established by the rules 3873  
of the Ohio public defender commission pursuant to divisions (B) 3874  
and (C) of section 120.03 or the standards established by the 3875  
state public defender pursuant to division (B)(7) of section 3876  
120.04 of the Revised Code, the Ohio public defender commission 3877  
shall notify the joint county public defender commission and the 3878  
board of county commissioners of each county in the district that 3879  
the joint county public defender has failed to comply with its 3880  
rules or the standards of the state public defender. Unless the 3881  
joint public defender commission or the joint county public 3882  
defender corrects the conduct of the joint county public 3883  
defender's office to comply with the rules and standards within 3884  
ninety days after the date of the notice, the state public 3885  
defender may deny all or part of the counties' reimbursement from 3886  
the state provided for in division (A) of this section. 3887

**Sec. 120.33.** (A) In lieu of using a county public defender or 3888  
joint county public defender to represent indigent persons in the 3889

proceedings set forth in division (A) of section 120.16 of the Revised Code, the board of county commissioners of any county may adopt a resolution to pay counsel who are either personally selected by the indigent person or appointed by the court. The resolution shall include those provisions the board of county commissioners considers necessary to provide effective representation of indigent persons in any proceeding for which counsel is provided under this section. The resolution shall include provisions for contracts with any municipal corporation under which the municipal corporation shall reimburse the county for counsel appointed to represent indigent persons charged with violations of the ordinances of the municipal corporation.

(1) In a county that adopts a resolution to pay counsel, an indigent person shall have the right to do either of the following:

(a) To select the person's own personal counsel to represent the person in any proceeding included within the provisions of the resolution;

(b) To request the court to appoint counsel to represent the person in such a proceeding.

(2) The court having jurisdiction over the proceeding in a county that adopts a resolution to pay counsel shall, after determining that the person is indigent and entitled to legal representation under this section, do either of the following:

(a) By signed journal entry recorded on its docket, enter the name of the lawyer selected by the indigent person as counsel of record;

(b) Appoint counsel for the indigent person if the person has requested the court to appoint counsel and, by signed journal entry recorded on its dockets, enter the name of the lawyer appointed for the indigent person as counsel of record.

(3) The board of county commissioners shall establish a schedule of fees by case or on an hourly basis to be paid to counsel for legal services provided pursuant to a resolution adopted under this section. Prior to establishing the schedule, the board of county commissioners shall request the bar association or associations of the county to submit a proposed schedule for cases other than capital cases. The schedule submitted shall be subject to the review, amendment, and approval of the board of county commissioners, except with respect to capital cases. With respect to capital cases, the schedule shall provide for fees by case or on an hourly basis to be paid to counsel in the amount or at the rate set by the capital case attorney fee council pursuant to division (D) of this section, and the board of county commissioners shall approve that amount or rate.

(4) Counsel selected by the indigent person or appointed by the court at the request of an indigent person in a county that adopts a resolution to pay counsel, except for counsel appointed to represent a person charged with any violation of an ordinance of a municipal corporation that has not contracted with the county commissioners for the payment of appointed counsel, shall be paid by the county and shall receive the compensation and expenses the court approves. With respect to capital cases, the court shall approve compensation and expenses in accordance with the amount or at the rate set by the capital case attorney fee council pursuant to division (D) of this section. Each request for payment shall be accompanied by include a financial disclosure form ~~and an affidavit of indigency that~~ are completed by the indigent person on ~~forms~~ a form prescribed by the state public defender. Compensation and expenses shall not exceed the amounts fixed by the board of county commissioners in the schedule adopted pursuant to division (A)(3) of this section. No court shall approve compensation and expenses that exceed the amount fixed pursuant to

division (A)(3) of this section. 3954

The fees and expenses approved by the court shall not be 3955  
taxed as part of the costs and shall be paid by the county. 3956  
However, if the person represented has, or may reasonably be 3957  
expected to have, the means to meet some part of the cost of the 3958  
services rendered to the person, the person shall pay the county 3959  
an amount that the person reasonably can be expected to pay. 3960  
Pursuant to section 120.04 of the Revised Code, the county shall 3961  
pay to the state public defender a percentage of the payment 3962  
received from the person in an amount proportionate to the 3963  
percentage of the costs of the person's case that were paid to the 3964  
county by the state public defender pursuant to this section. The 3965  
money paid to the state public defender shall be credited to the 3966  
client payment fund created pursuant to division (B)(5) of section 3967  
120.04 of the Revised Code. 3968

The county auditor shall draw a warrant on the county 3969  
treasurer for the payment of counsel in the amount fixed by the 3970  
court, plus the expenses the court fixes and certifies to the 3971  
auditor. The county auditor shall report periodically, but not 3972  
less than annually, to the board of county commissioners and to 3973  
the state public defender the amounts paid out pursuant to the 3974  
approval of the court. The board of county commissioners, after 3975  
review and approval of the auditor's report, or the county 3976  
auditor, with permission from and notice to the board of county 3977  
commissioners, may then certify it to the state public defender 3978  
for reimbursement. The state public defender may pay a requested 3979  
reimbursement only if the request for reimbursement ~~is accompanied~~ 3980  
~~by~~ includes a financial disclosure form ~~and an affidavit of~~ 3981  
~~indigency~~ completed by the indigent person on ~~forms~~ a form 3982  
prescribed by the state public defender or if the court certifies 3983  
by electronic signature as prescribed by the state public defender 3984  
that a financial disclosure form ~~and affidavit of indigency have~~ 3985

has been completed by the indigent person and ~~are~~ is available for 3986  
inspection. If a request for the reimbursement of the cost of 3987  
counsel in any case is not received by the state public defender 3988  
within ninety days after the end of the calendar month in which 3989  
the case is finally disposed of by the court, unless the county 3990  
has requested and the state public defender has granted an 3991  
extension of the ninety-day limit, the state public defender shall 3992  
not pay the requested reimbursement. The state public defender 3993  
shall also review the report and, in accordance with the 3994  
standards, guidelines, and maximums established pursuant to 3995  
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 3996  
prepare a voucher for fifty per cent of the total cost of each 3997  
county appointed counsel system in the period of time covered by 3998  
the certified report and a voucher for ~~fifty~~ one hundred per cent 3999  
of the costs and expenses that are reimbursable under section 4000  
120.35 of the Revised Code, if any, or, if the amount of money 4001  
appropriated by the general assembly to reimburse counties for the 4002  
operation of county public defender offices, joint county public 4003  
defender offices, and county appointed counsel systems is not 4004  
sufficient to pay fifty per cent of the total cost of all of the 4005  
offices and systems other than costs and expenses that are 4006  
reimbursable under section 120.35 of the Revised Code, for the 4007  
lesser amount required by section 120.34 of the Revised Code. 4008

(5) If any county appointed counsel system fails to maintain 4009  
the standards for the conduct of the system established by the 4010  
rules of the Ohio public defender commission pursuant to divisions 4011  
(B) and (C) of section 120.03 or the standards established by the 4012  
state public defender pursuant to division (B)(7) of section 4013  
120.04 of the Revised Code, the Ohio public defender commission 4014  
shall notify the board of county commissioners of the county that 4015  
the county appointed counsel system has failed to comply with its 4016  
rules or the standards of the state public defender. Unless the 4017  
board of county commissioners corrects the conduct of its 4018



appointed counsel system to comply with the rules and standards 4019  
within ninety days after the date of the notice, the state public 4020  
defender may deny all or part of the county's reimbursement from 4021  
the state provided for in division (A)(4) of this section. 4022

(B) In lieu of using a county public defender or joint county 4023  
public defender to represent indigent persons in the proceedings 4024  
set forth in division (A) of section 120.16 of the Revised Code, 4025  
and in lieu of adopting the resolution and following the procedure 4026  
described in division (A) of this section, the board of county 4027  
commissioners of any county may contract with the state public 4028  
defender for the state public defender's legal representation of 4029  
indigent persons. A contract entered into pursuant to this 4030  
division may provide for payment for the services provided on a 4031  
per case, hourly, or fixed contract basis. 4032

(C) If a court appoints an attorney pursuant to this section 4033  
to represent a petitioner in a postconviction relief proceeding 4034  
under section 2953.21 of the Revised Code, the petitioner has 4035  
received a sentence of death, and the proceeding relates to that 4036  
sentence, the attorney who represents the petitioner in the 4037  
proceeding pursuant to the appointment shall be certified under 4038  
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 4039  
represent indigent defendants charged with or convicted of an 4040  
offense for which the death penalty can be or has been imposed. 4041

(D)(1) There is hereby created the capital case attorney fee 4042  
council, appointed as described in division (D)(2) of this 4043  
section. The council shall set an amount by case, or a rate on an 4044  
hourly basis, to be paid under this section to counsel in a 4045  
capital case. 4046

(2) The capital case attorney fee council shall consist of 4047  
five members, all of whom shall be active judges serving on one of 4048  
the district courts of appeals in this state. Terms for council 4049  
members shall be the lesser of three years or until the member 4050

ceases to be an active judge of a district court of appeals. The 4051  
initial terms shall commence ninety days after ~~the effective date~~ 4052  
~~of this amendment~~ September 28, 2016. The chief justice of the 4053  
supreme court shall appoint the members of the council, and shall 4054  
make all of the appointments not later than sixty days after ~~the~~ 4055  
~~effective date of this amendment~~ September 28, 2016. When any 4056  
vacancy occurs, the chief justice shall appoint an active judge of 4057  
a district court of appeals in this state to fill the vacancy for 4058  
the unexpired term, in the same manner as prescribed in this 4059  
division. The chief justice shall designate a chairperson from the 4060  
appointed members of the council. Members of the council shall 4061  
receive no additional compensation for their service as a member, 4062  
but may be reimbursed for expenses reasonably incurred in service 4063  
to the council, to be paid by the supreme court. The supreme court 4064  
may provide administrative support to the council. 4065

(3) The capital case attorney fee council initially shall 4066  
meet not later than one hundred twenty days after ~~the effective~~ 4067  
~~date of this amendment~~ September 28, 2016. Thereafter, the council 4068  
shall meet not less than annually. 4069

(4) Upon setting the amount or rate described in division 4070  
(D)(1) of this section, the chairperson of the capital case 4071  
attorney fee council promptly shall provide written notice to the 4072  
state public defender of the amount or rate so set. The amount or 4073  
rate so set shall become effective ninety days after the date on 4074  
which the chairperson provides that written notice to the state 4075  
public defender. The council shall specify that effective date in 4076  
the written notice provided to the state public defender. All 4077  
amounts or rates set by the council shall be final, subject to 4078  
modification as described in division (D)(5) of this section, and 4079  
not subject to appeal. 4080

(5) The capital case attorney fee council may modify an 4081  
amount or rate set as described in division (D)(4) of this 4082

section. The provisions of that division apply with respect to any 4083  
such modification of an amount or rate. 4084

**Sec. 120.34.** The total amount of money paid to all counties 4085  
in any fiscal year pursuant to sections 120.18, 120.28, and 120.33 4086  
of the Revised Code for the reimbursement of a percentage of the 4087  
counties' cost of operating county public defender offices, joint 4088  
county public defender offices, and county appointed counsel 4089  
systems shall not exceed the total amount appropriated for that 4090  
fiscal year by the general assembly for the reimbursement of the 4091  
counties for the operation of the offices and systems. If the 4092  
amount appropriated by the general assembly in any fiscal year is 4093  
insufficient to pay fifty per cent of the total cost in the fiscal 4094  
year of all county public defender offices, all joint county 4095  
public defender offices, and all county appointed counsel systems, 4096  
the amount of money paid in that fiscal year pursuant to sections 4097  
120.18, 120.28, and 120.33 of the Revised Code to each county for 4098  
the fiscal year shall be reduced proportionately so that each 4099  
county is paid an equal percentage of its total cost in the fiscal 4100  
year for operating its county public defender system, its joint 4101  
county public defender system, and its county appointed counsel 4102  
system. 4103

The total amount of money paid to all counties in any fiscal 4104  
year pursuant to section 120.35 of the Revised Code for the 4105  
reimbursement of a percentage of the counties' costs and expenses 4106  
of conducting the defense in capital cases shall not exceed the 4107  
total amount appropriated for that fiscal year by the general 4108  
assembly for the reimbursement of the counties for conducting the 4109  
defense in capital cases. If the amount appropriated by the 4110  
general assembly in any fiscal year is insufficient to pay ~~fifty~~ 4111  
one hundred per cent of the counties' total costs and expenses of 4112  
conducting the defense in capital cases in the fiscal year, the 4113  
amount of money paid in that fiscal year pursuant to section 4114

120.35 of the Revised Code to each county for the fiscal year 4115  
shall be reduced proportionately so that each county is paid an 4116  
equal percentage of its costs and expenses of conducting the 4117  
defense in capital cases in the fiscal year. 4118

If any county receives an amount of money pursuant to section 4119  
120.18, 120.28, 120.33, or 120.35 of the Revised Code that is in 4120  
excess of the amount of reimbursement it is entitled to receive 4121  
pursuant to this section, the state public defender shall request 4122  
the board of county commissioners to return the excess payment and 4123  
the board of county commissioners, upon receipt of the request, 4124  
shall direct the appropriate county officer to return the excess 4125  
payment to the state. 4126

Within thirty days of the end of each fiscal quarter, the 4127  
state public defender shall provide to the office of budget and 4128  
management and the ~~legislative budget office of the~~ legislative 4129  
service commission an estimate of the amount of money that will be 4130  
required for the balance of the fiscal year to make the payments 4131  
required by sections 120.18, 120.28, 120.33, and 120.35 of the 4132  
Revised Code. 4133

**Sec. 120.35.** The state public defender shall, pursuant to 4134  
section 120.18, 120.28, 120.33, or 2941.51 of the Revised Code, 4135  
reimburse ~~fifty~~ one hundred per cent of all costs and expenses of 4136  
conducting the defense in capital cases. If appropriations are 4137  
insufficient to pay ~~fifty~~ one hundred per cent of such costs and 4138  
expenses, the state public defender shall reimburse such costs and 4139  
expenses as provided in section 120.34 of the Revised Code. 4140

**Sec. 120.36.** (A)(1) Subject to division (A)(2), (3), (4), 4141  
(5), or (6) of this section, if a person who is a defendant in a 4142  
criminal case or a party in a case in juvenile court requests or 4143  
is provided a state public defender, a county or joint county 4144

public defender, or any other counsel appointed by the court, the 4145  
court in which the criminal case is initially filed or the 4146  
juvenile court, whichever is applicable, shall assess, unless the 4147  
application fee is waived or reduced, a non-refundable application 4148  
fee of twenty-five dollars. 4149

The court shall direct the person to pay the application fee 4150  
to the clerk of court. The person shall pay the application fee to 4151  
the clerk of court at the time the person files ~~an affidavit of~~ 4152  
~~indigency or~~ a financial disclosure form with the court, a state 4153  
public defender, a county or joint county public defender, or any 4154  
other counsel appointed by the court or within seven days of that 4155  
date. If the person does not pay the application fee within that 4156  
seven-day period, the court shall assess the application fee at 4157  
sentencing or at the final disposition of the case. 4158

(2) For purposes of this section, a criminal case includes 4159  
any case involving a violation of any provision of the Revised 4160  
Code or of an ordinance of a municipal corporation for which the 4161  
potential penalty includes loss of liberty and includes any 4162  
contempt proceeding in which a court may impose a term of 4163  
imprisonment. 4164

(3) In a juvenile court proceeding, the court shall not 4165  
assess the application fee against a child if the court appoints a 4166  
guardian ad litem for the child or the court appoints an attorney 4167  
to represent the child at the request of a guardian ad litem. 4168

(4) The court shall not assess an application fee for a 4169  
postconviction proceeding or when the defendant files an appeal. 4170

(5)(a) Except when the court assesses an application fee 4171  
pursuant to division (A)(5)(b) of this section, the court shall 4172  
assess an application fee when a person is charged with a 4173  
violation of a community control sanction or a violation of a 4174  
post-release control sanction. 4175

(b) If a charge of violating a community control sanction or 4176  
post-release control sanction described in division (A)(5)(a) of 4177  
this section results in a person also being charged with violating 4178  
any provision of the Revised Code or an ordinance of a municipal 4179  
corporation, the court shall only assess an application fee for 4180  
the case that results from the additional charge. 4181

(6) If a case is transferred from one court to another court 4182  
and the person failed to pay the application fee to the court that 4183  
initially assessed the application fee, the court that initially 4184  
assessed the fee shall remove the assessment, and the court to 4185  
which the case was transferred shall assess the application fee. 4186

(7) The court shall assess an application fee pursuant to 4187  
this section one time per case. For purposes of assessing the 4188  
application fee, a case means one complete proceeding or trial 4189  
held in one court for a person on an indictment, information, 4190  
complaint, petition, citation, writ, motion, or other document 4191  
initiating a case that arises out of a single incident or a series 4192  
of related incidents, or when one individual is charged with two 4193  
or more offenses that the court handles simultaneously. The court 4194  
may waive or reduce the fee for a specific person in a specific 4195  
case upon a finding that the person lacks financial resources that 4196  
are sufficient to pay the fee or that payment of the fee would 4197  
result in an undue hardship. 4198

(B) No court, state public defender, county or joint county 4199  
public defender, or other counsel appointed by the court shall 4200  
deny a person the assistance of counsel solely due to the person's 4201  
failure to pay the application fee assessed pursuant to division 4202  
(A) of this section. A person's present inability, failure, or 4203  
refusal to pay the application fee shall not disqualify that 4204  
person from legal representation. 4205

(C) The application fee assessed pursuant to division (A) of 4206  
this section is separate from and in addition to any other amount 4207

assessed against a person who is found to be able to contribute 4208  
toward the cost of the person's legal representation pursuant to 4209  
division (D) of section 2941.51 of the Revised Code. 4210

(D) The clerk of the court that assessed the fees shall 4211  
forward all application fees collected pursuant to this section to 4212  
the county treasurer for deposit in the county treasury. The 4213  
county shall retain eighty per cent of the application fees so 4214  
collected to offset the costs of providing legal representation to 4215  
indigent persons. Not later than the last day of each month, the 4216  
county auditor shall remit twenty per cent of the application fees 4217  
so collected in the previous month to the state public defender. 4218  
The state public defender shall deposit the remitted fees into the 4219  
state treasury to the credit of the client payment fund created 4220  
pursuant to division (B)(5) of section 120.04 of the Revised Code. 4221  
The state public defender may use that money in accordance with 4222  
that section. 4223

(E) On or before the twentieth day of each month beginning in 4224  
February of the year 2007, each clerk of court shall provide to 4225  
the state public defender a report including all of the following: 4226

(1) The number of persons in the previous month who requested 4227  
or were provided a state public defender, county or joint county 4228  
public defender, or other counsel appointed by the court; 4229

(2) The number of persons in the previous month for whom the 4230  
court waived the application fee pursuant to division (A) of this 4231  
section; 4232

(3) The dollar value of the application fees assessed 4233  
pursuant to division (A) of this section in the previous month; 4234

(4) The amount of assessed application fees collected in the 4235  
previous month; 4236

(5) The balance of unpaid assessed application fees at the 4237  
open and close of the previous month. 4238

(F) As used in this section: 4239

(1) "Clerk of court" means the clerk of the court of common 4240  
pleas of the county, the clerk of the juvenile court of the 4241  
county, the clerk of the domestic relations division of the court 4242  
of common pleas of the county, the clerk of the probate court of 4243  
the county, the clerk of a municipal court in the county, the 4244  
clerk of a county-operated municipal court, or the clerk of a 4245  
county court in the county, whichever is applicable. 4246

(2) "County-operated municipal court" has the same meaning as 4247  
in section 1901.03 of the Revised Code. 4248

**Sec. 121.40.** (A) There is hereby created the Ohio commission 4249  
on service and volunteerism consisting of ~~twenty-one~~ nineteen 4250  
voting members including the superintendent of public instruction 4251  
or the superintendent's designee, the chancellor of higher 4252  
education or the chancellor's designee, the director of youth 4253  
services or the director's designee, the director of aging or the 4254  
director's designee, ~~the chairperson of the committee of the house~~ 4255  
~~of representatives dealing with education or the chairperson's~~ 4256  
~~designee, the chairperson of the committee of the senate dealing~~ 4257  
~~with education or the chairperson's designee,~~ and fifteen members 4258  
who shall be appointed by the governor with the advice and consent 4259  
of the senate and who shall serve terms of office of three years. 4260  
The appointees shall include educators, including teachers and 4261  
administrators; representatives of youth organizations; students 4262  
and parents; representatives of organizations engaged in volunteer 4263  
program development and management throughout the state, including 4264  
youth and conservation programs; and representatives of business, 4265  
government, nonprofit organizations, social service agencies, 4266  
veterans organizations, religious organizations, or philanthropies 4267  
that support or encourage volunteerism within the state. The 4268  
director of the governor's office of faith-based and community 4269



initiatives shall serve as a nonvoting ex officio member of the 4270  
commission. Members of the commission shall receive no 4271  
compensation, but shall be reimbursed for actual and necessary 4272  
expenses incurred in the performance of their official duties. 4273

(B) The commission shall appoint an executive director for 4274  
the commission, who shall be in the unclassified civil service. 4275  
The governor shall be informed of the appointment of an executive 4276  
director before such an appointment is made. The executive 4277  
director shall supervise the commission's activities and report to 4278  
the commission on the progress of those activities. The executive 4279  
director shall do all things necessary for the efficient and 4280  
effective implementation of the duties of the commission. 4281

The responsibilities assigned to the executive director do 4282  
not relieve the members of the commission from final 4283  
responsibility for the proper performance of the requirements of 4284  
this section. 4285

(C) The commission or its designee shall do all of the 4286  
following: 4287

(1) Employ, promote, supervise, and remove all employees as 4288  
needed in connection with the performance of its duties under this 4289  
section and may assign duties to those employees as necessary to 4290  
achieve the most efficient performance of its functions, and to 4291  
that end may establish, change, or abolish positions, and assign 4292  
and reassign duties and responsibilities of any employee of the 4293  
commission. Personnel employed by the commission who are subject 4294  
to Chapter 4117. of the Revised Code shall retain all of their 4295  
rights and benefits conferred pursuant to that chapter. Nothing in 4296  
this chapter shall be construed as eliminating or interfering with 4297  
Chapter 4117. of the Revised Code or the rights and benefits 4298  
conferred under that chapter to public employees or to any 4299  
bargaining unit. 4300

- (2) Maintain its office in Columbus, and may hold sessions at any place within the state; 4301  
4302
- (3) Acquire facilities, equipment, and supplies necessary to house the commission, its employees, and files and records under its control, and to discharge any duty imposed upon it by law. The expense of these acquisitions shall be audited and paid for in the same manner as other state expenses. For that purpose, the commission shall prepare and submit to the office of budget and management a budget for each biennium according to sections 101.532 and 107.03 of the Revised Code. The budget submitted shall cover the costs of the commission and its staff in the discharge of any duty imposed upon the commission by law. The commission shall not delegate any authority to obligate funds. 4303  
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- (4) Pay its own payroll and other operating expenses from line items designated by the general assembly; 4314  
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- (5) Retain its fiduciary responsibility as appointing authority. Any transaction instructions shall be certified by the appointing authority or its designee. 4316  
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- (6) Establish the overall policy and management of the commission in accordance with this chapter; 4319  
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- (7) Assist in coordinating and preparing the state application for funds under sections 101 to 184 of the "National and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C.A. 12411 to 12544, as amended, assist in administering and overseeing the "National and Community Service Trust Act of 1993," P.L. 103-82, 107 Stat. 785, and the americorps program in this state, and assist in developing objectives for a comprehensive strategy to encourage and expand community service programs throughout the state; 4321  
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- (8) Assist the state board of education, school districts, the chancellor of higher education, and institutions of higher 4330  
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education in coordinating community service education programs 4332  
through cooperative efforts between institutions and organizations 4333  
in the public and private sectors; 4334

(9) Assist the departments of natural resources, youth 4335  
services, aging, and job and family services in coordinating 4336  
community service programs through cooperative efforts between 4337  
institutions and organizations in the public and private sectors; 4338

(10) Suggest individuals and organizations that are available 4339  
to assist school districts, institutions of higher education, and 4340  
the departments of natural resources, youth services, aging, and 4341  
job and family services in the establishment of community service 4342  
programs and assist in investigating sources of funding for 4343  
implementing these programs; 4344

(11) Assist in evaluating the state's efforts in providing 4345  
community service programs using standards and methods that are 4346  
consistent with any statewide objectives for these programs and 4347  
provide information to the state board of education, school 4348  
districts, the chancellor of higher education, institutions of 4349  
higher education, and the departments of natural resources, youth 4350  
services, aging, and job and family services to guide them in 4351  
making decisions about these programs; 4352

(12) Assist the state board of education in complying with 4353  
section 3301.70 of the Revised Code and the chancellor of higher 4354  
education in complying with division (B)(2) of section 3333.043 of 4355  
the Revised Code. 4356

(D) The commission shall in writing enter into an agreement 4357  
with another state agency to serve as the commission's fiscal 4358  
agent. Before entering into such an agreement, the commission 4359  
shall inform the governor of the terms of the agreement and of the 4360  
state agency designated to serve as the commission's fiscal agent. 4361  
The fiscal agent shall be responsible for all the commission's 4362

fiscal matters and financial transactions, as specified in the 4363  
agreement. Services to be provided by the fiscal agent include, 4364  
but are not limited to, the following: 4365

(1) Preparing and processing payroll and other personnel 4366  
documents that the commission executes as the appointing 4367  
authority; 4368

(2) Maintaining ledgers of accounts and reports of account 4369  
balances, and monitoring budgets and allotment plans in 4370  
consultation with the commission; and 4371

(3) Performing other routine support services that the fiscal 4372  
agent considers appropriate to achieve efficiency. 4373

(E)(1) The commission, in conjunction and consultation with 4374  
the fiscal agent, has the following authority and responsibility 4375  
relative to fiscal matters: 4376

(a) Sole authority to draw funds for any and all federal 4377  
programs in which the commission is authorized to participate; 4378

(b) Sole authority to expend funds from their accounts for 4379  
programs and any other necessary expenses the commission may incur 4380  
and its subgrantees may incur; and 4381

(c) Responsibility to cooperate with and inform the fiscal 4382  
agent fully of all financial transactions. 4383

(2) The commission shall follow all state procurement, 4384  
fiscal, human resources, statutory, and administrative rule 4385  
requirements. 4386

(3) The fiscal agent shall determine fees to be charged to 4387  
the commission, which shall be in proportion to the services 4388  
performed for the commission. 4389

(4) The commission shall pay fees owed to the fiscal agent 4390  
from a general revenue fund of the commission or from any other 4391  
fund from which the operating expenses of the commission are paid. 4392

Any amounts set aside for a fiscal year for the payment of these 4393  
fees shall be used only for the services performed for the 4394  
commission by the fiscal agent in that fiscal year. 4395

(F) The commission may accept and administer grants from any 4396  
source, public or private, to carry out any of the commission's 4397  
functions this section establishes. 4398

**Sec. 121.48.** There is hereby created the office of the 4399  
inspector general, to be headed by the inspector general. 4400

The term of the inspector general serving on the effective 4401  
date of this amendment ends January 11, 2021. The ~~governor shall~~ 4402  
~~appoint the~~ inspector general shall be appointed by the governor 4403  
quadrennially thereafter, subject to section 121.49 of the Revised 4404  
Code and the advice and consent of the senate. ~~The inspector~~ 4405  
~~general, and~~ shall hold office for a term ~~coinciding with the term~~ 4406  
~~of the appointing governor~~ of four years commencing on the second 4407  
Monday of January. The governor may remove the inspector general 4408  
from office only after delivering written notice to the inspector 4409  
general of the reasons for which the governor intends to remove 4410  
the inspector general from office and providing the inspector 4411  
general with an opportunity to appear and show cause why the 4412  
inspector general should not be removed. 4413

In addition to the duties imposed by section 121.42 of the 4414  
Revised Code, the inspector general shall manage the office of the 4415  
inspector general. The inspector general shall establish and 4416  
maintain offices in Columbus. 4417

The inspector general may employ and fix the compensation of 4418  
one or more deputy inspectors general. Each deputy inspector 4419  
general shall serve for a term coinciding with the term of the 4420  
appointing inspector general, and shall perform the duties, 4421  
including the performance of investigations, that are assigned by 4422  
the inspector general. All deputy inspectors general are in the 4423

unclassified service and serve at the pleasure of the inspector general. 4424  
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In addition to deputy inspectors general, the inspector general may employ and fix the compensation of professional, technical, and clerical employees that are necessary for the effective and efficient operation of the office of the inspector general. All professional, technical, and clerical employees of the office of the inspector general are in the unclassified service and serve at the pleasure of the appointing inspector general. 4426  
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The inspector general may enter into any contracts that are necessary to the operation of the office of the inspector general. The contracts may include, but are not limited to, contracts for the services of persons who are experts in a particular field and whose expertise is necessary to the successful completion of an investigation. 4434  
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Not later than the first day of March in each year, the inspector general shall publish an annual report summarizing the activities of the inspector general's office during the previous calendar year. The annual report shall not disclose the results of any investigation insofar as the results are designated as confidential under section 121.44 of the Revised Code. 4440  
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The inspector general shall provide copies of the inspector general's annual report to the governor and the general assembly. The inspector general also shall provide a copy of the annual report to any other person who requests the copy and pays a fee prescribed by the inspector general. The fee shall not exceed the cost of reproducing and delivering the annual report. 4446  
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**Sec. 122.01.** (A) As used in the Revised Code, the "department of development" means the development services agency and the "director of development" means the director of development 4452  
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services. Whenever the department or director of development is 4455  
referred to or designated in any statute, rule, contract, grant, 4456  
or other document, the reference or designation shall be deemed to 4457  
refer to the development services agency or director of 4458  
development services, as the case may be. 4459

(B) As used in this chapter: 4460

(1) "Community problems" includes, but is not limited to, 4461  
taxation, fiscal administration, governmental structure and 4462  
organization, intergovernmental cooperation, education and 4463  
training, employment needs, community planning and development, 4464  
air and water pollution, public safety and the administration of 4465  
justice, housing, mass transportation, community facilities and 4466  
services, health, welfare, recreation, open space, and the 4467  
development of human resources. 4468

(2) "Edison center network" means the six cooperative, 4469  
industry-connected, nonprofit organizations that have met all of 4470  
the following criteria: 4471

(a) Historically received funding under the Thomas Alva 4472  
Edison grant program; 4473

(b) Been in existence at least fifteen years as of the 4474  
effective date of the amendment of this section; 4475

(c) Experience delivering technical and networking services 4476  
to Ohio manufacturers. 4477

(3) "Professional personnel" means either of the following: 4478

(a) Personnel who have earned a bachelor's degree from a 4479  
college or university; 4480

(b) Personnel who serve as or have the working title of 4481  
director, assistant director, deputy director, assistant deputy 4482  
director, manager, office chief, assistant office chief, or 4483  
program director. 4484

~~(3)~~(4) "Technical personnel" means any of the following: 4485

(a) Personnel who provide technical assistance according to 4486  
their job description or in accordance with the Revised Code; 4487

(b) Personnel employed in the director of development 4488  
services' office or the legal office, communications office, 4489  
finance office, legislative affairs office, or human resources 4490  
office of the development services agency; 4491

(c) Personnel employed in the technology division of the 4492  
agency. 4493

**Sec. 122.071.** (A) The TourismOhio advisory board is hereby 4494  
established to advise the director of development services and the 4495  
director of the office of TourismOhio on strategies for promoting 4496  
tourism in this state. The board shall consist of the chief 4497  
investment officer of the nonprofit corporation formed under 4498  
section 187.01 of the Revised Code or the chief investment 4499  
officer's designee, the director of the office of TourismOhio, and 4500  
nine members to be appointed by the governor as provided in 4501  
division (B) of this section. All members of the board, except the 4502  
director of the office of TourismOhio, shall be voting members. 4503

(B)(1) The governor shall, within sixty days after ~~the~~ 4504  
~~effective date of this section~~ September 28, 2012, appoint to the 4505  
TourismOhio advisory board one individual who is a representative 4506  
of convention and visitors' bureaus, one individual who is a 4507  
representative of the lodging industry, one individual who is a 4508  
representative of the restaurant industry, one individual who is a 4509  
representative of attractions, one individual who is a 4510  
representative of special events and festivals, one individual who 4511  
is a representative of agritourism, and three individuals who are 4512  
representatives of the tourism industry. Of the initial 4513  
appointments, two individuals shall serve a term of one year, 4514  
three individuals shall serve a term of two years, and the 4515



remainder shall serve a term of three years. Thereafter, terms of 4516  
office shall be for three years. Each individual appointed to the 4517  
board shall be a United States citizen. 4518

(2) For purposes of division (B)(1) of this section, an 4519  
individual is a "representative of the tourism industry" if the 4520  
individual possesses five years or more executive-level experience 4521  
in the attractions, lodging, restaurant, transportation, or retail 4522  
industry or five years or more executive-level experience with a 4523  
destination marketing organization. 4524

(C)(1) Each member of the TourismOhio advisory board shall 4525  
hold office from the date of the member's appointment until the 4526  
end of the term for which the member is appointed. Vacancies that 4527  
occur on the board shall be filled in the manner prescribed for 4528  
regular appointments to the board. A member appointed to fill a 4529  
vacancy occurring prior to the expiration of the term for which 4530  
the member's predecessor was appointed shall hold office for the 4531  
remainder of that predecessor's term. A member shall continue in 4532  
office subsequent to the expiration date of the member's term 4533  
until the member's successor takes office or until sixty days have 4534  
elapsed, whichever occurs first. Any member appointed to the board 4535  
is eligible for reappointment. 4536

(2) The governor shall designate one member of the board as 4537  
chairperson. 4538

(3) Members appointed to the board may be reimbursed for 4539  
actual and necessary expenses incurred in connection with their 4540  
official duties. 4541

**Sec. 122.08.** (A) There is hereby created within the 4542  
~~department of development~~ services agency an office to be known as 4543  
the office of small business and entrepreneurship. The office 4544  
shall be under the supervision of a manager appointed by the 4545  
director of development services. 4546

- (B) The office shall do all of the following: 4547
- (1) Act as liaison between the small business community and 4548  
state governmental agencies; 4549
- (2) Furnish information and technical assistance to persons 4550  
and small businesses concerning the establishment and maintenance 4551  
of a small business, and concerning state laws and rules relevant 4552  
to the operation of a small business. In conjunction with these 4553  
duties, the office shall keep a record of all proposed and 4554  
currently effective state agency rules affecting small businesses, 4555  
and may testify before the joint committee on agency rule review 4556  
concerning any proposed rule affecting small businesses. 4557
- (3) Prepare and publish the small business register under 4558  
section 122.081 of the Revised Code; 4559
- (4) Receive complaints from small businesses concerning 4560  
governmental activity, compile and analyze those complaints, and 4561  
periodically make recommendations to the governor and the general 4562  
assembly on changes in state laws or agency rules needed to 4563  
eliminate burdensome and unproductive governmental regulation to 4564  
improve the economic climate within which small businesses 4565  
operate; 4566
- (5) Receive complaints or questions from small businesses and 4567  
direct those businesses to the appropriate governmental agency. 4568  
If, within a reasonable period of time, a complaint is not 4569  
satisfactorily resolved or a question is not satisfactorily 4570  
answered, the office shall, on behalf of the small business, make 4571  
every effort to secure a satisfactory result. For this purpose, 4572  
the office may consult with any state governmental agency and may 4573  
make any suggestion or request that seems appropriate. 4574
- (6) Utilize, to the maximum extent possible, the printed and 4575  
electronic media to disseminate information of current concern and 4576  
interest to the small business community and to make known to 4577

small businesses the services available through the office. The 4578  
office shall publish such books, pamphlets, and other printed 4579  
materials, and shall participate in such trade association 4580  
meetings, conventions, fairs, and other meetings involving the 4581  
small business community, as the manager considers appropriate. 4582

(7) Prepare a description of the activities of the office for 4583  
inclusion in the ~~department of development's~~ development services 4584  
agency's annual report to the governor and general assembly, ~~a~~ 4585  
~~description of the activities of the office and a report of the~~ 4586  
~~number of rules affecting small businesses that were recorded by~~ 4587  
~~the office during the preceding calendar year;~~ 4588

(8) Operate the Ohio first-stop business connection to assist 4589  
individuals in identifying and preparing applications for business 4590  
licenses, permits, and certificates and to serve as ~~the central~~ a 4591  
public distributor for all forms, applications, and other 4592  
information related to business licensing. Each state agency, 4593  
board, and commission shall cooperate in providing assistance, 4594  
information, and materials to enable the connection to perform its 4595  
duties under this division. 4596

(9) Provide information to individuals about the resources 4597  
available on the OhioMeansJobs web site and through the local 4598  
OhioMeansJobs one-stop systems established under section 6301.08 4599  
of the Revised Code that connect businesses with job seekers. As 4600  
used in this division, "OhioMeansJobs" has the same meaning as in 4601  
section 6301.01 of the Revised Code. 4602

(C) The office may, upon the request of a state agency, 4603  
assist the agency with the preparation of any rule that will 4604  
affect small businesses. 4605

(D) The director of development services shall assign 4606  
employees and furnish equipment and supplies to the office as the 4607  
director considers necessary for the proper performance of the 4608

duties assigned to the office. 4609

**Sec. 122.081.** (A) The office of small business and 4610  
entrepreneurship in the ~~department of~~ development services agency 4611  
shall prepare and publish a "small business register" or contract 4612  
with any person as provided in this section to prepare and publish 4613  
the register. The small business register shall contain the 4614  
following information regarding each proposed rule recorded by the 4615  
office of small business and entrepreneurship: 4616

(1) The title and administrative code rule number of the 4617  
proposed rule; 4618

(2) A brief summary of the proposed rule; 4619

(3) The date on which the proposed rule was recorded by the 4620  
office of small business and entrepreneurship; and 4621

(4) The name, address, and telephone number of an individual 4622  
or office within the agency that proposed the rule who can provide 4623  
information about the proposed rule. 4624

(B) The small business register shall be published on a 4625  
weekly basis. The information required under division (A) of this 4626  
section shall be published in the register no later than two weeks 4627  
after the proposed rule to which the information relates is 4628  
recorded by the office of small business and entrepreneurship. The 4629  
office ~~of small business~~ shall furnish the small business 4630  
register, on a single copy or subscription basis, to any person 4631  
who requests it and pays a single copy price or subscription rate 4632  
fixed by the office. The office shall furnish the chairpersons of 4633  
the standing committees of the senate and house of representatives 4634  
having jurisdiction over small businesses with free subscriptions 4635  
to the small business register. 4636

(C) Upon the request of the office of small business and 4637  
entrepreneurship, the director of administrative services shall, 4638

in accordance with the competitive selection procedure of Chapter 4639  
125. of the Revised Code, let a contract for the compilation, 4640  
printing, and distribution of the small business register. 4641

(D) The office of small business and entrepreneurship shall 4642  
adopt, and may amend or rescind, in accordance with Chapter 119. 4643  
of the Revised Code, such rules as are necessary to enable it to 4644  
properly carry out this section. 4645

Sec. 122.15. As used in this section and sections 122.151 to 4646  
122.156 of the Revised Code: 4647

(A) "Affiliate" means a person that directly, or indirectly 4648  
through one or more intermediaries, controls, is controlled by, or 4649  
is under common control with another person. For the purposes of 4650  
this division, a person is "controlled by" another person if the 4651  
controlling person holds, directly or indirectly, the majority 4652  
voting or ownership interest in the controlled person or has 4653  
control over the day-to-day operations of the controlled person by 4654  
contract or by law. 4655

(B) "Closing date" means the date on which a rural business 4656  
and high-growth industry fund has collected all of the amounts 4657  
specified by divisions (G)(1) and (2) of section 122.151 of the 4658  
Revised Code. 4659

(C) "Credit-eligible capital contribution" means an 4660  
investment of cash by a person subject to the tax imposed by 4661  
section 3901.86, 5725.18, 5726.02, 5729.03, or 5729.06 of the 4662  
Revised Code in a rural business and high-growth industry fund 4663  
that equals the amount specified on a notice of tax credit 4664  
allocation issued by the development services agency under 4665  
division (F)(2) of section 122.151 of the Revised Code. The 4666  
investment shall purchase an equity interest in the fund or 4667  
purchase, at par value or premium, a debt instrument issued by the 4668  
fund that meets all of the following criteria: 4669

(1) The debt instrument has an original maturity date of at least five years after the date of issuance. 4670  
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(2) The debt instrument has a repayment schedule that is not faster than a level principal amortization over five years. 4672  
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(3) The debt instrument has no interest, distribution, or payment features dependent on the fund's profitability or the success of the fund's growth investments. 4674  
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(D) "Eligible investment authority" means the amount stated on the notice issued under division (F)(1) of section 122.151 of the Revised Code certifying the rural business and high-growth industry fund. Sixty per cent of a fund's eligible investment authority shall be comprised of credit-eligible capital contributions. 4677  
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(E) "Growth investment" means any capital or equity investment in a rural business concern or high-growth industry business concern, or any loan to such business concerns with a stated maturity of at least one year. A secured loan or the provision of a revolving line of credit to a rural business concern or a high-growth industry business concern is a growth investment only if the rural business and high-growth industry fund obtains an affidavit from the president or chief executive officer of the business concern attesting that the business concern sought and was denied similar financing from a commercial bank. 4683  
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(F) "High-growth industry business concern" means an operating company that is engaged in an industry that is assigned a North American industry classification system code within sector 11, 21, 23, 31 to 33, 42, 48, 49, 54, 56, 62, or 81, or that is certified by the development services agency under division (B) of section 122.156 of the Revised Code. 4694  
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(G) "New job years" means the amount computed under division 4700

(A) of section 122.155 of the Revised Code. 4701

(H) "Operating company" means any business that has its 4702  
principal business operations in this state, has fewer than two 4703  
hundred fifty employees or not more than fifteen million dollars 4704  
in net income for the preceding taxable year, and that is none of 4705  
the following: 4706

(1) A country club; 4707

(2) A racetrack or other facility used for gambling; 4708

(3) A store the principal purpose of which is the sale of 4709  
alcoholic beverages for consumption off premises; 4710

(4) A massage parlor; 4711

(5) A hot tub facility; 4712

(6) A suntan facility; 4713

(7) A business engaged in the development or holding of 4714  
intangibles for sale; 4715

(8) A private or commercial golf course; 4716

(9) A business that derives or projects to derive fifteen per 4717  
cent or more of its net income from the rental or sale of real 4718  
property, except any business that is a special purpose entity 4719  
principally owned by a principal user of that property formed 4720  
solely for the purpose of renting, either directly or indirectly, 4721  
or selling real property back to such principal user if such 4722  
principal user does not derive fifteen per cent or more of its 4723  
gross annual revenue from the rental or sale of real property; 4724

(10) A publicly traded business. 4725

For the purposes of this division, "net income" means federal 4726  
gross income as required to be reported under the Internal Revenue 4727  
Code less federal and state taxes imposed on or measured by 4728  
income. 4729

(I) A business's "principal business operations" are in this state if at least eighty per cent of the business's employees reside in this state, the individuals who receive eighty per cent of the business's payroll reside in this state, or the business has agreed to use the proceeds of a growth investment to relocate at least eighty per cent of its employees to this state or pay at least eighty per cent of its payroll to individuals residing in this state. 4730  
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(J) "Rural area" means either of the following: 4738

(1) Any area that is not located in a city having a population greater than fifty thousand or in the urbanized area adjacent to such a city; 4739  
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(2) Any area determined to be "rural in character" by the under secretary of agriculture for rural development within the United States department of agriculture. 4742  
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(K) "Rural business concern" means an operating company that has its principal business operations located in a rural area. 4745  
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(L) "Rural business and high-growth industry fund" and "fund" mean an entity certified by the development services agency under section 122.151 of the Revised Code. 4747  
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(M) "Taxable year" when used in reference to an insurance company means the calendar year ending on the thirty-first day of December next preceding the day the annual statement is required to be returned under section 5725.18 or 5729.02 of the Revised Code; when used in reference to a financial institution, "taxable year" has the same meaning as in section 5726.01 of the Revised Code. 4750  
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**Sec. 122.151.** (A) On and after September 1, 2017, a person that has developed a business plan to invest in rural business concerns and high-growth industry business concerns in this state 4757  
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and has successfully solicited private investors to make capital 4760  
contributions in support of the plan may apply to the development 4761  
services agency for certification as a rural business and 4762  
high-growth industry fund. The application shall include all of 4763  
the following: 4764

(1) The total eligible investment authority sought by the 4765  
applicant under the business plan; 4766

(2) Documents and other evidence sufficient to prove, to the 4767  
satisfaction of the agency, that the applicant meets all of the 4768  
following criteria: 4769

(a) The applicant or an affiliate of the applicant is 4770  
licensed as a rural business investment company under 7 U.S.C. 4771  
2009cc, or as a small business investment company under 15 U.S.C. 4772  
681. 4773

(b) As of the date the application is submitted, the 4774  
applicant has invested more than one hundred million dollars in 4775  
operating companies, including at least fifty million dollars in 4776  
operating companies located in rural areas. In computing 4777  
investments under this division, the applicant may include 4778  
investments made by affiliates of the applicant and investments 4779  
made in businesses that are not operating companies but would 4780  
qualify as operating companies if the principal business 4781  
operations were located in this state. 4782

(3) The industries in which the applicant proposes to make 4783  
growth investments and the percentage of the growth investments 4784  
that will be made in each industry. The applicant shall identify 4785  
each industry by using the codes utilized by the north American 4786  
industry classification system. 4787

(4) An estimate of the number of new job years and retained 4788  
job years that will be produced in this state as a result of the 4789  
applicant's growth investments; 4790

(5) A revenue impact assessment for the applicant's proposed growth investments prepared by a nationally recognized third-party independent economic forecasting firm using a dynamic economic forecasting model. The revenue impact assessment shall analyze the applicant's business plan over the ten years following the date the application is submitted to the agency. 4791  
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(6) A signed affidavit from each investor successfully solicited by the applicant to make a credit eligible capital contribution in support of the business plan. Each affidavit shall include information sufficient for the tax commissioner to identify the investor and shall state the amount of the investor's credit-eligible capital contribution. 4797  
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(7) A nonrefundable application fee of five thousand dollars. 4803

(B)(1) Except as provided in division (B)(2) of this section, the development services agency shall review and make a determination with respect to each application submitted under division (A) of this section within sixty days of receipt. The agency shall review and make determinations on the applications in the order in which the applications are received by the agency. Applications received by the agency on the same day shall be deemed to have been received simultaneously. Except as provided in division (C) of section 122.154 of the Revised Code, the agency shall approve not more than one hundred million dollars in eligible investment authority and not more than sixty million dollars in credit-eligible capital contributions under this section. Not more than one-third of the eligible investment authority and credit-eligible capital contributions approved under this section may be awarded to a single rural business and high-growth industry fund and its affiliates. 4804  
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(2) If the agency denies an application for certification as a fund, and approving a subsequently submitted application would result in exceeding the dollar limitation on eligible investment 4820  
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authority or credit-eligible contributions prescribed by division 4823  
(B)(1) of this section assuming the previously denied application 4824  
were completed, clarified, or cured under division (D) of this 4825  
section, the agency may refrain from making a determination on the 4826  
subsequently submitted application until the previously denied 4827  
application is reconsidered or the fifteen-day period for 4828  
submitting additional information respecting that application has 4829  
passed, whichever comes first. 4830

(C) The agency shall deny an application submitted under this 4831  
section if any of the following are true: 4832

(1) The application is incomplete. 4833

(2) The application fee is not paid in full. 4834

(3) The applicant does not satisfy all the criteria described 4835  
in division (A)(2) of this section. 4836

(4) The revenue impact assessment submitted under division 4837  
(A)(5) of this section does not demonstrate that the applicant's 4838  
business plan will result in a positive economic impact on this 4839  
state over a ten-year period that exceeds the cumulative amount of 4840  
tax credits that would be issued under section 122.152 of the 4841  
Revised Code if the application were approved. 4842

(5) The credit-eligible capital contributions described in 4843  
affidavits submitted under division (A)(6) of this section do not 4844  
equal sixty per cent of the total amount of eligible investment 4845  
authority sought under the applicant's business plan. 4846

(6) The agency has already approved the maximum total 4847  
eligible investment authority and credit-eligible capital 4848  
contributions allowed under division (B) of this section or the 4849  
maximum amount allowed with respect to the applicant fund under 4850  
that division. 4851

(D) If the agency denies an application under division (C) of 4852

this section, the agency shall send notice of its determination to 4853  
the applicant. The notice shall include the reason or reasons that 4854  
the application was denied. If the application was denied for any 4855  
reason other than the reason specified in division (C)(6) of this 4856  
section, the applicant may provide additional information to the 4857  
agency to complete, clarify, or cure defects in the application. 4858  
The additional information must be submitted within fifteen days 4859  
after the date the notice of denial was dispatched by the agency. 4860  
If the person submits additional information within fifteen days, 4861  
the agency shall reconsider the application within thirty days 4862  
after receiving the additional information. The application shall 4863  
be reviewed and considered before any pending application 4864  
submitted after the original submission date of the reconsidered 4865  
application. If the person does not submit additional information 4866  
within fifteen days after dispatch of the notice of denial, the 4867  
person may submit a new application with a new submission date at 4868  
any time. 4869

(E) If approving multiple simultaneously submitted 4870  
applications would result in exceeding the overall eligible 4871  
investment limit prescribed by division (B) of this section, the 4872  
agency shall proportionally reduce the eligible investment 4873  
authority and the credit-eligible capital contributions for each 4874  
approved application as necessary to avoid exceeding the limit. 4875

(F) The agency shall not deny a rural business and 4876  
high-growth industry fund application or reduce the requested 4877  
eligible investment authority for reasons other than those 4878  
described in divisions (C) and (E) of this section. If the agency 4879  
approves such an application, the agency shall issue all of the 4880  
following notices: 4881

(1) To the applicant, a written notice certifying that the 4882  
applicant qualifies as a rural business and high-growth industry 4883  
fund and specifying the amount of the applicant's eligible 4884

investment authority; 4885

(2) To each investor whose affidavit was included in the 4886  
application, a notice specifying the amount of credit-eligible 4887  
capital allocated to the investor and the associated tax credit 4888  
amount; 4889

(3) To the tax commissioner, a notice of the amount and 4890  
utilization schedule of the tax credits allocated to each investor 4891  
receiving a notice under division (F)(2) of this section. 4892

(G) A fund shall do all of the following within sixty days of 4893  
receiving the certification issued under division (F)(1) of this 4894  
section: 4895

(1) Collect the credit-eligible capital contributions from 4896  
each investor in the amount set forth in the notice provided to 4897  
the investor under division (F)(2) of this section; 4898

(2) Collect one or more investments of cash that, when added 4899  
to the contributions collected under division (G)(1) of this 4900  
section, equal the fund's eligible investment authority. At least 4901  
ten per cent of the fund's eligible investment authority shall be 4902  
comprised of equity investments contributed by affiliates of the 4903  
fund, including employees, officers, and directors of such 4904  
affiliates. 4905

Within sixty-five days after receiving the certification 4906  
issued under division (F)(1) of this section, the fund shall send 4907  
to the agency documentation sufficient to prove that the amounts 4908  
described in divisions (G)(1) and (2) of this section have been 4909  
collected. If the fund fails to fully comply with division (G) of 4910  
this section, the fund's certification shall lapse. 4911

Eligible investment authority and corresponding 4912  
credit-eligible capital contributions that lapse under this 4913  
division do not count toward limits on total eligible investment 4914  
authority and credit-eligible capital contributions prescribed by 4915

division (B) of this section. Once eligible investment authority 4916  
has lapsed, the agency shall first award lapsed authority pro rata 4917  
to each fund that was awarded less than the requested eligible 4918  
investment authority under division (E) of this section. Any 4919  
remaining eligible investment authority may be awarded by the 4920  
agency to new applicants. 4921

(H) Application fees submitted to the agency pursuant to 4922  
division (A)(7) of this section shall be credited to the Ohio 4923  
rural and high-growth industry jobs fund, which is hereby created, 4924  
and shall be used by the agency to administer this section and 4925  
sections 122.15 to 122.156 of the Revised Code. 4926

**Sec. 122.152.** (A) There is hereby allowed a nonrefundable tax 4927  
credit for owners of tax credit certificates issued by the 4928  
development services agency under division (B) of this section. 4929  
The credit may be claimed against the tax imposed by section 4930  
3901.86, 5725.18, 5726.02, 5729.03, or 5729.06 of the Revised 4931  
Code. 4932

(B) On the closing date, a taxpayer that made a 4933  
credit-eligible capital contribution to a rural business and 4934  
high-growth industry fund shall earn a vested credit equal to the 4935  
amount specified in the notice issued under division (F)(2) of 4936  
section 122.151 of the Revised Code. On or before the third, 4937  
fourth, fifth, and sixth anniversary dates of the closing date, 4938  
the agency shall issue a tax credit certificate to the taxpayer 4939  
specifying the corresponding anniversary date and a credit amount 4940  
equal to one-fourth of the total credit authorized under this 4941  
section. The owner of the certificate may claim the credit amount 4942  
for the taxable year that includes the date specified on the 4943  
certificate. A tax credit certificate issued under section 122.151 4944  
of the Revised Code may not be sold or transferred except to an 4945  
affiliate of the taxpayer that is subject to the tax imposed by 4946

section 3901.86, 5725.18, 5726.02, 5729.03, or 5729.06 of the 4947  
Revised Code. The taxpayer making a credit-eligible capital 4948  
contribution and the issuance of a tax credit by the agency does 4949  
not represent a verification or certification by the agency of 4950  
compliance with the recapture provisions of section 122.153 of the 4951  
Revised Code. The tax credit earned and vested under this division 4952  
is subject to recapture under section 122.153 of the Revised Code. 4953

(C) The credit shall be claimed in the order required under 4954  
section 5725.98, 5726.98, or 5729.98 of the Revised Code as 4955  
applicable. If the amount of the credit for a taxable year exceeds 4956  
the tax otherwise due for that year, the excess shall be carried 4957  
forward to ensuing taxable years until fully used. A taxpayer 4958  
claiming a credit under this section shall submit a copy of the 4959  
tax credit certificate with the taxpayer's return for each taxable 4960  
year in which the credit is claimed. 4961

**Sec. 122.153.** (A) The development services agency shall 4962  
recapture tax credits claimed under section 122.152 of the Revised 4963  
Code if any of the following occur with respect to a rural 4964  
business and high-growth industry fund before the fund is 4965  
decertified under division (C) of this section: 4966

(1) The fund in which the credit-eligible capital 4967  
contribution was made does not invest fifty per cent of its 4968  
eligible investment authority in growth investments within one 4969  
year of the closing date and one hundred per cent of its eligible 4970  
investment authority in growth investments in this state within 4971  
two years of the closing date. 4972

(2) On the second anniversary of the closing date, the fund 4973  
has not invested fifty per cent of its eligible investment 4974  
authority in growth investments in rural business concerns in this 4975  
state and fifty per cent of its eligible investment authority in 4976  
growth investments in high-growth industry business concerns in 4977

this state. 4978

(3) The fund, after investing one hundred per cent of its 4979  
eligible investment authority in growth investments in this state, 4980  
fails to maintain that investment until the sixth anniversary of 4981  
the closing date. For the purposes of this division, an investment 4982  
is "maintained" even if the investment is sold or repaid so long 4983  
as the fund reinvests an amount equal to the capital returned or 4984  
recovered by the fund from the original investment, exclusive of 4985  
any profits realized, in other growth investments in this state 4986  
within twelve months of the receipt of such capital, provided that 4987  
the fund shall make the reinvestment even if such twelve-month 4988  
anniversary occurs after the fifth anniversary of the closing 4989  
date. Amounts received periodically by a fund shall be treated as 4990  
continually invested in growth investments if the amounts are 4991  
reinvested in one or more growth investments by the end of the 4992  
following calendar year, provided that the fund shall make the 4993  
reinvestment even if the end of the following calendar year occurs 4994  
after the fifth anniversary of the closing date. Except as 4995  
otherwise provided by this division, a fund is not required to 4996  
reinvest capital returned from growth investments if the capital 4997  
is returned after the fifth anniversary of the closing date, and 4998  
such growth investments shall be considered held continuously by 4999  
the fund through the sixth anniversary of the closing date. 5000

(4) The fund makes a distribution or payment after the fund 5001  
complies with division (G) of section 122.151 of the Revised Code 5002  
and before the fund decertifies under division (D) of this section 5003  
that results in the fund having less than one hundred per cent of 5004  
its eligible investment authority invested in growth investments 5005  
in this state or held in cash and other marketable securities. 5006

(5) The fund makes a growth investment in a rural business 5007  
concern or high-growth industry business concern that directly or 5008  
indirectly through an affiliate owns, has the right to acquire an 5009



ownership interest, makes a loan to, or makes an investment in the 5010  
fund, an affiliate of the fund, or an investor in the fund. 5011

Division (A)(5) of this section does not apply to investments in 5012  
publicly traded securities by a rural business concern, a 5013  
high-growth industry business concern, or an owner or affiliate of 5014  
either such business concerns. 5015

Before recapturing one or more tax credits under this 5016  
division, the agency shall notify the fund of the reasons for the 5017  
pending recapture. If the fund corrects the violations outlined in 5018  
the notice to the satisfaction of the agency within one hundred 5019  
eighty days of the date the notice was dispatched, the agency 5020  
shall not recapture the tax credits. 5021

(B)(1) Except as otherwise provided in division (B)(2) of 5022  
this section, the amount by which one or more growth investments 5023  
by a fund in the same rural business concern or high-growth 5024  
industry business concern exceeds twenty per cent of the fund's 5025  
eligible investment authority shall not be counted as a growth 5026  
investment for the purposes of division (A) of this section. 5027

(2) The reinvestment of capital that was returned to or 5028  
recovered by a fund from a growth investment that was sold or 5029  
repaid shall be counted as a growth investment for the purposes of 5030  
division (A) of this section even if the reinvestment results in 5031  
more than twenty per cent of the fund's eligible investment 5032  
authority being invested in the same rural business concern or 5033  
high-growth industry business concern. 5034

(3) A growth investment in an affiliate of a rural business 5035  
concern or high-growth industry business concern shall be treated 5036  
as a growth investment in that rural business concern or 5037  
high-growth industry business concern for the purposes of division 5038  
(B) of this section. 5039

(C)(1) If the agency recaptures a tax credit under division 5040

(A) of this section, the agency shall notify the tax commissioner 5041  
and the superintendent of insurance of the recapture. The 5042  
superintendent or the commissioner shall make an assessment under 5043  
Chapter 5725., 5726., or 5729. of the Revised Code for the amount 5044  
of the credit claimed by each certificate owner associated with 5045  
the fund before the recapture was finalized. The time limitations 5046  
on assessments under those chapters do not apply to an assessment 5047  
under this division, but the superintendent or the commissioner 5048  
shall make the assessment within one year after the date the 5049  
agency notifies the superintendent or the commissioner of the 5050  
recapture. Following the recapture of a tax credit under division 5051  
(A) of this section, no tax credit certificate associated with the 5052  
fund may be utilized. Notwithstanding division (B) of section 5053  
122.152 of the Revised Code, if a tax credit is recaptured under 5054  
division (A) of this section the agency shall not issue future tax 5055  
credit certificates to taxpayers that made credit-eligible capital 5056  
contributions to the fund. 5057

(2) If tax credits are recaptured, the associated eligible 5058  
investment authority and credit-eligible capital contributions do 5059  
not count toward the limit on total eligible investment authority 5060  
and credit-eligible capital contributions described by division 5061  
(B) of section 122.151 of the Revised Code. The agency shall first 5062  
award reverted authority pro rata to each fund that was awarded 5063  
less than the requested eligible investment authority under 5064  
division (E) of section 122.151 of the Revised Code. Any remaining 5065  
eligible investment authority may be awarded by the agency to new 5066  
applicants. 5067

(D)(1) On or after the sixth anniversary of the closing date, 5068  
a fund that has not committed any of the acts described in 5069  
division (A) of this section may apply to the agency to decertify 5070  
as a rural business and high-growth industry fund. The agency 5071  
shall respond to the application within thirty days after 5072

receiving the application. In evaluating the application, the fact 5073  
that no tax credit has been recaptured with respect to the fund 5074  
shall be sufficient evidence to prove that the fund is eligible 5075  
for decertification. The agency shall not unreasonably deny an 5076  
application submitted under this division. 5077

(2) The agency shall send notice of its determination with 5078  
respect to an application submitted under division (D)(1) of this 5079  
section to the fund. If the application is denied, the notice 5080  
shall include the reason or reasons for the determination. 5081

(3) The agency shall not recapture a tax credit due to any 5082  
actions of a fund that occur after the date the fund's application 5083  
for decertification is approved under division (D) of this 5084  
section. This division does not prohibit the agency from 5085  
recapturing a tax credit due to the actions of a fund that occur 5086  
before the date the fund's application for decertification is 5087  
approved, even if those actions are discovered after that date. 5088

**Sec. 122.154.** (A) Each rural business and high-growth 5089  
industry fund shall submit a report to the development services 5090  
agency on or before the first day of each March following the end 5091  
of the calendar year that includes the closing date until the year 5092  
after the fund has decertified. The report shall provide an 5093  
itemization of the fund's growth investments and shall include the 5094  
following documents and information: 5095

(1) A bank statement evidencing each growth investment; 5096

(2) The name, location, and industry class of each business 5097  
that received a growth investment from the fund and evidence that 5098  
the business qualified as a rural business concern or high-growth 5099  
industry business concern at the time the investment was made. If 5100  
the fund obtained a written opinion from the agency on the 5101  
business's status as a rural business concern or high-growth 5102  
industry business concern under division (A) of section 122.156 of 5103

the Revised Code, or if the fund requests such an opinion and the 5104  
agency failed to respond within fifteen days as required by that 5105  
division, a copy of the agency's favorable opinion or a dated copy 5106  
of the fund's unanswered request, as applicable, shall be 5107  
sufficient evidence that the business qualified as a rural 5108  
business concern or high-growth industry business concern at the 5109  
time the investment was made. 5110

(3) The number of employment positions that existed at each 5111  
business described in division (A)(2) of this section on the date 5112  
the business received the growth investment; 5113

(4) The number of new job years resulting from each of the 5114  
fund's growth investments made or maintained in the preceding 5115  
calendar year, the proportion of those new job years that are with 5116  
rural business concerns, and the proportion of those new job years 5117  
that are with high-growth industry business concerns; 5118

(5) Any other information required by the agency. 5119

(B) Each fund shall submit a report to the agency on or 5120  
before the fifth business day after the second anniversary of the 5121  
closing date that provides documentation sufficient to prove that 5122  
the fund has met the investment thresholds described in divisions 5123  
(A)(1) and (2) of section 122.153 of the Revised Code and has not 5124  
implicated any of the other recapture provisions described in 5125  
divisions (A)(3) to (5) of that section. 5126

(C) Not later than the first day of February each year, the 5127  
development services agency shall compute the amount of an annual 5128  
fee to be paid by each certified fund and give notice of the fee 5129  
to each such fund by mail or by electronic means. The amount of 5130  
the fee shall equal the quotient obtained by dividing fifty 5131  
thousand dollars by the number of certified funds on the first day 5132  
of January of that year. The initial annual fee required of a fund 5133  
shall be due and payable to the agency along with the submission 5134

of documentation required under division (G) of section 122.151 of 5135  
the Revised Code. Each subsequent annual fee is due and payable on 5136  
the last day of February following the first and each ensuing 5137  
anniversary of the closing date. If the fund is required to submit 5138  
an annual report under division (A) of this section, the annual 5139  
fee shall be submitted along with the report. No fund shall be 5140  
required to pay an annual fee after the fund has decertified under 5141  
division (D) of section 122.153 of the Revised Code. 5142

(D) The director of development services, after consultation 5143  
with the tax commissioner and the superintendent of insurance and 5144  
in accordance with Chapter 119. of the Revised Code, shall adopt 5145  
rules necessary to implement sections 122.15 to 122.156 of the 5146  
Revised Code, including rules pertaining to the computation of new 5147  
job years, the state reimbursement amount, and the number of 5148  
retained jobs under section 122.155 of the Revised Code. 5149

**Sec. 122.155.** (A)(1) For each calendar year in which a rural 5150  
business and high-growth industry fund makes or maintains a growth 5151  
investment in a rural business concern or high-growth industry 5152  
business concern in this state, the fund shall determine the 5153  
number of new job years produced at the business concern as a 5154  
result of the investment. New job years shall be computed by 5155  
subtracting the number of employment positions at the business 5156  
concern on the date of the fund's initial growth investment in the 5157  
business concern from the number of employment positions at the 5158  
business concern on the last day of the calendar year in which the 5159  
investment was made or maintained. If the computation results in a 5160  
number less than zero, the number of new job years produced by the 5161  
fund's growth investment for that calendar year period shall be 5162  
zero. 5163

(2) A fund may determine and include, for the purposes of 5164  
this section and section 122.154 of the Revised Code, the number 5165

of new job years produced at a business concern after the year in 5166  
which the fund's growth investment is repaid or redeemed. The new 5167  
job years shall be computed in the same manner as in division 5168  
(A)(1) of this section based on reporting information provided by 5169  
the business concern to the fund. 5170

(B) After a fund's application for decertification is 5171  
approved under division (D) of section 122.153 of the Revised 5172  
Code, the fund shall determine the state reimbursement amount. The 5173  
state reimbursement amount shall equal the amount by which the 5174  
fund's credit-eligible capital contributions exceed the product 5175  
obtained by multiplying thirty thousand dollars by the aggregate 5176  
number of new job years for the fund. If that product is greater 5177  
than the fund's credit-eligible capital contributions, the state 5178  
reimbursement amount shall equal zero. In the absence of 5179  
additional information provided by the fund or discovered by the 5180  
agency, the number of new job years for the purposes of this 5181  
division equals the sum of all new job years reported by the fund 5182  
on the annual reports required under division (A) of section 5183  
122.154 of the Revised Code. 5184

(C) After the state reimbursement amount is computed under 5185  
division (B) of this section, the fund shall not be permitted to 5186  
make further distributions to equity holders of the fund without 5187  
first remitting to the agency the lesser of the state 5188  
reimbursement amount or the remaining balance of the fund after 5189  
all persons holding equity in the fund receive a payment or 5190  
distribution equal to the person's equity investment and the 5191  
person's federal and state tax liability, including penalties and 5192  
interest, related to the person's ownership, management, or 5193  
operation of the fund. All amounts received by the agency under 5194  
this division shall be credited to the general revenue fund. 5195

(D) The director of development services, upon the request of 5196  
a fund, may waive all or a portion of the remission required under 5197

division (C) of this section if the director determines, based on 5198  
an affidavit of the chief executive officer or president of a 5199  
rural business concern or high-growth industry business concern, 5200  
that the growth investments of the fund resulted in the retention 5201  
of employment positions that would have otherwise been eliminated 5202  
at rural business concerns and high-growth industry business 5203  
concerns in this state. The amount waived shall not exceed the 5204  
product of thirty thousand dollars multiplied by the number of 5205  
retained employment positions multiplied by the number of years in 5206  
which the fund made or maintained a growth investment in the 5207  
business concern that retained the employment positions. 5208

**Sec. 122.156.** (A) A rural business and high-growth industry 5209  
fund, before investing in a business, may request a written 5210  
opinion from the development services agency as to whether the 5211  
business qualifies as a rural business concern or a high-growth 5212  
industry business concern based on the criteria prescribed by 5213  
section 122.15 of the Revised Code. The request shall be submitted 5214  
in a form prescribed by rule of the agency. The agency shall issue 5215  
a written opinion to the fund within fifteen business days of 5216  
receiving such a request. Notwithstanding division (I) of section 5217  
122.15 of the Revised Code, if the agency determines that the 5218  
business qualifies as a rural business concern or high-growth 5219  
industry business concern, or if the agency fails to timely issue 5220  
the written opinion as required under this section, the business 5221  
shall be considered a rural business concern or high-growth 5222  
industry business concern for the purposes of sections 122.15 to 5223  
122.156 of the Revised Code. 5224

(B) Upon the request of a fund or an operating company, the 5225  
agency may certify an operating company as a high-growth industry 5226  
business concern, irrespective of the industry in which the 5227  
operating company is engaged, if the agency determines that a 5228  
growth investment in the operating company would be beneficial to 5229

the economic growth of the state. 5230

**Sec. 122.17.** (A) As used in this section: 5231

(1) "Payroll" means the total taxable income paid by the 5232  
employer during the employer's taxable year, or during the 5233  
calendar year that includes the employer's tax period, to each 5234  
employee or each home-based employee employed in the project to 5235  
the extent such payroll is not used to determine the credit under 5236  
section 122.171 of the Revised Code. "Payroll" excludes amounts 5237  
paid before the day the taxpayer becomes eligible for the credit 5238  
and retirement or other benefits paid or contributed by the 5239  
employer to or on behalf of employees. 5240

(2) "Baseline payroll" means Ohio employee payroll, except 5241  
that the applicable measurement period is the twelve months 5242  
immediately preceding the date the tax credit authority approves 5243  
the taxpayer's application or the date the tax credit authority 5244  
receives the recommendation described in division (C)(2)(a) of 5245  
this section, whichever occurs first, multiplied by the sum of one 5246  
plus an annual pay increase factor to be determined by the tax 5247  
credit authority. 5248

(3) "Ohio employee payroll" means the amount of compensation 5249  
used to determine the withholding obligations in division (A) of 5250  
section 5747.06 of the Revised Code and paid by the employer 5251  
during the employer's taxable year, or during the calendar year 5252  
that includes the employer's tax period, to ~~each~~ the following: 5253

(a) An employee employed in the project who is a resident of 5254  
this state, as defined in section 5747.01 of the Revised Code, to 5255  
each including a qualifying work-from-home employee not designated 5256  
as a home-based employee by an applicant under division (C)(1) of 5257  
this section; 5258

(b) An employee employed at the project site location who is 5259



not a resident and whose compensation is not exempt from the tax 5260  
imposed under section 5747.02 of the Revised Code pursuant to a 5261  
reciprocity agreement with another state under division (A)(3) of 5262  
section 5747.05 of the Revised Code, ~~or to each;~~ 5263

(c) A home-based employee employed in the project, ~~to the~~ 5264  
~~extent.~~ 5265

"Ohio employee payroll" excludes any such compensation to the 5266  
extent it is not used to determine the credit under section 5267  
122.171 of the Revised Code. ~~"Ohio employee payroll", and~~ 5268  
excludes amounts paid before the day the taxpayer becomes eligible for the 5269  
credit under this section. 5270

(4) "Excess payroll" means Ohio employee payroll minus 5271  
baseline payroll. 5272

(5) "Home-based employee" means an employee whose services 5273  
are performed primarily from the employee's residence in this 5274  
state exclusively for the benefit of the project and whose rate of 5275  
pay is at least one hundred thirty-one per cent of the federal 5276  
minimum wage under 29 U.S.C. 206. 5277

(6) "Full-time equivalent employees" means the quotient 5278  
obtained by dividing the total number of hours for which employees 5279  
were compensated for employment in the project by two thousand 5280  
eighty. "Full-time equivalent employees" excludes hours that are 5281  
counted for a credit under section 122.171 of the Revised Code. 5282

(7) "Metric evaluation date" means the date by which the 5283  
taxpayer must meet all of the commitments included in the 5284  
agreement. 5285

(8) "Qualifying work-from-home employee" means an employee 5286  
who is a resident of this state and whose services are supervised 5287  
from the employer's project location and performed primarily from 5288  
a residence of the employee located in this state. 5289

(9) "Resident" or "resident of this state" means an individual who is a resident as defined in section 5747.01 of the Revised Code.

(B) The tax credit authority may make grants under this section to foster job creation in this state. Such a grant shall take the form of a refundable credit allowed against the tax imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 5747.02 or levied under Chapter 5751. of the Revised Code. The credit shall be claimed for the taxable years or tax periods specified in the taxpayer's agreement with the tax credit authority under division (D) of this section. With respect to taxes imposed under section 5726.02, 5733.06, or 5747.02 or Chapter 5751. of the Revised Code, the credit shall be claimed in the order required under section 5726.98, 5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of the credit available for a taxable year or for a calendar year that includes a tax period equals the excess payroll for that year multiplied by the percentage specified in the agreement with the tax credit authority.

(C)(1) A taxpayer or potential taxpayer who proposes a project to create new jobs in this state may apply to the tax credit authority to enter into an agreement for a tax credit under this section.

An application shall not propose to include both home-based employees and employees who are not home-based employees in the computation of Ohio employee payroll for the purposes of the same tax credit agreement, except that a qualifying work-from-home employee shall not be considered to be a home-based employee unless so designated by the applicant. If a taxpayer or potential taxpayer employs both home-based employees and employees who are not home-based employees in a project, the taxpayer shall submit separate applications for separate tax credit agreements for the

project, one of which shall include home-based employees in the 5322  
computation of Ohio employee payroll and one of which shall 5323  
include all other employees in the computation of Ohio employee 5324  
payroll. 5325

The director of development services shall prescribe the form 5326  
of the application. After receipt of an application, the authority 5327  
may enter into an agreement with the taxpayer for a credit under 5328  
this section if it determines all of the following: 5329

(a) The taxpayer's project will increase payroll; 5330

(b) The taxpayer's project is economically sound and will 5331  
benefit the people of this state by increasing opportunities for 5332  
employment and strengthening the economy of this state; 5333

(c) Receiving the tax credit is a major factor in the 5334  
taxpayer's decision to go forward with the project. 5335

(2)(a) A taxpayer that chooses to begin the project prior to 5336  
receiving the determination of the authority may, upon submitting 5337  
the taxpayer's application to the authority, request that the 5338  
chief investment officer of the nonprofit corporation formed under 5339  
section 187.01 of the Revised Code and the director review the 5340  
taxpayer's application and recommend to the authority that the 5341  
taxpayer's application be considered. As soon as possible after 5342  
receiving such a request, the chief investment officer and the 5343  
director shall review the taxpayer's application and, if they 5344  
determine that the application warrants consideration by the 5345  
authority, make that recommendation to the authority not later 5346  
than six months after the application is received by the 5347  
authority. 5348

(b) The authority shall consider any taxpayer's application 5349  
for which it receives a recommendation under division (C)(2)(a) of 5350  
this section. If the authority determines that the taxpayer does 5351  
not meet all of the criteria set forth in division (C)(1) of this 5352

section, the authority and the development services agency shall 5353  
proceed in accordance with rules adopted by the director pursuant 5354  
to division (I) of this section. 5355

(D) An agreement under this section shall include all of the 5356  
following: 5357

(1) A detailed description of the project that is the subject 5358  
of the agreement; 5359

(2)(a) The term of the tax credit, which, except as provided 5360  
in division (D)(2)(b) of this section, shall not exceed fifteen 5361  
years, and the first taxable year, or first calendar year that 5362  
includes a tax period, for which the credit may be claimed; 5363

(b) If the tax credit is computed on the basis of home-based 5364  
employees, the term of the credit shall expire on or before the 5365  
last day of the taxable or calendar year ending before the 5366  
beginning of the seventh year after September 6, 2012, the 5367  
effective date of H.B. 327 of the 129th general assembly. 5368

(3) A requirement that the taxpayer shall maintain operations 5369  
at the project location for at least the greater of seven years or 5370  
the term of the credit plus three years; 5371

(4) The percentage, as determined by the tax credit 5372  
authority, of excess payroll that will be allowed as the amount of 5373  
the credit for each taxable year or for each calendar year that 5374  
includes a tax period; 5375

(5) The pay increase factor to be applied to the taxpayer's 5376  
baseline payroll; 5377

(6) A requirement that the taxpayer annually shall report to 5378  
the director of development services full-time equivalent 5379  
employees, payroll, Ohio employee payroll, investment, the 5380  
provision of health care benefits and tuition reimbursement if 5381  
required in the agreement, and other information the director 5382

needs to perform the director's duties under this section; 5383

(7) A requirement that the director of development services 5384  
annually review the information reported under division (D)(6) of 5385  
this section and verify compliance with the agreement; if the 5386  
taxpayer is in compliance, a requirement that the director issue a 5387  
certificate to the taxpayer stating that the information has been 5388  
verified and identifying the amount of the credit that may be 5389  
claimed for the taxable or calendar year; 5390

(8) A provision providing that the taxpayer may not relocate 5391  
a substantial number of employment positions from elsewhere in 5392  
this state to the project location unless the director of 5393  
development services determines that the legislative authority of 5394  
the county, township, or municipal corporation from which the 5395  
employment positions would be relocated has been notified by the 5396  
taxpayer of the relocation. 5397

For purposes of this section, the movement of an employment 5398  
position from one political subdivision to another political 5399  
subdivision shall be considered a relocation of an employment 5400  
position unless the employment position in the first political 5401  
subdivision is replaced. The movement of a qualifying 5402  
work-from-home employee to a different residence located in this 5403  
state or to the project location shall not be considered a 5404  
relocation of an employment position. 5405

(9) If the tax credit is computed on the basis of home-based 5406  
employees, that the tax credit may not be claimed by the taxpayer 5407  
until the taxable year or tax period in which the taxpayer employs 5408  
at least two hundred employees more than the number of employees 5409  
the taxpayer employed on June 30, 2011. 5410

(E) If a taxpayer fails to meet or comply with any condition 5411  
or requirement set forth in a tax credit agreement, the tax credit 5412  
authority may amend the agreement to reduce the percentage or term 5413

of the tax credit. The reduction of the percentage or term may 5414  
take effect in the current taxable or calendar year. 5415

(F) Projects that consist solely of point-of-final-purchase 5416  
retail facilities are not eligible for a tax credit under this 5417  
section. If a project consists of both point-of-final-purchase 5418  
retail facilities and nonretail facilities, only the portion of 5419  
the project consisting of the nonretail facilities is eligible for 5420  
a tax credit and only the excess payroll from the nonretail 5421  
facilities shall be considered when computing the amount of the 5422  
tax credit. If a warehouse facility is part of a 5423  
point-of-final-purchase retail facility and supplies only that 5424  
facility, the warehouse facility is not eligible for a tax credit. 5425  
Catalog distribution centers are not considered 5426  
point-of-final-purchase retail facilities for the purposes of this 5427  
division, and are eligible for tax credits under this section. 5428

(G) Financial statements and other information submitted to 5429  
the development services agency or the tax credit authority by an 5430  
applicant or recipient of a tax credit under this section, and any 5431  
information taken for any purpose from such statements or 5432  
information, are not public records subject to section 149.43 of 5433  
the Revised Code. However, the chairperson of the authority may 5434  
make use of the statements and other information for purposes of 5435  
issuing public reports or in connection with court proceedings 5436  
concerning tax credit agreements under this section. Upon the 5437  
request of the tax commissioner or, if the applicant or recipient 5438  
is an insurance company, upon the request of the superintendent of 5439  
insurance, the chairperson of the authority shall provide to the 5440  
commissioner or superintendent any statement or information 5441  
submitted by an applicant or recipient of a tax credit in 5442  
connection with the credit. The commissioner or superintendent 5443  
shall preserve the confidentiality of the statement or 5444  
information. 5445

(H) A taxpayer claiming a credit under this section shall 5446  
submit to the tax commissioner or, if the taxpayer is an insurance 5447  
company, to the superintendent of insurance, a copy of the 5448  
director of development services' certificate of verification 5449  
under division (D)(7) of this section with the taxpayer's tax 5450  
report or return for the taxable year or for the calendar year 5451  
that includes the tax period. Failure to submit a copy of the 5452  
certificate with the report or return does not invalidate a claim 5453  
for a credit if the taxpayer submits a copy of the certificate to 5454  
the commissioner or superintendent within the time prescribed by 5455  
section 5703.0510 of the Revised Code or within thirty days after 5456  
the commissioner or superintendent requests it. 5457

(I) The director of development services, after consultation 5458  
with the tax commissioner and the superintendent of insurance and 5459  
in accordance with Chapter 119. of the Revised Code, shall adopt 5460  
rules necessary to implement this section, including rules that 5461  
establish a procedure to be followed by the tax credit authority 5462  
and the development services agency in the event the authority 5463  
considers a taxpayer's application for which it receives a 5464  
recommendation under division (C)(2)(a) of this section but does 5465  
not approve it. The rules may provide for recipients of tax 5466  
credits under this section to be charged fees to cover 5467  
administrative costs of the tax credit program. For the purposes 5468  
of these rules, a qualifying work-from-home employee shall be 5469  
considered to be an employee employed at the applicant's project 5470  
location. The fees collected shall be credited to the ~~business~~ 5471  
~~assistance~~ tax incentives operating fund created in section 5472  
122.174 of the Revised Code. At the time the director gives public 5473  
notice under division (A) of section 119.03 of the Revised Code of 5474  
the adoption of the rules, the director shall submit copies of the 5475  
proposed rules to the chairpersons of the standing committees on 5476  
economic development in the senate and the house of 5477  
representatives. 5478

(J) For the purposes of this section, a taxpayer may include 5479  
a partnership, a corporation that has made an election under 5480  
subchapter S of chapter one of subtitle A of the Internal Revenue 5481  
Code, or any other business entity through which income flows as a 5482  
distributive share to its owners. A partnership, S-corporation, or 5483  
other such business entity may elect to pass the credit received 5484  
under this section through to the persons to whom the income or 5485  
profit of the partnership, S-corporation, or other entity is 5486  
distributed. The election shall be made on the annual report 5487  
required under division (D)(6) of this section. The election 5488  
applies to and is irrevocable for the credit for which the report 5489  
is submitted. If the election is made, the credit shall be 5490  
apportioned among those persons in the same proportions as those 5491  
in which the income or profit is distributed. 5492

(K)(1) If the director of development services determines 5493  
that a taxpayer who has received a credit under this section is 5494  
not complying with the requirements of the agreement, the director 5495  
shall notify the tax credit authority of the noncompliance. After 5496  
receiving such a notice, and after giving the taxpayer an 5497  
opportunity to explain the noncompliance, the tax credit authority 5498  
may require the taxpayer to refund to this state a portion of the 5499  
credit in accordance with the following: 5500

(a) If the taxpayer fails to comply with the requirement 5501  
under division (D)(3) of this section, an amount determined in 5502  
accordance with the following: 5503

(i) If the taxpayer maintained operations at the project 5504  
location for a period less than or equal to the term of the 5505  
credit, an amount not exceeding one hundred per cent of the sum of 5506  
any credits allowed and received under this section; 5507

(ii) If the taxpayer maintained operations at the project 5508  
location for a period longer than the term of the credit, but less 5509  
than the greater of seven years or the term of the credit plus 5510



three years, an amount not exceeding seventy-five per cent of the 5511  
sum of any credits allowed and received under this section. 5512

(b) If, on the metric evaluation date, the taxpayer fails to 5513  
substantially meet the job creation, payroll, or investment 5514  
requirements included in the agreement, an amount determined at 5515  
the discretion of the authority; 5516

(c) If the taxpayer fails to substantially maintain the 5517  
number of new full-time equivalent employees or amount of payroll 5518  
required under the agreement at any time during the term of the 5519  
agreement after the metric evaluation date, an amount determined 5520  
at the discretion of the authority. 5521

(2) If a taxpayer files for bankruptcy and fails as described 5522  
in division (K)(1)(a), (b), or (c) of this section, the director 5523  
may immediately commence an action to recoup an amount not 5524  
exceeding one hundred per cent of the sum of any credits received 5525  
by the taxpayer under this section. 5526

(3) In determining the portion of the tax credit to be 5527  
refunded to this state, the tax credit authority shall consider 5528  
the effect of market conditions on the taxpayer's project and 5529  
whether the taxpayer continues to maintain other operations in 5530  
this state. After making the determination, the authority shall 5531  
certify the amount to be refunded to the tax commissioner or 5532  
superintendent of insurance, as appropriate. If the amount is 5533  
certified to the commissioner, the commissioner shall make an 5534  
assessment for that amount against the taxpayer under Chapter 5535  
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 5536  
amount is certified to the superintendent, the superintendent 5537  
shall make an assessment for that amount against the taxpayer 5538  
under Chapter 5725. or 5729. of the Revised Code. The time 5539  
limitations on assessments under those chapters do not apply to an 5540  
assessment under this division, but the commissioner or 5541  
superintendent, as appropriate, shall make the assessment within 5542

one year after the date the authority certifies to the 5543  
commissioner or superintendent the amount to be refunded. 5544

(L) On or before the first day of August each year, the 5545  
director of development services shall submit a report to the 5546  
governor, the president of the senate, and the speaker of the 5547  
house of representatives on the tax credit program under this 5548  
section. The report shall include information on the number of 5549  
agreements that were entered into under this section during the 5550  
preceding calendar year, a description of the project that is the 5551  
subject of each such agreement, and an update on the status of 5552  
projects under agreements entered into before the preceding 5553  
calendar year. 5554

(M) There is hereby created the tax credit authority, which 5555  
consists of the director of development services and four other 5556  
members appointed as follows: the governor, the president of the 5557  
senate, and the speaker of the house of representatives each shall 5558  
appoint one member who shall be a specialist in economic 5559  
development; the governor also shall appoint a member who is a 5560  
specialist in taxation. Terms of office shall be for four years. 5561  
Each member shall serve on the authority until the end of the term 5562  
for which the member was appointed. Vacancies shall be filled in 5563  
the same manner provided for original appointments. Any member 5564  
appointed to fill a vacancy occurring prior to the expiration of 5565  
the term for which the member's predecessor was appointed shall 5566  
hold office for the remainder of that term. Members may be 5567  
reappointed to the authority. Members of the authority shall 5568  
receive their necessary and actual expenses while engaged in the 5569  
business of the authority. The director of development services 5570  
shall serve as chairperson of the authority, and the members 5571  
annually shall elect a vice-chairperson from among themselves. 5572  
Three members of the authority constitute a quorum to transact and 5573  
vote on the business of the authority. The majority vote of the 5574

membership of the authority is necessary to approve any such 5575  
business, including the election of the vice-chairperson. 5576

The director of development services may appoint a 5577  
professional employee of the development services agency to serve 5578  
as the director's substitute at a meeting of the authority. The 5579  
director shall make the appointment in writing. In the absence of 5580  
the director from a meeting of the authority, the appointed 5581  
substitute shall serve as chairperson. In the absence of both the 5582  
director and the director's substitute from a meeting, the 5583  
vice-chairperson shall serve as chairperson. 5584

(N) For purposes of the credits granted by this section 5585  
against the taxes imposed under sections 5725.18 and 5729.03 of 5586  
the Revised Code, "taxable year" means the period covered by the 5587  
taxpayer's annual statement to the superintendent of insurance. 5588

(O) On or before the first day of March of each of the five 5589  
calendar years beginning with 2014, each taxpayer subject to an 5590  
agreement with the tax credit authority under this section on the 5591  
basis of home-based employees shall report the number of 5592  
home-based employees and other employees employed by the taxpayer 5593  
in this state to the development services agency. 5594

(P) On or before the first day of January of 2019, the 5595  
director of development services shall submit a report to the 5596  
governor, the president of the senate, and the speaker of the 5597  
house of representatives on the effect of agreements entered into 5598  
under this section in which the taxpayer included home-based 5599  
employees in the computation of income tax revenue, as that term 5600  
was defined in this section prior to the amendment of this section 5601  
by H.B. 64 of the 131st general assembly. The report shall include 5602  
information on the number of such agreements that were entered 5603  
into in the preceding six years, a description of the projects 5604  
that were the subjects of such agreements, and an analysis of 5605  
nationwide home-based employment trends, including the number of 5606

home-based jobs created from July 1, 2011, through June 30, 2017, 5607  
and a description of any home-based employment tax incentives 5608  
provided by other states during that time. 5609

(Q) The director of development services may require any 5610  
agreement entered into under this section for a tax credit 5611  
computed on the basis of home-based employees to contain a 5612  
provision that the taxpayer makes available health care benefits 5613  
and tuition reimbursement to all employees. 5614

(R) Original agreements approved by the tax credit authority 5615  
under this section in 2014 or 2015 before ~~the effective date of~~ 5616  
~~this division~~ September 29, 2015, may be revised at the request of 5617  
the taxpayer to conform with the amendments to this section and 5618  
sections 5733.0610, 5736.50, 5747.058, and 5751.50 of the Revised 5619  
Code by H.B. 64 of the 131st general assembly, upon mutual 5620  
agreement of the taxpayer and the development services agency, and 5621  
approval by the tax credit authority. 5622

(S)(1) As used in division (S) of this section: 5623

(a) "Eligible agreement" means an agreement approved by the 5624  
tax credit authority under this section on or before December 31, 5625  
2013. 5626

(b) "Reporting period" means a period corresponding to the 5627  
annual report required under division (D)(6) of this section. 5628

(c) "Income tax revenue" has the same meaning as under this 5629  
section as it existed before September 29, 2015, the effective 5630  
date of the amendment of this section by H.B. 64 of the 131st 5631  
general assembly. 5632

(2) In calendar year 2016 and thereafter, the tax credit 5633  
authority shall annually determine a withholding adjustment factor 5634  
to be used in the computation of income tax revenue for eligible 5635  
agreements. The withholding adjustment factor shall be a numerical 5636  
percentage that equals the percentage that employer income tax 5637

withholding rates have been increased or decreased as a result of 5638  
changes in the income tax rates prescribed by section 5747.02 of 5639  
the Revised Code by amendment of that section taking effect on or 5640  
after June 29, 2013. 5641

(3) Except as provided in division (S)(4) of this section, 5642  
for reporting periods ending in 2015 and thereafter for taxpayers 5643  
subject to eligible agreements, the tax credit authority shall 5644  
adjust the income tax revenue reported on the taxpayer's annual 5645  
report by multiplying the withholding adjustment factor by the 5646  
taxpayer's income tax revenue and doing one of the following: 5647

(a) If the income tax rates prescribed by section 5747.02 of 5648  
the Revised Code have decreased by amendment of that section 5649  
taking effect on or after June 29, 2013, add the product to the 5650  
taxpayer's income tax revenue. 5651

(b) If the income tax rates prescribed by section 5747.02 of 5652  
the Revised Code have increased by amendment of that section 5653  
taking effect on or after June 29, 2013, subtract the product from 5654  
the taxpayer's income tax revenue. 5655

(4) Division (S)(3) of this section shall not apply unless 5656  
all of the following apply for the reporting period with respect 5657  
to the eligible agreement: 5658

(a) The taxpayer has achieved one hundred per cent of the new 5659  
employment commitment identified in the agreement. 5660

(b) If applicable, the taxpayer has achieved one hundred per 5661  
cent of the new payroll commitment identified in the agreement. 5662

(c) If applicable, the taxpayer has achieved one hundred per 5663  
cent of the investment commitment identified in the agreement. 5664

(5) Failure by a taxpayer to have achieved any of the 5665  
applicable commitments described in divisions (S)(4)(a) to (c) of 5666  
this section in a reporting period does not disqualify the 5667

taxpayer for the adjustment under division (S) of this section for 5668  
an ensuing reporting period. 5669

**Sec. 122.171.** (A) As used in this section: 5670

(1) "Capital investment project" means a plan of investment 5671  
at a project site for the acquisition, construction, renovation, 5672  
or repair of buildings, machinery, or equipment, or for 5673  
capitalized costs of basic research and new product development 5674  
determined in accordance with generally accepted accounting 5675  
principles, but does not include any of the following: 5676

(a) Payments made for the acquisition of personal property 5677  
through operating leases; 5678

(b) Project costs paid before January 1, 2002; 5679

(c) Payments made to a related member as defined in section 5680  
5733.042 of the Revised Code or to a consolidated elected taxpayer 5681  
or a combined taxpayer as defined in section 5751.01 of the 5682  
Revised Code. 5683

(2) "Eligible business" means a taxpayer and its related 5684  
members with Ohio operations satisfying all of the following: 5685

(a) The taxpayer employs at least five hundred full-time 5686  
equivalent employees or has an annual Ohio employee payroll of at 5687  
least thirty-five million dollars at the time the tax credit 5688  
authority grants the tax credit under this section; 5689

(b) The taxpayer makes or causes to be made payments for the 5690  
capital investment project of one of the following: 5691

(i) If the taxpayer is engaged at the project site primarily 5692  
as a manufacturer, at least fifty million dollars in the aggregate 5693  
at the project site during a period of three consecutive calendar 5694  
years, including the calendar year that includes a day of the 5695  
taxpayer's taxable year or tax period with respect to which the 5696  
credit is granted; 5697

(ii) If the taxpayer is engaged at the project site primarily 5698  
in significant corporate administrative functions, as defined by 5699  
the director of development services by rule, at least twenty 5700  
million dollars in the aggregate at the project site during a 5701  
period of three consecutive calendar years including the calendar 5702  
year that includes a day of the taxpayer's taxable year or tax 5703  
period with respect to which the credit is granted. 5704

(c) The taxpayer had a capital investment project reviewed 5705  
and approved by the tax credit authority as provided in divisions 5706  
(C), (D), and (E) of this section. 5707

(3) "Full-time equivalent employees" means the quotient 5708  
obtained by dividing the total number of hours for which employees 5709  
were compensated for employment in the project by two thousand 5710  
eighty. "Full-time equivalent employees" shall exclude hours that 5711  
are counted for a credit under section 122.17 of the Revised Code. 5712

(4) "Ohio employee payroll" has the same meaning as in 5713  
section 122.17 of the Revised Code. 5714

(5) "Manufacturer" has the same meaning as in section 5715  
5739.011 of the Revised Code. 5716

(6) "Project site" means an integrated complex of facilities 5717  
in this state, as specified by the tax credit authority under this 5718  
section, within a fifteen-mile radius where a taxpayer is 5719  
primarily operating as an eligible business. 5720

(7) "Related member" has the same meaning as in section 5721  
5733.042 of the Revised Code as that section existed on the 5722  
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 5723  
general assembly, September 29, 1997. 5724

(8) "Taxable year" includes, in the case of a domestic or 5725  
foreign insurance company, the calendar year ending on the 5726  
thirty-first day of December preceding the day the superintendent 5727  
of insurance is required to certify to the treasurer of state 5728

under section 5725.20 or 5729.05 of the Revised Code the amount of 5729  
taxes due from insurance companies. 5730

(B) The tax credit authority created under section 122.17 of 5731  
the Revised Code may grant a nonrefundable tax credit to an 5732  
eligible business under this section for the purpose of fostering 5733  
job retention in this state. Upon application by an eligible 5734  
business and upon consideration of the determination of the 5735  
director of budget and management, tax commissioner, and the 5736  
superintendent of insurance in the case of an insurance company, 5737  
and the recommendation and determination of the director of 5738  
development services under division (C) of this section, the tax 5739  
credit authority may grant the credit against the tax imposed by 5740  
section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 5741  
5751.02 of the Revised Code. 5742

The credit authorized in this section may be granted for a 5743  
period up to fifteen taxable years or, in the case of the tax 5744  
levied by section 5736.02 or 5751.02 of the Revised Code, for a 5745  
period of up to fifteen calendar years. The credit amount for a 5746  
taxable year or a calendar year that includes the tax period for 5747  
which a credit may be claimed equals the Ohio employee payroll for 5748  
that year multiplied by the percentage specified in the agreement 5749  
with the tax credit authority. The credit shall be claimed in the 5750  
order required under section 5725.98, 5726.98, 5729.98, 5733.98, 5751  
5747.98, or 5751.98 of the Revised Code. In determining the 5752  
percentage and term of the credit, the tax credit authority shall 5753  
consider both the number of full-time equivalent employees and the 5754  
value of the capital investment project. The credit amount may not 5755  
be based on the Ohio employee payroll for a calendar year before 5756  
the calendar year in which the tax credit authority specifies the 5757  
tax credit is to begin, and the credit shall be claimed only for 5758  
the taxable years or tax periods specified in the eligible 5759  
business' agreement with the tax credit authority. In no event 5760



shall the credit be claimed for a taxable year or tax period 5761  
terminating before the date specified in the agreement. 5762

If a credit allowed under this section for a taxable year or 5763  
tax period exceeds the taxpayer's tax liability for that year or 5764  
period, the excess may be carried forward for the three succeeding 5765  
taxable or calendar years, but the amount of any excess credit 5766  
allowed in any taxable year or tax period shall be deducted from 5767  
the balance carried forward to the succeeding year or period. 5768

(C) A taxpayer that proposes a capital investment project to 5769  
retain jobs in this state may apply to the tax credit authority to 5770  
enter into an agreement for a tax credit under this section. The 5771  
director of development services shall prescribe the form of the 5772  
application. After receipt of an application, the authority shall 5773  
forward copies of the application to the director of budget and 5774  
management, the tax commissioner, and the superintendent of 5775  
insurance in the case of an insurance company, each of whom shall 5776  
review the application to determine the economic impact the 5777  
proposed project would have on the state and the affected 5778  
political subdivisions and shall submit a summary of their 5779  
determinations to the authority. The authority shall also forward 5780  
a copy of the application to the director of development services, 5781  
who shall review the application to determine the economic impact 5782  
the proposed project would have on the state and the affected 5783  
political subdivisions and shall submit a summary of the 5784  
director's determinations and recommendations to the authority. 5785

(D) Upon review and consideration of the determinations and 5786  
recommendations described in division (C) of this section, the tax 5787  
credit authority may enter into an agreement with the taxpayer for 5788  
a credit under this section if the authority determines all of the 5789  
following: 5790

(1) The taxpayer's capital investment project will result in 5791  
the retention of employment in this state. 5792

(2) The taxpayer is economically sound and has the ability to complete the proposed capital investment project. 5793  
5794

(3) The taxpayer intends to and has the ability to maintain operations at the project site for at least the greater of (a) the term of the credit plus three years, or (b) seven years. 5795  
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(4) Receiving the credit is a major factor in the taxpayer's decision to begin, continue with, or complete the project. 5798  
5799

(E) An agreement under this section shall include all of the following: 5800  
5801

(1) A detailed description of the project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, the number of full-time equivalent employees at the project site, and the anticipated Ohio employee payroll to be generated. 5802  
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(2) The term of the credit, the percentage of the tax credit, the maximum annual value of tax credits that may be allowed each year, and the first year for which the credit may be claimed. 5807  
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(3) A requirement that the taxpayer maintain operations at the project site for at least the greater of (a) the term of the credit plus three years, or (b) seven years. 5810  
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(4) A requirement that the taxpayer retain at least five hundred full-time equivalent employees at the project site and within this state for the entire term of the credit, or a requirement that the taxpayer maintain an annual Ohio employee payroll of at least thirty-five million dollars for the entire term of the credit. 5813  
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(5) A requirement that the taxpayer annually report to the director of development services full-time equivalent employees, Ohio employee payroll, capital investment, and other information the director needs to perform the director's duties under this 5819  
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section. 5823

(6) A requirement that the director of development services 5824  
annually review the annual reports of the taxpayer to verify the 5825  
information reported under division (E)(5) of this section and 5826  
compliance with the agreement. Upon verification, the director 5827  
shall issue a certificate to the taxpayer stating that the 5828  
information has been verified and identifying the amount of the 5829  
credit for the taxable year or calendar year that includes the tax 5830  
period. In determining the number of full-time equivalent 5831  
employees, no position shall be counted that is filled by an 5832  
employee who is included in the calculation of a tax credit under 5833  
section 122.17 of the Revised Code. 5834

(7) A provision providing that the taxpayer may not relocate 5835  
a substantial number of employment positions from elsewhere in 5836  
this state to the project site unless the director of development 5837  
services determines that the taxpayer notified the legislative 5838  
authority of the county, township, or municipal corporation from 5839  
which the employment positions would be relocated. 5840

For purposes of this section, the movement of an employment 5841  
position from one political subdivision to another political 5842  
subdivision shall be considered a relocation of an employment 5843  
position unless the movement is confined to the project site. The 5844  
transfer of an employment position from one political subdivision 5845  
to another political subdivision shall not be considered a 5846  
relocation of an employment position if the employment position in 5847  
the first political subdivision is replaced by another employment 5848  
position. 5849

(8) A waiver by the taxpayer of any limitations periods 5850  
relating to assessments or adjustments resulting from the 5851  
taxpayer's failure to comply with the agreement. 5852

(F) If a taxpayer fails to meet or comply with any condition 5853

or requirement set forth in a tax credit agreement, the tax credit 5854  
authority may amend the agreement to reduce the percentage or term 5855  
of the credit. The reduction of the percentage or term may take 5856  
effect in the current taxable or calendar year. 5857

(G) Financial statements and other information submitted to 5858  
the department of development services or the tax credit authority 5859  
by an applicant for or recipient of a tax credit under this 5860  
section, and any information taken for any purpose from such 5861  
statements or information, are not public records subject to 5862  
section 149.43 of the Revised Code. However, the chairperson of 5863  
the authority may make use of the statements and other information 5864  
for purposes of issuing public reports or in connection with court 5865  
proceedings concerning tax credit agreements under this section. 5866  
Upon the request of the tax commissioner, or the superintendent of 5867  
insurance in the case of an insurance company, the chairperson of 5868  
the authority shall provide to the commissioner or superintendent 5869  
any statement or other information submitted by an applicant for 5870  
or recipient of a tax credit in connection with the credit. The 5871  
commissioner or superintendent shall preserve the confidentiality 5872  
of the statement or other information. 5873

(H) A taxpayer claiming a tax credit under this section shall 5874  
submit to the tax commissioner or, in the case of an insurance 5875  
company, to the superintendent of insurance, a copy of the 5876  
director of development services' certificate of verification 5877  
under division (E)(6) of this section with the taxpayer's tax 5878  
report or return for the taxable year or for the calendar year 5879  
that includes the tax period. Failure to submit a copy of the 5880  
certificate with the report or return does not invalidate a claim 5881  
for a credit if the taxpayer submits a copy of the certificate to 5882  
the commissioner or superintendent within the time prescribed by 5883  
section 5703.0510 of the Revised Code or within thirty days after 5884  
the commissioner or superintendent requests it. 5885

(I) For the purposes of this section, a taxpayer may include a partnership, a corporation that has made an election under subchapter S of chapter one of subtitle A of the Internal Revenue Code, or any other business entity through which income flows as a distributive share to its owners. A partnership, S-corporation, or other such business entity may elect to pass the credit received under this section through to the persons to whom the income or profit of the partnership, S-corporation, or other entity is distributed. The election shall be made on the annual report required under division (E)(5) of this section. The election applies to and is irrevocable for the credit for which the report is submitted. If the election is made, the credit shall be apportioned among those persons in the same proportions as those in which the income or profit is distributed.

(J)(1) If the director of development services determines that a taxpayer that received a certificate under division (E)(6) of this section is not complying with the requirements of the agreement, the director shall notify the tax credit authority of the noncompliance. After receiving such a notice, and after giving the taxpayer an opportunity to explain the noncompliance, the authority may terminate the agreement and require the taxpayer, or any related member or members that claimed the tax credit under division (N) of this section, to refund to the state all or a portion of the credit claimed in previous years, as follows:

(a) If the taxpayer fails to comply with the requirement under division (E)(3) of this section, an amount determined in accordance with the following:

(i) If the taxpayer maintained operations at the project site for less than or equal to the term of the credit, an amount not to exceed one hundred per cent of the sum of any tax credits allowed and received under this section.

(ii) If the taxpayer maintained operations at the project

site longer than the term of the credit, but less than the greater 5918  
of seven years or the term of the credit plus three years, the 5919  
amount required to be refunded shall not exceed seventy-five per 5920  
cent of the sum of any tax credits allowed and received under this 5921  
section. 5922

(b) If the taxpayer fails to substantially maintain both the 5923  
number of full-time equivalent employees and the amount of Ohio 5924  
employee payroll required under the agreement at any time during 5925  
the term of the agreement or during the post-term reporting 5926  
period, an amount determined at the discretion of the authority. 5927

(2) If a taxpayer files for bankruptcy and fails as described 5928  
in division (J)(1)(a) or (b) of this section, the director may 5929  
immediately commence an action to recoup an amount not exceeding 5930  
one hundred per cent of the sum of any credits received by the 5931  
taxpayer under this section. 5932

(3) In determining the portion of the credit to be refunded 5933  
to this state, the authority shall consider the effect of market 5934  
conditions on the taxpayer's project and whether the taxpayer 5935  
continues to maintain other operations in this state. After making 5936  
the determination, the authority shall certify the amount to be 5937  
refunded to the tax commissioner or the superintendent of 5938  
insurance. If the taxpayer, or any related member or members who 5939  
claimed the tax credit under division (N) of this section, is not 5940  
an insurance company, the commissioner shall make an assessment 5941  
for that amount against the taxpayer under Chapter 5726., 5733., 5942  
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 5943  
any related member or members that claimed the tax credit under 5944  
division (N) of this section, is an insurance company, the 5945  
superintendent of insurance shall make an assessment under section 5946  
5725.222 or 5729.102 of the Revised Code. The time limitations on 5947  
assessments under those chapters and sections do not apply to an 5948  
assessment under this division, but the commissioner or 5949

superintendent shall make the assessment within one year after the 5950  
date the authority certifies to the commissioner or superintendent 5951  
the amount to be refunded. 5952

(K) The director of development services, after consultation 5953  
with the tax commissioner and the superintendent of insurance and 5954  
in accordance with Chapter 119. of the Revised Code, shall adopt 5955  
rules necessary to implement this section. The rules may provide 5956  
for recipients of tax credits under this section to be charged 5957  
fees to cover administrative costs of the tax credit program. The 5958  
fees collected shall be credited to the ~~business assistance tax~~ 5959  
incentives operating fund created in section 122.174 of the 5960  
Revised Code. At the time the director gives public notice under 5961  
division (A) of section 119.03 of the Revised Code of the adoption 5962  
of the rules, the director shall submit copies of the proposed 5963  
rules to the chairpersons of the standing committees on economic 5964  
development in the senate and the house of representatives. 5965

(L) On or before the first day of August of each year, the 5966  
director of development services shall submit a report to the 5967  
governor, the president of the senate, and the speaker of the 5968  
house of representatives on the tax credit program under this 5969  
section. The report shall include information on the number of 5970  
agreements that were entered into under this section during the 5971  
preceding calendar year, a description of the project that is the 5972  
subject of each such agreement, and an update on the status of 5973  
projects under agreements entered into before the preceding 5974  
calendar year. 5975

(M) The aggregate amount of nonrefundable tax credits issued 5976  
under this section during any calendar year for capital investment 5977  
projects reviewed and approved by the tax credit authority may not 5978  
exceed the following amounts: 5979

(1) For 2010, thirteen million dollars; 5980

(2) For 2011 through 2023, the amount of the limit for the 5981  
preceding calendar year plus thirteen million dollars; 5982

(3) For 2024 and each year thereafter, one hundred 5983  
ninety-five million dollars. 5984

The limitations in division (M) of this section do not apply 5985  
to credits for capital investment projects approved by the tax 5986  
credit authority before July 1, 2009. 5987

(N) This division applies only to an eligible business that 5988  
is part of an affiliated group that includes a diversified savings 5989  
and loan holding company or a grandfathered unitary savings and 5990  
loan holding company, as those terms are defined in section 5991  
5726.01 of the Revised Code. Notwithstanding any contrary 5992  
provision of the agreement between such an eligible business and 5993  
the tax credit authority, any credit granted under this section 5994  
against the tax imposed by section 5725.18, 5729.03, 5733.06, 5995  
5747.02, or 5751.02 of the Revised Code to the eligible business, 5996  
at the election of the eligible business and without any action by 5997  
the tax credit authority, may be shared with any member or members 5998  
of the affiliated group that includes the eligible business, which 5999  
member or members may claim the credit against the taxes imposed 6000  
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 6001  
of the Revised Code. Credits shall be claimed by the eligible 6002  
business in sequential order, as applicable, first claiming the 6003  
credits to the fullest extent possible against the tax that the 6004  
certificate holder is subject to, then against the tax imposed by, 6005  
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 6006  
lastly 5726.02 of the Revised Code. The credits may be allocated 6007  
among the members of the affiliated group in such manner as the 6008  
eligible business elects, but subject to the sequential order 6009  
required under this division. This division applies to credits 6010  
granted before, on, or after March 27, 2013, the effective date of 6011  
H.B. 510 of the 129th general assembly. Credits granted before 6012



that effective date that are shared and allocated under this 6013  
division may be claimed in those calendar years in which the 6014  
remaining taxable years specified in the agreement end. 6015

As used in this division, "affiliated group" means a group of 6016  
two or more persons with fifty per cent or greater of the value of 6017  
each person's ownership interests owned or controlled directly, 6018  
indirectly, or constructively through related interests by common 6019  
owners during all or any portion of the taxable year, and the 6020  
common owners. "Affiliated group" includes, but is not limited to, 6021  
any person eligible to be included in a consolidated elected 6022  
taxpayer group under section 5751.011 of the Revised Code or a 6023  
combined taxpayer group under section 5751.012 of the Revised 6024  
Code. 6025

(O)(1) As used in division (O) of this section: 6026

(a) "Eligible agreement" means an agreement approved by the 6027  
tax credit authority under this section on or before December 31, 6028  
2013. 6029

(b) "Reporting period" means a period corresponding to the 6030  
annual report required under division (E)(5) of this section. 6031

(c) "Income tax revenue" has the same meaning as under 6032  
division (S) of section 122.17 of the Revised Code. 6033

(2) In calendar year 2016 and thereafter, the tax credit 6034  
authority shall annually determine a withholding adjustment factor 6035  
to be used in the computation of income tax revenue for eligible 6036  
agreements. The withholding adjustment factor shall be a numerical 6037  
percentage that equals the percentage that employer income tax 6038  
withholding rates have been increased or decreased as a result of 6039  
changes in the income tax rates prescribed by section 5747.02 of 6040  
the Revised Code by amendment of that section taking effect on or 6041  
after June 29, 2013. 6042

(3) Except as provided in division (O)(4) of this section, 6043

for reporting periods ending in 2015 and thereafter for taxpayers 6044  
subject to eligible agreements, the tax credit authority shall 6045  
adjust the income tax revenue reported on the taxpayer's annual 6046  
report by multiplying the withholding adjustment factor by the 6047  
taxpayer's income tax revenue and doing one of the following: 6048

(a) If the income tax rates prescribed by section 5747.02 of 6049  
the Revised Code have decreased by amendment of this section 6050  
taking effect on or after June 29, 2013, add the product to the 6051  
taxpayer's income tax revenue. 6052

(b) If the income tax rates prescribed by section 5747.02 of 6053  
the Revised Code have increased by amendment of this section 6054  
taking effect on or after June 29, 2013, subtract the product from 6055  
the taxpayer's income tax revenue. 6056

(4) Division (O)(3) of this section shall not apply unless 6057  
all of the following apply with respect to the eligible agreement: 6058

(a) The taxpayer has achieved one hundred per cent of the job 6059  
retention commitment identified in the agreement. 6060

(b) If applicable, the taxpayer has achieved one hundred per 6061  
cent of the payroll retention commitment identified in the 6062  
agreement. 6063

(c) If applicable, the taxpayer has achieved one hundred per 6064  
cent of the investment commitment identified in the agreement. 6065

(5) Failure by a taxpayer to have achieved any of the 6066  
applicable commitments described in divisions (O)(4)(a) to (c) of 6067  
this section in a reporting period does not disqualify the 6068  
taxpayer for the adjustment under division (O) of this section for 6069  
an ensuing reporting period. 6070

**Sec. 122.174.** There is hereby created in the state treasury 6071  
the ~~business assistance~~ tax incentives operating fund. The fund 6072  
shall consist of any amounts appropriated to it and money credited 6073

to the fund pursuant to ~~division (I) of section 121.17, division~~ 6074  
~~(K) of section 122.17, 122.171, division (K) of section 122.175,~~ 6075  
~~division (G)(2) of section 122.85, division (C) of section 122.86,~~ 6076  
3735.672, ~~and division (C) of section 5709.68, or 5725.33~~ of the 6077  
Revised Code. The director of development services shall use money 6078  
in the fund to pay expenses related to the administration of (A) 6079  
the business services division of the development services agency 6080  
and (B) the programs described in those sections. 6081

**Sec. 122.175.** (A) As used in this section: 6082

(1) "Capital investment project" means a plan of investment 6083  
at a project site for the acquisition, construction, renovation, 6084  
expansion, replacement, or repair of a computer data center or of 6085  
computer data center equipment, but does not include any of the 6086  
following: 6087

(a) Project costs paid before a date determined by the tax 6088  
credit authority for each capital investment project; 6089

(b) Payments made to a related member as defined in section 6090  
5733.042 of the Revised Code or to a consolidated elected taxpayer 6091  
or a combined taxpayer as defined in section 5751.01 of the 6092  
Revised Code. 6093

(2) "Computer data center" means a facility used or to be 6094  
used primarily to house computer data center equipment used or to 6095  
be used in conducting one or more computer data center businesses, 6096  
as determined by the tax credit authority. 6097

(3) "Computer data center business" means, as may be further 6098  
determined by the tax credit authority, a business that provides 6099  
electronic information services as defined in division (Y)(1)(c) 6100  
of section 5739.01 of the Revised Code, or that leases a facility 6101  
to one or more such businesses. "Computer data center business" 6102  
does not include providing electronic publishing as defined in 6103

division (LLL) of that section. 6104

(4) "Computer data center equipment" means tangible personal 6105  
property used or to be used for any of the following: 6106

(a) To conduct a computer data center business, including 6107  
equipment cooling systems to manage the performance of computer 6108  
data center equipment; 6109

(b) To generate, transform, transmit, distribute, or manage 6110  
electricity necessary to operate the tangible personal property 6111  
used or to be used in conducting a computer data center business; 6112

(c) As building and construction materials sold to 6113  
construction contractors for incorporation into a computer data 6114  
center. 6115

(5) "Eligible computer data center" means a computer data 6116  
center that satisfies all of the following requirements: 6117

(a) One or more taxpayers operating a computer data center 6118  
business at the project site will, in the aggregate, make payments 6119  
for a capital investment project of at least one hundred million 6120  
dollars at the project site during one of the following cumulative 6121  
periods: 6122

(i) For projects beginning in 2013, five consecutive calendar 6123  
years; 6124

(ii) For projects beginning in 2014, four consecutive 6125  
calendar years; 6126

(iii) For projects beginning in or after 2015, three 6127  
consecutive calendar years. 6128

(b) One or more taxpayers operating a computer data center 6129  
business at the project site will, in the aggregate, pay annual 6130  
compensation that is subject to the withholding obligation imposed 6131  
under section 5747.06 of the Revised Code of at least one million 6132  
five hundred thousand dollars to employees employed at the project 6133

site for each year of the agreement beginning on or after the 6134  
first day of the twenty-fifth month after the agreement was 6135  
entered into under this section. 6136

(6) "Person" has the same meaning as in section 5701.01 of 6137  
the Revised Code. 6138

(7) "Project site," "related member," and "tax credit 6139  
authority" have the same meanings as in sections 122.17 and 6140  
122.171 of the Revised Code. 6141

(8) "Taxpayer" means any person subject to the taxes imposed 6142  
under Chapters 5739. and 5741. of the Revised Code. 6143

(B) The tax credit authority may completely or partially 6144  
exempt from the taxes levied under Chapters 5739. and 5741. of the 6145  
Revised Code the sale, storage, use, or other consumption of 6146  
computer data center equipment used or to be used at an eligible 6147  
computer data center. Any such exemption shall extend to charges 6148  
for the delivery, installation, or repair of the computer data 6149  
center equipment subject to the exemption under this section. 6150

(C) A taxpayer that proposes a capital improvement project 6151  
for an eligible computer data center in this state may apply to 6152  
the tax credit authority to enter into an agreement under this 6153  
section authorizing a complete or partial exemption from the taxes 6154  
imposed under Chapters 5739. and 5741. of the Revised Code on 6155  
computer data center equipment purchased by the applicant or any 6156  
other taxpayer that operates a computer data center business at 6157  
the project site and used or to be used at the eligible computer 6158  
data center. The director of development services shall prescribe 6159  
the form of the application. After receipt of an application, the 6160  
authority shall forward copies of the application to the director 6161  
of budget and management and the tax commissioner, each of whom 6162  
shall review the application to determine the economic impact that 6163  
the proposed eligible computer data center would have on the state 6164

and any affected political subdivisions and submit to the 6165  
authority a summary of their determinations. The authority shall 6166  
also forward a copy of the application to the director of 6167  
development services who shall review the application to determine 6168  
the economic impact that the proposed eligible computer data 6169  
center would have on the state and the affected political 6170  
subdivisions and shall submit a summary of their determinations 6171  
and recommendations to the authority. 6172

(D) Upon review and consideration of such determinations and 6173  
recommendations, the tax credit authority may enter into an 6174  
agreement with the applicant and any other taxpayer that operates 6175  
a computer data center business at the project site for a complete 6176  
or partial exemption from the taxes imposed under Chapters 5739. 6177  
and 5741. of the Revised Code on computer data center equipment 6178  
used or to be used at an eligible computer data center if the 6179  
authority determines all of the following: 6180

(1) The capital investment project for the eligible computer 6181  
data center will increase payroll and the amount of income taxes 6182  
to be withheld from employee compensation pursuant to section 6183  
5747.06 of the Revised Code. 6184

(2) The applicant is economically sound and has the ability 6185  
to complete or effect the completion of the proposed capital 6186  
investment project. 6187

(3) The applicant intends to and has the ability to maintain 6188  
operations at the project site for the term of the agreement. 6189

(4) Receiving the exemption is a major factor in the 6190  
applicant's decision to begin, continue with, or complete the 6191  
capital investment project. 6192

(E) An agreement entered into under this section shall 6193  
include all of the following: 6194

(1) A detailed description of the capital investment project 6195

that is the subject of the agreement, including the amount of the 6196  
investment, the period over which the investment has been or is 6197  
being made, the annual compensation to be paid by each taxpayer 6198  
subject to the agreement to its employees at the project site, and 6199  
the anticipated amount of income taxes to be withheld from 6200  
employee compensation pursuant to section 5747.06 of the Revised 6201  
Code. 6202

(2) The percentage of the exemption from the taxes imposed 6203  
under Chapters 5739. and 5741. of the Revised Code for the 6204  
computer data center equipment used or to be used at the eligible 6205  
computer data center, the length of time the computer data center 6206  
equipment will be exempted, and the first date on which the 6207  
exemption applies. 6208

(3) A requirement that the computer data center remain an 6209  
eligible computer data center during the term of the agreement and 6210  
that the applicant maintain operations at the eligible computer 6211  
data center during that term. An applicant does not violate the 6212  
requirement described in division (E)(3) of this section if the 6213  
applicant ceases operations at the eligible computer data center 6214  
during the term of the agreement but resumes those operations 6215  
within eighteen months after the date of cessation. The agreement 6216  
shall provide that, in such a case, the applicant and any other 6217  
taxpayer that operates a computer data center business at the 6218  
project site shall not claim the tax exemption authorized in the 6219  
agreement for any purchase of computer data center equipment made 6220  
during the period in which the applicant did not maintain 6221  
operations at the eligible computer data center. 6222

(4) A requirement that, for each year of the term of the 6223  
agreement beginning on or after the first day of the twenty-fifth 6224  
month after the date the agreement was entered into, one or more 6225  
taxpayers operating a computer data center business at the project 6226  
site will, in the aggregate, pay annual compensation that is 6227

subject to the withholding obligation imposed under section 6228  
5747.06 of the Revised Code of at least one million five hundred 6229  
thousand dollars to employees at the eligible computer data 6230  
center. 6231

(5) A requirement that each taxpayer subject to the agreement 6232  
annually report to the director of development services 6233  
employment, tax withholding, capital investment, and other 6234  
information required by the director to perform the director's 6235  
duties under this section. 6236

(6) A requirement that the director of development services 6237  
annually review the annual reports of each taxpayer subject to the 6238  
agreement to verify the information reported under division (E)(5) 6239  
of this section and compliance with the agreement. Upon 6240  
verification, the director shall issue a certificate to each such 6241  
taxpayer stating that the information has been verified and that 6242  
the taxpayer remains eligible for the exemption specified in the 6243  
agreement. 6244

(7) A provision providing that the taxpayers subject to the 6245  
agreement may not relocate a substantial number of employment 6246  
positions from elsewhere in this state to the project site unless 6247  
the director of development services determines that the 6248  
appropriate taxpayer notified the legislative authority of the 6249  
county, township, or municipal corporation from which the 6250  
employment positions would be relocated. For purposes of this 6251  
paragraph, the movement of an employment position from one 6252  
political subdivision to another political subdivision shall be 6253  
considered a relocation of an employment position unless the 6254  
movement is confined to the project site. The transfer of an 6255  
employment position from one political subdivision to another 6256  
political subdivision shall not be considered a relocation of an 6257  
employment position if the employment position in the first 6258  
political subdivision is replaced by another employment position. 6259



(8) A waiver by each taxpayer subject to the agreement of any 6260  
limitations periods relating to assessments or adjustments 6261  
resulting from the taxpayer's failure to comply with the 6262  
agreement. 6263

(F) The term of an agreement under this section shall be 6264  
determined by the tax credit authority, and the amount of the 6265  
exemption shall not exceed one hundred per cent of such taxes that 6266  
would otherwise be owed in respect to the exempted computer data 6267  
center equipment. 6268

(G) If any taxpayer subject to an agreement under this 6269  
section fails to meet or comply with any condition or requirement 6270  
set forth in the agreement, the tax credit authority may amend the 6271  
agreement to reduce the percentage of the exemption or term during 6272  
which the exemption applies to the computer data center equipment 6273  
used or to be used by the noncompliant taxpayer at an eligible 6274  
computer data center. The reduction of the percentage or term may 6275  
take effect in the current calendar year. 6276

(H) Financial statements and other information submitted to 6277  
the department of development services or the tax credit authority 6278  
by an applicant for or recipient of an exemption under this 6279  
section, and any information taken for any purpose from such 6280  
statements or information, are not public records subject to 6281  
section 149.43 of the Revised Code. However, the chairperson of 6282  
the authority may make use of the statements and other information 6283  
for purposes of issuing public reports or in connection with court 6284  
proceedings concerning tax exemption agreements under this 6285  
section. Upon the request of the tax commissioner, the chairperson 6286  
of the authority shall provide to the tax commissioner any 6287  
statement or other information submitted by an applicant for or 6288  
recipient of an exemption under this section. The tax commissioner 6289  
shall preserve the confidentiality of the statement or other 6290  
information. 6291

(I) The tax commissioner shall issue a direct payment permit 6292  
under section 5739.031 of the Revised Code to each taxpayer 6293  
subject to an agreement under this section. Such direct payment 6294  
permit shall authorize the taxpayer to pay any sales and use taxes 6295  
due on purchases of computer data center equipment used or to be 6296  
used in an eligible computer data center and to pay any sales and 6297  
use taxes due on purchases of tangible personal property or 6298  
taxable services other than computer data center equipment used or 6299  
to be used in an eligible computer data center directly to the tax 6300  
commissioner. Each such taxpayer shall pay pursuant to such direct 6301  
payment permit all sales tax levied on such purchases under 6302  
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 6303  
Code and all use tax levied on such purchases under sections 6304  
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, 6305  
consistent with the terms of the agreement entered into under this 6306  
section. 6307

During the term of an agreement under this section each 6308  
taxpayer subject to the agreement shall submit to the tax 6309  
commissioner a return that shows the amount of computer data 6310  
center equipment purchased for use at the eligible computer data 6311  
center, the amount of tangible personal property and taxable 6312  
services other than computer data center equipment purchased for 6313  
use at the eligible computer data center, the amount of tax under 6314  
Chapter 5739. or 5741. of the Revised Code that would be due in 6315  
the absence of the agreement under this section, the exemption 6316  
percentage for computer data center equipment specified in the 6317  
agreement, and the amount of tax due under Chapter 5739. or 5741. 6318  
of the Revised Code as a result of the agreement under this 6319  
section. Each such taxpayer shall pay the tax shown on the return 6320  
to be due in the manner and at the times as may be further 6321  
prescribed by the tax commissioner. Each such taxpayer shall 6322  
include a copy of the director of development services' 6323  
certificate of verification issued under division (E)(6) of this 6324

section. Failure to submit a copy of the certificate with the 6325  
return does not invalidate the claim for exemption if the taxpayer 6326  
submits a copy of the certificate to the tax commissioner within 6327  
~~sixty days after the tax commissioner requests it the time~~ 6328  
prescribed by section 5703.0510 of the Revised Code. 6329

(J) If the director of development services determines that 6330  
one or more taxpayers received an exemption from taxes due on the 6331  
purchase of computer data center equipment purchased for use at a 6332  
computer data center that no longer complies with the requirement 6333  
under division (E)(3) of this section, the director shall notify 6334  
the tax credit authority and, if applicable, the taxpayer that 6335  
applied to enter the agreement for the exemption under division 6336  
(C) of this section of the noncompliance. After receiving such a 6337  
notice, and after giving each taxpayer subject to the agreement an 6338  
opportunity to explain the noncompliance, the authority may 6339  
terminate the agreement and require each such taxpayer to pay to 6340  
the state all or a portion of the taxes that would have been owed 6341  
in regards to the exempt equipment in previous years, all as 6342  
determined under rules adopted pursuant to division (K) of this 6343  
section. In determining the portion of the taxes that would have 6344  
been owed on the previously exempted equipment to be paid to this 6345  
state by a taxpayer, the authority shall consider the effect of 6346  
market conditions on the eligible computer data center, whether 6347  
the taxpayer continues to maintain other operations in this state, 6348  
and, with respect to agreements involving multiple taxpayers, the 6349  
taxpayer's level of responsibility for the noncompliance. After 6350  
making the determination, the authority shall certify to the tax 6351  
commissioner the amount to be paid by each taxpayer subject to the 6352  
agreement. The tax commissioner shall make an assessment for that 6353  
amount against each such taxpayer under Chapter 5739. or 5741. of 6354  
the Revised Code. The time limitations on assessments under those 6355  
chapters do not apply to an assessment under this division, but 6356  
the tax commissioner shall make the assessment within one year 6357

after the date the authority certifies to the tax commissioner the amount to be paid by the taxpayer.

(K) The director of development services, after consultation with the tax commissioner and in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to implement this section. The rules may provide for recipients of tax exemptions under this section to be charged fees to cover administrative costs incurred in the administration of this section. The fees collected shall be credited to the ~~business assistance tax incentives operating~~ fund created in section 122.174 of the Revised Code. At the time the director gives public notice under division (A) of section 119.03 of the Revised Code of the adoption of the rules, the director shall submit copies of the proposed rules to the chairpersons of the standing committees on economic development in the senate and the house of representatives.

(L) On or before the first day of August of each year, the director of development services shall submit a report to the governor, the president of the senate, and the speaker of the house of representatives on the tax exemption authorized under this section. The report shall include information on the number of agreements that were entered into under this section during the preceding calendar year, a description of the eligible computer data center that is the subject of each such agreement, and an update on the status of eligible computer data centers under agreements entered into before the preceding calendar year.

(M) A taxpayer may be made a party to an existing agreement entered into under this section by the tax credit authority and another taxpayer or group of taxpayers. In such a case, the taxpayer shall be entitled to all benefits and bound by all obligations contained in the agreement and all requirements described in this section. When an agreement includes multiple taxpayers, each taxpayer shall be entitled to a direct payment

permit as authorized in division (I) of this section. 6390

**Sec. 122.33.** The director of development services shall 6391  
administer the following programs: 6392

(A) The industrial technology and enterprise development 6393  
grant program, to provide capital to acquire, construct, enlarge, 6394  
improve, or equip and to sell, lease, exchange, and otherwise 6395  
dispose of property, structures, equipment, and facilities within 6396  
the state. 6397

Such funding may be made to enterprises that propose to 6398  
develop new products or technologies when the director finds all 6399  
of the following factors to be present: 6400

(1) The undertaking will benefit the people of the state by 6401  
creating or preserving jobs and employment opportunities or 6402  
improving the economic welfare of the people of the state, and 6403  
promoting the development of new technology. 6404

(2) There is reasonable assurance that the potential 6405  
royalties to be derived from the sale of the product or process 6406  
described in the proposal will be sufficient to repay the funding 6407  
pursuant to sections 122.28 and 122.30 to 122.36 of the Revised 6408  
Code and that, in making the agreement, as it relates to patents, 6409  
copyrights, and other ownership rights, there is reasonable 6410  
assurance that the resulting new technology will be utilized to 6411  
the maximum extent possible in facilities located in Ohio. 6412

(3) The technology and research to be undertaken will allow 6413  
enterprises to compete more effectively in the marketplace. Grants 6414  
of capital may be in such form and conditioned upon such terms as 6415  
the director deems appropriate. 6416

(B) The industrial technology and enterprise resources 6417  
program to provide for the collection, dissemination, and exchange 6418  
of information regarding equipment, facilities, and business 6419

planning consultation resources available in business, industry, 6420  
and educational institutions and to establish methods by which 6421  
small businesses may use available facilities and resources. The 6422  
methods may include, but need not be limited to, leases 6423  
reimbursing the educational institutions for their actual costs 6424  
incurred in maintaining the facilities and agreements assigning 6425  
royalties from development of successful products or processes 6426  
through the use of the facilities and resources. The director 6427  
shall operate this program in conjunction with the ~~board~~ 6428  
department of regents higher education. 6429

(C) The Thomas Alva Edison grant program to provide grants to 6430  
foster research, development, or technology transfer efforts 6431  
involving enterprises and educational institutions that will lead 6432  
to the creation of jobs. 6433

(1) Grants may be made to a nonprofit organization or a 6434  
public or private educational institution, department, college, 6435  
institute, faculty member, or other administrative subdivision or 6436  
related entity of an educational institution when the director 6437  
finds that the undertaking will benefit the people of the state by 6438  
supporting research in advanced technology areas likely to improve 6439  
the economic welfare of the people of the state through promoting 6440  
the development of new commercial technology. 6441

(2) Grants may be made in a form and conditioned upon terms 6442  
as the director considers appropriate. 6443

(3) ~~Grants~~ Except as provided in division (C)(4) of this 6444  
section, grants made under this program shall ~~in all instances~~ be 6445  
in conjunction with a contribution to the project by a cooperating 6446  
enterprise which maintains or proposes to maintain a relevant 6447  
research, development, or manufacturing facility in the state, by 6448  
a nonprofit organization, or by an educational institution or 6449  
related entity; however, funding provided by an educational 6450  
institution or related entity shall not be from general revenue 6451

funds appropriated by the Ohio general assembly. No grant made 6452  
under this program shall exceed the contribution made by the 6453  
cooperating enterprise, nonprofit organization, or educational 6454  
institution or related entity. The director may consider 6455  
cooperating contributions in the form of state of the art new 6456  
equipment or in other forms provided the director determines that 6457  
the contribution is essential to the successful implementation of 6458  
the project. The director may adopt rules or guidelines for the 6459  
valuation of contributions of equipment or other property. 6460

(4) At the director's sole discretion, the requirement for a 6461  
cooperating contribution under division (C)(3) of this section may 6462  
be waived if the project will enable Ohio companies to access new 6463  
technology applications. 6464

(5) The director may determine fields of research from which 6465  
grant applications will be accepted under this program. 6466

(6) For purposes of division (C) of this section: 6467

(a) "New technology applications" means providing existing 6468  
technology proven in at least one commercial environment to 6469  
companies that have not done the following: 6470

(i) Used the technology; 6471

(ii) Used the technology for the purpose it was originally 6472  
created. 6473

(b) "Ohio companies" means companies in which the principal 6474  
place of business is in this state or that propose to be engaged 6475  
in research and development, manufacturing, or provisioning of 6476  
products or services within the state. 6477

**Sec. 122.641.** (A)(1) There is hereby created the lakes in 6478  
economic distress revolving loan program to assist businesses and 6479  
other entities that are adversely affected due to economic 6480  
circumstances that result in the declaration of a lake as an area 6481

under economic distress by the director of natural resources under 6482  
division (A)(2) of this section. The director of development 6483  
services shall administer the program. 6484

(2) The director of natural resources shall do both of the 6485  
following: 6486

(a) Declare a lake as an area under economic distress. The 6487  
director shall declare a lake as an area under economic distress 6488  
based solely on environmental or safety issues, including the 6489  
closure of a dam for safety reasons. 6490

(b) Subsequently declare a lake as an area no longer under 6491  
economic distress when the environmental or safety issues, as 6492  
applicable, have been resolved. 6493

(B) There is hereby created in the state treasury the lakes 6494  
in economic distress revolving loan fund. The fund shall consist 6495  
of money appropriated to it, all payments of principal and 6496  
interest on loans made from the fund, and all investment earnings 6497  
on money in the fund. The director of development services shall 6498  
use money in the fund to make loans under this section, provided 6499  
that the loans shall be zero interest loans during the time that 6500  
an applicable lake has been declared an area under economic 6501  
distress under division (A)(2)(a) of this section. 6502

(C) The director shall adopt rules in accordance with Chapter 6503  
119. of the Revised that do both of the following: 6504

(1) Establish requirements and procedures for the making of 6505  
loans under this section, including all of the following: 6506

(a) Eligibility criteria; 6507

(b) Application procedures; 6508

(c) Criteria for approval or disapproval of loans, including 6509  
a stipulation that an applicant must demonstrate that the loan 6510  
will help to achieve long-term economic stability in the area; 6511



(d) Criteria for repayment of the loans, including the 6512  
establishment of an interest rate that does not exceed two points 6513  
less than prime after an applicable lake has been declared as an 6514  
area no longer under economic distress under division (A)(2)(b) of 6515  
this section. 6516

The eligibility criteria established by the director shall 6517  
not require applicants to experience a reduction in gross revenue 6518  
for a defined period of greater than ten per cent. 6519

Any material provided to the development services agency by 6520  
an applicant is not a public record for the purposes of section 6521  
149.43 of the Revised Code and shall remain confidential. 6522

(2) Establish any other provisions necessary to administer 6523  
this section. 6524

(D) In administering the program, the director shall assist 6525  
businesses and other entities in determining the amount of loans 6526  
needed. 6527

**Sec. 122.85.** (A) As used in this section and in sections 6528  
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 6529

(1) "Tax credit-eligible production" means a motion picture 6530  
production certified by the director of development services under 6531  
division (B) of this section as qualifying the motion picture 6532  
company for a tax credit under section 5726.55, 5733.59, 5747.66, 6533  
or 5751.54 of the Revised Code. 6534

(2) "Certificate owner" means a motion picture company to 6535  
which a tax credit certificate is issued or a person to which the 6536  
company has transferred under division (H) of this section the 6537  
authority to claim all or a part of the tax credit authorized by 6538  
that certificate. 6539

(3) "Motion picture company" means an individual, 6540  
corporation, partnership, limited liability company, or other form 6541

of business association producing a motion picture. 6542

(4) "Eligible production expenditures" means expenditures 6543  
made after June 30, 2009, for goods or services purchased and 6544  
consumed in this state by a motion picture company directly for 6545  
the production of a tax credit-eligible production. 6546

"Eligible production expenditures" includes, but is not 6547  
limited to, expenditures for cast and crew wages, accommodations, 6548  
costs of set construction and operations, editing and related 6549  
services, photography, sound synchronization, lighting, wardrobe, 6550  
makeup and accessories, film processing, transfer, sound mixing, 6551  
special and visual effects, music, location fees, and the purchase 6552  
or rental of facilities and equipment. 6553

(5) "Motion picture" means entertainment content created in 6554  
whole or in part within this state for distribution or exhibition 6555  
to the general public, including, but not limited to, 6556  
feature-length films; documentaries; long-form, specials, 6557  
miniseries, series, and interstitial television programming; 6558  
interactive web sites; sound recordings; videos; music videos; 6559  
interactive television; interactive games; video games; 6560  
commercials; any format of digital media; and any trailer, pilot, 6561  
video teaser, or demo created primarily to stimulate the sale, 6562  
marketing, promotion, or exploitation of future investment in 6563  
either a product or a motion picture by any means and media in any 6564  
digital media format, film, or videotape, provided the motion 6565  
picture qualifies as a motion picture. "Motion picture" does not 6566  
include any television program created primarily as news, weather, 6567  
or financial market reports, a production featuring current events 6568  
or sporting events, an awards show or other gala event, a 6569  
production whose sole purpose is fundraising, a long-form 6570  
production that primarily markets a product or service or in-house 6571  
corporate advertising or other similar productions, a production 6572  
for purposes of political advocacy, or any production for which 6573

records are required to be maintained under 18 U.S.C. 2257 with 6574  
respect to sexually explicit content. 6575

(B) For the purpose of encouraging and developing a strong 6576  
film industry in this state, the director of development services 6577  
may certify a motion picture produced by a motion picture company 6578  
as a tax credit-eligible production. In the case of a television 6579  
series, the director may certify the production of each episode of 6580  
the series as a separate tax credit-eligible production. A motion 6581  
picture company shall apply for certification of a motion picture 6582  
as a tax credit-eligible production on a form and in the manner 6583  
prescribed by the director. Each application shall include the 6584  
following information: 6585

(1) The name and telephone number of the motion picture 6586  
production company; 6587

(2) The name and telephone number of the company's contact 6588  
person; 6589

(3) A list of the first preproduction date through the last 6590  
production date in Ohio; 6591

(4) The Ohio production office address and telephone number; 6592

(5) The total production budget of the motion picture; 6593

(6) The total budgeted eligible production expenditures and 6594  
the percentage that amount is of the total production budget of 6595  
the motion picture; 6596

(7) The total percentage of the motion picture being shot in 6597  
Ohio; 6598

(8) The level of employment of cast and crew who reside in 6599  
Ohio; 6600

(9) A synopsis of the script; 6601

(10) The shooting script; 6602

(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;

(12) Documentation of financial ability to undertake and complete the motion picture;

(13) Estimated value of the tax credit based upon total budgeted eligible production expenditures;

(14) Any other information considered necessary by the director.

Within ninety days after certification of a motion picture as a tax credit-eligible production, and any time thereafter upon the request of the director of development services, the motion picture company shall present to the director sufficient evidence of reviewable progress. If the motion picture company fails to present sufficient evidence, the director may rescind the certification. Upon rescission, the director shall notify the applicant that the certification has been rescinded. Nothing in this section prohibits an applicant whose tax credit-eligible production certification has been rescinded from submitting a subsequent application for certification.

(C)(1) A motion picture company whose motion picture has been certified as a tax credit-eligible production may apply to the director of development services on or after July 1, 2009, for a refundable credit against the tax imposed by section 5726.02, 5733.06, 5747.02, or 5751.02 of the Revised Code. The director in consultation with the tax commissioner shall prescribe the form and manner of the application and the information or documentation required to be submitted with the application.

The credit is determined as follows:

(a) If the total budgeted eligible production expenditures stated in the application submitted under division (B) of this section or the actual eligible production expenditures as finally

determined under division (D) of this section, whichever is least, 6634  
is less than or equal to three hundred thousand dollars, no credit 6635  
is allowed; 6636

(b) If the total budgeted eligible production expenditures 6637  
stated in the application submitted under division (B) of this 6638  
section or the actual eligible production expenditures as finally 6639  
determined under division (D) of this section, whichever is least, 6640  
is greater than three hundred thousand dollars, the credit equals 6641  
thirty per cent of the least of such budgeted or actual eligible 6642  
expenditure amounts. 6643

(2) Except as provided in division (C)(4) of this section, if 6644  
the director of development services approves a motion picture 6645  
company's application for a credit, the director shall issue a tax 6646  
credit certificate to the company. The director in consultation 6647  
with the tax commissioner shall prescribe the form and manner of 6648  
issuing certificates. The director shall assign a unique 6649  
identifying number to each tax credit certificate and shall record 6650  
the certificate in a register devised and maintained by the 6651  
director for that purpose. The certificate shall state the amount 6652  
of the eligible production expenditures on which the credit is 6653  
based and the amount of the credit. Upon the issuance of a 6654  
certificate, the director shall certify to the tax commissioner 6655  
the name of the applicant, the amount of eligible production 6656  
expenditures shown on the certificate, and any other information 6657  
required by the rules adopted to administer this section. 6658

(3) The amount of eligible production expenditures for which 6659  
a tax credit may be claimed is subject to inspection and 6660  
examination by the tax commissioner or employees of the 6661  
commissioner under section 5703.19 of the Revised Code and any 6662  
other applicable law. Once the eligible production expenditures 6663  
are finally determined under section 5703.19 of the Revised Code 6664  
and division (D) of this section, the credit amount is not subject 6665

to adjustment unless the director determines an error was 6666  
committed in the computation of the credit amount. 6667

(4) No tax credit certificate may be issued before the 6668  
completion of the tax credit-eligible production. Not more than 6669  
forty million dollars of tax credit may be allowed per fiscal year 6670  
beginning July 1, 2016. 6671

(D) A motion picture company whose motion picture has been 6672  
certified as a tax credit-eligible production shall engage, at the 6673  
company's expense, an independent certified public accountant to 6674  
examine the company's production expenditures to identify the 6675  
expenditures that qualify as eligible production expenditures. The 6676  
certified public accountant shall issue a report to the company 6677  
and to the director of development services certifying the 6678  
company's eligible production expenditures and any other 6679  
information required by the director. Upon receiving and examining 6680  
the report, the director may disallow any expenditure the director 6681  
determines is not an eligible production expenditure. If the 6682  
director disallows an expenditure, the director shall issue a 6683  
written notice to the motion picture production company stating 6684  
that the expenditure is disallowed and the reason for the 6685  
disallowance. Upon examination of the report and disallowance of 6686  
any expenditures, the director shall determine finally the lesser 6687  
of the total budgeted eligible production expenditures stated in 6688  
the application submitted under division (B) of this section or 6689  
the actual eligible production expenditures for the purpose of 6690  
computing the amount of the credit. 6691

(E) No credit shall be allowed under section 5726.55, 6692  
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 6693  
director has reviewed the report and made the determination 6694  
prescribed by division (D) of this section. 6695

(F) This state reserves the right to refuse the use of this 6696  
state's name in the credits of any tax credit-eligible motion 6697

picture production. 6698

(G)(1) The director of development services in consultation 6699  
with the tax commissioner shall adopt rules for the administration 6700  
of this section, including rules setting forth and governing the 6701  
criteria for determining whether a motion picture production is a 6702  
tax credit-eligible production; activities that constitute the 6703  
production of a motion picture; reporting sufficient evidence of 6704  
reviewable progress; expenditures that qualify as eligible 6705  
production expenditures; a competitive process for approving 6706  
credits; consideration of geographic distribution of credits; and 6707  
implementation of the program described in division (I) of this 6708  
section. The rules shall be adopted under Chapter 119. of the 6709  
Revised Code. 6710

(2) The director may require a reasonable application fee to 6711  
cover administrative costs of the tax credit program. The fees 6712  
collected shall be credited to the ~~business assistance tax~~ 6713  
~~incentives operating~~ fund created in section 122.174 of the 6714  
Revised Code. All grants, gifts, fees, and contributions made to 6715  
the director for marketing and promotion of the motion picture 6716  
industry within this state shall also be credited to the fund. ~~The~~ 6717  
~~director shall use money in the fund to pay expenses related to~~ 6718  
~~the administration of the Ohio film office and the credit~~ 6719  
~~authorized by this section and sections 5726.55, 5733.59, 5747.66,~~ 6720  
~~and 5751.54 of the Revised Code.~~ 6721

(H)(1) After the director of development services makes the 6722  
determination required under division (D) of this section, a 6723  
motion picture company to which a tax credit certificate is issued 6724  
may transfer the authority to claim all or a portion of the amount 6725  
of the tax credit the motion picture company is authorized to 6726  
claim pursuant to that certificate under section 5726.55, 5733.59, 6727  
5747.66, or 5751.54 of the Revised Code to one or more other 6728  
persons. Within thirty days after a transfer under this division, 6729

the motion picture company shall submit the following information 6730  
to the director, on a form prescribed by the director: 6731

(a) Information necessary for the director to identify the 6732  
certificate that is the basis for the transfer; 6733

(b) The portion or amount of the tax credit transferred to 6734  
each transferee; 6735

(c) The portion or amount of the tax credit that the motion 6736  
picture company retains the authority to claim; 6737

(d) The tax identification number of each transferee; 6738

(e) The date of the transfer; 6739

(f) Any other information required by the director; 6740

(g) Any information required by the tax commissioner. 6741

The director shall deliver a copy of any submission received 6742  
under division (H)(1) of this section to the tax commissioner. 6743

(2) A transferee may not claim a credit under section 6744  
5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless 6745  
and until the transferring motion picture company complies with 6746  
division (H)(1) of this section. A transferee may claim the 6747  
transferred amount of any credit or portion of a credit for the 6748  
same taxable year or tax period for which the transferring motion 6749  
picture company was authorized to claim the credit or portion of a 6750  
credit pursuant to the certificate. A motion picture company shall 6751  
make no transfer under division (H)(1) of this section after the 6752  
last day of the tax period or taxable year for which the motion 6753  
picture company is required to claim the credit pursuant to the 6754  
certificate. 6755

A motion picture company may make not more than one transfer 6756  
under division (H)(1) of this section for each tax credit 6757  
certificate, but pursuant to that transaction, may allocate the 6758  
authority to claim a portion of the credit to more than one 6759



transferee. A motion picture company may not authorize more than 6760  
one transferee to claim the same portion of a credit. 6761

(I) The director of development services shall establish a 6762  
program for the training of Ohio residents who are or wish to be 6763  
employed in the film or multimedia industry. Under the program, 6764  
the director shall: 6765

(1) Certify individuals as film and multimedia trainees. In 6766  
order to receive such a certification, an individual must be an 6767  
Ohio resident, have participated in relevant on-the-job training 6768  
or have completed a relevant training course approved by the 6769  
director, and have met any other requirements established by the 6770  
director. 6771

(2) Accept applications from motion picture companies that 6772  
intend to hire and provide on-the-job training to one or more 6773  
certified film and multimedia trainees who will be employed in the 6774  
company's tax credit-eligible production. 6775

(3) Upon completion of a tax-credit eligible production, and 6776  
upon the receipt of any salary information and other documentation 6777  
required by the director, authorize a reimbursement payment to 6778  
each motion picture company whose application was approved under 6779  
division (I)(2) of this section. The payment shall equal fifty per 6780  
cent of the salaries paid to film and multimedia trainees employed 6781  
in the production. 6782

**Sec. 122.86.** (A) As used in this section and section 5747.81 6783  
of the Revised Code: 6784

(1) "Small business enterprise" means a corporation, 6785  
pass-through entity, or other person satisfying all of the 6786  
following: 6787

(a) At the time of a qualifying investment, the enterprise 6788  
meets all of the following requirements: 6789

(i) Has no outstanding tax or other liabilities owed to the state;	6790 6791
(ii) Is in good standing with the secretary of state, if the enterprise is required to be registered with the secretary;	6792 6793
(iii) Is current with any court-ordered payments;	6794
(iv) Is not engaged in any illegal activity.	6795
(b) At the time of a qualifying investment, the enterprise's assets according to generally accepted accounting principles do not exceed fifty million dollars, or its annual sales do not exceed ten million dollars. When making this determination, the assets and annual sales of all of the enterprise's related or affiliated entities shall be included in the calculation.	6796 6797 6798 6799 6800 6801
(c) The enterprise employs at least fifty full-time equivalent employees in this state for whom the enterprise is required to withhold income tax under section 5747.06 of the Revised Code, or more than one-half the enterprise's total number of full-time equivalent employees employed anywhere in the United States are employed in this state and are subject to that withholding requirement.	6802 6803 6804 6805 6806 6807 6808
(d) The enterprise, within six months after an eligible investor's qualifying investment is made, invests in or incurs cost for one or more of the following in an amount at least equal to the amount of the qualifying investment:	6809 6810 6811 6812
(i) Tangible personal property, other than motor vehicles operated on public roads and highways, used in business and physically located in this state from the time of its acquisition by the enterprise until the end of the investor's holding period;	6813 6814 6815 6816
(ii) Motor vehicles operated on public roads and highways if, from the time of acquisition by the enterprise until the end of the investor's holding period, the motor vehicles are purchased in	6817 6818 6819

this state, registered in this state under Chapter 4503. of the 6820  
Revised Code, are used primarily for business purposes, and are 6821  
necessary for the operation of the enterprise's business; 6822

(iii) Real property located in this state that is used in 6823  
business from the time of its acquisition by the enterprise until 6824  
the end of the holding period; 6825

(iv) Intangible personal property, including patents, 6826  
copyrights, trademarks, service marks, or licenses used in 6827  
business primarily in this state from the time of its acquisition 6828  
by the enterprise until the end of the holding period; 6829

(v) Compensation for new employees of the enterprise for whom 6830  
the enterprise is required to withhold income tax under section 6831  
5747.06 of the Revised Code, not including increased compensation 6832  
for owners, officers, or managers of the enterprise. For this 6833  
purpose compensation for new employees includes compensation for 6834  
newly hired or retained employees. 6835

(2) "Qualifying investment" means an investment of money made 6836  
on or after July 1, 2011, to acquire capital stock or other equity 6837  
interest in a small business enterprise. "Qualifying investment" 6838  
does not include either of the following: 6839

(a) Any investment of money an eligible investor derives, 6840  
directly or indirectly, from a grant or loan from the federal 6841  
government or the state or a political subdivision, including the 6842  
third frontier program under Chapter 184. of the Revised Code; 6843

(b) Any investment of money which is the basis of a tax 6844  
credit granted under any other section of the Revised Code. 6845

(3) "Eligible investor" means an individual, estate, or trust 6846  
subject to the tax imposed by section 5747.02 of the Revised Code, 6847  
or a pass-through entity in which such an individual, estate, or 6848  
trust holds a direct or indirect ownership or other equity 6849  
interest. To qualify as an eligible investor, the individual, 6850

estate, trust, or pass-through entity shall not owe any 6851  
outstanding tax or other liability to the state at the time of a 6852  
qualifying investment. 6853

(4) "Holding period" means the two-year period beginning on 6854  
the day a qualifying investment is made. 6855

(5) "Pass-through entity" has the same meaning as in section 6856  
5733.04 of the Revised Code. 6857

(B) Any eligible investor that makes a qualifying investment 6858  
in a small business enterprise on or after July 1, 2011, may apply 6859  
to the director of development services to obtain a small business 6860  
investment certificate from the director. Alternatively, a small 6861  
business enterprise may apply on behalf of eligible investors to 6862  
obtain the certificates for those investors. The director, in 6863  
consultation with the tax commissioner, shall prescribe the form 6864  
or manner in which an applicant shall apply for the certificate, 6865  
devise the form of the certificate, and prescribe any records or 6866  
other information an applicant shall furnish with the application 6867  
to evidence the qualifying investment. The applicant shall state 6868  
the amount of the intended investment. The applicant shall pay an 6869  
application fee equal to the greater of one-tenth of one per cent 6870  
of the amount of the intended investment or one hundred dollars. 6871

A small business investment certificate entitles the 6872  
certificate holder to receive a tax credit under section 5747.81 6873  
of the Revised Code if the certificate holder qualifies for the 6874  
credit as otherwise provided in this section. If the certificate 6875  
holder is a pass-through entity, the certificate entitles the 6876  
entity's equity owners to receive their distributive or 6877  
proportionate shares of the credit. In any fiscal biennium, an 6878  
eligible investor may not apply for small business investment 6879  
certificates representing intended investment amounts in excess of 6880  
ten million dollars. Such certificates are not transferable. 6881

The director of development services may reserve small 6882  
business investment certificates to qualifying applicants in the 6883  
order in which the director receives applications, but may issue 6884  
the certificates as the applications are completed. An application 6885  
is completed when the director has validated that an eligible 6886  
investor has made a qualified investment and the small business 6887  
enterprise has made the appropriate reinvestment of the qualified 6888  
investment pursuant to the requirements of division (A)(1)(d) of 6889  
this section. To qualify for a certificate, an eligible investor 6890  
must satisfy both of the following, subject to the limitation on 6891  
the amount of qualifying investments for which certificates may be 6892  
issued under division (C) of this section: 6893

(1) The eligible investor makes a qualifying investment on or 6894  
after July 1, 2011. 6895

(2) The eligible investor pledges not to sell or otherwise 6896  
dispose of the qualifying investment before the conclusion of the 6897  
applicable holding period. 6898

(C)(1) The amount of any eligible investor's qualifying 6899  
investments for which small business investment certificates may 6900  
be issued for a fiscal biennium shall not exceed ten million 6901  
dollars. 6902

(2) The director of development services shall not issue a 6903  
small business investment certificate to an eligible investor 6904  
representing an amount of qualifying investment in excess of the 6905  
amount of the intended investment indicated on the investor's 6906  
application for the certificate. 6907

(3) The director of development services shall not issue 6908  
small business investment certificates in a total amount that 6909  
would cause the tax credits claimed in any fiscal biennium to 6910  
exceed one hundred million dollars. 6911

(4) The director of development services may issue a small 6912

business investment certificate only if both of the following 6913  
apply at the time of issuance: 6914

(a) The small business enterprise meets all the requirements 6915  
listed in divisions (A)(1)(a)(i) to (iv) of this section; 6916

(b) The eligible investor does not owe any outstanding tax or 6917  
other liability to the state. 6918

(D) Before the end of the applicable holding period of a 6919  
qualifying investment, each enterprise in which a qualifying 6920  
investment was made for which a small business investment 6921  
certificate has been issued, upon the request of the director of 6922  
development services, shall provide to the director records or 6923  
other evidence satisfactory to the director that the enterprise is 6924  
a small business enterprise for the purposes of this section. Each 6925  
enterprise shall also provide annually to the director records or 6926  
evidence regarding the number of jobs created or retained in the 6927  
state. No credit may be claimed under this section and section 6928  
5747.81 of the Revised Code if the director finds that an 6929  
enterprise is not a small business enterprise for the purposes of 6930  
this section. The director shall compile and maintain a register 6931  
of small business enterprises qualifying under this section and 6932  
shall certify the register to the tax commissioner. The director 6933  
shall also compile and maintain a record of the number of jobs 6934  
created or retained as a result of qualifying investments made 6935  
pursuant to this section. 6936

(E) After the conclusion of the applicable holding period for 6937  
a qualifying investment, a person to whom a small business 6938  
investment certificate has been issued under this section may 6939  
claim a credit as provided under section 5747.81 of the Revised 6940  
Code. 6941

(F) The director of development services, in consultation 6942  
with the tax commissioner, may adopt rules for the administration 6943

of this section, including rules governing the following: 6944

(1) Documents, records, or other information eligible 6945  
investors shall provide to the director; 6946

(2) Any information a small business enterprise shall provide 6947  
for the purposes of this section and section 5747.81 of the 6948  
Revised Code; 6949

(3) Determination of the number of full-time equivalent 6950  
employees of a small business enterprise; 6951

(4) Verification of a small business enterprise's investment 6952  
in tangible personal property and intangible personal property 6953  
under division (A)(1)(d) of this section, including when such 6954  
investments have been made and where the property is used in 6955  
business; 6956

(5) Circumstances under which small business enterprises or 6957  
eligible investors may be subverting the purposes of this section 6958  
and section 5747.81 of the Revised Code. 6959

~~There is hereby created in the state treasury the InvestOhio 6960  
support fund. The fund shall consist of the fees (G) Application 6961  
fees paid under division (B) of this section and shall be used by 6962  
the development services agency to pay the costs of administering 6963  
the small business investment certificate program established 6964  
under this section credited to the tax incentives operating fund 6965  
created in section 122.174 of the Revised Code. 6966~~

**Sec. 122.98.** (A) There is hereby created the Ohio aerospace 6967  
and aviation technology committee, consisting of the following 6968  
members: 6969

(1) Three members of the senate, appointed by the president 6970  
of the senate, not more than two of whom may be members of the 6971  
same political party; 6972

(2) Three members of the house of representatives, appointed 6973

by the speaker of the house of representatives, not more than two 6974  
of whom may be members of the same political party; 6975

(3) Fifteen members representing the aviation, aerospace, or 6976  
technology industry, the military, or academia. One such member 6977  
shall be appointed by the governor, and fourteen such members 6978  
shall be appointed by majority vote of the six members 6979  
representing the senate and house of representatives. 6980

The legislative members of the committee shall be appointed 6981  
not later than September 1, 2014, and the remaining members shall 6982  
be appointed within ten days thereafter. The initial term of all 6983  
members shall end on December 31, 2016. Thereafter, the term of 6984  
all members shall end on the thirty-first day of December of the 6985  
year following the year of appointment. Vacancies shall be filled 6986  
in the manner of the original appointment. 6987

The first legislator appointed to the committee by the 6988  
speaker of the house of representatives after the effective date 6989  
of H.B. 292 of the 130th general assembly, September 17, 2014, 6990  
shall serve as the first chairperson of the committee and shall 6991  
serve until December 31, 2016. Every general assembly thereafter, 6992  
the chairperson shall alternate between the first legislator 6993  
appointed by the president of the senate and the first legislator 6994  
appointed by the speaker of the house of representatives. 6995

(B) The duties of the committee shall include, but are not 6996  
limited to, all of the following: 6997

(1) Studying and developing comprehensive strategies to 6998  
promote the aviation, aerospace, and technology industry 6999  
throughout the state, including through the commercialization of 7000  
aviation, aerospace, and technology products and ideas; 7001

(2) Encouraging communication and resource-sharing among 7002  
individuals and organizations involved in the aviation, aerospace, 7003  
and technology industry, including business, the military, and 7004



academia; 7005

(3) Promoting research and development in the aviation, 7006  
aerospace, and technology industry, including research and 7007  
development of unmanned aerial vehicles; 7008

(4) Providing assistance related to military base realignment 7009  
and closure. 7010

(C) The Ohio aerospace and aviation council shall serve as an 7011  
advisory council to the committee. 7012

(D) The committee shall compile an annual report of its 7013  
activities, findings, and recommendations and shall furnish a copy 7014  
of the report to the governor, president of the senate, and 7015  
speaker of the house of representatives not later than ~~July 1,~~ 7016  
~~2015,~~ and the ~~first~~ thirty-first day of ~~July~~ December of each year 7017  
~~thereafter.~~ 7018

**Sec. 123.01.** (A) The department of administrative services, 7019  
in addition to those powers enumerated in Chapters 124. and 125. 7020  
of the Revised Code and provided elsewhere by law, shall exercise 7021  
the following powers: 7022

(1) To prepare and suggest comprehensive plans for the 7023  
development of grounds and buildings under the control of a state 7024  
agency; 7025

(2) To acquire, by purchase, gift, devise, lease, or grant, 7026  
all real estate required by a state agency, in the exercise of 7027  
which power the department may exercise the power of eminent 7028  
domain, in the manner provided by sections 163.01 to 163.22 of the 7029  
Revised Code; 7030

(3) To erect, supervise, and maintain all public monuments 7031  
and memorials erected by the state, except where the supervision 7032  
and maintenance is otherwise provided by law; 7033

(4) To procure, by lease, storage accommodations for a state 7034

agency; 7035

(5) To lease or grant easements or licenses for unproductive 7036  
and unused lands or other property under the control of a state 7037  
agency. Such leases, easements, or licenses may be granted to any 7038  
person or entity, shall be for a period not to exceed fifteen 7039  
years, and shall be executed for the state by the director of 7040  
administrative services, provided that the director shall grant 7041  
leases, easements, or licenses of university land for periods not 7042  
to exceed twenty-five years for purposes approved by the 7043  
respective university's board of trustees wherein the uses are 7044  
compatible with the uses and needs of the university and may grant 7045  
leases of university land for periods not to exceed forty years 7046  
for purposes approved by the respective university's board of 7047  
trustees pursuant to section 123.17 of the Revised Code. 7048

(6) To lease space for the use of a state agency; 7049

(7) To have general supervision and care of the storerooms, 7050  
offices, and buildings leased for the use of a state agency; 7051

(8) To exercise general custodial care of all real property 7052  
of the state; 7053

(9) To assign and group together state offices in any city in 7054  
the state and to establish, in cooperation with the state agencies 7055  
involved, rules governing space requirements for office or storage 7056  
use; 7057

(10) To lease for a period not to exceed forty years, 7058  
pursuant to a contract providing for the construction thereof 7059  
under a lease-purchase plan, buildings, structures, and other 7060  
improvements for any public purpose, and, in conjunction 7061  
therewith, to grant leases, easements, or licenses for lands under 7062  
the control of a state agency for a period not to exceed forty 7063  
years. The lease-purchase plan shall provide that at the end of 7064  
the lease period, the buildings, structures, and related 7065

improvements, together with the land on which they are situated, 7066  
shall become the property of the state without cost. 7067

(a) Whenever any building, structure, or other improvement is 7068  
to be so leased by a state agency, the department shall retain 7069  
either basic plans, specifications, bills of materials, and 7070  
estimates of cost with sufficient detail to afford bidders all 7071  
needed information or, alternatively, all of the following plans, 7072  
details, bills of materials, and specifications: 7073

(i) Full and accurate plans suitable for the use of mechanics 7074  
and other builders in the improvement; 7075

(ii) Details to scale and full sized, so drawn and 7076  
represented as to be easily understood; 7077

(iii) Accurate bills showing the exact quantity of different 7078  
kinds of material necessary to the construction; 7079

(iv) Definite and complete specifications of the work to be 7080  
performed, together with such directions as will enable a 7081  
competent mechanic or other builder to carry them out and afford 7082  
bidders all needed information; 7083

(v) A full and accurate estimate of each item of expense and 7084  
of the aggregate cost thereof. 7085

(b) The department shall give public notice, in such 7086  
newspaper, in such form, and with such phraseology as the director 7087  
of administrative services prescribes, published once each week 7088  
for four consecutive weeks, of the time when and place where bids 7089  
will be received for entering into an agreement to lease to a 7090  
state agency a building, structure, or other improvement. The last 7091  
publication shall be at least eight days preceding the day for 7092  
opening the bids. The bids shall contain the terms upon which the 7093  
builder would propose to lease the building, structure, or other 7094  
improvement to the state agency. The form of the bid approved by 7095  
the department shall be used, and a bid is invalid and shall not 7096

be considered unless that form is used without change, alteration, 7097  
or addition. Before submitting bids pursuant to this section, any 7098  
builder shall comply with Chapter 153. of the Revised Code. 7099

(c) On the day and at the place named for receiving bids for 7100  
entering into lease agreements with a state agency, the director 7101  
of administrative services shall open the bids and shall publicly 7102  
proceed immediately to tabulate the bids upon duplicate sheets. No 7103  
lease agreement shall be entered into until the bureau of workers' 7104  
compensation has certified that the person to be awarded the lease 7105  
agreement has complied with Chapter 4123. of the Revised Code, 7106  
until, if the builder submitting the lowest and best bid is a 7107  
foreign corporation, the secretary of state has certified that the 7108  
corporation is authorized to do business in this state, until, if 7109  
the builder submitting the lowest and best bid is a person 7110  
nonresident of this state, the person has filed with the secretary 7111  
of state a power of attorney designating the secretary of state as 7112  
its agent for the purpose of accepting service of summons in any 7113  
action brought under Chapter 4123. of the Revised Code, and until 7114  
the agreement is submitted to the attorney general and the 7115  
attorney general's approval is certified thereon. Within thirty 7116  
days after the day on which the bids are received, the department 7117  
shall investigate the bids received and shall determine that the 7118  
bureau and the secretary of state have made the certifications 7119  
required by this section of the builder who has submitted the 7120  
lowest and best bid. Within ten days of the completion of the 7121  
investigation of the bids, the department shall award the lease 7122  
agreement to the builder who has submitted the lowest and best bid 7123  
and who has been certified by the bureau and secretary of state as 7124  
required by this section. If bidding for the lease agreement has 7125  
been conducted upon the basis of basic plans, specifications, 7126  
bills of materials, and estimates of costs, upon the award to the 7127  
builder the department, or the builder with the approval of the 7128  
department, shall appoint an architect or engineer licensed in 7129

this state to prepare such further detailed plans, specifications, 7130  
and bills of materials as are required to construct the building, 7131  
structure, or improvement. The department shall adopt such rules 7132  
as are necessary to give effect to this section. The department 7133  
may reject any bid. Where there is reason to believe there is 7134  
collusion or combination among bidders, the bids of those 7135  
concerned therein shall be rejected. 7136

(11) To acquire by purchase, gift, devise, or grant and to 7137  
transfer, lease, or otherwise dispose of all real property 7138  
required to assist in the development of a conversion facility as 7139  
defined in section 5709.30 of the Revised Code as that section 7140  
existed before its repeal by Amended Substitute House Bill 95 of 7141  
the 125th general assembly; 7142

(12) To lease for a period not to exceed forty years, 7143  
notwithstanding any other division of this section, the 7144  
state-owned property located at 408-450 East Town Street, 7145  
Columbus, Ohio, formerly the state school for the deaf, to a 7146  
developer in accordance with this section. "Developer," as used in 7147  
this section, has the same meaning as in section 123.77 of the 7148  
Revised Code. 7149

Such a lease shall be for the purpose of development of the 7150  
land for use by senior citizens by constructing, altering, 7151  
renovating, repairing, expanding, and improving the site as it 7152  
existed on June 25, 1982. A developer desiring to lease the land 7153  
shall prepare for submission to the department a plan for 7154  
development. Plans shall include provisions for roads, sewers, 7155  
water lines, waste disposal, water supply, and similar matters to 7156  
meet the requirements of state and local laws. The plans shall 7157  
also include provision for protection of the property by insurance 7158  
or otherwise, and plans for financing the development, and shall 7159  
set forth details of the developer's financial responsibility. 7160

The department may employ, as employees or consultants, 7161

persons needed to assist in reviewing the development plans. Those 7162  
persons may include attorneys, financial experts, engineers, and 7163  
other necessary experts. The department shall review the 7164  
development plans and may enter into a lease if it finds all of 7165  
the following: 7166

(a) The best interests of the state will be promoted by 7167  
entering into a lease with the developer; 7168

(b) The development plans are satisfactory; 7169

(c) The developer has established the developer's financial 7170  
responsibility and satisfactory plans for financing the 7171  
development. 7172

The lease shall contain a provision that construction or 7173  
renovation of the buildings, roads, structures, and other 7174  
necessary facilities shall begin within one year after the date of 7175  
the lease and shall proceed according to a schedule agreed to 7176  
between the department and the developer or the lease will be 7177  
terminated. The lease shall contain such conditions and 7178  
stipulations as the director considers necessary to preserve the 7179  
best interest of the state. Moneys received by the state pursuant 7180  
to this lease shall be paid into the general revenue fund. The 7181  
lease shall provide that at the end of the lease period the 7182  
buildings, structures, and related improvements shall become the 7183  
property of the state without cost. 7184

(13) To manage the use of space owned and controlled by the 7185  
department by doing all of the following: 7186

(a) Biennially implementing, by state agency location, a 7187  
census of agency employees assigned space; 7188

(b) Periodically in the discretion of the director of 7189  
administrative services: 7190

(i) Requiring each state agency to categorize the use of 7191

space allotted to the agency between office space, common areas, 7192  
storage space, and other uses, and to report its findings to the 7193  
department; 7194

(ii) Creating and updating a master space utilization plan 7195  
for all space allotted to state agencies. The plan shall 7196  
incorporate space utilization metrics. 7197

(iii) Conducting a cost-benefit analysis to determine the 7198  
effectiveness of state-owned buildings; 7199

(iv) Assessing the alternatives associated with consolidating 7200  
the commercial leases for buildings located in Columbus. 7201

(c) Commissioning a comprehensive space utilization and 7202  
capacity study in order to determine the feasibility of 7203  
consolidating existing commercially leased space used by state 7204  
agencies into a new state-owned facility. 7205

(14) To adopt rules to ensure that energy efficiency and 7206  
conservation is considered in the purchase of products and 7207  
equipment, except motor vehicles, by any state agency, department, 7208  
division, bureau, office, unit, board, commission, authority, 7209  
quasi-governmental entity, or institution. The department may 7210  
require minimum energy efficiency standards for purchased products 7211  
and equipment based on federal testing and labeling if available 7212  
or on standards developed by the department. When possible, the 7213  
rules shall apply to the competitive selection of energy consuming 7214  
systems, components, and equipment under Chapter 125. of the 7215  
Revised Code. 7216

(15) To ensure energy efficient and energy conserving 7217  
purchasing practices by doing all of the following: 7218

(a) Identifying available energy efficiency and conservation 7219  
opportunities; 7220

(b) Providing for interchange of information among purchasing 7221

agencies;	7222
(c) Identifying laws, policies, rules, and procedures that should be modified;	7223 7224
(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government;	7225 7226 7227 7228 7229
(e) Providing technical assistance and training to state employees involved in the purchasing process;	7230 7231
(f) Working with the development services agency to make recommendations regarding planning and implementation of purchasing policies and procedures that are supportive of energy efficiency and conservation.	7232 7233 7234 7235
(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the fiscal year, in accordance with the average fuel economy standards established by federal law for passenger automobiles manufactured during the model year that begins during the fiscal year.	7236 7237 7238 7239 7240 7241 7242 7243 7244 7245 7246 7247 7248
Each state agency, department, division, bureau, office, unit, commission, board, authority, quasi-governmental entity, institution, and state institution of higher education shall determine its fleet average fuel economy by dividing the total	7249 7250 7251 7252



number of passenger vehicles acquired during the fiscal year, 7253  
except for those passenger vehicles acquired for use in law 7254  
enforcement or emergency rescue work, by a sum of terms, each of 7255  
which is a fraction created by dividing the number of passenger 7256  
vehicles of a given make, model, and year, except for passenger 7257  
vehicles acquired for use in law enforcement or emergency rescue 7258  
work, acquired during the fiscal year by the fuel economy measured 7259  
by the administrator of the United States environmental protection 7260  
agency, for the given make, model, and year of vehicle, that 7261  
constitutes an average fuel economy for combined city and highway 7262  
driving. 7263

As used in division (A)(16) of this section, "acquired" means 7264  
leased for a period of sixty continuous days or more, or 7265  
purchased. 7266

(B) This section and section 125.02 of the Revised Code shall 7267  
not interfere with any of the following: 7268

(1) The power of the adjutant general to purchase military 7269  
supplies, or with the custody of the adjutant general of property 7270  
leased, purchased, or constructed by the state and used for 7271  
military purposes, or with the functions of the adjutant general 7272  
as director of state armories; 7273

(2) The power of the director of transportation in acquiring 7274  
rights-of-way for the state highway system, or the leasing of 7275  
lands for division or resident district offices, or the leasing of 7276  
lands or buildings required in the maintenance operations of the 7277  
department of transportation, or the purchase of real property for 7278  
garage sites or division or resident district offices, or in 7279  
preparing plans and specifications for and constructing such 7280  
buildings as the director may require in the administration of the 7281  
department; 7282

(3) The power of the director of public safety and the 7283

registrar of motor vehicles to purchase or lease real property and 7284  
buildings to be used solely as locations to which a deputy 7285  
registrar is assigned pursuant to division (B) of section 4507.011 7286  
of the Revised Code and from which the deputy registrar is to 7287  
conduct the deputy registrar's business, the power of the director 7288  
of public safety to purchase or lease real property and buildings 7289  
to be used as locations for division or district offices as 7290  
required in the maintenance of operations of the department of 7291  
public safety, and the power of the superintendent of the state 7292  
highway patrol in the purchase or leasing of real property and 7293  
buildings needed by the patrol, to negotiate the sale of real 7294  
property owned by the patrol, to rent or lease real property owned 7295  
or leased by the patrol, and to make or cause to be made repairs 7296  
to all property owned or under the control of the patrol; 7297

(4) The power of the division of liquor control in the 7298  
leasing or purchasing of retail outlets and warehouse facilities 7299  
for the use of the division; 7300

(5) The power of the director of development services to 7301  
enter into leases of real property, buildings, and office space to 7302  
be used solely as locations for the state's foreign offices to 7303  
carry out the purposes of section 122.05 of the Revised Code; 7304

(6) The power of the director of environmental protection to 7305  
enter into environmental covenants, to grant and accept easements, 7306  
or to sell property pursuant to division (G) of section 3745.01 of 7307  
the Revised Code; 7308

(7) The power of the department of public safety under 7309  
section 5502.01 of the Revised Code to direct security measures 7310  
and operations for the Vern Riffe center and the James A. Rhodes 7311  
state office tower. The department of administrative services 7312  
shall implement all security measures and operations at the Vern 7313  
Riffe center and the James A. Rhodes state office tower as 7314  
directed by the department of public safety. 7315

(C) Purchases for, and the custody and repair of, buildings 7316  
under the management and control of the capitol square review and 7317  
advisory board, the opportunities for Ohioans with disabilities 7318  
agency, the bureau of workers' compensation, or the departments of 7319  
public safety, job and family services, mental health and 7320  
addiction services, developmental disabilities, and rehabilitation 7321  
and correction; buildings of educational and benevolent 7322  
institutions under the management and control of boards of 7323  
trustees; and purchases or leases for, and the custody and repair 7324  
of, office space used for the purposes of ~~the joint legislative~~ 7325  
~~ethics committee~~ any agency of the legislative branch of state 7326  
government are not subject to the control and jurisdiction of the 7327  
department of administrative services. 7328

If ~~the joint legislative ethics committee~~ an agency of the 7329  
legislative branch of state government, except the capitol square 7330  
review and advisory board, so requests, the ~~committee~~ agency and 7331  
the director of administrative services may enter into a contract 7332  
under which the department of administrative services agrees to 7333  
perform any services requested by the ~~committee~~ agency that the 7334  
department is authorized under this section to perform. 7335

(D) Any instrument by which real property is acquired 7336  
pursuant to this section shall identify the agency of the state 7337  
that has the use and benefit of the real property as specified in 7338  
section 5301.012 of the Revised Code. 7339

**Sec. ~~152.08~~ 123.011.** (A) ~~The Ohio building authority~~ 7340  
department of administrative services may: 7341

(1) ~~Acquire, by gift, grant, or purchase, and hold and~~ 7342  
~~mortgage, real estate and interests therein and personal property~~ 7343  
~~suitable for its purposes, provided that no land used by the~~ 7344  
~~authority pursuant to section 152.05 of the Revised Code shall be~~ 7345  
~~mortgaged by the authority;~~ 7346

~~(2) Purchase, construct, reconstruct, equip, furnish, 7347  
improve, alter, enlarge, maintain, repair, and operate buildings, 7348  
facilities, and other properties for the purposes set forth in 7349  
section 152.04 of the Revised Code. The authority shall construct, 7350  
operate, and maintain its buildings, facilities, and other 7351  
properties in a healthy, safe, and sanitary manner. 7352~~

~~(3) Issue revenue bonds to secure funds to accomplish its 7353  
purposes, the principal of and interest on and all other payments 7354  
required to be made by the trust agreement or indenture securing 7355  
such bonds to be paid solely from revenues accruing to the 7356  
authority through the operation of its buildings, facilities, and 7357  
other properties; 7358~~

~~(4) Enter into contracts and execute all instruments 7359  
necessary in the conduct of its business; 7360~~

~~(5) Fix, alter, and charge rentals and other charges for the 7361  
use and occupancy of its buildings, facilities, and other 7362  
properties and enter into leases with the persons specified in 7363  
section 152.04 of the Revised Code; 7364~~

~~(6) Employ financial consultants, appraisers, consulting 7365  
engineers, architects, superintendents, managers, construction and 7366  
accounting experts, attorneys at law, and other employees and 7367  
agents as are necessary, in its judgment, and fix their 7368  
compensation; 7369~~

~~(7)(2) Provide for the persons occupying its buildings, 7370  
facilities, and other properties, health clinics, medical 7371  
services, food services, and such other services as such persons 7372  
cannot provide for themselves; and, if the authority department 7373  
determines that it is more advantageous, it may enter into 7374  
contracts with persons, firms, or corporations or with any 7375  
governmental agency, board, commission, or department to provide 7376  
any of such clinics or services; 7377~~

~~(8) Pledge, hypothecate, or otherwise encumber such of its 7378  
rentals or other charges as may be agreed as security for its 7379  
obligations, and enter into trust agreements or indentures for the 7380  
benefit of its bondholders; 7381~~

~~(9) Borrow money or accept advances, loans, gifts, grants, 7382  
devises, or bequests from, and enter into contracts or agreements 7383  
with, any federal agency or other governmental or private source, 7384  
and hold and apply advances, loans, gifts, grants, devises, or 7385  
bequests according to the terms thereof. Such advances, loans, 7386  
gifts, grants, or devises of real estate may be in fee simple or 7387  
of any lesser estate and may be subject to any reasonable 7388  
reservations. Any advances or loans received from any federal or 7389  
other governmental or private source may be repaid in accordance 7390  
with the terms of such advance or loan. 7391~~

~~(10) Conduct investigations into housing and living 7392  
conditions in order to be able to purchase, construct, or 7393  
reconstruct suitable buildings and facilities to fulfill its 7394  
purpose, and determine the best locations within the state for its 7395  
buildings, facilities, and other properties; 7396~~

~~(11) Enter into lawful arrangements with the appropriate 7397  
federal or state department or agency, county, township, municipal 7398  
government, or other political subdivision, or public agency for 7399  
the planning and installation of streets, roads, alleys, public 7400  
parks and recreation areas, public utility facilities, and other 7401  
necessary appurtenances to its projects; 7402~~

~~(12) Purchase fire, extended coverage, and liability 7403  
insurance for its property, and insurance covering the authority 7404  
and its officers and employees for liability for damage or injury 7405  
to persons or property; 7406~~

~~(13) Sell, lease, release, or otherwise dispose of property 7407  
owned by the authority and not needed for the purposes of the 7408~~

~~authority and grant such easements across the property of the 7409  
authority as will not interfere with its use of its property; 7410~~

~~(14) Establish rules and regulations for the use and 7411  
operation of its buildings, facilities, and other properties; 7412~~

~~(15) Do all other acts necessary to the fulfillment of its 7413  
purposes. 7414~~

~~(B) Any instrument by which real property is acquired 7415  
pursuant to this section shall identify the agency of the state 7416  
that has the use and benefit of the real property as specified in 7417  
section 5301.012 of the Revised Code. 7418~~

~~(C) Any person may possess a firearm in a motor vehicle in 7419  
the parking garage at the Riffe center for government and the arts 7420  
in Columbus, if the person's possession of the firearm in the 7421  
motor vehicle is not in violation of section 2923.16 of the 7422  
Revised Code or any other provision of the Revised Code. Any 7423  
person may store or leave a firearm in a locked motor vehicle that 7424  
is parked in the parking garage at the Riffe center for government 7425  
and the arts in Columbus, if the person's transportation and 7426  
possession of the firearm in the motor vehicle while traveling to 7427  
the garage was not in violation of section 2923.16 of the Revised 7428  
Code or any other provision of the Revised Code. 7429~~

**Sec. 123.20.** (A) There is hereby created the Ohio facilities 7430  
construction commission. The commission shall administer the 7431  
design and construction of improvements to public facilities of 7432  
the state in accordance with this chapter, the provision of 7433  
financial assistance to school districts for the acquisition or 7434  
construction of classroom facilities in accordance with Chapter 7435  
3318. of the Revised Code, and any other applicable provisions of 7436  
the Revised Code. 7437

The commission is a body corporate and politic, an agency of 7438

state government and an instrumentality of the state, performing 7439  
essential governmental functions of this state. The carrying out 7440  
of the purposes and the exercise by the commission of its powers 7441  
are essential public functions and public purposes of the state. 7442  
The commission may, in its own name, sue and be sued, enter into 7443  
contracts, and perform all the powers and duties given to it by 7444  
the Revised Code, but it does not have and shall not exercise the 7445  
power of eminent domain. In its discretion and as it determines 7446  
appropriate, the commission may delegate to any of its members, 7447  
executive director, or other employees any of the commission's 7448  
powers and duties to carry out its functions. 7449

(B) The commission shall consist of seven members, three of 7450  
whom shall be voting members+. The voting members shall be the 7451  
director of the office of budget and management and, the director 7452  
of administrative services, or their designees, and a member an 7453  
additional administrative department head listed in section 121.03 7454  
of the Revised Code whom the governor shall appoint. Each voting 7455  
member of the commission may designate an employee of the member's 7456  
agency to serve on the member's behalf. 7457

The nonvoting members shall be two members of the senate 7458  
appointed by the president of the senate and two members of the 7459  
house of representatives appointed by the speaker of the house of 7460  
representatives. The nonvoting members who are senators shall not 7461  
be members of the same political party, and the nonvoting members 7462  
who are representatives shall not be members of the same political 7463  
party. 7464

Not later than the thirty-first day of January of an 7465  
odd-numbered year, the president of the senate and the speaker of 7466  
the house of representatives shall appoint the nonvoting members 7467  
of the commission to serve for the duration of that general 7468  
assembly. A seat on the commission becomes vacant if the nonvoting 7469  
member who held the seat ceases to serve in the chamber of the 7470

general assembly from which the nonvoting member was appointed. A 7471  
vacancy in a nonvoting seat on the commission shall be filled in 7472  
the manner provided for original appointments not later than the 7473  
thirty-first day after the day the seat becomes vacant. 7474

Members of the commission or their designees shall serve 7475  
without compensation. 7476

~~Within sixty days after the effective date of this section,~~ 7477  
~~the commission shall meet and organize by electing voting members~~ 7478  
~~as the chairperson and vice chairperson of the commission, who~~ 7479  
~~shall hold their offices until the next organizational meeting of~~ 7480  
~~the commission.~~ Organizational meetings of the commission shall be 7481  
held at the first meeting of each calendar year. At each 7482  
organizational meeting, the commission shall elect from among its 7483  
voting members a chairperson and vice-chairperson, who shall serve 7484  
until the next annual organizational meeting. The commission shall 7485  
adopt rules pursuant to Chapter 119. of the Revised Code for the 7486  
conduct of its internal business and shall keep a journal of its 7487  
proceedings. Including the organizational meeting, the commission 7488  
shall meet at least once each calendar year. 7489

Two voting members of the commission constitute a quorum, and 7490  
the affirmative vote of two members is necessary for approval of 7491  
any action taken by the commission. A vacancy in the membership of 7492  
the commission does not impair a quorum from exercising all the 7493  
rights and performing all the duties of the commission. Meetings 7494  
of the commission may be held anywhere in the state and shall be 7495  
held in compliance with section 121.22 of the Revised Code. 7496

(C) ~~Within sixty days after the effective date of this~~ 7497  
~~section, the governor shall appoint a member to the commission.~~ 7498  
~~The initial appointment shall be for a term ending three years~~ 7499  
~~after the effective date of this section, with subsequent terms~~ 7500  
~~ending three years after they begin, on the same day of the same~~ 7501  
~~month as the initial term.~~ 7502



~~A vacancy for the member appointed by the governor shall be filled in the same manner as provided for the original appointment. The appointed member shall hold office for the remainder of the term for which the vacancy existed. After the expiration of the term, the appointed member shall continue in office for a period of sixty days or until the appointed member's successor takes office, whichever period is shorter.~~

~~(D)~~ The commission shall file an annual report of its activities and finances, including a report of the expenditures and progress of the classroom facilities assistance program under Chapter 3318. of the Revised Code, with the governor, speaker of the house of representatives, president of the senate, and chairpersons of the house and senate finance committees.

~~(E)~~(D) The commission shall be exempt from the requirements of sections 101.82 to 101.87 of the Revised Code.

**Sec. 123.21.** (A) The Ohio facilities construction commission may perform any act and ensure the performance of any function necessary or appropriate to carry out the purposes of, and exercise the powers granted under this chapter or any other provision of the Revised Code, including any of the following:

(1) ~~Prepare~~ Except as otherwise provided in section 123.211 of the Revised Code, prepare, or contract to be prepared, by licensed engineers or architects, surveys, general and detailed plans, specifications, bills of materials, and estimates of cost for any projects, improvements, or public buildings to be constructed by state agencies that may be authorized by legislative appropriations or any other funds made available therefor, provided that the construction of the projects, improvements, or public buildings is a statutory duty of the commission. This section does not require the independent employment of an architect or engineer as provided by section

153.01 of the Revised Code in the cases to which section 153.01 of 7534  
the Revised Code applies. This section does not affect or alter 7535  
the existing powers of the director of transportation. 7536

(2) ~~Have~~ Except as otherwise provided in section 123.211 of 7537  
the Revised Code, have general supervision over the construction 7538  
of any projects, improvements, or public buildings constructed for 7539  
a state agency and over the inspection of materials prior to their 7540  
incorporation into those projects, improvements, or buildings. 7541

(3) ~~Make~~ Except as otherwise provided in section 123.211 of 7542  
the Revised Code, make contracts for and supervise the design and 7543  
construction of any projects and improvements or the construction 7544  
and repair of buildings under the control of a state agency. All 7545  
such contracts may be based in whole or in part on the unit price 7546  
or maximum estimated cost, with payment computed and made upon 7547  
actual quantities or units. 7548

(4) Adopt, amend, and rescind rules pertaining to the 7549  
administration of the construction of the public works of the 7550  
state as required by law, in accordance with Chapter 119. of the 7551  
Revised Code. 7552

(5) Contract with, retain the services of, or designate, and 7553  
fix the compensation of, such agents, accountants, consultants, 7554  
advisers, and other independent contractors as may be necessary or 7555  
desirable to carry out the programs authorized under this chapter, 7556  
or authorize the executive director to perform such powers and 7557  
duties. 7558

(6) Receive and accept any gifts, grants, donations, and 7559  
pledges, and receipts therefrom, to be used for the programs 7560  
authorized under this chapter. 7561

(7) Make and enter into all contracts, commitments, and 7562  
agreements, and execute all instruments, necessary or incidental 7563  
to the performance of its duties and the execution of its rights 7564

and powers under this chapter, or authorize the executive director 7565  
to perform such powers and duties. 7566

(8) Debar a contractor as provided in section 153.02 of the 7567  
Revised Code. 7568

(9) Enter into and administer cooperative agreements for 7569  
cultural projects, as provided in sections 123.28 and 123.281 of 7570  
the Revised Code. 7571

(B) The commission shall appoint and fix the compensation of 7572  
an executive director who shall serve at the pleasure of the 7573  
commission. The executive director shall exercise all powers that 7574  
the commission possesses, supervise the operations of the 7575  
commission, and perform such other duties as delegated by the 7576  
commission. The executive director also shall employ and fix the 7577  
compensation of such employees as will facilitate the activities 7578  
and purposes of the commission, who shall serve at the pleasure of 7579  
the executive director. The employees of the commission are exempt 7580  
from Chapter 4117. of the Revised Code and are not considered 7581  
public employees as defined in section 4117.01 of the Revised 7582  
Code. Any agreement entered into prior to July 1, 2012, between 7583  
the office of collective bargaining and the exclusive 7584  
representative for employees of the commission is binding and 7585  
shall continue to have effect. 7586

(C) The attorney general shall serve as the legal 7587  
representative for the commission and may appoint other counsel as 7588  
necessary for that purpose in accordance with section 109.07 of 7589  
the Revised Code. 7590

**Sec. 124.384.** (A) Except as otherwise provided in this 7591  
section, employees whose salaries or wages are paid by warrant of 7592  
the director of budget and management and who have accumulated 7593  
sick leave under section 124.38 or 124.382 of the Revised Code 7594  
shall be paid for a percentage of their accumulated balances, upon 7595

separation for any reason, including death but excluding 7596  
retirement, at their last base rate of pay at the rate of one hour 7597  
of pay for every two hours of accumulated balances. An employee 7598  
who retires in accordance with any retirement plan offered by the 7599  
state shall be paid upon retirement for each hour of the 7600  
employee's accumulated sick leave balance at a rate of fifty-five 7601  
per cent of the employee's last base rate of pay. 7602

An employee serving in a temporary work level who elects to 7603  
convert unused sick leave to cash shall do so at the base rate of 7604  
pay of the employee's normal classification. If an employee dies, 7605  
the employee's unused sick leave shall be paid in accordance with 7606  
section 2113.04 of the Revised Code or to the employee's estate. 7607

In order to be eligible for the payment authorized by this 7608  
section, an employee shall have at least one year of state service 7609  
and shall request all or a portion of that payment no later than 7610  
three years after separation from state service. No person is 7611  
eligible to receive all or a portion of the payment authorized by 7612  
this section at any time later than three years after the person's 7613  
separation from state service. 7614

(B) ~~Except as otherwise provided in this division, a~~ A person 7615  
initially employed on or after July 5, 1987, by a state agency in 7616  
which the employees' salaries or wages are paid directly by 7617  
warrant of the director of budget and management shall receive 7618  
payment under this section only for sick leave accumulated while 7619  
employed by state agencies in which the employees' salaries or 7620  
wages are paid directly by warrant of the director of budget and 7621  
management. A Additionally, a person initially employed on or 7622  
after July 5, 1987, but before October 1, 2017, by the state 7623  
department of education as an unclassified employee shall receive 7624  
payment under this section ~~only for sick leave accumulated while~~ 7625  
~~employed by state agencies in which the employees' salaries or~~ 7626  
~~wages are paid directly by warrant of the director of budget and~~ 7627

~~management~~ and for sick leave placed to the employee's credit 7628  
under division (E)(2) of section 124.382 of the Revised Code. 7629

(C) For employees paid in accordance with section 124.152 of 7630  
the Revised Code and those employees listed in divisions (B)(2) 7631  
and (4) of section 124.14 of the Revised Code, the director of 7632  
administrative services, with the approval of the director of 7633  
budget and management, may establish a plan for early payment of 7634  
accrued sick leave and vacation leave. 7635

**Sec. 124.823.** The department of administrative services shall 7636  
establish a ~~pilot program under which it includes medical high~~ high 7637  
deductible health plan that qualifies under section 223 of the 7638  
Internal Revenue Code along with a health savings accounts account 7639  
as part of any package of health care benefit options offered to 7640  
state employees and state elected officials paid by warrant of the 7641  
director of budget and management. Except for the provisions in 7642  
divisions (A) and (B) of section 3924.64 of the Revised Code 7643  
concerning designation of an administrator, ~~a medical~~ the health 7644  
savings account ~~established as part of the program~~ is subject to 7645  
sections 3924.64 to 3924.74 of the Revised Code. 7646

The department is not required to offer the ~~medical high~~ high 7647  
deductible health plan with a health savings account option to any 7648  
state employee who is covered under a collective bargaining 7649  
agreement entered into pursuant to Chapter 4117. of the Revised 7650  
Code, but ~~a medical savings account~~ the option may be part of a 7651  
package of health care benefit options offered pursuant to a 7652  
collective bargaining agreement. The department may ~~limit~~ 7653  
~~enrollment in the medical savings account program and may~~ require 7654  
state employees enrolled in ~~it~~ the high deductible health plan to 7655  
contribute to their ~~medical~~ health savings accounts. The 7656  
department shall make both individual and family coverage 7657  
available through the ~~accounts~~ high deductible health plan. The 7658

~~program high deductible health plan shall not increase the cost of providing health insurance to state employees. The department may end the program at any time not sooner than two years after it is established, except that the department may not end the program prior to providing six months' notice to the speaker of the house of representatives, president of the senate, minority leader of the house and minority leader of the senate, and the chairs of the standing committees of the senate and house of representatives with primary responsibility for health and insurance legislation.~~

A state employee who chooses the ~~medical~~ high deductible health plan with a health savings account option shall have any state health, medical, hospital, dental, surgical, and vision benefits for which the employee is eligible provided through the ~~medical savings account plan~~. The department, under section 124.81 or 124.82 of the Revised Code, shall contract for or otherwise provide a the high-deductible policy or contract health plan with a health savings account through which those benefits can be paid.

~~The An~~ employee ~~for whom a medical~~ who chooses the high deductible health plan with a health savings account ~~is opened~~ shall at the time the account is opened choose an administrator from a list of administrators designated by the department, one of which may be the insurer from which the department purchases the high-deductible ~~policy or contract~~ health plan. If the employee fails to choose an administrator, the department shall designate an administrator.

If an elected state official whose term commenced prior to the establishment of the ~~program~~ high deductible health plan with a health savings account elects to participate in the ~~medical savings account program plan~~, participation shall commence at the beginning of the term following establishment of the ~~program~~ plan.

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**Sec. 124.93.** (A) As used in this section, "physician" means 7690  
any person who holds a valid ~~certificate~~ license to practice 7691  
medicine and surgery or osteopathic medicine and surgery issued 7692  
under Chapter 4731. of the Revised Code. 7693

(B) No health insuring corporation that, on or after July 1, 7694  
1993, enters into or renews a contract with the department of 7695  
administrative services under section 124.82 of the Revised Code, 7696  
because of a physician's race, color, religion, sex, national 7697  
origin, disability or military status as defined in section 7698  
4112.01 of the Revised Code, age, or ancestry, shall refuse to 7699  
contract with that physician for the provision of health care 7700  
services under section 124.82 of the Revised Code. 7701

Any health insuring corporation that violates this division 7702  
is deemed to have engaged in an unlawful discriminatory practice 7703  
as defined in section 4112.02 of the Revised Code and is subject 7704  
to Chapter 4112. of the Revised Code. 7705

(C) Each health insuring corporation that, on or after July 7706  
1, 1993, enters into or renews a contract with the department of 7707  
administrative services under section 124.82 of the Revised Code 7708  
and that refuses to contract with a physician for the provision of 7709  
health care services under that section shall provide that 7710  
physician with a written notice that clearly explains the reason 7711  
or reasons for the refusal. The notice shall be sent to the 7712  
physician by regular mail within thirty days after the refusal. 7713

Any health insuring corporation that fails to provide notice 7714  
in compliance with this division is deemed to have engaged in an 7715  
unfair and deceptive act or practice in the business of insurance 7716  
as defined in section 3901.21 of the Revised Code and is subject 7717  
to sections 3901.19 to 3901.26 of the Revised Code. 7718

**Sec. 125.03.** Any state agency wanting to purchase automatic 7719

data processing, computer services as defined in section 2913.01 7720  
of the Revised Code, electronic publishing services, or electronic 7721  
information services, or any consulting services related to 7722  
information technology, the aggregate cost of which would amount 7723  
to more than fifty thousand dollars over the next succeeding 7724  
five-year period, shall make the purchase by competitive selection 7725  
and with the approval of the controlling board. In its request for 7726  
approval, the agency shall provide the board with a comparative 7727  
analysis of the cost of similar systems utilized by other states 7728  
and a description of the measures it took to find the most 7729  
cost-effective system. The comparative analysis shall not be 7730  
considered a public record under section 149.43 of the Revised 7731  
Code unless the request is approved by the board and the agency 7732  
has awarded the contract. 7733

**Sec. 125.035.** (A) Except as otherwise provided in the Revised 7734  
Code, a state agency wanting to purchase supplies or services 7735  
shall make the purchase subject to the requirements of an 7736  
applicable first or second requisite procurement program described 7737  
in this section, or obtain a determination from the department of 7738  
administrative services that the purchase is not subject to a 7739  
first or second requisite procurement program. State agencies 7740  
shall submit a purchase request to the department of 7741  
administrative services unless the department has determined the 7742  
request does not require a review. The director of administrative 7743  
services shall adopt rules under Chapter 119. of the Revised Code 7744  
to provide for the manner of carrying out the function and the 7745  
power and duties imposed upon and vested in the director by this 7746  
section. 7747

(B) The following programs are first requisite procurement 7748  
programs that shall be given preference in the following order in 7749  
fulfilling a purchase request: 7750



(1) Ohio penal industries within the department of rehabilitation and correction; and 7751  
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(2) Community rehabilitation programs administered by the department of administrative services under sections 125.601 to 125.6012 of the Revised Code. 7753  
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(C) The following programs are second requisite procurement programs that may be able to fulfill the purchase request if the first requisite procurement programs are unable to do so: 7756  
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(1) Business enterprise program at the opportunities for Ohioans with disabilities agency as prescribed in sections 3304.28 to 3304.33 of the Revised Code; 7759  
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(2) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code; 7762  
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(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code; 7765  
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(4) ~~Office of support services~~ Ohio pharmacy services at the department of mental health and addiction services as prescribed in section 5119.44 of the Revised Code; 7768  
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(5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and 7771  
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(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency. 7773  
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(D) Upon receipt of a purchase request, the department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the 7776  
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determination, the department may consult with each of the first 7781  
requisite procurement programs. When the department has made its 7782  
determination, it shall: 7783

(1) Direct the requesting agency to obtain the desired 7784  
supplies or services through the proper first requisite 7785  
procurement program; 7786

(2) Provide the agency with a waiver from the use of the 7787  
applicable first requisite procurement programs under sections 7788  
125.609 or 5147.07 of the Revised Code; or 7789

(3) Determine whether the purchase can be fulfilled through a 7790  
second requisite procurement program under division (E) of this 7791  
section. 7792

(E) In making the determination that a purchase is subject to 7793  
a second requisite procurement program, the department shall 7794  
identify potentially applicable programs and notify each program 7795  
of the requested purchase. The notified second requisite 7796  
procurement program shall respond to the department within two 7797  
business days with regard to its ability to provide the requested 7798  
purchase. If the second requisite procurement program can provide 7799  
the requested purchase, the department shall direct the requesting 7800  
agency to make the requested purchase from the appropriate second 7801  
requisite procurement program. If the department has not received 7802  
notification from a second requisite procurement program within 7803  
two business days and the department has made the determination 7804  
that the purchase is not subject to a second requisite procurement 7805  
program, the department shall provide a waiver to the requesting 7806  
agency. 7807

(F) Within five business days after receipt of a request, the 7808  
department shall notify the requesting agency of its determination 7809  
and provide any waiver under divisions (D) or (E) of this section. 7810  
If the department fails to respond within five business days or 7811

fails to provide an explanation for any further delay within that 7812  
time, the requesting agency may use direct purchasing authority to 7813  
make the requested purchase, subject to the requirements of 7814  
division (G) of this section and section 127.16 of the Revised 7815  
Code. 7816

(G) As provided in sections 125.02 and 125.05 of the Revised 7817  
Code and subject to such rules as the director of administrative 7818  
services may adopt, the department may issue a release and permit 7819  
to the agency to secure supplies or services. A release and permit 7820  
shall specify the supplies or services to which it applies, the 7821  
time during which it is operative, and the reason for its 7822  
issuance. A release and permit for telephone, other 7823  
telecommunications, and computer services shall be provided in 7824  
accordance with section 125.18 of the Revised Code and shall 7825  
specify the type of services to be rendered, the number and type 7826  
of hardware to be used, and may specify the amount of such 7827  
services to be performed. No requesting agency shall proceed with 7828  
such purchase until it has received an approved release and permit 7829  
from the director of administrative services or the director's 7830  
designee. 7831

**Sec. 125.04.** (A) Except for the requirements of division (B) 7832  
of this section, section 125.092, and division (B) of section 7833  
125.11 of the Revised Code, sections 125.04 to 125.08 and 125.09 7834  
to 125.15 of the Revised Code do not apply to or affect state 7835  
institutions of higher education. 7836

(B)(1) As used in this division: 7837

(a) "Chartered nonpublic school" has the same meaning as in 7838  
section 3310.01 of the Revised Code. 7839

(b) "Emergency medical service organization" has the same 7840  
meaning as in section 4765.01 of the Revised Code. 7841

(c) "Governmental agency" means a political subdivision or 7842  
special district in this state established by or under law, or any 7843  
combination of these entities; the United States or any 7844  
department, division, or agency of the United States; one or more 7845  
other states or groups of states; other purchasing consortia; and 7846  
any agency, commission, or authority established under an 7847  
interstate compact or agreement. 7848

(d) "Political subdivision" means any county, township, 7849  
municipal corporation, school district, conservancy district, 7850  
township park district, park district created under Chapter 1545. 7851  
of the Revised Code, regional transit authority, regional airport 7852  
authority, regional water and sewer district, or port authority. 7853  
"Political subdivision" also includes any other political 7854  
subdivision described in the Revised Code that has been approved 7855  
by the department of administrative services to participate in the 7856  
department's contracts under this division. 7857

(e) "Private fire company" has the same meaning as in section 7858  
9.60 of the Revised Code. 7859

(f) "State institution of higher education" has the meaning 7860  
defined in section 3345.011 of the Revised Code. 7861

(2) Subject to division (C) of this section, the department 7862  
of administrative services may permit a state institution of 7863  
higher education, governmental agency, political subdivision, 7864  
county board of elections, private fire company, private, 7865  
nonprofit emergency medical service organization, or chartered 7866  
nonpublic school to participate in contracts into which the 7867  
department has entered for the purchase of supplies and services. 7868  
The department may charge the entity a reasonable fee to cover the 7869  
administrative costs the department incurs as a result of 7870  
participation by the entity in such a purchase contract. 7871

A political subdivision desiring to participate in such 7872

purchase contracts shall file with the department a certified copy 7873  
of an ordinance or resolution of the legislative authority or 7874  
governing board of the political subdivision. The resolution or 7875  
ordinance shall request that the political subdivision be 7876  
authorized to participate in such contracts and shall agree that 7877  
the political subdivision will be bound by such terms and 7878  
conditions as the department prescribes and that it will directly 7879  
pay the vendor under each purchase contract. A board of elections 7880  
desiring to participate in such purchase contracts shall file with 7881  
the purchasing authority a written request for inclusion in the 7882  
program. A private fire company, private, nonprofit emergency 7883  
medical service organization, or chartered nonpublic school 7884  
desiring to participate in such purchase contracts shall file with 7885  
the department a written request for inclusion in the program 7886  
signed by the chief officer of the company, organization, or 7887  
chartered nonpublic school. A governmental agency desiring to 7888  
participate in such purchase contracts shall file with the 7889  
department a written request for inclusion in the program. A state 7890  
institution of higher education desiring to participate in such 7891  
purchase contracts shall file with the department a certified copy 7892  
of resolution of the board of trustees or similar authorizing 7893  
body. The resolution shall request that the state institution of 7894  
higher education be authorized to participate in such contracts. 7895

A request for inclusion shall include an agreement to be 7896  
bound by such terms and conditions as the department prescribes 7897  
and to make direct payments to the vendor under each purchase 7898  
contract. 7899

The department shall include in its annual report, an 7900  
estimate of the purchases made by state institutions of higher 7901  
education, governmental agencies, political subdivisions, county 7902  
boards of elections, private fire companies, private, nonprofit 7903  
emergency medical service organizations, and chartered nonpublic 7904

schools from contracts pursuant to this division. The department 7905  
may require such entities to file a report with the department, as 7906  
often as it finds necessary, stating how many such contracts the 7907  
entities participated in within a specified period of time, and 7908  
any other information the department requires. 7909

(3) Purchases made by a political subdivision or a county 7910  
board of elections under this division are exempt from any 7911  
competitive selection procedures otherwise required by law. No 7912  
political subdivision shall make any purchase under this division 7913  
when bids have been received for such purchase by the subdivision, 7914  
unless such purchase can be made upon the same terms, conditions, 7915  
and specifications at a lower price under this division. 7916

(C) A political subdivision as defined in division (B) of 7917  
this section or a county board of elections may purchase supplies 7918  
or services from another party, including a political subdivision, 7919  
instead of through participation in contracts described in 7920  
division (B) of this section if the political subdivision or 7921  
county board of elections can purchase those supplies or services 7922  
from the other party upon equivalent terms, conditions, and 7923  
specifications but at a lower price than it can through those 7924  
contracts. Purchases that a political subdivision or county board 7925  
of elections makes under this division are exempt from any 7926  
competitive selection procedures otherwise required by law. A 7927  
political subdivision or county board of elections that makes any 7928  
purchase under this division shall maintain sufficient information 7929  
regarding the purchase to verify that the political subdivision or 7930  
county board of elections satisfied the conditions for making a 7931  
purchase under this division. Nothing in this division restricts 7932  
any action taken by a county or township as authorized by division 7933  
(B)(1) of section 9.48 of the Revised Code. 7934

(D) This section does not apply to supplies or services 7935  
purchased by a state agency directly as provided in section 125.05 7936

of the Revised Code, or to purchases of supplies or services for 7937  
the emergency management agency or other state agencies as 7938  
provided in section 125.061 of the Revised Code. 7939

Sec. 125.051. (A) As used in this section: 7940

(1) "Advertising" includes advertising in print or electronic 7941  
newspapers, journals, or magazines and advertising broadcast over 7942  
radio or television or placed on the internet. 7943

(2) "State official" means an official elected to a statewide 7944  
office or a member of the general assembly. 7945

(B) Any advertising purchased with public money by a state 7946  
official for the same purpose that, in the aggregate, exceeds 7947  
fifty thousand dollars during the fiscal year, shall be subject to 7948  
controlling board approval. 7949

Sec. 125.061. (A) As used in this section: 7950

(1) "Emergency" has the same meaning as defined in section 7951  
5502.21 of the Revised Code. 7952

(2) "State procurement emergency" means a situation that 7953  
creates all of the following: 7954

(a) A threat to public health, safety, or welfare; 7955

(b) An immediate and serious need for supplies or services 7956  
that cannot be met through normal procurement methods required by 7957  
state law; and 7958

(c) A serious threat of harm to the functioning of state 7959  
government, the preservation or protection of property, or the 7960  
health or safety of any person. 7961

(B) During the period of an emergency ~~as defined in section~~ 7962  
5502.21 of the Revised Code, the department of administrative 7963  
services may suspend, for the emergency management agency 7964

established in section 5502.22 of the Revised Code or any other 7965  
state agency participating in response and recovery activities as 7966  
defined in section 5502.21 of the Revised Code, the purchasing and 7967  
contracting requirements contained in Chapter 125. and any 7968  
requirement of Chapter 153. of the Revised Code that otherwise 7969  
would apply to the agency. The director of public safety or the 7970  
executive director of the emergency management agency shall make 7971  
the request for the suspension of these requirements to the 7972  
department of administrative services concurrently with the 7973  
request to the governor or the president of the United States for 7974  
the declaration of an emergency. The governor also shall include 7975  
in any proclamation the governor issues declaring an emergency 7976  
language requesting the suspension of those requirements during 7977  
the period of the emergency. 7978

~~(B) Before any purchase may be made under a suspension 7979  
authorized by this section, the director of administrative 7980  
services shall send notice of the suspension as approved under 7981  
division (A) of this section to the director of budget and 7982  
management and to the members of the controlling board. The notice 7983  
shall provide details of the request for suspension and shall 7984  
include a copy of the director's approval. 7985~~

(C) During the period of a state procurement emergency, the 7986  
department of administrative services may suspend, for any state 7987  
agency, the purchasing and contracting requirements contained in 7988  
Chapter 125. of the Revised Code that would otherwise be required 7989  
of the agency. 7990

(1) The director or administrative head of the state agency 7991  
where the state procurement emergency exists shall request the 7992  
department of administrative services to suspend the purchasing 7993  
and contracting requirements in Chapter 125. of the Revised Code. 7994

(2) The request shall include information detailing the 7995  
immediacy of the state procurement emergency and a description of 7996



the necessary supplies or services that cannot be timely purchased 7997  
through normal procurement methods otherwise required by state 7998  
law. 7999

(3) Whenever practical, the agency shall obtain a release and 8000  
permit from the department of administrative services under 8001  
section 125.035 of the Revised Code before making purchases under 8002  
this division. 8003

(D) Before any purchase may be made under a suspension 8004  
authorized by this section, the director of administrative 8005  
services shall send notice of the suspension as approved by the 8006  
director to the director of budget and management and to the 8007  
members of the controlling board. The notice shall provide details 8008  
of the request for suspension and shall include a copy of the 8009  
director's approval. 8010

(E) Purchases made by state agencies under this section are 8011  
exempt from the requirements of section 127.16 of the Revised 8012  
Code, except that state agencies making purchases under this 8013  
section shall file a report with the president of the controlling 8014  
board describing all such purchases made by the agency during the 8015  
period covered by the emergency declaration or state procurement 8016  
emergency. The report shall be filed within ninety days after the 8017  
declaration or state procurement emergency condition expires. 8018

**Sec. 125.18.** (A) There is hereby established the office of 8019  
information technology within the department of administrative 8020  
services. The office shall be under the supervision of a state 8021  
chief information officer to be appointed by the director of 8022  
administrative services and subject to removal at the pleasure of 8023  
the director. The chief information officer is an assistant 8024  
director of administrative services. 8025

(B) Under the direction of the director of administrative 8026  
services, the state chief information officer shall lead, oversee, 8027

and direct state agency activities related to information 8028  
technology development and use. In that regard, the state chief 8029  
information officer shall do all of the following: 8030

(1) Coordinate and superintend statewide efforts to promote 8031  
common use and development of technology by state agencies. The 8032  
office of information technology shall establish policies and 8033  
standards that govern and direct state agency participation in 8034  
statewide programs and initiatives. 8035

(2) Establish policies and standards for the acquisition and 8036  
use of common information technology by state agencies, including, 8037  
but not limited to, hardware, software, technology services, and 8038  
security, and the extension of the service life of information 8039  
technology systems, with which state agencies shall comply; 8040

(3) Establish criteria and review processes to identify state 8041  
agency information technology projects or purchases that require 8042  
alignment or oversight. As appropriate, the department of 8043  
administrative services shall provide the governor and the 8044  
director of budget and management with notice and advice regarding 8045  
the appropriate allocation of resources for those projects. The 8046  
state chief information officer may require state agencies to 8047  
provide, and may prescribe the form and manner by which they must 8048  
provide, information to fulfill the state chief information 8049  
officer's alignment and oversight role; 8050

(4) Establish policies and procedures for the security of 8051  
personal information that is maintained and destroyed by state 8052  
agencies; 8053

(5) Employ a chief information security officer who is 8054  
responsible for the implementation of the policies and procedures 8055  
described in division (B)(4) of this section and for coordinating 8056  
the implementation of those policies and procedures in all of the 8057  
state agencies; 8058

(6) Employ a chief privacy officer who is responsible for 8059  
advising state agencies when establishing policies and procedures 8060  
for the security of personal information and developing education 8061  
and training programs regarding the state's security procedures; 8062

(7) Establish policies on the purchasing, use, and 8063  
reimbursement for use of handheld computing and telecommunications 8064  
devices by state agency employees; 8065

(8) Establish policies for the reduction of printing and the 8066  
use of electronic records by state agencies; 8067

(9) Establish policies for the reduction of energy 8068  
consumption by state agencies; 8069

(10) Compute the amount of revenue attributable to the 8070  
amortization of all equipment purchases and capitalized systems 8071  
from information technology service delivery and major information 8072  
technology purchases operating appropriation items and major 8073  
computer purchases capital appropriation items that is recovered 8074  
as part of the information technology services rates the 8075  
department of administrative services charges and deposits into 8076  
the information technology fund created in section 125.15 of the 8077  
Revised Code; 8078

(11) Regularly review and make recommendations regarding 8079  
improving the infrastructure of the state's cybersecurity 8080  
operations with existing resources and through partnerships 8081  
between government, business, and institutions of higher 8082  
education; 8083

(12) Assist, as needed, with general state efforts to grow 8084  
the cybersecurity industry in this state. 8085

(C)(1) The chief information security officer shall assist 8086  
each state agency with the development of an information 8087  
technology security strategic plan and review that plan, and each 8088  
state agency shall submit that plan to the state chief information 8089

officer. The chief information security officer may require that 8090  
each state agency update its information technology security 8091  
strategic plan annually as determined by the state chief 8092  
information officer. 8093

(2) Prior to the implementation of any information technology 8094  
data system, a state agency shall prepare or have prepared a 8095  
privacy impact statement for that system. 8096

(D) When a state agency requests a purchase of information 8097  
technology supplies or services under Chapter 125. of the Revised 8098  
Code, the state chief information officer may review and reject 8099  
the requested purchase for noncompliance with information 8100  
technology direction, plans, policies, standards, or 8101  
project-alignment criteria. 8102

(E) The office of information technology may operate 8103  
technology services for state agencies in accordance with this 8104  
chapter. 8105

Notwithstanding any provision of the Revised Code to the 8106  
contrary, the office of information technology may assess a 8107  
transaction fee to an individual who uses an electronic licensing 8108  
system operated by the office to apply for or renew a license or 8109  
registration in an amount determined by the office not to exceed 8110  
three dollars and fifty cents. The director of administrative 8111  
services may collect the fee or require a state agency for which 8112  
the system is being operated to collect the fee. Amounts received 8113  
under this division shall be deposited in the professions 8114  
licensing system fund created in division (I) of this section. 8115

(F) With the approval of the director of administrative 8116  
services, the office of information technology may establish 8117  
cooperative agreements with federal and local government agencies 8118  
and state agencies that are not under the authority of the 8119  
governor for the provision of technology services and the 8120

development of technology projects. 8121

(G) The office of information technology may operate a 8122  
program to make information technology purchases. The director of 8123  
administrative services may recover the cost of operating the 8124  
program from all participating government entities by issuing 8125  
intrastate transfer voucher billings for the procured technology 8126  
or through any pass-through billing method agreed to by the 8127  
director of administrative services, the director of budget and 8128  
management, and the participating government entities that will 8129  
receive the procured technology. 8130

If the director of administrative services chooses to recover 8131  
the program costs through intrastate transfer voucher billings, 8132  
the participating government entities shall process the intrastate 8133  
transfer vouchers to pay for the cost. Amounts received under this 8134  
section for the information technology purchase program shall be 8135  
deposited to the credit of the information technology governance 8136  
fund created in section 125.15 of the Revised Code. 8137

(H) Upon request from the director of administrative 8138  
services, the director of budget and management may transfer cash 8139  
from the information technology fund created in section 125.15 of 8140  
the Revised Code to the major information technology purchases 8141  
fund in an amount not to exceed the amount computed under division 8142  
(B)(10) of this section. The major information technology 8143  
purchases fund is hereby created in the state treasury. 8144

(I) There is hereby created in the state treasury the 8145  
professions licensing system fund. The fund shall be used to 8146  
operate the electronic licensing system referenced in division (E) 8147  
of this section. 8148

(J) As used in this section: 8149

(1) "Personal information" has the same meaning as in section 8150  
149.45 of the Revised Code. 8151

(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government, other than any state-supported institution of higher education, the office of the auditor of state, treasurer of state, secretary of state, or attorney general, the adjutant general's department, the bureau of workers' compensation, the industrial commission, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, the state highway patrol retirement system, the general assembly or any legislative agency, the capitol square review advisory board, or the courts or any judicial agency.

**Sec. 125.22.** (A) The department of administrative services shall establish the central service agency to perform routine support for the following boards and commissions:

- (1) Architects board;
- (2) ~~Barber board;~~
- ~~(3) State chiropractic board;~~
- ~~(4)~~(3) State cosmetology and barber board of ~~cosmetology~~;
- ~~(5)~~(4) Accountancy board;
- ~~(6)~~(5) State dental board;
- ~~(7) State board of optometry;~~
- ~~(8) Ohio occupational therapy, physical therapy, and athletic trainers~~ (6) State physical health services board;
- ~~(9)~~(7) State board of registration for professional engineers and surveyors;
- ~~(10) State board of sanitarian registration;~~
- ~~(11)~~(8) Board of embalmers and funeral directors;

<del>(12)</del> <u>(9)</u> State board of psychology;	8180
<del>(13)</del> Ohio optical dispensers board;	8181
<del>(14)</del> Board of speech pathology and audiology;	8182
<del>(15)</del> <u>(10)</u> Counselor, social worker, and marriage and family therapist board;	8183 8184
<del>(16)</del> <u>(11)</u> State veterinary medical licensing board;	8185
<del>(17)</del> Ohio board of dietetics;	8186
<del>(18)</del> <u>(12)</u> Commission on Hispanic-Latino affairs;	8187
<del>(19)</del> Ohio respiratory care board;	8188
<del>(20)</del> <u>(13)</u> Ohio commission on African-American males;	8189
<del>(21)</del> <u>(14)</u> Chemical dependency professionals board;	8190
<u>(15)</u> State vision professionals board;	8191
<u>(16)</u> State speech and hearing professionals board.	8192
(B)(1) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the director of administrative services:	8193 8194 8195 8196 8197 8198
(a) Preparing and processing payroll and other personnel documents;	8199 8200
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	8201 8202
(c) Maintaining ledgers of accounts and balances;	8203
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	8204 8205
(e) Other routine support services that the director of administrative services considers appropriate to achieve	8206 8207

efficiency. 8208

(2) The agency may perform other services which a board or 8209  
commission named in division (A) of this section delegates to the 8210  
agency and the agency accepts. 8211

(3) The agency may perform any service for any professional 8212  
or occupational licensing board not named in division (A) of this 8213  
section or any commission if the board or commission requests such 8214  
service and the agency accepts. 8215

(C) The director of administrative services shall be the 8216  
appointing authority for the agency. 8217

(D) The agency shall determine the fees to be charged to the 8218  
boards and commissions, which shall be in proportion to the 8219  
services performed for each board or commission. 8220

(E) Each board or commission named in division (A) of this 8221  
section and any other board or commission requesting services from 8222  
the agency shall pay these fees to the agency from the general 8223  
revenue fund maintenance account of the board or commission or 8224  
from such other fund as the operating expenses of the board or 8225  
commission are paid. Any amounts set aside for a fiscal year by a 8226  
board or commission to allow for the payment of fees shall be used 8227  
only for the services performed by the agency in that fiscal year. 8228  
All receipts collected by the agency shall be deposited in the 8229  
state treasury to the credit of the central service agency fund, 8230  
which is hereby created. All expenses incurred by the agency in 8231  
performing services for the boards or commissions shall be paid 8232  
from the fund. 8233

(F) Nothing in this section shall be construed as a grant of 8234  
authority for the central service agency to initiate or deny 8235  
personnel or fiscal actions for the boards and commissions. 8236

**Sec. 125.28.** (A) The director of administrative services 8237



shall determine the reimbursable cost of space in state-owned or 8238  
state-leased facilities and shall collect reimbursements for that 8239  
cost. 8240

(B) The director may provide building maintenance services 8241  
and ~~minor construction project management~~ tenant improvement 8242  
services to any state agency and may collect reimbursements for 8243  
the cost of providing those services. 8244

(C) All money collected by the department of administrative 8245  
services, ~~for operating expenses of facilities owned or maintained~~ 8246  
~~by the department, or for tenant improvement services,~~ shall be 8247  
deposited into the state treasury to the credit of the building 8248  
management fund, which is hereby created. ~~All money collected by~~ 8249  
~~the department for minor construction project management services~~ 8250  
~~shall be deposited into the state treasury to the credit of the~~ 8251  
~~minor construction project management fund, which is hereby~~ 8252  
~~created.~~ All money collected for depreciation and related costs 8253  
shall be deposited into the building improvement fund created 8254  
under section 125.27 of the Revised Code or deposited into the 8255  
building management fund and then transferred by the director of 8256  
budget and management to the building improvement fund. 8257

**Sec. 125.32.** (A) The department of administrative services 8258  
may establish an enterprise data management and analytics program 8259  
to gather, combine, and analyze data provided by one or more 8260  
agencies to measure the outcome of state-funded programs, develop 8261  
policies to promote the effective, efficient, and best use of 8262  
state resources, and to identify, prevent, or eliminate the 8263  
fraudulent use of state funds, state resources, or state programs. 8264  
Participating state agencies may use data gathered under the 8265  
program for these purposes. 8266

(B) A state agency shall provide data for use under the 8267  
program. A state agency that provides data under the program shall 8268

comply with the data-sharing protocol adopted under division (D) 8269  
of this section. Notwithstanding any other provision of the 8270  
Revised Code, a state agency's provision of data under the program 8271  
is considered a permitted use of the data under the Revised Code 8272  
and the state agency is not in violation of any contrary provision 8273  
of the Revised Code by providing the data. 8274

(C)(1) A state agency that provides data under the program 8275  
retains ownership over the data. Notwithstanding any other 8276  
provision of the Revised Code, only the state agency that provides 8277  
data under the program may be required under the law of this state 8278  
to respond to requests for records or information regarding the 8279  
provided data, including public records requests, subpoenas, 8280  
warrants, and investigatory requests. 8281

(2) Participating state agencies shall maintain the 8282  
confidentiality of data gathered under the program in accordance 8283  
with confidentiality laws applicable to the data when in the 8284  
possession of the state agency that provided the data. Employees 8285  
of the department of administrative services or another state 8286  
agency who gain access to another state agency's confidential data 8287  
under the program are subject to any confidentiality requirements 8288  
or duty to maintain confidentiality of the data established by law 8289  
applicable to the state agency that provided the data. The results 8290  
of the data analysis shall be compared against the confidentiality 8291  
laws applicable to the source data to determine if the results 8292  
retain any attributes of the source data that bring the results 8293  
within the scope of any of the confidentiality obligations that 8294  
applied to the source data. If so, the data analysis results are 8295  
subject to those applicable confidentiality obligations and, in 8296  
the event of a conflict between applicable confidentiality 8297  
obligations, the most stringent of those obligations shall 8298  
control. 8299

(D) In consultation with state agencies participating under 8300

the program, the department of administrative services shall 8301  
develop a data-sharing protocol and a security plan for the 8302  
program. The security plan shall state how the data is to be 8303  
protected. The data-sharing protocol shall include at least the 8304  
following: 8305

(1) How participating state agencies may use confidential 8306  
data in accordance with confidentiality laws applicable to the 8307  
provided data; 8308

(2) Who has authority to access data gathered under the 8309  
program; and 8310

(3) How participating state agencies shall make, verify, and 8311  
retain corrections to personal information gathered under the 8312  
program. 8313

Any collection of data derived under the program that is a 8314  
"system" with "personal information" as defined in section 1347.01 8315  
of the Revised Code shall comply with Chapter 1347. of the Revised 8316  
Code. 8317

**Sec. 125.66.** (A) As used in this section and section 125.661 8318  
of the Revised Code: 8319

(1) "Social service intermediary" means a nonprofit 8320  
organization exempt from federal income taxation under section 8321  
501(c)(3) of the "Internal Revenue Code of 1986," as amended, or a 8322  
wholly-owned subsidiary of a nonprofit organization, that delivers 8323  
or contracts for the delivery of social services, raises capital 8324  
to finance the delivery of social services, and provides ongoing 8325  
project management and investor relations for these activities. 8326

(2) "State agency" has the same meaning as in section 9.23 of 8327  
the Revised Code. 8328

(B) There is hereby established the pay for success 8329  
contracting program. Under the program, the director of 8330

administrative services may enter into multi-year contracts with 8331  
social service intermediaries to achieve certain social goals in 8332  
this state. 8333

(C) A contract entered into under the program shall include 8334  
provisions that do all of the following: 8335

(1) Require the department of administrative services, in 8336  
consultation with an agency of this state that administers 8337  
programs or services related to the contract's subject matter, to 8338  
specify performance targets to be met by the social service 8339  
intermediary; 8340

(2) Specify the process or methodology that an independent 8341  
evaluator contracted by the department of administrative services 8342  
under section 125.661 of the Revised Code must use to evaluate the 8343  
social service intermediary's progress toward meeting each 8344  
performance target; 8345

(3) Require the department of administrative services to pay 8346  
the social service intermediary in installments at times 8347  
determined by the director of administrative services that are 8348  
specified in the contract and are consistent with applicable state 8349  
law; 8350

(4) Require the installment payments to the social service 8351  
intermediary to be based on the social service intermediary's 8352  
progress toward achieving each performance target, as determined 8353  
by the independent evaluator contracted by the department of 8354  
administrative services under section 125.661 of the Revised Code; 8355

(5) Specify the maximum amount a social service intermediary 8356  
may earn for its progress toward achieving performance targets 8357  
specified under division (C)(1) of this section; 8358

(6) Require the department of administrative services to 8359  
ensure, in accordance with applicable state and federal laws, that 8360  
the social service intermediary has access to any data in the 8361

possession of a state agency, including historical data, that the 8362  
social service intermediary requests for the purpose of performing 8363  
contractual duties. 8364

Sec. 125.661. If the director of administrative services 8365  
contracts with a social service intermediary under section 125.66 8366  
of the Revised Code, the director also shall contract with a 8367  
person or government entity to evaluate the social service 8368  
intermediary's progress toward meeting each performance target 8369  
specified in the contract pursuant to division (C)(1) of section 8370  
125.66 of the Revised Code. The director shall choose an evaluator 8371  
that is independent from the social service intermediary, ensuring 8372  
that both parties do not have common owners or administrators, 8373  
managers, or employees. 8374

Sec. 126.11. (A)(1) The director of budget and management 8375  
shall, upon consultation with the treasurer of state, coordinate 8376  
and approve the scheduling of initial sales of publicly offered 8377  
securities of the state and of publicly offered fractionalized 8378  
interests in or securitized issues of public obligations of the 8379  
state. The director shall from time to time develop and distribute 8380  
to state issuers an approved sale schedule for each of the 8381  
obligations covered by division (A) or (B) of this section. 8382  
Division (A) of this section applies only to those obligations on 8383  
which the state or a state agency is the direct obligor or obligor 8384  
on any backup security or related credit enhancement facility or 8385  
source of money subject to state appropriations that is intended 8386  
for payment of those obligations. 8387

(2) The issuers of obligations pursuant to section 151.03, 8388  
151.04, 151.05, 151.07, 151.08, or 151.09 or Chapter 5537. of the 8389  
Revised Code shall submit to the director: 8390

(a) For review and approval: the projected sale date, amount, 8391

and type of obligations proposed to be sold; their purpose, 8392  
security, and source of payment; the proposed structure and 8393  
maturity schedule; the trust agreement and any supplemental 8394  
agreements; and any credit enhancement facilities or interest rate 8395  
hedges for the obligations; 8396

(b) For review and comment: the authorizing order or 8397  
resolution; preliminary and final offering documents; method of 8398  
sale; preliminary and final pricing information; and any written 8399  
reports or recommendations of financial advisors or consultants 8400  
relating to those obligations; 8401

(c) Promptly after each sale of those obligations: final 8402  
terms, including sale price, maturity schedule and yields, and 8403  
sources and uses; names of the original purchasers or 8404  
underwriters; a copy of the final offering document and of the 8405  
transcript of proceedings; and any other pertinent information 8406  
requested by the director. 8407

(3) The issuer of obligations pursuant to section 151.06 or 8408  
151.40 or Chapter 154. of the Revised Code shall submit to the 8409  
director: 8410

(a) For review and mutual agreement: the projected sale date, 8411  
amount, and type of obligations proposed to be sold; their 8412  
purpose, security, and source of payment; the proposed structure 8413  
and maturity schedule; the trust agreement and any supplemental 8414  
agreements; and any credit enhancement facilities or interest rate 8415  
hedges for the obligations; 8416

(b) For review and comment: the authorizing order or 8417  
resolution; preliminary and final offering documents; method of 8418  
sale; preliminary and final pricing information; and any written 8419  
reports or recommendations of financial advisors or consultants 8420  
relating to those obligations; 8421

(c) Promptly after each sale of those obligations: final 8422

terms, including sale price, maturity schedule and yields, and 8423  
sources and uses; names of the original purchasers or 8424  
underwriters; a copy of the final offering document and of the 8425  
transcript of proceedings; and any other pertinent information 8426  
requested by the director. 8427

(4) The issuers of obligations pursuant to Chapter 166., 8428  
4981., 5540., or 6121., or section 5531.10, of the Revised Code 8429  
shall submit to the director: 8430

(a) For review and comment: the projected sale date, amount, 8431  
and type of obligations proposed to be sold; the purpose, 8432  
security, and source of payment; and preliminary and final 8433  
offering documents; 8434

(b) Promptly after each sale of those obligations: final 8435  
terms, including a maturity schedule; names of the original 8436  
purchasers or underwriters; a copy of the complete continuing 8437  
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 8438  
rule as from time to time in effect; and any other pertinent 8439  
information requested by the director. 8440

(5) Not later than thirty days after the end of a fiscal 8441  
year, each issuer of obligations subject to divisions (A) and (B) 8442  
of this section shall submit to the director and to the treasurer 8443  
of state a sale plan for the then current fiscal year for each 8444  
type of obligation, projecting the amount and term of each 8445  
issuance, the method of sale, and the month of sale. 8446

(B) Issuers of obligations pursuant to section 3318.085 or 8447  
Chapter 175., 3366., 3706., 3737., 6121., or 6123. of the Revised 8448  
Code shall submit to the director copies of the preliminary and 8449  
final offering documents upon their availability if not previously 8450  
submitted pursuant to division (A) of this section. 8451

(C) State agencies or state issuers seeking new legislation 8452  
or changes to existing law relating to public obligations for 8453

which the state or a state agency is the direct obligor, or 8454  
obligor on any backup security or related credit enhancement 8455  
facility, shall timely submit the legislation or changes to the 8456  
director for review and comment. 8457

(D) Not later than the first day of January of each year, 8458  
every state agency obligated to make payments on outstanding 8459  
public obligations with respect to which fractionalized interests 8460  
have been publicly issued, such as certificates of participation, 8461  
shall submit a report to the director of the amounts payable from 8462  
state appropriations under those public obligations during the 8463  
then current and next two fiscal years, identifying the 8464  
appropriation or intended appropriation from which payment is 8465  
expected to be made. 8466

~~(D)~~(E)(1) Information relating generally to the historic, 8467  
current, or future demographics or economy or financial condition 8468  
or funds or general operations of the state, and descriptions of 8469  
any state contractual obligations relating to public obligations, 8470  
to be contained in any offering document, continuing disclosure 8471  
document, or written presentation prepared, approved, or provided, 8472  
or committed to be provided, by an issuer in connection with the 8473  
original issuance and sale of, or rating, remarketing, or credit 8474  
enhancement facilities relating to, public obligations referred to 8475  
in division (A) of this section shall be approved as to format and 8476  
accuracy by the director before being presented, published, or 8477  
disseminated in preliminary, draft, or final form, or publicly 8478  
filed in paper, electronic, or other format. 8479

(2) Except for information described in division ~~(D)~~(E)(1) of 8480  
this section that is to be contained in an offering document, 8481  
continuing disclosure document, or written presentation, division 8482  
~~(D)~~(E)(1) of this section does not inhibit direct communication 8483  
between an issuer and a rating agency, remarketing agent, or 8484  
credit enhancement provider concerning an issuance of public 8485



obligations referred to in division (A) of this section or matters 8486  
associated with that issuance. 8487

(3) The materials approved and provided pursuant to division 8488  
~~(D)~~(E) of this section are the information relating to the 8489  
particular subjects provided by the state or state agencies that 8490  
are required or contemplated by any applicable state or federal 8491  
securities laws and any commitments by the state or state agencies 8492  
made under those laws. Reliance for the purpose should not be 8493  
placed on any other information publicly provided, in any format 8494  
including electronic, by any state agency for other purposes, 8495  
including general information provided to the public or to 8496  
portions of the public. A statement to that effect shall be 8497  
included in those materials so approved or provided. 8498

~~(E)~~(F) Issuers of obligations referred to in division (A) of 8499  
this section may take steps, by formal agreement, covenants in the 8500  
proceedings, or otherwise, as may be necessary or appropriate to 8501  
comply or permit compliance with applicable lawful disclosure 8502  
requirements relating to those obligations, and may, subject to 8503  
division ~~(D)~~(E) of this section, provide, make available, or file 8504  
copies of any required disclosure materials as necessary or 8505  
appropriate. Any such formal agreement or covenant relating to 8506  
subjects referred to in division ~~(D)~~(E) of this section, and any 8507  
description of that agreement or covenant to be contained in any 8508  
offering document, shall be approved by the director before being 8509  
entered into or published or publicly disseminated in preliminary, 8510  
draft, or final form or publicly filed in paper, electronic, or 8511  
other format. The director shall be responsible for making all 8512  
filings in compliance with those requirements relating to direct 8513  
obligations of the state, including fractionalized interests in 8514  
those obligations. 8515

~~(F)~~(G) No state agency or official shall, without the 8516  
approval of the director of budget and management and either the 8517

general assembly or the state controlling board, do either of the 8518  
following: 8519

(1) Enter into or commit to enter into a public obligation 8520  
under which fractionalized interests in the payments are to be 8521  
publicly offered, which payments are anticipated to be made from 8522  
money from any source appropriated or to be appropriated by the 8523  
general assembly or in which the provision stated in section 9.94 8524  
of the Revised Code is not included; 8525

(2) Except as otherwise expressly authorized for the purpose 8526  
by law, agree or commit to provide, from money from any source to 8527  
be appropriated in the future by the general assembly, financial 8528  
assistance to or participation in the costs of capital facilities, 8529  
or the payment of debt charges, directly or by way of a credit 8530  
enhancement facility, a reserve, rental payments, or otherwise, on 8531  
obligations issued to pay costs of capital facilities. 8532

~~(G)~~(H) As used in this section, "interest rate hedge" has the 8533  
same meaning as in section 9.98 of the Revised Code; "credit 8534  
enhancement facilities," "debt charges," "fractionalized interests 8535  
in public obligations," "obligor," "public issuer," and 8536  
"securities" have the same meanings as in section 133.01 of the 8537  
Revised Code; "public obligation" has the same meaning as in 8538  
division (GG)(2) of section 133.01 of the Revised Code; 8539  
"obligations" means securities or public obligations or 8540  
fractionalized interests in them; "issuers" means issuers of 8541  
securities or state obligors on public obligations; "offering 8542  
document" means an official statement, offering circular, private 8543  
placement memorandum, or prospectus, or similar document; and 8544  
"director" means the director of budget and management or the 8545  
employee of the office of budget and management designated by the 8546  
director for the purpose. 8547

**Sec. 126.22.** The director of budget and management may: 8548

(A) Perform accounting services for and design and implement 8549  
accounting systems with state agencies; 8550

(B) Provide other accounting services, including the 8551  
maintenance and periodic auditing of the financial records of and 8552  
submission of vouchers by state agencies, provision of assistance 8553  
in the analysis of the financial position of state agencies, and 8554  
preparation and submission of reports; 8555

(C) Change any accounting code appearing in appropriations 8556  
acts of the general assembly; 8557

(D) Correct accounting errors committed by any state agency 8558  
or state institution of higher education, including, but not 8559  
limited to, the reestablishment of encumbrances cancelled in 8560  
error. 8561

**Sec. 126.35.** (A) The director of budget and management shall 8562  
draw warrants or process electronic funds transfers against the 8563  
treasurer of state pursuant to all requests for payment that the 8564  
director has approved under section 126.07 of the Revised Code. 8565

(B) Unless a cash assistance payment is to be made by 8566  
electronic benefit transfer, payment by the director of budget and 8567  
management to a participant in the Ohio works first program 8568  
pursuant to Chapter 5107. of the Revised Code, ~~a recipient of 8569~~  
~~disability financial assistance pursuant to Chapter 5115. of the 8570~~  
~~Revised Code,~~ or a recipient of cash assistance provided under the 8571  
refugee assistance program established under section 5101.49 of 8572  
the Revised Code shall be made by direct deposit to the account of 8573  
the participant or recipient in the financial institution 8574  
designated under section 329.03 of the Revised Code. Payment by 8575  
the director of budget and management to a recipient of benefits 8576  
distributed through the medium of electronic benefit transfer 8577  
pursuant to section 5101.33 of the Revised Code shall be by 8578  
electronic benefit transfer. Payment by the director of budget and 8579

management as compensation to an employee of the state who has, 8580  
pursuant to section 124.151 of the Revised Code, designated a 8581  
financial institution and account for the direct deposit of such 8582  
payments shall be made by direct deposit to the account of the 8583  
employee. Payment to any other payee who has designated a 8584  
financial institution and account for the direct deposit of such 8585  
payment may be made by direct deposit to the account of the payee 8586  
in the financial institution as provided in section 9.37 of the 8587  
Revised Code. Accounts maintained by the director of budget and 8588  
management or the director's agent in a financial institution for 8589  
the purpose of effectuating payment by direct deposit or 8590  
electronic benefit transfer shall be maintained in accordance with 8591  
section 135.18 of the Revised Code. 8592

(C) All other payments from the state treasury shall be made 8593  
by paper warrants, electronic funds transfers, or by direct 8594  
deposit payable to the respective payees. The director of budget 8595  
and management may mail the paper warrants to the respective 8596  
payees or distribute them through other state agencies, whichever 8597  
the director determines to be the better procedure. 8598

**Sec. 131.23.** The various political subdivisions of this state 8599  
may issue bonds, and any indebtedness created by that issuance 8600  
shall not be subject to the limitations or included in the 8601  
calculation of indebtedness prescribed by sections 133.05, 133.06, 8602  
133.07, and 133.09 of the Revised Code, but the bonds may be 8603  
issued only under the following conditions: 8604

(A) The subdivision desiring to issue the bonds shall obtain 8605  
from the county auditor a certificate showing the total amount of 8606  
delinquent taxes due and unpayable to the subdivision at the last 8607  
semiannual tax settlement. 8608

(B) The fiscal officer of that subdivision shall prepare a 8609  
statement, from the books of the subdivision, verified by the 8610

fiscal officer under oath, which shall contain the following facts 8611  
of the subdivision: 8612

(1) The total bonded indebtedness; 8613

(2) The aggregate amount of notes payable or outstanding 8614  
accounts of the subdivision, incurred prior to the commencement of 8615  
the current fiscal year, which shall include all evidences of 8616  
indebtedness issued by the subdivision except notes issued in 8617  
anticipation of bond issues and the indebtedness of any 8618  
nontax-supported public utility; 8619

~~(3) Except in the case of school districts, the aggregate 8620  
current year's requirement for disability financial assistance 8621  
provided under Chapter 5115. of the Revised Code that the 8622  
subdivision is unable to finance except by the issue of bonds; 8623~~

~~(4)~~ The indebtedness outstanding through the issuance of any 8624  
bonds or notes pledged or obligated to be paid by any delinquent 8625  
taxes; 8626

~~(5)~~(4) The total of any other indebtedness; 8627

~~(6)~~(5) The net amount of delinquent taxes unpledged to pay 8628  
any bonds, notes, or certificates, including delinquent 8629  
assessments on improvements on which the bonds have been paid; 8630

~~(7)~~(6) The budget requirements for the fiscal year for bond 8631  
and note retirement; 8632

~~(8)~~(7) The estimated revenue for the fiscal year. 8633

(C) The certificate and statement provided for in divisions 8634  
(A) and (B) of this section shall be forwarded to the tax 8635  
commissioner together with a request for authority to issue bonds 8636  
of the subdivision in an amount not to exceed seventy per cent of 8637  
the net unobligated delinquent taxes and assessments due and owing 8638  
to the subdivision, as set forth in division (B)~~(6)~~(5) of this 8639  
section. 8640

(D) No subdivision may issue bonds under this section in 8641  
excess of a sufficient amount to pay the indebtedness of the 8642  
subdivision as shown by division (B)(2) of this section ~~and,~~ 8643  
~~except in the case of school districts, to provide funds for~~ 8644  
~~disability financial assistance as shown by division (B)(3) of~~ 8645  
~~this section.~~ 8646

(E) The tax commissioner shall grant to the subdivision 8647  
authority requested by the subdivision as restricted by divisions 8648  
(C) and (D) of this section and shall make a record of the 8649  
certificate, statement, and grant in a record book devoted solely 8650  
to such recording and which shall be open to inspection by the 8651  
public. 8652

(F) The commissioner shall immediately upon issuing the 8653  
authority provided in division (E) of this section notify the 8654  
proper authority having charge of the retirement of bonds of the 8655  
subdivision by forwarding a copy of the grant of authority and of 8656  
the statement provided for in division (B) of this section. 8657

(G) Upon receipt of authority, the subdivision shall proceed 8658  
according to law to issue the amount of bonds authorized by the 8659  
commissioner, and authorized by the taxing authority, provided the 8660  
taxing authority of that subdivision may submit, by resolution, to 8661  
the electors of that subdivision the question of issuing the 8662  
bonds. The resolution shall make the declarations and statements 8663  
required by section 133.18 of the Revised Code. The county auditor 8664  
and taxing authority shall thereupon proceed as set forth in 8665  
divisions (C) and (D) of that section. The election on the 8666  
question of issuing the bonds shall be held under divisions (E), 8667  
(F), and (G) of that section, except that publication of the 8668  
notice of the election shall be made on two separate days prior to 8669  
the election in a newspaper of general circulation in the 8670  
subdivision or as provided in section 7.16 of the Revised Code. If 8671  
the board of elections operates and maintains a web site, notice 8672

of the election also shall be posted on that web site for thirty 8673  
days prior to the election. The bonds may be exchanged at their 8674  
face value with creditors of the subdivision in liquidating the 8675  
indebtedness described and enumerated in division (B)(2) of this 8676  
section or may be sold as provided in Chapter 133. of the Revised 8677  
Code, and in either event shall be uncontestable. 8678

(H) The per cent of delinquent taxes and assessments 8679  
collected for and to the credit of the subdivision after the 8680  
exchange or sale of bonds as certified by the commissioner shall 8681  
be paid to the authority having charge of the sinking fund of the 8682  
subdivision, which money shall be placed in a separate fund for 8683  
the purpose of retiring the bonds so issued. The proper authority 8684  
of the subdivisions shall provide for the levying of a tax 8685  
sufficient in amount to pay the debt charges on all such bonds 8686  
issued under this section. 8687

(I) This section is for the sole purpose of assisting the 8688  
various subdivisions in paying their unsecured indebtedness, ~~and~~ 8689  
~~providing funds for disability financial assistance.~~ The bonds 8690  
issued under authority of this section shall not be used for any 8691  
other purpose, and any exchange for other purposes, or the use of 8692  
the money derived from the sale of the bonds by the subdivision 8693  
for any other purpose, is misapplication of funds. 8694

(J) The bonds authorized by this section shall be redeemable 8695  
or payable in not to exceed ten years from date of issue and shall 8696  
not be subject to or considered in calculating the net 8697  
indebtedness of the subdivision. The budget commission of the 8698  
county in which the subdivision is located shall annually allocate 8699  
such portion of the then delinquent levy due the subdivision which 8700  
is unpledged for other purposes to the payment of debt charges on 8701  
the bonds issued under authority of this section. 8702

(K) The issue of bonds under this section shall be governed 8703  
by Chapter 133. of the Revised Code, respecting the terms used, 8704

forms, manner of sale, and redemption except as otherwise provided 8705  
in this section. 8706

The board of county commissioners of any county may issue 8707  
bonds authorized by this section and distribute the proceeds of 8708  
the bond issues to any or all of the cities and townships of the 8709  
county, ~~according to their relative needs for disability financial~~ 8710  
~~assistance as determined by the county.~~ 8711

All sections of the Revised Code inconsistent with or 8712  
prohibiting the exercise of the authority conferred by this 8713  
section are inoperative respecting bonds issued under this 8714  
section. 8715

**Sec. 131.33.** (A) No state agency shall incur an obligation 8716  
which exceeds the agency's current appropriation authority. Except 8717  
as provided in division (D) of this section, unexpended balances 8718  
of appropriations shall, at the close of the period for which the 8719  
appropriations are made, revert to the funds from which the 8720  
appropriations were made, except that the director of budget and 8721  
management shall transfer such unexpended balances from the first 8722  
fiscal year to the second fiscal year of an agency's 8723  
appropriations to the extent necessary for voided warrants to be 8724  
reissued pursuant to division (C) of section 126.37 of the Revised 8725  
Code. 8726

Except as provided in this section, appropriations made to a 8727  
specific fiscal year shall be expended only to pay liabilities 8728  
incurred within that fiscal year. 8729

(B) All payrolls shall be charged to the allotments of the 8730  
fiscal quarters in which the applicable payroll vouchers are 8731  
certified by the director of budget and management in accordance 8732  
with section 126.07 of the Revised Code. As used in this division, 8733  
"payrolls" means any payment made in accordance with section 8734  
125.21 of the Revised Code. 8735



(C) Legal liabilities from prior fiscal years for which there is no reappropriation authority shall be discharged from the unencumbered balances of current appropriations.

(D)(1) Federal grant funds obligated by the department of job and family services for financial allocations to county family services agencies and local ~~workforce investment~~ boards may, at the discretion of the director of job and family services, be available for expenditure for the duration of the federal grant period of obligation and liquidation, as follows:

(a) At the end of the state fiscal year, all unexpended county family services agency and local ~~workforce investment~~ board financial allocations obligated from federal grant funds may continue to be valid for expenditure during subsequent state fiscal years.

(b) The financial allocations described in division (D)(1)(a) of this section shall be reconciled at the end of the federal grant period of availability or as required by federal law, regardless of the state fiscal year of the appropriation.

(2) The director of job and family services may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, as necessary to implement division (D) of this section.

(3) As used in division (D) of this section:

(a) "County family services agency" has the same meaning as in section 307.981 of the Revised Code.

(b) "Local ~~workforce investment~~ board" ~~means a local workforce investment board established under section 117 of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2832,~~ as amended has the same meaning as in section 6301.01 of the Revised Code.

**Sec. 131.35.** (A) With respect to the federal funds received 8766  
into any fund of the state from which transfers may be made under 8767  
division (D) of section 127.14 of the Revised Code: 8768

(1) No state agency may make expenditures of any federal 8769  
funds, whether such funds are advanced prior to expenditure or as 8770  
reimbursement, unless such expenditures are made pursuant to 8771  
specific appropriations of the general assembly, are authorized by 8772  
the controlling board pursuant to division (A)(5) of this section, 8773  
or are authorized by an executive order issued in accordance with 8774  
section 107.17 of the Revised Code, and until an allotment has 8775  
been approved by the director of budget and management. All 8776  
federal funds received by a state agency shall be reported to the 8777  
director within fifteen days of the receipt of such funds or the 8778  
notification of award, whichever occurs first. The director shall 8779  
prescribe the forms and procedures to be used when reporting the 8780  
receipt of federal funds. 8781

(2) If the federal funds received are greater than the amount 8782  
of such funds appropriated by the general assembly for a specific 8783  
purpose, the total appropriation of federal and state funds for 8784  
such purpose shall remain at the amount designated by the general 8785  
assembly, except that the expenditure of federal funds received in 8786  
excess of such specific appropriation may be authorized by the 8787  
controlling board, subject to division (D) of this section. 8788

(3) To the extent that the expenditure of excess federal 8789  
funds is authorized, the controlling board may transfer a like 8790  
amount of general revenue fund appropriation authority from the 8791  
affected agency to the emergency purposes appropriation of the 8792  
controlling board, if such action is permitted under federal 8793  
regulations. 8794

(4) Additional funds may be created by the controlling board 8795  
to receive revenues not anticipated in an appropriations act for 8796

the biennium in which such new revenues are received. ~~Expenditures~~ 8797  
Subject to division (D) of this section, expenditures from such 8798  
additional funds may be authorized by the controlling board, but 8799  
such authorization shall not extend beyond the end of the biennium 8800  
in which such funds are created. 8801

(5) Controlling board authorization for a state agency to 8802  
make an expenditure of federal funds constitutes authority for the 8803  
agency to participate in the federal program providing the funds, 8804  
and the agency is not required to obtain an executive order under 8805  
section 107.17 of the Revised Code to participate in the federal 8806  
program. 8807

(B) With respect to nonfederal funds received into the 8808  
waterways safety fund, the wildlife fund, and any fund of the 8809  
state from which transfers may be made under division (D) of 8810  
section 127.14 of the Revised Code: 8811

(1) No state agency may make expenditures of any such funds 8812  
unless the expenditures are made pursuant to specific 8813  
appropriations of the general assembly. 8814

(2) If the receipts received into any fund are greater than 8815  
the amount appropriated, the appropriation for that fund shall 8816  
remain at the amount designated by the general assembly or, 8817  
subject to division (D) of this section, as increased and approved 8818  
by the controlling board. 8819

(3) Additional funds may be created by the controlling board 8820  
to receive revenues not anticipated in an appropriations act for 8821  
the biennium in which such new revenues are received. ~~Expenditures~~ 8822  
Subject to division (D) of this section, expenditures from such 8823  
additional funds may be authorized by the controlling board, but 8824  
such authorization shall not extend beyond the end of the biennium 8825  
in which such funds are created. 8826

(C) The controlling board shall not authorize more than ten 8827

per cent of additional spending from the occupational licensing 8828  
and regulatory fund, created in section 4743.05 of the Revised 8829  
Code, in excess of any appropriation made by the general assembly 8830  
to a licensing agency except an appropriation for costs related to 8831  
the examination or reexamination of applicants for a license. As 8832  
used in this division, "licensing agency" and "license" have the 8833  
same meanings as in section 4745.01 of the Revised Code. 8834

(D)(1) The amount of any expenditure authorized under 8835  
division (A)(2) or (4) or (B)(2) or (3) of this section for a 8836  
specific or related purpose or item in any fiscal year shall not 8837  
exceed ten per cent of the amount appropriated by the general 8838  
assembly for that specific or related purpose or item for that 8839  
fiscal year, or ten million dollars, whichever amount is less. 8840

(2) The controlling board may not create any additional funds 8841  
under division (A)(4) or (B)(3) of this section if the revenue 8842  
received that was not anticipated in an appropriation act exceeds 8843  
ten million dollars. 8844

**Sec. 131.44.** (A) As used in this section: 8845

(1) "Surplus revenue" means the excess, if any, of the total 8846  
fund balance over the required year-end balance. 8847

(2) "Total fund balance" means the sum of the unencumbered 8848  
balance in the general revenue fund on the last day of the 8849  
preceding fiscal year plus the balance in the budget stabilization 8850  
fund. 8851

(3) "Required year-end balance" means the sum of the 8852  
following: 8853

(a) Eight and one-half per cent of the general revenue fund 8854  
revenues for the preceding fiscal year; 8855

(b) "Ending fund balance," which means one-half of one per 8856  
cent of general revenue fund revenues for the preceding fiscal 8857

year; 8858

(c) "Carryover balance," which means, with respect to a 8859  
fiscal biennium, the excess, if any, of the estimated general 8860  
revenue fund appropriation and transfer requirement for the second 8861  
fiscal year of the biennium over the estimated general revenue 8862  
fund revenue for that fiscal year; 8863

(d) "Capital appropriation reserve," which means the amount, 8864  
if any, of general revenue fund capital appropriations made for 8865  
the current biennium that the director of budget and management 8866  
has determined will be encumbered or disbursed; 8867

(e) "Income tax reduction impact reserve," which means an 8868  
amount equal to the reduction projected by the director of budget 8869  
and management in income tax revenue in the current fiscal year 8870  
attributable to the previous reduction in the income tax rate made 8871  
by the tax commissioner pursuant to division (B) of section 8872  
5747.02 of the Revised Code. 8873

(4) "Estimated general revenue fund appropriation and 8874  
transfer requirement" means the most recent adjusted 8875  
appropriations made by the general assembly from the general 8876  
revenue fund and includes both of the following: 8877

(a) Appropriations made and transfers of appropriations from 8878  
the first fiscal year to the second fiscal year of the biennium in 8879  
provisions of acts of the general assembly signed by the governor 8880  
but not yet effective; 8881

(b) Transfers of appropriations from the first fiscal year to 8882  
the second fiscal year of the biennium approved by the controlling 8883  
board. 8884

(5) "Estimated general revenue fund revenue" means the most 8885  
recent such estimate available to the director of budget and 8886  
management. 8887

(B)(1) Not later than the thirty-first day of July each year, 8888  
the director of budget and management shall determine the surplus 8889  
revenue that existed on the preceding thirtieth day of June and 8890  
transfer from the general revenue fund, to the extent of the 8891  
unobligated, unencumbered balance on the preceding thirtieth day 8892  
of June in excess of one-half of one per cent of the general 8893  
revenue fund revenues in the preceding fiscal year, the following: 8894

(a) First, to the budget stabilization fund, any amount 8895  
necessary for the balance of the budget stabilization fund to 8896  
equal eight and one-half per cent of the general revenue fund 8897  
revenues of the preceding fiscal year; 8898

(b) Then, to the income tax reduction fund, which is hereby 8899  
created in the state treasury, an amount equal to the surplus 8900  
revenue. 8901

(2) Not later than the thirty-first day of July each year, 8902  
the director shall determine the percentage that the balance in 8903  
the income tax reduction fund is of the amount of revenue that the 8904  
director estimates will be received from the tax levied under 8905  
section 5747.02 of the Revised Code in the current fiscal year 8906  
without regard to any reduction under division (B) of that 8907  
section. If that percentage exceeds thirty-five one hundredths of 8908  
one per cent, the director shall certify the percentage to the tax 8909  
commissioner not later than the thirty-first day of July. 8910

(C) The director of budget and management shall transfer 8911  
money in the income tax reduction fund to the general revenue 8912  
fund, the local government fund, and the public library fund as 8913  
necessary to offset revenue reductions resulting from the 8914  
reductions in taxes required under division (B) of section 5747.02 8915  
of the Revised Code in the respective amounts and percentages 8916  
prescribed by division (A) of section 5747.03 and divisions ~~(B)~~(A) 8917  
and ~~(C)~~(B) of section 131.51 of the Revised Code as if the amount 8918  
transferred had been collected as taxes under Chapter 5747. of the 8919

Revised Code. If no reductions in taxes are made under that 8920  
division that affect revenue received in the current fiscal year, 8921  
the director shall not transfer money from the income tax 8922  
reduction fund to the general revenue fund, the local government 8923  
fund, and the public library fund. 8924

~~Sec. 131.51. (A) On or before July 5, 2013, the tax 8925  
commissioner shall compute the following amounts and certify those 8926  
amounts to the director of budget and management: 8927~~

~~(1) A percentage calculated by multiplying one hundred by the 8928  
quotient obtained by dividing the total amount credited to the 8929  
local government fund in fiscal year 2013 by the total amount of 8930  
tax revenue credited to the general revenue fund in fiscal year 8931  
2013. The percentage shall be rounded to the nearest one hundredth 8932  
of one per cent. 8933~~

~~(2) A percentage calculated by multiplying one hundred by the 8934  
quotient obtained by dividing the total amount credited to the 8935  
public library fund in fiscal year 2013 by the total amount of tax 8936  
revenue credited to the general revenue fund in fiscal year 2013. 8937  
The percentage shall be rounded to the nearest one hundredth of 8938  
one per cent. 8939~~

~~(B) On or before the seventh day of each month, the director 8940  
of budget and management shall credit to the local government fund 8941  
an amount equal to the product obtained by multiplying the 8942  
percentage calculated under division (A)(1) of this section by one 8943  
and sixty-six one-hundredths per cent of the total tax revenue 8944  
credited to the general revenue fund during the preceding month. 8945  
In determining the total tax revenue credited to the general 8946  
revenue fund during the preceding month, the director shall 8947  
include amounts transferred from the fund during the preceding 8948  
month under this division and division ~~(C)~~(B) of this section. 8949  
Money shall be distributed from the local government fund as 8950~~

required under ~~section~~ sections 5747.50 and 5747.503 of the 8951  
Revised Code during the same month in which it is credited to the 8952  
fund. 8953

~~(C)~~(B) On or before the seventh day of each month, the 8954  
director of budget and management shall credit to the public 8955  
library fund ~~an amount equal to the product obtained by~~ 8956  
~~multiplying the percentage calculated under division (A)(2) of~~ 8957  
~~this section by~~ one and sixty-six one-hundredths per cent of the 8958  
total tax revenue credited to the general revenue fund during the 8959  
preceding month. In determining the total tax revenue credited to 8960  
the general revenue fund during the preceding month, the director 8961  
shall include amounts transferred from the fund during the 8962  
preceding month under this division and division ~~(B)~~(A) of this 8963  
section. Money shall be distributed from the public library fund 8964  
as required under section 5747.47 of the Revised Code during the 8965  
same month in which it is credited to the fund. 8966

~~(D)~~(C) The director of budget and management shall develop a 8967  
schedule identifying the specific tax revenue sources to be used 8968  
to make the monthly transfers required under divisions ~~(B)~~(A) and 8969  
~~(C)~~(B) of this section. The director may, from time to time, 8970  
revise the schedule as the director considers necessary. 8971

**Sec. 133.022.** (A) As used in this section: 8972

(1) "Large local educational agency" and "qualified school 8973  
construction bond" have the same meaning as in section 54F of the 8974  
Internal Revenue Code, 26 U.S.C. 54F. 8975

(2) "National limit" means, as applicable, the limitation on 8976  
the aggregate amount of qualified school construction bonds that 8977  
may be issued by the states each calendar year under section 54F 8978  
of the Internal Revenue Code. 8979

(3) "State portion" means the portion of the national limit 8980



allocated to this state pursuant to section 54F of the Internal Revenue Code. 8981  
8982

(B)(1) To provide for the orderly and prompt issuance of 8983  
qualified school construction bonds, the Ohio ~~school~~ facilities 8984  
construction commission, in consultation with the director of 8985  
budget and management, shall allocate the state portion among 8986  
those issuers authorized to issue qualified school construction 8987  
bonds. The Ohio ~~school~~ facilities construction commission may also 8988  
accept from any large local educational agency the allocation 8989  
received by that agency under section 54F(d)(2) of the Internal 8990  
Revenue Code and reallocate it to any issuer or issuers authorized 8991  
to issue obligations, including any large local educational 8992  
agency. 8993

(2) The factors to be considered when making allocations of 8994  
the state portion or reallocations of any amounts received by a 8995  
large local educational agency include the following: 8996

(a) The interests of the state with regard to education and 8997  
economic development; 8998

(b) The need and ability of each issuer to issue obligations. 8999

(3) The Ohio ~~school~~ facilities construction commission, in 9000  
consultation with the director of budget and management, shall 9001  
establish procedures for making allocations, including those from 9002  
any carryover of the state portion, and shall adopt guidelines to 9003  
carry out the purposes of this section. 9004

**Sec. 133.06.** (A) A school district shall not incur, without a 9005  
vote of the electors, net indebtedness that exceeds an amount 9006  
equal to one-tenth of one per cent of its tax valuation, except as 9007  
provided in divisions (G) and (H) of this section and in division 9008  
(D) of section 3313.372 of the Revised Code, or as prescribed in 9009  
section 3318.052 or 3318.44 of the Revised Code, or as provided in 9010

division (J) of this section. 9011

(B) Except as provided in divisions (E), (F), and (I) of this 9012  
section, a school district shall not incur net indebtedness that 9013  
exceeds an amount equal to nine per cent of its tax valuation. 9014

(C) A school district shall not submit to a vote of the 9015  
electors the question of the issuance of securities in an amount 9016  
that will make the district's net indebtedness after the issuance 9017  
of the securities exceed an amount equal to four per cent of its 9018  
tax valuation, unless the superintendent of public instruction, 9019  
acting under policies adopted by the state board of education, and 9020  
the tax commissioner, acting under written policies of the 9021  
commissioner, consent to the submission. A request for the 9022  
consents shall be made at least one hundred twenty days prior to 9023  
the election at which the question is to be submitted. 9024

The superintendent of public instruction shall certify to the 9025  
district the superintendent's and the tax commissioner's decisions 9026  
within thirty days after receipt of the request for consents. 9027

If the electors do not approve the issuance of securities at 9028  
the election for which the superintendent of public instruction 9029  
and tax commissioner consented to the submission of the question, 9030  
the school district may submit the same question to the electors 9031  
on the date that the next special election may be held under 9032  
section 3501.01 of the Revised Code without submitting a new 9033  
request for consent. If the school district seeks to submit the 9034  
same question at any other subsequent election, the district shall 9035  
first submit a new request for consent in accordance with this 9036  
division. 9037

(D) In calculating the net indebtedness of a school district, 9038  
none of the following shall be considered: 9039

(1) Securities issued to acquire school buses and other 9040

equipment used in transporting pupils or issued pursuant to 9041  
division (D) of section 133.10 of the Revised Code; 9042

(2) Securities issued under division (F) of this section, 9043  
under section 133.301 of the Revised Code, and, to the extent in 9044  
excess of the limitation stated in division (B) of this section, 9045  
under division (E) of this section; 9046

(3) Indebtedness resulting from the dissolution of a joint 9047  
vocational school district under section 3311.217 of the Revised 9048  
Code, evidenced by outstanding securities of that joint vocational 9049  
school district; 9050

(4) Loans, evidenced by any securities, received under 9051  
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 9052

(5) Debt incurred under section 3313.374 of the Revised Code; 9053

(6) Debt incurred pursuant to division (B)(5) of section 9054  
3313.37 of the Revised Code to acquire computers and related 9055  
hardware; 9056

(7) Debt incurred under section 3318.042 of the Revised Code. 9057

(E) A school district may become a special needs district as 9058  
to certain securities as provided in division (E) of this section. 9059

(1) A board of education, by resolution, may declare its 9060  
school district to be a special needs district by determining both 9061  
of the following: 9062

(a) The student population is not being adequately serviced 9063  
by the existing permanent improvements of the district. 9064

(b) The district cannot obtain sufficient funds by the 9065  
issuance of securities within the limitation of division (B) of 9066  
this section to provide additional or improved needed permanent 9067  
improvements in time to meet the needs. 9068

(2) The board of education shall certify a copy of that 9069  
resolution to the superintendent of public instruction with a 9070

statistical report showing all of the following: 9071

(a) The history of and a projection of the growth of the tax 9072  
valuation; 9073

(b) The projected needs; 9074

(c) The estimated cost of permanent improvements proposed to 9075  
meet such projected needs. 9076

(3) The superintendent of public instruction shall certify 9077  
the district as an approved special needs district if the 9078  
superintendent finds both of the following: 9079

(a) The district does not have available sufficient 9080  
additional funds from state or federal sources to meet the 9081  
projected needs. 9082

(b) The projection of the potential average growth of tax 9083  
valuation during the next five years, according to the information 9084  
certified to the superintendent and any other information the 9085  
superintendent obtains, indicates a likelihood of potential 9086  
average growth of tax valuation of the district during the next 9087  
five years of an average of not less than one and one-half per 9088  
cent per year. The findings and certification of the 9089  
superintendent shall be conclusive. 9090

(4) An approved special needs district may incur net 9091  
indebtedness by the issuance of securities in accordance with the 9092  
provisions of this chapter in an amount that does not exceed an 9093  
amount equal to the greater of the following: 9094

(a) Twelve per cent of the sum of its tax valuation plus an 9095  
amount that is the product of multiplying that tax valuation by 9096  
the percentage by which the tax valuation has increased over the 9097  
tax valuation on the first day of the sixtieth month preceding the 9098  
month in which its board determines to submit to the electors the 9099  
question of issuing the proposed securities; 9100

(b) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage, determined by the superintendent of public instruction, by which that tax valuation is projected to increase during the next ten years.

(F) A school district may issue securities for emergency purposes, in a principal amount that does not exceed an amount equal to three per cent of its tax valuation, as provided in this division.

(1) A board of education, by resolution, may declare an emergency if it determines both of the following:

(a) School buildings or other necessary school facilities in the district have been wholly or partially destroyed, or condemned by a constituted public authority, or that such buildings or facilities are partially constructed, or so constructed or planned as to require additions and improvements to them before the buildings or facilities are usable for their intended purpose, or that corrections to permanent improvements are necessary to remove or prevent health or safety hazards.

(b) Existing fiscal and net indebtedness limitations make adequate replacement, additions, or improvements impossible.

(2) Upon the declaration of an emergency, the board of education may, by resolution, submit to the electors of the district pursuant to section 133.18 of the Revised Code the question of issuing securities for the purpose of paying the cost, in excess of any insurance or condemnation proceeds received by the district, of permanent improvements to respond to the emergency need.

(3) The procedures for the election shall be as provided in section 133.18 of the Revised Code, except that:

(a) The form of the ballot shall describe the emergency

existing, refer to this division as the authority under which the 9132  
emergency is declared, and state that the amount of the proposed 9133  
securities exceeds the limitations prescribed by division (B) of 9134  
this section; 9135

(b) The resolution required by division (B) of section 133.18 9136  
of the Revised Code shall be certified to the county auditor and 9137  
the board of elections at least one hundred days prior to the 9138  
election; 9139

(c) The county auditor shall advise and, not later than 9140  
ninety-five days before the election, confirm that advice by 9141  
certification to, the board of education of the information 9142  
required by division (C) of section 133.18 of the Revised Code; 9143

(d) The board of education shall then certify its resolution 9144  
and the information required by division (D) of section 133.18 of 9145  
the Revised Code to the board of elections not less than ninety 9146  
days prior to the election. 9147

(4) Notwithstanding division (B) of section 133.21 of the 9148  
Revised Code, the first principal payment of securities issued 9149  
under this division may be set at any date not later than sixty 9150  
months after the earliest possible principal payment otherwise 9151  
provided for in that division. 9152

(G)(1) The board of education may contract with an architect, 9153  
professional engineer, or other person experienced in the design 9154  
and implementation of energy conservation measures for an analysis 9155  
and recommendations pertaining to installations, modifications of 9156  
installations, or remodeling that would significantly reduce 9157  
energy consumption in buildings owned by the district. The report 9158  
shall include estimates of all costs of such installations, 9159  
modifications, or remodeling, including costs of design, 9160  
engineering, installation, maintenance, repairs, measurement and 9161  
verification of energy savings, and debt service, forgone residual 9162

value of materials or equipment replaced by the energy 9163  
conservation measure, as defined by the Ohio ~~school~~ facilities 9164  
construction commission, a baseline analysis of actual energy 9165  
consumption data for the preceding three years with the utility 9166  
baseline based on only the actual energy consumption data for the 9167  
preceding twelve months, and estimates of the amounts by which 9168  
energy consumption and resultant operational and maintenance 9169  
costs, as defined by the commission, would be reduced. 9170

If the board finds after receiving the report that the amount 9171  
of money the district would spend on such installations, 9172  
modifications, or remodeling is not likely to exceed the amount of 9173  
money it would save in energy and resultant operational and 9174  
maintenance costs over the ensuing fifteen years, the board may 9175  
submit to the commission a copy of its findings and a request for 9176  
approval to incur indebtedness to finance the making or 9177  
modification of installations or the remodeling of buildings for 9178  
the purpose of significantly reducing energy consumption. 9179

The ~~school~~ facilities construction commission, in 9180  
consultation with the auditor of state, may deny a request under 9181  
~~this~~ division (G)(1) of this section by the board of education of 9182  
any school district that is in a state of fiscal watch pursuant to 9183  
division (A) of section 3316.03 of the Revised Code, if it 9184  
determines that the expenditure of funds is not in the best 9185  
interest of the school district. 9186

No district board of education of a school district that is 9187  
in a state of fiscal emergency pursuant to division (B) of section 9188  
3316.03 of the Revised Code shall submit a request without 9189  
submitting evidence that the installations, modifications, or 9190  
remodeling have been approved by the district's financial planning 9191  
and supervision commission established under section 3316.05 of 9192  
the Revised Code. 9193

No board of education of a school district ~~that, for three or~~ 9194

~~more consecutive years, has been declared to be in a state of~~ 9195  
~~academic emergency under section 3302.03 of the Revised Code, as~~ 9196  
~~that section existed prior to March 22, 2013, and has failed to~~ 9197  
~~meet adequate yearly progress, or has met any condition set forth~~ 9198  
~~in division (A) of for which an academic distress commission has~~ 9199  
been established under section 3302.10 of the Revised Code shall 9200  
submit a request without first receiving approval to incur 9201  
indebtedness from the district's academic distress commission 9202  
established under that section, for so long as such commission 9203  
continues to be required for the district. 9204

(2) The board of education may contract with a person 9205  
experienced in the implementation of student transportation to 9206  
produce a report that includes an analysis of and recommendations 9207  
for the use of alternative fuel vehicles by school districts. The 9208  
report shall include cost estimates detailing the return on 9209  
investment over the life of the alternative fuel vehicles and 9210  
environmental impact of alternative fuel vehicles. The report also 9211  
shall include estimates of all costs associated with alternative 9212  
fuel transportation, including facility modifications and vehicle 9213  
purchase costs or conversion costs. 9214

If the board finds after receiving the report that the amount 9215  
of money the district would spend on purchasing alternative fuel 9216  
vehicles or vehicle conversion is not likely to exceed the amount 9217  
of money it would save in fuel and resultant operational and 9218  
maintenance costs over the ensuing five years, the board may 9219  
submit to the commission a copy of its findings and a request for 9220  
approval to incur indebtedness to finance the purchase of new 9221  
alternative fuel vehicles or vehicle conversions for the purpose 9222  
of reducing fuel costs. 9223

The facilities construction commission, in consultation with 9224  
the auditor of state, may deny a request under division (G)(2) of 9225  
this section by the board of education of any school district that 9226



is in a state of fiscal watch pursuant to division (A) of section 3316.03 of the Revised Code, if it determines that the expenditure of funds is not in the best interest of the school district.

No district board of education of a school district that is in a state of fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code shall submit a request without submitting evidence that the purchase or conversion of alternative fuel vehicles has been approved by the district's financial planning and supervision commission established under section 3316.05 of the Revised Code.

No board of education of a school district for which an academic distress commission has been established under section 3302.10 of the Revised Code shall submit a request without first receiving approval to incur indebtedness from the district's academic distress commission established under that section, for so long as such commission continues to be required for the district.

(3) ~~The school~~ facilities construction commission shall approve the board's request provided that the following conditions are satisfied:

(a) The commission determines that the board's findings are reasonable.

(b) The request for approval is complete.

(c) ~~The~~ If the request was submitted under division (G)(1) of this section, the installations, modifications, or remodeling are consistent with any project to construct or acquire classroom facilities, or to reconstruct or make additions to existing classroom facilities under sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.

Upon receipt of the commission's approval, the district may issue securities without a vote of the electors in a principal

amount not to exceed nine-tenths of one per cent of its tax 9258  
valuation for the purpose ~~of making such installations,~~ 9259  
~~modifications, or remodeling~~ specified in division (G)(1) or (2) 9260  
of this section, but the total net indebtedness of the district 9261  
without a vote of the electors incurred under this and all other 9262  
sections of the Revised Code, except section 3318.052 of the 9263  
Revised Code, shall not exceed one per cent of the district's tax 9264  
valuation. 9265

~~(3)~~(4)(a) So long as any securities issued under ~~this~~ 9266  
division (G)(1) of this section remain outstanding, the board of 9267  
education shall monitor the energy consumption and resultant 9268  
operational and maintenance costs of buildings in which 9269  
installations or modifications have been made or remodeling has 9270  
been done pursuant to ~~this~~ that division. Except as provided in 9271  
division (G)(4)(b) of this section, the board shall maintain and 9272  
annually update a report in a form and manner prescribed by the 9273  
~~school~~ facilities construction commission documenting the 9274  
reductions in energy consumption and resultant operational and 9275  
maintenance cost savings attributable to such installations, 9276  
modifications, or remodeling. The resultant operational and 9277  
maintenance cost savings shall be certified by the school district 9278  
treasurer. The report shall be submitted annually to the 9279  
commission. 9280

~~(4)~~(b) If the ~~school~~ facilities construction commission 9281  
verifies that the certified annual reports submitted to the 9282  
commission by a board of education under division (G)~~(3)~~(4)(a) of 9283  
this section fulfill the guarantee required under division (B) of 9284  
section 3313.372 of the Revised Code for three consecutive years, 9285  
the board of education shall no longer be subject to the annual 9286  
reporting requirements of division (G)~~(3)~~(4)(a) of this section. 9287

(5) So long as any securities issued under division (G)(2) of 9288  
this section remain outstanding, the board of education shall 9289

monitor the purchase of new alternative fuel vehicles or vehicle conversions pursuant to that division. The board shall maintain and annually update a report in a form and manner prescribed by the facilities construction commission documenting the purchase of new alternative fuel vehicles or vehicle conversions, the associated environmental impact, and return on investment. The resultant fuel and operational and maintenance cost savings shall be certified by the school district treasurer. The report shall be submitted annually to the commission.

(H) With the consent of the superintendent of public instruction, a school district may incur without a vote of the electors net indebtedness that exceeds the amounts stated in divisions (A) and (G) of this section for the purpose of paying costs of permanent improvements, if and to the extent that both of the following conditions are satisfied:

(1) The fiscal officer of the school district estimates that receipts of the school district from payments made under or pursuant to agreements entered into pursuant to section 725.02, 1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised Code, or distributions under division (C) of section 5709.43 or division (B) of section 5709.47 of the Revised Code, or any combination thereof, are, after accounting for any appropriate coverage requirements, sufficient in time and amount, and are committed by the proceedings, to pay the debt charges on the securities issued to evidence that indebtedness and payable from those receipts, and the taxing authority of the district confirms the fiscal officer's estimate, which confirmation is approved by the superintendent of public instruction;

(2) The fiscal officer of the school district certifies, and the taxing authority of the district confirms, that the district, at the time of the certification and confirmation, reasonably

expects to have sufficient revenue available for the purpose of 9322  
operating such permanent improvements for their intended purpose 9323  
upon acquisition or completion thereof, and the superintendent of 9324  
public instruction approves the taxing authority's confirmation. 9325

The maximum maturity of securities issued under division (H) 9326  
of this section shall be the lesser of twenty years or the maximum 9327  
maturity calculated under section 133.20 of the Revised Code. 9328

(I) A school district may incur net indebtedness by the 9329  
issuance of securities in accordance with the provisions of this 9330  
chapter in excess of the limit specified in division (B) or (C) of 9331  
this section when necessary to raise the school district portion 9332  
of the basic project cost and any additional funds necessary to 9333  
participate in a project under Chapter 3318. of the Revised Code, 9334  
including the cost of items designated by the ~~school~~ facilities 9335  
construction commission as required locally funded initiatives, 9336  
the cost of other locally funded initiatives in an amount that 9337  
does not exceed fifty per cent of the district's portion of the 9338  
basic project cost, and the cost for site acquisition. The 9339  
commission shall notify the superintendent of public instruction 9340  
whenever a school district will exceed either limit pursuant to 9341  
this division. 9342

(J) A school district whose portion of the basic project cost 9343  
of its classroom facilities project under sections 3318.01 to 9344  
3318.20 of the Revised Code is greater than or equal to one 9345  
hundred million dollars may incur without a vote of the electors 9346  
net indebtedness in an amount up to two per cent of its tax 9347  
valuation through the issuance of general obligation securities in 9348  
order to generate all or part of the amount of its portion of the 9349  
basic project cost if the controlling board has approved the 9350  
~~school~~ facilities construction commission's conditional approval 9351  
of the project under section 3318.04 of the Revised Code. The 9352  
school district board and the Ohio ~~school~~ facilities construction 9353

commission shall include the dedication of the proceeds of such 9354  
securities in the agreement entered into under section 3318.08 of 9355  
the Revised Code. No state moneys shall be released for a project 9356  
to which this section applies until the proceeds of any bonds 9357  
issued under this section that are dedicated for the payment of 9358  
the school district portion of the project are first deposited 9359  
into the school district's project construction fund. 9360

**Sec. 133.061.** (A) This section applies only to a school 9361  
district that satisfies all of the following conditions: 9362

(1) The district, prior to ~~the effective date of this section~~ 9363  
June 30, 2007, undertook a classroom facilities project under 9364  
section 3318.37 of the Revised Code. 9365

(2) The district will undertake a subsequent classroom 9366  
facilities project under section 3318.37 of the Revised Code that 9367  
will consist of a single building housing grades six through 9368  
twelve. 9369

(3) The district's project described in division (A)(2) of 9370  
this section will include locally funded initiatives that are not 9371  
required by the Ohio ~~school~~ facilities construction commission. 9372

(4) The district's project described in division (A)(2) of 9373  
this section will commence within two years after ~~the effective~~ 9374  
~~date of this section~~ June 30, 2007. 9375

(B) Notwithstanding any other provision of law to the 9376  
contrary, a school district to which this section applies may 9377  
incur net indebtedness by the issuance of securities in accordance 9378  
with the provisions of this chapter in excess of the limit 9379  
specified in division (B) or (C) of section 133.06 of the Revised 9380  
Code when necessary to raise the school district portion of the 9381  
basic project cost and any additional funds necessary to 9382  
participate in the classroom facilities project described in 9383

division (A)(2) of this section, including the cost of items 9384  
designated by the Ohio ~~school~~ facilities construction commission 9385  
as required locally funded initiatives, the cost for site 9386  
acquisition, and the cost of the locally funded initiatives that 9387  
are not required by the commission described in division (A)(3) of 9388  
this section, as long as the district's total net indebtedness 9389  
after the issuance of those securities does not exceed one hundred 9390  
twenty-five per cent of the limit prescribed in division (B) of 9391  
section 133.06 of the Revised Code and the electors of the 9392  
district approve the issuance of those securities. 9393

The ~~school~~ facilities construction commission shall notify 9394  
the superintendent of public instruction whenever a school 9395  
district will exceed either limit pursuant to this section. 9396

**Sec. 135.143.** (A) The treasurer of state may invest or 9397  
execute transactions for any part or all of the interim funds of 9398  
the state in the following classifications of obligations: 9399

(1) United States treasury bills, notes, bonds, or any other 9400  
obligations or securities issued by the United States treasury or 9401  
any other obligation guaranteed as to principal and interest by 9402  
the United States; 9403

(2) Bonds, notes, debentures, or any other obligations or 9404  
securities issued by any federal government agency or 9405  
instrumentality; 9406

(3)(a) Bonds, notes, and other obligations of the state of 9407  
Ohio, including, but not limited to, any obligations issued by the 9408  
treasurer of state, the Ohio public facilities commission, the 9409  
Ohio building authority, the Ohio housing finance agency, the Ohio 9410  
water development authority, and the Ohio turnpike infrastructure 9411  
commission; 9412

(b) Bonds, notes, and other obligations of any state or 9413

political subdivision thereof rated in the three highest 9414  
categories by at least one nationally recognized standard rating 9415  
service and purchased through a registered securities broker or 9416  
dealer, provided the treasurer of state is not the sole purchaser 9417  
of the bonds, notes, or other obligations at original issuance. 9418

(4)(a) Written repurchase agreements with any eligible Ohio 9419  
financial institution that is a member of the federal reserve 9420  
system or federal home loan bank, or any registered United States 9421  
government securities dealer, under the terms of which agreement 9422  
the treasurer of state purchases and the eligible financial 9423  
institution or dealer agrees unconditionally to repurchase any of 9424  
the securities that are listed in division (A)(1), (2), or (6) of 9425  
this section. The market value of securities subject to these 9426  
transactions must exceed the principal value of the repurchase 9427  
agreement by an amount specified by the treasurer of state, and 9428  
the securities must be delivered into the custody of the treasurer 9429  
of state or the qualified trustee or agent designated by the 9430  
treasurer of state. The agreement shall contain the requirement 9431  
that for each transaction pursuant to the agreement, the 9432  
participating institution or dealer shall provide all of the 9433  
following information: 9434

(i) The par value of the securities; 9435

(ii) The type, rate, and maturity date of the securities; 9436

(iii) A numerical identifier generally accepted in the 9437  
securities industry that designates the securities. 9438

(b) The treasurer of state also may sell any securities, 9439  
listed in division (A)(1), (2), or (6) of this section, regardless 9440  
of maturity or time of redemption of the securities, under the 9441  
same terms and conditions for repurchase, provided that the 9442  
securities have been fully paid for and are owned by the treasurer 9443  
of state at the time of the sale. 9444

(5) Securities lending agreements with any eligible financial institution that is a member of the federal reserve system or federal home loan bank or any recognized United States government securities dealer, under the terms of which agreements the treasurer of state lends securities and the eligible financial institution or dealer agrees to simultaneously exchange similar securities or cash, equal value for equal value.

Securities and cash received as collateral for a securities lending agreement are not interim funds of the state. The investment of cash collateral received pursuant to a securities lending agreement may be invested only in such instruments specified by the treasurer of state in accordance with a written investment policy.

(6) Various forms of commercial paper issued by any entity that is organized under the laws of the United States or a state, which notes are rated in the two highest categories by two nationally recognized standard rating services, provided that the total amount invested under this section in any commercial paper at any time shall not exceed forty per cent of the state's total average portfolio, as determined and calculated by the treasurer of state;

(7) Bankers acceptances, maturing in two hundred seventy days or less, provided that the total amount invested in bankers acceptances at any time shall not exceed ten per cent of the state's total average portfolio, as determined and calculated by the treasurer of state;

(8) Certificates of deposit in eligible institutions applying for interim moneys as provided in section 135.08 of the Revised Code, including linked deposits as provided in sections 135.61 to 135.67 of the Revised Code, agricultural linked deposits as provided in sections 135.71 to 135.76 of the Revised Code, business linked deposits as provided in sections 135.77 to 135.774



of the Revised Code, and housing linked deposits as provided in 9477  
sections 135.81 to 135.87 of the Revised Code; 9478

(9) The state treasurer's investment pool authorized under 9479  
section 135.45 of the Revised Code; 9480

(10) Debt interests, other than commercial paper described in 9481  
division (A)(6) of this section, rated in the three highest 9482  
categories by two nationally recognized standard rating services 9483  
and issued by entities that are organized under the laws of the 9484  
United States or a state, or issued by foreign nations 9485  
diplomatically recognized by the United States government, or any 9486  
instrument based on, derived from, or related to such interests, 9487  
provided that: 9488

(a) The investments in debt interests other than commercial 9489  
paper shall not exceed in the aggregate twenty-five per cent of 9490  
the state's portfolio. 9491

(b) The investments in debt interests issued by foreign 9492  
nations shall not exceed in the aggregate two per cent of the 9493  
state's portfolio. 9494

The treasurer of state shall invest under division (A)(10) of 9495  
this section in a debt interest issued by a foreign nation only if 9496  
the debt interest is backed by the full faith and credit of that 9497  
foreign nation, and provided that all interest and principal shall 9498  
be denominated and payable in United States funds. 9499

(c) When added to the investment in commercial paper, the 9500  
investments in the debt interests of a single issuer shall not 9501  
exceed in the aggregate five per cent of the state's portfolio. 9502

(d) For purposes of division (A)(10) of this section, a debt 9503  
interest is rated in the three highest categories by two 9504  
nationally recognized standard rating services if either the debt 9505  
interest itself or the issuer of the debt interest is rated, or is 9506  
implicitly rated, in the three highest categories by two 9507

nationally recognized standard rating services. 9508

(e) For purposes of division (A)(10) of this section, the 9509  
"state's portfolio" means the state's total average portfolio, as 9510  
determined and calculated by the treasurer of state. 9511

(11) No-load money market mutual funds rated in the highest 9512  
category by one nationally recognized standard rating service or 9513  
consisting exclusively of obligations described in division 9514  
(A)(1), (2), or (6) of this section and repurchase agreements 9515  
secured by such obligations. 9516

(12) Obligations issued by, or on behalf of, an Ohio 9517  
political subdivision under Chapter 133. of the Revised Code or 9518  
Section 12 of Article XVIII, Ohio Constitution, and identified in 9519  
an agreement described in division (G) of this section. 9520

(B) Whenever, during a period of designation, the treasurer 9521  
of state classifies public moneys as interim moneys, the treasurer 9522  
of state shall notify the state board of deposit of such action. 9523  
The notification shall be given within thirty days after such 9524  
classification and, in the event the state board of deposit does 9525  
not concur in such classification or in the investments or 9526  
deposits made under this section, the board may order the 9527  
treasurer of state to sell or liquidate any of the investments or 9528  
deposits, and any such order shall specifically describe the 9529  
investments or deposits and fix the date upon which they are to be 9530  
sold or liquidated. Investments or deposits so ordered to be sold 9531  
or liquidated shall be sold or liquidated for cash by the 9532  
treasurer of state on the date fixed in such order at the then 9533  
current market price. Neither the treasurer of state nor the 9534  
members of the state board of deposit shall be held accountable 9535  
for any loss occasioned by sales or liquidations of investments or 9536  
deposits at prices lower than their cost. Any loss or expense 9537  
incurred in making these sales or liquidations is payable as other 9538  
expenses of the treasurer's office. 9539

(C) If any securities or obligations invested in by the 9540  
treasurer of state pursuant to this section are registrable either 9541  
as to principal or interest, or both, such securities or 9542  
obligations shall be registered in the name of the treasurer of 9543  
state. 9544

(D) The treasurer of state is responsible for the safekeeping 9545  
of all securities or obligations under this section. Any such 9546  
securities or obligations may be deposited for safekeeping as 9547  
provided in section 113.05 of the Revised Code. 9548

(E) Interest earned on any investments or deposits authorized 9549  
by this section shall be collected by the treasurer of state and 9550  
credited by the treasurer of state to the proper fund of the 9551  
state. 9552

(F) Whenever investments or deposits acquired under this 9553  
section mature and become due and payable, the treasurer of state 9554  
shall present them for payment according to their tenor, and shall 9555  
collect the moneys payable thereon. The moneys so collected shall 9556  
be treated as public moneys subject to sections 135.01 to 135.21 9557  
of the Revised Code. 9558

(G) The treasurer of state and any entity issuing obligations 9559  
referred to in division (A)(12) of this section, which obligations 9560  
mature within one year from the original date of issuance, may 9561  
enter into an agreement providing for: 9562

(1) The purchase of those obligations by the treasurer of 9563  
state on terms and subject to conditions set forth in the 9564  
agreement; 9565

(2) The payment to the treasurer of state of a reasonable fee 9566  
as consideration for the agreement of the treasurer of state to 9567  
purchase those obligations; provided, however, that the treasurer 9568  
of state shall not be authorized to enter into any such agreement 9569  
with a board of education of a school district that has an 9570

outstanding obligation with respect to a loan received under 9571  
authority of section 3313.483 of the Revised Code. 9572

(H) For purposes of division (G) of this section, a fee shall 9573  
not be considered reasonable unless it is set to recover only the 9574  
direct costs, a reasonable estimate of the indirect costs 9575  
associated with the purchasing of obligations under division (G) 9576  
of this section and any reselling of the obligations or any 9577  
interest in the obligations, including interests in a fund 9578  
comprised of the obligations, and the administration thereof. No 9579  
money from the general revenue fund shall be used to subsidize the 9580  
purchase or resale of these obligations. 9581

(I) All money collected by the treasurer of state from the 9582  
fee imposed by division (G) of this section shall be deposited to 9583  
the credit of the state political subdivision obligations fund, 9584  
which is hereby created in the state treasury. Money credited to 9585  
the fund shall be used solely to pay the treasurer of state's 9586  
direct and indirect costs associated with purchasing and reselling 9587  
obligations under division (G) of this section. 9588

(J) As used in this section, "political subdivision" means a 9589  
county, township, municipal corporation, school district, or other 9590  
body corporate and politic responsible for governmental activities 9591  
in a geographic area smaller than that of the state. 9592

**Sec. 135.182.** (A) As used in this section: 9593

(1) "Public depository" means that term as defined in section 9594  
135.01 of the Revised Code, but also means an institution that 9595  
receives or holds any public deposits as defined in section 135.31 9596  
of the Revised Code. 9597

(2) "Public depositor" means that term as defined in section 9598  
135.01 of the Revised Code, but also includes a county and any 9599  
municipal corporation that has adopted a charter under Article 9600

XVIII, Ohio Constitution. 9601

(3) "Public deposits," "public moneys," and "treasurer" mean 9602  
those terms as defined in section 135.01 of the Revised Code, but 9603  
also have the same meanings as are set forth in section 135.31 of 9604  
the Revised Code. 9605

(B)(1) Not later than July 1, 2017, the treasurer of state 9606  
shall create the Ohio pooled collateral program. Under this 9607  
program, each institution designated as a public depository that 9608  
selects the pledging method prescribed in division (A)(2) of 9609  
section 135.18 or division (A)(2) of section 135.37 of the Revised 9610  
Code shall pledge to the treasurer of state a single pool of 9611  
eligible securities for the benefit of all public depositors at 9612  
the public depository to secure the repayment of all uninsured 9613  
public deposits at the public depository, provided that at all 9614  
times the total market value of the securities so pledged is at 9615  
least equal to either of the following: 9616

(a) One hundred two per cent of the total amount of all 9617  
uninsured public deposits; 9618

(b) An amount determined by rules adopted by the treasurer of 9619  
state that set forth the criteria for determining the aggregate 9620  
market value of the pool of eligible securities pledged by a 9621  
public depository pursuant to division (B) of this section. Such 9622  
criteria shall include, but are not limited to, prudent capital 9623  
and liquidity management by the public depository and the safety 9624  
and soundness of the public depository as determined by a 9625  
third-party rating organization. 9626

(2) The treasurer of state shall monitor the eligibility, 9627  
market value, and face value of the pooled securities pledged by 9628  
the public depository. Each public depository shall carry in its 9629  
accounting records at all times a general ledger or other 9630  
appropriate account of the total amount of all public deposits to 9631

be secured by the pool, as determined at the opening of business 9632  
each day, and the total market value of securities pledged to 9633  
secure such deposits, and report such information to the treasurer 9634  
of state in a manner and frequency as determined by the treasurer 9635  
of state pursuant to rules adopted by the treasurer of state. A 9636  
public depositor shall be responsible for periodically confirming 9637  
the accuracy of its account balances with the treasurer of state; 9638  
otherwise, the treasurer of state shall be the sole public 9639  
depositor responsible for monitoring and ensuring the sufficiency 9640  
of securities pledged under this section. 9641

(C) The public depository shall designate a qualified trustee 9642  
approved by the treasurer of state and place with such trustee for 9643  
safekeeping the eligible securities pledged pursuant to division 9644  
(B) of this section. The trustee shall hold the eligible 9645  
securities in an account indicating the treasurer of state's 9646  
security interest in the eligible securities. The treasurer of 9647  
state shall give written notice of the trustee to all public 9648  
depositors for which such securities are pledged. The trustee 9649  
shall report to the treasurer of state information relating to the 9650  
securities pledged to secure such public deposits in a manner and 9651  
frequency as determined by the treasurer of state. 9652

(D) In order for a public depository to receive public moneys 9653  
under this section, the public depository and the treasurer of 9654  
state shall first execute an agreement that sets forth the entire 9655  
arrangement among the parties and that meets the requirements 9656  
described in 12 U.S.C. 1823(e). In addition, the agreement shall 9657  
authorize the treasurer of state to obtain control of the 9658  
collateral pursuant to division (D) of section 1308.24 of the 9659  
Revised Code. 9660

(E) The securities or other obligations described in division 9661  
(D) of section 135.18 of the Revised Code shall be eligible as 9662  
collateral for the purposes of division (B) of this section, 9663

provided no such securities or obligations pledged as collateral 9664  
are at any time in default as to either principal or interest. 9665

(F) Any federal reserve bank or branch thereof located in 9666  
this state or federal home loan bank, without compliance with 9667  
Chapter 1111. of the Revised Code and without becoming subject to 9668  
any other law of this state relative to the exercise by 9669  
corporations of trust powers generally, is qualified to act as 9670  
trustee for the safekeeping of securities, under this section. Any 9671  
institution mentioned in section 135.03 or 135.32 of the Revised 9672  
Code that holds a certificate of qualification issued by the 9673  
superintendent of financial institutions or any institution 9674  
complying with sections 1111.04, 1111.05, and 1111.06 of the 9675  
Revised Code is qualified to act as trustee for the safekeeping of 9676  
securities under this section, other than those belonging to 9677  
itself or to an affiliate as defined in section 1101.01 of the 9678  
Revised Code. 9679

(G) The public depository may substitute, exchange, or 9680  
release eligible securities deposited with the qualified trustee 9681  
pursuant to this section, provided that such substitution, 9682  
exchange, or release is effectuated pursuant to written 9683  
authorization from the treasurer of state, and such action does 9684  
not reduce the total market value of the securities to an amount 9685  
that is less than the amount established pursuant to division (B) 9686  
of this section. 9687

(H) Notwithstanding the fact that a public depository is 9688  
required to pledge eligible securities in certain amounts to 9689  
secure public deposits, a qualified trustee has no duty or 9690  
obligation to determine the eligibility, market value, or face 9691  
value of any securities deposited with the trustee by a public 9692  
depository. This applies in all situations including, but not 9693  
limited to, a substitution or exchange of securities, but 9694  
excluding those situations effectuated by division (I) of this 9695

section in which the trustee is required to determine face and 9696  
market value. 9697

(I) The qualified trustee shall enter into a custodial 9698  
agreement with the treasurer of state and public depository in 9699  
which the trustee agrees to comply with entitlement orders 9700  
originated by the treasurer of state without further consent by 9701  
the public depository or, in the case of collateral held by the 9702  
public depository in an account at a federal reserve bank, the 9703  
treasurer of state shall have the treasurer's security interest 9704  
marked on the books of the federal reserve bank where the account 9705  
for the collateral is maintained. If the public depository fails 9706  
to pay over any part of the public deposits made therein as 9707  
provided by law and secured pursuant to division (B) of this 9708  
section, the treasurer of state shall give written notice of this 9709  
failure to the qualified trustee holding the pool of securities 9710  
pledged against the public deposits, and at the same time shall 9711  
send a copy of this notice to the public depository. Upon receipt 9712  
of this notice, the trustee shall transfer to the treasurer of 9713  
state for sale, the pooled securities that are necessary to 9714  
produce an amount equal to the public deposits made by the public 9715  
depositor and not paid over, less the portion of the deposits 9716  
covered by any federal deposit insurance, plus any accrued 9717  
interest due on the deposits. The treasurer of state shall sell 9718  
any of the bonds or other securities so transferred. When a sale 9719  
of bonds or other securities has been so made and upon payment to 9720  
the public depositor of the purchase money, the treasurer of state 9721  
shall transfer such bonds or securities whereupon the absolute 9722  
ownership of such bonds or securities shall pass to the 9723  
purchasers. Any surplus after deducting the amount due to the 9724  
public depositor and expenses of sale shall be paid to the public 9725  
depository. 9726

(J) Any charges or compensation of a qualified trustee for 9727



acting as such under this section shall be paid by the public 9728  
depository and in no event shall be chargeable to the public 9729  
depositor or to any officer of the public depositor. The charges 9730  
or compensation shall not be a lien or charge upon the securities 9731  
deposited for safekeeping prior or superior to the rights to and 9732  
interests in the securities of the public depositor. The treasurer 9733  
and the treasurer's bonders or surety shall be relieved from any 9734  
liability to the public depositor or to the public depository for 9735  
the loss or destruction of any securities deposited with a 9736  
qualified trustee pursuant to this section. 9737

(K)(1) The following information is confidential and not a 9738  
public record under section 149.43 of the Revised Code: 9739

(a) All reports or other information obtained or created 9740  
about a public depository for purposes of division (B)(1)(b) of 9741  
this section; 9742

(b) The identity of a public depositor's public depository; 9743

(c) The identity of a public depository's public depositors. 9744

(2) Nothing in this section prevents the treasurer of state 9745  
from releasing or exchanging such confidential information as 9746  
required by law or for the operation of the pooled collateral 9747  
program. 9748

(L) The treasurer of state may impose reasonable fees, 9749  
including late fees, upon public depositories participating in the 9750  
pooled collateral program to defray the actual and necessary 9751  
expenses incurred by the treasurer in connection with the program. 9752  
All such fees collected by the treasurer shall be deposited into 9753  
the state treasury to the credit of the administrative fund 9754  
created in section 113.20 of the Revised Code. 9755

(M) The treasurer of state may adopt rules necessary for the 9756  
implementation of this section and sections 135.18 and 135.181 of 9757  
the Revised Code. Such rules shall be adopted in accordance with 9758

Chapter 119. of the Revised Code. 9759

**Sec. 135.45.** (A) Subject to division (B) of this section, a 9760  
treasurer, governing board, or investing authority of a 9761  
subdivision may pay public moneys of the subdivision into the Ohio 9762  
subdivision's fund, which may be established in the custody of the 9763  
treasurer of state. The treasurer of state shall invest the moneys 9764  
in the fund ~~as~~ in separately managed accounts and pooled accounts, 9765  
including the state treasurer's investment pool, in the same 9766  
manner, in the same types of instruments, and subject to the same 9767  
limitations provided for the deposit and investment of interim 9768  
moneys of the state, except that the fund shall not be invested in 9769  
the linked deposits authorized under sections 135.61 to 135.67 of 9770  
the Revised Code. 9771

(B)(1) On and after July 1, 1997, a treasurer, governing 9772  
board, or investing authority of a subdivision that has not 9773  
entered into an agreement with the treasurer of state under 9774  
division (C) of this section shall not invest public moneys of the 9775  
subdivision in a pooled account of the Ohio subdivision's fund 9776  
under division (B)(6) of section 135.14 of the Revised Code or 9777  
division (A)(6) of section 135.35 of the Revised Code if the ~~fund~~ 9778  
pool does not maintain the highest letter or numerical rating 9779  
provided by at least one nationally recognized standard rating 9780  
service. 9781

(2) Upon receipt of notice that the ~~fund~~ pool does not 9782  
maintain the highest letter or numerical rating required under 9783  
division (B)(1) of this section, the treasurer of state shall have 9784  
ninety days to obtain the required highest letter or numerical 9785  
rating. If the treasurer of state fails to obtain the required 9786  
highest letter or numerical rating, the treasurer of state shall 9787  
have an additional one hundred eighty days to develop a plan to 9788  
dissolve the ~~fund~~ pool. The plan shall include reasonable 9789

standards for the equitable return of public moneys in the ~~fund~~ 9790  
pool to those subdivisions participating in the ~~fund~~ pool. 9791

(3) Treasurers, governing boards, or investing authorities of 9792  
subdivisions participating in the ~~fund~~ pool shall not be required 9793  
to divest in the ~~fund~~ pool during the initial one hundred eighty 9794  
days following the treasurer of state's receipt of notice under 9795  
division (B)(2) of this section. 9796

(C) A treasurer, governing board, or investing authority of a 9797  
subdivision that wishes to invest public moneys of the subdivision 9798  
in a separately managed account or pooled account of the Ohio 9799  
subdivision's fund may enter into an agreement with the treasurer 9800  
of state that sets forth the manner in which the money is to be 9801  
invested. The treasurer of state shall invest the moneys in 9802  
accordance with the agreement, subject to the limitations set 9803  
forth in division (A) of this section. For purposes of this 9804  
division, the limitation on investments in debt interests provided 9805  
in division (A)(10)(a) of section 135.143 of the Revised Code 9806  
shall not apply to a subdivision's excess reserves. 9807

(D) The treasurer of state shall adopt such rules as are 9808  
necessary for the implementation of this section, including the 9809  
efficient administration of and accounting for the separately 9810  
managed accounts and pooled accounts, including the state 9811  
treasurer's investment pool, ~~including and the~~ specification of 9812  
minimum amounts ~~which that~~ may be paid into the pool such pools 9813  
and minimum periods of time for which such payments shall be 9814  
retained in the ~~pool~~ pools. The rules shall provide for the 9815  
administrative expenses of the separately managed accounts and 9816  
pooled accounts, including the state treasurer's investment pool, 9817  
to be paid from ~~its~~ the earnings and for the interest earnings in 9818  
excess of such expenses to be credited to the several treasurers, 9819  
governing boards, and investing authorities participating in ~~the a~~ 9820  
pool in a manner which equitably reflects the differing amounts of 9821

their respective investments in the pool and the differing periods 9822  
of time for which such amounts are in the pool. 9823

~~(D) Upon creating the pool, the~~ (E) The treasurer of state 9824  
shall give bond with sufficient sureties, payable to the 9825  
treasurers, governing boards, and investing authorities of 9826  
subdivisions participating in the ~~pool fund~~, for the benefit of 9827  
the subdivisions whose moneys are paid into the ~~pool fund~~ for 9828  
investment, in the total penal sum of two hundred fifty thousand 9829  
dollars, conditioned for the faithful discharge of ~~his~~ the 9830  
treasurer of state's duties in relation to the ~~pool fund~~. 9831

~~(E)(F)~~ The treasurer of state and ~~his bondsmen~~ the treasurer 9832  
of state's bonders or surety are liable for the loss of any 9833  
interim moneys of the state and subdivisions invested under this 9834  
section ~~through the state treasurer's investment pool~~ to the same 9835  
extent the treasurer of state and ~~his bondsmen~~ the treasurer of 9836  
state's bonders or surety are liable for the loss of public moneys 9837  
under section 135.19 of the Revised Code. 9838

~~(F)(G)~~ As used in this section: 9839

(1) "Interim moneys" and "governing board" have the same 9840  
meanings as in section 135.01 of the Revised Code. 9841

(2)(a) "Subdivision" has the same meaning as in section 9842  
135.01 of the Revised Code, but also includes a county, ~~or~~ a 9843  
municipal corporation that has adopted a charter under Article 9844  
XVIII, Ohio Constitution, or any government entity for which the 9845  
fund is a permissible investment. 9846

(b) "Public moneys of a subdivision" has the same meaning as 9847  
in section 135.01 of the Revised Code, but also includes "public 9848  
moneys" as defined in section 135.31 of the Revised Code, and 9849  
funds held in the custody of the treasurer of state 9850  
notwithstanding any limitations on the permissible investments of 9851  
such funds. 9852

(3) "Treasurer" has the same meaning as in sections 135.01 9853  
and 135.31 of the Revised Code. 9854

(4) "Investing authority" has the same meaning as in section 9855  
135.31 of the Revised Code. 9856

(5) "Excess reserves" means the amount of a subdivision's 9857  
public moneys that exceed the average of a subdivision's annual 9858  
operating expenses in the immediately preceding three fiscal 9859  
years. 9860

**Sec. 135.63.** The treasurer of state may invest in linked 9861  
deposits under sections 135.61 to 135.67, short-term installment 9862  
loan linked deposits under sections 135.68 to 135.70, agricultural 9863  
linked deposits under sections 135.71 to 135.76, business linked 9864  
deposits under sections 135.77 to 135.774, housing linked deposits 9865  
under sections 135.81 to 135.87, assistive technology device 9866  
linked deposits under sections 135.91 to 135.97, and SaveNOW 9867  
linked deposits under sections 135.101 to 135.106 of the Revised 9868  
Code, provided that at the time of placement of any such linked 9869  
deposit the combined amount of investments in all such linked 9870  
deposits is not more than twelve per cent of the state's total 9871  
average investment portfolio as determined by the treasurer of 9872  
state. When deciding whether to invest in any such linked 9873  
deposits, the treasurer of state shall give priority to the 9874  
investment, liquidity, and cash flow needs of the state. 9875

**Sec. 135.71.** As used in sections 135.71 to 135.76 of the 9876  
Revised Code: 9877

(A) "Eligible agricultural business" means any person engaged 9878  
in agriculture that has all of the following characteristics: 9879

(1) Is headquartered and domiciled in this state; 9880

(2) Maintains land or facilities for agricultural purposes in 9881  
this state provided that the land or facilities within this state 9882

comprise not less than fifty-one per cent of the total of all 9883  
lands or facilities maintained by the person; 9884

(3) Is organized for profit. 9885

(B) "Eligible lending institution" means a financial 9886  
institution that is eligible to make commercial loans, agrees to 9887  
participate in the agricultural linked deposit program, and is any 9888  
of the following: 9889

(1) Is a public depository of state funds under section 9890  
135.03 of the Revised Code; ~~or~~ 9891

(2) Notwithstanding sections 135.01 to 135.21 of the Revised 9892  
Code, is an institution of the farm credit system organized under 9893  
the federal "Farm Credit Act of 1971," 85 Stat. 583, 12 U.S.C.A. 9894  
2001, as amended; 9895

(3) Notwithstanding sections 135.01 to 135.21 of the Revised 9896  
Code, is a federal credit union, a foreign credit union licensed 9897  
pursuant to section 1733.39 of the Revised Code, or a credit union 9898  
as defined in section 1733.01 of the Revised Code, located in this 9899  
state. 9900

(C) "Agricultural linked deposit" means a certificate of 9901  
deposit placed by the treasurer of state with an eligible lending 9902  
institution under section 135.74 of the Revised Code, share 9903  
certificates issued by an eligible lending institution that are 9904  
purchased by the treasurer of state, or an investment in bonds, 9905  
notes, debentures, or other obligations or securities issued by 9906  
the federal farm credit bank with regard to an eligible lending 9907  
institution. 9908

(D) "Loan" means a contractual agreement under which an 9909  
eligible lending institution agrees to lend money in the form of 9910  
an upfront lump sum, a line of credit, or any other reasonable 9911  
arrangement approved by the treasurer of state. 9912

Sec. 135.77. As used in sections 135.77 to 135.774 of the 9913  
Revised Code: 9914

(A) "Business linked deposit" means share certificates issued 9915  
by an eligible lending institution that are purchased by the 9916  
treasurer of state in accordance with sections 135.772 to 135.774 9917  
of the Revised Code. 9918

(B) "Eligible lending institution" means a federal credit 9919  
union, a foreign credit union licensed pursuant to section 1733.39 9920  
of the Revised Code, or a credit union as defined in section 9921  
1733.01 of the Revised Code, located in this state. 9922

(C) "Eligible small business" means any person that has all 9923  
of the following characteristics: 9924

(1) Is domiciled in this state; 9925

(2) Maintains offices and operating facilities exclusively in 9926  
this state and transacts business in this state; 9927

(3) Employs fewer than one hundred fifty employees, the 9928  
majority of whom are residents of this state; 9929

(4) Is organized for profit; 9930

(5) Is able to save or create one full-time job or two 9931  
part-time jobs in this state for every fifty thousand dollars 9932  
borrowed. 9933

(D) "Full-time job" means a job with regular hours of service 9934  
totaling at least forty hours per week or any other standard of 9935  
service accepted as full-time by the employee's employer. 9936

(E) "Loan" means a contractual agreement under which an 9937  
eligible lending institution agrees to lend money in the form of 9938  
an upfront lump sum, a line of credit, or any other reasonable 9939  
arrangement approved by the treasurer of state. 9940

(F) "Part-time job" means a job with regular hours of service 9941

totaling fewer than forty hours per week or any other standard of 9942  
service accepted as part-time by the employee's employer. 9943

Sec. 135.771. The general assembly finds that small 9944  
businesses play an important role in creating jobs in this state. 9945  
Accordingly, it is declared to be the public policy of the state 9946  
through the business linked deposit program to foster economic 9947  
growth and development within Ohio's small businesses, and to 9948  
protect the jobs of this state. 9949

Sec. 135.772. (A) In accordance with section 135.64 of the 9950  
Revised Code, an eligible lending institution that desires to 9951  
receive a business linked deposit shall accept and review 9952  
applications for loans from eligible small businesses and forward 9953  
to the treasurer of state a linked deposit loan package. 9954

(B) No loan issued pursuant to sections 135.77 to 135.774 of 9955  
the Revised Code shall exceed four hundred thousand dollars. 9956

Sec. 135.773. In accordance with section 135.65 of the 9957  
Revised Code, the treasurer of state may accept or reject a 9958  
business linked deposit loan package, or any portion thereof, and 9959  
shall enter into a deposit agreement regarding any accepted loan 9960  
packages. 9961

Sec. 135.774. (A) Upon the placement of a business linked 9962  
deposit with an eligible lending institution, such institution is 9963  
required to lend such funds to each approved eligible small 9964  
business listed in the linked deposit loan package required by 9965  
section 135.772 of the Revised Code and in accordance with the 9966  
deposit agreement required by section 135.773 of the Revised Code. 9967  
The loan shall be at a rate that reflects the following percentage 9968  
rate reduction below the present borrowing rate applicable to each 9969  
eligible small business: 9970



(1) Three per cent if the present borrowing rate is greater than five per cent; 9971  
9972

(2) Two and one-tenth per cent if the present borrowing rate is equal to or less than five per cent. 9973  
9974

A certification of compliance with this section in the form and manner as prescribed by the treasurer of state shall be required of the eligible lending institution. 9975  
9976  
9977

(B) The treasurer of state shall take any and all steps necessary to implement the business linked deposit program and monitor compliance of eligible lending institutions and eligible small businesses, including the development of guidelines as necessary. 9978  
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9980  
9981  
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(C) The state and the treasurer of state are not liable to any eligible lending institution in any manner for payment of the principal or interest on the loan to an eligible small business. Any delay in payments or default on the part of an eligible small business does not in any manner affect the deposit agreement between the eligible lending institution and the treasurer of state. 9983  
9984  
9985  
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**Sec. 135.78.** (A) As used in this section, "eligible lending institution" has the same meaning as in section 135.77 of the Revised Code. 9990  
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9992

(B) The treasurer of state shall, in accordance with Chapter 111. of the Revised Code, adopt rules addressing the participation of eligible lending institutions in the agricultural linked deposit program under sections 135.71 to 135.76 of the Revised Code and the business linked deposit program under sections 135.77 to 135.774 of the Revised Code, including, but not limited to, the manner in which an eligible lending institution is designated and the linked deposits are placed, held, and collateralized. 9993  
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Participation of eligible lending institutions in those linked 10001  
deposit programs shall not begin until these rules have been 10002  
adopted. 10003

**Sec. 143.01.** As used in this chapter: 10004

(A) "Killed in the line of duty" means either of the 10005  
following: 10006

(1) Death in the line of duty; 10007

(2) Death from injury sustained in the line of duty, 10008  
including heart attack or other fatal injury or illness caused 10009  
while in the line of duty. 10010

(B) "Totally and permanently disabled" means unable to engage 10011  
in any substantial gainful employment for a period of not less 10012  
than twelve months by reason of a medically determinable physical 10013  
impairment that is permanent or presumed to be permanent. 10014

(C) "Volunteer peace officer" means any person who is 10015  
employed as a police officer, sheriff's deputy, constable, or 10016  
deputy marshal in a part-time, reserve, or volunteer capacity by a 10017  
county sheriff's department or the police department of a 10018  
municipal corporation, township, township police district, or 10019  
joint police district and is not a either of the following: 10020

(1) A member of the public employees retirement system, Ohio 10021  
police and fire pension fund, state highway patrol retirement 10022  
system, or the Cincinnati retirement system; 10023

(2) A retirant as defined in section 145.01 of the Revised 10024  
Code. 10025

**Sec. 151.03.** This section applies to obligations as defined 10026  
in this section. 10027

(A) As used in this section: 10028

(1) "Costs of capital facilities" includes related direct 10029  
administrative expenses and allocable portions of direct costs of 10030  
the using school district and the Ohio ~~school~~ facilities 10031  
construction commission. 10032

(2) "Net state lottery proceeds" means the amount determined 10033  
by the director of budget and management to be an excess amount to 10034  
the credit of the state lottery fund and to be transferred to the 10035  
lottery profits education fund, and moneys from time to time in 10036  
the lottery profits education fund, all as provided for and 10037  
referred to in section 3770.06 of the Revised Code. 10038

(3) "Ohio ~~school~~ facilities construction commission" and 10039  
"school district" have the same meanings as in section 3318.01 of 10040  
the Revised Code. 10041

(4) "Obligations" means obligations as defined in section 10042  
151.01 of the Revised Code issued to pay costs of capital 10043  
facilities for a system of common schools throughout the state. 10044

(5) "Using school district" means the school district, or two 10045  
or more school districts acting jointly, that are the ultimate 10046  
users of the capital facilities for a system of common schools 10047  
financed with net proceeds of obligations. 10048

(B) The issuing authority shall issue obligations to pay 10049  
costs of capital facilities for a system of common schools 10050  
throughout the state pursuant to Section 2n of Article VIII, Ohio 10051  
Constitution, section 151.01 of the Revised Code, and this 10052  
section. The issuing authority, upon the certification by the Ohio 10053  
~~school~~ facilities construction commission to it of the amount of 10054  
moneys needed in the school building program assistance fund 10055  
created by section 3318.25 of the Revised Code for purposes of 10056  
that fund, shall issue obligations in the amount determined to be 10057  
required by the issuing authority. 10058

(C) Net proceeds of obligations shall be deposited into the 10059

school building program assistance fund created by section 3318.25 10060  
of the Revised Code. 10061

(D) There is hereby created in the state treasury the "common 10062  
schools capital facilities bond service fund." All moneys received 10063  
by the state and required by the bond proceedings, consistent with 10064  
sections 151.01 and 151.03 of the Revised Code, to be deposited, 10065  
transferred, or credited to the bond service fund, and all other 10066  
moneys transferred or allocated to or received for the purposes of 10067  
that fund, shall be deposited and credited to the bond service 10068  
fund, subject to any applicable provisions of the bond proceedings 10069  
but without necessity for any act of appropriation. During the 10070  
period beginning with the date of the first issuance of 10071  
obligations and continuing during the time that any obligations 10072  
are outstanding in accordance with their terms, so long as moneys 10073  
in the bond service fund are insufficient to pay debt service when 10074  
due on those obligations payable from that fund (except the 10075  
principal amounts of bond anticipation notes payable from the 10076  
proceeds of renewal notes or bonds anticipated) and due in the 10077  
particular fiscal year, a sufficient amount of revenues of the 10078  
state, including net state lottery proceeds, is committed and, 10079  
without necessity for further act of appropriation, shall be paid 10080  
to the bond service fund for the purpose of paying that debt 10081  
service when due. 10082

**Sec. 153.02.** (A) The executive director of the Ohio 10083  
facilities construction commission, may debar a contractor from 10084  
contract awards for public improvements as referred to in section 10085  
153.01 of the Revised Code or for projects as defined in section 10086  
3318.01 of the Revised Code, upon proof that the contractor has 10087  
done any of the following: 10088

(1) Defaulted on a contract requiring the execution of a 10089  
takeover agreement as set forth in division (B) of section 153.17 10090

of the Revised Code;	10091
(2) Knowingly failed during the course of a contract to	10092
maintain the coverage required by the bureau of workers'	10093
compensation;	10094
(3) Knowingly failed during the course of a contract to	10095
maintain the contractor's drug-free workplace program as required	10096
by the contract;	10097
(4) Knowingly failed during the course of a contract to	10098
maintain insurance required by the contract or otherwise by law,	10099
resulting in a substantial loss to the owner, as owner is referred	10100
to in section 153.01 of the Revised Code, or to the commission and	10101
school district board, as provided in division (F) of section	10102
3318.08 of the Revised Code;	10103
(5) Misrepresented the firm's qualifications in the selection	10104
process set forth in sections 153.65 to 153.71 or section 3318.10	10105
of the Revised Code;	10106
(6) Been convicted of a criminal offense related to the	10107
application for or performance of any public or private contract,	10108
including, but not limited to, embezzlement, theft, forgery,	10109
bribery, falsification or destruction of records, receiving stolen	10110
property, and any other offense that directly reflects on the	10111
contractor's business integrity;	10112
(7) Been convicted of a criminal offense under state or	10113
federal antitrust laws;	10114
(8) Deliberately or willfully submitted false or misleading	10115
information in connection with the application for or performance	10116
of a public contract;	10117
(9) Been debarred from bidding on or participating in a	10118
contract with any state or federal agency.	10119
(B) <u>When the executive director debars a contractor that is a</u>	10120

partnership, association, or corporation, the executive director 10121  
also may debar any partner of the partnership or any officer or 10122  
director of the association or corporation, as applicable. 10123

(C) When the executive director reasonably believes that 10124  
grounds for debarment exist, the executive director shall send the 10125  
contractor a notice of proposed debarment indicating the grounds 10126  
for the proposed debarment and the procedure for requesting a 10127  
hearing on the proposed debarment. The hearing shall be conducted 10128  
in accordance with Chapter 119. of the Revised Code. If the 10129  
contractor does not respond with a request for a hearing in the 10130  
manner specified in Chapter 119. of the Revised Code, the 10131  
executive director shall issue the debarment decision without a 10132  
hearing and shall notify the contractor of the decision by 10133  
certified mail, return receipt requested. 10134

~~(C)~~(D) The executive director shall determine the length of 10135  
the debarment period and may rescind the debarment at any time 10136  
upon notification to the contractor. During the period of 10137  
debarment, the contractor is not eligible to bid for or 10138  
participate in any contract for a public improvement as referred 10139  
to in section 153.01 of the Revised Code or for a project as 10140  
defined in section 3318.01 of the Revised Code. After the 10141  
debarment period expires, the contractor shall be eligible to bid 10142  
for and participate in such contracts. 10143

~~(D)~~(E) The executive director shall maintain a list of all 10144  
contractors currently debarred under this section. Any 10145  
governmental entity awarding a contract for construction of a 10146  
public improvement or project may use a contractor's presence on 10147  
the debarment list to determine whether a contractor is 10148  
responsible or best under section 9.312 or any other section of 10149  
the Revised Code in the award of a contract. 10150

(F) As used in this section, "contractor" means a 10151  
construction contracting business, a subcontractor of a 10152

construction contracting business, a supplier of materials, or a 10153  
manufacturer of materials. 10154

**Sec. 154.11.** The issuing authority may authorize and issue 10155  
obligations for the refunding, including funding and retirement, 10156  
of any obligations previously issued under this chapter and any 10157  
other bonds or notes previously issued ~~under Chapter 152. of the~~ 10158  
~~Revised Code~~ to pay the costs of capital facilities. Such 10159  
obligations may be issued in amounts sufficient for payment of the 10160  
principal amount of the prior obligations, any redemption premiums 10161  
thereon, principal maturities of any such obligations maturing 10162  
prior to the redemption of the remaining obligations on a parity 10163  
therewith, interest accrued or to accrue to the maturity dates or 10164  
dates of redemption of such obligations, and any expenses incurred 10165  
or to be incurred in connection with such issuance and such 10166  
refunding, funding, and retirement. Subject to the bond 10167  
proceedings therefor, the portion of proceeds of the sale of 10168  
obligations issued under this section to be applied to bond 10169  
service charges on the prior obligations shall be credited to the 10170  
bond service fund for those prior obligations. Obligations 10171  
authorized under this section shall be deemed to be issued for 10172  
those purposes for which those prior obligations were issued and 10173  
are subject to the provisions of Chapter 154. of the Revised Code 10174  
pertaining to other obligations, except as otherwise indicated by 10175  
this section and except for division (A) of section 154.02 of the 10176  
Revised Code, provided that, unless otherwise authorized by the 10177  
general assembly, any limitations imposed by the general assembly 10178  
pursuant to that division with respect to bond service charges 10179  
applicable to the prior obligations shall be applicable to the 10180  
obligations issued under this section to refund, fund, or retire 10181  
those prior obligations. 10182

**Sec. 166.08.** (A) As used in this chapter: 10183

(1) "Bond proceedings" means the resolution, order, trust agreement, indenture, lease, and other agreements, amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations issued pursuant to this section, and the provisions contained in such obligations.

(2) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the state on obligations.

(3) "Bond service fund" means the applicable fund and accounts therein created for and pledged to the payment of bond service charges, which may be, or may be part of, the economic development bond service fund created by division (S) of this section including all moneys and investments, and earnings from investments, credited and to be credited thereto.

(4) "Issuing authority" means the treasurer of state, or the officer who by law performs the functions of such officer.

(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.

(6) "Pledged receipts" means all receipts of the state representing the gross profit on the sale of spirituous liquor, as referred to in division (B)(4) of section 4301.10 of the Revised Code, after paying all costs and expenses of the division of liquor control and providing an adequate working capital reserve for the division of liquor control as provided in that division, but excluding the sum required by the second paragraph of section 4301.12 of the Revised Code, as in effect on May 2, 1980, to be paid into the state treasury; moneys accruing to the state from



the lease, sale, or other disposition, or use, of project 10215  
facilities, and from the repayment, including interest, of loans 10216  
made from proceeds received from the sale of obligations; accrued 10217  
interest received from the sale of obligations; income from the 10218  
investment of the special funds; and any gifts, grants, donations, 10219  
and pledges, and receipts therefrom, available for the payment of 10220  
bond service charges. 10221

(7) "Special funds" or "funds" means, except where the 10222  
context does not permit, the bond service fund, and any other 10223  
funds, including reserve funds, created under the bond 10224  
proceedings, and the economic development bond service fund 10225  
created by division (S) of this section to the extent provided in 10226  
the bond proceedings, including all moneys and investments, and 10227  
earnings from investment, credited and to be credited thereto. 10228

(B) Subject to the limitations provided in section 166.11 of 10229  
the Revised Code, the issuing authority, upon the certification by 10230  
the director of development or, ~~with respect to eligible advanced~~ 10231  
~~energy projects prior to the effective date of this amendment,~~ 10232  
upon certification by the Ohio air quality development authority 10233  
regarding eligible advanced energy projects, to the issuing 10234  
authority of the amount of moneys or additional moneys needed in 10235  
the facilities establishment fund, the loan guarantee fund, the 10236  
innovation Ohio loan fund, the innovation Ohio loan guarantee 10237  
fund, the research and development loan fund, the logistics and 10238  
distribution infrastructure fund, the advanced energy research and 10239  
development fund, or the advanced energy research and development 10240  
taxable fund, as applicable, for the purpose of paying, or making 10241  
loans for, allowable costs from the facilities establishment fund, 10242  
allowable innovation costs from the innovation Ohio loan fund, 10243  
allowable costs from the research and development loan fund, 10244  
allowable costs from the logistics and distribution infrastructure 10245  
fund, allowable costs from the advanced energy research and 10246

development fund, or allowable costs from the advanced energy 10247  
research and development taxable fund, as applicable, or needed 10248  
for capitalized interest, for funding reserves, and for paying 10249  
costs and expenses incurred in connection with the issuance, 10250  
carrying, securing, paying, redeeming, or retirement of the 10251  
obligations or any obligations refunded thereby, including payment 10252  
of costs and expenses relating to letters of credit, lines of 10253  
credit, insurance, put agreements, standby purchase agreements, 10254  
indexing, marketing, remarketing and administrative arrangements, 10255  
interest swap or hedging agreements, and any other credit 10256  
enhancement, liquidity, remarketing, renewal, or refunding 10257  
arrangements, all of which are authorized by this section, or 10258  
providing moneys for the loan guarantee fund or the innovation 10259  
Ohio loan guarantee fund, as provided in this chapter or needed 10260  
for the purposes of funds established in accordance with or 10261  
pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 10262  
122.561, 122.57, and 122.80 of the Revised Code which are within 10263  
the authorization of Section 13 of Article VIII, Ohio 10264  
Constitution, or, prior to the effective date of this amendment, 10265  
with respect to certain eligible advanced energy projects, Section 10266  
2p of Article VIII, Ohio Constitution, shall issue obligations of 10267  
the state under this section in the required amount; provided that 10268  
such obligations may be issued to satisfy the covenants in 10269  
contracts of guarantee made under section 166.06 or 166.15 of the 10270  
Revised Code, notwithstanding limitations otherwise applicable to 10271  
the issuance of obligations under this section. The proceeds of 10272  
such obligations, except for the portion to be deposited in 10273  
special funds, including reserve funds, as may be provided in the 10274  
bond proceedings, shall as provided in the bond proceedings be 10275  
deposited by the director of development to the facilities 10276  
establishment fund, the loan guarantee fund, the innovation Ohio 10277  
loan guarantee fund, the innovation Ohio loan fund, the research 10278  
and development loan fund, or the logistics and distribution 10279

infrastructure fund, or be deposited by the Ohio air quality 10280  
development authority prior to the effective date of this 10281  
amendment to the advanced energy research and development fund or 10282  
the advanced energy research and development taxable fund. Bond 10283  
proceedings for project financing obligations may provide that the 10284  
proceeds derived from the issuance of such obligations shall be 10285  
deposited into such fund or funds provided for in the bond 10286  
proceedings and, to the extent provided for in the bond 10287  
proceedings, such proceeds shall be deemed to have been deposited 10288  
into the facilities establishment fund and transferred to such 10289  
fund or funds. The issuing authority may appoint trustees, paying 10290  
agents, and transfer agents and may retain the services of 10291  
financial advisors, accounting experts, and attorneys, and retain 10292  
or contract for the services of marketing, remarketing, indexing, 10293  
and administrative agents, other consultants, and independent 10294  
contractors, including printing services, as are necessary in the 10295  
issuing authority's judgment to carry out this section. The costs 10296  
of such services are allowable costs payable from the facilities 10297  
establishment fund or the research and development loan fund, 10298  
allowable innovation costs payable from the innovation Ohio loan 10299  
fund, ~~or~~ allowable costs payable from the logistics and 10300  
distribution infrastructure fund, or allowable costs payable prior 10301  
to the effective date of this amendment from the advanced energy 10302  
research and development fund, or the advanced energy research and 10303  
development taxable fund, as applicable. 10304

(C) The holders or owners of such obligations shall have no 10305  
right to have moneys raised by taxation obligated or pledged, and 10306  
moneys raised by taxation shall not be obligated or pledged, for 10307  
the payment of bond service charges. Such holders or owners shall 10308  
have no rights to payment of bond service charges from any moneys 10309  
accruing to the state from the lease, sale, or other disposition, 10310  
or use, of project facilities, or from payment of the principal of 10311  
or interest on loans made, or fees charged for guarantees made, or 10312

from any money or property received by the director, treasurer of 10313  
state, or the state under Chapter 122. of the Revised Code, or 10314  
from any other use of the proceeds of the sale of the obligations, 10315  
and no such moneys may be used for the payment of bond service 10316  
charges, except for accrued interest, capitalized interest, and 10317  
reserves funded from proceeds received upon the sale of the 10318  
obligations and except as otherwise expressly provided in the 10319  
applicable bond proceedings pursuant to written directions by the 10320  
director. The right of such holders and owners to payment of bond 10321  
service charges is limited to all or that portion of the pledged 10322  
receipts and those special funds pledged thereto pursuant to the 10323  
bond proceedings in accordance with this section, and each such 10324  
obligation shall bear on its face a statement to that effect. 10325

(D) Obligations shall be authorized by resolution or order of 10326  
the issuing authority and the bond proceedings shall provide for 10327  
the purpose thereof and the principal amount or amounts, and shall 10328  
provide for or authorize the manner or agency for determining the 10329  
principal maturity or maturities, not exceeding twenty-five years 10330  
from the date of issuance, the interest rate or rates or the 10331  
maximum interest rate, the date of the obligations and the dates 10332  
of payment of interest thereon, their denomination, and the 10333  
establishment within or without the state of a place or places of 10334  
payment of bond service charges. Sections 9.98 to 9.983 of the 10335  
Revised Code are applicable to obligations issued under this 10336  
section, subject to any applicable limitation under section 166.11 10337  
of the Revised Code. The purpose of such obligations may be stated 10338  
in the bond proceedings in terms describing the general purpose or 10339  
purposes to be served. The bond proceedings also shall provide, 10340  
subject to the provisions of any other applicable bond 10341  
proceedings, for the pledge of all, or such part as the issuing 10342  
authority may determine, of the pledged receipts and the 10343  
applicable special fund or funds to the payment of bond service 10344  
charges, which pledges may be made either prior or subordinate to 10345

other expenses, claims, or payments, and may be made to secure the obligations on a parity with obligations theretofore or thereafter issued, if and to the extent provided in the bond proceedings. The pledged receipts and special funds so pledged and thereafter received by the state are immediately subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledges is valid and binding against all parties having claims of any kind against the state or any governmental agency of the state, irrespective of whether such parties have notice thereof, and shall create a perfected security interest for all purposes of Chapter 1309. of the Revised Code, without the necessity for separation or delivery of funds or for the filing or recording of the bond proceedings by which such pledge is created or any certificate, statement or other document with respect thereto; and the pledge of such pledged receipts and special funds is effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any act of appropriation. Every pledge, and every covenant and agreement made with respect thereto, made in the bond proceedings may therein be extended to the benefit of the owners and holders of obligations authorized by this section, and to any trustee therefor, for the further security of the payment of the bond service charges.

(E) The bond proceedings may contain additional provisions as to:

(1) The redemption of obligations prior to maturity at the option of the issuing authority at such price or prices and under such terms and conditions as are provided in the bond proceedings;

(2) Other terms of the obligations;

(3) Limitations on the issuance of additional obligations;

(4) The terms of any trust agreement or indenture securing

the obligations or under which the same may be issued; 10377

(5) The deposit, investment and application of special funds, 10378  
and the safeguarding of moneys on hand or on deposit, without 10379  
regard to Chapter 131. or 135. of the Revised Code, but subject to 10380  
any special provisions of this chapter, with respect to particular 10381  
funds or moneys, provided that any bank or trust company which 10382  
acts as depository of any moneys in the special funds may furnish 10383  
such indemnifying bonds or may pledge such securities as required 10384  
by the issuing authority; 10385

(6) Any or every provision of the bond proceedings being 10386  
binding upon such officer, board, commission, authority, agency, 10387  
department, or other person or body as may from time to time have 10388  
the authority under law to take such actions as may be necessary 10389  
to perform all or any part of the duty required by such provision; 10390

(7) Any provision that may be made in a trust agreement or 10391  
indenture; 10392

(8) Any other or additional agreements with the holders of 10393  
the obligations, or the trustee therefor, relating to the 10394  
obligations or the security therefor, including the assignment of 10395  
mortgages or other security obtained or to be obtained for loans 10396  
under section 122.43, 166.07, or 166.16 of the Revised Code. 10397

(F) The obligations may have the great seal of the state or a 10398  
facsimile thereof affixed thereto or printed thereon. The 10399  
obligations and any coupons pertaining to obligations shall be 10400  
signed or bear the facsimile signature of the issuing authority. 10401  
Any obligations or coupons may be executed by the person who, on 10402  
the date of execution, is the proper issuing authority although on 10403  
the date of such bonds or coupons such person was not the issuing 10404  
authority. If the issuing authority whose signature or a facsimile 10405  
of whose signature appears on any such obligation or coupon ceases 10406  
to be the issuing authority before delivery thereof, such 10407

signature or facsimile is nevertheless valid and sufficient for 10408  
all purposes as if the former issuing authority had remained the 10409  
issuing authority until such delivery; and if the seal to be 10410  
affixed to obligations has been changed after a facsimile of the 10411  
seal has been imprinted on such obligations, such facsimile seal 10412  
shall continue to be sufficient as to such obligations and 10413  
obligations issued in substitution or exchange therefor. 10414

(G) All obligations are negotiable instruments and securities 10415  
under Chapter 1308. of the Revised Code, subject to the provisions 10416  
of the bond proceedings as to registration. The obligations may be 10417  
issued in coupon or in registered form, or both, as the issuing 10418  
authority determines. Provision may be made for the registration 10419  
of any obligations with coupons attached thereto as to principal 10420  
alone or as to both principal and interest, their exchange for 10421  
obligations so registered, and for the conversion or reconversion 10422  
into obligations with coupons attached thereto of any obligations 10423  
registered as to both principal and interest, and for reasonable 10424  
charges for such registration, exchange, conversion, and 10425  
reconversion. 10426

(H) Obligations may be sold at public sale or at private 10427  
sale, as determined in the bond proceedings. 10428

Obligations issued to provide moneys for the loan guarantee 10429  
fund or the innovation Ohio loan guarantee fund may, as determined 10430  
by the issuing authority, be sold at private sale, and without 10431  
publication of a notice of sale. 10432

(I) Pending preparation of definitive obligations, the 10433  
issuing authority may issue interim receipts or certificates which 10434  
shall be exchanged for such definitive obligations. 10435

(J) In the discretion of the issuing authority, obligations 10436  
may be secured additionally by a trust agreement or indenture 10437  
between the issuing authority and a corporate trustee which may be 10438

any trust company or bank having a place of business within the 10439  
state. Any such agreement or indenture may contain the resolution 10440  
or order authorizing the issuance of the obligations, any 10441  
provisions that may be contained in any bond proceedings, and 10442  
other provisions which are customary or appropriate in an 10443  
agreement or indenture of such type, including, but not limited 10444  
to: 10445

(1) Maintenance of each pledge, trust agreement, indenture, 10446  
or other instrument comprising part of the bond proceedings until 10447  
the state has fully paid the bond service charges on the 10448  
obligations secured thereby, or provision therefor has been made; 10449

(2) In the event of default in any payments required to be 10450  
made by the bond proceedings, or any other agreement of the 10451  
issuing authority made as a part of the contract under which the 10452  
obligations were issued, enforcement of such payments or agreement 10453  
by mandamus, the appointment of a receiver, suit in equity, action 10454  
at law, or any combination of the foregoing; 10455

(3) The rights and remedies of the holders of obligations and 10456  
of the trustee, and provisions for protecting and enforcing them, 10457  
including limitations on rights of individual holders of 10458  
obligations; 10459

(4) The replacement of any obligations that become mutilated 10460  
or are destroyed, lost, or stolen; 10461

(5) Such other provisions as the trustee and the issuing 10462  
authority agree upon, including limitations, conditions, or 10463  
qualifications relating to any of the foregoing. 10464

(K) Any holders of obligations or trustees under the bond 10465  
proceedings, except to the extent that their rights are restricted 10466  
by the bond proceedings, may by any suitable form of legal 10467  
proceedings, protect and enforce any rights under the laws of this 10468  
state or granted by such bond proceedings. Such rights include the 10469



right to compel the performance of all duties of the issuing 10470  
authority, the director of development, the Ohio air quality 10471  
development authority, or the division of liquor control required 10472  
by this chapter or the bond proceedings; to enjoin unlawful 10473  
activities; and in the event of default with respect to the 10474  
payment of any bond service charges on any obligations or in the 10475  
performance of any covenant or agreement on the part of the 10476  
issuing authority, the director of development, the Ohio air 10477  
quality development authority, or the division of liquor control 10478  
in the bond proceedings, to apply to a court having jurisdiction 10479  
of the cause to appoint a receiver to receive and administer the 10480  
pledged receipts and special funds, other than those in the 10481  
custody of the treasurer of state, which are pledged to the 10482  
payment of the bond service charges on such obligations or which 10483  
are the subject of the covenant or agreement, with full power to 10484  
pay, and to provide for payment of bond service charges on, such 10485  
obligations, and with such powers, subject to the direction of the 10486  
court, as are accorded receivers in general equity cases, 10487  
excluding any power to pledge additional revenues or receipts or 10488  
other income or moneys of the issuing authority or the state or 10489  
governmental agencies of the state to the payment of such 10490  
principal and interest and excluding the power to take possession 10491  
of, mortgage, or cause the sale or otherwise dispose of any 10492  
project facilities. 10493

Each duty of the issuing authority and the issuing 10494  
authority's officers and employees, and of each governmental 10495  
agency and its officers, members, or employees, undertaken 10496  
pursuant to the bond proceedings or any agreement or lease, 10497  
lease-purchase agreement, or loan made under authority of this 10498  
chapter, and in every agreement by or with the issuing authority, 10499  
is hereby established as a duty of the issuing authority, and of 10500  
each such officer, member, or employee having authority to perform 10501  
such duty, specifically enjoined by the law resulting from an 10502

office, trust, or station within the meaning of section 2731.01 of 10503  
the Revised Code. 10504

The person who is at the time the issuing authority, or the 10505  
issuing authority's officers or employees, are not liable in their 10506  
personal capacities on any obligations issued by the issuing 10507  
authority or any agreements of or with the issuing authority. 10508

(L) The issuing authority may authorize and issue obligations 10509  
for the refunding, including funding and retirement, and advance 10510  
refunding with or without payment or redemption prior to maturity, 10511  
of any obligations previously issued by the issuing authority. 10512  
Such obligations may be issued in amounts sufficient for payment 10513  
of the principal amount of the prior obligations, any redemption 10514  
premiums thereon, principal maturities of any such obligations 10515  
maturing prior to the redemption of the remaining obligations on a 10516  
parity therewith, interest accrued or to accrue to the maturity 10517  
dates or dates of redemption of such obligations, and any 10518  
allowable costs including expenses incurred or to be incurred in 10519  
connection with such issuance and such refunding, funding, and 10520  
retirement. Subject to the bond proceedings therefor, the portion 10521  
of proceeds of the sale of obligations issued under this division 10522  
to be applied to bond service charges on the prior obligations 10523  
shall be credited to an appropriate account held by the trustee 10524  
for such prior or new obligations or to the appropriate account in 10525  
the bond service fund for such obligations. Obligations authorized 10526  
under this division shall be deemed to be issued for those 10527  
purposes for which such prior obligations were issued and are 10528  
subject to the provisions of this section pertaining to other 10529  
obligations, except as otherwise provided in this section; 10530  
provided that, unless otherwise authorized by the general 10531  
assembly, any limitations imposed by the general assembly pursuant 10532  
to this section with respect to bond service charges applicable to 10533  
the prior obligations shall be applicable to the obligations 10534

issued under this division to refund, fund, advance refund or 10535  
retire such prior obligations. 10536

(M) The authority to issue obligations under this section 10537  
includes authority to issue obligations in the form of bond 10538  
anticipation notes and to renew the same from time to time by the 10539  
issuance of new notes. The holders of such notes or interest 10540  
coupons pertaining thereto shall have a right to be paid solely 10541  
from the pledged receipts and special funds that may be pledged to 10542  
the payment of the bonds anticipated, or from the proceeds of such 10543  
bonds or renewal notes, or both, as the issuing authority provides 10544  
in the resolution or order authorizing such notes. Such notes may 10545  
be additionally secured by covenants of the issuing authority to 10546  
the effect that the issuing authority and the state will do such 10547  
or all things necessary for the issuance of such bonds or renewal 10548  
notes in appropriate amount, and apply the proceeds thereof to the 10549  
extent necessary, to make full payment of the principal of and 10550  
interest on such notes at the time or times contemplated, as 10551  
provided in such resolution or order. For such purpose, the 10552  
issuing authority may issue bonds or renewal notes in such 10553  
principal amount and upon such terms as may be necessary to 10554  
provide funds to pay when required the principal of and interest 10555  
on such notes, notwithstanding any limitations prescribed by or 10556  
for purposes of this section. Subject to this division, all 10557  
provisions for and references to obligations in this section are 10558  
applicable to notes authorized under this division. 10559

The issuing authority in the bond proceedings authorizing the 10560  
issuance of bond anticipation notes shall set forth for such bonds 10561  
an estimated interest rate and a schedule of principal payments 10562  
for such bonds and the annual maturity dates thereof, and for 10563  
purposes of any limitation on bond service charges prescribed 10564  
under division (A) of section 166.11 of the Revised Code, the 10565  
amount of bond service charges on such bond anticipation notes is 10566

deemed to be the bond service charges for the bonds anticipated 10567  
thereby as set forth in the bond proceedings applicable to such 10568  
notes, but this provision does not modify any authority in this 10569  
section to pledge receipts and special funds to, and covenant to 10570  
issue bonds to fund, the payment of principal of and interest and 10571  
any premium on such notes. 10572

(N) Obligations issued under this section are lawful 10573  
investments for banks, societies for savings, savings and loan 10574  
associations, deposit guarantee associations, trust companies, 10575  
trustees, fiduciaries, insurance companies, including domestic for 10576  
life and domestic not for life, trustees or other officers having 10577  
charge of sinking and bond retirement or other special funds of 10578  
political subdivisions and taxing districts of this state, the 10579  
commissioners of the sinking fund of the state, the administrator 10580  
of workers' compensation, the state teachers retirement system, 10581  
the public employees retirement system, the school employees 10582  
retirement system, and the Ohio police and fire pension fund, 10583  
notwithstanding any other provisions of the Revised Code or rules 10584  
adopted pursuant thereto by any governmental agency of the state 10585  
with respect to investments by them, and are also acceptable as 10586  
security for the deposit of public moneys. 10587

(O) Unless otherwise provided in any applicable bond 10588  
proceedings, moneys to the credit of or in the special funds 10589  
established by or pursuant to this section may be invested by or 10590  
on behalf of the issuing authority only in notes, bonds, or other 10591  
obligations of the United States, or of any agency or 10592  
instrumentality of the United States, obligations guaranteed as to 10593  
principal and interest by the United States, obligations of this 10594  
state or any political subdivision of this state, and certificates 10595  
of deposit of any national bank located in this state and any 10596  
bank, as defined in section 1101.01 of the Revised Code, subject 10597  
to inspection by the superintendent of banks. If the law or the 10598

instrument creating a trust pursuant to division (J) of this 10599  
section expressly permits investment in direct obligations of the 10600  
United States or an agency of the United States, unless expressly 10601  
prohibited by the instrument, such moneys also may be invested in 10602  
no-front-end-load money market mutual funds consisting exclusively 10603  
of obligations of the United States or an agency of the United 10604  
States and in repurchase agreements, including those issued by the 10605  
fiduciary itself, secured by obligations of the United States or 10606  
an agency of the United States; and in common trust funds 10607  
established in accordance with section 1111.20 of the Revised Code 10608  
and consisting exclusively of any such securities, notwithstanding 10609  
division (A)(4) of that section. The income from such investments 10610  
shall be credited to such funds as the issuing authority 10611  
determines, and such investments may be sold at such times as the 10612  
issuing authority determines or authorizes. 10613

(P) Provision may be made in the applicable bond proceedings 10614  
for the establishment of separate accounts in the bond service 10615  
fund and for the application of such accounts only to the 10616  
specified bond service charges on obligations pertinent to such 10617  
accounts and bond service fund and for other accounts therein 10618  
within the general purposes of such fund. Unless otherwise 10619  
provided in any applicable bond proceedings, moneys to the credit 10620  
of or in the several special funds established pursuant to this 10621  
section shall be disbursed on the order of the treasurer of state, 10622  
provided that no such order is required for the payment from the 10623  
bond service fund when due of bond service charges on obligations. 10624

(Q) The issuing authority may pledge all, or such portion as 10625  
the issuing authority determines, of the pledged receipts to the 10626  
payment of bond service charges on obligations issued under this 10627  
section, and for the establishment and maintenance of any 10628  
reserves, as provided in the bond proceedings, and make other 10629  
provisions therein with respect to pledged receipts as authorized 10630

by this chapter, which provisions are controlling notwithstanding 10631  
any other provisions of law pertaining thereto. 10632

(R) The issuing authority may covenant in the bond 10633  
proceedings, and any such covenants are controlling 10634  
notwithstanding any other provision of law, that the state and 10635  
applicable officers and governmental agencies of the state, 10636  
including the general assembly, so long as any obligations are 10637  
outstanding, shall: 10638

(1) Maintain statutory authority for and cause to be charged 10639  
and collected wholesale and retail prices for spirituous liquor 10640  
sold by the state or its agents so that the pledged receipts are 10641  
sufficient in amount to meet bond service charges, and the 10642  
establishment and maintenance of any reserves and other 10643  
requirements provided for in the bond proceedings, and, as 10644  
necessary, to meet covenants contained in contracts of guarantee 10645  
made under section 166.06 of the Revised Code; 10646

(2) Take or permit no action, by statute or otherwise, that 10647  
would impair the exemption from federal income taxation of the 10648  
interest on the obligations. 10649

(S) There is hereby created the economic development bond 10650  
service fund, which shall be in the custody of the treasurer of 10651  
state but shall be separate and apart from and not a part of the 10652  
state treasury. All moneys received by or on account of the 10653  
issuing authority or state agencies and required by the applicable 10654  
bond proceedings, consistent with this section, to be deposited, 10655  
transferred, or credited to a bond service fund or the economic 10656  
development bond service fund, and all other moneys transferred or 10657  
allocated to or received for the purposes of the fund, shall be 10658  
deposited and credited to such fund and to any separate accounts 10659  
therein, subject to applicable provisions of the bond proceedings, 10660  
but without necessity for any act of appropriation. During the 10661  
period beginning with the date of the first issuance of 10662

obligations and continuing during such time as any such 10663  
obligations are outstanding, and so long as moneys in the 10664  
pertinent bond service funds are insufficient to pay all bond 10665  
services charges on such obligations becoming due in each year, a 10666  
sufficient amount of the gross profit on the sale of spirituous 10667  
liquor included in pledged receipts are committed and shall be 10668  
paid to the bond service fund or economic development bond service 10669  
fund in each year for the purpose of paying the bond service 10670  
charges becoming due in that year without necessity for further 10671  
act of appropriation for such purpose and notwithstanding anything 10672  
to the contrary in Chapter 4301. of the Revised Code. The economic 10673  
development bond service fund is a trust fund and is hereby 10674  
pledged to the payment of bond service charges to the extent 10675  
provided in the applicable bond proceedings, and payment thereof 10676  
from such fund shall be made or provided for by the treasurer of 10677  
state in accordance with such bond proceedings without necessity 10678  
for any act of appropriation. 10679

(T) The obligations, the transfer thereof, and the income 10680  
therefrom, including any profit made on the sale thereof, shall at 10681  
all times be free from taxation within the state. 10682

**Sec. 166.11.** (A) The aggregate amount of debt service payable 10683  
in any calendar year on project financing obligations issued under 10684  
section 166.08 of the Revised Code, exclusive of make-whole call 10685  
redemptions or other optional prepayments, shall not exceed fifty 10686  
million dollars. The aggregate principal amount of obligations, 10687  
exclusive of project financing obligations, that may be issued 10688  
under section 166.08 of the Revised Code is six hundred thirty 10689  
million dollars, plus the principal amount of any such obligations 10690  
retired by payment, the amounts held or obligations pledged for 10691  
the payment of the principal amount of any such obligations 10692  
outstanding, amounts in special funds held as reserves to meet 10693  
bond service charges, and amounts of obligations issued to provide 10694

moneys required to meet payments from the loan guarantee fund 10695  
created in section 166.06 of the Revised Code and the innovation 10696  
Ohio loan guarantee fund created in section 166.15 of the Revised 10697  
Code. Of that six hundred thirty million dollars, not more than 10698  
eighty-four million principal amount of obligations may be issued 10699  
for eligible advanced energy projects and not more than one 10700  
hundred million principal amount of obligations may be issued for 10701  
eligible logistics and distribution projects. No portion of the 10702  
eighty-four million principal amount for eligible advanced energy 10703  
projects may be issued after the effective date of this amendment. 10704  
The terms of the obligations issued under section 166.08 of the 10705  
Revised Code, other than obligations issued to meet guarantees 10706  
that cannot be satisfied from amounts then held in the loan 10707  
guarantee fund or the innovation Ohio loan guarantee fund, shall 10708  
be such that the aggregate amount of moneys used from profit from 10709  
the sale of spirituous liquor, and not from other sources, in any 10710  
fiscal year shall not exceed sixty-three million dollars. For 10711  
purposes of the preceding sentence, "other sources" include the 10712  
annual investment income on special funds to the extent it will be 10713  
available for payment of any bond service charges in lieu of use 10714  
of profit from the sale of spirituous liquor, and shall be 10715  
estimated on the basis of the expected funding of those special 10716  
funds and assumed investment earnings thereon at a rate equal to 10717  
the weighted average yield on investments of those special funds 10718  
determined as of any date within sixty days immediately preceding 10719  
the date of issuance of the bonds in respect of which the 10720  
determination is being made. Amounts received in any fiscal year 10721  
under section 6341 of the Internal Revenue Code, 26 U.S.C. 6341, 10722  
shall not be included when determining the sixty-three million 10723  
dollar limit. The determinations required by this division shall 10724  
be made by the treasurer of state at the time of issuance of an 10725  
issue of obligations and shall be conclusive for purposes of such 10726  
issue of obligations from and after their issuance and delivery. 10727



(B) The aggregate amount of the guaranteed portion of the 10728  
unpaid principal of loans guaranteed under sections 166.06 and 10729  
166.15 of the Revised Code and the unpaid principal of loans made 10730  
under sections 166.07, 166.16, and 166.21 of the Revised Code may 10731  
not at any time exceed eight hundred million dollars. Of that 10732  
eight hundred million dollars, the aggregate amount of the 10733  
guaranteed portion of the unpaid principal of loans guaranteed 10734  
under sections 166.06 and 166.15 of the Revised Code shall not at 10735  
any time exceed two hundred million dollars. However, the 10736  
limitations established under this division do not apply to loans 10737  
made with proceeds from the issuance and sale of project financing 10738  
obligations. 10739

Sec. 166.50. "Microbusiness" means an independently owned and 10740  
operated for-profit business entity, including any affiliates, 10741  
that has fewer than twenty full-time employees or full-time 10742  
equivalent employees and is located in this state. 10743

For purposes of this section: 10744

(A) "Full-time employee" means an employee who, with respect 10745  
to a calendar month, is employed an average of at least thirty 10746  
hours of service per week. 10747

(B) The number of full-time equivalent employees for a 10748  
calendar month is determined by calculating the aggregate number 10749  
of hours of service for that calendar month for employees who were 10750  
not full-time employees and dividing that number by one hundred 10751  
twenty. 10752

**Sec. 167.03.** (A) The council shall have the power to: 10753

(1) Study such area governmental problems common to two or 10754  
more members of the council as it deems appropriate, including but 10755  
not limited to matters affecting health, safety, welfare, 10756  
education, economic conditions, and regional development; 10757

- (2) Promote cooperative arrangements and coordinate action among its members, and between its members and other agencies of local or state governments, whether or not within Ohio, and the federal government;
- (3) Make recommendations for review and action to the members and other public agencies that perform functions within the region;
- (4) Promote cooperative agreements and contracts among its members or other governmental agencies and private persons, corporations, or agencies;
- (5) Operate a public safety answering point in accordance with Chapter 128. of the Revised Code;
- (6) Perform planning directly by personnel of the council, or under contracts between the council and other public or private planning agencies.
- (B) The council may:
- (1) Review, evaluate, comment upon, and make recommendations, relative to the planning and programming, and the location, financing, and scheduling of public facility projects within the region and affecting the development of the area;
- (2) Act as an areawide agency to perform comprehensive planning for the programming, locating, financing, and scheduling of public facility projects within the region and affecting the development of the area and for other proposed land development or uses, which projects or uses have public metropolitan wide or interjurisdictional significance;
- (3) Act as an agency for coordinating, based on metropolitan wide comprehensive planning and programming, local public policies, and activities affecting the development of the region or area.

(C) The council may, by appropriate action of the governing 10788  
bodies of the members, perform such other functions and duties as 10789  
are performed or capable of performance by the members and 10790  
necessary or desirable for dealing with problems of mutual 10791  
concern. 10792

(D) The authority granted to the council by this section or 10793  
in any agreement by the members thereof shall not displace any 10794  
existing municipal, county, regional, or other planning commission 10795  
or planning agency in the exercise of its statutory powers. 10796

(E) A council, with an educational service center as its 10797  
fiscal agent, that is established to provide health care benefits 10798  
to the council members' officers and employees and their 10799  
dependents may contract to administer and coordinate a self-funded 10800  
health benefit program of a nonprofit corporation organized under 10801  
Chapter 1702. of the Revised Code. 10802

**Sec. 173.01.** The department of aging shall: 10803

(A) Be the designated state agency to administer programs of 10804  
the federal government relating to the aged, requiring action 10805  
within the state, that are not the specific responsibility of 10806  
another state agency under federal or state statutes. The 10807  
department shall be the sole state agency to administer funds 10808  
granted by the federal government under the "Older Americans Act 10809  
of 1965," 79 Stat. 219, 42 U.S.C. 3001, as amended. The department 10810  
shall not supplant or take over for the counties or municipal 10811  
corporations or from other state agencies or facilities any of the 10812  
specific responsibilities borne by them on November 23, 1973. The 10813  
department shall cooperate with such federal and state agencies, 10814  
counties, and municipal corporations and private agencies or 10815  
facilities within the state in furtherance of the purposes as set 10816  
forth in this chapter. 10817

(B) Administer state funds appropriated for its use for 10818

administration and for grants and may use appropriated state funds 10819  
as state match for federal grants. All federal funds received 10820  
shall be reported to the director of budget and management. 10821

(C) Review all proposed plans, programs, and rules primarily 10822  
affecting persons sixty years of age or older, and shall be sent a 10823  
copy of all proposed and final rules, as well as proposals for 10824  
plans and programs that primarily affect persons sixty years of 10825  
age or older and notices of all hearings on such rules, plans, and 10826  
programs. Any state agency proposing a plan, program, or rule that 10827  
primarily affects persons sixty years of age or older shall submit 10828  
a copy of such proposal to the department for its written 10829  
comments. No such proposed plan, program, or rule shall take 10830  
effect until the department's comments have been requested. The 10831  
department shall review the proposal and submit a written comment 10832  
on such proposal to the agency making the proposal, within thirty 10833  
days from the date the department receives the proposal. If the 10834  
department does not agree that the proposed plan, program, or rule 10835  
shall take effect as proposed, the department shall set forth in 10836  
writing its reasons and its suggestions for changes in the 10837  
proposed plan, program, or rule. If the agency making the proposal 10838  
does not choose to comply with the suggestions of the department, 10839  
the agency making the proposal shall send the department, no later 10840  
than thirty days before the proposal becomes final, written notice 10841  
of its intention not to comply with such suggestions and its 10842  
reason for such noncompliance. 10843

This section does not apply to plans or revisions adopted 10844  
under section 5101.46 of the Revised Code. 10845

(D) Plan, initiate, coordinate, and evaluate statewide 10846  
programs, services, and activities for elderly people; 10847

(E) Disseminate information concerning the problems of 10848  
elderly people and establish and maintain a central clearinghouse 10849  
of information on public programs at all levels of government that 10850

would be of interest or benefit to the elderly; 10851

(F) Report annually to the governor and the general assembly 10852  
on the department's programs; 10853

(G) Have authority to contract with public or private groups 10854  
to perform services for the department; 10855

(H) ~~Conduct investigations under section 3721.17 of the~~ 10856  
~~Revised Code;~~ 10857

~~(I) Hire investigators to conduct investigations of alleged~~ 10858  
~~violations of sections 3721.10 to 3721.17 of the Revised Code~~ 10859  
~~pursuant to section 3721.17 of the Revised Code;~~ 10860

~~(J) Adopt rules under Chapter 119. of the Revised Code to~~ 10861  
~~govern investigations conducted under section 3721.17 of the~~ 10862  
~~Revised Code;~~ 10863

~~(K)~~ Adopt rules ~~pursuant to~~ in accordance with Chapter 119. 10864  
of the Revised Code to govern the operation of services and 10865  
facilities for the elderly that are provided, operated, contracted 10866  
for, or supported by the department, and determine that those 10867  
services and facilities are operated in conformity with the rules; 10868

~~(L)~~(I) Determine the needs of the elderly and represent their 10869  
interests at all levels of government; 10870

~~(M)~~(J) Establish and operate a state long-term care ombudsman 10871  
program pursuant to ~~section 307(a)(12)(A)~~ sections 307 and 712 of 10872  
the "Older Americans Act of 1965," ~~as amended by the~~ 10873  
~~"Comprehensive Older Americans Act Amendments of 1978," 92 Stat.~~ 10874  
~~1524, 42 U.S.C.A. 3027, and amendments thereto~~ 42 U.S.C. 3027 and 10875  
3058. 10876

**Sec. 173.14.** As used in sections 173.14 to ~~173.27~~ 173.28 of 10877  
the Revised Code: 10878

(A)(1) Except as otherwise provided in division (A)(2) of 10879

this section, "long-term care facility" includes any residential 10880  
facility that provides personal care services for more than 10881  
twenty-four hours for one or more unrelated adults, including all 10882  
of the following: 10883

(a) A "nursing home," "residential care facility," or "home 10884  
for the aging," as those terms are defined in section 3721.01 of 10885  
the Revised Code; 10886

(b) A facility authorized to provide extended care services 10887  
under Title XVIII of the "Social Security Act," 49 Stat. 620 10888  
(1935), 42 U.S.C. 301, as amended, including a long-term acute 10889  
care hospital that provides medical and rehabilitative care to 10890  
patients who require an average length of stay greater than 10891  
twenty-five days and is classified by the centers for medicare and 10892  
medicaid services as a long-term care hospital pursuant to 42 10893  
C.F.R. 412.23(e); 10894

(c) A county home or district home operated pursuant to 10895  
Chapter 5155. of the Revised Code; 10896

(d) A residential facility licensed under section 5119.34 of 10897  
the Revised Code that provides accommodations, supervision, and 10898  
personal care services for three to sixteen unrelated adults or 10899  
accommodations and personal care services for only one or two 10900  
adults who are receiving payments under the residential state 10901  
supplement program established under section 5119.41 of the 10902  
Revised Code; 10903

(e) A facility approved by the veterans administration under 10904  
section 104(a) of the "Veterans Health Care Amendments of 1983," 10905  
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 10906  
the placement and care of veterans. 10907

(2) "Long-term care facility" does not include a residential 10908  
facility licensed under section 5123.19 of the Revised Code. 10909

(B) "Resident" means a resident of a long-term care facility 10910

and, where appropriate, includes a prospective, previous, or 10911  
deceased resident of a long-term care facility. 10912

(C) "Community-based long-term care services" means health 10913  
and social services provided to persons in their own homes or in 10914  
community care settings, and includes any of the following: 10915

(1) Case management; 10916

(2) Home health care; 10917

(3) Homemaker services; 10918

(4) Chore services; 10919

(5) Respite care; 10920

(6) Adult day care; 10921

(7) Home-delivered meals; 10922

(8) Personal care; 10923

(9) Physical, occupational, and speech therapy; 10924

(10) Transportation; 10925

(11) Any other health and social services provided to persons 10926  
that allow them to retain their independence in their own homes or 10927  
in community care settings. 10928

(D) "Recipient" means a recipient of community-based 10929  
long-term care services and, where appropriate, includes a 10930  
prospective, previous, or deceased recipient of community-based 10931  
long-term care services. 10932

(E) "Sponsor" means an adult relative, friend, or guardian 10933  
who has an interest in or responsibility for the welfare of a 10934  
resident or a recipient. 10935

(F) "Personal care services" has the same meaning as in 10936  
section 3721.01 of the Revised Code. 10937

(G) "Regional long-term care ombudsman program" means an 10938

entity, either public or private and nonprofit, designated as a regional long-term care ombudsman program by the state long-term care ombudsman.

(H) "Representative of the office of the state long-term care ombudsman program" means the state long-term care ombudsman or a member of the ombudsman's staff, or a person certified as a representative of the office under section 173.21 of the Revised Code.

(I) "Area agency on aging" means an area agency on aging established under the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C.A. 3001, as amended.

(J) "Long-term care provider" means a long-term care facility or a provider of community-based long-term care services.

(K) "Advocacy visit" means a visit by a representative of the office of the state long-term care ombudsman program to a long-term care provider, a resident, or a recipient when the purpose of the visit is one or more of the following:

(1) To establish a regular presence that creates awareness of the availability of the office of the long-term care ombudsman program;

(2) To increase awareness of the services the office provides;

(3) To address any other matter not related to the representative's investigation of a specific complaint.

An advocacy visit may unexpectedly involve addressing uncomplicated complaints or lead to an investigation of a complaint when needed.

**Sec. 173.15.** The state long-term care ombudsman program established by the department of aging pursuant to division ~~(M)~~(J) of section 173.01 of the Revised Code shall be known as "the



office of the state long-term care ombudsman program." It shall 10969  
consist of the state long-term care ombudsman ~~and his,~~ the 10970  
ombudsman's staff, and regional long-term care ombudsman programs. 10971  
In establishing and operating the office, the department shall 10972  
consider the views of area agencies on aging, individuals age 10973  
sixty or older, and agencies and other entities that provide 10974  
services to individuals age sixty and older. 10975

The department of aging shall appoint the state ombudsman, 10976  
who shall serve at the pleasure of the department. The department 10977  
shall appoint as state ombudsman an individual who has no conflict 10978  
of interest with the position and is capable of administering the 10979  
office impartially, has an understanding of long-term care issues, 10980  
and has experience related to the concerns of residents and 10981  
recipients, such as experience in the fields of aging, health 10982  
care, and long-term care; work with community programs and health 10983  
care providers; and work with and involvement in volunteer 10984  
programs. No individual or entity whose interests are in conflict 10985  
with the responsibilities of the state ombudsman shall be involved 10986  
in ~~his~~ the ombudsman's appointment. 10987

The department shall ensure that no employee or 10988  
representative of the office and no individual involved in the 10989  
designation of the head of any regional long-term care ombudsman 10990  
program has any interest that is, or may be, in conflict with the 10991  
interests and concerns of the office and shall ensure that 10992  
mechanisms are in place to remedy any conflicts. 10993

For purposes of this section, conflicts of interest may 10994  
include, but are not limited to, employment by a long-term care 10995  
~~facility or a provider of community based long-term care services~~ 10996  
within two years prior to being employed by or associated with the 10997  
office of the state long-term care ombudsman program, affiliation 10998  
with or financial interest in a long-term care ~~facility or a~~ 10999  
provider ~~of community based long-term care services~~, and 11000

affiliation with or financial interest in a membership 11001  
organization of long-term care providers. 11002

**Sec. 173.17.** (A) The state long-term care ombudsman shall do 11003  
all of the following: 11004

(1) Appoint a staff and direct and administer the work of the 11005  
staff; 11006

~~(2) Supervise the nursing home investigative unit established 11007  
under division (I) of section 173.01 of the Revised Code; 11008~~

~~(3)~~ Oversee the performance and operation of the office of 11009  
the state long-term care ombudsman program, including the 11010  
operation of regional long-term care ombudsman programs; 11011

~~(4)~~(3) Establish and maintain a statewide uniform reporting 11012  
system to collect and analyze information relating to complaints 11013  
and conditions in long-term care facilities and complaints 11014  
regarding the provision of community-based long-term care services 11015  
for the purpose of identifying and resolving significant problems; 11016

~~(5)~~(4) Provide for public forums to discuss concerns and 11017  
problems relating to action, inaction, or decisions that may 11018  
adversely affect the health, safety, welfare, or rights of 11019  
residents ~~and~~ recipients of services by providers of long-term 11020  
~~care~~ and their representatives with respect to services by 11021  
long-term care providers, public agencies and entities, and social 11022  
service agencies. This may include any of the following: 11023  
conducting public hearings; sponsoring workshops and conferences; 11024  
holding meetings for the purpose of obtaining information about 11025  
residents and recipients, discussing and publicizing their needs, 11026  
and advocating solutions to their problems; and promoting the 11027  
development of citizen organizations. 11028

~~(6)~~(5) Encourage, cooperate with, and assist in the 11029  
development and operation of services to provide current, 11030

objective, and verified information about long-term care; 11031

~~(7)~~(6) Develop and implement, with the assistance of regional 11032  
programs, a continuing program to publicize, through the media and 11033  
civic organizations, the office, its purposes, and its methods of 11034  
operation; 11035

~~(8)~~(7) Maintain written descriptions of the duties and 11036  
qualifications of representatives of the office; 11037

~~(9)~~(8) Evaluate and make known concerns and issues regarding 11038  
long-term care by doing all of the following: 11039

(a) Preparing an annual report containing information and 11040  
findings regarding the types of problems experienced by residents 11041  
and recipients and the complaints made by or on behalf of 11042  
residents and recipients. The report shall include recommendations 11043  
for policy, regulatory, and legislative changes to solve problems, 11044  
resolve complaints, and improve the quality of care and life for 11045  
residents and recipients ~~and~~. The report shall be submitted to the 11046  
governor, the speaker of the house of representatives, the 11047  
president of the senate, the ~~directors~~ director of health ~~and, the~~ 11048  
medicaid director, the director of job and family services, the 11049  
director of mental health and addiction services, and the 11050  
~~commissioner of the administration on~~ assistant secretary for 11051  
aging of the United States department of health and human 11052  
services. 11053

(b) Monitoring and analyzing the development and 11054  
implementation of federal, state, and local laws, rules, and 11055  
policies regarding long-term care services in this state and 11056  
recommending to officials changes the office considers appropriate 11057  
in ~~these~~ those laws, rules, and policies; 11058

(c) Providing information and making recommendations to 11059  
public agencies, members of the general assembly, and others 11060  
regarding problems and concerns of residents and recipients. 11061

~~(10)~~(9) Conduct training for employees and volunteers on the 11062  
ombudsman's staff and for representatives of the office employed 11063  
by regional programs; 11064

~~(11)~~(10) Monitor the training of representatives of the 11065  
office who provide volunteer services to regional programs, and 11066  
provide technical assistance to the regional programs in 11067  
conducting the training; 11068

~~(12)~~(11) Issue certificates attesting to the successful 11069  
completion of training and specifying the level of responsibility 11070  
for which a representative of the office who has completed 11071  
training is qualified; 11072

~~(13)~~(12) Register as a residents' rights advocate with the 11073  
department of health under division (B) of section 3701.07 of the 11074  
Revised Code; 11075

(13) Conduct advocacy visits and authorize other 11076  
representatives of the office of the state long-term care 11077  
ombudsman program to conduct advocacy visits; 11078

(14) Perform other duties specified by the department of 11079  
aging. 11080

(B) The state ombudsman may delegate to any member of the 11081  
ombudsman's staff any of the ombudsman's authority or duties ~~under~~ 11082  
set forth in sections 173.14 to ~~173.26~~ 173.28 of the Revised Code 11083  
~~to any member of the ombudsman's staff other than any authority or~~ 11084  
duty required by federal law to be exercised or performed by the 11085  
ombudsman. The state ombudsman is responsible for any authority or 11086  
duties the ombudsman delegates. 11087

**Sec. 173.19.** (A) The office of the state long-term care 11088  
ombudsman program, through the state long-term care ombudsman and 11089  
the regional long-term care ombudsman programs, shall receive, 11090  
investigate, and attempt to resolve complaints made by residents, 11091

recipients, sponsors, ~~providers of~~ long-term care providers, or 11092  
any person acting on behalf of a resident or recipient, relating 11093  
to either of the following: 11094

(1) The health, safety, welfare, or civil rights of a 11095  
resident or recipient or any violation of a resident's rights 11096  
described in sections 3721.10 to 3721.17 of the Revised Code; 11097

(2) Any action or inaction or decision by a ~~provider of~~ 11098  
~~long term care or representative of a provider, a governmental~~ 11099  
~~entity, or a private social service agency~~ any of the following 11100  
that may adversely affect the health, safety, welfare, or rights 11101  
of a resident or recipient: a long-term care provider or a 11102  
representative of a long-term care provider; a medicaid managed 11103  
care organization, as defined in section 5167.01 of the Revised 11104  
Code; a government entity; or a private social service agency. 11105

(B) The department of aging shall adopt rules in accordance 11106  
with Chapter 119. of the Revised Code regarding the handling of 11107  
complaints received under this section, including procedures for 11108  
conducting investigations of complaints. The rules shall include 11109  
procedures to ensure that no representative of the office 11110  
investigates any complaint involving a ~~provider of~~ long-term care 11111  
provider with which the representative was once employed or 11112  
associated. 11113

The state ombudsman and regional programs shall establish 11114  
procedures for handling complaints consistent with the 11115  
department's rules. Complaints shall be dealt with in accordance 11116  
with the procedures established under this division. 11117

(C) The office of the state long-term care ombudsman program 11118  
may decline to investigate any complaint if it determines any of 11119  
the following: 11120

(1) That the complaint is frivolous, vexatious, or not made 11121  
in good faith; 11122

(2) That the complaint was made so long after the occurrence 11123  
of the incident on which it is based that it is no longer 11124  
reasonable to conduct an investigation; 11125

(3) That an adequate investigation cannot be conducted 11126  
because of insufficient funds, insufficient staff, lack of staff 11127  
expertise, or any other reasonable factor that would result in an 11128  
inadequate investigation despite a good faith effort; 11129

(4) That an investigation by the office would create a real 11130  
or apparent conflict of interest. 11131

(D) If a regional long-term care ombudsman program declines 11132  
to investigate a complaint, it shall refer the complaint to the 11133  
state long-term care ombudsman. 11134

(E) Each complaint to be investigated by a regional program 11135  
shall be assigned to a representative of the office of the state 11136  
long-term care ombudsman program. If the representative determines 11137  
that the complaint is valid, the representative shall assist the 11138  
parties in attempting to resolve it. If the representative is 11139  
unable to resolve it, the representative shall refer the complaint 11140  
to the state ombudsman. 11141

In order to carry out the duties of sections 173.14 to ~~173.26~~ 11142  
173.28 of the Revised Code, a representative has the right to 11143  
private communication with residents and their sponsors and access 11144  
to long-term care facilities, including the right to tour resident 11145  
areas unescorted and the right to tour facilities unescorted as 11146  
reasonably necessary to the investigation of a complaint. Access 11147  
to facilities shall be during reasonable hours or, during 11148  
investigation of a complaint, at other times appropriate to the 11149  
complaint. 11150

When community-based long-term care services are provided at 11151  
a location other than the recipient's home, a representative has 11152  
the right to private communication with the recipient and the 11153

recipient's sponsors and access to the community-based long-term care site, including the right to tour the site unescorted. Access to the site shall be during reasonable hours or, during the investigation of a complaint, at other times appropriate to the complaint.

(F) The state ombudsman shall determine whether complaints referred to the ombudsman under division (D) or (E) of this section warrant investigation. The ombudsman's determination in this matter is final.

(G) No long-term care provider or other entity, no person employed by a long-term care provider or other entity, and no other individual shall do either of the following:

(1) Knowingly deny a representative of the office of the state long-term care ombudsman program the right to private communication or access described in division (E) of this section;

(2) Engage in willful interference.

As used in division (G)(2) of this section, "willful interference" means any action or inaction that is intended to prevent, interfere with, or impede a representative of the office of the state long-term care ombudsman program from exercising any of the rights or performing any of the duties of an ombudsman set forth in sections 173.14 to 173.28 of the Revised Code.

**Sec. 173.20.** (A) If consent is given and unless otherwise prohibited by law, a representative of the office of the state long-term care ombudsman program shall have access to any records, including medical records, of a resident or a recipient that are reasonably necessary for investigation of a complaint. Consent may be given in any of the following ways:

(1) In writing by the resident or recipient;

(2) Orally by the resident or recipient, witnessed in writing

at the time it is given by one other person, ~~and, if the records~~ 11184  
~~involved are being maintained by a long term care provider, also~~ 11185  
~~by an employee of the long term care provider designated under~~ 11186  
~~division (E)(1) of this section;~~ 11187

(3) In writing by the guardian of the resident or recipient; 11188

(4) In writing by the attorney in fact of the resident or 11189  
recipient, if the resident or recipient has authorized the 11190  
attorney in fact to give such consent; 11191

(5) In writing by the executor or administrator of the estate 11192  
of a deceased resident or recipient. 11193

(B) If consent to access to records is not refused by a 11194  
resident or recipient or the resident's or recipient's legal 11195  
representative but cannot be obtained and any of the following 11196  
circumstances exist, a representative of the office of the state 11197  
long-term care ombudsman program, on approval of the state 11198  
long-term care ombudsman, may inspect the records of a resident or 11199  
a recipient, including medical records, that are reasonably 11200  
necessary for investigation of a complaint: 11201

(1) The resident or recipient is unable to express written or 11202  
oral consent and there is no guardian or attorney in fact; 11203

(2) There is a guardian or attorney in fact, but the guardian 11204  
or attorney in fact cannot be contacted within three working days; 11205

(3) There is a guardianship or durable power of attorney, but 11206  
its existence is unknown by the long-term care provider and the 11207  
representative of the office at the time of the investigation; 11208

(4) There is no executor or administrator of the estate of a 11209  
deceased resident or recipient. 11210

(C) If a representative of the office of the state long-term 11211  
care ombudsman program has been refused access to records by a 11212  
guardian or attorney in fact, but has reasonable cause to believe 11213



that the guardian or attorney in fact is not acting in the best 11214  
interests of the resident or recipient, the representative may, on 11215  
approval of the state long-term care ombudsman, inspect the 11216  
records of the resident or recipient, including medical records, 11217  
that are reasonably necessary for investigation of a complaint. 11218

(D) A representative of the office of the state long-term 11219  
care ombudsman program shall have access to any records of a 11220  
long-term care provider reasonably necessary to an investigation 11221  
conducted under this section, including but not limited to: 11222  
incident reports, dietary records, policies and procedures of a 11223  
facility required to be maintained under section 5165.06 of the 11224  
Revised Code, admission agreements, staffing schedules, any 11225  
document depicting the actual staffing pattern of the provider, 11226  
any financial records that are matters of public record, resident 11227  
council and grievance committee minutes, and any waiting list 11228  
maintained by a facility in accordance with section 5165.08 of the 11229  
Revised Code, or any similar records or lists maintained by a 11230  
provider of community-based long-term care services. Pursuant to 11231  
division (E)(2) of this section, a representative shall be 11232  
permitted to make or obtain copies of any of these records after 11233  
giving the long-term care provider twenty-four hours' notice. A 11234  
long-term care provider may impose a charge for providing copies 11235  
of records under this division that does not exceed the actual and 11236  
necessary expense of making the copies. 11237

~~The state ombudsman shall take whatever action is necessary 11238  
to ensure that any copy of a record made or obtained under this 11239  
division is returned to the long term care provider no later than 11240  
three years after the date the investigation for which the copy 11241  
was made or obtained is completed. 11242~~

~~(E)(1) Each long term care provider shall designate one or 11243  
more of its employees to be responsible for witnessing the giving 11244  
of oral consent under division (A) of this section. In the event 11245~~

~~that a designated employee is not available when a resident or  
recipient attempts to give oral consent, the provider shall  
designate another employee to witness the consent.~~

(2) Each long-term care provider shall designate one or more  
of its employees to be responsible for releasing records for  
copying to representatives of the office of the state long-term  
care ombudsman program who request permission to make or obtain  
copies of records specified in division (D) of this section. In  
the event that a designated employee is not available when a  
representative of the office makes the request, the long-term care  
provider shall designate another employee to release the records  
for copying.

(F) A long-term care provider or any employee of such a  
provider is immune from civil or criminal liability or action  
taken pursuant to a professional disciplinary procedure for the  
release or disclosure of records to a representative of the office  
pursuant to this section.

(G) A state or local government agency or entity with records  
relevant to a complaint or investigation being conducted by a  
representative of the office shall provide the representative  
access to the records.

(H) The state ombudsman, with the approval of the director of  
aging, may issue a subpoena to compel any person the ombudsman  
reasonably believes may be able to provide information to appear  
before the ombudsman or the ombudsman's designee and give sworn  
testimony and to produce documents, books, records, papers, or  
other evidence the state ombudsman believes is relevant to the  
investigation. On the refusal of a witness to be sworn or to  
answer any question put to the witness, or if a person disobeys a  
subpoena, the ombudsman shall apply to the Franklin county court  
of common pleas for a contempt order, as in the case of  
disobedience of the requirements of a subpoena issued from the

court, or a refusal to testify in the court. 11278

(I) The state ombudsman may petition the court of common 11279  
pleas in the county in which a long-term care facility is located 11280  
to issue an injunction against any long-term care facility in 11281  
violation of sections 3721.10 to 3721.17 of the Revised Code. 11282

(J) ~~Any~~ To the extent permitted by federal law, a 11283  
representative of the office may report to an appropriate 11284  
authority any suspected violation of ~~Chapter 3721. of the Revised~~ 11285  
~~Code~~ state law discovered during the course of an advocacy visit 11286  
or investigation may be reported to the department of health. Any 11287  
~~suspected criminal violation discovered during the course of an~~ 11288  
~~investigation shall be reported to the attorney general or other~~ 11289  
~~appropriate law enforcement authorities.~~ 11290

(K) The department of aging shall adopt rules in accordance 11291  
with Chapter 119. of the Revised Code for referral by the state 11292  
ombudsman and regional long-term care ombudsman programs of 11293  
complaints to other public agencies or entities. A public agency 11294  
or entity to which a complaint is referred shall keep the state 11295  
ombudsman or regional program handling the complaint advised and 11296  
notified in writing in a timely manner of the disposition of the 11297  
complaint to the extent permitted by law. 11298

**Sec. 173.21.** (A) The office of the state long-term care 11299  
ombudsman program, through the state long-term care ombudsman and 11300  
the regional long-term care ombudsman programs, shall require each 11301  
representative of the office to complete a training and 11302  
certification program in accordance with this section and to meet 11303  
the continuing education requirements established under this 11304  
section. 11305

(B) The department of aging shall adopt rules ~~under~~ in 11306  
accordance with Chapter 119. of the Revised Code specifying the 11307  
content of training programs for representatives of the office of 11308

the state long-term care ombudsman program. Training for 11309  
representatives other than those who are volunteers providing 11310  
services through regional long-term care ombudsman programs shall 11311  
include instruction regarding federal, state, and local laws, 11312  
rules, and policies on long-term care facilities and 11313  
community-based long-term care services; investigative techniques; 11314  
and other topics considered relevant by the department and shall 11315  
consist of the following: 11316

(1) A minimum of forty clock hours of basic instruction, 11317  
which shall be completed before the trainee is permitted to handle 11318  
complaints without the supervision of a representative of the 11319  
office certified under this section; 11320

(2) An additional sixty clock hours of instruction, which 11321  
shall be completed within the first fifteen months of employment; 11322

(3) An internship of twenty clock hours, which shall be 11323  
completed within the first twenty-four months of employment, 11324  
including instruction in, and observation of, basic nursing care 11325  
and long-term care provider operations and procedures. The 11326  
internship shall be performed at a site that has been approved as 11327  
an internship site by the state long-term care ombudsman. 11328

(4) One of the following, which shall be completed within the 11329  
first twenty-four months of employment: 11330

(a) Observation of a survey conducted by the director of 11331  
health to certify a nursing facility to participate in the 11332  
medicaid program; 11333

(b) Observation of an inspection conducted by the director of 11334  
mental health and addiction services to license a residential 11335  
facility under section 5119.34 of the Revised Code that provides 11336  
accommodations, supervision, and personal care services for three 11337  
to sixteen unrelated adults. 11338

(5) Any other training considered appropriate by the 11339

department. 11340

(C) Any person who for a period of at least six months prior 11341  
to June 11, 1990, served as an ombudsman through the long-term 11342  
care ombudsman program established by the department of aging 11343  
under ~~division (M)~~ of section 173.01 of the Revised Code shall not 11344  
be required to complete a training program. Such a person and 11345  
persons who complete a training program shall take an examination 11346  
administered by the department of aging. On attainment of a 11347  
passing score, the person shall be certified by the department as 11348  
a representative of the office. The department shall issue the 11349  
person an identification card, which the representative shall show 11350  
at the request of any person with whom the representative deals 11351  
while performing the representative's duties and which shall be 11352  
surrendered at the time the representative separates from the 11353  
office. 11354

(D) The state ombudsman and each regional program shall 11355  
conduct training programs for volunteers on their respective 11356  
staffs in accordance with the rules of the department of aging 11357  
adopted under division (B) of this section. Training programs may 11358  
be conducted that train volunteers to complete some, but not all, 11359  
of the duties of a representative of the office. Each regional 11360  
office shall bear the cost of training its representatives who are 11361  
volunteers. On completion of a training program, the 11362  
representative shall take an examination administered by the 11363  
department of aging. On attainment of a passing score, a volunteer 11364  
shall be certified by the department as a representative 11365  
authorized to perform services specified in the certification. The 11366  
department shall issue an identification card, which the 11367  
representative shall show at the request of any person with whom 11368  
the representative deals while performing the representative's 11369  
duties and which shall be surrendered at the time the 11370  
representative separates from the office. Except as a supervised 11371

part of a training program, no volunteer shall perform any duty 11372  
unless ~~he~~ the volunteer is certified as a representative having 11373  
received appropriate training for that duty. 11374

(E) The state ombudsman shall provide technical assistance to 11375  
regional programs conducting training programs for volunteers and 11376  
shall monitor the training programs. 11377

(F) Prior to scheduling an observation of a certification 11378  
survey or licensing inspection for purposes of division (B)(4) of 11379  
this section, the state ombudsman shall obtain permission to have 11380  
the survey or inspection observed from both ~~the director of health~~ 11381  
~~and~~ the long-term care facility at which the survey or inspection 11382  
is to take place and, as the case may be, the director of health 11383  
or director of mental health and addiction services. 11384

(G) The department of aging shall establish continuing 11385  
education requirements for representatives of the office. 11386

**Sec. 173.22.** (A) The collection, compilation, analysis, and 11387  
dissemination of information by the office of the state long-term 11388  
care ombudsman program shall be performed in a manner that 11389  
protects complainants, individuals providing information about a 11390  
complaint, public entities, and confidential records of residents 11391  
or recipients. The identity of a resident or recipient, a 11392  
complainant who is not a resident or recipient, or an individual 11393  
providing information about a complaint shall not be disclosed 11394  
without the written consent of the resident or recipient, 11395  
complainant, or individual, or ~~his~~ a legal representative of any 11396  
of the foregoing, or except as required by court order. 11397

The investigative files, ~~including any proprietary records of~~ 11398  
~~a long-term care provider contained in the files,~~ of the office 11399  
and any records contained in those files, including any 11400  
proprietary records of a long-term care provider or records 11401  
relating to advocacy visits, are not public records subject to 11402

inspection or copying under section 149.43 of the Revised Code and 11403  
are exempt from the provisions of Chapter 1347. of the Revised 11404  
Code. Information contained in investigative and other files 11405  
maintained by the state long-term care ombudsman and regional 11406  
long-term care ombudsman programs shall be disclosed only at the 11407  
discretion of the state ombudsman ~~or the regional program~~ 11408  
~~maintaining the records~~ or if disclosure is required by court 11409  
order. 11410

(B) No report prepared by the state ombudsman or a regional 11411  
program shall include any information that violates the 11412  
confidentiality requirements of this section. Proprietary records 11413  
of a specific long-term care provider are subject to the 11414  
confidentiality requirements of this section. 11415

**Sec. 173.24.** (A) As used in this section, ~~"employee;~~ 11416

(1) "Employee" and "employer" have the same meanings as in 11417  
section 4113.51 of the Revised Code. 11418

(2) "Retaliatory action" includes physical, mental, or verbal 11419  
abuse; change of room assignment; withholding of services; failure 11420  
to provide care in a timely manner; discharge; and termination of 11421  
employment. 11422

(B) An employee providing information to or participating in 11423  
good faith in registering a complaint with the office of the state 11424  
long-term care ombudsman program or participating in the 11425  
investigation of a complaint or in administrative or judicial 11426  
proceedings resulting from a complaint registered with the office 11427  
shall have the full protection against disciplinary or retaliatory 11428  
action provided by division (G) of section 3721.17 and by sections 11429  
4113.51 to 4113.53 of the Revised Code. 11430

(C) No long-term care provider or other entity, no person 11431  
employed by a long-term care provider, or other entity, ~~or~~ 11432

~~employee of such other entity and no other individual shall~~ 11433  
~~knowingly~~ subject any resident ~~or~~, recipient, ~~employee,~~ 11434  
~~representative of the office of the state long-term care ombudsman~~ 11435  
~~program, or another individual~~ to any form of retaliation, 11436  
reprisal, discipline, or discrimination for ~~providing~~ doing any of 11437  
the following: 11438

(1) Providing information to the office ~~or for participating;~~ 11439

(2) Participating in registering a complaint with the 11440  
office; 11441

(3) Cooperating with or participating in the investigation of 11442  
a complaint, by the office or in administrative or judicial 11443  
proceedings resulting from a complaint registered with the office. 11444  
~~Retaliatory actions include, but are not limited to, physical,~~ 11445  
~~mental, or verbal abuse; change of room assignment; the~~ 11446  
~~withholding of services; and failure to provide care in a timely~~ 11447  
~~manner.~~ 11448

**Sec. 173.27.** (A) As used in this section: 11449

(1) "Applicant" means a person who is under final 11450  
consideration for employment by a responsible party in a 11451  
full-time, part-time, or temporary position that involves 11452  
providing ombudsman services to residents and recipients. 11453  
"Applicant" includes a person who is under final consideration for 11454  
employment as the state long-term care ombudsman or the head of a 11455  
regional long-term care ombudsman program. "Applicant" does not 11456  
include a person seeking to provide ombudsman services to 11457  
residents and recipients as a volunteer without receiving or 11458  
expecting to receive any form of remuneration other than 11459  
reimbursement for actual expenses. 11460

(2) "Criminal records check" has the same meaning as in 11461  
section 109.572 of the Revised Code. 11462



(3) "Disqualifying offense" means any of the offenses listed 11463  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 11464  
the Revised Code. 11465

(4) "Employee" means a person employed by a responsible party 11466  
in a full-time, part-time, or temporary position that involves 11467  
providing ombudsman services to residents and recipients. 11468  
"Employee" includes the person employed as the state long-term 11469  
care ombudsman and a person employed as the head of a regional 11470  
long-term care ombudsman program. "Employee" does not include a 11471  
person who provides ombudsman services to residents and recipients 11472  
as a volunteer without receiving or expecting to receive any form 11473  
of remuneration other than reimbursement for actual expenses. 11474

(5) "Responsible party" means the following: 11475

(a) In the case of an applicant who is under final 11476  
consideration for employment as the state long-term care ombudsman 11477  
or the person employed as the state long-term care ombudsman, the 11478  
director of aging; 11479

(b) In the case of any other applicant who is under final 11480  
consideration for employment with the state long-term care 11481  
ombudsman program or any other employee of the state long-term 11482  
care ombudsman program, the state long-term care ombudsman; 11483

(c) In the case of an applicant who is under final 11484  
consideration for employment with a regional long-term care 11485  
ombudsman program (including as the head of the regional program) 11486  
or an employee of a regional long-term care ombudsman program 11487  
(including the head of a regional program), the regional long-term 11488  
care ombudsman program. 11489

(B) A responsible party may not employ an applicant or 11490  
continue to employ an employee in a position that involves 11491  
providing ombudsman services to residents and recipients if any of 11492  
the following apply: 11493

(1) A review of the databases listed in division (D) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee ~~abused~~, neglected, or ~~abused~~ exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the responsible party from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing ombudsman services to residents and recipients.

(2) After the applicant or employee is provided, pursuant to division (E)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the applicant or employee fails to complete the form or provide the applicant's or employee's fingerprint impressions on the standard impression sheet.

(3) Unless the applicant or employee meets standards specified in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(C) A responsible party or a responsible party's designee

shall inform each applicant of both of the following at the time 11525  
of the applicant's initial application for employment in a 11526  
position that involves providing ombudsman services to residents 11527  
and recipients: 11528

(1) That a review of the databases listed in division (D) of 11529  
this section will be conducted to determine whether the 11530  
responsible party is prohibited by division (B)(1) of this section 11531  
from employing the applicant in the position; 11532

(2) That, unless the database review reveals that the 11533  
applicant may not be employed in the position, a criminal records 11534  
check of the applicant will be conducted and the applicant is 11535  
required to provide a set of the applicant's fingerprint 11536  
impressions as part of the criminal records check. 11537

(D) As a condition of any applicant's being employed by a 11538  
responsible party in a position that involves providing ombudsman 11539  
services to residents and recipients, the responsible party or 11540  
designee shall conduct a database review of the applicant in 11541  
accordance with rules adopted under this section. If rules adopted 11542  
under this section so require, the responsible party or designee 11543  
shall conduct a database review of an employee in accordance with 11544  
the rules as a condition of the responsible party continuing to 11545  
employ the employee in a position that involves providing 11546  
ombudsman services to residents and recipients. A database review 11547  
shall determine whether the applicant or employee is included in 11548  
any of the following: 11549

(1) The excluded parties list system that is maintained by 11550  
the United States general services administration pursuant to 11551  
subpart 9.4 of the federal acquisition regulation and available at 11552  
the federal web site known as the system for award management; 11553

(2) The list of excluded individuals and entities maintained 11554  
by the office of inspector general in the United States department 11555

of health and human services pursuant to section 1128 of the 11556  
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 11557  
amended, and section 1156 of the "Social Security Act," 96 Stat. 11558  
388 (1982), 42 U.S.C. 1320c-5, as amended; 11559

(3) The registry of developmental disabilities employees 11560  
established under section 5123.52 of the Revised Code; 11561

(4) The internet-based sex offender and child-victim offender 11562  
database established under division (A)(11) of section 2950.13 of 11563  
the Revised Code; 11564

(5) The internet-based database of inmates established under 11565  
section 5120.66 of the Revised Code; 11566

(6) The state nurse aide registry established under section 11567  
3721.32 of the Revised Code; 11568

(7) Any other database, if any, specified in rules adopted 11569  
under this section. 11570

(E)(1) As a condition of any applicant's being employed by a 11571  
responsible party in a position that involves providing ombudsman 11572  
services to residents and recipients, the responsible party or 11573  
designee shall request that the superintendent of the bureau of 11574  
criminal identification and investigation conduct a criminal 11575  
records check of the applicant. If rules adopted under this 11576  
section so require, the responsible party or designee shall 11577  
request that the superintendent conduct a criminal records check 11578  
of an employee at times specified in the rules as a condition of 11579  
the responsible party continuing to employ the employee in a 11580  
position that involves providing ombudsman services to residents 11581  
and recipients. However, the responsible party or designee is not 11582  
required to request the criminal records check of the applicant or 11583  
employee if the responsible party is prohibited by division (B)(1) 11584  
of this section from employing the applicant or continuing to 11585  
employ the employee in a position that involves providing 11586

ombudsman services to residents and recipients. If an applicant or 11587  
employee for whom a criminal records check request is required by 11588  
this section does not present proof of having been a resident of 11589  
this state for the five-year period immediately prior to the date 11590  
the criminal records check is requested or provide evidence that 11591  
within that five-year period the superintendent has requested 11592  
information about the applicant or employee from the federal 11593  
bureau of investigation in a criminal records check, the 11594  
responsible party or designee shall request that the 11595  
superintendent obtain information from the federal bureau of 11596  
investigation as part of the criminal records check. Even if an 11597  
applicant or employee for whom a criminal records check request is 11598  
required by this section presents proof of having been a resident 11599  
of this state for the five-year period, the responsible party or 11600  
designee may request that the superintendent include information 11601  
from the federal bureau of investigation in the criminal records 11602  
check. 11603

(2) A responsible party or designee shall do all of the 11604  
following: 11605

(a) Provide to each applicant and employee for whom a 11606  
criminal records check request is required by this section a copy 11607  
of the form prescribed pursuant to division (C)(1) of section 11608  
109.572 of the Revised Code and a standard impression sheet 11609  
prescribed pursuant to division (C)(2) of that section; 11610

(b) Obtain the completed form and standard impression sheet 11611  
from the applicant or employee; 11612

(c) Forward the completed form and standard impression sheet 11613  
to the superintendent. 11614

(3) A responsible party shall pay to the bureau of criminal 11615  
identification and investigation the fee prescribed pursuant to 11616  
division (C)(3) of section 109.572 of the Revised Code for each 11617

criminal records check the responsible party or the responsible party's designee requests under this section. The responsible party may charge an applicant a fee not exceeding the amount the responsible party pays to the bureau under this section if the responsible party or designee notifies the applicant at the time of initial application for employment of the amount of the fee.

(F)(1) A responsible party may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The responsible party is not prohibited by division (B)(1) of this section from employing the applicant in a position that involves providing ombudsman services to residents and recipients;

(b) The responsible party or designee requests the criminal records check in accordance with division (E) of this section not later than five business days after the applicant begins conditional employment.

(2) A responsible party shall terminate the employment of an applicant employed conditionally under division (F)(1) of this section if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, the responsible party shall terminate the applicant's employment unless the applicant meets standards specified in rules adopted under this section that permit the responsible party to employ the applicant and the responsible party chooses to employ the

applicant. Termination of employment under this division shall be 11650  
considered just cause for discharge for purposes of division 11651  
(D)(2) of section 4141.29 of the Revised Code if the applicant 11652  
makes any attempt to deceive the responsible party or designee 11653  
about the applicant's criminal record. 11654

(G) The report of any criminal records check conducted 11655  
pursuant to a request made under this section is not a public 11656  
record for the purposes of section 149.43 of the Revised Code and 11657  
shall not be made available to any person other than the 11658  
following: 11659

(1) The applicant or employee who is the subject of the 11660  
criminal records check or the applicant's or employee's 11661  
representative; 11662

(2) The responsible party or designee; 11663

(3) In the case of a criminal records check conducted for an 11664  
applicant who is under final consideration for employment with a 11665  
regional long-term care ombudsman program (including as the head 11666  
of the regional program) or an employee of a regional long-term 11667  
care ombudsman program (including the head of a regional program), 11668  
the state long-term care ombudsman or a representative of the 11669  
office of the state long-term care ombudsman program who is 11670  
responsible for monitoring the regional program's compliance with 11671  
this section; 11672

(4) A court, hearing officer, or other necessary individual 11673  
involved in a case dealing with any of the following: 11674

(a) A denial of employment of the applicant or employee; 11675

(b) Employment or unemployment benefits of the applicant or 11676  
employee; 11677

(c) A civil or criminal action regarding the medicaid program 11678  
or a program the department of aging administers. 11679

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a position that involves providing ombudsman services to residents and recipients, all of the following shall apply:

(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (F) of this section, the responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(I) The state long-term care ombudsman may not act as the director of aging's designee for the purpose of this section. The head of a regional long-term care ombudsman program may not act as the regional program's designee for the purpose of this section if the head is the employee for whom a database review or criminal records check is being conducted.

(J) The director of aging shall adopt rules in accordance



with Chapter 119. of the Revised Code to implement this section. 11711

(1) The rules may do the following: 11712

(a) Require employees to undergo database reviews and 11713  
criminal records checks under this section; 11714

(b) If the rules require employees to undergo database 11715  
reviews and criminal records checks under this section, exempt one 11716  
or more classes of employees from the requirements; 11717

(c) For the purpose of division (D)(7) of this section, 11718  
specify other databases that are to be checked as part of a 11719  
database review conducted under this section. 11720

(2) The rules shall specify all of the following: 11721

(a) The procedures for conducting database reviews under this 11722  
section; 11723

(b) If the rules require employees to undergo database 11724  
reviews and criminal records checks under this section, the times 11725  
at which the database reviews and criminal records checks are to 11726  
be conducted; 11727

(c) If the rules specify other databases to be checked as 11728  
part of the database reviews, the circumstances under which a 11729  
responsible party is prohibited from employing an applicant or 11730  
continuing to employ an employee who is found by a database review 11731  
to be included in one or more of those databases; 11732

(d) Standards that an applicant or employee must meet for a 11733  
responsible party to be permitted to employ the applicant or 11734  
continue to employ the employee in a position that involves 11735  
providing ombudsman services to residents and recipients if the 11736  
applicant or employee is found by a criminal records check 11737  
required by this section to have been convicted of, pleaded guilty 11738  
to, or been found eligible for intervention in lieu of conviction 11739  
for a disqualifying offense. 11740

**Sec. 173.28.** (A)~~(1)~~ As used in this ~~division~~ section, 11741  
"incident" means the occurrence of a violation with respect to a 11742  
resident or recipient, ~~as those terms are defined in section~~ 11743  
~~173.14 of the Revised Code.~~ A violation is a separate incident for 11744  
each day it occurs and for each resident who is subject to it. 11745

(B)(1) In lieu of the fine that may be imposed under division 11746  
(A) of section 173.99 of the Revised Code for a criminal offense, 11747  
the director of aging may, under Chapter 119. of the Revised Code, 11748  
fine a long-term care provider or other entity, ~~or~~ a person 11749  
employed by a long-term care provider or other entity, or an 11750  
individual for a violation of division (C) of section 173.24 of 11751  
the Revised Code. The fine shall not exceed one thousand dollars 11752  
per incident. 11753

(2) In lieu of the fine that may be imposed under division 11754  
(C) of section 173.99 of the Revised Code for a criminal offense, 11755  
the director may, under Chapter 119. of the Revised Code, fine a 11756  
long-term care provider or other entity, ~~or~~ a person employed by a 11757  
long-term care provider or other entity, or an individual for 11758  
~~violating a violation of~~ division ~~(E)~~(G)(1) or (2) of section 11759  
173.19 of the Revised Code ~~by denying a representative of the~~ 11760  
~~office of the state long-term care ombudsman program the access~~ 11761  
~~required by that division.~~ The fine shall not exceed five hundred 11762  
dollars for each day the violation continued. 11763

~~(B)~~(C) On request of the director, the attorney general shall 11764  
bring and prosecute to judgment a civil action to collect any fine 11765  
imposed under division ~~(A)~~(B)(1) or (2) of this section that 11766  
remains unpaid thirty days after the violator's final appeal is 11767  
exhausted. 11768

~~(C)~~(D) All fines collected under this section shall be 11769  
deposited into the state treasury to the credit of the state 11770  
long-term care ombudsman program fund created under section 173.26 11771

of the Revised Code. 11772

**Sec. 173.38.** (A) As used in this section: 11773

(1) "Applicant" means a person who is under final 11774  
consideration for employment with a responsible party in a 11775  
full-time, part-time, or temporary direct-care position or is 11776  
referred to a responsible party by an employment service for such 11777  
a position. "Applicant" does not include a person being considered 11778  
for a direct-care position as a volunteer. 11779

(2) "Area agency on aging" has the same meaning as in section 11780  
173.14 of the Revised Code. 11781

(3) "Chief administrator of a responsible party" includes a 11782  
consumer when the consumer is a responsible party. 11783

(4) "Community-based long-term care services" means 11784  
community-based long-term care services, as defined in section 11785  
173.14 of the Revised Code, that are provided under a program the 11786  
department of aging administers. 11787

(5) "Consumer" means an individual who receives 11788  
community-based long-term care services. 11789

(6) "Criminal records check" has the same meaning as in 11790  
section 109.572 of the Revised Code. 11791

(7)(a) "Direct-care position" means an employment position in 11792  
which an employee has either or both of the following: 11793

(i) In-person contact with one or more consumers; 11794

(ii) Access to one or more consumers' personal property or 11795  
records. 11796

(b) "Direct-care position" does not include a person whose 11797  
sole duties are transporting individuals under Chapter 306. of the 11798  
Revised Code. 11799

(8) "Disqualifying offense" means any of the offenses listed 11800

or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 11801  
11802

(9) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary direct-care position and a person who works in such a position due to being referred to a responsible party by an employment service. "Employee" does not include a person who works in a direct-care position as a volunteer. 11803  
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(10) "PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code. 11809  
11810

(11) "Provider" has the same meaning as in section 173.39 of the Revised Code. 11811  
11812

(12) "Responsible party" means the following: 11813

(a) An area agency on aging in the case of either of the following: 11814  
11815

(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position; 11816  
11817  
11818  
11819

(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service. 11820  
11821  
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11823

(b) A PASSPORT administrative agency in the case of either of the following: 11824  
11825

(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position; 11826  
11827  
11828  
11829

(ii) A person who is an employee because the person is 11830

employed by the agency in a full-time, part-time, or temporary 11831  
direct-care position or works in such a position due to being 11832  
referred to the agency by an employment service. 11833

(c) A provider in the case of either of the following: 11834

(i) A person who is an applicant because the person is under 11835  
final consideration for employment with the provider in a 11836  
full-time, part-time, or temporary direct-care position or is 11837  
referred to the provider by an employment service for such a 11838  
position; 11839

(ii) A person who is an employee because the person is 11840  
employed by the provider in a full-time, part-time, or temporary 11841  
direct-care position or works in such a position due to being 11842  
referred to the provider by an employment service. 11843

(d) A subcontractor in the case of either of the following: 11844

(i) A person who is an applicant because the person is under 11845  
final consideration for employment with the subcontractor in a 11846  
full-time, part-time, or temporary direct-care position or is 11847  
referred to the subcontractor by an employment service for such a 11848  
position; 11849

(ii) A person who is an employee because the person is 11850  
employed by the subcontractor in a full-time, part-time, or 11851  
temporary direct-care position or works in such a position due to 11852  
being referred to the subcontractor by an employment service. 11853

(e) A consumer in the case of either of the following: 11854

(i) A person who is an applicant because the person is under 11855  
final consideration for employment with the consumer in a 11856  
full-time, part-time, or temporary direct-care position for which 11857  
the consumer, as the employer of record, is to direct the person 11858  
in the provision of community-based long-term care services the 11859  
person is to provide the consumer or is referred to the consumer 11860

by an employment service for such a position; 11861

(ii) A person who is an employee because the person is 11862  
employed by the consumer in a full-time, part-time, or temporary 11863  
direct-care position for which the consumer, as the employer of 11864  
record, directs the person in the provision of community-based 11865  
long-term care services the person provides to the consumer or who 11866  
works in such a position due to being referred to the consumer by 11867  
an employment service. 11868

(13) "Subcontractor" has the meaning specified in rules 11869  
adopted under this section. 11870

(14) "Volunteer" means a person who serves in a direct-care 11871  
position without receiving or expecting to receive any form of 11872  
remuneration other than reimbursement for actual expenses. 11873

(15) "Waiver agency" has the same meaning as in section 11874  
5164.342 of the Revised Code. 11875

(B) This section does not apply to any individual who is 11876  
subject to a database review or criminal records check under 11877  
section 173.381 or 3701.881 of the Revised Code or to any 11878  
individual who is subject to a criminal records check under 11879  
section 3721.121 of the Revised Code. If a provider or 11880  
subcontractor also is a waiver agency, the provider or 11881  
subcontractor may provide for applicants and employees to undergo 11882  
database reviews and criminal records checks in accordance with 11883  
section 5164.342 of the Revised Code rather than this section. 11884

(C) No responsible party shall employ an applicant or 11885  
continue to employ an employee in a direct-care position if any of 11886  
the following apply: 11887

(1) A review of the databases listed in division (E) of this 11888  
section reveals any of the following: 11889

(a) That the applicant or employee is included in one or more 11890

of the databases listed in divisions (E)(1) to (5) of this 11891  
section; 11892

(b) That there is in the state nurse aide registry 11893  
established under section 3721.32 of the Revised Code a statement 11894  
detailing findings by the director of health that the applicant or 11895  
employee abused, neglected, or ~~abused~~ exploited a long-term care 11896  
facility or residential care facility resident or misappropriated 11897  
property of such a resident; 11898

(c) That the applicant or employee is included in one or more 11899  
of the databases, if any, specified in rules adopted under this 11900  
section and the rules prohibit the responsible party from 11901  
employing an applicant or continuing to employ an employee 11902  
included in such a database in a direct-care position. 11903

(2) After the applicant or employee is provided, pursuant to 11904  
division (F)(2)(a) of this section, a copy of the form prescribed 11905  
pursuant to division (C)(1) of section 109.572 of the Revised Code 11906  
and the standard impression sheet prescribed pursuant to division 11907  
(C)(2) of that section, the applicant or employee fails to 11908  
complete the form or provide the applicant's or employee's 11909  
fingerprint impressions on the standard impression sheet. 11910

(3) Unless the applicant or employee meets standards 11911  
specified in rules adopted under this section, the applicant or 11912  
employee is found by a criminal records check required by this 11913  
section to have been convicted of, pleaded guilty to, or been 11914  
found eligible for intervention in lieu of conviction for a 11915  
disqualifying offense. 11916

(D) Except as provided by division (G) of this section, the 11917  
chief administrator of a responsible party shall inform each 11918  
applicant of both of the following at the time of the applicant's 11919  
initial application for employment or referral to the responsible 11920  
party by an employment service for a direct-care position: 11921

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the responsible party is prohibited by division (C)(1) of this section from employing the applicant in the direct-care position;

(2) That, unless the database review reveals that the applicant may not be employed in the direct-care position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(E) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a responsible party shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a direct-care position. However, a chief administrator is not required to conduct a database review of an applicant or employee if division (G) of this section applies. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;



(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code; 11953  
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(5) The internet-based database of inmates established under section 5120.66 of the Revised Code; 11956  
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(6) The state nurse aide registry established under section 3721.32 of the Revised Code; 11958  
11959

(7) Any other database, if any, specified in rules adopted under this section. 11960  
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(F)(1) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a responsible party shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a direct-care position. However, the chief administrator is not required to request the criminal records check of the applicant or employee if division (G) of this section applies or the responsible party is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a direct-care position. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of 11962  
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investigation as part of the criminal records check. Even if an 11985  
applicant or employee for whom a criminal records check request is 11986  
required by this section presents proof of having been a resident 11987  
of this state for the five-year period, the chief administrator 11988  
may request that the superintendent include information from the 11989  
federal bureau of investigation in the criminal records check. 11990

(2) The chief administrator shall do all of the following: 11991

(a) Provide to each applicant and employee for whom a 11992  
criminal records check request is required by this section a copy 11993  
of the form prescribed pursuant to division (C)(1) of section 11994  
109.572 of the Revised Code and a standard impression sheet 11995  
prescribed pursuant to division (C)(2) of that section; 11996

(b) Obtain the completed form and standard impression sheet 11997  
from the applicant or employee; 11998

(c) Forward the completed form and standard impression sheet 11999  
to the superintendent. 12000

(3) A responsible party shall pay to the bureau of criminal 12001  
identification and investigation the fee prescribed pursuant to 12002  
division (C)(3) of section 109.572 of the Revised Code for each 12003  
criminal records check the responsible party requests under this 12004  
section. A responsible party may charge an applicant a fee not 12005  
exceeding the amount the responsible party pays to the bureau 12006  
under this section if both of the following apply: 12007

(a) The responsible party notifies the applicant at the time 12008  
of initial application for employment of the amount of the fee and 12009  
that, unless the fee is paid, the applicant will not be considered 12010  
for employment. 12011

(b) The medicaid program does not pay the responsible party 12012  
for the fee it pays to the bureau under this section. 12013

(G) Divisions (D) to (F) of this section do not apply with 12014

regard to an applicant or employee if the applicant or employee is 12015  
referred to a responsible party by an employment service that 12016  
supplies full-time, part-time, or temporary staff for direct-care 12017  
positions and both of the following apply: 12018

(1) The chief administrator of the responsible party receives 12019  
from the employment service confirmation that a review of the 12020  
databases listed in division (E) of this section was conducted of 12021  
the applicant or employee. 12022

(2) The chief administrator of the responsible party receives 12023  
from the employment service, applicant, or employee a report of 12024  
the results of a criminal records check of the applicant or 12025  
employee that has been conducted by the superintendent within the 12026  
one-year period immediately preceding the following: 12027

(a) In the case of an applicant, the date of the applicant's 12028  
referral by the employment service to the responsible party; 12029

(b) In the case of an employee, the date by which the 12030  
responsible party would otherwise have to request a criminal 12031  
records check of the employee under division (F) of this section. 12032

(H)(1) A responsible party may employ conditionally an 12033  
applicant for whom a criminal records check request is required by 12034  
this section prior to obtaining the results of the criminal 12035  
records check if the responsible party is not prohibited by 12036  
division (C)(1) of this section from employing the applicant in a 12037  
direct-care position and either of the following applies: 12038

(a) The chief administrator of the responsible party requests 12039  
the criminal records check in accordance with division (F) of this 12040  
section not later than five business days after the applicant 12041  
begins conditional employment. 12042

(b) The applicant is referred to the responsible party by an 12043  
employment service, the employment service or the applicant 12044  
provides the chief administrator of the responsible party a letter 12045

that is on the letterhead of the employment service, the letter is 12046  
dated and signed by a supervisor or another designated official of 12047  
the employment service, and the letter states all of the 12048  
following: 12049

(i) That the employment service has requested the 12050  
superintendent to conduct a criminal records check regarding the 12051  
applicant; 12052

(ii) That the requested criminal records check is to include 12053  
a determination of whether the applicant has been convicted of, 12054  
pleaded guilty to, or been found eligible for intervention in lieu 12055  
of conviction for a disqualifying offense; 12056

(iii) That the employment service has not received the 12057  
results of the criminal records check as of the date set forth on 12058  
the letter; 12059

(iv) That the employment service promptly will send a copy of 12060  
the results of the criminal records check to the chief 12061  
administrator of the responsible party when the employment service 12062  
receives the results. 12063

(2) If a responsible party employs an applicant conditionally 12064  
pursuant to division (H)(1)(b) of this section, the employment 12065  
service, on its receipt of the results of the criminal records 12066  
check, promptly shall send a copy of the results to the chief 12067  
administrator of the responsible party. 12068

(3) A responsible party that employs an applicant 12069  
conditionally pursuant to division (H)(1)(a) or (b) of this 12070  
section shall terminate the applicant's employment if the results 12071  
of the criminal records check, other than the results of any 12072  
request for information from the federal bureau of investigation, 12073  
are not obtained within the period ending sixty days after the 12074  
date the request for the criminal records check is made. 12075  
Regardless of when the results of the criminal records check are 12076

obtained, if the results indicate that the applicant has been 12077  
convicted of, pleaded guilty to, or been found eligible for 12078  
intervention in lieu of conviction for a disqualifying offense, 12079  
the responsible party shall terminate the applicant's employment 12080  
unless the applicant meets standards specified in rules adopted 12081  
under this section that permit the responsible party to employ the 12082  
applicant and the responsible party chooses to employ the 12083  
applicant. Termination of employment under this division shall be 12084  
considered just cause for discharge for purposes of division 12085  
(D)(2) of section 4141.29 of the Revised Code if the applicant 12086  
makes any attempt to deceive the responsible party about the 12087  
applicant's criminal record. 12088

(I) The report of any criminal records check conducted 12089  
pursuant to a request made under this section is not a public 12090  
record for the purposes of section 149.43 of the Revised Code and 12091  
shall not be made available to any person other than the 12092  
following: 12093

(1) The applicant or employee who is the subject of the 12094  
criminal records check or the applicant's or employee's 12095  
representative; 12096

(2) The chief administrator of the responsible party 12097  
requesting the criminal records check or the administrator's 12098  
representative; 12099

(3) The administrator of any other facility, agency, or 12100  
program that provides community-based long-term care services that 12101  
is owned or operated by the same entity that owns or operates the 12102  
responsible party that requested the criminal records check; 12103

(4) The employment service that requested the criminal 12104  
records check; 12105

(5) The director of aging or a person authorized by the 12106  
director to monitor a responsible party's compliance with this 12107

section; 12108

(6) The medicaid director and the staff of the department of 12109  
medicaid who are involved in the administration of the medicaid 12110  
program if any of the following apply: 12111

(a) In the case of a criminal records check requested by a 12112  
provider or subcontractor, the provider or subcontractor also is a 12113  
waiver agency; 12114

(b) In the case of a criminal records check requested by an 12115  
employment service, the employment service makes the request for 12116  
an applicant or employee the employment service refers to a 12117  
provider or subcontractor that also is a waiver agency; 12118

(c) The criminal records check is requested by a consumer who 12119  
is acting as a responsible party. 12120

(7) A court, hearing officer, or other necessary individual 12121  
involved in a case dealing with any of the following: 12122

(a) A denial of employment of the applicant or employee; 12123

(b) Employment or unemployment benefits of the applicant or 12124  
employee; 12125

(c) A civil or criminal action regarding the medicaid program 12126  
or a program the department of aging administers. 12127

(J) In a tort or other civil action for damages that is 12128  
brought as the result of an injury, death, or loss to person or 12129  
property caused by an applicant or employee who a responsible 12130  
party employs in a direct-care position, all of the following 12131  
shall apply: 12132

(1) If the responsible party employed the applicant or 12133  
employee in good faith and reasonable reliance on the report of a 12134  
criminal records check requested under this section, the 12135  
responsible party shall not be found negligent solely because of 12136  
its reliance on the report, even if the information in the report 12137

is determined later to have been incomplete or inaccurate. 12138

(2) If the responsible party employed the applicant in good 12139  
faith on a conditional basis pursuant to division (H) of this 12140  
section, the responsible party shall not be found negligent solely 12141  
because it employed the applicant prior to receiving the report of 12142  
a criminal records check requested under this section. 12143

(3) If the responsible party in good faith employed the 12144  
applicant or employee because the applicant or employee meets 12145  
standards specified in rules adopted under this section, the 12146  
responsible party shall not be found negligent solely because the 12147  
applicant or employee has been convicted of, pleaded guilty to, or 12148  
been found eligible for intervention in lieu of conviction for a 12149  
disqualifying offense. 12150

(K) The director of aging shall adopt rules in accordance 12151  
with Chapter 119. of the Revised Code to implement this section. 12152

(1) The rules may do the following: 12153

(a) Require employees to undergo database reviews and 12154  
criminal records checks under this section; 12155

(b) If the rules require employees to undergo database 12156  
reviews and criminal records checks under this section, exempt one 12157  
or more classes of employees from the requirements; 12158

(c) For the purpose of division (E)(7) of this section, 12159  
specify other databases that are to be checked as part of a 12160  
database review conducted under this section. 12161

(2) The rules shall specify all of the following: 12162

(a) The meaning of the term "subcontractor"; 12163

(b) The procedures for conducting database reviews under this 12164  
section; 12165

(c) If the rules require employees to undergo database 12166  
reviews and criminal records checks under this section, the times 12167

at which the database reviews and criminal records checks are to 12168  
be conducted; 12169

(d) If the rules specify other databases to be checked as 12170  
part of the database reviews, the circumstances under which a 12171  
responsible party is prohibited from employing an applicant or 12172  
continuing to employ an employee who is found by a database review 12173  
to be included in one or more of those databases; 12174

(e) Standards that an applicant or employee must meet for a 12175  
responsible party to be permitted to employ the applicant or 12176  
continue to employ the employee in a direct-care position if the 12177  
applicant or employee is found by a criminal records check 12178  
required by this section to have been convicted of, pleaded guilty 12179  
to, or been found eligible for intervention in lieu of conviction 12180  
for a disqualifying offense. 12181

**Sec. 173.381.** (A) As used in this section: 12182

(1) "Community-based long-term care services" means 12183  
community-based long-term care services, as defined in section 12184  
173.14 of the Revised Code, that are provided under a program the 12185  
department of aging administers. 12186

(2) "Community-based long-term care services certificate" 12187  
means a certificate issued under section 173.391 of the Revised 12188  
Code. 12189

(3) "Community-based long-term care services contract or 12190  
grant" means a contract or grant awarded under section 173.392 of 12191  
the Revised Code. 12192

(4) "Criminal records check" has the same meaning as in 12193  
section 109.572 of the Revised Code. 12194

(5) "Disqualifying offense" means any of the offenses listed 12195  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 12196  
the Revised Code. 12197



(6) "Provider" has the same meaning as in section 173.39 of the Revised Code.	12198 12199
(7) "Self-employed provider" means a provider who works for the provider's self and has no employees.	12200 12201
(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3701.881 of the Revised Code.	12202 12203 12204
(C)(1) The department of aging or its designee shall take the following actions when the circumstances specified in division (C)(2) of this section apply:	12205 12206 12207
(a) Refuse to issue a community-based long-term care services certificate to a self-employed provider;	12208 12209
(b) Revoke a self-employed provider's community-based long-term care services certificate;	12210 12211
(c) Refuse to award a community-based long-term care services contract or grant to a self-employed provider;	12212 12213
(d) Terminate a self-employed provider's community-based long-term care services contract or grant awarded on or after September 15, 2014.	12214 12215 12216
(2) The following are the circumstances that require the department of aging or its designee to take action under division (C)(1) of this section:	12217 12218 12219
(a) A review of the databases listed in division (E) of this section reveals any of the following:	12220 12221
(i) That the self-employed provider is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;	12222 12223 12224
(ii) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the	12225 12226 12227

self-employed provider ~~abused~~, neglected, or ~~abused~~ exploited a 12228  
long-term care facility or residential care facility resident or 12229  
misappropriated property of such a resident; 12230

(iii) That the self-employed provider is included in one or 12231  
more of the databases, if any, specified in rules adopted under 12232  
this section and the rules require the department or its designee 12233  
to take action under division (C)(1) of this section if a 12234  
self-employed provider is included in such a database. 12235

(b) After the self-employed provider is provided, pursuant to 12236  
division (F)(2)(a) of this section, a copy of the form prescribed 12237  
pursuant to division (C)(1) of section 109.572 of the Revised Code 12238  
and the standard impression sheet prescribed pursuant to division 12239  
(C)(2) of that section, the self-employed provider fails to 12240  
complete the form or provide the self-employed provider's 12241  
fingerprint impressions on the standard impression sheet. 12242

(c) Unless the self-employed provider meets standards 12243  
specified in rules adopted under this section, the self-employed 12244  
provider is found by a criminal records check required by this 12245  
section to have been convicted of, pleaded guilty to, or been 12246  
found eligible for intervention in lieu of conviction for a 12247  
disqualifying offense. 12248

(D) The department of aging or its designee shall inform each 12249  
self-employed provider of both of the following at the time of the 12250  
self-employed provider's initial application for a community-based 12251  
long-term care services certificate or initial bid for a 12252  
community-based long-term care services contract or grant: 12253

(1) That a review of the databases listed in division (E) of 12254  
this section will be conducted to determine whether the department 12255  
or its designee is required by division (C) of this section to 12256  
refuse to issue or award a community-based long-term care services 12257  
certificate or community-based long-term care services contract or 12258

grant to the self-employed provider; 12259

(2) That, unless the database review reveals that the 12260  
department or its designee is required to refuse to issue or award 12261  
a community-based long-term care services certificate or 12262  
community-based long-term care services contract or grant to the 12263  
self-employed provider, a criminal records check of the 12264  
self-employed provider will be conducted and the self-employed 12265  
provider is required to provide a set of the self-employed 12266  
provider's fingerprint impressions as part of the criminal records 12267  
check. 12268

(E) As a condition of issuing or awarding a community-based 12269  
long-term care services certificate or community-based long-term 12270  
care services contract or grant to a self-employed provider, the 12271  
department of aging or its designee shall conduct a database 12272  
review of the self-employed provider in accordance with rules 12273  
adopted under this section. If rules adopted under this section so 12274  
require, the department or its designee shall conduct a database 12275  
review of a self-employed provider in accordance with the rules as 12276  
a condition of not revoking or terminating the self-employed 12277  
provider's community-based long-term care services certificate or 12278  
community-based long-term care services contract or grant. A 12279  
database review shall determine whether the self-employed provider 12280  
is included in any of the following: 12281

(1) The excluded parties list system that is maintained by 12282  
the United States general services administration pursuant to 12283  
subpart 9.4 of the federal acquisition regulation and available at 12284  
the federal web site known as the system for award management; 12285

(2) The list of excluded individuals and entities maintained 12286  
by the office of inspector general in the United States department 12287  
of health and human services pursuant to the "Social Security 12288  
Act," 42 U.S.C. 1320a-7 and 1320c-5; 12289

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;	12290 12291
(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;	12292 12293 12294
(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;	12295 12296
(6) The state nurse aide registry established under section 3721.32 of the Revised Code;	12297 12298
(7) Any other database, if any, specified in rules adopted under this section.	12299 12300
(F)(1) As a condition of issuing or awarding a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider, the department of aging or its designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the self-employed provider. If rules adopted under this section so require, the department or its designee shall request that the superintendent conduct a criminal records check of a self-employed provider at times specified in the rules as a condition of not revoking or terminating the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant. However, the department or its designee is not required to request the criminal records check of the self-employed provider if the department or its designee, because of circumstances specified in division (C)(2)(a) of this section, is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or to revoke or terminate the self-employed	12301 12302 12303 12304 12305 12306 12307 12308 12309 12310 12311 12312 12313 12314 12315 12316 12317 12318 12319 12320

provider's certificate or contract or grant. 12321

If a self-employed provider for whom a criminal records check 12322  
request is required by this section does not present proof of 12323  
having been a resident of this state for the five-year period 12324  
immediately prior to the date the criminal records check is 12325  
requested or provide evidence that within that five-year period 12326  
the superintendent has requested information about the 12327  
self-employed provider from the federal bureau of investigation in 12328  
a criminal records check, the department or its designee shall 12329  
request that the superintendent obtain information from the 12330  
federal bureau of investigation as part of the criminal records 12331  
check. Even if a self-employed provider for whom a criminal 12332  
records check request is required by this section presents proof 12333  
of having been a resident of this state for the five-year period, 12334  
the department or its designee may request that the superintendent 12335  
include information from the federal bureau of investigation in 12336  
the criminal records check. 12337

(2) The department or its designee shall do all of the 12338  
following: 12339

(a) Provide to each self-employed provider for whom a 12340  
criminal records check request is required by this section a copy 12341  
of the form prescribed pursuant to division (C)(1) of section 12342  
109.572 of the Revised Code and a standard impression sheet 12343  
prescribed pursuant to division (C)(2) of that section; 12344

(b) Obtain the completed form and standard impression sheet 12345  
from the self-employed provider; 12346

(c) Forward the completed form and standard impression sheet 12347  
to the superintendent. 12348

(3) The department or its designee shall pay to the bureau of 12349  
criminal identification and investigation the fee prescribed 12350  
pursuant to division (C)(3) of section 109.572 of the Revised Code 12351

for each criminal records check of a self-employed provider the 12352  
department or its designee requests under this section. The 12353  
department or its designee may charge the self-employed provider a 12354  
fee that does not exceed the amount the department or its designee 12355  
pays to the bureau. 12356

(G) The report of any criminal records check of a 12357  
self-employed provider conducted pursuant to a request made under 12358  
this section is not a public record for the purposes of section 12359  
149.43 of the Revised Code and shall not be made available to any 12360  
person other than the following: 12361

(1) The self-employed provider or the self-employed 12362  
provider's representative; 12363

(2) The department of aging, the department's designee, or a 12364  
representative of the department or its designee; 12365

(3) The medicaid director and the staff of the department of 12366  
medicaid who are involved in the administration of the medicaid 12367  
program if the self-employed provider is to provide, or provides, 12368  
community-based long-term care services under a component of the 12369  
medicaid program that the department of aging administers; 12370

(4) A court, hearing officer, or other necessary individual 12371  
involved in a case dealing with any of the following: 12372

(a) A refusal to issue or award a community-based long-term 12373  
services certificate or community-based long-term care services 12374  
contract or grant to the self-employed provider; 12375

(b) A revocation or termination of the self-employed 12376  
provider's community-based long-term care services certificate or 12377  
community-based long-term care services contract or grant; 12378

(c) A civil or criminal action regarding a program the 12379  
department of aging administers. 12380

(H) In a tort or other civil action for damages that is 12381

brought as the result of an injury, death, or loss to person or 12382  
property caused by a self-employed provider, both of the following 12383  
shall apply: 12384

(1) If the department of aging or its designee, in good faith 12385  
and reasonable reliance on the report of a criminal records check 12386  
requested under this section, issued or awarded a community-based 12387  
long-term care services certificate or community-based long-term 12388  
care services contract or grant to the self-employed provider or 12389  
did not revoke or terminate the self-employed provider's 12390  
certificate or contract or grant, the department and its designee 12391  
shall not be found negligent solely because of its reliance on the 12392  
report, even if the information in the report is determined later 12393  
to have been incomplete or inaccurate. 12394

(2) If the department or its designee in good faith issued or 12395  
awarded a community-based long-term care services certificate or 12396  
community-based long-term care services contract or grant to the 12397  
self-employed provider or did not revoke or terminate the 12398  
self-employed provider's certificate or contract or grant because 12399  
the self-employed provider meets standards specified in rules 12400  
adopted under this section, the department and its designee shall 12401  
not be found negligent solely because the self-employed provider 12402  
has been convicted of, pleaded guilty to, or been found eligible 12403  
for intervention in lieu of conviction for a disqualifying 12404  
offense. 12405

(I) The director of aging shall adopt rules in accordance 12406  
with Chapter 119. of the Revised Code to implement this section. 12407

(1) The rules may do the following: 12408

(a) Require self-employed providers who have been issued or 12409  
awarded community-based long-term care services certificates or 12410  
community-based long-term care services contracts or grants to 12411  
undergo database reviews and criminal records checks under this 12412

section; 12413

(b) If the rules require self-employed providers who have 12414  
been issued or awarded community-based long-term care services 12415  
certificates or community-based long-term care services contracts 12416  
or grants to undergo database reviews and criminal records checks 12417  
under this section, exempt one or more classes of such 12418  
self-employed providers from the requirements; 12419

(c) For the purpose of division (E)(7) of this section, 12420  
specify other databases that are to be checked as part of a 12421  
database review conducted under this section. 12422

(2) The rules shall specify all of the following: 12423

(a) The procedures for conducting database reviews under this 12424  
section; 12425

(b) If the rules require self-employed providers who have 12426  
been issued or awarded community-based long-term care services 12427  
certificates or community-based long-term care services contracts 12428  
or grants to undergo database reviews and criminal records checks 12429  
under this section, the times at which the database reviews and 12430  
criminal records checks are to be conducted; 12431

(c) If the rules specify other databases to be checked as 12432  
part of the database reviews, the circumstances under which the 12433  
department of aging or its designee is required to refuse to issue 12434  
or award a community-based long-term care services certificate or 12435  
community-based long-term care services contract or grant to a 12436  
self-employed provider or to revoke or terminate a self-employed 12437  
provider's certificate or contract or grant when the self-employed 12438  
provider is found by a database review to be included in one or 12439  
more of those databases; 12440

(d) Standards that a self-employed provider must meet for the 12441  
department or its designee to be permitted to issue or award a 12442  
community-based long-term care services certificate or 12443



community-based long-term care services contract or grant to the 12444  
self-employed provider or not to revoke or terminate the 12445  
self-employed provider's certificate or contract or grant if the 12446  
self-employed provider is found by a criminal records check 12447  
required by this section to have been convicted of, pleaded guilty 12448  
to, or been found eligible for intervention in lieu of conviction 12449  
for a disqualifying offense. 12450

**Sec. 173.42.** (A) As used in sections 173.42 to 173.434 of the 12451  
Revised Code: 12452

(1) "Area agency on aging" means a public or private 12453  
nonprofit entity designated under section 173.011 of the Revised 12454  
Code to administer programs on behalf of the department of aging. 12455

(2) "Department of aging-administered medicaid waiver 12456  
component" means each of the following: 12457

(a) The medicaid-funded component of the PASSPORT program 12458  
created under section 173.52 of the Revised Code; 12459

~~(b) The choices program created under section 173.53 of the 12460  
Revised Code;~~ 12461

~~(e)~~ The medicaid-funded component of the assisted living 12462  
program created under section 173.54 of the Revised Code; 12463

~~(d)~~(c) Any other medicaid waiver component, as defined in 12464  
section 5166.01 of the Revised Code, that the department of aging 12465  
administers pursuant to an interagency agreement with the 12466  
department of medicaid under section 5162.35 of the Revised Code. 12467

(3) "Home and community-based services covered by medicaid 12468  
components the department of aging administers" means all of the 12469  
following: 12470

(a) Medicaid waiver services available to a participant in a 12471  
department of aging-administered medicaid waiver component; 12472

(b) The following medicaid state plan services available to a participant in a department of aging-administered medicaid waiver component as specified in rules adopted under section 5164.02 of the Revised Code:	12473 12474 12475 12476
(i) Home health services;	12477
(ii) Private duty nursing services;	12478
(iii) Durable medical equipment;	12479
(iv) Services of a clinical nurse specialist;	12480
(v) Services of a certified nurse practitioner.	12481
(c) Services available to a participant of the PACE program.	12482
(4) "Long-term care consultation" or "consultation" means the consultation service made available by the department of aging or a program administrator through the long-term care consultation program established pursuant to this section.	12483 12484 12485 12486
(5) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.	12487 12488
(6) "PACE program" means the component of the medicaid program the department of aging administers pursuant to section 173.50 of the Revised Code.	12489 12490 12491
(7) "PASSPORT administrative agency" means an entity under contract with the department of aging to provide administrative services regarding the PASSPORT program.	12492 12493 12494
(8) "Program administrator" means an area agency on aging or other entity under contract with the department of aging to administer the long-term care consultation program in a geographic region specified in the contract.	12495 12496 12497 12498
(9) "Representative" means a person acting on behalf of an individual <del>specified in division (G) of this section</del> <u>who is the subject of a long-term care consultation</u> . A representative may be	12499 12500 12501

a family member, attorney, hospital social worker, or any other person chosen to act on behalf of the individual. 12502  
12503

(B) The department of aging shall develop a long-term care consultation program whereby individuals or their representatives are provided with long-term care consultations and receive through these professional consultations information about options available to meet long-term care needs and information about factors to consider in making long-term care decisions. The long-term care consultations ~~provided under the program~~ may be provided at any appropriate time, ~~as permitted or required under this section and the rules adopted under it,~~ including either prior to or after the individual who is the subject of a consultation has been admitted to a nursing facility or granted assistance in receiving home and community-based services covered by medicaid components the department of aging administers. 12504  
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(C) The long-term care consultation program shall be administered by the department of aging, except that the department may have the program administered on a regional basis by one or more program administrators. The department and each program administrator shall administer the program in such a manner that all of the following are included: 12517  
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(1) Coordination and collaboration with respect to all available funding sources for long-term care services; 12523  
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(2) Assessments of individuals regarding their long-term care service needs; 12525  
12526

(3) Assessments of individuals regarding their on-going eligibility for long-term care services; 12527  
12528

(4) Procedures for assisting individuals in obtaining access to, and coordination of, health and supportive services, including department of aging-administered medicaid waiver components; 12529  
12530  
12531

(5) Priorities for using available resources efficiently and 12532

effectively. 12533

(D) The program's long-term care consultations shall be 12534  
provided by individuals certified by the department under section 12535  
173.422 of the Revised Code. 12536

(E) The information provided through a long-term care 12537  
consultation shall be appropriate to the individual's needs and 12538  
situation and shall address all of the following: 12539

(1) The availability of any long-term care options open to 12540  
the individual; 12541

(2) Sources and methods of both public and private payment 12542  
for long-term care services; 12543

(3) Factors to consider when choosing among the available 12544  
programs, services, and benefits; 12545

(4) Opportunities and methods for maximizing independence and 12546  
self-reliance, including support services provided by the 12547  
individual's family, friends, and community. 12548

(F) An individual's long-term care consultation may include 12549  
an assessment of the individual's functional capabilities. The 12550  
consultation may incorporate portions of the determinations 12551  
required under sections 5119.40, 5123.021, and 5165.03 of the 12552  
Revised Code and may be provided concurrently with the assessment 12553  
required under section 173.546 or 5165.04 of the Revised Code. 12554

~~(G)(1) Unless an exemption specified~~ Except as provided in 12555  
division (I) of this section ~~is applicable, each of the following~~ 12556  
~~shall be provided with a long term care consultation:~~ 12557

~~(a) An individual who applies or indicates an intention to~~ 12558  
~~apply for admission to a nursing facility, regardless of the~~ 12559  
~~source of payment to be used for the individual's care in a~~ 12560  
~~nursing facility;~~ 12561

~~(b) An individual who requests a long term care consultation;~~ 12562

~~(c) An individual identified by the department or a program administrator as being likely to benefit from a long term care consultation.~~ 12563  
12564  
12565

~~(2) In addition to the individuals specified in division (G)(1) of this section, a long term care consultation may be provided to a nursing facility resident regardless of the source of payment being used for the resident's care in the nursing facility a long-term care consultation shall be provided to each individual for whom the department or a program administrator determines such a consultation is appropriate.~~ 12566  
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~~(H)(1) Except as provided in division (H)(2) or (3) of this section, a A long-term care consultation provided pursuant to division (G) of this section shall be provided as follows:~~ 12573  
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~~(a) If the individual for whom the consultation is being provided has applied for medicaid and the consultation is being provided concurrently with the assessment required under section 5165.04 of the Revised Code, the consultation shall be completed in accordance with within the applicable time frames specified in that section for providing a level of care determination based on the assessment.~~ 12576  
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~~(b) In all other cases, the consultation shall be provided not later than five calendar days after the department or program administrator receives notice of the reason for which the consultation is to be provided pursuant to division (G) of this section.~~ 12583  
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12586  
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~~(2) An individual or the individual's representative may request that a long term care consultation be provided on a date that is later than the date required under division (H)(1)(a) or (b) of this section.~~ 12588  
12589  
12590  
12591

~~(3) If a long term care consultation cannot be completed within the number of days required by division (H)(1) or (2) of~~ 12592  
12593

~~this section, the department or program administrator may do any~~ 12594  
~~of the following:~~ 12595

~~(a) In the case of an individual specified in division (C)(1)~~ 12596  
~~of this section, exempt the individual from the consultation~~ 12597  
~~pursuant to rules that may be adopted under division (L) of this~~ 12598  
~~section;~~ 12599

~~(b) In the case of an applicant for admission to a nursing~~ 12600  
~~facility, provide the consultation after the individual is~~ 12601  
~~admitted to the nursing facility;~~ 12602

~~(c) In the case of a resident of a nursing facility, provide~~ 12603  
~~the consultation as soon as practicable rules adopted under this~~ 12604  
~~section.~~ 12605

(I) An individual is not required to be provided a long-term 12606  
care consultation ~~under division (C)(1) of this section~~ if any of 12607  
the following ~~apply~~ is the case: 12608

(1) The department or a program administrator has attempted 12609  
to provide the consultation, but the individual or the 12610  
individual's representative refuses to cooperate; 12611

(2) The individual is to receive care in a nursing facility 12612  
under a contract for continuing care, as defined in section 173.13 12613  
of the Revised Code; 12614

(3) The individual has a contractual right to admission to a 12615  
nursing facility operated as part of a system of continuing care 12616  
in conjunction with one or more facilities that provide a less 12617  
intensive level of services, including a residential care facility 12618  
licensed under Chapter 3721. of the Revised Code, a residential 12619  
facility licensed under section 5119.34 of the Revised Code that 12620  
provides accommodations, supervision, and personal care services 12621  
for three to sixteen unrelated adults, or an independent living 12622  
arrangement; 12623

(4) The individual is to receive continual care in a home for 12624  
the aged exempt from taxation under section 5701.13 of the Revised 12625  
Code; 12626

(5) The individual is seeking admission to a facility that is 12627  
not a nursing facility with a provider agreement under section 12628  
5165.07, 5165.511, or 5165.512 of the Revised Code; 12629

(6) ~~The individual is~~ Pursuant to rules that may be adopted 12630  
under this section, the department or a program administrator has 12631  
exempted the individual from receiving the long-term care 12632  
consultation ~~requirement by the department or the program~~ 12633  
~~administrator pursuant to rules that may be adopted under division~~ 12634  
~~(L) of this section.~~ 12635

(J) As part of the long-term care consultation program, the 12636  
department or a program administrator ~~shall~~ may assist an 12637  
individual or individual's representative in accessing all sources 12638  
of care and services that are appropriate for the individual and 12639  
for which the individual is eligible, including all available home 12640  
and community-based services covered by medicaid components the 12641  
department of aging administers. The assistance ~~shall~~ may include 12642  
providing for the conduct of assessments or other evaluations and 12643  
the development of individualized plans of care or services under 12644  
section 173.424 of the Revised Code. 12645

(K) No nursing facility for which an operator has a provider 12646  
agreement under section 5165.07, 5165.511, or 5165.512 of the 12647  
Revised Code shall admit ~~any individual~~ as a resident any 12648  
individual described in division (G) of this section, unless the 12649  
nursing facility has received evidence that a long-term care 12650  
consultation has been completed for the individual or division (I) 12651  
of this section is applicable to the individual. 12652

(L) The director of aging ~~may~~ shall adopt ~~any~~ rules ~~the~~ 12653  
~~director considers necessary~~ for the implementation and 12654

administration of this section. The rules shall be adopted in 12655  
accordance with Chapter 119. of the Revised Code ~~and. The rules~~ 12656  
may specify any or all of the following: 12657

(1) Procedures for providing long-term care consultations 12658  
~~pursuant to this section;~~ 12659

(2) Information to be provided through long-term care 12660  
consultations regarding long-term care services that are 12661  
available; 12662

(3) Criteria and procedures to be used to identify and 12663  
recommend appropriate service options for an individual receiving 12664  
a long-term care consultation; 12665

(4) Criteria for exempting individuals from ~~the receiving a~~ 12666  
long-term care consultation ~~requirement;~~ 12667

(5) Circumstances under which it may be appropriate to 12668  
provide an individual's long-term care consultation after the 12669  
individual's admission to a nursing facility rather than before 12670  
admission; 12671

(6) Criteria for identifying ~~nursing facility residents who~~ 12672  
~~would benefit from the provision of~~ individuals for whom a 12673  
long-term care consultation is appropriate, including nursing 12674  
facility residents who would benefit from the consultation; 12675

(7) A description of the types of information from a nursing 12676  
facility that is needed under the long-term care consultation 12677  
program to assist a resident with relocation from the facility; 12678

(8) Standards to prevent conflicts of interest relative to 12679  
the referrals made by a person who performs a long-term care 12680  
consultation, including standards that prohibit the person from 12681  
being employed by a provider of long-term care services; 12682

(9) Procedures for providing notice and an opportunity for a 12683  
hearing under division (N) of this section; 12684



(10) Time frames for providing or completing a long-term care 12685  
consultation; 12686

(11) Any other standards or procedures the director considers 12687  
necessary for the program. 12688

(M) To assist the department and each program administrator 12689  
with identifying individuals ~~who are likely to benefit from~~ for 12690  
whom a long-term care consultation is appropriate, the department 12691  
and program administrator may ask to be given access to nursing 12692  
facility resident assessment data collected through the use of the 12693  
resident assessment instrument specified in rules authorized by 12694  
section 5165.191 of the Revised Code for purposes of the medicaid 12695  
program. Except when prohibited by state or federal law, the 12696  
department of health, department of medicaid, or nursing facility 12697  
holding the data shall grant access to the data on receipt of the 12698  
request from the department of aging or program administrator. 12699

(N)(1) The director of aging, after providing notice and an 12700  
opportunity for a hearing, may fine a nursing facility an amount 12701  
determined by rules the director shall adopt in accordance with 12702  
Chapter 119. of the Revised Code for any of the following reasons: 12703

(a) The nursing facility ~~admits an individual, without~~ 12704  
~~evidence that a long term care consultation has been provided, as~~ 12705  
~~required by this section~~ violates division (K) of this section; 12706

(b) The nursing facility denies a person attempting to 12707  
provide a long-term care consultation access to the facility or a 12708  
resident of the facility; 12709

(c) The nursing facility denies the department of aging or a 12710  
program administrator access to the facility or a resident of the 12711  
facility, as the department or administrator considers necessary 12712  
to administer the program. 12713

(2) In accordance with section 5162.66 of the Revised Code, 12714  
all fines collected under division (N)(1) of this section shall be 12715

deposited into the state treasury to the credit of the residents 12716  
protection fund. 12717

**Sec. 173.424.** If, under federal law, an individual's 12718  
eligibility for the home and community-based services covered by 12719  
medicaid components the department of aging administers is 12720  
dependent on the conduct of an assessment or other evaluation of 12721  
the individual's needs and capabilities and the development of an 12722  
individualized plan of care or services, the department shall 12723  
develop and implement all procedures necessary to comply with the 12724  
federal law. The procedures ~~shall~~ may include the use of long-term 12725  
care consultations. 12726

**Sec. 173.48.** (A)(1) The department of aging may charge annual 12727  
fees to long-term care facilities for the publication of the Ohio 12728  
long-term care consumer guide, as well as late penalties if 12729  
applicable. The department may contract with any person or 12730  
government entity to collect the fees on its behalf. All fees 12731  
collected under this section shall be deposited in accordance with 12732  
division (B) of this section. 12733

(2) ~~The~~ Except as provided in division (A)(3) of this 12734  
section, the annual fees charged under this section shall not 12735  
exceed the following amounts: 12736

(a) For each long-term care facility that is a nursing home, 12737  
six hundred fifty dollars; 12738

(b) For each long-term care facility that is a residential 12739  
care facility: 12740

(i) Until June 30, 2016, three hundred dollars; 12741

(ii) Beginning July 1, 2016, three hundred fifty dollars. 12742

(3) ~~Fees~~ The department, by rule adopted in accordance with 12743  
Chapter 119. of the Revised Code, may establish deadlines for the 12744

payment of the annual fees charged under this section. If the 12745  
annual fee is not received by the department within ninety days of 12746  
any deadline established by the department, the rules may require 12747  
a long-term care facility to pay a late penalty equal to and in 12748  
addition to the amount of the annual fee charged under this 12749  
section. 12750

(4) Unless prohibited by federal law, fees paid by a 12751  
long-term care facility that is a nursing facility, including late 12752  
penalties, shall be reimbursed through the medicaid program. 12753

(B) There is hereby created in the state treasury the 12754  
long-term care consumer guide fund. Money collected from the fees 12755  
charged for the publication of the Ohio long-term care consumer 12756  
guide under division (A) of this section and any late penalties 12757  
shall be credited to the fund. The department shall use money in 12758  
the fund for costs associated with publishing the Ohio long-term 12759  
care consumer guide, including, but not limited to, costs incurred 12760  
in conducting or providing for the conduct of customer 12761  
satisfaction surveys. 12762

**Sec. 173.51.** As used in sections 173.51 to 173.56 of the 12763  
Revised Code: 12764

"Area agency on aging" has the same meaning as in section 12765  
173.14 of the Revised Code. 12766

"Assisted living program" means the program that consists of 12767  
a medicaid-funded component created under section 173.54 of the 12768  
Revised Code and a state-funded component created under section 12769  
173.543 of the Revised Code and provides assisted living services 12770  
to individuals who meet the program's applicable eligibility 12771  
requirements. 12772

"Assisted living services" means the following home and 12773  
community-based services: personal care, homemaker, chore, 12774

attendant care, companion, medication oversight, and therapeutic social and recreational programming.	12775 12776
"Assisted living waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid-funded component of the assisted living program.	12777 12778 12779 12780
<del>"Choices program" means the program created under section 173.53 of the Revised Code.</del>	12781 12782
"County or district home" means a county or district home operated under Chapter 5155. of the Revised Code.	12783 12784
"Long-term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code.	12785 12786 12787
"Long-term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long-term care consultation program for a particular area, that agency or entity.	12788 12789 12790 12791 12792
"Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.	12793 12794
"Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.	12795 12796
"PASSPORT program" means the preadmission screening system providing options and resources today program (PASSPORT) that consists of a medicaid-funded component created under section 173.52 of the Revised Code and a state-funded component created under section 173.522 of the Revised Code and provides home and community-based services as an alternative to nursing facility placement for individuals who are aged and disabled and meet the program's applicable eligibility requirements.	12797 12798 12799 12800 12801 12802 12803 12804

"PASSPORT waiver" means the federal medicaid waiver granted 12805  
by the United States secretary of health and human services that 12806  
authorizes the medicaid-funded component of the PASSPORT program. 12807

"Representative" means a person acting on behalf of an 12808  
applicant for the medicaid-funded component or state-funded 12809  
component of the assisted living program. A representative may be 12810  
a family member, attorney, hospital social worker, or any other 12811  
person chosen to act on behalf of an applicant. 12812

"Residential care facility" has the same meaning as in 12813  
section 3721.01 of the Revised Code. 12814

"Unified long-term services and support medicaid waiver 12815  
component" means the medicaid waiver component authorized by 12816  
section 5166.14 of the Revised Code. 12817

**Sec. 173.55.** (A) As used in this section: 12818

(1) "Department of aging-administered medicaid waiver 12819  
component" means ~~each~~ both of the following: 12820

(a) The medicaid-funded component of the PASSPORT program; 12821

(b) ~~The choices program;~~ 12822

~~(c)~~ The medicaid-funded component of the assisted living 12823  
program. 12824

(2) "PACE program" means the component of the medicaid 12825  
program the department of aging administers pursuant to section 12826  
173.50 of the Revised Code. 12827

(B) If the department of aging determines that there are 12828  
insufficient funds to enroll all individuals who have applied and 12829  
been determined eligible for department of aging-administered 12830  
medicaid waiver components and the PACE program, the department 12831  
shall establish a unified waiting list for the components and 12832  
program. Only individuals eligible for a department of 12833

aging-administered medicaid waiver component or the PACE program 12834  
may be placed on the unified waiting list. An individual who may 12835  
be enrolled in a department of aging-administered medicaid waiver 12836  
component or the PACE program through a home first component 12837  
established under section 173.501, 173.521, or 173.542 of the 12838  
Revised Code may be so enrolled without being placed on the 12839  
unified waiting list. 12840

**Sec. 173.99.** (A) ~~A long term care provider, person employed~~ 12841  
~~by a long term care provider, other entity, or employee of such~~ 12842  
~~other entity that~~ Whoever violates division (C) of section 173.24 12843  
of the Revised Code is subject to a fine not to exceed one 12844  
thousand dollars for each violation. 12845

(B) Whoever violates division (C) of section 173.23 of the 12846  
Revised Code is guilty of registering a false complaint, a 12847  
misdemeanor of the first degree. 12848

(C) ~~A long term care provider, other entity, or person~~ 12849  
~~employed by a long term care provider or other entity that~~ Whoever 12850  
violates division ~~(E)~~ (G)(1) or (2) of section 173.19 of the 12851  
Revised Code ~~by denying a representative of the office of the~~ 12852  
~~state long term care ombudsman program the access required by that~~ 12853  
~~division~~ is subject to a fine not to exceed five hundred dollars 12854  
for each violation. 12855

(D) Whoever violates division (C) of section 173.44 of the 12856  
Revised Code is subject to a fine of one hundred dollars. 12857

**Sec. 183.51.** (A) As used in this section and in the 12858  
applicable bond proceedings unless otherwise provided: 12859

(1) "Bond proceedings" means the resolutions, orders, 12860  
indentures, purchase and sale and trust and other agreements 12861  
including any amendments or supplements to them, and credit 12862  
enhancement facilities, and amendments and supplements to them, or 12863

any one or more or combination of them, authorizing, awarding, or 12864  
providing for the terms and conditions applicable to or providing 12865  
for the security or liquidity of, the particular obligations, and 12866  
the provisions contained in those obligations. 12867

(2) "Bond service fund" means the bond service fund created 12868  
in the bond proceedings for the obligations. 12869

(3) "Capital facilities" means, as applicable, capital 12870  
facilities or projects as referred to in section 151.03 or 151.04 12871  
of the Revised Code. 12872

(4) "Consent decree" means the consent decree and final 12873  
judgment entered November 25, 1998, in the court of common pleas 12874  
of Franklin county, Ohio, as the same may be amended or 12875  
supplemented from time to time. 12876

(5) "Cost of capital facilities" has the same meaning as in 12877  
section 151.01 of the Revised Code, as applicable. 12878

(6) "Credit enhancement facilities," "financing costs," and 12879  
"interest" or "interest equivalent" have the same meanings as in 12880  
section 133.01 of the Revised Code. 12881

(7) "Debt service" means principal, including any mandatory 12882  
sinking fund or redemption requirements for retirement of 12883  
obligations, interest and other accreted amounts, interest 12884  
equivalent, and any redemption premium, payable on obligations. If 12885  
not prohibited by the applicable bond proceedings, "debt service" 12886  
may include costs relating to credit enhancement facilities that 12887  
are related to and represent, or are intended to provide a source 12888  
of payment of or limitation on, other debt service. 12889

(8) "Improvement fund" means, as applicable, the school 12890  
building program assistance fund created in section 3318.25 of the 12891  
Revised Code and the higher education improvement fund created in 12892  
section 154.21 of the Revised Code. 12893

(9) "Issuing authority" means the buckeye tobacco settlement	12894
financing authority created in section 183.52 of the Revised Code.	12895
(10) "Net proceeds" means amounts received from the sale of	12896
obligations, excluding amounts used to refund or retire	12897
outstanding obligations, amounts required to be deposited into	12898
special funds pursuant to the applicable bond proceedings, and	12899
amounts to be used to pay financing costs.	12900
(11) "Obligations" means bonds, notes, or other evidences of	12901
obligation of the issuing authority, including any appertaining	12902
interest coupons, issued by the issuing authority under this	12903
section and Section 2i of Article VIII, Ohio Constitution, for the	12904
purpose of providing funds to the state, in exchange for the	12905
assignment and sale described in division (B) of this section, for	12906
the purpose of paying costs of capital facilities for: (a) housing	12907
branches and agencies of state government limited to facilities	12908
for a system of common schools throughout the state and (b)	12909
state-supported or state-assisted institutions of higher	12910
education.	12911
(12) "Pledged receipts" means, as and to the extent provided	12912
for in the applicable bond proceedings:	12913
(a) Pledged tobacco settlement receipts;	12914
(b) Accrued interest received from the sale of obligations;	12915
(c) Income from the investment of the special funds;	12916
(d) Additional or any other specific revenues or receipts	12917
lawfully available to be pledged, and pledged, pursuant to the	12918
bond proceedings, including but not limited to amounts received	12919
under credit enhancement facilities, to the payment of debt	12920
service.	12921
(13) "Pledged tobacco settlement receipts" means all amounts	12922
received by the issuing authority pursuant to division (B) of this	12923



section. 12924

(14) "Principal amount" means the aggregate of the amount as 12925  
stated or provided for in the applicable bond proceedings as the 12926  
amount on which interest or interest equivalent on particular 12927  
obligations is initially calculated. "Principal amount" does not 12928  
include any premium paid to the issuing authority by the initial 12929  
purchaser of the obligations. "Principal amount" of a capital 12930  
appreciation bond, as defined in division (C) of section 3334.01 12931  
of the Revised Code, means its original face amount and not its 12932  
accrued value, and "principal amount" of a zero coupon bond, as 12933  
defined in division (J) of section 3334.01 of the Revised Code, 12934  
means the discounted offering price at which the bond is initially 12935  
sold to the public, disregarding any purchase price discount to 12936  
the original purchaser, if provided in or for pursuant to the bond 12937  
proceedings. 12938

(15) "Special funds" or "funds," unless the context indicates 12939  
otherwise, means the bond service fund, and any other funds, 12940  
including any reserve funds, created under the bond proceedings 12941  
and stated to be special funds in those proceedings, including 12942  
moneys and investments, and earnings from investments, credited 12943  
and to be credited to the particular fund. "Special funds" does 12944  
not include any improvement fund or investment earnings on amounts 12945  
in any improvement fund, or other funds created by the bond 12946  
proceedings that are not stated by those proceedings to be special 12947  
funds. 12948

(B) The state may assign and sell to the issuing authority, 12949  
and the issuing authority may accept and purchase, all or a 12950  
portion of the amounts to be received by the state under the 12951  
tobacco master settlement agreement for a purchase price payable 12952  
by the issuing authority to the state consisting of the net 12953  
proceeds of obligations and any residual interest, if any. Any 12954  
such assignment and sale shall be irrevocable in accordance with 12955

its terms during the period any obligations secured by amounts so 12956  
assigned and sold are outstanding under the applicable bond 12957  
proceedings, and shall constitute a contractual obligation to the 12958  
holders or owners of those obligations. Any such assignment and 12959  
sale shall also be treated as an absolute transfer and true sale 12960  
for all purposes, and not as a pledge or other security interest. 12961  
The characterization of any such assignment and sale as a true 12962  
sale and absolute transfer shall not be negated or adversely 12963  
affected by only a portion of the amounts to be received under the 12964  
tobacco master settlement agreement being transferred, the 12965  
acquisition or retention by the state of a residual interest, the 12966  
participation of any state officer or employee as a member or 12967  
officer of, or providing staff support to, the issuing authority, 12968  
any responsibility of an officer or employee of the state for 12969  
collecting the amounts to be received under the tobacco master 12970  
settlement agreement or otherwise enforcing that agreement or 12971  
retaining any legal title to or interest in any portion of the 12972  
amounts to be received under that agreement for the purpose of 12973  
these collection activities, any characterization of the issuing 12974  
authority or its obligations for purposes of accounting, taxation, 12975  
or securities regulation, or by any other factors whatsoever. A 12976  
true sale shall exist under this section regardless of whether the 12977  
issuing authority has any recourse against the state or any other 12978  
term of the bond proceedings or the treatment or characterization 12979  
of the transfer as a financing for any purpose. Upon and following 12980  
the assignment and sale, the state shall not have any right, 12981  
title, or interest in the portion of the receipts under the 12982  
tobacco master settlement agreement so assigned and sold, other 12983  
than any residual interest that may be described in the applicable 12984  
bond proceedings for those obligations, and that portion, if any, 12985  
shall be the property of the issuing authority and not of the 12986  
state, and shall be paid directly to the issuing authority, and 12987  
shall be owned, received, held, and disbursed by the issuing 12988

authority and not by the state. 12989

The state may covenant, pledge, and agree in the bond 12990  
proceedings, with and for the benefit of the issuing authority, 12991  
the holders and owners of obligations, and providers of any credit 12992  
enhancement facilities, that it shall: (1) maintain statutory 12993  
authority for, and cause to be collected and paid directly to the 12994  
issuing authority or its assignee, the pledged receipts, (2) 12995  
enforce the rights of the issuing authority to receive the 12996  
receipts under the tobacco master settlement agreement assigned 12997  
and sold to the issuing authority, (3) not materially impair the 12998  
rights of the issuing authority to fulfill the terms of its 12999  
agreements with the holders or owners of outstanding obligations 13000  
under the bond proceedings, (4) not materially impair the rights 13001  
and remedies of the holders or owners of outstanding obligations 13002  
or materially impair the security for those outstanding 13003  
obligations, and (5) enforce Chapter 1346. of the Revised Code, 13004  
the tobacco master settlement agreement, and the consent decree to 13005  
effectuate the collection of the pledged tobacco settlement 13006  
receipts. The bond proceedings may provide or authorize the manner 13007  
for determining material impairment of the security for any 13008  
outstanding obligations, including by assessing and evaluating the 13009  
pledged receipts in the aggregate. 13010

As further provided for in division (H) of this section, the 13011  
bond proceedings may also include such other covenants, pledges, 13012  
and agreements by the state to protect and safeguard the security 13013  
and rights of the holders and owners of the obligations, and of 13014  
the providers of any credit enhancement facilities, including, 13015  
without limiting the generality of the foregoing, any covenant, 13016  
pledge, or agreement customary in transactions involving the 13017  
issuance of securities the debt service on which is payable from 13018  
or secured by amounts received under the tobacco master settlement 13019  
agreement. Notwithstanding any other provision of law, any 13020

covenant, pledge, and agreement of the state, if and when made in 13021  
the bond proceedings, shall be controlling and binding upon, and 13022  
enforceable against the state in accordance with its terms for so 13023  
long as any obligations are outstanding under the applicable bond 13024  
proceedings. The bond proceedings may also include limitations on 13025  
the remedies available to the issuing authority, the holders and 13026  
owners of the obligations, and the providers of any credit 13027  
enhancement facilities, including, without limiting the generality 13028  
of the foregoing, a provision that those remedies may be limited 13029  
to injunctive relief in circumstances where there has been no 13030  
prior determination by a court of competent jurisdiction that the 13031  
state has not enforced Chapter 1346. of the Revised Code, the 13032  
tobacco master settlement agreement, or the consent decree as may 13033  
have been covenanted or agreed in the bond proceedings under 13034  
division (B)(5) of this section. 13035

Nothing in this section or the bond proceedings shall 13036  
preclude or limit, or be construed to preclude or limit, the state 13037  
from regulating or authorizing or permitting the regulation of 13038  
smoking or from taxing and regulating the sale of cigarettes or 13039  
other tobacco products, or from defending or prosecuting cases or 13040  
other actions relating to the sale or use of cigarettes or other 13041  
tobacco products. Except as otherwise may be agreed in writing by 13042  
the attorney general, nothing in this section or the bond 13043  
proceedings shall modify or limit, or be construed to modify or 13044  
limit, the responsibility, power, judgment, and discretion of the 13045  
attorney general to protect and discharge the duties, rights, and 13046  
obligations of the state under the tobacco master settlement 13047  
agreement, the consent decree, or Chapter 1346. of the Revised 13048  
Code. 13049

The governor and the director of budget and management, in 13050  
consultation with the attorney general, on behalf of the state, 13051  
and any member or officer of the issuing authority as authorized 13052

by that issuing authority, on behalf of the issuing authority, may 13053  
take any action and execute any documents, including any purchase 13054  
and sale agreements, necessary to effect the assignment and sale 13055  
and the acceptance of the assignment and title to the receipts 13056  
including, providing irrevocable direction to the escrow agent 13057  
acting under the tobacco master settlement agreement to transfer 13058  
directly to the issuing authority the amounts to be received under 13059  
that agreement that are subject to such assignment and sale. Any 13060  
purchase and sale agreement or other bond proceedings may contain 13061  
the terms and conditions established by the state and the issuing 13062  
authority to carry out and effectuate the purposes of this 13063  
section, including, without limitation, covenants binding the 13064  
state in favor of the issuing authority and its assignees and the 13065  
owners of the obligations. Any such purchase and sale agreement 13066  
shall be sufficient to effectuate such purchase and sale without 13067  
regard to any other laws governing other property sales or 13068  
financial transactions by the state. 13069

Not later than two years following the date on which there 13070  
are no longer any obligations outstanding under the bond 13071  
proceedings, all assets of the issuing authority shall vest in the 13072  
state, the issuing authority shall execute any necessary 13073  
assignments or instruments, including any assignment of any right, 13074  
title, or ownership to the state for receipt of amounts under the 13075  
tobacco master settlement agreement, and the issuing authority 13076  
shall be dissolved. 13077

(C) The issuing authority is authorized to issue and to sell 13078  
obligations as provided in this section. The aggregate principal 13079  
amount of obligations issued under this section shall not exceed 13080  
six billion dollars, exclusive of obligations issued under 13081  
division (M)(1) of this section to refund, renew, or advance 13082  
refund other obligations issued or incurred. At least seventy-five 13083  
per cent of the aggregate net proceeds of the obligations issued 13084

under the authority of this section, exclusive of obligations 13085  
issued to refund, renew, or advance refund other obligations, 13086  
shall be paid to the state for deposit into the school building 13087  
program assistance fund created in section 3318.25 of the Revised 13088  
Code. 13089

(D) Each issue of obligations shall be authorized by 13090  
resolution or order of the issuing authority. The bond proceedings 13091  
shall provide for or authorize the manner for determining the 13092  
principal amount or maximum principal amount of obligations of an 13093  
issue, the principal maturity or maturities, the interest rate or 13094  
rates, the date of and the dates of payment of interest on the 13095  
obligations, their denominations, and the place or places of 13096  
payment of debt service which may be within or outside the state. 13097  
Unless otherwise provided by law, the latest principal maturity 13098  
may not be later than the earlier of the thirty-first day of 13099  
December of the fiftieth calendar year after the year of issuance 13100  
of the particular obligations or of the fiftieth calendar year 13101  
after the year in which the original obligation to pay was issued 13102  
or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of 13103  
the Revised Code apply to the obligations. 13104

The purpose of the obligations may be stated in the bond 13105  
proceedings in general terms, such as, as applicable, "paying 13106  
costs of capital facilities for a system of common schools" and 13107  
"paying costs of facilities for state-supported and state-assisted 13108  
institutions of higher education." Unless otherwise provided in 13109  
the bond proceedings or in division (C) of this section, the net 13110  
proceeds from the issuance of the obligations shall be paid to the 13111  
state for deposit into the applicable improvement fund. In 13112  
addition to the investments authorized in Chapter 135. of the 13113  
Revised Code, the net proceeds held in an improvement fund may be 13114  
invested by the treasurer of state in guaranteed investment 13115  
contracts with providers rated at the time of any investment in 13116

the three highest rating categories by two nationally recognized 13117  
rating agencies, all subject to the terms and conditions set forth 13118  
in those agreements or the bond proceedings. Notwithstanding 13119  
anything to the contrary in Chapter 3318. of the Revised Code, net 13120  
proceeds of obligations deposited into the school building program 13121  
assistance fund created in section 3318.25 of the Revised Code may 13122  
be used to pay basic project costs under that chapter at the times 13123  
determined by the Ohio ~~school~~ facilities construction commission 13124  
without regard to whether those expenditures are in proportion to 13125  
the state's and the school district's respective shares of that 13126  
basic project cost; provided that this shall not result in any 13127  
change in the state or school district shares of the basic project 13128  
costs as determined under that chapter. As used in the preceding 13129  
sentence, "Ohio ~~school~~ facilities construction commission" and 13130  
"basic project costs" have the same meanings as in section 3318.01 13131  
of the Revised Code. 13132

(E) The issuing authority may, without need for any other 13133  
approval, appoint or provide for the appointment of paying agents, 13134  
bond registrars, securities depositories, credit enhancement 13135  
providers or counterparties, clearing corporations, and transfer 13136  
agents, and retain or contract for the services of underwriters, 13137  
investment bankers, financial advisers, accounting experts, 13138  
marketing, remarketing, indexing, and administrative agents, other 13139  
consultants, and independent contractors, including printing 13140  
services, as are necessary in the judgment of the issuing 13141  
authority to carry out the issuing authority's functions under 13142  
this section and section 183.52 of the Revised Code. The attorney 13143  
general as counsel to the issuing authority shall represent the 13144  
authority in the execution of its powers and duties, and shall 13145  
institute and prosecute all actions on its behalf. The issuing 13146  
authority, in consultation with the attorney general, shall select 13147  
counsel, and the attorney general shall appoint the counsel 13148  
selected, for the purposes of carrying out the functions under 13149

this section and related sections of the Revised Code. Financing 13150  
costs are payable, as may be provided in the bond proceedings, 13151  
from the proceeds of the obligations, from special funds, or from 13152  
other moneys available for the purpose, including as to future 13153  
financing costs, from the pledged receipts. 13154

(F) The issuing authority may irrevocably pledge and assign 13155  
all, or such portion as the issuing authority determines, of the 13156  
pledged receipts to the payment of the debt service charges on 13157  
obligations issued under this section, and for the establishment 13158  
and maintenance of any reserves, as provided in the bond 13159  
proceedings, and make other provisions in the bond proceedings 13160  
with respect to pledged receipts as authorized by this section, 13161  
which provisions are controlling notwithstanding any other 13162  
provisions of law pertaining to them. Any and all pledged receipts 13163  
received by the issuing authority and required by the bond 13164  
proceedings, consistent with this section, to be deposited, 13165  
transferred, or credited to the bond service fund, and all other 13166  
money transferred or allocated to or received for the purposes of 13167  
that fund, shall be deposited and credited to the bond service 13168  
fund created in the bond proceedings for the obligations, subject 13169  
to any applicable provisions of those bond proceedings, but 13170  
without necessity for any act of appropriation. Those pledged 13171  
receipts shall immediately be subject to the lien of that pledge 13172  
without any physical delivery thereof or further act, and shall 13173  
not be subject to other court judgments. The lien of the pledge of 13174  
those pledged receipts shall be valid and binding against all 13175  
parties having claims of any kind against the issuing authority, 13176  
irrespective of whether those parties have notice thereof. The 13177  
pledge shall create a perfected security interest for all purposes 13178  
of Chapter 1309. of the Revised Code and a perfected lien for 13179  
purposes of any other interest, all without the necessity for 13180  
separation or delivery of funds or for the filing or recording of 13181  
the applicable bond proceedings by which that pledge is created or 13182



any certificate, statement, or other document with respect 13183  
thereto. The pledge of the pledged receipts shall be effective and 13184  
the money therefrom and thereof may be applied to the purposes for 13185  
which pledged. 13186

(G) Obligations may be further secured, as determined by the 13187  
issuing authority, by an indenture or a trust agreement between 13188  
the issuing authority and a corporate trustee, which may be any 13189  
trust company or bank having a place of business within the state. 13190  
Any indenture or trust agreement may contain the resolution or 13191  
order authorizing the issuance of the obligations, any provisions 13192  
that may be contained in any bond proceedings, and other 13193  
provisions that are customary or appropriate in an agreement of 13194  
that type, including, but not limited to: 13195

(1) Maintenance of each pledge, indenture, trust agreement, 13196  
or other instrument comprising part of the bond proceedings until 13197  
the issuing authority has fully paid or provided for the payment 13198  
of debt service on the obligations secured by it; 13199

(2) In the event of default in any payments required to be 13200  
made by the bond proceedings, enforcement of those payments or 13201  
agreements by mandamus, the appointment of a receiver, suit in 13202  
equity, action at law, or any combination of them; 13203

(3) The rights and remedies of the holders or owners of 13204  
obligations and of the trustee and provisions for protecting and 13205  
enforcing them, including limitations on rights of individual 13206  
holders and owners. 13207

(H) The bond proceedings may contain additional provisions 13208  
customary or appropriate to the financing or to the obligations or 13209  
to particular obligations including, but not limited to, 13210  
provisions for: 13211

(1) The redemption of obligations prior to maturity at the 13212  
option of the issuing authority or of the holder or upon the 13213

occurrence of certain conditions, and at a particular price or	13214
prices and under particular terms and conditions;	13215
(2) The form of and other terms of the obligations;	13216
(3) The establishment, deposit, investment, and application	13217
of special funds, and the safeguarding of moneys on hand or on	13218
deposit, in lieu of the applicability of provisions of Chapter	13219
131. or 135. of the Revised Code, but subject to any special	13220
provisions of this section with respect to the application of	13221
particular funds or moneys. Any financial institution that acts as	13222
a depository of any moneys in special funds or other funds under	13223
the bond proceedings may furnish indemnifying bonds or pledge	13224
securities as required by the issuing authority.	13225
(4) Any or every provision of the bond proceedings being	13226
binding upon the issuing authority and upon such governmental	13227
agency or entity, officer, board, authority, agency, department,	13228
institution, district, or other person or body as may from time to	13229
time be authorized to take actions as may be necessary to perform	13230
all or any part of the duty required by the provision;	13231
(5) The maintenance of each pledge or instrument comprising	13232
part of the bond proceedings until the issuing authority has fully	13233
paid or provided for the payment of the debt service on the	13234
obligations or met other stated conditions;	13235
(6) In the event of default in any payments required to be	13236
made by the bond proceedings, or by any other agreement of the	13237
issuing authority made as part of a contract under which the	13238
obligations were issued or secured, including a credit enhancement	13239
facility, the enforcement of those payments by mandamus, a suit in	13240
equity, an action at law, or any combination of those remedial	13241
actions;	13242
(7) The rights and remedies of the holders or owners of	13243
obligations or of book-entry interests in them, and of third	13244

parties under any credit enhancement facility, and provisions for 13245  
protecting and enforcing those rights and remedies, including 13246  
limitations on rights of individual holders or owners; 13247

(8) The replacement of mutilated, destroyed, lost, or stolen 13248  
obligations; 13249

(9) The funding, refunding, or advance refunding, or other 13250  
provision for payment, of obligations that will then no longer be 13251  
outstanding for purposes of this section or of the applicable bond 13252  
proceedings; 13253

(10) Amendment of the bond proceedings; 13254

(11) Any other or additional agreements with the owners of 13255  
obligations, and such other provisions as the issuing authority 13256  
determines, including limitations, conditions, or qualifications, 13257  
relating to any of the foregoing or the activities of the issuing 13258  
authority in connection therewith. 13259

The bond proceedings shall make provision for the payment of 13260  
the expenses of the enforcement activity of the attorney general 13261  
referred to in division (B) of this section from the amounts from 13262  
the tobacco master settlement agreement assigned and sold to the 13263  
issuing authority under that division or from the proceeds of 13264  
obligations, or a combination thereof, which may include provision 13265  
for both annual payments and a special fund providing reserve 13266  
amounts for the payment of those expenses. 13267

The issuing authority shall not, and shall covenant in the 13268  
bond proceedings that it shall not, be authorized to and shall not 13269  
file a voluntary petition under the United States Bankruptcy Code, 13270  
11 U.S.C. 101 et seq., as amended, or voluntarily commence any 13271  
similar bankruptcy proceeding under state law including, without 13272  
limitation, consenting to the appointment of a receiver or trustee 13273  
or making a general or specific assignment for the benefit of 13274  
creditors, and neither any public officer or any organization, 13275

entity, or other person shall authorize the issuing authority to 13276  
be or become a debtor under the United States Bankruptcy Code or 13277  
take any of those actions under the United States Bankruptcy Code 13278  
or state law. The state hereby covenants, and the issuing 13279  
authority shall covenant, with the holders or owners of the 13280  
obligations, that the state shall not permit the issuing authority 13281  
to file a voluntary petition under the United States Bankruptcy 13282  
Code or take any of those actions under the United States 13283  
Bankruptcy Code or state law during the period obligations are 13284  
outstanding and for any additional period for which the issuing 13285  
authority covenants in the bond proceedings, which additional 13286  
period may, but need not, be a period of three hundred sixty-seven 13287  
days or more. 13288

(I) The obligations requiring execution by or for the issuing 13289  
authority shall be signed as provided in the bond proceedings, and 13290  
may bear the official seal of the issuing authority or a facsimile 13291  
thereof. Any obligation may be signed by the individual who, on 13292  
the date of execution, is the authorized signer even though, on 13293  
the date of the obligations, that individual is not an authorized 13294  
signer. In case the individual whose signature or facsimile 13295  
signature appears on any obligation ceases to be an authorized 13296  
signer before delivery of the obligation, that signature or 13297  
facsimile is nevertheless valid and sufficient for all purposes as 13298  
if that individual had remained the authorized signer until 13299  
delivery. 13300

(J) Obligations are investment securities under Chapter 1308. 13301  
of the Revised Code. Obligations may be issued in bearer or in 13302  
registered form, registrable as to principal alone or as to both 13303  
principal and interest, or both, or in certificated or 13304  
uncertificated form, as the issuing authority determines. 13305  
Provision may be made for the exchange, conversion, or transfer of 13306  
obligations and for reasonable charges for registration, exchange, 13307

conversion, and transfer. Pending preparation of final 13308  
obligations, the issuing authority may provide for the issuance of 13309  
interim instruments to be exchanged for the final obligations. 13310

(K) Obligations may be sold at public sale or at private 13311  
sale, in such manner, and at such price at, above, or below par, 13312  
all as determined by and provided by the issuing authority in the 13313  
bond proceedings. 13314

(L) Except to the extent that rights are restricted by the 13315  
bond proceedings, any owner of obligations or provider of or 13316  
counterparty to a credit enhancement facility may by any suitable 13317  
form of legal proceedings protect and enforce any rights relating 13318  
to obligations or that facility under the laws of this state or 13319  
granted by the bond proceedings. Those rights include the right to 13320  
compel the performance of all applicable duties of the issuing 13321  
authority and the state. Each duty of the issuing authority and 13322  
that issuing authority's officers, staff, and employees, and of 13323  
each state entity or agency, or using district or using 13324  
institution, and its officers, members, staff, or employees, 13325  
undertaken pursuant to the bond proceedings, is hereby established 13326  
as a duty of the entity or individual having authority to perform 13327  
that duty, specifically enjoined by law and resulting from an 13328  
office, trust, or station within the meaning of section 2731.01 of 13329  
the Revised Code. The individuals who are from time to time 13330  
members of the issuing authority, or their designees acting 13331  
pursuant to section 183.52 of the Revised Code, or the issuing 13332  
authority's officers, staff, agents, or employees, when acting 13333  
within the scope of their employment or agency, shall not be 13334  
liable in their personal capacities on any obligations or 13335  
otherwise under the bond proceedings, or for otherwise exercising 13336  
or carrying out any purposes or powers of the issuing authority. 13337

(M)(1) Subject to any applicable limitations in division (C) 13338  
of this section, the issuing authority may also authorize and 13339

provide for the issuance of: 13340

(a) Obligations in the form of bond anticipation notes, and 13341  
may authorize and provide for the renewal of those notes from time 13342  
to time by the issuance of new notes. The holders of notes or 13343  
appertaining interest coupons have the right to have debt service 13344  
on those notes paid solely from the moneys and special funds, and 13345  
all or any portion of the pledged receipts, that are or may be 13346  
pledged to that payment, including the proceeds of bonds or 13347  
renewal notes or both, as the issuing authority provides in the 13348  
bond proceedings authorizing the notes. Notes may be additionally 13349  
secured by covenants of the issuing authority to the effect that 13350  
the issuing authority will do all things necessary for the 13351  
issuance of bonds or renewal notes in such principal amount and 13352  
upon such terms as may be necessary to provide moneys to pay when 13353  
due the debt service on the notes, and apply their proceeds to the 13354  
extent necessary, to make full and timely payment of debt service 13355  
on the notes as provided in the applicable bond proceedings. In 13356  
the bond proceedings authorizing the issuance of bond anticipation 13357  
notes the issuing authority shall set forth for the bonds 13358  
anticipated an estimated schedule of annual principal payments the 13359  
latest of which shall be no later than provided in division (D) of 13360  
this section. While the notes are outstanding there shall be 13361  
deposited, as shall be provided in the bond proceedings for those 13362  
notes, from the sources authorized for payment of debt service on 13363  
the bonds, amounts sufficient to pay the principal of the bonds 13364  
anticipated as set forth in that estimated schedule during the 13365  
time the notes are outstanding, which amounts shall be used solely 13366  
to pay the principal of those notes or of the bonds anticipated. 13367

(b) Obligations for the refunding, including funding and 13368  
retirement, and advance refunding, with or without payment or 13369  
redemption prior to maturity, of any obligations previously issued 13370  
under this section and any bonds or notes previously issued for 13371

the purpose of paying costs of capital facilities for: (i) 13372  
state-supported or state-assisted institutions of higher education 13373  
as authorized by sections 151.01 and 151.04 of the Revised Code, 13374  
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution, 13375  
and (ii) housing branches and agencies of state government limited 13376  
to facilities for a system of common schools throughout the state 13377  
as authorized by sections 151.01 and 151.03 of the Revised Code, 13378  
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution. 13379  
Refunding obligations may be issued in amounts sufficient to pay 13380  
or to provide for repayment of the principal amount, including 13381  
principal amounts maturing prior to the redemption of the 13382  
remaining prior obligations or bonds or notes, any redemption 13383  
premium, and interest accrued or to accrue to the maturity or 13384  
redemption date or dates, payable on the prior obligations or 13385  
bonds or notes, and related financing costs and any expenses 13386  
incurred or to be incurred in connection with that issuance and 13387  
refunding. Subject to the applicable bond proceedings, the portion 13388  
of the proceeds of the sale of refunding obligations issued under 13389  
division (M)(1)(b) of this section to be applied to debt service 13390  
on the prior obligations or bonds or notes shall be credited to an 13391  
appropriate separate account in the bond service fund and held in 13392  
trust for the purpose by the issuing authority or by a corporate 13393  
trustee, and may be invested as provided in the bond proceedings. 13394  
Obligations authorized under this division shall be considered to 13395  
be issued for those purposes for which the prior obligations or 13396  
bonds or notes were issued. 13397

(2) The principal amount of refunding, advance refunding, or 13398  
renewal obligations issued pursuant to division (M) of this 13399  
section shall be in addition to the amount authorized in division 13400  
(C) of this section. 13401

(N) Obligations are lawful investments for banks, savings and 13402  
loan associations, credit union share guaranty corporations, trust 13403

companies, trustees, fiduciaries, insurance companies, including 13404  
domestic for life and domestic not for life, trustees or other 13405  
officers having charge of sinking and bond retirement or other 13406  
special funds of the state and political subdivisions and taxing 13407  
districts of this state, notwithstanding any other provisions of 13408  
the Revised Code or rules adopted pursuant to those provisions by 13409  
any state agency with respect to investments by them, and are also 13410  
acceptable as security for the repayment of the deposit of public 13411  
moneys. The exemptions from taxation in Ohio as provided for in 13412  
particular sections of the Ohio Constitution and section 5709.76 13413  
of the Revised Code apply to the obligations. 13414

(O)(1) Unless otherwise provided or provided for in any 13415  
applicable bond proceedings, moneys to the credit of or in a 13416  
special fund shall be disbursed on the order of the issuing 13417  
authority. No such order is required for the payment, from the 13418  
bond service fund or other special fund, when due of debt service 13419  
or required payments under credit enhancement facilities. 13420

(2) Payments received by the issuing authority under interest 13421  
rate hedges entered into as credit enhancement facilities under 13422  
this section shall be deposited as provided in the applicable bond 13423  
proceedings. 13424

(P) The obligations shall not be general obligations of the 13425  
state and the full faith and credit, revenue, and taxing power of 13426  
the state shall not be pledged to the payment of debt service on 13427  
them or to any guarantee of the payment of that debt service. The 13428  
holders or owners of the obligations shall have no right to have 13429  
any moneys obligated or pledged for the payment of debt service 13430  
except as provided in this section and in the applicable bond 13431  
proceedings. The rights of the holders and owners to payment of 13432  
debt service are limited to all or that portion of the pledged 13433  
receipts, and those special funds, pledged to the payment of debt 13434  
service pursuant to the bond proceedings in accordance with this 13435



section, and each obligation shall bear on its face a statement to 13436  
that effect. 13437

(Q) Each bond service fund is a trust fund and is hereby 13438  
pledged to the payment of debt service on the applicable 13439  
obligations. Payment of that debt service shall be made or 13440  
provided for by the issuing authority in accordance with the bond 13441  
proceedings without necessity for any act of appropriation. The 13442  
bond proceedings may provide for the establishment of separate 13443  
accounts in the bond service fund and for the application of those 13444  
accounts only to debt service on specific obligations, and for 13445  
other accounts in the bond service fund within the general 13446  
purposes of that fund. 13447

(R) Subject to the bond proceedings pertaining to any 13448  
obligations then outstanding in accordance with their terms, the 13449  
issuing authority may in the bond proceedings pledge all, or such 13450  
portion as the issuing authority determines, of the moneys in the 13451  
bond service fund to the payment of debt service on particular 13452  
obligations, and for the establishment and maintenance of any 13453  
reserves for payment of particular debt service. 13454

(S)(1) Unless otherwise provided in any applicable bond 13455  
proceedings, moneys to the credit of special funds may be invested 13456  
by or on behalf of the issuing authority only in one or more of 13457  
the following: 13458

(a) Notes, bonds, or other direct obligations of the United 13459  
States or of any agency or instrumentality of the United States, 13460  
or in no-front-end-load money market mutual funds consisting 13461  
exclusively of those obligations, or in repurchase agreements, 13462  
including those issued by any fiduciary, secured by those 13463  
obligations, or in collective investment funds consisting 13464  
exclusively of those obligations; 13465

(b) Obligations of this state or any political subdivision of 13466

this state; 13467

(c) Certificates of deposit of any national bank located in 13468  
this state and any bank, as defined in section 1101.01 of the 13469  
Revised Code, subject to inspection by the superintendent of 13470  
financial institutions; 13471

(d) The treasurer of state's pooled investment program under 13472  
section 135.45 of the Revised Code; 13473

(e) Other investment agreements or repurchase agreements that 13474  
are consistent with the ratings on the obligations. 13475

(2) The income from investments referred to in division 13476  
(S)(1) of this section shall be credited to special funds or 13477  
otherwise as the issuing authority determines in the bond 13478  
proceedings. Those investments may be sold or exchanged at times 13479  
as the issuing authority determines, provides for, or authorizes. 13480

(T) The treasurer of state shall have responsibility for 13481  
keeping records, making reports, and making payments, relating to 13482  
any arbitrage rebate requirements under the applicable bond 13483  
proceedings. 13484

(U) The issuing authority shall make quarterly reports to the 13485  
general assembly of the amounts in, and activities of, each 13486  
improvement fund, including amounts and activities on the subfund 13487  
level. Each report shall include a detailed description and 13488  
analysis of the amount of proceeds remaining in each fund from the 13489  
sale of obligations pursuant to this section, and any other 13490  
deposits, credits, interest earnings, disbursements, expenses, 13491  
transfers, or activities of each fund. 13492

(V) The costs of the annual audit of the authority conducted 13493  
pursuant to section 117.112 of the Revised Code are payable, as 13494  
may be provided in the bond proceedings, from the proceeds of the 13495  
obligations, from special funds, or from other moneys available 13496  
for the purpose, including as to future financing costs, from the 13497

pledged receipts. 13498

Sec. 190.01. "The Health Care Compact" is hereby ratified, 13499  
enacted into law, and entered into by the state of Ohio as a party 13500  
to the compact with any other state that has legally joined in the 13501  
compact as follows: 13502

Whereas, the separation of powers, both between the branches 13503  
of the Federal government and between Federal and State authority, 13504  
is essential to the preservation of individual liberty; 13505

Whereas, the Constitution creates a Federal government of 13506  
limited and enumerated powers, and reserves to the States or to 13507  
the people those powers not granted to the Federal government; 13508

Whereas, the Federal government has enacted many laws that 13509  
have preempted State laws with respect to Health Care, and placed 13510  
increasing strain on State budgets, impairing other 13511  
responsibilities such as education, infrastructure, and public 13512  
safety; 13513

Whereas, the Member States seek to protect individual liberty 13514  
and personal control over Health Care decisions, and believe the 13515  
best method to achieve these ends is by vesting regulatory 13516  
authority over Health Care in the States; 13517

Whereas, by acting in concert, the Member States may express 13518  
and inspire confidence in the ability of each Member State to 13519  
govern Health Care effectively; and 13520

Whereas, the Member States recognize that consent of Congress 13521  
may be more easily secured if the Member States collectively seek 13522  
consent through an interstate compact; 13523

NOW THEREFORE, the Member States hereto resolve, and by the 13524  
adoption into law under their respective State Constitutions of 13525  
this Health Care Compact, agree, as follows: 13526

Sec. 1. Definitions. As used in this Compact, unless the 13527

context clearly indicates otherwise: 13528

"Commission" means the Interstate Advisory Health Care Commission. 13529  
13530

"Effective Date" means the date upon which this Compact shall become effective for purposes of the operation of State and Federal law in a Member State, which shall be the later of: 13531  
13532  
13533

(a) the date upon which this Compact shall be adopted under the laws of the Member State, and 13534  
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(b) the date upon which this Compact receives the consent of Congress pursuant to Article I, Section 10, of the United States Constitution, after at least two Member States adopt this Compact. 13536  
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"Health Care" means care, services, supplies, or plans related to the health of an individual and includes but is not limited to: 13539  
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(a) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care and counseling, service, assessment, or procedure with respect to the physical or mental condition or functional status of an individual or that affects the structure or function of the body, and 13542  
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(b) sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription, and 13547  
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(c) an individual or group plan that provides, or pays the cost of, care, services, or supplies related to the health of an individual, except any care, services, supplies, or plans provided by the United States Department of Defense and United States Department of Veteran Affairs, or provided to Native Americans. 13549  
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"Member State" means a State that is signatory to this Compact and has adopted it under the laws of that State. 13554  
13555

"Member State Base Funding Level" means a number equal to the total Federal spending on Health Care in the Member State during 13556  
13557

Federal fiscal year 2010. On or before the Effective Date, each 13558  
Member State shall determine the Member State Base Funding Level 13559  
for its State, and that number shall be binding upon that Member 13560  
State. The preliminary estimate of Member State Base Funding Level 13561  
for the State of Ohio is \$35,043,000,000. 13562

"Member State Current Year Funding Level" means the Member 13563  
State Base Funding Level multiplied by the Member State Current 13564  
Year Population Adjustment Factor multiplied by the Current Year 13565  
Inflation Adjustment Factor. 13566

"Member State Current Year Population Adjustment Factor" 13567  
means the average population of the Member State in the current 13568  
year less the average population of the Member State in Federal 13569  
fiscal year 2010, divided by the average population of the Member 13570  
State in Federal fiscal year 2010, plus 1. Average population in a 13571  
Member State shall be determined by the United States Census 13572  
Bureau. 13573

"Current Year Inflation Adjustment Factor" means the Total 13574  
Gross Domestic Product Deflator in the current year divided by the 13575  
Total Gross Domestic Product Deflator in Federal fiscal year 2010. 13576  
Total Gross Domestic Product Deflator shall be determined by the 13577  
Bureau of Economic Analysis of the United States Department of 13578  
Commerce. 13579

**Sec. 2. Pledge.** The Member States shall take joint and 13580  
separate action to secure the consent of the United States 13581  
Congress to this Compact in order to return the authority to 13582  
regulate Health Care to the Member States consistent with the 13583  
goals and principles articulated in this Compact. The Member 13584  
States shall improve Health Care policy within their respective 13585  
jurisdictions and according to the judgment and discretion of each 13586  
Member State. 13587

**Sec. 3. Legislative Power.** The legislatures of the Member 13588

States have the primary responsibility to regulate Health Care in 13589  
their respective States. 13590

**Sec. 4. State Control.** Each Member State, within its State, 13591  
may suspend by legislation the operation of all federal laws, 13592  
rules, regulations, and orders regarding Health Care that are 13593  
inconsistent with the laws and regulations adopted by the Member 13594  
State pursuant to this Compact. Federal and State laws, rules, 13595  
regulations, and orders regarding Health Care will remain in 13596  
effect unless a Member State expressly suspends them pursuant to 13597  
its authority under this Compact. For any federal law, rule, 13598  
regulation, or order that remains in effect in a Member State 13599  
after the Effective Date, that Member State shall be responsible 13600  
for the associated funding obligations in its State. 13601

**Sec. 5. Funding.** 13602

(a) Each Federal fiscal year, each Member State shall have 13603  
the right to Federal monies up to an amount equal to its Member 13604  
State Current Year Funding Level for that Federal fiscal year, 13605  
funded by Congress as mandatory spending and not subject to annual 13606  
appropriation, to support the exercise of Member State authority 13607  
under this Compact. This funding shall not be conditional on any 13608  
action of or regulation, policy, law, or rule being adopted by the 13609  
Member State. 13610

(b) By the start of each Federal fiscal year, Congress shall 13611  
establish an initial Member State Current Year Funding Level for 13612  
each Member State, based upon reasonable estimates. The final 13613  
Member State Current Year Funding Level shall be calculated, and 13614  
funding shall be reconciled by the United States Congress based 13615  
upon information provided by each Member State and audited by the 13616  
United States Government Accountability Office. 13617

**Sec. 6. Interstate Advisory Health Care Commission.** 13618

(a) The Interstate Advisory Health Care Commission is 13619

established. The Commission consists of members appointed by each 13620  
Member State through a process to be determined by each Member 13621  
State. A Member State may not appoint more than two members to the 13622  
Commission and may withdraw membership from the Commission at any 13623  
time. Each Commission member is entitled to one vote. The 13624  
Commission shall not act unless a majority of the members are 13625  
present, and no action shall be binding unless approved by a 13626  
majority of the Commission's total membership. 13627

(b) The Commission may elect from among its membership a 13628  
Chairperson. The Commission may adopt and publish bylaws and 13629  
policies that are not inconsistent with this Compact. The 13630  
Commission shall meet at least once a year, and may meet more 13631  
frequently. 13632

(c) The Commission may study issues of Health Care regulation 13633  
that are of particular concern to the Member States. The 13634  
Commission may make non-binding recommendations to the Member 13635  
States. The legislatures of the Member States may consider these 13636  
recommendations in determining the appropriate Health Care 13637  
policies in their respective States. 13638

(d) The Commission shall collect information and data to 13639  
assist the Member States in their regulation of Health Care, 13640  
including assessing the performance of various State Health Care 13641  
programs and compiling information on the prices of Health Care. 13642  
The Commission shall make this information and data available to 13643  
the legislatures of the Member States. Notwithstanding any other 13644  
provision in this Compact, no Member State shall disclose to the 13645  
Commission the health information of any individual, nor shall the 13646  
Commission disclose the health information of any individual. 13647

(e) The Commission shall be funded by the Member States as 13648  
agreed to by the Member States. The Commission shall have the 13649  
responsibilities and duties as may be conferred upon it by 13650  
subsequent action of the respective legislatures of the Member 13651

States in accordance with the terms of this Compact. 13652

(f) The Commission shall not take any action within a Member State that contravenes any State law of that Member State. 13653  
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**Sec. 7. Congressional Consent.** This Compact shall be effective on its adoption by at least two Member States and consent of the United States Congress. This Compact shall be effective unless the United States Congress, in consenting to this Compact, alters the fundamental purposes of this Compact, which are: 13655  
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(a) To secure the right of the Member States to regulate Health Care in their respective States pursuant to this Compact and to suspend the operation of any conflicting federal laws, rules, regulations, and orders within their States; and 13661  
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(b) To secure Federal funding for Member States that choose to invoke their authority under this Compact, as prescribed by Section 5 above. 13665  
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**Sec. 8. Amendments.** The Member States, by unanimous agreement, may amend this Compact from time to time without the prior consent or approval of Congress and any amendment shall be effective unless, within one year, the Congress disapproves that amendment. Any State may join this Compact after the date on which Congress consents to the Compact by adoption into law under its State Constitution. 13668  
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**Sec. 9. Withdrawal; Dissolution.** Any Member State may withdraw from this Compact by adopting a law to that effect, but no such withdrawal shall take effect until six months after the Governor of the withdrawing Member State has given notice of the withdrawal to the other Member States. A withdrawing State shall be liable for any obligations that it may have incurred prior to the date on which its withdrawal becomes effective. This Compact shall be dissolved upon the withdrawal of all but one of the 13675  
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Member States. 13683

Sec. 190.02. Not later than thirty days after "The Health Care Compact" entered into under section 190.01 of the Revised Code is ratified by the United States congress, the governor shall appoint a member to the interstate advisory health care commission created under the compact. The governor shall fill a vacancy not later than thirty days after the vacancy occurs. 13684  
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**Sec. 191.04.** (A) In accordance with federal laws governing the confidentiality of individually identifiable health information, including the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States department of health and human services to implement the act, a state agency may exchange protected health information with another state agency relating to eligibility for or enrollment in a health plan or relating to participation in a government program providing public benefits if the exchange of information is necessary for either or both of the following: 13690  
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(1) Operating a health plan; 13701

(2) Coordinating, or improving the administration or management of, the health care-related functions of at least one government program providing public benefits. 13702  
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(B) For fiscal years 2013 through ~~2017~~ 2019 only, a state agency also may exchange personally identifiable information with another state agency for purposes related to and in support of a health transformation initiative identified by the executive director of the office of health transformation pursuant to division (C) of section 191.06 of the Revised Code. 13705  
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(C) With respect to a state agency that uses or discloses personally identifiable information, all of the following 13711  
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conditions apply: 13713

(1) The state agency shall use or disclose the information 13714  
only as permitted or required by state and federal law. In 13715  
addition, if the information is obtained during fiscal year 2013, 13716  
2014, or 2015 from an exchange of personally identifiable 13717  
information permitted under division (B) of this section, the 13718  
agency shall also use or disclose the information in accordance 13719  
with all operating protocols that apply to the use or disclosure. 13720

(2) If the state agency is a state agency other than the 13721  
department of medicaid and it uses or discloses protected health 13722  
information that is related to a medicaid recipient and obtained 13723  
from the department of medicaid or another agency operating a 13724  
component of the medicaid program, the state agency shall comply 13725  
with all state and federal laws that apply to the department of 13726  
medicaid when that department, as the state's single state agency 13727  
to supervise the medicaid program, uses or discloses protected 13728  
health information. 13729

(3) A state agency shall implement administrative, physical, 13730  
and technical safeguards for the purpose of protecting the 13731  
confidentiality, integrity, and availability of personally 13732  
identifiable information the creation, receipt, maintenance, or 13733  
transmittal of which is affected or governed by this section. 13734

(4) If a state agency discovers an unauthorized use or 13735  
disclosure of unsecured protected health information or unsecured 13736  
individually identifiable health information, the state agency 13737  
shall, not later than seventy-two hours after the discovery, do 13738  
all of the following: 13739

(a) Identify the individuals who are the subject of the 13740  
protected health information or individually identifiable health 13741  
information; 13742

(b) Report the discovery and the names of all individuals 13743

identified pursuant to division (C)(4)(a) of this section to all 13744  
other state agencies and the executive director of the office of 13745  
health transformation or the executive director's designee; 13746

(c) Mitigate, to the extent reasonably possible, any 13747  
potential adverse effects of the unauthorized use or disclosure. 13748

(5) A state agency shall make available to the executive 13749  
director of the office of health transformation or the executive 13750  
director's designee, and to any other state or federal 13751  
governmental entity required by law to have access on that 13752  
entity's request, all internal practices, records, and 13753  
documentation relating to personally identifiable information it 13754  
receives, uses, or discloses that is affected or governed by this 13755  
section. 13756

(6) On termination or expiration of an operating protocol and 13757  
if feasible, a state agency shall return or destroy all personally 13758  
identifiable information received directly from or received on 13759  
behalf of another state agency. If the personally identifiable 13760  
information is not returned or destroyed, the state agency 13761  
maintaining the information shall extend the protections set forth 13762  
in this section for as long as it is maintained. 13763

(7) If a state agency enters into a subcontract or, when 13764  
required by 45 C.F.R. 164.502(e)(2), a business associate 13765  
agreement, the subcontract or business associate agreement shall 13766  
require the subcontractor or business associate to comply with the 13767  
terms of this section as if the subcontractor or business 13768  
associate were a state agency. 13769

**Sec. 191.06.** (A) The provisions of this section shall apply 13770  
only for fiscal years 2013 through ~~2017~~ 2019. 13771

(B) The executive director of the office of health 13772  
transformation or the executive director's designee may facilitate 13773

the coordination of operations and exchange of information between 13774  
state agencies. The purpose of the executive director's authority 13775  
under this section is to support agency collaboration for health 13776  
transformation purposes, including modernization of the medicaid 13777  
program, streamlining of health and human services programs in 13778  
this state, and improving the quality, continuity, and efficiency 13779  
of health care and health care support systems in this state. 13780

(C) In furtherance of the authority of the executive director 13781  
of the office of health transformation under division (B) of this 13782  
section, the executive director or the executive director's 13783  
designee shall identify each health transformation initiative in 13784  
this state that involves the participation of two or more state 13785  
agencies and that permits or requires an interagency agreement to 13786  
be entered into for purposes of specifying each participating 13787  
agency's role in coordinating, operating, or funding the 13788  
initiative, or facilitating the exchange of data or other 13789  
information for the initiative. The executive director shall 13790  
publish a list of the identified health transformation initiatives 13791  
on the internet web site maintained by the office of health 13792  
transformation. 13793

(D) For each health transformation initiative that is 13794  
identified under division (C) of this section, the executive 13795  
director or the executive director's designee shall, in 13796  
consultation with each participating agency, adopt one or more 13797  
operating protocols. Notwithstanding any law enacted by the 13798  
general assembly or rule adopted by a state agency, the provisions 13799  
in a protocol shall supersede any provisions in an interagency 13800  
agreement, including an interagency agreement entered into under 13801  
section 5101.10 or 5162.35 of the Revised Code, that differ from 13802  
the provisions of the protocol. 13803

(E)(1) An operating protocol adopted under division (D) of 13804  
this section shall include both of the following: 13805

(a) All terms necessary to meet the requirements of "other arrangements" between a covered entity and a business associate that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 13806  
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(b) If known, the date on which the protocol will terminate or expire. 13809  
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(2) In addition, a protocol may specify the extent to which each participating agency is responsible and accountable for completing the tasks necessary for successful completion of the initiative, including tasks relating to the following components of the initiative: 13811  
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(a) Workflow; 13816

(b) Funding; 13817

(c) Exchange of data or other information that is confidential pursuant to state or federal law. 13818  
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(F) An operating protocol adopted under division (D) of this section shall have the same force and effect as an interagency agreement or data sharing agreement, and each participating agency shall comply with it. 13820  
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**Sec. 305.05.** The board of county commissioners shall organize ~~on~~ not later than the second Monday of January of each year, by the election of one of its members as president for a term of one year. The member so elected shall preside at all regular and special sessions of the board. If the position of president becomes vacant during the year, the board shall select one of its members to preside. 13824  
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**Sec. 307.283.** (A) As used in this section: 13831

(1) "Grant revenue" means revenues from a tax imposed under section 5739.026 or 5741.023 of the Revised Code that are allocated for the purpose of division (A)(4) of section 5739.026 13832  
13833  
13834

of the Revised Code. 13835

(2) "Available grant revenue" means the amount certified 13836  
under division (B)(2) of this section, less the amount of any 13837  
grants previously awarded for the year under division (C) of this 13838  
section. 13839

(3) "Grant" means a payment award for the year to a 13840  
government agency for a permanent improvement project in the 13841  
amount specified by the community improvements board. 13842

(4) "Government agency" means the county, the state, or a 13843  
political subdivision, including a school district, any part of 13844  
which is located in the county, ~~or the state~~. 13845

(5) "Debt service charges" means interest, principal, and 13846  
premium on grant award bonds. 13847

(6) "Grant award bonds" means bonds or notes issued under 13848  
section ~~133.312~~ 307.284 of the Revised Code. 13849

(7) "Year" means a calendar year. 13850

(8) "Permanent improvement project" means any permanent 13851  
improvement to be undertaken for which the government agency that 13852  
receives a grant is authorized to expend the proceeds of that 13853  
grant. Any permanent improvement to be undertaken by the state or 13854  
a political subdivision shall be located in the county. A 13855  
permanent improvement to be undertaken by a school district shall 13856  
be located in that school district. 13857

(9) "School district" means a city, local, or exempted 13858  
village school district. 13859

(B) Each year the community improvements board shall convene 13860  
and determine and certify to the board of county commissioners 13861  
each of the following: 13862

(1) The estimated grant revenue to be transferred to the 13863  
community improvement fund during the current year. 13864

(2) The total amount of grants that may be awarded during the current year. Except as provided in division (D) of this section, the total amount of grants that may be awarded during any year may not exceed the sum of the unencumbered balance in the community improvements fund on the first day of the year plus the estimated grant revenue for the current year, less the debt service charges certified under division (B)(3) of this section.

(3) With respect to outstanding grant award bonds, the total debt service charges for the current year and each of the ensuing nine years.

(C) Upon the making of such certifications, the community-improvements board may award grants for the year for any one or more permanent improvement projects. For each grant awarded, the board shall certify to the board of county commissioners the project for which the grant is awarded, the amount of the grant, and the government agency to which the grant is to be paid. The board shall include in the certification, a statement instructing the board of county commissioners with respect to whether and in what proportion or amount the grant is to be reduced or whether the grant is to be paid in full in the event the actual grant revenues for the current year are less than the estimated grant revenues for the year. By a unanimous vote the board of county commissioners may disallow a grant awarded under this division, in which case it shall certify its determination to the community improvements board, and the grant shall not be paid in the current year as otherwise required under division (E) of this section.

Except as provided in division (D) of this section, the board may not award any grant in any year that exceeds the available grant revenue. The board may award grants to more than one government agency for the same project and may award grants for the same project in more than one year.

(D) The community improvements board may award grants in excess of the available grant revenue for any one or more permanent improvement projects, but the sum of the grants awarded for the year under this division shall not exceed the available grant revenue, adjusted to reflect the sum of any grants that are not to be paid, as determined under the certification made under division (D)(3) of this section, plus the amount by which the amount certified under division (D)(1) of this section exceeds the amount certified under division (D)(2) of this section. For each grant awarded under this division, the board shall certify to the board of county commissioners the project for which the grant is awarded, the amount of the grant, and the government agency to which the grant is to be paid. The board of county commissioners may disallow a grant awarded under this division, in which case it shall certify its determination to the community improvements board, and the grant shall not be paid in the current year as otherwise required under division (E) of this section. If the community improvements board elects to award a grant under this division, at the time it makes the certifications required by division (B) of this section it shall make the following additional certifications:

(1) The estimated grant revenue to be transferred to the community improvement fund during each of the nine ensuing years;

(2) The estimated total debt service charges, exclusive of principal, for the current year and each of the nine ensuing years on grant award bonds that would have to be issued during the current year in order to pay a grant awarded under this division;

(3) Which, if any, of the grants awarded under division ~~(B)~~(C) of this section should not be paid if a grant award made under this division is paid.

(E) Except as otherwise provided by divisions (C) and (D) of this section, the board of county commissioners shall pay each



government agency from the county's community improvement fund, 13929  
the amount of its grant award in accordance with the certification 13930  
of the community improvement board. If the balance in the fund is 13931  
insufficient to make the payment of any grant in the amount 13932  
specified in the certification, the board of county commissioners 13933  
may issue grant award bonds in the amount of such insufficiency 13934  
and make the balance of the payment from the proceeds of such 13935  
bonds. The proceeds of a payment received under this division may 13936  
be expended solely for the permanent improvement project for which 13937  
the grant was awarded. 13938

(F) If a board of county commissioners disallows a grant 13939  
under division (C) or (D) of this section, the community 13940  
improvements board may reconvene for the purpose of awarding 13941  
grants under this section. For the purpose of making grant awards 13942  
as provided under this division, any grant that the board of 13943  
county commissioners disallows shall be considered not to have 13944  
been awarded. 13945

(G) Before the community improvements board may approve 13946  
funding for a permanent improvement project that has been rejected 13947  
by a separate prior vote of the electorate, there must have 13948  
occurred a subsequent separate vote of the electorate reversing 13949  
the prior result. 13950

**Sec. 307.678.** (A) As used in this section: 13951

(1) ~~"Stadium" means an open air structure designed and 13952  
developed to provide a venue for public entertainment, cultural 13953  
activities and recreation, or any combination thereof, including 13954  
concerts, athletic and sporting events, and other events and 13955  
exhibitions, together with concession, locker room, parking, 13956  
restroom, and storage facilities, walkways, and other auxiliary 13957  
facilities, whether included within or separate from the 13958  
structure, and all real and personal property and interests 13959~~

~~therein related to the use of the structure for those purposes.~~ 13960

~~(2)~~ "Bureau" means a nonprofit corporation that is organized 13961  
under the laws of this state that is, or has among its functions 13962  
acting as, a convention and visitors' bureau, and that currently 13963  
receives revenue from existing lodging taxes. 13964

~~(3)~~(2) "Cooperating parties" means the parties to a 13965  
cooperative agreement. 13966

~~(4)~~(3) "Cooperative agreement" means an agreement entered 13967  
into pursuant to ~~division (B) of~~ or as contemplated by this 13968  
section. 13969

(4) "Credit enhancement facilities" has the same meaning as 13970  
in section 133.01 of the Revised Code. 13971

~~(5) "Corporation" means a nonprofit corporation that is~~ 13972  
~~organized under the laws of this state and has corporate authority~~ 13973  
~~under its organizational instruments to acquire, construct,~~ 13974  
~~reconstruct, equip, finance, furnish, otherwise improve, own,~~ 13975  
~~lease, or operate a stadium.~~ 13976

~~(6)~~ "Debt charges" has the same meaning as in section 133.01 13977  
of the Revised Code, except that "obligations" shall be 13978  
substituted for "securities" wherever "securities" appears in that 13979  
section. 13980

~~(7)~~(6) "Eligible county" means a county ~~having a population~~ 13981  
~~of at least three hundred seventy five thousand, but not more than~~ 13982  
~~four hundred thousand, according to the most recent federal~~ 13983  
~~decennial census~~ within the boundaries of which any part of a 13984  
tourism development district is located. 13985

(7) "Eligible transit authority" means a regional transit 13986  
authority created pursuant to section 306.31 of the Revised Code 13987  
or a county in which a county transit system is created pursuant 13988  
to section 306.01 of the Revised Code, within the boundaries of 13989

which any part of a tourism development district is located. 13990

(8) "Existing lodging taxes" means taxes levied by a board of 13991  
county commissioners of an eligible county under division (A) of 13992  
section 5739.09 of the Revised Code. 13993

(9) "Financing costs" means all costs, fees, and expenses 13994  
relating to the authorization, including any required election, 13995  
issuance, sale, delivery, authentication, deposit, custody, 13996  
clearing, registration, transfer, exchange, fractionalization, 13997  
replacement, payment, and servicing, of obligations, including, 13998  
without limitation, costs and expenses for or relating to 13999  
publication and printing, postage, delivery, preliminary and final 14000  
official statements, offering circulars, placement memoranda, and 14001  
informational statements, travel and transportation, underwriters, 14002  
placement agents, investment bankers, paying agents, registrars, 14003  
authenticating agents, remarketing agents, custodians, clearing 14004  
agencies, companies, or corporations, securities depositories, 14005  
issuers, financial advisory services, certifications, audits, 14006  
federal or state regulatory agencies, accounting and computation 14007  
services, legal services and obtaining approving legal opinions 14008  
and other legal opinions, credit ratings, paying redemption 14009  
premiums, and credit enhancement facilities. Financing costs may 14010  
be paid from any money available for the purpose, including, 14011  
unless otherwise provided in the proceedings, from the proceeds of 14012  
the obligations to which they relate and, as to future financing 14013  
costs, from the same sources from which debt charges on the 14014  
obligations are paid and as though debt charges. 14015

(10) "Host municipal corporation" means a municipal 14016  
corporation, ~~having a population of at least seventy thousand but~~ 14017  
~~not more than eighty thousand according to the most recent federal~~ 14018  
~~decennial census~~, within the boundaries of which a ~~stadium~~ any 14019  
part of a tourism development district is located. 14020

(11) "Host school district" means ~~the~~ a school district 14021

within the boundaries of which ~~a stadium~~ any part of a tourism 14022  
development district is located. 14023

(12) "Incremental sales tax growth" has the same meaning as 14024  
in section 5739.213 of the Revised Code, except that, in the case 14025  
of an eligible county, "incremental sales tax growth" shall 14026  
include only the amount of taxes levied under sections 5739.021 14027  
and 5739.026 of the Revised Code credited to the county's general 14028  
fund. 14029

(13) "Issuer" means a port authority, a new community 14030  
authority, or any other issuer, as defined in section 133.01 of 14031  
the Revised Code, and any corporation. 14032

~~(13)~~(14) "Maintenance and repair costs" means costs and 14033  
expenses incurred by a cooperating party from the party's own 14034  
revenues for maintaining or repairing a project. 14035

(15) "Net lodging tax proceeds" means the proceeds of an 14036  
existing lodging tax that remain after deduction by an eligible 14037  
county of the real and actual costs of administering the tax and 14038  
any portion of such proceeds required to be returned to a 14039  
municipal corporation or township under division (A)(1) of section 14040  
5739.09 of the Revised Code. 14041

(16) "Net tourism development district revenues" means the 14042  
tourism development district revenues remaining after deduction by 14043  
the host municipal corporation of an amount, not to exceed one 14044  
percent of any admissions tax revenues, prescribed in any 14045  
legislation by which, or agreement pursuant to which, tourism 14046  
development district revenues are pledged, or agreed to be pledged 14047  
or contributed, by an eligible county, an eligible transit 14048  
authority, or a host municipal corporation, or any combination 14049  
thereof, in accordance with division (B), (E), (F), or (G) of this 14050  
section. 14051

(17) "New community authority" means a new community 14052

authority established under section 349.03 of the Revised Code by 14053  
an organizational board of commissioners that is or includes the 14054  
board of county commissioners of an eligible county or the 14055  
legislative authority of a host municipal corporation. 14056

(18) "Obligations" means obligations ~~that are~~ issued or 14057  
incurred by an issuer pursuant to Chapter 133., ~~349.~~, or 4582. of 14058  
the Revised Code, or otherwise, for the purpose of funding or 14059  
paying, or reimbursing persons for the funding or payment of, 14060  
project costs, and that evidence the issuer's obligation to repay 14061  
borrowed money, including interest thereon, or to pay other money 14062  
obligations of the issuer at any future time, including, without 14063  
limitation, bonds, notes, anticipatory securities as defined in 14064  
section 133.01 of the Revised Code, certificates of indebtedness, 14065  
commercial paper, or installment sale, lease, lease-purchase, or 14066  
similar agreements. "Obligations" does not include credit 14067  
enhancement facilities. 14068

~~(14)~~(19) "Person" includes an individual, corporation, 14069  
limited liability company, business trust, estate, trust, 14070  
partnership, association, eligible county, eligible transit 14071  
authority, host municipal corporation, port authority, new 14072  
community authority, and any other political subdivision of the 14073  
state. 14074

(20) "Port authority" means a port authority created under 14075  
Chapter 4582. of the Revised Code. 14076

~~(15)~~(21) "Project" means acquiring, constructing, 14077  
reconstructing, rehabilitating, remodeling, renovating, enlarging, 14078  
equipping, furnishing, or otherwise improving a ~~stadium~~ tourism 14079  
facility or any component or element thereof. 14080

~~(16)~~(22) "Project cost" means the cost of acquiring, 14081  
constructing, reconstructing, rehabilitating, remodeling, 14082  
renovating, enlarging, equipping, financing, refinancing, 14083

furnishing, or otherwise improving a project, including, without 14084  
limitation, financing costs; the cost of architectural, 14085  
engineering, and other professional services, designs, plans, 14086  
specifications, surveys, and estimates of costs; financing or 14087  
refinancing obligations issued by, or reimbursing money advanced 14088  
by, any cooperating party or any other person, where the proceeds 14089  
of the obligations or money advanced was used to pay any other 14090  
cost described in this division; inspections and testing; any 14091  
indemnity or surety bond or premium related to insurance 14092  
pertaining to development of the project; all related direct and 14093  
indirect administrative costs and costs of placing a project in 14094  
service; fees and expenses of trustees, escrow agents, 14095  
depositories, and paying agents for any obligations; interest on 14096  
obligations during the planning, design, and development of a 14097  
project and for up to eighteen months thereafter; funding ~~of~~ and 14098  
replenishing reserves for the payment of debt charges on any 14099  
obligations; ~~and~~ all other expenses necessary or incident to 14100  
planning, or determining the feasibility or practicability of, a 14101  
project, including, without limitation, advocating the enactment 14102  
of legislation to facilitate the development and financing of a 14103  
project; and any other costs of a project that are authorized to 14104  
be financed by the issuer of obligations at the time the 14105  
obligations are issued. 14106

(23) "Taxing authority" means the board of county 14107  
commissioners of an eligible county, the legislative authority, as 14108  
that term is defined in section 5739.01 of the Revised Code, of an 14109  
eligible transit authority, or the legislative authority of a host 14110  
municipal corporation. 14111

(24) "Tourism development district" means an area designated 14112  
by a host municipal corporation under section 715.014 of the 14113  
Revised Code. 14114

(25) "Tourism development district revenues" means money 14115

received or receivable by a host municipal corporation from 14116  
incremental sales tax growth pursuant to section 5739.213 of the 14117  
Revised Code, from a tax levied by the host municipal corporation 14118  
pursuant to division (C) of section 5739.101 of the Revised Code, 14119  
from a tax levied by the host municipal corporation pursuant to 14120  
section 5739.08 or 5739.09 of the Revised Code on the provision of 14121  
lodging by hotels located in the tourism development district, 14122  
from a tax levied by the host municipal corporation with respect 14123  
to admission to any tourism facility or parking or any other 14124  
activity occurring at any location in the tourism development 14125  
district, or from any tax levied by an eligible county, eligible 14126  
transit authority, or host municipal corporation with respect to 14127  
activities occurring, or property located, in the tourism 14128  
development district, if and to the extent that revenue from any 14129  
such tax is authorized to be used, or is not prohibited by law 14130  
from being used, to foster and develop tourism in the tourism 14131  
development district and is authorized, contracted, pledged or 14132  
assigned by the respective taxing authority to be used to fund or 14133  
pay, or to reimburse other persons for funding or payment of, 14134  
project costs or maintenance and repair costs. 14135

(26) "Tourism facility" means any permanent improvement, as 14136  
defined in section 133.01 of the Revised Code, located in a 14137  
tourism development district. 14138

(B) ~~On or before December 31, 2015,~~ the The board of county 14139  
commissioners of an eligible county, an eligible transit 14140  
authority, a host municipal corporation, the board of education of 14141  
a host school district, a port authority, a bureau, a new 14142  
community authority, and ~~a corporation~~ any other person, or any 14143  
combination thereof, may enter into a cooperative agreement for 14144  
any purpose authorized under this section and under which any of 14145  
the following apply: 14146

(1) The board of county commissioners of the eligible county 14147

and the bureau agree to make available to a cooperating party or 14148  
any other person net lodging tax proceeds ~~of an existing lodging~~ 14149  
~~tax~~, not to exceed five hundred thousand dollars each year, to 14150  
fund or pay, or to reimburse other persons for funding or payment 14151  
of, project costs or debt charges on obligations issued by a 14152  
~~cooperating party to fund, finance, or refinance the payment of~~ 14153  
~~project costs;~~ 14154

(2) The board of county commissioners of the eligible county 14155  
agrees, for the purpose of funding or paying or supporting, or for 14156  
reimbursing other persons for funding or payment of, project 14157  
costs, including debt charges on obligations, may do either of the 14158  
following: 14159

(a) Make available to a cooperating party or other person an 14160  
amount equal to incremental sales tax growth or all or a portion 14161  
of the county's tourism development district revenues; 14162

(b) Provide credit enhancement facilities in connection with 14163  
the funding or payment of project costs, including debt charges on 14164  
obligations, or any portion or combination thereof. 14165

(3) The taxing authority of an eligible transit authority 14166  
agrees to make available to a cooperating party or any other 14167  
person an amount equal to incremental sales tax growth or all or a 14168  
portion of the transit authority's tourism development district 14169  
revenues. 14170

(4) The host municipal corporation agrees to make available 14171  
credit enhancement facilities or net tourism development district 14172  
revenues, or any portion or combination thereof, to fund, pay, or 14173  
support, or to reimburse other persons for funding or payment of, 14174  
project costs, including debt charges on obligations, or 14175  
maintenance and repair costs, or both. Any agreement to use net 14176  
tourism development district revenues to pay or reimburse other 14177  
persons for payment of maintenance and repair costs shall be 14178



subject to authorization by any cooperating party providing such 14179  
funding to the host municipal corporation and to annual 14180  
appropriation for such purpose by the legislative authority of the 14181  
host municipal corporation and shall be subordinate to any 14182  
covenant made to or by an issuer in connection with the issuance 14183  
of obligations or credit enhancement facilities to pay project 14184  
costs. 14185

(5) The cooperating parties agree, subject to any conditions 14186  
or limitations provided in the cooperative agreement, to ~~each~~ any 14187  
of the following: 14188

(a) The conveyance, grant, or transfer to a cooperating party 14189  
or any other person of ownership of, property interests in, and 14190  
rights to use ~~a stadium, either~~ real or personal property to 14191  
create a tourism facility or with respect to a tourism facility as 14192  
the ~~stadium~~ facility exists at the time of the agreement or as it 14193  
may be improved by a project; 14194

(b) The respective responsibilities of each cooperating party 14195  
for the management, operation, maintenance, repair, and 14196  
replacement of a ~~stadium~~ tourism facility, including any project 14197  
undertaken with respect to the ~~stadium~~ facility, which may include 14198  
authorization for a cooperating party to contract with any other 14199  
person for any such purpose; 14200

(c) The respective responsibilities of each cooperating party 14201  
for the development and financing of a project, including, without 14202  
limitation, the cooperating party or parties that shall be 14203  
responsible for contracting for the development of a project and 14204  
administering contracts entered into ~~which~~ by the party or parties 14205  
~~enter into~~ for that purpose; 14206

(d) The respective responsibilities of each cooperating party 14207  
to provide money, credit enhancement facilities, or both, whether 14208  
by issuing obligations or otherwise, for the funding, payment, 14209

financing, or refinancing, or reimbursement to a cooperating party 14210  
or other person for the funding, payment, financing, or 14211  
refinancing, of project costs; 14212

(e) The respective responsibilities of each cooperating 14213  
party, ~~or any other person,~~ to provide money, credit enhancement 14214  
facilities, or other security for the payment of debt charges on 14215  
obligations or to fund or replenish reserves or otherwise provide 14216  
for the payment of maintenance and repair costs. 14217

(C) Any conveyance, grant, or transfer of ownership of, 14218  
property interests in, or rights to use a ~~stadium, and any~~ 14219  
~~contract for the development, management, operation, maintenance,~~ 14220  
~~repair, or replacement of a stadium~~ tourism development facility 14221  
or project, including any project undertaken with respect to an 14222  
existing ~~stadium~~ tourism facility, that is contemplated by a 14223  
cooperative agreement may be made or entered into by a cooperating 14224  
party, in such manner and upon such terms as the cooperating 14225  
parties may agree, ~~without any requirement of bidding and~~ without 14226  
regard to ownership of the ~~stadium~~ tourism facility or project, 14227  
notwithstanding any other provision of law that may otherwise 14228  
apply, including, without limitation, any requirement for notice, 14229  
competitive bidding or selection, or the provision of security. A 14230  
~~project constitutes a "port authority facility" within the meaning~~ 14231  
~~of division (D) of section 4582.01 and division (E) of section~~ 14232  
~~4582.21 of the Revised Code and shall be considered a permanent~~ 14233  
~~improvement for one purpose under Chapter 133. of the Revised~~ 14234  
~~Code.~~ 14235

(D) Regardless of whether a cooperative agreement has been 14236  
executed and delivered, the board of county commissioners may 14237  
amend any previously adopted resolution providing for the levy of 14238  
an existing lodging tax to permit the use of any portion of the 14239  
net lodging tax proceeds from such tax as provided in this 14240  
section, and a host municipal corporation may amend any previously 14241

passed ordinance providing for the levy of lodging taxes under 14242  
section 5739.08 or 5739.09 of the Revised Code to permit the use 14243  
of any portion of such lodging taxes as provided in this section. 14244

~~(E)(1) Notwithstanding any other provision of law, and after~~ 14245  
~~deducting the real and actual costs of administering an existing~~ 14246  
~~lodging tax and any portion of such tax required to be returned to~~ 14247  
~~any municipal corporation or township as provided in division~~ 14248  
~~(A)(1) of section 5739.09 of the Revised Code, the:~~ 14249

(a) The board of county commissioners of an eligible county 14250  
may provide credit enhancement facilities in connection with any 14251  
project, including, without limitation, for the provision of any 14252  
infrastructure necessary to support a tourism facility. 14253

(b) The board of county commissioners of an eligible county 14254  
and a bureau may agree to make available, ~~and a cooperating party~~ 14255  
~~or other person may use, proceeds of an existing lodging tax for~~ 14256  
~~the funding or payment of project costs, including, without~~ 14257  
~~limitation, the payment of debt charges on obligations. Either the~~ 14258  
~~board or the bureau, or both, may pledge proceeds of an existing~~ 14259  
~~lodging tax to the payment of debt charges on obligations. The~~ 14260  
~~total amount of existing lodging tax proceeds made available for~~ 14261  
~~such use or so pledged each year shall not exceed five hundred~~ 14262  
~~thousand dollars. The lien of any such pledge shall be effective~~ 14263  
~~against all persons when it is made, without the requirement for~~ 14264  
~~the filing of any notice, and any proceeds of an existing lodging~~ 14265  
~~tax so pledged and required to be used to pay debt charges on~~ 14266  
~~obligations shall be paid by the county or bureau at the times, in~~ 14267  
~~the amounts, and to such payee, including, without limitation, a~~ 14268  
~~corporate trustee or paying agent, required for such obligations.~~ 14269  
The board of county commissioners may amend any previously adopted 14270  
resolution providing for the levy of an existing lodging tax to 14271  
permit the use of the proceeds of the existing lodging tax as 14272  
provided in this division to any person, on such terms and 14273

conditions as the board and the bureau may determine and agree, 14274  
net lodging tax proceeds. 14275

(E)(c) The board of county commissioners of an eligible 14276  
county may agree to make available to any person, on such terms 14277  
and conditions as the board may determine and agree, incremental 14278  
sales tax growth and all or a portion of the county's tourism 14279  
development district revenues. 14280

(2) Any amount made available under division (E)(1)(b) or (c) 14281  
of this section shall be used to fund or pay, or to reimburse 14282  
other persons for funding or payment of, project costs, including, 14283  
without limitation, the payment of debt charges on obligations, 14284  
the provision of credit enhancement facilities and the funding, 14285  
and funding and replenishing reserves for that purpose or, subject 14286  
to annual appropriation, to pay, or reimburse other persons for 14287  
payment of, repair and maintenance costs. 14288

(3) The board of county commissioners, the bureau, or both, 14289  
may pledge net lodging tax proceeds, and the board of county 14290  
commissioners may pledge incremental sales tax growth and any 14291  
tourism development district revenues, or any part or portion or 14292  
combination thereof, to the payment of debt charges on obligations 14293  
and the funding, or to fund or replenish reserves for that 14294  
purpose; provided that, the total amount of net lodging tax 14295  
proceeds made available for such use each year shall not exceed 14296  
five hundred thousand dollars. 14297

The lien of any such pledge shall be effective against all 14298  
persons when it is made, without the requirement for the filing of 14299  
any notice, and any such net lodging tax proceeds, incremental 14300  
sales tax growth, and tourism development district revenues, or 14301  
any part or portion or combination thereof, so pledged and 14302  
required to pay debt charges on obligations, to provide any credit 14303  
enhancement facilities or to fund, or to fund or replenish 14304  
reserves, or any combination thereof, shall be paid by the county 14305

or bureau at the times, in the amounts, and to such payee, 14306  
including, without limitation, a corporate trustee or paying 14307  
agent, to which the board of county commissioners and bureau agree 14308  
with respect to net lodging tax proceeds and to which the board of 14309  
county commissioners agree with respect to incremental sales tax 14310  
growth or tourism development district revenues. 14311

(F) Notwithstanding any other provision of law, a host 14312  
municipal corporation may agree to make available to any person, 14313  
on such terms and conditions to which it may determine and agree, 14314  
and any person may use, net tourism development district revenues, 14315  
or any part or portion thereof, to fund or pay, or to reimburse 14316  
other persons for funding or payment of, project costs, including, 14317  
without limitation, the payment of debt charges on obligations and 14318  
the funding, and funding and replenishing reserves for that 14319  
purpose, or, subject to annual appropriation, to pay, or to 14320  
reimburse other persons for payment of maintenance and repair 14321  
costs, and the host municipal corporation may pledge net tourism 14322  
development district revenues, or any part or portion thereof, to 14323  
the payment of debt charges on obligations and to fund and 14324  
replenish reserves for that purpose and may provide credit 14325  
enhancement facilities. The lien of any such pledge shall be 14326  
effective against all persons when it is made, without the 14327  
requirement for the filing of any notice, and any net tourism 14328  
development district revenues so pledged and required to pay debt 14329  
charges on obligations or to fund and replenish reserves shall be 14330  
paid by the host municipal corporation at the times, in the 14331  
amounts, and to such payee, including, without limitation, a 14332  
corporate trustee or paying agent, to which the host municipal 14333  
corporation agrees. 14334

(G) Notwithstanding any other provision of law, an eligible 14335  
transit authority may agree to make available, on such terms and 14336  
conditions to which it may determine and agree, to any person, and 14337

any person may use, incremental sales tax growth and tourism 14338  
development district revenues, or any part or portion or 14339  
combination thereof, to fund or pay, or to reimburse other persons 14340  
for funding or payment of, project costs, including, without 14341  
limitation, the payment of debt charges on obligations and the 14342  
funding and replenishing of reserves for that purpose, or, subject 14343  
to annual appropriation, to pay, or to reimburse any other person 14344  
for payment of, maintenance and repair costs, and the eligible 14345  
transit authority may pledge incremental sales tax growth and 14346  
tourism development district revenues, or any part or portion or 14347  
combination thereof, to the payment of debt charges on obligations 14348  
and the funding and replenishing of reserves for that purpose. The 14349  
lien of any such pledge shall be effective against all persons 14350  
when it is made, without the requirement for the filing of any 14351  
notice, and any incremental sales tax growth and tourism 14352  
development district revenues, or any part or portion or 14353  
combination thereof, so pledged and required to pay debt charges 14354  
on obligations or to fund and replenish reserves shall be paid by 14355  
the eligible transit authority at the times, in the amounts, and 14356  
to such payee, including, without limitation, a corporate trustee 14357  
or paying agent, to which the eligible transit authority agrees. 14358

(H) Except as provided herein with respect to agreements for 14359  
the payment or reimbursement of maintenance and repair costs, if 14360  
the term of an agreement made pursuant to division (B), (E), (F), 14361  
or (G) of this section extends beyond the end of the fiscal year 14362  
of the eligible county, eligible transit authority, or host 14363  
municipal corporation in which it is made, the agreement shall be 14364  
subject to section 5705.44 of the Revised Code, and subject to the 14365  
certification required by that section, the amount due under any 14366  
such agreement in each succeeding fiscal year shall be included in 14367  
the annual appropriation measure of the eligible county, eligible 14368  
transit authority, or host municipal corporation for each such 14369  
fiscal year as a fixed charge. The obligation of an eligible 14370

county, eligible transit authority, or host municipal corporation, 14371  
and of each official thereof, to include the amount required to be 14372  
paid in any such fiscal year in its annual appropriation measure 14373  
as a fixed charge and to make such payments from and to the extent 14374  
of the amounts so pledged, or agreed to be contributed or pledged, 14375  
shall be a duty specially enjoined by law and resulting from an 14376  
office, trust, or station under section 2731.01 of the Revised 14377  
Code, enforceable by writ of mandamus. 14378

(I)(1) Each tourism facility and project constitutes a "port 14379  
authority facility" within the meaning of division (D) of section 14380  
4582.01 and division (E) of section 4582.21 of the Revised Code, 14381  
and a port authority may issue obligations under Chapter 4582. of 14382  
the Revised Code, subject only to the procedures and requirements 14383  
applicable to its issuance of revenue bonds as provided in 14384  
division (A)(4) of section 4582.06 of the Revised Code or of port 14385  
authority revenue bonds as provided in division (A)(8) of section 14386  
4582.31 of the Revised Code. For the purpose of issuing any such 14387  
obligations, any net lodging tax proceeds, net tourism development 14388  
district revenues, amounts provided pursuant to any credit 14389  
enhancement facilities, and revenue from any other tax pledged, 14390  
assigned, or otherwise obligated to be contributed to the payment 14391  
of the obligations shall be treated as revenues of the port 14392  
authority for the purposes of division (A)(4) of section 4582.06 14393  
of the Revised Code and revenues, as defined in section 4582.21 of 14394  
the Revised Code. Any obligations issued under division (I)(1) of 14395  
this section shall be considered revenue bonds issued under 14396  
division (A)(4) of section 4582.06 of the Revised Code or port 14397  
authority revenue bonds issued under division (A)(8) of section 14398  
4582.31 and section 4582.48 of the Revised Code for all purposes. 14399  
In addition to all other powers available to a port authority 14400  
under this section or under Chapter 4582. of the Revised Code with 14401  
respect to the issuance of or provision for the security for 14402  
payment of debt charges on obligations, and with respect to any 14403

tourism facility or project, the port authority may take any of 14404  
the actions contemplated by Chapter 4582. of the Revised Code, 14405  
including, without limitation, any actions contemplated by section 14406  
4582.06, 4582.31, or 4582.47 of the Revised Code. Obligations 14407  
issued by a port authority pursuant to division (I)(1) of this 14408  
section shall be special obligations of the port authority and do 14409  
not constitute bonded indebtedness, a general obligation, debt, or 14410  
a pledge of the full faith and credit of the state, the port 14411  
authority, or any other political subdivision of the state. 14412

(2) Each tourism facility and project constitutes "community 14413  
facilities" within the meaning of division (I) of section 349.01 14414  
of the Revised Code, and a new community authority may issue 14415  
obligations pursuant to Chapter 349. of the Revised Code subject 14416  
only to the procedures and requirements applicable to its issuance 14417  
of bonds or notes as used in and pursuant to section 349.08 of the 14418  
Revised Code. For the purpose of issuing any such obligations, net 14419  
lodging tax proceeds, net tourism development district revenues, 14420  
and revenue from any other tax pledged, assigned, or otherwise 14421  
obligated to be contributed to the payment of the obligations 14422  
shall be treated as an income source, as defined in section 349.01 14423  
of the Revised Code. Any obligations issued under division (I)(2) 14424  
of this section shall be considered bonds issued under section 14425  
349.08 of the Revised Code. In addition to all other powers 14426  
available to a new community authority under division (I)(2) of 14427  
this section or under Chapter 349. of the Revised Code with 14428  
respect to the issuance of or provision for the security for 14429  
payment of debt charges on obligations, and with respect to any 14430  
tourism facility or project, the new community authority may take 14431  
any of the actions contemplated by Chapter 349. of the Revised 14432  
Code. Obligations issued by a new community authority pursuant to 14433  
division (I)(2) of this section shall be special obligations of 14434  
the new community authority and do not constitute bonded 14435  
indebtedness, a general obligation, debt, or a pledge of the full 14436



faith and credit of the state, the new community authority, or any 14437  
other political subdivision of the state. 14438

(J) Each project for which funding or payment of project 14439  
costs is provided, in whole or in part, by the issuance of 14440  
obligations secured by a pledge of net lodging tax proceeds or net 14441  
tourism development district revenues, or both, and any agreement 14442  
to provide credit enhancement facilities or to fund or pay, and 14443  
the funding or payment of, such project costs and any maintenance 14444  
and repair costs of the project from net lodging taxes and net 14445  
tourism development district revenues, are hereby determined, 14446  
regardless of the ownership, leasing, or use of the project by any 14447  
person, to constitute implementing and participating in the 14448  
development of sites and facilities within the meaning of Section 14449  
2p of Article VIII, Ohio Constitution, including division (D)(3) 14450  
of that section, and any such obligations are hereby determined to 14451  
be issued, and any such credit enhancement facilities and 14452  
agreements to fund or pay, and funding and payment of, project 14453  
costs and any maintenance and repair costs of the project, are 14454  
determined to be made, under authority of Section 2p of Article 14455  
VIII, Ohio Constitution, for and in furtherance of site and 14456  
facility development purposes within the meaning of division (E) 14457  
of that section, pursuant to provision made by law for the 14458  
procedure for incurring and issuing obligations, separately or in 14459  
combination with other obligations, and refunding, retiring, and 14460  
evidencing obligations, and pursuant to division (F) of Section 2p 14461  
of Article VIII, Ohio Constitution, such that provision for the 14462  
payment of debt charges on the obligations, credit enhancement 14463  
facilities, or both, the purposes and uses to which and the manner 14464  
in which the proceeds of those obligations or credit enhancement 14465  
facilities or money from other sources are to be or may be 14466  
applied, and other implementation of those development purposes as 14467  
referred to in this section, including the manner determined by an 14468  
issuer to participate for those purposes, are not subject to 14469

Sections 4 and 6 of Article VIII, Ohio Constitution. 14470

No obligations may be issued under this section to fund or 14471  
pay maintenance and repair costs. 14472

(K) No obligations may be issued under this section unless 14473  
the issuer's fiscal officer determines that the net lodging tax 14474  
proceeds, net tourism development district revenues, or both, 14475  
pledged, assigned, or otherwise obligated to be contributed to the 14476  
payment of debt charges on such obligations and all other 14477  
obligations issued, outstanding and payable therefrom, are 14478  
expected to be sufficient to pay all debt charges on all such 14479  
obligations except to any extent that such debt charges are to be 14480  
paid from proceeds of obligations or refunding obligations 14481  
deposited or to be deposited into a pledged fund or account, 14482  
including any reserve fund or account, or investment earnings 14483  
thereon. 14484

(L)(1) A board of county commissioners shall not repeal, 14485  
rescind, or reduce the levy of an existing lodging tax or the 14486  
source of any other revenue to the extent its proceeds are revenue 14487  
from that tax or source is pledged to the payment of debt charges 14488  
on obligations, and any such lodging tax or other revenue source 14489  
shall not be subject to repeal, rescission, or reduction by 14490  
initiative, referendum, or subsequent enactment of legislation by 14491  
the general assembly, so long as there remain outstanding any 14492  
obligations as to which the payment of debt charges is secured by 14493  
a pledge of the existing lodging tax or other revenue source. 14494

~~(F)~~(2) The legislative authority of a host municipal 14495  
corporation shall not repeal, rescind, or reduce the levy of any 14496  
tax the proceeds of which constitute tourism development district 14497  
revenues if its proceeds are pledged to the payment of debt 14498  
charges on obligations, and any such tax shall not be subject to 14499  
repeal, rescission, or reduction by initiative, referendum, or 14500  
subsequent enactment of legislation by the general assembly, so 14501

long as there remain outstanding any obligations as to which the 14502  
payment of debt charges is secured by a pledge of those net 14503  
tourism development district revenues. 14504

(3) A transit authority shall not repeal, rescind, or reduce 14505  
the levy of any tax the proceeds of which are pledged to the 14506  
payment of debt charges on obligations, and any such tax shall not 14507  
be subject to repeal, rescission, or reduction by initiative, 14508  
referendum, or subsequent enactment of legislation by the general 14509  
assembly, so long as there remain outstanding any obligations as 14510  
to which the payment of debt charges is secured by the pledge of 14511  
such tax proceeds. 14512

(M) A pledge of the proceeds of an existing lodging tax under 14513  
division (D) of this section shall, assignment, or other agreement 14514  
to contribute net lodging tax proceeds or other revenues or credit 14515  
enhancement facilities made by an eligible county under division 14516  
(B) or (E) of this section; a pledge, assignment, or other 14517  
agreement to contribute net tourism development district revenues 14518  
or credit enhancement facilities made by a host municipality under 14519  
division (B) or (F) of this section; and a pledge, assignment, or 14520  
other agreement made by an eligible county or eligible transit 14521  
authority or agreement to contribute revenue from taxes that 14522  
constitute tourism development district revenues under division 14523  
(B), (E), or (G) of this section, do not constitute bonded 14524  
indebtedness of the eligible county, or indebtedness for the 14525  
purposes of Chapter 133. of the Revised Code, of an eligible 14526  
county, eligible transit authority, or host municipal corporation. 14527

(G)(N) The authority provided by this section is supplemental 14528  
to, and is not intended to limit in any way, any legal authority 14529  
that a cooperating party or any other person may have under any 14530  
other provision of law. 14531

**Sec. 307.93.** (A) The boards of county commissioners of two or 14532

more adjacent counties may contract for the joint establishment of 14533  
a multicounty correctional center, and the board of county 14534  
commissioners of a county or the boards of two or more counties 14535  
may contract with any municipal corporation or municipal 14536  
corporations located in that county or those counties for the 14537  
joint establishment of a municipal-county or multicounty-municipal 14538  
correctional center. The center shall augment county and, where 14539  
applicable, municipal jail programs and facilities by providing 14540  
custody and rehabilitative programs for those persons under the 14541  
charge of the sheriff of any of the contracting counties or of the 14542  
officer or officers of the contracting municipal corporation or 14543  
municipal corporations having charge of persons incarcerated in 14544  
the municipal jail, workhouse, or other correctional facility who, 14545  
in the opinion of the sentencing court, need programs of custody 14546  
and rehabilitation not available at the county or municipal jail 14547  
and by providing custody and rehabilitative programs in accordance 14548  
with division (C) of this section, if applicable. The contract may 14549  
include, but need not be limited to, provisions regarding the 14550  
acquisition, construction, maintenance, repair, termination of 14551  
operations, and administration of the center. The acquisition of 14552  
the facility, to the extent appropriate, may include the leasing 14553  
of the Ohio river valley facility or a specified portion of that 14554  
facility pursuant to division (B)(3) of this section. The contract 14555  
shall prescribe the manner of funding of, and debt assumption for, 14556  
the center and the standards and procedures to be followed in the 14557  
operation of the center. Except as provided in division ~~(H)~~(G) of 14558  
this section, the contracting counties and municipal corporations 14559  
shall form a corrections commission to oversee the administration 14560  
of the center. Members of the commission shall consist of the 14561  
sheriff of each participating county, a member of the board of 14562  
county commissioners of each participating county, the chief of 14563  
police of each participating municipal corporation, and the mayor 14564  
or city manager of each participating municipal corporation. Any 14565

of the foregoing officers may appoint a designee to serve in the 14566  
officer's place on the corrections commission. ~~The~~ 14567

The standards and procedures prescribed under this division 14568  
shall be formulated and agreed to by the commission and may be 14569  
amended at any time during the life of the contract by agreement 14570  
~~of the parties to the contract upon the advice~~ a majority of the 14571  
voting members of the commission or by other means set forth in 14572  
the contract between the contracting counties and municipal 14573  
corporations. The standards and procedures formulated by the 14574  
commission and amendments to them shall include, but need not be 14575  
limited to, designation of the person in charge of the center, 14576  
designation of a fiscal agent, the categories of employees to be 14577  
employed at the center, the appointing authority of the center, 14578  
and the standards of treatment and security to be maintained at 14579  
the center. The person in charge of, and all persons employed to 14580  
work at, the center shall have all the powers of police officers 14581  
that are necessary for the proper performance of the duties 14582  
relating to their positions at the center. 14583

(B)(1) Upon the establishment of a corrections commission 14584  
under division (A) of this section, the judges specified in this 14585  
division shall form a judicial advisory board for the purpose of 14586  
making recommendations to the corrections commission on issues of 14587  
bed allocation, expansion of the center that the corrections 14588  
commission oversees, and other issues concerning the 14589  
administration of sentences or any other matter determined to be 14590  
appropriate by the board. The judges who shall form the judicial 14591  
advisory board for a corrections commission are the administrative 14592  
judge of the general division of the court of common pleas of each 14593  
county participating in the corrections center, the presiding 14594  
judge of the municipal court of each municipal corporation 14595  
participating in the corrections center, and the presiding judge 14596  
of each county court of each county participating in the 14597

corrections center. If the number of the foregoing members of the 14598  
board is even, the county auditor or the county auditor of the 14599  
most populous county if the board serves more than one county 14600  
shall also be a member of the board. Any of the foregoing judges 14601  
may appoint a designee to serve in the judge's place on the 14602  
judicial advisory board, provided that the designee shall be a 14603  
judge of the same court as the judge who makes the appointment. 14604  
The judicial advisory board for a corrections commission shall 14605  
meet with the corrections commission at least once each year. 14606

(2) Each board of county commissioners that enters a contract 14607  
under division (A) of this section may appoint a building 14608  
commission pursuant to section 153.21 of the Revised Code. If any 14609  
commissions are appointed, they shall function jointly in the 14610  
construction of a multicounty or multicounty-municipal 14611  
correctional center with all the powers and duties authorized by 14612  
law. 14613

(3) Subject to the limitation described in this division, the 14614  
boards of county commissioners that contract or have contracted 14615  
for the joint establishment of a multicounty correctional center 14616  
under division (A) of this section, or the boards of county 14617  
commissioners of the counties and legislative authorities of the 14618  
municipal corporations that contract or have contracted for the 14619  
joint establishment of a municipal-county or multicounty-municipal 14620  
correctional center under that division, may enter into an 14621  
agreement with the director of administrative services pursuant to 14622  
which the contracting counties and municipal corporations shall 14623  
use the Ohio river valley facility or a specified portion of that 14624  
facility as the multicounty correctional center, municipal-county 14625  
correctional center, or multicounty-municipal correctional center 14626  
covered by the contract entered into under division (A) of this 14627  
section. A contract with the director of administrative services 14628  
may be entered into under this division only if one or more of the 14629

contracting counties is adjacent to Scioto county. 14630

The department may enter into an agreement as described in 14631  
this division at any time on or after the effective date of this 14632  
amendment or, if the department had entered into an agreement with 14633  
the board of county commissioners of Lawrence county pursuant to 14634  
section 341.121 of the Revised Code for the use by the sheriff of 14635  
that county of a specified portion of the facility as a jail for 14636  
Lawrence county, at any time on or after the date that control of 14637  
the specified portion of the facility reverts to the state under 14638  
division (B)(4) or (C) of that section. 14639

(C) Prior to the acceptance for custody and rehabilitation 14640  
into a center established under this section of any persons who 14641  
are designated by the department of rehabilitation and correction, 14642  
who plead guilty to or are convicted of a felony of the fourth or 14643  
fifth degree, and who satisfy the other requirements listed in 14644  
section 5120.161 of the Revised Code, the corrections commission 14645  
of a center established under this section shall enter into an 14646  
agreement with the department of rehabilitation and correction 14647  
under section 5120.161 of the Revised Code for the custody and 14648  
rehabilitation in the center of persons who are designated by the 14649  
department, who plead guilty to or are convicted of a felony of 14650  
the fourth or fifth degree, and who satisfy the other requirements 14651  
listed in that section, in exchange for a per diem fee per person. 14652  
Persons incarcerated in the center pursuant to an agreement 14653  
entered into under this division shall be subject to supervision 14654  
and control in the manner described in section 5120.161 of the 14655  
Revised Code. This division does not affect the authority of a 14656  
court to directly sentence a person who is convicted of or pleads 14657  
guilty to a felony to the center in accordance with section 14658  
2929.16 of the Revised Code. 14659

(D) Pursuant to section 2929.37 of the Revised Code, each 14660  
board of county commissioners and the legislative authority of 14661

each municipal corporation that enters into a contract under 14662  
division (A) of this section may require a person who was 14663  
convicted of an offense, who is under the charge of the sheriff of 14664  
their county or of the officer or officers of the contracting 14665  
municipal corporation or municipal corporations having charge of 14666  
persons incarcerated in the municipal jail, workhouse, or other 14667  
correctional facility, and who is confined in the multicounty, 14668  
municipal-county, or multicounty-municipal correctional center as 14669  
provided in that division, to reimburse the applicable county or 14670  
municipal corporation for its expenses incurred by reason of the 14671  
person's confinement in the center. 14672

(E) Notwithstanding any contrary provision in this section or 14673  
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 14674  
corrections commission of a center may establish a policy that 14675  
complies with section 2929.38 of the Revised Code and that 14676  
requires any person who is not indigent and who is confined in the 14677  
multicounty, municipal-county, or multicounty-municipal 14678  
correctional center to pay a reception fee, a fee for medical 14679  
treatment or service requested by and provided to that person, or 14680  
the fee for a random drug test assessed under division (E) of 14681  
section 341.26 of the Revised Code. 14682

(F)(1) The corrections commission of a center established 14683  
under this section may establish a commissary for the center. The 14684  
commissary may be established either in-house or by another 14685  
arrangement. If a commissary is established, all persons 14686  
incarcerated in the center shall receive commissary privileges. A 14687  
person's purchases from the commissary shall be deducted from the 14688  
person's account record in the center's business office. The 14689  
commissary shall provide for the distribution to indigent persons 14690  
incarcerated in the center of necessary hygiene articles and 14691  
writing materials. 14692

(2) If a commissary is established, the corrections 14693



commission of a center established under this section shall 14694  
establish a commissary fund for the center. The management of 14695  
funds in the commissary fund shall be strictly controlled in 14696  
accordance with procedures adopted by the auditor of state. 14697  
Commissary fund revenue over and above operating costs and reserve 14698  
shall be considered profits. All profits from the commissary fund 14699  
shall be used to purchase supplies and equipment for the benefit 14700  
of persons incarcerated in the center and to pay salary and 14701  
benefits for employees of the center, or for any other persons, 14702  
who work in or are employed for the sole purpose of providing 14703  
service to the commissary. The corrections commission shall adopt 14704  
rules and regulations for the operation of any commissary fund it 14705  
establishes. 14706

(G) In lieu of forming a corrections commission to administer 14707  
a multicounty correctional center or a municipal-county or 14708  
multicounty-municipal correctional center, the boards of county 14709  
commissioners and the legislative authorities of the municipal 14710  
corporations contracting to establish the center may also agree to 14711  
contract for the private operation and management of the center as 14712  
provided in section 9.06 of the Revised Code, but only if the 14713  
center houses only misdemeanor inmates. In order to enter into a 14714  
contract under section 9.06 of the Revised Code, all the boards 14715  
and legislative authorities establishing the center shall approve 14716  
and be parties to the contract. 14717

(H) If a person who is convicted of or pleads guilty to an 14718  
offense is sentenced to a term in a multicounty correctional 14719  
center or a municipal-county or multicounty-municipal correctional 14720  
center or is incarcerated in the center in the manner described in 14721  
division (C) of this section, or if a person who is arrested for 14722  
an offense, and who has been denied bail or has had bail set and 14723  
has not been released on bail is confined in a multicounty 14724  
correctional center or a municipal-county or multicounty-municipal 14725

correctional center pending trial, at the time of reception and at 14726  
other times the officer, officers, or other person in charge of 14727  
the operation of the center determines to be appropriate, the 14728  
officer, officers, or other person in charge of the operation of 14729  
the center may cause the convicted or accused offender to be 14730  
examined and tested for tuberculosis, HIV infection, hepatitis, 14731  
including but not limited to hepatitis A, B, and C, and other 14732  
contagious diseases. The officer, officers, or other person in 14733  
charge of the operation of the center may cause a convicted or 14734  
accused offender in the center who refuses to be tested or treated 14735  
for tuberculosis, HIV infection, hepatitis, including but not 14736  
limited to hepatitis A, B, and C, or another contagious disease to 14737  
be tested and treated involuntarily. 14738

(I) As used in this section, ~~"multicounty municipal":~~ 14739

(1) "Multicounty-municipal" means more than one county and a 14740  
municipal corporation, or more than one municipal corporation and 14741  
a county, or more than one municipal corporation and more than one 14742  
county. 14743

(2) "Ohio river valley facility" has the same meaning as in 14744  
section 341.121 of the Revised Code. 14745

**Sec. 307.984.** (A) To enhance the administration, delivery, 14746  
and effectiveness of family services duties and workforce 14747  
development activities, a board of county commissioners may enter 14748  
into one or more regional plans of cooperation with the following: 14749

(1) One or more other boards of county commissioners; 14750

(2) The chief elected official or officials of one or more 14751  
municipal corporations that are ~~the type of local area areas as~~ 14752  
defined in ~~division (A)(1) of~~ section 6301.01 of the Revised Code; 14753

(3) Both boards of county commissioners and such chief 14754  
elected officials. 14755

(B) A regional plan of cooperation must specify how the private and government entities included in the plan will coordinate and enhance the administration, delivery, and effectiveness of family services duties and workforce development activities.

Sec. 313.132. If an autopsy includes a toxicological analysis, the coroner, deputy coroner, or pathologist shall screen for the presence of buprenorphine, naltrexone, and methadone.

Sec. 319.11. The county auditor shall, ~~on or before ninety days after the close of the fiscal year,~~ prepare a financial report of the county for the preceding fiscal year in such form as prescribed by the auditor of state and by such date as required under section 117.38 of the Revised Code. Upon completing the report, the county auditor shall publish notice that the report has been completed and is available for public inspection at the office of the county auditor. The notice shall be published once in a newspaper of general circulation in the county. If there is no newspaper of general circulation in the county, then publication is required in the newspaper of general circulation in an adjoining county that has the largest circulation in that adjoining county. The report shall contain at least the information required by section 117.38 of the Revised Code, and a copy shall be filed with the auditor of state.

No county auditor shall fail or neglect to prepare the report or publish notice of completion of the report as required by this section.

Sec. 319.26. (A)(1) If a county auditor purposely, knowingly, or recklessly fails to perform a fiscal duty expressly imposed by law with respect to the fiscal duties of the office of county auditor or purposely, knowingly, or recklessly commits any act

expressly prohibited by law with respect to the fiscal duties of 14786  
the office of county auditor, the county treasurer or a county 14787  
commissioner may submit a sworn affidavit alleging the violation, 14788  
together with evidence supporting the allegations, to the auditor 14789  
of state. The sworn affidavit and evidence shall be submitted in 14790  
the format prescribed by rule of the auditor of state under 14791  
section 117.45 of the Revised Code. A person who makes a false 14792  
statement in a sworn affidavit, for purposes of this section, is 14793  
guilty of falsification under section 2921.13 of the Revised Code. 14794

(2) The auditor of state shall review the sworn affidavit and 14795  
the evidence. Within ~~ten business~~ thirty calendar days after 14796  
receiving the sworn affidavit, unless, for good cause, additional 14797  
time is required, the auditor of state shall determine whether 14798  
clear and convincing evidence supports the allegations. If the 14799  
auditor of state finds that no allegation is supported by clear 14800  
and convincing evidence, the auditor of state shall submit those 14801  
findings in writing to the county auditor and the person 14802  
initiating the sworn affidavit. If the auditor of state finds by 14803  
clear and convincing evidence that an allegation is supported by 14804  
the evidence, the auditor of state shall submit those findings in 14805  
writing to the attorney general, the county auditor, and the 14806  
person who initiated the sworn affidavit. The findings shall 14807  
include a copy of the sworn affidavit and the evidence submitted 14808  
under division (A)(1) of this section. 14809

(3)(a) The attorney general shall review the auditor of 14810  
state's findings and the sworn affidavit and evidence. Within ten 14811  
business days after receiving the sworn affidavit and evidence, 14812  
unless, for good cause, additional time is required, the attorney 14813  
general shall determine whether clear and convincing evidence 14814  
supports the allegations. If the attorney general finds that no 14815  
allegation is supported by clear and convincing evidence, the 14816  
attorney general, by certified mail, shall notify the auditor of 14817

state, the county auditor, and the person who initiated the sworn affidavit, that no complaint for the removal of the county auditor from public office will be filed.

(b) If the attorney general finds by clear and convincing evidence that an allegation is supported by the evidence, the attorney general, by certified mail, shall notify the auditor of state, the county auditor, and the person who initiated the sworn affidavit of that fact, and shall commence an action for the removal of the county auditor from public office under division (B) of this section.

(c) Nothing in this section is intended to limit the authority of the attorney general to enter into mediation, settlement, or resolution of any alleged violation before or following the commencement of an action under this section.

(B)(1)(a) The attorney general has a cause of action for removal of a county auditor who purposely, knowingly, or recklessly fails to perform a fiscal duty expressly imposed by law with respect to the fiscal duties of the office of county auditor or purposely, knowingly, or recklessly commits any act expressly prohibited by law with respect to the fiscal duties of the office of county auditor. Not later than forty-five days after sending a notice under division (A)(3)(b) of this section, the attorney general shall cause an action to be commenced against the county auditor by filing a complaint for the removal of the county auditor from public office. If any money is due, the attorney general shall join the sureties on the county auditor's bond as parties. The court of common pleas of the county in which the county auditor holds office has exclusive original jurisdiction of the action. The action shall proceed de novo as in the trial of a civil action. The court is not restricted to the evidence that was presented to the auditor of state and the attorney general before the action was filed. The action is governed by the Rules of Civil

Procedure. 14850

(b) If the court finds by clear and convincing evidence that 14851  
the county auditor purposely, knowingly, or recklessly failed to 14852  
perform a fiscal duty expressly imposed by law with respect to the 14853  
fiscal duties of the office of county auditor or purposely, 14854  
knowingly, or recklessly committed any act expressly prohibited by 14855  
law with respect to the fiscal duties of that office, the court 14856  
shall issue an order removing the county auditor from office and 14857  
any order necessary for the preservation or restitution of public 14858  
funds. 14859

(2) Except as otherwise provided in this division, an action 14860  
for removal from office under this section is stayed during the 14861  
pendency of any criminal action concerning a violation of an 14862  
existing or former municipal ordinance or law of this or any other 14863  
state or the United States that is substantially equivalent to any 14864  
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 14865  
conduct in office, if the person charged in the criminal action 14866  
committed the violation while serving as a county auditor and the 14867  
conduct constituting the violation was related to the duties of 14868  
the office of county auditor or to the person's actions as the 14869  
county auditor. The stay may be lifted upon motion of the 14870  
prosecuting attorney in the related criminal action. 14871

(3) Prior to or at the hearing, upon a showing of good cause, 14872  
the court may issue an order restraining the county auditor from 14873  
entering the county auditor's office and from conducting the 14874  
affairs of the office pending the hearing on the complaint. If 14875  
such an order is issued, the court may continue the order until 14876  
the conclusion of the hearing and any appeals under this section. 14877

(4) The board of county commissioners shall be responsible 14878  
for the payment of reasonable attorney's fees for counsel for the 14879  
county auditor. If judgment is entered against the county auditor, 14880  
the court shall order the county auditor to reimburse the board 14881

for attorney's fees and costs up to a reasonable amount, as 14882  
determined by the court. Expenses incurred by the board in a 14883  
removal action shall be paid out of the county general fund. 14884

(C) The judgment of the court is final and conclusive unless 14885  
reversed, vacated, or modified on appeal. An appeal may be taken 14886  
by any party, and shall proceed as in the case of appeals in civil 14887  
actions and in accordance with the Rules of Appellate Procedure. 14888  
Upon the filing of a notice of appeal by any party to the 14889  
proceedings, the court of appeals shall hear the case as an 14890  
expedited appeal under Rule 11.2 of the Rules of Appellate 14891  
Procedure. The county auditor has the right of review or appeal to 14892  
the supreme court. 14893

(D) If a final judgment for removal from public office is 14894  
entered against the county auditor, the office shall be deemed 14895  
vacated, and the vacancy shall be filled as provided in section 14896  
305.02 of the Revised Code. Except as otherwise provided by law, 14897  
an individual removed from public office under this section is not 14898  
entitled to hold any public office for four years following the 14899  
date of the final judgment, and is not entitled to hold any public 14900  
office until any repayment or restitution required by the court is 14901  
satisfied. 14902

(E) For the purposes of this section: 14903

(1) A person acts purposely when it is the person's specific 14904  
intention to cause a certain result, or, when the gist of the 14905  
offense is a prohibition against conduct of a certain nature, 14906  
regardless of what the person intends to accomplish thereby, it is 14907  
the person's specific intention to engage in conduct of that 14908  
nature. 14909

(2) A person acts knowingly, regardless of the person's 14910  
purpose, when the person is aware that the person's conduct will 14911  
probably cause a certain result or will probably be of a certain 14912

nature. A person has knowledge of circumstances when the person is 14913  
aware that such circumstances probably exist. 14914

(3) A person acts recklessly when, with heedless indifference 14915  
to the consequences, the person perversely disregards a known risk 14916  
that the person's conduct is likely to cause a certain result or 14917  
is likely to be of a certain nature. A person is reckless with 14918  
respect to circumstances when, with heedless indifference to the 14919  
consequences, the person perversely disregards a known risk that 14920  
such circumstances are likely to exist. 14921

(F) The proceedings provided for in this section may be used 14922  
as an alternative to the removal proceedings prescribed under 14923  
sections 3.07 to 3.10 of the Revised Code or other methods of 14924  
removal authorized by law. 14925

**Sec. 319.54.** (A) On all moneys collected by the county 14926  
treasurer on any tax duplicate of the county, other than estate 14927  
tax duplicates, and on all moneys received as advance payments of 14928  
personal property and classified property taxes, the county 14929  
auditor, on settlement with the treasurer and tax commissioner, on 14930  
or before the date prescribed by law for such settlement or any 14931  
lawful extension of such date, shall be allowed as compensation 14932  
for the county auditor's services the following percentages: 14933

(1) On the first one hundred thousand dollars, two and 14934  
one-half per cent; 14935

(2) On the next two million dollars, eight thousand three 14936  
hundred eighteen ten-thousandths of one per cent; 14937

(3) On the next two million dollars, six thousand six hundred 14938  
fifty-five ten-thousandths of one per cent; 14939

(4) On all further sums, one thousand six hundred sixty-three 14940  
ten-thousandths of one per cent. 14941

If any settlement is not made on or before the date 14942



prescribed by law for such settlement or any lawful extension of 14943  
such date, the aggregate compensation allowed to the auditor shall 14944  
be reduced one per cent for each day such settlement is delayed 14945  
after the prescribed date. No penalty shall apply if the auditor 14946  
and treasurer grant all requests for advances up to ninety per 14947  
cent of the settlement pursuant to section 321.34 of the Revised 14948  
Code. The compensation allowed in accordance with this section on 14949  
settlements made before the dates prescribed by law, or the 14950  
reduced compensation allowed in accordance with this section on 14951  
settlements made after the date prescribed by law or any lawful 14952  
extension of such date, shall be apportioned ratably by the 14953  
auditor and deducted from the shares or portions of the revenue 14954  
payable to the state as well as to the county, townships, 14955  
municipal corporations, and school districts. 14956

(B) For the purpose of reimbursing county auditors for the 14957  
expenses associated with the increased number of applications for 14958  
reductions in real property taxes under sections 323.152 and 14959  
4503.065 of the Revised Code that result from the amendment of 14960  
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 14961  
there shall be paid from the state's general revenue fund to the 14962  
county treasury, to the credit of the real estate assessment fund 14963  
created by section 325.31 of the Revised Code, an amount equal to 14964  
one per cent of the total annual amount of property tax relief 14965  
reimbursement paid to that county under sections 323.156 and 14966  
4503.068 of the Revised Code for the preceding tax year. Payments 14967  
made under this division shall be made at the same times and in 14968  
the same manner as payments made under section 323.156 of the 14969  
Revised Code. 14970

(C) From all moneys collected by the county treasurer on any 14971  
tax duplicate of the county, other than estate tax duplicates, and 14972  
on all moneys received as advance payments of personal property 14973  
and classified property taxes, there shall be paid into the county 14974

treasury to the credit of the real estate assessment fund created 14975  
by section 325.31 of the Revised Code, an amount to be determined 14976  
by the county auditor, which shall not exceed the percentages 14977  
prescribed in divisions (C)(1) and (2) of this section. 14978

(1) For payments made after June 30, 2007, and before 2011, 14979  
the following percentages: 14980

(a) On the first five hundred thousand dollars, four per 14981  
cent; 14982

(b) On the next five million dollars, two per cent; 14983

(c) On the next five million dollars, one per cent; 14984

(d) On all further sums not exceeding one hundred fifty 14985  
million dollars, three-quarters of one per cent; 14986

(e) On amounts exceeding one hundred fifty million dollars, 14987  
five hundred eighty-five thousandths of one per cent. 14988

(2) For payments made in or after 2011, the following 14989  
percentages: 14990

(a) On the first five hundred thousand dollars, four per 14991  
cent; 14992

(b) On the next ten million dollars, two per cent; 14993

(c) On amounts exceeding ten million five hundred thousand 14994  
dollars, three-fourths of one per cent. 14995

Such compensation shall be apportioned ratably by the auditor 14996  
and deducted from the shares or portions of the revenue payable to 14997  
the state as well as to the county, townships, municipal 14998  
corporations, and school districts. 14999

(D) Each county auditor shall receive four per cent of the 15000  
amount of tax collected and paid into the county treasury, on 15001  
property omitted and placed by the county auditor on the tax 15002  
duplicate. 15003

(E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement ~~semiannually~~ annually with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, the following percentages:

(1) Four per cent on the first one hundred thousand dollars;

(2) One-half of one per cent on all additional sums.

Such percentages shall be computed upon the amount collected and reported at each ~~semiannual~~ annual settlement, and shall be for the use of the general fund of the county.

(F) On all cigarette license moneys collected by the county treasurer, the county auditor, on settlement semiannually with the treasurer, shall be allowed as compensation for the auditor's services in the issuing of such licenses one-half of one per cent of such moneys, to be apportioned ratably and deducted from the shares of the revenue payable to the county and subdivisions, for the use of the general fund of the county.

(G) The county auditor shall charge and receive fees as follows:

(1) For deeds of land sold for taxes to be paid by the purchaser, five dollars;

(2) For the transfer or entry of land, lot, or part of lot, or the transfer or entry on or after January 1, 2000, of a used manufactured home or mobile home as defined in section 5739.0210 of the Revised Code, fifty cents for each transfer or entry, to be paid by the person requiring it;

(3) For receiving statements of value and administering section 319.202 of the Revised Code, one dollar, or ten cents for each one hundred dollars or fraction of one hundred dollars, whichever is greater, of the value of the real property

transferred or, for sales occurring on or after January 1, 2000, 15034  
the value of the used manufactured home or used mobile home, as 15035  
defined in section 5739.0210 of the Revised Code, transferred, 15036  
except no fee shall be charged when the transfer is made: 15037

(a) To or from the United States, this state, or any 15038  
instrumentality, agency, or political subdivision of the United 15039  
States or this state; 15040

(b) Solely in order to provide or release security for a debt 15041  
or obligation; 15042

(c) To confirm or correct a deed previously executed and 15043  
recorded or when a current owner on any record made available to 15044  
the general public on the internet or a publicly accessible 15045  
database and the general tax list of real and public utility 15046  
property and the general duplicate of real and public utility 15047  
property is a peace officer, parole officer, prosecuting attorney, 15048  
assistant prosecuting attorney, correctional employee, youth 15049  
services employee, firefighter, EMT, or investigator of the bureau 15050  
of criminal identification and investigation and is changing the 15051  
current owner name listed on any record made available to the 15052  
general public on the internet or a publicly accessible database 15053  
and the general tax list of real and public utility property and 15054  
the general duplicate of real and public utility property to the 15055  
initials of the current owner as prescribed in division (B)(1) of 15056  
section 319.28 of the Revised Code; 15057

(d) To evidence a gift, in trust or otherwise and whether 15058  
revocable or irrevocable, between husband and wife, or parent and 15059  
child or the spouse of either; 15060

(e) On sale for delinquent taxes or assessments; 15061

(f) Pursuant to court order, to the extent that such transfer 15062  
is not the result of a sale effected or completed pursuant to such 15063  
order; 15064

(g) Pursuant to a reorganization of corporations or 15065  
unincorporated associations or pursuant to the dissolution of a 15066  
corporation, to the extent that the corporation conveys the 15067  
property to a stockholder as a distribution in kind of the 15068  
corporation's assets in exchange for the stockholder's shares in 15069  
the dissolved corporation; 15070

(h) By a subsidiary corporation to its parent corporation for 15071  
no consideration, nominal consideration, or in sole consideration 15072  
of the cancellation or surrender of the subsidiary's stock; 15073

(i) By lease, whether or not it extends to mineral or mineral 15074  
rights, unless the lease is for a term of years renewable forever; 15075

(j) When the value of the real property or the manufactured 15076  
or mobile home or the value of the interest that is conveyed does 15077  
not exceed one hundred dollars; 15078

(k) Of an occupied residential property, including a 15079  
manufactured or mobile home, being transferred to the builder of a 15080  
new residence or to the dealer of a new manufactured or mobile 15081  
home when the former residence is traded as part of the 15082  
consideration for the new residence or new manufactured or mobile 15083  
home; 15084

(l) To a grantee other than a dealer in real property or in 15085  
manufactured or mobile homes, solely for the purpose of, and as a 15086  
step in, the prompt sale of the real property or manufactured or 15087  
mobile home to others; 15088

(m) To or from a person when no money or other valuable and 15089  
tangible consideration readily convertible into money is paid or 15090  
to be paid for the real estate or manufactured or mobile home and 15091  
the transaction is not a gift; 15092

(n) Pursuant to division (B) of section 317.22 of the Revised 15093  
Code, or section 2113.61 of the Revised Code, between spouses or 15094  
to a surviving spouse pursuant to section 5302.17 of the Revised 15095

Code as it existed prior to April 4, 1985, between persons	15096
pursuant to section 5302.17 or 5302.18 of the Revised Code on or	15097
after April 4, 1985, to a person who is a surviving, survivorship	15098
tenant pursuant to section 5302.17 of the Revised Code on or after	15099
April 4, 1985, or pursuant to section 5309.45 of the Revised Code;	15100
(o) To a trustee acting on behalf of minor children of the	15101
deceased;	15102
(p) Of an easement or right-of-way when the value of the	15103
interest conveyed does not exceed one thousand dollars;	15104
(q) Of property sold to a surviving spouse pursuant to	15105
section 2106.16 of the Revised Code;	15106
(r) To or from an organization exempt from federal income	15107
taxation under section 501(c)(3) of the "Internal Revenue Code of	15108
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such	15109
transfer is without consideration and is in furtherance of the	15110
charitable or public purposes of such organization;	15111
(s) Among the heirs at law or devisees, including a surviving	15112
spouse, of a common decedent, when no consideration in money is	15113
paid or to be paid for the real property or manufactured or mobile	15114
home;	15115
(t) To a trustee of a trust, when the grantor of the trust	15116
has reserved an unlimited power to revoke the trust;	15117
(u) To the grantor of a trust by a trustee of the trust, when	15118
the transfer is made to the grantor pursuant to the exercise of	15119
the grantor's power to revoke the trust or to withdraw trust	15120
assets;	15121
(v) To the beneficiaries of a trust if the fee was paid on	15122
the transfer from the grantor of the trust to the trustee or if	15123
the transfer is made pursuant to trust provisions which became	15124
irrevocable at the death of the grantor;	15125

(w) To a corporation for incorporation into a sports facility constructed pursuant to section 307.696 of the Revised Code;	15126 15127
(x) Between persons pursuant to section 5302.18 of the Revised Code;	15128 15129
(y) From a county land reutilization corporation organized under Chapter 1724. of the Revised Code, or its wholly owned subsidiary, to a third party.	15130 15131 15132
(4) For the cost of publishing the delinquent manufactured home tax list, the delinquent tax list, and the delinquent vacant land tax list, a flat fee, as determined by the county auditor, to be charged to the owner of a home on the delinquent manufactured home tax list or the property owner of land on the delinquent tax list or the delinquent vacant land tax list.	15133 15134 15135 15136 15137 15138
The auditor shall compute and collect the fee. The auditor shall maintain a numbered receipt system, as prescribed by the tax commissioner, and use such receipt system to provide a receipt to each person paying a fee. The auditor shall deposit the receipts of the fees on conveyances in the county treasury daily to the credit of the general fund of the county, except that fees charged and received under division (G)(3) of this section for a transfer of real property to a county land reutilization corporation shall be credited to the county land reutilization corporation fund established under section 321.263 of the Revised Code.	15139 15140 15141 15142 15143 15144 15145 15146 15147 15148
The real property transfer fee provided for in division (G)(3) of this section shall be applicable to any conveyance of real property presented to the auditor on or after January 1, 1968, regardless of its time of execution or delivery.	15149 15150 15151 15152
The transfer fee for a used manufactured home or used mobile home shall be computed by and paid to the county auditor of the county in which the home is located immediately prior to the transfer.	15153 15154 15155 15156

**Sec. 321.26.** (A) The county treasurer, on settlement with the county auditor, on or before the date prescribed for such settlement or any lawful extension of such date, shall be allowed as fees on all ~~moneys collected by him on any tax duplicates other than the inheritance duplicate and on all moneys received by him as advance payments of personal and classified property taxes,~~ qualifying collections the following percentages:

(1) For settlement dates or any lawful extension of such dates occurring before January 1, 2018:

(a) On the first one hundred thousand dollars, two and nine thousand nine hundred forty-seven ten-thousandths of one per cent;

~~(2)~~(b) On the next two million dollars, nine thousand nine hundred eighty-two ten-thousandths of one per cent;

~~(3)~~(c) On the next two million dollars, seven thousand nine hundred eighty-six ten-thousandths of one per cent;

~~(4)~~(d) On all further sums, one thousand nine hundred ninety-six ten-thousandths of one per cent.

(2) For settlement dates or any lawful extension of such dates occurring on or after January 1, 2018:

(a) On the first five million dollars or an amount as adjusted pursuant to division (B) of this section, nine thousand four hundred ninety-five ten-thousandths of one per cent;

(b) On all further sums, one thousand nine hundred ninety-six ten-thousandths of one per cent.

If qualifying collections for a year are less than five million dollars or the amount as adjusted under division (B) of this section, the fee shall equal the product of five million dollars or that adjusted amount, as applicable, multiplied by nine thousand four hundred ninety-five ten-thousandths of one per cent.



(B) In January of each year, beginning in 2019, if the sum of 15186  
qualifying charges for all counties in the preceding year exceeded 15187  
the sum of qualifying charges for all counties in the second 15188  
preceding year, the tax commissioner shall multiply the percentage 15189  
by which that sum increased, rounded to the nearest one-tenth of 15190  
one per cent, by the dollar amount described in division (A)(2)(a) 15191  
of this section that is applicable to the preceding year. 15192

15193

For settlement dates or any lawful extension of such dates 15194  
occurring in 2019 or any year thereafter, the tax commissioner 15195  
shall adjust the dollar amount described in division (A)(2)(a) of 15196  
this section applicable to the preceding year by adding the 15197  
resulting product to that dollar amount and rounding the resulting 15198  
sum to the nearest ten thousand dollars. That adjusted amount 15199  
shall apply to each year beginning in the calendar year in which 15200  
the commissioner makes such an adjustment and to each ensuing 15201  
calendar year until a calendar year in which the commissioner 15202  
makes a new adjustment under this division. 15203

The tax commissioner shall not make an adjustment under this 15204  
division for a year in which the qualifying charges in the 15205  
preceding year did not exceed the qualifying charges in the second 15206  
preceding year, the rounded percentage calculated under this 15207  
division does not exceed zero per cent, or the rounded resulting 15208  
sum equals zero. 15209

On or before the first day of February of each year, the tax 15210  
commissioner shall certify to each county auditor and county 15211  
treasurer the dollar amount under division (A)(2)(a) of this 15212  
section applicable to settlement dates or any lawful extension of 15213  
such dates occurring in that year. 15214

(C) In the event any settlement prescribed by law is not made 15215  
on or before the date prescribed by law for such settlement, on or 15216  
before the dates prescribed by any lawful extension thereof, the 15217

aggregate compensation allowed to the county treasurer shall be 15218  
reduced one per cent for each day such settlement is delayed after 15219  
the prescribed date. No penalty shall apply in the event the 15220  
auditor and treasurer grant all requests for advances up to ninety 15221  
per cent of the settlement pursuant to section 321.34 of the 15222  
Revised Code. The compensation allowed in accordance with this 15223  
section on settlements made on or before the dates prescribed by 15224  
law, or the reduced compensation allowed in accordance with this 15225  
section on settlements made after the date prescribed by law or 15226  
any lawful extension of such date, shall be apportioned ratably by 15227  
the auditor and deducted from the shares or portion of the revenue 15228  
payable to the state as well as to the county, township, 15229  
corporations, and school districts. On all other moneys collected 15230  
by the treasurer as fees or as advance payments, except moneys 15231  
received from the treasurer of state, ~~his~~ the treasurer's 15232  
predecessors in office, ~~his~~ the treasurer's legal representatives, 15233  
or the sureties of such predecessors, and except moneys received 15234  
from the proceeds of the bonds of the county or of any municipal 15235  
corporation, five-tenths per cent, to be paid upon the warrant of 15236  
the auditor out of the general fund of the county. 15237

(D) As used in this section: 15238

(1) "Qualifying collections" means moneys collected by a 15239  
county treasurer on any tax duplicates other than the inheritance 15240  
tax duplicate. 15241

(2) "Qualifying charges" means taxes charged and payable 15242  
against real and public utility property for the current tax year 15243  
after making the reduction required by section 319.301 of the 15244  
Revised Code. 15245

**Sec. 321.27.** (A) On settlement ~~semiannually~~ annually with the 15246  
county auditor, the county treasurer shall be allowed as fees on 15247  
all moneys collected by ~~him~~ the treasurer on ~~inheritance~~ estate 15248

tax duplicates, the following percentages: three per cent on the 15249  
first one hundred thousand dollars; two per cent on the next one 15250  
hundred thousand dollars; five tenths per cent on all additional 15251  
sums. Such percentages shall be computed upon the amount collected 15252  
and reported at each ~~semiannual~~ annual settlement, and shall be 15253  
for the use of the general fund of the county. 15254

(B) On ~~such~~ settlement semiannually with the county auditor, 15255  
the county treasurer shall ~~also~~ be allowed as fees on all 15256  
cigarette license moneys collected by ~~him,~~ the treasurer one-half 15257  
per cent on the amount received, to be paid upon the warrant of 15258  
the auditor and ~~by him~~ apportioned ratably and deducted from the 15259  
shares of revenue payable to the county and subdivisions of the 15260  
county under section 5743.15 of the Revised Code, for the use of 15261  
the general fund of the county. 15262

**Sec. 321.37.** (A)(1) If a county treasurer purposely, 15263  
knowingly, or recklessly fails to perform a fiscal duty expressly 15264  
imposed by law with respect to the fiscal duties of the office of 15265  
county treasurer or purposely, knowingly, or recklessly commits 15266  
any act expressly prohibited by law with respect to the fiscal 15267  
duties of the office of county treasurer, the county auditor or a 15268  
county commissioner may submit a sworn affidavit alleging the 15269  
violation, together with evidence supporting the allegations, to 15270  
the auditor of state. The sworn affidavit and evidence shall be 15271  
submitted in the format prescribed by rule of the auditor of state 15272  
under section 117.45 of the Revised Code. A person who makes a 15273  
false statement in a sworn affidavit, for purposes of this 15274  
section, is guilty of falsification under section 2921.13 of the 15275  
Revised Code. 15276

(2) The auditor of state shall review the sworn affidavit and 15277  
the evidence. Within ~~ten business~~ thirty calendar days after 15278  
receiving the sworn affidavit and evidence, unless, for good 15279

cause, additional time is required, the auditor of state shall 15280  
determine whether clear and convincing evidence supports the 15281  
allegations. If the auditor of state finds that no allegation is 15282  
supported by clear and convincing evidence, the auditor of state 15283  
shall submit those findings in writing to the county treasurer and 15284  
the person who initiated the sworn affidavit. If the auditor of 15285  
state finds by clear and convincing evidence that an allegation is 15286  
supported by the evidence, the auditor of state shall submit those 15287  
findings in writing to the attorney general, the county treasurer, 15288  
and the person who initiated the sworn affidavit. The findings 15289  
shall include a copy of the sworn affidavit and the evidence 15290  
submitted under division (A)(1) of this section. 15291

(3)(a) The attorney general shall review the auditor of 15292  
state's findings and the sworn affidavit and evidence. Within ten 15293  
business days after receiving them, unless, for good cause, 15294  
additional time is required, the attorney general shall determine 15295  
whether clear and convincing evidence supports the allegations. If 15296  
the attorney general finds that no allegation is supported by 15297  
clear and convincing evidence, the attorney general, by certified 15298  
mail, shall notify the auditor of state, the county treasurer, and 15299  
the person who initiated the sworn affidavit, that no complaint 15300  
for the removal of the county treasurer from public office will be 15301  
filed. 15302

(b) If the attorney general finds by clear and convincing 15303  
evidence that an allegation is supported by the evidence, the 15304  
attorney general, by certified mail, shall notify the auditor of 15305  
state, the county treasurer, and the person who initiated the 15306  
sworn affidavit of that fact, and shall commence an action for the 15307  
removal of the county treasurer from public office under division 15308  
(B) of this section. 15309

(c) Nothing in this section is intended to limit the 15310  
authority of the attorney general to enter into mediation, 15311

settlement, or resolution of any alleged violation before or 15312  
following the commencement of an action under this section. 15313

(B)(1)(a) The attorney general has a cause of action for 15314  
removal of a county treasurer who purposely, knowingly, or 15315  
recklessly fails to perform a fiscal duty expressly imposed by law 15316  
with respect to the fiscal duties of the office of county 15317  
treasurer or purposely, knowingly, or recklessly commits any act 15318  
expressly prohibited by law with respect to the fiscal duties of 15319  
the office of county treasurer. Not later than forty-five days 15320  
after sending a notice under division (A)(3)(b) of this section, 15321  
the attorney general shall cause an action to be commenced against 15322  
the county treasurer by filing a complaint for the removal of the 15323  
county treasurer from public office. If any money is due, the 15324  
attorney general shall join the sureties on the county treasurer's 15325  
bond as parties. The court of common pleas of the county in which 15326  
the county treasurer holds office has exclusive original 15327  
jurisdiction of the action. The action shall proceed de novo as in 15328  
the trial of a civil action. The court is not restricted to the 15329  
evidence that was presented to the auditor of state and the 15330  
attorney general before the action was filed. The action is 15331  
governed by the Rules of Civil Procedure. 15332

(b) If the court finds by clear and convincing evidence that 15333  
the county treasurer purposely, knowingly, or recklessly failed to 15334  
perform a fiscal duty expressly imposed by law with respect to the 15335  
fiscal duties of the office of county treasurer or purposely, 15336  
knowingly, or recklessly committed any act expressly prohibited by 15337  
law with respect to the fiscal duties of that office, the court 15338  
shall issue an order removing the county treasurer from office and 15339  
any order necessary for the preservation or restitution of public 15340  
funds. 15341

(2) Except as otherwise provided in this division, an action 15342  
for removal from office under this section is stayed during the 15343

pendency of any criminal action concerning a violation of an 15344  
existing or former municipal ordinance or law of this or any other 15345  
state or the United States that is substantially equivalent to any 15346  
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 15347  
conduct in office, if the person charged in the criminal action 15348  
committed the violation while serving as a county treasurer and 15349  
the conduct constituting the violation was related to the duties 15350  
of the office of county treasurer or to the person's actions as 15351  
the county treasurer. The stay may be lifted upon motion of the 15352  
prosecuting attorney in the related criminal action. 15353

(3) Prior to or at the hearing, upon a showing of good cause, 15354  
the court may issue an order restraining the county treasurer from 15355  
entering the county treasurer's office and from conducting the 15356  
affairs of the office pending the hearing on the complaint. If 15357  
such an order is issued, the court may continue the order until 15358  
the conclusion of the hearing and any appeals under this section. 15359

(4) The board of county commissioners shall be responsible 15360  
for the payment of reasonable attorney's fees for counsel for the 15361  
county treasurer. If judgment is entered against the county 15362  
treasurer, the court shall order the county treasurer to reimburse 15363  
the board for attorney's fees and costs up to a reasonable amount, 15364  
as determined by the court. Expenses incurred by the board in a 15365  
removal action shall be paid out of the county general fund. 15366

(C) The judgment of the court is final and conclusive unless 15367  
reversed, vacated, or modified on appeal. An appeal may be taken 15368  
by any party, and shall proceed as in the case of appeals in civil 15369  
actions and in accordance with the Rules of Appellate Procedure. 15370  
Upon the filing of a notice of appeal by any party to the 15371  
proceedings, the court of appeals shall hear the case as an 15372  
expedited appeal under Rule 11.2 of the Rules of Appellate 15373  
Procedure. The county treasurer has the right of review or appeal 15374  
to the supreme court. 15375

(D) If a final judgment for removal from public office is 15376  
entered against the county treasurer, the office shall be deemed 15377  
vacated, and the vacancy shall be filled as provided in section 15378  
305.02 of the Revised Code. Except as otherwise provided by law, 15379  
an individual removed from public office under this section is not 15380  
entitled to hold any public office for four years following the 15381  
date of the final judgment, and is not entitled to hold any public 15382  
office until any repayment or restitution required by the court is 15383  
satisfied. 15384

(E) For the purposes of this section: 15385

(1) A person acts purposely when it is the person's specific 15386  
intention to cause a certain result, or, when the gist of the 15387  
offense is a prohibition against conduct of a certain nature, 15388  
regardless of what the person intends to accomplish thereby, it is 15389  
the person's specific intention to engage in conduct of that 15390  
nature. 15391

(2) A person acts knowingly, regardless of the person's 15392  
purpose, when the person is aware that the person's conduct will 15393  
probably cause a certain result or will probably be of a certain 15394  
nature. A person has knowledge of circumstances when the person is 15395  
aware that such circumstances probably exist. 15396

(3) A person acts recklessly when, with heedless indifference 15397  
to the consequences, the person perversely disregards a known risk 15398  
that the person's conduct is likely to cause a certain result or 15399  
is likely to be of a certain nature. A person is reckless with 15400  
respect to circumstances when, with heedless indifference to the 15401  
consequences, the person perversely disregards a known risk that 15402  
such circumstances are likely to exist. 15403

(F) The proceedings provided for in this section may be used 15404  
as an alternative to the removal proceedings prescribed under 15405  
sections 3.07 to 3.10 of the Revised Code or other methods of 15406

removal authorized by law. 15407

**Sec. 321.46.** (A) To enhance the background and working 15408  
knowledge of county treasurers in governmental accounting, 15409  
portfolio reporting and compliance, investments, cybersecurity, 15410  
and cash management, the auditor of state and the treasurer of 15411  
state shall conduct education programs for persons elected for the 15412  
first time to the office of county treasurer and shall hold 15413  
biennial continuing education courses for persons who continue to 15414  
hold the office of county treasurer. 15415

Initial education programs for newly elected county 15416  
treasurers shall be held between the first day of December and the 15417  
first Monday of September next following that person's election to 15418  
the office of county treasurer. Similar initial education programs 15419  
may also be provided to any county treasurer who is appointed to 15420  
fill a vacancy or who is elected at a special election. 15421

(B)(1) The auditor of state shall determine the manner and 15422  
content of the initial education programs in the subject areas of 15423  
governmental accounting and portfolio reporting and compliance. In 15424  
those areas, newly elected county treasurers shall take at least 15425  
thirteen hours of education before taking office. 15426

(2) The treasurer of state shall determine the manner and 15427  
content of the initial education programs in the subject areas of 15428  
investments and cash management. In those areas, newly elected 15429  
county treasurers shall take at least thirteen hours of education 15430  
before taking office. 15431

(3)(a) After completing one year in office, a county 15432  
treasurer shall take not less than twenty-four hours of continuing 15433  
education during each biennial cycle. For purposes of division 15434  
(B)(3)(a) of this section, a biennial cycle for continuing 15435  
education shall be every two calendar years after the treasurer's 15436  
first year in office. The treasurer of state shall determine the 15437



manner and content of the continuing education courses in the 15438  
subject areas of investments, cash management, the collection of 15439  
taxes, ethics, and any other subject area that the treasurer of 15440  
state determines is reasonably related to the duties of the office 15441  
of the county treasurer. The auditor of state shall determine the 15442  
manner and content of the continuing education courses in the 15443  
subject areas of governmental accounting, portfolio reporting and 15444  
compliance, office management, cybersecurity, and any other 15445  
subject area that the auditor of state determines is reasonably 15446  
related to the duties of the office of the county treasurer. 15447

(b) A county treasurer who accumulates more than twenty-four 15448  
hours of continuing education in a biennial cycle described in 15449  
division (B)(3)(a) of this section may credit the hours in excess 15450  
of twenty-four hours to the next biennial cycle. However, 15451  
regardless of the total number of hours earned, no more than six 15452  
hours in continuing education determined by the treasurer of state 15453  
pursuant to division (B)(3)(a) of this section and six hours in 15454  
continuing education determined by the auditor of state pursuant 15455  
to that division shall be carried over to the next biennial cycle. 15456

(c) A county treasurer who participates in a training program 15457  
or seminar established under section 109.43 of the Revised Code 15458  
may apply the three hours of training to the twenty-four hours of 15459  
continuing education required in a biennial cycle under division 15460  
(B)(3)(a) of this section. 15461

(C) The auditor of state and the treasurer of state may each 15462  
charge counties a registration fee that will meet actual and 15463  
necessary expenses of the training of county treasurers, including 15464  
instructor fees, site acquisition costs, and the cost of course 15465  
materials. The necessary personal expenses of county treasurers as 15466  
a result of attending the initial education programs and 15467  
continuing education courses shall be borne by the counties the 15468  
treasurers represent. 15469

(D) The auditor of state and the treasurer of state may allow 15470  
any other interested person to attend any of the initial education 15471  
programs or continuing education courses held pursuant to this 15472  
section, provided that before attending any such program or 15473  
course, the interested person shall pay to either the auditor of 15474  
state or the treasurer of state, as appropriate, the full 15475  
registration fee set for the program or course. 15476

(E)(1) If a county treasurer fails to complete the initial 15477  
education programs required by this section before taking office, 15478  
the treasurer's authority to invest county funds and to manage the 15479  
county portfolio immediately is suspended, and this authority is 15480  
transferred to the county's investment advisory committee until 15481  
full compliance with the initial education programs is determined 15482  
by the treasurer of state. 15483

(2) If a county treasurer fails to complete continuing 15484  
education as required by this section, the county treasurer is 15485  
subject to divisions (B) to (E) of section 321.47 of the Revised 15486  
Code, including possible suspension of the treasurer's authority 15487  
to invest county funds and to manage the county portfolio and 15488  
transfer of this authority to the county's investment advisory 15489  
committee. 15490

(F)(1) Notwithstanding divisions (B) and (E) of this section, 15491  
a county treasurer who fails to complete the initial education 15492  
programs or continuing education required by this section shall 15493  
invest only in the Ohio subdivisions fund pursuant to division 15494  
(A)(6) of section 135.35 of the Revised Code, in no load money 15495  
market mutual funds pursuant to division (A)(5) of section 135.35 15496  
of the Revised Code, or in time certificates of deposit or savings 15497  
or deposit accounts pursuant to division (A)(3) of section 135.35 15498  
of the Revised Code. 15499

(2) A county treasurer who has failed to complete the initial 15500  
education programs required by this section and invests in other 15501

than the investments permitted by division (F)(1) of this section 15502  
immediately shall have the county treasurer's authority to invest 15503  
county funds and to manage the county portfolio suspended, and 15504  
this authority shall be transferred to the county's investment 15505  
advisory committee until full compliance with the initial 15506  
education programs is determined by the treasurer of state. 15507

(3) If a county treasurer fails to complete continuing 15508  
education required by this section and invests in other than the 15509  
investments permitted by division (F)(1) of this section, the 15510  
county treasurer is subject to divisions (B) to (E) of section 15511  
321.47 of the Revised Code, including possible suspension of the 15512  
treasurer's authority to invest county funds and to manage the 15513  
county portfolio and transfer of this authority to the county's 15514  
investment advisory committee. 15515

(G)(1) There is hereby created in the state treasury the 15516  
county treasurer education fund, to be used by the treasurer of 15517  
state for actual and necessary expenses of initial education 15518  
programs and continuing education held pursuant to this section 15519  
and section 135.22 of the Revised Code. All registration fees 15520  
collected by the treasurer of state under this section and section 15521  
135.22 of the Revised Code shall be paid into that fund. 15522

(2) All registration fees collected by the auditor of state 15523  
under this section shall be paid into the auditor of state 15524  
training program fund established under section 117.44 of the 15525  
Revised Code. 15526

(H) The treasurer of state, with the advice and consent of 15527  
the auditor of state, may adopt reasonable rules not inconsistent 15528  
with this section for the implementation of this section. 15529

**Sec. 323.01.** Except as otherwise provided, as used in Chapter 15530  
323. of the Revised Code: 15531

(A) "Subdivision" means any county, township, school district, or municipal corporation.	15532 15533
(B) "Municipal corporation" includes charter municipalities.	15534
(C) "Taxes" means the total amount of all charges against an entry appearing on a tax list and the duplicate thereof that was prepared and certified in accordance with section 319.28 of the Revised Code, including taxes levied against real estate; taxes on property whose value is certified pursuant to section 5727.23 of the Revised Code; recoupment charges applied pursuant to section 5713.35 of the Revised Code; all assessments; penalties and interest charged pursuant to section 323.121 of the Revised Code; charges added pursuant to section 319.35 of the Revised Code; and all of such charges which remain unpaid from any previous tax year.	15535 15536 15537 15538 15539 15540 15541 15542 15543 15544 15545
(D) "Current taxes" means all taxes charged against an entry on the general tax list and duplicate of real and public utility property that have not appeared on such list and duplicate for any prior tax year and any penalty thereon charged by division (A) of section 323.121 of the Revised Code. Current taxes, whether or not they have been certified delinquent, become delinquent taxes if they remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty.	15546 15547 15548 15549 15550 15551 15552 15553
(E) "Delinquent taxes" means:	15554
(1) Any taxes charged against an entry on the general tax list and duplicate of real and public utility property that were charged against an entry on such list and duplicate for a prior tax year and any penalties and interest charged against such taxes.	15555 15556 15557 15558 15559
(2) Any current taxes charged on the general tax list and duplicate of real and public utility property that remain unpaid after the last day prescribed for payment of the second	15560 15561 15562

installment of such taxes without penalty, whether or not they 15563  
have been certified delinquent, and any penalties and interest 15564  
charged against such taxes. 15565

(F) "Current tax year" means, with respect to particular 15566  
taxes, the calendar year in which the first installment of taxes 15567  
is due prior to any extension granted under section 323.17 of the 15568  
Revised Code. 15569

(G) "Liquidated claim" means: 15570

(1) Any sum of money due and payable, upon a written 15571  
contractual obligation executed between the subdivision and the 15572  
taxpayer, but excluding any amount due on general and special 15573  
assessment bonds and notes; 15574

~~(2) Any sum of money due and payable, for disability 15575  
financial assistance provided under Chapter 5115. of the Revised 15576  
Code that is furnished to or in behalf of a subdivision, provided 15577  
that such claim is recognized by a resolution or ordinance of the 15578  
legislative body of such subdivision; 15579~~

~~(3) Any sum of money advanced and paid to or received and 15580  
used by a subdivision, pursuant to a resolution or ordinance of 15581  
such subdivision or its predecessor in interest, and the moral 15582  
obligation to repay which sum, when in funds, shall be recognized 15583  
by resolution or ordinance by the subdivision. 15584~~

**Sec. 323.32.** As used in this section, "railroad note" means a 15585  
note issued pursuant to a court order in the reorganization of a 15586  
railroad company under section 77 of the Bankruptcy Act. 15587

Notwithstanding any other provision of law to the contrary, 15588  
with respect to all payments received in settlement of claims 15589  
arising from delinquent property tax charges and ordered to be 15590  
paid by a railroad company under a plan of reorganization as 15591  
ordered by a federal district court in accordance with provisions 15592

of Chapter VIII of the "Federal Bankruptcy Act," 11 U.S.C.A. 15593  
201-208, the following provisions shall apply: 15594

(A) Except as provided in division (H) of this section, all 15595  
of such payments shall be made payable, and delivered, to the 15596  
county in which the taxing district sharing in a claim for 15597  
delinquent taxes is located. Any notes included in such payment 15598  
shall be issued to such county treasurer, who shall be the 15599  
custodian of all of said notes, and who shall be liable therefor 15600  
upon ~~his~~ the treasurer's bond until such time as said notes 15601  
mature, are sold, or otherwise lawfully pass from ~~his~~ the 15602  
treasurer's custody. 15603

(B) Upon receipt of a payment by cash or check, the county 15604  
treasurer shall immediately cause such funds to be paid into the 15605  
county treasury and credited to a special fund established for 15606  
this purpose, which shall be known as the "undivided bankruptcy 15607  
claims fund." All of such moneys so received, including any earned 15608  
interest, shall be credited to said fund. 15609

(C) When the total claim for each county has been satisfied 15610  
by the receipt of cash or notes, or both, the county auditor shall 15611  
remit from the tax list and duplicate of real and public utility 15612  
property in each county, all charges appearing thereon in the name 15613  
of the railroad company for which such payment has been made, 15614  
which are delinquent and unpaid from any year previous to the tax 15615  
year 1977. 15616

(D) At any time that funds are present in the undivided 15617  
bankruptcy claims fund, either upon initial settlement or at any 15618  
later time, the county auditor shall, forthwith, distribute by 15619  
auditors' warrant, such funds to the various taxing districts of 15620  
the county, in which the property taxes, from which the claim in 15621  
bankruptcy has derived, were originally charged. The funds so 15622  
distributed shall be apportioned among the various taxing 15623  
authorities within each taxing district in the same proportions as 15624

the said taxes were originally levied, taking into account the 15625  
various rates of taxation levied for different purposes for each 15626  
year in which such taxes were charged and remained unpaid, and any 15627  
unpaid special assessments, including compound interest thereon at 15628  
the rate of six per cent per annum to January 1, 1978. 15629

In making such distribution, the auditor shall, first, deduct 15630  
an amount equal to one per cent of the total amount to be 15631  
distributed, as fees for services of the county auditor and 15632  
treasurer in making collection and distribution of the claim in 15633  
bankruptcy. Such deduction shall be in lieu of all fees provided 15634  
for in sections 319.54 and 321.26 of the Revised Code. The amount 15635  
so deducted shall be credited to the general fund of the county. 15636

If any funds received pursuant to this section represent 15637  
taxes which, if collected, would have resulted from any general or 15638  
emergency levy which has since expired, such funds may be credited 15639  
to the general operating fund and expended as though they are 15640  
proceeds from a current levy, and if any of such funds represent 15641  
taxes from any current general bond retirement levy or one which 15642  
has since expired, said funds may be credited to the current bond 15643  
retirement fund and used to service any current bond indebtedness, 15644  
or may be credited to the general operating fund of the district, 15645  
if so designated by a majority of the members of the taxing 15646  
authority of the taxing district. 15647

(E) Except as provided in division (H) of this section, when, 15648  
as a part of the settlement of a claim in bankruptcy of a 15649  
reorganized railroad company a county receives notes on behalf of 15650  
a taxing authority in partial payment of said claim, the county 15651  
treasurer shall, within a reasonable length of time, notify the 15652  
taxing authority of each taxing district sharing in the claim that 15653  
such notes are in ~~his~~ the treasurer's custody. Within sixty days 15654  
of receipt of such notice, each taxing authority shall decide by a 15655  
resolution approved by a majority of its members whether: 15656

(1) The notes shall remain in custody of the county treasurer, as issued, and allowed to mature according to the terms presented on their face with the proceeds to be distributed upon maturity pursuant to division (D) of this section; or

(2) The railroad notes shall be exchanged for several new notes in denominations equal to the proportionate share, or portion thereof, of the taxing district having a share in the claim in bankruptcy as determined in division (D) of this section. The new notes shall be distributed, upon receipt, to each taxing authority in full satisfaction of its claim or in full satisfaction of the portion of its claim represented by the notes so received. If notes cannot be issued in denominations equal to the taxing district's proportionate share, the treasurer shall certify to the taxing authority of the district the amount of notes held by the treasurer on behalf of the district and for which notes cannot be issued pursuant to the taxing authority's decision under this subdivision. Upon receipt of such certification, the taxing authority may borrow money and issue notes against such certification in the same manner as is provided by division (F) of this section.

If a taxing authority elects the option provided under division (E)(1) of this section, it may at any subsequent time elect instead the option provided under division (E)(2) of this section by resolution approved by a majority of its members. The election of the option provided under division (E)(2) of this section becomes final upon receipt by the taxing authority of the new notes or certification distributed by the county treasurer under such division.

Each taxing authority shall certify a copy of any resolution adopted under this division to the county treasurer who shall take appropriate action as directed by each taxing authority.

(F) A taxing authority having possession of any railroad note



or a treasurer's certification issued under division (E)(2) of 15689  
this section may, by approval of a majority of its members, borrow 15690  
money and issue its note in anticipation of the revenue payable on 15691  
maturity of the railroad note and pledge the railroad note or the 15692  
proceeds thereof. Such anticipation note shall mature no later 15693  
than the railroad note and shall be in an amount no greater than 15694  
seventy per cent of the face amount of said railroad note. By like 15695  
action a taxing authority may sell any railroad note in its 15696  
possession at public or private offering for not less than the 15697  
prevailing market price. Such a sale or borrowing shall be exempt 15698  
from all other requirements and limitations of the Revised Code, 15699  
including the requirements of the Uniform Bond Law. 15700

(1) If a taxing authority desires to issue delinquent tax 15701  
bonds pursuant to section 131.23 of the Revised Code prior to 15702  
either receipt of any payment from a railroad in bankruptcy or 15703  
utilization of the authority granted in this section, the taxing 15704  
authority may determine whether or not the net amount of 15705  
delinquent taxes unpledged for purposes of division (B)~~(6)~~(5) of 15706  
section 131.23 of the Revised Code shall include all or part of 15707  
the delinquent taxes owed by a railroad, or, if notes have been 15708  
received pursuant to this section, the unpaid principal amount of 15709  
such notes. If the taxing authority determines that any such 15710  
railroad delinquencies or note amount shall be included under 15711  
section 131.23 of the Revised Code, the amount which may be 15712  
borrowed pursuant to this section may not exceed seventy per cent 15713  
of the total face amount of railroad notes remaining after 15714  
deducting the amount so included. 15715

(2) If a taxing authority desires to issue delinquent tax 15716  
bonds pursuant to section 131.23 of the Revised Code after 15717  
utilization of the authority granted in this section, the net 15718  
amount of delinquent taxes unpledged for purposes of division 15719  
(B)~~(6)~~(5) of section 131.23 of the Revised Code may not include 15720

the principal amount of railroad notes which have been borrowed 15721  
against or sold pursuant to this section. 15722

(G) When a taxing authority receives a railroad note, the 15723  
face amount of such note shall not be considered as revenue for 15724  
any purpose in the year in which the note is received. Upon sale 15725  
or maturity of the note, any proceeds not pledged pursuant to 15726  
division (F) of this section shall be considered as unanticipated 15727  
revenue from a new source and all of the provisions of law 15728  
pertaining to such revenue, including section 5705.36 of the 15729  
Revised Code, shall apply. 15730

(H) When there are present in a county nonrepresented taxing 15731  
districts as provided in amended substitute house bill 3367 of the 15732  
112th general assembly, all of the provisions of this section 15733  
shall apply to such districts, except as follows: 15734

(1) Payments by cash or check may be made payable, and 15735  
delivered, directly to the treasurer of the taxing district. Any 15736  
notes included in the settlement of the district's claim may be 15737  
issued, and delivered, directly to said treasurer. 15738

Upon receipt of any of such payments, the treasurer of the 15739  
taxing district shall certify, to the county treasurer of the 15740  
county in which the district is located, the fact of such receipt 15741  
and the amounts so received. 15742

(2) If the claim of a nonrepresented taxing district is not 15743  
paid directly to the treasurer of the district but is included 15744  
with payments for the remainder of the county, cash payments 15745  
included in the initial settlement shall be distributed as 15746  
provided in divisions (B) and (D) of this section. Any notes 15747  
received as payment shall be exchanged and distributed to 15748  
nonrepresented taxing districts upon receipt. 15749

**Sec. 329.03.** (A) As used in this section, "applicant" or 15750

"recipient" means ~~any~~ either of the following: 15751

(1) An applicant for or participant in the Ohio works first 15752  
program established under Chapter 5107. of the Revised Code; 15753

(2) ~~An applicant for or recipient of disability financial~~ 15754  
~~assistance under Chapter 5115. of the Revised Code;~~ 15755

~~(3)~~ An applicant for or recipient of cash assistance provided 15756  
under the refugee assistance program established under section 15757  
5101.49 of the Revised Code. 15758

(B) Each county department of job and family services shall 15759  
establish a direct deposit system under which cash assistance 15760  
payments to recipients who agree to direct deposit are made by 15761  
electronic transfer to an account in a financial institution 15762  
designated under this section. No financial institution shall 15763  
impose any charge for such an account that the institution does 15764  
not impose on its other customers for the same type of account. 15765  
Direct deposit does not affect the exemption of Ohio works first 15766  
~~and disability financial assistance~~ from attachment, garnishment, 15767  
or other like process afforded by ~~sections~~ section 5107.75 ~~and~~ 15768  
~~5115.06~~ of the Revised Code. 15769

(C) Each county department of job and family services shall 15770  
do all of the following: 15771

(1) Inform each applicant or recipient that the applicant or 15772  
recipient must choose whether to receive cash assistance payments 15773  
under the direct deposit system established under this section or 15774  
under the electronic benefit transfer system established under 15775  
section 5101.33 of the Revised Code; 15776

(2) Inform each applicant and recipient of the conditions 15777  
under which the applicant or recipient may change the system used 15778  
to receive the cash assistance payments; 15779

(3) Inform each applicant or recipient of the procedures 15780

governing the direct deposit system; 15781

(4) If an applicant or recipient chooses to receive cash 15782  
assistance payments under the direct deposit system, obtain from 15783  
the applicant or recipient an authorization form to designate a 15784  
financial institution equipped for and authorized by law to accept 15785  
direct deposits by electronic transfer and the account into which 15786  
the applicant or recipient wishes the payments to be made; 15787

(5) If an applicant or recipient chooses to receive cash 15788  
assistance payments under the electronic benefit transfer system 15789  
established under section 5101.33 of the Revised Code, obtain from 15790  
the applicant or recipient a signed form to that effect. 15791

The department may require a recipient to complete a new 15792  
authorization form whenever the department considers it necessary. 15793

A recipient's designation of a financial institution and 15794  
account shall remain in effect until withdrawn in writing or 15795  
dishonored by the financial institution, except that no change may 15796  
be made in the authorization form until the next eligibility 15797  
redetermination of the recipient unless the county department 15798  
determines that good cause exists for an earlier change or the 15799  
financial institution dishonors the recipient's account. 15800

(D) An applicant or recipient without an account who 15801  
completes an authorization form to receive cash assistance 15802  
payments by direct deposit shall have ten days after receiving the 15803  
authorization form to designate an account suitable for direct 15804  
deposit. If within the required time the applicant or recipient 15805  
does not make the designation, the recipient shall receive cash 15806  
assistance payments under the electronic benefit transfer system 15807  
established under section 5101.33 of the Revised Code. 15808

(E) The director of job and family services may adopt rules 15809  
governing direct deposit systems established under this section. 15810

<b>Sec. 329.04.</b> (A) The county department of job and family	15811
services shall have, exercise, and perform the following powers	15812
and duties:	15813
(1) Perform any duties assigned by the state department of	15814
job and family services or department of medicaid regarding the	15815
provision of public family services, including the provision of	15816
the following services to prevent or reduce economic or personal	15817
dependency and to strengthen family life:	15818
(a) Services authorized by a Title IV-A program, as defined	15819
in section 5101.80 of the Revised Code;	15820
(b) Social services authorized by Title XX of the "Social	15821
Security Act" and provided for by section 5101.46 or 5101.461 of	15822
the Revised Code;	15823
(c) If the county department is designated as the child	15824
support enforcement agency, services authorized by Title IV-D of	15825
the "Social Security Act" and provided for by Chapter 3125. of the	15826
Revised Code. The county department may perform the services	15827
itself or contract with other government entities, and, pursuant	15828
to division (C) of section 2301.35 and section 2301.42 of the	15829
Revised Code, private entities, to perform the Title IV-D	15830
services.	15831
(d) Duties assigned under section 5162.031 of the Revised	15832
Code.	15833
(2) Administer disability financial assistance, as required	15834
by the state department of job and family services under section	15835
5115.03 of the Revised Code;	15836
(3) Administer burials insofar as the administration of	15837
burials was, prior to September 12, 1947, imposed upon the board	15838
of county commissioners and if otherwise required by state law;	15839
(4) Cooperate with state and federal authorities in any	15840

matter relating to family services and to act as the agent of such 15841  
authorities; 15842

(5) Submit an annual account of its work and expenses to the 15843  
board of county commissioners and to the state department of job 15844  
and family services and department of medicaid at the close of 15845  
each fiscal year; 15846

(6) Exercise any powers and duties relating to family 15847  
services duties or workforce development activities imposed upon 15848  
the county department of job and family services by law, by 15849  
resolution of the board of county commissioners, or by order of 15850  
the governor, when authorized by law, to meet emergencies during 15851  
war or peace; 15852

(7) Enter into a plan of cooperation with the board of county 15853  
commissioners under section 307.983, consult with the board in the 15854  
development of the transportation work plan developed under 15855  
section 307.985, establish with the board procedures under section 15856  
307.986 for providing services to children whose families relocate 15857  
frequently, and comply with the contracts the board enters into 15858  
under sections 307.981 and 307.982 of the Revised Code that affect 15859  
the county department; 15860

(8) For the purpose of complying with a grant agreement the 15861  
board of county commissioners enters into under sections 307.98 15862  
and 5101.21 of the Revised Code, exercise the powers and perform 15863  
the duties the grant agreement assigns to the county department+ 15864

~~(9) If the county department is designated as the workforce 15865  
development agency, provide the workforce development activities 15866  
specified in the contract required by section 330.05 of the 15867  
Revised Code. 15868~~

(B) The powers and duties of a county department of job and 15869  
family services are, and shall be exercised and performed, under 15870  
the control and direction of the board of county commissioners. 15871

The board may assign to the county department any power or duty of 15872  
the board regarding family services duties and workforce 15873  
development activities. If the new power or duty necessitates the 15874  
state department of job and family services or department of 15875  
medicaid changing its federal cost allocation plan, the county 15876  
department may not implement the power or duty unless the United 15877  
States department of health and human services approves the 15878  
changes. 15879

**Sec. 329.051.** The county department of job and family 15880  
services shall make voter registration applications as prescribed 15881  
by the secretary of state under section 3503.10 of the Revised 15882  
Code available to persons who are applying for, receiving 15883  
assistance from, or participating in any of the following: 15884

~~(A) The disability financial assistance program established 15885  
under Chapter 5115. of the Revised Code;~~ 15886

~~(B)~~ The medicaid program; 15887

~~(C)~~(B) The Ohio works first program established under Chapter 15888  
5107. of the Revised Code; 15889

~~(D)~~(C) The prevention, retention, and contingency program 15890  
established under Chapter 5108. of the Revised Code. 15891

**Sec. 329.06.** (A) Except as provided in division (C) of this 15892  
section ~~and section 6301.08 of the Revised Code~~, the board of 15893  
county commissioners shall establish a county family services 15894  
planning committee. The board shall appoint a member to represent 15895  
the county department of job and family services; an employee in 15896  
the classified civil service of the county department of job and 15897  
family services, if there are any such employees; and a member to 15898  
represent the public. The board shall appoint other individuals to 15899  
the committee in such a manner that the committee's membership is 15900  
broadly representative of the groups of individuals and the public 15901

and private entities that have an interest in the family services 15902  
provided in the county. The board shall make appointments in a 15903  
manner that reflects the ethnic and racial composition of the 15904  
county. The following groups and entities may be represented on 15905  
the committee: 15906

(1) Consumers of family services; 15907

(2) The public children services agency; 15908

(3) The child support enforcement agency; 15909

(4) The county family and children first council; 15910

(5) Public and private colleges and universities; 15911

(6) Public entities that provide family services, including 15912  
boards of health, boards of education, the county board of 15913  
developmental disabilities, and the board of alcohol, drug 15914  
addiction, and mental health services that serves the county; 15915

(7) Private nonprofit and for-profit entities that provide 15916  
family services in the county or that advocate for consumers of 15917  
family services in the county, including entities that provide 15918  
services to or advocate for victims of domestic violence; 15919

(8) Labor organizations; 15920

(9) Any other group or entity that has an interest in the 15921  
family services provided in the county, including groups or 15922  
entities that represent any of the county's business, urban, and 15923  
rural sectors. 15924

(B) The county family services planning committee shall do 15925  
all of the following: 15926

(1) Serve as an advisory body to the board of county 15927  
commissioners with regard to the family services provided in the 15928  
county, including assistance under Chapters 5107. and 5108. of the 15929  
Revised Code, publicly funded child care under Chapter 5104. of 15930  
the Revised Code, and social services provided under section 15931



5101.46 of the Revised Code;	15932
(2) At least once a year, review and analyze the county department of job and family services' implementation of the programs established under Chapters 5107. and 5108. of the Revised Code. In its review, the committee shall use information available to it to examine all of the following:	15933 15934 15935 15936 15937
(a) Return of assistance groups to participation in either program after ceasing to participate;	15938 15939
(b) Teen pregnancy rates among the programs' participants;	15940
(c) The other types of assistance the programs' participants receive, including medicaid, publicly funded child care under Chapter 5104. of the Revised Code, supplemental nutrition assistance program benefits under section 5101.54 of the Revised Code, and energy assistance under Chapter 5117. of the Revised Code;	15941 15942 15943 15944 15945 15946
(d) Other issues the committee considers appropriate.	15947
The committee shall make recommendations to the board of county commissioners and county department of job and family services regarding the committee's findings.	15948 15949 15950
(3) Conduct public hearings on proposed county profiles for the provision of social services under section 5101.46 of the Revised Code;	15951 15952 15953
(4) At the request of the board, make recommendations and provide assistance regarding the family services provided in the county;	15954 15955 15956
(5) At any other time the committee considers appropriate, consult with the board and make recommendations regarding the family services provided in the county. The committee's recommendations may address the following:	15957 15958 15959 15960
(a) Implementation and administration of family service	15961

programs;	15962
(b) Use of federal, state, and local funds available for family service programs;	15963 15964
(c) Establishment of goals to be achieved by family service programs;	15965 15966
(d) Evaluation of the outcomes of family service programs;	15967
(e) Any other matter the board considers relevant to the provision of family services.	15968 15969
(C) If there is a committee in existence in a county on October 1, 1997, that the board of county commissioners determines is capable of fulfilling the responsibilities of a county family services planning committee, the board may designate the committee as the county's family services planning committee and the committee shall serve in that capacity.	15970 15971 15972 15973 15974 15975
<b>Sec. 340.03.</b> (A) Subject to rules issued by the director of mental health and addiction services after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall:	15976 15977 15978 15979 15980
(1) Serve as the community addiction and mental health planning agency for the county or counties under its jurisdiction, and in so doing it shall:	15981 15982 15983
(a) Evaluate the need for facility services, addiction services, mental health services, and recovery supports;	15984 15985
(b) In cooperation with other local and regional planning and funding bodies and with relevant ethnic organizations, evaluate strengths and challenges and set priorities for addiction services, mental health services, and recovery supports. A board shall include treatment and prevention services when setting priorities for addiction services and mental health services. When	15986 15987 15988 15989 15990 15991

a board sets priorities for addiction services, the board shall 15992  
consult with the county commissioners of the counties in the 15993  
board's service district regarding the services described in 15994  
section 340.15 of the Revised Code and shall give priority to 15995  
those services, except that those services shall not have a 15996  
priority over services provided to pregnant women under programs 15997  
developed in relation to the mandate established in section 15998  
5119.17 of the Revised Code. 15999

(c) In accordance with guidelines issued by the director of 16000  
mental health and addiction services under division (F) of section 16001  
5119.22 of the Revised Code, annually develop and submit to the 16002  
department of mental health and addiction services a community 16003  
addiction and mental health plan that addresses both of the 16004  
following: 16005

(i) The needs of all residents of the district currently 16006  
receiving inpatient services in state-operated hospitals, the 16007  
needs of other populations as required by state or federal law or 16008  
programs, and the needs of all children subject to a determination 16009  
made pursuant to section 121.38 of the Revised Code; 16010

(ii) The department's priorities for facility services, 16011  
addiction services, mental health services, and recovery supports 16012  
during the period for which the plan will be in effect. The 16013  
department shall inform all of the boards of the department's 16014  
priorities in a timely manner that enables the boards to know the 16015  
department's priorities before the boards develop and submit the 16016  
plans. 16017

In alcohol, drug addiction, and mental health service 16018  
districts that have separate alcohol and drug addiction services 16019  
and community mental health boards, the alcohol and drug addiction 16020  
services board shall submit a community addiction plan and the 16021  
community mental health board shall submit a community mental 16022  
health plan. Each board shall consult with its counterpart in 16023

developing its plan and address the interaction between the local 16024  
addiction and mental health systems and populations with regard to 16025  
needs and priorities in developing its plan. 16026

The department shall approve or disapprove the plan, in whole 16027  
or in part, in accordance with division (G) of section 5119.22 of 16028  
the Revised Code. Eligibility for state and federal funding shall 16029  
be contingent upon an approved plan or relevant part of a plan. 16030

If a board determines that it is necessary to amend an 16031  
approved plan, the board shall submit a proposed amendment to the 16032  
director. The director shall approve or disapprove all or part of 16033  
the amendment in accordance with division (H) of section 5119.22 16034  
of the Revised Code. 16035

The board shall operate in accordance with the plan approved 16036  
by the department. 16037

(d) Promote, arrange, and implement working agreements with 16038  
social agencies, both public and private, and with judicial 16039  
agencies. 16040

(2) Investigate, or request another agency to investigate, 16041  
any complaint alleging abuse or neglect of any person receiving 16042  
addiction services, mental health services, or recovery supports 16043  
from a community addiction services provider or community mental 16044  
health services provider or alleging abuse or neglect of a 16045  
resident receiving addiction services or with mental illness or 16046  
severe mental disability residing in a residential facility 16047  
licensed under section 5119.34 of the Revised Code. If the 16048  
investigation substantiates the charge of abuse or neglect, the 16049  
board shall take whatever action it determines is necessary to 16050  
correct the situation, including notification of the appropriate 16051  
authorities. Upon request, the board shall provide information 16052  
about such investigations to the department. 16053

(3) For the purpose of section 5119.36 of the Revised Code, 16054

cooperate with the director of mental health and addiction 16055  
services in visiting and evaluating whether the certifiable 16056  
services and supports of a community addiction services provider 16057  
or community mental health services provider satisfy the 16058  
certification standards established by rules adopted under that 16059  
section; 16060

(4) In accordance with criteria established under division 16061  
(D) of section 5119.22 of the Revised Code, conduct program audits 16062  
that review and evaluate the quality, effectiveness, and 16063  
efficiency of addiction services, mental health services, and 16064  
recovery supports provided by community addiction services 16065  
providers and community mental health services providers under 16066  
contract with the board and submit the board's findings and 16067  
recommendations to the department of mental health and addiction 16068  
services; 16069

(5) In accordance with section 5119.34 of the Revised Code, 16070  
review an application for a residential facility license and 16071  
provide to the department of mental health and addiction services 16072  
any information about the applicant or facility that the board 16073  
would like the department to consider in reviewing the 16074  
application; 16075

(6) Audit, in accordance with rules adopted by the auditor of 16076  
state pursuant to section 117.20 of the Revised Code, at least 16077  
annually all programs, addiction services, mental health services, 16078  
and recovery supports provided under contract with the board. In 16079  
so doing, the board may contract for or employ the services of 16080  
private auditors. A copy of the fiscal audit report shall be 16081  
provided to the director of mental health and addiction services, ~~the auditor of state,~~ 16082  
~~the auditor of state,~~ and the county auditor of each county in the 16083  
board's district. 16084

(7) Recruit and promote local financial support for addiction 16085  
services, mental health services, and recovery supports from 16086

private and public sources; 16087

(8) In accordance with guidelines issued by the department as 16088  
necessary to comply with state and federal laws pertaining to 16089  
financial assistance, approve fee schedules and related charges or 16090  
adopt a unit cost schedule or other methods of payment for 16091  
addiction services, mental health services, and recovery supports 16092  
provided by community addiction services providers and community 16093  
mental health services providers that have contracted with the 16094  
board under section 340.036 of the Revised Code; 16095

(9) Submit to the director and the county commissioners of 16096  
the county or counties served by the board, and make available to 16097  
the public, an annual report of the addiction services, mental 16098  
health services, and recovery supports under the jurisdiction of 16099  
the board, including a fiscal accounting; 16100

(10) Establish a method for evaluating referrals for 16101  
court-ordered treatment and affidavits filed pursuant to section 16102  
5122.11 of the Revised Code in order to assist the probate 16103  
division of the court of common pleas in determining whether there 16104  
is probable cause that a respondent is subject to court-ordered 16105  
treatment and whether alternatives to hospitalization are 16106  
available and appropriate; 16107

(11) Designate the treatment services, provider, facility, or 16108  
other placement for each person involuntarily committed to the 16109  
board pursuant to Chapter 5122. of the Revised Code. The board 16110  
shall provide the least restrictive and most appropriate 16111  
alternative that is available for any person involuntarily 16112  
committed to it and shall assure that the list of addiction 16113  
services, mental health services, and recovery supports submitted 16114  
and approved in accordance with division (B) of section 340.08 of 16115  
the Revised Code are available to severely mentally disabled 16116  
persons residing within its service district. The board shall 16117  
establish the procedure for authorizing payment for the services 16118

and supports, which may include prior authorization in appropriate 16119  
circumstances. In accordance with section 340.037 of the Revised 16120  
Code, the board may provide addiction services and mental health 16121  
services directly to a severely mentally disabled person when life 16122  
or safety is endangered and when no community addiction services 16123  
provider or community mental health services provider is available 16124  
to provide the service. 16125

(12) Ensure that housing built, subsidized, renovated, 16126  
rented, owned, or leased by the board or a community addiction 16127  
services provider or community mental health services provider has 16128  
been approved as meeting minimum fire safety standards and that 16129  
persons residing in the housing have access to appropriate and 16130  
necessary services, including culturally relevant services, from a 16131  
community addiction services provider or community mental health 16132  
services provider. This division does not apply to residential 16133  
facilities licensed pursuant to section 5119.34 of the Revised 16134  
Code. 16135

(13) Establish a mechanism for obtaining advice and 16136  
involvement of persons receiving addiction services, mental health 16137  
services, or recovery supports on matters pertaining to services 16138  
and supports in the alcohol, drug addiction, and mental health 16139  
service district; 16140

(14) Perform the duties required by rules adopted under 16141  
section 5119.22 of the Revised Code regarding referrals by the 16142  
board or community mental health services providers under contract 16143  
with the board of individuals with mental illness or severe mental 16144  
disability to class two residential facilities licensed under 16145  
section 5119.34 of the Revised Code and effective arrangements for 16146  
ongoing mental health services for the individuals. The board is 16147  
accountable in the manner specified in the rules for ensuring that 16148  
the ongoing mental health services are effectively arranged for 16149  
the individuals. 16150

(B) Each board of alcohol, drug addiction, and mental health 16151  
services shall establish such rules, operating procedures, 16152  
standards, and bylaws, and perform such other duties as may be 16153  
necessary or proper to carry out the purposes of this chapter. 16154

(C) A board of alcohol, drug addiction, and mental health 16155  
services may receive by gift, grant, devise, or bequest any 16156  
moneys, lands, or property for the benefit of the purposes for 16157  
which the board is established, and may hold and apply it 16158  
according to the terms of the gift, grant, or bequest. All money 16159  
received, including accrued interest, by gift, grant, or bequest 16160  
shall be deposited in the treasury of the county, the treasurer of 16161  
which is custodian of the alcohol, drug addiction, and mental 16162  
health services funds to the credit of the board and shall be 16163  
available for use by the board for purposes stated by the donor or 16164  
grantor. 16165

(D) No member or employee of a board of alcohol, drug 16166  
addiction, and mental health services shall be liable for injury 16167  
or damages caused by any action or inaction taken within the scope 16168  
of the member's official duties or the employee's employment, 16169  
whether or not such action or inaction is expressly authorized by 16170  
this section or any other section of the Revised Code, unless such 16171  
action or inaction constitutes willful or wanton misconduct. 16172  
Chapter 2744. of the Revised Code applies to any action or 16173  
inaction by a member or employee of a board taken within the scope 16174  
of the member's official duties or employee's employment. For the 16175  
purposes of this division, the conduct of a member or employee 16176  
shall not be considered willful or wanton misconduct if the member 16177  
or employee acted in good faith and in a manner that the member or 16178  
employee reasonably believed was in or was not opposed to the best 16179  
interests of the board and, with respect to any criminal action or 16180  
proceeding, had no reasonable cause to believe the conduct was 16181  
unlawful. 16182



(E) The meetings held by any committee established by a board of alcohol, drug addiction, and mental health services shall be considered to be meetings of a public body subject to section 121.22 of the Revised Code.

**Sec. 340.032.** Subject to rules adopted by the director of mental health and addiction services after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall do all of the following:

(A) Establish, to the extent resources are available, a community-based continuum of care that includes, ~~except as otherwise authorized by a time limited waiver issued under division (A)(1) of section 5119.221 of the Revised Code,~~ all of the following as essential elements:

(1) Prevention and wellness management services;

(2) At least both of the following outreach and engagement activities:

(a) Locating persons in need of addiction services and persons in need of mental health services to inform them of available addiction services, mental health services, and recovery supports;

(b) Helping persons who receive addiction services and persons who receive mental health services obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income.

(3) Assessment services;

(4) Care coordination;

(5) Residential services;

(6) At least the following outpatient services:	16212
(a) Nonintensive;	16213
(b) Intensive, such as partial hospitalization and assertive community treatment;	16214 16215
(c) Withdrawal management;	16216
(d) Emergency and crisis.	16217
(7) Where appropriate, at least the following inpatient services:	16218 16219
(a) Psychiatric care;	16220
(b) Medically managed alcohol or drug treatment.	16221
(8) At least all of the following recovery supports:	16222
(a) Peer support;	16223
(b) A wide range of housing and support services, including recovery housing;	16224 16225
(c) Employment, vocational, and educational opportunities;	16226
(d) Assistance with social, personal, and living skills;	16227
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	16228 16229
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	16230 16231 16232
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	16233 16234 16235
(10) Any additional elements the department of mental health and addiction services, pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based continuum of care.	16236 16237 16238 16239

(B) Ensure that the rights of persons receiving any elements of the community-based continuum of care are protected;

(C) Ensure that persons receiving any elements of the community-based continuum of care are able to utilize grievance procedures applicable to the elements.

**Sec. 340.033.** The array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction required by section 340.032 of the Revised Code to be included in a community-based continuum of care established under that section shall include, ~~except as otherwise authorized by a waiver issued under division (A)(2) of section 5119.221 of the Revised Code,~~ at least ambulatory and sub-acute detoxification, non-intensive and intensive outpatient services, medication-assisted treatment, peer support, residential services, recovery housing pursuant to section 340.034 of the Revised Code, and multiple paths to recovery such as twelve-step approaches. The services and supports shall be made available in the service district of each board of alcohol, drug addiction, and mental health services, ~~except that sub-acute~~ as provided by either of the following:

(A) Sub-acute detoxification and residential services may be made available through a contract with one or more providers of sub-acute detoxification or residential services located in other service districts. ~~The~~

(B) To the extent authorized by a time-limited waiver issued under section 5119.221 of the Revised Code, ambulatory detoxification and medication-assisted treatment may be made available through a contract with one or more community addiction services providers located not more than thirty miles beyond the borders of the board's service district.

The services and supports shall be made available in a manner that ensures that recipients are able to access the services and

supports they need for opioid and co-occurring drug addiction in 16271  
an integrated manner and in accordance with their assessed needs 16272  
when changing or obtaining additional addiction services or 16273  
recovery supports for such addiction. An individual seeking a 16274  
service or support for opioid and co-occurring drug addiction 16275  
included in a community-based continuum of care shall not be 16276  
denied the service or support on the basis of the individual's 16277  
prior experience with the service or support. 16278

**Sec. 340.08.** In accordance with rules or guidelines issued by 16279  
the director of mental health and addiction services, each board 16280  
of alcohol, drug addiction, and mental health services shall do 16281  
all of the following: 16282

(A) Submit to the department of mental health and addiction 16283  
services a proposed budget of receipts and expenditures for all 16284  
federal, state, and local moneys the board expects to receive. 16285

(1) The proposed budget shall identify funds the board has 16286  
available for included opioid and co-occurring drug addiction 16287  
services and recovery supports. 16288

(2) The proposed budget shall identify funds the board and 16289  
public children services agencies in the board's service district 16290  
have available to fund jointly the services described in section 16291  
340.15 of the Revised Code. 16292

(3) The board's proposed budget for expenditures of state and 16293  
federal funds distributed to the board by the department shall be 16294  
deemed an application for funds, and the department shall approve 16295  
or disapprove the budget for these expenditures in whole or in 16296  
part in accordance with division (G) of section 5119.22 of the 16297  
Revised Code. 16298

If a board determines that it is necessary to amend an 16299  
approved budget, the board shall submit a proposed amendment to 16300

the director. The director shall approve or disapprove all or part 16301  
of the amendment in accordance with division (H) of section 16302  
5119.22 of the Revised Code. 16303

(B) Submit to the department a proposed list of addiction 16304  
services, mental health services, and recovery supports the board 16305  
intends to make available. ~~Except as otherwise authorized by a~~ 16306  
~~time limited waiver issued under division (A)(1) of section~~ 16307  
~~5119.221 of the Revised Code, the~~ The board shall include the 16308  
services and supports required by section 340.032 of the Revised 16309  
Code to be included in the community-based continuum of care and 16310  
the services required by section 340.15 of the Revised Code. The 16311  
board shall explain the manner in which the board intends to make 16312  
such services and supports available. The list shall be compatible 16313  
with the budget submitted pursuant to division (A) of this 16314  
section. The department shall approve or disapprove the list in 16315  
whole or in part in accordance with division (G) of section 16316  
5119.22 of the Revised Code. 16317

If a board determines that it is necessary to amend an 16318  
approved list, the board shall submit a proposed amendment to the 16319  
director. The director shall approve or disapprove all or part of 16320  
the amendment in accordance with division (H) of section 5119.22 16321  
of the Revised Code. 16322

(C) Enter into a continuity of care agreement with the state 16323  
institution operated by the department of mental health and 16324  
addiction services and designated as the institution serving the 16325  
district encompassing the board's service district. The continuity 16326  
of care agreement shall outline the department's and the board's 16327  
responsibilities to plan for and coordinate with each other to 16328  
address the needs of board residents who are patients in the 16329  
institution, with an emphasis on managing appropriate hospital bed 16330  
day use and discharge planning. The continuity of care agreement 16331  
shall not require the board to provide addiction services, mental 16332

health services, or recovery supports other than those on the list 16333  
of services and supports submitted by the board pursuant to 16334  
division (B) of this section and approved by the department in 16335  
accordance with division (G) of section 5119.22 of the Revised 16336  
Code. 16337

(D) In conjunction with the department, operate a coordinated 16338  
system for tracking and monitoring persons found not guilty by 16339  
reason of insanity and committed pursuant to section 2945.40 of 16340  
the Revised Code who have been granted a conditional release and 16341  
persons found incompetent to stand trial and committed pursuant to 16342  
section 2945.39 of the Revised Code who have been granted a 16343  
conditional release. The system shall do all of the following: 16344

(1) Centralize responsibility for the tracking of those 16345  
persons; 16346

(2) Provide for uniformity in monitoring those persons; 16347

(3) Provide a mechanism to allow prompt rehospitalization, 16348  
reinstitutionalization, or detention when a violation of the 16349  
conditional release or decompensation occurs. 16350

(E) Submit to the department a report summarizing all of the 16351  
following: 16352

(1) Complaints and grievances received by the board 16353  
concerning the rights of persons seeking or receiving addiction 16354  
services, mental health services, or recovery supports; 16355

(2) Investigations of the complaints and grievances; 16356

(3) Outcomes of the investigations. 16357

(F) Provide to the department information to be submitted to 16358  
the community behavioral health information system or systems 16359  
established by the department under Chapter 5119. of the Revised 16360  
Code. 16361

(G) Annually, and upon any change in membership, submit to 16362

the department a list of all current members of the board of 16363  
alcohol, drug addiction, and mental health services, including the 16364  
appointing authority for each member, and the member's specific 16365  
qualification for appointment pursuant to section 340.02 or 16366  
340.021 of the Revised Code, if applicable. 16367

(H) Submit to the department other information as is 16368  
reasonably required for purposes of the department's operations, 16369  
service evaluation, reporting activities, research, system 16370  
administration, and oversight. 16371

**Sec. 341.12.** (A) In a county not having a sufficient jail or 16372  
staff, subject to division (B) of this section, the sheriff shall 16373  
convey any person charged with the commission of an offense, 16374  
sentenced to imprisonment in the county jail, or in custody upon 16375  
civil process to a jail in any county the sheriff considers most 16376  
convenient and secure. As used in this paragraph, any county 16377  
includes a contiguous county in an adjoining state. 16378

The sheriff may call such aid as is necessary in guarding, 16379  
transporting, or returning such person. Whoever neglects or 16380  
refuses to render such aid, when so called upon, shall forfeit and 16381  
pay the sum of ten dollars, to be recovered by an action in the 16382  
name and for the use of the county. 16383

Such sheriff and the sheriff's assistants shall receive such 16384  
compensation for their services as the county auditor of the 16385  
county from which such person was removed considers reasonable. 16386  
The compensation shall be paid from the county treasury on the 16387  
warrant of the auditor. 16388

The receiving sheriff shall not, pursuant to this section, 16389  
convey the person received to any county other than the one from 16390  
which the person was removed. 16391

(B)(1) If Lawrence county does not have sufficient jail space 16392

in the county or staff based upon the minimum standards for jails 16393  
in Ohio promulgated pursuant to section 5120.10 of the Revised 16394  
Code, instead of conveying a person in a category described in 16395  
division (A) of this section to a jail in any county pursuant to 16396  
that division, the Lawrence county sheriff may convey the person 16397  
to the Ohio river valley facility in accordance with section 16398  
341.121 of the Revised Code if an agreement for the Lawrence 16399  
county sheriff's use of a portion of that facility entered into 16400  
under that section then is in effect. 16401

(2) If a county other than Lawrence county does not have 16402  
sufficient jail space or staff based upon the minimum standards 16403  
for jails in Ohio promulgated pursuant to section 5120.10 of the 16404  
Revised Code and has entered into an agreement to jail persons 16405  
with the Lawrence county sheriff, instead of conveying a person in 16406  
a category described in division (A) of this section to a jail in 16407  
any county pursuant to that division, the sheriff of the other 16408  
county may convey the person to the Ohio river valley facility in 16409  
accordance with section 341.121 of the Revised Code if an 16410  
agreement for the Lawrence county sheriff's use of a portion of 16411  
that facility entered into under that section then is in effect. 16412

(3) As used in divisions (B)(1) and (2) of this section, 16413  
"Ohio river valley facility" has the same meaning as in section 16414  
341.121 of the Revised Code. 16415

**Sec. 341.121.** (A) As used in this section, "Ohio river valley 16416  
facility" means the former Ohio river valley juvenile correctional 16417  
facility in Franklin Furnace, Scioto county, that formerly was 16418  
operated by the department of youth services. 16419

(B) The board of county commissioners of Lawrence county and 16420  
the director of administrative services may enter into an 16421  
agreement pursuant to which the sheriff of Lawrence county may use 16422  
a specified portion of the Ohio river valley facility as a jail 16423



for Lawrence county. The agreement shall not provide for transfer 16424  
of ownership of any portion of the Ohio river valley facility to 16425  
Lawrence county. If the board and the department enter into an 16426  
agreement of this nature, on and after the effective date of the 16427  
agreement, all of the following apply: 16428

(1) The sheriff of Lawrence county may use the specified 16429  
portion of the Ohio river valley facility for the confinement of 16430  
persons charged with a violation of a law or municipal ordinance, 16431  
sentenced or ordered to confinement for such a violation in a 16432  
jail, or in custody upon civil process, if the violation occurred 16433  
or the person was taken into custody under the civil process 16434  
within Lawrence county or within another county that has entered 16435  
into an agreement with the sheriff pursuant to division (B)(2) of 16436  
section 341.12 of the Revised Code for the confinement of such 16437  
persons; 16438

(2) Any use of the specified portion of the Ohio river valley 16439  
facility for the confinement of a juvenile who is alleged to be or 16440  
is adjudicated a delinquent child or juvenile traffic offender 16441  
shall be in accordance with Chapter 2152. of the Revised Code; 16442

(3) If the sheriff of Lawrence county uses the specified 16443  
portion of the Ohio river valley facility for one or more of the 16444  
purposes listed in division (B)(1) of this section and division 16445  
(B)(2) of section 341.12 of the Revised Code, all of the following 16446  
apply during that use of that portion of the facility and during 16447  
the period covered by the agreement entered into pursuant to 16448  
division (B) of this section: 16449

(a) The sheriff has charge of the specified portion of the 16450  
facility pursuant to that agreement and all persons confined in 16451  
it, and shall keep those persons safely, attend to that portion of 16452  
the facility, and regulate that portion of the facility according 16453  
to the minimum standards for jails in Ohio promulgated pursuant to 16454  
section 5120.10 of the Revised Code; 16455

(b) The sheriff has all responsibilities and duties regarding 16456  
the operation and management of the specified portion of the 16457  
facility, including, but not limited to, safe and secure operation 16458  
of and staffing for the jail facility, food services, medical 16459  
services, and other programs, services, and treatment of persons 16460  
confined in it, and conveyance to and from that portion of the 16461  
facility of persons who are to be or who have been confined in it, 16462  
in the same manner as if that facility was a Lawrence county jail; 16463

(c) The sheriff may enter into one or more shared service 16464  
agreements with any other entity leasing buildings at the Ohio 16465  
river valley facility regarding any of the responsibilities and 16466  
duties described in division (B)(3)(b) of this section or 16467  
regarding any other service related to the operation of the 16468  
facility; 16469

(d) All provisions of Chapter 341. of the Revised Code, 16470  
except for sections 341.13 to 341.18 of the Revised Code, apply 16471  
with respect to the specified portion of the Ohio river valley 16472  
facility and to the sheriff in the same manner as if that portion 16473  
of the facility was a Lawrence county jail, and sections 341.13 to 16474  
341.18 of the Revised Code apply with respect to that portion of 16475  
the facility and the sheriff if that portion of the facility is 16476  
used for confinement of persons from a county other than Lawrence 16477  
county pursuant to an agreement as described in division (B)(2) of 16478  
section 341.12 of the Revised Code; 16479

(e) Lawrence county has all responsibility for the costs of 16480  
operation of the specified portion of the facility, and for all 16481  
potential liability related to the use or operation of that 16482  
portion of the facility and damages to it, in the same manner as 16483  
if that facility was a Lawrence county jail; 16484

(f) The sheriff has all responsibility for investigating 16485  
crimes and quelling disturbances that occur in the specified 16486  
portion of the facility, and for assisting in the prosecution of 16487

such crimes, and the prosecuting attorney of Lawrence county and 16488  
prosecutors of municipal corporations located in Lawrence county 16489  
have responsibility for prosecution of such crimes, in the same 16490  
manner as if that facility was a Lawrence county jail; 16491

(g) The sheriff's use of the specified portion of the 16492  
facility shall be in accordance with the terms of the agreement, 16493  
to the extent that the terms are not in conflict with divisions 16494  
(B)(1), (2), and (3) of this section. 16495

~~(5)~~(4) If the sheriff of Lawrence county uses the specified 16496  
portion of the Ohio river valley facility for one or more of the 16497  
purposes listed in division (B)(1) of this section and division 16498  
(B)(2) of section 341.12 of the Revised Code and subsequently 16499  
ceases to use the specified portion of the facility for those 16500  
purposes, the sheriff shall vacate the facility and control of the 16501  
specified portion of the facility immediately shall revert to the 16502  
state. 16503

(C) If, prior to the effective date of this amendment, the 16504  
board of county commissioners of Lawrence county and the director 16505  
of administrative services entered into an agreement under 16506  
division (B) of this section for the use by the sheriff of 16507  
Lawrence county of a specified portion of the Ohio river valley 16508  
facility as a jail for the county and if, as of that effective 16509  
date, either party has failed to comply with the terms of the 16510  
agreement, both of the following apply: 16511

(1) On the effective date of this amendment, control of the 16512  
specified portion of the facility immediately shall revert to the 16513  
state. 16514

(2) On and after the effective date of this amendment, the 16515  
sheriff has no authority to use the specified portion of the 16516  
facility as a jail for Lawrence county. 16517

**Sec. 341.25.** (A) The sheriff may establish a commissary for 16518  
the jail. The commissary may be established either in-house or by 16519  
another arrangement. If a commissary is established, all persons 16520  
incarcerated in the jail shall receive commissary privileges. A 16521  
person's purchases from the commissary shall be deducted from the 16522  
person's account record in the jail's business office. The 16523  
commissary shall provide for the distribution to indigent persons 16524  
incarcerated in the jail necessary hygiene articles and writing 16525  
materials. 16526

(B)(1) If a commissary is established, the sheriff shall 16527  
establish a commissary fund for the jail. The management of funds 16528  
in the commissary fund shall be strictly controlled in accordance 16529  
with procedures adopted by the auditor of state. ~~Commissary~~ 16530

(2) Commissary fund revenue over and above operating costs 16531  
and reserve shall be considered profits. ~~All~~ 16532

(3) All profits from the commissary fund shall be used ~~to~~ for 16533  
the following: 16534

(a) To purchase supplies and equipment, and to provide life 16535  
skills training and education or treatment services, or both, for 16536  
the benefit of persons incarcerated in the jail, ~~and to;~~ 16537

(b) To pay salary and benefits for employees of the sheriff 16538  
who work in or are employed for the purpose of providing service 16539  
to the commissary; 16540

(c) To purchase technology designed to prevent contraband 16541  
from entering the jail. ~~The~~ 16542

(4) The sheriff shall adopt rules for the operation of any 16543  
commissary fund the sheriff establishes. 16544

**Sec. 503.56.** (A) As used in this section: 16545

(1) "Tourism development district" means a district 16546

designated by a township under this section. 16547

(2) "Territory of a tourism development district" means all 16548  
of the area included within the territorial boundaries of a 16549  
tourism development district. 16550

(3) "Business" means a sole proprietorship, a corporation for 16551  
profit, a pass-through entity as defined in section 5733.04 of the 16552  
Revised Code, the federal government, the state, the state's 16553  
political subdivisions, a nonprofit organization, or a school 16554  
district. A business "operates within the proposed district" if 16555  
the business would be subject to a tax levied in the proposed 16556  
tourism development district pursuant to division ~~(A)(2)~~(C) of 16557  
section 5739.101 of the Revised Code. 16558

(4) "Owner" means a partner of a partnership, a member of a 16559  
limited liability company, a majority shareholder of an S 16560  
corporation, a person with a majority ownership interest in a 16561  
pass-through entity, or any officer, employee, or agent with the 16562  
authority to make decisions legally binding upon a business. The 16563  
signature of any owner of a business operates as the signature of 16564  
the business. 16565

(5) "Eligible township" means a township wholly or partly 16566  
located in a county having a population greater than three hundred 16567  
seventy-five thousand but less than four hundred thousand that 16568  
levies taxes under section 5739.021 or 5739.026 of the Revised 16569  
Code, the aggregate rate of which does not exceed one-half of one 16570  
per cent on ~~the effective date of the enactment of this section~~ 16571  
September 29, 2015. 16572

(B)(1) The board of trustees of an eligible township, by 16573  
resolution, may declare an unincorporated area of the township to 16574  
be a tourism development district for the purpose of fostering and 16575  
developing tourism in the district if all of the following 16576  
criteria are met: 16577

(a) The district's area does not exceed ~~two~~ six hundred 16578  
acres. 16579

(b) All territory in the district is contiguous. 16580

(c) Before adopting that resolution or ordinance, the board 16581  
holds at least two public hearings concerning the creation of the 16582  
tourism development district. 16583

(d) Before adopting the resolution or ordinance, the board 16584  
receives a petition signed by every record owner of a parcel of 16585  
real property located in the proposed district and the owner of 16586  
every business that operates in the proposed district. 16587

(e) The board adopts the resolution on or before December 31, 16588  
~~2018~~ 2020. 16589

(2) The petition described in division (B)(1)(d) of this 16590  
section shall include an explanation of the taxes and charges that 16591  
may be levied or imposed in the proposed district. 16592

(3) The board shall certify the resolution to the tax 16593  
commissioner within five days after its adoption, along with a 16594  
description of the boundaries of the district authorized in the 16595  
resolution. That description shall include sufficient information 16596  
for the commissioner to determine if the address of a vendor is 16597  
within the boundaries of the district. 16598

(4) Subject to the limitations of division (B)(1)(a) and (b) 16599  
of this section, the board of trustees of an eligible township may 16600  
enlarge the territory of an existing tourism development district 16601  
in the manner prescribed for the creation of a district under 16602  
divisions (B)(1) to (3) of this section, except that the petition 16603  
described in division (B)(1)(d) of this section must be signed by 16604  
every record owner of a parcel of real property located in the 16605  
area proposed to be added to the district and the owner of every 16606  
business that operates in the area proposed to be added to the 16607  
district. 16608

(C) For the purpose of fostering and developing tourism in a tourism development district, a lessor leasing real property in a tourism development district may impose and collect a uniform fee on each parcel of real property leased by the lessor, to be paid by each of the person's lessees. A lessee is subject to such a fee only if the lease separately states the amount of the fee. Before a lessor may impose and collect such a fee, the lessor shall file a copy of such lease with the fiscal officer of the township that designated the tourism development district. A lessor that imposes such a fee shall remit all collections of the fee to the fiscal officer of the township in which the real property is located.

The board shall establish all regulations necessary to provide for the administration and remittance of such fees. The regulations may prescribe the time for payment of the fee, and may provide for the imposition of a penalty or interest, or both, for late remittances, provided that the penalty does not exceed ten per cent of the amount of fee due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. The regulations shall provide, after deducting the real and actual costs of administering the fee, that the revenue be used exclusively for fostering and developing tourism within the tourism development district.

(D) The board of trustees of an eligible township that has designated a tourism development district under this section may levy one or both of the taxes authorized under section 503.57 or 5739.101 of the Revised Code.

(E) On or before the first day of each January and ~~June~~ July, beginning after the designation of the tourism development district, the fiscal officer of the township shall certify a list of vendors located within the tourism development district to the tax commissioner, which shall include the name, address, and

vendor's license number for each vendor. 16641

Sec. 503.70. (A) As used in this section, "advertising" means 16642  
internet banners and icons that may contain links to commercial 16643  
internet web sites. Advertising does not include spyware, malware, 16644  
or any viruses or programs considered to be malicious. 16645

(B) A board of township trustees may, by resolution, 16646  
authorize the use of commercial advertising on the township's web 16647  
site. The use of commercial advertising must comply with state and 16648  
federal law, including section 9.03 of the Revised Code, and any 16649  
federal regulations or guidelines on the use of commercial 16650  
advertising on the .gov internet domain or other federally 16651  
controlled public domains. 16652

(C) The resolution shall specify the manner of making 16653  
requests for proposals that identify advertisers whose 16654  
advertisements will meet the criteria specified in the request for 16655  
proposals and any requirements and limitations specified in the 16656  
resolution. 16657

(D) The board of township trustees may enter into a contract 16658  
with a qualified advertiser for the placement of commercial 16659  
advertising on the township's web site in exchange for a fee paid 16660  
by the advertiser to the township general fund. 16661

Sec. 505.94. (A) A board of township trustees may, by 16662  
resolution, require the registration of all transient vendors 16663  
within the unincorporated territory of the township and may 16664  
regulate the time, place, and manner in which these vendors may 16665  
sell, offer for sale, or solicit orders for future delivery of 16666  
goods, or the board may, by resolution, prohibit these activities 16667  
within that territory. A board of township trustees also may, by 16668  
resolution, prohibit solicitation at any residence at which the 16669  
owner or tenant has posted a sign on the property prohibiting 16670



solicitation or for which the owner or tenant has filed a no 16671  
solicitation registration form with the township, on a form 16672  
prescribed by the board. If the board requires the registration of 16673  
all transient vendors, it may establish a reasonable registration 16674  
fee, not to exceed one hundred fifty dollars for a registration 16675  
period, and this registration shall be valid for a period of at 16676  
least ninety days after the date of registration. ~~Any~~ 16677

Any board of township trustees that provides for the 16678  
registration and regulation, ~~or prohibition,~~ of transient vendors 16679  
under this section shall notify the prosecuting attorney of the 16680  
county in which the township is located of its registration and 16681  
regulatory requirements ~~or prohibition.~~ No transient vendor shall 16682  
fail to register or to comply with regulations ~~or prohibitions~~ 16683  
established by a board of township trustees under this division. 16684

This division does not authorize a board of township trustees 16685  
to apply a resolution it adopts under this division to any person 16686  
invited by an owner or tenant to visit the owner's or tenant's 16687  
premises to sell, offer for sale, or solicit orders for future 16688  
delivery of goods. 16689

(B) As used in this section: 16690

(1) "Goods" means goods, wares, services, merchandise, 16691  
periodicals, and other articles or publications. 16692

(2) "Transient vendor" means any person who opens a temporary 16693  
place of business for the sale of goods or who, on the streets or 16694  
while traveling about the township, sells or offers for sale 16695  
goods, ~~or~~ solicits orders for future delivery of goods ~~where~~ 16696  
~~payment is required prior to the delivery of the goods,~~ or 16697  
attempts to arrange an appointment for a future estimate or sales 16698  
call. "Transient vendor" does not include any person who 16699  
represents any entity exempted from taxation under section 5709.04 16700  
of the Revised Code, ~~that notifies the board of township trustees~~ 16701

~~that its representatives are present in the township for the~~ 16702  
~~purpose of selling or offering for sale goods, or soliciting~~ 16703  
~~orders for future delivery of goods, or attempting to arrange an~~ 16704  
~~appointment for a future estimate or sales call, and does not~~ 16705  
~~include a or any person licensed under Chapter 4707. of the~~ 16706  
Revised Code. 16707

**Sec. 507.12.** (A) To enhance the background and working 16708  
knowledge of township fiscal officers in government accounting, 16709  
budgeting and financing, financial report preparation, 16710  
cybersecurity, and the rules adopted by the auditor of state, the 16711  
auditor of state shall conduct education programs and continuing 16712  
education courses for individuals elected or appointed for the 16713  
first time to the office of township fiscal officer, and shall 16714  
conduct continuing education courses for individuals who continue 16715  
to hold the office in a subsequent term. The Ohio township 16716  
association also may conduct such initial education programs and 16717  
continuing education courses if approved by the auditor of state. 16718  
The auditor of state, in conjunction with the Ohio township 16719  
association, shall determine the manner and content of the initial 16720  
education programs and continuing education courses. 16721

(B) A newly elected or appointed township fiscal officer 16722  
shall complete at least six hours of initial education programs 16723  
before commencing, or during the first year of, office. A township 16724  
fiscal officer who participates in a training program held under 16725  
section 117.44 of the Revised Code may apply those hours taken 16726  
before commencing office to the six hours of initial education 16727  
programs required under this division. 16728

(C)(1) In addition to the six hours of initial education 16729  
required under division (B) of this section, a newly elected 16730  
township fiscal officer shall complete at least a total of 16731  
eighteen continuing education hours during the township fiscal 16732

officer's first term of office. 16733

(2) A township fiscal officer who is elected to a subsequent 16734  
term of office shall complete twelve hours of continuing education 16735  
courses in each subsequent term of office. 16736

(3) The auditor of state shall adopt rules specifying the 16737  
initial education programs and continuing education courses that 16738  
are required for a township fiscal officer who has been appointed 16739  
to fill a vacancy. The requirements shall be proportionally 16740  
equivalent, based on the time remaining in the vacated office, to 16741  
the requirements for a newly elected township fiscal officer. 16742

(4) At least two hours of ethics instruction shall be 16743  
included in the continuing education hours required by divisions 16744  
(C)(1) and (2) of this section. 16745

(5) A township fiscal officer who participates in a training 16746  
program or seminar established under section 109.43 of the Revised 16747  
Code may apply the three hours of training to the continuing 16748  
education hours required by divisions (C)(1) and (2) of this 16749  
section. 16750

(D)(1) A certified public accountant who serves as a township 16751  
fiscal officer may apply to the continuing education hours 16752  
required by division (C) of this section any hours of continuing 16753  
education completed under section 4701.11 of the Revised Code 16754  
after being elected or appointed as a township fiscal officer. 16755

(2) A township fiscal officer may apply to the continuing 16756  
education hours required by division (C) of this section any hours 16757  
of continuing education completed under section 135.22 of the 16758  
Revised Code after being elected or appointed as a township fiscal 16759  
officer. 16760

(3) A township fiscal officer who teaches an approved 16761  
continuing education course under division (C) of this section is 16762  
entitled to credit for the course in the same manner as if the 16763

township fiscal officer had attended the course. 16764

(E) The auditor of state shall adopt rules for verifying the 16765  
completion of initial education programs and continuing education 16766  
courses required under this section. The auditor of state shall 16767  
issue a certificate of completion to each township fiscal officer 16768  
who completes the initial education programs and continuing 16769  
education courses. The auditor of state shall issue a "failure to 16770  
complete" notice to any township fiscal officer who is required to 16771  
complete initial education programs and continuing education 16772  
courses under this section, but who fails to do so. The notice is 16773  
for informational purposes only and does not affect any 16774  
individual's ability to hold the office of township fiscal 16775  
officer. 16776

(F) Each board of township trustees shall approve a 16777  
reasonable amount requested by the township fiscal officer to 16778  
cover the costs the township fiscal officer is required to incur 16779  
to meet the requirements of this section, including registration 16780  
fees, lodging and meal expenses, and travel expenses. 16781

**Sec. 507.13.** (A)(1) If a township fiscal officer purposely, 16782  
knowingly, or recklessly fails to perform a fiscal duty expressly 16783  
imposed by law with respect to the fiscal duties of the office of 16784  
township fiscal officer or purposely, knowingly, or recklessly 16785  
commits any act expressly prohibited by law with respect to the 16786  
fiscal duties of that office, four residents of the township may 16787  
submit sworn affidavits alleging the violation, together with 16788  
evidence supporting the allegations, to the auditor of state. The 16789  
sworn affidavits and evidence shall be submitted in the format 16790  
prescribed by rule of the auditor of state under section 117.45 of 16791  
the Revised Code. A person who makes a false statement in a sworn 16792  
affidavit, for purposes of this section, is guilty of 16793  
falsification under section 2921.13 of the Revised Code. 16794

(2) The auditor of state shall review the sworn affidavits and the evidence. Within ~~ten business~~ thirty calendar days after receiving the sworn affidavits, unless, for good cause, additional time is required, the auditor of state shall determine whether clear and convincing evidence supports the allegations. If the auditor of state finds that no allegation is supported by clear and convincing evidence, the auditor of state shall submit those findings in writing to the township fiscal officer and the persons who initiated the sworn affidavits. If the auditor of state finds by clear and convincing evidence that an allegation is supported by the evidence, the auditor of state shall submit those findings in writing to the attorney general, the township fiscal officer, and the persons who initiated the sworn affidavits. The findings shall include a copy of the sworn affidavits and the evidence submitted under division (A)(1) of this section.

(3)(a) The attorney general shall review the auditor of state's findings and the sworn affidavits and evidence. Within ten business days after receiving the sworn affidavits and evidence, unless, for good cause, additional time is required, the attorney general shall determine whether clear and convincing evidence supports the allegations. If the attorney general finds that no allegation is supported by clear and convincing evidence, the attorney general, by certified mail, shall notify the auditor of state, the township fiscal officer, and the persons who initiated the sworn affidavits, that no complaint for the removal of the township fiscal officer from public office will be filed.

(b) If the attorney general finds by clear and convincing evidence that an allegation is supported by the evidence, the attorney general, by certified mail, shall notify the auditor of state, the township fiscal officer, and the persons who initiated the sworn affidavits of that fact, and shall commence an action for the removal of the township fiscal officer from public office

under division (B) of this section. 16827

(c) Nothing in this section is intended to limit the 16828  
authority of the attorney general to enter into mediation, 16829  
settlement, or resolution of any alleged violation before or 16830  
following the commencement of an action under this section. 16831

(B)(1)(a) The attorney general has a cause of action for 16832  
removal of a township fiscal officer who purposely, knowingly, or 16833  
recklessly fails to perform a fiscal duty expressly imposed by law 16834  
with respect to the office of township fiscal officer or 16835  
purposely, knowingly, or recklessly commits any act expressly 16836  
prohibited by law with respect to the fiscal duties of the office 16837  
of township fiscal officer. Not later than forty-five days after 16838  
sending a notice under division (A)(3)(b) of this section, the 16839  
attorney general shall cause an action to be commenced against the 16840  
township fiscal officer by filing a complaint for the removal of 16841  
the township fiscal officer from public office. If any money is 16842  
due, the attorney general shall join the sureties on the township 16843  
fiscal officer's bond as parties. The court of common pleas of the 16844  
county in which the township fiscal officer holds office has 16845  
exclusive original jurisdiction of the action. The action shall 16846  
proceed de novo as in the trial of a civil action. The court is 16847  
not restricted to the evidence that was presented to the auditor 16848  
of state and the attorney general before the action was filed. The 16849  
action is governed by the Rules of Civil Procedure. 16850

(b) If the court finds by clear and convincing evidence that 16851  
the township fiscal officer purposely, knowingly, or recklessly 16852  
failed to perform a fiscal duty expressly imposed by law with 16853  
respect to the fiscal duties of the office of township fiscal 16854  
officer or purposely, knowingly, or recklessly committed any act 16855  
expressly prohibited by law with respect to the fiscal duties of 16856  
that office, the court shall issue an order removing the township 16857  
fiscal officer from office and any order necessary for the 16858

preservation or restitution of public funds. 16859

(2) Except as otherwise provided in this division, an action 16860  
for removal from office under this section is stayed during the 16861  
pendency of any criminal action concerning a violation of an 16862  
existing or former municipal ordinance or law of this or any other 16863  
state or the United States that is substantially equivalent to any 16864  
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 16865  
conduct in office, if the person charged in the criminal action 16866  
committed the violation while serving as a township fiscal officer 16867  
and the conduct constituting the violation was related to the 16868  
duties of the office of fiscal officer or to the person's actions 16869  
as the township fiscal officer. The stay may be lifted upon motion 16870  
of the prosecuting attorney in the related criminal action. 16871

(3) Prior to or at the hearing, upon a showing of good cause, 16872  
the court may issue an order restraining the township fiscal 16873  
officer from entering the township fiscal officer's office and 16874  
from conducting the affairs of the office pending the hearing on 16875  
the complaint. If such an order is issued, the court may continue 16876  
the order until the conclusion of the hearing and any appeals 16877  
under this section. 16878

(4) The board of township trustees shall be responsible for 16879  
the payment of reasonable attorney's fees for counsel for the 16880  
township fiscal officer. If judgment is entered against the 16881  
township fiscal officer, the court shall order the township fiscal 16882  
officer to reimburse the board for attorney's fees and costs up to 16883  
a reasonable amount, as determined by the court. Expenses incurred 16884  
by the board in a removal action shall be paid out of the township 16885  
general fund. 16886

(C) The judgment of the court is final and conclusive unless 16887  
reversed, vacated, or modified on appeal. An appeal may be taken 16888  
by any party, and shall proceed as in the case of appeals in civil 16889  
actions and in accordance with the Rules of Appellate Procedure. 16890

Upon the filing of a notice of appeal by any party to the 16891  
proceedings, the court of appeals shall hear the case as an 16892  
expedited appeal under Rule 11.2 of the Rules of Appellate 16893  
Procedure. The township fiscal officer has the right of review or 16894  
appeal to the supreme court. 16895

(D) If a final judgment for removal from public office is 16896  
entered against the township fiscal officer, the office shall be 16897  
deemed vacated, and the vacancy shall be filled as provided in 16898  
section 503.24 of the Revised Code. Except as otherwise provided 16899  
by law, an individual removed from public office under this 16900  
section is not entitled to hold any public office for four years 16901  
following the date of the final judgment, and is not entitled to 16902  
hold any public office until any repayment or restitution required 16903  
by the court is satisfied. 16904

(E) For the purposes of this section: 16905

(1) A person acts purposely when it is the person's specific 16906  
intention to cause a certain result, or, when the gist of the 16907  
offense is a prohibition against conduct of a certain nature, 16908  
regardless of what the person intends to accomplish thereby, it is 16909  
the person's specific intention to engage in conduct of that 16910  
nature. 16911

(2) A person acts knowingly, regardless of the person's 16912  
purpose, when the person is aware that the person's conduct will 16913  
probably cause a certain result or will probably be of a certain 16914  
nature. A person has knowledge of circumstances when the person is 16915  
aware that such circumstances probably exist. 16916

(3) A person acts recklessly when, with heedless indifference 16917  
to the consequences, the person perversely disregards a known risk 16918  
that the person's conduct is likely to cause a certain result or 16919  
is likely to be of a certain nature. A person is reckless with 16920  
respect to circumstances when, with heedless indifference to the 16921



consequences, the person perversely disregards a known risk that 16922  
such circumstances are likely to exist. 16923

(F) The proceedings provided for in this section may be used 16924  
as an alternative to the removal proceedings prescribed under 16925  
sections 3.07 to 3.10 of the Revised Code or other methods of 16926  
removal authorized by law. 16927

**Sec. 703.20.** (A) Villages may surrender their corporate 16928  
powers upon the petition to the legislative authority of the 16929  
village, or, in the alternative, to the board of elections of the 16930  
county in which the largest portion of the population of the 16931  
village resides as provided in division (B)(1) of this section, of 16932  
at least ~~forty~~ thirty per cent of the electors thereof, to be 16933  
determined by the number voting at the last regular municipal 16934  
~~election~~ election and by an affirmative vote of a majority of ~~such~~ 16935  
the electors at a special election, which shall be provided for by 16936  
the legislative authority, ~~and or, in the alternative, at a 16937~~  
general or special election as provided for by the board of 16938  
elections under division (B)(1) of this section. The election 16939  
shall be conducted, canvassed, and the result certified and made 16940  
known as at regular municipal elections. If the result of the 16941  
election is in favor of ~~such~~ the surrender, the village clerk or, 16942  
in the alternative, the board of elections shall certify the 16943  
result to the secretary of state, the auditor of state, and the 16944  
county recorder, who shall record it in their respective offices, 16945  
~~and thereupon the.~~ The corporate powers of ~~such~~ the village shall 16946  
cease upon the recording of the certified election results in the 16947  
county recorder's office. 16948

(B)(1) If the legislative authority of a village fails to act 16949  
upon the petition within thirty days after receipt of the 16950  
petition, the electors may present the petition to the board of 16951  
elections to determine the validity and sufficiency of the 16952

signatures. The petition shall be governed by the rules of section 16953  
3501.38 of the Revised Code. The petition shall be filed with the 16954  
board of elections of the county in which the largest portion of 16955  
the population of the village resides. If the petition is 16956  
sufficient, the board of elections shall submit the question 16957  
"Shall the village of ..... surrender its corporate powers?" 16958  
for the approval or rejection of the electors of the village at 16959  
the next general or special election, in any year, occurring after 16960  
the period ending ninety days after the filing of the petition 16961  
with the board. If the result of the election is in favor of the 16962  
surrender, the board of elections shall certify the results to the 16963  
secretary of state, the auditor of state, and the county recorder, 16964  
who shall record it in their respective offices. The corporate 16965  
powers of the village shall cease upon the recording of the 16966  
certified election results in the county recorder's office. 16967

(2) In addition to filing the petition with the board of 16968  
elections as provided in division (B)(1) of this section, a copy 16969  
of the petition shall be filed with the board of township trustees 16970  
of each township affected by the surrender. 16971

(C) The auditor of state shall assist in facilitating a 16972  
timely and systematic manner for complying with the requirements 16973  
of section 703.21 of the Revised Code. 16974

**Sec. 703.21.** (A) The surrender of corporate powers by a 16975  
village under section 703.20 or 703.201 of the Revised Code does 16976  
not affect vested rights or accrued liabilities of the village, or 16977  
the power to settle claims, dispose of property, or levy and 16978  
collect taxes to pay existing obligations, or to operate its 16979  
utilities, including collection of existing rates and charges for 16980  
services rendered, until the ownership and operation of each 16981  
utility is transferred to another entity. But, after the 16982  
presentation of the petition mentioned in section 703.20 of the 16983

Revised Code or receipt of the audit report and notice mentioned 16984  
in section 703.201 of the Revised Code, the legislative authority 16985  
of the village shall not create any new liability until the result 16986  
of the election under section 703.20 of the Revised Code is 16987  
declared or the decision of the court of common pleas under 16988  
division (C) of section 703.201 of the Revised Code is declared, 16989  
or thereafter, if the result, in either case, is for the surrender 16990  
of the village's corporate powers, except to the extent such 16991  
liability is necessary in connection with the operations of the 16992  
village's utilities consistent with prudent utility practice. If 16993  
the auditor of state notifies the village that the attorney 16994  
general may file a legal action under section 703.201 of the 16995  
Revised Code, but the attorney general does not file such an 16996  
action, the village shall not create any new liability for thirty 16997  
days after receipt of the auditor of state's notice, except to the 16998  
extent such liability is necessary in connection with the 16999  
operations of the village's utilities consistent with prudent 17000  
utility practice. 17001

(B) Due and unpaid taxes may be collected after the surrender 17002  
of corporate powers, and all moneys or property remaining after 17003  
the surrender belongs to the township or townships located wholly 17004  
or partly within the village, subject to the agreements entered 17005  
into as provided for in this section for the timely transfer of 17006  
real and personal property and subject to the report of an audit 17007  
or, at the discretion of the auditor of state, an agreed-upon 17008  
procedure audit performed by the auditor of state under section 17009  
117.11 or 117.114 of the Revised Code. The auditor of state shall 17010  
commence the audit or agreed-upon procedure audit within thirty 17011  
days after receipt of the notice of dissolution as provided in 17012  
division (E) of section 117.10 of the Revised Code. Cash balances 17013  
shall be transferred at the completion of the audit or agreed-upon 17014  
procedure audit performed by the auditor of state. ~~If~~ Except as 17015  
otherwise provided by agreement of the affected village and 17016

townships, if more than one township is to receive the remaining 17017  
money or property, the money and property shall be divided among 17018  
the townships in proportion to the amount of territory that each 17019  
township has within the village boundaries as compared to the 17020  
total territory within the village. 17021

(C)(1) Village real and personal property, other than 17022  
electric, water, and sewer utility property, shall be transferred 17023  
in a timely manner in accordance with agreements between or among 17024  
the affected village and township or townships. If no such 17025  
agreements have been reached within sixty days after the 17026  
certificate of dissolution is filed with the county recorder, 17027  
title to real and personal property other than any electric, 17028  
water, and sewer utility property vests by operation of law in the 17029  
affected township or townships. If more than one township is 17030  
affected, and agreements have not been reached within sixty days 17031  
after the certificate of dissolution is filed, title vests by 17032  
operation of law in proportion to the amount of territory that 17033  
each township has within the village boundaries as compared to the 17034  
total territory within the village. 17035

(2) Any agreements entered into under this section regarding 17036  
the transfer of real property shall be recorded with the county 17037  
recorder of the county in which the affected real property is 17038  
situated, along with affidavits stating facts relating to title as 17039  
provided for in section 5301.252 of the Revised Code. The county 17040  
recorder shall make appropriate notations in the county records to 17041  
reflect the conveyance of the village's interest in real property 17042  
in accordance with the recorded agreements resulting from the 17043  
surrender of corporate powers. The notations shall include a 17044  
reference to the county's recorded certificate of dissolution. 17045

In the absence of any agreements and upon the recording of 17046  
affidavits relating to title, the county recorder shall make 17047  
appropriate notations in the county records to reflect the 17048

conveyance of the village's interest in real property and to 17049  
evidence that title vested by operation of law in the township or 17050  
townships as otherwise provided for in this section and as a 17051  
result of the surrender of corporate powers. The recording of a 17052  
certificate of dissolution or a certified copy of it, any 17053  
agreements regarding the transfer of real property, and supporting 17054  
affidavits serve as sufficient evidence of a transfer of title 17055  
from the former village to a township or townships. These 17056  
documents shall be recorded in the same manner as a deed of 17057  
conveyance, except that the affected township or townships are 17058  
exempt from any fees specified under section 317.32 of the Revised 17059  
Code. 17060

(3) Cash balances shall be transferred at the completion of 17061  
the audit, or, at the discretion of the auditor of state, the 17062  
agreed-upon procedure audit performed by the auditor of state. 17063

(D)(1) Electric and water and sewer utility property shall be 17064  
transferred by agreement entered into by the village and the 17065  
entity that will be taking over the electric and water and sewer 17066  
utility property and assets. Cash balances shall be transferred at 17067  
the completion of the audit, or, at the discretion of the auditor 17068  
of state, the agreed-upon procedure audit performed by the auditor 17069  
of state. The provision of utility and other services shall be 17070  
uninterrupted during the transition period following the surrender 17071  
of corporate powers. 17072

(a) Following the filing of the certificate of dissolution, 17073  
if it is determined that a county, or a regional water and sewer 17074  
district organized under Chapter 6119. of the Revised Code, is 17075  
obligated to assume water and sewer utility property and assets by 17076  
default, the board of county commissioners or board of trustees of 17077  
the district, as appropriate, may petition the court of common 17078  
pleas of the county in which the village was located, for an order 17079  
to revise the current user fees, rates, and charges charged, or 17080

assessments levied, by the utility. The board of county 17081  
commissioners or board of trustees of the district shall file with 17082  
the petition a systems audit of the utility. The systems audit 17083  
shall address the financial solvency of the utility; the utility's 17084  
debt service obligations and operating revenue stream, including 17085  
user fees, rates, charges, and assessments; the utility's 17086  
compliance with operating permit requirements; the necessary 17087  
system maintenance, upgrades, and operational modifications and 17088  
their associated costs for the utility; outstanding, pending, or 17089  
potential enforcement actions against the utility; and any other 17090  
relevant matters impacting the operational viability and financial 17091  
solvency of the utility. 17092

When considering whether to grant the order, the court shall 17093  
review the systems audit and any other relevant evidence. The 17094  
order of the court shall assure that the operational viability and 17095  
financial solvency of the utility is maintained, and that an 17096  
unreasonable financial burden is not placed upon the county or 17097  
district due to the acquisition of the utility property and 17098  
assets. 17099

(b) In the case of a village electric utility, the village 17100  
shall be required to take all necessary steps to transfer its 17101  
ownership and operation, including continuing with normal 17102  
operations and activities, fulfilling its contractual and other 17103  
obligations, and transferring its contractual and other 17104  
obligations to a successor entity in a timely manner following the 17105  
filing of the certificate of dissolution. Such steps shall include 17106  
hiring a third-party engineer knowledgeable about the operation of 17107  
municipal electric systems to conduct a systems audit of the 17108  
electric utility, addressing such items as set forth in division 17109  
(D)(2) of this section. The systems audit shall commence not later 17110  
than sixty days after the filing of the certificate of 17111  
dissolution. Such systems audit is a proper expense of the 17112

village's electric utility fund. If the village's electric utility 17113  
fund has a balance of zero or a negative fund balance, the 17114  
absorbing entity shall pay for the systems audit. During this 17115  
period, the village's electric utility shall continue with all 17116  
normal operations and activities, shall continue fulfilling its 17117  
contractual and other obligations, including with its customers 17118  
and users and licensees of its poles, conduits, and rights-of-way, 17119  
and shall collect charges for service at the rates in effect on 17120  
the date the certificate of dissolution is filed. 17121

(2) The systems audit required under division (D)(1)(a) or 17122  
(b) of this section shall not prevent the auditor of state from 17123  
conducting the audit, or, at the discretion of the auditor of 17124  
state, the agreed-upon procedure audit, required by this section. 17125

(E) As used in divisions (C) and (D) of this section, 17126  
"certificate of dissolution" means the certified election results 17127  
approving the surrender of corporate powers as recorded by the 17128  
county recorder under section 703.20 of the Revised Code. 17129

After the surrender of corporate powers, all resolutions of 17130  
the township or townships into which the village's territory was 17131  
dissolved shall apply throughout the township's newly included 17132  
territory. 17133

**Sec. 705.22.** At the end of each year the legislative 17134  
authority of a municipal corporation shall have an annual report 17135  
printed, in pamphlet form, giving: 17136

(A) The classified statement of all receipts, expenditures, 17137  
assets, and liabilities of the municipal corporation; 17138

(B) A detailed comparison of such receipts and expenditures 17139  
with those of the preceding year; 17140

(C) A summary of the proceedings of the legislative authority 17141  
and a summary of the operations of the administrative departments 17142

for the previous twelve months. 17143

A copy of this report shall be furnished to ~~the auditor of~~ 17144  
~~state,~~ the municipal library, and any citizen of the municipal 17145  
corporation who applies ~~therefor~~ for the report at the office of 17146  
the clerk. Similar reports may be printed quarterly. All meetings 17147  
of the legislative authority or committees thereof shall be 17148  
public, and any citizen of the municipal corporation shall have 17149  
access to the minutes and records thereof at all reasonable times. 17150

**Sec. 713.01.** The legislative authority of each city having a 17151  
board of park commissioners may establish a city planning 17152  
commission of seven members, consisting of the mayor, the director 17153  
of public service, the president of the board of park 17154  
commissioners, ~~and four~~ two citizens of the municipal corporation, 17155  
and two public members who shall serve without compensation and 17156  
shall be appointed by the mayor for terms of six years each, 17157  
except that the term of two of the members of the first commission 17158  
shall be for three years. The legislative authority may, by 17159  
resolution, change the number of citizen members to an even number 17160  
of members, not less than four nor more than twelve. Whenever the 17161  
size of a commission is expanded, the initial appointees to new 17162  
positions shall be appointed to terms which permit half the 17163  
citizen members to be reappointed each third year. No reduction in 17164  
the size of a commission shall affect the term of any incumbent, 17165  
and at least two citizen members shall be appointed every third 17166  
year. 17167

The legislative authority of each city without a board of 17168  
park commissioners may establish a commission of five members, 17169  
consisting of the mayor, the director of public service, ~~and three~~ 17170  
two citizens of the municipal corporation, and one public member 17171  
who shall serve without compensation and shall be appointed by the 17172  
mayor for a term of six years, except that the term of one of the 17173



members of the first commission shall be for four years and one 17174  
for two years. 17175

The legislative authority of each city with a commission plan 17176  
of government, adopted as provided in sections 705.01 to 705.06, 17177  
~~inclusive~~, 705.31, 705.32, and 705.41 to 705.48, ~~inclusive~~, of the 17178  
Revised Code, may establish a city planning commission of five 17179  
members, consisting of the ~~chairman~~ chairperson of the legislative 17180  
authority ~~and four~~, three citizens of the city, and one public 17181  
member to be appointed by the legislative authority for terms of 17182  
six years each, except that the term of two of the members of the 17183  
first planning commission shall be for four years and two for two 17184  
years. All members of the planning commission shall serve without 17185  
compensation. 17186

The legislative authority of each city with a city manager 17187  
plan of government, adopted as provided in sections 705.01 to 17188  
705.06, ~~inclusive~~, and 705.51 to 705.60, ~~inclusive~~, of the Revised 17189  
Code, may establish a commission of five members, consisting of 17190  
the ~~chairman~~ chairperson of the legislative authority, the city 17191  
manager, ~~and three~~ two citizens of the city, and one public member 17192  
who shall serve without compensation and shall be appointed by the 17193  
city manager for terms of six years each, except that the term of 17194  
one of the members of the first commission shall be for four years 17195  
and one for two years. 17196

The legislative authority of each village may establish a 17197  
commission of five members, consisting of the mayor, one member of 17198  
the legislative authority to be elected thereby for the remainder 17199  
of ~~his~~ the individual's term as such member of the legislative 17200  
authority, ~~and three~~ two citizens of the village, and one public 17201  
member to be appointed by the mayor for terms of six years each, 17202  
except that the term of one of the members of the first commission 17203  
shall be for four years and one for two years. All ~~such~~ members 17204  
shall serve without compensation. 17205

The public members appointed under this section need not be residents of the municipal corporation but shall be residents of the county in which the municipal corporation is located or a township that is adjacent to the county. For purposes of this section, all members of a planning commission are subject to section 2921.42 of the Revised Code.

Whenever ~~such~~ a planning commission is appointed under this section, it shall have all the powers conferred in section 735.15 of the Revised Code.

Except as otherwise provided in its charter, the commission of a charter municipal corporation created in the manner and by virtue of authority granted by its charter, shall have the powers of and the plans made by it shall have the effect of a planning commission or city plan created under sections 713.01 to 713.15 ~~inclusive~~, of the Revised Code.

Any member of a city or village planning commission established under this section or by charter, except as otherwise provided in its charter, may hold any other public office and may serve as a member of a county, and a regional planning commission.

**Sec. 715.014.** (A) As used in this section:

(1) "Tourism development district" means a district designated by a municipal corporation under this section.

(2) "Territory of a tourism development district" means all of the area included within the territorial boundaries of a tourism development district.

(3) "Business" and "owner" have the same meanings as in section 503.56 of the Revised Code.

(4) "Eligible municipal corporation" means a municipal corporation wholly or partly located in a county having a population greater than three hundred seventy-five thousand but

less than four hundred thousand that levies taxes under section 17236  
5739.021 or 5739.026 of the Revised Code, the aggregate rate of 17237  
which does not exceed one-half of one per cent on ~~the effective~~ 17238  
~~date of the enactment of this section~~ September 29, 2015. 17239

(5) "Fiscal officer" means the city auditor, village clerk, 17240  
or other municipal officer having the duties and functions of a 17241  
city auditor or village clerk. 17242

(B)(1) The legislative authority of an eligible municipal 17243  
corporation, by resolution or ordinance, may declare an area of 17244  
the municipal corporation to be a tourism development district for 17245  
the purpose of fostering and developing tourism in the district if 17246  
all of the following criteria are met: 17247

(a) The district's area does not exceed ~~two~~ six hundred 17248  
acres. 17249

(b) All territory in the district is contiguous. 17250

(c) Before adopting the resolution or ordinance, the 17251  
legislative authority holds at least two public hearings 17252  
concerning the creation of the tourism development district. 17253

(d) Before adopting the resolution or ordinance, the 17254  
legislative authority receives a petition signed by every record 17255  
owner of a parcel of real property located in the proposed 17256  
district and the owner of every business that operates in the 17257  
proposed district. 17258

(e) The legislative authority adopts the resolution or 17259  
ordinance on or before December 31, ~~2018~~ 2020. 17260

(2) The petition described in division (B)(1)(d) of this 17261  
section shall include an explanation of the taxes and charges that 17262  
may be levied or imposed in the proposed district. 17263

(3) The legislative authority shall certify the resolution or 17264  
ordinance to the tax commissioner within five days after its 17265

adoption, along with a description of the boundaries of the 17266  
district authorized in the resolution. That description shall 17267  
include sufficient information for the commissioner to determine 17268  
if the address of a vendor is within the boundaries of the 17269  
district. 17270

(4) Subject to the limitations of divisions (B)(1)(a) and (b) 17271  
of this section, the legislative authority of an eligible 17272  
municipal corporation may enlarge the territory of an existing 17273  
tourism development district in the manner prescribed for the 17274  
creation of a district under divisions (B)(1) to (3) of this 17275  
section, except that the petition described in division (B)(1)(d) 17276  
of this section must be signed by every record owner of a parcel 17277  
of real property located in the area proposed to be added to the 17278  
district and the owner of every business that operates in the area 17279  
proposed to be added to the district. 17280

(C) For the purpose of fostering and developing tourism in a 17281  
tourism development district, a lessor leasing real property in a 17282  
tourism development district may impose and collect a uniform fee 17283  
on each parcel of real property leased by the lessor, to be paid 17284  
by each of the person's lessees. A lessee is subject to such a fee 17285  
only if the lease separately states the amount of the fee. Before 17286  
a lessor may impose and collect such a fee, the lessor shall file 17287  
a copy of such lease with the fiscal officer. A lessor that 17288  
imposes such a fee shall remit all collections of the fee to the 17289  
municipal corporation in which the real property is located. 17290

The legislative authority of that municipal corporation shall 17291  
establish all regulations necessary to provide for the 17292  
administration and remittance of such fees. The regulations may 17293  
prescribe the time for payment of the fee, and may provide for the 17294  
imposition of a penalty or interest, or both, for late 17295  
remittances, provided that the penalty does not exceed ten per 17296  
cent of the amount of fee due, and the rate at which interest 17297

accrues does not exceed the rate per annum prescribed pursuant to 17298  
section 5703.47 of the Revised Code. The regulations shall 17299  
provide, after deducting the real and actual costs of 17300  
administering the fee, that the revenue be used exclusively for 17301  
fostering and developing tourism within the tourism development 17302  
district. 17303

(D) The legislative authority of an eligible municipal 17304  
corporation that has designated a tourism development district may 17305  
levy the tax authorized under section 5739.101 of the Revised 17306  
Code. Nothing in this section limits the power of the legislative 17307  
authority of a municipal corporation to levy a tax on the basis of 17308  
admissions in a tourism development district pursuant to its 17309  
powers of local self-government conferred by Section 3 of Article 17310  
XVIII, Ohio Constitution. 17311

(E) On or before the first day of each January and ~~June~~ July, 17312  
beginning after the designation of the tourism development 17313  
district, the fiscal officer shall certify a list of vendors 17314  
located within the tourism development district to the tax 17315  
commissioner, which shall include the name, address, and vendor's 17316  
license number for each vendor. 17317

**Sec. 718.01.** Any term used in this chapter that is not 17318  
otherwise defined in this chapter has the same meaning as when 17319  
used in a comparable context in laws of the United States relating 17320  
to federal income taxation or in Title LVII of the Revised Code, 17321  
unless a different meaning is clearly required. ~~If~~ Except as 17322  
provided in section 718.81 of the Revised Code, if a term used in 17323  
this chapter that is not otherwise defined in this chapter is used 17324  
in a comparable context in both the laws of the United States 17325  
relating to federal income tax and in Title LVII of the Revised 17326  
Code and the use is not consistent, then the use of the term in 17327  
the laws of the United States relating to federal income tax shall 17328

control over the use of the term in Title LVII of the Revised Code. 17329  
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~~As~~ Except as otherwise provided in section 718.81 of the Revised Code, as used in this chapter: 17331  
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(A)(1) "Municipal taxable income" means the following: 17333

(a) For a person other than an individual, income ~~reduced by exempt income to the extent otherwise included in income and then, as applicable,~~ apportioned or sitused to the municipal corporation under section 718.02 of the Revised Code, ~~and further as applicable,~~ reduced by any pre-2017 net operating loss carryforward available to the person for the municipal corporation. 17334  
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(b)(i) For an individual who is a resident of a municipal corporation other than a qualified municipal corporation, income reduced by exempt income to the extent otherwise included in income, then reduced as provided in division (A)(2) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the municipal corporation. 17341  
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(ii) For an individual who is a resident of a qualified municipal corporation, Ohio adjusted gross income reduced by income exempted, and increased by deductions excluded, by the qualified municipal corporation from the qualified municipal corporation's tax. If a qualified municipal corporation, on or before December 31, 2013, exempts income earned by individuals who are not residents of the qualified municipal corporation and net profit of persons that are not wholly located within the qualified municipal corporation, such individual or person shall have no municipal taxable income for the purposes of the tax levied by the qualified municipal corporation and may be exempted by the qualified municipal corporation from the requirements of section 17348  
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718.03 of the Revised Code. 17360

(c) For an individual who is a nonresident of a municipal 17361  
corporation, income reduced by exempt income to the extent 17362  
otherwise included in income and then, as applicable, apportioned 17363  
or situated to the municipal corporation under section 718.02 of 17364  
the Revised Code, then reduced as provided in division (A)(2) of 17365  
this section, and further reduced by any pre-2017 net operating 17366  
loss carryforward available to the individual for the municipal 17367  
corporation. 17368

(2) In computing the municipal taxable income of a taxpayer 17369  
who is an individual, the taxpayer may subtract, as provided in 17370  
division (A)(1)(b)(i) or (c) of this section, the amount of the 17371  
individual's employee business expenses reported on the 17372  
individual's form 2106 that the individual deducted for federal 17373  
income tax purposes for the taxable year, subject to the 17374  
limitation imposed by section 67 of the Internal Revenue Code. For 17375  
the municipal corporation in which the taxpayer is a resident, the 17376  
taxpayer may deduct all such expenses allowed for federal income 17377  
tax purposes. For a municipal corporation in which the taxpayer is 17378  
not a resident, the taxpayer may deduct such expenses only to the 17379  
extent the expenses are related to the taxpayer's performance of 17380  
personal services in that nonresident municipal corporation. 17381

(B) "Income" means the following: 17382

(1)(a) For residents, all income, salaries, qualifying wages, 17383  
commissions, and other compensation from whatever source earned or 17384  
received by the resident, including the resident's distributive 17385  
share of the net profit of pass-through entities owned directly or 17386  
indirectly by the resident and any net profit of the resident, 17387  
except as provided in division (D)~~(4)~~(5) of this section. 17388

(b) For the purposes of division (B)(1)(a) of this section: 17389

(i) Any net operating loss of the resident incurred in the 17390

taxable year and the resident's distributive share of any net 17391  
operating loss generated in the same taxable year and attributable 17392  
to the resident's ownership interest in a pass-through entity 17393  
shall be allowed as a deduction, for that taxable year and the 17394  
following five taxable years, against any other net profit of the 17395  
resident or the resident's distributive share of any net profit 17396  
attributable to the resident's ownership interest in a 17397  
pass-through entity until fully utilized, subject to division 17398  
(B)(1)(d) of this section; 17399

(ii) The resident's distributive share of the net profit of 17400  
each pass-through entity owned directly or indirectly by the 17401  
resident shall be calculated without regard to any net operating 17402  
loss that is carried forward by that entity from a prior taxable 17403  
year and applied to reduce the entity's net profit for the current 17404  
taxable year. 17405

(c) Division (B)(1)(b) of this section does not apply with 17406  
respect to any net profit or net operating loss attributable to an 17407  
ownership interest in an S corporation unless shareholders' 17408  
distributive shares of net profits from S corporations are subject 17409  
to tax in the municipal corporation as provided in division 17410  
(C)(14)(b) or (c) of this section. 17411

(d) Any amount of a net operating loss used to reduce a 17412  
taxpayer's net profit for a taxable year shall reduce the amount 17413  
of net operating loss that may be carried forward to any 17414  
subsequent year for use by that taxpayer. In no event shall the 17415  
cumulative deductions for all taxable years with respect to a 17416  
taxpayer's net operating loss exceed the original amount of that 17417  
net operating loss available to that taxpayer. 17418

(2) In the case of nonresidents, all income, salaries, 17419  
qualifying wages, commissions, and other compensation from 17420  
whatever source earned or received by the nonresident for work 17421  
done, services performed or rendered, or activities conducted in 17422



the municipal corporation, including any net profit of the 17423  
nonresident, but excluding the nonresident's distributive share of 17424  
the net profit or loss of only pass-through entities owned 17425  
directly or indirectly by the nonresident. 17426

(3) For taxpayers that are not individuals, net profit of the 17427  
taxpayer; 17428

(4) Lottery, sweepstakes, gambling and sports winnings, 17429  
winnings from games of chance, and prizes and awards. If the 17430  
taxpayer is a professional gambler for federal income tax 17431  
purposes, the taxpayer may deduct related wagering losses and 17432  
expenses to the extent authorized under the Internal Revenue Code 17433  
and claimed against such winnings. 17434

(C) "Exempt income" means all of the following: 17435

(1) The military pay or allowances of members of the armed 17436  
forces of the United States or members of their reserve 17437  
components, including the national guard of any state; 17438

(2)(a) Except as provided in division (C)(2)(b) of this 17439  
section, intangible income; 17440

(b) A municipal corporation that taxed any type of intangible 17441  
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 17442  
116th general assembly, may continue to tax that type of income if 17443  
a majority of the electors of the municipal corporation voting on 17444  
the question of whether to permit the taxation of that type of 17445  
intangible income after 1988 voted in favor thereof at an election 17446  
held on November 8, 1988. 17447

(3) Social security benefits, railroad retirement benefits, 17448  
unemployment compensation, pensions, retirement benefit payments, 17449  
payments from annuities, and similar payments made to an employee 17450  
or to the beneficiary of an employee under a retirement program or 17451  
plan, disability payments received from private industry or local, 17452  
state, or federal governments or from charitable, religious or 17453

educational organizations, and the proceeds of sickness, accident, 17454  
or liability insurance policies. As used in division (C)(3) of 17455  
this section, "unemployment compensation" does not include 17456  
supplemental unemployment compensation described in section 17457  
3402(o)(2) of the Internal Revenue Code. 17458

(4) The income of religious, fraternal, charitable, 17459  
scientific, literary, or educational institutions to the extent 17460  
such income is derived from tax-exempt real estate, tax-exempt 17461  
tangible or intangible property, or tax-exempt activities. 17462

(5) Compensation paid under section 3501.28 or 3501.36 of the 17463  
Revised Code to a person serving as a precinct election official 17464  
to the extent that such compensation does not exceed one thousand 17465  
dollars for the taxable year. Such compensation in excess of one 17466  
thousand dollars for the taxable year may be subject to taxation 17467  
by a municipal corporation. A municipal corporation shall not 17468  
require the payer of such compensation to withhold any tax from 17469  
that compensation. 17470

(6) Dues, contributions, and similar payments received by 17471  
charitable, religious, educational, or literary organizations or 17472  
labor unions, lodges, and similar organizations; 17473

(7) Alimony and child support received; 17474

(8) Compensation for personal injuries or for damages to 17475  
property from insurance proceeds or otherwise, excluding 17476  
compensation paid for lost salaries or wages or compensation from 17477  
punitive damages; 17478

(9) Income of a public utility when that public utility is 17479  
subject to the tax levied under section 5727.24 or 5727.30 of the 17480  
Revised Code. Division (C)(9) of this section does not apply for 17481  
purposes of Chapter 5745. of the Revised Code. 17482

(10) Gains from involuntary conversions, interest on federal 17483  
obligations, items of income subject to a tax levied by the state 17484

and that a municipal corporation is specifically prohibited by law 17485  
from taxing, and income of a decedent's estate during the period 17486  
of administration except such income from the operation of a trade 17487  
or business; 17488

(11) Compensation or allowances excluded from federal gross 17489  
income under section 107 of the Internal Revenue Code; 17490

(12) Employee compensation that is not qualifying wages as 17491  
defined in division (R) of this section; 17492

(13) Compensation paid to a person employed within the 17493  
boundaries of a United States air force base under the 17494  
jurisdiction of the United States air force that is used for the 17495  
housing of members of the United States air force and is a center 17496  
for air force operations, unless the person is subject to taxation 17497  
because of residence or domicile. If the compensation is subject 17498  
to taxation because of residence or domicile, tax on such income 17499  
shall be payable only to the municipal corporation of residence or 17500  
domicile. 17501

(14)(a) Except as provided in division (C)(14)(b) or (c) of 17502  
this section, an S corporation shareholder's distributive share of 17503  
net profits of the S corporation, other than any part of the 17504  
distributive share of net profits that represents wages as defined 17505  
in section 3121(a) of the Internal Revenue Code or net earnings 17506  
from self-employment as defined in section 1402(a) of the Internal 17507  
Revenue Code. 17508

(b) If, pursuant to division (H) of former section 718.01 of 17509  
the Revised Code as it existed before March 11, 2004, a majority 17510  
of the electors of a municipal corporation voted in favor of the 17511  
question at an election held on November 4, 2003, the municipal 17512  
corporation may continue after 2002 to tax an S corporation 17513  
shareholder's distributive share of net profits of an S 17514  
corporation. 17515

(c) If, on December 6, 2002, a municipal corporation was 17516  
imposing, assessing, and collecting a tax on an S corporation 17517  
shareholder's distributive share of net profits of the S 17518  
corporation to the extent the distributive share would be 17519  
allocated or apportioned to this state under divisions (B)(1) and 17520  
(2) of section 5733.05 of the Revised Code if the S corporation 17521  
were a corporation subject to taxes imposed under Chapter 5733. of 17522  
the Revised Code, the municipal corporation may continue to impose 17523  
the tax on such distributive shares to the extent such shares 17524  
would be so allocated or apportioned to this state only until 17525  
December 31, 2004, unless a majority of the electors of the 17526  
municipal corporation voting on the question of continuing to tax 17527  
such shares after that date voted in favor of that question at an 17528  
election held November 2, 2004. If a majority of those electors 17529  
voted in favor of the question, the municipal corporation may 17530  
continue after December 31, 2004, to impose the tax on such 17531  
distributive shares only to the extent such shares would be so 17532  
allocated or apportioned to this state. 17533

(d) A municipal corporation shall be deemed to have elected 17534  
to tax S corporation shareholders' distributive shares of net 17535  
profits of the S corporation in the hands of the shareholders if a 17536  
majority of the electors of a municipal corporation voted in favor 17537  
of a question at an election held under division (C)(14)(b) or (c) 17538  
of this section. The municipal corporation shall specify by 17539  
resolution or ordinance that the tax applies to the distributive 17540  
share of a shareholder of an S corporation in the hands of the 17541  
shareholder of the S corporation. 17542

(15) To the extent authorized under a resolution or ordinance 17543  
adopted by a municipal corporation before January 1, 2016, all or 17544  
a portion of the income of individuals or a class of individuals 17545  
under eighteen years of age. 17546

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 17547

(d) of this section, qualifying wages described in division (B)(1) 17548  
or (E) of section 718.011 of the Revised Code to the extent the 17549  
qualifying wages are not subject to withholding for the municipal 17550  
corporation under either of those divisions. 17551

(b) The exemption provided in division (C)(16)(a) of this 17552  
section does not apply with respect to the municipal corporation 17553  
in which the employee resided at the time the employee earned the 17554  
qualifying wages. 17555

(c) The exemption provided in division (C)(16)(a) of this 17556  
section does not apply to qualifying wages that an employer elects 17557  
to withhold under division (D)(2) of section 718.011 of the 17558  
Revised Code. 17559

(d) The exemption provided in division (C)(16)(a) of this 17560  
section does not apply to qualifying wages if both of the 17561  
following conditions apply: 17562

(i) For qualifying wages described in division (B)(1) of 17563  
section 718.011 of the Revised Code, the employee's employer 17564  
withholds and remits tax on the qualifying wages to the municipal 17565  
corporation in which the employee's principal place of work is 17566  
situated, or, for qualifying wages described in division (E) of 17567  
section 718.011 of the Revised Code, the employee's employer 17568  
withholds and remits tax on the qualifying wages to the municipal 17569  
corporation in which the employer's fixed location is located; 17570

(ii) The employee receives a refund of the tax described in 17571  
division (C)(16)(d)(i) of this section on the basis of the 17572  
employee not performing services in that municipal corporation. 17573

(17)(a) Except as provided in division (C)(17)(b) or (c) of 17574  
this section, compensation that is not qualifying wages paid to a 17575  
nonresident individual for personal services performed in the 17576  
municipal corporation on not more than twenty days in a taxable 17577  
year. 17578

(b) The exemption provided in division (C)(17)(a) of this section does not apply under either of the following circumstances:

(i) The individual's base of operation is located in the municipal corporation.

(ii) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division (C)(17)(b)(ii) of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in section 718.011 of the Revised Code.

(c) Compensation to which division (C)(17) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received where the individual is domiciled.

(d) For purposes of division (C)(17) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation.

(18) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to section 709.023 of the Revised Code on or after March 27, 2013, unless the person is

subject to such taxation because of residence. If the compensation 17610  
is subject to taxation because of residence, municipal income tax 17611  
shall be payable only to the municipal corporation of residence. 17612

(19) In the case of a tax administered, collected, and 17613  
enforced by a municipal corporation pursuant to an agreement with 17614  
the board of directors of a joint economic development district 17615  
under section 715.72 of the Revised Code, the net profits of a 17616  
business, and the income of the employees of that business, 17617  
exempted from the tax under division (Q) of that section. 17618

(20) Income the taxation of which is prohibited by the 17619  
constitution or laws of the United States. 17620

Any item of income that is exempt income of a pass-through 17621  
entity under division (C) of this section is exempt income of each 17622  
owner of the pass-through entity to the extent of that owner's 17623  
distributive or proportionate share of that item of the entity's 17624  
income. 17625

~~(D)(1) "Net profit" for a person other than an individual 17626  
means adjusted federal taxable income. 17627~~

~~(2) "Net profit" for a person who is an individual means the 17628  
individual's net profit required to be reported on schedule C, 17629  
schedule E, or schedule F reduced by any net operating loss 17630  
carried forward. For the purposes of division (D)~~(2)~~(1) of this 17631  
section, the net operating loss carried forward shall be 17632  
calculated and deducted in the same manner as provided in division 17633  
~~(E)~~~~(8)~~(D)(3) of this section. 17634~~

~~(3)(2) "Net profit" for a person other than an individual 17635  
means adjusted federal taxable income reduced by any net operating 17636  
loss incurred by the person in a taxable year beginning on or 17637  
after January 1, 2017, subject to the limitations of division 17638  
(D)(3) of this section. 17639~~

(3)(a) The amount of such net operating loss shall be 17640

deducted from net profit to the extent necessary to reduce 17641  
municipal taxable income to zero, with any remaining unused 17642  
portion of the net operating loss carried forward to not more than 17643  
five consecutive taxable years following the taxable year in which 17644  
the loss was incurred, but in no case for more years than 17645  
necessary for the deduction to be fully utilized. 17646

(b) No person shall use the deduction allowed by division 17647  
(D)(3) of this section to offset qualifying wages. 17648

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 17649  
or 2022, a person may not deduct, for purposes of an income tax 17650  
levied by a municipal corporation that levies an income tax before 17651  
January 1, 2016, more than fifty per cent of the amount of the 17652  
deduction otherwise allowed by division (D)(3) of this section. 17653

(ii) For taxable years beginning in 2023 or thereafter, a 17654  
person may deduct, for purposes of an income tax levied by a 17655  
municipal corporation that levies an income tax before January 1, 17656  
2016, the full amount allowed by division (D)(3) of this section 17657  
without regard to the limitation of division (D)(3)(b)(i) of this 17658  
section. 17659

(d) Any pre-2017 net operating loss carryforward deduction 17660  
that is available may be utilized before a taxpayer may deduct any 17661  
amount pursuant to division (D)(3) of this section. 17662

(e) Nothing in division (D)(3)(c)(i) of this section 17663  
precludes a person from carrying forward, for use with respect to 17664  
any return filed for a taxable year beginning after 2018, any 17665  
amount of net operating loss that was not fully utilized by 17666  
operation of division (D)(3)(c)(i) of this section. To the extent 17667  
that an amount of net operating loss that was not fully utilized 17668  
in one or more taxable years by operation of division (D)(3)(c)(i) 17669  
of this section is carried forward for use with respect to a 17670  
return filed for a taxable year beginning in 2019, 2020, 2021, or 17671



2022, the limitation described in division (D)(3)(c)(i) of this section shall apply to the amount carried forward. 17672  
17673

(4) For the purposes of this chapter, and notwithstanding 17674  
division (D)~~(1)~~(2) of this section, net profit of a disregarded 17675  
entity shall not be taxable as against that disregarded entity, 17676  
but shall instead be included in the net profit of the owner of 17677  
the disregarded entity. 17678

~~(4)~~(5) For the purposes of this chapter, and notwithstanding 17679  
any other provision of this chapter, the net profit of a publicly 17680  
traded partnership that makes the election described in division 17681  
(D)~~(4)~~(5) of this section shall be taxed as if the partnership 17682  
were a C corporation, and shall not be treated as the net profit 17683  
or income of any owner of the partnership. 17684

A publicly traded partnership that is treated as a 17685  
partnership for federal income tax purposes and that is subject to 17686  
tax on its net profits in one or more municipal corporations in 17687  
this state may elect to be treated as a C corporation for 17688  
municipal income tax purposes. The publicly traded partnership 17689  
shall make the election in every municipal corporation in which 17690  
the partnership is subject to taxation on its net profits. The 17691  
election shall be made on the annual tax return filed in each such 17692  
municipal corporation. The publicly traded partnership shall not 17693  
be required to file the election with any municipal corporation in 17694  
which the partnership is not subject to taxation on its net 17695  
profits, but division (D)~~(4)~~(5) of this section applies to all 17696  
municipal corporations in which an individual owner of the 17697  
partnership resides. 17698

(E) "Adjusted federal taxable income," for a person required 17699  
to file as a C corporation, or for a person that has elected to be 17700  
taxed as a C corporation under division (D)~~(4)~~(5) of this section, 17701  
means a C corporation's federal taxable income before net 17702  
operating losses and special deductions as determined under the 17703

Internal Revenue Code, adjusted as follows: 17704

(1) Deduct intangible income to the extent included in 17705  
federal taxable income. The deduction shall be allowed regardless 17706  
of whether the intangible income relates to assets used in a trade 17707  
or business or assets held for the production of income. 17708

(2) Add an amount equal to five per cent of intangible income 17709  
deducted under division (E)(1) of this section, but excluding that 17710  
portion of intangible income directly related to the sale, 17711  
exchange, or other disposition of property described in section 17712  
1221 of the Internal Revenue Code; 17713

(3) Add any losses allowed as a deduction in the computation 17714  
of federal taxable income if the losses directly relate to the 17715  
sale, exchange, or other disposition of an asset described in 17716  
section 1221 or 1231 of the Internal Revenue Code; 17717

(4)(a) Except as provided in division (E)(4)(b) of this 17718  
section, deduct income and gain included in federal taxable income 17719  
to the extent the income and gain directly relate to the sale, 17720  
exchange, or other disposition of an asset described in section 17721  
1221 or 1231 of the Internal Revenue Code; 17722

(b) Division (E)(4)(a) of this section does not apply to the 17723  
extent the income or gain is income or gain described in section 17724  
1245 or 1250 of the Internal Revenue Code. 17725

(5) Add taxes on or measured by net income allowed as a 17726  
deduction in the computation of federal taxable income; 17727

(6) In the case of a real estate investment trust or 17728  
regulated investment company, add all amounts with respect to 17729  
dividends to, distributions to, or amounts set aside for or 17730  
credited to the benefit of investors and allowed as a deduction in 17731  
the computation of federal taxable income; 17732

(7) Deduct, to the extent not otherwise deducted or excluded 17733

in computing federal taxable income, any income derived from a 17734  
transfer agreement or from the enterprise transferred under that 17735  
agreement under section 4313.02 of the Revised Code; 17736

~~(8)(a) Except as limited by divisions (E)(8)(b), (c), and (d) 17737  
of this section, deduct any net operating loss incurred by the 17738  
person in a taxable year beginning on or after January 1, 2017. 17739~~

~~The amount of such net operating loss shall be deducted from 17740  
net profit that is reduced by exempt income to the extent 17741  
necessary to reduce municipal taxable income to zero, with any 17742  
remaining unused portion of the net operating loss carried forward 17743  
to not more than five consecutive taxable years following the 17744  
taxable year in which the loss was incurred, but in no case for 17745  
more years than necessary for the deduction to be fully utilized. 17746~~

~~(b) No person shall use the deduction allowed by division 17747  
(E)(8) of this section to offset qualifying wages. 17748~~

~~(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 17749  
or 2022, a person may not deduct, for purposes of an income tax 17750  
levied by a municipal corporation that levies an income tax before 17751  
January 1, 2016, more than fifty per cent of the amount of the 17752  
deduction otherwise allowed by division (E)(8)(a) of this section. 17753~~

~~(ii) For taxable years beginning in 2023 or thereafter, a 17754  
person may deduct, for purposes of an income tax levied by a 17755  
municipal corporation that levies an income tax before January 1, 17756  
2016, the full amount allowed by division (E)(8)(a) of this 17757  
section. 17758~~

~~(d) Any pre 2017 net operating loss carryforward deduction 17759  
that is available must be utilized before a taxpayer may deduct 17760  
any amount pursuant to division (E)(8) of this section. 17761~~

~~(e) Nothing in division (E)(8)(c)(i) of this section 17762  
precludes a person from carrying forward, for use with respect to 17763  
any return filed for a taxable year beginning after 2018, any 17764~~

~~amount of net operating loss that was not fully utilized by 17765  
operation of division (E)(8)(c)(i) of this section. To the extent 17766  
that an amount of net operating loss that was not fully utilized 17767  
in one or more taxable years by operation of division (E)(8)(c)(i) 17768  
of this section is carried forward for use with respect to a 17769  
return filed for a taxable year beginning in 2019, 2020, 2021, or 17770  
2022, the limitation described in division (E)(8)(c)(i) of this 17771  
section shall apply to the amount carried forward Deduct exempt 17772  
income to the extent not otherwise deducted or excluded in 17773  
computing adjusted federal taxable income. 17774~~

(9) Deduct any net profit of a pass-through entity owned 17775  
directly or indirectly by the taxpayer and included in the 17776  
taxpayer's federal taxable income unless an affiliated group of 17777  
corporations includes that net profit in the group's federal 17778  
taxable income in accordance with division (E)(3)(b) of section 17779  
718.06 of the Revised Code. 17780

(10) Add any loss incurred by a pass-through entity owned 17781  
directly or indirectly by the taxpayer and included in the 17782  
taxpayer's federal taxable income unless an affiliated group of 17783  
corporations includes that loss in the group's federal taxable 17784  
income in accordance with division (E)(3)(b) of section 718.06 of 17785  
the Revised Code. 17786

If the taxpayer is not a C corporation, is not a disregarded 17787  
entity that has made the election described in division (L)(2) of 17788  
this section, is not a publicly traded partnership that has made 17789  
the election described in division (D)~~(4)~~(5) of this section, and 17790  
is not an individual, the taxpayer shall compute adjusted federal 17791  
taxable income under this section as if the taxpayer were a C 17792  
corporation, except guaranteed payments and other similar amounts 17793  
paid or accrued to a partner, former partner, shareholder, former 17794  
shareholder, member, or former member shall not be allowed as a 17795  
deductible expense unless such payments are in consideration for 17796

the use of capital and treated as payment of interest under 17797  
section 469 of the Internal Revenue Code or United States treasury 17798  
regulations. Amounts paid or accrued to a qualified self-employed 17799  
retirement plan with respect to a partner, former partner, 17800  
shareholder, former shareholder, member, or former member of the 17801  
taxpayer, amounts paid or accrued to or for health insurance for a 17802  
partner, former partner, shareholder, former shareholder, member, 17803  
or former member, and amounts paid or accrued to or for life 17804  
insurance for a partner, former partner, shareholder, former 17805  
shareholder, member, or former member shall not be allowed as a 17806  
deduction. 17807

Nothing in division (E) of this section shall be construed as 17808  
allowing the taxpayer to add or deduct any amount more than once 17809  
or shall be construed as allowing any taxpayer to deduct any 17810  
amount paid to or accrued for purposes of federal self-employment 17811  
tax. 17812

(F) "Schedule C" means internal revenue service schedule C 17813  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 17814  
Code. 17815

(G) "Schedule E" means internal revenue service schedule E 17816  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 17817  
Code. 17818

(H) "Schedule F" means internal revenue service schedule F 17819  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 17820  
Code. 17821

(I) "Internal Revenue Code" has the same meaning as in 17822  
section 5747.01 of the Revised Code. 17823

(J) "Resident" means an individual who is domiciled in the 17824  
municipal corporation as determined under section 718.012 of the 17825  
Revised Code. 17826

(K) "Nonresident" means an individual that is not a resident. 17827

(L)(1) "Taxpayer" means a person subject to a tax levied on 17828  
income by a municipal corporation in accordance with this chapter. 17829  
"Taxpayer" does not include a grantor trust or, except as provided 17830  
in division (L)(2)(a) of this section, a disregarded entity. 17831

(2)(a) A single member limited liability company that is a 17832  
disregarded entity for federal tax purposes may be a separate 17833  
taxpayer from its single member in all Ohio municipal corporations 17834  
in which it either filed as a separate taxpayer or did not file 17835  
for its taxable year ending in 2003, if all of the following 17836  
conditions are met: 17837

(i) The limited liability company's single member is also a 17838  
limited liability company. 17839

(ii) The limited liability company and its single member were 17840  
formed and doing business in one or more Ohio municipal 17841  
corporations for at least five years before January 1, 2004. 17842

(iii) Not later than December 31, 2004, the limited liability 17843  
company and its single member each made an election to be treated 17844  
as a separate taxpayer under division (L) of this section as this 17845  
section existed on December 31, 2004. 17846

(iv) The limited liability company was not formed for the 17847  
purpose of evading or reducing Ohio municipal corporation income 17848  
tax liability of the limited liability company or its single 17849  
member. 17850

(v) The Ohio municipal corporation that was the primary place 17851  
of business of the sole member of the limited liability company 17852  
consented to the election. 17853

(b) For purposes of division (L)(2)(a)(v) of this section, a 17854  
municipal corporation was the primary place of business of a 17855  
limited liability company if, for the limited liability company's 17856  
taxable year ending in 2003, its income tax liability was greater 17857  
in that municipal corporation than in any other municipal 17858

corporation in Ohio, and that tax liability to that municipal 17859  
corporation for its taxable year ending in 2003 was at least four 17860  
hundred thousand dollars. 17861

(M) "Person" includes individuals, firms, companies, joint 17862  
stock companies, business trusts, estates, trusts, partnerships, 17863  
limited liability partnerships, limited liability companies, 17864  
associations, C corporations, S corporations, governmental 17865  
entities, and any other entity. 17866

(N) "Pass-through entity" means a partnership not treated as 17867  
an association taxable as a C corporation for federal income tax 17868  
purposes, a limited liability company not treated as an 17869  
association taxable as a C corporation for federal income tax 17870  
purposes, an S corporation, or any other class of entity from 17871  
which the income or profits of the entity are given pass-through 17872  
treatment for federal income tax purposes. "Pass-through entity" 17873  
does not include a trust, estate, grantor of a grantor trust, or 17874  
disregarded entity. 17875

(O) "S corporation" means a person that has made an election 17876  
under subchapter S of Chapter 1 of Subtitle A of the Internal 17877  
Revenue Code for its taxable year. 17878

(P) "Single member limited liability company" means a limited 17879  
liability company that has one direct member. 17880

(Q) "Limited liability company" means a limited liability 17881  
company formed under Chapter 1705. of the Revised Code or under 17882  
the laws of another state. 17883

(R) "Qualifying wages" means wages, as defined in section 17884  
3121(a) of the Internal Revenue Code, without regard to any wage 17885  
limitations, adjusted as follows: 17886

(1) Deduct the following amounts: 17887

(a) Any amount included in wages if the amount constitutes 17888

compensation attributable to a plan or program described in	17889
section 125 of the Internal Revenue Code.	17890
(b) Any amount included in wages if the amount constitutes	17891
payment on account of a disability related to sickness or an	17892
accident paid by a party unrelated to the employer, agent of an	17893
employer, or other payer.	17894
(c) Any amount attributable to a nonqualified deferred	17895
compensation plan or program described in section 3121(v)(2)(C) of	17896
the Internal Revenue Code if the compensation is included in wages	17897
and the municipal corporation has, by resolution or ordinance	17898
adopted before January 1, 2016, exempted the amount from	17899
withholding and tax.	17900
(d) Any amount included in wages if the amount arises from	17901
the sale, exchange, or other disposition of a stock option, the	17902
exercise of a stock option, or the sale, exchange, or other	17903
disposition of stock purchased under a stock option and the	17904
municipal corporation has, by resolution or ordinance adopted	17905
before January 1, 2016, exempted the amount from withholding and	17906
tax.	17907
(e) Any amount included in wages that is exempt income.	17908
(2) Add the following amounts:	17909
(a) Any amount not included in wages solely because the	17910
employee was employed by the employer before April 1, 1986.	17911
(b) Any amount not included in wages because the amount	17912
arises from the sale, exchange, or other disposition of a stock	17913
option, the exercise of a stock option, or the sale, exchange, or	17914
other disposition of stock purchased under a stock option and the	17915
municipal corporation has not, by resolution or ordinance,	17916
exempted the amount from withholding and tax adopted before	17917
January 1, 2016. Division (R)(2)(b) of this section applies only	17918
to those amounts constituting ordinary income.	17919



(c) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (R)(2)(c) of this section applies only to employee contributions and employee deferrals.

(d) Any amount that is supplemental unemployment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages.

(e) Any amount received that is treated as self-employment income for federal tax purposes in accordance with section 1402(a)(8) of the Internal Revenue Code.

(f) Any amount not included in wages if all of the following apply:

(i) For the taxable year the amount is employee compensation that is earned outside of the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer's gross income for such purposes if the taxpayer did not elect to exclude the income under section 911 of the Internal Revenue Code;

(ii) For no preceding taxable year did the amount constitute wages as defined in section 3121(a) of the Internal Revenue Code;

(iii) For no succeeding taxable year will the amount constitute wages; and

(iv) For any taxable year the amount has not otherwise been added to wages pursuant to either division (R)(2) of this section or section 718.03 of the Revised Code, as that section existed before the effective date of H.B. 5 of the 130th general assembly, March 23, 2015.

(S) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other

disposition of intangible property including, but not limited to, 17950  
investments, deposits, money, or credits as those terms are 17951  
defined in Chapter 5701. of the Revised Code, and patents, 17952  
copyrights, trademarks, tradenames, investments in real estate 17953  
investment trusts, investments in regulated investment companies, 17954  
and appreciation on deferred compensation. "Intangible income" 17955  
does not include prizes, awards, or other income associated with 17956  
any lottery winnings, gambling winnings, or other similar games of 17957  
chance. 17958

(T) "Taxable year" means the corresponding tax reporting 17959  
period as prescribed for the taxpayer under the Internal Revenue 17960  
Code. 17961

(U) "Tax administrator" means the individual charged with 17962  
direct responsibility for administration of an income tax levied 17963  
by a municipal corporation in accordance with this chapter, and 17964  
also includes the following: 17965

(1) A municipal corporation acting as the agent of another 17966  
municipal corporation; 17967

(2) A person retained by a municipal corporation to 17968  
administer a tax levied by the municipal corporation, but only if 17969  
the municipal corporation does not compensate the person in whole 17970  
or in part on a contingency basis; 17971

(3) The central collection agency or the regional income tax 17972  
agency or their successors in interest, or another entity 17973  
organized to perform functions similar to those performed by the 17974  
central collection agency and the regional income tax agency. 17975

"Tax administrator" does not include the tax commissioner. 17976

(V) "Employer" means a person that is an employer for federal 17977  
income tax purposes. 17978

(W) "Employee" means an individual who is an employee for 17979

federal income tax purposes.	17980
(X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.	17981 17982 17983 17984 17985
(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.	17986 17987
(Z) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.	17988 17989
(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.72 of the Revised Code.	17990 17991 17992 17993
(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.	17994 17995 17996 17997
(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.	17998 17999 18000 18001 18002 18003
(DD) "Tax return preparer" means any individual described in section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.	18004 18005 18006
(EE) "Ohio business gateway" means the online computer network system, created under section 125.30 of the Revised Code, that allows persons to electronically file business reply forms	18007 18008 18009

with state agencies and includes any successor electronic filing 18010  
and payment system. 18011

(FF) "Local board of tax review" and "board of tax review" 18012  
mean the entity created under section 718.11 of the Revised Code. 18013

(GG) "Net operating loss" means a loss incurred by a person 18014  
in the operation of a trade or business. "Net operating loss" does 18015  
not include unutilized losses resulting from basis limitations, 18016  
at-risk limitations, or passive activity loss limitations. 18017

(HH) "Casino operator" and "casino facility" have the same 18018  
meanings as in section 3772.01 of the Revised Code. 18019

(II) "Video lottery terminal" has the same meaning as in 18020  
section 3770.21 of the Revised Code. 18021

(JJ) "Video lottery terminal sales agent" means a lottery 18022  
sales agent licensed under Chapter 3770. of the Revised Code to 18023  
conduct video lottery terminals on behalf of the state pursuant to 18024  
section 3770.21 of the Revised Code. 18025

(KK) "Postal service" means the United States postal service. 18026

(LL) "Certified mail," "express mail," "United States mail," 18027  
"postal service," and similar terms include any delivery service 18028  
authorized pursuant to section 5703.056 of the Revised Code. 18029

(MM) "Postmark date," "date of postmark," and similar terms 18030  
include the date recorded and marked in the manner described in 18031  
division (B)(3) of section 5703.056 of the Revised Code. 18032

(NN) "Related member" means a person that, with respect to 18033  
the taxpayer during all or any portion of the taxable year, is 18034  
either a related entity, a component member as defined in section 18035  
1563(b) of the Internal Revenue Code, or a person to or from whom 18036  
there is attribution of stock ownership in accordance with section 18037  
1563(e) of the Internal Revenue Code except, for purposes of 18038  
determining whether a person is a related member under this 18039

division, "twenty per cent" shall be substituted for "5 percent" 18040  
wherever "5 percent" appears in section 1563(e) of the Internal 18041  
Revenue Code. 18042

(OO) "Related entity" means any of the following: 18043

(1) An individual stockholder, or a member of the 18044  
stockholder's family enumerated in section 318 of the Internal 18045  
Revenue Code, if the stockholder and the members of the 18046  
stockholder's family own directly, indirectly, beneficially, or 18047  
constructively, in the aggregate, at least fifty per cent of the 18048  
value of the taxpayer's outstanding stock; 18049

(2) A stockholder, or a stockholder's partnership, estate, 18050  
trust, or corporation, if the stockholder and the stockholder's 18051  
partnerships, estates, trusts, or corporations own directly, 18052  
indirectly, beneficially, or constructively, in the aggregate, at 18053  
least fifty per cent of the value of the taxpayer's outstanding 18054  
stock; 18055

(3) A corporation, or a party related to the corporation in a 18056  
manner that would require an attribution of stock from the 18057  
corporation to the party or from the party to the corporation 18058  
under division (OO)(4) of this section, provided the taxpayer owns 18059  
directly, indirectly, beneficially, or constructively, at least 18060  
fifty per cent of the value of the corporation's outstanding 18061  
stock; 18062

(4) The attribution rules described in section 318 of the 18063  
Internal Revenue Code apply for the purpose of determining whether 18064  
the ownership requirements in divisions (OO)(1) to (3) of this 18065  
section have been met. 18066

(PP)(1) "Assessment" means a written finding by the tax 18067  
administrator that a person has underpaid municipal income tax, or 18068  
owes penalty and interest, or any combination of tax, penalty, or 18069  
interest, to the municipal corporation that commences the person's 18070

time limitation for making an appeal to the local board of tax review pursuant to section 718.11 of the Revised Code, and has "ASSESSMENT" written in all capital letters at the top of such finding.

(2) "Assessment" does not include an informal notice denying a request for refund issued under division (B)(3) of section 718.19 of the Revised Code, a billing statement notifying a taxpayer of current or past-due balances owed to the municipal corporation, a tax administrator's request for additional information, a notification to the taxpayer of mathematical errors, or a tax administrator's other written correspondence to a person or taxpayer that does meet the criteria prescribed by division (PP)(1) of this section.

(QQ) "Taxpayers' rights and responsibilities" means the rights provided to taxpayers in sections 718.11, 718.12, 718.19, 718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the Revised Code and the responsibilities of taxpayers to file, report, withhold, remit, and pay municipal income tax and otherwise comply with Chapter 718. of the Revised Code and resolutions, ordinances, and rules adopted by a municipal corporation for the imposition and administration of a municipal income tax.

(RR) "Qualified municipal corporation" means a municipal corporation that, by resolution or ordinance adopted on or before December 31, 2011, adopted Ohio adjusted gross income, as defined by section 5747.01 of the Revised Code, as the income subject to tax for the purposes of imposing a municipal income tax.

(SS)(1) "Pre-2017 net operating loss carryforward" means any net operating loss incurred in a taxable year beginning before January 1, 2017, to the extent such loss was permitted, by a resolution or ordinance of the municipal corporation that was adopted by the municipal corporation before January 1, 2016, to be

carried forward and utilized to offset income or net profit 18103  
generated in such municipal corporation in future taxable years. 18104

(2) For the purpose of calculating municipal taxable income, 18105  
any pre-2017 net operating loss carryforward may be carried 18106  
forward to any taxable year, including taxable years beginning in 18107  
2017 or thereafter, for the number of taxable years provided in 18108  
the resolution or ordinance or until fully utilized, whichever is 18109  
earlier. 18110

(TT) "Small employer" means any employer that had total 18111  
revenue of less than five hundred thousand dollars during the 18112  
preceding taxable year. For purposes of this division, "total 18113  
revenue" means receipts of any type or kind, including, but not 18114  
limited to, sales receipts; payments; rents; profits; gains, 18115  
dividends, and other investment income; compensation; commissions; 18116  
premiums; money; property; grants; contributions; donations; 18117  
gifts; program service revenue; patient service revenue; premiums; 18118  
fees, including premium fees and service fees; tuition payments; 18119  
unrelated business revenue; reimbursements; any type of payment 18120  
from a governmental unit, including grants and other allocations; 18121  
and any other similar receipts reported for federal income tax 18122  
purposes or under generally accepted accounting principles. "Small 18123  
employer" does not include the federal government; any state 18124  
government, including any state agency or instrumentality; any 18125  
political subdivision; or any entity treated as a government for 18126  
financial accounting and reporting purposes. 18127

(UU) "Audit" means the examination of a person or the 18128  
inspection of the books, records, memoranda, or accounts of a 18129  
person for the purpose of determining liability for a municipal 18130  
income tax. 18131

(VV) "Publicly traded partnership" means any partnership, an 18132  
interest in which is regularly traded on an established securities 18133  
market. A "publicly traded partnership" may have any number of 18134

partners. 18135

(WW) "Tax commissioner" means the tax commissioner appointed 18136

under section 121.03 of the Revised Code. 18137

**Sec. 718.02.** This section applies to any taxpayer engaged in 18138  
a business or profession in a municipal corporation that imposes 18139  
an income tax in accordance with this chapter, unless the taxpayer 18140  
is an individual who resides in the municipal corporation or the 18141  
taxpayer is an electric company, combined company, or telephone 18142  
company that is subject to and required to file reports under 18143  
Chapter 5745. of the Revised Code. 18144

(A) Except as otherwise provided in division (B) of this 18145  
section, net profit from a business or profession conducted both 18146  
within and without the boundaries of a municipal corporation shall 18147  
be considered as having a taxable situs in the municipal 18148  
corporation for purposes of municipal income taxation in the same 18149  
proportion as the average ratio of the following: 18150

(1) The average original cost of the real property and 18151  
tangible personal property owned or used by the taxpayer in the 18152  
business or profession in the municipal corporation during the 18153  
taxable period to the average original cost of all of the real and 18154  
tangible personal property owned or used by the taxpayer in the 18155  
business or profession during the same period, wherever situated. 18156

As used in the preceding paragraph, tangible personal or real 18157  
property shall include property rented or leased by the taxpayer 18158  
and the value of such property shall be determined by multiplying 18159  
the annual rental thereon by eight; 18160

(2) Wages, salaries, and other compensation paid during the 18161  
taxable period to individuals employed in the business or 18162  
profession for services performed in the municipal corporation to 18163  
wages, salaries, and other compensation paid during the same 18164



period to individuals employed in the business or profession, 18165  
wherever the individual's services are performed, excluding 18166  
compensation from which taxes are not required to be withheld 18167  
under section 718.011 of the Revised Code; 18168

(3) Total gross receipts of the business or profession from 18169  
sales and rentals made and services performed during the taxable 18170  
period in the municipal corporation to total gross receipts of the 18171  
business or profession during the same period from sales, rentals, 18172  
and services, wherever made or performed. 18173

(B)(1) If the apportionment factors described in division (A) 18174  
of this section do not fairly represent the extent of a taxpayer's 18175  
business activity in a municipal corporation, the taxpayer may 18176  
request, or the tax administrator of the municipal corporation may 18177  
require, that the taxpayer use, with respect to all or any portion 18178  
of the income of the taxpayer, an alternative apportionment method 18179  
involving one or more of the following: 18180

(a) Separate accounting; 18181

(b) The exclusion of one or more of the factors; 18182

(c) The inclusion of one or more additional factors that 18183  
would provide for a more fair apportionment of the income of the 18184  
taxpayer to the municipal corporation; 18185

(d) A modification of one or more of the factors. 18186

(2) A taxpayer request to use an alternative apportionment 18187  
method shall be in writing and shall accompany a tax return, 18188  
timely filed appeal of an assessment, or timely filed amended tax 18189  
return. The taxpayer may use the requested alternative method 18190  
unless the tax administrator denies the request in an assessment 18191  
issued within the period prescribed by division (A) of section 18192  
718.12 of the Revised Code. 18193

(3) A tax administrator may require a taxpayer to use an 18194

alternative apportionment method as described in division (B)(1) 18195  
of this section only by issuing an assessment to the taxpayer 18196  
within the period prescribed by division (A) of section 718.12 of 18197  
the Revised Code. 18198

(4) Nothing in division (B) of this section nullifies or 18199  
otherwise affects any alternative apportionment arrangement 18200  
approved by a tax administrator or otherwise agreed upon by both 18201  
the tax administrator and taxpayer before January 1, 2016. 18202

(C) As used in division (A)(2) of this section, "wages, 18203  
salaries, and other compensation" includes only wages, salaries, 18204  
or other compensation paid to an employee for services performed 18205  
at any of the following locations: 18206

(1) A location that is owned, controlled, or used by, rented 18207  
to, or under the possession of one of the following: 18208

(a) The employer; 18209

(b) A vendor, customer, client, or patient of the employer, 18210  
or a related member of such a vendor, customer, client, or 18211  
patient; 18212

(c) A vendor, customer, client, or patient of a person 18213  
described in division (C)(1)(b) of this section, or a related 18214  
member of such a vendor, customer, client, or patient. 18215

(2) Any location at which a trial, appeal, hearing, 18216  
investigation, inquiry, review, court-martial, or similar 18217  
administrative, judicial, or legislative matter or proceeding is 18218  
being conducted, provided that the compensation is paid for 18219  
services performed for, or on behalf of, the employer or that the 18220  
employee's presence at the location directly or indirectly 18221  
benefits the employer; 18222

(3) Any other location, if the tax administrator determines 18223  
that the employer directed the employee to perform the services at 18224

the other location in lieu of a location described in division 18225  
(C)(1) or (2) of this section solely in order to avoid or reduce 18226  
the employer's municipal income tax liability. If a tax 18227  
administrator makes such a determination, the employer may dispute 18228  
the determination by establishing, by a preponderance of the 18229  
evidence, that the tax administrator's determination was 18230  
unreasonable. 18231

(D) For the purposes of division (A)(3) of this section, 18232  
receipts from sales and rentals made and services performed shall 18233  
be sitused to a municipal corporation as follows: 18234

(1) Gross receipts from the sale of tangible personal 18235  
property shall be sitused to the municipal corporation ~~in which~~ 18236  
~~the sale originated. For the purposes of this division, a sale of~~ 18237  
~~property originates in a municipal corporation only~~ if, regardless 18238  
of where title passes, the property meets ~~any~~ either of the 18239  
following criteria: 18240

(a) The property is shipped to or delivered within the 18241  
municipal corporation from a stock of goods located within the 18242  
municipal corporation. 18243

(b) The property is delivered within the municipal 18244  
corporation from a location outside the municipal corporation, 18245  
provided the taxpayer is regularly engaged through its own 18246  
employees in the solicitation or promotion of sales within such 18247  
municipal corporation and the sales result from such solicitation 18248  
or promotion. 18249

~~(c) The property is shipped from a place within the municipal~~ 18250  
~~corporation to purchasers outside the municipal corporation,~~ 18251  
~~provided that the taxpayer is not, through its own employees,~~ 18252  
~~regularly engaged in the solicitation or promotion of sales at the~~ 18253  
~~place where delivery is made.~~ 18254

(2) Gross receipts from the sale of services shall be sitused 18255

to the municipal corporation to the extent that such services are performed in the municipal corporation. 18256  
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(3) To the extent included in income, gross receipts from the sale of real property located in the municipal corporation shall be sitused to the municipal corporation. 18258  
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(4) To the extent included in income, gross receipts from rents and royalties from real property located in the municipal corporation shall be sitused to the municipal corporation. 18261  
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(5) Gross receipts from rents and royalties from tangible personal property shall be sitused to the municipal corporation based upon the extent to which the tangible personal property is used in the municipal corporation. 18264  
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(E) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual or by a disregarded entity owned by the individual shall be subject to tax only by the municipal corporation in which the property generating the net profit is located and the municipal corporation in which the individual taxpayer that receives the net profit resides. 18268  
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A municipal corporation shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit sitused under this division to the municipal corporation in which the property is located. 18274  
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(F)(1) Except as provided in division (F)(2) of this section, commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be sitused to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to a municipal corporation based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the municipal corporation to the commissions received from the sale, purchase, or lease of real 18278  
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estate everywhere in the taxable year. 18287

(2) An individual who is a resident of a municipal 18288  
corporation that imposes a municipal income tax shall report the 18289  
individual's net profit from all real estate activity on the 18290  
individual's annual tax return for that municipal corporation. The 18291  
individual may claim a credit for taxes the individual paid on 18292  
such net profit to another municipal corporation to the extent 18293  
that such a credit is allowed under the municipal income tax 18294  
ordinance, or rules of the municipal corporation of residence. 18295

(G) If, in computing a taxpayer's adjusted federal taxable 18296  
income, the taxpayer deducted any amount with respect to a stock 18297  
option granted to an employee, and if the employee is not required 18298  
to include in the employee's income any such amount or a portion 18299  
thereof because it is exempted from taxation under divisions 18300  
(C)(12) and (R)(1)(d) of section 718.01 of the Revised Code by a 18301  
municipal corporation to which the taxpayer has apportioned a 18302  
portion of its net profit, the taxpayer shall add the amount that 18303  
is exempt from taxation to the taxpayer's net profit that was 18304  
apportioned to that municipal corporation. In no case shall a 18305  
taxpayer be required to add to its net profit that was apportioned 18306  
to that municipal corporation any amount other than the amount 18307  
upon which the employee would be required to pay tax were the 18308  
amount related to the stock option not exempted from taxation. 18309

This division applies solely for the purpose of making an 18310  
adjustment to the amount of a taxpayer's net profit that was 18311  
apportioned to a municipal corporation under this section. 18312

(H) When calculating the ratios described in division (A) of 18313  
this section for the purposes of that division or division (B) of 18314  
this section, the owner of a disregarded entity shall include in 18315  
the owner's ratios the property, payroll, and gross receipts of 18316  
such disregarded entity. 18317

**Sec. 718.06.** (A) As used in this section: 18318

(1) "Affiliated group of corporations" means an affiliated 18319  
group as defined in section 1504 of the Internal Revenue Code, 18320  
except that, if such a group includes at least one incumbent local 18321  
exchange carrier that is primarily engaged in the business of 18322  
providing local exchange telephone service in this state, the 18323  
affiliated group shall not include any incumbent local exchange 18324  
carrier that would otherwise be included in the group. 18325

(2) "Consolidated federal income tax return" means a 18326  
consolidated return filed for federal income tax purposes pursuant 18327  
to section 1501 of the Internal Revenue Code. 18328

(3) "Consolidated federal taxable income" means the 18329  
consolidated taxable income of an affiliated group of 18330  
corporations, as computed for the purposes of filing a 18331  
consolidated federal income tax return, before consideration of 18332  
net operating losses or special deductions. "Consolidated federal 18333  
taxable income" does not include income or loss of an incumbent 18334  
local exchange carrier that is excluded from the affiliated group 18335  
under division (A)(1) of this section. 18336

(4) "Incumbent local exchange carrier" has the same meaning 18337  
as in section 4927.01 of the Revised Code. 18338

(5) "Local exchange telephone service" has the same meaning 18339  
as in section 5727.01 of the Revised Code. 18340

(B)(1) For taxable years beginning on or after January 1, 18341  
2016, a taxpayer that is a member of an affiliated group of 18342  
corporations may elect to file a consolidated municipal income tax 18343  
return for a taxable year if at least one member of the affiliated 18344  
group of corporations is subject to the municipal income tax in 18345  
that taxable year and if the affiliated group of corporations 18346  
filed a consolidated federal income tax return with respect to 18347

that taxable year. The election is binding for a five-year period 18348  
beginning with the first taxable year of the initial election 18349  
unless a change in the reporting method is required under federal 18350  
law. The election continues to be binding for each subsequent 18351  
five-year period unless the taxpayer elects to discontinue filing 18352  
consolidated municipal income tax returns under division (B)(2) of 18353  
this section or a taxpayer receives permission from the tax 18354  
administrator. The tax administrator shall approve such a request 18355  
for good cause shown. 18356

(2) An election to discontinue filing consolidated municipal 18357  
income tax returns under this section must be made in the first 18358  
year following the last year of a five-year consolidated municipal 18359  
income tax return election period in effect under division (B)(1) 18360  
of this section. The election to discontinue filing a consolidated 18361  
municipal income tax return is binding for a five-year period 18362  
beginning with the first taxable year of the election. 18363

(3) An election made under division (B)(1) or (2) of this 18364  
section is binding on all members of the affiliated group of 18365  
corporations subject to a municipal income tax. 18366

(4) When a taxpayer makes the election allowed under section 18367  
718.80 of the Revised Code, a valid election made by the taxpayer 18368  
under division (B)(1) or (2) of this section is binding upon the 18369  
tax commissioner for the remainder of the five-year period. 18370

(5) When an election made under section 718.80 of the Revised 18371  
Code is terminated, a valid election made under section 718.86 of 18372  
the Revised Code is binding upon the tax administrator for the 18373  
remainder of the five-year period. 18374

(C) A taxpayer that is a member of an affiliated group of 18375  
corporations that filed a consolidated federal income tax return 18376  
for a taxable year shall file a consolidated municipal income tax 18377  
return for that taxable year if the tax administrator determines, 18378

by a preponderance of the evidence, that intercompany transactions 18379  
have not been conducted at arm's length and that there has been a 18380  
distortive shifting of income or expenses with regard to 18381  
allocation of net profits to the municipal corporation. A taxpayer 18382  
that is required to file a consolidated municipal income tax 18383  
return for a taxable year shall file a consolidated municipal 18384  
income tax return for all subsequent taxable years unless the 18385  
taxpayer requests and receives written permission from the tax 18386  
administrator to file a separate return or a taxpayer has 18387  
experienced a change in circumstances. 18388

(D) A taxpayer shall prepare a consolidated municipal income 18389  
tax return in the same manner as is required under the United 18390  
States department of treasury regulations that prescribe 18391  
procedures for the preparation of the consolidated federal income 18392  
tax return required to be filed by the common parent of the 18393  
affiliated group of which the taxpayer is a member. 18394

(E)(1) Except as otherwise provided in divisions (E)(2), (3), 18395  
and (4) of this section, corporations that file a consolidated 18396  
municipal income tax return shall compute adjusted federal taxable 18397  
income, as defined in section 718.01 of the Revised Code, by 18398  
substituting "consolidated federal taxable income" for "federal 18399  
taxable income" wherever "federal taxable income" appears in that 18400  
division and by substituting "an affiliated group of 18401  
corporation's" for "a C corporation's" wherever "a C 18402  
corporation's" appears in that division. 18403

(2) No corporation filing a consolidated municipal income tax 18404  
return shall make any adjustment otherwise required under division 18405  
(E) of section 718.01 of the Revised Code to the extent that the 18406  
item of income or deduction otherwise subject to the adjustment 18407  
has been eliminated or consolidated in the computation of 18408  
consolidated federal taxable income. 18409

(3) If the net profit or loss of a pass-through entity having 18410



at least eighty per cent of the value of its ownership interest 18411  
owned or controlled, directly or indirectly, by an affiliated 18412  
group of corporations is included in that affiliated group's 18413  
consolidated federal taxable income for a taxable year, the 18414  
corporation filing a consolidated municipal income tax return 18415  
shall do one of the following with respect to that pass-through 18416  
entity's net profit or loss for that taxable year: 18417

(a) Exclude the pass-through entity's net profit or loss from 18418  
the consolidated federal taxable income of the affiliated group 18419  
and, for the purpose of making the computations required in 18420  
section 718.02 of the Revised Code, exclude the property, payroll, 18421  
and gross receipts of the pass-through entity in the computation 18422  
of the affiliated group's net profit situated to a municipal 18423  
corporation. If the entity's net profit or loss is so excluded, 18424  
the entity shall be subject to taxation as a separate taxpayer on 18425  
the basis of the entity's net profits that would otherwise be 18426  
included in the consolidated federal taxable income of the 18427  
affiliated group. 18428

(b) Include the pass-through entity's net profit or loss in 18429  
the consolidated federal taxable income of the affiliated group 18430  
and, for the purpose of making the computations required in 18431  
section 718.02 of the Revised Code, include the property, payroll, 18432  
and gross receipts of the pass-through entity in the computation 18433  
of the affiliated group's net profit situated to a municipal 18434  
corporation. If the entity's net profit or loss is so included, 18435  
the entity shall not be subject to taxation as a separate taxpayer 18436  
on the basis of the entity's net profits that are included in the 18437  
consolidated federal taxable income of the affiliated group. 18438

(4) If the net profit or loss of a pass-through entity having 18439  
less than eighty per cent of the value of its ownership interest 18440  
owned or controlled, directly or indirectly, by an affiliated 18441  
group of corporations is included in that affiliated group's 18442

consolidated federal taxable income for a taxable year, all of the 18443  
following shall apply: 18444

(a) The corporation filing the consolidated municipal income 18445  
tax return shall exclude the pass-through entity's net profit or 18446  
loss from the consolidated federal taxable income of the 18447  
affiliated group and, for the purposes of making the computations 18448  
required in section 718.02 of the Revised Code, exclude the 18449  
property, payroll, and gross receipts of the pass-through entity 18450  
in the computation of the affiliated group's net profit sitused to 18451  
a municipal corporation; 18452

(b) The pass-through entity shall be subject to municipal 18453  
income taxation as a separate taxpayer in accordance with this 18454  
chapter on the basis of the entity's net profits that would 18455  
otherwise be included in the consolidated federal taxable income 18456  
of the affiliated group. 18457

(F) Corporations filing a consolidated municipal income tax 18458  
return shall make the computations required under section 718.02 18459  
of the Revised Code by substituting "consolidated federal taxable 18460  
income attributable to" for "net profit from" wherever "net profit 18461  
from" appears in that section and by substituting "affiliated 18462  
group of corporations" for "taxpayer" wherever "taxpayer" appears 18463  
in that section. 18464

(G) Each corporation filing a consolidated municipal income 18465  
tax return is jointly and severally liable for any tax, interest, 18466  
penalties, fines, charges, or other amounts imposed by a municipal 18467  
corporation in accordance with this chapter on the corporation, an 18468  
affiliated group of which the corporation is a member for any 18469  
portion of the taxable year, or any one or more members of such an 18470  
affiliated group. 18471

(H) Corporations and their affiliates that made an election 18472  
or entered into an agreement with a municipal corporation before 18473

January 1, 2016, to file a consolidated or combined tax return 18474  
with such municipal corporation may continue to file consolidated 18475  
or combined tax returns in accordance with such election or 18476  
agreement for taxable years beginning on and after January 1, 18477  
2016. 18478

"Sec. 718.08. (A) As used in this section: 18479

(1) "Estimated taxes" means the amount that the taxpayer 18480  
reasonably estimates to be the taxpayer's tax liability for a 18481  
municipal corporation's income tax for the current taxable year. 18482

(2) "Tax liability" means the total taxes due to a municipal 18483  
corporation for the taxable year, after allowing any credit to 18484  
which the taxpayer is entitled, and after applying any estimated 18485  
tax payment, withholding payment, or credit from another taxable 18486  
year. 18487

(B)(1) Except as provided in division (F) of this section, 18488  
every taxpayer shall make a declaration of estimated taxes for the 18489  
current taxable year, on the form prescribed by the tax 18490  
administrator, if the amount payable as estimated taxes is at 18491  
least two hundred dollars. For the purposes of this section: 18492

(a) Taxes withheld from qualifying wages shall be considered 18493  
as paid to the municipal corporation for which the taxes were 18494  
withheld in equal amounts on each payment date unless the taxpayer 18495  
establishes the dates on which all amounts were actually withheld, 18496  
in which case the amounts withheld shall be considered as paid on 18497  
the dates on which the amounts were actually withheld. 18498

(b) An overpayment of tax applied as a credit to a subsequent 18499  
taxable year is deemed to be paid on the date of the postmark 18500  
stamped on the cover in which the payment is mailed or, if the 18501  
payment is made by electronic funds transfer, the date the payment 18502  
is submitted. As used in this division, "date of the postmark" 18503

means, in the event there is more than one date on the cover, the  
earliest date imprinted on the cover by the postal service.

(c) Taxes withheld by a casino operator or by a lottery sales  
agent under section 718.031 of the Revised Code are deemed to be  
paid to the municipal corporation for which the taxes were  
withheld on the date the taxes are withheld from the taxpayer's  
winnings.

(2) Except as provided in division (F) of this section,  
taxpayers filing joint returns shall file joint declarations of  
estimated taxes. A taxpayer may amend a declaration under rules  
prescribed by the tax administrator. Except as provided in  
division (F) of this section, a taxpayer having a taxable year of  
less than twelve months shall make a declaration under rules  
prescribed by the tax administrator.

(3) The declaration of estimated taxes shall be filed on or  
before the date prescribed for the filing of municipal income tax  
returns under division (G) of section 718.05 of the Revised Code  
or on or before the fifteenth day of the fourth month after the  
taxpayer becomes subject to tax for the first time.

(4) Taxpayers reporting on a fiscal year basis shall file a  
declaration on or before the fifteenth day of the fourth month  
after the beginning of each fiscal year or period.

(5) The original declaration or any subsequent amendment may  
be increased or decreased on or before any subsequent quarterly  
payment day as provided in this section.

(C)(1) The required portion of the tax liability for the  
taxable year that shall be paid through estimated taxes made  
payable to the municipal corporation or tax administrator,  
including the application of tax refunds to estimated taxes and  
withholding on or before the applicable payment date, shall be as  
follows:

(a) On or before the fifteenth day of the fourth month after 18535  
the beginning of the taxable year, twenty-two and one-half per 18536  
cent of the tax liability for the taxable year; 18537

(b) On or before the fifteenth day of the sixth month after 18538  
the beginning of the taxable year, forty-five per cent of the tax 18539  
liability for the taxable year; 18540

(c) On or before the fifteenth day of the ninth month after 18541  
the beginning of the taxable year, sixty-seven and one-half per 18542  
cent of the tax liability for the taxable year; 18543

(d) ~~On~~ For an individual, on or before the fifteenth day of 18544  
the first month of the following taxable year, ninety per cent of 18545  
the tax liability for the taxable year. For a person other than an 18546  
individual, on or before the fifteenth day of the twelfth month of 18547  
the taxable year, ninety per cent of the tax liability for the 18548  
taxable year. 18549

(2) When an amended declaration has been filed, the unpaid 18550  
balance shown due on the amended declaration shall be paid in 18551  
equal installments on or before the remaining payment dates. 18552

(3) On or before the fifteenth day of the fourth month of the 18553  
year following that for which the declaration or amended 18554  
declaration was filed, an annual return shall be filed and any 18555  
balance which may be due shall be paid with the return in 18556  
accordance with section 718.05 of the Revised Code. 18557

(D)(1) In the case of any underpayment of any portion of a 18558  
tax liability, penalty and interest may be imposed pursuant to 18559  
section 718.27 of the Revised Code upon the amount of underpayment 18560  
for the period of underpayment, unless the underpayment is due to 18561  
reasonable cause as described in division (E) of this section. The 18562  
amount of the underpayment shall be determined as follows: 18563

(a) For the first payment of estimated taxes each year, 18564  
twenty-two and one-half per cent of the tax liability, less the 18565

amount of taxes paid by the date prescribed for that payment; 18566

(b) For the second payment of estimated taxes each year, 18567  
forty-five per cent of the tax liability, less the amount of taxes 18568  
paid by the date prescribed for that payment; 18569

(c) For the third payment of estimated taxes each year, 18570  
sixty-seven and one-half per cent of the tax liability, less the 18571  
amount of taxes paid by the date prescribed for that payment; 18572

(d) For the fourth payment of estimated taxes each year, 18573  
ninety per cent of the tax liability, less the amount of taxes 18574  
paid by the date prescribed for that payment. 18575

(2) The period of the underpayment shall run from the day the 18576  
estimated payment was required to be made to the date on which the 18577  
payment is made. For purposes of this section, a payment of 18578  
estimated taxes on or before any payment date shall be considered 18579  
a payment of any previous underpayment only to the extent the 18580  
payment of estimated taxes exceeds the amount of the payment 18581  
presently required to be paid to avoid any penalty. 18582

(E) An underpayment of any portion of tax liability 18583  
determined under division (D) of this section shall be due to 18584  
reasonable cause and the penalty imposed by this section shall not 18585  
be added to the taxes for the taxable year if any of the following 18586  
apply: 18587

(1) The amount of estimated taxes that were paid equals at 18588  
least ninety per cent of the tax liability for the current taxable 18589  
year, determined by annualizing the income received during the 18590  
year up to the end of the month immediately preceding the month in 18591  
which the payment is due. 18592

(2) The amount of estimated taxes that were paid equals at 18593  
least one hundred per cent of the tax liability shown on the 18594  
return of the taxpayer for the preceding taxable year, provided 18595  
that the immediately preceding taxable year reflected a period of 18596

twelve months and the taxpayer filed a return with the municipal corporation under section 718.05 of the Revised Code for that year. 18597  
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(3) The taxpayer is an individual who resides in the municipal corporation but was not domiciled there on the first day of January of the calendar year that includes the first day of the taxable year. 18600  
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(F)(1) A tax administrator may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors. 18604  
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(2) A municipal corporation may, by ordinance or rule, waive the requirement for filing a declaration of estimated taxes for all taxpayers." 18608  
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**Sec. 718.27.** (A) As used in this section: 18611

(1) "Applicable law" means this chapter, the resolutions, ordinances, codes, directives, instructions, and rules adopted by a municipal corporation provided such resolutions, ordinances, codes, directives, instructions, and rules impose or directly or indirectly address the levy, payment, remittance, or filing requirements of a municipal income tax. 18612  
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(2) "Income tax," "estimated income tax," and "withholding tax" means any income tax, estimated income tax, and withholding tax imposed by a municipal corporation pursuant to applicable law, including at any time before January 1, 2016. 18618  
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(3) A "return" includes any tax return, report, reconciliation, schedule, and other document required to be filed with a tax administrator or municipal corporation by a taxpayer, employer, any agent of the employer, or any other payer pursuant to applicable law, including at any time before January 1, 2016. 18622  
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(4) "Federal short-term rate" means the rate of the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of three years or less, as determined under section 1274 of the Internal Revenue Code, for July of the current year.

(5) "Interest rate as described in division (A) of this section" means the federal short-term rate, rounded to the nearest whole number per cent, plus five per cent. The rate shall apply for the calendar year next following the July of the year in which the federal short-term rate is determined in accordance with division (A)(4) of this section.

(6) "Unpaid estimated income tax" means estimated income tax due but not paid by the date the tax is required to be paid under applicable law.

(7) "Unpaid income tax" means income tax due but not paid by the date the income tax is required to be paid under applicable law.

(8) "Unpaid withholding tax" means withholding tax due but not paid by the date the withholding tax is required to be paid under applicable law.

(9) "Withholding tax" includes amounts an employer, any agent of an employer, or any other payer did not withhold in whole or in part from an employee's qualifying wages, but that, under applicable law, the employer, agent, or other payer is required to withhold from an employee's qualifying wages.

(B)(1) This section applies to the following:

(a) Any return required to be filed under applicable law for taxable years beginning on or after January 1, 2016;

(b) Income tax, estimated income tax, and withholding tax required to be paid or remitted to the municipal corporation on or



after January 1, 2016. 18657

(2) This section does not apply to returns required to be 18658  
filed or payments required to be made before January 1, 2016, 18659  
regardless of the filing or payment date. Returns required to be 18660  
filed or payments required to be made before January 1, 2016, but 18661  
filed or paid after that date shall be subject to the ordinances 18662  
or rules, as adopted before January 1, 2016, of the municipal 18663  
corporation to which the return is to be filed or the payment is 18664  
to be made. 18665

(C) Each municipal corporation levying a tax on income may 18666  
impose on a taxpayer, employer, any agent of the employer, and any 18667  
other payer, and must attempt to collect, the interest amounts and 18668  
penalties prescribed under division (C) of this section when the 18669  
taxpayer, employer, any agent of the employer, or any other payer 18670  
for any reason fails, in whole or in part, to make to the 18671  
municipal corporation timely and full payment or remittance of 18672  
income tax, estimated income tax, or withholding tax or to file 18673  
timely with the municipal corporation any return required to be 18674  
filed. 18675

(1) Interest shall be imposed at the rate described in 18676  
division (A) of this section, per annum, on all unpaid income tax, 18677  
unpaid estimated income tax, and unpaid withholding tax. 18678

(2)(a) With respect to unpaid income tax and unpaid estimated 18679  
income tax, a municipal corporation may impose a penalty equal to 18680  
fifteen per cent of the amount not timely paid. 18681

(b) With respect to any unpaid withholding tax, a municipal 18682  
corporation may impose a penalty ~~equal to~~ not exceeding fifty per 18683  
cent of the amount not timely paid. 18684

(3) With respect to returns other than estimated income tax 18685  
returns, a municipal corporation may impose a penalty of 18686  
twenty-five dollars for each failure to timely file each return, 18687

regardless of the liability shown thereon for each month, or any 18688  
fraction thereof, during which the return remains unfiled 18689  
regardless of the liability shown thereon. The penalty shall not 18690  
exceed one hundred fifty dollars for each failure. 18691

(D)(1) With respect to the income taxes, estimated income 18692  
taxes, withholding taxes, and returns, no municipal corporation 18693  
shall impose, seek to collect, or collect any penalty, amount of 18694  
interest, charges, or additional fees not described in this 18695  
section. 18696

(2) With respect to the income taxes, estimated income taxes, 18697  
withholding taxes, and returns not described in division (A) of 18698  
this section, nothing in this section requires a municipal 18699  
corporation to refund or credit any penalty, amount of interest, 18700  
charges, or additional fees that the municipal corporation has 18701  
properly imposed or collected before January 1, 2016. 18702

(E) Nothing in this section limits the authority of a 18703  
municipal corporation to abate or partially abate penalties or 18704  
interest imposed under this section when the tax administrator 18705  
determines, in the tax administrator's sole discretion, that such 18706  
abatement is appropriate. 18707

(F) By the thirty-first day of October of each year the 18708  
municipal corporation shall publish the rate described in division 18709  
(A) of this section applicable to the next succeeding calendar 18710  
year. 18711

(G) The municipal corporation may impose on the taxpayer, 18712  
employer, any agent of the employer, or any other payer the 18713  
municipal corporation's post-judgment collection costs and fees, 18714  
including attorney's fees. 18715

**Sec. 718.60.** (A) There is hereby created the municipal income 18716  
tax net operating loss review committee for the purpose of 18717

evaluating and quantifying the potential fiscal impact to 18718  
municipal corporations levying an income tax of requiring such 18719  
municipal corporations to allow taxpayers to carry forward net 18720  
operating losses for five years. The committee is a public body 18721  
for the purposes of section 121.22 of the Revised Code. 18722

(B) The committee shall be composed of the following members: 18723

(1) Two members of the house of representatives who are not 18724  
of the same political party, appointed by the speaker of the house 18725  
of representatives; 18726

(2) Two members of the senate who are not of the same 18727  
political party, appointed by the president of the senate; 18728

(3) Three members representing municipal income taxpayers, 18729  
appointed by the speaker of the house of representatives; 18730

(4) Three members representing municipal corporations that 18731  
levy an income tax in calendar year 2016, appointed by the 18732  
president of the senate. At least two of the members appointed 18733  
under division (B)(4) of this section shall represent municipal 18734  
corporations that do not allow taxpayers to carry forward net 18735  
operating losses to future taxable years. 18736

(5) One member appointed by the governor, who shall serve as 18737  
the chairperson of the committee. 18738

An appointed member shall serve until the member resigns or 18739  
is removed by the member's appointing authority. Vacancies shall 18740  
be filled in the same manner as original appointments. A vacancy 18741  
on the committee does not impair the right of the other members to 18742  
exercise all the functions of the committee. 18743

The committee shall meet at the call of the chairperson. The 18744  
presence of a majority of the members of the committee constitutes 18745  
a quorum for the conduct of business of the committee. The 18746  
concurrence of at least a majority of the members of the committee 18747

is necessary to approve the report issued by the committee under 18748  
division (D) of this section. Members of the committee shall not 18749  
be compensated or reimbursed for members' expenses. 18750

(C)(1) As used in this section, "reporting municipal 18751  
corporation" means any municipal corporation that does not allow 18752  
net operating losses incurred before January 1, 2017, to be 18753  
carried forward and utilized to offset income or net profit 18754  
generated in such municipal corporation in future taxable years. 18755

(2) On or before August 31, 2021, each reporting municipal 18756  
corporation shall report to the municipal income tax net operating 18757  
loss review committee the difference between (a) the municipal 18758  
corporation's actual municipal income tax revenue received for 18759  
taxable years ending in 2018 and 2019 and (b) the projected amount 18760  
of municipal income tax revenue that the municipal corporation 18761  
would have received for taxable years ending in 2018 and 2019 if 18762  
the municipal corporation were not required to allow net operating 18763  
losses incurred in prior taxable years to be carried forward to 18764  
taxable years ending in 2018 or 2019. Each municipal corporation's 18765  
calculations shall be made using the microsimulation model adopted 18766  
by the committee at its meeting on May 5, 2016, but applied to 18767  
taxable years ending in 2018 and 2019. 18768

(D) The municipal income tax net operating loss review 18769  
committee shall review the information reported by municipal 18770  
corporations under division (C) of this section and calculate the 18771  
total of the revenue effects reported by such municipal 18772  
corporations. On or before May 1, 2022, the committee shall issue 18773  
a written report to the speaker and minority leader of the house 18774  
of representatives and the president and minority leader of the 18775  
senate reporting the committee's findings and the estimated 18776  
revenue impact of requiring municipal corporations levying an 18777  
income tax to allow net operating loss to be carried forward for 18778  
five years. The report shall contain recommendations to address 18779

revenue shortfalls, which may include, but which shall not be 18780  
limited to, the use of supplemental funds from the local 18781  
government fund to mitigate those shortfalls. 18782

(E) Nothing in this section delays or otherwise affects the 18783  
taxable years to which division ~~(E)(8)~~(D)(3) of section 718.01 of 18784  
the Revised Code applies as prescribed in that division. 18785

(F) The municipal income tax net operating loss review 18786  
committee shall cease to exist on May 1, 2022. 18787

**Sec. 718.80.** (A) A taxpayer may elect to be subject to 18788  
sections 718.80 to 718.95 of the Revised Code in lieu of the 18789  
provisions set forth in the remainder of this chapter. 18790  
Notwithstanding any other provision of this chapter, upon the 18791  
taxpayer's election, both of the following shall apply: 18792

(1) The tax commissioner shall serve as the sole 18793  
administrator of each municipal income tax for which the taxpayer 18794  
is liable for the term of the election; 18795

(2) The commissioner shall administer the tax pursuant to 18796  
sections 718.80 to 718.95 of the Revised Code and any applicable 18797  
provision of Chapter 5703. of the Revised Code. 18798

(B)(1) A taxpayer shall make the initial election on or 18799  
before the first day of the third month after the beginning of 18800  
taxpayer's taxable year by notifying the tax commissioner and each 18801  
municipal corporation in which the taxpayer conducted business 18802  
during the previous taxable year, on a form prescribed by the tax 18803  
commissioner. 18804

(2)(a) The election, once made by the taxpayer, applies to 18805  
the taxable year in which the election is made and to each 18806  
subsequent taxable year until the taxpayer notifies the tax 18807  
commissioner and each municipal corporation in which the taxpayer 18808  
conducted business during the previous taxable year of its 18809

termination of the election. 18810

(b) A notification of termination shall be made, on a form prescribed by the tax commissioner, on or before the first day of the third month of any taxable year. 18811  
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(c) Upon a timely and valid termination of the election, the taxpayer is no longer subject to sections 718.80 to 718.95 of the Revised Code, and is instead subject to the provisions set forth in the remainder of this chapter. 18814  
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(C)(1) On or before the thirty-first day of January each year, each municipal corporation imposing a tax on income shall certify to the tax commissioner the rate of the tax in effect on the first day of January of that year. 18818  
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(2) A municipal corporation, within ninety days of receiving a taxpayer's notification of election under division (B) of this section, shall submit to the tax commissioner, on a form prescribed by the tax commissioner, the following information regarding the taxpayer: 18822  
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(a) The amount of any net operating loss that the taxpayer is entitled to carry forward to a future tax year; 18827  
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(b) The amount of any net operating loss carryforward utilized by the taxpayer in prior years; 18829  
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(c) Any credits granted by the municipal corporation to which the taxpayer is entitled, the amount of such credits, whether the credits may be carried forward to future tax years, and, if the credits may be carried forward, the duration of any such carryforward; 18831  
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(d) Any overpayments of tax that the taxpayer has elected to carry forward to a subsequent tax year; 18836  
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(e) Any other information the municipal corporation deems relevant in order to effectuate the tax commissioner's efficient 18838  
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administration of the tax on the municipal corporation's behalf. 18840

(3) If any municipal corporation fails to timely comply with 18841  
divisions (C)(1) and (2) of this section, the tax commissioner 18842  
shall notify the director of budget and management, who, upon 18843  
receiving such notification, shall withhold from each payment made 18844  
to the municipal corporation under section 718.83 of the Revised 18845  
Code fifty per cent of the amount of the payment otherwise due to 18846  
the municipal corporation under that section. The director shall 18847  
compute the withholding on the basis of the tax rate most recently 18848  
certified to the tax commissioner until the municipal corporation 18849  
complies with divisions (C)(1) and (2) of this section. 18850

(D) The tax commissioner shall enforce and administer 18851  
sections 718.80 to 718.95 of the Revised Code. In addition to any 18852  
other powers conferred upon the tax commissioner by law, the tax 18853  
commissioner may: 18854

(1) Prescribe all forms necessary to administer those 18855  
sections; 18856

(2) Adopt such rules as the tax commissioner finds necessary 18857  
to carry out those sections; 18858

(3) Appoint and employ such personnel as are necessary to 18859  
carry out the duties imposed upon the tax commissioner by those 18860  
sections. 18861

(E) No tax administrator shall utilize sections 718.81 to 18862  
718.95 of the Revised Code in the administrator's administration 18863  
of a municipal income tax, and those sections shall not be applied 18864  
to any taxpayer that has not made the election under this section. 18865

(F) Nothing in this chapter shall be construed to make any 18866  
section of this chapter, other than sections 718.01 and 718.80 to 18867  
718.95 of the Revised Code, applicable to the tax commissioner's 18868  
administration of a municipal income tax or to any taxpayer that 18869  
has made the election under this section. 18870

(G) The tax commissioner shall not be considered a tax administrator, as that term is defined in section 718.01 of the Revised Code. 18871  
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Sec. 718.81. If a term used in sections 718.80 to 718.95 of the Revised Code that is not otherwise defined in this chapter is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the Revised Code and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall have control over the use of the term in Title LVII of the Revised Code, unless the term is defined in Chapter 5703. of the Revised Code, in which case the definition in that chapter shall control. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States related to federal income taxes. If a term is defined in both this section and section 718.01 of the Revised Code, the definition in this section shall control for all uses of that term in sections 718.80 through 718.95 of the Revised Code. 18874  
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As used in sections 718.80 to 718.95 of the Revised Code only: 18889  
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(A) "Municipal taxable income" means income apportioned or situated to the municipal corporation under section 718.82 of the Revised Code, as applicable, reduced by any pre-2017 net operating loss carryforward available to the person for the municipal corporation. 18891  
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(B) "Adjusted federal taxable income," for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation as described in division (D)(5) of section 718.01 of the Revised Code, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted 18896  
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as follows: 18902

(1) Deduct intangible income to the extent included in 18903  
federal taxable income. The deduction shall be allowed regardless 18904  
of whether the intangible income relates to assets used in a trade 18905  
or business or assets held for the production of income. 18906

(2) Add an amount equal to five per cent of intangible income 18907  
deducted under division (B)(1) of this section, but excluding that 18908  
portion of intangible income directly related to the sale, 18909  
exchange, or other disposition of property described in section 18910  
1221 of the Internal Revenue Code. 18911

(3) Add any losses allowed as a deduction in the computation 18912  
of federal taxable income if the losses directly relate to the 18913  
sale, exchange, or other disposition of an asset described in 18914  
section 1221 or 1231 of the Internal Revenue Code. 18915

(4)(a) Except as provided in division (B)(4)(b) of this 18916  
section, deduct income and gain included in federal taxable income 18917  
to the extent the income and gain directly relate to the sale, 18918  
exchange, or other disposition of an asset described in section 18919  
1221 or 1231 of the Internal Revenue Code. 18920

(b) Division (B)(4)(a) of this section does not apply to the 18921  
extent the income or gain is income or gain described in section 18922  
1245 or 1250 of the Internal Revenue Code. 18923

(5) Add taxes on or measured by net income allowed as a 18924  
deduction in the computation of federal taxable income. 18925

(6) In the case of a real estate investment trust or 18926  
regulated investment company, add all amounts with respect to 18927  
dividends to, distributions to, or amounts set aside for or 18928  
credited to the benefit of investors and allowed as a deduction in 18929  
the computation of federal taxable income. 18930

(7) Deduct, to the extent not otherwise deducted or excluded 18931

in computing federal taxable income, any income derived from a 18932  
transfer agreement or from the enterprise transferred under that 18933  
agreement under section 4313.02 of the Revised Code. 18934

(8) Deduct exempt income to the extent not otherwise deducted 18935  
or excluded in computing adjusted federal taxable income. 18936

(9) Deduct any net profit of a pass-through entity owned 18937  
directly or indirectly by the taxpayer and included in the 18938  
taxpayer's federal taxable income unless an affiliated group of 18939  
corporations includes that net profit in the group's federal 18940  
taxable income in accordance with division (E)(3)(b) of section 18941  
718.86 of the Revised Code. 18942

(10) Add any loss incurred by a pass-through entity owned 18943  
directly or indirectly by the taxpayer and included in the 18944  
taxpayer's federal taxable income unless an affiliated group of 18945  
corporations includes that loss in the group's federal taxable 18946  
income in accordance with division (E)(3)(b) of section 718.86 of 18947  
the Revised Code. 18948

If the taxpayer is not a C corporation, is not a disregarded 18949  
entity that has made the election described in division (L)(2) of 18950  
section 718.01 of the Revised Code, and is not a publicly traded 18951  
partnership that has made the election described in division 18952  
(D)(5) of section 718.01 of the Revised Code, the taxpayer shall 18953  
compute adjusted federal taxable income under this section as if 18954  
the taxpayer were a C corporation, except guaranteed payments and 18955  
other similar amounts paid or accrued to a partner, former 18956  
partner, shareholder, former shareholder, member, or former member 18957  
shall not be allowed as a deductible expense unless such payments 18958  
are in consideration for the use of capital and treated as payment 18959  
of interest under section 469 of the Internal Revenue Code or 18960  
United States treasury regulations. Amounts paid or accrued to a 18961  
qualified self-employed retirement plan with respect to a partner, 18962  
former partner, shareholder, former shareholder, member, or former 18963

member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction. 18964  
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Nothing in division (B) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax. 18970  
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(C) "Taxpayer" has the same meaning as in section 718.01 of the Revised Code, except that "taxpayer" does not include natural persons or entities subject to the tax imposed under Chapter 5745. of the Revised Code. "Taxpayer" may include receivers, assignees, or trustees in bankruptcy when such persons are required to assume the role of a taxpayer. 18975  
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(D) "Tax return" or "return" means the notifications and reports required to be filed pursuant to sections 718.80 to 718.95 of the Revised Code for the purpose of reporting municipal income taxes, and includes declarations of estimated tax. 18981  
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(E) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the calculation of the taxpayer's adjusted federal taxable income is based pursuant to this chapter. If a taxpayer's taxable year is changed for federal income tax purposes, the taxable year for purposes of sections 718.80 to 718.95 of the Revised Code is changed accordingly but may consist of an aggregation of more than one taxable year for federal income tax purposes. The tax commissioner may prescribe by rule an appropriate period as the taxable year for a taxpayer that has had a change of its taxable year for federal income tax purposes, for 18985  
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a taxpayer that has two or more short taxable years for federal 18996  
income tax purposes as the result of a change of ownership, or for 18997  
a new taxpayer that would otherwise have no taxable year. 18998

(F) "Assessment" means a notice of underpayment or nonpayment 18999  
of a tax issued pursuant to section 718.90 of the Revised Code. 19000

**Sec. 718.82.** This section applies to any taxpayer that is 19001  
engaged in a business or profession in a municipal corporation and 19002  
that has made the election under section 718.80 of the Revised 19003  
Code. 19004

(A) Except as otherwise provided in division (B) of this 19005  
section, net profit from a business or profession conducted both 19006  
within and without the boundaries of a municipal corporation shall 19007  
be considered as having a taxable situs in the municipal 19008  
corporation for purposes of municipal income taxation in the same 19009  
proportion as the average ratio of the following: 19010

(1) The average original cost of the real property and 19011  
tangible personal property owned or used by the taxpayer in the 19012  
business or profession in the municipal corporation during the 19013  
taxable period to the average original cost of all of the real and 19014  
tangible personal property owned or used by the taxpayer in the 19015  
business or profession during the same period, wherever situated. 19016

As used in the preceding paragraph, tangible personal or real 19017  
property shall include property rented or leased by the taxpayer 19018  
and the value of such property shall be determined by multiplying 19019  
the annual rental thereon by eight; 19020

(2) Wages, salaries, and other compensation paid during the 19021  
taxable period to individuals employed in the business or 19022  
profession for services performed in the municipal corporation to 19023  
wages, salaries, and other compensation paid during the same 19024  
period to individuals employed in the business or profession, 19025

wherever the individual's services are performed, excluding 19026  
compensation from which taxes are not required to be withheld 19027  
under section 718.011 of the Revised Code; 19028

(3) Total gross receipts of the business or profession from 19029  
sales and rentals made and services performed during the taxable 19030  
period in the municipal corporation to total gross receipts of the 19031  
business or profession during the same period from sales, rentals, 19032  
and services, wherever made or performed. 19033

(B)(1) If the apportionment factors described in division (A) 19034  
of this section do not fairly represent the extent of a taxpayer's 19035  
business activity in a municipal corporation, the taxpayer may 19036  
request, or the tax commissioner may require, that the taxpayer 19037  
use, with respect to all or any portion of the income of the 19038  
taxpayer, an alternative apportionment method involving one or 19039  
more of the following: 19040

(a) Separate accounting; 19041

(b) The exclusion of one or more of the factors; 19042

(c) The inclusion of one or more additional factors that 19043  
would provide for a more fair apportionment of the income of the 19044  
taxpayer to the municipal corporation; 19045

(d) A modification of one or more of the factors. 19046

(2) A taxpayer request to use an alternative apportionment 19047  
method shall be in writing and shall accompany a tax return, 19048  
timely filed appeal of an assessment, or timely filed amended tax 19049  
return. The taxpayer may use the requested alternative method 19050  
unless the tax commissioner denies the request in an assessment 19051  
issued within the period prescribed by division (A) of section 19052  
718.90 of the Revised Code. 19053

(3) The tax commissioner may require a taxpayer to use an 19054  
alternative apportionment method as described in division (B)(1) 19055

of this section only by issuing an assessment to the taxpayer 19056  
within the period prescribed by division (A) of section 718.90 of 19057  
the Revised Code. 19058

(C) As used in division (A)(2) of this section, "wages, 19059  
salaries, and other compensation" includes only wages, salaries, 19060  
or other compensation paid to an employee for services performed 19061  
at any of the following locations: 19062

(1) A location that is owned, controlled, or used by, rented 19063  
to, or under the possession of one of the following: 19064

(a) The employer; 19065

(b) A vendor, customer, client, or patient of the employer, 19066  
or a related member of such a vendor, customer, client, or 19067  
patient; 19068

(c) A vendor, customer, client, or patient of a person 19069  
described in division (C)(1)(b) of this section, or a related 19070  
member of such a vendor, customer, client, or patient. 19071

(2) Any location at which a trial, appeal, hearing, 19072  
investigation, inquiry, review, court-martial, or similar 19073  
administrative, judicial, or legislative matter or proceeding is 19074  
being conducted, provided that the compensation is paid for 19075  
services performed for, or on behalf of, the employer or that the 19076  
employee's presence at the location directly or indirectly 19077  
benefits the employer; 19078

(3) Any other location, if the tax commissioner determines 19079  
that the employer directed the employee to perform the services at 19080  
the other location in lieu of a location described in division 19081  
(C)(1) or (2) of this section solely in order to avoid or reduce 19082  
the employer's municipal income tax liability. If the tax 19083  
commissioner makes such a determination, the employer may dispute 19084  
the determination by establishing, by a preponderance of the 19085  
evidence, that the tax commissioner's determination was 19086

unreasonable. 19087

(D) For the purposes of division (A)(3) of this section, 19088  
receipts from sales and rentals made and services performed shall 19089  
be sitused to a municipal corporation as follows: 19090

(1) Gross receipts from the sale of tangible personal 19091  
property shall be sitused to the municipal corporation only if, 19092  
regardless of where title passes, the property meets either of the 19093  
following criteria: 19094

(a) The property is shipped to or delivered within the 19095  
municipal corporation from a stock of goods located within the 19096  
municipal corporation. 19097

(b) The property is delivered within the municipal 19098  
corporation from a location outside the municipal corporation, 19099  
provided the taxpayer is regularly engaged through its own 19100  
employees in the solicitation or promotion of sales within such 19101  
municipal corporation and the sales result from such solicitation 19102  
or promotion. 19103

(2) Gross receipts from the sale of services shall be sitused 19104  
to the municipal corporation to the extent that such services are 19105  
performed in the municipal corporation. 19106

(3) To the extent included in income, gross receipts from the 19107  
sale of real property located in the municipal corporation shall 19108  
be sitused to the municipal corporation. 19109

(4) To the extent included in income, gross receipts from 19110  
rents and royalties from real property located in the municipal 19111  
corporation shall be sitused to the municipal corporation. 19112

(5) Gross receipts from rents and royalties from tangible 19113  
personal property shall be sitused to the municipal corporation 19114  
based upon the extent to which the tangible personal property is 19115  
used in the municipal corporation. 19116

(E) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be situated to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to a municipal corporation based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the municipal corporation to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year. 19117  
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(F) If, in computing a taxpayer's adjusted federal taxable income, the taxpayer deducted any amount with respect to a stock option granted to an employee, and if the employee is not required to include in the employee's income any such amount or a portion thereof because it is exempted from taxation under divisions (C)(12) and (R)(1)(d) of section 718.01 of the Revised Code by a municipal corporation to which the taxpayer has apportioned a portion of its net profit, the taxpayer shall add the amount that is exempt from taxation to the taxpayer's net profit that was apportioned to that municipal corporation. In no case shall a taxpayer be required to add to its net profit that was apportioned to that municipal corporation any amount other than the amount upon which the employee would be required to pay tax were the amount related to the stock option not exempted from taxation. 19126  
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This division applies solely for the purpose of making an adjustment to the amount of a taxpayer's net profit that was apportioned to a municipal corporation under this section. 19140  
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(G) When calculating the ratios described in division (A) of this section for the purposes of that division or division (B) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity. 19143  
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Sec. 718.83. (A) On or before the last day of each month, the tax commissioner shall certify to the director of budget and management the amount to be paid to each municipal corporation, based on amounts reported on annual returns and declarations of estimated tax under sections 718.85 and 718.88 of the Revised Code, less any amounts previously distributed and net of any audit adjustments made or refunds granted by the commissioner, for the calender month preceding the month in which the certification is made. Not later than the fifth day of each month, the director shall provide for payment of the amount certified to each municipal corporation from the municipal income tax fund, plus a pro rata share of any investment earnings accruing to the fund since the previous payment under this section. Each municipal corporation's share of such earnings shall equal the proportion that the municipal corporation's certified tax payment is of the total taxes certified to all municipal corporations in that quarter. All investment earnings on money in the municipal income tax fund shall be credited to that fund.

(B) If the tax commissioner determines that the amount of tax paid by a taxpayer and distributed to a municipal corporation under this section for a taxable year exceeds the amount payable to that municipal corporation under sections 718.80 to 718.95 of the Revised Code after accounting for amounts remitted with the annual return and as estimated taxes, the commissioner shall proceed according to divisions (A) and (B) of section 5703.77 of the Revised Code.

Sec. 718.84. (A) Any information gained as a result of returns, investigations, hearings, or verifications required or authorized by sections 718.80 to 718.95 of the Revised Code is confidential, and no person shall disclose such information, except for official purposes, in accordance with a proper judicial

order, or as provided in section 4123.271 or 5703.21 of the 19179  
Revised Code. The tax commissioner may furnish the internal 19180  
revenue service with copies of returns filed. This section does 19181  
not prohibit the publication of statistics in a form which does 19182  
not disclose information with respect to particular taxpayers. 19183

(B) In March of each year, the tax commissioner shall provide 19184  
each tax administrator with the following information for every 19185  
taxpayer that filed tax returns with the commissioner under 19186  
sections 718.80 to 718.95 of the Revised Code and that had 19187  
municipal taxable income apportionable to the municipal 19188  
corporation under this chapter for any prior year: 19189

(1) The taxpayer's name, address, and federal employer 19190  
identification number; 19191

(2) The taxpayer's apportionment ratio for, and amount of 19192  
municipal taxable income apportionable to, the municipal 19193  
corporation pursuant to section 718.82 of the Revised Code; 19194

(3) The amount of any pre-2017 net operating loss 19195  
carryforward utilized by the taxpayer; 19196

(4) Whether the taxpayer requested that any overpayment be 19197  
carried forward to a future taxable year; 19198

(5) The amount of any credit claimed under section 718.94 of 19199  
the Revised Code. 19200

(C) Not later than thirty days after each distribution made 19201  
to municipal corporations under section 718.83 of the Revised 19202  
Code, the tax commissioner shall provide to each municipal 19203  
corporation a report stating the name of every taxpayer that made 19204  
estimated payments that are attributable to the municipal 19205  
corporation and the amount of each such taxpayer's estimated 19206  
payment. 19207

(D) Not later than the thirty-first day of January of each 19208

year, every municipal corporation shall provide to the tax commissioner, in a format prescribed by the commissioner, the name and mailing address of up to two persons to whom the municipal corporation requests that the commissioner send the information described in division (B) of this section. The commissioner shall not provide such information to any person other than a person employed by the municipal corporation or by a tax administrator, as defined in section 718.01 of the Revised Code, that administers the municipal corporation's income tax, except as may otherwise be provided by law. 19209  
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(E)(1) The tax commissioner may adopt rules that further govern the terms and conditions under which tax returns filed with the commissioner under this chapter, and any other information gained in the performance of the commissioner's duties prescribed by this chapter, shall be available for inspection by properly authorized officers, employees, or agents of the municipal corporations to which the taxpayer's net profit is apportioned under section 718.82 of the Revised Code. 19219  
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(2) As used in this division, "properly authorized officer, employee, or agent" means an officer, employee, or agent of a municipal corporation who is authorized by charter or ordinance of the municipal corporation to view or possess information referred to in section 718.13 of the Revised Code. 19227  
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(F)(1) If, upon receiving the information described in division (B) of this section, a municipal corporation discovers that it has additional information in its possession that could result in a change to a taxpayer's tax liability, the municipal corporation may refer the taxpayer to the tax commissioner for an audit. Such referral shall be made on a form prescribed by the commissioner and shall include any information that forms the basis for the referral. 19232  
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(2) Upon receipt of a referral under division (F)(1) of this 19240

section, the commissioner shall review the referral and may 19241  
conduct an audit of the taxpayer that is the subject of the 19242  
referral based on the information in the referral and any other 19243  
relevant information available to the commissioner. 19244

(3) Nothing in division (F) of this section shall be 19245  
construed as forming the sole basis upon which the commissioner 19246  
may conduct an audit of a taxpayer, nor shall it be construed to 19247  
require the commissioner to conduct any audit. 19248

**Sec. 718.85.** (A)(1) For each taxable year, every taxpayer 19249  
shall file an annual return. Such return, along with the amount of 19250  
tax shown to be due on the return less the amount paid for the 19251  
taxable year under section 718.88 of the Revised Code, shall be 19252  
submitted to the tax commissioner, on a form and in the manner 19253  
prescribed by the commissioner, on or before the fifteenth day of 19254  
the fourth month following the end of the taxpayer's taxable year. 19255

(2) If a taxpayer has multiple taxable years ending within 19256  
one calendar year, the taxpayer shall aggregate the facts and 19257  
figures necessary to compute the tax due under this chapter, in 19258  
accordance with sections 718.81, 718.82, and, if applicable, 19259  
718.86 of the Revised Code onto its annual return. 19260

(3) The remittance shall be made payable to the treasurer of 19261  
state and in the form prescribed by the tax commissioner. If the 19262  
amount payable with the tax return is ten dollars or less, no 19263  
remittance is required. 19264

(B) The tax commissioner shall immediately forward to the 19265  
treasurer of state all amounts the commissioner receives pursuant 19266  
to sections 718.80 to 718.95 of the Revised Code. The treasurer 19267  
shall credit ninety-nine per cent of such amounts to the municipal 19268  
income tax fund and the remainder to the municipal income tax 19269  
administrative fund established under section 5745.03 of the 19270  
Revised Code. 19271

(C)(1) Each return required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's identification number. Each return shall be verified by a declaration under penalty of perjury. 19272  
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(2)(a) The tax commissioner may require a taxpayer to include, with each annual tax return, amended return, or request for refund filed with the commissioner under sections 718.80 to 718.95 of the Revised Code, copies of any relevant documents or other information. 19278  
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(b) A taxpayer that files an annual tax return electronically through the Ohio business gateway or in another manner as prescribed by the tax commissioner shall either submit the documents required under this division electronically as prescribed at the time of filing or, if electronic submission is not available, mail the documents to the tax commissioner. The department of taxation shall publish a method of electronically submitting the documents required under this division on or before January 1, 2019. 19283  
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(3) After a taxpayer files a tax return, the tax commissioner may request, and the taxpayer shall provide, any information, statements, or documents required to determine and verify the taxpayer's municipal income tax. 19292  
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(D)(1)(a) Any taxpayer that has duly requested an automatic extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a tax return with the commissioner under this section. The extended due date of the return shall be the fifteenth day of the tenth month after the last day of the taxable year to which the return relates. 19296  
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(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the commissioner grant the taxpayer a six-month extension of the date for filing the taxpayer's municipal income tax return. If the commissioner receives the request on or before the date the municipal income tax return is due, the commissioner shall grant the taxpayer's extension request. 19303  
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(c) An extension of time to file under division (D)(1) of this section is not an extension of the time to pay any tax due unless the tax commissioner grants an extension of that date. 19310  
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(2) If the commissioner considers it necessary in order to ensure payment of a tax imposed in accordance with section 718.04 of the Revised Code, the commissioner may require taxpayers to file returns and make payments otherwise than as provided in this section, including taxpayers not otherwise required to file annual returns. 19313  
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(E) Each return required to be filed in accordance with this section shall include a box that the taxpayer may check to authorize another person, including a tax return preparer who prepared the return, to communicate with the tax commissioner about matters pertaining to the return. The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the commissioner to contact the preparer or other person concerning questions that arise during the examination or other review of the return and authorizes the preparer or other person only to provide the commissioner with information that is missing from the return, to contact the commissioner for information about the examination or other review of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the commissioner and has shown to the preparer or other person. 19319  
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(F) When income tax returns or other documents require the signature of a tax return preparer, the tax commissioner shall accept a facsimile or electronic version of such a signature in lieu of a manual signature. 19335  
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**Sec. 718.851.** (A) All taxpayers that have made the election allowed under section 718.80 of the Revised Code shall file any tax return or extension for filing a tax return, and shall make payment of amounts shown to be due on such returns, electronically, either through the Ohio business gateway or in another manner as prescribed by the tax commissioner. 19339  
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(B) A taxpayer may apply to the commissioner, on a form prescribed by the commissioner, to be excused from the requirement to file returns and make payments electronically. For good cause shown, the commissioner may excuse the applicant from the requirement and permit the applicant to file the returns or make the payments by nonelectronic means. 19345  
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(C) The tax commissioner may adopt rules establishing the following: 19351  
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(1) The format of documents to be used by taxpayers to file returns and make payments by electronic means; 19353  
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(2) The information taxpayers must submit when filing tax returns by electronic means. 19355  
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**Sec. 718.86.** (A) As used in this section: 19357

(1) "Affiliated group of corporations" means an affiliated group as defined in section 1504 of the Internal Revenue Code, except that, if such a group includes at least one incumbent local exchange carrier that is primarily engaged in the business of providing local exchange telephone service in this state, the affiliated group shall not include any incumbent local exchange carrier that would otherwise be included in the group. 19358  
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(2) "Consolidated federal income tax return" means a 19365  
consolidated return filed for federal income tax purposes pursuant 19366  
to section 1501 of the Internal Revenue Code. 19367

(3) "Consolidated federal taxable income" means the 19368  
consolidated taxable income of an affiliated group of 19369  
corporations, as computed for the purposes of filing a 19370  
consolidated federal income tax return, before consideration of 19371  
net operating losses or special deductions. "Consolidated federal 19372  
taxable income" does not include income or loss of an incumbent 19373  
local exchange carrier that is excluded from the affiliated group 19374  
under division (A)(1) of this section. 19375

(4) "Incumbent local exchange carrier" has the same meaning 19376  
as in section 4927.01 of the Revised Code. 19377

(5) "Local exchange telephone service" has the same meaning 19378  
as in section 5727.01 of the Revised Code. 19379

(B)(1) A taxpayer that is a member of an affiliated group of 19380  
corporations may elect to file a consolidated tax return for a 19381  
taxable year if at least one member of the affiliated group of 19382  
corporations is subject to a tax imposed in accordance with 19383  
section 718.04 of the Revised Code in that taxable year and if the 19384  
affiliated group of corporations filed a consolidated federal 19385  
income tax return with respect to that taxable year. The election 19386  
is binding for a five-year period beginning with the first taxable 19387  
year of the initial election unless a change in the reporting 19388  
method is required under federal law. The election continues to be 19389  
binding for each subsequent five-year period unless the taxpayer 19390  
elects to discontinue filing consolidated tax returns under 19391  
division (B)(2) of this section or a taxpayer receives permission 19392  
from the tax commissioner. The tax commissioner shall approve such 19393  
a request for good cause shown. 19394

(2) An election to discontinue filing consolidated tax 19395



returns under this section must be made on or before the fifteenth 19396  
day of the fourth month of the year following the last year of a 19397  
five-year consolidated tax return election period in effect under 19398  
division (B)(1) of this section. The election to discontinue 19399  
filing a consolidated tax return is binding for a five-year period 19400  
beginning with the first taxable year of the election. 19401

(3) An election made under division (B)(1) or (2) of this 19402  
section is binding on all members of the affiliated group of 19403  
corporations subject to a municipal income tax. 19404

(4) When a taxpayer makes the election allowed under section 19405  
718.80 of the Revised Code, a valid election made by the taxpayer 19406  
under division (B)(1) or (2) of section 718.06 of the Revised Code 19407  
is binding upon the tax commissioner for the remainder of the 19408  
five-year period. 19409

(5) When an election made under section 718.80 of the Revised 19410  
Code is terminated, a valid election made under this section is 19411  
binding upon the tax administrator for the remainder of the 19412  
five-year period. 19413

(C) A taxpayer that is a member of an affiliated group of 19414  
corporations that filed a consolidated federal income tax return 19415  
for a taxable year shall file a consolidated tax return for that 19416  
taxable year if the tax commissioner determines, by a 19417  
preponderance of the evidence, that intercompany transactions have 19418  
not been conducted at arm's length and that there has been a 19419  
distortive shifting of income or expenses with regard to 19420  
allocation of net profits to a municipal corporation. A taxpayer 19421  
that is required to file a consolidated tax return for a taxable 19422  
year shall file a consolidated tax return for all subsequent 19423  
taxable years unless the taxpayer requests and receives written 19424  
permission from the commissioner to file a separate return or a 19425  
taxpayer has experienced a change in circumstances. 19426

(D) A taxpayer shall prepare a consolidated tax return in the same manner as is required under the United States department of treasury regulations that prescribe procedures for the preparation of the consolidated federal income tax return required to be filed by the common parent of the affiliated group of which the taxpayer is a member.

(E)(1) Except as otherwise provided in divisions (E)(2), (3), and (4) of this section, corporations that file a consolidated tax return shall compute adjusted federal taxable income, as defined in section 718.81 of the Revised Code, by substituting "consolidated federal taxable income" for "federal taxable income" wherever "federal taxable income" appears in that division and by substituting "an affiliated group of corporation's" for "a C corporation's" wherever "a C corporation's" appears in that division.

(2) No corporation filing a consolidated tax return shall make any adjustment otherwise required under division (B) of section 718.81 of the Revised Code to the extent that the item of income or deduction otherwise subject to the adjustment has been eliminated or consolidated in the computation of consolidated federal taxable income.

(3) If the net profit or loss of a pass-through entity having at least eighty per cent of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, the corporation filing a consolidated tax return shall do one of the following with respect to that pass-through entity's net profit or loss for that taxable year:

(a) Exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in

section 718.82 of the Revised Code, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit sitused to a municipal corporation. If the entity's net profit or loss is so excluded, the entity shall be subject to taxation as a separate taxpayer on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group. 19459  
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(b) Include the pass-through entity's net profit or loss in the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in section 718.82 of the Revised Code, include the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit sitused to a municipal corporation. If the entity's net profit or loss is so included, the entity shall not be subject to taxation as a separate taxpayer on the basis of the entity's net profits that are included in the consolidated federal taxable income of the affiliated group. 19467  
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(4) If the net profit or loss of a pass-through entity having less than eighty per cent of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, all of the following shall apply: 19477  
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(a) The corporation filing the consolidated tax return shall exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purposes of making the computations required in section 718.82 of the Revised Code, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit sitused to a municipal corporation; 19483  
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(b) The pass-through entity shall be subject to municipal income taxation as a separate taxpayer in accordance with sections 718.80 to 718.95 of the Revised Code on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group. 19491  
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(F) Corporations filing a consolidated tax return shall make the computations required under section 718.82 of the Revised Code by substituting "consolidated federal taxable income attributable to" for "net profit from" wherever "net profit from" appears in that section and by substituting "affiliated group of corporations" for "taxpayer" wherever "taxpayer" appears in that section. 19496  
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(G) Each corporation filing a consolidated tax return is jointly and severally liable for any tax, interest, penalties, fines, charges, or other amounts applicable under section 718.80 to 718.95 or Chapter 5703. of the Revised Code to the corporation, an affiliated group of which the corporation is a member for any portion of the taxable year, or any one or more members of such an affiliated group. 19503  
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**Sec. 718.87.** If a taxpayer that has made the election allowed under section 718.80 of the Revised Code fails to pay any tax as required under sections 718.80 to 718.95 of the Revised Code, or any portion of that tax, on or before the date prescribed for its payment, interest shall be assessed, collected, and paid, in the same manner as the tax, upon such unpaid amount at the rate per annum prescribed by section 5703.47 of the Revised Code from the date prescribed for its payment until it is paid or until the date an assessment is issued under section 718.90 of the Revised Code, whichever occurs first. 19510  
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**Sec. 718.88.** (A) As used in this section: 19520

(1) "Combined tax liability" means the total amount of a taxpayer's income tax liabilities to all municipal corporations in this state for a taxable year. 19521  
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(2) "Estimated taxes" means the amount that the taxpayer reasonably estimates to be the taxpayer's combined tax liability for the current taxable year. 19524  
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(B)(1) Except as provided in division (B)(4) of this section, every taxpayer shall make a declaration of estimated taxes for the current taxable year, on the form prescribed by the tax commissioner, if the amount payable as estimated taxes is at least two hundred dollars. 19527  
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(2) Except as provided in division (B)(4) of this section, a taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the commissioner. 19532  
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(3) The declaration of estimated taxes shall be filed on or before the fifteenth day of the fourth month after the beginning of the taxable year or on or before the fifteenth day of the fourth month after the taxpayer becomes subject to tax for the first time. 19535  
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(4) The tax commissioner may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors. 19540  
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(C) Each taxpayer shall file the declaration of estimated taxes with, and remit estimated taxes to, the tax commissioner at the times and in the amounts prescribed in division (C)(1) of this section. Remitted taxes shall be made payable to the treasurer of state. 19544  
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(1) The required portion of the combined tax liability for the taxable year that shall be paid through estimated taxes shall be as follows: 19549  
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(a) On or before the fifteenth day of the fourth month after 19552  
the beginning of the taxable year, twenty-two and one-half per 19553  
cent of the combined tax liability for the taxable year; 19554

(b) On or before the fifteenth day of the sixth month after 19555  
the beginning of the taxable year, forty-five per cent of the 19556  
combined tax liability for the taxable year; 19557

(c) On or before the fifteenth day of the ninth month after 19558  
the beginning of the taxable year, sixty-seven and one-half per 19559  
cent of the combined tax liability for the taxable year; 19560

(d) On or before the fifteenth day of the twelfth month of 19561  
the taxable year, ninety per cent of the combined tax liability 19562  
for the taxable year. 19563

(2) If the taxpayer determines that its declaration of 19564  
estimated taxes will not accurately reflect the taxpayer's tax 19565  
liability for the taxable year, the taxpayer shall increase or 19566  
decrease, as appropriate, its subsequent payments in equal 19567  
installments to result in a more accurate payment of estimated 19568  
taxes. 19569

(3)(a) Each taxpayer shall report on the declaration of 19570  
estimated taxes the portion of the remittance that the taxpayer 19571  
estimates that it owes to each municipal corporation for the 19572  
taxable year. 19573

(b) Upon receiving a payment of estimated taxes under this 19574  
section, the commissioner shall immediately forward the payment to 19575  
the treasurer of state. The treasurer shall credit the payment in 19576  
the same manner as in division (B) of section 718.85 of the 19577  
Revised Code. 19578

(D)(1) In the case of any underpayment of estimated taxes, 19579  
there shall be added to the taxes an amount determined at the rate 19580  
per annum prescribed by section 5703.47 of the Revised Code upon 19581  
the amount of underpayment for the period of underpayment, unless 19582

the underpayment is due to reasonable cause as described in 19583  
division (E) of this section. The amount of the underpayment shall 19584  
be determined as follows: 19585

(a) For the first payment of estimated taxes each year, 19586  
twenty-two and one-half per cent of the combined tax liability, 19587  
less the amount of taxes paid by the date prescribed for that 19588  
payment; 19589

(b) For the second payment of estimated taxes each year, 19590  
forty-five per cent of the combined tax liability, less the amount 19591  
of taxes paid by the date prescribed for that payment; 19592

(c) For the third payment of estimated taxes each year, 19593  
sixty-seven and one-half per cent of the combined tax liability, 19594  
less the amount of taxes paid by the date prescribed for that 19595  
payment; 19596

(d) For the fourth payment of estimated taxes each year, 19597  
ninety per cent of the combined tax liability, less the amount of 19598  
taxes paid by the date prescribed for that payment. 19599

(2) The period of the underpayment shall run from the day the 19600  
estimated payment was required to be made to the date on which the 19601  
payment is made. For purposes of this section, a payment of 19602  
estimated taxes on or before any payment date shall be considered 19603  
a payment of any previous underpayment only to the extent the 19604  
payment of estimated taxes exceeds the amount of the payment 19605  
presently due. 19606

(3) All amounts collected under this section shall be 19607  
considered as taxes collected under sections 718.80 to 718.95 of 19608  
the Revised Code and shall be credited and distributed to 19609  
municipal corporations in accordance with section 718.83 of the 19610  
Revised Code. 19611

(E) An underpayment of any portion of a combined tax 19612  
liability shall be due to reasonable cause and the penalty imposed 19613

by this section shall not be added to the taxes for the taxable 19614  
year if any of the following apply: 19615

(1) The amount of estimated taxes that were paid equals at 19616  
least ninety per cent of the combined tax liability for the 19617  
current taxable year, determined by annualizing the income 19618  
received during the year up to the end of the month immediately 19619  
preceding the month in which the payment is due. 19620

(2) The amount of estimated taxes that were paid equals at 19621  
least one hundred per cent of the tax liability shown on the 19622  
return of the taxpayer for the preceding taxable year, provided 19623  
that the immediately preceding taxable year reflected a period of 19624  
twelve months and the taxpayer filed a municipal income tax return 19625  
for that year. 19626

Sec. 718.89. (A) In addition to any other penalty imposed by 19627  
sections 718.80 to 718.95 or Chapter 5703. of the Revised Code, 19628  
the following penalties shall apply: 19629

(1) If a taxpayer required to file a tax return under 19630  
sections 718.80 to 718.95 of the Revised Code fails to make and 19631  
file the return within the time prescribed, including any 19632  
extensions of time granted by the tax commissioner, the 19633  
commissioner may impose a penalty not exceeding twenty-five 19634  
dollars per month or fraction of a month, for each month or 19635  
fraction of a month elapsing between the due date, including 19636  
extensions of the due date, and the date on which the return is 19637  
filed. The aggregate penalty, per instance, under this division 19638  
shall not exceed one hundred fifty dollars. 19639

(2) If a person required to file a tax return electronically 19640  
under sections 718.80 to 718.95 of the Revised Code fails to do 19641  
so, the commissioner may impose a penalty not to exceed the 19642  
following: 19643



(a) For each of the first two failures, five per cent of the amount required to be reported on the return; 19644  
19645

(b) For the third and any subsequent failure, ten per cent of the amount required to be reported on the return. 19646  
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(3) If a taxpayer that has made the election allowed under section 718.80 of the Revised Code fails to timely pay an amount of tax required to be paid under this chapter, the commissioner may impose a penalty equal to fifteen per cent of the amount not timely paid. 19648  
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(4) If a taxpayer files what purports to be a tax return required by sections 718.80 to 718.95 of the Revised Code that does not contain information upon which the substantial correctness of the return may be judged or contains information that on its face indicates that the return is substantially incorrect, and the filing of the return in that manner is due to a position that is frivolous or a desire that is apparent from the return to delay or impede the administration of sections 718.80 to 718.95 of the Revised Code, a penalty of up to five hundred dollars may be imposed. 19653  
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(5) If a taxpayer makes a fraudulent attempt to evade the reporting or payment of the tax required to be shown on any return required under sections 718.80 to 718.95 of the Revised Code, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the tax required to be shown on the return. 19663  
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(6) If any person makes a false or fraudulent claim for a refund under section 718.91 of the Revised Code, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the claim. Any penalty imposed under this division, any refund issued on the claim, and interest on any refund from the date of the refund, may be assessed under section 19669  
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718.90 of the Revised Code without regard to any time limitation 19675  
for the assessment imposed by division (A) of that section. 19676

(B) For purposes of this section, the tax required to be 19677  
shown on a tax return shall be reduced by the amount of any part 19678  
of the tax paid on or before the date, including any extensions of 19679  
the date, prescribed for filing the return. 19680

(C) Each penalty imposed under this section shall be in 19681  
addition to any other penalty imposed under this section. All or 19682  
part of any penalty imposed under this section may be abated by 19683  
the tax commissioner. The commissioner may adopt rules governing 19684  
the imposition and abatement of such penalties. 19685

(D) All amounts collected under this section shall be 19686  
considered as taxes collected under sections 718.80 to 718.95 of 19687  
the Revised Code and shall be credited and distributed to 19688  
municipal corporations in the same proportion as the underlying 19689  
tax liability is required to be distributed to such municipal 19690  
corporations under section 718.83 of the Revised Code. 19691

**Sec. 718.90.** (A) If any taxpayer required to file a return 19692  
under section 718.80 to 718.95 of the Revised Code fails to file 19693  
the return within the time prescribed, files an incorrect return, 19694  
or fails to remit the full amount of the tax due for the period 19695  
covered by the return, the tax commissioner may make an assessment 19696  
against the taxpayer for any deficiency for the period for which 19697  
the return or tax is due, based upon any information in the 19698  
commissioner's possession. 19699

The tax commissioner shall not make or issue an assessment 19700  
against a taxpayer more than three years after the later of the 19701  
date the return subject to assessment was required to be filed or 19702  
the date the return was filed. Such time limit may be extended if 19703  
both the taxpayer and the commissioner consent in writing to the 19704  
extension. Any such extension shall extend the three-year time 19705

limit in section 718.91 of the Revised Code for the same period of 19706  
time. There shall be no bar or limit to an assessment against a 19707  
taxpayer that fails to file a return subject to assessment as 19708  
required by sections 718.80 to 718.95 of the Revised Code, or that 19709  
files a fraudulent return. The commissioner shall give the 19710  
taxpayer assessed written notice of the assessment as provided in 19711  
section 5703.37 of the Revised Code. With the notice, the 19712  
commissioner shall provide instructions on how to petition for 19713  
reassessment and request a hearing on the petition. 19714

(B) Unless the taxpayer assessed files with the tax 19715  
commissioner within sixty days after service of the notice of 19716  
assessment, either personally or by certified mail, a written 19717  
petition for reassessment signed by the authorized agent of the 19718  
taxpayer assessed having knowledge of the facts, the assessment 19719  
becomes final, and the amount of the assessment is due and payable 19720  
from the taxpayer to the treasurer of state. The petition shall 19721  
indicate the taxpayer's objections, but additional objections may 19722  
be raised in writing if received by the commissioner prior to the 19723  
date shown on the final determination. If the petition has been 19724  
properly filed, the commissioner shall proceed under section 19725  
5703.60 of the Revised Code. 19726

(C) After an assessment becomes final, if any portion of the 19727  
assessment remains unpaid, including accrued interest, a certified 19728  
copy of the tax commissioner's entry making the assessment final 19729  
may be filed in the office of the clerk of the court of common 19730  
pleas in the county in which the taxpayer has an office or place 19731  
of business in this state, the county in which the taxpayer's 19732  
statutory agent is located, or Franklin county. 19733

Immediately upon the filing of the entry, the clerk shall 19734  
enter a judgment against the taxpayer assessed in the amount shown 19735  
on the entry. The judgment may be filed by the clerk in a 19736  
loose-leaf book entitled "special judgments for municipal income 19737

taxes," and shall have the same effect as other judgments. 19738

Execution shall issue upon the judgment upon the request of the 19739

tax commissioner, and all laws applicable to sales on execution 19740

shall apply to sales made under the judgment. 19741

If the assessment is not paid in its entirety within sixty 19742

days after the day the assessment was issued, the portion of the 19743

assessment consisting of tax due shall bear interest at the rate 19744

per annum prescribed by section 5703.47 of the Revised Code from 19745

the day the commissioner issues the assessment until the 19746

assessment is paid or until it is certified to the attorney 19747

general for collection under section 131.02 of the Revised Code, 19748

whichever comes first. If the unpaid portion of the assessment is 19749

certified to the attorney general for collection, the entire 19750

unpaid portion of the assessment shall bear interest at the rate 19751

per annum prescribed by section 5703.47 of the Revised Code from 19752

the date of certification until the date it is paid in its 19753

entirety. Interest shall be paid in the same manner as the tax and 19754

may be collected by issuing an assessment under this section. 19755

(D) All money collected under this section shall be credited 19756

to the municipal income tax fund and distributed to the municipal 19757

corporation to which the money is owed based on the assessment 19758

issued under this section. 19759

(E) If the tax commissioner believes that collection of the 19760

tax will be jeopardized unless proceedings to collect or secure 19761

collection of the tax are instituted without delay, the 19762

commissioner may issue a jeopardy assessment against the taxpayer 19763

liable for the tax. Immediately upon the issuance of the jeopardy 19764

assessment, the commissioner shall file an entry with the clerk of 19765

the court of common pleas in the manner prescribed by division (C) 19766

of this section. Notice of the jeopardy assessment shall be served 19767

on the taxpayer assessed or the taxpayer's legal representative in 19768

the manner provided in section 5703.37 of the Revised Code within 19769

five days of the filing of the entry with the clerk. The total 19770  
amount assessed is immediately due and payable, unless the 19771  
taxpayer assessed files a petition for reassessment in accordance 19772  
with division (B) of this section and provides security in a form 19773  
satisfactory to the commissioner and in an amount sufficient to 19774  
satisfy the unpaid balance of the assessment. Full or partial 19775  
payment of the assessment does not prejudice the commissioner's 19776  
consideration of the petition for reassessment. 19777

(F) Notwithstanding the fact that a petition for reassessment 19778  
is pending, the taxpayer may pay all or a portion of the 19779  
assessment that is the subject of the petition. The acceptance of 19780  
a payment by the treasurer of state does not prejudice any claim 19781  
for refund upon final determination of the petition. 19782

If upon final determination of the petition an error in the 19783  
assessment is corrected by the tax commissioner, upon petition so 19784  
filed or pursuant to a decision of the board of tax appeals or any 19785  
court to which the determination or decision has been appealed, so 19786  
that the amount due from the taxpayer under the corrected 19787  
assessment is less than the portion paid, there shall be issued to 19788  
the taxpayer, its assigns, or legal representative a refund in the 19789  
amount of the overpayment as provided by section 718.91 of the 19790  
Revised Code, with interest on that amount as provided by that 19791  
section. 19792

**Sec. 718.91.** (A) An application to refund to a taxpayer the 19793  
amount of taxes paid on any illegal, erroneous, or excessive 19794  
payment of tax under sections 718.80 to 718.95 of the Revised 19795  
Code, including assessments, shall be filed with the tax 19796  
commissioner within three years after the date of the illegal, 19797  
erroneous, or excessive payment of the tax, or within any 19798  
additional period allowed by division (A) of section 718.90 of the 19799  
Revised Code. The application shall be filed in the form 19800

prescribed by the tax commissioner. 19801

(B)(1) On the filing of a refund application, the tax 19802  
commissioner shall determine the amount of refund to which the 19803  
applicant is entitled. If the amount is greater than ten dollars 19804  
and not less than that claimed, the commissioner shall certify 19805  
that amount to the director of budget and management and the 19806  
treasurer of state for payment from the tax refund fund created in 19807  
section 5703.052 of the Revised Code. If the amount is greater 19808  
than ten dollars but less than that claimed, the commissioner 19809  
shall proceed in accordance with section 5703.70 of the Revised 19810  
Code. 19811

(2) Upon issuance of a refund under this section, the 19812  
commissioner shall notify each municipal corporation of the amount 19813  
refunded to the taxpayer attributable to that municipal 19814  
corporation, which shall be deducted from the municipal 19815  
corporation's next distribution under section 718.83 of the 19816  
Revised Code. 19817

(C) Any portion of a refund determined under division (B) of 19818  
this section that is not issued within ninety days after such 19819  
determination shall bear interest at the rate per annum prescribed 19820  
by section 5703.47 of the Revised Code from the ninety-first day 19821  
after such determination until the day the refund is paid or 19822  
credited. On an illegal or erroneous assessment, interest shall be 19823  
paid at that rate from the date of payment on the illegal or 19824  
erroneous assessment until the day the refund is paid or credited. 19825

Sec. 718.92. (A) If any of the facts, figures, computations, 19826  
or attachments required in an annual return filed by a taxpayer 19827  
that has made the election allowed under section 718.80 of the 19828  
Revised Code and used to determine the tax due under sections 19829  
718.80 to 718.95 of the Revised Code must be altered as the result 19830

of an adjustment to the taxpayer's federal income tax return, 19831  
whether initiated by the taxpayer or the internal revenue service, 19832  
and such alteration affects the taxpayer's tax liability under 19833  
those sections, the taxpayer shall file an amended return with the 19834  
tax commissioner in such form as the commissioner requires. The 19835  
amended return shall be filed not later than sixty days after the 19836  
adjustment is agreed upon or finally determined for federal income 19837  
tax purposes or after any federal income tax deficiency or refund, 19838  
or the abatement or credit resulting therefrom, has been assessed 19839  
or paid, whichever occurs first. If a taxpayer intends to file an 19840  
amended consolidated municipal income tax return, or to amend its 19841  
type of return from a separate return to a consolidated return, 19842  
based on the taxpayer's consolidated federal income tax return, 19843  
the taxpayer shall notify the commissioner before filing the 19844  
amended return. 19845

(B) In the case of an underpayment, the amended return shall 19846  
be accompanied by payment of any combined additional tax due 19847  
together with any penalty and interest thereon. An amended return 19848  
required by this section is a return subject to assessment under 19849  
section 718.90 of the Revised Code for the purpose of assessing 19850  
any additional tax due under this section, together with any 19851  
applicable penalty and interest. The amended return shall not 19852  
reopen those facts, figures, computations, or attachments from a 19853  
previously filed return no longer subject to assessment that are 19854  
not affected, either directly or indirectly, by the adjustment to 19855  
the taxpayer's federal tax return. 19856

(C) In the case of an overpayment, an application for refund 19857  
may be filed under this division within the sixty-day period 19858  
prescribed for filing the amended return, even if that period 19859  
extends beyond the period prescribed in section 718.91 of the 19860  
Revised Code, if the application otherwise conforms to the 19861  
requirements of that section. An application filed under this 19862

division shall claim refund of overpayments resulting from 19863  
alterations to only those facts, figures, computations, or 19864  
attachments required in the taxpayer's annual return that are 19865  
affected, either directly or indirectly, by the adjustment to the 19866  
taxpayer's federal income tax return unless it is also filed 19867  
within the time prescribed in section 718.91 of the Revised Code. 19868  
The application shall not reopen those facts, figures, 19869  
computations, or attachments that are not affected, either 19870  
directly or indirectly, by the adjustment to the taxpayer's 19871  
federal income tax return. 19872

Sec. 718.93. (A) The tax commissioner, or any authorized 19873  
agent or employee thereof, may examine the books, papers, records, 19874  
and federal and state income tax returns of any taxpayer or other 19875  
person that is subject to sections 718.80 to 718.95 of the Revised 19876  
Code for the purpose of verifying the accuracy of any return made 19877  
or, if no return was filed, to ascertain the tax due as required 19878  
under those sections. Upon written request by the commissioner or 19879  
a duly authorized agent or employee thereof, every taxpayer or 19880  
other person subject to this section is required to furnish the 19881  
opportunity for the commissioner, authorized agent, or employee to 19882  
investigate and examine such books, papers, records, and federal 19883  
and state income tax returns at a reasonable time and place 19884  
designated in the request. 19885

(B) The records and other documents of any taxpayer or other 19886  
person that is subject to sections 718.80 to 718.95 of the Revised 19887  
Code shall be open to the tax commissioner's inspection during 19888  
business hours and shall be preserved for a period of six years 19889  
following the end of the taxable year to which the records or 19890  
documents relate, unless the commissioner, in writing, consents to 19891  
their destruction within that period, or by order requires that 19892  
they be kept longer. The commissioner may require any person, by 19893  
notice served on that person, to keep such records as the 19894



commissioner determines necessary to show whether or not that 19895  
person is liable, and the extent of such liability, for the income 19896  
tax levied by a municipal corporation. 19897

(C) The tax commissioner may examine under oath any person 19898  
that the commissioner reasonably believes has knowledge concerning 19899  
any income that was or would have been returned for taxation or 19900  
any transaction tending to affect such income. The commissioner 19901  
may, for this purpose, compel any such person to attend a hearing 19902  
or examination and to produce any books, papers, records, and 19903  
federal income tax returns in such person's possession or control. 19904  
The person may be assisted or represented by an attorney, 19905  
accountant, bookkeeper, or other tax practitioner at any such 19906  
hearing or examination. This division does not authorize the 19907  
practice of law by a person who is not an attorney. 19908

(D) No person issued written notice by the tax commissioner 19909  
compelling attendance at a hearing or examination or the 19910  
production of books, papers, records, or federal income tax 19911  
returns under this section shall fail to comply. 19912

**Sec. 718.94.** (A) A credit, granted by resolution or ordinance 19913  
of a municipal corporation pursuant to section 718.15 or 718.151 19914  
of the Revised Code, shall be available to a taxpayer that has 19915  
made the election allowed under section 718.80 of the Revised 19916  
Code, against the municipal corporation's tax on income, provided 19917  
that the municipal corporation submits the following information 19918  
to the tax commissioner on or before the later of January 31, 19919  
2018, or the thirty-first day of January of the first year in 19920  
which the municipal corporation allows the credit: 19921

(1) A copy of the agreement entered into by the municipal 19922  
corporation and taxpayer under section 718.15 or 718.151 of the 19923  
Revised Code; 19924

(2) A copy of the municipal ordinance or resolution allowing 19925

the credit. 19926

(B)(1) Each taxpayer that claims a credit shall submit, with 19927  
the taxpayer's tax return, documentation issued by the municipal 19928  
corporation granting the credit that shows the following: 19929

(a) The taxpayer is entitled to claim the credit for the tax 19930  
year; 19931

(b) The amount of the credit to which the taxpayer is 19932  
entitled. 19933

(2) Nothing in this section shall be construed to authorize 19934  
the tax commissioner to enter into an agreement with a taxpayer to 19935  
grant a credit or to determine if a taxpayer meets the conditions 19936  
of a tax credit agreement entered into by a municipal corporation 19937  
and taxpayer under section 718.15 or 718.151 of the Revised Code. 19938

(C) The tax commissioner may adopt rules to delineate the 19939  
documentation necessary to verify that a taxpayer claiming a 19940  
credit under this section is entitled to the credit and the amount 19941  
of the credit. 19942

**Sec. 718.95.** (A) Except as provided in division (B) of this 19943  
section, whoever recklessly violates division (A) of section 19944  
718.84 of the Revised Code shall be guilty of a misdemeanor of the 19945  
first degree and shall be subject to a fine of not more than one 19946  
thousand dollars or imprisonment for a term of up to six months, 19947  
or both. 19948

(B) Any person who recklessly discloses information received 19949  
from the internal revenue service in violation of division (A) of 19950  
section 718.84 of the Revised Code shall be guilty of a felony of 19951  
the fifth degree and shall be subject to a fine of not more than 19952  
five thousand dollars plus the costs of prosecution, or 19953  
imprisonment for a term not exceeding five years, or both. 19954

(C) Each instance of access or disclosure in violation of 19955

division (A) of section 718.84 of the Revised Code constitutes a 19956  
separate offense. 19957

**Sec. 725.01.** As used in sections 725.01 to 725.11 of the 19958  
Revised Code: 19959

(A) "Slum area" means an area within a municipal corporation, 19960  
in which area there is a predominance of buildings or 19961  
improvements, whether residential or nonresidential, which by 19962  
reason of dilapidation, deterioration, age or obsolescence, 19963  
inadequate provision for ventilation, light, air, sanitation, or 19964  
open spaces, high density of population and overcrowding, or the 19965  
existence of conditions which endanger life or property, by fire 19966  
and other causes, or any combination of such factors, is conducive 19967  
to ill health, transmission of disease, infant mortality, juvenile 19968  
delinquency, or crime, and is detrimental to public health, 19969  
safety, morals, or welfare. 19970

(B) "Blighted area" means an area within a municipal 19971  
corporation, ~~which area~~ that substantially impairs or arrests the 19972  
sound growth of a municipal corporation, retards the provision of 19973  
housing accommodations, or constitutes an economic or social 19974  
liability and is a menace to the public health, safety, morals, or 19975  
welfare in its present condition and use by reason of the presence 19976  
of a substantial number of slums, deteriorated or deteriorating 19977  
structures, predominance of defective or inadequate street layout, 19978  
faulty lot layout in relation to size, adequacy, accessibility, or 19979  
usefulness, unsanitary or unsafe conditions, contamination by 19980  
hazardous substances or petroleum, deterioration of site or other 19981  
improvements, diversity of ownership, tax or special assessment 19982  
delinquency exceeding the fair value of the land, defective or 19983  
unusual conditions to title, or the existence of conditions which 19984  
endanger life or property by fire and other causes, or any 19985  
combination of such factors, ~~substantially impairs or arrests the~~ 19986

~~sound growth of a municipal corporation, retards the provision of 19987  
housing accommodations, or constitutes an economic or social 19988  
liability and is a menace to the public health, safety, morals, or 19989  
welfare in its present condition and use. 19990~~

(C)(1) "Development agreement" means an agreement that 19991  
includes as a minimum all of the following agreements between a 19992  
municipal corporation as obligee and the following parties as 19993  
obligors: 19994

(a) An agreement to construct or rehabilitate the structures 19995  
and facilities described in the development agreement on real 19996  
property described in the agreement situated in an urban renewal 19997  
area, the obligor of such agreement to be a party determined by 19998  
the legislative authority of the municipal corporation to have the 19999  
ability to perform or cause the performance of the agreement; 20000

(b) The agreement required by section 725.04 of the Revised 20001  
Code, the obligor of the agreement to be the owner or owners of 20002  
the improvements to be constructed or rehabilitated; 20003

(c) An agreement of the owner or owners of the fee simple of 20004  
the real property to which the development agreement pertains, as 20005  
obligor, that the owner or owners and their successors and assigns 20006  
shall use, develop, and redevelop the real property in accordance 20007  
with, and for the period of, the urban renewal plan and shall so 20008  
bind their successors and assigns by appropriate agreements and 20009  
covenants running with the land enforceable by the municipal 20010  
corporation. 20011

(2) A municipal corporation on behalf of the holders of urban 20012  
renewal bonds may be the obligor of any of the agreements 20013  
described in division (C)(1) of this section. 20014

(D) "Revenues" means all rentals received under leases made 20015  
by the municipal corporation in any part or all of one or more 20016  
urban renewal areas; all proceeds of the sale or other disposition 20017

of property of the municipal corporation in any part or all of one 20018  
or more urban renewal areas; all revenue available to the 20019  
municipal corporation pursuant to a development agreement 20020  
described in division (C)(1) of this section; and all urban 20021  
renewal service payments collected from any part or all of one or 20022  
more urban renewal areas. 20023

(E) "Urban renewal area" means a slum area or a blighted area 20024  
or a combination thereof which the legislative authority of the 20025  
municipal corporation designates as appropriate for an urban 20026  
renewal project. 20027

(F) "Urban renewal bonds" means, unless the context indicates 20028  
a different meaning, definitive bonds, interim receipts, temporary 20029  
bonds, and urban renewal refunding bonds issued pursuant to 20030  
sections 725.01 to 725.11 of the Revised Code, and bonds issued 20031  
pursuant to Article XVIII, Section 3, Ohio Constitution, for the 20032  
uses specified in section 725.07 of the Revised Code. 20033

(G) "Urban renewal refunding bonds" means the refunding bonds 20034  
authorized by section 725.07 of the Revised Code. 20035

(H) "Urban renewal plan" means a plan, as it exists from time 20036  
to time, for an urban renewal project, which plan shall ~~conform to~~ do 20037  
both of the following: 20038

(1) Conform to the general plan for the municipal 20039  
corporation, if any, ~~and shall be;~~ 20040

(2) Be sufficiently complete to indicate such land 20041  
acquisition, demolition, and removal of structures, redevelopment, 20042  
improvements, cleanup or remediation of hazardous substances or 20043  
petroleum, and rehabilitation as may be proposed to be carried out 20044  
in the urban renewal area, zoning, and planning changes, if any, 20045  
land uses, maximum densities, and building requirements. 20046

(I) "Urban renewal project" may include undertakings and 20047  
activities of a municipal corporation in an urban renewal area for 20048

the elimination and for the prevention of the development or 20049  
spread of slums and blight, ~~and~~. "Urban renewal project" may 20050  
involve slum clearance and redevelopment in an urban renewal area, 20051  
or rehabilitation or conservation in an urban renewal area, or any 20052  
combination or part thereof, in accordance with an urban renewal 20053  
plan, and such aforesaid undertakings and activities may include 20054  
~~acquisition~~ any of the following: 20055

(1) Acquisition of a slum area or a blighted area, or portion 20056  
thereof, demolition and removal of buildings and improvements; 20057  
~~installation~~ 20058

(2) Installation, construction, or reconstruction of streets, 20059  
utilities, parks, playgrounds, public buildings and facilities, 20060  
and other improvements necessary for carrying out in the urban 20061  
renewal area the urban renewal objectives in accordance with the 20062  
urban renewal plan, disposition of any property acquired in the 20063  
urban renewal area, including sale, leasing, or retention by the 20064  
municipal corporation itself, at its fair value for uses in 20065  
accordance with the urban renewal plan; ~~carrying~~ 20066

(3) Carrying out plans for a program of voluntary or 20067  
compulsory repair and rehabilitation of buildings or other 20068  
improvements in accordance with the urban renewal plan; ~~the~~ 20069

(4) The cleanup or remediation of hazardous substances or 20070  
petroleum in fulfillment of revitalization purposes provided for 20071  
in Article VIII, section 2g, Ohio Constitution; 20072

(5) The acquisition, construction, enlargement, improvement, 20073  
or equipment of property, structures, equipment, or facilities for 20074  
industry, commerce, distribution, or research from the proceeds of 20075  
urban renewal bonds issued pursuant to division (C) of section 20076  
725.05 of the Revised Code; and ~~acquisition~~ 20077

(6) Acquisition of any other real property in the urban 20078  
renewal area where necessary to eliminate unhealthful, unsanitary, 20079

or unsafe conditions, lessen density, eliminate obsolete, or other 20080  
uses detrimental to the public welfare, or otherwise to remove or 20081  
prevent the spread of blight or deterioration, or to provide land 20082  
for needed public facilities. 20083

(J) "Urban renewal debt retirement fund" means a fund, 20084  
created pursuant to section 725.03 of the Revised Code by the 20085  
legislative authority of a municipal corporation when authorizing 20086  
a single issue or a series of urban renewal bonds, to be used for 20087  
payment of the principal of and interest and redemption premium on 20088  
such urban renewal bonds, trustee's fees, and costs and expenses 20089  
of providing credit facilities, put arrangements, and interest 20090  
rate hedges, and for fees and expenses of agents, and other fees, 20091  
costs, and expenses, in connection with arrangements under 20092  
sections 9.98 to 9.983 of the Revised Code; or when authorizing 20093  
the repayment of loans from the state issued pursuant to Chapter 20094  
164. of the Revised Code and used for urban renewal projects, to 20095  
be used to repay the principal and interest on such loans. When so 20096  
authorized by the legislative authority of a municipal 20097  
corporation, such a fund may be used for both purposes permitted 20098  
under this division. 20099

(K) "Urban renewal service payments" means the urban renewal 20100  
service payments, in lieu of taxes, provided for in section 725.04 20101  
of the Revised Code. 20102

(L) "Improvements" means the structures and facilities 20103  
constructed or rehabilitated pursuant to a development agreement. 20104

(M) "Exemption period" means that period during which all or 20105  
a portion of the assessed valuation of the improvements has been 20106  
exempted from real property taxation pursuant to section 725.02 of 20107  
the Revised Code. 20108

(N) "Cleanup or remediation" has the same meaning as in 20109  
section 122.65 of the Revised Code. 20110

(O) "Hazardous substances" and "petroleum" have the same meanings as in section 3746.01 of the Revised Code. 20111  
20112

**Sec. 725.04.** A development agreement shall contain an 20113  
agreement binding on the owner or owners of the improvements, and 20114  
all subsequent owners of the improvements, to make semiannual 20115  
urban renewal service payments, in lieu of taxes upon the 20116  
improvements during the exemption period, equal annually in the 20117  
aggregate to the amount of real property taxes that would have 20118  
been paid on the portion of the assessed valuation of the 20119  
improvements declared to be a public purpose had an exemption 20120  
period not been specified by the municipal corporation. A 20121  
development agreement may contain an obligation binding on the 20122  
owner or owners of the improvements, and all subsequent owners of 20123  
the improvements, to make a semiannual urban renewal service 20124  
payment in an amount that is higher than the amount of real 20125  
property taxes that would have been paid on the assessed valuation 20126  
of the improvements had an exemption period not been specified by 20127  
the municipal corporation. All semiannual urban renewal service 20128  
payments shall be collected at the same time that real property 20129  
taxes are collected. The entire amount of these urban renewal 20130  
service payments, when collected, shall be deposited in an urban 20131  
renewal debt retirement fund established pursuant to section 20132  
725.03 of the Revised Code. 20133

If the municipal corporation owns the improvements, it may 20134  
require the lessee of the improvements to make the semiannual 20135  
urban renewal service payments required under this section. 20136

The legislative authority of the municipal corporation may 20137  
secure the urban renewal service payments by a lien on the 20138  
improvements. Such a lien shall attach, and may be perfected, 20139  
collected, and enforced, in the same manner as a mortgage lien on 20140  
real property, and shall otherwise have the same force and effect 20141



as a mortgage lien on real property. 20142

**Sec. 733.44.** (A) The treasurer of a municipal corporation 20143  
shall demand and receive, from the county treasurer, taxes levied 20144  
and assessments made and certified to the county auditor by the 20145  
legislative authority of such municipal corporation and placed on 20146  
the tax list by such auditor for collection, moneys, from persons 20147  
authorized to collect or required to pay them, accruing to the 20148  
municipal corporation from any judgments, fines, penalties, 20149  
forfeitures, licenses, costs taxed in mayor's court, and debts due 20150  
the municipal corporation. Such funds shall be disbursed by the 20151  
treasurer and county auditor on the order of any person authorized 20152  
by law or ordinance to issue orders therefor. 20153

(B) The treasurer of a village that does not have a charter 20154  
form of government shall not disburse any funds except upon an 20155  
order signed by at least one member of the village's legislative 20156  
authority or the village clerk and countersigned by the treasurer. 20157  
The clerk-treasurer or fiscal officer of a village that does not 20158  
have a charter form of government shall not disburse any funds 20159  
except upon an order signed by at least one member of the 20160  
village's legislative authority and countersigned by the 20161  
clerk-treasurer or village fiscal officer. 20162

**Sec. 733.46.** (A) The treasurer of a municipal corporation 20163  
shall receive and disburse all funds of the municipal corporation 20164  
and such other funds as arise in or belong to any department or 20165  
part of the municipal corporation, except as provided in division 20166  
(B) of this section. 20167

(B) The treasurer of a village that does not have a charter 20168  
form of government shall not disburse any funds except upon an 20169  
order signed by at least one member of the village's legislative 20170  
authority or the village clerk and countersigned by the treasurer. 20171

The clerk-treasurer or fiscal officer of a village that does not 20172  
have a charter form of government shall not disburse any funds 20173  
except upon an order signed by at least one member of the 20174  
village's legislative authority and countersigned by the 20175  
clerk-treasurer or village fiscal officer. 20176

**Sec. 733.78.** (A) As used in this section, "fiscal officer" 20177  
means a village fiscal officer, a village clerk-treasurer, a 20178  
village clerk, a city auditor, a city treasurer or, in the case of 20179  
a municipal corporation having a charter that designates an 20180  
officer who, by virtue of the charter, has duties and functions 20181  
similar to those of the city or village officers referred to in 20182  
this section, the officer so designated by the charter. 20183

(B)(1) If a fiscal officer purposely, knowingly, or 20184  
recklessly fails to perform a fiscal duty expressly imposed by law 20185  
with respect to the fiscal duties of the office of fiscal officer 20186  
or purposely, knowingly, or recklessly commits any act expressly 20187  
prohibited by law with respect to the fiscal duties of the office 20188  
of fiscal officer, a member of the legislative authority of the 20189  
municipal corporation may submit a sworn affidavit alleging the 20190  
violation, together with evidence supporting the allegations, to 20191  
the auditor of state. The sworn affidavit and evidence shall be 20192  
submitted in the format prescribed by rule of the auditor of state 20193  
under section 117.45 of the Revised Code. A person who makes a 20194  
false statement in a sworn affidavit, for purposes of this 20195  
section, is guilty of falsification under section 2921.13 of the 20196  
Revised Code. 20197

(2) The auditor of state shall review the sworn affidavit and 20198  
the evidence. Within ~~ten business~~ thirty calendar days after 20199  
receiving the sworn affidavit and evidence, unless, for good 20200  
cause, additional time is required, the auditor of state shall 20201  
determine whether clear and convincing evidence supports the 20202

allegations. If the auditor of state finds that no allegation is supported by clear and convincing evidence, the auditor of state shall submit those findings in writing to the fiscal officer and the person who initiated the sworn affidavit. If the auditor of state finds by clear and convincing evidence that an allegation is supported by the evidence, the auditor of state shall submit those findings in writing to the attorney general, the fiscal officer, and the person who initiated the sworn affidavit. The findings shall include a copy of the sworn affidavit and the evidence submitted under division (B)(1) of this section.

(3)(a) The attorney general shall review the auditor of state's findings and the sworn affidavit and evidence. Within ten business days after receiving them, unless, for good cause, additional time is required, the attorney general shall determine whether clear and convincing evidence supports the allegations. If the attorney general finds that no allegation is supported by clear and convincing evidence, the attorney general, by certified mail, shall notify the auditor of state, the fiscal officer, and the person who initiated the sworn affidavit that no complaint for the removal of the fiscal officer from public office will be filed.

(b) If the attorney general finds by clear and convincing evidence that an allegation is supported by the evidence, the attorney general, by certified mail, shall notify the auditor of state, the fiscal officer, and the person who initiated the sworn affidavit of that fact, and shall commence an action for the removal of the fiscal officer from public office under division (C) of this section.

(c) Nothing in this section is intended to limit the authority of the attorney general to enter into mediation, settlement, or resolution of any alleged violation before or following the commencement of an action under this section.

(C)(1)(a) The attorney general has a cause of action for removal of a fiscal officer who purposely, knowingly, or recklessly fails to perform a fiscal duty expressly imposed by law with respect to the fiscal duties of the office of fiscal officer or purposely, knowingly, or recklessly commits any act expressly prohibited by law with respect to the fiscal duties of the office of fiscal officer. Not later than forty-five days after sending a notice under division (B)(3)(b) of this section, the attorney general shall cause an action to be commenced against the fiscal officer by filing a complaint for the removal of the fiscal officer from public office. If any money is due, the attorney general shall join the sureties on the fiscal officer's bond as parties. The court of common pleas of the county in which the fiscal officer holds office has exclusive original jurisdiction of the action. The action shall proceed de novo as in the trial of a civil action. The court is not restricted to the evidence that was presented to the auditor of state and the attorney general before the action was filed. The action is governed by the Rules of Civil Procedure.

(b) If the court finds by clear and convincing evidence that the fiscal officer purposely, knowingly, or recklessly failed to perform a fiscal duty expressly imposed by law with respect to the fiscal duties of the office of fiscal officer or purposely, knowingly, or recklessly committed any act expressly prohibited by law with respect to the fiscal duties of that office, the court shall issue an order removing the fiscal officer from office and any order necessary for the preservation or restitution of public funds.

(2) Except as otherwise provided in this division, an action for removal from office under this section is stayed during the pendency of any criminal action concerning a violation of an existing or former municipal ordinance or law of this or any other

state or the United States that is substantially equivalent to any 20267  
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 20268  
conduct in office, if the person charged in the criminal action 20269  
committed the violation while serving as a fiscal officer and the 20270  
conduct constituting the violation was related to the duties of 20271  
the office of fiscal officer or to the person's actions as the 20272  
fiscal officer. The stay may be lifted upon motion of the 20273  
prosecuting attorney in the related criminal action. 20274

(3) Prior to or at the hearing, upon a showing of good cause, 20275  
the court may issue an order restraining the fiscal officer from 20276  
entering the fiscal officer's office and from conducting the 20277  
affairs of the office pending the hearing on the complaint. If 20278  
such an order is issued, the court may continue the order until 20279  
the conclusion of the hearing and any appeals under this section. 20280

(4) The legislative authority of the municipal corporation 20281  
shall be responsible for the payment of reasonable attorney's fees 20282  
for counsel for the fiscal officer. If judgment is entered against 20283  
the fiscal officer, the court shall order the fiscal officer to 20284  
reimburse the legislative authority for attorney's fees and costs 20285  
up to a reasonable amount, as determined by the court. 20286

(D) The judgment of the court is final and conclusive unless 20287  
reversed, vacated, or modified on appeal. An appeal may be taken 20288  
by any party, and shall proceed as in the case of appeals in civil 20289  
actions and in accordance with the Rules of Appellate Procedure. 20290  
Upon the filing of a notice of appeal by any party to the 20291  
proceedings, the court of appeals shall hear the case as an 20292  
expedited appeal under Rule 11.2 of the Rules of Appellate 20293  
Procedure. The fiscal officer has the right of review or appeal to 20294  
the supreme court. 20295

(E) If a final judgment for removal from public office is 20296  
entered against the fiscal officer, the office shall be deemed 20297  
vacated, and the vacancy shall be filled as provided in section 20298

733.31 of the Revised Code. Except as otherwise provided by law, 20299  
an individual removed from public office under this section is not 20300  
entitled to hold any public office for four years following the 20301  
date of the final judgment, and is not entitled to hold any public 20302  
office until any repayment or restitution required by the court is 20303  
satisfied. 20304

(F) If a municipal corporation's charter establishes a 20305  
procedure for the removal of officers from office that conflicts 20306  
with the removal procedure established by this section, the 20307  
procedure for the removal of officers in the charter prevails. 20308

(G) For the purposes of this section: 20309

(1) A person acts purposely when it is the person's specific 20310  
intention to cause a certain result, or, when the gist of the 20311  
offense is a prohibition against conduct of a certain nature, 20312  
regardless of what the person intends to accomplish thereby, it is 20313  
the person's specific intention to engage in conduct of that 20314  
nature. 20315

(2) A person acts knowingly, regardless of the person's 20316  
purpose, when the person is aware that the person's conduct will 20317  
probably cause a certain result or will probably be of a certain 20318  
nature. A person has knowledge of circumstances when the person is 20319  
aware that such circumstances probably exist. 20320

(3) A person acts recklessly when, with heedless indifference 20321  
to the consequences, the person perversely disregards a known risk 20322  
that the person's conduct is likely to cause a certain result or 20323  
is likely to be of a certain nature. A person is reckless with 20324  
respect to circumstances when, with heedless indifference to the 20325  
consequences, the person perversely disregards a known risk that 20326  
such circumstances are likely to exist. 20327

(H) The proceedings provided for in this section may be used 20328  
as an alternative to the removal proceedings prescribed under 20329

sections 3.07 to 3.10 of the Revised Code or other methods of 20330  
removal authorized by law. 20331

**Sec. 733.81.** (A) As used in this section, "fiscal officer" 20332  
means the city auditor, city treasurer, village fiscal officer, 20333  
village clerk-treasurer, village clerk, and, in the case of a 20334  
municipal corporation having a charter that designates an officer 20335  
who, by virtue of the charter, has duties and functions similar to 20336  
those of the city or village officers referred to in this section, 20337  
the officer so designated by the charter. 20338

(B) To enhance the background and working knowledge of fiscal 20339  
officers in government accounting, budgeting and financing, 20340  
financial report preparation, cybersecurity, and the rules adopted 20341  
by the auditor of state, the auditor of state shall conduct 20342  
education programs and continuing education courses for 20343  
individuals elected or appointed for the first time to the office 20344  
of fiscal officer, and shall conduct continuing education courses 20345  
for individuals who continue to hold the office in a subsequent 20346  
term. The Ohio municipal league also may conduct such initial 20347  
education programs and continuing education courses if approved by 20348  
the auditor of state. The auditor of state, in conjunction with 20349  
the Ohio municipal league, shall determine the manner and content 20350  
of the initial education programs and continuing education 20351  
courses. 20352

(C) A newly elected or appointed fiscal officer shall 20353  
complete at least six hours of initial education programs before 20354  
commencing, or during the first year of, office. A fiscal officer 20355  
who participates in a training program held under section 117.44 20356  
of the Revised Code may apply those hours taken before commencing 20357  
office to the six hours of initial education programs required 20358  
under this division. 20359

(D)(1) In addition to the six hours of initial education 20360

required under division (B) of this section, a newly elected 20361  
fiscal officer shall complete at least a total of eighteen 20362  
continuing education hours during the fiscal officer's first term 20363  
of office. 20364

(2) A fiscal officer who is elected to a subsequent term of 20365  
office shall complete twelve hours of continuing education courses 20366  
in each subsequent term of office. 20367

(3) The auditor of state shall adopt rules specifying the 20368  
initial education programs and continuing education courses that 20369  
are required for a fiscal officer who has been appointed to fill a 20370  
vacancy. The requirements shall be proportionally equivalent, 20371  
based on the time remaining in the vacated office, to the 20372  
requirements for a newly elected fiscal officer. 20373

(4) At least two hours of ethics instruction shall be 20374  
included in the continuing education hours required by divisions 20375  
(D)(1) and (2) of this section. 20376

(5) A fiscal officer who participates in a training program 20377  
or seminar established under section 109.43 of the Revised Code 20378  
may apply the three hours of training to the continuing education 20379  
hours required by divisions (D)(1) and (2) of this section. 20380

(E)(1) A certified public accountant who serves as a fiscal 20381  
officer may apply to the continuing education hours required by 20382  
division (D) of this section any hours of continuing education 20383  
completed under section 4701.11 of the Revised Code after being 20384  
elected or appointed as a fiscal officer. 20385

(2) A fiscal officer may apply to the continuing education 20386  
hours required by division (D) of this section any hours of 20387  
continuing education completed under section 135.22 of the Revised 20388  
Code after being elected or appointed as a fiscal officer. 20389

(3) A fiscal officer who teaches an approved continuing 20390  
education course under division (D) of this section is entitled to 20391



credit for the course in the same manner as if the fiscal officer 20392  
had attended the course. 20393

(F) The auditor of state shall adopt rules for verifying the 20394  
completion of initial education programs and continuing education 20395  
courses required under this section for each category of fiscal 20396  
officer. The auditor of state shall issue a certificate of 20397  
completion to each fiscal officer who completes the initial 20398  
education programs and continuing education courses. The auditor 20399  
of state shall issue a "failure to complete" notice to any fiscal 20400  
officer who is required to complete initial education programs and 20401  
continuing education courses under this section, but who fails to 20402  
do so. The notice is for informational purposes only and does not 20403  
affect any individual's ability to hold the office to which the 20404  
individual was elected or appointed. 20405

(G) The legislative authority of a municipal corporation 20406  
shall approve a reasonable amount requested by the fiscal officer 20407  
to cover the costs the fiscal officer is required to incur to meet 20408  
the requirements of this section, including registration fees, 20409  
lodging and meal expenses, and travel expenses. 20410

**Sec. 763.01.** As used in this chapter: 20411

(A) "Private entity" means an entity other than a government 20412  
entity. 20413

(B) "Workforce development activity" has the same meaning as 20414  
in section 6301.01 of the Revised Code. 20415

~~(C) "Workforce Investment Act" means the "Workforce 20416  
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 20417  
amended. 20418~~

**Sec. 763.07.** To enhance the administration, delivery, and 20419  
effectiveness of family services duties and workforce development 20420  
activities, the chief elected official of a municipal corporation 20421

that, is a local area for the purpose of Chapter 6301. of the 20422  
Revised Code, ~~is the type of local area defined in division (A)(1)~~ 20423  
~~of section 6301.01 of the Revised Code~~ may enter into a regional 20424  
plan of cooperation with one or more boards of county 20425  
commissioners pursuant to section 307.984 of the Revised Code. A 20426  
regional plan of cooperation must specify how the private and 20427  
government entities subject to the plan will coordinate and 20428  
enhance the administration, delivery, and effectiveness of family 20429  
services duties and workforce development activities. 20430

**Sec. 901.04.** (A) The department of agriculture may solicit or 20431  
accept from any public or private source and shall deposit in the 20432  
state treasury to the credit of the agro Ohio fund any grant, 20433  
gift, devise, or bequest of money made to or for the use of the 20434  
department in fulfilling its statutory duties or for promoting any 20435  
part of the public welfare that is under the supervision and 20436  
control of the department. The department may also accept and hold 20437  
on behalf of this state any grant, gift, devise, or bequest of 20438  
other property made to or for the use of the department or for 20439  
promoting any part of the public welfare that is under the 20440  
supervision and control of the department. The department may 20441  
contract for and carry out the terms and conditions of any devise, 20442  
grant, gift, or donation that may be so made. 20443

(B) There is hereby created in the state treasury the agro 20444  
Ohio fund, to which shall be credited all sums received under 20445  
division (A) of this section, divisions (A)(2) and (C) of section 20446  
2105.09 of the Revised Code, and ~~section~~ sections 4503.503 and 20447  
4503.504 of the Revised Code. ~~All money received under divisions~~ 20448  
~~(A)(2) and (C) of section 2105.09 of the Revised Code shall be~~ 20449  
~~used for the benefit of agriculture. All~~ 20450

(C) All money received under section 4503.504 of the Revised 20451  
Code shall be used for the benefit of sustainable agriculture 20452

markets in the state as determined by the director of agriculture. 20453

~~(C) The director may use all or any portion of the moneys in 20454  
the agro Ohio fund to award grants for the purpose of promoting 20455  
agriculture in this state. With respect to such grants that 20456  
consist of moneys other than federal moneys, the director shall 20457  
adopt rules in accordance with Chapter 119. of the Revised Code 20458  
establishing all of the following: 20459~~

~~(1) Specific purposes for which grants may be awarded; 20460~~

~~(2) Procedures for soliciting grant applications, applying 20461  
for grants, awarding grants, and otherwise administering grants; 20462~~

~~(3) Eligibility criteria for receiving grants that must be 20463  
satisfied by applicants for the grants; 20464~~

~~(4) Any other procedures and requirements that are necessary 20465  
to administer a grant program. 20466~~

~~(D) Federal moneys deposited into Federal money credited to 20467  
the agro Ohio fund shall be used in accordance with any terms that 20468  
federal law prescribes for their use. All other money credited to 20469  
the fund shall be used for the purpose of promoting agriculture in 20470  
the state as determined by the director. 20471~~

**Sec. 901.43.** (A) The director of agriculture may authorize 20472  
any department of agriculture laboratory to perform a laboratory 20473  
service for any person, organization, political subdivision, state 20474  
agency, federal agency, or other entity, whether public or 20475  
private. The director shall adopt and enforce rules to provide for 20476  
the rendering of a laboratory service. 20477

(B) The director may charge a reasonable fee for the 20478  
performance of a laboratory service, except when the service is 20479  
performed on an official sample taken by the director acting 20480  
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 20481  
Revised Code; by a board of health acting as the licensor of 20482

retail food establishments or food service operations under 20483  
Chapter 3717. of the Revised Code; or by the director of health 20484  
acting as the licensor of food service operations under Chapter 20485  
3717. of the Revised Code. The director of agriculture shall adopt 20486  
rules specifying what constitutes an official sample. 20487

The director shall publish a list of laboratory services 20488  
offered, together with the fee for each service. 20489

(C) The director may enter into a contract with any person, 20490  
organization, political subdivision, state agency, federal agency, 20491  
or other entity for the provision of a laboratory service. 20492

(D)(1) The director may adopt rules establishing standards 20493  
for accreditation of laboratories and laboratory services and in 20494  
doing so may adopt by reference existing or recognized standards 20495  
or practices. 20496

(2) The director may inspect and accredit laboratories and 20497  
laboratory services, and may charge a reasonable fee for the 20498  
inspections and accreditation. 20499

(E)(1) There is hereby created in the state treasury the 20500  
animal and consumer protection laboratory fund. Moneys from the 20501  
following sources shall be deposited into the state treasury to 20502  
the credit of the fund: all moneys collected by the director under 20503  
this section that are from fees generated by a laboratory service 20504  
performed by the department and related to the diseases of 20505  
animals, all moneys so collected that are from fees generated for 20506  
the inspection and accreditation of laboratories and laboratory 20507  
services related to the diseases of animals, all moneys collected 20508  
by the director under this section that are from fees generated by 20509  
a laboratory service performed by the consumer protection 20510  
laboratory, all moneys so collected that are from fees generated 20511  
for the inspection and accreditation of laboratories and 20512  
laboratory services not related to weights and measures, money 20513

received by the director under sections 947.01 to 947.06 of the 20514  
Revised Code, and all moneys collected under Chapters 942., 943., 20515  
and 953. of the Revised Code. The director may use the moneys held 20516  
in the fund to pay the expenses necessary to operate the animal 20517  
industry laboratory and the consumer protection laboratory, 20518  
including the purchase of supplies and equipment. 20519

(2) All moneys collected by the director under this section 20520  
that are from fees generated by a laboratory service performed by 20521  
the weights and measures laboratory, and all moneys so collected 20522  
that are from fees generated for the inspection and accreditation 20523  
of laboratories and laboratory services related to weights and 20524  
measures, shall be deposited in the state treasury to the credit 20525  
of the weights and measures laboratory fund, which is hereby 20526  
created in the state treasury. The moneys held in the fund may be 20527  
used to pay the expenses necessary to operate the division of 20528  
weights and measures, including the purchase of supplies and 20529  
equipment. 20530

**Sec. 909.10.** (A) No person shall ship or move bee colonies or 20531  
any used beekeeping equipment into this state from any other state 20532  
or country without an inspection certificate issued by an 20533  
authorized inspector from the state or country wherein shipment or 20534  
movement originated. The certificate shall identify all pathogens 20535  
and parasites diagnosed and any controls that were implemented. 20536

In the absence of inspection facilities in another state or 20537  
country, the director of agriculture may issue a permit 20538  
authorizing the shipment or movement of the bee colonies or used 20539  
beekeeping equipment into this state, provided that upon entry the 20540  
bees or equipment is inspected by the department of agriculture. 20541  
The cost of the inspection shall be paid upon completion in an 20542  
amount determined by rule of the director. The inspection fees 20543  
shall be paid to the director and deposited by ~~him~~ the director 20544

with the treasurer of state to the credit of the ~~general revenue~~ 20545  
plant pest program fund created in section 927.54 of the Revised 20546  
Code. 20547

If any serious bee diseases are diagnosed, appropriate 20548  
controls and eradication measures immediately shall be implemented 20549  
by the person shipping or owning the bee colonies or used 20550  
beekeeping equipment. If the person shipping or owning the bee 20551  
colonies or equipment does not implement any controls or 20552  
eradication measures within forty-eight hours from the inspection, 20553  
the bee colonies or equipment shall be removed from this state at 20554  
the cost of the person shipping or owning them. 20555

(B) Any person selling, shipping, or moving into this state 20556  
any queen bees or packaged bees shall submit to the director an 20557  
inspection report issued by an authorized inspector from the state 20558  
or country wherein shipment or movement originated. One such 20559  
report shall be submitted annually thirty days prior to the 20560  
initial sale, shipment, or movement of queen bees or packaged bees 20561  
of that year. The report shall identify any pathogens and 20562  
parasites diagnosed and any controls that were implemented. If any 20563  
serious bee diseases have not been controlled or if inspection 20564  
reports are not provided as required under this section, such 20565  
shipments shall be prohibited from entering this state. 20566

(C) The director may deny entry of the bee colonies or used 20567  
equipment if ~~he~~ the director determines they are a threat to the 20568  
bee population of this state. 20569

(D) No person shall ship or move into this state any 20570  
Africanized honey bees. 20571

**Sec. 911.11.** The director of agriculture may require any 20572  
person intending to work or working in a bakery to submit to a 20573  
thorough examination for the purpose of ascertaining whether the 20574  
person is afflicted with any contagious, infectious, or other 20575

disease or physical ailment, which may render employment 20576  
detrimental to the public health. All such examinations shall be 20577  
made by a qualified physician ~~certified~~ licensed under section 20578  
4731.14 of the Revised Code, by a physician assistant, by a 20579  
clinical nurse specialist, by a certified nurse practitioner, or 20580  
by a certified nurse-midwife. Any written documentation of the 20581  
examination shall be completed by the individual who did the 20582  
examination. 20583

**Sec. 924.01.** As used in sections 924.01 to 924.16 and 924.40 20584  
to 924.55 of the Revised Code: 20585

(A) "Agricultural commodity" means any food, fiber, feed, 20586  
animal, or plant, or group of foods, fibers, feeds, animals, or 20587  
plants that the director of agriculture determines to be of the 20588  
same nature, in either a natural or a processed state. 20589  
"Agricultural commodity" does not include grain as defined in 20590  
section 924.20 of the Revised Code or soybeans. 20591

(B) "Distributor" means any person who sells, offers for 20592  
sale, markets, or distributes an agricultural commodity that the 20593  
person has purchased or acquired directly from a producer, or that 20594  
the person markets on behalf of a producer. 20595

(C) "Handler" means any person who is in the business of 20596  
packing, grading, selling, offering for sale, or marketing any 20597  
agricultural commodity in commercial quantities as defined in a 20598  
marketing program. 20599

(D) "Marketing program" means a program that is established 20600  
by order of the director pursuant to this chapter, to improve or 20601  
expand the market for an agricultural commodity. 20602

(E) "Operating committee" means a committee established to 20603  
administer a marketing program for an agricultural commodity. 20604

(F) "Person" means any natural person, partnership, sole 20605

proprietorship, limited liability company, corporation, society, 20606  
agricultural cooperative as defined in section 1729.01 of the 20607  
Revised Code, association, or fiduciary. 20608

(G) "Processor" means any person who is in the business of 20609  
grading, packaging, packing, canning, freezing, dehydrating, 20610  
fermenting, distilling, extracting, preserving, grinding, 20611  
crushing, juicing, or in any other way preserving or changing the 20612  
form of any agricultural commodity. 20613

(H) "Producer" means any person who is in the business of 20614  
producing, or causing to be produced, any agricultural commodity 20615  
for commercial sale, except that when used in reference to nursery 20616  
stock, "producer" also means a distributor, processor, handler, or 20617  
retailer of nursery stock. 20618

**Sec. 924.09.** (A) Each operating committee may make 20619  
assessments upon the marketable agricultural commodity for which 20620  
the marketing program was established. 20621

(B) No operating committee shall levy any assessment: 20622

(1) That was not approved by the producers affected by the 20623  
program; 20624

(2) That exceeds two cents per bushel of corn ~~or soybeans~~ or 20625  
two per cent of the average market price of any other agricultural 20626  
commodity during the preceding marketing year as defined for the 20627  
commodity by the United States department of agriculture or, if 20628  
there is no such definition, by the director of agriculture; 20629

(3) Against any producer who is not eligible to vote in a 20630  
referendum for the marketing program that the operating committee 20631  
administers. 20632

(C) The director may require a producer, processor, 20633  
distributor, or handler of an agricultural commodity for which a 20634  
marketing program has been established under sections 924.01 to 20635



924.16 of the Revised Code to withhold assessments from any 20636  
amounts that the producer, processor, distributor, or handler owes 20637  
to producers of the commodity and, notwithstanding division (B)(3) 20638  
of this section, to remit them to the operating committee. Any 20639  
processor, distributor, or handler who pays for any producer any 20640  
assessment that is levied under authority of this section may 20641  
deduct the amount of the assessment from any moneys that the 20642  
processor, distributor, or handler owes to the producer. 20643

(D) No operating committee shall use any assessments that it 20644  
levies for any political or legislative purpose, or for 20645  
preferential treatment of one person to the detriment of any other 20646  
person affected by the marketing program. 20647

(E) The operating committee of each marketing program shall 20648  
refund to a producer the assessments that it collects from the 20649  
producer not later than sixty days after receipt of a valid 20650  
application by the producer for a refund, provided that the 20651  
producer complies with the procedures for a refund that were 20652  
included in the program under division (B)(3) of section 924.04 of 20653  
the Revised Code. 20654

(F) Each application for a refund of assessments levied for a 20655  
program established after April 10, 1985 shall be made on a form 20656  
provided by the director of agriculture. Each operating committee 20657  
for such a program shall ensure that refund forms are available 20658  
where assessments for its program are withheld. 20659

A producer, processor, distributor, or handler marketing 20660  
cattle subject to the "Beef Promotion and Research Act," as 20661  
amended, shall remit the assessment for the national cattlemen's 20662  
beef promotion and research board, as specified in the "Beef 20663  
Promotion and Research Act," 99 Stat. 1597 (1985), 7 U.S.C. 20664  
2904(8), to the state beef marketing program if the state beef 20665  
marketing program is a qualified state beef council as defined by 20666  
that act. Division (E) of this section does not apply to such 20667

assessments collected by the state beef marketing program on 20668  
behalf of the national cattlemen's beef promotion and research 20669  
board pursuant to the "Beef Promotion and Research Act," as 20670  
amended, for which the producers that pay the assessments receive 20671  
credits from the board. 20672

Sec. 924.211. (A) There is hereby established the soybean 20673  
marketing program. Except as provided under divisions (B) and (C) 20674  
of this section, the procedures, requirements, and other 20675  
provisions that are established under sections 924.20 to 924.30 of 20676  
the Revised Code and rules that apply to the grain marketing 20677  
program shall apply to the soybean marketing program. For purposes 20678  
of that application, references in those sections to "grain" are 20679  
deemed to be replaced with references to "soybeans." 20680

(B) The soybean marketing program operating committee shall 20681  
consist of eighteen members. Fourteen of those members shall be 20682  
elected in accordance with section 924.22 of the Revised Code. The 20683  
director of agriculture shall appoint the remaining four members, 20684  
who shall be from the united soybean board from this state. The 20685  
appointed members of the board shall be voting members of the 20686  
committee. 20687

(C) With regard to the levying of assessments under section 20688  
924.26 of the Revised Code, the assessment on soybeans shall be 20689  
one-half of one per cent of the per-bushel price of soybeans at 20690  
the first point of sale. However, if assessments are levied under 20691  
the national soybean checkoff program created by the "Soybean 20692  
Promotion, Research, and Consumer Information Act," 104 Stat. 3881 20693  
(1990), 7 U.S.C. 6301 et seq., no assessments shall be levied for 20694  
purposes of the soybean marketing program established under this 20695  
section. 20696

**Sec. 927.55.** The fees required by section 927.53 of the 20697

Revised Code do not apply to: 20698

(A) A person who produces for sale either within this state 20699  
or within any state in which such plants and parts do not require 20700  
a certificate of inspection as a condition of entry, only nonhardy 20701  
plants and plant parts, vegetable plants, herbs, or forced floral 20702  
plants, of whatever nature, while in bloom; 20703

(B) A person who conducts the sale of nursery stock as a fund 20704  
raiser for a nonprofit organization or nonprofit purpose for no 20705  
more than two days per year, who is not a nurseryman, dealer, or 20706  
collector, and who makes no more than two hundred thousand dollars 20707  
in ~~sales~~ revenue from the sale of nursery stock during a calendar 20708  
year; 20709

(C) Any public or private arboretum operated not for profit, 20710  
which exchanges inspected nursery stock in limited quantities for 20711  
experimental or permanent arboretum plantings. 20712

**Sec. 939.02.** The director of agriculture shall do all of the 20713  
following: 20714

(A) Provide administrative leadership to soil and water 20715  
conservation districts in planning, budgeting, staffing, and 20716  
administering district programs and the training of district 20717  
supervisors and personnel in their duties, responsibilities, and 20718  
authorities as prescribed in this chapter and Chapter 940. of the 20719  
Revised Code; 20720

(B) Administer this chapter and Chapter 940. of the Revised 20721  
Code pertaining to state responsibilities and provide staff 20722  
assistance to the Ohio soil and water conservation commission in 20723  
exercising its statutory responsibilities; 20724

(C) Assist in expediting state responsibilities for watershed 20725  
development and other natural resource conservation works of 20726  
improvement; 20727

(D) Coordinate the development and implementation of 20728  
cooperative programs and working agreements between soil and water 20729  
conservation districts and the department of agriculture or other 20730  
agencies of local, state, and federal government; 20731

(E) Subject to the approval of the Ohio soil and water 20732  
conservation commission, adopt rules in accordance with Chapter 20733  
119. of the Revised Code that do or comply with all of the 20734  
following: 20735

(1) Establish technically feasible and economically 20736  
reasonable standards to achieve a level of management and 20737  
conservation practices in farming operations that will abate wind 20738  
or water erosion of the soil or abate the degradation of the 20739  
waters of the state by residual farm products, manure, or soil 20740  
sediment, including attached substances, and establish criteria 20741  
for determination of the acceptability of such management and 20742  
conservation practices; 20743

(2) Establish procedures for administration of rules for 20744  
agricultural pollution abatement and for enforcement of those 20745  
rules; 20746

(3) Specify the pollution abatement practices eligible for 20747  
state cost sharing and determine the conditions for eligibility, 20748  
the construction standards and specifications, the useful life, 20749  
the maintenance requirements, and the limits of cost sharing for 20750  
those practices. Eligible practices shall be limited to practices 20751  
that address agricultural operations and that require expenditures 20752  
that are likely to exceed the economic returns to the owner or 20753  
operator and that abate soil erosion or degradation of the waters 20754  
of the state by residual farm products, manure, or soil sediment, 20755  
including attached pollutants. 20756

(4) Establish procedures for administering grants to owners 20757  
or operators of agricultural land or animal feeding operations for 20758

the implementation of operation and management plans; 20759

(5) Do both of the following with regard to composting 20760  
conducted in conjunction with agricultural operations: 20761

(a) Establish methods, techniques, or practices for 20762  
composting dead animals, or particular types of dead animals, that 20763  
are to be used at such operations, as the director considers to be 20764  
necessary or appropriate; 20765

(b) Establish requirements and procedures governing the 20766  
review and approval or disapproval of composting plans by the 20767  
supervisors of soil and water conservation districts under 20768  
division (R) of section 940.06 of the Revised Code. 20769

(6) Establish best management practices for inclusion in 20770  
operation and management plans; 20771

(7) Establish the amount of civil penalties assessed by the 20772  
director under division ~~(B)~~(A) of section 939.07 of the Revised 20773  
Code for violation of rules adopted under division (E) of this 20774  
section; 20775

(8) Not conflict with air or water quality standards adopted 20776  
pursuant to section 3704.03 or 6111.041 of the Revised Code. 20777  
Compliance with rules adopted under this section does not affect 20778  
liability for noncompliance with air or water quality standards 20779  
adopted pursuant to section 3704.03 or 6111.041 of the Revised 20780  
Code. The application of a level of management and conservation 20781  
practices recommended under this section to control windblown soil 20782  
from farming operations creates a presumption of compliance with 20783  
section 3704.03 of the Revised Code as that section applies to 20784  
windblown soil. 20785

(F) Cost share with landowners on practices established 20786  
pursuant to division (E)(3) of this section as moneys are 20787  
appropriated and available for that purpose. Any practice for 20788  
which cost share is provided shall be maintained for its useful 20789

life. Failure to maintain a cost share practice for its useful 20790  
life shall subject the landowner to full repayment to the 20791  
department. 20792

(G) Employ field assistants and other employees that are 20793  
necessary for the performance of the work prescribed by Chapter 20794  
940. of the Revised Code, for performance of work of the 20795  
department under this chapter, and as agreed to under working 20796  
agreements or contractual arrangements with soil and water 20797  
conservation districts, prescribe their duties, and fix their 20798  
compensation in accordance with schedules that are provided by law 20799  
for the compensation of state employees. All such employees of the 20800  
department, unless specifically exempted by law, shall be employed 20801  
subject to the classified civil service laws in force at the time 20802  
of employment. 20803

(H) In connection with new or relocated projects involving 20804  
highways, underground cables, pipelines, railroads, and other 20805  
improvements affecting soil and water resources, including surface 20806  
and subsurface drainage: 20807

(1) Provide engineering service that is mutually agreeable to 20808  
the Ohio soil and water conservation commission and the director 20809  
to aid in the design and installation of soil and water 20810  
conservation practices as a necessary component of such projects; 20811

(2) Maintain close liaison between the owners of lands on 20812  
which the projects are executed, soil and water conservation 20813  
districts, and authorities responsible for such projects; 20814

(3) Review plans for such projects to ensure their compliance 20815  
with standards developed under division (E) of this section in 20816  
cooperation with the department of transportation or with any 20817  
other interested agency that is engaged in soil or water 20818  
conservation projects in the state in order to minimize adverse 20819  
impacts on soil and water resources adjacent to or otherwise 20820

affected by these projects; 20821

(4) Recommend measures to retard erosion and protect soil and 20822  
water resources through the installation of water impoundment or 20823  
other soil and water conservation practices; 20824

(5) Cooperate with other agencies and subdivisions of the 20825  
state to protect the agricultural status of rural lands adjacent 20826  
to such projects and control adverse impacts on soil and water 20827  
resources. 20828

(I) Collect, analyze, inventory, and interpret all available 20829  
information pertaining to the origin, distribution, extent, use, 20830  
and conservation of the soil resources of the state; 20831

(J) Prepare and maintain up-to-date reports, maps, and other 20832  
materials pertaining to the soil resources of the state and their 20833  
use and make that information available to governmental agencies, 20834  
public officials, conservation entities, and the public; 20835

(K) Provide soil and water conservation districts with 20836  
technical assistance including on-site soil investigations and 20837  
soil interpretation reports on the suitability or limitations of 20838  
soil to support a particular use or to plan soil conservation 20839  
measures. The assistance shall be on terms that are mutually 20840  
agreeable to the districts and the department of agriculture. 20841

(L) Assist local government officials in utilizing land use 20842  
planning and zoning, current agricultural use value assessment, 20843  
development reviews, and land management activities; 20844

(M) When necessary for the purposes of this chapter or 20845  
Chapter 940. of the Revised Code, develop or approve operation and 20846  
management plans. The director may designate an employee of the 20847  
department to develop or approve operation and management plans in 20848  
lieu of the director. 20849

This section does not restrict the manure of domestic or farm 20850

animals defecated on land outside an animal feeding operation or 20851  
runoff from that land into the waters of the state. 20852

**Sec. 940.15.** (A) ~~Except as provided in division (B) of this~~ 20853  
~~section, within~~ Within the limits of funds appropriated to the 20854  
department of agriculture and the soil and water conservation 20855  
district assistance fund created in this section, there shall be 20856  
paid in each calendar year to each soil and water conservation 20857  
district ~~an~~ a matching amount not to exceed one dollar for each 20858  
one dollar received ~~in~~ by a district as follows: 20859

(1) In accordance with section 940.12 of the Revised Code, 20860  
~~received from;~~ 20861

(2) From tax levies in excess of the ten-mill levy limitation 20862  
approved for the benefit of soil and water conservation districts, 20863  
~~received pursuant to a contract entered into under section~~ 20864  
~~6117.021 of the Revised Code, or received from; or~~ 20865

(3) From an appropriation by a municipal corporation or a 20866  
township to a maximum of eight thousand dollars, provided that the 20867  
Ohio soil and water conservation commission may approve payment to 20868  
a district in an amount in excess of eight thousand dollars in any 20869  
calendar year upon receipt of a request and justification from the 20870  
district. ~~The~~ 20871

The county auditor shall credit such payments to the special 20872  
fund established pursuant to section 940.12 of the Revised Code 20873  
for the soil and water conservation district. The department may 20874  
make advances at least quarterly to each district on the basis of 20875  
the estimated contribution of the state to each district. Moneys 20876  
received by each district shall be expended for the purposes of 20877  
the district. 20878

(B) ~~Money paid to a soil and water conservation district~~ 20879  
~~under division (A) of this section that results from a board of~~ 20880



~~county commissioners' compensation to the district pursuant to a 20881  
contract entered into under section 6117.021 of the Revised Code 20882  
in calendar years 2015, 2016, and 2017 shall not exceed the amount 20883  
of money paid to the district under that division during calendar 20884  
year 2013 that resulted from the board of county commissioners' 20885  
having used the proceeds of a contract entered into between the 20886  
board of county commissioners and a district of a type similar to 20887  
that which is authorized by section 6117.021 of the Revised Code, 20888  
directly or indirectly, for matching funds in calendar year 2013, 20889  
but may exceed that amount to the extent that other sources of 20890  
local matching funds specified by division (A) of this section are 20891  
used by the district for local matching funds in state fiscal 20892  
years 2015, 2016, and 2017. 20893~~

~~(C) For the purpose of providing money to soil and water 20894  
conservation districts under this section, there is hereby created 20895  
in the state treasury the soil and water conservation district 20896  
assistance fund consisting of money credited to it under sections 20897  
3714.073 and 3734.901 and division (A)(4) of section 3734.57 of 20898  
the Revised Code. 20899~~

~~**Sec. 941.12.** (A) Except as provided in rules adopted under 20900  
section 941.41 of the Revised Code, no animal shall be ordered 20901  
destroyed by the director of agriculture, in accordance with this 20902  
chapter, until that animal has been appraised in accordance with 20903  
divisions (B) and (C) of this section. This section does not apply 20904  
to any animal that is adulterated with residues and ordered 20905  
destroyed by the director. 20906~~

~~(B) The director of agriculture shall appraise, based on 20907  
current market value, any animal destroyed by his order under this 20908  
chapter, and If an animal is ordered destroyed by the director of 20909  
agriculture under this chapter, the director shall take an 20910  
inventory of each animal that is destroyed and record sufficient 20911~~

information in order for an appraisal to be conducted, if 20912  
necessary. 20913

(B)(1) Within thirty days after receiving a destruction order 20914  
issued under this chapter, the owner of the animal subject to the 20915  
order that seeks indemnification for the animal shall do both of 20916  
the following: 20917

(a) Request the information recorded under division (A) of 20918  
this section and have an appraisal of the animal conducted at the 20919  
owner's expense; 20920

(b) Request that the department of agriculture conduct an 20921  
appraisal of the animal. If an appraisal is requested, the 20922  
director shall order the appraisal to be conducted. 20923

(2) If the owner and the department do not agree on the value 20924  
of the animal ordered destroyed, the two shall select a third 20925  
disinterested person, at the owner's expense, to appraise the 20926  
animal. The appraisal conducted by that person is the value of the 20927  
animal for purposes of indemnification. 20928

(3) If an appraisal is not conducted under division (B)(1)(a) 20929  
of this section or requested under division (B)(1)(b) of this 20930  
section within thirty days of receiving the destruction order 20931  
issued under this chapter, the owner waives the right to 20932  
indemnification of the animal. 20933

(C) Once the value of the animal ordered destroyed is 20934  
determined, the director may indemnify the owner of the animal if, 20935  
upon the request of the director, the director of budget and 20936  
management provides written notification to the director of 20937  
agriculture that there is an unencumbered balance in the 20938  
appropriation for the current biennium sufficient to pay the 20939  
indemnity. The amount of indemnity ~~shall be~~ is the appraised value 20940  
of the animal, less any salvage value and indemnity received from 20941  
another agency. In no case shall the state indemnity payment 20942

exceed fifty dollars per head for a grade animal or one hundred 20943  
dollars per head for a registered purebred animal. 20944

~~(C) For the purpose of indemnification, the value of any 20945  
animal ordered destroyed shall be determined by an appraisal made 20946  
by a representative chosen by the owner and a representative 20947  
chosen by the department of agriculture. In the event of a 20948  
disagreement as to the amount of the appraisal, a third 20949  
disinterested person shall be selected, at the owner's expense, by 20950  
the two, to act with them in the appraisal of the animal. 20951~~

(D) The director of agriculture may refuse to pay an 20952  
indemnity for any animal ordered destroyed if the owner has been 20953  
convicted of or pleads guilty to a violation of any of the 20954  
provisions of this chapter or the rules promulgated thereunder. 20955

**Sec. 941.55.** (A) Notwithstanding ~~sections~~ section 941.11 and 20956  
~~941.12~~ of the Revised Code, every bovine animal that is ordered 20957  
destroyed because of tuberculosis following a tuberculosis test 20958  
made in accordance with section 941.54 of the Revised Code shall 20959  
be slaughtered in an establishment approved by the department of 20960  
agriculture no later than fifteen days after it is ordered 20961  
destroyed, unless an extension of time is granted by the 20962  
department. 20963

(B) A post mortem examination shall be made by a veterinarian 20964  
authorized by the department, and a report of the examination 20965  
shall be filed within five days after the examination on forms 20966  
provided by the department. 20967

**Sec. 943.23.** (A) A captive whitetail deer licensee shall 20968  
comply with the requirements established in sections 943.20 to 20969  
943.26 of the Revised Code and in rules. The director of 20970  
agriculture may suspend or revoke a license issued under section 20971  
943.03 or 943.031 of the Revised Code regarding monitored captive 20972

deer, captive deer with status, or captive deer with certified 20973  
chronic wasting disease status if the licensee fails to comply 20974  
with those requirements. 20975

(B)(1) The director, after providing an opportunity for an 20976  
adjudication hearing under Chapter 119. of the Revised Code, may 20977  
assess a civil penalty against a person who has violated or is in 20978  
violation of section 943.20 of the Revised Code. If the director 20979  
assesses a civil penalty, the director shall do so as follows: 20980

(a) If, within five years of the violation, the director has 20981  
not previously assessed a civil penalty against the person under 20982  
this section, in an amount not exceeding five hundred dollars; 20983

(b) If, within five years of the violation, the director has 20984  
previously assessed one civil penalty against the person under 20985  
this section, in an amount not exceeding two thousand five hundred 20986  
dollars; 20987

(c) If, within five years of the violation, the director has 20988  
previously assessed two or more civil penalties against the person 20989  
under this section, in an amount not exceeding ten thousand 20990  
dollars. 20991

(2) Money collected under division (B)(1) of this section 20992  
shall be deposited in the state treasury to the credit of the 20993  
captive deer fund created in section 943.26 of the Revised Code. 20994

**Sec. 947.06.** (A) The director of agriculture shall adopt 20995  
rules, subject to Chapter 119. of the Revised Code, to implement, 20996  
administer, and enforce this chapter. No person shall violate such 20997  
a rule of the director. 20998

(B) In cooperation with law enforcement officers in this and 20999  
other states, the director shall develop a uniform procedure for 21000  
notifying livestock marketing and slaughtering establishments of 21001  
reported livestock thefts and of any brands or other identifying 21002

marks on such livestock. 21003

(C) Moneys received by the director under sections 947.01 to 21004  
947.06 of the Revised Code shall be deposited in the ~~brand~~ 21005  
~~registration state treasury to the credit of the animal and~~ 21006  
~~consumer protection laboratory fund, which is hereby created in~~ 21007  
~~the state treasury. The director shall spend moneys from the fund~~ 21008  
~~to pay the costs and expenses of administering sections 947.01 to~~ 21009  
~~947.06~~ section 901.43 of the Revised Code. 21010

**Sec. 1121.10.** (A) As often as the superintendent of financial 21011  
institutions considers necessary, but at least once each 21012  
twenty-four-month cycle, the superintendent, or any deputy or 21013  
examiner appointed by the superintendent for that purpose, shall 21014  
thoroughly examine the records and affairs of each bank. The 21015  
examination shall include a review of both of the following: 21016

(1) Compliance with law; 21017

(2) Other matters the superintendent determines. 21018

(B) The superintendent may examine the records and affairs of 21019  
any of the following as the superintendent considers necessary: 21020

(1) Any party to a proposed reorganization for which the 21021  
superintendent's approval is required by section 1115.11 or 21022  
1115.14 of the Revised Code; 21023

(2) Any bank, savings and loan association, or savings bank 21024  
proposing to convert to a bank doing business under authority 21025  
granted by the superintendent for which the superintendent's 21026  
approval is required by section 1115.01 of the Revised Code; 21027

(3) Any person proposing to acquire control of a bank for 21028  
which the superintendent's approval is required by section 1115.06 21029  
of the Revised Code, or who acquired control of a bank without the 21030  
approval of the superintendent when that approval was required by 21031  
section 1115.06 of the Revised Code, was the bank of which control 21032

is to be, or was, acquired; 21033

(4) Any bank proposing to establish or acquire a branch for 21034  
which the superintendent's approval is required by section 1117.02 21035  
of the Revised Code; 21036

(5) Any foreign bank that maintains, or proposes to 21037  
establish, one or more offices in this state; 21038

(6) Any trust company. 21039

(C) The board of directors or holders of a majority of the 21040  
shares of a bank or trust company may request the superintendent 21041  
conduct a special examination of the records and affairs of the 21042  
bank or trust company. The superintendent has sole discretion over 21043  
the scope and timing of a special examination, and may impose 21044  
restrictions and limitations on the use of the results of a 21045  
special examination in addition to the restrictions and 21046  
limitations otherwise imposed by law. The fee for a special 21047  
examination shall be paid by the bank or trust company examined in 21048  
accordance with section 1121.29 of the Revised Code. 21049

(D) The superintendent may conduct all aspects of an 21050  
examination concurrently or may divide the examination into 21051  
constituent parts and conduct them at various times. 21052

(E) The superintendent shall preserve the report of each 21053  
examination, including related correspondence received and copies 21054  
of related correspondence sent, for ~~twenty~~ ten years after the 21055  
examination date. 21056

**Sec. 1121.24.** (A) If, under Chapters 1101. to 1127. of the 21057  
Revised Code, a proposed action or transaction is subject to the 21058  
approval of the superintendent of financial institutions or an 21059  
opportunity for the superintendent to disapprove, and if the 21060  
person proposing the action or transaction is required to submit 21061  
an application or notice to the superintendent, then the 21062

application or notice is not complete and the superintendent shall 21063  
not accept it for processing until the person pays the fee 21064  
established pursuant to division (C) of section 1121.29 of the 21065  
Revised Code. 21066

(B)(1) If, under Chapters 1101. to 1127. of the Revised Code, 21067  
a proposed action or transaction is subject to the approval of the 21068  
superintendent or an opportunity for the superintendent to 21069  
disapprove and the superintendent must make that determination 21070  
within a certain time, and if the person proposing the action or 21071  
transaction is required to submit an application or notice to the 21072  
superintendent, then the time in which the superintendent must 21073  
make the determination does not begin to run until the 21074  
superintendent has determined the application or notice is 21075  
complete and has accepted it for processing. 21076

(2) Division ~~(A)~~(B)(1) of this section does not prohibit 21077  
either of the following: 21078

(a) The superintendent from denying, or issuing a disapproval 21079  
of, an application or notice, prior to the superintendent's 21080  
acceptance of the application or notice for processing, on the 21081  
basis that the person who submitted the application or notice 21082  
failed to include all of the items and address all of the issues 21083  
required for the application or notice, if both of the following 21084  
apply: 21085

(i) The superintendent advised the person that the 21086  
application or notice was incomplete. 21087

(ii) After being advised by the superintendent that the 21088  
application or notice was incomplete, the person did not, within a 21089  
reasonable period of time, complete the application or notice. 21090

(b) The superintendent from denying, or issuing a disapproval 21091  
of, an application or notice on the basis that the person who 21092  
submitted the application or notice failed to provide the 21093

information necessary for the superintendent to adequately 21094  
consider the application or notice after the superintendent's 21095  
acceptance of the application or notice for processing, if both of 21096  
the following apply: 21097

(i) After having begun processing the application or notice, 21098  
the superintendent determined and advised the person that 21099  
additional information was necessary to adequately consider the 21100  
application or notice. 21101

(ii) After being advised by the superintendent that 21102  
additional information was necessary to adequately consider the 21103  
application or notice, the person did not, within a reasonable 21104  
period of time, provide that information. 21105

~~(B)~~(C) A determination by the superintendent that an 21106  
application or notice is complete and is accepted for processing 21107  
means only that the application or notice, on its face, appears to 21108  
include all of the items and to address all of the matters that 21109  
are required. A determination by the superintendent that an 21110  
application or notice is complete and is accepted for processing 21111  
is not an assessment of the substance of the application or 21112  
notice, or of the sufficiency of the information provided. 21113

**Sec. 1121.29.** (A)(1) Each bank, savings and loan association, 21114  
and savings bank subject to inspection and examination by the 21115  
superintendent of financial institutions and transacting business 21116  
on the thirty-first day of December, or their successors in 21117  
interest, shall pay to the treasurer of state assessments as 21118  
provided in this section. The superintendent shall make each 21119  
assessment based on the total assets as shown on the books of the 21120  
bank, savings and loan association, or savings bank as of the 21121  
thirty-first day of December of the previous year. The 21122  
superintendent shall collect the assessment on an annual or 21123  
periodic basis, as provided by the superintendent. All assessments 21124



shall be paid within fourteen days after receiving an invoice for 21125  
payment of the assessment. 21126

(2) After determining the budget of the division of financial 21127  
institutions for examination and regulation of banks, savings and 21128  
loan associations, and savings banks, but prior to establishing 21129  
the schedule of assessments under this division necessary to fund 21130  
that budget, the superintendent shall consider any necessary cash 21131  
reserves and any amounts collected but not yet expended or 21132  
encumbered by the superintendent in the previous fiscal year's 21133  
budget and remaining in the banks fund pursuant to division (C) of 21134  
section 1121.30 of the Revised Code. 21135

(3) The superintendent shall establish the actual schedule of 21136  
assessments on an annual basis, present the schedule to the 21137  
banking commission for confirmation, and forward copies of the 21138  
current year's schedule to banks, savings and loan associations, 21139  
and savings banks doing business under authority granted by the 21140  
superintendent, or their successors in interest. 21141

If during the period between the banking commission's 21142  
confirmation of the schedule of assessments and the completion of 21143  
the fiscal year in which those assessments will be collected, the 21144  
banking commission determines additional money is required to 21145  
adequately fund the operations of the division of financial 21146  
institutions for that fiscal year, the banking commission may, by 21147  
the affirmative vote of two-thirds of its members, increase the 21148  
schedule of assessments for that fiscal year. The superintendent 21149  
shall promptly notify each bank, savings and loan association, and 21150  
savings bank of the increased assessment, and each bank, savings 21151  
and loan association, and savings bank shall pay the increased 21152  
assessment as made and invoiced by the superintendent. 21153

(4) A bank, savings and loan association, or savings bank 21154  
authorized by the superintendent to commence business in the 21155

period between assessments shall pay the actual reasonable costs 21156  
of the division's examinations and visitations. The bank, savings 21157  
and loan association, or savings bank shall pay the costs within 21158  
fourteen days after receiving an invoice for payment. 21159

(B)(1) Whenever in the judgment of the superintendent the 21160  
condition or conduct of a bank renders it necessary to make 21161  
additional examinations and follow-up visitations within the 21162  
examination cycle beyond the minimum required by division (A) of 21163  
section 1121.10 of the Revised Code, the superintendent shall 21164  
charge the bank for the additional examinations and follow-up 21165  
visitations as provided in division (C) of this section. The bank 21166  
shall pay the fee charged within fourteen days after receiving an 21167  
invoice for payment. 21168

(2) The superintendent shall charge a bank for any 21169  
examination of the bank's operations as a trust company and data 21170  
processing facility in accordance with division (C) of this 21171  
section whether that examination is the only examination of the 21172  
bank in the examination cycle or in addition to other examinations 21173  
of the bank's operations. 21174

(C) The superintendent shall periodically establish a 21175  
schedule of fees to be paid for examinations, applications, 21176  
certifications, and notices considered necessary by the 21177  
superintendent. 21178

(D)(1) The superintendent may waive any fees provided for in 21179  
division (C) of this section to protect the interests of 21180  
depositors and for other fair and reasonable purposes as 21181  
determined by the superintendent. 21182

(2) The fees established by the superintendent pursuant to 21183  
division (C) of this section for processing applications and 21184  
notices and conducting and processing examinations shall be 21185  
reasonable considering the direct and indirect costs to the 21186

division, as determined by the superintendent, of processing the 21187  
applications and for conducting and processing the examinations. 21188

(E) The superintendent may determine and charge reasonable 21189  
fees for furnishing and certifying copies of documents filed with 21190  
the division and for any expenses incurred by the division in the 21191  
publication or serving of required notices. 21192

(F) Assessments and examination and application fees charged 21193  
and collected pursuant to this section are not refundable. Any fee 21194  
charged pursuant to this section shall be paid within fourteen 21195  
days after receiving an invoice for payment of the fee. 21196

(G) The superintendent shall pay all assessments and fees 21197  
charged pursuant to this section and all forfeitures required to 21198  
be paid to the superintendent into the state treasury to the 21199  
credit of the banks fund. 21200

**Sec. 1121.30.** (A) All assessments, fees, charges, and 21201  
forfeitures provided for in Chapters 1101. to ~~1127.~~ 1165. and 21202  
sections 1315.01 to 1315.18 of the Revised Code, except civil 21203  
penalties assessed pursuant to section 1121.35 or 1315.152 of the 21204  
Revised Code, shall be paid to the superintendent of financial 21205  
institutions, and the superintendent shall deposit them into the 21206  
state treasury to the credit of the banks fund, which is hereby 21207  
created. 21208

(B) The superintendent may expend or obligate the banks fund 21209  
to defray the costs of the division of financial institutions in 21210  
administering Chapters 1101. to ~~1127.~~ 1165. and sections 1315.01 21211  
to 1315.18 of the Revised Code. The superintendent shall pay from 21212  
the fund all actual and necessary expenses incurred by the 21213  
superintendent, including for any services rendered by the 21214  
department of commerce for the division's administration of 21215  
Chapters 1101. to ~~1127.~~ 1165. and sections 1315.01 to 1315.18 of 21216  
the Revised Code. The fund shall be assessed a proportionate share 21217

of the administrative costs of the department and the division of 21218  
financial institutions. The proportionate share of the 21219  
administration costs of the division of financial institutions 21220  
shall be determined in accordance with procedures prescribed by 21221  
the superintendent and approved by the director of budget and 21222  
management. The amount assessed for the fund's proportional share 21223  
of the department's administrative costs and the division's 21224  
administrative costs shall be paid from the banks fund to the 21225  
division of administration fund and the division of financial 21226  
institutions fund respectively. 21227

(C) Any money deposited into the state treasury to the credit 21228  
of the banks fund, but not expended or encumbered by the 21229  
superintendent to defray the costs of administering Chapters 1101. 21230  
to ~~1127.~~ 1165. and sections 1315.01 to 1315.18 of the Revised 21231  
Code, shall remain in the banks fund for expenditures by the 21232  
superintendent in subsequent years. 21233

**Sec. 1123.01.** (A) There is hereby created in the division of 21234  
financial institutions a banking commission which shall consist of 21235  
~~seven~~ nine members. The deputy superintendent for banks shall be a 21236  
member of the commission and its chairperson. The governor, with 21237  
the advice and consent of the senate, shall appoint the remaining 21238  
~~six~~ eight members. 21239

(B) After the second Monday in January of each year, the 21240  
governor shall appoint two members. Terms of office shall be for 21241  
~~three~~ four years commencing on the first day of February and 21242  
ending on the thirty-first day of January. Each member shall hold 21243  
office from the date appointed until the end of the term for which 21244  
appointed. In the case of a vacancy in the office of any member, 21245  
the governor shall appoint a successor who shall hold office for 21246  
the remainder of the term for which the successor's predecessor 21247  
was appointed. Any member shall continue in office subsequent to 21248

the expiration date of the member's term until the member's 21249  
successor is appointed, or until sixty days have elapsed, 21250  
whichever occurs first. 21251

(C) No person appointed as a member of the commission may 21252  
serve more than two consecutive full terms. However, a member may 21253  
serve two consecutive full terms following the remainder of a term 21254  
for which the member was appointed to fill a vacancy. 21255

(D)(1) At least ~~three~~ six of the ~~six~~ eight members appointed 21256  
to the commission shall be, at the time of appointment, executive 21257  
officers of banks, savings and loan associations, or savings banks 21258  
transacting business under authority granted by the superintendent 21259  
of financial institutions, and ~~four~~ all of the ~~six~~ members 21260  
appointed to the commission shall have banking experience as a 21261  
director or officer of a bank, savings bank, or savings 21262  
association insured by the federal deposit insurance corporation, 21263  
a bank holding company, or a savings and loan holding company. The 21264  
membership of the commission shall be representative of the 21265  
banking industry as a whole, including representatives of banks of 21266  
various asset sizes and ownership structures, as determined by the 21267  
governor after consultation with the superintendent of financial 21268  
institutions ~~from time to time.~~ 21269

(2) No person who has been convicted of, or has pleaded 21270  
guilty to, a felony involving an act of fraud, dishonesty or, 21271  
breach of trust, theft, or money laundering shall take or hold 21272  
office as a member of the banking commission. 21273

(E) The members of the commission shall receive no salary, 21274  
but their expenses incurred in the performance of their duties 21275  
shall be paid from funds appropriated for that purpose. 21276

(F) The governor may remove any of the ~~six~~ eight members 21277  
appointed to the commission whenever in the governor's judgment 21278  
the public interest requires removal. Upon removing a member of 21279

the commission, the governor shall file with the superintendent a 21280  
statement of the cause for the removal. 21281

**Sec. 1123.02.** (A) The banking commission shall hold regular 21282  
meetings at the times and places it fixes, and shall meet at any 21283  
time on call of the deputy superintendent for banks upon two days' 21284  
notice unless the commission by resolution provides for a shorter 21285  
notice. 21286

(B) A majority of the full commission constitutes a quorum, 21287  
and action taken by a majority of those present at a meeting at 21288  
which there is a quorum constitutes the action of the commission. 21289

(C) No member shall participate before the commission in a 21290  
proceeding involving any bank, savings and loan association, or 21291  
savings bank of which the member is, or was at any time in the 21292  
preceding twelve months, a member of the board of directors, an 21293  
officer, an employee, or a shareholder. A member may refrain from 21294  
participating in a proceeding before the commission for any other 21295  
cause the member considers sufficient. 21296

(D) The commission may, by a majority vote of those present 21297  
at a meeting at which there is a quorum, adopt and amend bylaws 21298  
and rules the commission, in its judgment, considers necessary and 21299  
proper. The commission shall select one of its members as 21300  
secretary, who shall keep a record of all its proceedings. 21301

**Sec. 1123.03.** The banking commission shall do all of the 21302  
following: 21303

(A) Make recommendations to the deputy superintendent for 21304  
banks and the superintendent of financial institutions on the 21305  
business of banking; 21306

(B) Consider and make recommendations on any matter the 21307  
superintendent or deputy superintendent submits to the commission 21308  
for that purpose; 21309

(C) Pass upon and determine any matter the superintendent or deputy superintendent submits to the commission for determination; 21310  
21311

(D) Consider and determine whether to confirm the annual schedule of assessments proposed by the superintendent in accordance with section 1121.29 of the Revised Code; 21312  
21313  
21314

(E) Determine whether to increase the schedule of assessments as provided in division (A)(3) of section 1121.29 of the Revised Code; 21315  
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(F) Determine, as provided in division (D) of section 1121.12 of the Revised Code, both of the following: 21318  
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(1) Whether there is reasonable cause to believe that there is a significant risk of imminent material harm to the bank; 21320  
21321

(2) Whether the examination of the bank holding company is necessary to fully determine the risk to the bank, or to determine how best to address the risk to the bank. 21322  
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21324

**Sec. 1155.07.** Every savings and loan association organized under the laws of this state shall make, as of the thirty-first day of December and the thirtieth day of June of each year, a report of the affairs and business of the association for the preceding half year, showing its financial condition at the end thereof. The statement as of the thirty-first day of December shall be the annual statement of the association. The superintendent of financial institutions may also require monthly reports. 21325  
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The superintendent may, by written order mailed to the managing officer of such an association, require any association to submit to the superintendent within a reasonable time specified in the written order a report concerning its real estate and other assets, other than the appraisals required by section 1151.54 of the Revised Code. 21334  
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Any such association refusing or neglecting to file any 21340  
report required by this section within the time specified shall 21341  
forfeit one hundred dollars for every day that such default 21342  
continues unless such penalty, in whole or in part, is waived by 21343  
the superintendent. The superintendent may maintain an action in 21344  
the name of the state to recover such forfeiture which, upon its 21345  
collection, shall be paid into the state treasury to the credit of 21346  
the ~~savings institutions~~ banks fund established under section 21347  
~~1181.18~~ 1121.30 of the Revised Code. 21348

Every such association shall maintain adequate, complete, and 21349  
correct accounts and shall observe such generally accepted 21350  
accounting principles and practices or generally accepted auditing 21351  
standards, as the superintendent prescribes. The superintendent 21352  
shall demand once a year, and at the expense of the association, 21353  
that its accounts be audited by an independent auditor. A copy of 21354  
the audit report shall be submitted to the board of directors of 21355  
the association and filed, together with management's ~~reponse~~ 21356  
response, with the superintendent within thirty days after 21357  
presentation of the completed report to the board or not later 21358  
than the thirty-first day of March of the year next succeeding the 21359  
year for which the audit was conducted, whichever occurs first, 21360  
unless the time is extended by the superintendent. 21361

At the conclusion of the audit of an association, an 21362  
independent auditor shall attend a meeting at which there are 21363  
present only the outside directors of the association or a 21364  
committee comprised of and appointed by such outside directors and 21365  
fully disclose at that time to those directors all audit 21366  
exceptions that developed during the audit and all relevant data 21367  
and information concerning the financial condition, investment 21368  
practices, and other financial policies and procedures of the 21369  
association. The meeting shall be held at a time and place that is 21370  
agreed upon by the independent auditor and the outside directors 21371



or their committee. A complete record of the proceedings of the 21372  
meeting shall be kept in a minute book that is maintained solely 21373  
for the purpose of keeping such records. Nothing in this paragraph 21374  
shall be construed to prevent the independent auditor from meeting 21375  
at other times with inside directors, officers, or employees of 21376  
the association. 21377

The superintendent may prescribe a schedule for the 21378  
preservation and destruction of books, records, certificates, 21379  
documents, reports, correspondence, and other instruments, papers, 21380  
and writings of such an association, even if such association has 21381  
been liquidated pursuant to law. An association may dispose of any 21382  
books, records, certificates, documents, reports, correspondence, 21383  
and other instruments, papers, and writings which have been 21384  
retained or preserved for the period prescribed by the 21385  
superintendent pursuant to this paragraph. The requirements of 21386  
this paragraph may be complied with by the preservation of records 21387  
in the manner prescribed in section 2317.41 of the Revised Code. 21388

**Sec. 1155.10.** Whenever the superintendent of financial 21389  
institutions considers it necessary, the superintendent may make a 21390  
special examination of any savings and loan association, and the 21391  
expense of the examination shall be paid by the association. Such 21392  
expenses shall be collected by the superintendent and paid into 21393  
the state treasury to the credit of the ~~savings institutions~~ banks 21394  
fund established under section ~~1181.18~~ 1121.30 of the Revised 21395  
Code. Any examination made by the superintendent otherwise than in 21396  
the ordinary routine of the superintendent's duties and because, 21397  
in the superintendent's opinion, the condition of the association 21398  
requires such examination, is a special examination within the 21399  
meaning of this section. 21400

**Sec. 1163.09.** (A) Every savings bank organized under the laws 21401  
of this state, as of the thirty-first day of December and the 21402

thirtieth day of June of each year, shall make a report of the 21403  
affairs and business of the savings bank for the preceding half 21404  
year, showing its financial condition at the end thereof. The 21405  
statement as of the thirty-first day of December shall be the 21406  
annual statement of the savings bank. The superintendent of 21407  
financial institutions may also require monthly reports. 21408

(B) The superintendent, by written order mailed to the 21409  
managing officer of a savings bank, may require any savings bank 21410  
to submit to the superintendent within a reasonable time specified 21411  
in the written order a report concerning its real estate and other 21412  
assets, other than the appraisals required by section 1161.81 of 21413  
the Revised Code. 21414

(C) Any savings bank refusing or neglecting to file any 21415  
report required by this section within the time specified shall 21416  
forfeit one hundred dollars for every day that the default 21417  
continues unless the penalty, in whole or in part, is waived by 21418  
the superintendent. The superintendent may maintain an action in 21419  
the name of the state to recover the forfeiture which, upon its 21420  
collection, shall be paid into the state treasury to the credit of 21421  
the ~~savings institutions~~ banks fund established under section 21422  
~~1181.18~~ 1121.30 of the Revised Code. 21423

(D) Every savings bank shall maintain adequate, complete, and 21424  
correct accounts and shall observe such generally accepted 21425  
accounting principles and practices or generally accepted auditing 21426  
standards, as the superintendent prescribes. The superintendent 21427  
shall demand once a year, and at the expense of the savings bank, 21428  
that its accounts be audited by an independent auditor. A copy of 21429  
the audit report shall be submitted to the board of directors of 21430  
the savings bank and filed, together with management's ~~response~~ 21431  
response, with the superintendent within thirty days after 21432  
presentation of the completed report to the board or not later 21433  
than the thirty-first day of March of the year next succeeding the 21434

year for which the audit was conducted, whichever occurs first, 21435  
unless the time is extended by the superintendent. 21436

(E) At the conclusion of the audit of a savings bank, an 21437  
independent auditor shall attend a meeting at which there are 21438  
present only the outside directors of the savings bank or a 21439  
committee composed of and appointed by the outside directors and 21440  
fully disclose at that time to those directors all audit 21441  
exceptions that developed during the audit and all relevant data 21442  
and information concerning the financial condition, investment 21443  
practices, and other financial policies and procedures of the 21444  
savings bank. The meeting shall be held at a time and place that 21445  
is agreed upon by the independent auditor and the outside 21446  
directors or their committee. A complete record of the proceedings 21447  
of the meeting shall be kept in a minute book that is maintained 21448  
solely for the purpose of keeping these records. Nothing in this 21449  
division shall be construed to prevent the independent auditor 21450  
from meeting at other times with inside directors, officers, or 21451  
employees of the savings bank. 21452

(F) The superintendent may prescribe a schedule for the 21453  
preservation and destruction of books, records, certificates, 21454  
documents, reports, correspondence, and other instruments, papers, 21455  
and writings of a savings bank, even if the savings bank has been 21456  
liquidated pursuant to law. A savings bank may dispose of any 21457  
books, records, certificates, documents, reports, correspondence, 21458  
and other instruments, papers, and writings that have been 21459  
retained or preserved for the period prescribed by the 21460  
superintendent pursuant to this division. The requirements of this 21461  
division may be complied with by the preservation of records in 21462  
the manner prescribed in section 2317.41 of the Revised Code. 21463

**Sec. 1163.13.** Whenever the superintendent of financial 21464  
institutions considers it necessary, the superintendent may make a 21465

special examination of any savings bank, and the expense of the 21466  
examination shall be paid by the savings bank. These moneys shall 21467  
be collected by the superintendent and paid into the state 21468  
treasury to the credit of the ~~savings institutions~~ banks fund 21469  
established under section ~~1181.18~~ 1121.30 of the Revised Code. Any 21470  
examination made by the superintendent otherwise than in the 21471  
ordinary routine of the superintendent's duties and because, in 21472  
the superintendent's opinion, the condition of the savings bank 21473  
requires the examination, is a special examination within the 21474  
meaning of this section. 21475

**Sec. 1181.06.** There is hereby created in the state treasury 21476  
the financial institutions fund. The fund shall receive 21477  
assessments on the banks fund established under section 1121.30 of 21478  
the Revised Code, ~~the savings institutions fund established under~~ 21479  
~~section 1181.18 of the Revised Code,~~ the credit unions fund 21480  
established under section 1733.321 of the Revised Code, and the 21481  
consumer finance fund established under section 1321.21 of the 21482  
Revised Code in accordance with procedures prescribed by the 21483  
superintendent of financial institutions and approved by the 21484  
director of budget and management. Such assessments shall be in 21485  
addition to any assessments on these funds required under division 21486  
(G) of section 121.08 of the Revised Code. All operating expenses 21487  
of the division of financial institutions shall be paid from the 21488  
financial institutions fund. 21489

**Sec. 1349.21.** No escrow or closing agent knowingly shall 21490  
make, in an escrow transaction, a disbursement from an escrow 21491  
account on behalf of another person, unless the following 21492  
conditions are met: 21493

(A) The funds necessary for the disbursement: 21494

(1) Have been transferred electronically to or deposited into 21495

the escrow account of the escrow or closing agent and are 21496  
immediately available for withdrawal and disbursement; 21497

(2) Are in an aggregate amount not exceeding ~~one~~ ten thousand 21498  
dollars, have been physically received by the agent prior to 21499  
disbursement and are intended for deposit no later than the next 21500  
banking day after the date of disbursement; or 21501

(3) Are funds drawn on a special or trust bank account as 21502  
described in division (A)(26) of section 4735.18 of the Revised 21503  
Code. 21504

(B) The transfers or deposits described in division (A) of 21505  
this section consist of any of the following: 21506

(1) Business checks drawn on special or trust bank accounts 21507  
described in division (A)(26) of section 4735.18 of the Revised 21508  
Code; 21509

(2) Cash, personal checks, business checks other than those 21510  
described in division (B)(1) of this section, certified checks, 21511  
cashier's checks, official checks, or money orders that are in an 21512  
aggregate amount not exceeding ~~one~~ ten thousand dollars and are 21513  
drawn on an existing account at a federally insured bank, savings 21514  
and loan association, credit union, or savings bank; 21515

(3) Electronically transferred funds via the automated 21516  
clearing house system initiated by, or a check issued by, the 21517  
United States or this state, or by an agency, instrumentality, or 21518  
political subdivision of the United States or this state; or 21519

(4) ~~Electronically transferred funds via the real-time gross~~ 21520  
~~settlement system provided by the federal reserve banks~~ Any direct 21521  
and irrevocable electronic transfer that originates from a 21522  
federally insured financial institution into an escrow account. 21523

Sec. 1501.08. (A) There is hereby created in the state 21524  
treasury the state park maintenance fund. 21525

(1) Notwithstanding section 1546.21 of the Revised Code, on or after the first day of July of each fiscal year, the director of natural resources may request the director of budget and management to transfer money from the state park fund to the state park maintenance fund in an amount not exceeding five per cent of the annual average revenue deposited in the state park fund. 21526  
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(2) The department of natural resources shall use money in the state park maintenance fund only for maintenance, repair, and renovation projects at state parks that are approved by the director. The department shall not use money in the fund to construct new facilities. 21532  
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(B) The chief of the division of parks and watercraft shall submit to the director a list of projects in order to request disbursements from the state park maintenance fund. The chief shall include with each list a description of necessary maintenance, repair, and renovation at state park facilities. The director shall determine which projects are eligible for disbursement from the fund. The chief shall not begin any project for which disbursement is requested before obtaining the director's approval as required by this section. 21537  
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**Sec. 1503.05.** (A) The chief of the division of forestry may sell timber and other forest products from the state forest and state forest nurseries whenever the chief considers such a sale desirable and, with the approval of the attorney general and the director of natural resources, may sell portions of the state forest lands when such a sale is advantageous to the state. 21546  
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(B) Except as otherwise provided in this section, a timber sale agreement shall not be executed unless the person or governmental entity bidding on the sale executes and files a surety bond conditioned on completion of the timber sale in accordance with the terms of the agreement in an amount determined 21552  
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by the chief. All bonds shall be given in a form prescribed by the 21557  
chief and shall run to the state as obligee. 21558

The chief shall not approve any bond until it is personally 21559  
signed and acknowledged by both principal and surety, or as to 21560  
either by the attorney in fact thereof, with a certified copy of 21561  
the power of attorney attached. The chief shall not approve the 21562  
bond unless there is attached a certificate of the superintendent 21563  
of insurance that the company is authorized to transact a fidelity 21564  
and surety business in this state. 21565

In lieu of a bond, the bidder may deposit any of the 21566  
following: 21567

(1) Cash in an amount equal to the amount of the bond; 21568

(2) United States government securities having a par value 21569  
equal to or greater than the amount of the bond; 21570

(3) Negotiable certificates of deposit or irrevocable letters 21571  
of credit issued by any bank organized or transacting business in 21572  
this state having a par value equal to or greater than the amount 21573  
of the bond. 21574

The cash or securities shall be deposited on the same terms 21575  
as bonds. If one or more certificates of deposit are deposited in 21576  
lieu of a bond, the chief shall require the bank that issued any 21577  
of the certificates to pledge securities of the aggregate market 21578  
value equal to the amount of the certificate or certificates that 21579  
is in excess of the amount insured by the federal deposit 21580  
insurance corporation. The securities to be pledged shall be those 21581  
designated as eligible under section 135.18 of the Revised Code. 21582  
The securities shall be security for the repayment of the 21583  
certificate or certificates of deposit. 21584

Immediately upon a deposit of cash, securities, certificates 21585  
of deposit, or letters of credit, the chief shall deliver them to 21586  
the treasurer of state, who shall hold them in trust for the 21587

purposes for which they have been deposited. The treasurer of 21588  
state is responsible for the safekeeping of the deposits. A bidder 21589  
making a deposit of cash, securities, certificates of deposit, or 21590  
letters of credit may withdraw and receive from the treasurer of 21591  
state, on the written order of the chief, all or any portion of 21592  
the cash, securities, certificates of deposit, or letters of 21593  
credit upon depositing with the treasurer of state cash, other 21594  
United States government securities, or other negotiable 21595  
certificates of deposit or irrevocable letters of credit issued by 21596  
any bank organized or transacting business in this state, equal in 21597  
par value to the par value of the cash, securities, certificates 21598  
of deposit, or letters of credit withdrawn. 21599

A bidder may demand and receive from the treasurer of state 21600  
all interest or other income from any such securities or 21601  
certificates as it becomes due. If securities so deposited with 21602  
and in the possession of the treasurer of state mature or are 21603  
called for payment by their issuer, the treasurer of state, at the 21604  
request of the bidder who deposited them, shall convert the 21605  
proceeds of the redemption or payment of the securities into other 21606  
United States government securities, negotiable certificates of 21607  
deposit, or cash as the bidder designates. 21608

When the chief finds that a person or governmental agency has 21609  
failed to comply with the conditions of the person's or 21610  
governmental agency's bond, the chief shall make a finding of that 21611  
fact and declare the bond, cash, securities, certificates, or 21612  
letters of credit forfeited. The chief thereupon shall certify the 21613  
total forfeiture to the attorney general, who shall proceed to 21614  
collect the amount of the bond, cash, securities, certificates, or 21615  
letters of credit. 21616

In lieu of total forfeiture, the surety, at its option, may 21617  
cause the timber sale to be completed or pay to the treasurer of 21618  
state the cost thereof. 21619



All moneys collected as a result of forfeitures of bonds, 21620  
cash, securities, certificates, and letters of credit under this 21621  
section shall be credited to the state forest fund created in this 21622  
section. 21623

(C) The chief may grant easements and leases on portions of 21624  
the state forest lands and state forest nurseries under terms that 21625  
are advantageous to the state, and the chief may grant mineral 21626  
rights on a royalty basis on those lands and nurseries, with the 21627  
approval of the attorney general and the director. 21628

(D) All moneys received from the sale of state forest lands, 21629  
or in payment for easements or leases on or as rents from those 21630  
lands or from state forest nurseries, shall be paid into the state 21631  
treasury to the credit of the state forest fund, which is hereby 21632  
created. In addition, all moneys received from federal grants, 21633  
payments, and reimbursements, from the sale of reforestation tree 21634  
stock, from the sale of forest products, other than standing 21635  
timber, and from the sale of minerals taken from the state forest 21636  
lands and state forest nurseries, together with royalties from 21637  
mineral rights, shall be paid into the state treasury to the 21638  
credit of the state forest fund. Any other revenues derived from 21639  
the operation of the state forests and related facilities or 21640  
equipment also shall be paid into the state treasury to the credit 21641  
of the state forest fund, as shall contributions received for the 21642  
issuance of Smokey Bear license plates under section 4503.574 of 21643  
the Revised Code and any other moneys required by law to be 21644  
deposited in the fund. 21645

The state forest fund shall not be expended for any purpose 21646  
other than the administration, operation, maintenance, 21647  
development, or utilization of the state forests, forest 21648  
nurseries, and forest programs, for facilities or equipment 21649  
incident to them, ~~or~~ for the further purchase of lands for state 21650  
forest or forest nursery purposes, or for wildfire suppression 21651

payments and, in the case of contributions received pursuant to 21652  
section 4503.574 of the Revised Code, for fire prevention 21653  
purposes. 21654

All moneys received from the sale of standing timber taken 21655  
from state forest lands and state forest nurseries shall be 21656  
deposited into the state treasury to the credit of the forestry 21657  
holding account redistribution fund, which is hereby created. The 21658  
moneys shall remain in the fund until they are redistributed in 21659  
accordance with this division. 21660

The redistribution shall occur at least once each year. To 21661  
begin the redistribution, the chief first shall determine the 21662  
amount of all standing timber sold from state forest lands and 21663  
state forest nurseries, together with the amount of the total sale 21664  
proceeds, in each county, in each township within the county, and 21665  
in each school district within the county. The chief next shall 21666  
determine the amount of the direct costs that the division of 21667  
forestry incurred in association with the sale of that standing 21668  
timber. The amount of the direct costs shall be subtracted from 21669  
the amount of the total sale proceeds and shall be transferred 21670  
from the forestry holding account redistribution fund to the state 21671  
forest fund. 21672

The remaining amount of the total sale proceeds equals the 21673  
net value of the standing timber that was sold. The chief shall 21674  
determine the net value of standing timber sold from state forest 21675  
lands and state forest nurseries in each county, in each township 21676  
within the county, and in each school district within the county 21677  
and shall send to each county treasurer a copy of the 21678  
determination at the time that moneys are paid to the county 21679  
treasurer under this division. 21680

Thirty-five per cent of the net value of standing timber sold 21681  
from state forest lands and state forest nurseries located in a 21682  
county shall be transferred from the forestry holding account 21683

redistribution fund to the state forest fund. The remaining 21684  
sixty-five per cent of the net value shall be transferred from the 21685  
forestry holding account redistribution fund and paid to the 21686  
county treasurer for the use of the general fund of that county. 21687

The county auditor shall do all of the following: 21688

(1) Retain for the use of the general fund of the county 21689  
one-fourth of the amount received by the county under division (D) 21690  
of this section; 21691

(2) Pay into the general fund of any township located within 21692  
the county and containing such lands and nurseries one-fourth of 21693  
the amount received by the county from standing timber sold from 21694  
lands and nurseries located in the township; 21695

(3) Request the board of education of any school district 21696  
located within the county and containing such lands and nurseries 21697  
to identify which fund or funds of the district should receive the 21698  
moneys available to the school district under division (D)(3) of 21699  
this section. After receiving notice from the board, the county 21700  
auditor shall pay into the fund or funds so identified one-half of 21701  
the amount received by the county from standing timber sold from 21702  
lands and nurseries located in the school district, distributed 21703  
proportionately as identified by the board. 21704

The division of forestry shall not supply logs, lumber, or 21705  
other forest products or minerals, taken from the state forest 21706  
lands or state forest nurseries, to any other agency or 21707  
subdivision of the state unless payment is made therefor in the 21708  
amount of the actual prevailing value thereof. This section is 21709  
applicable to the moneys so received. 21710

(E) The chief may enter into a personal service contract for 21711  
consulting services to assist the chief with the sale of timber or 21712  
other forest products and related inventory. Compensation for 21713  
consulting services shall be paid from the proceeds of the sale of 21714

timber or other forest products and related inventory that are the 21715  
subject of the personal service contract. 21716

**Sec. 1503.141.** ~~There is hereby created in the state treasury~~ 21717  
~~the wildfire suppression fund. The fund shall consist of any~~ 21718  
~~federal moneys received for the purposes of this section and~~ 21719  
~~donations, gifts, bequests, and other moneys received for those~~ 21720  
~~purposes. In addition, the chief of the division of forestry~~ 21721  
~~annually may request that the director of budget and management~~ 21722  
~~transfer, and, if so requested, the director shall transfer, Each~~ 21723  
~~fiscal year, the director of natural resources or the director's~~ 21724  
~~designee shall designate not more than ~~one~~ two hundred thousand~~ 21725  
~~dollars to the wildfire suppression fund from in the state forest~~ 21726  
~~fund created in section 1503.05 of the Revised Code for wildfire~~ 21727  
~~suppression payments. The amount ~~transferred~~ designated shall~~ 21728  
~~consist only of money ~~deposited into the state forest~~ credited to~~ 21729  
~~the fund from the sale of standing timber taken from state forest~~ 21730  
~~lands as set forth in that section.~~ 21731

The ~~chief director or the director's designee~~ may use ~~moneys~~ 21732  
~~in the money designated for wildfire suppression ~~fund~~ payments to~~ 21733  
reimburse firefighting agencies and private fire companies for 21734  
their costs incurred in the suppression of wildfires in counties 21735  
within fire protection areas established under section 1503.08 of 21736  
the Revised Code where there is a state forest or national forest, 21737  
or portion thereof. The ~~chief, with the approval of the director~~ 21738  
~~of natural resources, or the director's designee~~ may provide such 21739  
reimbursement in additional counties. The ~~chief director or the~~ 21740  
~~director's designee~~ shall provide such reimbursement pursuant to 21741  
agreements and contracts entered into under section 1503.14 of the 21742  
Revised Code and in accordance with the following schedule: 21743

(A) For wildfire suppression on private land, an initial 21744  
seventy-dollar payment to the firefighting agency or private fire 21745

company; 21746

(B) For wildfire suppression on land under the administration 21747  
or care of the department of natural resources or on land that is 21748  
part of any national forest administered by the United States 21749  
department of agriculture forest service, an initial 21750  
one-hundred-dollar payment to the firefighting agency or private 21751  
fire company; 21752

(C) For any wildfire suppression on land specified in 21753  
division (A) or (B) of this section lasting more than two hours, 21754  
an additional payment of thirty-five dollars per hour. 21755

~~If at any time moneys in the fund exceed two hundred thousand 21756  
dollars, the chief shall transfer the moneys that exceed that 21757  
amount to the state forest fund. 21758~~

As used in this section, "firefighting agency" and "private 21759  
fire company" have the same meanings as in section 9.60 of the 21760  
Revised Code. 21761

**Sec. 1505.09.** (A) There is hereby created in the state 21762  
treasury the geological mapping fund, to be administered by the 21763  
chief of the division of geological survey. The Except as provided 21764  
in division (B) of this section, the fund shall be used for the 21765  
purposes of performing the necessary field, laboratory, and 21766  
administrative tasks to map and make public reports on the 21767  
geology, geologic hazards, and energy and mineral resources of the 21768  
state. The source of ~~moneys~~ money for the fund shall include, but 21769  
not be limited to, the mineral severance tax as specified in 21770  
section 5749.02 of the Revised Code transfers made to the fund in 21771  
accordance with section 6111.046 of the Revised Code, and the fees 21772  
collected under rules adopted under section 1505.05 of the Revised 21773  
Code. The chief may seek federal or other ~~moneys~~ money in addition 21774  
to the mineral severance tax and fees to carry out the purposes of 21775  
this section. If the chief receives federal ~~moneys~~ money for the 21776

purposes of this section, the chief shall deposit ~~those moneys~~ 21777  
that money into the state treasury to the credit of a fund created 21778  
by the controlling board to carry out those purposes. Other ~~moneys~~ 21779  
money received by the chief for the purposes of this section in 21780  
addition to the mineral severance tax, fees, and federal ~~moneys~~ 21781  
money shall be credited to the geological mapping fund. 21782

(B) Any money transferred to the geological mapping fund in 21783  
accordance with section 6111.046 of the Revised Code shall be used 21784  
by the chiefs of the divisions of mineral resources management, 21785  
oil and gas resources management, geological survey, and water 21786  
resources in the department of natural resources for the purpose 21787  
of executing their duties under sections 6111.043 to 6111.047 of 21788  
the Revised Code. 21789

**Sec. 1506.23.** (A) There is hereby created in the state 21790  
treasury the Lake Erie protection fund, which shall consist of 21791  
~~moneys~~ money deposited into the fund from the issuance of Lake 21792  
Erie license plates under section 4503.52 of the Revised Code, 21793  
money awarded to the state from the great lakes protection fund, 21794  
and donations, gifts, bequests, and other ~~moneys~~ received for the 21795  
purposes of this section. Not later than the first day of June 21796  
each year, the Ohio Lake Erie commission created in section 21797  
1506.21 of the Revised Code shall designate one of its members to 21798  
administer the fund and, with the approval of the commission, to 21799  
expend ~~moneys~~ from the fund for any of the following purposes: 21800

(1) Accelerating the pace of research into the economic, 21801  
environmental, and human health effects of contamination of Lake 21802  
Erie and its tributaries; 21803

(2) Funding cooperative research and data collection 21804  
regarding Lake Erie water quality and toxic contamination; 21805

(3) Developing improved methods of measuring water quality 21806  
and establishing a firm scientific base for implementing a 21807

basinwide system of water quality management for Lake Erie and its tributaries; 21808  
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(4) Supporting research to improve the scientific knowledge on which protection policies are based and devising new and innovative clean-up techniques for toxic contaminants; 21810  
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(5) Supplementing, in a stable and predictable manner, state commitments to policies and programs pertaining to Lake Erie water quality and resource protection; 21813  
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(6) Encouraging cooperation with and among leaders from state legislatures, state agencies, political subdivisions, business and industry, labor, institutions of higher education, environmental organizations, and conservation groups within the Lake Erie basin; 21816  
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(7) Awarding of grants to any agency of the United States, any state agency, as "agency" is defined in division (A)(2) of section 111.15 of the Revised Code, any political subdivision, any educational institution, or any nonprofit organization for the development and implementation of projects and programs that are designed to protect Lake Erie by reducing toxic contamination of or improving water quality in Lake Erie; 21820  
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(8) Expenses authorized by the Ohio Lake Erie commission necessary to implement this chapter. 21827  
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(B) Moneys in the Lake Erie protection fund are not intended to replace other moneys expended by any agency of the United States, any state agency, as "agency" is so defined, any political subdivision, any educational institution, or any nonprofit organization for projects and programs that are designed to protect Lake Erie by reducing toxic contamination of or improving water quality in Lake Erie. 21829  
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(C) Each March, the Ohio Lake Erie commission shall publish a Lake Erie protection agenda that describes proposed uses of the Lake Erie protection fund for the following state fiscal year. The 21836  
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agenda shall be the subject of at least one public meeting of the 21839  
commission held in the Lake Erie basin. The commission shall 21840  
submit the agenda to the governor, the president of the senate, 21841  
and the speaker of the house of representatives. 21842

(D) Not later than September 1, 1991, and annually 21843  
thereafter, the Lake Erie commission shall prepare a report of the 21844  
activities that were undertaken by the commission under this 21845  
section during the immediately preceding fiscal year, including, 21846  
without limitation, revenues and expenses for the preceding fiscal 21847  
year. The commission shall submit the report to the governor, the 21848  
president of the senate, and the speaker of the house of 21849  
representatives. 21850

**Sec. 1509.02.** There is hereby created in the department of 21851  
natural resources the division of oil and gas resources 21852  
management, which shall be administered by the chief of the 21853  
division of oil and gas resources management. The division has 21854  
sole and exclusive authority to regulate the permitting, location, 21855  
and spacing of oil and gas wells and production operations within 21856  
the state, excepting only those activities regulated under federal 21857  
laws for which oversight has been delegated to the environmental 21858  
protection agency and activities regulated under sections 6111.02 21859  
to 6111.028 of the Revised Code. The regulation of oil and gas 21860  
activities is a matter of general statewide interest that requires 21861  
uniform statewide regulation, and this chapter and rules adopted 21862  
under it constitute a comprehensive plan with respect to all 21863  
aspects of the locating, drilling, well stimulation, completing, 21864  
and operating of oil and gas wells within this state, including 21865  
site construction and restoration, permitting related to those 21866  
activities, and the disposal of wastes from those wells. In order 21867  
to assist the division in the furtherance of its sole and 21868  
exclusive authority as established in this section, the chief may 21869  
enter into cooperative agreements with other state agencies for 21870



advice and consultation, including visitations at the surface 21871  
location of a well on behalf of the division. Such cooperative 21872  
agreements do not confer on other state agencies any authority to 21873  
administer or enforce this chapter and rules adopted under it. In 21874  
addition, such cooperative agreements shall not be construed to 21875  
dilute or diminish the division's sole and exclusive authority as 21876  
established in this section. Nothing in this section affects the 21877  
authority granted to the director of transportation and local 21878  
authorities in section 723.01 or 4513.34 of the Revised Code, 21879  
provided that the authority granted under those sections shall not 21880  
be exercised in a manner that discriminates against, unfairly 21881  
impedes, or obstructs oil and gas activities and operations 21882  
regulated under this chapter. 21883

The chief shall not hold any other public office, nor shall 21884  
the chief be engaged in any occupation or business that might 21885  
interfere with or be inconsistent with the duties as chief. 21886

~~All moneys~~ Money collected by the chief pursuant to sections 21887  
1509.06, 1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 21888  
1509.28, 1509.34, ~~and 1509.50,~~ and 5749.02 of the Revised Code, 21889  
~~ninety per cent of moneys received by the treasurer of state from~~ 21890  
~~the tax levied in divisions (A)(5) and (6) of section 5749.02 of~~ 21891  
~~the Revised Code,~~ all civil penalties paid under section 1509.33 21892  
of the Revised Code, and, notwithstanding any section of the 21893  
Revised Code relating to the distribution or crediting of fines 21894  
for violations of the Revised Code, all fines imposed under 21895  
divisions (A) and (B) of section 1509.99 of the Revised Code and 21896  
fines imposed under divisions (C) and (D) of section 1509.99 of 21897  
the Revised Code for all violations prosecuted by the attorney 21898  
general and for violations prosecuted by prosecuting attorneys 21899  
that do not involve the transportation of brine by vehicle shall 21900  
be deposited into the state treasury to the credit of the oil and 21901  
gas well fund, which is hereby created. Fines imposed under 21902

divisions (C) and (D) of section 1509.99 of the Revised Code for 21903  
violations prosecuted by prosecuting attorneys that involve the 21904  
transportation of brine by vehicle and penalties associated with a 21905  
compliance agreement entered into pursuant to this chapter shall 21906  
be paid to the county treasury of the county where the violation 21907  
occurred. 21908

The fund shall be used solely and exclusively for the 21909  
purposes enumerated in division (B) of section 1509.071 of the 21910  
Revised Code, for the expenses of the division associated with the 21911  
administration of this chapter and Chapter 1571. of the Revised 21912  
Code and rules adopted under them, and for expenses that are 21913  
critical and necessary for the protection of human health and 21914  
safety and the environment related to oil and gas production in 21915  
this state. The expenses of the division in excess of the moneys 21916  
available in the fund shall be paid from general revenue fund 21917  
appropriations to the department. 21918

**Sec. 1509.071.** (A) When the chief of the division of oil and 21919  
gas resources management finds that an owner has failed to comply 21920  
with a final nonappealable order issued or compliance agreement 21921  
entered into under section 1509.04, the restoration requirements 21922  
of section 1509.072, plugging requirements of section 1509.12, or 21923  
permit provisions of section 1509.13 of the Revised Code, or rules 21924  
and orders relating thereto, the chief shall make a finding of 21925  
that fact and declare any surety bond filed to ensure compliance 21926  
with those sections and rules forfeited in the amount set by rule 21927  
of the chief. The chief thereupon shall certify the total 21928  
forfeiture to the attorney general, who shall proceed to collect 21929  
the amount of the forfeiture. In addition, the chief may require 21930  
an owner, operator, producer, or other person who forfeited a 21931  
surety bond to post a new surety bond in the amount of fifteen 21932  
thousand dollars for a single well, thirty thousand dollars for 21933  
two wells, or fifty thousand dollars for three or more wells. 21934

In lieu of total forfeiture, the surety or owner, at the surety's or owner's option, may cause the well to be properly plugged and abandoned and the area properly restored or pay to the treasurer of state the cost of plugging and abandonment.

(B) All moneys collected because of forfeitures of bonds as provided in this section shall be deposited in the state treasury to the credit of the oil and gas well fund created in section 1509.02 of the Revised Code.

The chief annually shall spend not less than fourteen per cent of the revenue credited to the fund during the previous fiscal year for the following purposes:

(1) In accordance with division (D) of this section, to plug idle and orphaned wells or to restore the land surface properly as required in section 1509.072 of the Revised Code;

(2) In accordance with division (E) of this section, to correct conditions that the chief reasonably has determined are causing imminent health or safety risks at an idle and orphaned well or a well for which the owner cannot be contacted in order to initiate a corrective action within a reasonable period of time as determined by the chief.

Expenditures from the fund shall be made only for lawful purposes. In addition, expenditures from the fund shall not be made to purchase real property or to remove a dwelling in order to access a well.

The director of budget and management, in consultation with the chief, shall establish an accounting code for purposes of tracking expenditures made as required under this division.

(C)(1) Upon determining that the owner of a well has failed to properly plug and abandon it or to properly restore the land surface at the well site in compliance with the applicable requirements of this chapter and applicable rules adopted and

orders issued under it or that a well is an abandoned well for 21966  
which no funds are available to plug the well in accordance with 21967  
this chapter, the chief shall do all of the following: 21968

(a) Determine from the records in the office of the county 21969  
recorder of the county in which the well is located the identity 21970  
of the owner of the land on which the well is located, the 21971  
identity of the owner of the oil or gas lease under which the well 21972  
was drilled or the identity of each person owning an interest in 21973  
the lease, and the identities of the persons having legal title 21974  
to, or a lien upon, any of the equipment appurtenant to the well; 21975

(b) Mail notice to the owner of the land on which the well is 21976  
located informing the landowner that the well is to be plugged. If 21977  
the owner of the oil or gas lease under which the well was drilled 21978  
is different from the owner of the well or if any persons other 21979  
than the owner of the well own interests in the lease, the chief 21980  
also shall mail notice that the well is to be plugged to the owner 21981  
of the lease or to each person owning an interest in the lease, as 21982  
appropriate. 21983

(c) Mail notice to each person having legal title to, or a 21984  
lien upon, any equipment appurtenant to the well, informing the 21985  
person that the well is to be plugged and offering the person the 21986  
opportunity to plug the well and restore the land surface at the 21987  
well site at the person's own expense in order to avoid forfeiture 21988  
of the equipment to this state. 21989

(2) If none of the persons described in division (C)(1)(c) of 21990  
this section plugs the well within sixty days after the mailing of 21991  
the notice required by that division, all equipment appurtenant to 21992  
the well is hereby declared to be forfeited to this state without 21993  
compensation and without the necessity for any action by the state 21994  
for use to defray the cost of plugging and abandoning the well and 21995  
restoring the land surface at the well site. 21996

(D) Expenditures from the fund for the purpose of division 21997  
(B)(1) of this section shall be made in accordance with either of 21998  
the following: 21999

(1) The expenditures may be made pursuant to contracts 22000  
entered into by the chief with persons who agree to furnish all of 22001  
the materials, equipment, work, and labor as specified and 22002  
provided in such a contract for activities associated with the 22003  
restoration or plugging of a well as determined by the chief. The 22004  
activities may include excavation to uncover a well, geophysical 22005  
methods to locate a buried well when clear evidence of leakage 22006  
from the well exists, cleanout of wellbores to remove material 22007  
from a failed plugging of a well, plugging operations, 22008  
installation of vault and vent systems, including associated 22009  
engineering certifications and permits, restoration of property, 22010  
and repair of damage to property that is caused by such 22011  
activities. Expenditures shall not be used for salaries, 22012  
maintenance, equipment, or other administrative purposes, except 22013  
for costs directly attributed to the plugging of an idle and 22014  
orphaned well. Agents or employees of persons contracting with the 22015  
chief for a restoration or plugging project may enter upon any 22016  
land, public or private, on which the well is located for the 22017  
purpose of performing the work. Prior to such entry, the chief 22018  
shall give to the following persons written notice of the 22019  
existence of a contract for a project to restore or plug a well, 22020  
the names of the persons with whom the contract is made, and the 22021  
date that the project will commence: the owner of the well, the 22022  
owner of the land upon which the well is located, the owner or 22023  
agents of adjoining land, and, if the well is located in the same 22024  
township as or in a township adjacent to the excavations and 22025  
workings of a mine and the owner or lessee of that mine has 22026  
provided written notice identifying those townships to the chief 22027  
at any time during the immediately preceding three years, the 22028  
owner or lessee of the mine. 22029

(2)(a) The owner of the land on which a well is located who 22030  
has received notice under division (C)(1)(b) of this section may 22031  
plug the well and be reimbursed by the division of oil and gas 22032  
resources management for the reasonable cost of plugging the well. 22033  
In order to plug the well, the landowner shall submit an 22034  
application to the chief on a form prescribed by the chief and 22035  
approved by the technical advisory council on oil and gas created 22036  
in section 1509.38 of the Revised Code. The application, at a 22037  
minimum, shall require the landowner to provide the same 22038  
information as is required to be included in the application for a 22039  
permit to plug and abandon under section 1509.13 of the Revised 22040  
Code. The application shall be accompanied by a copy of a proposed 22041  
contract to plug the well prepared by a contractor regularly 22042  
engaged in the business of plugging oil and gas wells. The 22043  
proposed contract shall require the contractor to furnish all of 22044  
the materials, equipment, work, and labor necessary to plug the 22045  
well properly and shall specify the price for doing the work, 22046  
including a credit for the equipment appurtenant to the well that 22047  
was forfeited to the state through the operation of division 22048  
(C)(2) of this section. Expenditures under division (D)(2)(a) of 22049  
this section shall be consistent with the expenditures for 22050  
activities described in division (D)(1) of this section. The 22051  
application also shall be accompanied by the permit fee required 22052  
by section 1509.13 of the Revised Code unless the chief, in the 22053  
chief's discretion, waives payment of the permit fee. The 22054  
application constitutes an application for a permit to plug and 22055  
abandon the well for the purposes of section 1509.13 of the 22056  
Revised Code. 22057

(b) Within thirty days after receiving an application and 22058  
accompanying proposed contract under division (D)(2)(a) of this 22059  
section, the chief shall determine whether the plugging would 22060  
comply with the applicable requirements of this chapter and 22061  
applicable rules adopted and orders issued under it and whether 22062

the cost of the plugging under the proposed contract is 22063  
reasonable. If the chief determines that the proposed plugging 22064  
would comply with those requirements and that the proposed cost of 22065  
the plugging is reasonable, the chief shall notify the landowner 22066  
of that determination and issue to the landowner a permit to plug 22067  
and abandon the well under section 1509.13 of the Revised Code. 22068  
Upon approval of the application and proposed contract, the chief 22069  
shall transfer ownership of the equipment appurtenant to the well 22070  
to the landowner. The chief may disapprove an application 22071  
submitted under division (D)(2)(a) of this section if the chief 22072  
determines that the proposed plugging would not comply with the 22073  
applicable requirements of this chapter and applicable rules 22074  
adopted and orders issued under it, that the cost of the plugging 22075  
under the proposed contract is unreasonable, or that the proposed 22076  
contract is not a bona fide, arm's length contract. 22077

(c) After receiving the chief's notice of the approval of the 22078  
application and permit to plug and abandon a well under division 22079  
(D)(2)(b) of this section, the landowner shall enter into the 22080  
proposed contract to plug the well. 22081

(d) Upon determining that the plugging has been completed in 22082  
compliance with the applicable requirements of this chapter and 22083  
applicable rules adopted and orders issued under it, the chief 22084  
shall reimburse the landowner for the cost of the plugging as set 22085  
forth in the proposed contract approved by the chief. The 22086  
reimbursement shall be paid from the oil and gas well fund. If the 22087  
chief determines that the plugging was not completed in accordance 22088  
with the applicable requirements, the chief shall not reimburse 22089  
the landowner for the cost of the plugging, and the landowner or 22090  
the contractor, as applicable, promptly shall transfer back to 22091  
this state title to and possession of the equipment appurtenant to 22092  
the well that previously was transferred to the landowner under 22093  
division (D)(2)(b) of this section. If any such equipment was 22094

removed from the well during the plugging and sold, the landowner 22095  
shall pay to the chief the proceeds from the sale of the 22096  
equipment, and the chief promptly shall pay the moneys so received 22097  
to the treasurer of state for deposit into the oil and gas well 22098  
fund. 22099

The chief may establish an annual limit on the number of 22100  
wells that may be plugged under division (D)(2) of this section or 22101  
an annual limit on the expenditures to be made under that 22102  
division. 22103

As used in division (D)(2) of this section, "plug" and 22104  
"plugging" include the plugging of the well and the restoration of 22105  
the land surface disturbed by the plugging. 22106

(E) Expenditures from the oil and gas well fund for the 22107  
purpose of division (B)(2) of this section may be made pursuant to 22108  
contracts entered into by the chief with persons who agree to 22109  
furnish all of the materials, equipment, work, and labor as 22110  
specified and provided in such a contract. The competitive bidding 22111  
requirements of Chapter 153. of the Revised Code do not apply if 22112  
the chief reasonably determines that an emergency situation exists 22113  
requiring immediate action for the correction of the applicable 22114  
health or safety risk. A contract or purchase of materials for 22115  
purposes of addressing the emergency situation is not subject to 22116  
division (B) of section 127.16 of the Revised Code. The chief, 22117  
designated representatives of the chief, and agents or employees 22118  
of persons contracting with the chief under this division may 22119  
enter upon any land, public or private, for the purpose of 22120  
performing the work. 22121

(F) Contracts entered into by the chief under this section 22122  
are not subject to any of the following: 22123

(1) Chapter 4115. of the Revised Code; 22124

(2) Section 153.54 of the Revised Code, except that the 22125



contractor shall obtain and provide to the chief as a bid guaranty 22126  
a surety bond or letter of credit in an amount equal to ten per 22127  
cent of the amount of the contract; 22128

(3) Section 4733.17 of the Revised Code. 22129

(G) The owner of land on which a well is located who has 22130  
received notice under division (C)(1)(b) of this section, in lieu 22131  
of plugging the well in accordance with division (D)(2) of this 22132  
section, may cause ownership of the well to be transferred to an 22133  
owner who is lawfully doing business in this state and who has met 22134  
the financial responsibility requirements established under 22135  
section 1509.07 of the Revised Code, subject to the approval of 22136  
the chief. The transfer of ownership also shall be subject to the 22137  
landowner's filing the appropriate forms required under section 22138  
1509.31 of the Revised Code and providing to the chief sufficient 22139  
information to demonstrate the landowner's or owner's right to 22140  
produce a formation or formations. That information may include a 22141  
deed, a lease, or other documentation of ownership or property 22142  
rights. 22143

The chief shall approve or disapprove the transfer of 22144  
ownership of the well. If the chief approves the transfer, the 22145  
owner is responsible for operating the well in accordance with 22146  
this chapter and rules adopted under it, including, without 22147  
limitation, all of the following: 22148

(1) Filing an application with the chief under section 22149  
1509.06 of the Revised Code if the owner intends to drill deeper 22150  
or produce a formation that is not listed in the records of the 22151  
division for that well; 22152

(2) Taking title to and possession of the equipment 22153  
appurtenant to the well that has been identified by the chief as 22154  
having been abandoned by the former owner; 22155

(3) Complying with all applicable requirements that are 22156

necessary to drill deeper, plug the well, or plug back the well. 22157

(H) The chief shall issue an order that requires the owner of 22158  
a well to pay the actual documented costs of a corrective action 22159  
that is described in division (B)(2) of this section concerning 22160  
the well. The chief shall transmit the money so recovered to the 22161  
treasurer of state who shall deposit the money in the state 22162  
treasury to the credit of the oil and gas well fund. 22163

(I) The chief may engage in cooperative projects under this 22164  
section with any agency of this state, another state, or the 22165  
United States; any other governmental agencies; or any state 22166  
university or college as defined in section 3345.27 of the Revised 22167  
Code. A contract entered into for purposes of a cooperative 22168  
project is not subject to division (B) of section 127.16 of the 22169  
Revised Code. 22170

**Sec. 1509.28.** (A) The chief of the division of oil and gas 22171  
resources management, upon the chief's own motion ~~or upon~~ 22172  
~~application by the owners of sixty-five per cent of the land area~~ 22173  
~~overlying the pool~~, shall hold a hearing not later than forty-five 22174  
days after the chief's motion to consider the need for the 22175  
operation as a unit of an entire pool or part thereof. ~~An~~ 22176

In addition, an applicant that has the assent of the owners 22177  
of at least sixty-five per cent of the land area overlying a pool 22178  
or a part of a pool may submit an application for the operation as 22179  
a unit of the entire pool or part of the pool. An application by 22180  
~~owners~~ shall be accompanied by a all of the following: 22181

(1) A nonrefundable fee of ten thousand dollars and by such; 22182

(2) The name, address, and telephone number of the applicant; 22183

(3) An affidavit attesting that the owners of at least 22184  
sixty-five per cent of the proposed unit have assented to the 22185  
submission of the application; 22186

(4) An identification of all owners to be included in the unit, including a list specifying which owners are consenting or nonconsenting; 22187  
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(5) Maps illustrating the location of the proposed unit, its boundaries, and the planned development of the proposed unit and identifying each county and township in which the proposed unit is to be located; 22190  
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(6) Such information as the chief may request. 22194

The Not later than five business days after receipt of an application for unit operation, the chief or the chief's designee shall review the application and determine whether the application is complete. If the application is determined to be incomplete, the chief or the chief's designee shall provide to the applicant a notice explaining the deficiency and the additional information needed to eliminate the deficiency. The applicant may submit such additional information needed to eliminate the deficiency. Not later than five business days after additional information is received from an applicant for purposes of remedying a deficiency, the chief shall review the additional information, determine if the additional information eliminates the deficiency in the application, and provide notice to the applicant if any deficiency remains. 22195  
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If notice is not provided by the chief or chief's designee to the applicant within five business days after receipt of the application or, if applicable, within five business days after the chief receives additional information for purposes of remedying a deficiency, the application shall be determined to be complete. Notwithstanding anything in this section to the contrary, the chief shall hold a hearing on an application not later than forty-five days after the application was submitted. However, the chief may grant a continuance of the hearing of not more than fourteen calendar days upon a request by a person owning an 22209  
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interest in the proposed unit not later than ten calendar days 22219  
prior to the scheduled hearing. 22220

The applicant shall attempt to notify all unleased mineral 22221  
rights owners, all nonconsenting owners, and all working interest 22222  
owners proposed to be included in the unit of the hearing by 22223  
certified mail at least fourteen calendar days prior to the 22224  
scheduled hearing date. At the scheduled hearing, the applicant 22225  
shall provide to the chief proof of certified mailing to such 22226  
owners. The applicant also shall publish notice of the hearing in 22227  
a newspaper of general circulation in the county or counties, as 22228  
applicable, in which the proposed unit is to be located. If such a 22229  
newspaper is not available in the applicable county or counties, 22230  
the applicant shall publish the notice in the newspaper of general 22231  
circulation that is nearest to the proposed unit. At the hearing, 22232  
the chief shall consider the need for the operation as a unit of 22233  
an entire pool or part of a pool. 22234

(B) The chief shall ~~make~~ issue an order providing for the 22235  
unit operation of a pool or part thereof not later than thirty 22236  
days after the date of the hearing if the chief finds that such 22237  
operation is reasonably necessary to increase substantially the 22238  
ultimate recovery of oil and gas, and the value of the estimated 22239  
additional recovery of oil or gas exceeds the estimated additional 22240  
cost incident to conducting the operation. ~~The~~ However, if the 22241  
chief does not receive either a transcript of the hearing or 22242  
substantive information regarding an application that was 22243  
requested by the chief from the applicant at the hearing within 22244  
thirty days of the date of the hearing, the chief may delay 22245  
issuing the order. However, the chief shall issue the order not 22246  
later than five business days after receiving either the 22247  
transcript or the substantive information. 22248

Notwithstanding anything in this section to the contrary, the 22249  
chief shall issue an order under this section not later than 22250

forty-five days after the date of the hearing, unless the 22251  
forty-five-day period is waived by the applicant in writing and 22252  
submitted to the chief. 22253

(C) An order providing for the unit operation of a pool or 22254  
part thereof shall be upon terms and conditions that are just and 22255  
reasonable and shall prescribe a plan for unit operations that 22256  
shall include: 22257

(1) A description of the unitized area, termed the unit area; 22258

(2) A statement of the nature of the operations contemplated; 22259

(3) An allocation to the separately owned tracts in the unit 22260  
area of all the oil and gas that is produced from the unit area 22261  
and is saved, being the production that is not used in the conduct 22262  
of operations on the unit area or not unavoidably lost. The 22263  
allocation shall be in accord with the agreement, if any, of the 22264  
interested parties. If there is no such agreement, the chief shall 22265  
determine the value, from the evidence introduced at the hearing, 22266  
of each separately owned tract in the unit area, exclusive of 22267  
physical equipment, for development of oil and gas by unit 22268  
operations, and the production allocated to each tract shall be 22269  
the proportion that the value of each tract so determined bears to 22270  
the value of all tracts in the unit area. 22271

(4) A provision for the credits and charges to be made in the 22272  
adjustment among the owners in the unit area for their respective 22273  
investments in wells, tanks, pumps, machinery, materials, and 22274  
equipment contributed to the unit operations; 22275

(5) A provision providing how the expenses of unit 22276  
operations, including capital investment, shall be determined and 22277  
charged to the separately owned tracts and how the expenses shall 22278  
be paid; 22279

(6) A provision, if necessary, for carrying or otherwise 22280  
financing any person who is unable to meet the person's financial 22281

obligations in connection with the unit, allowing a reasonable 22282  
interest charge for such service that, for an unleased mineral 22283  
rights owner, is two hundred per cent; 22284

(7) A provision for the supervision and conduct of the unit 22285  
operations, in respect to which each person shall have a vote with 22286  
a value corresponding to the percentage of the expenses of unit 22287  
operations chargeable against the interest of that person; 22288

(8) The time when the unit operations shall commence, and the 22289  
manner in which, and the circumstances under which, the unit 22290  
operations shall terminate; 22291

(9) A provision that if the plan for unit operation includes 22292  
unleased mineral rights, each unleased mineral rights owner shall 22293  
receive a one-eighth royalty on production that is allocated to 22294  
each tract, or portions of each tract, included in the unit area 22295  
in which the unleased mineral rights owner has an interest. 22296  
However, nothing in a provision included under division (C)(9) of 22297  
this section precludes the chief from including in the plan for 22298  
unit operation another provision allocating to an unleased mineral 22299  
rights owner its proportionate share of working interest net 22300  
revenues on production allocated to the tract or portions of the 22301  
tract, after accounting for the royalty and the recovery of the 22302  
reasonable interest charge under division (C)(6) of this section. 22303  
If an unleased mineral rights owner owns less than the entire 22304  
undivided mineral interest in a tract, the royalty and working 22305  
interest net revenues on production allocated to the tract, or 22306  
portions thereof, shall be paid only in the proportion that the 22307  
unleased mineral rights owner's interest bears to the entire 22308  
undivided mineral interest in the tract; 22309

(10) Such additional provisions as are found to be 22310  
appropriate for carrying on the unit operations, and for the 22311  
protection or adjustment of correlative rights. 22312

~~(B)~~(D) No order of the chief providing for unit operations 22313  
shall become effective unless and until the plan for unit 22314  
operations prescribed by the chief has been approved in writing by 22315  
those owners who, under the chief's order, will be required to pay 22316  
at least sixty-five per cent of the costs of the unit operation, 22317  
and also by the royalty or, with respect to unleased acreage, fee 22318  
owners of sixty-five per cent of the acreage to be included in the 22319  
unit. If the plan for unit operations has not been so approved by 22320  
owners and royalty owners at the time the order providing for unit 22321  
operations is made, the chief shall upon application and notice 22322  
hold such supplemental hearings as may be required to determine if 22323  
and when the plan for unit operations has been so approved. If the 22324  
owners and royalty owners, or either, owning the required 22325  
percentage of interest in the unit area do not approve the plan 22326  
for unit operations within a period of six months from the date on 22327  
which the order providing for unit operations is made, the order 22328  
shall cease to be of force and shall be revoked by the chief. 22329

An order providing for unit operations may be amended by an 22330  
order made by the chief, in the same manner and subject to the 22331  
same conditions as an original order providing for unit 22332  
operations, provided that: 22333

(1) If such an amendment affects only the rights and 22334  
interests of the owners, the approval of the amendment by the 22335  
royalty owners shall not be required. 22336

(2) No such order of amendment shall change the percentage 22337  
for allocation of oil and gas as established for any separately 22338  
owned tract by the original order, except with the consent of all 22339  
persons owning interest in the tract. 22340

The chief, by an order, may provide for the unit operation of 22341  
a pool or a part thereof that embraces a unit area established by 22342  
a previous order of the chief. Such an order, in providing for the 22343  
allocation of unit production, shall first treat the unit area 22344

previously established as a single tract, and the portion of the 22345  
unit production so allocated thereto shall then be allocated among 22346  
the separately owned tracts included in the previously established 22347  
unit area in the same proportions as those specified in the 22348  
previous order. 22349

Oil and gas allocated to a separately owned tract shall be 22350  
deemed, for all purposes, to have been actually produced from the 22351  
tract, and all operations, including, but not limited to, the 22352  
commencement, drilling, operation of, or production from a well 22353  
upon any portion of the unit area shall be deemed for all purposes 22354  
the conduct of such operations and production from any lease or 22355  
contract for lands any portion of which is included in the unit 22356  
area. The operations conducted pursuant to the order of the chief 22357  
shall constitute a fulfillment of all the express or implied 22358  
obligations of each lease or contract covering lands in the unit 22359  
area to the extent that compliance with such obligations cannot be 22360  
had because of the order of the chief. 22361

Oil and gas allocated to any tract, and the proceeds from the 22362  
sale thereof, shall be the property and income of the several 22363  
persons to whom, or to whose credit, the same are allocated or 22364  
payable under the order providing for unit operations. 22365

No order of the chief or other contract relating to the sale 22366  
or purchase of production from a separately owned tract shall be 22367  
terminated by the order providing for unit operations, but shall 22368  
remain in force and apply to oil and gas allocated to the tract 22369  
until terminated in accordance with the provisions thereof. 22370

Notwithstanding divisions (A) to (H) of section 1509.73 of 22371  
the Revised Code and rules adopted under it, the chief shall issue 22372  
an order for the unit operation of a pool or a part of a pool that 22373  
encompasses a unit area for which all or a portion of the mineral 22374  
rights are owned by the department of transportation. 22375



Except to the extent that the parties affected so agree, no order providing for unit operations shall be construed to result in a transfer of all or any part of the title of any person to the oil and gas rights in any tract in the unit area. All property, whether real or personal, that may be acquired for the account of the owners within the unit area shall be the property of such owners in the proportion that the expenses of unit operations are charged.

(E) An order of the chief providing for unit operation under this section does not authorize an owner to use the surface of unleased land unless that use is consistent with a separate agreement between the surface rights owner of that land and the owner.

(F) An unleased mineral rights owner of any tract included in a unit by an order of the chief issued under this section shall not incur liability for any personal or property damage associated with any drilling, testing, completing, producing, operating, or plugging activities related to a well within the unit unless the damage arises from a purposeful or grossly negligent act of the unleased mineral rights owner.

(G) As used in this section, "unleased mineral rights owner" means an owner that has not leased the owner's mineral rights for oil or gas, unless the chief separately defines that class of owner in an order for unit operation.

**Sec. 1513.18.** (A) All money that becomes the property of the state under division (G) of section 1513.16 of the Revised Code shall be deposited in the reclamation forfeiture fund, which is hereby created in the state treasury. Disbursements from the fund shall be made by the chief of the division of mineral resources management for the purpose of reclaiming areas of land affected by coal mining under a coal mining and reclamation permit issued on

or after September 1, 1981, on which an operator has defaulted. 22407

(B) The fund also shall consist of all money from the 22408  
collection of liens under section 1513.081 of the Revised Code, 22409  
~~any moneys transferred to it under section 1513.181 of the Revised~~ 22410  
~~Code from the coal mining and reclamation reserve fund created in~~ 22411  
~~that section,~~ all money credited to the fund from the fee levied 22412  
by division (F)(8)(c) of section 1513.16 of the Revised Code, 22413  
fines collected under division (E) of section 1513.02 and section 22414  
1513.99 of the Revised Code, fines collected for a violation of 22415  
section 2921.31 of the Revised Code that, prior to July 1, 1996, 22416  
would have been a violation of division (G) of section 1513.17 of 22417  
the Revised Code as it existed prior to that date, and ~~moneys~~ 22418  
money collected and credited to it pursuant to section 5749.02 of 22419  
the Revised Code. Disbursements from the fund shall be made by the 22420  
chief in accordance with division (D) of this section for the 22421  
purpose of reclaiming areas that an operator has affected by 22422  
mining and failed to reclaim under a coal mining and reclamation 22423  
permit issued under this chapter. 22424

The chief may expend ~~moneys~~ money from the fund to pay 22425  
necessary administrative costs, including engineering and design 22426  
services, incurred by the division of mineral resources management 22427  
in reclaiming these areas. The chief also may expend ~~moneys~~ money 22428  
from the fund to pay necessary administrative costs of the 22429  
reclamation forfeiture fund advisory board created in section 22430  
1513.182 of the Revised Code as authorized by the board under that 22431  
section. Expenditures from the fund to pay such administrative 22432  
costs need not be made under contract. 22433

(C) Except when paying necessary administrative costs 22434  
authorized by division (B) of this section, expenditures from the 22435  
fund shall be made under contracts entered into by the chief, with 22436  
the approval of the director of natural resources, in accordance 22437  
with procedures established by the chief, by rules adopted in 22438

accordance with section 1513.02 of the Revised Code. The chief may 22439  
reclaim the land in the same manner as set forth in sections 22440  
1513.21 to 1513.24 of the Revised Code. Each contract awarded by 22441  
the chief shall be awarded to the lowest responsive and 22442  
responsible bidder, in accordance with section 9.312 of the 22443  
Revised Code, after sealed bids are received, opened, and 22444  
published at the time and place fixed by the chief. The chief 22445  
shall publish notice of the time and place at which bids will be 22446  
received, opened, and published, at least once and at least ten 22447  
days before the date of the opening of the bids, in a newspaper of 22448  
general circulation in the county in which the area of land to be 22449  
reclaimed under the contract is located. If, after advertising, no 22450  
bids are received at the time and place fixed for receiving them, 22451  
the chief may advertise again for bids, or, if the chief considers 22452  
the public interest will best be served, the chief may enter into 22453  
a contract for the reclamation of the area of land without further 22454  
advertisement for bids. The chief may reject any or all bids 22455  
received and again publish notice of the time and place at which 22456  
bids for contracts will be received, opened, and published. The 22457  
chief, with the approval of the director, may enter into a 22458  
contract with the landowner, a coal mine operator or surface mine 22459  
operator mining under a current, valid permit issued under this 22460  
chapter or Chapter 1514. of the Revised Code, or a contractor 22461  
hired by the surety or trustee, if the performance security is 22462  
held in trust, to complete reclamation on land affected by coal 22463  
mining on which an operator has defaulted, or with a contractor 22464  
hired by the trust administrator of an alternative financial 22465  
security that is provided in accordance with division (F)(8) of 22466  
section 1513.16 of the Revised Code to provide long-term water 22467  
treatment or a long-term alternative water supply on areas 22468  
affected by coal mining on which a permittee has defaulted or not 22469  
fully funded an alternative financial security, without 22470  
advertising for bids. 22471

(D)(1) The chief shall expend money credited to the 22472  
reclamation forfeiture fund from the forfeiture of the performance 22473  
security applicable to an area of land to pay for the cost of 22474  
completing reclamation to the standards established by this 22475  
chapter and rules adopted under it. 22476

(2) If the performance security for the area of land was 22477  
provided under division (C)(1) of section 1513.08 of the Revised 22478  
Code, the chief shall use the money from the forfeited performance 22479  
security and any alternative financial security provided under 22480  
division (F)(8) of section 1513.16 of the Revised Code to complete 22481  
the reclamation that the operator failed to do under the 22482  
operator's applicable coal mining and reclamation permit issued 22483  
under this chapter. 22484

(3) If the performance security for the area of land was 22485  
provided under division (C)(2) of section 1513.08 of the Revised 22486  
Code, the chief shall use the money from the forfeited performance 22487  
security and any alternative financial security provided under 22488  
division (F)(8) of section 1513.16 of the Revised Code to complete 22489  
the reclamation that the operator failed to do under the 22490  
operator's applicable coal mining and reclamation permit issued 22491  
under this chapter. If the money credited to the reclamation 22492  
forfeiture fund from the forfeiture of the performance security 22493  
provided under division (C)(2) of section 1513.08 of the Revised 22494  
Code and any alternative financial security provided under 22495  
division (F)(8) of section 1513.16 of the Revised Code is not 22496  
sufficient to complete the reclamation to the standards 22497  
established by this chapter and rules adopted under it, the chief 22498  
shall notify the reclamation forfeiture fund advisory board of the 22499  
amount of the insufficiency. The chief may expend money credited 22500  
to the reclamation forfeiture fund under section 5749.02 of the 22501  
Revised Code, or credited to the reclamation forfeiture fund from 22502  
the fee levied by division (F)(8)(c) of section 1513.16 of the 22503

~~Revised Code, or transferred to the fund under section 1513.181 of~~ 22504  
~~the Revised Code~~ to complete the reclamation to the standards 22505  
established by this chapter and rules adopted under it. Except as 22506  
provided in division (D)(5) of this section, the chief shall not 22507  
expend money from the fund in an amount that exceeds the 22508  
difference between the amount of the performance security provided 22509  
under division (C)(2) of section 1513.08 of the Revised Code and 22510  
the estimated cost of reclamation as determined by the chief under 22511  
divisions (B) and (E) of that section. 22512

(4) Except as provided in division (D)(5) of this section, 22513  
money from the reclamation forfeiture fund shall not be used for 22514  
reclamation of land or water resources affected by mine drainage 22515  
that requires extended water treatment after reclamation is 22516  
completed under the terms of the permit. In addition, money from 22517  
the reclamation forfeiture fund shall not be used to supplement 22518  
the performance security of an applicant or permittee that has 22519  
provided performance security in accordance with division (C)(1) 22520  
of section 1513.08 of the Revised Code. 22521

(5) If a permittee relies in part on the reclamation 22522  
forfeiture fund for alternative financial security under division 22523  
(F)(8)(c) of section 1513.16 of the Revised Code, money from the 22524  
reclamation forfeiture fund may be used for reclamation of the 22525  
land or water resources affected by mine drainage that requires 22526  
water treatment after reclamation is completed under the terms of 22527  
the permit or an alternative water supply after reclamation is 22528  
completed under the terms of the permit in an amount not to exceed 22529  
the balance of the alternative financial security provided by the 22530  
reclamation forfeiture fund under that division. 22531

(E) The chief shall keep a detailed accounting of the 22532  
expenditures from the reclamation forfeiture fund to complete 22533  
reclamation of the land or water resources, as applicable, and, 22534  
upon completion of the reclamation, shall certify the expenditures 22535

to the attorney general. Upon the chief's certification of the 22536  
expenditures from the reclamation forfeiture fund, the attorney 22537  
general shall bring an action for that amount of money. The 22538  
operator is liable for that expense in addition to any other 22539  
liabilities imposed by law. ~~Moneys~~ Money so recovered shall be 22540  
credited to the reclamation forfeiture fund. The chief shall not 22541  
postpone the reclamation because of any action brought by the 22542  
attorney general under this division. Prior to completing 22543  
reclamation, the chief may collect through the attorney general 22544  
any additional amount that the chief believes will be necessary 22545  
for reclamation in excess of the forfeited performance security 22546  
and any alternative financial security amount applicable to the 22547  
land or water resources that the operator should have, but failed 22548  
to, reclaim. 22549

(F) Except as otherwise provided in division (H) of this 22550  
section, if any part of the ~~moneys~~ money in the reclamation 22551  
forfeiture fund remains in the fund after the chief has caused the 22552  
area of land to be reclaimed and has paid all the reclamation 22553  
costs and expenses, the chief may expend those ~~moneys~~ money to 22554  
complete other reclamation work performed under this section on 22555  
forfeiture areas affected under a coal mining and reclamation 22556  
permit issued on or after September 1, 1981. 22557

(G) The chief shall require every contractor performing 22558  
reclamation work pursuant to this section to pay workers at the 22559  
greater of their regular rate of pay, as established by contract, 22560  
agreement, or prior custom or practice, or the average wage rate 22561  
paid in this state for the same or similar work as determined by 22562  
the chief under section 1513.02 of the Revised Code. 22563

(H) All investment earnings of the fund shall be credited to 22564  
the fund and shall be used only for the reclamation of land for 22565  
which performance security was provided under division (C)(2) of 22566  
section 1513.08 of the Revised Code. 22567

**Sec. 1513.20.** The chief of the division of mineral resources 22568  
management, with the approval of the director of natural 22569  
resources, may purchase or acquire by gift, donation, or 22570  
contribution any eroded land, including land affected by strip 22571  
mining, for which no cash is held in the reclamation forfeiture 22572  
fund created by section 1513.18 of the Revised Code. For this 22573  
purpose the chief may expend ~~moneys~~ money deposited in the 22574  
~~unreclaimed lands~~ mining regulation and safety fund created by 22575  
section 1513.30 of the Revised Code. All lands purchased or 22576  
acquired shall be deeded to the state, but no deed shall be 22577  
accepted or the purchase price paid until the title has been 22578  
approved by the attorney general. 22579

**Sec. 1513.25.** After completion of the reclamation of a tract 22580  
of land acquired pursuant to section 1513.20 of the Revised Code, 22581  
the chief of the division of mineral resources management may, if 22582  
the land is suitable to the uses of any other department, 22583  
division, office, or institution of the state, transfer the land 22584  
or tract to that department, division, office, or institution, 22585  
subject to the approval of the director of natural resources. 22586

With the approval of the attorney general and the director, 22587  
the chief may sell any such land or tract, after completion of the 22588  
plan of reclamation, when the sale is advantageous to the state. 22589

With the approval of the attorney general and the director, 22590  
the chief may grant easements and leases on the land or tract 22591  
under terms advantageous to the state, and may grant mineral 22592  
rights on a royalty basis. 22593

All ~~moneys~~ money received from the sale of reclaimed lands, 22594  
or in payment for easements, leases, or royalties, shall be paid 22595  
to the ~~unreclaimed lands~~ mining regulation and safety fund created 22596  
in section 1513.30 of the Revised Code. 22597

**Sec. 1513.27.** As used in this section and sections 1513.28, 22598  
1513.30, 1513.31, and 1513.32 of the Revised Code, "damage to 22599  
adjacent property" means physical injury or harm to nearby 22600  
property caused by the unreclaimed condition of lands mined prior 22601  
to April 10, 1972, or pursuant to a license issued prior to April 22602  
10, 1972, including, without limitation, injury or harm to 22603  
vegetation on adjacent property, pollution of surface or 22604  
underground waters on adjacent property, loss or interruption of 22605  
water supply on adjacent property, flow of acid water onto or 22606  
across adjacent property, flooding of adjacent property, 22607  
landslides onto or across adjacent property, erosion of adjacent 22608  
property, or deposition of sediment upon adjacent property. Damage 22609  
to adjacent property does not include any diminution of the market 22610  
value of adjacent property caused exclusively by the visual or 22611  
aesthetic appearance of such unreclaimed lands. 22612

The chief of the division of mineral resources management, 22613  
with the approval of the director of natural resources, may enter 22614  
into a written agreement, which may be in the form of a contract, 22615  
with the owner of any unreclaimed land affected by mining before 22616  
April 10, 1972, or pursuant to a license issued before April 10, 22617  
1972, that causes or may cause pollution of the waters of the 22618  
state or damage to adjacent property, is not likely to be mined in 22619  
the foreseeable future, and lies within the boundaries of a 22620  
project area approved by the chief under section 1513.30 of the 22621  
Revised Code, under which the state or its agents may enter the 22622  
land to reclaim it at state expense with ~~moneys~~ money from the 22623  
~~unreclaimed lands~~ mining regulation and safety fund by 22624  
establishing vegetative cover and substantially reducing or 22625  
eliminating erosion, sedimentation, landslides, pollution, 22626  
accumulation or discharge of acid water, flooding, and damage to 22627  
adjacent property. The agreement may include provisions pertaining 22628  
to liability for damages and any other provisions necessary or 22629



desirable to achieve the purposes of this section. 22630

If the chief makes a finding of fact that land or water 22631  
resources have been adversely affected by past coal mining 22632  
practices; if the adverse effects are at a stage where, in the 22633  
public interest, action to restore, reclaim, abate, control, or 22634  
prevent the adverse effects should be taken; and if the owners of 22635  
the affected land or water resources either are not known or 22636  
readily available or will not give permission for the state, 22637  
political subdivisions, or their agents, employees, or contractors 22638  
to enter on the property to restore, reclaim, abate, control, or 22639  
prevent the adverse effects, the chief or the chief's agents, 22640  
employees, or contractors may enter on the affected property in 22641  
order to do all things necessary or expedient to restore, reclaim, 22642  
abate, control, or prevent the adverse effects. Prior to entering 22643  
on the property, the chief or the chief's agents, employees, or 22644  
contractors shall give notice by mail to the owners, if known, or, 22645  
if not known, by posting notice on the premises and advertising 22646  
once in a newspaper of general circulation in the county or 22647  
municipal corporation in which the land lies. Such an entry shall 22648  
be construed as an exercise of the police power for the protection 22649  
of public health, safety, and welfare and shall not be construed 22650  
as an act of condemnation of property or of trespass. The ~~moneys~~ 22651  
money expended for the work and the benefits accruing to any 22652  
premises so entered upon shall be chargeable against land and 22653  
shall mitigate or offset any claim in or any action brought by any 22654  
owner of any interest in the premises for any alleged damages by 22655  
virtue of the entry. This provision is not intended to create new 22656  
rights of action or eliminate existing immunities. 22657

Each agreement entered into pursuant to this section shall 22658  
contain provisions for the reimbursement of a portion of the costs 22659  
of the reclamation that is commensurate with the increase in the 22660  
fair market value of the property attributable to the reclamation 22661

work thereon, as determined by appraisals made before and after 22662  
reclamation in the manner stated in the agreement, unless the 22663  
determination discloses an increase in value that is 22664  
insubstantial. For reimbursement of the portion, the agreement may 22665  
include provisions for any of the following: 22666

(A) Public use for soil, water, forest, or wildlife 22667  
conservation or public recreation purposes; 22668

(B) Payment to the state of the share of the income from the 22669  
crops or timber produced on the land that is stated in the 22670  
agreement; 22671

(C) Imposition of a lien in the amount of the increase in 22672  
fair market value payable upon transfer or conveyance of the 22673  
property to a new owner. All such reimbursements and payments 22674  
shall be credited to the ~~unreclaimed lands~~ mining regulation and 22675  
safety fund. 22676

(D) Payment to the state in cash of the amount of the 22677  
increase in fair market value, payable upon completion of the 22678  
reclamation. 22679

For the purpose of selecting lands to be reclaimed within the 22680  
boundaries of approved project areas, the chief shall consult the 22681  
owners of unreclaimed lands, may consult with local officials, 22682  
civic and professional organizations, and interested individuals, 22683  
and shall consider the feasibility, cost, and public benefits of 22684  
reclaiming particular lands, their potential for being mined, and 22685  
the availability of federal or other assistance for reclamation. 22686  
Before entering into the agreement, the chief shall prepare or 22687  
approve a detailed plan with topographic maps indicating the 22688  
reclamation improvements to be made. The plan may include 22689  
improvements recommended by the owner, but may not include 22690  
improvements that the chief finds are not necessary to establish 22691  
vegetative cover or substantially reduce or eliminate erosion, 22692

sedimentation, landslides, pollution, accumulation or discharge of 22693  
acid water, flooding, or damage to adjacent property. 22694

With the approval of the director and upon entering into the 22695  
agreement with the owner, the chief may carry out the plan of 22696  
reclamation or any part thereof with the employees and equipment 22697  
of any division of the department of natural resources, or the 22698  
chief may carry out the plan or any part thereof by contracting 22699  
therefor. 22700

The chief, with the approval of the director and written 22701  
consent of the owner, may enter into a contract with an operator 22702  
mining adjacent land under a current, valid permit to carry out 22703  
the plan of reclamation on the unreclaimed land or any part of the 22704  
plan without advertising for bids. Contracts entered into with 22705  
operators mining adjacent land are not subject to division (B) of 22706  
section 127.16 of the Revised Code. 22707

The chief shall require every operator mining adjacent land 22708  
who performs reclamation work pursuant to this section to pay 22709  
workers at the greater of their regular rate of pay, as 22710  
established by contract, agreement, or prior custom or practice, 22711  
or the average wage rate paid in this state for the same or 22712  
similar work performed in the same or similar locality by private 22713  
companies doing their own reclamation work. Each contract awarded 22714  
by the chief to other than an operator mining adjacent land shall 22715  
be awarded to the lowest responsible bidder after sealed bids are 22716  
received, opened, and published at the time and place fixed by the 22717  
chief. The chief shall publish notice of the time and place at 22718  
which bids will be received, opened, and published, at least once 22719  
at least ten days before the date of the opening of the bids, in a 22720  
newspaper of general circulation in the county in which the area 22721  
of land to be reclaimed under the contract is located. If, after 22722  
so advertising for bids, no bids are received by the chief at the 22723  
time and place fixed for receiving them, the chief may advertise 22724

again for bids, or, if the chief considers the public interest 22725  
will be best served, the chief may enter into a contract for the 22726  
reclamation of the area of land without further advertisement for 22727  
bids. The chief may reject all bids received and again publish 22728  
notice of the time and place at which bids for contracts will be 22729  
received, opened, and published. The chief, with the approval of 22730  
the director and written consent of the owner, may enter into a 22731  
contract with a licensed mine operator mining adjacent land under 22732  
a valid permit to carry out the plan of reclamation on the 22733  
unreclaimed land or any part of the plan without advertising for 22734  
bids. 22735

**Sec. 1513.28.** The chief of the division of mineral resources 22736  
management, with the approval of the director of natural 22737  
resources, may make grants of ~~moneys~~ money from the ~~unreclaimed~~ 22738  
~~lands~~ mining regulation and safety fund created by section 1513.30 22739  
of the Revised Code for the payment by the state of up to 22740  
seventy-five per cent of the reasonable and necessary reclamation 22741  
expenses incurred by the owner of any unreclaimed land affected by 22742  
mining before April 10, 1972, or pursuant to a license issued 22743  
before April 10, 1972, that causes or may cause pollution of the 22744  
waters of the state or damage to adjacent property, is not likely 22745  
to be mined in the foreseeable future, and lies within the 22746  
boundaries of a project area approved by the chief under section 22747  
1513.30 of the Revised Code. 22748

The owner shall submit application for a grant on forms 22749  
furnished by the division, together with detailed plans and 22750  
topographic maps indicating the reclamation improvements to be 22751  
made, an itemized estimate of the project's cost, a description of 22752  
the project's benefits, and such other information as the chief 22753  
prescribes. The plan of reclamation may be prepared in 22754  
consultation with a local soil and water conservation district. 22755

The chief may award the applicant a grant only after finding 22756  
that the proposed reclamation work will establish vegetative cover 22757  
and substantially reduce or eliminate erosion, sedimentation, 22758  
landslides, pollution, accumulation or discharge of acid water, 22759  
flooding, and damage to adjacent property. 22760

For the purpose of establishing priorities for awarding 22761  
grants under this section and section 1513.31 of the Revised Code, 22762  
the chief shall consider each project's feasibility, cost, and 22763  
public benefits of reclaiming the particular land, its potential 22764  
for being mined, and the availability of federal or other 22765  
financial assistance for reclamation. 22766

The chief shall determine the amount of a grant under this 22767  
section based upon the chief's determination of what constitutes 22768  
reasonable and necessary expenses actually incurred for 22769  
establishing vegetative cover, substantially reducing or 22770  
eliminating erosion, sedimentation, landslides, pollution, 22771  
accumulation or discharge of acid water, flooding, or damage to 22772  
adjacent property, and preparing the plan of reclamation. The 22773  
owner may elect to have other improvements made concurrently, but 22774  
in no event shall any part of the grant be made for such other 22775  
improvements, and in no event shall the amount of the grant exceed 22776  
seventy-five per cent of the total amount, determined by the 22777  
chief, of what constitutes reasonable and necessary expenses 22778  
actually incurred for the reclamation measures listed in this 22779  
section. 22780

The chief shall enter into a contract for funding with each 22781  
applicant awarded a grant to ensure that the ~~moneys~~ money granted 22782  
are used for the purposes of this section and that the reclamation 22783  
work is properly done. The final payment may not be made until the 22784  
chief inspects and approves the completed reclamation work. 22785

Each such contract shall contain provisions for the 22786  
reimbursement of a portion of the costs of the reclamation that is 22787

commensurate with the increase in the fair market value of the 22788  
property attributable to the reclamation work thereon, as 22789  
determined by appraisals made before and after reclamation in the 22790  
manner stated in the agreement, unless such determination 22791  
discloses an increase in value that is insubstantial in comparison 22792  
to the benefits to the public from the abatement of pollution or 22793  
prevention of damage to adjacent property, considering the 22794  
applicant's share of the reclamation cost. For reimbursement of 22795  
such portion, the contract may include provisions for: 22796

(A) Public use for soil, water, forest, or wildlife 22797  
conservation or public recreation purposes; 22798

(B) Payment to the state of the share of the income from the 22799  
crops or timber produced on the land that is stated in the 22800  
agreement; 22801

(C) Imposition of a lien in the amount of the increase in 22802  
fair market value payable upon transfer or conveyance of the 22803  
property to a new owner; 22804

(D) Payment to the state in cash in the amount of the 22805  
increase in fair market value, payable upon completion of the 22806  
reclamation. 22807

All such reimbursements and payments shall be credited to the 22808  
~~unreclaimed lands~~ mining regulation and safety fund. 22809

Not more than forty per cent of the money credited to the 22810  
fund during the preceding calendar year may be expended during a 22811  
calendar year for grants under this section. 22812

The chief shall require every landowner performing 22813  
reclamation work pursuant to this section to pay workers at the 22814  
greater of their regular rate of pay, as established by contract, 22815  
agreement, or prior custom or practice, or the average wage rate 22816  
in this state for the same or similar work performed in the same 22817  
or similar locality by private companies doing their own 22818

reclamation work. 22819

**Sec. 1513.30.** (A) There is hereby created in the state 22820  
treasury the ~~unreclaimed lands~~ mining regulation and safety fund, 22821  
to be administered by the chief of the division of mineral 22822  
resources management ~~and~~. The fund shall be used for the purpose 22823  
of reclaiming following purposes: 22824

(1) Reclaiming land, public or private, affected by mining, 22825  
or controlling mine drainage, for which no cash is held in the 22826  
reclamation forfeiture fund created in section 1513.18 of the 22827  
Revised Code ~~or the surface mining fund created in section;~~ 22828

(2) Specified purposes in sections 1514.06, 1514.11, and 22829  
1561.48 of the Revised Code; 22830

(3) Administration and enforcement of Chapter 1513. of the 22831  
Revised Code. 22832

All investment earnings of the fund shall be deposited into 22833  
the fund. 22834

(B) In order to direct expenditures from the ~~unreclaimed~~ 22835  
~~lands~~ mining regulation and safety fund toward reclamation 22836  
projects that fulfill priority needs and provide the greatest 22837  
public benefits, the chief periodically shall consider projects to 22838  
be financed from the ~~unreclaimed lands~~ mining regulation and 22839  
safety fund. For the purpose of selecting project areas and 22840  
determining the boundaries of project areas, the chief shall 22841  
consider the feasibility, cost, and public benefits of reclaiming 22842  
the areas, their potential for being mined, the availability of 22843  
federal or other financial assistance for reclamation, and the 22844  
geographic distribution of project areas to ensure fair 22845  
distribution among affected areas. 22846

(C) The chief shall give priority to areas where there is 22847  
little or no likelihood of mining within the foreseeable future, 22848

reclamation is feasible at reasonable cost with available funds, 22849  
and either of the following applies: 22850

~~(A)(1)~~ The pollution of the waters of the state and damage to 22851  
adjacent property are most severe and widespread. 22852

~~(B)(2)~~ Reclamation will make possible public uses for soil, 22853  
water, forest, or wildlife conservation or public recreation 22854  
purposes, will facilitate orderly commercial or industrial site 22855  
development, or will facilitate the use or improve the enjoyment 22856  
of nearby public conservation or recreation lands. 22857

(D) Expenditures from the ~~unreclaimed lands~~ mining regulation 22858  
and safety fund for reclamation projects may be made only for 22859  
projects that are within the boundaries of project areas approved 22860  
by the chief. Expenditures from the ~~unreclaimed lands~~ mining 22861  
regulation and safety fund shall be made by the chief, with the 22862  
approval of the director of natural resources. 22863

~~The chief may expend an amount not to exceed twenty per cent 22864  
of the moneys credited annually by the treasurer of state to the 22865  
unreclaimed lands fund for the purpose of administering the fund. 22866~~

(E) The chief may engage in cooperative projects under this 22867  
section with any agency of the United States, appropriate state 22868  
agencies, or state universities or colleges as defined in section 22869  
3345.27 of the Revised Code and may transfer money from the fund 22870  
to other appropriate state agencies or to state universities or 22871  
colleges in order to carry out the reclamation activities 22872  
authorized by this section. 22873

~~If the director of natural resources determines it to be 22874  
necessary, the director may request the controlling board to 22875  
transfer an amount of money from the fund to the coal mining 22876  
administration and reclamation reserve fund created in section 22877  
1513.181 of the Revised Code. 22878~~

(F) Notwithstanding any other provisions of law to the 22879



contrary, money credited to the mining regulation and safety fund 22880  
that is derived from taxes levied in division (A)(3) or (4) of 22881  
section 5749.02 of the Revised Code shall not be used for any 22882  
purposes authorized under this chapter. 22883

**Sec. 1513.31.** For the purpose of promoting local or regional 22884  
economic or community development, the chief of the division of 22885  
mineral resources management, with the approval of the director of 22886  
natural resources, may make grants of money from the ~~unreclaimed~~ 22887  
~~lands~~ mining regulation and safety fund created by section 1513.30 22888  
of the Revised Code for the payment by the state of up to 22889  
seventy-five per cent of the reasonable and necessary expenses 22890  
incurred by a political subdivision, community improvement 22891  
corporation incorporated under Chapter 1724. of the Revised Code, 22892  
or other nonprofit corporation incorporated under Chapter 1702. of 22893  
the Revised Code for the reclamation of any unreclaimed land 22894  
affected by mining before April 10, 1972, or pursuant to a license 22895  
issued before April 10, 1972, that is owned by the political 22896  
subdivision or corporation, is to be reclaimed for the purpose of 22897  
commercial or industrial site development by the political 22898  
subdivision or corporation or the development of recreational 22899  
facilities by the political subdivision, and lies within the 22900  
boundaries of a project area approved by the chief. 22901

The owner shall submit an application for a grant on forms 22902  
furnished by the division of mineral resources management together 22903  
with detailed plans and topographic maps indicating the 22904  
reclamation improvements to be made, an itemized estimate of the 22905  
project's cost, a description of the project's benefits, and such 22906  
other information as the chief prescribes. The chief may award the 22907  
applicant a grant only after finding that the proposed reclamation 22908  
work will render the unreclaimed land suitable for commercial, 22909  
industrial, or, if the land is owned by a political subdivision, 22910  
recreational site development and will substantially reduce or 22911

eliminate the damage, if any, to adjacent property that is or may  
be caused by the condition of the unreclaimed land. 22912  
22913

The chief shall determine the amount of the grant based upon 22914  
the chief's determination of what constitutes reasonable and 22915  
necessary expenses actually incurred for preparing the plan of 22916  
reclamation; preparing the unreclaimed land for commercial, 22917  
industrial, or, in the case of land owned by a political 22918  
subdivision, recreational site development, including backfilling, 22919  
grading, resoiling, planting, or other work to restore the land to 22920  
a condition suitable for such development; and, if the condition 22921  
of the unreclaimed land so requires, establishing vegetative cover 22922  
or substantially reducing or eliminating erosion, sedimentation, 22923  
landslides, pollution, accumulation or discharge of acid water, 22924  
flooding, or damage to adjacent property. The owner may have other 22925  
improvements made concurrently with the reclamation work, but 22926  
shall not spend any part of the grant for such other improvements. 22927  
No grant shall exceed seventy-five per cent of the total amount, 22928  
as determined by the chief, of what constitutes reasonable and 22929  
necessary expenses actually incurred for the reclamation measures 22930  
listed in this section. 22931

The chief shall enter into a contract for funding with each 22932  
applicant awarded a grant in order to ensure that the ~~moneys~~ money 22933  
granted are used for the purposes of this section and that the 22934  
reclamation work is properly done. The final payment under a grant 22935  
may not be made until the chief inspects and approves the 22936  
completed reclamation work. 22937

**Sec. 1513.32.** For the purpose of promoting local or regional 22938  
economic or community development, the chief of the division of 22939  
mineral resources management, with the approval of the director of 22940  
natural resources, may enter into a written agreement, which may 22941  
be in the form of a contract, with a political subdivision, 22942

community improvement corporation incorporated under Chapter 1724. 22943  
of the Revised Code, or other nonprofit corporation incorporated 22944  
under Chapter 1702. of the Revised Code that owns any unreclaimed 22945  
land affected by mining before April 10, 1972, or pursuant to a 22946  
license issued before April 10, 1972, under which the state or its 22947  
agents may enter upon the land to reclaim it at state expense with 22948  
~~moneys~~ money from the ~~unreclaimed lands~~ mining regulation and 22949  
safety fund created by section 1513.30 of the Revised Code for the 22950  
purpose of commercial or industrial site development if the land 22951  
is owned by a political subdivision or corporation or the 22952  
development of recreational facilities if the land is owned by a 22953  
political subdivision. The agreement may include provisions 22954  
pertaining to liability for damages and any other provisions 22955  
necessary or desirable to achieve the purposes of this section. 22956

For the purpose of selecting lands to be reclaimed for 22957  
commercial, industrial, or, if the lands are owned by a political 22958  
subdivision, recreational site development, the chief shall 22959  
consult with the owners of unreclaimed lands and with local 22960  
officials, civic and professional organizations, and interested 22961  
individuals and shall consider the feasibility, cost, and public 22962  
benefits of reclaiming particular lands and the availability of 22963  
federal or other assistance for the reclamation. The chief shall 22964  
select for reclamation under this section only lands that lie 22965  
within the boundaries of a project area approved by the chief. 22966

Before entering into the agreement, the chief shall prepare 22967  
or approve a detailed plan with topographic maps indicating the 22968  
reclamation improvements to be made, an itemized estimate of the 22969  
project's cost, a description of the project's benefits, and such 22970  
other information as the chief considers appropriate. The plan 22971  
shall include only reclamation work that is necessary to render 22972  
the unreclaimed land suitable for commercial, industrial, or, if 22973  
the land is owned by a political subdivision, recreational site 22974

development and will substantially reduce or eliminate the damage, 22975  
if any, to adjacent property that is or may be caused by the 22976  
condition of the unreclaimed land. The plan may include 22977  
improvements recommended by the owner, but may not include any 22978  
improvements that the chief finds are not necessary to prepare the 22979  
unreclaimed land for commercial, industrial, or, if the land is 22980  
owned by a political subdivision, recreational site development, 22981  
or if the condition of the unreclaimed land so requires, are not 22982  
necessary to establish vegetative cover or substantially reduce or 22983  
eliminate erosion, sedimentation, landslides, pollution, 22984  
accumulation or discharge of acid water, flooding, or damage to 22985  
adjacent property. 22986

With the approval of the director and upon entering into an 22987  
agreement with the owner, the chief may carry out the plan of 22988  
reclamation or any part thereof with the employees or equipment of 22989  
the department, or the chief may carry out the plan or any part 22990  
thereof by contracting therefor in accordance with the procedures 22991  
prescribed in section 1513.27 of the Revised Code. The chief shall 22992  
keep an itemized record of the state's expense in carrying out the 22993  
plan. 22994

Expenditure of not more than twenty per cent of the ~~moneys~~ 22995  
money credited to the ~~unreclaimed lands~~ mining regulation and 22996  
safety fund during the preceding fiscal year may be approved by 22997  
the chief during a fiscal year for conducting reclamation projects 22998  
under this section and for making grants under section 1513.31 of 22999  
the Revised Code, provided that such expenditures are primarily 23000  
for the pollution abatement purposes of section 1513.30 of the 23001  
Revised Code. 23002

**Sec. 1513.33.** The amount of any grant to a community 23003  
improvement corporation or nonprofit corporation made under 23004  
section 1513.31 of the Revised Code or the state's expenses 23005

incurred in reclaiming unreclaimed land owned by a community 23006  
improvement corporation or nonprofit corporation under section 23007  
1513.32 of the Revised Code shall constitute a loan by the state 23008  
to the corporation. Entry into a grant contract under section 23009  
1513.31 of the Revised Code or into a reclamation agreement under 23010  
section 1513.32 of the Revised Code by the chief of the division 23011  
of mineral resources management constitutes the designation of the 23012  
community improvement corporation or nonprofit corporation as the 23013  
state's agent for the commercial or industrial development of the 23014  
land named in the contract or agreement. 23015

Each grant contract under section 1513.31 of the Revised Code 23016  
or reclamation agreement under section 1513.32 of the Revised Code 23017  
shall include terms for repayment of the grant or reimbursement of 23018  
the state for its reclamation expenses, which shall require 23019  
repayment of the loan in full upon the first sale, lease, or 23020  
rental of the land reclaimed under the contract or agreement if 23021  
the entire parcel of reclaimed land is sold, leased, or rented. If 23022  
the corporation establishes a business enterprise on the entire 23023  
parcel of reclaimed land, the contract shall require repayment of 23024  
the loan in full upon the commencement of operation of the 23025  
business enterprise. If the reclaimed land is sold, leased, or 23026  
rented in portions or the corporation establishes a business 23027  
enterprise on any portion of the reclaimed land, the contract or 23028  
agreement shall require repayment of that portion of the loan that 23029  
corresponds to the portion of the reclaimed land sold, leased, or 23030  
rented upon the first sale, lease, or rental of that portion, or 23031  
upon commencement of operation of the business enterprise on that 23032  
portion, by the corporation in the proportion that the acreage of 23033  
the reclaimed land sold, leased, rented, or used in business by 23034  
the corporation bears to the total acreage of land reclaimed under 23035  
the contract or agreement. 23036

To secure repayment of the ~~moneys~~ money granted under section 23037

1513.31 of the Revised Code or of the state's reclamation expenses 23038  
under section 1513.32 of the Revised Code to or on behalf of a 23039  
community improvement corporation or nonprofit corporation, the 23040  
state shall have a lien on the land owned by the corporation that 23041  
is land reclaimed under section 1513.31 or 1513.32 of the Revised 23042  
Code equal to the amount of the grant made under section 1513.31 23043  
of the Revised Code or to the state's expenses incurred in 23044  
reclaiming the land under section 1513.32 of the Revised Code. 23045  
Within thirty days after the final grant payment is made under 23046  
section 1513.31 of the Revised Code or after the completion of the 23047  
reclamation work under section 1513.32 of the Revised Code, the 23048  
chief shall cause to be recorded in the office of the county 23049  
recorder of the county in which the reclaimed land is located a 23050  
statement that shall contain an itemized accounting of the grant 23051  
paid under section 1513.31 of the Revised Code or an itemized 23052  
record of the state's expenses incurred in reclaiming the land 23053  
under section 1513.32 of the Revised Code. The statement shall 23054  
constitute a notice of lien and operate as of the date of delivery 23055  
as a lien on the land reclaimed in the amount of the grant ~~moneys~~ 23056  
money paid out or the reclamation expenses incurred by the state 23057  
and shall have priority as a lien second only to the lien of real 23058  
property taxes imposed upon the land. The notice of lien and the 23059  
lien shall not be valid as against any mortgagee, pledgee, 23060  
purchaser, or judgment creditor whose rights have attached prior 23061  
to the date of filing of the statement by the chief or to any 23062  
prior or subsequent lien for real property taxes imposed pursuant 23063  
to section 5719.04 of the Revised Code. 23064

The county recorder shall record and index the chief's 23065  
statement, under the name of the state and the corporation, in the 23066  
official records maintained by the county recorder's office. The 23067  
county recorder shall impose no charge for the recording or 23068  
indexing of the statement. If the land is registered, the county 23069  
recorder shall make a notation and enter a memorial of the lien 23070

upon the page of the register in which the last certificate of 23071  
title to the land is registered, stating the name of the claimant, 23072  
amount claimed, volume and page of the record where recorded, and 23073  
exact time the memorial was entered. 23074

The lien shall continue in force so long as any portion of 23075  
the amount granted under section 1513.31 of the Revised Code or 23076  
the state's reclamation expenses incurred under section 1513.32 of 23077  
the Revised Code remains unpaid. Upon repayment in full of those 23078  
~~moneys~~ money or expenses, the chief promptly shall issue a 23079  
certificate of release of the lien. Upon presentation of the 23080  
certificate of release, the county recorder of the county where 23081  
the lien is recorded shall record the lien as having been 23082  
discharged. 23083

A lien imposed under this section shall be foreclosed upon 23084  
the substantial failure of a corporation to repay any portion of 23085  
the amount granted under section 1513.31 of the Revised Code or 23086  
the state's reclamation expenses incurred under section 1513.32 of 23087  
the Revised Code in accordance with the terms of the grant 23088  
contract or reclamation agreement. Before foreclosing any lien 23089  
under this section, the chief shall make a written demand upon the 23090  
corporation to comply with the repayment terms of the contract or 23091  
agreement. If the corporation does not pay the amount due within 23092  
sixty days, the chief shall refer the matter to the attorney 23093  
general, who shall institute a civil action to foreclose the lien 23094  
of the state. 23095

All ~~moneys~~ money collected from loan repayments and lien 23096  
foreclosures under this section shall be credited to the 23097  
~~unreclaimed lands~~ mining regulation and safety fund created by 23098  
section 1513.30 of the Revised Code. 23099

**Sec. 1513.37.** (A) There is hereby created in the state 23100  
treasury the abandoned mine reclamation fund, which shall be 23101

administered by the chief of the division of mineral resources 23102  
management. The fund shall consist of grants from the secretary of 23103  
the interior from the federal abandoned mine reclamation fund 23104  
established by Title IV of the "Surface Mining Control and 23105  
Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201, 23106  
regulations adopted under it, and amendments to the act and 23107  
regulations. Expenditures from the abandoned mine reclamation fund 23108  
shall be made by the chief for the following purposes: 23109

(1) Reclamation and restoration of land and water resources 23110  
adversely affected by past coal mining, including, but not limited 23111  
to, reclamation and restoration of abandoned strip mine areas, 23112  
abandoned coal processing areas, and abandoned coal refuse 23113  
disposal areas; sealing and filling of abandoned deep mine entries 23114  
and voids; planting of land adversely affected by past coal 23115  
mining; prevention of erosion and sedimentation; prevention, 23116  
abatement, treatment, and control of water pollution created by 23117  
coal mine drainage, including restoration of streambeds and 23118  
construction and operation of water treatment plants; prevention, 23119  
abatement, and control of burning coal refuse disposal areas and 23120  
burning coal in situ; and prevention, abatement, and control of 23121  
coal mine subsidence; 23122

(2) Acquisition and filling of voids and sealing of tunnels, 23123  
shafts, and entryways of noncoal lands; 23124

(3) Acquisition of land as provided for in this section; 23125

(4) Administrative expenses incurred in accomplishing the 23126  
purposes of this section; 23127

(5) All other necessary expenses to accomplish the purposes 23128  
of this section. 23129

(B) Expenditures of ~~moneys~~ money from the fund on land and 23130  
water eligible pursuant to division (C) of this section shall 23131



reflect the following priorities in the order stated:	23132
(1) The protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices;	23133 23134 23135
(2) The protection of public health, safety, and general welfare from adverse effects of coal mining practices;	23136 23137
(3) The restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices, including measures for the conservation and development of soil and water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity;	23138 23139 23140 23141 23142
(4) Research and demonstration projects relating to the development of coal mining reclamation and water quality control program methods and techniques;	23143 23144 23145
(5) The protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation facilities, and conservation facilities adversely affected by coal mining practices;	23146 23147 23148 23149
(6) The development of publicly owned land adversely affected by coal mining practices, including land acquired as provided in this section for recreation and historic purposes, conservation and reclamation purposes, and open space benefits.	23150 23151 23152 23153
(C)(1) Lands and water eligible for reclamation or drainage abatement expenditures under this section are those that were mined for coal or were affected by such mining, wastebanks, coal processing, or other coal mining processes and that meet one of the following criteria:	23154 23155 23156 23157 23158
(a) Are lands that were abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under state or federal	23159 23160 23161

laws; 23162

(b) Are lands for which the chief finds that surface coal 23163  
mining operations occurred at any time between August 4, 1977, and 23164  
August 16, 1982, and that any ~~moneys~~ money for reclamation or 23165  
abatement that are available pursuant to a bond, performance 23166  
security, or other form of financial guarantee or from any other 23167  
source are not sufficient to provide for adequate reclamation or 23168  
abatement at the site; 23169

(c) Are lands for which the chief finds that surface coal 23170  
mining operations occurred at any time between August 4, 1977, and 23171  
November 5, 1990, that the surety of the mining operator became 23172  
insolvent during that time, and that, as of November 5, 1990, any 23173  
~~moneys~~ money immediately available from proceedings relating to 23174  
that insolvency or from any financial guarantee or other source 23175  
are not sufficient to provide for adequate reclamation or 23176  
abatement at the site. 23177

(2) In determining which sites to reclaim pursuant to 23178  
divisions (C)(1)(b) and (c) of this section, the chief shall 23179  
follow the priorities stated in divisions (B)(1) and (2) of this 23180  
section and shall ensure that priority is given to those sites 23181  
that are in the immediate vicinity of a residential area or that 23182  
have an adverse economic impact on a local community. 23183

(3) Surface coal mining operations on lands eligible for 23184  
remining shall not affect the eligibility of those lands for 23185  
reclamation and restoration under this section after the release 23186  
of the bond, performance security, or other form of financial 23187  
guarantee for any such operation as provided under division (F) of 23188  
section 1513.16 of the Revised Code. If the bond, performance 23189  
security, or other form of financial guarantee for a surface coal 23190  
mining operation on lands eligible for remining is forfeited, 23191  
~~moneys~~ money available under this section may be used if the 23192  
amount of the bond, performance security, or other form of 23193

financial guarantee is not sufficient to provide for adequate 23194  
reclamation or abatement, except that if conditions warrant, the 23195  
chief immediately shall exercise the authority granted under 23196  
division (L) of this section. 23197

(D) The chief may submit to the secretary of the interior a 23198  
state reclamation plan and annual projects to carry out the 23199  
purposes of this section. 23200

(1) The reclamation plan generally shall identify the areas 23201  
to be reclaimed, the purposes for which the reclamation is 23202  
proposed, the relationship of the lands to be reclaimed and the 23203  
proposed reclamation to surrounding areas, the specific criteria 23204  
for ranking and identifying projects to be funded, and the legal 23205  
authority and programmatic capability to perform the work in 23206  
accordance with this section. 23207

(2) On an annual basis, the chief may submit to the secretary 23208  
an application for support of the abandoned mine reclamation fund 23209  
and implementation of specific reclamation projects. The annual 23210  
requests shall include such information as may be requested by the 23211  
secretary. 23212

(3) The costs for each proposed project under this section 23213  
shall include actual construction costs, actual operation and 23214  
maintenance costs of permanent facilities, planning and 23215  
engineering costs, construction inspection costs, and other 23216  
necessary administrative expenses. 23217

(4) The chief may submit annual and other reports required by 23218  
the secretary when funds are provided by the secretary under Title 23219  
IV of the "Surface Mining Control and Reclamation Act of 1977," 91 23220  
Stat. 445, 30 U.S.C.A. 1201, regulations adopted under it, and 23221  
amendments to the act and regulations. 23222

(E)(1) There is hereby created in the state treasury the acid 23223  
mine drainage abatement and treatment fund, which shall be 23224

administered by the chief. The fund shall consist of grants from 23225  
the secretary of the interior from the federal abandoned mine 23226  
reclamation fund pursuant to section 402(g)(6) of Title IV of the 23227  
"Surface Mining Control and Reclamation Act of 1977," 91 Stat. 23228  
445, 30 U.S.C.A. 1201. All investment earnings of the fund shall 23229  
be credited to the fund. 23230

(2) The chief shall make expenditures from the fund, in 23231  
consultation with the United States department of agriculture, 23232  
soil conservation service, to implement acid mine drainage 23233  
abatement and treatment plans approved by the secretary. The plans 23234  
shall provide for the comprehensive abatement of the causes and 23235  
treatment of the effects of acid mine drainage within qualified 23236  
hydrologic units affected by coal mining practices and shall 23237  
include at least all of the following: 23238

(a) An identification of the qualified hydrologic unit. As 23239  
used in division (E) of this section, "qualified hydrologic unit" 23240  
means a hydrologic unit that meets all of the following criteria: 23241

(i) The water quality in the unit has been significantly 23242  
affected by acid mine drainage from coal mining practices in a 23243  
manner that has an adverse impact on biological resources. 23244

(ii) The unit contains lands and waters that meet the 23245  
eligibility requirements established under division (C) of this 23246  
section and any of the priorities established in divisions (B)(1) 23247  
to (3) of this section. 23248

(iii) The unit contains lands and waters that are proposed to 23249  
be the subject of expenditures from the reclamation forfeiture 23250  
fund created in section 1513.18 of the Revised Code or the 23251  
~~unreclaimed lands~~ mining regulation and safety fund created in 23252  
section 1513.30 of the Revised Code. 23253

(b) The extent to which acid mine drainage is affecting the 23254  
water quality and biological resources within the hydrologic unit; 23255

(c) An identification of the sources of acid mine drainage within the hydrologic unit;	23256 23257
(d) An identification of individual projects and the measures proposed to be undertaken to abate and treat the causes or effects of acid mine drainage within the hydrologic unit;	23258 23259 23260
(e) The cost of undertaking the proposed abatement and treatment measures;	23261 23262
(f) An identification of existing and proposed sources of funding for those measures;	23263 23264
(g) An analysis of the cost-effectiveness and environmental benefits of abatement and treatment measures.	23265 23266
(3) The chief may make grants of <del>moneys</del> <u>money</u> from the acid mine drainage abatement and treatment fund to watershed groups for conducting projects to accomplish the purposes of this section. A grant may be made in an amount equal to not more than fifty per cent of each of the following:	23267 23268 23269 23270 23271
(a) Reasonable and necessary expenses for the collection and analysis of data sufficient to do either or both of the following:	23272 23273
(i) Identify a watershed as a qualified hydrologic unit;	23274
(ii) Monitor the quality of water in a qualified hydrologic unit before, during, and at any time after completion of the project by the watershed group.	23275 23276 23277
(b) Engineering design costs and construction costs involved in the project, provided that the project is conducted in a qualified hydrologic unit and the chief considers the project to be a priority.	23278 23279 23280 23281
A watershed group that wishes to obtain a grant under division (E)(3) of this section shall submit an application to the chief on forms provided by the division of mineral resources management, together with detailed estimates and timetables for	23282 23283 23284 23285

accomplishing the stated goals of the project and any other 23286  
information that the chief requires. 23287

For the purposes of establishing priorities for awarding 23288  
grants under division (E)(3) of this section, the chief shall 23289  
consider each project's feasibility, cost-effectiveness, and 23290  
environmental benefit, together with the availability of matching 23291  
funding, including in-kind services, for the project. 23292

The chief shall enter into a contract for funding with each 23293  
applicant awarded a grant to ensure that the ~~moneys~~ money granted 23294  
are used for the purposes of this section and that the work that 23295  
the project involves is done properly. The contract is not subject 23296  
to division (B) of section 127.16 of the Revised Code. The final 23297  
payment of grant ~~moneys~~ money shall not be made until the chief 23298  
inspects and approves the completed project. 23299

The chief shall require each applicant awarded a grant under 23300  
this section who conducts a project involving construction work to 23301  
pay workers at the greater of their regular rate of pay, as 23302  
established by contract, agreement, or prior custom or practice, 23303  
or the average wage rate paid in this state for the same or 23304  
similar work performed in the same or a similar locality by 23305  
private companies doing similar work on similar projects. 23306

As used in division (E)(3) of this section, "watershed group" 23307  
means a charitable organization as defined in section 1716.01 of 23308  
the Revised Code that has been established for the purpose of 23309  
conducting reclamation of land and waters adversely affected by 23310  
coal mining practices and specifically for conducting acid mine 23311  
drainage abatement. 23312

(F)(1) If the chief makes a finding of fact that land or 23313  
water resources have been adversely affected by past coal mining 23314  
practices; the adverse effects are at a stage where, in the public 23315  
interest, action to restore, reclaim, abate, control, or prevent 23316

the adverse effects should be taken; the owners of the land or 23317  
water resources where entry must be made to restore, reclaim, 23318  
abate, control, or prevent the adverse effects of past coal mining 23319  
practices are not known or are not readily available; or the 23320  
owners will not give permission for the state, political 23321  
subdivisions, or their agents, employees, or contractors to enter 23322  
upon the property to restore, reclaim, abate, control, or prevent 23323  
the adverse effects of past coal mining practices; then, upon 23324  
giving notice by mail to the owners, if known, or, if not known, 23325  
by posting notice upon the premises and advertising once in a 23326  
newspaper of general circulation in the municipal corporation or 23327  
county in which the land lies, the chief or the chief's agents, 23328  
employees, or contractors may enter upon the property adversely 23329  
affected by past coal mining practices and any other property to 23330  
have access to the property to do all things necessary or 23331  
expedient to restore, reclaim, abate, control, or prevent the 23332  
adverse effects. The entry shall be construed as an exercise of 23333  
the police power for the protection of the public health, safety, 23334  
and general welfare and shall not be construed as an act of 23335  
condemnation of property nor of trespass on it. The ~~moneys~~ money 23336  
expended for the work and the benefits accruing to any such 23337  
premises so entered upon shall be chargeable against the land and 23338  
shall mitigate or offset any claim in or any action brought by any 23339  
owner of any interest in the premises for any alleged damages by 23340  
virtue of the entry, but this provision is not intended to create 23341  
new rights of action or eliminate existing immunities. 23342

(2) The chief or the chief's authorized representatives may 23343  
enter upon any property for the purpose of conducting studies or 23344  
exploratory work to determine the existence of adverse effects of 23345  
past coal mining practices and to determine the feasibility of 23346  
restoration, reclamation, abatement, control, or prevention of 23347  
such adverse effects. The entry shall be construed as an exercise 23348  
of the police power for the protection of the public health, 23349

safety, and general welfare and shall not be construed as an act of condemnation of property nor trespass on it.

(3) The chief may acquire any land by purchase, donation, or condemnation that is adversely affected by past coal mining practices if the chief determines that acquisition of the land is necessary to successful reclamation and that all of the following apply:

(a) The acquired land, after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices, will serve recreation and historic purposes, serve conservation and reclamation purposes, or provide open space benefits.

(b) Permanent facilities such as a treatment plant or a relocated stream channel will be constructed on the land for the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices.

(c) Acquisition of coal refuse disposal sites and all coal refuse thereon will serve the purposes of this section or public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effects of past coal mining practices.

(4)(a) Title to all lands acquired pursuant to this section shall be in the name of the state. The price paid for land acquired under this section shall reflect the market value of the land as adversely affected by past coal mining practices.

(b) The chief may receive grants on a matching basis from the secretary of the interior for the purpose of carrying out this section.

(5)(a) Where land acquired pursuant to this section is considered to be suitable for industrial, commercial, residential, or recreational development, the chief may sell the land by public sale under a system of competitive bidding at not less than fair



market value and under other requirements imposed by rule to 23381  
ensure that the lands are put to proper use consistent with local 23382  
and state land use plans, if any, as determined by the chief. 23383

(b) The chief, when requested, and after appropriate public 23384  
notice, shall hold a public meeting in the county, counties, or 23385  
other appropriate political subdivisions of the state in which 23386  
lands acquired pursuant to this section are located. The meetings 23387  
shall be held at a time that shall afford local citizens and 23388  
governments the maximum opportunity to participate in the decision 23389  
concerning the use or disposition of the lands after restoration, 23390  
reclamation, abatement, control, or prevention of the adverse 23391  
effects of past coal mining practices. 23392

(6) In addition to the authority to acquire land under 23393  
division (F)(3) of this section, the chief may use money in the 23394  
fund to acquire land by purchase, donation, or condemnation, and 23395  
to reclaim and transfer acquired land to a political subdivision, 23396  
or to any person, if the chief determines that it is an integral 23397  
and necessary element of an economically feasible plan for the 23398  
construction or rehabilitation of housing for persons disabled as 23399  
the result of employment in the mines or work incidental to that 23400  
employment, persons displaced by acquisition of land pursuant to 23401  
this section, persons dislocated as the result of adverse effects 23402  
of coal mining practices that constitute an emergency as provided 23403  
in the "Surface Mining Control and Reclamation Act of 1977," 91 23404  
Stat. 466, 30 U.S.C.A. 1240, or amendments to it, or persons 23405  
dislocated as the result of natural disasters or catastrophic 23406  
failures from any cause. Such activities shall be accomplished 23407  
under such terms and conditions as the chief requires, which may 23408  
include transfers of land with or without monetary consideration, 23409  
except that to the extent that the consideration is below the fair 23410  
market value of the land transferred, no portion of the difference 23411  
between the fair market value and the consideration shall accrue 23412

as a profit to those persons. No part of the funds provided under 23413  
this section may be used to pay the actual construction costs of 23414  
housing. The chief may carry out the purposes of division (F)(6) 23415  
of this section directly or by making grants and commitments for 23416  
grants and may advance money under such terms and conditions as 23417  
the chief may require to any agency or instrumentality of the 23418  
state or any public body or nonprofit organization designated by 23419  
the chief. 23420

(G)(1) Within six months after the completion of projects to 23421  
restore, reclaim, abate, control, or prevent adverse effects of 23422  
past coal mining practices on privately owned land, the chief 23423  
shall itemize the ~~moneys~~ money so expended and may file a 23424  
statement of the expenditures in the office of the county recorder 23425  
of the county in which the land lies, together with a notarized 23426  
appraisal by an independent appraiser of the value of the land 23427  
before the restoration, reclamation, abatement, control, or 23428  
prevention of adverse effects of past coal mining practices if the 23429  
~~moneys~~ money so expended result in a significant increase in 23430  
property value. The statement shall constitute a lien upon the 23431  
land as of the date of the expenditures of the ~~moneys~~ money and 23432  
shall have priority as a lien second only to the lien of real 23433  
property taxes imposed upon the land. The lien shall not exceed 23434  
the amount determined by the appraisal to be the increase in the 23435  
fair market value of the land as a result of the restoration, 23436  
reclamation, abatement, control, or prevention of the adverse 23437  
effects of past coal mining practices. No lien shall be filed 23438  
under division (G) of this section against the property of any 23439  
person who owned the surface prior to May 2, 1977, and did not 23440  
consent to, participate in, or exercise control over the mining 23441  
operation that necessitated the reclamation performed. 23442

(2) The landowner may petition, within sixty days after the 23443  
filing of the lien, to determine the increase in the fair market 23444

value of the land as a result of the restoration, reclamation, 23445  
abatement, control, or prevention of the adverse effects of past 23446  
coal mining practices. The amount reported to be the increase in 23447  
value of the premises shall constitute the amount of the lien and 23448  
shall be recorded with the statement provided in this section. Any 23449  
party aggrieved by the decision may appeal as provided by state 23450  
law. 23451

(3) The lien provided in division (G) of this section shall 23452  
be recorded and indexed, under the name of the state and the 23453  
landowner, in the official records in the office of the county 23454  
recorder of the county in which the land lies. The county recorder 23455  
shall impose no charge for the recording or indexing of the lien. 23456  
If the land is registered, the county recorder shall make a 23457  
notation and enter a memorial of the lien upon the page of the 23458  
register in which the last certificate of title to the land is 23459  
registered, stating the name of the claimant, amount claimed, 23460  
volume and page of the record where recorded, and exact time the 23461  
memorial was entered. 23462

(4) The lien shall continue in force so long as any portion 23463  
of the amount of the lien remains unpaid. If the lien remains 23464  
unpaid at the time of conveyance of the land on which the lien was 23465  
placed, the conveyance may be set aside. Upon repayment in full of 23466  
the ~~moneys~~ money expended under this section, the chief promptly 23467  
shall issue a certificate of release of the lien. Upon 23468  
presentation of the certificate of release, the county recorder of 23469  
the county in which the lien is recorded shall record the lien as 23470  
having been discharged. 23471

(5) A lien imposed under this section shall be foreclosed 23472  
upon the substantial failure of a landowner to pay any portion of 23473  
the amount of the lien. Before foreclosing any lien under this 23474  
section, the chief shall make a written demand upon the landowner 23475  
for payment. If the landowner does not pay the amount due within 23476

sixty days, the chief shall refer the matter to the attorney general, who shall institute a civil action to foreclose the lien. 23477  
23478

(H)(1) The chief may fill voids, seal abandoned tunnels, shafts, and entryways, and reclaim surface impacts of underground or strip mines that the chief determines could endanger life and property, constitute a hazard to the public health and safety, or degrade the environment. 23479  
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(2) In those instances where mine waste piles are being reworked for conservation purposes, the incremental costs of disposing of the wastes from those operations by filling voids and sealing tunnels may be eligible for funding, provided that the disposal of these wastes meets the purposes of this section. 23484  
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(3) The chief may acquire by purchase, donation, easement, or otherwise such interest in land as the chief determines necessary to carry out division (H) of this section. 23489  
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(I) The chief shall report annually to the secretary of the interior on operations under the fund and include recommendations as to its future uses. 23492  
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(J)(1) The chief may engage in any work and do all things necessary or expedient, including the adoption of rules, to implement and administer this section. 23495  
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(2) The chief may engage in cooperative projects under this section with any agency of the United States, any other state, or their governmental agencies or with any state university or college as defined in section 3345.27 of the Revised Code. The cooperative projects are not subject to division (B) of section 127.16 of the Revised Code. 23498  
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(3) The chief may request the attorney general to initiate in any court of competent jurisdiction an action in equity for an injunction to restrain any interference with the exercise of the right to enter or to conduct any work provided in this section, 23504  
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which remedy is in addition to any other remedy available under 23508  
this section. 23509

(4) The chief may construct or operate a plant or plants for 23510  
the control and treatment of water pollution resulting from mine 23511  
drainage. The extent of this control and treatment may be 23512  
dependent upon the ultimate use of the water. Division (J)(4) of 23513  
this section does not repeal or supersede any portion of the 23514  
"Federal Water Pollution Control Act," 70 Stat. 498 (1965), 33 23515  
U.S.C.A. 1151, as amended, and no control or treatment under 23516  
division (J)(4) of this section, in any way, shall be less than 23517  
that required by that act. The construction of a plant or plants 23518  
may include major interceptors and other facilities appurtenant to 23519  
the plant. 23520

(5) The chief may transfer money from the abandoned mine 23521  
reclamation fund and the acid mine drainage abatement and 23522  
treatment fund to other appropriate state agencies or to state 23523  
universities or colleges in order to carry out the reclamation 23524  
activities authorized by this section. 23525

(K) The chief may contract for any part of work to be 23526  
performed under this section, with or without advertising for 23527  
bids, if the chief determines that a condition exists that could 23528  
reasonably be expected to cause substantial physical harm to 23529  
persons, property, or the environment and to which persons or 23530  
improvements on real property are currently exposed. 23531

The chief shall require every contractor performing 23532  
reclamation work under this section to pay its workers at the 23533  
greater of their regular rate of pay, as established by contract, 23534  
agreement, or prior custom or practice, or the average wage rate 23535  
paid in this state for the same or similar work as determined by 23536  
the chief under section 1513.02 of the Revised Code. 23537

(L)(1) The chief may contract for the emergency restoration, 23538

reclamation, abatement, control, or prevention of adverse effects 23539  
of mining practices on eligible lands if the chief determines that 23540  
an emergency exists constituting a danger to the public health, 23541  
safety, or welfare and that no other person or agency will act 23542  
expeditiously to restore, reclaim, abate, control, or prevent 23543  
those adverse effects. The chief may enter into a contract for 23544  
emergency work under division (L) of this section without 23545  
advertising for bids. Any such contract or any purchase of 23546  
materials for emergency work under division (L) of this section is 23547  
not subject to division (B) of section 127.16 of the Revised Code. 23548

(2) The chief or the chief's agents, employees, or 23549  
contractors may enter on any land where such an emergency exists, 23550  
and on other land in order to have access to that land, in order 23551  
to restore, reclaim, abate, control, or prevent the adverse 23552  
effects of mining practices and to do all things necessary or 23553  
expedient to protect the public health, safety, or welfare. Such 23554  
an entry shall be construed as an exercise of the police power and 23555  
shall not be construed as an act of condemnation of property or of 23556  
trespass. The ~~moneys~~ money expended for the work and the benefits 23557  
accruing to any premises so entered upon shall be chargeable 23558  
against the land and shall mitigate or offset any claim in or any 23559  
action brought by any owner of any interest in the premises for 23560  
any alleged damages by virtue of the entry. This provision is not 23561  
intended to create new rights of action or eliminate existing 23562  
immunities. 23563

**Sec. 1514.03.** Within thirty days after each anniversary date 23564  
of issuance of a surface or in-stream mining permit, the operator 23565  
shall file with the chief of the division of mineral resources 23566  
management an annual report, on a form prescribed and furnished by 23567  
the chief, that, for the period covered by the report, shall state 23568  
the amount of and identify the types of minerals and coal, if any 23569  
coal, produced and shall state the number of acres affected and 23570

the number of acres estimated to be affected during the next year 23571  
of operation. An annual report is not required to be filed if a 23572  
final report is filed in lieu thereof. 23573

Each annual report for a surface mining operation shall 23574  
include a progress map indicating the location of areas of land 23575  
affected during the period of the report and the location of the 23576  
area of land estimated to be affected during the next year. The 23577  
map shall be prepared in accordance with division (A)(11) or (12) 23578  
of section 1514.02 of the Revised Code, as appropriate, except 23579  
that a map prepared in accordance with division (A)(12) of that 23580  
section may be certified by the operator or authorized agent of 23581  
the operator in lieu of certification by a professional engineer 23582  
or surveyor registered under Chapter 4733. of the Revised Code. 23583  
However, the chief may require that an annual progress map or a 23584  
final map be prepared by a registered professional engineer or 23585  
registered surveyor if the chief has reason to believe that the 23586  
operator exceeded the boundaries of the permit area or, if the 23587  
operator filed the map required under division (A)(11) of section 23588  
1514.02 of the Revised Code, that the operator extracted ten 23589  
thousand tons or more of minerals during the period covered by the 23590  
report. 23591

Each annual report for an in-stream mining operation shall 23592  
include a statement of the total tonnage removed by in-stream 23593  
mining for each month and of the surface acreage and depth of 23594  
material removed by in-stream mining and shall include a map that 23595  
identifies the area affected by the in-stream mining if the 23596  
in-stream mining for the year addressed by the report occurred 23597  
beyond the area identified in the most recent approved map, 23598  
soundings that depict the cross-sectional views of the channel 23599  
bottom of the watercourse if the soundings depict a 23600  
cross-sectional view of the channel bottom that is different from 23601  
the most recent approved map, and water elevations for the 23602

watercourse if water elevations are different from those indicated 23603  
on the most recent approved map. 23604

Each annual report shall be accompanied by a filing fee in 23605  
the amount of five hundred dollars, except in the case of an 23606  
annual report filed by a small operator or an in-stream mining 23607  
operator. A small operator, which is a surface mine operator who 23608  
intends to extract fewer than ten thousand tons of minerals and no 23609  
coal during the next year of operation under the permit, or an 23610  
in-stream mining operator shall include a filing fee in the amount 23611  
of two hundred fifty dollars with each annual report. The annual 23612  
report of any operator also shall be accompanied by an acreage fee 23613  
in the amount of seventy-five dollars multiplied by the number of 23614  
acres estimated in the report to be affected during the next year 23615  
of operation under the permit. The acreage fee shall be adjusted 23616  
by subtracting a credit of seventy-five dollars per excess acre 23617  
paid for the preceding year if the acreage paid for the preceding 23618  
year exceeds the acreage actually affected or by adding an 23619  
additional amount of seventy-five dollars per excess acre affected 23620  
if the acreage actually affected exceeds the acreage paid for the 23621  
preceding year. 23622

With each annual report the operator shall file a performance 23623  
bond in the amount, unless otherwise provided by rule, of five 23624  
hundred dollars multiplied by the number of acres estimated to be 23625  
affected during the next year of operation under the permit for 23626  
which no performance bond previously was filed. Unless otherwise 23627  
provided by rule, the bond shall be adjusted by subtracting a 23628  
credit of five hundred dollars per excess acre for which bond was 23629  
filed for the preceding year if the acreage for which the bond was 23630  
filed for the preceding year exceeds the acreage actually 23631  
affected, or by adding an amount of five hundred dollars per 23632  
excess acre affected if the acreage actually affected exceeds the 23633  
acreage for which bond was filed for the preceding year. 23634



Within thirty days after the expiration of the surface or 23635  
in-stream mining permit, or completion or abandonment of the 23636  
operation, whichever occurs earlier, the operator shall submit a 23637  
final report containing the same information required in an annual 23638  
report, but covering the time from the last annual report to the 23639  
expiration of the permit, or completion or abandonment of the 23640  
operation, whichever occurs earlier. 23641

Each final report shall include a map indicating the location 23642  
of the area of land affected during the period of the report and 23643  
the location of the total area of land affected under the permit. 23644  
The map shall be prepared in accordance with division (A)(11) or 23645  
(12) of section 1514.02 of the Revised Code, as appropriate. 23646

In the case of a final report for an in-stream mining 23647  
operation, the map also shall include the information required 23648  
under division (A)(18) of section 1514.02 of the Revised Code, as 23649  
applicable. 23650

If the final report and certified map, as verified by the 23651  
chief, show that the number of acres affected under the permit is 23652  
larger than the number of acres for which the operator has paid an 23653  
acreage fee or filed a performance bond, upon notification by the 23654  
chief, the operator shall pay an additional acreage fee in the 23655  
amount of seventy-five dollars multiplied by the difference 23656  
between the number of acres affected under the permit and the 23657  
number of acres for which the operator has paid an acreage fee and 23658  
shall file an additional performance bond in the amount, unless 23659  
otherwise provided by rule, of five hundred dollars multiplied by 23660  
the difference between the number of acres affected under the 23661  
permit and the number of acres for which the operator has filed 23662  
bond. 23663

If the final report and certified map, as verified by the 23664  
chief, show that the number of acres affected under the permit is 23665  
smaller than the number of acres for which the operator has filed 23666

a performance bond, the chief shall order release of the excess 23667  
bond. However, the chief shall retain a performance bond in a 23668  
minimum amount of ten thousand dollars irrespective of the number 23669  
of acres affected under the permit. The release of the excess bond 23670  
shall be in an amount, unless otherwise provided by rule, equal to 23671  
five hundred dollars multiplied by the difference between the 23672  
number of acres affected under the permit and the number of acres 23673  
for which the operator has filed bond. 23674

The fees collected pursuant to this section and section 23675  
1514.02 of the Revised Code shall be deposited with the treasurer 23676  
of state to the credit of the ~~surface~~ mining regulation and safety 23677  
fund created under section ~~1514.06~~ 1513.30 of the Revised Code. 23678

If upon inspection the chief finds that any filing fee, 23679  
acreage fee, performance bond, or part thereof is not paid when 23680  
due or is paid on the basis of false or substantially inaccurate 23681  
reports, the chief may request the attorney general to recover the 23682  
unpaid amounts that are due the state, and the attorney general 23683  
shall commence appropriate legal proceedings to recover the unpaid 23684  
amounts. 23685

**Sec. 1514.051.** (A) If an operator or a partner or officer of 23686  
the operator forfeits a performance bond, the division of mineral 23687  
resources management shall have a priority lien in front of all 23688  
other interested creditors against the assets of that operator for 23689  
the amount that is needed to perform any reclamation that is 23690  
required as a result of the operator's mining activities. The 23691  
chief of the division of mineral resources management shall file a 23692  
statement in the office of the county recorder of each county in 23693  
which the mined land lies of the estimated costs to reclaim the 23694  
land. Estimated costs shall include direct and indirect costs of 23695  
the development, design, construction, management, and 23696  
administration of the reclamation. The statement shall constitute 23697

a lien on the assets of the operator as of the date of the filing. 23698  
The lien shall continue in force so long as any portion of the 23699  
lien remains unpaid or until the chief issues a certificate of 23700  
release of the lien. If the chief issues a certificate of release 23701  
of the lien, the chief shall file a certificate of release in the 23702  
office of each applicable county recorder. 23703

(B) The chief promptly shall issue a certificate of release 23704  
under any of the following circumstances: 23705

(1) Upon the repayment in full of the money that is necessary 23706  
to complete the reclamation; 23707

(2) Upon the transfer of an existing permit that includes the 23708  
areas of the surface mine for which reclamation was not completed 23709  
from the operator that forfeited the performance bond to a new 23710  
operator; 23711

(3) Any other circumstance that the chief determines to be in 23712  
the best interests of the state. 23713

(C) The chief may modify the amount of a lien under this 23714  
section. If the chief modifies a lien, the chief shall file a 23715  
statement in the office of the county recorder of each applicable 23716  
county of the new amount of the lien. 23717

(D) The chief may authorize a closing agent to hold a 23718  
certificate of release in escrow for a period not to exceed one 23719  
hundred eighty days for the purpose of facilitating the transfer 23720  
of unreclaimed mine land. 23721

(E) All money from the collection of liens under this section 23722  
shall be deposited in the state treasury to the credit of the 23723  
~~surface mining regulation and safety~~ fund created in section 23724  
~~1514.06~~ 1513.30 of the Revised Code. 23725

**Sec. 1514.06.** (A) ~~There is hereby created in the state~~ 23726

~~treasury the surface mining fund consisting of all~~ All money that 23727  
becomes the property of the state pursuant to sections 1514.05 and 23728  
1514.051 of the Revised Code, money ~~credited to the fund~~ collected 23729  
under divisions (C)(1) and (2) of section 1514.071, and other 23730  
money specified in section 1514.11 of the Revised Code shall be 23731  
credited to the mining regulation and safety fund created in 23732  
section 1513.30 of the Revised Code. ~~All investment earnings of~~ 23733  
~~the fund shall be credited to the fund. Expenditures from the fund~~ 23734  
~~shall be made by the~~ The chief of the division of mineral 23735  
resources management may expend such money for the purpose of 23736  
reclaiming areas of land affected by surface or in-stream mining 23737  
under a permit issued under this chapter that the operator has 23738  
failed to reclaim. ~~Provided that the chief maintains a balance in~~ 23739  
~~the fund that is sufficient to achieve that purpose and, in doing~~ 23740  
~~so, considers the timeliness of reclamation activity, the chief~~ 23741  
~~may use the fund for other purposes specified in section 1514.11~~ 23742  
~~of the Revised Code.~~ 23743

(B) Expenditures of ~~moneys~~ money from the fund for the 23744  
purposes specified in division (A) of this section, except as 23745  
otherwise provided by this section, shall be made pursuant to 23746  
contracts entered into by the chief with persons who agree to 23747  
furnish all of the materials, equipment, work, and labor, as 23748  
specified and provided in the contracts, for the prices stipulated 23749  
therein. With the approval of the director of natural resources, 23750  
the chief may reclaim the land in the same manner as the chief 23751  
required of the operator who failed to reclaim the land. Each 23752  
contract awarded by the chief shall be awarded to the lowest 23753  
responsive and responsible bidder, in accordance with section 23754  
9.312 of the Revised Code, after sealed bids are received, opened, 23755  
and published at the time and place fixed by the chief. The chief 23756  
shall publish notice of the time and place at which bids will be 23757  
received, opened, and published, at least once at least ten days 23758  
before the date of the opening of the bids, in a newspaper of 23759

general circulation in the county in which the area of land to be 23760  
reclaimed under the contract is located. If, after so advertising 23761  
for bids, no bids are received by the chief at the time and place 23762  
fixed for receiving them, the chief may advertise again for bids, 23763  
or, if the chief considers the public interest will be best 23764  
served, the chief may enter into a contract for the reclamation of 23765  
the area of land without further advertisement for bids. The chief 23766  
may reject any or all bids received and again publish notice of 23767  
the time and place at which bids for contracts will be received, 23768  
opened, and published. 23769

(C) With the approval of the director, the chief, without 23770  
advertising for bids, may enter into a contract with the 23771  
landowner, a surface or in-stream mine operator or coal mine 23772  
operator mining under a current, valid permit issued under this 23773  
chapter or Chapter 1513. of the Revised Code, or a contractor 23774  
hired by a surety to complete reclamation, to carry out 23775  
reclamation on land affected by surface or in-stream mining 23776  
operations that an operator has failed to reclaim. 23777

(D) With the approval of the director, the chief may carry 23778  
out all or part of the reclamation work on land affected by 23779  
surface or in-stream mining operations that the operator has 23780  
failed to reclaim using the employees and equipment of any 23781  
division of the department of natural resources. 23782

(E) The chief shall require every contractor performing 23783  
reclamation work under this section to pay workers at the greater 23784  
of their regular rate of pay, as established by contract, 23785  
agreement, or prior custom or practice, or the average wage rate 23786  
paid in this state for the same or similar work, as determined by 23787  
the chief under section 1513.02 of the Revised Code. 23788

(F) Each contract entered into by the chief under this 23789  
section shall provide only for the reclamation of land affected by 23790  
the surface or in-stream mining operation or operations of one 23791

operator and not reclaimed by the operator as required by this 23792  
chapter. If there is money in the fund derived from the 23793  
performance bond deposited with the chief by one operator to 23794  
ensure the reclamation of two or more areas of land affected by 23795  
the surface or in-stream mining operation or operations of one 23796  
operator and not reclaimed by the operator as required by this 23797  
chapter, the chief may award a single contract for the reclamation 23798  
of all such areas of land. 23799

(G) The cost of the reclamation work done under this section 23800  
on each area of land affected by surface or in-stream mining 23801  
operations that an operator has failed to reclaim shall be paid 23802  
out of the money in the fund derived from the performance bond 23803  
that was deposited with the chief to ensure the reclamation of 23804  
that area of land. ~~If the amount of money is not sufficient to pay~~ 23805  
~~the cost of doing all of the reclamation work on the area of land~~ 23806  
~~that the operator should have done, but failed to do, the chief~~ 23807  
~~may expend from the reclamation forfeiture fund created in section~~ 23808  
~~1513.18 of the Revised Code or the surface mining fund created in~~ 23809  
~~this section the amount of money needed to complete reclamation to~~ 23810  
~~the standards required by this chapter. The operator is liable for~~ 23811  
that expense in addition to any other liabilities imposed by law. 23812  
At the request of the chief, the attorney general shall bring an 23813  
action against the operator for the amount of the expenditures 23814  
from ~~either~~ the mining regulation and safety fund. ~~Moneys~~ Money so 23815  
recovered shall be deposited in the state treasury to the credit 23816  
of ~~the~~ that fund ~~from which the expenditures were made.~~ 23817

~~(H) If any part of the money in the surface mining fund~~ 23818  
~~remains in the fund after the chief has caused the area of land to~~ 23819  
~~be reclaimed and has paid all the reclamation costs and expenses,~~ 23820  
~~or if any money remains because the area of land has been~~ 23821  
~~repermitted under this chapter or reclaimed by a person other than~~ 23822  
~~the chief, the chief may expend the remaining money to complete~~ 23823

~~other reclamation work performed under this section. The chief 23824  
shall prepare an annual report that summarizes the money credited 23825  
to the fund and expenditures made from the fund and post the 23826  
report on the division of mineral resources management's web site. 23827~~

**Sec. 1514.071.** (A) In addition to any other penalties 23828  
established under this chapter, the chief of the division of 23829  
mineral resources management may assess a civil penalty against 23830  
any person who fails to comply with an order issued by the chief 23831  
under section 1514.07 of the Revised Code by the date specified in 23832  
the order or as subsequently extended by the chief. 23833

(B) Civil penalties assessed under this section shall not 23834  
exceed one thousand dollars for each occurrence of noncompliance 23835  
with an order. Each day of continuing noncompliance, up to a 23836  
maximum of thirty days, may be deemed a separate occurrence for 23837  
purposes of penalty assessments. In determining the amount of the 23838  
assessment, the chief shall consider the seriousness of the 23839  
noncompliance, the effect of the noncompliance, and the operator's 23840  
history of noncompliance. 23841

(C) Upon issuance of a notice of noncompliance with an order, 23842  
the chief shall inform the person to whom the notice of 23843  
noncompliance is issued of the amount of any civil penalty to be 23844  
assessed and provide an opportunity for an adjudicatory hearing 23845  
with the reclamation commission pursuant to section 1514.09 of the 23846  
Revised Code. The person charged with the penalty shall have 23847  
thirty days from receipt of the assessment to pay the penalty in 23848  
full or, if the person wishes to contest the amount of the 23849  
penalty, file a petition for review of the assessment with the 23850  
commission pursuant to section 1514.09 of the Revised Code and 23851  
forward the amount of the penalty to the secretary of the 23852  
commission as required by this division. Failure to forward the 23853  
money to the secretary within thirty days after the chief informs 23854

the person of the amount of the penalty shall result in a waiver 23855  
of all legal rights to contest the amount of the penalty. 23856

If, after a hearing, the commission affirms or modifies the 23857  
amount of the penalty, the person charged with the penalty shall 23858  
have thirty days after receipt of the written decision to file an 23859  
appeal from the commission's order in accordance with section 23860  
1514.09 of the Revised Code. 23861

At the time that the petition for review of the assessment is 23862  
filed with the secretary, the person shall forward the amount of 23863  
the penalty to the secretary for placement in the reclamation 23864  
penalty fund created in division (F)(3) of section 1513.02 of the 23865  
Revised Code. Pursuant to administrative or judicial review of the 23866  
penalty, the secretary shall do either of the following: 23867

(1) If it is determined that the amount of the penalty should 23868  
be reduced, within thirty days, remit the appropriate amount of 23869  
the penalty to the person, with interest, and forward any balance 23870  
of the penalty, with interest, to the chief for deposit in the 23871  
~~surface~~ mining regulation and safety fund created in section 23872  
~~1514.06~~ 1513.30 of the Revised Code for reclamation of abandoned 23873  
surface or in-stream mining operations in the state; 23874

(2) If the penalty was not reduced, forward the entire 23875  
penalty, with interest, to the chief for deposit in the ~~surface~~ 23876  
mining regulation and safety fund for reclamation of abandoned 23877  
surface or in-stream mining operations in the state. 23878

(D) Civil penalties owed under this section may be recovered 23879  
in a civil action brought by the attorney general upon the request 23880  
of the chief. 23881

**Sec. 1514.11.** In addition to the purposes otherwise 23882  
authorized ~~in section 1514.06 of the Revised Code~~ by law, the 23883  
chief of the division of mineral resources management may use 23884



~~moneys~~ money in the ~~surface~~ mining regulation and safety fund 23885  
created under ~~that~~ section 1513.30 of the Revised Code for the 23886  
administration and enforcement of this chapter, for the 23887  
reclamation of land affected by surface or in-stream mining under 23888  
a permit issued under this chapter that the operator failed to 23889  
reclaim and for which the performance bond filed by the operator 23890  
is insufficient to complete the reclamation, and for the 23891  
reclamation of land affected by surface or in-stream mining that 23892  
was abandoned and left unreclaimed and for which no permit was 23893  
issued or bond filed under this chapter. Also, the chief may use 23894  
the portion of the ~~surface~~ mining regulation and safety fund that 23895  
consists of ~~moneys~~ money collected from the severance taxes levied 23896  
under section 5749.02 of the Revised Code for mine safety and 23897  
first aid training. For purposes of reclamation under this 23898  
section, the chief shall expend ~~moneys~~ money in the fund in 23899  
accordance with the procedures and requirements established in 23900  
section 1514.06 of the Revised Code and may enter into contracts 23901  
and perform work in accordance with that section. 23902

Fees collected under sections 1514.02 and 1514.03 of the 23903  
Revised Code, ~~one half of the moneys and money~~ collected from the 23904  
severance taxes levied under ~~divisions (A)(3) and (4) of~~ section 23905  
5749.02 of the Revised Code, ~~and all of the moneys collected from~~ 23906  
~~the severance tax levied under division (A)(7) of section 5749.02~~ 23907  
~~of the Revised Code~~ shall be credited to the fund in accordance 23908  
with those sections. Notwithstanding any section of the Revised 23909  
Code relating to the distribution or crediting of fines for 23910  
violations of the Revised Code, all fines imposed under section 23911  
1514.99 of the Revised Code shall be credited to the fund. 23912

**Sec. 1514.46.** If the operator of a surface mining operation 23913  
requests the division of mineral resources management to conduct 23914  
mine safety training, the chief of the division of mineral 23915  
resources management shall conduct mine safety training for the 23916

employees of that operator. For persons who are not employed by a 23917  
holder of a surface mining permit issued under this chapter and 23918  
who seek the training, the chief may charge a fee in an amount 23919  
established in rules for conducting it. The safety training shall 23920  
be conducted in accordance with rules and shall emphasize the 23921  
standards adopted in rules and include any other content that the 23922  
chief determines is beneficial. Any fees collected under this 23923  
section shall be deposited in the state treasury to the credit of 23924  
the ~~surface~~ mining regulation and safety fund created in section 23925  
~~1514.06~~ 1513.30 of the Revised Code. 23926

**Sec. 1521.06.** (A) No dam may be constructed for the purpose 23927  
of storing, conserving, or retarding water, or for any other 23928  
purpose, nor shall any levee be constructed for the purpose of 23929  
diverting or retaining flood water, unless the person or 23930  
governmental agency desiring the construction has a construction 23931  
permit for the dam or levee issued by the chief of the division of 23932  
water resources. 23933

A construction permit is not required under this section for: 23934

(1) A dam that is or will be less than ten feet in height and 23935  
that has or will have a storage capacity of not more than fifty 23936  
acre-feet at the elevation of the top of the dam, as determined by 23937  
the chief. For the purposes of this section, the height of a dam 23938  
shall be measured from the natural stream bed or lowest ground 23939  
elevation at the downstream or outside limit of the dam to the 23940  
elevation of the top of the dam. 23941

(2) A dam, regardless of height, that has or will have a 23942  
storage capacity of not more than fifteen acre-feet at the 23943  
elevation of the top of the dam, as determined by the chief; 23944

(3) A dam, regardless of storage capacity, that is or will be 23945  
six feet or less in height, as determined by the chief; 23946

(4) A dam or levee that belongs to a class exempted by the chief;	23947 23948
(5) The repair, maintenance, improvement, alteration, or removal of a dam or levee that is subject to section 1521.062 of the Revised Code, unless the construction constitutes an enlargement or reconstruction of the structure as determined by the chief;	23949 23950 23951 23952 23953
(6) A dam or impoundment constructed under Chapter 1513. of the Revised Code.	23954 23955
(B) Before a construction permit may be issued, three copies of the plans and specifications, including a detailed cost estimate, for the proposed construction, prepared by a registered professional engineer, together with <del>the</del> <u>any</u> filing fee specified by <u>rules adopted by the chief in accordance with division (I) of this section</u> and the bond or other security required by section 1521.061 of the Revised Code, shall be filed with the chief. The detailed estimate of the cost shall include all costs associated with the construction of the dam or levee, including supervision and inspection of the construction by a registered professional engineer. <del>The filing fee shall be based on the detailed cost estimate for the proposed construction as filed with and approved by the chief, and shall be determined by the following schedule unless otherwise provided by rules adopted under this section:</del>	23956 23957 23958 23959 23960 23961 23962 23963 23964 23965 23966 23967 23968 23969
<del>(1) For the first one hundred thousand dollars of estimated cost, a fee of four per cent;</del>	23970 23971
<del>(2) For the next four hundred thousand dollars of estimated cost, a fee of three per cent;</del>	23972 23973
<del>(3) For the next five hundred thousand dollars of estimated cost, a fee of two per cent;</del>	23974 23975
<del>(4) For all costs in excess of one million dollars, a fee of one-half of one per cent.</del>	23976 23977

~~In no case shall the filing fee be less than one thousand  
dollars or more than one hundred thousand dollars. If the actual  
cost exceeds the estimated cost by more than fifteen per cent, an  
additional filing fee shall be required equal to the fee  
determined by the preceding schedule less the original filing fee.~~  
All fees collected pursuant to this section, and all fines  
collected pursuant to section 1521.99 of the Revised Code, shall  
be deposited in the state treasury to the credit of the dam safety  
fund, which is hereby created. Expenditures from the fund shall be  
made by the chief for the purpose of administering this section  
and sections 1521.061 and 1521.062 of the Revised Code.

(C) The chief shall, within thirty days from the date of the  
receipt of the application, fee, and bond or other security, issue  
or deny a construction permit for the construction or may issue a  
construction permit conditioned upon the making of such changes in  
the plans and specifications for the construction as the chief  
considers advisable if the chief determines that the construction  
of the proposed dam or levee, in accordance with the plans and  
specifications filed, would endanger life, health, or property.

(D) The chief may deny a construction permit after finding  
that a dam or levee built in accordance with the plans and  
specifications would endanger life, health, or property, because  
of improper or inadequate design, or for such other reasons as the  
chief may determine.

In the event the chief denies a permit for the construction  
of the dam or levee, or issues a permit conditioned upon a making  
of changes in the plans or specifications for the construction,  
the chief shall state the reasons therefor and so notify, in  
writing, the person or governmental agency making the application  
for a permit. If the permit is denied, the chief shall return the  
bond or other security to the person or governmental agency making  
application for the permit.

The decision of the chief conditioning or denying a construction permit is subject to appeal as provided in Chapter 119. of the Revised Code. A dam or levee built substantially at variance from the plans and specifications upon which a construction permit was issued is in violation of this section. The chief may at any time inspect any dam or levee, or site upon which any dam or levee is to be constructed, in order to determine whether it complies with this section.

(E) A registered professional engineer shall inspect the construction for which the permit was issued during all phases of construction and shall furnish to the chief such regular reports of the engineer's inspections as the chief may require. When the chief finds that construction has been fully completed in accordance with the terms of the permit and the plans and specifications approved by the chief, the chief shall approve the construction. When one year has elapsed after approval of the completed construction, and the chief finds that within this period no fact has become apparent to indicate that the construction was not performed in accordance with the terms of the permit and the plans and specifications approved by the chief, or that the construction as performed would endanger life, health, or property, the chief shall release the bond or other security. No bond or other security shall be released until one year after final approval by the chief, unless the dam or levee has been modified so that it will not retain water and has been approved as nonhazardous after determination by the chief that the dam or levee as modified will not endanger life, health, or property.

(F) When inspections required by this section are not being performed, the chief shall notify the person or governmental agency to which the permit has been issued that inspections are not being performed by the registered professional engineer and that the chief will inspect the remainder of the construction.

Thereafter, the chief shall inspect the construction and the cost 24042  
of inspection shall be charged against the owner. Failure of the 24043  
registered professional engineer to submit required inspection 24044  
reports shall be deemed notice that the engineer's inspections are 24045  
not being performed. 24046

(G) The chief may order construction to cease on any dam or 24047  
levee that is being built in violation of this section, and may 24048  
prohibit the retention of water behind any dam or levee that has 24049  
been built in violation of this section. The attorney general, 24050  
upon written request of the chief, may bring an action for an 24051  
injunction against any person who violates this section or to 24052  
enforce an order or prohibition of the chief made pursuant to this 24053  
section. 24054

(H) The chief may adopt rules in accordance with Chapter 119. 24055  
of the Revised Code, for the design and construction of dams and 24056  
levees for which a construction permit is required by this section 24057  
or for which periodic inspection is required by section 1521.062 24058  
of the Revised Code, ~~for establishing a filing fee schedule in~~ 24059  
~~lieu of the schedule established under division (B) of this~~ 24060  
~~section,~~ for deposit and forfeiture of bonds and other securities 24061  
required by section 1521.061 of the Revised Code, for the periodic 24062  
inspection, operation, repair, improvement, alteration, or removal 24063  
of all dams and levees, as specified in section 1521.062 of the 24064  
Revised Code, and for establishing classes of dams or levees that 24065  
are exempt from the requirements of this section and section 24066  
1521.062 of the Revised Code as being of a size, purpose, or 24067  
situation that does not present a substantial hazard to life, 24068  
health, or property. The chief may, by rule, limit the period 24069  
during which a construction permit issued under this section is 24070  
valid. The rules may allow for the extension of the period during 24071  
which a permit is valid upon written request, provided that the 24072  
written request includes a revised construction cost estimate, and 24073

may require the payment of an additional filing fee for the 24074  
requested extension. If a construction permit expires without an 24075  
extension before construction is completed, the person or agency 24076  
shall apply for a new permit, and shall not continue construction 24077  
until the new permit is issued. 24078

(I) The chief shall adopt rules in accordance with Chapter 24079  
119. of the Revised Code establishing a filing fee schedule for 24080  
purposes of division (B) of this section. 24081

**Sec. 1521.063.** (A) Except for the federal government, the 24082  
owner of a dam, that is classified as a class I, class II, or 24083  
class III dam under rules adopted under section 1521.06 of the 24084  
Revised Code and subject to section 1521.062 of the Revised Code 24085  
shall pay an annual fee, ~~based upon the height of the dam, the~~ 24086  
~~linear foot length of the dam, and the per acre foot of volume of~~ 24087  
~~water impounded by the dam~~ in accordance with the annual fee 24088  
schedule established in rules adopted under division (B) of this 24089  
section. The fee shall be paid to the division of water resources 24090  
on or before the thirtieth day of June of each year. ~~The annual~~ 24091  
~~fee shall be as follows until otherwise provided by rules adopted~~ 24092  
~~under this section:~~ 24093

~~(1) For any dam classified as a class I dam under rules 24094  
adopted by the chief of the division of water resources under 24095  
section 1521.06 of the Revised Code, three hundred dollars plus 24096  
ten dollars per foot of height of dam, five cents per foot of 24097  
length of the dam and five cents per acre foot of water impounded 24098  
by the dam;~~ 24099

~~(2) For any dam classified as a class II dam under those 24100  
rules, ninety dollars plus six dollars per foot of height of dam, 24101  
five cents per foot of length of the dam and five cents per acre 24102  
foot of water impounded by the dam;~~ 24103

~~(3) For any dam classified as a class III dam under those 24104~~

~~rules, ninety dollars plus four dollars per foot of height of the dam, five cents per foot of length of the dam, and five cents per acre foot of volume of water impounded by the dam.~~

~~For purposes of this section, the height of a dam is the vertical height, to the nearest foot, as determined by the division under section 1521.062 of the Revised Code.~~

All fees collected under this section shall be deposited in the dam safety fund created in section 1521.06 of the Revised Code. Any owner who fails to pay any annual fee required by this section within sixty days after the due date shall be assessed a penalty of ten per cent of the annual fee plus interest at the rate of one-half per cent per month from the due date until the date of payment.

There is hereby created the compliant dam discount program to be administered by the chief of the division of water resources. Under the program, the chief may reduce the amount of the annual fee that an owner of a dam is required to pay in accordance with rules adopted by the chief under division ~~(A)(1), (2), or (3)~~ (B) of this section if the owner is in compliance with section 1521.062 of the Revised Code and has developed an emergency action plan pursuant to standards established in rules adopted under this section. The chief shall not discount an annual fee by more than twenty-five per cent of the total annual fee that is due. In addition, the chief shall not discount the annual fee that is due from the owner of a dam who has been assessed a penalty under this section.

(B)(1) The chief shall, in accordance with Chapter 119. of the Revised Code and subject to the prior approval of the director of natural resources, adopt, and may amend or rescind, rules for the collection of fees and the administration, implementation, and enforcement of this section ~~and~~.



(2) The chief shall, in accordance with Chapter 119. of the Revised Code, adopt rules for the establishment of an annual fee schedule in lieu of the schedule established in division (A) for purposes of this section. 24136  
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(3) The annual fee schedule must be based on the height of the dam, the linear foot length of the dam, and the per-acre foot of volume of water impounded by the dam. For purposes of this section, the height of a dam is the vertical height, to the nearest foot, as determined by the division under section 1521.062 of the Revised Code. 24140  
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(C)(1) No person, political subdivision, or state governmental agency shall violate or fail to comply with this section or any rule or order adopted or issued under it. 24146  
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(2) The attorney general, upon written request of the chief, may commence an action against any such violator. Any action under division (C)(2) of this section is a civil action. 24149  
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(D) As used in this section, "political subdivision" includes townships, municipal corporations, counties, school districts, municipal universities, park districts, sanitary districts, and conservancy districts and subdivisions thereof. 24152  
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**Sec. 1531.01.** As used in this chapter and Chapter 1533. of the Revised Code: 24156  
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(A) "Person" means a person as defined in section 1.59 of the Revised Code or a company; an employee, agent, or officer of such a person or company; a combination of individuals; the state; a political subdivision of the state; an interstate body created by a compact; or the federal government or a department, agency, or instrumentality of it. 24158  
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(B) "Resident" means any individual who has resided in this state for not less than six months ~~next~~ preceding the date of 24164  
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making application for a license <u>or permit</u> .	24166
(C) "Nonresident" means any individual who does not qualify as a resident.	24167 24168
(D) "Division rule" or "rule" means any rule adopted by the chief of the division of wildlife under section 1531.10 of the Revised Code unless the context indicates otherwise.	24169 24170 24171
(E) "Closed season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is prohibited.	24172 24173 24174
(F) "Open season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is permitted.	24175 24176 24177
(G) "Take or taking" includes pursuing, shooting, hunting, killing, trapping, angling, fishing with a trotline, or netting any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, wild bird, or wild quadruped, and any lesser act, such as wounding, or placing, setting, drawing, or using any other device for killing or capturing any wild animal, whether it results in killing or capturing the animal or not. "Take or taking" includes every attempt to kill or capture and every act of assistance to any other person in killing or capturing or attempting to kill or capture a wild animal.	24178 24179 24180 24181 24182 24183 24184 24185 24186 24187
(H) "Possession" means both actual and constructive possession and any control of things referred to.	24188 24189
(I) "Bag limit" means the number, measurement, or weight of any kind of crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken.	24190 24191 24192
(J) "Transport and transportation" means carrying or moving or causing to be carried or moved.	24193 24194
(K) "Sell and sale" means barter, exchange, or offer or	24195

expose for sale.	24196
(L) "Whole to include part" means that every provision relating to any wild animal protected by this chapter and Chapter 1533. of the Revised Code applies to any part of the wild animal with the same effect as it applies to the whole.	24197 24198 24199 24200
(M) "Angling" means fishing with not more than two hand lines, not more than two units of rod and line, or a combination of not more than one hand line and one rod and line, either in hand or under control at any time while fishing. The hand line or rod and line shall have attached to it not more than three baited hooks, not more than three artificial fly rod lures, or one artificial bait casting lure equipped with not more than three sets of three hooks each.	24201 24202 24203 24204 24205 24206 24207 24208
(N) "Trotline" means a device for catching fish that consists of a line having suspended from it, at frequent intervals, vertical lines with hooks attached.	24209 24210 24211
(O) "Fish" means a cold-blooded vertebrate having fins.	24212
(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.	24213 24214
(Q) "Wild birds" includes game birds and nongame birds.	24215
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	24216 24217
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.	24218 24219 24220 24221 24222 24223
(T) "Nongame birds" includes all other wild birds not included and defined as game birds or migratory game birds.	24224 24225

(U) "Wild quadrupeds" includes game quadrupeds and fur-bearing animals.	24226 24227
(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, wild boar, <u>elk</u> , and black bears.	24228 24229 24230 24231
(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.	24232 24233 24234
(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.	24235 24236 24237
(Y) "Hunting" means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any device commonly used to kill or wound wild birds or wild quadrupeds whether or not the acts result in killing or wounding. "Hunting" includes every attempt to kill or wound and every act of assistance to any other person in killing or wounding or attempting to kill or wound wild birds or wild quadrupeds.	24238 24239 24240 24241 24242 24243 24244 24245
(Z) "Trapping" means securing or attempting to secure possession of a wild bird or wild quadruped by means of setting, placing, drawing, or using any device that is designed to close upon, hold fast, confine, or otherwise capture a wild bird or wild quadruped whether or not the means results in capture. "Trapping" includes every act of assistance to any other person in capturing wild birds or wild quadrupeds by means of the device whether or not the means results in capture.	24246 24247 24248 24249 24250 24251 24252 24253
(AA) "Muskrat spear" means any device used in spearing muskrats.	24254 24255
(BB) "Channels and passages" means those narrow bodies of	24256

water lying between islands or between an island and the mainland 24257  
in Lake Erie. 24258

(CC) "Island" means a rock or land elevation above the waters 24259  
of Lake Erie having an area of five or more acres above water. 24260

(DD) "Reef" means an elevation of rock, either broken or in 24261  
place, or gravel shown by the latest United States chart to be 24262  
above the common level of the surrounding bottom of the lake, 24263  
other than the rock bottom, or in place forming the base or 24264  
foundation rock of an island or mainland and sloping from the 24265  
shore of it. "Reef" also means all elevations shown by that chart 24266  
to be above the common level of the sloping base or foundation 24267  
rock of an island or mainland, whether running from the shore of 24268  
an island or parallel with the contour of the shore of an island 24269  
or in any other way and whether formed by rock, broken or in 24270  
place, or from gravel. 24271

(EE) "Fur farm" means any area used exclusively for raising 24272  
fur-bearing animals or in addition thereto used for hunting game, 24273  
the boundaries of which are plainly marked as such. 24274

(FF) "Waters" includes any lake, pond, reservoir, stream, 24275  
channel, lagoon, or other body of water, or any part thereof, 24276  
whether natural or artificial. 24277

(GG) "Crib" or "car" refers to that particular compartment of 24278  
the net from which the fish are taken when the net is lifted. 24279

(HH) "Commercial fish" means those species of fish permitted 24280  
to be taken, possessed, bought, or sold unless otherwise 24281  
restricted by the Revised Code or division rule and are alewife 24282  
(*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin 24283  
(*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), 24284  
smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus* 24285  
*cyprinellus*), black bullhead (*Ictalurus melas*), yellow bullhead 24286  
(*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel 24287

catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis olivaris*), whitefish (*Coregonus sp.*), cisco (*Coregonus sp.*), freshwater drum or sheepshead (*Aplodinotus grunniens*), gar (*Lepisosteus sp.*), gizzard shad (*Dorosoma cepedianum*), goldfish (*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye (*Hiodon tergisus*), quillback (*Carpiodes cyprinus*), smelt (*Allosmerus elongatus*, *Hypomesus sp.*, *Osmerus sp.*, *Spirinchus sp.*), sturgeon (*Acipenser sp.*, *Scaphirhynchus sp.*), sucker other than buffalo and quillback (*Carpiodes sp.*, *Catostomus sp.*, *Hypentelium sp.*, *Minytrema sp.*, *Moxostoma sp.*), white bass (*Morone chrysops*), white perch (*Roccus americanus*), and yellow perch (*Perca flavescens*). When the common name of a fish is used in this chapter or Chapter 1533. of the Revised Code, it refers to the fish designated by the scientific name in this definition.

(II) "Fishing" means taking or attempting to take fish by any method, and all other acts such as placing, setting, drawing, or using any device commonly used to take fish whether resulting in a taking or not.

(JJ) "Fillet" means the pieces of flesh taken or cut from both sides of a fish, joined to form one piece of flesh.

(KK) "Part fillet" means a piece of flesh taken or cut from one side of a fish.

(LL) "Round" when used in describing fish means with head and tail intact.

(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow.

(NN) "Spreader bar" means a brail or rigid bar placed across the entire width of the back, at the top and bottom of the cars in all trap, crib, and fyke nets for the purpose of keeping the

meshes hanging squarely while the nets are fishing. 24319

(OO) "Fishing guide" means any person who, for consideration 24320  
or hire, operates a boat, rents, leases, or otherwise furnishes 24321  
angling devices, ice fishing shanties or shelters of any kind, or 24322  
other fishing equipment, and accompanies, guides, directs, or 24323  
assists any other person in order for the other person to engage 24324  
in fishing. 24325

(PP) "Net" means fishing devices with meshes composed of 24326  
twine or synthetic material and includes, but is not limited to, 24327  
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 24328  
seines, except minnow seines and minnow dip nets. 24329

(QQ) "Commercial fishing gear" means seines, trap nets, fyke 24330  
nets, dip nets, carp aprons, trotlines, other similar gear, and 24331  
any boat used in conjunction with that gear, but does not include 24332  
gill nets. 24333

(RR) "Native wildlife" means any species of the animal 24334  
kingdom indigenous to this state. 24335

(SS) "Gill net" means a single section of fabric or netting 24336  
seamed to a float line at the top and a lead line at the bottom, 24337  
which is designed to entangle fish in the net openings as they 24338  
swim into it. 24339

(TT) "Tag fishing tournament" means a contest in which a 24340  
participant pays a fee, or gives other valuable consideration, for 24341  
a chance to win a prize by virtue of catching a tagged or 24342  
otherwise specifically marked fish within a limited period of 24343  
time. 24344

(UU) "Tenant" means an individual who resides on land for 24345  
which the individual pays rent and whose annual income is 24346  
primarily derived from agricultural production conducted on that 24347  
land, as "agricultural production" is defined in section 929.01 of 24348  
the Revised Code. 24349

(VV) "Nonnative wildlife" means any wild animal not indigenous to this state, but does not include domestic deer.	24350 24351
(WW) "Reptiles" includes common musk turtle ( <i>sternotherus odoratus</i> ), common snapping turtle ( <i>Chelydra serpentina serpentina</i> ), spotted turtle ( <i>Clemmys guttata</i> ), eastern box turtle ( <i>Terrapene carolina carolina</i> ), Blanding's turtle ( <i>Emydoidea blandingii</i> ), common map turtle ( <i>Graptemys geographica</i> ), ouachita map turtle ( <i>Graptemys pseudogeographica ouachitensis</i> ), midland painted turtle ( <i>Chrysemys picta marginata</i> ), red-eared slider ( <i>Trachemys scripta elegans</i> ), eastern spiny softshell turtle ( <i>Apalone spinifera spinifera</i> ), midland smooth softshell turtle ( <i>Apalone mutica mutica</i> ), northern fence lizard ( <i>Sceloporus undulatus hyacinthinus</i> ), ground skink ( <i>Scincella lateralis</i> ), five-lined skink ( <i>Eumeces fasciatus</i> ), broadhead skink ( <i>Eumeces laticeps</i> ), northern coal skink ( <i>Eumeces anthracinus anthracinus</i> ), European wall lizard ( <i>Podarcis muralis</i> ), queen snake ( <i>Regina septemvittata</i> ), Kirtland's snake ( <i>Clonophis kirtlandii</i> ), northern water snake ( <i>Nerodia sipedon sipedon</i> ), Lake Erie watersnake ( <i>Nerodia sipedon insularum</i> ), copperbelly water snake ( <i>Nerodia erythrogaster neglecta</i> ), northern brown snake ( <i>Storeria dekayi dekayi</i> ), midland brown snake ( <i>Storeria dekayi wrightorum</i> ), northern redbelly snake ( <i>Storeria occipitomaculata occipitomaculata</i> ), eastern garter snake ( <i>Thamnophis sirtalis sirtalis</i> ), eastern plains garter snake ( <i>Thamnophis radix radix</i> ), Butler's garter snake ( <i>Thamnophis butleri</i> ), shorthead garter snake ( <i>Thamnophis brachystoma</i> ), eastern ribbon snake ( <i>Thamnophis sauritus sauritus</i> ), northern ribbon snake ( <i>Thamnophis sauritus septentrionalis</i> ), eastern hognose snake ( <i>Heterodon platirhinos</i> ), eastern smooth earth snake ( <i>Virginia valeriae valeriae</i> ), northern ringneck snake ( <i>Diadophis punctatus edwardsii</i> ), midwest worm snake ( <i>Carphophis amoenus helena</i> ), eastern worm snake ( <i>Carphophis amoenus amoenus</i> ), black racer ( <i>Coluber constrictor constrictor</i> ), blue racer ( <i>Coluber constrictor foxii</i> ), rough green snake	24352 24353 24354 24355 24356 24357 24358 24359 24360 24361 24362 24363 24364 24365 24366 24367 24368 24369 24370 24371 24372 24373 24374 24375 24376 24377 24378 24379 24380 24381 24382



(*Opheodrys aestivus*), smooth green snake (*Opheodrys vernalis* 24383  
*vernalis*), black rat snake (*Elaphe obsoleta obsoleta*), eastern fox 24384  
snake (*Elaphe vulpina gloydi*), black kingsnake (*Lampropeltis* 24385  
*getula nigra*), eastern milk snake (*Lampropeltis triangulum* 24386  
*triangulum*), northern copperhead (*Agkistrodon contortrix mokasen*), 24387  
eastern massasauga (*Sistrurus catenatus catenatus*), and timber 24388  
rattlesnake (*Crotalus horridus horridus*). 24389

(XX) "Amphibians" includes eastern hellbender (*Cryptobranchus* 24390  
*alleganiensis alleganiensis*), mudpuppy (*Necturus maculosus* 24391  
*maculosus*), red-spotted newt (*Notophthalmus viridescens* 24392  
*viridescens*), Jefferson salamander (*Ambystoma jeffersonianum*), 24393  
spotted salamander (*Ambystoma maculatum*), blue-spotted salamander 24394  
(*Ambystoma laterale*), smallmouth salamander (*Ambystoma texanum*), 24395  
streamside salamander (*Ambystoma barbouri*), marbled salamander 24396  
(*Ambystoma opacum*), eastern tiger salamander (*Ambystoma tigrinum* 24397  
*tigrinum*), northern dusky salamander (*Desmognathus fuscus fuscus*), 24398  
mountain dusky salamander (*Desmognathus ochrophaeus*), redback 24399  
salamander (*Plethodon cinereus*), ravine salamander (*Plethodon* 24400  
*richmondi*), northern slimy salamander (*Plethodon glutinosus*), 24401  
Wehrle's salamander (*Plethodon wehrlei*), four-toed salamander 24402  
(*Hemidactylium scutatum*), Kentucky spring salamander (*Gyrinophilus* 24403  
*porphyriticus duryi*), northern spring salamander (*Gyrinophilus* 24404  
*porphyriticus porphyriticus*), mud salamander (*Pseudotriton* 24405  
*montanus*), northern red salamander (*Pseudotriton ruber ruber*), 24406  
green salamander (*Aneides aeneus*), northern two-lined salamander 24407  
(*Eurycea bislineata*), longtail salamander (*Eurycea longicauda* 24408  
*longicauda*), cave salamander (*Eurycea lucifuga*), southern 24409  
two-lined salamander (*Eurycea cirrigera*), Fowler's toad (*Bufo* 24410  
*woodhousii fowleri*), American toad (*Bufo americanus*), eastern 24411  
spadefoot (*Scaphiopus holbrookii*), Blanchard's cricket frog (*Acris* 24412  
*crepitans blanchardi*), northern spring peeper (*Pseudacris crucifer* 24413  
*crucifer*), gray treefrog (*Hyla versicolor*), Cope's gray treefrog 24414  
(*Hyla chrysoscelis*), western chorus frog (*Pseudacris triseriata* 24415

triseriata), mountain chorus frog (*Pseudacris brachyphona*), 24416  
bullfrog (*Rana catesbeiana*), green frog (*Rana clamitans melanota*), 24417  
northern leopard frog (*Rana pipiens*), pickerel frog (*Rana* 24418  
*palustris*), southern leopard frog (*Rana utricularia*), and wood 24419  
frog (*Rana sylvatica*). 24420

(YY) "Deer" means white-tailed deer (*Odocoileus* 24421  
*virginianus*). 24422

(ZZ) "Domestic deer" means nonnative deer that have been 24423  
legally acquired or their offspring and that are held in private 24424  
ownership for primarily agricultural purposes. 24425

(AAA) "Migratory game bird" includes waterfowl (*Anatidae*); 24426  
doves (*Columbidae*); cranes (*Gruidae*); cormorants 24427  
(*Phalacrocoracidae*); rails, coots, and gallinules (*Rallidae*); and 24428  
woodcock and snipe (*Scolopacidae*). 24429

(BBB) "Accompany" means to go along with another person while 24430  
staying within a distance from the person that enables 24431  
uninterrupted, unaided visual and auditory communication. 24432

(CCC) "Electric-powered all-purpose vehicle" means any 24433  
battery-powered self-propelled electric vehicle that is designed 24434  
primarily for cross-country travel on land, water, or land and 24435  
water and that is steered by wheels, caterpillar treads, or a 24436  
combination of wheels and caterpillar treads and includes vehicles 24437  
that operate on a cushion of air, vehicles commonly known as 24438  
all-terrain vehicles, all-season vehicles, mini-bikes, and trail 24439  
bikes. "Electric-powered all-purpose vehicle" does not include a 24440  
utility vehicle as defined in section 4501.01 of the Revised Code, 24441  
any vehicle that is principally used in playing golf, any motor 24442  
vehicle or aircraft that is required to be registered under 24443  
Chapter 4503. or 4561. of the Revised Code, or any vehicle that is 24444  
excluded from the definition of "motor vehicle" as provided in 24445  
division (B) of section 4501.01 of the Revised Code. 24446

(DDD) "Wholly enclosed preserve" means an area of land that 24447  
is surrounded by a fence that is at least six feet in height, 24448  
unless otherwise specified in division rule, and is constructed of 24449  
a woven wire mesh, or another enclosure that the division of 24450  
wildlife may approve, where game birds, game quadrupeds, reptiles, 24451  
amphibians, or fur-bearing animals are raised and may be sold 24452  
under the authority of a commercial propagating license or captive 24453  
white-tailed deer propagation license obtained under section 24454  
1533.71 of the Revised Code. 24455

(EEE) "Commercial bird shooting preserve" means an area of 24456  
land where game birds are released and hunted by shooting as 24457  
authorized by a commercial bird shooting preserve license obtained 24458  
under section 1533.72 of the Revised Code. 24459

(FFF) "Wild animal hunting preserve" means an area of land 24460  
where game, captive white-tailed deer, and nonnative wildlife, 24461  
other than game birds, are released and hunted as authorized by a 24462  
wild animal hunting preserve license obtained under section 24463  
1533.721 of the Revised Code. 24464

(GGG) "Captive white-tailed deer" means legally acquired deer 24465  
that are held in private ownership at a facility licensed under 24466  
section 943.03 or 943.031 of the Revised Code and under section 24467  
1533.71 or 1533.721 of the Revised Code. 24468

**Sec. 1531.06.** (A) The chief of the division of wildlife, with 24469  
the approval of the director of natural resources, may acquire by 24470  
gift, lease, purchase, or otherwise lands or surface rights upon 24471  
lands and waters or surface rights upon waters for wild animals, 24472  
fish or game management, preservation, propagation, and 24473  
protection, outdoor and nature activities, public fishing and 24474  
hunting grounds, and flora and fauna preservation. The chief, with 24475  
the approval of the director, may receive by grant, devise, 24476  
bequest, donation, or assignment evidences of indebtedness, the 24477

proceeds of which are to be used for the purchase of such lands or 24478  
surface rights upon lands and waters or surface rights upon 24479  
waters. 24480

(B)(1) The chief shall adopt rules for the protection of 24481  
state-owned or leased lands and waters and property under the 24482  
control of the division of wildlife against wrongful use or 24483  
occupancy that will ensure the carrying out of the intent of this 24484  
section, protect those lands, waters, and property from 24485  
depredations, and preserve them from molestation, spoilation, 24486  
destruction, or any improper use or occupancy thereof, including 24487  
rules with respect to recreational activities and for the 24488  
government and use of such lands, waters, and property. 24489

(2) The chief may adopt rules benefiting wild animals, fish 24490  
or game management, preservation, propagation, and protection, 24491  
outdoor and nature activities, public fishing and hunting grounds, 24492  
and flora and fauna preservation, and regulating the taking and 24493  
possession of wild animals on any lands or waters owned or leased 24494  
or under the division's supervision and control and, for a 24495  
specified period of years, may prohibit or recall the taking and 24496  
possession of any wild animal on any portion of such lands or 24497  
waters. The division clearly shall define and mark the boundaries 24498  
of the lands and waters owned or leased or under its supervision 24499  
and control upon which the taking of any wild animal is 24500  
prohibited. 24501

(C) The chief, with the approval of the director, may acquire 24502  
by gift, lease, or purchase land for the purpose of establishing 24503  
state fish hatcheries and game farms and may erect on it buildings 24504  
or structures that are necessary. 24505

The title to or lease of such lands and waters shall be taken 24506  
by the chief in the name of the state. The lease or purchase price 24507  
of all such lands and waters may be paid from hunting and trapping 24508  
and fishing licenses and any other funds. 24509

(D) To provide more public recreation, stream and lake 24510  
agreements for public fishing only may be obtained under rules 24511  
adopted by the chief. 24512

(E) The chief, with the approval of the director, may 24513  
establish user fees for the use of special public facilities or 24514  
participation in special activities on lands and waters 24515  
administered by the division. The special facilities and 24516  
activities may include hunting or fishing on special designated 24517  
public lands and waters intensively managed or stocked with 24518  
artificially propagated game birds or fish, field trial 24519  
facilities, wildlife nature centers, firearm ranges, boat mooring 24520  
facilities, camping sites, and other similar special facilities 24521  
and activities. The chief shall determine whether the user fees 24522  
are refundable and shall ensure that that information is provided 24523  
at the time the user fees are paid. 24524

(F) The chief, with the approval of the director, may enter 24525  
into lease agreements for rental of concessions or other special 24526  
projects situated on state-owned or leased lands or waters or 24527  
other property under the division's control. The chief shall set 24528  
and collect the fees for concession rentals or other special 24529  
projects; regulate through contracts between the division and 24530  
concessionaires the sale of tangible objects at concessions or 24531  
other special projects; and keep a record of all such fee payments 24532  
showing the amount received, from whom received, and for what 24533  
purpose the fee was collected. 24534

(G) The chief may sell or donate conservation-related items 24535  
or items that promote wildlife conservation, including, but not 24536  
limited to, stamps, pins, badges, books, bulletins, maps, 24537  
publications, calendars, and any other educational article or 24538  
artifact pertaining to wild animals; sell confiscated or forfeited 24539  
items; and sell surplus structures and equipment, and timber or 24540  
crops from lands owned, administered, leased, or controlled by the 24541

division. The chief, with the approval of the director, also may 24542  
engage in campaigns and special events that promote wildlife 24543  
conservation by selling or donating wildlife-related materials, 24544  
memberships, and other items of promotional value. 24545

(H) The chief may sell, lease, or transfer minerals or 24546  
mineral rights, with the approval of the director, when the chief 24547  
and the director determine it to be in the best interest of the 24548  
state. Upon approval of the director, the chief may make, execute, 24549  
and deliver contracts, including leases, to mine, drill, or 24550  
excavate iron ore, stone, coal, salt, and other minerals, other 24551  
than oil or gas, upon and under lands owned by the state and 24552  
administered by the division to any person who complies with the 24553  
terms of such a contract. No such contract shall be valid for more 24554  
than fifty years from its effective date. Consideration for 24555  
minerals and mineral rights shall be by rental or royalty basis as 24556  
prescribed by the chief and payable as prescribed by contract. 24557  
Moneys collected under this division shall be paid into the state 24558  
treasury to the credit of the wildlife habitat fund created in 24559  
section 1531.33 of the Revised Code. Contracts entered into under 24560  
this division also may provide for consideration for minerals or 24561  
mineral rights in the form of acquisition of lands as provided 24562  
under divisions (A) and (C) of this section. 24563

(I) All moneys received under divisions (E), (F), and (G) of 24564  
this section shall be paid into the state treasury to the credit 24565  
of a fund that shall be used for the purposes outlined in section 24566  
1533.15 of the Revised Code and for the management of other wild 24567  
animals for their ecological and nonconsumptive recreational value 24568  
or benefit. 24569

(J) The chief, with the approval of the director, may barter 24570  
or sell wild animals to other states, state or federal agencies, 24571  
and conservation or zoological organizations. Moneys received from 24572  
the sale of wild animals shall be deposited into the wildlife fund 24573

created in section 1531.17 of the Revised Code. 24574

(K) The chief shall adopt rules establishing standards and 24575  
guidelines for the administration of contraceptive chemicals to 24576  
noncaptive wild animals. The rules may specify chemical delivery 24577  
methods and devices and monitoring requirements. 24578

The chief shall establish criteria for the issuance of and 24579  
shall issue permits for the administration of contraceptive 24580  
chemicals to noncaptive wild animals. No person shall administer 24581  
contraceptive chemicals to noncaptive wild animals without a 24582  
permit issued by the chief. 24583

(L) All fees set by the chief under this section shall be 24584  
approved by the wildlife council. 24585

(M) Information contained in the wildlife diversity database 24586  
that is established pursuant to division (B)(2) of this section 24587  
and section 1531.25 of the Revised Code may be made available to 24588  
any individual or public or private agency for research, 24589  
educational, environmental, land management, or other similar 24590  
purposes that are not detrimental to the conservation of a species 24591  
or feature. Information regarding sensitive site locations of 24592  
species that are listed pursuant to section 1531.25 of the Revised 24593  
Code and of features that are included in the wildlife diversity 24594  
database is not subject to section 149.43 of the Revised Code if 24595  
the chief determines that the release of the information could be 24596  
detrimental to the conservation of a species or feature. 24597

(N) Not later than one year after the effective date of this 24598  
amendment, the chief shall establish both of the following: 24599

(1) A risk assessment policy for aquatic species that 24600  
provides for both of the following: 24601

(a) An evaluation of the overall risk of a species based on 24602  
the best available biological information derived from 24603  
professionally accepted science and practices in fisheries or 24604

aquatic invasive species management; 24605

(b) A determination of whether a species shall be listed as 24606  
an injurious aquatic invasive species. 24607

(2) A definition of injurious invasive aquatic species. 24608

The chief shall adopt rules in accordance with section 24609  
1531.10 of the Revised Code necessary to administer division (N) 24610  
of this section. 24611

**Sec. 1533.11.** (A)(1) Except as provided in this section or 24612  
section 1533.731 of the Revised Code, no person shall hunt deer on 24613  
lands of another without first obtaining an annual deer permit. 24614  
Except as provided in this section, no person shall hunt wild 24615  
turkeys on lands of another without first obtaining an annual wild 24616  
turkey permit. ~~Each~~ Except as provided in division (A)(2) of 24617  
section 1533.12 of the Revised Code, a deer or wild turkey permit 24618  
shall run concurrently with the hunting license. Except as 24619  
provided in rules adopted under division (B) of that section, each 24620  
applicant for a deer or wild turkey permit shall pay an annual fee 24621  
~~of twenty three dollars for each permit unless the rules adopted~~ 24622  
~~under division (B) of section 1533.12 of the Revised Code provide~~ 24623  
~~for issuance of a deer or wild turkey permit to the applicant free~~ 24624  
~~of charge. Except as provided in rules adopted under division~~ 24625  
~~(B)(2) of that section, each applicant who is a resident of this~~ 24626  
~~state and who at the time of application is sixty six years of age~~ 24627  
~~or older shall procure a senior deer or wild turkey permit, the~~ 24628  
~~fee for which shall be one half of the regular deer or wild turkey~~ 24629  
~~permit fee. Each applicant who is under the age of eighteen years~~ 24630  
~~shall procure a youth deer or wild turkey permit, the fee for~~ 24631  
~~which shall be one half of the regular deer or wild turkey permit~~ 24632  
~~fee. Except as provided in division (A)(2) of section 1533.12 of~~ 24633  
~~the Revised Code, a deer or wild turkey permit shall run~~ 24634  
~~concurrently with the hunting license~~ in accordance with the 24635



<u>following schedule:</u>		24636
<u>Deer permit - resident</u>	<u>\$23.00</u>	24637
<u>Deer permit - nonresident</u>	<u>\$74.00</u>	24638
<u>Youth deer permit - resident and nonresident</u>	<u>\$11.50</u>	24639
<u>Senior deer permit - resident</u>	<u>\$11.50</u>	24640
<u>Senior deer permit - nonresident</u>	<u>\$23.00</u>	24641
<u>Wild turkey permit - resident</u>	<u>\$23.00</u>	24642
<u>Wild turkey permit - nonresident</u>	<u>\$35.00</u>	24643
<u>Youth wild turkey permit - resident and nonresident</u>	<u>\$11.50</u>	24644
<u>Senior wild turkey permit - resident</u>	<u>\$11.50</u>	24645
<u>Senior wild turkey permit - nonresident</u>	<u>\$23.00</u>	24646

(2) As used in division (A)(1) of this section: 24647

(a) "Resident" means any individual who has resided in this state for not less than six months preceding the date of making application for a permit and a person who owns real property in this state. 24648  
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(b) "Nonresident" means any individual who does not qualify as a resident. 24652  
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(c) "Youth" means an applicant who is under the age of eighteen years at the time of application for a permit. 24654  
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(d) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a permit. The 24656  
24657

(3) The money received shall be paid into the state treasury to the credit of the wildlife fund, created in section 1531.17 of the Revised Code, exclusively for the use of the division of wildlife in the acquisition and development of land for deer or wild turkey management, for investigating deer or wild turkey problems, and for the stocking, management, and protection of deer or wild turkey. Every 24658  
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(4) Every person, while hunting deer or wild turkey on lands 24665

of another, shall carry the person's deer or wild turkey permit 24666  
and exhibit it to any enforcement officer so requesting. Failure 24667  
to so carry and exhibit such a permit constitutes an offense under 24668  
this section. ~~The~~ 24669

(5) ~~The~~ chief of the division of wildlife shall adopt any 24670  
additional rules the chief considers necessary to carry out this 24671  
section and section 1533.10 of the Revised Code. 24672

(6) An owner who is a resident of this state or an owner who 24673  
is exempt from obtaining a hunting license under section 1533.10 24674  
of the Revised Code and the children of the owner of lands in this 24675  
state may hunt deer or wild turkey thereon without a deer or wild 24676  
turkey permit. If the owner of land in this state is a limited 24677  
liability company or a limited liability partnership that consists 24678  
of three or fewer individual members or partners, as applicable, 24679  
an individual member or partner who is a resident of this state 24680  
and the member's or partner's children of any age may hunt deer or 24681  
wild turkey on the land owned by the limited liability company or 24682  
limited liability partnership without a deer or wild turkey 24683  
permit. In addition, if the owner of land in this state is a trust 24684  
that has a total of three or fewer trustees and beneficiaries, an 24685  
individual who is a trustee or beneficiary and who is a resident 24686  
of this state and the individual's children of any age may hunt 24687  
deer or wild turkey on the land owned by the trust without a deer 24688  
or wild turkey permit. The tenant and children of the tenant may 24689  
hunt deer or wild turkey on lands where they reside without a deer 24690  
or wild turkey permit. 24691

(B) A deer or wild turkey permit is not transferable. No 24692  
person shall carry a deer or wild turkey permit issued in the name 24693  
of another person. 24694

(C) The wildlife refunds fund is hereby created in the state 24695  
treasury. The fund shall consist of money received from 24696  
application fees for deer permits that are not issued. Money in 24697

the fund shall be used to make refunds of such application fees. 24698

(D) If the division establishes a system for the electronic 24699  
submission of information regarding deer or wild turkey that are 24700  
taken, the division shall allow the owner and the children of the 24701  
owner of lands in this state to use the owner's name or address 24702  
for purposes of submitting that information electronically via 24703  
that system. 24704

**Sec. 1533.12.** (A)(1) Except as otherwise provided in division 24705  
(A)(2) of this section, every person on active duty in the armed 24706  
forces of the United States who is stationed in this state and who 24707  
wishes to engage in an activity for which a license, permit, or 24708  
stamp is required under this chapter first shall obtain the 24709  
requisite license, permit, or stamp. Such a person is eligible to 24710  
obtain a resident hunting or fishing license regardless of whether 24711  
the person qualifies as a resident of this state. To obtain a 24712  
resident hunting or fishing license, the person shall present a 24713  
card or other evidence identifying the person as being on active 24714  
duty in the armed forces of the United States and as being 24715  
stationed in this state. 24716

(2) Every person on active duty in the armed forces of the 24717  
United States, while on leave or furlough, may take or catch fish 24718  
of the kind lawfully permitted to be taken or caught within the 24719  
state, may hunt any wild bird or wild quadruped lawfully permitted 24720  
to be hunted within the state, and may trap fur-bearing animals 24721  
lawfully permitted to be trapped within the state, without 24722  
procuring a fishing license, a hunting license, a fur taker 24723  
permit, or a wetlands habitat stamp required by this chapter, 24724  
provided that the person shall carry on the person when fishing, 24725  
hunting, or trapping, a card or other evidence identifying the 24726  
person as being on active duty in the armed forces of the United 24727  
States, and provided that the person is not otherwise violating 24728

any of the hunting, fishing, and trapping laws of this state. 24729

In order to hunt deer or wild turkey, any such person shall 24730  
obtain a deer or wild turkey permit, as applicable, under section 24731  
1533.11 of the Revised Code. Such a person is eligible to obtain a 24732  
deer or wild turkey permit at the resident rate, regardless of 24733  
whether the person is a resident of this state. However, the 24734  
person need not obtain a hunting license in order to obtain such a 24735  
permit. 24736

(B) The chief of the division of wildlife shall provide by 24737  
rule adopted under section 1531.10 of the Revised Code all of the 24738  
following: 24739

(1) Every resident of this state with a disability that has 24740  
been determined by the veterans administration to be permanently 24741  
and totally disabling, who receives a pension or compensation from 24742  
the veterans administration, and who received an honorable 24743  
discharge from the armed forces of the United States, and every 24744  
veteran to whom the registrar of motor vehicles has issued a set 24745  
of license plates under section 4503.41 of the Revised Code, shall 24746  
be issued a fishing license, hunting license, fur taker permit, 24747  
deer or wild turkey permit, or wetlands habitat stamp, or any 24748  
combination of those licenses, permits, and stamp, free of charge 24749  
on an annual, multi-year, or lifetime basis as determined 24750  
appropriate by the chief when application is made to the chief in 24751  
the manner prescribed by and on forms provided by the chief. 24752

(2) Every resident of the state who was born on or before 24753  
December 31, 1937, shall be issued an annual fishing license, 24754  
hunting license, fur taker permit, deer or wild turkey permit, or 24755  
wetlands habitat stamp, or any combination of those licenses, 24756  
permits, and stamp, free of charge when application is made to the 24757  
chief in the manner prescribed by and on forms provided by the 24758  
chief. 24759

(3) Every resident of state or county institutions, 24760  
charitable institutions, and military homes in this state shall be 24761  
issued an annual fishing license free of charge when application 24762  
is made to the chief in the manner prescribed by and on forms 24763  
provided by the chief. 24764

(4) Any mobility impaired or blind person, as defined in 24765  
section 955.011 of the Revised Code, who is a resident of this 24766  
state and who is unable to engage in fishing without the 24767  
assistance of another person shall be issued an annual fishing 24768  
license free of charge when application is made to the chief in 24769  
the manner prescribed by and on forms provided by the chief. The 24770  
person who is assisting the mobility impaired or blind person may 24771  
assist in taking or catching fish of the kind permitted to be 24772  
taken or caught without procuring the license required under 24773  
section 1533.32 of the Revised Code, provided that only one line 24774  
is used by both persons. 24775

(5) As used in division (B)(5) of this section, "prisoner of 24776  
war" means any regularly appointed, enrolled, enlisted, or 24777  
inducted member of the military forces of the United States who 24778  
was captured, separated, and incarcerated by an enemy of the 24779  
United States. 24780

Any person who has been a prisoner of war, was honorably 24781  
discharged from the military forces, and is a resident of this 24782  
state shall be issued a fishing license, hunting license, fur 24783  
taker permit, or wetlands habitat stamp, or any combination of 24784  
those licenses, permits, and stamp, free of charge on an annual, 24785  
multi-year, or lifetime basis as determined appropriate by the 24786  
chief when application is made to the chief in the manner 24787  
prescribed by and on forms provided by the chief. 24788

(C) The chief shall adopt rules pursuant to section 1531.08 24789  
of the Revised Code designating not more than two days, which need 24790  
not be consecutive, in each year as "free sport fishing days" on 24791

which any resident may exercise the privileges accorded the holder 24792  
of a fishing license issued under section 1533.32 of the Revised 24793  
Code without procuring such a license, provided that the person is 24794  
not otherwise violating any of the fishing laws of this state. 24795

**Sec. 1561.14.** A person who applies for a certificate as a 24796  
mine electrician shall be able to read and write the English 24797  
language, and prior to the date of the application for examination 24798  
either shall have had at least one year's experience in performing 24799  
electrical work underground in a coal mine, in the surface work 24800  
area of an underground coal mine, in a surface coal mine, or in a 24801  
noncoal mine, or shall have had such experience as the chief of 24802  
the division of mineral resources management determines to be 24803  
equivalent. Each applicant for examination shall pay a fee of ten 24804  
dollars to the chief on the first day of the examination. Any 24805  
~~moneys~~ money collected under this section shall be paid into the 24806  
state treasury to the credit of the mining regulation and safety 24807  
fund created in section ~~1561.48~~ 1513.30 of the Revised Code. 24808

**Sec. 1561.16.** (A) As used in this section and sections 24809  
1561.17 to 1561.21 of the Revised Code, "actual practical 24810  
experience" means previous employment that involved a person's 24811  
regular presence in the type of mining operation in which the 24812  
experience is required to exist; participation in functions 24813  
relating to the hazards involved in and the utilization of 24814  
equipment, tools, and work crews and individuals for that type of 24815  
mining; and regular exposure to the methods, procedures, and 24816  
safety laws applicable to that type of mining. Credit of up to one 24817  
year for a portion of the required experience time may be given 24818  
upon documentation to the chief of the division of mineral 24819  
resources management of an educational degree in a field related 24820  
to mining. Credit of up to two years of the required experience 24821  
time may be given upon presentation to the chief of proof of 24822

graduation from an accredited school of mines or mining after a 24823  
four-year course of study with employment in the mining industry 24824  
during interim breaks during the school years. 24825

(B) A person who applies for a certificate as a mine 24826  
foreperson of gaseous mines shall be able to read and write the 24827  
English language; shall have had at least five years' actual 24828  
practical experience in the underground workings of a gaseous mine 24829  
or the equivalent thereof in the judgment of the chief; and shall 24830  
have had practical experience obtained by actual contact with gas 24831  
in mines and have knowledge of the dangers and nature of noxious 24832  
and explosive gases and ventilation of gaseous mines. An applicant 24833  
for a certificate as a foreperson of gaseous mines shall meet the 24834  
same requirements, except that the applicant shall have had at 24835  
least three years' actual practical experience in the underground 24836  
workings of a gaseous mine or the equivalent thereof in the 24837  
judgment of the chief. Each applicant for examination shall pay a 24838  
fee established in rules adopted under this section to the chief 24839  
on the first day of such examination. 24840

(C) A person who has been issued a certificate as a mine 24841  
foreperson or a foreperson of a gaseous mine and who has not 24842  
worked in an underground coal mine for a period of more than two 24843  
calendar years shall apply for and obtain recertification from the 24844  
chief in accordance with rules adopted under this section before 24845  
performing the duties of a mine foreperson or a foreperson of a 24846  
gaseous mine. An applicant for recertification shall pay a fee 24847  
established in rules adopted under this section at the time of 24848  
application for recertification. 24849

(D) A person who has been issued a certificate as a mine 24850  
foreperson or a foreperson of a gaseous mine and who has not 24851  
worked in an underground coal mine for a period of one or more 24852  
calendar years shall successfully complete a retraining course in 24853  
accordance with rules adopted under this section before performing 24854

the duties of a mine foreperson or a foreperson of a gaseous mine. 24855

(E) The chief, in consultation with a statewide association 24856  
representing the coal mining industry and a statewide association 24857  
representing employees of coal mines, shall adopt rules in 24858  
accordance with Chapter 119. of the Revised Code that do all of 24859  
the following: 24860

(1) Prescribe requirements, criteria, and procedures for the 24861  
recertification of a mine foreperson or a foreperson of a gaseous 24862  
mine who has not worked in an underground coal mine for a period 24863  
of more than two calendar years; 24864

(2) Prescribe requirements, criteria, and procedures for the 24865  
retraining of a mine foreperson or a foreperson of a gaseous mine 24866  
who has not worked in an underground coal mine for a period of one 24867  
or more calendar years; 24868

(3) Establish fees for the examination and recertification of 24869  
mine forepersons or forepersons of gaseous mines under this 24870  
section; 24871

(4) Prescribe any other requirements, criteria, and 24872  
procedures that the chief determines are necessary to administer 24873  
this section. 24874

(F) Any ~~moneys~~ money collected under this section shall be 24875  
paid into the state treasury to the credit of the mining 24876  
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 24877  
the Revised Code. 24878

**Sec. 1561.17.** (A) A person who applies for a certificate as 24879  
mine foreperson or foreperson of nongaseous mines shall be able to 24880  
read and write the English language; shall have had at least three 24881  
years' actual practical experience in mines, or the equivalent 24882  
thereof in the judgment of the chief of the division of mineral 24883  
resources management; and shall have knowledge of the dangers and 24884



nature of noxious gases. Each applicant for examination shall pay 24885  
a fee established in rules adopted under this section to the chief 24886  
on the first day of the examination. 24887

(B) A person who has been issued a certificate as a mine 24888  
foreperson or a foreperson of a nongaseous coal mine and who has 24889  
not worked in an underground coal mine for a period of more than 24890  
two calendar years shall apply for and obtain recertification from 24891  
the chief in accordance with rules adopted under this section 24892  
before performing the duties of a mine foreperson or a foreperson 24893  
of a nongaseous coal mine. An applicant for recertification shall 24894  
pay a fee established in rules adopted under this section at the 24895  
time of application for recertification. 24896

(C) A person who has been issued a certificate as a mine 24897  
foreperson or a foreperson of a nongaseous coal mine and who has 24898  
not worked in an underground coal mine for a period of one or more 24899  
calendar years shall successfully complete a retraining course in 24900  
accordance with rules adopted under this section before performing 24901  
the duties of a mine foreperson or a foreperson of a nongaseous 24902  
coal mine. 24903

(D) The chief, in consultation with a statewide association 24904  
representing the coal mining industry and a statewide association 24905  
representing employees of coal mines, shall adopt rules in 24906  
accordance with Chapter 119. of the Revised Code that do all of 24907  
the following: 24908

(1) Prescribe requirements, criteria, and procedures for the 24909  
recertification of a mine foreperson or a foreperson of a 24910  
nongaseous coal mine who has not worked in an underground coal 24911  
mine for a period of more than two calendar years; 24912

(2) Prescribe requirements, criteria, and procedures for the 24913  
retraining of a mine foreperson or a foreperson of a nongaseous 24914  
coal mine who has not worked in an underground coal mine for a 24915

period of one or more calendar years; 24916

(3) Establish fees for the examination and recertification of 24917  
mine forepersons or forepersons of nongaseous coal mines under 24918  
this section; 24919

(4) Prescribe any other requirements, criteria, and 24920  
procedures that the chief determines are necessary to administer 24921  
this section. 24922

(E) Any ~~moneys~~ money collected under this section shall be 24923  
paid into the state treasury to the credit of the mining 24924  
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 24925  
the Revised Code. 24926

**Sec. 1561.18.** A person who applies for a certificate as a 24927  
foreperson of surface maintenance facilities at underground or 24928  
surface mines shall be able to read and write the English language 24929  
and shall have had at least three years' actual practical 24930  
experience in or around the surface maintenance facilities of 24931  
underground or surface mines or the equivalent thereof in the 24932  
judgment of the chief of the division of mineral resources 24933  
management. Each applicant for examination shall pay a fee of ten 24934  
dollars to the chief on the first day of the examination. Any 24935  
~~moneys~~ money collected under this section shall be paid into the 24936  
state treasury to the credit of the mining regulation and safety 24937  
fund created in section ~~1561.48~~ 1513.30 of the Revised Code. 24938

**Sec. 1561.19.** A person who applies for a certificate as a 24939  
mine foreperson of surface mines shall be able to read and write 24940  
the English language and shall have had at least five years' 24941  
actual practical experience in surface mines. An applicant for a 24942  
certificate as a foreperson of surface mines shall meet the same 24943  
requirements, except that the applicant shall have had at least 24944  
three years' actual practical experience in surface mines or the 24945

equivalent thereof in the judgment of the chief of the division of 24946  
mineral resources management. Each applicant for examination shall 24947  
pay a fee of ten dollars to the chief on the first day of the 24948  
examination. Any ~~moneys~~ money collected under this section shall 24949  
be paid into the state treasury to the credit of the mining 24950  
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 24951  
the Revised Code. 24952

**Sec. 1561.20.** A person who applies for a certificate as a 24953  
surface mine blaster shall be able to read and write the English 24954  
language; shall have had at least one year's actual practical 24955  
experience in surface mines or the equivalent thereof in the 24956  
judgment of the chief of the division of mineral resources 24957  
management; shall have knowledge of the dangers and nature of the 24958  
use of explosives, related equipment, and blasting techniques; and 24959  
shall have knowledge of safety laws and rules, including those 24960  
related to the storage, use, and transportation of explosives. 24961  
Each applicant for examination shall pay a fee of ten dollars to 24962  
the chief on the first day of the examination. Any ~~moneys~~ money 24963  
collected under this section shall be paid into the state treasury 24964  
to the credit of the mining regulation and safety fund created in 24965  
section ~~1561.48~~ 1513.30 of the Revised Code. 24966

**Sec. 1561.21.** A person who applies for a certificate as a 24967  
shot firer shall be able to read and write the English language; 24968  
shall have had at least one year's actual practical experience in 24969  
the underground workings of mines or the equivalent thereof in the 24970  
judgment of the chief of the division of mineral resources 24971  
management; shall have knowledge of the dangers and nature of 24972  
noxious and explosive gases; shall have knowledge of the dangers 24973  
and nature of the use of explosives, related equipment, and 24974  
blasting techniques; and shall have knowledge of safety laws and 24975  
rules, including those related to the underground storage, use, 24976

and transportation of explosives. Each applicant for examination 24977  
shall pay a fee of ten dollars to the chief on the first day of 24978  
the examination. Any ~~moneys~~ money collected under this section 24979  
shall be paid into the state treasury to the credit of the mining 24980  
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 24981  
the Revised Code. 24982

Any person who possesses a mine foreperson or foreperson 24983  
certificate issued by the chief shall be considered certified as a 24984  
shot firer. 24985

**Sec. 1561.22.** A person who applies for a certificate as fire 24986  
boss shall be able to read and write the English language; shall 24987  
have had at least three years' actual practical experience in the 24988  
underground workings of a gaseous mine or the equivalent thereof 24989  
in the judgment of the chief of the division of mineral resources 24990  
management; and shall have knowledge of the dangers and nature of 24991  
noxious and explosive gases gained by actual contact with gas in 24992  
mines and ventilation of gaseous mines. Each applicant for 24993  
examination shall pay a fee of ten dollars to the chief on the 24994  
first day of the examination. Any ~~moneys~~ money collected under 24995  
this section shall be paid into the state treasury to the credit 24996  
of the mining regulation and safety fund created in section 24997  
~~1561.48~~ 1513.30 of the Revised Code. 24998

**Sec. 1561.26.** (A) As used in this section: 24999

(1) "EMT-basic," "EMT-I," and "paramedic" have the same 25000  
meanings as in section 4765.01 of the Revised Code. 25001

(2) "Mine medical responder" has the same meaning as in 25002  
section 1565.15 of the Revised Code. 25003

(B) The superintendent of rescue stations, with the approval 25004  
of the chief of the division of mineral resources management, 25005  
shall, at each rescue station provided for in section 1561.25 of 25006

the Revised Code, train and employ rescue crews of six members 25007  
each, one of whom shall hold a mine foreperson or fire boss 25008  
certificate and be designated captain, and train and employ any 25009  
number of such rescue crews as the superintendent believes 25010  
necessary. One member of a rescue crew shall be certified as an 25011  
EMT-basic, EMT-I, mine medical responder, or paramedic. Each 25012  
member of a rescue crew shall devote the time specified by the 25013  
chief each month for training purposes and shall be available at 25014  
all times to assist in rescue work at explosions, mine fires, and 25015  
other emergencies. 25016

A captain of mine rescue crews shall receive for service as 25017  
captain the sum of twenty-four dollars per month, and each member 25018  
shall receive the sum of twenty dollars per month, all payable on 25019  
requisition approved by the chief. When engaged in rescue work at 25020  
explosions, mine fires, or other emergencies away from their 25021  
station, the members of the rescue crews and captains of the same 25022  
shall be paid the sum of six dollars per hour for work on the 25023  
surface, which includes the time consumed by those members in 25024  
traveling to and from the scene of the emergency when the scene is 25025  
away from the station of the members, and the sum of seven dollars 25026  
per hour for all work underground at the emergency, and in 25027  
addition thereto, the necessary living expenses of the members 25028  
when the emergency is away from their home station, all payable on 25029  
requisition approved by the chief. 25030

Each member of a mine rescue crew shall undergo an annual 25031  
medical examination. The chief may designate to perform an 25032  
examination any individual authorized by the Revised Code to do 25033  
so, including a physician assistant, a clinical nurse specialist, 25034  
a certified nurse practitioner, or a certified nurse-midwife. In 25035  
designating the individual to perform a medical examination, the 25036  
chief shall choose one near the station of the member of the 25037  
rescue crews. The examiner shall report the examination results to 25038

the chief and if, in the opinion of the chief, the report 25039  
indicates that the member is physically unfit for further 25040  
services, the chief shall relieve the member from further duty. 25041  
The fee charged by the examiner for the examination shall be paid 25042  
in the same manner as fees are paid to doctors employed by the 25043  
industrial commission for special medical examinations. 25044

The chief may remove any member of a rescue crew for any 25045  
reason. Such crews shall be subject to the orders of the chief, 25046  
the superintendent, and the deputy mine inspectors when engaged in 25047  
actual mine rescue work. Mine rescue crews shall, in case of death 25048  
or injury when engaged in rescue work, wherever the same may 25049  
occur, be paid compensation, or their dependents shall be paid 25050  
death benefits, from the workers' compensation fund, in the same 25051  
manner as other employees of the state. 25052

(C) In addition to the training of rescue crews, each 25053  
assistant superintendent of rescue stations, with the approval of 25054  
the superintendent, shall provide for and conduct safety, first 25055  
aid, and rescue classes at any mine or for any group of miners who 25056  
make application for the conducting of such classes. The chief may 25057  
assess a fee for safety and first aid classes for the purpose of 25058  
covering the costs associated with providing those classes. The 25059  
chief shall establish a fee schedule for safety and first aid 25060  
classes by rule adopted in accordance with Chapter 119. of the 25061  
Revised Code. Fees collected under this section shall be deposited 25062  
in the ~~surface~~ mining regulation and safety fund created in 25063  
section ~~1514.06~~ 1513.30 of the Revised Code. 25064

The superintendent shall prescribe and provide for a uniform 25065  
schedule of conducting such safety and rescue classes as will 25066  
provide a competent knowledge of modern safety and rescue methods 25067  
in, at, and about mines. 25068

(D) No member of a mine rescue crew who performs mine rescue 25069  
at an underground coal mine and no operator of a mine whose 25070

employee participates as a member of such a mine rescue crew is 25071  
liable in any civil action that arises under the laws of this 25072  
state for damage or injury caused in the performance of rescue 25073  
work at an underground coal mine. However, a member of such a mine 25074  
rescue crew may be liable if the member acted with malicious 25075  
purpose, in bad faith, or in a wanton or reckless manner. 25076

This division does not eliminate, limit, or reduce any 25077  
immunity from civil liability that is conferred on a member of 25078  
such a mine rescue crew or an operator by any other provision of 25079  
the Revised Code or by case law. 25080

**Sec. 1561.45.** Fines collected by reason of prosecutions under 25081  
this chapter and Chapters 1563., 1565., and 1567. of the Revised 25082  
Code shall be paid to the chief of the division of mineral 25083  
resources management, and by the chief paid into the state 25084  
treasury to the credit of the mining regulation and safety fund 25085  
created in section ~~1561.48~~ 1513.30 of the Revised Code. 25086

**Sec. 1561.46.** Fees received by the chief of the division of 25087  
mineral resources management under sections 1561.16 to 1561.22 of 25088  
the Revised Code shall be paid by the chief into the state 25089  
treasury to the credit of the mining regulation and safety fund 25090  
created in section ~~1561.48~~ 1513.30 of the Revised Code. 25091

**Sec. 1561.48.** All ~~moneys~~ money collected under sections 25092  
1561.14, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 25093  
1561.22, 1561.45, and 1561.46 of the Revised Code shall be paid 25094  
into the state treasury to the credit of the mining regulation and 25095  
safety fund, ~~which is hereby~~ created by section 1513.30 of the 25096  
Revised Code. The department of natural resources shall use the 25097  
~~moneys~~ money in the fund to pay the operating expenses of the 25098  
division of mineral resources management. 25099

**Sec. 1721.01.** A company or association incorporated for 25100  
cemetery purposes may appropriate or otherwise acquire, and may 25101  
hold, not more than six hundred forty acres of land at any one 25102  
location, which shall be exempt from execution, and from being 25103  
appropriated for any public purpose, except as otherwise provided 25104  
in this section, ~~and from taxation, if held exclusively for~~ 25105  
~~cemetery or burial purposes, and with no view to profit.~~ A company 25106  
or association of that nature may own land at multiple locations, 25107  
and as many as six hundred forty acres owned at each location in 25108  
accordance with this section are entitled to the exemptions 25109  
specified in this section. 25110

Lands of cemetery associations not containing graves or not 25111  
containing graves that are in use as such on the date a written 25112  
notice, as provided in this section, is served upon the officers 25113  
of a cemetery, shall be subject to appropriation for highway or 25114  
street purposes if an appropriation commences within four years of 25115  
the serving of the notice. For such purposes said lands shall be 25116  
subject to the exercise of the right of eminent domain by the 25117  
municipal corporation in which such lands are located, by the 25118  
board of county commissioners of the county in which such lands 25119  
are located, or by the director of transportation under the same 25120  
conditions and in the same manner as any private property; and, if 25121  
any burial occurs within the area specifically designated in the 25122  
written notice, the appropriating agency shall have the same 25123  
powers with respect to such burial as are given to a board of 25124  
township trustees by section 517.21 of the Revised Code and shall 25125  
pay any costs resulting from the exercise of these powers. This 25126  
section shall not be construed as authorizing an appropriating 25127  
agency to exercise the powers specified by section 517.21 of the 25128  
Revised Code in any part of a cemetery other than the area 25129  
specifically designated in the written notice. 25130

The appropriating agency shall serve upon the officers or 25131



agents having control of a cemetery a written notice that a 25132  
specifically designated area of the cemetery may be needed for 25133  
highway purposes. No such notice may be served more than once. 25134

Such appropriation proceedings shall be made in the manner 25135  
provided for in sections 163.01 to 163.22 of the Revised Code or, 25136  
if by the director of transportation, as otherwise provided by 25137  
law. 25138

The board of trustees of such company or association, 25139  
whenever in its opinion any portion of such lands is unsuitable 25140  
for burial purposes, may sell and convey by deed in fee simple, in 25141  
such manner, and upon such terms, as are provided by resolution of 25142  
such board, any such portion of said lands, and apply the proceeds 25143  
thereof to the general purposes of the company or association; but 25144  
on such sale being made, the lands so sold shall be returned by 25145  
the board to the auditor of the proper county and placed by that 25146  
auditor upon the grand tax list and duplicate of real and public 25147  
utility property for taxation. 25148

Such company or association may also take, set aside, or hold 25149  
any personal property received by it from any source for cemetery 25150  
purposes; and if such company or association is incorporated not 25151  
for profit, all personal property, including the income therefrom, 25152  
owned or held by it, or for its use, for cemetery purposes and 25153  
with no view to profit, shall be exempt from execution, from being 25154  
appropriated for any public purpose, and from taxation, and no tax 25155  
shall be assessed upon any personal property or the income 25156  
therefrom expressly exempted under this section. 25157

~~This chapter does not authorize the exemption of real 25158  
property used for a funeral home or any other activity not 25159  
permitted to be conducted by a cemetery association exempt from 25160  
taxation under section 501(c)(13) of the "Internal Revenue Code of 25161  
1954," 26 U.S.C.A. 501, or any successor provision. 25162~~

All exemptions ~~from taxation~~ provided for in this section 25163  
shall be in addition to such other exemptions ~~from taxation~~ as a 25164  
company or association incorporated for cemetery purposes, or its 25165  
real or personal property, has under any other provisions of the 25166  
Revised Code. 25167

**Sec. 1721.10.** Except as otherwise provided in this section, 25168  
lands appropriated and set apart as burial grounds, either for 25169  
public or for private use, and recorded or filed as such in the 25170  
office of the county recorder of the county where they are 25171  
situated, and any burial ground that has been used as such for 25172  
fifteen years are exempt from sale on execution on a judgment, 25173  
~~taxation~~, dower, and compulsory partition; but land appropriated 25174  
and set apart as a private burial ground is not so exempt if it 25175  
exceeds in value the sum of fifty dollars. 25176

The lien for taxes against such burial grounds may be 25177  
enforced in the same manner prescribed for abandoned lands under 25178  
sections 323.65 to 323.79 of the Revised Code except that the 25179  
burial ground may be transferred only to a municipal corporation, 25180  
county, or township under division (D) of section 323.74 of the 25181  
Revised Code. No burial ground that is otherwise exempt from sale 25182  
or execution under this section shall be offered for sale at 25183  
public auction. 25184

**Sec. 1733.04.** (A) In addition to the authority conferred by 25185  
section 1701.13 of the Revised Code, but subject to any 25186  
limitations contained in sections 1733.01 to 1733.45 of the 25187  
Revised Code, and its articles and regulations, a credit union may 25188  
do any of the following: 25189

(1) Make loans as provided in section 1733.25 of the Revised 25190  
Code; 25191

(2) Invest its money as provided in section 1733.30 of the 25192

Revised Code;	25193
(3) If authorized by the code of regulations, rebate to the borrowing members a portion of the member's interest paid to the credit union;	25194 25195 25196
(4) If authorized by the regulations, charge a membership or entrance fee not to exceed one dollar per member;	25197 25198
(5) Purchase group savings life insurance and group credit life insurance;	25199 25200
(6) Make reasonable contributions to any nonprofit civic, charitable, or service organizations;	25201 25202
(7) Act as trustee or custodian, for which reasonable compensation may be received, under any written trust instrument or custodial agreement created or organized in the United States and forming part of a tax-advantaged savings plan that qualifies for specific tax treatment under sections 223, 401(d), 408, 408A, and 530 of the Internal Revenue Code, 26 U.S.C. 223, 401(d), 408, 408A, and 530, as amended, for its members or groups of its members, provided that the funds of such plans are invested in share accounts or share certificate accounts of the credit union. These services include, but are not limited to, acting as a trustee or custodian for member retirement, education, or health savings accounts.	25203 25204 25205 25206 25207 25208 25209 25210 25211 25212 25213 25214
<u>(8) Participate in and pledge assets in connection with the business linked deposit program under sections 135.77 to 135.774 of the Revised Code and the agricultural linked deposit program under sections 135.71 to 135.76 of the Revised Code.</u>	25215 25216 25217 25218
(B) The authority of a credit union shall be subject to the following:	25219 25220
(1) A credit union may not borrow money in excess of twenty-five per cent of its shares and undivided earnings, without	25221 25222

prior specific authorization by the superintendent of credit unions. 25223  
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(2) A credit union may not pay a commission or other compensation to any person for securing members or for the sale of its shares, except that reasonable incentives may be made available directly to members or potential members to promote thrift. 25225  
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(3) A credit union, subject to the approval of the superintendent, may have service facilities other than its home office. 25230  
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(4) Real estate may be acquired by lease, purchase, or otherwise as necessary and to the extent required for use of the credit union presently and in the future operation of its office or headquarters, and in case of a purchase of real estate, the superintendent must first be notified in writing prior to the purchase of the real estate. The superintendent shall notify the credit union not more than thirty days after receipt of the notification to purchase the real estate if the purchase is denied, approved, or modified. If the superintendent does not respond within thirty days after receipt of the notification to purchase the real estate, it shall be deemed approved. Nothing herein contained shall be deemed to prohibit a credit union from taking title to real estate in connection with a default in the payment of a loan, provided that title to such real estate shall not be held by the credit union for more than two years without the prior written approval of the superintendent. A credit union also may lease space in any real estate it acquires in accordance with rules adopted by the superintendent. 25233  
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(C)(1) As used in division (C) of this section: 25251

(a) "School" means an elementary or secondary school. 25252

(b) "Student" means a child enrolled in a school. 25253

(c) "Student branch" means the designation provided to the credit union for the in-school services and financial education offered to students.

(2) A credit union, upon agreement with a school board, in the case of a public school, or the governing authority, in the case of a nonpublic school, and with the permission of the superintendent, may open and maintain a student branch.

(3) Notwithstanding any other provision of this section, any student enrolled in the school maintaining a student branch who is not otherwise qualified for membership in the credit union maintaining the student branch is qualified to be a member of that student branch.

(4) The student's membership in the student branch expires upon the student's graduation from secondary school.

(5) The student branch is for the express use of students and may not be used by faculty, staff, or lineal ancestors or descendents of students.

(6) Faculty, staff, or lineal ancestors or descendents of students are not eligible for membership in the credit union maintaining the student branch unless otherwise qualified by this section to be members.

(7) The superintendent may adopt rules appropriate to the formation and operation of student branches.

(D) A credit union may guarantee the signature of a member in connection with a transaction involving tangible or intangible property in which a member has or seeks to acquire an interest.

**Sec. 1733.24.** (A) A credit union is authorized to receive funds for deposit in share accounts, share draft accounts, and share certificates from its members, from other credit unions, and from an officer, employee, or agent of the federal, state, or

local governments, or political subdivisions of the state, in 25284  
accordance with such terms, rates, and conditions as may be 25285  
established by its board of directors, and for purposes of the 25286  
agricultural linked deposit program created under sections 135.71 25287  
to 135.76 of the Revised Code and the business linked deposit 25288  
program created under sections 135.77 to 135.774 of the Revised 25289  
Code. 25290

(B) The shares and share accounts of the credit union may be 25291  
of one or more classes, as designated by the board of directors, 25292  
subject to approval of the superintendent of credit unions based 25293  
on rules that shall assure equitable distribution of dividends 25294  
among classes, considering costs and advantages of each class to 25295  
the members of the credit union, including without limitation 25296  
special services rendered, length of ownership, minimum 25297  
investment, conditions of repurchase, and other appropriate 25298  
standards or combinations thereof. In the event the articles of 25299  
incorporation of the credit union indicate the authorized number 25300  
of shares to be unlimited, the designation of classification of 25301  
shares and share accounts of the credit union may be effected by 25302  
the board of directors, subject to the approval of the 25303  
superintendent, and does not require amendment of the articles of 25304  
incorporation. All shares of the credit union shall have a par 25305  
value per share as set by the board of directors. Redemptions and 25306  
liquidating dividends shall be prorated to each member on the 25307  
basis of the price paid the credit union for such share, 25308  
irrespective of the class of such shares. 25309

(C)(1) Each credit union shall have one class of shares 25310  
designated as "membership share." The membership shares, or if a 25311  
credit union has but one class of shares, then all of the shares 25312  
of the credit union, shall have a par value as set by the board of 25313  
directors. 25314

(2) Two or more persons that are eligible for membership that 25315

have jointly subscribed for one or more shares under a joint 25316  
account each may be admitted to membership. 25317

(D) A credit union need not issue certificates for any or all 25318  
of its classes of shares but irrespective of whether certificates 25319  
are issued, a registry of shares must be kept, including all of 25320  
the transactions of the credit union pertaining to such shares. 25321

(E) A credit union is authorized to maintain share draft 25322  
accounts in accordance with rules prescribed by the 25323  
superintendent. The credit union may pay dividends on share draft 25324  
accounts, may pay dividends at different rates on different types 25325  
of share draft accounts, and may permit the owners of such share 25326  
draft accounts to make withdrawals by negotiable or transferable 25327  
instruments or other orders for the purpose of making transfers to 25328  
third parties. 25329

(F) Unless otherwise provided by written agreement of the 25330  
parties, the rights, responsibilities, and liabilities attaching 25331  
to a share draft withdrawn from, transferred to, or otherwise 25332  
handled by a credit union are defined in and governed by Chapters 25333  
1303. and 1304. of the Revised Code, as if the credit union were a 25334  
bank. 25335

(G) Unless otherwise provided in the articles or regulations, 25336  
a member may designate any person or persons to own or hold 25337  
shares, or share accounts with the member in joint tenancy with 25338  
right of survivorship and not as tenants in common. 25339

(H) Shares or share accounts may be issued in the name of a 25340  
custodian under the Ohio transfers to minors act, a member in 25341  
trust for a beneficiary, a fiduciary or custodian in trust for a 25342  
member beneficiary, or a fiduciary or custodian in trust upon the 25343  
death of a member. Redemption of such shares or payment of such 25344  
share accounts to a member, to the extent of the payment, 25345  
discharges the liability of the credit union to the member and the 25346

beneficiary, and the credit union shall be under no obligation to see to the application of the payment. Unless prior to the death of a member, the member has notified the credit union in writing in a form approved by the credit union of a different beneficiary to receive the proceeds of such shares or share accounts, then the proceeds shall be paid to the beneficiary or to the beneficiary's parent or legal representative. Any payment made pursuant to written instructions of the member or pursuant to the provisions herein contained shall be a valid and sufficient release and discharge of the credit union in connection with any such share or share accounts.

(I)(1) Except as otherwise provided in the articles or regulations, and subject to the provisions thereof, a minor may purchase shares, share accounts, or other depository instruments, and except for qualification as a voting member, the credit union may deal with the minor with respect to shares, share accounts, or other depository instruments owned by the minor as if the minor were a person of legal age.

(2) If shares, share accounts, or other depository instruments are issued in the name of a minor, redemption of any part or all of the shares or withdrawal of funds by payment to the minor of the shares or funds and any declared dividends or interest releases the credit union from all obligation to the minor as to the shares reduced or funds withdrawn.

(J) The regulations may require advance written notice of a member's intention to withdraw the member's shares. Such advance notice shall not exceed sixty days.

**Sec. 1751.72.** (A) As used in this section:

(1) "Chronic condition" means a medical condition that has persisted after reasonable efforts have been made to relieve or cure its cause and has continued, either continuously or



episodically, for longer than six continuous months. 25378

(2) "Clinical peer" means a health care practitioner in the 25379  
same, or in a similar, specialty that typically manages the 25380  
medical condition, procedure, or treatment under review. 25381

(3) "Covered person" means a person receiving coverage for 25382  
health services under a policy, contract, or agreement issued by a 25383  
health insuring corporation. 25384

(4) "Emergency services" has the same meaning as in section 25385  
1753.28 of the Revised Code. 25386

(5) "Fraudulent or materially incorrect information" means 25387  
any type of intentional deception or misrepresentation made by a 25388  
person with the knowledge that the deception could result in some 25389  
unauthorized benefit to the covered person in question. 25390

(6) "Health care practitioner" has the same meaning as in 25391  
section 3701.74 of the Revised Code. 25392

(7) "NCPDP SCRIPT standard" means the national council for 25393  
prescription drug programs SCRIPT standard version 201310 or the 25394  
most recent standard adopted by the the United States department 25395  
of health and human services. 25396

(8) "Prior authorization requirement" means any practice 25397  
implemented by a health insuring corporation in which coverage of 25398  
a health care service, device, or drug is dependent upon a covered 25399  
person or a health care practitioner obtaining approval from the 25400  
health insuring corporation prior to the service, device, or drug 25401  
being performed, received, or prescribed, as applicable. "Prior 25402  
authorization" includes prospective or utilization review 25403  
procedures conducted prior to providing a health care service, 25404  
device, or drug. 25405

(9) "Urgent care services" means a medical care or other 25406  
service for a condition where application of the timeframe for 25407

making routine or non-life threatening care determinations is 25408  
either of the following: 25409

(a) Could seriously jeopardize the life, health, or safety of 25410  
the patient or others due to the patient's psychological state; 25411

(b) In the opinion of a practitioner with knowledge of the 25412  
patient's medical or behavioral condition, would subject the 25413  
patient to adverse health consequences without the care or 25414  
treatment that is the subject of the request. 25415

(10) "Utilization review" and "utilization review 25416  
organization" have the same meanings as in section 1751.77 of the 25417  
Revised Code. 25418

(B) If a policy, contract, or agreement issued by a health 25419  
insuring corporation contains a prior authorization requirement, 25420  
then all of the following apply: 25421

(1) On or before January 1, 2018, the health insuring 25422  
corporation shall permit health care practitioners to access the 25423  
prior authorization form through the applicable electronic 25424  
software system. 25425

(2)(a) For policies issued on or after January 1, 2018, the 25426  
health insuring corporation or other payer acting on behalf of the 25427  
health insuring corporation, shall accept prior authorization 25428  
requests through a secure electronic transmission. 25429

(b) For policies issued on or after January 1, 2018, the 25430  
health insuring corporation, a pharmacy benefit manager 25431  
responsible for handling prior authorization requests, or other 25432  
payer acting on behalf of the health insuring corporation shall 25433  
accept and respond to prior prescription benefit authorization 25434  
requests through a secure electronic transmission using NCPDP 25435  
SCRIPT standard ePA transactions, and for prior medical benefit 25436  
authorization requests through a secure electronic transmission 25437  
using standards established by the council for affordable quality 25438

health care on operating rules for information exchange or its successor. 25439  
25440

(c) For purposes of division (B)(2) of this section, neither 25441  
of the following shall be considered a secure electronic 25442  
transmission: 25443

(i) A facsimile; 25444

(ii) A proprietary payer portal for prescription drug 25445  
requests that does not use NCPDP SCRIPT standard. 25446

(3) For policies issued on or after January 1, 2018, a health 25447  
care practitioner and health insuring corporation may enter into a 25448  
contractual arrangement under which the health insuring 25449  
corporation agrees to process prior authorization requests that 25450  
are not submitted electronically because of the financial hardship 25451  
that electronic submission of prior authorization requests would 25452  
create for the health care practitioner or if internet 25453  
connectivity is limited or unavailable where the health care 25454  
practitioner is located. 25455

(4)(a) For policies issued on or after January 1, 2018, if 25456  
the health care practitioner submits the request for prior 25457  
authorization as described in divisions (B)(1) and (2) of this 25458  
section, the health insuring corporation shall respond to all 25459  
prior authorization requests within forty-eight hours for urgent 25460  
care services, or ten calendar days for any prior authorization 25461  
request that is not for an urgent care service, of the time the 25462  
request is received by the health insuring corporation. Division 25463  
(B)(4) of this section does not apply to emergency services. 25464

(b) The response required under division (B)(4)(a) of this 25465  
section shall indicate whether the request is approved or denied. 25466  
If the prior authorization is denied, the health insuring 25467  
corporation shall provide the specific reason for the denial. 25468

(c) If the prior authorization request is incomplete, the 25469

health insuring corporation shall indicate the specific additional 25470  
information that is required to process the request. 25471

(5)(a) For policies issued on or after January 1, 2018, if a 25472  
health care practitioner submits a prior authorization request as 25473  
described in divisions (B)(1) and (2) of this section, the health 25474  
insuring corporation shall provide an electronic receipt to the 25475  
health care practitioner acknowledging that the prior 25476  
authorization request was received. 25477

(b) For policies issued on or after January 1, 2018, if a 25478  
health insuring corporation requests additional information that 25479  
is required to process a prior authorization request as described 25480  
in division (B)(4)(c) of this section, the health care 25481  
practitioner shall provide an electronic receipt to the health 25482  
insuring corporation acknowledging that the request for additional 25483  
information was received. 25484

(6)(a) For policies issued on or after January 1, 2017, for a 25485  
prior approval related to a chronic condition, the health insuring 25486  
corporation shall honor a prior authorization approval for an 25487  
approved drug for the lesser of the following from the date of the 25488  
approval: 25489

(i) Twelve months; 25490

(ii) The last day of the covered person's eligibility under 25491  
the policy, contract, or agreement. 25492

(b) The duration of all other prior authorization approvals 25493  
shall be dictated by the policy, contract, or agreement issued by 25494  
the health insuring corporation. 25495

(c) A health insuring corporation may, in relation to a prior 25496  
approval under division (B)(6)(a) of this section, require a 25497  
health care practitioner to submit information to the health 25498  
insuring corporation indicating that the patient's chronic 25499  
condition has not changed. 25500

(i) The request for information by the health insuring corporation and the response by the health care practitioner shall be in an electronic format, which may be by electronic mail or other electronic communication.

(ii) The frequency of the submission of requested information shall be consistent with medical or scientific evidence as defined in section 3922.01 of the Revised Code, but shall not be required more frequently than quarterly.

(iii) If the health care practitioner does not respond within five calendar days from the date the request was received, the health insuring corporation may terminate the twelve-month approval.

(d) A twelve-month approval provided under division (B)(6)(a) of this section is no longer valid and automatically terminates if there are changes to federal or state laws or federal regulatory guidance or compliance information prescribing that the drug in question is no longer approved or safe for the intended purpose.

(e) A twelve-month approval provided under division (B)(6)(a) of this section does not apply to and is not required for any of the following:

(i) Medications that are prescribed for a non-maintenance condition;

(ii) Medications that have a typical treatment of less than one year;

(iii) Medications that require an initial trial period to determine effectiveness and tolerability, beyond which a one-year, or greater, prior authorization period will be given;

(iv) Medications where there is medical or scientific evidence as defined in section 3922.01 of the Revised Code that do not support a twelve-month prior approval;

(v) Medications that are a schedule I or II controlled substance or any opioid analgesic or benzodiazepine, as defined in section 3719.01 of the Revised Code;	25531 25532 25533
(vi) Medications that are not prescribed by an in-network provider as part of a care management program.	25534 25535
(7) For policies issued on or after January 1, 2017, a health insuring corporation may, but is not required to, provide the twelve-month approval prescribed in division (B)(6)(a) of this section for a prescription drug that meets either of the following:	25536 25537 25538 25539 25540
(a) The drug is prescribed or administered to treat a rare medical condition and pursuant to medical or scientific evidence as defined in section 3922.01 of the Revised Code.	25541 25542 25543
(b) Medications that are controlled substances not included in division (B)(6)(e)(v) of this section.	25544 25545
For purposes of division (B)(7) of this section, "rare medical condition" means any disease or condition that affects fewer than two hundred thousand individuals in the United States.	25546 25547 25548
(8) Nothing in division (B)(6) or (7) of this section prohibits the substitution, in accordance with section 4729.38 of the Revised Code, of any drug that has received a twelve-month approval under division (B)(6)(a) of this section when there is a release of either of the following:	25549 25550 25551 25552 25553
(a) A United States food and drug administration approved comparable brand product or a generic counterpart of a brand product that is listed as therapeutically equivalent in the United States food and drug administration's publication titled approved drug products with therapeutic equivalence evaluations;	25554 25555 25556 25557 25558
(b) An interchangeable biological product, as defined in section 3715.01 of the Revised Code.	25559 25560

(9)(a) For policies issued on or after January 1, 2017, upon written request, a health insuring corporation shall permit a retrospective review for a claim that is submitted for a service where prior authorization was required but not obtained if the service in question meets all of the following:

(i) The service is directly related to another service for which prior approval has already been obtained and that has already been performed.

(ii) The new service was not known to be needed at the time the original prior authorized service was performed.

(iii) The need for the new service was revealed at the time the original authorized service was performed.

(b) Once the written request and all necessary information is received, the health insuring corporation shall review the claim for coverage and medical necessity. The health insuring corporation shall not deny a claim for such a new service based solely on the fact that a prior authorization approval was not received for the new service in question.

(10)(a) For policies issued on or after January 1, 2017, the health insuring corporation shall disclose to all participating health care practitioners any new prior authorization requirement at least thirty days prior to the effective date of the new requirement.

(b) The notice may be sent via electronic mail or standard mail and shall be conspicuously entitled "Notice of Changes to Prior Authorization Requirements." The notice is not required to contain a complete listing of all changes made to the prior authorization requirements, but shall include specific information on where the health care practitioner may locate the information on the health insuring corporation's web site or, if applicable, the health insuring corporation's portal.

(c) All participating health care practitioners shall promptly notify the health insuring corporation of any changes to the health care practitioner's electronic mail or standard mail address.

(11)(a) For policies issued on or after January 1, 2017, the health insuring corporation shall make available to all participating health care practitioners on its web site or provider portal a listing of its prior authorization requirements, including specific information or documentation that a practitioner must submit in order for the prior authorization request to be considered complete.

(b) The health insuring corporation shall make available on its web site information about the policies, contracts, or agreements offered by the health insuring corporation that clearly identifies specific services, drugs, or devices to which a prior authorization requirement exists.

(12) For policies issued on or after January 1, 2018, the health insuring corporation shall establish a streamlined appeal process relating to adverse prior authorization determinations that shall include all of the following:

(a) For urgent care services, the appeal shall be considered within forty-eight hours after the health insuring corporation receives the appeal.

(b) For all other matters, the appeal shall be considered within ten calendar days after the health insuring corporation receives the appeal.

(c) The appeal shall be between the health care practitioner requesting the service in question and a clinical peer.

(d) If the appeal does not resolve the disagreement, either the covered person or an authorized representative as defined in section 3922.01 of the Revised Code may request an external review



under Chapter 3922. of the Revised Code to the extent Chapter 25623  
3922. of the Revised Code is applicable. 25624

(C) For policies issued on or after January 1, 2017, except 25625  
in cases of fraudulent or materially incorrect information, a 25626  
health insuring corporation shall not retroactively deny a prior 25627  
authorization for a health care service, drug, or device when all 25628  
of the following are met: 25629

(1) The health care practitioner submits a prior 25630  
authorization request to the health insuring corporation for a 25631  
health care service, drug, or device. 25632

(2) The health insuring corporation approves the prior 25633  
authorization request after determining that all of the following 25634  
are true: 25635

(a) The patient is eligible under the health benefit plan. 25636

(b) The health care service, drug, or device is covered under 25637  
the patient's health benefit plan. 25638

(c) The health care service, drug, or device meets the health 25639  
insuring corporation's standards for medical necessity and prior 25640  
authorization. 25641

(3) The health care practitioner renders the health care 25642  
service, drug, or device pursuant to the approved prior 25643  
authorization request and all of the terms and conditions of the 25644  
health care practitioner's contract with the health insuring 25645  
corporation. 25646

(4) On the date the health care practitioner renders the 25647  
prior approved health care service, drug, or device, all of the 25648  
following are true: 25649

(a) The patient is eligible under the health benefit plan. 25650

(b) The patient's condition or circumstances related to the 25651  
patient's care has not changed. 25652

(c) The health care practitioner submits an accurate claim 25653  
that matches the information submitted by the health care 25654  
practitioner in the approved prior authorization request. 25655

(5) If the health care practitioner submits a claim that 25656  
includes an unintentional error and the error results in a claim 25657  
that does not match the information originally submitted by the 25658  
health care practitioner in the approved prior authorization 25659  
request, upon receiving a denial of services from the health 25660  
insuring corporation, the health care practitioner may resubmit 25661  
the claim pursuant to division (C) of this section with the 25662  
information that matches the information included in the approved 25663  
prior authorization. 25664

(D) Any provision of a contractual arrangement entered into 25665  
between a health insuring corporation and a health care 25666  
practitioner or beneficiary that is contrary to divisions (A) to 25667  
(C) of this section is unenforceable. 25668

(E) For policies issued on or after January 1, 2017, 25669  
committing a series of violations of this section that, taken 25670  
together, constitute a practice or pattern shall be considered an 25671  
unfair and deceptive practice under sections 3901.19 to 3901.26 of 25672  
the Revised Code. 25673

(F) The superintendent of insurance may adopt rules in 25674  
accordance with Chapter 119. of the Revised Code as necessary to 25675  
implement the provisions of this section. 25676

(G) This section does not apply to any of the following types 25677  
of coverage: a policy, contract, certificate, or agreement that 25678  
covers only a specified accident, accident only, credit, dental, 25679  
disability income, long-term care, hospital indemnity, 25680  
supplemental coverage as described in section 3923.37 of the 25681  
Revised Code, specified disease, or vision care; a dental benefit 25682  
that is offered as a part of a policy, contract, certificate, or 25683

agreement offered by a health insuring corporation; coverage 25684  
issued as a supplement to liability insurance; insurance arising 25685  
out of workers' compensation or similar law; automobile medical 25686  
payment insurance; insurance under which benefits are payable with 25687  
or without regard to fault and which is statutorily required to be 25688  
contained in any liability insurance policy or equivalent 25689  
self-insurance; a medicare supplement policy of insurance as 25690  
defined by the superintendent of insurance by rule; coverage under 25691  
a plan through medicare or the federal employees benefit program; 25692  
or any coverage issued under Chapter 55 of Title 10 of the United 25693  
States Code and any coverage issued as a supplement to that 25694  
coverage. 25695

**Sec. 1751.75.** A health insuring corporation may present 25696  
evidence of compliance with the requirements of sections 1751.73 25697  
and 1751.74 of the Revised Code by submitting certification to the 25698  
superintendent of insurance of its accreditation by an 25699  
independent, private accrediting organization, such as the 25700  
national committee on quality assurance, the national quality 25701  
health council, the joint commission on accreditation of health 25702  
care organizations, the accreditation association for ambulatory 25703  
health care, or the American accreditation healthcare 25704  
commission/utilization review accreditation commission. The 25705  
superintendent, upon review of the organization's accreditation 25706  
process, may determine that such accreditation constitutes 25707  
compliance by the health insuring corporation with the 25708  
requirements of these sections. 25709

**Sec. 1923.12.** (A) If a resident or a resident's estate has 25710  
been evicted from a manufactured home park pursuant to a judgment 25711  
entered under section 1923.09 or 1923.11 of the Revised Code and 25712  
if the resident or estate has abandoned or otherwise left 25713  
unoccupied the resident's manufactured home, mobile home, or 25714

recreational vehicle on the residential premises of the 25715  
manufactured home park for a period of three days following the 25716  
entry of the judgment, the operator of the manufactured home park 25717  
may provide to the titled owner of the home or vehicle a written 25718  
notice to remove the home or vehicle from the manufactured home 25719  
park within fourteen days from the date of the delivery of the 25720  
notice. The park operator shall deliver or cause the delivery of 25721  
the notice by personal delivery to the owner or by ordinary mail 25722  
sent to the last known address of the owner. Except as provided in 25723  
divisions (D) and (E) of this section, if the owner of the 25724  
manufactured home, mobile home, or recreational vehicle does not 25725  
remove it or cause it to be removed from the manufactured home 25726  
park within fourteen days from the date of the delivery of the 25727  
notice, the park operator may follow the procedures of division 25728  
(B) of section 1923.13 and division (B) of section 1923.14 of the 25729  
Revised Code to permit the removal of the home or vehicle from the 25730  
manufactured home park, and the potential sale, destruction, or 25731  
transfer of ownership of the home or vehicle. 25732

(B) Every notice provided to the titled owner of a 25733  
manufactured home, mobile home, or recreational vehicle under this 25734  
section shall contain the following language printed in a 25735  
conspicuous manner: "You are being asked to remove your 25736  
manufactured home, mobile home, or recreational vehicle from the 25737  
residential premises of ....., a manufactured home park, in 25738  
accordance with a judgment of eviction entered in ..... court 25739  
on ..... against ..... If the manufactured home, mobile 25740  
home, or recreational vehicle is not removed from the manufactured 25741  
home park within fourteen days from the date of delivery of this 25742  
notice, the home or vehicle may be sold or destroyed, or its title 25743  
may be transferred to ....., pursuant to division (B) of both 25744  
sections 1923.13 and 1923.14 of the Revised Code. If you are in 25745  
doubt regarding your legal rights, it is recommended that you seek 25746  
legal assistance." 25747

(C)(1) Before requesting a writ of execution under division 25748  
(B) of section 1923.13 of the Revised Code, the park operator 25749  
shall conduct or cause to be conducted a search of the appropriate 25750  
public records that relate to the manufactured home, mobile home, 25751  
or recreational vehicle, and make or cause to be made reasonably 25752  
diligent inquiries, for the purpose of identifying any persons who 25753  
have an outstanding right, title, or interest in the home or 25754  
vehicle. 25755

(2) If the search or inquiries pursuant to division (C)(1) of 25756  
this section reveal any person who has an outstanding right, 25757  
title, or interest in the manufactured home, mobile home, or 25758  
recreational vehicle, the park operator shall ~~list the name and~~ 25759  
~~last known address of each~~ provide to the person with a right, 25760  
~~title, or interest of that nature on its request for the writ of~~ 25761  
~~execution. In addition, if personal property has been abandoned on~~ 25762  
~~the residential premises and the park operator has knowledge of~~ 25763  
~~any person who has an outstanding right, title, or interest in any~~ 25764  
~~of the personal property, the park operator shall list the item or~~ 25765  
~~items of personal property and the name and last known address of~~ 25766  
~~each person with the outstanding right, title, or interest on the~~ 25767  
~~request for the writ of execution. The park operator also shall~~ 25768  
~~certify on the request that the park operator provided the written~~ 25769  
~~notice required by this section. The clerk of the municipal court,~~ 25770  
~~county court, or court of common pleas may require the park~~ 25771  
~~operator to pay an advance deposit sufficient to secure payment of~~ 25772  
~~the appraisal of the manufactured home, mobile home, or~~ 25773  
~~recreational vehicle and the advertisement of the sale of the home~~ 25774  
~~or vehicle~~ written notice to remove the home or vehicle from the 25775  
manufactured home park or arrange for the sale of the home or 25776  
vehicle within twenty-one days from the date of the delivery of 25777  
the notice. 25778

The notice shall contain the following language printed in a 25779

conspicuous manner: "You are being asked to remove the 25780  
manufactured home, mobile home, or recreational vehicle that you 25781  
have an outstanding right, title, or interest in from the 25782  
residential premises of ....., a manufactured home park, in 25783  
accordance with a judgment of eviction entered in ..... court 25784  
on ..... against ..... If the manufactured home, mobile 25785  
home, or recreational vehicle is not removed from the manufactured 25786  
home park within twenty-one days from the date of delivery of this 25787  
notice, the home or vehicle may be sold or destroyed, or its title 25788  
may be transferred to ....., pursuant to division (B) of both 25789  
sections 1923.13 and 1923.14 of the Revised Code. If you are in 25790  
doubt regarding your legal rights, it is recommended that you seek 25791  
legal assistance." 25792

The park operator shall deliver or cause the delivery of the 25793  
notice by personal delivery to the person or by ordinary mail sent 25794  
to the last known address of the person. If a sale of the home or 25795  
vehicle is arranged, the person shall pay any rent due to the park 25796  
operator during the pendency of the sale. If the person does not 25797  
remove the home or vehicle or arrange for its sale within 25798  
twenty-one days from the date of the delivery of the notice, the 25799  
park operator may follow the procedures of division (B) of section 25800  
1923.13 and division (B) of section 1923.14 of the Revised Code to 25801  
permit the removal of the home or vehicle from the manufactured 25802  
home park, and the potential sale, destruction, or transfer of 25803  
ownership of the home or vehicle. 25804

(3) If the search or inquiries reveal no person who has an 25805  
outstanding right, title, or interest in the manufactured home, 25806  
mobile home, or recreational vehicle, the park operator may follow 25807  
the procedures of division (B) of section 1923.13 and division (B) 25808  
of section 1923.14 of the Revised Code to permit the removal of 25809  
the home or vehicle from the manufactured home park, and the 25810  
potential sale, destruction, or transfer of ownership of the home 25811

or vehicle. 25812

(D) When a deceased resident or a resident's estate has been 25813  
evicted from a manufactured home park pursuant to a judgment 25814  
entered under section 1923.09 or 1923.11 of the Revised Code, the 25815  
removal from the park and potential sale, destruction, or transfer 25816  
of ownership of the resident's manufactured home, mobile home, or 25817  
recreational vehicle and any personal property abandoned on the 25818  
residential premises shall be conducted in the manner prescribed 25819  
by the probate court in which letters testamentary or of 25820  
administration have been granted for the estate in accordance with 25821  
Title XXI of the Revised Code. The park operator may store the 25822  
resident's manufactured home, mobile home, or recreational vehicle 25823  
at a storage facility or at another location within the 25824  
manufactured home park during the administration of the estate. 25825  
The park operator shall notify the executor or administrator of 25826  
the resident's estate where the manufactured home, mobile home, or 25827  
recreational vehicle will be stored during the administration of 25828  
the estate. The costs for the removal and storage of the 25829  
manufactured home, mobile home, or recreational vehicle shall be a 25830  
claim against the resident's estate without further presentation 25831  
of the claim to the executor or administrator. 25832

(E)(1) When the resident who has been evicted from a 25833  
manufactured home park pursuant to a judgment entered under 25834  
section 1923.09 or 1923.11 of the Revised Code is the titled owner 25835  
of a manufactured home, mobile home, or recreational vehicle and 25836  
is or becomes deceased prior to the removal of the home or vehicle 25837  
from the manufactured home park, and no probate court has granted 25838  
~~letters testamentary or of~~ administration with respect to the 25839  
resident's estate within ninety days of the deceased's death, the 25840  
park operator may store the home or vehicle at a storage facility 25841  
or at another location within the manufactured home park before 25842  
and after a probate court grants letters testamentary or of 25843

administration with respect to the resident's estate pursuant to 25844  
Title XXI of the Revised Code. 25845

(2) If a probate court grants administration with respect to 25846  
the resident's estate within ninety days of the date of the 25847  
eviction of the resident from the park, the removal of the 25848  
manufactured home, mobile home, or recreational vehicle from the 25849  
park and potential sale, destruction, or transfer of ownership of 25850  
the home or vehicle shall be conducted pursuant to division (D) of 25851  
this section. 25852

(3) If no probate court grants ~~letters testamentary or of 25853~~  
administration with respect to the resident's estate within ~~one 25854~~  
~~year~~ ninety days of the date of the eviction of the resident from 25855  
the manufactured home park pursuant to a judgment entered under 25856  
section 1923.09 or 1923.11 of the Revised Code, the park operator 25857  
~~may follow the procedures of division (B) of section 1923.13 and 25858~~  
~~division (B) of section 1923.14 of the Revised Code to permit the 25859~~  
~~removal of the manufactured home, mobile home, or recreational 25860~~  
~~vehicle from the park and potential sale, destruction, or transfer 25861~~  
~~of ownership of the home or vehicle.~~ 25862

~~(3) If a probate court grants letters testamentary or of 25863~~  
~~administration with respect to the resident's estate within one 25864~~  
~~year of the date of the eviction of the resident from the park, 25865~~  
~~the removal of the manufactured home, mobile home, or recreational 25866~~  
~~vehicle from the park and potential sale, destruction, or transfer 25867~~  
~~of ownership of the home or vehicle shall be conducted pursuant to 25868~~  
~~division (D) of this section shall conduct or cause to be 25869~~  
conducted a search of the appropriate public records that relate 25870  
to the manufactured home, mobile home, or recreational vehicle, 25871  
and make or cause to be made reasonably diligent inquiries, for 25872  
the purpose of identifying any persons who have an outstanding 25873  
right, title, or interest in the home or vehicle. 25874

(a) If the search or inquiries pursuant to division (E)(3) of 25875



this section reveal any person who has an outstanding right, title, or interest in the manufactured home, mobile home, or recreational vehicle, the park operator shall provide to the person a written notice to remove the home or vehicle from the manufactured home park or arrange for the sale of the home or vehicle within twenty-one days from the date of the delivery of the notice. The notice shall be in the form described in division (C)(2) of this section. The park operator shall deliver or cause the delivery of the notice by personal delivery to the person or by ordinary mail sent to the last known address of the person. If a sale of the home or vehicle is arranged, the person shall pay any rent due to the park operator during the pendency of the sale. If the person does not remove the home or vehicle or arrange for its sale within twenty-one days from the date of the delivery of the notice, the park operator may follow the procedures of division (B) of section 1923.13 and division (B) of section 1923.14 of the Revised Code to permit the removal of the home or vehicle from the manufactured home park, and the potential sale, destruction, or transfer of ownership of the home or vehicle.

(b) If the search or inquiries reveal no person who has an outstanding right, title, or interest in the manufactured home, mobile home, or recreational vehicle, the park operator shall publish notice of a petition for a writ of execution in a newspaper of general circulation in the county where the home or vehicle has been abandoned. The publication shall contain the name of the deceased and the last known address of the home or vehicle and shall run for two consecutive weeks. The park operator shall provide to the clerk of the court written certification by the newspaper of the dates of the publication and an affidavit signed by the operator attesting to the publication. The park operator may then follow the procedures of division (B) of section 1923.13 and division (B) of section 1923.14 of the Revised Code to permit the removal of the home or vehicle from the manufactured home

park, and the potential sale, destruction, or transfer of 25909  
ownership of the home or vehicle. 25910

**Sec. 1923.13.** (A) When a judgment of restitution is entered 25911  
by a court in an action under this chapter, unless the plaintiff 25912  
or the plaintiff's agent or attorney proceeds under division (B) 25913  
of this section, at the request of the plaintiff or the 25914  
plaintiff's agent or attorney, that court shall issue a writ of 25915  
execution on the judgment, in the following form, as near as 25916  
practicable: 25917

"The state of Ohio, ..... county: To any 25918  
constable or police officer of ..... township, city, 25919  
or village; or To the sheriff of ..... 25920  
county; or To any authorized bailiff of the ..... (name of 25921  
court): 25922

Whereas, in a certain action for the forcible entry and 25923  
detention (or the forcible detention, as the case may be), of the 25924  
following described premises, to wit: ....., lately tried 25925  
before this court, wherein ..... was plaintiff, and 25926  
..... was defendant, ..... judgment was rendered on 25927  
the ..... day of ....., ....., that the plaintiff 25928  
have restitution of those premises; and also that the plaintiff 25929  
recover costs in the sum of ....., You therefore are 25930  
hereby commanded to cause the defendant to be forthwith removed 25931  
from those premises, and the plaintiff to have restitution of 25932  
them; also, that you levy of the goods and chattels of the 25933  
defendant, and make the costs previously mentioned and all 25934  
accruing costs, and of this writ make legal service and due 25935  
return. 25936

Witness my hand, this ..... day of ....., ..... 25937  
..... Judge, ..... (Name of court)" 25938

(B) When a judgment of restitution is entered by a court in 25939

any action under this chapter against a manufactured home park 25940  
resident or the estate of a manufactured home park resident, at 25941  
the request of the plaintiff or the plaintiff's agent or attorney, 25942  
that court shall issue a writ of execution on the judgment, in the 25943  
following form, as near as practicable: 25944

"The state of Ohio, ..... county; To any constable or 25945  
police officer of ..... township, city, or village; or To the 25946  
sheriff of ..... county; or To any authorized bailiff of the 25947  
..... (name of court): 25948

Whereas, in a certain action for eviction of a resident or a 25949  
resident's estate from the following described residential 25950  
premises of a manufactured home park on which the following 25951  
described manufactured home, mobile home, or recreational vehicle 25952  
is located, to wit: ....., lately tried before this court, 25953  
wherein ..... was plaintiff, and ..... was defendant, 25954  
..... judgment was rendered on the ..... day of 25955  
....., ....., that the plaintiff have restitution of the 25956  
premises and also that the plaintiff recover costs in the sum of 25957  
..... You therefore are hereby authorized to cause the 25958  
defendant to be removed and set out from the residential premises, 25959  
if necessary the defendant holds over on the premises subsequent 25960  
to an eviction judgment against the defendant. In accordance with 25961  
division (A) of section 1923.12 of the Revised Code, three days 25962  
after the eviction judgment, the plaintiff is hereby commanded to 25963  
post a fourteen-day notice to the defendant to sell or remove the 25964  
manufactured home, mobile home, or recreational vehicle from the 25965  
premises, at the defendant's costs. If the manufactured home, 25966  
mobile home, or recreational vehicle is not sold or removed by the 25967  
defendant at the expiration of the fourteen-day notice, it is 25968  
hereby ordered that the defendant forfeits the right to the 25969  
manufactured home, mobile home, or recreational vehicle and the 25970  
plaintiff is hereby authorized to exercise the rights set forth 25971

herein. Also, you are to levy of the goods and chattels of the 25972  
defendant, and make the costs previously mentioned and all 25973  
accruing costs, and of this writ make legal service and due 25974  
return. 25975

Further, you are authorized to cause the manufactured home, 25976  
mobile home, or recreational vehicle, and all personal property on 25977  
the residential premises, to be, ~~at your option, either (1)~~ 25978  
~~removed from the manufactured home park and, if necessary, moved~~ 25979  
~~to a storage facility of your choice, or (2)~~ retained at their 25980  
current location on the residential premises, until they are 25981  
disposed of in a manner authorized by this writ or the law of this 25982  
state. 25983

If the manufactured home, mobile home, or recreational 25984  
vehicle has been abandoned by the defendant, the park operator is 25985  
hereby commanded to submit a notarized affidavit to the county 25986  
auditor of the county where the park is located listing the titled 25987  
owner, address, serial number, and the value of the manufactured 25988  
home, mobile home, or recreational vehicle. Within fifteen days 25989  
after receipt of the affidavit, the county auditor is hereby 25990  
commanded to confirm whether the county auditor agrees or 25991  
disagrees with the stated value on the affidavit. Either of the 25992  
following shall apply: 25993

(1) If the county auditor agrees with the stated value on the 25994  
affidavit, the county auditor is hereby commanded to sign the 25995  
original affidavit attesting to the agreement of the value of the 25996  
manufactured home, mobile home, or recreational vehicle and return 25997  
the original affidavit to the park operator within fifteen days 25998  
after receipt of the affidavit from the park operator. 25999

(2) If the county auditor disagrees with the stated value on 26000  
the affidavit, the county auditor is hereby commanded to notify 26001  
the park operator of the disagreement within fifteen days after 26002  
receipt of the affidavit. The park operator is hereby authorized 26003

to submit additional materials in support of the stated value on 26004  
the affidavit consistent with industry valuation standards within 26005  
ten days after receipt of the notice of the disagreement. If the 26006  
park operator submits additional materials in support of the 26007  
stated value on the affidavit, then after reviewing the additional 26008  
materials submitted, either of the following shall apply: 26009

(a) If the county auditor agrees with the stated value on the 26010  
affidavit, the county auditor is hereby commanded to sign the 26011  
original affidavit attesting to the agreement of the value of the 26012  
manufactured home, mobile home, or recreational vehicle and return 26013  
the original affidavit to the park operator within ten days after 26014  
receipt of the additional materials. 26015

(b) If the county auditor continues to disagree with the 26016  
stated value on the affidavit, the county auditor is hereby 26017  
commanded to notify the park operator of the continued 26018  
disagreement within ten days of receipt of the additional material 26019  
and return the original affidavit to the park operator. The park 26020  
operator is hereby authorized to appeal to this court for a ruling 26021  
on the disagreement pursuant to court rule. 26022

The park operator is hereby commanded to submit to this court 26023  
the affidavit signed by the county auditor stating the value of 26024  
the manufactured home, mobile home, or recreational vehicle, which 26025  
shall be deemed to be the park operator's sworn testimony. If the 26026  
park operator knowingly falsifies information on the affidavit the 26027  
park operator shall be guilty of falsification under divisions 26028  
(A)(1), (3), and (6) of section 2921.13 of the Revised Code. 26029

If the manufactured home, mobile home, or recreational 26030  
vehicle has been so abandoned and has a value of more than three 26031  
thousand dollars, and the requirements of section 1923.12 of the 26032  
Revised Code have been satisfied, you are hereby authorized to 26033  
cause the sale of the home or vehicle and personal property in the 26034  
home or vehicle in accordance with division (B)(3) of section 26035

1923.14 of the Revised Code. ~~A search of appropriate public records or other reasonably diligent inquiries reveals the following persons, whose last known addresses are listed next to their names, may continue to have an outstanding right, title, or interest in the home or vehicle: .....~~ In addition, the following persons, whose last known addresses are listed next to their names, may continue to have an outstanding right, title, or interest in certain personal property left in the home and listed next to their names: .....

If you are unable to sell the manufactured home, mobile home, or recreational vehicle due to a want of bidders, after it is offered for sale on two occasions, you are hereby commanded to cause the presentation of this writ to a clerk of the court of common pleas title division for the issuance of a certificate of title transferring the title of the home or vehicle to the plaintiff, free and clear of all security interests, liens, and encumbrances, in accordance with division (B)(3) of section 1923.14 of the Revised Code.

If the manufactured home, mobile home, or recreational vehicle has been so abandoned and has a value of ~~less than~~ three thousand dollars or less and if the requirements of section 1923.12 of the Revised Code have been satisfied, you are hereby authorized ~~either to cause the sale or destruction of the home or vehicle, or~~ to cause the presentation of this writ to a clerk of the court of common pleas title division for the issuance of a certificate of title transferring the title of the home or vehicle to the plaintiff, free and clear of all security interests, liens, and encumbrances, in accordance with division (B)(4) of section 1923.14 of the Revised Code.

Upon this writ's presentation by the levying officer to a clerk of the court of common pleas title division under the circumstances described in either of the two preceding paragraphs and in accordance with division (B)(3) or (4) of section 1923.14

of the Revised Code, as applicable, the clerk is hereby commanded 26068  
to issue a certificate of title transferring the title of the 26069  
manufactured home, mobile home, or recreational vehicle to the 26070  
plaintiff, free and clear of all security interests, liens, and 26071  
encumbrances, in the manner prescribed in section 4505.10 of the 26072  
Revised Code. 26073

Witness my hand, this ..... day of ....., 26074  
..... , ..... Judge, ..... (Name of court)." 26075

**Sec. 1923.14.** (A) Except as otherwise provided in this 26076  
section, within ten days after receiving a writ of execution 26077  
described in division (A) or (B) of section 1923.13 of the Revised 26078  
Code, the sheriff, police officer, constable, or bailiff shall 26079  
execute it by restoring the plaintiff to the possession of the 26080  
premises, and shall levy and collect ~~the~~ reasonable costs, not to 26081  
exceed the standard motion fee, and make return, as upon other 26082  
executions. If an appeal from the judgment of restitution is filed 26083  
and if, following the filing of the appeal, a stay of execution is 26084  
obtained and any required bond is filed with the court of common 26085  
pleas, municipal court, or county court, the judge of that court 26086  
immediately shall issue an order to the sheriff, police officer, 26087  
constable, or bailiff commanding the delay of all further 26088  
proceedings upon the execution. If the premises have been restored 26089  
to the plaintiff, the sheriff, police officer, constable, or 26090  
bailiff shall forthwith place the defendant in possession of them, 26091  
and return the writ with the sheriff's, police officer's, 26092  
constable's, or bailiff's proceedings and the costs taxed on it. 26093

(B)(1) After a ~~court of common pleas~~, municipal court, or 26094  
county court issues a writ of execution described in division (B) 26095  
of section 1923.13 of the Revised Code, the clerk of the court 26096  
shall send by regular mail, to the last known address of each 26097  
person other than the titled owner of the manufactured home, 26098

mobile home, or recreational vehicle that is the subject of the writ ~~and to the last known address of each other person~~ who is listed on the writ as having any outstanding right, title, or interest in the home, vehicle, or personal property and to the auditor and treasurer of the county in which the court is located, a written notice that the home or vehicle potentially may be sold, destroyed, or have its title transferred under the circumstances described in division (B)(3) or (4) of this section. A person having any outstanding right, title, or interest in the home, vehicle, or personal property is not required to consent to the notice required under this division in order for the writ to be executed.

(2) Except as otherwise provided in this division, after causing the defendant to be removed from the residential premises of the manufactured home park, if necessary, by writ of restitution, and receiving a writ of execution described in division (B) of section 1923.13 of the Revised Code, ~~and after causing the defendant to be removed from the residential premises of the manufactured home park, if necessary,~~ in accordance with the writ, the sheriff, police officer, constable, or bailiff may cause the manufactured home, mobile home, or recreational vehicle that is the subject of the writ, and all personal property on the residential premises, ~~at the sheriff's, police officer's, constable's, or bailiff's option, either to be removed from the manufactured home park and, if necessary, moved to a storage facility of the sheriff's, police officer's, constable's, or bailiff's choice, or~~ to be retained at their current location on the residential premises, until they are claimed by the defendant or they are disposed of in a manner authorized by division (B)(3), (4), or (6) of this section or by another section of the Revised Code. ~~The sheriff, police officer, constable, or bailiff shall not cause the manufactured home, mobile home, or recreational vehicle that is the subject of the writ, or the personal property, to be~~



~~removed from the manufactured home park or moved to a storage 26132  
facility if the holder of any outstanding lien, right, title, or 26133  
interest in the home or vehicle, other than the titled owner of 26134  
the home or vehicle, meets the conditions set forth in division 26135  
(B)(6) or (7) of this section. 26136~~

~~The sheriff, police officer, constable, or bailiff who 26137  
removes the manufactured home, mobile home, or recreational 26138  
vehicle, or the abandoned personal property, from the residential 26139  
premises shall be immune from civil liability pursuant to section 26140  
2744.03 of the Revised Code for any damage caused to the home, 26141  
vehicle, or any personal property during the removal. 26142~~

The park operator shall not be liable for any damage caused 26143  
by the park operator's removal of the manufactured home, mobile 26144  
home, or recreational vehicle or the removal of the personal 26145  
property from the residential premises, or for any damage to the 26146  
home, vehicle, or personal property during the time the home, 26147  
vehicle, or property remains abandoned or stored in the 26148  
manufactured home park, unless the damage is the result of acts 26149  
that the park operator or the park operator's agents or employees 26150  
performed with malicious purpose, in bad faith, or in a wanton or 26151  
reckless manner. The reasonable costs for a removal of the 26152  
manufactured home, mobile home, or recreational vehicle and 26153  
personal property and, as applicable, the reasonable costs for its 26154  
storage shall constitute a lien upon the home or vehicle payable 26155  
by the titled owner of the home or vehicle or payable pursuant to 26156  
division (B)(3) of this section to the park operator. 26157

The sheriff, police officer, constable, or bailiff shall not 26158  
be liable for any damage caused by the park operator's removal of 26159  
the manufactured home, mobile home, or recreational vehicle or the 26160  
removal of the personal property from the residential premises, or 26161  
for any damage to the home, vehicle, or personal property during 26162  
the time the home, vehicle, or property remains abandoned or 26163

stored in the manufactured home park. 26164

(3) Except as provided in divisions (B)(4), (5), and (6) of 26165  
this section and division (D) of section 1923.12 of the Revised 26166  
Code, within sixty days after receiving a writ of execution 26167  
described in division (B) of section 1923.13 of the Revised Code 26168  
for a manufactured home, mobile home, or recreational vehicle, 26169  
determined to have a value of more than three thousand dollars, 26170  
the sheriff, police officer, constable, or bailiff shall commence 26171  
proceedings for the sale of the manufactured home, mobile home, or 26172  
recreational vehicle that is the subject of the writ, and the 26173  
abandoned personal property on the residential premises, if the 26174  
home or vehicle is determined to be abandoned in accordance with 26175  
the procedures for the sale of goods on execution under Chapter 26176  
2329. of the Revised Code. In addition to all notices required to 26177  
be given under section 2329.13 of the Revised Code, the sheriff, 26178  
police officer, constable, or bailiff shall serve at their 26179  
respective last known addresses a written notice of the date, 26180  
time, and place of the sale upon all persons who are listed on the 26181  
writ of execution as having any outstanding right, title, or 26182  
interest in the abandoned manufactured home, mobile home, or 26183  
recreational vehicle and the personal property and shall provide 26184  
written notice to the auditor and the treasurer of the county in 26185  
which the court issuing the writ is located. 26186

Unless the proceedings are governed by division (D) of 26187  
section 1923.12 of the Revised Code, notwithstanding any statutory 26188  
provision to the contrary, including, but not limited to, section 26189  
2329.66 of the Revised Code, there shall be no stay of execution 26190  
or exemption from levy or sale on execution available to the 26191  
titled owner of the abandoned manufactured home, mobile home, or 26192  
recreational vehicle in relation to a sale under this division. 26193  
Except as otherwise provided in sections 2113.031, 2117.25, and 26194  
5162.21 of the Revised Code in a case involving a deceased 26195

resident or resident's estate, the sheriff, police officer, 26196  
constable, or bailiff shall distribute the proceeds from the sale 26197  
of an abandoned manufactured home, mobile home, or recreational 26198  
vehicle and any personal property under this division in the 26199  
following manner: 26200

(a) The sheriff, police officer, constable, or bailiff shall 26201  
first pay the costs for any moving of and any storage outside the 26202  
manufactured home park of the home or vehicle and any personal 26203  
property pursuant to division (B)(2) of this section, the costs of 26204  
the sale, ~~including reimbursing the park operator for the deposit~~ 26205  
~~that the park operator paid to the clerk of court under division~~ 26206  
~~(C) of section 1923.12 of the Revised Code~~ any advertising 26207  
expenses paid by the park operator for the sale of the 26208  
manufactured home, mobile home, or recreational vehicle under 26209  
division (B)(3) of this section, and any unpaid court costs 26210  
assessed against the defendant in the underlying action. 26211

(b) Following the payment required by division (B)(3)(a) of 26212  
this section, the sheriff, police officer, constable, or bailiff 26213  
shall pay all outstanding tax liens on the home or vehicle. 26214

(c) Following the payment required by division (B)(3)(b) of 26215  
this section, the sheriff, police officer, constable, or bailiff 26216  
shall pay all other outstanding security interests, liens, or 26217  
encumbrances on the home or vehicle by priority of filing or other 26218  
priority. 26219

(d) Following the payment required by division (B)(3)(c) of 26220  
this section, the sheriff, police officer, constable, or bailiff 26221  
shall pay any outstanding monetary judgment rendered under section 26222  
1923.09 or 1923.11 of the Revised Code in favor of the plaintiff 26223  
and any costs associated with retaining the home or vehicle prior 26224  
to the sale at its location on the residential premises within the 26225  
manufactured home park pursuant to division (B)(2) of this 26226  
section. 26227

(e) After complying with divisions (B)(3)(a) to (d) of this section, the sheriff, police officer, constable, or bailiff shall report any remaining money as unclaimed funds pursuant to Chapter 169. of the Revised Code.

Upon the return of any writ of execution for the satisfaction of which an abandoned manufactured home, mobile home, or recreational vehicle has been sold under this division, on careful examination of the proceedings of the sheriff, police officer, constable, or bailiff conducting the sale, if the court that issued the writ finds that the sale was made, in all respects, in conformity with ~~the relevant provisions of Chapter 2329. of the Revised Code and with~~ this division, it the court shall direct the clerk of the court to make an entry on the journal that the court is satisfied with the legality of the sale and order ~~the court shall direct the~~ clerk of the court of common pleas ~~of the county in which the writ was issued~~ title division to issue a certificate of title, free and clear of all security interests, liens, and encumbrances, to the purchaser of the home or vehicle. ~~The clerk of the court of common pleas shall issue the new certificate of title to the purchaser of the home or vehicle regardless of whether the writ was issued by the court of common pleas or another court duly authorized to issue the writ.~~ If the manufactured home, mobile home, or recreational vehicle sold under this division is located in a manufactured home park, the purchaser of the home or vehicle shall have no right to maintain the home or vehicle in the manufactured home park without the park operator's consent and the sheriff, police officer, constable, or bailiff conducting the sale shall notify all prospective purchasers of this fact prior to the commencement of the sale.

If, after it is offered for sale on two occasions under this division, the abandoned manufactured home, mobile home, or recreational vehicle cannot be sold due to a want of bidders, the

sheriff, police officer, constable, or bailiff shall present the writ of execution unsatisfied to the clerk of the court of common pleas title division, of the county in which the writ was issued for the issuance by the clerk in the manner prescribed in section 4505.10 of the Revised Code of a certificate of title transferring the title of the home or vehicle to the plaintiff, free and clear of all security interests, liens, and encumbrances. ~~The clerk of the court of common pleas shall issue the new certificate of title transferring the title of the manufactured home, mobile home, or recreational vehicle to the plaintiff regardless of whether the writ was issued by the court of common pleas or another court duly authorized to issue the writ.~~ If any taxes are owed on the home or vehicle at this time, the county auditor shall remove the delinquent taxes from the manufactured home tax list and the delinquent manufactured home tax list and remit any penalties for late payment of manufactured home taxes. Acceptance of the certificate of title by the plaintiff terminates all further proceedings under this section. In accordance with division (E)(3) of section 4503.061 of the Revised Code, the plaintiff shall notify the county auditor of the transfer of title. Pursuant to section 4503.061 of the Revised Code, if the manufactured home, mobile home, or recreational vehicle is destroyed or removed, the plaintiff shall provide the county auditor with notice of removal or destruction of the manufactured home, mobile home, or recreational vehicle.

(4) Except as provided in division (B)(5) or (6) of this section and division (D) of section 1923.12 of the Revised Code, within ~~sixty~~ thirty days after receiving a writ of execution described in division (B) of section 1923.13 of the Revised Code, if the manufactured home, mobile home, or recreational vehicle is determined to be abandoned and to have a value of ~~less than~~ three thousand dollars or less, ~~the sheriff, police officer, constable, or bailiff shall serve at their respective last known addresses a~~

~~written notice of potential action as described in this division~~ 26293  
~~upon all persons who are listed on the writ as having any~~ 26294  
~~outstanding right, title, or interest in the home or vehicle. This~~ 26295  
~~notice shall be in addition to all notices required to be given~~ 26296  
~~under section 2329.13 of the Revised Code. Subject to the~~ 26297  
~~fulfillment of these notice requirements, the sheriff, police~~ 26298  
~~officer, constable, or bailiff shall take one of the following~~ 26299  
~~actions with respect to the abandoned manufactured home, mobile~~ 26300  
~~home, or recreational vehicle:~~ 26301

~~(a) Cause its destruction if there is no person having an~~ 26302  
~~outstanding right, title, or interest in the home or vehicle,~~ 26303  
~~other than the titled owner of the home or vehicle;~~ 26304

~~(b) Proceed with its sale under division (B)(3) of this~~ 26305  
~~section;~~ 26306

~~(c) If there is no person having an outstanding right, title,~~ 26307  
~~or interest in the home or vehicle other than the titled owner of~~ 26308  
~~the home or vehicle, or if there is an outstanding right, title,~~ 26309  
~~or interest in the home or vehicle and the lienholder consents in~~ 26310  
~~writing, present the writ of execution to the clerk of the court~~ 26311  
~~of common pleas title division, of the county in which the writ~~ 26312  
~~was issued for the issuance by the clerk in the manner prescribed~~ 26313  
~~in section 4505.10 of the Revised Code of a certificate of title~~ 26314  
~~transferring the title of the home or vehicle to the plaintiff,~~ 26315  
~~free and clear of all security interests, liens, and encumbrances.~~ 26316  
~~The clerk of the court of common pleas shall issue the new~~ 26317  
~~certificate of title transferring the title of the home or vehicle~~ 26318  
~~regardless of whether the writ was issued by the court of common~~ 26319  
~~pleas or another court duly authorized to issue the writ. If any~~ 26320  
~~taxes are owed on the home or vehicle at this time, the county~~ 26321  
~~auditor shall remove the delinquent taxes from the manufactured~~ 26322  
~~home tax list and the delinquent manufactured home tax list and~~ 26323  
~~remit any penalties for late payment of manufactured home taxes.~~ 26324

Acceptance of the certificate of title by the plaintiff terminates 26325  
all further proceedings under this section. In accordance with 26326  
division (E)(3) of section 4503.061 of the Revised Code, the 26327  
plaintiff shall notify the county auditor of the transfer of 26328  
title. Pursuant to section 4503.0611 of the Revised Code, if the 26329  
manufactured home, mobile home, or recreational vehicle is 26330  
destroyed or removed, the plaintiff shall provide the county 26331  
auditor with notice of removal or destruction of the manufactured 26332  
home, mobile home, or recreational vehicle. 26333

(5) At any time prior to the issuance of the writ of 26334  
execution described in division (B) of section 1923.13 of the 26335  
Revised Code, the titled owner of the manufactured home, mobile 26336  
home, or recreational vehicle that would be the subject of the 26337  
writ may remove the abandoned home or vehicle from the 26338  
manufactured home park ~~or other place of storage~~ upon payment to 26339  
the county auditor of all outstanding tax liens on the home or 26340  
vehicle and, unless the owner is indigent, payment to the clerk of 26341  
court of all unpaid court costs assessed against the defendant in 26342  
the underlying action. After the issuance of the writ of 26343  
execution, the titled owner of the home or vehicle may remove the 26344  
abandoned home or vehicle from the manufactured home park ~~or other~~ 26345  
~~place of storage~~ at any time up to the day before the scheduled 26346  
sale, destruction, or transfer of the home or vehicle pursuant to 26347  
division (B)(3) or (4) of this section upon payment of all of the 26348  
following: 26349

(a) All costs ~~for moving and storage of the home or vehicle~~ 26350  
~~pursuant to division (B)(2) of this section and all costs~~ incurred 26351  
by the sheriff, police officer, constable, or bailiff ~~up to and~~ 26352  
~~including the date of the removal of the home or vehicle;~~ 26353

(b) All outstanding tax liens on the home or vehicle; 26354

(c) Unless the owner is indigent, all unpaid court costs 26355  
assessed against the defendant in the underlying action. 26356

(6) At any time after the issuance of the writ of execution 26357  
described in division (B) of section 1923.13 of the Revised Code, 26358  
the holder of any outstanding lien, right, title, or interest in 26359  
the manufactured home, mobile home, or recreational vehicle, other 26360  
than the titled owner of the home or vehicle, may stop the 26361  
sheriff, police officer, constable, or bailiff from proceeding 26362  
with the sale under this division by doing both of the following: 26363

(a) Commencing a proceeding to repossess the home or vehicle 26364  
pursuant to Chapters 1309. and 1317. of the Revised Code; 26365

(b) Paying to the park operator all monthly rental payments 26366  
for the lot on which the home or vehicle is located from the time 26367  
of the issuance of the writ of execution until the time that the 26368  
home or vehicle is sold pursuant to Chapters 1309. and 1317. of 26369  
the Revised Code. 26370

(7)(a) At any time prior to the day before the scheduled sale 26371  
of the property pursuant to division (B)(3) of this section, the 26372  
defendant may remove any personal property of the defendant from 26373  
the abandoned home or vehicle or other place of storage. 26374

(b) If personal property owned by a person other than the 26375  
defendant is abandoned on the residential premises and has not 26376  
previously been removed, the owner of the personal property may 26377  
remove the personal property from the abandoned home or vehicle or 26378  
other place of storage up to the day before the scheduled sale of 26379  
the property pursuant to division (B)(3) of this section upon 26380  
presentation of proof of ownership of the property that is 26381  
satisfactory to the sheriff, police officer, constable, or bailiff 26382  
conducting the sale. 26383

**Sec. 2151.353.** (A) If a child is adjudicated an abused, 26384  
neglected, or dependent child, the court may make any of the 26385  
following orders of disposition: 26386



(1) Place the child in protective supervision;	26387
(2) Commit the child to the temporary custody of <del>a</del> <u>any of the</u>	26388
<u>following:</u>	26389
(a) <u>A public children services agency,</u> <del>a;</del>	26390
(b) <u>A private child placing agency,</u> <del>either;</del>	26391
(c) <u>Either</u> parent, <del>a;</del>	26392
(d) <u>A relative residing within or outside the state,</u> <del>or a;</del>	26393
(e) <u>A probation officer for placement in a certified foster</u>	26394
<u>home,</u> <del>or in any other home approved by the court;</del>	26395
(f) <u>Any other person approved by the court.</u>	26396
(3) Award legal custody of the child to either parent or to	26397
any other person who, prior to the dispositional hearing, files a	26398
motion requesting legal custody of the child or is identified as a	26399
proposed legal custodian in a complaint or motion filed prior to	26400
the dispositional hearing by any party to the proceedings. A	26401
person identified in a complaint or motion filed by a party to the	26402
proceedings as a proposed legal custodian shall be awarded legal	26403
custody of the child only if the person identified signs a	26404
statement of understanding for legal custody that contains at	26405
least the following provisions:	26406
(a) That it is the intent of the person to become the legal	26407
custodian of the child and the person is able to assume legal	26408
responsibility for the care and supervision of the child;	26409
(b) That the person understands that legal custody of the	26410
child in question is intended to be permanent in nature and that	26411
the person will be responsible as the custodian for the child	26412
until the child reaches the age of majority. Responsibility as	26413
custodian for the child shall continue beyond the age of majority	26414
if, at the time the child reaches the age of majority, the child	26415
is pursuing a diploma granted by the board of education or other	26416

governing authority, successful completion of the curriculum of 26417  
any high school, successful completion of an individualized 26418  
education program developed for the student by any high school, or 26419  
an age and schooling certificate. Responsibility beyond the age of 26420  
majority shall terminate when the child ceases to continuously 26421  
pursue such an education, completes such an education, or is 26422  
excused from such an education under standards adopted by the 26423  
state board of education, whichever occurs first. 26424

(c) That the parents of the child have residual parental 26425  
rights, privileges, and responsibilities, including, but not 26426  
limited to, the privilege of reasonable visitation, consent to 26427  
adoption, the privilege to determine the child's religious 26428  
affiliation, and the responsibility for support; 26429

(d) That the person understands that the person must be 26430  
present in court for the dispositional hearing in order to affirm 26431  
the person's intention to become legal custodian, to affirm that 26432  
the person understands the effect of the custodianship before the 26433  
court, and to answer any questions that the court or any parties 26434  
to the case may have. 26435

(4) Commit the child to the permanent custody of a public 26436  
children services agency or private child placing agency, if the 26437  
court determines in accordance with division (E) of section 26438  
2151.414 of the Revised Code that the child cannot be placed with 26439  
one of the child's parents within a reasonable time or should not 26440  
be placed with either parent and determines in accordance with 26441  
division (D)(1) of section 2151.414 of the Revised Code that the 26442  
permanent commitment is in the best interest of the child. If the 26443  
court grants permanent custody under this division, the court, 26444  
upon the request of any party, shall file a written opinion 26445  
setting forth its findings of fact and conclusions of law in 26446  
relation to the proceeding. 26447

(5) Place the child in a planned permanent living arrangement 26448

with a public children services agency or private child placing agency, if a public children services agency or private child placing agency requests the court to place the child in a planned permanent living arrangement and if the court finds, by clear and convincing evidence, that a planned permanent living arrangement is in the best interest of the child, that the child is sixteen years of age or older, and that one of the following exists:

(a) The child, because of physical, mental, or psychological problems or needs, is unable to function in a family-like setting and must remain in residential or institutional care now and for the foreseeable future beyond the date of the dispositional hearing held pursuant to section 2151.35 of the Revised Code.

(b) The parents of the child have significant physical, mental, or psychological problems and are unable to care for the child because of those problems, adoption is not in the best interest of the child, as determined in accordance with division (D)(1) of section 2151.414 of the Revised Code, and the child retains a significant and positive relationship with a parent or relative.

(c) The child has been counseled on the permanent placement options available to the child, and is unwilling to accept or unable to adapt to a permanent placement.

(6) Order the removal from the child's home until further order of the court of the person who committed abuse as described in section 2151.031 of the Revised Code against the child, who caused or allowed the child to suffer neglect as described in section 2151.03 of the Revised Code, or who is the parent, guardian, or custodian of a child who is adjudicated a dependent child and order any person not to have contact with the child or the child's siblings.

(B)(1) When making a determination on whether to place a

child in a planned permanent living arrangement pursuant to 26480  
division (A)(5)(b) or (c) of this section, the court shall 26481  
consider all relevant information that has been presented to the 26482  
court, including information gathered from the child, the child's 26483  
guardian ad litem, and the public children services agency or 26484  
private child placing agency. 26485

(2) A child who is placed in a planned permanent living 26486  
arrangement pursuant to division (A)(5)(b) or (c) of this section 26487  
shall be placed in an independent living setting or in a family 26488  
setting in which the caregiver has been provided by the agency 26489  
that has custody of the child with a notice that addresses the 26490  
following: 26491

(a) The caregiver understands that the planned permanent 26492  
living arrangement is intended to be permanent in nature and that 26493  
the caregiver will provide a stable placement for the child 26494  
through the child's emancipation or until the court releases the 26495  
child from the custody of the agency, whichever occurs first. 26496

(b) The caregiver is expected to actively participate in the 26497  
youth's independent living case plan, attend agency team meetings 26498  
and court hearings as appropriate, complete training, as provided 26499  
in division (B) of section 5103.035 of the Revised Code, related 26500  
to providing the child independent living services, and assist in 26501  
the child's transition into adulthood. 26502

(3) The department of job and family services shall develop a 26503  
model notice to be provided by an agency that has custody of a 26504  
child to a caregiver under division (B)(2) of this section. The 26505  
agency may modify the model notice to apply to the needs of the 26506  
agency. 26507

(C) No order for permanent custody or temporary custody of a 26508  
child or the placement of a child in a planned permanent living 26509  
arrangement shall be made pursuant to this section unless the 26510

complaint alleging the abuse, neglect, or dependency contains a 26511  
prayer requesting permanent custody, temporary custody, or the 26512  
placement of the child in a planned permanent living arrangement 26513  
as desired, the summons served on the parents of the child 26514  
contains as is appropriate a full explanation that the granting of 26515  
an order for permanent custody permanently divests them of their 26516  
parental rights, a full explanation that an adjudication that the 26517  
child is an abused, neglected, or dependent child may result in an 26518  
order of temporary custody that will cause the removal of the 26519  
child from their legal custody until the court terminates the 26520  
order of temporary custody or permanently divests the parents of 26521  
their parental rights, or a full explanation that the granting of 26522  
an order for a planned permanent living arrangement will result in 26523  
the removal of the child from their legal custody if any of the 26524  
conditions listed in divisions (A)(5)(a) to (c) of this section 26525  
are found to exist, and the summons served on the parents contains 26526  
a full explanation of their right to be represented by counsel and 26527  
to have counsel appointed pursuant to Chapter 120. of the Revised 26528  
Code if they are indigent. 26529

If after making disposition as authorized by division (A)(2) 26530  
of this section, a motion is filed that requests permanent custody 26531  
of the child, the court may grant permanent custody of the child 26532  
to the movant in accordance with section 2151.414 of the Revised 26533  
Code. 26534

(D) If the court issues an order for protective supervision 26535  
pursuant to division (A)(1) of this section, the court may place 26536  
any reasonable restrictions upon the child, the child's parents, 26537  
guardian, or custodian, or any other person, including, but not 26538  
limited to, any of the following: 26539

(1) Order a party, within forty-eight hours after the 26540  
issuance of the order, to vacate the child's home indefinitely or 26541  
for a specified period of time; 26542

(2) Order a party, a parent of the child, or a physical 26543  
custodian of the child to prevent any particular person from 26544  
having contact with the child; 26545

(3) Issue an order restraining or otherwise controlling the 26546  
conduct of any person which conduct would not be in the best 26547  
interest of the child. 26548

(E) As part of its dispositional order, the court shall 26549  
journalize a case plan for the child. The journalized case plan 26550  
shall not be changed except as provided in section 2151.412 of the 26551  
Revised Code. 26552

(F)(1) The court shall retain jurisdiction over any child for 26553  
whom the court issues an order of disposition pursuant to division 26554  
(A) of this section or pursuant to section 2151.414 or 2151.415 of 26555  
the Revised Code until the child attains the age of eighteen years 26556  
if the child is not mentally retarded, developmentally disabled, 26557  
or physically impaired, the child attains the age of twenty-one 26558  
years if the child is mentally retarded, developmentally disabled, 26559  
or physically impaired, or the child is adopted and a final decree 26560  
of adoption is issued, except that the court may retain 26561  
jurisdiction over the child and continue any order of disposition 26562  
under division (A) of this section or under section 2151.414 or 26563  
2151.415 of the Revised Code for a specified period of time to 26564  
enable the child to graduate from high school or vocational 26565  
school. The court shall retain jurisdiction over a person who 26566  
meets the requirements described in division (A)(1) of section 26567  
5101.1411 of the Revised Code and who is subject to a voluntary 26568  
participation agreement that is in effect. The court shall make an 26569  
entry continuing its jurisdiction under this division in the 26570  
journal. 26571

(2) Any public children services agency, any private child 26572  
placing agency, the department of job and family services, or any 26573  
party, other than any parent whose parental rights with respect to 26574

the child have been terminated pursuant to an order issued under 26575  
division (A)(4) of this section, by filing a motion with the 26576  
court, may at any time request the court to modify or terminate 26577  
any order of disposition issued pursuant to division (A) of this 26578  
section or section 2151.414 or 2151.415 of the Revised Code. The 26579  
court shall hold a hearing upon the motion as if the hearing were 26580  
the original dispositional hearing and shall give all parties to 26581  
the action and the guardian ad litem notice of the hearing 26582  
pursuant to the Juvenile Rules. If applicable, the court shall 26583  
comply with section 2151.42 of the Revised Code. 26584

(G) Any temporary custody order issued pursuant to division 26585  
(A) of this section shall terminate one year after the earlier of 26586  
the date on which the complaint in the case was filed or the child 26587  
was first placed into shelter care, except that, upon the filing 26588  
of a motion pursuant to section 2151.415 of the Revised Code, the 26589  
temporary custody order shall continue and not terminate until the 26590  
court issues a dispositional order under that section. In 26591  
resolving the motion, the court shall not order an existing 26592  
temporary custody order to continue beyond two years after the 26593  
date on which the complaint was filed or the child was first 26594  
placed into shelter care, whichever date is earlier, regardless of 26595  
whether any extensions have been previously ordered pursuant to 26596  
division (D) of section 2151.415 of the Revised Code. 26597

(H)(1) No later than one year after the earlier of the date 26598  
the complaint in the case was filed or the child was first placed 26599  
in shelter care, a party may ask the court to extend an order for 26600  
protective supervision for six months or to terminate the order. A 26601  
party requesting extension or termination of the order shall file 26602  
a written request for the extension or termination with the court 26603  
and give notice of the proposed extension or termination in 26604  
writing before the end of the day after the day of filing it to 26605  
all parties and the child's guardian ad litem. If a public 26606

children services agency or private child placing agency requests 26607  
termination of the order, the agency shall file a written status 26608  
report setting out the facts supporting termination of the order 26609  
at the time it files the request with the court. If no party 26610  
requests extension or termination of the order, the court shall 26611  
notify the parties that the court will extend the order for six 26612  
months or terminate it and that it may do so without a hearing 26613  
unless one of the parties requests a hearing. All parties and the 26614  
guardian ad litem shall have seven days from the date a notice is 26615  
sent pursuant to this division to object to and request a hearing 26616  
on the proposed extension or termination. 26617

(a) If it receives a timely request for a hearing, the court 26618  
shall schedule a hearing to be held no later than thirty days 26619  
after the request is received by the court. The court shall give 26620  
notice of the date, time, and location of the hearing to all 26621  
parties and the guardian ad litem. At the hearing, the court shall 26622  
determine whether extension or termination of the order is in the 26623  
child's best interest. If termination is in the child's best 26624  
interest, the court shall terminate the order. If extension is in 26625  
the child's best interest, the court shall extend the order for 26626  
six months. 26627

(b) If it does not receive a timely request for a hearing, 26628  
the court may extend the order for six months or terminate it 26629  
without a hearing and shall journalize the order of extension or 26630  
termination not later than fourteen days after receiving the 26631  
request for extension or termination or after the date the court 26632  
notifies the parties that it will extend or terminate the order. 26633  
If the court does not extend or terminate the order, it shall 26634  
schedule a hearing to be held no later than thirty days after the 26635  
expiration of the applicable fourteen-day time period and give 26636  
notice of the date, time, and location of the hearing to all 26637  
parties and the child's guardian ad litem. At the hearing, the 26638



court shall determine whether extension or termination of the order is in the child's best interest. If termination is in the child's best interest, the court shall terminate the order. If extension is in the child's best interest, the court shall issue an order extending the order for protective supervision six months.

(2) If the court grants an extension of the order for protective supervision pursuant to division (H)(1) of this section, a party may, prior to termination of the extension, file with the court a request for an additional extension of six months or for termination of the order. The court and the parties shall comply with division (H)(1) of this section with respect to extending or terminating the order.

(3) If a court grants an extension pursuant to division (H)(2) of this section, the court shall terminate the order for protective supervision at the end of the extension.

(I) The court shall not issue a dispositional order pursuant to division (A) of this section that removes a child from the child's home unless the court complies with section 2151.419 of the Revised Code and includes in the dispositional order the findings of fact required by that section.

(J) If a motion or application for an order described in division (A)(6) of this section is made, the court shall not issue the order unless, prior to the issuance of the order, it provides to the person all of the following:

- (1) Notice and a copy of the motion or application;
- (2) The grounds for the motion or application;
- (3) An opportunity to present evidence and witnesses at a hearing regarding the motion or application;
- (4) An opportunity to be represented by counsel at the

hearing. 26669

(K) The jurisdiction of the court shall terminate one year 26670  
after the date of the award or, if the court takes any further 26671  
action in the matter subsequent to the award, the date of the 26672  
latest further action subsequent to the award, if the court awards 26673  
legal custody of a child to either of the following: 26674

(1) A legal custodian who, at the time of the award of legal 26675  
custody, resides in a county of this state other than the county 26676  
in which the court is located; 26677

(2) A legal custodian who resides in the county in which the 26678  
court is located at the time of the award of legal custody, but 26679  
moves to a different county of this state prior to one year after 26680  
the date of the award or, if the court takes any further action in 26681  
the matter subsequent to the award, one year after the date of the 26682  
latest further action subsequent to the award. 26683

The court in the county in which the legal custodian resides 26684  
then shall have jurisdiction in the matter. 26685

**Sec. 2151.417.** (A) Any court that issues a dispositional 26686  
order pursuant to section 2151.353, 2151.414, or 2151.415 of the 26687  
Revised Code may review at any time the child's placement or 26688  
custody arrangement, the caseplan prepared for the child pursuant 26689  
to section 2151.412 of the Revised Code, the actions of the public 26690  
children services agency or private child placing agency in 26691  
implementing that case plan, the child's permanency plan if the 26692  
child's permanency plan has been approved, and any other aspects 26693  
of the child's placement or custody arrangement. In conducting the 26694  
review, the court shall determine the appropriateness of any 26695  
agency actions, the safety and appropriateness of continuing the 26696  
child's placement or custody arrangement, and whether any changes 26697  
should be made with respect to the child's permanency plan or 26698  
placement or custody arrangement or with respect to the actions of 26699

the agency under the child's placement or custody arrangement. 26700  
Based upon the evidence presented at a hearing held after notice 26701  
to all parties and the guardian ad litem of the child, the court 26702  
may require the agency, the parents, guardian, or custodian of the 26703  
child, and the physical custodians of the child to take any 26704  
reasonable action that the court determines is necessary and in 26705  
the best interest of the child or to discontinue any action that 26706  
it determines is not in the best interest of the child. 26707

(B) If a court issues a dispositional order pursuant to 26708  
section 2151.353, 2151.414, or 2151.415 of the Revised Code, the 26709  
court has continuing jurisdiction over the child as set forth in 26710  
division (F)(1) of section 2151.353 of the Revised Code. The court 26711  
may amend a dispositional order in accordance with division (F)(2) 26712  
of section 2151.353 of the Revised Code at any time upon its own 26713  
motion or upon the motion of any interested party. The court shall 26714  
comply with section 2151.42 of the Revised Code in amending any 26715  
dispositional order pursuant to this division. 26716

(C)(1) Any court that issues a dispositional order pursuant 26717  
to section 2151.353, 2151.414, or 2151.415 of the Revised Code 26718  
shall hold a review hearing one year after the earlier of the date 26719  
on which the complaint in the case was filed or the child was 26720  
first placed into shelter care to review the case plan prepared 26721  
pursuant to section 2151.412 of the Revised Code and the child's 26722  
placement or custody arrangement, to approve or review the 26723  
permanency plan for the child, and to make changes to the case 26724  
plan and placement or custody arrangement consistent with the 26725  
permanency plan. The court shall schedule the review hearing at 26726  
the time that it holds the dispositional hearing pursuant to 26727  
section 2151.35 of the Revised Code. 26728

(2) The court shall hold a similar review hearing no later 26729  
than every twelve months after the initial review hearing until 26730  
the child is adopted, returned to the parents, or the court 26731

otherwise terminates the child's placement or custody arrangement, 26732  
except that the dispositional hearing held pursuant to section 26733  
2151.415 of the Revised Code shall take the place of the first 26734  
review hearing to be held under this section. The court shall 26735  
schedule each subsequent review hearing at the conclusion of the 26736  
review hearing immediately preceding the review hearing to be 26737  
scheduled. 26738

(3) The court is not required to continue holding review 26739  
hearings under divisions (C)(1) and (2) of this section regarding 26740  
a child subject to an order of legal custody under section 26741  
2151.353 or 2151.415 of the Revised Code, if all of the following 26742  
apply: 26743

(a) The child is not subject to an order of protective 26744  
supervision under section 2151.353 or 2151.415 of the Revised 26745  
Code. 26746

(b) A public children services agency or private child 26747  
placing agency is not providing services to the child. 26748

(c) The court finds that further review under divisions 26749  
(C)(1) and (2) of this section are no longer necessary to serve 26750  
the child's best interests. 26751

(D) If, within fourteen days after a written summary of an 26752  
administrative review is filed with the court pursuant to section 26753  
2151.416 of the Revised Code, the court does not approve the 26754  
proposed change to the case plan filed pursuant to division (E) of 26755  
section 2151.416 of the Revised Code or a party or the guardian ad 26756  
litem requests a review hearing pursuant to division (E) of that 26757  
section, the court shall hold a review hearing in the same manner 26758  
that it holds review hearings pursuant to division (C) of this 26759  
section, except that if a review hearing is required by this 26760  
division and if a hearing is to be held pursuant to division (C) 26761  
of this section or section 2151.415 of the Revised Code, the 26762

hearing held pursuant to division (C) of this section or section 26763  
2151.415 of the Revised Code shall take the place of the review 26764  
hearing required by this division. 26765

(E) If a court determines pursuant to section 2151.419 of the 26766  
Revised Code that a public children services agency or private 26767  
child placing agency is not required to make reasonable efforts to 26768  
prevent the removal of a child from the child's home, eliminate 26769  
the continued removal of a child from the child's home, and return 26770  
the child to the child's home, and the court does not return the 26771  
child to the child's home pursuant to division (A)(3) of section 26772  
2151.419 of the Revised Code, the court shall hold a review 26773  
hearing to approve the permanency plan for the child and, if 26774  
appropriate, to make changes to the child's case plan and the 26775  
child's placement or custody arrangement consistent with the 26776  
permanency plan. The court may hold the hearing immediately 26777  
following the determination under section 2151.419 of the Revised 26778  
Code and shall hold it no later than thirty days after making that 26779  
determination. 26780

(F) The court shall give notice of the review hearings held 26781  
pursuant to this section to every interested party, including, but 26782  
not limited to, the appropriate agency employees who are 26783  
responsible for the child's care and planning, the child's 26784  
parents, any person who had guardianship or legal custody of the 26785  
child prior to the custody order, the child's guardian ad litem, 26786  
and the child. The court shall summon every interested party to 26787  
appear at the review hearing and give them an opportunity to 26788  
testify and to present other evidence with respect to the child's 26789  
custody arrangement, including, but not limited to, the following: 26790  
the case plan for the child; the permanency plan, if one exists; 26791  
the actions taken by the child's custodian; the need for a change 26792  
in the child's custodian or caseworker; and the need for any 26793  
specific action to be taken with respect to the child. The court 26794

shall require any interested party to testify or present other 26795  
evidence when necessary to a proper determination of the issues 26796  
presented at the review hearing. In any review hearing that 26797  
pertains to a permanency plan for a child who will not be returned 26798  
to the parent, the court shall consider in-state and out-of-state 26799  
placement options and the court shall determine whether the 26800  
in-state or the out-of-state placement continues to be appropriate 26801  
and in the best interests of the child. In any review hearing that 26802  
pertains to a permanency plan for a child, the court or a citizens 26803  
board appointed by the court pursuant to division (H) of this 26804  
section shall consult with the child, in an age-appropriate 26805  
manner, regarding the proposed permanency plan for the child. 26806

(G) After the review hearing, the court shall take the 26807  
following actions based upon the evidence presented: 26808

(1) If an administrative review has been conducted, determine 26809  
whether the conclusions of the review are supported by a 26810  
preponderance of the evidence and approve or modify the case plan 26811  
based upon that evidence; 26812

(2) If the hearing was held under division (C) or (E) of this 26813  
section, approve a permanency plan for the child that specifies 26814  
whether and, if applicable, when the child will be safely returned 26815  
home or placed for adoption, for legal custody, or in a planned 26816  
permanent living arrangement. A permanency plan approved after a 26817  
hearing under division (E) of this section shall not include any 26818  
provision requiring the child to be returned to the child's home. 26819

(3) If the child is in temporary custody, do all of the 26820  
following: 26821

(a) Determine whether the child can and should be returned 26822  
home with or without an order for protective supervision; 26823

(b) If the child can and should be returned home with or 26824  
without an order for protective supervision, terminate the order 26825

for temporary custody; 26826

(c) If the child cannot or should not be returned home with 26827  
an order for protective supervision, determine whether the agency 26828  
currently with custody of the child should retain custody or 26829  
whether another public children services agency, private child 26830  
placing agency, or an individual should be given custody of the 26831  
child. 26832

The court shall comply with section 2151.42 of the Revised 26833  
Code in taking any action under this division. 26834

(4) If the child is in permanent custody, determine what 26835  
actions are required by the custodial agency and of any other 26836  
organizations or persons in order to facilitate an adoption of the 26837  
child and make any appropriate orders with respect to the custody 26838  
arrangement or conditions of the child, including, but not limited 26839  
to, a transfer of permanent custody to another public children 26840  
services agency or private child placing agency; 26841

(5) Journalize the terms of the updated case plan for the 26842  
child. 26843

(H) The court may appoint a referee or a citizens review 26844  
board to conduct the review hearings that the court is required by 26845  
this section to conduct, subject to the review and approval by the 26846  
court of any determinations made by the referee or citizens review 26847  
board. If the court appoints a citizens review board to conduct 26848  
the review hearings, the board shall consist of one member 26849  
representing the general public and four members who are trained 26850  
or experienced in the care or placement of children and have 26851  
training or experience in the fields of medicine, psychology, 26852  
social work, education, or any related field. Of the initial 26853  
appointments to the board, two shall be for a term of one year, 26854  
two shall be for a term of two years, and one shall be for a term 26855  
of three years, with all the terms ending one year after the date 26856

on which the appointment was made. Thereafter, all terms of the board members shall be for three years and shall end on the same day of the same month of the year as did the term that they succeed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the term.

(I) A copy of the court's determination following any review hearing held pursuant to this section shall be sent to the custodial agency, the guardian ad litem of the child who is the subject of the review hearing, and, if that child is not the subject of a permanent commitment hearing, the parents of the child.

(J) If the hearing held under this section takes the place of an administrative review that otherwise would have been held under section 2151.416 of the Revised Code, the court at the hearing held under this section shall do all of the following in addition to any other requirements of this section:

(1) Determine the continued necessity for and the safety and appropriateness of the child's placement;

(2) Determine the extent of compliance with the child's case plan;

(3) Determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating the child's placement in foster care;

(4) Project a likely date by which the child may be safely returned home or placed for adoption or legal custody.

(K)(1) Whenever the court is required to approve a permanency plan under this section or section 2151.415 of the Revised Code, the public children services agency or private child placing agency that filed the complaint in the case, has custody of the child, or will be given custody of the child shall develop a



permanency plan for the child. The agency must file the plan with 26888  
the court prior to the hearing under this section or section 26889  
2151.415 of the Revised Code. 26890

(2) The permanency plan developed by the agency must specify 26891  
whether and, if applicable, when the child will be safely returned 26892  
home or placed for adoption or legal custody. If the agency 26893  
determines that there is a compelling reason why returning the 26894  
child home or placing the child for adoption or legal custody is 26895  
not in the best interest of the child, the plan shall provide that 26896  
the child will be placed in a planned permanent living 26897  
arrangement. A permanency plan developed as a result of a 26898  
determination made under division (A)(2) of section 2151.419 of 26899  
the Revised Code may not include any provision requiring the child 26900  
to be returned home. 26901

(3)(a) Whenever a court is required under this section or 26902  
section 2151.415 or 2151.419 of the Revised Code to conduct a 26903  
review hearing to approve a permanency plan, the court shall 26904  
determine whether the agency required to develop the plan has made 26905  
reasonable efforts to finalize it. If the court determines the 26906  
agency has not made reasonable efforts to finalize the plan, the 26907  
court shall issue an order finalizing a permanency plan requiring 26908  
the agency to use reasonable efforts to do the following: 26909

(i) Place the child in a timely manner into a permanent 26910  
placement; 26911

(ii) Complete whatever steps are necessary to finalize the 26912  
permanent placement of the child. 26913

(b) In making reasonable efforts as required in division 26914  
(K)(3)(a) of this section, the agency shall consider the child's 26915  
health and safety as the paramount concern. 26916

**Sec. 2151.43.** In cases against an adult under sections 26917

2151.01 to 2151.54 of the Revised Code, any person may file an affidavit with the clerk of the juvenile court setting forth briefly, in plain and ordinary language, the charges against the accused who shall be tried thereon. When the child is a recipient of aid pursuant to Chapter 5107. ~~or 5115.~~ of the Revised Code, the county department of job and family services shall file charges against any person who fails to provide support to a child in violation of section 2919.21 of the Revised Code, unless the department files charges under section 3113.06 of the Revised Code, or unless charges of nonsupport are filed by a relative or guardian of the child, or unless action to enforce support is brought under Chapter 3115. of the Revised Code.

In such prosecution an indictment by the grand jury or information by the prosecuting attorney shall not be required. The clerk shall issue a warrant for the arrest of the accused, who, when arrested, shall be taken before the juvenile judge and tried according to such sections.

The affidavit may be amended at any time before or during the trial.

The judge may bind such adult over to the grand jury, where the act complained of constitutes a felony.

**Sec. 2151.49.** In every case of conviction under sections 2151.01 to 2151.54 of the Revised Code, where imprisonment is imposed as part of the punishment, the juvenile judge may suspend sentence, before or during commitment, upon such condition as the juvenile judge imposes. In the case of conviction for nonsupport of a child who is receiving aid under Chapter 5107. ~~or 5115.~~ of the Revised Code, if the juvenile judge suspends sentence on condition that the person make payments for support, the payment shall be made to the county department of job and family services rather than to the child or custodian of the child.

The court, in accordance with sections 3119.29 to 3119.56 of the Revised Code, shall include in each support order made under this section the requirement that one or both of the parents provide for the health care needs of the child to the satisfaction of the court.

**Sec. 2301.56.** (A) A facility governing board that proposes or establishes one or more community-based correctional facilities and programs or district community-based correctional facilities and programs may apply to the division of parole and community services of the department of rehabilitation and correction for state financial assistance for the cost of renovation, maintenance, and operation of any of the facilities and programs. If the facility governing board has proposed or established more than one facility and program and if it desires state financial assistance for more than one of the facilities and programs, the board shall submit a separate application for each facility and program for which it desires the financial assistance.

An application for state financial assistance under this section may be made when the facility governing board submits for approval of the division of parole and community services its proposal for the establishment of the facility and program in question under division (B) of section 2301.51 of the Revised Code, or at any time after the division has approved the proposal. All applications for state financial assistance for proposed or approved facilities and programs shall be made on forms that are prescribed and furnished by the department of rehabilitation and correction, and in accordance with section 5120.112 of the Revised Code.

(B) The facility governing board may submit a request for funding of some or all of its community-based correctional facilities and programs or district community-based correctional

facilities and programs to the board of county commissioners of 26980  
the county, if the facility governing board serves a 26981  
community-based correctional facility and program, or to the 26982  
boards of county commissioners of all of the member counties, if 26983  
the facility governing board serves a district community-based 26984  
correctional facility and program. The board or boards may 26985  
appropriate, but are not required to appropriate, a sum of money 26986  
for funding all aspects of each facility and program as outlined 26987  
in sections 2301.51 to 2301.58 of the Revised Code. The facility 26988  
governing board has no recourse against a board or boards of 26989  
county commissioners if the board or boards of county 26990  
commissioners do not appropriate money for funding any facility 26991  
and program or if they appropriate money for funding a facility 26992  
and program in an amount less than the total amount of the 26993  
submitted request for funding. 26994

(C) Pursuant to section 2929.37 of the Revised Code, a board 26995  
of county commissioners may require a person who was convicted of 26996  
an offense and who is confined in a community-based correctional 26997  
facility or district community-based correctional facility as 26998  
provided in sections 2301.51 to 2301.58 of the Revised Code to 26999  
reimburse the county for its expenses incurred by reason of the 27000  
person's confinement. 27001

(D)(1) Community-based correctional facilities and programs 27002  
and district community-based correctional facilities and programs 27003  
are public offices under section 117.01 of the Revised Code and 27004  
are subject to audit under section 117.10 of the Revised Code. The 27005  
audits of the facilities and programs shall include financial 27006  
audits and, in addition, in the circumstances specified in this 27007  
division, performance audits by the auditor of state. If a private 27008  
or nonprofit entity performs the day-to-day operation of any 27009  
community-based correctional facility and program or district 27010  
community-based correctional facility and program, the private or 27011

nonprofit entity also is subject to financial audits under section 27012  
117.10 of the Revised Code, and, in addition, in the circumstances 27013  
specified in this division, to performance audits by the auditor 27014  
of state. The auditor of state shall conduct the performance 27015  
audits of a facility and program and of an entity required under 27016  
section 117.10 of the Revised Code and this division and, 27017  
notwithstanding the time period for audits specified in section 27018  
117.11 of the Revised Code, shall conduct the financial audits of 27019  
a facility and program and of an entity required under section 27020  
117.10 of the Revised Code and this division, in accordance with 27021  
the following criteria: 27022

(a) For each facility and program and each entity, the 27023  
auditor of state shall conduct the initial financial audit within 27024  
two years after March 31, 2003, or, if the facility and program in 27025  
question is established on or after March 31, 2003, within two 27026  
years after the date on which it is established. 27027

(b) After the initial financial audit described in division 27028  
(D)(1)(a) of this section, for each facility and program and each 27029  
entity, the auditor of state shall conduct the financial audits of 27030  
the facility and program or the entity at least once every two 27031  
fiscal years. 27032

(c) At any time after March 31, 2003, regarding a facility 27033  
and program or regarding an entity that performs the day-to-day 27034  
operation of a facility and program, the department of 27035  
rehabilitation and correction or the facility governing board that 27036  
established the facility and program may request, or the auditor 27037  
of state on its own initiative may undertake, a performance audit 27038  
of the facility and program or the entity. Upon the receipt of the 27039  
request, or upon the auditor of state's own initiative as 27040  
described in this division, the auditor of state shall conduct a 27041  
performance audit of the facility and program or the entity. 27042

(2) ~~The department of rehabilitation and correction~~ Each 27043

community-based correctional facility and program, district 27044  
community-based correctional facility and program, and, to the 27045  
extent that information is available, private or nonprofit entity 27046  
that performs the day-to-day operation of any community-based 27047  
correctional facility and program or district community-based 27048  
correctional facility and program shall prepare and provide to the 27049  
auditor of state ~~quarterly~~ an annual financial ~~reports for each~~ 27050  
~~community based correctional facility and program, for each~~ 27051  
~~district community based correctional facility and program, and,~~ 27052  
~~to the extent that information is available, for each private or~~ 27053  
~~nonprofit entity that performs the day to day operation of any~~ 27054  
~~community based correctional facility and program or district~~ 27055  
~~community based correctional facility and program. Each report~~ 27056  
~~shall cover a three month period and shall be provided to the~~ 27057  
~~auditor of state not later than fifteen days after the end of the~~ 27058  
~~period covered by the report~~ in accordance with section 117.38 of 27059  
the Revised Code. 27060

**Sec. 2305.02.** ~~The A court of common pleas in the county where~~ 27061  
~~the underlying criminal action was initiated~~ determined as 27062  
specified in division (B)(1) of section 2743.48 of the Revised 27063  
Code has exclusive, original jurisdiction to hear and determine a 27064  
~~civil~~ an action or proceeding that is commenced by an individual 27065  
who ~~seeks a determination by that court that the individual~~ 27066  
satisfies divisions (A)(1) to (5) of section 2743.48 of the 27067  
Revised Code and that seeks a determination by the court either 27068  
that the offense of which the individual was found guilty, 27069  
including all lesser included offenses, was not committed by the 27070  
individual or that no offense was committed by any person. If ~~that~~ 27071  
the court enters the requested determination, it shall comply with 27072  
division (B) of that section. 27073

**Sec. 2329.211.** (A)(1) In every action demanding the judicial 27074

or execution sale of residential property, if the judgment 27075  
creditor is the purchaser at the sale, the purchaser shall not be 27076  
required to make a sale deposit. All other purchasers shall make a 27077  
sale deposit as follows: 27078

(a) If the appraised value of the residential property is 27079  
less than or equal to ten thousand dollars, the deposit shall be 27080  
two thousand dollars. 27081

(b) If the appraised value of the residential property is 27082  
greater than ten thousand dollars but less than or equal to two 27083  
hundred thousand dollars, the deposit shall be five thousand 27084  
dollars. 27085

(c) If the appraised value of the residential property is 27086  
greater than two hundred thousand dollars, the deposit shall be 27087  
ten thousand dollars. 27088

(2) The timing of the deposit and other payment requirements 27089  
shall be established by the court or the person conducting the 27090  
sale and included in the advertisement of the sale. If the 27091  
purchaser fails to meet the timing or other requirements of the 27092  
deposit, the sale shall be invalid. 27093

(3) If the sale is held online, the deposit may be made by a 27094  
financial transaction device as defined in section 301.28 of the 27095  
Revised Code. 27096

(B) In every action demanding the judicial or execution sale 27097  
of commercial property, the purchaser at the sale shall make a 27098  
deposit pursuant to the requirements, if any, established for the 27099  
sale. 27100

**Sec. 2329.271.** (A)(1) Subject to division (A)(2) of this 27101  
section, the purchaser of lands and tenements taken in execution 27102  
shall submit to the officer who makes the sale the following 27103  
information: 27104

(a)(i) If the purchaser is an individual, the information shall include the individual's name, mailing address, which shall not be a post office box, electronic mail address, telephone number, and financial transaction device information of the purchaser;

(ii) If the purchaser is an entity, the information shall include the entity's legal name, trade name if different from its legal name, state and date of formation, active status with the office of the secretary of state, mailing address, telephone number, financial transaction device information, the name of an individual contact person for the entity, and the contact person's title, mailing address, which shall not be a post office box, electronic mail address, and telephone number.

(b) An attorney or a law firm that represents a purchaser may submit the information required under division (A)(1)(a) of this section in a representative capacity, either as an individual or entity.

(c) If the lands and tenements taken in execution are intended to be used as residential rental property and the residential rental property is purchased by a trust, business trust, estate, partnership, limited partnership, limited liability company, association, corporation, or any other business entity, the name, address, and telephone number of the following with the provision that the purchaser be readily accessible through the identified contact person:

(i) A trustee, in the case of a trust or business trust;

(ii) The executor or administrator, in the case of an estate;

(iii) A general partner, in the case of a partnership or a limited partnership;

(iv) A member, manager, ~~or~~ officer, or contact person, in the case of a limited liability company;



(v) An associate, in the case of an association;	27136
(vi) An officer, in the case of a corporation;	27137
(vii) A member, manager, or officer, in the case of any other business entity.	27138 27139
(d) A statement indicating <del>whether if</del> the purchaser <del>will</del> <del>occupy</del> <u>intends to use</u> the lands and tenements <u>taken in execution</u> <u>as residential rental property.</u>	27140 27141 27142
(2) If the lands and tenements taken in execution are not residential rental property and the purchaser of those lands and tenements is a corporation, partnership, association, estate, trust, or other business organization the only place of business of which is in the county in which the real property is located, the information required by divisions (A)(1)(a) and (d) of this section shall be the contact information for <del>the office of</del> an employee <u>or contact person</u> of the purchasing entity that is located in that county and that the purchasing entity has designated to receive notices or inquiries about the property. If the purchasing entity has a place of business outside the county in which the real property is located and the purchasing entity's principal place of business is located in this state, the information required by divisions (A)(1)(a) and (d) of this section shall be the contact information for <del>the office of</del> an employee <u>or contact person</u> of the purchasing entity that is located in this state and that the purchasing entity has designated to receive notices or inquiries about the property. If the purchasing entity's principal place of business is not located in this state, the information required by divisions (A)(1)(a) and (d) of this section shall be the contact information for <del>a natural</del> <del>person who is employed by the purchasing entity</del> <u>an employee or</u> <u>contact person</u> at the purchasing entity's principal place of business outside of this state and whom the purchasing entity has designated to receive notices or inquiries about the property.	27143 27144 27145 27146 27147 27148 27149 27150 27151 27152 27153 27154 27155 27156 27157 27158 27159 27160 27161 27162 27163 27164 27165 27166 27167

(B)(1) The information required by division (A) of this section shall be part of the record of the court of common pleas. If the court has ordered or the clerk of the court has issued an order for the sheriff to advertise and sell the lands and tenements, the information also shall be part of the sheriff's record of proceedings. Except as provided in division (B)(2) of this section, the information is a public record and open to public inspection.

(2) The electronic mail address, telephone number, and financial transaction device information required in division (A)(1) of this section are confidential and not public records for purposes of section 149.43 of the Revised Code.

(C) The requirements of division (A) of this section shall not apply if the purchaser of the lands and tenements of the sale is the plaintiff or a lien holder who is a party to the action.

(D) As used in this section, ~~"financial~~

(1) "Financial transaction device" has the same meaning as in section 301.28 of the Revised Code.

(2) "Residential rental property" has the same meaning as in section 5323.01 of the Revised Code.

**Sec. 2329.31.** (A) Upon the return of any writ of execution for the satisfaction of which lands and tenements have been sold, on careful examination of the proceedings of the officer making the sale, if the court of common pleas finds that the sale was made, in all respects, in conformity with sections 2329.01 to 2329.61 of the Revised Code, it shall, within thirty days of the return of the writ, direct the clerk of the court of common pleas to make an entry on the journal that the court is satisfied of the legality of such sale. Nothing in this section prevents the court of common pleas from staying the confirmation of the sale to

permit a property owner time to redeem the property or for any 27198  
other reason that it determines is appropriate. In those 27199  
instances, the sale shall be confirmed within thirty days after 27200  
the termination of any stay of confirmation. 27201

(B) The officer making the sale shall require the purchaser, ~~including a lienholder,~~ 27202  
to pay within thirty days of the 27203  
confirmation of the sale the balance due on the purchase price of 27204  
the lands and tenements. 27205

(C)(1) The officer making the sale shall record the prepared 27206  
deed required by section 2329.36 of the Revised Code within 27207  
fourteen days after the confirmation of sale and payment of the 27208  
balance due. 27209

(2)(a) If the deed is not prepared and recorded within the 27210  
fourteen-day period, the purchaser may file a motion with the 27211  
court to proceed with the transfer of title. If the court finds 27212  
that a proper sale was made, it shall enter an order transferring 27213  
the title of the lands and tenements to the purchaser, ordering 27214  
the plaintiff to present a certified copy of the order to the 27215  
county recorder for recording, and ordering the county recorder to 27216  
record the order in the record of deeds. The order, when filed 27217  
with the county recorder, shall have the same effect as a deed 27218  
prepared pursuant to section 2329.36 of the Revised Code. 27219

(b) Upon the issuance of the court order described in 27220  
division (C)(2)(a) of this section, the plaintiff, or the 27221  
plaintiff's attorney, shall present a certified copy of the order 27222  
to be recorded in the office of the county recorder. The county 27223  
recorder shall record the order in the record of deeds. 27224

(c) The clerk shall issue a copy of the court order to the 27225  
county auditor to transfer record ownership of the lands and 27226  
tenements for the purpose of real estate taxes. Real estate taxes 27227  
coming due after the date of the sale shall not prohibit the 27228

auditor from transferring ownership of the lands and tenements on 27229  
its records or cause the recorder to deny recording. The real 27230  
estate taxes shall become the responsibility of the new title 27231  
holder of the lands and tenements. The sheriff shall not require 27232  
the confirmation of sale to be amended for taxes not due and 27233  
payable as of the date of the sale. 27234

**Sec. 2329.311.** (A) In sales of residential properties taken 27235  
in execution or order of sale that are sold at an auction with the 27236  
minimum bid pursuant to division (B) of section 2329.52 of the 27237  
Revised Code, the judgment creditor and the first lienholder each 27238  
have the right to redeem the property within fourteen days after 27239  
the sale by paying the purchase price. The redeeming party shall 27240  
pay the purchase price to the clerk of the court in which the 27241  
judgment was rendered or the order of sale was made. Upon timely 27242  
payment, the court shall proceed as described in section 2329.31 27243  
of the Revised Code, with the redeeming party considered the 27244  
successful purchaser at the sale. 27245

(B) If the judgment creditor and the first lienholder each 27246  
seek to redeem the property, pursuant to division (A) of this 27247  
section, the court shall resolve the conflict in favor of the 27248  
first lienholder. 27249

**Sec. 2329.44.** (A) On a sale made pursuant to this chapter, if 27250  
the officer who makes the sale receives from the sale more money 27251  
than is necessary to satisfy the writ of execution, with interest 27252  
and costs, the officer who made the sale shall deliver any balance 27253  
remaining after satisfying the writ of execution, with interest 27254  
and costs, to the clerk of the court that issued the writ of 27255  
execution. The clerk then shall do one of the following: 27256

(1) If the balance is ~~twenty-five~~ one hundred dollars or 27257  
more, send to the judgment debtor whose property was the subject 27258

of the sale a notice that indicates the amount of the balance, 27259  
informs the judgment debtor that ~~he~~ the judgment debtor is 27260  
entitled to receive the balance, and sets forth the procedure that 27261  
the judgment debtor is required to follow to obtain the balance. 27262  
This notice shall be sent to the judgment debtor at the address of 27263  
the judgment debtor in the caption on the judgment or at any 27264  
different address ~~he~~ the judgment debtor may have provided, by 27265  
certified mail, return receipt requested, within ninety days after 27266  
the sale. If the certified mail envelope is returned with an 27267  
endorsement showing failure or refusal of delivery, the clerk 27268  
immediately shall send the judgment debtor, at the address of the 27269  
judgment debtor in the caption on the judgment or any different 27270  
address ~~he~~ the judgment debtor may have provided, a similar notice 27271  
by ordinary mail. If the ordinary mail envelope is returned for 27272  
any reason, the clerk immediately shall give a similar notice to 27273  
the judgment debtor by an advertisement in a newspaper published 27274  
in and of general circulation in the county, which advertisement 27275  
shall run at least once a week for at least three consecutive 27276  
weeks. The advertisement shall include the case number, the name 27277  
of the judgment debtor, and information on how to contact the 27278  
clerk. If the balance remains unclaimed for ninety days following 27279  
the first date of publication, the clerk shall dispose of the 27280  
balance in the same manner as unclaimed money is disposed of under 27281  
sections 2335.34 and 2335.35 of the Revised Code. 27282

(2) If the balance is less than ~~twenty-five~~ one hundred 27283  
dollars, send to the judgment debtor whose property was the 27284  
subject of the sale a notice that indicates the amount of the 27285  
balance, informs the judgment debtor that ~~he~~ the judgment debtor 27286  
is entitled to receive the balance, and sets forth the procedure 27287  
that the judgment debtor is required to follow to obtain the 27288  
balance. This notice shall be sent to the judgment debtor at the 27289  
address of the judgment debtor in the caption on the judgment or 27290  
at any different address ~~he~~ the judgment debtor may have provided, 27291

by ordinary mail. If the balance remains unclaimed for ninety days 27292  
following the date of mailing, the clerk shall dispose of the 27293  
balance in the same manner as unclaimed money is disposed of under 27294  
sections 2335.34 and 2335.35 of the Revised Code. 27295

(B)(1) Subject to division (B)(2) of this section, the clerk 27296  
of the court that issued the writ of execution, on demand and 27297  
whether or not the notice required by division (A)(1) or (2) of 27298  
this section is provided as prescribed, shall pay the balance to 27299  
the judgment debtor or ~~his~~ the judgment debtor's legal 27300  
representatives. 27301

(2) The clerk of the court that issued the writ of execution 27302  
is not required to pay the balance to the judgment debtor or ~~his~~ 27303  
the judgment debtor's legal representatives pursuant to division 27304  
(B)(1) of this section until the judgment debtor or the legal 27305  
representatives pay to the clerk ~~twenty five dollars if the~~ 27306  
~~balance is twenty five dollars or more, or five dollars if the~~ 27307  
~~balance is less than twenty five dollars to compensate the clerk~~ 27308  
~~for~~ the actual costs incurred in the provision of the notice 27309  
required by division (A)(1) or (2) of this section. 27310

**Sec. 2329.66.** (A) Every person who is domiciled in this state 27311  
may hold property exempt from execution, garnishment, attachment, 27312  
or sale to satisfy a judgment or order, as follows: 27313

(1)(a) In the case of a judgment or order regarding money 27314  
owed for health care services rendered or health care supplies 27315  
provided to the person or a dependent of the person, one parcel or 27316  
item of real or personal property that the person or a dependent 27317  
of the person uses as a residence. Division (A)(1)(a) of this 27318  
section does not preclude, affect, or invalidate the creation 27319  
under this chapter of a judgment lien upon the exempted property 27320  
but only delays the enforcement of the lien until the property is 27321  
sold or otherwise transferred by the owner or in accordance with 27322

other applicable laws to a person or entity other than the 27323  
surviving spouse or surviving minor children of the judgment 27324  
debtor. Every person who is domiciled in this state may hold 27325  
exempt from a judgment lien created pursuant to division (A)(1)(a) 27326  
of this section the person's interest, not to exceed one hundred 27327  
twenty-five thousand dollars, in the exempted property. 27328

(b) In the case of all other judgments and orders, the 27329  
person's interest, not to exceed one hundred twenty-five thousand 27330  
dollars, in one parcel or item of real or personal property that 27331  
the person or a dependent of the person uses as a residence. 27332

(c) For purposes of divisions (A)(1)(a) and (b) of this 27333  
section, "parcel" means a tract of real property as identified on 27334  
the records of the auditor of the county in which the real 27335  
property is located. 27336

(2) The person's interest, not to exceed three thousand two 27337  
hundred twenty-five dollars, in one motor vehicle; 27338

(3) The person's interest, not to exceed four hundred 27339  
dollars, in cash on hand, money due and payable, money to become 27340  
due within ninety days, tax refunds, and money on deposit with a 27341  
bank, savings and loan association, credit union, public utility, 27342  
landlord, or other person, other than personal earnings. 27343

(4)(a) The person's interest, not to exceed five hundred 27344  
twenty-five dollars in any particular item or ten thousand seven 27345  
hundred seventy-five dollars in aggregate value, in household 27346  
furnishings, household goods, wearing apparel, appliances, books, 27347  
animals, crops, musical instruments, firearms, and hunting and 27348  
fishing equipment that are held primarily for the personal, 27349  
family, or household use of the person; 27350

(b) The person's aggregate interest in one or more items of 27351  
jewelry, not to exceed one thousand three hundred fifty dollars, 27352  
held primarily for the personal, family, or household use of the 27353

person or any of the person's dependents.	27354
(5) The person's interest, not to exceed an aggregate of two thousand twenty-five dollars, in all implements, professional books, or tools of the person's profession, trade, or business, including agriculture;	27355 27356 27357 27358
(6)(a) The person's interest in a beneficiary fund set apart, appropriated, or paid by a benevolent association or society, as exempted by section 2329.63 of the Revised Code;	27359 27360 27361
(b) The person's interest in contracts of life or endowment insurance or annuities, as exempted by section 3911.10 of the Revised Code;	27362 27363 27364
(c) The person's interest in a policy of group insurance or the proceeds of a policy of group insurance, as exempted by section 3917.05 of the Revised Code;	27365 27366 27367
(d) The person's interest in money, benefits, charity, relief, or aid to be paid, provided, or rendered by a fraternal benefit society, as exempted by section 3921.18 of the Revised Code;	27368 27369 27370 27371
(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.	27372 27373 27374 27375
(7) The person's professionally prescribed or medically necessary health aids;	27376 27377
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	27378 27379 27380
(9) The person's interest in the following:	27381
(a) Moneys paid or payable for <del>living</del> maintenance or rights, as exempted by section 3304.19 of the Revised Code;	27382 27383



(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	27384 27385
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	27386 27387
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	27388 27389
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	27390 27391 27392
(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;	27393 27394
(g) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	27395 27396
(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section, in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, in cases in which an order for forfeiture was issued under division (A) or (B) of section 2929.192 of the Revised Code, and in cases in which an order was issued under section 2929.193 or 2929.194 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights to or interests in a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's rights to or interests in a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights or interests, as exempted by section	27397 27398 27399 27400 27401 27402 27403 27404 27405 27406 27407 27408 27409 27410 27411 27412 27413 27414

143.11, 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 27415  
5505.22 of the Revised Code, and the person's rights to or 27416  
interests in benefits from the Ohio public safety officers death 27417  
benefit fund; 27418

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 27419  
3121.03, and 3123.06 of the Revised Code, the person's rights to 27420  
receive or interests in receiving a payment or other benefits 27421  
under any pension, annuity, or similar plan or contract, not 27422  
including a payment or benefit from a stock bonus or 27423  
profit-sharing plan or a payment included in division (A)(6)(b) or 27424  
(10)(a) of this section, on account of illness, disability, death, 27425  
age, or length of service, to the extent reasonably necessary for 27426  
the support of the person and any of the person's dependents, 27427  
except if all the following apply: 27428

(i) The plan or contract was established by or under the 27429  
auspices of an insider that employed the person at the time the 27430  
person's rights or interests under the plan or contract arose. 27431

(ii) The payment is on account of age or length of service. 27432

(iii) The plan or contract is not qualified under the 27433  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 27434  
amended. 27435

(c) Except for any portion of the assets that were deposited 27436  
for the purpose of evading the payment of any debt and except as 27437  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 27438  
3123.06 of the Revised Code, the person's rights or interests in 27439  
the assets held in, or to directly or indirectly receive any 27440  
payment or benefit under, any individual retirement account, 27441  
individual retirement annuity, "Roth IRA," account opened pursuant 27442  
to a program administered by a state under section 529 or 529A of 27443  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 27444  
as amended, or education individual retirement account that 27445

provides payments or benefits by reason of illness, disability, 27446  
death, retirement, or age or provides payments or benefits for 27447  
purposes of education or qualified disability expenses, to the 27448  
extent that the assets, payments, or benefits described in 27449  
division (A)(10)(c) of this section are attributable to or derived 27450  
from any of the following or from any earnings, dividends, 27451  
interest, appreciation, or gains on any of the following: 27452

(i) Contributions of the person that were less than or equal 27453  
to the applicable limits on deductible contributions to an 27454  
individual retirement account or individual retirement annuity in 27455  
the year that the contributions were made, whether or not the 27456  
person was eligible to deduct the contributions on the person's 27457  
federal tax return for the year in which the contributions were 27458  
made; 27459

(ii) Contributions of the person that were less than or equal 27460  
to the applicable limits on contributions to a Roth IRA or 27461  
education individual retirement account in the year that the 27462  
contributions were made; 27463

(iii) Contributions of the person that are within the 27464  
applicable limits on rollover contributions under subsections 219, 27465  
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 27466  
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 27467  
100 Stat. 2085, 26 U.S.C.A. 1, as amended; 27468

(iv) Contributions by any person into any plan, fund, or 27469  
account that is formed, created, or administered pursuant to, or 27470  
is otherwise subject to, section 529 or 529A of the "Internal 27471  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 27472

(d) Except for any portion of the assets that were deposited 27473  
for the purpose of evading the payment of any debt and except as 27474  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 27475  
3123.06 of the Revised Code, the person's rights or interests in 27476

the assets held in, or to receive any payment under, any Keogh or 27477  
"H.R. 10" plan that provides benefits by reason of illness, 27478  
disability, death, retirement, or age, to the extent reasonably 27479  
necessary for the support of the person and any of the person's 27480  
dependents. 27481

(e) The person's rights to or interests in any assets held 27482  
in, or to directly or indirectly receive any payment or benefit 27483  
under, any individual retirement account, individual retirement 27484  
annuity, "Roth IRA," account opened pursuant to a program 27485  
administered by a state under section 529 or 529A of the "Internal 27486  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or 27487  
education individual retirement account that a decedent, upon or 27488  
by reason of the decedent's death, directly or indirectly left to 27489  
or for the benefit of the person, either outright or in trust or 27490  
otherwise, including, but not limited to, any of those rights or 27491  
interests in assets or to receive payments or benefits that were 27492  
transferred, conveyed, or otherwise transmitted by the decedent by 27493  
means of a will, trust, exercise of a power of appointment, 27494  
beneficiary designation, transfer or payment on death designation, 27495  
or any other method or procedure. 27496

(f) The exemptions under divisions (A)(10)(a) to (e) of this 27497  
section also shall apply or otherwise be available to an alternate 27498  
payee under a qualified domestic relations order (QDRO) or other 27499  
similar court order. 27500

(g) A person's interest in any plan, program, instrument, or 27501  
device described in divisions (A)(10)(a) to (e) of this section 27502  
shall be considered an exempt interest even if the plan, program, 27503  
instrument, or device in question, due to an error made in good 27504  
faith, failed to satisfy any criteria applicable to that plan, 27505  
program, instrument, or device under the "Internal Revenue Code of 27506  
1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 27507

(11) The person's right to receive spousal support, child 27508

support, an allowance, or other maintenance to the extent 27509  
reasonably necessary for the support of the person and any of the 27510  
person's dependents; 27511

(12) The person's right to receive, or moneys received during 27512  
the preceding twelve calendar months from, any of the following: 27513

(a) An award of reparations under sections 2743.51 to 2743.72 27514  
of the Revised Code, to the extent exempted by division (D) of 27515  
section 2743.66 of the Revised Code; 27516

(b) A payment on account of the wrongful death of an 27517  
individual of whom the person was a dependent on the date of the 27518  
individual's death, to the extent reasonably necessary for the 27519  
support of the person and any of the person's dependents; 27520

(c) Except in cases in which the person who receives the 27521  
payment is an inmate, as defined in section 2969.21 of the Revised 27522  
Code, and in which the payment resulted from a civil action or 27523  
appeal against a government entity or employee, as defined in 27524  
section 2969.21 of the Revised Code, a payment, not to exceed 27525  
twenty thousand two hundred dollars, on account of personal bodily 27526  
injury, not including pain and suffering or compensation for 27527  
actual pecuniary loss, of the person or an individual for whom the 27528  
person is a dependent; 27529

(d) A payment in compensation for loss of future earnings of 27530  
the person or an individual of whom the person is or was a 27531  
dependent, to the extent reasonably necessary for the support of 27532  
the debtor and any of the debtor's dependents. 27533

(13) Except as provided in sections 3119.80, 3119.81, 27534  
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 27535  
earnings of the person owed to the person for services in an 27536  
amount equal to the greater of the following amounts: 27537

(a) If paid weekly, thirty times the current federal minimum 27538  
hourly wage; if paid biweekly, sixty times the current federal 27539

minimum hourly wage; if paid semimonthly, sixty-five times the 27540  
current federal minimum hourly wage; or if paid monthly, one 27541  
hundred thirty times the current federal minimum hourly wage that 27542  
is in effect at the time the earnings are payable, as prescribed 27543  
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 27544  
U.S.C. 206(a)(1), as amended; 27545

(b) Seventy-five per cent of the disposable earnings owed to 27546  
the person. 27547

(14) The person's right in specific partnership property, as 27548  
exempted by the person's rights in a partnership pursuant to 27549  
section 1776.50 of the Revised Code, except as otherwise set forth 27550  
in section 1776.50 of the Revised Code; 27551

(15) A seal and official register of a notary public, as 27552  
exempted by section 147.04 of the Revised Code; 27553

(16) The person's interest in a tuition unit or a payment 27554  
under section 3334.09 of the Revised Code pursuant to a tuition 27555  
payment contract, as exempted by section 3334.15 of the Revised 27556  
Code; 27557

(17) Any other property that is specifically exempted from 27558  
execution, attachment, garnishment, or sale by federal statutes 27559  
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 27560  
U.S.C.A. 101, as amended; 27561

(18) The person's aggregate interest in any property, not to 27562  
exceed one thousand seventy-five dollars, except that division 27563  
(A)(18) of this section applies only in bankruptcy proceedings. 27564

(B) On April 1, 2010, and on the first day of April in each 27565  
third calendar year after 2010, the Ohio judicial conference shall 27566  
adjust each dollar amount set forth in this section to reflect any 27567  
increase in the consumer price index for all urban consumers, as 27568  
published by the United States department of labor, or, if that 27569  
index is no longer published, a generally available comparable 27570

index, for the three-year period ending on the thirty-first day of 27571  
December of the preceding year. Any adjustments required by this 27572  
division shall be rounded to the nearest twenty-five dollars. 27573

The Ohio judicial conference shall prepare a memorandum 27574  
specifying the adjusted dollar amounts. The judicial conference 27575  
shall transmit the memorandum to the director of the legislative 27576  
service commission, and the director shall publish the memorandum 27577  
in the register of Ohio. (Publication of the memorandum in the 27578  
register of Ohio shall continue until the next memorandum 27579  
specifying an adjustment is so published.) The judicial conference 27580  
also may publish the memorandum in any other manner it concludes 27581  
will be reasonably likely to inform persons who are affected by 27582  
its adjustment of the dollar amounts. 27583

(C) As used in this section: 27584

(1) "Disposable earnings" means net earnings after the 27585  
garnishee has made deductions required by law, excluding the 27586  
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 27587  
3121.03, or 3123.06 of the Revised Code. 27588

(2) "Insider" means: 27589

(a) If the person who claims an exemption is an individual, a 27590  
relative of the individual, a relative of a general partner of the 27591  
individual, a partnership in which the individual is a general 27592  
partner, a general partner of the individual, or a corporation of 27593  
which the individual is a director, officer, or in control; 27594

(b) If the person who claims an exemption is a corporation, a 27595  
director or officer of the corporation; a person in control of the 27596  
corporation; a partnership in which the corporation is a general 27597  
partner; a general partner of the corporation; or a relative of a 27598  
general partner, director, officer, or person in control of the 27599  
corporation; 27600

(c) If the person who claims an exemption is a partnership, a 27601

general partner in the partnership; a general partner of the 27602  
partnership; a person in control of the partnership; a partnership 27603  
in which the partnership is a general partner; or a relative in, a 27604  
general partner of, or a person in control of the partnership; 27605

(d) An entity or person to which or whom any of the following 27606  
applies: 27607

(i) The entity directly or indirectly owns, controls, or 27608  
holds with power to vote, twenty per cent or more of the 27609  
outstanding voting securities of the person who claims an 27610  
exemption, unless the entity holds the securities in a fiduciary 27611  
or agency capacity without sole discretionary power to vote the 27612  
securities or holds the securities solely to secure to debt and 27613  
the entity has not in fact exercised the power to vote. 27614

(ii) The entity is a corporation, twenty per cent or more of 27615  
whose outstanding voting securities are directly or indirectly 27616  
owned, controlled, or held with power to vote, by the person who 27617  
claims an exemption or by an entity to which division (C)(2)(d)(i) 27618  
of this section applies. 27619

(iii) A person whose business is operated under a lease or 27620  
operating agreement by the person who claims an exemption, or a 27621  
person substantially all of whose business is operated under an 27622  
operating agreement with the person who claims an exemption. 27623

(iv) The entity operates the business or all or substantially 27624  
all of the property of the person who claims an exemption under a 27625  
lease or operating agreement. 27626

(e) An insider, as otherwise defined in this section, of a 27627  
person or entity to which division (C)(2)(d)(i), (ii), (iii), or 27628  
(iv) of this section applies, as if the person or entity were a 27629  
person who claims an exemption; 27630

(f) A managing agent of the person who claims an exemption. 27631



(3) "Participant account" has the same meaning as in section 27632  
148.01 of the Revised Code. 27633

(4) "Government unit" has the same meaning as in section 27634  
148.06 of the Revised Code. 27635

(D) For purposes of this section, "interest" shall be 27636  
determined as follows: 27637

(1) In bankruptcy proceedings, as of the date a petition is 27638  
filed with the bankruptcy court commencing a case under Title 11 27639  
of the United States Code; 27640

(2) In all cases other than bankruptcy proceedings, as of the 27641  
date of an appraisal, if necessary under section 2329.68 of the 27642  
Revised Code, or the issuance of a writ of execution. 27643

An interest, as determined under division (D)(1) or (2) of 27644  
this section, shall not include the amount of any lien otherwise 27645  
valid pursuant to section 2329.661 of the Revised Code. 27646

**Sec. 2743.48.** (A) As used in this section and section 2743.49 27647  
of the Revised Code, a "wrongfully imprisoned individual" means an 27648  
individual who satisfies each of the following: 27649

(1) The individual was charged with a violation of a section 27650  
of the Revised Code by an indictment or information, and the 27651  
violation charged was an aggravated felony ~~or~~ felony, or 27652  
misdemeanor. 27653

(2) The individual was found guilty of, but did not plead 27654  
guilty to, the particular charge or a lesser-included offense by 27655  
the court or jury involved, and the offense of which the 27656  
individual was found guilty was an aggravated felony ~~or~~ felony, 27657  
or misdemeanor. 27658

(3) The individual was sentenced to an indefinite or definite 27659  
term of imprisonment in a state correctional institution for the 27660  
offense of which the individual was found guilty. 27661

(4) The individual's conviction was vacated, dismissed, or 27662  
reversed on appeal, ~~the prosecuting attorney in the case cannot or~~ 27663  
~~will not seek any further appeal of right or upon leave of court,~~ 27664  
and no criminal proceeding is pending, ~~can be brought, or will be~~ 27665  
~~brought by any prosecuting attorney, city director of law, village~~ 27666  
~~solicitor, or other chief legal officer of a municipal corporation~~ 27667  
against the individual ~~for any act associated with that~~ 27668  
~~conviction.~~ 27669

(5) Subsequent to sentencing ~~and~~ or during or subsequent to 27670  
imprisonment, an error in procedure was discovered that occurred 27671  
prior to, during, or after sentencing, that violated the 27672  
individual's rights to a fair trial under the Ohio Constitution or 27673  
the United States Constitution, and that resulted in the 27674  
individual's release, or it was determined by ~~the~~ a court of 27675  
common pleas ~~in the county where the underlying criminal action~~ 27676  
~~was initiated~~ either that the ~~charged~~ offense of which the 27677  
individual was found guilty, including all lesser-included 27678  
offenses, ~~either~~ was not committed by the individual or that no 27679  
offense was not committed by any person. In addition to any other 27680  
application of the provisions of this division regarding an error 27681  
in procedure as they exist on and after the effective date of this 27682  
amendment, if an individual had a claim dismissed, has a claim 27683  
pending, or did not file a claim because the state of the law in 27684  
effect prior to the effective date of this amendment barred the 27685  
claim or made the claim appear to be futile, those provisions 27686  
apply with respect to the individual and the claim and, on or 27687  
after that effective date, the individual may file a claim and 27688  
obtain the benefit of those provisions. 27689

(B)(1) A person who is a resident of this state may file a 27690  
civil action to be declared a wrongfully imprisoned individual in 27691  
~~the~~ a court of common pleas. A person who is not a resident of 27692  
this state may file a civil action to be declared a wrongfully 27693

imprisoned individual in the court of common pleas in the county 27694  
where the underlying criminal action was initiated. That civil 27695  
action shall be separate from the underlying finding of guilt ~~by~~ 27696  
~~the court of common pleas~~. Upon the filing of a civil action to be 27697  
determined a wrongfully imprisoned individual, the attorney 27698  
general shall be served with a copy of the complaint and shall be 27699  
heard. 27700

(2) When ~~the a~~ court of common pleas ~~in the county where the~~ 27701  
~~underlying criminal action was initiated~~ as specified in division 27702  
(B)(1) of this section determines ~~in a separate civil action~~ that 27703  
a person is a wrongfully imprisoned individual, the court shall 27704  
provide the person with a copy of this section and orally inform 27705  
the person and the person's attorney of the person's rights under 27706  
this section to commence a civil action against the state in the 27707  
court of claims because of the person's wrongful imprisonment and 27708  
to be represented in that civil action by counsel of the person's 27709  
own choice. 27710

(3) The court described in division (B)(1) of this section 27711  
shall notify the clerk of the court of claims, in writing and 27712  
within seven days after the date of the entry of its determination 27713  
that the person is a wrongfully imprisoned individual, of the name 27714  
and proposed mailing address of the person and of the fact that 27715  
the person has the rights to commence a civil action and to have 27716  
legal representation as provided in this section. The clerk of the 27717  
court of claims shall maintain in the clerk's office a list of 27718  
wrongfully imprisoned individuals for whom notices are received 27719  
under this section and shall create files in the clerk's office 27720  
for each such individual. 27721

(4) Within sixty days after the date of the entry of the 27722  
determination by ~~the a~~ court of common pleas ~~in the county where~~ 27723  
~~the underlying criminal action was initiated~~ as specified in 27724  
division (B)(1) of this section that a person is a wrongfully 27725

imprisoned individual, the clerk of the court of claims shall 27726  
forward a preliminary judgment to the president of the controlling 27727  
board requesting the payment of fifty per cent of the amount 27728  
described in division (E)(2)(b) of this section to the wrongfully 27729  
imprisoned individual. The board shall take all actions necessary 27730  
to cause the payment of that amount out of the emergency purposes 27731  
special purpose account of the board. 27732

(5) If an individual was serving at the time of the wrongful 27733  
imprisonment concurrent sentences on other convictions that were 27734  
not vacated, dismissed, or reversed on appeal, the individual is 27735  
not eligible for compensation as described in this section for any 27736  
portion of that wrongful imprisonment that occurred during a 27737  
concurrent sentence of that nature. 27738

(C)(1) In a civil action under this section, a wrongfully 27739  
imprisoned individual has the right to have counsel of the 27740  
individual's own choice. 27741

(2) If a wrongfully imprisoned individual who is the subject 27742  
of a court determination as described in division (B)(2) of this 27743  
section does not commence a civil action under this section within 27744  
six months after the entry of that determination, the clerk of the 27745  
court of claims shall send a letter to the wrongfully imprisoned 27746  
individual, at the address set forth in the notice received from 27747  
the court of common pleas pursuant to division (B)(3) of this 27748  
section or to any later address provided by the wrongfully 27749  
imprisoned individual, that reminds the wrongfully imprisoned 27750  
individual of the wrongfully imprisoned individual's rights under 27751  
this section. Until the statute of limitations provided in 27752  
division (H) of this section expires and unless the wrongfully 27753  
imprisoned individual commences a civil action under this section, 27754  
the clerk of the court of claims shall send a similar letter in a 27755  
similar manner to the wrongfully imprisoned individual at least 27756  
once each three months after the sending of the first reminder. 27757

(D) Notwithstanding any provisions of this chapter to the contrary, a wrongfully imprisoned individual has and may file a civil action against the state, in the court of claims, to recover a sum of money as described in this section, because of the individual's wrongful imprisonment. The court of claims shall have exclusive, original jurisdiction over such a civil action. The civil action shall proceed, be heard, and be determined as provided in sections 2743.01 to 2743.20 of the Revised Code, except that if a provision of this section conflicts with a provision in any of those sections, the provision in this section controls.

(E)(1) In a civil action as described in division (D) of this section, the complainant may establish that the claimant is a wrongfully imprisoned individual by submitting to the court of claims a certified copy of the judgment entry of the court of common pleas associated with the claimant's conviction and sentencing, and a certified copy of the entry of the determination of the court of common pleas that the claimant is a wrongfully imprisoned individual under division (B)(2) of this section. No other evidence shall be required of the complainant to establish that the claimant is a wrongfully imprisoned individual, and the claimant shall be irrebuttably presumed to be a wrongfully imprisoned individual.

(2) In a civil action as described in division (D) of this section, upon presentation of requisite proof to the court of claims, a wrongfully imprisoned individual is entitled to receive a sum of money that equals the total of each of the following amounts:

(a) The amount of any fine or court costs imposed and paid, and the reasonable attorney's fees and other expenses incurred by the wrongfully imprisoned individual in connection with all associated criminal proceedings and appeals, and, if applicable,

in connection with obtaining the wrongfully imprisoned 27790  
individual's discharge from confinement in the state correctional 27791  
institution; 27792

(b) For each full year of imprisonment in the state 27793  
correctional institution for the offense of which the wrongfully 27794  
imprisoned individual was found guilty, forty thousand three 27795  
hundred thirty dollars or the adjusted amount determined by the 27796  
auditor of state pursuant to section 2743.49 of the Revised Code, 27797  
and for each part of a year of being so imprisoned, a pro-rated 27798  
share of forty thousand three hundred thirty dollars or the 27799  
adjusted amount determined by the auditor of state pursuant to 27800  
section 2743.49 of the Revised Code; 27801

(c) Any loss of wages, salary, or other earned income that 27802  
directly resulted from the wrongfully imprisoned individual's 27803  
arrest, prosecution, conviction, and wrongful imprisonment; 27804

(d) The amount of the following cost debts the department of 27805  
rehabilitation and correction recovered from the wrongfully 27806  
imprisoned individual who was in custody of the department or 27807  
under the department's supervision: 27808

(i) Any user fee or copayment for services at a detention 27809  
facility, including, but not limited to, a fee or copayment for 27810  
sick call visits; 27811

(ii) The cost of housing and feeding the wrongfully 27812  
imprisoned individual in a detention facility; 27813

(iii) The cost of supervision of the wrongfully imprisoned 27814  
individual; 27815

(iv) The cost of any ancillary services provided to the 27816  
wrongfully imprisoned individual. 27817

(3) The court of claims shall deduct any known debts owed by 27818  
the wrongfully imprisoned individual to the state, as defined in 27819

division (A) of section 2743.01 of the Revised Code, or a 27820  
political subdivision, as defined in division (B) of section 27821  
2743.01 of the Revised Code, from the sum of money described in 27822  
division (E)(2) of this section, and those deducted amounts shall 27823  
be paid to the state or political subdivision, whichever is 27824  
applicable. 27825

(F)(1) If the court of claims determines in a civil action as 27826  
described in division (D) of this section that the complainant is 27827  
a wrongfully imprisoned individual, it shall enter judgment for 27828  
the wrongfully imprisoned individual in the amount of the sum of 27829  
money to which the wrongfully imprisoned individual is entitled 27830  
under division (E)(2) of this section. In determining that sum, 27831  
the court of claims shall not take into consideration any expenses 27832  
incurred by the state or any of its political subdivisions in 27833  
connection with the arrest, prosecution, and imprisonment of the 27834  
wrongfully imprisoned individual, including, but not limited to, 27835  
expenses for food, clothing, shelter, and medical services. The 27836  
court shall reduce that sum by the amount of the payment to the 27837  
wrongfully imprisoned individual described in division (B)(4) of 27838  
this section. 27839

(2) If the wrongfully imprisoned individual was represented 27840  
in the civil action under this section by counsel of the 27841  
wrongfully imprisoned individual's own choice, the court of claims 27842  
shall include in the judgment entry referred to in division (F)(1) 27843  
of this section an award for the reasonable attorney's fees of 27844  
that counsel. These fees shall be paid as provided in division (G) 27845  
of this section. 27846

(3) The state consents to be sued by a wrongfully imprisoned 27847  
individual because the imprisonment was wrongful, and to liability 27848  
on its part because of that fact, only as provided in this 27849  
section. However, this section does not affect any liability of 27850  
the state or of its employees to a wrongfully imprisoned 27851

individual on a claim for relief that is not based on the fact of 27852  
the wrongful imprisonment, including, but not limited to, a claim 27853  
for relief that arises out of circumstances occurring during the 27854  
wrongfully imprisoned individual's confinement in the state 27855  
correctional institution. 27856

(G) The clerk of the court of claims shall forward a 27857  
certified copy of a judgment under division (F) of this section to 27858  
the president of the controlling board. The board shall take all 27859  
actions necessary to cause the payment of the judgment out of the 27860  
emergency purposes special purpose account of the board. 27861

(H) To be eligible to recover a sum of money as described in 27862  
this section because of wrongful imprisonment, both of the 27863  
following shall apply to a wrongfully imprisoned individual: 27864

(1) The wrongfully imprisoned individual shall not have been, 27865  
prior to September 24, 1986, the subject of an act of the general 27866  
assembly that authorized an award of compensation for the wrongful 27867  
imprisonment or have been the subject of an action before the 27868  
former sundry claims board that resulted in an award of 27869  
compensation for the wrongful imprisonment. 27870

(2) The wrongfully imprisoned individual shall commence a 27871  
civil action under this section in the court of claims no later 27872  
than two years after the date of the entry of the determination of 27873  
the court of common pleas that the individual is a wrongfully 27874  
imprisoned individual under division (B)(2) of this section. 27875

**Sec. 2743.75.** (A) In order to provide for an expeditious and 27876  
economical procedure that attempts to resolve disputes alleging a 27877  
denial of access to public records in violation of division (B) of 27878  
section 149.43 of the Revised Code, except for a court that hears 27879  
a mandamus action pursuant to that section, the court of claims 27880  
shall be the sole and exclusive authority in this state that 27881  
adjudicates or resolves complaints based on alleged violations of 27882



that section. The clerk of the court of claims shall designate one 27883  
or more current employees or hire one or more individuals to serve 27884  
as special masters to hear complaints brought under this section. 27885  
All special masters shall have been engaged in the practice of law 27886  
in this state for at least four years and be in good standing with 27887  
the supreme court at the time of designation or hiring. The clerk 27888  
may assign administrative and clerical work associated with 27889  
complaints brought under this section to current employees or may 27890  
hire such additional employees as may be necessary to perform such 27891  
work. 27892

(B) The clerk of the court of common pleas in each county 27893  
shall act as the clerk of the court of claims for purposes of 27894  
accepting those complaints filed with the clerk under division 27895  
(D)(1) of this section, accepting filing fees for those 27896  
complaints, and serving those complaints. 27897

(C)(1) Subject to division (C)(2) of this section, a person 27898  
allegedly aggrieved by a denial of access to public records in 27899  
violation of division (B) of section 149.43 of the Revised Code 27900  
may seek relief under that section or under this section, 27901  
provided, however, that if the allegedly aggrieved person files a 27902  
complaint under either section, that person may not seek relief 27903  
that pertains to the same request for records in a complaint filed 27904  
under the other section. 27905

(2) If the allegedly aggrieved person files a complaint under 27906  
this section and the court of claims determines that the complaint 27907  
constitutes a case of first impression that involves an issue of 27908  
substantial public interest, the court shall dismiss the complaint 27909  
without prejudice and direct the allegedly aggrieved person to 27910  
commence a mandamus action in the court of appeals with 27911  
appropriate jurisdiction as provided in division (C)(1) of section 27912  
149.43 of the Revised Code. 27913

(D)(1) An allegedly aggrieved person who proceeds under this 27914  
section shall file a complaint, on a form prescribed by the clerk 27915  
of the court of claims, with the clerk of the court of claims or 27916  
with the clerk of the court of common pleas of the county in which 27917  
the public office from which the records are requested is located. 27918  
The person shall attach to the complaint copies of the original 27919  
records request and any written responses or other communications 27920  
relating to the request from the public office or person 27921  
responsible for public records and shall pay a filing fee of 27922  
twenty-five dollars made payable to the clerk of the court with 27923  
whom the complaint is filed. The clerk shall serve a copy of the 27924  
complaint on the public office or person responsible for public 27925  
records for the particular public office in accordance with Civil 27926  
Rule 4.1 and, if the complaint is filed with the clerk of the 27927  
court of common pleas, shall forward the complaint to the clerk of 27928  
the court of claims, and to no other court, within three business 27929  
days after service is complete. 27930

(2) Upon receipt of a complaint filed under division (D)(1) 27931  
of this section, the clerk of the court of claims shall assign a 27932  
case number for the action and a special master to examine the 27933  
complaint. Notwithstanding any provision to the contrary in this 27934  
section, upon the recommendation of the special master, the court 27935  
of claims on its own motion may dismiss the complaint at any time. 27936  
The allegedly aggrieved person may voluntarily dismiss the 27937  
complaint filed by that person under division (D)(1) of this 27938  
section. 27939

(E)(1) Upon service of a complaint under division (D)(1) of 27940  
this section, except as otherwise provided in this division, the 27941  
special master assigned by the clerk under division (D)(2) of this 27942  
section immediately shall refer the case to mediation services 27943  
that the court of claims makes available to persons. If, in the 27944  
interest of justice considering the circumstances of the case or 27945

the parties, the special master determines that the case should 27946  
not be referred to mediation, the special master shall notify the 27947  
court that the case was not referred to mediation, and the case 27948  
shall proceed in accordance with division (F) of this section. If 27949  
the case is referred to mediation, any further proceedings under 27950  
division (F) of this section shall be stayed until the conclusion 27951  
of the mediation. Any mediation proceedings under this division 27952  
may be conducted by teleconference, telephone, or other electronic 27953  
means. If an agreement is reached during mediation, the court 27954  
shall dismiss the complaint. If an agreement is not reached, the 27955  
special master shall notify the court that the case was not 27956  
resolved and that the mediation has been terminated. 27957

(2) Within ten business days after the termination of the 27958  
mediation or the notification to the court that the case was not 27959  
referred to mediation under division (E)(1) of this section, the 27960  
public office or person responsible for public records shall file 27961  
a response, and if applicable, a motion to dismiss the complaint, 27962  
with the clerk of the court of claims and transmit copies of the 27963  
pleadings to the allegedly aggrieved party. No further motions or 27964  
pleadings shall be accepted by the clerk of the court of claims or 27965  
by the special master assigned by the clerk under division (D)(2) 27966  
of this section unless the special master directs in writing that 27967  
a further motion or pleading be filed. 27968

(3) All of the following apply prior to the submission of the 27969  
special master's report and recommendation to the court of claims 27970  
under division (F)(1) of this section: 27971

(a) The special master shall not permit any discovery. 27972

(b) The parties may attach supporting affidavits to their 27973  
respective pleadings. 27974

(c) The special master may require either or both of the 27975  
parties to submit additional information or documentation 27976

supported by affidavits. 27977

(F)(1) Not later than seven business days after receiving the 27978  
response, or motion to dismiss the complaint, if applicable, of 27979  
the public office or person responsible for public records, the 27980  
special master shall submit to the court of claims a report and 27981  
recommendation based on the ordinary application of statutory law 27982  
and case law as they existed at the time of the filing of the 27983  
complaint. For good cause shown, the special master may extend the 27984  
seven-day period for the submission of the report and 27985  
recommendation to the court of claims under this division by an 27986  
additional seven business days. 27987

(2) Upon submission of the special master's report and 27988  
recommendation to the court of claims under division (F)(1) of 27989  
this section, the clerk shall send copies of the report and 27990  
recommendation to each party by certified mail, return receipt 27991  
requested, not later than three business days after the report and 27992  
recommendation is filed. Either party may object to the report and 27993  
recommendation within seven business days after receiving the 27994  
report and recommendation by filing a written objection with the 27995  
clerk and sending a copy to the other party by certified mail, 27996  
return receipt requested. Any objection to the report and 27997  
recommendation shall be specific and state with particularity all 27998  
grounds for the objection. If neither party timely objects, the 27999  
court of claims shall promptly issue a final order adopting the 28000  
report and recommendation, unless it determines that there is an 28001  
error of law or other defect evident on the face of the report and 28002  
recommendation. If either party timely objects, the other party 28003  
may file with the clerk a response within seven business days 28004  
after receiving the objection and send a copy of the response to 28005  
the objecting party by certified mail, return receipt requested. 28006  
The court, within seven business days after the response to the 28007  
objection is filed, shall issue a final order that adopts, 28008

modifies, or rejects the report and recommendation. 28009

(3) If the court of claims determines that the public office 28010  
or person responsible for the public records denied the aggrieved 28011  
person access to the public records in violation of division (B) 28012  
of section 149.43 of the Revised Code and if no appeal from the 28013  
court's final order is taken under division (G) of this section, 28014  
both of the following apply: 28015

(a) The public office or the person responsible for the 28016  
public records shall permit the aggrieved person to inspect or 28017  
receive copies of the public records that the court requires to be 28018  
disclosed in its order. 28019

(b) The aggrieved person shall be entitled to recover from 28020  
the public office or person responsible for the public records the 28021  
amount of the filing fee of twenty-five dollars and any other 28022  
costs associated with the action that are incurred by the 28023  
aggrieved person, but shall not be entitled to recover attorney's 28024  
fees, except that division (G)(2) of this section applies if an 28025  
appeal is taken under division (G)(1) of this section. 28026

(G)(1) Any appeal from a final order of the court of claims 28027  
under this section or from an order of the court of claims 28028  
dismissing the complaint as provided in division (D)(2) of this 28029  
section shall be taken to the court of appeals of the appellate 28030  
district where the principal place of business of the public 28031  
office from which the public record is requested is located. 28032  
However, no appeal may be taken from a final order of the court of 28033  
claims that adopts the special master's report and recommendation 28034  
unless a timely objection to that report and recommendation was 28035  
filed under division (F)(2) of this section. If the court of 28036  
claims materially modifies the special master's report and 28037  
recommendation, either party may take an appeal to the court of 28038  
appeals of the appellate district of the principal place of 28039  
business where that public office is located but the appeal shall 28040

be limited to the issue in the report and recommendation that is 28041  
materially modified by the court of claims. In order to facilitate 28042  
the expeditious resolution of disputes over alleged denials of 28043  
access to public records in violation of division (B) of section 28044  
149.43 of the Revised Code, the appeal shall be given such 28045  
precedence over other pending matters as will ensure that the 28046  
court will reach a decision promptly. 28047

(2) If a court of appeals in any appeal taken under division 28048  
(G)(1) of this section by the public office or person responsible 28049  
for the public records determines that the public office or person 28050  
denied the aggrieved person access to the public records in 28051  
violation of division (B) of section 149.43 of the Revised Code 28052  
and obviously filed the appeal with the intent to either delay 28053  
compliance with the court of claims' order from which the appeal 28054  
is taken for no reasonable cause or unduly harass the aggrieved 28055  
person, the court of appeals may award reasonable attorney's fees 28056  
to the aggrieved person in accordance with division (C) of section 28057  
149.43 of the Revised Code. No discovery may be conducted on the 28058  
issue of the public office or person responsible for the public 28059  
records filing the appeal with the alleged intent to either delay 28060  
compliance with the court of claims' order for no reasonable cause 28061  
or unduly harass the aggrieved person. This division shall not be 28062  
construed as creating a presumption that the public office or the 28063  
person responsible for the public records filed the appeal with 28064  
the intent to either delay compliance with the court of claims' 28065  
order for no reasonable cause or unduly harass the aggrieved 28066  
person. 28067

(H) The powers of the court of claims prescribed in section 28068  
2743.05 of the Revised Code apply to the proceedings in that court 28069  
under this section. 28070

(I)(1) All filing fees collected by a clerk of the court of 28071  
common pleas under division (D)(1) of this section shall be paid 28072

to the county treasurer for deposit into the county general 28073  
revenue fund. All such money collected during a month shall be 28074  
transmitted on or before the twentieth day of the following month 28075  
by the clerk of the court of common pleas to the county treasurer. 28076

(2) All filing fees collected by the clerk of the court of 28077  
claims under division (D)(1) of this section shall be ~~kept~~ 28078  
deposited into the state treasury to the credit of the public 28079  
records fund, which is hereby created. Money credited to the fund 28080  
shall be used by the court of claims to assist in paying for its 28081  
costs to implement this section. All investment earnings of the 28082  
fund shall be credited to the fund. Not later than the first day 28083  
of February of each year, the clerk of the court of claims shall 28084  
prepare a report accessible to the public that details the fees 28085  
collected during the preceding calendar year by the clerk of the 28086  
court of claims and the clerks of the courts of common pleas under 28087  
this section. 28088

(J) Nothing in this section shall be construed to limit the 28089  
authority of the auditor of state under division (G) of section 28090  
109.43 of the Revised Code. 28091

**Sec. 2925.01.** As used in this chapter: 28092

(A) "Administer," "controlled substance," "controlled 28093  
substance analog," "dispense," "distribute," "hypodermic," 28094  
"manufacturer," "official written order," "person," "pharmacist," 28095  
"pharmacy," "sale," "schedule I," "schedule II," "schedule III," 28096  
"schedule IV," "schedule V," and "wholesaler" have the same 28097  
meanings as in section 3719.01 of the Revised Code. 28098

(B) "Drug dependent person" and "drug of abuse" have the same 28099  
meanings as in section 3719.011 of the Revised Code. 28100

(C) "Drug," "dangerous drug," "licensed health professional 28101  
authorized to prescribe drugs," and "prescription" have the same 28102

meanings as in section 4729.01 of the Revised Code. 28103

(D) "Bulk amount" of a controlled substance means any of the 28104  
following: 28105

(1) For any compound, mixture, preparation, or substance 28106  
included in schedule I, schedule II, or schedule III, with the 28107  
exception of controlled substance analogs, marihuana, cocaine, 28108  
L.S.D., heroin, and hashish and except as provided in division 28109  
(D)(2) or (5) of this section, whichever of the following is 28110  
applicable: 28111

(a) An amount equal to or exceeding ten grams or twenty-five 28112  
unit doses of a compound, mixture, preparation, or substance that 28113  
is or contains any amount of a schedule I opiate or opium 28114  
derivative; 28115

(b) An amount equal to or exceeding ten grams of a compound, 28116  
mixture, preparation, or substance that is or contains any amount 28117  
of raw or gum opium; 28118

(c) An amount equal to or exceeding thirty grams or ten unit 28119  
doses of a compound, mixture, preparation, or substance that is or 28120  
contains any amount of a schedule I hallucinogen other than 28121  
tetrahydrocannabinol or lysergic acid amide, or a schedule I 28122  
stimulant or depressant; 28123

(d) An amount equal to or exceeding twenty grams or five 28124  
times the maximum daily dose in the usual dose range specified in 28125  
a standard pharmaceutical reference manual of a compound, mixture, 28126  
preparation, or substance that is or contains any amount of a 28127  
schedule II opiate or opium derivative; 28128

(e) An amount equal to or exceeding five grams or ten unit 28129  
doses of a compound, mixture, preparation, or substance that is or 28130  
contains any amount of phencyclidine; 28131

(f) An amount equal to or exceeding one hundred twenty grams 28132



or thirty times the maximum daily dose in the usual dose range 28133  
specified in a standard pharmaceutical reference manual of a 28134  
compound, mixture, preparation, or substance that is or contains 28135  
any amount of a schedule II stimulant that is in a final dosage 28136  
form manufactured by a person authorized by the "Federal Food, 28137  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 28138  
amended, and the federal drug abuse control laws, as defined in 28139  
section 3719.01 of the Revised Code, that is or contains any 28140  
amount of a schedule II depressant substance or a schedule II 28141  
hallucinogenic substance; 28142

(g) An amount equal to or exceeding three grams of a 28143  
compound, mixture, preparation, or substance that is or contains 28144  
any amount of a schedule II stimulant, or any of its salts or 28145  
isomers, that is not in a final dosage form manufactured by a 28146  
person authorized by the Federal Food, Drug, and Cosmetic Act and 28147  
the federal drug abuse control laws. 28148

(2) An amount equal to or exceeding one hundred twenty grams 28149  
or thirty times the maximum daily dose in the usual dose range 28150  
specified in a standard pharmaceutical reference manual of a 28151  
compound, mixture, preparation, or substance that is or contains 28152  
any amount of a schedule III or IV substance other than an 28153  
anabolic steroid or a schedule III opiate or opium derivative; 28154

(3) An amount equal to or exceeding twenty grams or five 28155  
times the maximum daily dose in the usual dose range specified in 28156  
a standard pharmaceutical reference manual of a compound, mixture, 28157  
preparation, or substance that is or contains any amount of a 28158  
schedule III opiate or opium derivative; 28159

(4) An amount equal to or exceeding two hundred fifty 28160  
milliliters or two hundred fifty grams of a compound, mixture, 28161  
preparation, or substance that is or contains any amount of a 28162  
schedule V substance; 28163

(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid.

(E) "Unit dose" means an amount or unit of a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(F) "Cultivate" includes planting, watering, fertilizing, or tilling.

(G) "Drug abuse offense" means any of the following:

(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;

(2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (G)(1) of this section;

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;

(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G)(1), (2), or (3) of this section.

(H) "Felony drug abuse offense" means any drug abuse offense	28195
that would constitute a felony under the laws of this state, any	28196
other state, or the United States.	28197
(I) "Harmful intoxicant" does not include beer or	28198
intoxicating liquor but means any of the following:	28199
(1) Any compound, mixture, preparation, or substance the gas,	28200
fumes, or vapor of which when inhaled can induce intoxication,	28201
excitement, giddiness, irrational behavior, depression,	28202
stupefaction, paralysis, unconsciousness, asphyxiation, or other	28203
harmful physiological effects, and includes, but is not limited	28204
to, any of the following:	28205
(a) Any volatile organic solvent, plastic cement, model	28206
cement, fingernail polish remover, lacquer thinner, cleaning	28207
fluid, gasoline, or other preparation containing a volatile	28208
organic solvent;	28209
(b) Any aerosol propellant;	28210
(c) Any fluorocarbon refrigerant;	28211
(d) Any anesthetic gas.	28212
(2) Gamma Butyrolactone;	28213
(3) 1,4 Butanediol.	28214
(J) "Manufacture" means to plant, cultivate, harvest,	28215
process, make, prepare, or otherwise engage in any part of the	28216
production of a drug, by propagation, extraction, chemical	28217
synthesis, or compounding, or any combination of the same, and	28218
includes packaging, repackaging, labeling, and other activities	28219
incident to production.	28220
(K) "Possess" or "possession" means having control over a	28221
thing or substance, but may not be inferred solely from mere	28222
access to the thing or substance through ownership or occupation	28223
of the premises upon which the thing or substance is found.	28224

(L) "Sample drug" means a drug or pharmaceutical preparation 28225  
that would be hazardous to health or safety if used without the 28226  
supervision of a licensed health professional authorized to 28227  
prescribe drugs, or a drug of abuse, and that, at one time, had 28228  
been placed in a container plainly marked as a sample by a 28229  
manufacturer. 28230

(M) "Standard pharmaceutical reference manual" means the 28231  
current edition, with cumulative changes if any, of references 28232  
that are approved by the state board of pharmacy. 28233

(N) "Juvenile" means a person under eighteen years of age. 28234

(O) "Counterfeit controlled substance" means any of the 28235  
following: 28236

(1) Any drug that bears, or whose container or label bears, a 28237  
trademark, trade name, or other identifying mark used without 28238  
authorization of the owner of rights to that trademark, trade 28239  
name, or identifying mark; 28240

(2) Any unmarked or unlabeled substance that is represented 28241  
to be a controlled substance manufactured, processed, packed, or 28242  
distributed by a person other than the person that manufactured, 28243  
processed, packed, or distributed it; 28244

(3) Any substance that is represented to be a controlled 28245  
substance but is not a controlled substance or is a different 28246  
controlled substance; 28247

(4) Any substance other than a controlled substance that a 28248  
reasonable person would believe to be a controlled substance 28249  
because of its similarity in shape, size, and color, or its 28250  
markings, labeling, packaging, distribution, or the price for 28251  
which it is sold or offered for sale. 28252

(P) An offense is "committed in the vicinity of a school" if 28253  
the offender commits the offense on school premises, in a school 28254

building, or within one thousand feet of the boundaries of any 28255  
school premises, regardless of whether the offender knows the 28256  
offense is being committed on school premises, in a school 28257  
building, or within one thousand feet of the boundaries of any 28258  
school premises. 28259

(Q) "School" means any school operated by a board of 28260  
education, any community school established under Chapter 3314. of 28261  
the Revised Code, or any nonpublic school for which the state 28262  
board of education prescribes minimum standards under section 28263  
3301.07 of the Revised Code, whether or not any instruction, 28264  
extracurricular activities, or training provided by the school is 28265  
being conducted at the time a criminal offense is committed. 28266

(R) "School premises" means either of the following: 28267

(1) The parcel of real property on which any school is 28268  
situated, whether or not any instruction, extracurricular 28269  
activities, or training provided by the school is being conducted 28270  
on the premises at the time a criminal offense is committed; 28271

(2) Any other parcel of real property that is owned or leased 28272  
by a board of education of a school, the governing authority of a 28273  
community school established under Chapter 3314. of the Revised 28274  
Code, or the governing body of a nonpublic school for which the 28275  
state board of education prescribes minimum standards under 28276  
section 3301.07 of the Revised Code and on which some of the 28277  
instruction, extracurricular activities, or training of the school 28278  
is conducted, whether or not any instruction, extracurricular 28279  
activities, or training provided by the school is being conducted 28280  
on the parcel of real property at the time a criminal offense is 28281  
committed. 28282

(S) "School building" means any building in which any of the 28283  
instruction, extracurricular activities, or training provided by a 28284  
school is conducted, whether or not any instruction, 28285

extracurricular activities, or training provided by the school is 28286  
being conducted in the school building at the time a criminal 28287  
offense is committed. 28288

(T) "Disciplinary counsel" means the disciplinary counsel 28289  
appointed by the board of commissioners on grievances and 28290  
discipline of the supreme court under the Rules for the Government 28291  
of the Bar of Ohio. 28292

(U) "Certified grievance committee" means a duly constituted 28293  
and organized committee of the Ohio state bar association or of 28294  
one or more local bar associations of the state of Ohio that 28295  
complies with the criteria set forth in Rule V, section 6 of the 28296  
Rules for the Government of the Bar of Ohio. 28297

(V) "Professional license" means any license, permit, 28298  
certificate, registration, qualification, admission, temporary 28299  
license, temporary permit, temporary certificate, or temporary 28300  
registration that is described in divisions (W)(1) to (36) of this 28301  
section and that qualifies a person as a professionally licensed 28302  
person. 28303

(W) "Professionally licensed person" means any of the 28304  
following: 28305

(1) A person who has obtained a license as a manufacturer of 28306  
controlled substances or a wholesaler of controlled substances 28307  
under Chapter 3719. of the Revised Code; 28308

(2) A person who has received a certificate or temporary 28309  
certificate as a certified public accountant or who has registered 28310  
as a public accountant under Chapter 4701. of the Revised Code and 28311  
who holds an Ohio permit issued under that chapter; 28312

(3) A person who holds a certificate of qualification to 28313  
practice architecture issued or renewed and registered under 28314  
Chapter 4703. of the Revised Code; 28315

- (4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter; 28316  
28317  
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- (5) A person licensed under Chapter 4707. of the Revised Code; 28319  
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- (6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code; 28321  
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- (7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code; 28324  
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- (8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code; 28327  
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- (9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code; 28337  
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- (10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code; 28342  
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- (11) A person who has been licensed as a registered nurse or 28346

practical nurse, or who has been issued a certificate for the	28347
practice of nurse-midwifery under Chapter 4723. of the Revised	28348
Code;	28349
(12) A person who has been licensed to practice optometry or	28350
to engage in optical dispensing under Chapter 4725. of the Revised	28351
Code;	28352
(13) A person licensed to act as a pawnbroker under Chapter	28353
4727. of the Revised Code;	28354
(14) A person licensed to act as a precious metals dealer	28355
under Chapter 4728. of the Revised Code;	28356
(15) A person licensed as a pharmacist, a pharmacy intern, a	28357
wholesale distributor of dangerous drugs, or a terminal	28358
distributor of dangerous drugs under Chapter 4729. of the Revised	28359
Code;	28360
(16) A person who is authorized to practice as a physician	28361
assistant under Chapter 4730. of the Revised Code;	28362
(17) A person who has been issued a <del>certificate</del> <u>license</u> to	28363
practice medicine and surgery, osteopathic medicine and surgery, a	28364
<del>limited branch of medicine,</del> or <del>podiatry</del> <u>podiatric medicine and</u>	28365
<u>surgery</u> under Chapter 4731. of the Revised Code <u>or has been issued</u>	28366
<u>a certificate to practice a limited branch of medicine under that</u>	28367
<u>chapter;</u>	28368
(18) A person licensed as a psychologist or school	28369
psychologist under Chapter 4732. of the Revised Code;	28370
(19) A person registered to practice the profession of	28371
engineering or surveying under Chapter 4733. of the Revised Code;	28372
(20) A person who has been issued a license to practice	28373
chiropractic under Chapter 4734. of the Revised Code;	28374
(21) A person licensed to act as a real estate broker or real	28375
estate salesperson under Chapter 4735. of the Revised Code;	28376



(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	28377 28378
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	28379 28380
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	28381 28382
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	28383 28384
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	28385 28386 28387 28388
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	28389 28390 28391
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	28392 28393 28394
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	28395 28396 28397
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	28398 28399 28400
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	28401 28402
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a	28403 28404 28405 28406

social work assistant under Chapter 4757. of the Revised Code;	28407
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	28408 28409
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	28410 28411 28412
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	28413 28414
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	28415 28416 28417
(X) "Cocaine" means any of the following:	28418
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	28419 28420
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	28421 28422 28423 28424
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	28425 28426 28427 28428 28429 28430
(Y) "L.S.D." means lysergic acid diethylamide.	28431
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	28432 28433 28434
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	28435 28436

(BB) An offense is "committed in the vicinity of a juvenile" 28437  
if the offender commits the offense within one hundred feet of a 28438  
juvenile or within the view of a juvenile, regardless of whether 28439  
the offender knows the age of the juvenile, whether the offender 28440  
knows the offense is being committed within one hundred feet of or 28441  
within view of the juvenile, or whether the juvenile actually 28442  
views the commission of the offense. 28443

(CC) "Presumption for a prison term" or "presumption that a 28444  
prison term shall be imposed" means a presumption, as described in 28445  
division (D) of section 2929.13 of the Revised Code, that a prison 28446  
term is a necessary sanction for a felony in order to comply with 28447  
the purposes and principles of sentencing under section 2929.11 of 28448  
the Revised Code. 28449

(DD) "Major drug offender" has the same meaning as in section 28450  
2929.01 of the Revised Code. 28451

(EE) "Minor drug possession offense" means either of the 28452  
following: 28453

(1) A violation of section 2925.11 of the Revised Code as it 28454  
existed prior to July 1, 1996; 28455

(2) A violation of section 2925.11 of the Revised Code as it 28456  
exists on and after July 1, 1996, that is a misdemeanor or a 28457  
felony of the fifth degree. 28458

(FF) "Mandatory prison term" has the same meaning as in 28459  
section 2929.01 of the Revised Code. 28460

(GG) "Adulterate" means to cause a drug to be adulterated as 28461  
described in section 3715.63 of the Revised Code. 28462

(HH) "Public premises" means any hotel, restaurant, tavern, 28463  
store, arena, hall, or other place of public accommodation, 28464  
business, amusement, or resort. 28465

(II) "Methamphetamine" means methamphetamine, any salt, 28466

isomer, or salt of an isomer of methamphetamine, or any compound, 28467  
mixture, preparation, or substance containing methamphetamine or 28468  
any salt, isomer, or salt of an isomer of methamphetamine. 28469

(JJ) "Lawful prescription" means a prescription that is 28470  
issued for a legitimate medical purpose by a licensed health 28471  
professional authorized to prescribe drugs, that is not altered or 28472  
forged, and that was not obtained by means of deception or by the 28473  
commission of any theft offense. 28474

(KK) "Deception" and "theft offense" have the same meanings 28475  
as in section 2913.01 of the Revised Code. 28476

**Sec. 2925.23.** (A) No person shall knowingly make a false 28477  
statement in any prescription, order, report, or record required 28478  
by Chapter 3719. or 4729. of the Revised Code. 28479

(B) No person shall intentionally make, utter, or sell, or 28480  
knowingly possess any of the following that is a false or forged: 28481

(1) Prescription; 28482

(2) Uncompleted preprinted prescription blank used for 28483  
writing a prescription; 28484

(3) Official written order; 28485

(4) License for a terminal distributor of dangerous drugs, as 28486  
~~required~~ defined in section ~~4729.60~~ 4729.01 of the Revised Code; 28487

(5) ~~Registration certificate~~ License for a wholesale 28488  
distributor of dangerous drugs, as ~~required~~ defined in section 28489  
~~4729.60~~ 4729.01 of the Revised Code. 28490

(C) No person, by theft as defined in section 2913.02 of the 28491  
Revised Code, shall acquire any of the following: 28492

(1) A prescription; 28493

(2) An uncompleted preprinted prescription blank used for 28494  
writing a prescription; 28495

(3) An official written order;	28496
(4) A blank official written order;	28497
(5) A license or blank license for a terminal distributor of dangerous drugs, as <del>required</del> <u>defined</u> in section <del>4729.60</del> <u>4729.01</u> of the Revised Code;	28498 28499 28500
(6) A <del>registration certificate</del> <u>license</u> or blank <del>registration certificate</del> <u>license</u> for a wholesale distributor of dangerous drugs, as <del>required</del> <u>defined</u> in section <del>4729.60</del> <u>4729.01</u> of the Revised Code.	28501 28502 28503 28504
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	28505 28506 28507
(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code.	28508 28509 28510 28511 28512
(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B)(2), (4), or (5) or division (C)(2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B)(1) or (3), division (C)(1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents shall be determined as follows:	28513 28514 28515 28516 28517 28518 28519 28520
(1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, illegal processing of drug documents is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.	28521 28522 28523 28524 28525 28526

(2) If the drug involved is a dangerous drug or a compound, 28527  
mixture, preparation, or substance included in schedule III, IV, 28528  
or V or is marihuana, illegal processing of drug documents is a 28529  
felony of the fifth degree, and division (C) of section 2929.13 of 28530  
the Revised Code applies in determining whether to impose a prison 28531  
term on the offender. 28532

(G)(1) In addition to any prison term authorized or required 28533  
by division (F) of this section and sections 2929.13 and 2929.14 28534  
of the Revised Code and in addition to any other sanction imposed 28535  
for the offense under this section or sections 2929.11 to 2929.18 28536  
of the Revised Code, the court that sentences an offender who is 28537  
convicted of or pleads guilty to any violation of divisions (A) to 28538  
(D) of this section may suspend for not more than five years the 28539  
offender's driver's or commercial driver's license or permit. 28540  
However, if the offender pleaded guilty to or was convicted of a 28541  
violation of section 4511.19 of the Revised Code or a 28542  
substantially similar municipal ordinance or the law of another 28543  
state or the United States arising out of the same set of 28544  
circumstances as the violation, the court shall suspend the 28545  
offender's driver's or commercial driver's license or permit for 28546  
not more than five years. 28547

If the offender is a professionally licensed person, in 28548  
addition to any other sanction imposed for a violation of this 28549  
section, the court immediately shall comply with section 2925.38 28550  
of the Revised Code. 28551

(2) Any offender who received a mandatory suspension of the 28552  
offender's driver's or commercial driver's license or permit under 28553  
this section prior to ~~the effective date of this amendment~~ 28554  
September 13, 2016, may file a motion with the sentencing court 28555  
requesting the termination of the suspension. However, an offender 28556  
who pleaded guilty to or was convicted of a violation of section 28557  
4511.19 of the Revised Code or a substantially similar municipal 28558

ordinance or law of another state or the United States that arose 28559  
out of the same set of circumstances as the violation for which 28560  
the offender's license or permit was suspended under this section 28561  
shall not file such a motion. 28562

Upon the filing of a motion under division (G)(2) of this 28563  
section, the sentencing court, in its discretion, may terminate 28564  
the suspension. 28565

(H) Notwithstanding any contrary provision of section 3719.21 28566  
of the Revised Code, the clerk of court shall pay a fine imposed 28567  
for a violation of this section pursuant to division (A) of 28568  
section 2929.18 of the Revised Code in accordance with and subject 28569  
to the requirements of division (F) of section 2925.03 of the 28570  
Revised Code. The agency that receives the fine shall use the fine 28571  
as specified in division (F) of section 2925.03 of the Revised 28572  
Code. 28573

**Sec. 2929.15.** (A)(1) If in sentencing an offender for a 28574  
felony the court is not required to impose a prison term, a 28575  
mandatory prison term, or a term of life imprisonment upon the 28576  
offender, the court may directly impose a sentence that consists 28577  
of one or more community control sanctions authorized pursuant to 28578  
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 28579  
court is sentencing an offender for a fourth degree felony OVI 28580  
offense under division (G)(1) of section 2929.13 of the Revised 28581  
Code, in addition to the mandatory term of local incarceration 28582  
imposed under that division and the mandatory fine required by 28583  
division (B)(3) of section 2929.18 of the Revised Code, the court 28584  
may impose upon the offender a community control sanction or 28585  
combination of community control sanctions in accordance with 28586  
sections 2929.16 and 2929.17 of the Revised Code. If the court is 28587  
sentencing an offender for a third or fourth degree felony OVI 28588  
offense under division (G)(2) of section 2929.13 of the Revised 28589

Code, in addition to the mandatory prison term or mandatory prison 28590  
term and additional prison term imposed under that division, the 28591  
court also may impose upon the offender a community control 28592  
sanction or combination of community control sanctions under 28593  
section 2929.16 or 2929.17 of the Revised Code, but the offender 28594  
shall serve all of the prison terms so imposed prior to serving 28595  
the community control sanction. 28596

The duration of all community control sanctions imposed upon 28597  
an offender under this division shall not exceed five years. If 28598  
the offender absconds or otherwise leaves the jurisdiction of the 28599  
court in which the offender resides without obtaining permission 28600  
from the court or the offender's probation officer to leave the 28601  
jurisdiction of the court, or if the offender is confined in any 28602  
institution for the commission of any offense while under a 28603  
community control sanction, the period of the community control 28604  
sanction ceases to run until the offender is brought before the 28605  
court for its further action. If the court sentences the offender 28606  
to one or more nonresidential sanctions under section 2929.17 of 28607  
the Revised Code, the court shall impose as a condition of the 28608  
nonresidential sanctions that, during the period of the sanctions, 28609  
the offender must abide by the law and must not leave the state 28610  
without the permission of the court or the offender's probation 28611  
officer. The court may impose any other conditions of release 28612  
under a community control sanction that the court considers 28613  
appropriate, including, but not limited to, requiring that the 28614  
offender not ingest or be injected with a drug of abuse and submit 28615  
to random drug testing as provided in division (D) of this section 28616  
to determine whether the offender ingested or was injected with a 28617  
drug of abuse and requiring that the results of the drug test 28618  
indicate that the offender did not ingest or was not injected with 28619  
a drug of abuse. 28620

(2)(a) If a court sentences an offender to any community 28621



control sanction or combination of community control sanctions 28622  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 28623  
Revised Code, the court shall place the offender under the general 28624  
control and supervision of a department of probation in the county 28625  
that serves the court for purposes of reporting to the court a 28626  
violation of any condition of the sanctions, any condition of 28627  
release under a community control sanction imposed by the court, a 28628  
violation of law, or the departure of the offender from this state 28629  
without the permission of the court or the offender's probation 28630  
officer. Alternatively, if the offender resides in another county 28631  
and a county department of probation has been established in that 28632  
county or that county is served by a multicounty probation 28633  
department established under section 2301.27 of the Revised Code, 28634  
the court may request the court of common pleas of that county to 28635  
receive the offender into the general control and supervision of 28636  
that county or multicounty department of probation for purposes of 28637  
reporting to the court a violation of any condition of the 28638  
sanctions, any condition of release under a community control 28639  
sanction imposed by the court, a violation of law, or the 28640  
departure of the offender from this state without the permission 28641  
of the court or the offender's probation officer, subject to the 28642  
jurisdiction of the trial judge over and with respect to the 28643  
person of the offender, and to the rules governing that department 28644  
of probation. 28645

If there is no department of probation in the county that 28646  
serves the court, the court shall place the offender, regardless 28647  
of the offender's county of residence, under the general control 28648  
and supervision of the adult parole authority for purposes of 28649  
reporting to the court a violation of any of the sanctions, any 28650  
condition of release under a community control sanction imposed by 28651  
the court, a violation of law, or the departure of the offender 28652  
from this state without the permission of the court or the 28653  
offender's probation officer. 28654

(b) If the court imposing sentence upon an offender sentences 28655  
the offender to any community control sanction or combination of 28656  
community control sanctions authorized pursuant to section 28657  
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 28658  
offender violates any condition of the sanctions, any condition of 28659  
release under a community control sanction imposed by the court, 28660  
violates any law, or departs the state without the permission of 28661  
the court or the offender's probation officer, the public or 28662  
private person or entity that operates or administers the sanction 28663  
or the program or activity that comprises the sanction shall 28664  
report the violation or departure directly to the sentencing 28665  
court, or shall report the violation or departure to the county or 28666  
multicounty department of probation with general control and 28667  
supervision over the offender under division (A)(2)(a) of this 28668  
section or the officer of that department who supervises the 28669  
offender, or, if there is no such department with general control 28670  
and supervision over the offender under that division, to the 28671  
adult parole authority. If the public or private person or entity 28672  
that operates or administers the sanction or the program or 28673  
activity that comprises the sanction reports the violation or 28674  
departure to the county or multicounty department of probation or 28675  
the adult parole authority, the department's or authority's 28676  
officers may treat the offender as if the offender were on 28677  
probation and in violation of the probation, and shall report the 28678  
violation of the condition of the sanction, any condition of 28679  
release under a community control sanction imposed by the court, 28680  
the violation of law, or the departure from the state without the 28681  
required permission to the sentencing court. 28682

(3) If an offender who is eligible for community control 28683  
sanctions under this section admits to being drug addicted or the 28684  
court has reason to believe that the offender is drug addicted, 28685  
and if the offense for which the offender is being sentenced was 28686  
related to the addiction, the court may require that the offender 28687

be assessed by a properly credentialed professional within a 28688  
specified period of time and shall require the professional to 28689  
file a written assessment of the offender with the court. If a 28690  
court imposes treatment and recovery support services as a 28691  
community control sanction, the court shall direct the level and 28692  
type of treatment and recovery support services after 28693  
consideration of the written assessment, if available at the time 28694  
of sentencing, and recommendations of the professional and other 28695  
treatment and recovery support services providers. 28696

(4) If an assessment completed pursuant to division (A)(3) of 28697  
this section indicates that the offender is addicted to drugs or 28698  
alcohol, the court may include in any community control sanction 28699  
imposed for a violation of section 2925.02, 2925.03, 2925.04, 28700  
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 28701  
2925.37 of the Revised Code a requirement that the offender 28702  
participate in alcohol and drug addiction services and recovery 28703  
supports certified under section 5119.36 of the Revised Code or 28704  
offered by a properly credentialed community addiction services 28705  
provider. 28706

(B)(1) If the conditions of a community control sanction are 28707  
violated or if the offender violates a law or leaves the state 28708  
without the permission of the court or the offender's probation 28709  
officer, the sentencing court may impose upon the violator one or 28710  
more of the following penalties: 28711

(a) A longer time under the same sanction if the total time 28712  
under the sanctions does not exceed the five-year limit specified 28713  
in division (A) of this section; 28714

(b) A more restrictive sanction under section 2929.16, 28715  
2929.17, or 2929.18 of the Revised Code; 28716

(c) A prison term on the offender pursuant to section 2929.14 28717  
of the Revised Code and division (B)(3) of this section, provided 28718

that a prison term imposed under this division for any technical violation of the conditions of a community control sanction imposed for a felony of the fifth degree or for any violation of law committed while under a community control sanction imposed for such a felony that consists of a new criminal offense and that is not a felony shall not exceed ninety days.

(2) If an offender was acting pursuant to division (B)(2)(b) of section 2925.11 of the Revised Code and in so doing violated the conditions of a community control sanction based on a minor drug possession offense, as defined in section 2925.11 of the Revised Code, the sentencing court may consider the offender's conduct in seeking or obtaining medical assistance for another in good faith or for self or may consider the offender being the subject of another person seeking or obtaining medical assistance in accordance with that division as a mitigating factor before imposing any of the penalties described in division (B)(1) of this section.

(3) The prison term, if any, imposed upon a violator pursuant to this division shall be within the range of prison terms available for the offense for which the sanction that was violated was imposed and shall not exceed the prison term specified in the notice provided to the offender at the sentencing hearing pursuant to division (B)(2) of section 2929.19 of the Revised Code. The court may reduce the longer period of time that the offender is required to spend under the longer sanction, the more restrictive sanction, or a prison term imposed pursuant to this division by the time the offender successfully spent under the sanction that was initially imposed.

(C) If an offender, for a significant period of time, fulfills the conditions of a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary manner, the court may reduce the period of time under the sanction

or impose a less restrictive sanction, but the court shall not 28751  
permit the offender to violate any law or permit the offender to 28752  
leave the state without the permission of the court or the 28753  
offender's probation officer. 28754

(D)(1) If a court under division (A)(1) of this section 28755  
imposes a condition of release under a community control sanction 28756  
that requires the offender to submit to random drug testing, the 28757  
department of probation or the adult parole authority that has 28758  
general control and supervision of the offender under division 28759  
(A)(2)(a) of this section may cause the offender to submit to 28760  
random drug testing performed by a laboratory or entity that has 28761  
entered into a contract with any of the governmental entities or 28762  
officers authorized to enter into a contract with that laboratory 28763  
or entity under section 341.26, 753.33, or 5120.63 of the Revised 28764  
Code. 28765

(2) If no laboratory or entity described in division (D)(1) 28766  
of this section has entered into a contract as specified in that 28767  
division, the department of probation or the adult parole 28768  
authority that has general control and supervision of the offender 28769  
under division (A)(2)(a) of this section shall cause the offender 28770  
to submit to random drug testing performed by a reputable public 28771  
laboratory to determine whether the individual who is the subject 28772  
of the drug test ingested or was injected with a drug of abuse. 28773

(3) A laboratory or entity that has entered into a contract 28774  
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 28775  
shall perform the random drug tests under division (D)(1) of this 28776  
section in accordance with the applicable standards that are 28777  
included in the terms of that contract. A public laboratory shall 28778  
perform the random drug tests under division (D)(2) of this 28779  
section in accordance with the standards set forth in the policies 28780  
and procedures established by the department of rehabilitation and 28781  
correction pursuant to section 5120.63 of the Revised Code. An 28782

offender who is required under division (A)(1) of this section to 28783  
submit to random drug testing as a condition of release under a 28784  
community control sanction and whose test results indicate that 28785  
the offender ingested or was injected with a drug of abuse shall 28786  
pay the fee for the drug test if the department of probation or 28787  
the adult parole authority that has general control and 28788  
supervision of the offender requires payment of a fee. A 28789  
laboratory or entity that performs the random drug testing on an 28790  
offender under division (D)(1) or (2) of this section shall 28791  
transmit the results of the drug test to the appropriate 28792  
department of probation or the adult parole authority that has 28793  
general control and supervision of the offender under division 28794  
(A)(2)(a) of this section. 28795

**Sec. 2929.20.** (A) As used in this section: 28796

(1)(a) Except as provided in division (A)(1)(b) of this 28797  
section, "eligible offender" means any person who, on or after 28798  
April 7, 2009, is serving a stated prison term that includes one 28799  
or more nonmandatory prison terms. 28800

(b) "Eligible offender" does not include any person who, on 28801  
or after April 7, 2009, is serving a stated prison term for any of 28802  
the following criminal offenses that was a felony and was 28803  
committed while the person held a public office in this state: 28804

(i) A violation of section 2921.02, 2921.03, 2921.05, 28805  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 28806  
Code; 28807

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 28808  
2921.12 of the Revised Code, when the conduct constituting the 28809  
violation was related to the duties of the offender's public 28810  
office or to the offender's actions as a public official holding 28811  
that public office; 28812

(iii) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(1)(b)(i) of this section;	28813 28814 28815 28816
(iv) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(1)(b)(ii) of this section, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office;	28817 28818 28819 28820 28821 28822 28823
(v) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A)(1)(b)(i) or described in division (A)(1)(b)(iii) of this section;	28824 28825 28826
(vi) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A)(1)(b)(ii) or described in division (A)(1)(b)(iv) of this section, if the conduct constituting the offense that was the subject of the conspiracy, that would have constituted the offense attempted, or constituting the offense in which the offender was complicit was or would have been related to the duties of the offender's public office or to the offender's actions as a public official holding that public office.	28827 28828 28829 28830 28831 28832 28833 28834 28835
(2) "Nonmandatory prison term" means a prison term that is not a mandatory prison term.	28836 28837
(3) "Public office" means any elected federal, state, or local government office in this state.	28838 28839
(4) "Victim's representative" has the same meaning as in section 2930.01 of the Revised Code.	28840 28841
(5) "Imminent danger of death," "medically incapacitated," and "terminal illness" have the same meanings as in section	28842 28843

2967.05 of the Revised Code. 28844

(B) On the motion of an eligible offender or upon its own 28845  
motion, the sentencing court may reduce the eligible offender's 28846  
aggregated nonmandatory prison term or terms through a judicial 28847  
release under this section. 28848

(C) An eligible offender may file a motion for judicial 28849  
release with the sentencing court within the following applicable 28850  
periods: 28851

(1) If the aggregated nonmandatory prison term or terms is 28852  
less than two years, the eligible offender may file the motion ~~not~~ 28853  
~~earlier than thirty days~~ at any time after the offender is 28854  
delivered to a state correctional institution or, if the prison 28855  
term includes a mandatory prison term or terms, ~~not earlier than~~ 28856  
~~thirty days~~ at any time after the expiration of all mandatory 28857  
prison terms. 28858

(2) If the aggregated nonmandatory prison term or terms is at 28859  
least two years but less than five years, the eligible offender 28860  
may file the motion not earlier than one hundred eighty days after 28861  
the offender is delivered to a state correctional institution or, 28862  
if the prison term includes a mandatory prison term or terms, not 28863  
earlier than one hundred eighty days after the expiration of all 28864  
mandatory prison terms. 28865

(3) If the aggregated nonmandatory prison term or terms is 28866  
five years, the eligible offender may file the motion not earlier 28867  
than the date on which the eligible offender has served four years 28868  
of the offender's stated prison term or, if the prison term 28869  
includes a mandatory prison term or terms, not earlier than four 28870  
years after the expiration of all mandatory prison terms. 28871

(4) If the aggregated nonmandatory prison term or terms is 28872  
more than five years but not more than ten years, the eligible 28873  
offender may file the motion not earlier than the date on which 28874



the eligible offender has served five years of the offender's 28875  
stated prison term or, if the prison term includes a mandatory 28876  
prison term or terms, not earlier than five years after the 28877  
expiration of all mandatory prison terms. 28878

(5) If the aggregated nonmandatory prison term or terms is 28879  
more than ten years, the eligible offender may file the motion not 28880  
earlier than the later of the date on which the offender has 28881  
served one-half of the offender's stated prison term or the date 28882  
specified in division (C)(4) of this section. 28883

(D) Upon receipt of a timely motion for judicial release 28884  
filed by an eligible offender under division (C) of this section 28885  
or upon the sentencing court's own motion made within the 28886  
appropriate time specified in that division, the court may deny 28887  
the motion without a hearing or schedule a hearing on the motion. 28888  
The court shall not grant the motion without a hearing. If a court 28889  
denies a motion without a hearing, the court later may consider 28890  
judicial release for that eligible offender on a subsequent motion 28891  
filed by that eligible offender unless the court denies the motion 28892  
with prejudice. If a court denies a motion with prejudice, the 28893  
court may later consider judicial release on its own motion. If a 28894  
court denies a motion after a hearing, the court shall not 28895  
consider a subsequent motion for that eligible offender. The court 28896  
shall hold only one hearing for any eligible offender. 28897

A hearing under this section shall be conducted in open court 28898  
not less than thirty or more than sixty days after the motion is 28899  
filed, provided that the court may delay the hearing for one 28900  
hundred eighty additional days. If the court holds a hearing, the 28901  
court shall enter a ruling on the motion within ten days after the 28902  
hearing. If the court denies the motion without a hearing, the 28903  
court shall enter its ruling on the motion within sixty days after 28904  
the motion is filed. 28905

(E) If a court schedules a hearing under division (D) of this 28906

section, the court shall notify the eligible offender and the head of the state correctional institution in which the eligible offender is confined prior to the hearing. The head of the state correctional institution immediately shall notify the appropriate person at the department of rehabilitation and correction of the hearing, and the department within twenty-four hours after receipt of the notice, shall post on the database it maintains pursuant to section 5120.66 of the Revised Code the offender's name and all of the information specified in division (A)(1)(c)(i) of that section. If the court schedules a hearing for judicial release, the court promptly shall give notice of the hearing to the prosecuting attorney of the county in which the eligible offender was indicted. Upon receipt of the notice from the court, the prosecuting attorney shall do whichever of the following is applicable:

(1) Subject to division (E)(2) of this section, notify the victim of the offense or the victim's representative pursuant to division (B) of section 2930.16 of the Revised Code;

(2) If the offense was an offense of violence that is a felony of the first, second, or third degree, except as otherwise provided in this division, notify the victim or the victim's representative of the hearing regardless of whether the victim or victim's representative has requested the notification. The notice of the hearing shall not be given under this division to a victim or victim's representative if the victim or victim's representative has requested pursuant to division (B)(2) of section 2930.03 of the Revised Code that the victim or the victim's representative not be provided the notice. If notice is to be provided to a victim or victim's representative under this division, the prosecuting attorney may give the notice by any reasonable means, including regular mail, telephone, and electronic mail, in accordance with division (D)(1) of section

2930.16 of the Revised Code. If the notice is based on an offense 28939  
committed prior to March 22, 2013, the notice also shall include 28940  
the opt-out information described in division (D)(1) of section 28941  
2930.16 of the Revised Code. The prosecuting attorney, in 28942  
accordance with division (D)(2) of section 2930.16 of the Revised 28943  
Code, shall keep a record of all attempts to provide the notice, 28944  
and of all notices provided, under this division. Division (E)(2) 28945  
of this section, and the notice-related provisions of division (K) 28946  
of this section, division (D)(1) of section 2930.16, division (H) 28947  
of section 2967.12, division (E)(1)(b) of section 2967.19, 28948  
division (A)(3)(b) of section 2967.26, division (D)(1) of section 28949  
2967.28, and division (A)(2) of section 5149.101 of the Revised 28950  
Code enacted in the act in which division (E)(2) of this section 28951  
was enacted, shall be known as "Roberta's Law." 28952

(F) Upon an offender's successful completion of 28953  
rehabilitative activities, the head of the state correctional 28954  
institution may notify the sentencing court of the successful 28955  
completion of the activities. 28956

(G) Prior to the date of the hearing on a motion for judicial 28957  
release under this section, the head of the state correctional 28958  
institution in which the eligible offender is confined shall send 28959  
to the court an institutional summary report on the eligible 28960  
offender's conduct in the institution and in any institution from 28961  
which the eligible offender may have been transferred. Upon the 28962  
request of the prosecuting attorney of the county in which the 28963  
eligible offender was indicted or of any law enforcement agency, 28964  
the head of the state correctional institution, at the same time 28965  
the person sends the institutional summary report to the court, 28966  
also shall send a copy of the report to the requesting prosecuting 28967  
attorney and law enforcement agencies. The institutional summary 28968  
report shall cover the eligible offender's participation in 28969  
school, vocational training, work, treatment, and other 28970

rehabilitative activities and any disciplinary action taken 28971  
against the eligible offender. The report shall be made part of 28972  
the record of the hearing. A presentence investigation report is 28973  
not required for judicial release. 28974

(H) If the court grants a hearing on a motion for judicial 28975  
release under this section, the eligible offender shall attend the 28976  
hearing if ordered to do so by the court. Upon receipt of a copy 28977  
of the journal entry containing the order, the head of the state 28978  
correctional institution in which the eligible offender is 28979  
incarcerated shall deliver the eligible offender to the sheriff of 28980  
the county in which the hearing is to be held. The sheriff shall 28981  
convey the eligible offender to and from the hearing. 28982

(I) At the hearing on a motion for judicial release under 28983  
this section, the court shall afford the eligible offender and the 28984  
eligible offender's attorney an opportunity to present written 28985  
and, if present, oral information relevant to the motion. The 28986  
court shall afford a similar opportunity to the prosecuting 28987  
attorney, the victim or the victim's representative, and any other 28988  
person the court determines is likely to present additional 28989  
relevant information. The court shall consider any statement of a 28990  
victim made pursuant to section 2930.14 or 2930.17 of the Revised 28991  
Code, any victim impact statement prepared pursuant to section 28992  
2947.051 of the Revised Code, and any report made under division 28993  
(G) of this section. The court may consider any written statement 28994  
of any person submitted to the court pursuant to division (L) of 28995  
this section. After ruling on the motion, the court shall notify 28996  
the victim of the ruling in accordance with sections 2930.03 and 28997  
2930.16 of the Revised Code. 28998

(J)(1) A court shall not grant a judicial release under this 28999  
section to an eligible offender who is imprisoned for a felony of 29000  
the first or second degree, or to an eligible offender who 29001  
committed an offense under Chapter 2925. or 3719. of the Revised 29002

Code and for whom there was a presumption under section 2929.13 of 29003  
the Revised Code in favor of a prison term, unless the court, with 29004  
reference to factors under section 2929.12 of the Revised Code, 29005  
finds both of the following: 29006

(a) That a sanction other than a prison term would adequately 29007  
punish the offender and protect the public from future criminal 29008  
violations by the eligible offender because the applicable factors 29009  
indicating a lesser likelihood of recidivism outweigh the 29010  
applicable factors indicating a greater likelihood of recidivism; 29011

(b) That a sanction other than a prison term would not demean 29012  
the seriousness of the offense because factors indicating that the 29013  
eligible offender's conduct in committing the offense was less 29014  
serious than conduct normally constituting the offense outweigh 29015  
factors indicating that the eligible offender's conduct was more 29016  
serious than conduct normally constituting the offense. 29017

(2) A court that grants a judicial release to an eligible 29018  
offender under division (J)(1) of this section shall specify on 29019  
the record both findings required in that division and also shall 29020  
list all the factors described in that division that were 29021  
presented at the hearing. 29022

(K) If the court grants a motion for judicial release under 29023  
this section, the court shall order the release of the eligible 29024  
offender, shall place the eligible offender under an appropriate 29025  
community control sanction, under appropriate conditions, and 29026  
under the supervision of the department of probation serving the 29027  
court and shall reserve the right to reimpose the sentence that it 29028  
reduced if the offender violates the sanction. If the court 29029  
reimposes the reduced sentence, it may do so either concurrently 29030  
with, or consecutive to, any new sentence imposed upon the 29031  
eligible offender as a result of the violation that is a new 29032  
offense. Except as provided in division (R)(2) of this section, 29033  
the period of community control shall be no longer than five 29034

years. The court, in its discretion, may reduce the period of 29035  
community control by the amount of time the eligible offender 29036  
spent in jail or prison for the offense and in prison. If the 29037  
court made any findings pursuant to division (J)(1) of this 29038  
section, the court shall serve a copy of the findings upon counsel 29039  
for the parties within fifteen days after the date on which the 29040  
court grants the motion for judicial release. 29041

If the court grants a motion for judicial release, the court 29042  
shall notify the appropriate person at the department of 29043  
rehabilitation and correction, and the department shall post 29044  
notice of the release on the database it maintains pursuant to 29045  
section 5120.66 of the Revised Code. The court also shall notify 29046  
the prosecuting attorney of the county in which the eligible 29047  
offender was indicted that the motion has been granted. Unless the 29048  
victim or the victim's representative has requested pursuant to 29049  
division (B)(2) of section 2930.03 of the Revised Code that the 29050  
victim or victim's representative not be provided the notice, the 29051  
prosecuting attorney shall notify the victim or the victim's 29052  
representative of the judicial release in any manner, and in 29053  
accordance with the same procedures, pursuant to which the 29054  
prosecuting attorney is authorized to provide notice of the 29055  
hearing pursuant to division (E)(2) of this section. If the notice 29056  
is based on an offense committed prior to March 22, 2013, the 29057  
notice to the victim or victim's representative also shall include 29058  
the opt-out information described in division (D)(1) of section 29059  
2930.16 of the Revised Code. 29060

(L) In addition to and independent of the right of a victim 29061  
to make a statement pursuant to section 2930.14, 2930.17, or 29062  
2946.051 of the Revised Code and any right of a person to present 29063  
written information or make a statement pursuant to division (I) 29064  
of this section, any person may submit to the court, at any time 29065  
prior to the hearing on the offender's motion for judicial 29066

release, a written statement concerning the effects of the 29067  
offender's crime or crimes, the circumstances surrounding the 29068  
crime or crimes, the manner in which the crime or crimes were 29069  
perpetrated, and the person's opinion as to whether the offender 29070  
should be released. 29071

(M) The changes to this section that are made on September 29072  
30, 2011, apply to any judicial release decision made on or after 29073  
September 30, 2011, for any eligible offender. 29074

(N) Notwithstanding the eligibility requirements specified in 29075  
division (A) of this section and the filing time frames specified 29076  
in division (C) of this section and notwithstanding the findings 29077  
required under division (J) of this section, the sentencing court, 29078  
upon the court's own motion and after considering whether the 29079  
release of the offender into society would create undue risk to 29080  
public safety, may grant a judicial release to an offender who is 29081  
not serving a life sentence at any time during the offender's 29082  
imposed sentence when the director of rehabilitation and 29083  
correction certifies to the sentencing court through the chief 29084  
medical officer for the department of rehabilitation and 29085  
correction that the offender is in imminent danger of death, is 29086  
medically incapacitated, or is suffering from a terminal illness. 29087

(O) The director of rehabilitation and correction shall not 29088  
certify any offender under division (N) of this section who is 29089  
serving a death sentence. 29090

(P) A motion made by the court under division (N) of this 29091  
section is subject to the notice, hearing, and other procedural 29092  
requirements specified in divisions (D), (E), (G), (H), (I), (K), 29093  
and (L) of this section, except for the following: 29094

(1) The court may waive the offender's appearance at any 29095  
hearing scheduled by the court if the offender's condition makes 29096  
it impossible for the offender to participate meaningfully in the 29097

proceeding. 29098

(2) The court may grant the motion without a hearing, 29099  
provided that the prosecuting attorney and victim or victim's 29100  
representative to whom notice of the hearing was provided under 29101  
division (E) of this section indicate that they do not wish to 29102  
participate in the hearing or present information relevant to the 29103  
motion. 29104

(Q) The court may request health care records from the 29105  
department of rehabilitation and correction to verify the 29106  
certification made under division (N) of this section. 29107

(R)(1) If the court grants judicial release under division 29108  
(N) of this section, the court shall do all of the following: 29109

(a) Order the release of the offender; 29110

(b) Place the offender under an appropriate community control 29111  
sanction, under appropriate conditions; 29112

(c) Place the offender under the supervision of the 29113  
department of probation serving the court or under the supervision 29114  
of the adult parole authority. 29115

(2) The court, in its discretion, may revoke the judicial 29116  
release if the offender violates the community control sanction 29117  
described in division (R)(1) of this section. The period of that 29118  
community control is not subject to the five-year limitation 29119  
described in division (K) of this section and shall not expire 29120  
earlier than the date on which all of the offender's mandatory 29121  
prison terms expire. 29122

(S) If the health of an offender who is released under 29123  
division (N) of this section improves so that the offender is no 29124  
longer terminally ill, medically incapacitated, or in imminent 29125  
danger of death, the court shall, upon the court's own motion, 29126  
revoke the judicial release. The court shall not grant the motion 29127



without a hearing unless the offender waives a hearing. If a 29128  
hearing is held, the court shall afford the offender and the 29129  
offender's attorney an opportunity to present written and, if the 29130  
offender or the offender's attorney is present, oral information 29131  
relevant to the motion. The court shall afford a similar 29132  
opportunity to the prosecuting attorney, the victim or the 29133  
victim's representative, and any other person the court determines 29134  
is likely to present additional relevant information. A court that 29135  
grants a motion under this division shall specify its findings on 29136  
the record. 29137

**Sec. 2929.34.** (A) A person who is convicted of or pleads 29138  
guilty to aggravated murder, murder, or an offense punishable by 29139  
life imprisonment and who is sentenced to a term of life 29140  
imprisonment or a prison term pursuant to that conviction shall 29141  
serve that term in an institution under the control of the 29142  
department of rehabilitation and correction. 29143

(B)(1) A person who is convicted of or pleads guilty to a 29144  
felony other than aggravated murder, murder, or an offense 29145  
punishable by life imprisonment and who is sentenced to a term of 29146  
imprisonment or a prison term pursuant to that conviction shall 29147  
serve that term as follows: 29148

(a) Subject to divisions (B)(1)(b) ~~and~~, (B)(2), and (B)(3) of 29149  
this section, in an institution under the control of the 29150  
department of rehabilitation and correction if the term is a 29151  
prison term or as otherwise determined by the sentencing court 29152  
pursuant to section 2929.16 of the Revised Code if the term is not 29153  
a prison term; 29154

(b) In a facility of a type described in division (G)(1) of 29155  
section 2929.13 of the Revised Code, if the offender is sentenced 29156  
pursuant to that division. 29157

(2) If the term is a prison term, the person may be 29158

imprisoned in a jail that is not a minimum security jail pursuant 29159  
to agreement under section 5120.161 of the Revised Code between 29160  
the department of rehabilitation and correction and the local 29161  
authority that operates the jail. 29162

(3)(a) As used in divisions (B)(3)(a) to (d) of this section: 29163

(i) "Target county" means Franklin county, Cuyahoga county, 29164  
Hamilton county, Summit county, Montgomery county, Lucas county, 29165  
Butler county, Stark county, Lorain county, and Mahoning county. 29166

(ii) "Voluntary county" means any county in which the board 29167  
of county commissioners of the county and the administrative judge 29168  
of the general division of the court of common pleas of the county 29169  
enter into an agreement of the type described in division 29170  
(B)(3)(b) of this section and in which the agreement has not been 29171  
terminated as described in that division. 29172

(b) In any county other than a target county, the board of 29173  
county commissioners of the county and the administrative judge of 29174  
the general division of the court of common pleas of the county 29175  
may agree to having the county participate in the procedures 29176  
regarding local and state confinement established under division 29177  
(B)(3)(c) of this section. A board of county commissioners and an 29178  
administrative judge of a court of common pleas that enter into an 29179  
agreement of the type described in this division may terminate the 29180  
agreement, but a termination under this division shall take effect 29181  
only at the end of the state fiscal biennium in which the 29182  
termination decision is made. 29183

(c) Except as provided in division (B)(3)(d) of this section, 29184  
on and after July 1, 2018, no person sentenced by the court of 29185  
common pleas of a target county or of a voluntary county to a 29186  
prison term that is twelve months or less for a felony of the 29187  
fifth degree shall serve the term in an institution under the 29188  
control of the department of rehabilitation and correction. The 29189

person shall instead serve the sentence as a term of confinement 29190  
in a facility of a type described in division (C) or (D) of this 29191  
section. Nothing in this division or in section 5120.116 of the 29192  
Revised Code relieves the state of its obligation to pay for the 29193  
cost of confinement of the person in a community-based 29194  
correctional facility under division (D) of this section. 29195

(d) Division (B)(3)(c) of this section does not apply to any 29196  
person to whom any of the following apply: 29197

(i) The felony of the fifth degree was an offense of 29198  
violence, as defined in section 2901.01 of the Revised Code, a sex 29199  
offense under Chapter 2907. of the Revised Code, or any offense 29200  
for which a mandatory prison term is required. 29201

(ii) The person previously has been convicted of or pleaded 29202  
guilty to any felony offense of violence, as defined in section 29203  
2901.01 of the Revised Code. 29204

(iii) The person previously has been convicted of or pleaded 29205  
guilty to any felony sex offense under Chapter 2907. of the 29206  
Revised Code. 29207

(iv) The person's sentence is required to be served 29208  
concurrently to any other sentence imposed upon the person for a 29209  
felony that is required to be served in an institution under the 29210  
control of the department of rehabilitation and correction. 29211

(C) A person who is convicted of or pleads guilty to one or 29212  
more misdemeanors and who is sentenced to a jail term or term of 29213  
imprisonment pursuant to the conviction or convictions shall serve 29214  
that term in a county, multicounty, municipal, municipal-county, 29215  
or multicounty-municipal jail or workhouse; in a community 29216  
alternative sentencing center or district community alternative 29217  
sentencing center when authorized by section 307.932 of the 29218  
Revised Code; or, if the misdemeanor or misdemeanors are not 29219  
offenses of violence, in a minimum security jail. 29220

(D) Nothing in this section prohibits the commitment, 29221  
referral, or sentencing of a person who is convicted of or pleads 29222  
guilty to a felony to a community-based correctional facility. 29223

**Sec. 2941.51.** (A) Counsel appointed to a case or selected by 29224  
an indigent person under division (E) of section 120.16 or 29225  
division (E) of section 120.26 of the Revised Code, or otherwise 29226  
appointed by the court, except for counsel appointed by the court 29227  
to provide legal representation for a person charged with a 29228  
violation of an ordinance of a municipal corporation, shall be 29229  
paid for their services by the county the compensation and 29230  
expenses that the trial court approves. Each request for payment 29231  
shall ~~be accompanied by~~ include a financial disclosure form ~~and an~~ 29232  
~~affidavit of indigency that~~ are completed by the indigent person 29233  
on ~~forms~~ a form prescribed by the state public defender. 29234  
Compensation and expenses shall not exceed the amounts fixed by 29235  
the board of county commissioners pursuant to division (B) of this 29236  
section. 29237

(B) The board of county commissioners shall establish a 29238  
schedule of fees by case or on an hourly basis to be paid by the 29239  
county for legal services provided by appointed counsel. Prior to 29240  
establishing such schedule, the board shall request the bar 29241  
association or associations of the county to submit a proposed 29242  
schedule for cases other than capital cases. The schedule 29243  
submitted shall be subject to the review, amendment, and approval 29244  
of the board of county commissioners, except with respect to 29245  
capital cases. With respect to capital cases, the schedule shall 29246  
provide for fees by case or on an hourly basis to be paid to 29247  
counsel in the amount or at the rate set by the capital case 29248  
attorney fee council pursuant to division (D) of section 120.33 of 29249  
the Revised Code, and the board of county commissioners shall 29250  
approve that amount or rate. 29251

With respect to capital cases, counsel shall be paid 29252  
compensation and expenses in accordance with the amount or at the 29253  
rate set by the capital case attorney fee council pursuant to 29254  
division (D) of section 120.33 of the Revised Code. 29255

(C) In a case where counsel have been appointed to conduct an 29256  
appeal under Chapter 120. of the Revised Code, such compensation 29257  
shall be fixed by the court of appeals or the supreme court, as 29258  
provided in divisions (A) and (B) of this section. 29259

(D) The fees and expenses approved by the court under this 29260  
section shall not be taxed as part of the costs and shall be paid 29261  
by the county. However, if the person represented has, or 29262  
reasonably may be expected to have, the means to meet some part of 29263  
the cost of the services rendered to the person, the person shall 29264  
pay the county an amount that the person reasonably can be 29265  
expected to pay. Pursuant to section 120.04 of the Revised Code, 29266  
the county shall pay to the state public defender a percentage of 29267  
the payment received from the person in an amount proportionate to 29268  
the percentage of the costs of the person's case that were paid to 29269  
the county by the state public defender pursuant to this section. 29270  
The money paid to the state public defender shall be credited to 29271  
the client payment fund created pursuant to division (B)(5) of 29272  
section 120.04 of the Revised Code. 29273

(E) The county auditor shall draw a warrant on the county 29274  
treasurer for the payment of such counsel in the amount fixed by 29275  
the court, plus the expenses that the court fixes and certifies to 29276  
the auditor. The county auditor shall report periodically, but not 29277  
less than annually, to the board of county commissioners and to 29278  
the Ohio public defender commission the amounts paid out pursuant 29279  
to the approval of the court under this section, separately 29280  
stating costs and expenses that are reimbursable under section 29281  
120.35 of the Revised Code. The board, after review and approval 29282  
of the auditor's report, may then certify it to the state public 29283

defender for reimbursement. The request for reimbursement shall be 29284  
accompanied by a financial disclosure form completed by each 29285  
indigent person for whom counsel was provided on a form prescribed 29286  
by the state public defender. The state public defender shall 29287  
review the report and, in accordance with the standards, 29288  
guidelines, and maximums established pursuant to divisions (B)(7) 29289  
and (8) of section 120.04 of the Revised Code, pay fifty per cent 29290  
of the total cost, other than costs and expenses that are 29291  
reimbursable under section 120.35 of the Revised Code, if any, of 29292  
paying appointed counsel in each county and pay ~~fifty~~ one hundred 29293  
per cent of costs and expenses that are reimbursable under section 29294  
120.35 of the Revised Code, if any, to the board. 29295

(F) If any county system for paying appointed counsel fails 29296  
to maintain the standards for the conduct of the system 29297  
established by the rules of the Ohio public defender commission 29298  
pursuant to divisions (B) and (C) of section 120.03 of the Revised 29299  
Code or the standards established by the state public defender 29300  
pursuant to division (B)(7) of section 120.04 of the Revised Code, 29301  
the commission shall notify the board of county commissioners of 29302  
the county that the county system for paying appointed counsel has 29303  
failed to comply with its rules. Unless the board corrects the 29304  
conduct of its appointed counsel system to comply with the rules 29305  
within ninety days after the date of the notice, the state public 29306  
defender may deny all or part of the county's reimbursement from 29307  
the state provided for in this section. 29308

**Sec. 2953.25.** (A) As used in this section: 29309

(1) "Collateral sanction" means a penalty, disability, or 29310  
disadvantage that is related to employment or occupational 29311  
licensing, however denominated, as a result of the individual's 29312  
conviction of or plea of guilty to an offense and that applies by 29313  
operation of law in this state whether or not the penalty, 29314

disability, or disadvantage is included in the sentence or 29315  
judgment imposed. 29316

"Collateral sanction" does not include imprisonment, 29317  
probation, parole, supervised release, forfeiture, restitution, 29318  
fine, assessment, or costs of prosecution. 29319

(2) "Decision-maker" includes, but is not limited to, the 29320  
state acting through a department, agency, board, commission, or 29321  
instrumentality established by the law of this state for the 29322  
exercise of any function of government, a political subdivision, 29323  
an educational institution, or a government contractor or 29324  
subcontractor made subject to this section by contract, law, or 29325  
ordinance. 29326

(3) "Department-funded program" means a residential or 29327  
nonresidential program that is not a term in a state correctional 29328  
institution, that is funded in whole or part by the department of 29329  
rehabilitation and correction, and that is imposed as a sanction 29330  
for an offense, as part of a sanction that is imposed for an 29331  
offense, or as a term or condition of any sanction that is imposed 29332  
for an offense. 29333

(4) "Designee" means the person designated by the deputy 29334  
director of the division of parole and community services to 29335  
perform the duties designated in division (B) of this section. 29336

(5) "Division of parole and community services" means the 29337  
division of parole and community services of the department of 29338  
rehabilitation and correction. 29339

(6) "Offense" means any felony or misdemeanor under the laws 29340  
of this state. 29341

(7) "Political subdivision" has the same meaning as in 29342  
section 2969.21 of the Revised Code. 29343

(8) "Discretionary civil impact," "licensing agency," and 29344

"mandatory civil impact" have the same meanings as in section 29345  
2961.21 of the Revised Code. 29346

~~(B)(1) After the provisions of this division become operative 29347~~  
~~as described in division (J) of this section, an An individual who 29348~~  
is subject to one or more collateral sanctions as a result of 29349  
being convicted of or pleading guilty to an offense and who either 29350  
has served a term in a state correctional institution for any 29351  
offense or has spent time in a department-funded program for any 29352  
offense may file a petition with the designee of the deputy 29353  
director of the division of parole and community services for a 29354  
certificate of qualification for employment. 29355

~~(2) After the provisions of this division become operative as 29356~~  
~~described in division (J) of this section, an An individual who is 29357~~  
subject to one or more collateral sanctions as a result of being 29358  
convicted of or pleading guilty to an offense and who is not in a 29359  
category described in division (B)(1) of this section may file a 29360  
~~petition with the court of common pleas of the county in which the 29361~~  
~~person resides or with the designee of the deputy director of the 29362~~  
~~division of parole and community services for a certificate of 29363~~  
qualification for employment by doing either of the following: 29364

(a) In the case of an individual who resides in this state, 29365  
filing a petition with the court of common pleas of the county in 29366  
which the person resides or with the designee of the deputy 29367  
director of the division of parole and community services; 29368

(b) In the case of an individual who resides outside of this 29369  
state, filing a petition with the court of common pleas of any 29370  
county in which any conviction or plea of guilty from which the 29371  
individual seeks relief was entered or with the designee of the 29372  
deputy director of the division of parole and community services. 29373

(3) A petition under division (B)(1) or (2) of this section 29374  
shall be made on a copy of the form prescribed by the division of 29375



parole and community services under division (J) of this section 29376  
and shall contain all of the information described in division (F) 29377  
of this section. 29378

(4) ~~An~~ (a) Except as provided in division (B)(4)(b) of this 29379  
section, an individual may file a petition under division (B)(1) 29380  
or (2) of this section at any time after the expiration of 29381  
whichever of the following is applicable: 29382

~~(a)~~(i) If the offense that resulted in the collateral 29383  
sanction from which the individual seeks relief is a felony, at 29384  
any time after the expiration of one year from the date of release 29385  
of the individual from any period of incarceration in a state or 29386  
local correctional facility that was imposed for that offense and 29387  
all periods of supervision imposed after release from the period 29388  
of incarceration or, if the individual was not incarcerated for 29389  
that offense, at any time after the expiration of one year from 29390  
the date of the individual's final release from all other 29391  
sanctions imposed for that offense. 29392

~~(b)~~(ii) If the offense that resulted in the collateral 29393  
sanction from which the individual seeks relief is a misdemeanor, 29394  
at any time after the expiration of six months from the date of 29395  
release of the individual from any period of incarceration in a 29396  
local correctional facility that was imposed for that offense and 29397  
all periods of supervision imposed after release from the period 29398  
of incarceration or, if the individual was not incarcerated for 29399  
that offense, at any time after the expiration of six months from 29400  
the date of the final release of the individual from all sanctions 29401  
imposed for that offense including any period of supervision. 29402

(b) The department of rehabilitation and correction may 29403  
establish criteria by rule adopted under Chapter 119. of the 29404  
Revised Code that, if satisfied by an individual, would allow the 29405  
individual to file a petition before the expiration of six months 29406  
or one year from the date of final release, whichever is 29407

applicable under division (B)(4)(a) of this section. 29408

(5)(a) A designee that receives a petition for a 29409  
~~certification~~ certificate of qualification for employment from an 29410  
individual under division (B)(1) or (2) of this section shall 29411  
review the petition to determine whether it is complete. If the 29412  
petition is complete, the designee shall forward the petition, and 29413  
any other information the designee possesses that relates to the 29414  
petition, to the court of common pleas of the county in which the 29415  
individual resides if the individual submitting the petition 29416  
resides in this state or, if the individual resides outside of 29417  
this state, to the court of common pleas of the county in which 29418  
the conviction or plea of guilty from which the individual seeks 29419  
relief was entered. 29420

(b) A court of common pleas that receives a petition for a 29421  
certificate of qualification for employment from an individual 29422  
under division (B)(2) of this section, or that is forwarded a 29423  
petition for such a certificate under division (B)(5)(a) of this 29424  
section, shall attempt to determine all other courts in this state 29425  
in which the individual was convicted of or pleaded guilty to an 29426  
offense other than the offense from which the individual is 29427  
seeking relief. The court that receives or is forwarded the 29428  
petition shall notify all other courts in this state that it 29429  
determines under this division were courts in which the individual 29430  
was convicted of or pleaded guilty to an offense other than the 29431  
offense from which the individual is seeking relief that the 29432  
individual has filed the petition and that the court may send 29433  
comments regarding the possible issuance of the certificate. 29434

A court of common pleas that receives a petition for a 29435  
certificate of qualification for employment under division (B)(2) 29436  
of this section shall notify the county's prosecuting attorney ~~of~~ 29437  
~~the county in which the individual resides~~ that the individual has 29438  
filed the petition. 29439

A court of common pleas that receives a petition for a certificate of qualification for employment under division (B)(2) of this section, or that is forwarded a petition for qualification under division (B)(5)(a) of this section may direct the clerk of court to process and record all notices required in or under this section.

(C)(1) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B)(2) of this section or being forwarded a petition for such a certificate under division (B)(5)(a) of this section, the court shall review the individual's petition, the individual's criminal history, all filings submitted by the prosecutor or by the victim in accordance with rules adopted by the division of parole and community services, the applicant's military service record, if applicable, and whether the applicant has an emotional, mental, or physical condition that is traceable to the applicant's military service in the armed forces of the United States and that was a contributing factor in the commission of the offense or offenses, and all other relevant evidence. The court may order any report, investigation, or disclosure by the individual that the court believes is necessary for the court to reach a decision on whether to approve the individual's petition for a certificate of qualification for employment.

(2) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B)(2) of this section or being forwarded a petition for such a certificate under division (B)(5)(a) of this section, except as otherwise provided in this division, the court shall decide whether to issue the certificate within sixty days after the court receives or is forwarded the completed petition and all information requested for the court to make that decision. Upon request of the individual who filed the petition, the court may

extend the sixty-day period specified in this division. 29472

(3) Subject to division (C)(5) of this section, a court that 29473  
receives an individual's petition for a certificate of 29474  
qualification for employment under division (B)(2) of this section 29475  
or that is forwarded a petition for such a certificate under 29476  
division (B)(5)(a) of this section may issue a certificate of 29477  
qualification for employment, at the court's discretion, if the 29478  
court finds that the individual has established all of the 29479  
following by a preponderance of the evidence: 29480

(a) Granting the petition will materially assist the 29481  
individual in obtaining employment or occupational licensing. 29482

(b) The individual has a substantial need for the relief 29483  
requested in order to live a law-abiding life. 29484

(c) Granting the petition would not pose an unreasonable risk 29485  
to the safety of the public or any individual. 29486

(4) The submission of an incomplete petition by an individual 29487  
shall not be grounds for the designee or court to deny the 29488  
petition. 29489

~~(5) A court that receives an individual's petition for a 29490  
certificate of qualification for employment under division (B)(2) 29491  
of this section or that is forwarded a petition for such a 29492  
certificate under division (B)(5)(a) of this section shall not 29493  
issue a certificate of qualification for employment that grants 29494  
the individual shall not create relief from any of the following 29495  
collateral sanctions: 29496~~

(a) Requirements imposed by Chapter 2950. of the Revised Code 29497  
and rules adopted under sections 2950.13 and 2950.132 of the 29498  
Revised Code; 29499

(b) A driver's license, commercial driver's license, or 29500  
probationary license suspension, cancellation, or revocation 29501

pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the Revised Code if the relief sought is available pursuant to section 4510.021 or division (B) of section 4510.13 of the Revised Code;

(c) Restrictions on employment as a prosecutor or law enforcement officer;

(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu of conviction for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, or 2919.123 of the Revised Code;

(e) The immediate suspension of a license, certificate, or evidence of registration that is imposed upon an individual holding a license as a health care professional under Title XLVII of the Revised Code pursuant to division (C) of section 3719.121 of the Revised Code;

(f) The denial or ineligibility for employment in a pain clinic under division (B)(4) of section 4729.552 of the Revised Code;

(g) The mandatory suspension of a license that is imposed on an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code pursuant to section 3123.43 of the Revised Code.

(6) If a court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the

petition, the court shall provide written notice to the individual 29533  
of the court's denial. The court may place conditions on the 29534  
individual regarding the individual's filing of any subsequent 29535  
petition for a certificate of qualification for employment. The 29536  
written notice must notify the individual of any conditions placed 29537  
on the individual's filing of a subsequent petition for a 29538  
certificate of qualification for employment. 29539

If a court of common pleas that receives an individual's 29540  
petition for a certificate of qualification for employment under 29541  
division (B)(2) of this section or that is forwarded a petition 29542  
for such a certificate under division (B)(5)(a) of this section 29543  
denies the petition, the individual may appeal the decision to the 29544  
court of appeals only if the individual alleges that the denial 29545  
was an abuse of discretion on the part of the court of common 29546  
pleas. 29547

(D)(1) A certificate of qualification for employment issued 29548  
to an individual lifts the automatic bar of a collateral sanction, 29549  
and a decision-maker shall consider on a case-by-case basis 29550  
whether to grant or deny the issuance or restoration of an 29551  
occupational license or an employment opportunity, notwithstanding 29552  
the individual's possession of the certificate, without, however, 29553  
reconsidering or rejecting any finding made by a designee or court 29554  
under division (C)(3) of this section. 29555

(2) The certificate constitutes a rebuttable presumption that 29556  
the person's criminal convictions are insufficient evidence that 29557  
the person is unfit for the license, employment opportunity, or 29558  
certification in question. Notwithstanding the presumption 29559  
established under this division, the agency may deny the license 29560  
or certification for the person if it determines that the person 29561  
is unfit for issuance of the license. 29562

(3) If an employer that has hired a person who has been 29563  
issued a certificate of qualification for employment applies to a 29564

licensing agency for a license or certification and the person has 29565  
a conviction or guilty plea that otherwise would bar the person's 29566  
employment with the employer or licensure for the employer because 29567  
of a mandatory civil impact, the agency shall give the person 29568  
individualized consideration, notwithstanding the mandatory civil 29569  
impact, the mandatory civil impact shall be considered for all 29570  
purposes to be a discretionary civil impact, and the certificate 29571  
constitutes a rebuttable presumption that the person's criminal 29572  
convictions are insufficient evidence that the person is unfit for 29573  
the employment, or that the employer is unfit for the license or 29574  
certification, in question. 29575

(E) A certificate of qualification for employment does not 29576  
grant the individual to whom the certificate was issued relief 29577  
from the mandatory civil impacts identified in division (A)(1) of 29578  
section 2961.01 or division (B) of section 2961.02 of the Revised 29579  
Code. 29580

(F) A petition for a certificate of qualification for 29581  
employment filed by an individual under division (B)(1) or (2) of 29582  
this section shall include all of the following: 29583

(1) The individual's name, date of birth, and social security 29584  
number; 29585

(2) All aliases of the individual and all social security 29586  
numbers associated with those aliases; 29587

(3) The individual's residence address, including the city, 29588  
county, and state of residence and zip code; 29589

(4) The length of time that the individual has ~~been a~~ 29590  
~~resident of this~~ resided in the individual's current state of 29591  
residence, expressed in years and months of residence; 29592

(5) ~~The name or type of each collateral sanction from which~~ 29593  
~~the individual is requesting a certificate of qualification for~~ 29594  
employment A general statement as to why the individual has filed 29595

<u>the petition and how the certificate of qualification for</u>	29596
<u>employment would assist the individual;</u>	29597
(6) A summary of the individual's criminal history with	29598
respect to each offense that is a disqualification from employment	29599
or licensing in an occupation or profession, including the years	29600
of each conviction or plea of guilty for each of those offenses;	29601
(7) A summary of the individual's employment history,	29602
specifying the name of, and dates of employment with, each	29603
employer;	29604
(8) Verifiable references and endorsements;	29605
(9) The name of one or more immediate family members of the	29606
individual, or other persons with whom the individual has a close	29607
relationship, who support the individual's reentry plan;	29608
(10) A summary of the reason the individual believes the	29609
certificate of qualification for employment should be granted;	29610
(11) Any other information required by rule by the department	29611
of rehabilitation and correction.	29612
(G)(1) In a judicial or administrative proceeding alleging	29613
negligence or other fault, a certificate of qualification for	29614
employment issued to an individual under this section may be	29615
introduced as evidence of a person's due care in hiring,	29616
retaining, licensing, leasing to, admitting to a school or	29617
program, or otherwise transacting business or engaging in activity	29618
with the individual to whom the certificate of qualification for	29619
employment was issued if the person knew of the certificate at the	29620
time of the alleged negligence or other fault.	29621
(2) In any proceeding on a claim against an employer for	29622
negligent hiring, a certificate of qualification for employment	29623
issued to an individual under this section shall provide immunity	29624
for the employer as to the claim if the employer knew of the	29625



certificate at the time of the alleged negligence. 29626

(3) If an employer hires an individual who has been issued a 29627  
certificate of qualification for employment under this section, if 29628  
the individual, after being hired, subsequently demonstrates 29629  
dangerousness or is convicted of or pleads guilty to a felony, and 29630  
if the employer retains the individual as an employee after the 29631  
demonstration of dangerousness or the conviction or guilty plea, 29632  
the employer may be held liable in a civil action that is based on 29633  
or relates to the retention of the individual as an employee only 29634  
if it is proved by a preponderance of the evidence that the person 29635  
having hiring and firing responsibility for the employer had 29636  
actual knowledge that the employee was dangerous or had been 29637  
convicted of or pleaded guilty to the felony and was willful in 29638  
retaining the individual as an employee after the demonstration of 29639  
dangerousness or the conviction or guilty plea of which the person 29640  
has actual knowledge. 29641

(H) A certificate of qualification for employment issued 29642  
under this section shall be ~~presumptively~~ revoked if the 29643  
individual to whom the certificate of qualification for employment 29644  
was issued is convicted of or pleads guilty to a felony offense 29645  
committed subsequent to the issuance of the certificate of 29646  
qualification for employment. The department of rehabilitation and 29647  
correction shall periodically review the certificates listed in 29648  
the database described in division (K) of this section to identify 29649  
those that are subject to revocation under this division. Upon 29650  
identifying a certificate of qualification for employment that is 29651  
subject to revocation, the department shall note in the database 29652  
that the certificate has been revoked, the reason for revocation, 29653  
and the effective date of revocation, which shall be the date of 29654  
the conviction or plea of guilty subsequent to the issuance of the 29655  
certificate. 29656

(I) A designee's forwarding, or failure to forward, a 29657

petition for a certificate of qualification for employment to a 29658  
court or a court's issuance, or failure to issue, a petition for a 29659  
certificate of qualification for employment to an individual under 29660  
division (B) of this section does not give rise to a claim for 29661  
damages against the department of rehabilitation and correction or 29662  
court. 29663

(J) ~~Not later than ninety days after September 28, 2012, the~~ 29664  
The division of parole and community services shall adopt rules in 29665  
accordance with Chapter 119. of the Revised Code for the 29666  
implementation and administration of this section and shall 29667  
prescribe the form for the petition to be used under division 29668  
(B)(1) or (2) of this section. The form for the petition shall 29669  
include places for all of the information specified in division 29670  
(F) of this section. ~~Upon the adoption of the rules, the~~ 29671  
~~provisions of divisions (A) to (I) of this section become~~ 29672  
~~operative.~~ 29673

(K) The department of rehabilitation and correction shall 29674  
~~conduct a study to determine the manner for transferring the~~ 29675  
~~mechanism for the issuance of a certificate of qualification for~~ 29676  
~~employment created by this section to an electronic database~~ 29677  
~~established and maintained by the department. The maintain a~~ 29678  
~~database to which the mechanism is to be transferred shall include~~ 29679  
~~that identifies~~ granted certificates and revoked certificates and 29680  
~~shall be designed to track~~ tracks the number of certificates 29681  
granted and revoked, the industries, occupations, and professions 29682  
with respect to which the certificates have been most applicable, 29683  
and the types of employers that have accepted the certificates, 29684  
~~and the recidivism rates of individuals who have been issued the~~ 29685  
~~certificates. Not later than the date that is one year after~~ 29686  
~~September 28, 2012, the The department of rehabilitation and~~ 29687  
~~correction shall submit to the general assembly and the governor~~ 29688  
annually create a report that ~~contains the results of the study~~ 29689

~~and recommendations for transferring the mechanism for the~~ 29690  
~~issuance of certificate of qualification for employment created by~~ 29691  
~~this section to an electronic summarizes the information~~ 29692  
~~maintained in the database established and maintained by the~~ 29693  
~~department and shall make the report available to the public on~~ 29694  
~~its internet web site.~~ 29695

~~(L) The department of rehabilitation and correction, in~~ 29696  
~~conjunction with the Ohio judicial conference, shall conduct a~~ 29697  
~~study to determine whether the application process for~~ 29698  
~~certificates of qualification for employment created by this~~ 29699  
~~section is feasible based upon the caseload capacity of the~~ 29700  
~~department and the courts of common pleas. Not later than the date~~ 29701  
~~that is one year after September 28, 2012, the department shall~~ 29702  
~~submit to the general assembly a report that contains the results~~ 29703  
~~of the study and any recommendations for improvement of the~~ 29704  
~~application process.~~ 29705

Sec. 2967.122. (A) Except as provided in division (B) of this 29706  
section, at least two weeks before any offender who is serving a 29707  
sentence for a felony is released from confinement in any state 29708  
correctional institution, the adult parole authority shall provide 29709  
notice of the release to the sheriff of the county in which the 29710  
offender was convicted and to the sheriff of the county in which 29711  
the offender will reside. Notice required by this section may be 29712  
contained in a weekly list of all offenders who are scheduled for 29713  
release. 29714

(B)(1) At least sixty days before the adult parole authority 29715  
recommends a pardon or commutation of sentence for an offender or 29716  
at least sixty days prior to a hearing before the adult parole 29717  
authority regarding a grant of parole to an offender, the adult 29718  
parole authority shall provide notice to the sheriff of the county 29719  
in which the offender was convicted and the county in which the 29720

offender will reside. 29721

(2) At least sixty days before an offender is transferred to 29722  
transitional control under section 2967.26 of the Revised Code, 29723  
the adult parole authority shall provide notice of the pendency of 29724  
the transfer to the sheriff of the county in which the offender 29725  
was convicted and the county in which the offender will reside. 29726

(C) The notice required by divisions (A) and (B) of this 29727  
section shall contain all of the following: 29728

(1) The name of the offender being released; 29729

(2) The date of the offender's release; 29730

(3) The offense for the violation of which the offender was 29731  
convicted and incarcerated; 29732

(4) The date of the offender's conviction pursuant to which 29733  
the offender was incarcerated; 29734

(5) The sentence imposed for that conviction; 29735

(6) The length of any supervision that the offender will be 29736  
under; 29737

(7) The name, business address, and business phone number of 29738  
the offender's supervising officer, if the offender is to be 29739  
supervised upon release; 29740

(8) The address at which the convict will reside. 29741

(D) This section does not apply to the release from 29742  
confinement of an offender if, upon admission to the state 29743  
correctional institution, the offender has less than fourteen days 29744  
to serve on the sentence. 29745

**Sec. 2967.193.** (A)(1) Except as provided in division (C) of 29746  
this section and subject to the maximum aggregate total specified 29747  
in division (A)~~(2)~~(3) of this section, a person confined in a 29748  
state correctional institution or placed in the substance use 29749

disorder treatment program may provisionally earn one day or five 29750  
days of credit, based on the category set forth in division 29751  
(D)(1), (2), (3), (4), or (5) of this section in which the person 29752  
is included, toward satisfaction of the person's stated prison 29753  
term for each completed month during which the person, if confined 29754  
in a state correctional institution, productively participates in 29755  
an education program, vocational training, employment in prison 29756  
industries, treatment for substance abuse, or any other 29757  
constructive program developed by the department with specific 29758  
standards for performance by prisoners or during which the person, 29759  
if placed in the substance use disorder treatment program, 29760  
productively participates in the program. Except as provided in 29761  
division (C) of this section and subject to the maximum aggregate 29762  
total specified in division (A)~~(2)~~(3) of this section, a person so 29763  
confined in a state correctional institution who successfully 29764  
completes two programs or activities of that type may, in 29765  
addition, provisionally earn up to five days of credit toward 29766  
satisfaction of the person's stated prison term for the successful 29767  
completion of the second program or activity. The person shall not 29768  
be awarded any provisional days of credit for the successful 29769  
completion of the first program or activity or for the successful 29770  
completion of any program or activity that is completed after the 29771  
second program or activity. At the end of each calendar month in 29772  
which a person productively participates in a program or activity 29773  
listed in this division or successfully completes a program or 29774  
activity listed in this division, the department of rehabilitation 29775  
and correction shall determine and record the total number of days 29776  
credit that the person provisionally earned in that calendar 29777  
month. If the person in a state correctional institution violates 29778  
prison rules or the person in the substance use disorder treatment 29779  
program violates program or department rules, the department may 29780  
deny the person a credit that otherwise could have been 29781  
provisionally awarded to the person or may withdraw one or more 29782

credits previously provisionally earned by the person. Days of 29783  
credit provisionally earned by a person shall be finalized and 29784  
awarded by the department subject to administrative review by the 29785  
department of the person's conduct. 29786

(2) The Regardless of the category in which a person is 29787  
included in division (D) of this section, and notwithstanding the 29788  
maximum aggregate total specified in division (A)(3) of this 29789  
section, a person who successfully completes any of the following 29790  
shall earn ninety days of credit toward satisfaction of the 29791  
person's stated prison term: 29792

(a) An Ohio high school diploma or Ohio certificate of high 29793  
school equivalence certified by the Ohio central school system; 29794

(b) A therapeutic drug community program; 29795

(c) All three phases of the department of rehabilitation and 29796  
correction's intensive outpatient drug treatment program; 29797

(d) A career technical vocational school program; 29798

(e) A college certification program; 29799

(f) The criteria for a certificate of achievement and 29800  
employability as specified in division (A)(1) of section 2961.22 29801  
of the Revised Code. 29802

(3) Except for persons described in division (A)(2) of this 29803  
section, the aggregate days of credit provisionally earned by a 29804  
person for program or activity participation and program and 29805  
activity completion under this section and the aggregate days of 29806  
credit finally credited to a person under this section shall not 29807  
exceed eight per cent of the total number of days in the person's 29808  
stated prison term. 29809

(B) The department of rehabilitation and correction shall 29810  
adopt rules that specify the programs or activities for which 29811  
credit may be earned under this section, the criteria for 29812

determining productive participation in, or completion of, the programs or activities and the criteria for awarding credit, including criteria for awarding additional credit for successful program or activity completion, and the criteria for denying or withdrawing previously provisionally earned credit as a result of a violation of prison rules, or program or department rules, whichever is applicable.

(C) No person confined in a state correctional institution or placed in a substance use disorder treatment program to whom any of the following applies shall be awarded any days of credit under division (A) of this section:

(1) The person is serving a prison term that section 2929.13 or section 2929.14 of the Revised Code specifies cannot be reduced pursuant to this section or this chapter or is serving a sentence for which section 2967.13 or division (B) of section 2929.143 of the Revised Code specifies that the person is not entitled to any earned credit under this section.

(2) The person is sentenced to death or is serving a prison term or a term of life imprisonment for aggravated murder, murder, or a conspiracy or attempt to commit, or complicity in committing, aggravated murder or murder.

(3) The person is serving a sentence of life imprisonment without parole imposed pursuant to section 2929.03 or 2929.06 of the Revised Code, a prison term or a term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code, or a sentence for a sexually oriented offense that was committed on or after September 30, 2011.

(D) This division does not apply to a determination of whether a person confined in a state correctional institution or placed in a substance use disorder treatment program may earn any days of credit under division (A) of this section for successful

completion of a second program or activity. The determination of 29844  
whether a person confined in a state correctional institution may 29845  
earn one day of credit or five days of credit under division (A) 29846  
of this section for each completed month during which the person 29847  
productively participates in a program or activity specified under 29848  
that division shall be made in accordance with the following: 29849

(1) The offender may earn one day of credit under division 29850  
(A) of this section, except as provided in division (C) of this 29851  
section, if the most serious offense for which the offender is 29852  
confined is any of the following that is a felony of the first or 29853  
second degree: 29854

(a) A violation of division (A) of section 2903.04 or of 29855  
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 29856  
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 29857  
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 29858  
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 29859  
of the Revised Code; 29860

(b) A conspiracy or attempt to commit, or complicity in 29861  
committing, any other offense for which the maximum penalty is 29862  
imprisonment for life or any offense listed in division (D)(1)(a) 29863  
of this section. 29864

(2) The offender may earn one day of credit under division 29865  
(A) of this section, except as provided in division (C) of this 29866  
section, if the offender is serving a stated prison term that 29867  
includes a prison term imposed for a sexually oriented offense 29868  
that the offender committed prior to September 30, 2011. 29869

(3) The offender may earn one day of credit under division 29870  
(A) of this section, except as provided in division (C) of this 29871  
section, if the offender is serving a stated prison term that 29872  
includes a prison term imposed for a felony other than carrying a 29873  
concealed weapon an essential element of which is any conduct or 29874



failure to act expressly involving any deadly weapon or dangerous  
ordnance. 29875  
29876

(4) Except as provided in division (C) of this section, if 29877  
the most serious offense for which the offender is confined is a 29878  
felony of the first or second degree and divisions (D)(1), (2), 29879  
and (3) of this section do not apply to the offender, the offender 29880  
may earn one day of credit under division (A) of this section if 29881  
the offender committed that offense prior to September 30, 2011, 29882  
and the offender may earn five days of credit under division (A) 29883  
of this section if the offender committed that offense on or after 29884  
September 30, 2011. 29885

(5) Except as provided in division (C) of this section, if 29886  
the most serious offense for which the offender is confined is a 29887  
felony of the third, fourth, or fifth degree or an unclassified 29888  
felony and neither division (D)(2) nor (3) of this section applies 29889  
to the offender, the offender may earn one day of credit under 29890  
division (A) of this section if the offender committed that 29891  
offense prior to September 30, 2011, and the offender may earn 29892  
five days of credit under division (A) of this section if the 29893  
offender committed that offense on or after September 30, 2011. 29894

(E) The department annually shall seek and consider the 29895  
written feedback of the Ohio prosecuting attorneys association, 29896  
the Ohio judicial conference, the Ohio public defender, the Ohio 29897  
association of criminal defense lawyers, and other organizations 29898  
and associations that have an interest in the operation of the 29899  
corrections system and the earned credits program under this 29900  
section as part of its evaluation of the program and in 29901  
determining whether to modify the program. 29902

(F) As used in this section: 29903

(1) "Sexually oriented offense" has the same meaning as in 29904  
section 2950.01 of the Revised Code. 29905

(2) "Substance use disorder treatment program" means the 29906  
substance use disorder treatment program established by the 29907  
department of rehabilitation and correction under section 5120.035 29908  
of the Revised Code. 29909

**Sec. 3109.15.** There is hereby created within the department 29910  
of job and family services the children's trust fund board 29911  
consisting of fifteen members. The directors of mental health and 29912  
addiction services, health, and job and family services shall be 29913  
members of the board. Eight public members shall be appointed by 29914  
the governor. These members shall be persons with demonstrated 29915  
knowledge in programs for children, shall be representative of the 29916  
demographic composition of this state, and, to the extent 29917  
practicable, shall be representative of the following categories: 29918  
the educational community; the legal community; the social work 29919  
community; the medical community; the voluntary sector; and 29920  
professional providers of child abuse and child neglect services. 29921  
~~Five of these members shall be residents of metropolitan 29922~~  
~~statistical areas as defined by the United States office of 29923~~  
~~management and budget where the population exceeds four hundred 29924~~  
~~thousand; no two such members shall be residents of the same 29925~~  
~~metropolitan statistical area.~~ Two members of the board shall be 29926  
members of the house of representatives appointed by the speaker 29927  
of the house of representatives and shall be members of two 29928  
different political parties. Two members of the board shall be 29929  
members of the senate appointed by the president of the senate and 29930  
shall be members of two different political parties. All members 29931  
of the board appointed by the speaker of the house of 29932  
representatives or the president of the senate shall serve until 29933  
the expiration of the sessions of the general assembly during 29934  
which they were appointed. They may be reappointed to an unlimited 29935  
number of successive terms of two years at the pleasure of the 29936  
speaker of the house of representatives or president of the 29937

senate. Public members shall serve terms of three years. Each 29938  
member shall serve until the member's successor is appointed, or 29939  
until a period of sixty days has elapsed, whichever occurs first. 29940  
No public member may serve more than two consecutive full terms. 29941  
All vacancies on the board shall be filled for the balance of the 29942  
unexpired term in the same manner as the original appointment. 29943

Any member of the board may be removed by the member's 29944  
appointing authority for misconduct, incompetency, or neglect of 29945  
duty after first being given the opportunity to be heard in the 29946  
member's own behalf. Pursuant to section 3.17 of the Revised Code, 29947  
a member, except a member of the general assembly or a judge of 29948  
any court in the state, who fails to attend at least three-fifths 29949  
of the regular and special meetings held by the board during any 29950  
two-year period forfeits the member's position on the board. 29951

Each member of the board shall serve without compensation but 29952  
shall be reimbursed for all actual and necessary expenses incurred 29953  
in the performance of official duties. 29954

At the beginning of the first year of each even-numbered 29955  
general assembly, the chairperson of the board shall be appointed 29956  
by the speaker of the house of representatives from among members 29957  
of the board who are members of the house of representatives. At 29958  
the beginning of the first year of each odd-numbered general 29959  
assembly, the chairperson of the board shall be appointed by the 29960  
president of the senate from among the members of the board who 29961  
are senate members. 29962

The board shall biennially select a vice-chair from among its 29963  
nonlegislative members. 29964

**Sec. 3111.04.** (A)(1) Except as provided in division (A)(2) of 29965  
this section, an action to determine the existence or nonexistence 29966  
of the father and child relationship may be brought by the child 29967  
or the child's personal representative, the child's mother or her 29968

personal representative, a man alleged or alleging himself to be 29969  
the child's father, the child support enforcement agency of the 29970  
county in which the child resides if the child's mother, father, 29971  
or alleged father is a recipient of public assistance or of 29972  
services under Title IV-D of the "Social Security Act," 88 Stat. 29973  
2351 (1975), 42 U.S.C.A. 651, as amended, or the alleged father's 29974  
personal representative. 29975

(2) A man alleged or alleging himself to be the child's 29976  
father is not eligible to file an action under division (A)(1) of 29977  
this section if the man was convicted of or pleaded guilty to rape 29978  
or sexual battery, the victim of the rape or sexual battery was 29979  
the child's mother, and the child was conceived as a result of the 29980  
rape or sexual battery. 29981

(B) An agreement does not bar an action under this section. 29982

(C) If an action under this section is brought before the 29983  
birth of the child and if the action is contested, all 29984  
proceedings, except service of process and the taking of 29985  
depositions to perpetuate testimony, may be stayed until after the 29986  
birth. 29987

(D) A recipient of public assistance or of services under 29988  
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 29989  
U.S.C.A. 651, as amended, shall cooperate with the child support 29990  
enforcement agency of the county in which a child resides to 29991  
obtain an administrative determination pursuant to sections 29992  
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 29993  
determination pursuant to sections 3111.01 to 3111.18 of the 29994  
Revised Code, of the existence or nonexistence of a parent and 29995  
child relationship between the father and the child. If the 29996  
recipient fails to cooperate, the agency may commence an action to 29997  
determine the existence or nonexistence of a parent and child 29998  
relationship between the father and the child pursuant to sections 29999

3111.01 to 3111.18 of the Revised Code.	30000
(E) As used in this section:	30001
(1) "Public assistance" means <del>all</del> <u>both</u> of the following:	30002
(a) Medicaid;	30003
(b) Ohio works first under Chapter 5107. of the Revised Code;	30004
<del>(c) Disability financial assistance under Chapter 5115. of</del>	30005
<del>the Revised Code.</del>	30006
(2) "Rape" means a violation of section 2907.02 of the	30007
Revised Code or similar law of another state.	30008
(3) "Sexual battery" means a violation of section 2907.03 of	30009
the Revised Code or similar law of another state.	30010
<b>Sec. 3113.06.</b> No father, or mother when she is charged with	30011
the maintenance, of a child under eighteen years of age, or a	30012
mentally or physically handicapped child under age twenty-one, who	30013
is legally a ward of a public children services agency or is the	30014
recipient of aid pursuant to Chapter 5107. <del>or 5115.</del> of the Revised	30015
Code, shall neglect or refuse to pay such agency the reasonable	30016
cost of maintaining such child when such father or mother is able	30017
to do so by reason of property, labor, or earnings.	30018
An offense under this section shall be held committed in the	30019
county in which the agency is located. The agency shall file	30020
charges against any parent who violates this section, unless the	30021
agency files charges under section 2919.21 of the Revised Code, or	30022
unless charges of nonsupport are filed by a relative or guardian	30023
of the child, or unless an action to enforce support is brought	30024
under Chapter 3115. of the Revised Code.	30025
<b>Sec. 3113.07.</b> As used in this section, "executive director"	30026
has the same meaning as in section 5153.01 of the Revised Code.	30027

Sentence may be suspended, if a person, after conviction 30028  
under section 3113.06 of the Revised Code and before sentence 30029  
thereunder, appears before the court of common pleas in which such 30030  
conviction took place and enters into bond to the state in a sum 30031  
fixed by the court at not less than five hundred dollars, with 30032  
sureties approved by such court, conditioned that such person will 30033  
pay, so long as the child remains a ward of the public children 30034  
services agency or a recipient of aid pursuant to Chapter 5107. ~~or~~ 30035  
~~5115.~~ of the Revised Code, to the executive director thereof or to 30036  
a trustee to be named by the court, for the benefit of such agency 30037  
or if the child is a recipient of aid pursuant to Chapter 5107. ~~or~~ 30038  
~~5115.~~ of the Revised Code, to the county department of job and 30039  
family services, the reasonable cost of keeping such child. The 30040  
amount of such costs and the time of payment shall be fixed by the 30041  
court. 30042

The court, in accordance with sections 3119.29 to 3119.56 of 30043  
the Revised Code, shall include in each support order made under 30044  
this section the requirement that one or both of the parents 30045  
provide for the health care needs of the child to the satisfaction 30046  
of the court. 30047

**Sec. 3119.05.** When a court computes the amount of child 30048  
support required to be paid under a court child support order or a 30049  
child support enforcement agency computes the amount of child 30050  
support to be paid pursuant to an administrative child support 30051  
order, all of the following apply: 30052

(A) The parents' current and past income and personal 30053  
earnings shall be verified by electronic means or with suitable 30054  
documents, including, but not limited to, paystubs, employer 30055  
statements, receipts and expense vouchers related to 30056  
self-generated income, tax returns, and all supporting 30057  
documentation and schedules for the tax returns. 30058

(B) The amount of any pre-existing child support obligation 30059  
of a parent under a child support order and the amount of any 30060  
court-ordered spousal support actually paid shall be deducted from 30061  
the gross income of that parent to the extent that payment under 30062  
the child support order or that payment of the court-ordered 30063  
spousal support is verified by supporting documentation. 30064

(C) If other minor children who were born to the parent and a 30065  
person other than the other parent who is involved in the 30066  
immediate child support determination live with the parent, the 30067  
court or agency shall deduct an amount from that parent's gross 30068  
income that equals the number of such minor children times the 30069  
federal income tax exemption for such children less child support 30070  
received for them for the year, not exceeding the federal income 30071  
tax exemption. 30072

(D) When the court or agency calculates the gross income of a 30073  
parent, it shall include the lesser of the following as income 30074  
from overtime and bonuses: 30075

(1) The yearly average of all overtime, commissions, and 30076  
bonuses received during the three years immediately prior to the 30077  
time when the person's child support obligation is being computed; 30078

(2) The total overtime, commissions, and bonuses received 30079  
during the year immediately prior to the time when the person's 30080  
child support obligation is being computed. 30081

(E) When the court or agency calculates the gross income of a 30082  
parent, it shall not include any income earned by the spouse of 30083  
that parent. 30084

(F) The court shall issue a separate order for extraordinary 30085  
medical or dental expenses, including, but not limited to, 30086  
orthodontia, psychological, appropriate private education, and 30087  
other expenses, and may consider the expenses in adjusting a child 30088  
support order. 30089

(G) When a court or agency calculates the amount of child support to be paid pursuant to a court child support order or an administrative child support order, if the combined gross income of both parents is an amount that is between two amounts set forth in the first column of the schedule, the court or agency may use the basic child support obligation that corresponds to the higher of the two amounts in the first column of the schedule, use the basic child support obligation that corresponds to the lower of the two amounts in the first column of the schedule, or calculate a basic child support obligation that is between those two amounts and corresponds proportionally to the parents' actual combined gross income.

(H) When the court or agency calculates gross income, the court or agency, when appropriate, may average income over a reasonable period of years.

(I) Unless it would be unjust or inappropriate and therefore not in the best interests of the child, a court or agency shall not determine a parent to be voluntarily unemployed or underemployed and shall not impute income to that parent if either of the following conditions exist:

(1) The parent is receiving recurring monetary income from means-tested public assistance benefits, including cash assistance payments under the Ohio works first program established under Chapter 5107. of the Revised Code, ~~financial assistance under the disability financial assistance program established under Chapter 5115. of the Revised Code,~~ supplemental security income, or means-tested veterans' benefits;

(2) The parent is incarcerated or institutionalized for a period of twelve months or more with no other available assets, unless the parent is incarcerated for an offense relating to the abuse or neglect of a child who is the subject of the support order or an offense under Title XXIX of the Revised Code when the



obligee or a child who is the subject of the support order is a 30122  
victim of the offense. 30123

(J) When a court or agency requires a parent to pay an amount 30124  
for that parent's failure to support a child for a period of time 30125  
prior to the date the court modifies or issues a court child 30126  
support order or an agency modifies or issues an administrative 30127  
child support order for the current support of the child, the 30128  
court or agency shall calculate that amount using the basic child 30129  
support schedule, worksheets, and child support laws in effect, 30130  
and the incomes of the parents as they existed, for that prior 30131  
period of time. 30132

(K) A court or agency may disregard a parent's additional 30133  
income from overtime or additional employment when the court or 30134  
agency finds that the additional income was generated primarily to 30135  
support a new or additional family member or members, or under 30136  
other appropriate circumstances. 30137

(L) If both parents involved in the immediate child support 30138  
determination have a prior order for support relative to a minor 30139  
child or children born to both parents, the court or agency shall 30140  
collect information about the existing order or orders and 30141  
consider those together with the current calculation for support 30142  
to ensure that the total of all orders for all children of the 30143  
parties does not exceed the amount that would have been ordered if 30144  
all children were addressed in a single judicial or administrative 30145  
proceeding. 30146

**Sec. 3121.03.** If a court or child support enforcement agency 30147  
that issued or modified a support order, or the agency 30148  
administering the support order, is required by the Revised Code 30149  
to issue one or more withholding or deduction notices described in 30150  
this section or other orders described in this section, the court 30151  
or agency shall issue one or more of the following types of 30152

notices or orders, as appropriate, for payment of the support and 30153  
also, if required by the Revised Code or the court, to pay any 30154  
arrearages: 30155

(A)(1) If the court or the child support enforcement agency 30156  
determines that the obligor is receiving income from a payor, the 30157  
court or agency shall require the payor to do all of the 30158  
following: 30159

(a) Withhold from the obligor's income a specified amount for 30160  
support in satisfaction of the support order and begin the 30161  
withholding no later than fourteen business days following the 30162  
date the notice is mailed or transmitted to the payor under 30163  
section 3121.035, 3123.021, or 3123.06 of the Revised Code and 30164  
division (A)(2) of this section or, if the payor is an employer, 30165  
no later than the first pay period that occurs after fourteen 30166  
business days following the date the notice is mailed or 30167  
transmitted; 30168

(b) Send the amount withheld to the office of child support 30169  
in the department of job and family services pursuant to section 30170  
3121.43 of the Revised Code immediately but not later than seven 30171  
business days after the date the obligor is paid; 30172

(c) Continue the withholding at intervals specified in the 30173  
notice until further notice from the court or child support 30174  
enforcement agency. 30175

To the extent possible, the amount specified to be withheld 30176  
shall satisfy the amount ordered for support in the support order 30177  
plus any arrearages owed by the obligor under any prior support 30178  
order that pertained to the same child or spouse, notwithstanding 30179  
any applicable limitations of sections 2329.66, 2329.70, 2716.02, 30180  
2716.041, and 2716.05 of the Revised Code. However, in no case 30181  
shall the sum of the amount to be withheld and any fee withheld by 30182  
the payor as a charge for its services exceed the maximum amount 30183

permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b). 30184  
30185

(2) A court or agency that imposes an income withholding requirement shall, within the applicable time specified in section 3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised Code, send to the obligor's payor by regular mail or via secure federally managed data transmission interface a notice that contains all of the information applicable to withholding notices set forth in section 3121.037 of the Revised Code. The notice is final and is enforceable by the court. 30186  
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(B)(1) If the court or child support enforcement agency determines that the obligor has funds that are not exempt under the laws of this state or the United States from execution, attachment, or other legal process and are on deposit in an account in a financial institution under the jurisdiction of the court that issued the court support order, or in the case of an administrative child support order, under the jurisdiction of the common pleas court of the county in which the agency that issued or is administering the order is located, the court or agency may require any financial institution in which the obligor's funds are on deposit to do all of the following: 30194  
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(a) Deduct from the obligor's account a specified amount for support in satisfaction of the support order and begin the deduction no later than fourteen business days following the date the notice was mailed or transmitted to the financial institution under section 3121.035 or 3123.06 of the Revised Code and division (B)(2) of this section; 30205  
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30210

(b) Send the amount deducted to the office of child support in the department of job and family services pursuant to section 3121.43 of the Revised Code immediately but not later than seven business days after the date the latest deduction was made; 30211  
30212  
30213  
30214

(c) Provide the date on which the amount was deducted; 30215

(d) Continue the deduction at intervals specified in the 30216  
notice until further notice from the court or child support 30217  
enforcement agency. 30218

To the extent possible, the amount to be deducted shall 30219  
satisfy the amount ordered for support in the support order plus 30220  
any arrearages that may be owed by the obligor under any prior 30221  
support order that pertained to the same child or spouse, 30222  
notwithstanding the limitations of sections 2329.66, 2329.70, and 30223  
2716.13 of the Revised Code. 30224

(2) A court or agency that imposes a deduction requirement 30225  
shall, within the applicable period of time specified in section 30226  
3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send 30227  
to the financial institution by regular mail or via secure 30228  
federally managed data transmission interface a notice that 30229  
contains all of the information applicable to deduction notices 30230  
set forth in section 3121.037 of the Revised Code. The notice is 30231  
final and is enforceable by the court. 30232

(C) With respect to any court support order it issues, a 30233  
court may issue an order requiring the obligor to enter into a 30234  
cash bond with the court. The court shall issue the order as part 30235  
of the court support order or, if the court support order has 30236  
previously been issued, as a separate order. The cash bond shall 30237  
be in a sum fixed by the court at not less than five hundred nor 30238  
more than ten thousand dollars, conditioned that the obligor will 30239  
make payment as previously ordered and will pay any arrearages 30240  
under any prior court support order that pertained to the same 30241  
child or spouse. 30242

The order, along with an additional order requiring the 30243  
obligor to immediately notify the child support enforcement 30244  
agency, in writing, if the obligor begins to receive income from a 30245

payor, shall be attached to and served on the obligor at the same 30246  
time as service of the court support order or, if the court 30247  
support order has previously been issued, as soon as possible 30248  
after the issuance of the order under this section. The additional 30249  
order requiring notice by the obligor shall state all of the 30250  
following: 30251

(1) That when the obligor begins to receive income from a 30252  
payor the obligor may request that the court cancel its bond order 30253  
and instead issue a notice requiring the withholding of an amount 30254  
from income for support in accordance with this section; 30255

(2) That when the obligor begins to receive income from a 30256  
payor the court will proceed to collect on the bond if the court 30257  
determines that payments due under the court support order have 30258  
not been made and that the amount that has not been paid is at 30259  
least equal to the support owed for one month under the court 30260  
support order and will issue a notice requiring the withholding of 30261  
an amount from income for support in accordance with this section. 30262  
The notice required of the obligor shall include a description of 30263  
the nature of any new employment, the name and business address of 30264  
any new employer, and any other information reasonably required by 30265  
the court. 30266

The court shall not order an obligor to post a cash bond 30267  
under this section unless the court determines that the obligor 30268  
has the ability to do so. 30269

A child support enforcement agency may not issue a cash bond 30270  
order. If a child support enforcement agency is required to issue 30271  
a withholding or deduction notice under this section with respect 30272  
to a court support order but the agency determines that no 30273  
withholding or deduction notice would be appropriate, the agency 30274  
may request that the court issue a cash bond order under this 30275  
section, and upon the request, the court may issue the order. 30276

(D)(1) If the obligor under a court support order is 30277  
unemployed, has no income, and does not have an account at any 30278  
financial institution, or on request of a child support 30279  
enforcement agency under division (D)(1) or (2) of this section, 30280  
the court shall issue an order requiring the obligor, if able to 30281  
engage in employment, to seek employment or participate in a work 30282  
activity to which a recipient of assistance under Title IV-A of 30283  
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 30284  
as amended, may be assigned as specified in section 407(d) of the 30285  
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 30286  
shall include in the order requirements that the obligor register 30287  
with the OhioMeansJobs web site and to notify the child support 30288  
enforcement agency on obtaining employment, obtaining any income, 30289  
or obtaining ownership of any asset with a value of five hundred 30290  
dollars or more. The court may issue the order regardless of 30291  
whether the obligee to whom the obligor owes support is a 30292  
recipient of assistance under Title IV-A of the "Social Security 30293  
Act." The court shall issue the order as part of a court support 30294  
order or, if a court support order has previously been issued, as 30295  
a separate order. If a child support enforcement agency is 30296  
required to issue a withholding or deduction notice under this 30297  
section with respect to a court support order but determines that 30298  
no withholding or deduction notice would be appropriate, the 30299  
agency may request that the court issue a court order under 30300  
division (D)(1) of this section, and, on the request, the court 30301  
may issue the order. 30302

(2) If the obligor under an administrative child support 30303  
order is unemployed, has no income, and does not have an account 30304  
at any financial institution, the agency shall issue an 30305  
administrative order requiring the obligor, if able to engage in 30306  
employment, to seek employment or participate in a work activity 30307  
to which a recipient of assistance under Title IV-A of the "Social 30308  
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 30309

may be assigned as specified in section 407(d) of the "Social Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall include in the order requirements that the obligor register with the OhioMeansJobs web site and to notify the agency on obtaining employment or income, or ownership of any asset with a value of five hundred dollars or more. The agency may issue the order regardless of whether the obligee to whom the obligor owes support is a recipient of assistance under Title IV-A of the "Social Security Act." If an obligor fails to comply with an administrative order issued pursuant to division (D)(2) of this section, the agency shall submit a request to a court for the court to issue an order under division (D)(1) of this section.

**Sec. 3301.0710.** The state board of education shall adopt rules establishing a statewide program to assess student achievement. The state board shall ensure that all assessments administered under the program are aligned with the academic standards and model curricula adopted by the state board and are created with input from Ohio parents, Ohio classroom teachers, Ohio school administrators, and other Ohio school personnel pursuant to section 3301.079 of the Revised Code.

The assessment program shall be designed to ensure that students who receive a high school diploma demonstrate at least high school levels of achievement in English language arts, mathematics, science, and social studies.

(A)(1) The state board shall prescribe all of the following:

(a) Two statewide achievement assessments, one each designed to measure the level of English language arts and mathematics skill expected at the end of third grade;

(b) ~~Three~~ Two statewide achievement assessments, one each designed to measure the level of English language arts, and mathematics, ~~and social studies~~ skill expected at the end of

fourth grade;	30341
(c) Three statewide achievement assessments, one each	30342
designed to measure the level of English language arts,	30343
mathematics, and science skill expected at the end of fifth grade;	30344
(d) <del>Three</del> <u>Two</u> statewide achievement assessments, one each	30345
designed to measure the level of English language arts, <u>and</u>	30346
<del>mathematics, and social studies</del> skill expected at the end of sixth	30347
grade;	30348
(e) Two statewide achievement assessments, one each designed	30349
to measure the level of English language arts and mathematics	30350
skill expected at the end of seventh grade;	30351
(f) Three statewide achievement assessments, one each	30352
designed to measure the level of English language arts,	30353
mathematics, and science skill expected at the end of eighth	30354
grade.	30355
(2) The state board shall determine and designate at least	30356
five ranges of scores on each of the achievement assessments	30357
described in divisions (A)(1) and (B)(1) of this section. Each	30358
range of scores shall be deemed to demonstrate a level of	30359
achievement so that any student attaining a score within such	30360
range has achieved one of the following:	30361
(a) An advanced level of skill;	30362
(b) An accelerated level of skill;	30363
(c) A proficient level of skill;	30364
(d) A basic level of skill;	30365
(e) A limited level of skill.	30366
(3) For the purpose of implementing division (A) of section	30367
3313.608 of the Revised Code, the state board shall determine and	30368
designate a level of achievement, not lower than the level	30369
designated in division (A)(2)(e) of this section, on the third	30370



grade English language arts assessment for a student to be 30371  
promoted to the fourth grade. The state board shall review and 30372  
adjust upward the level of achievement designated under this 30373  
division each year the test is administered until the level is set 30374  
equal to the level designated in division (A)(2)(c) of this 30375  
section. 30376

(4) Each school district or school shall teach and assess 30377  
social studies in at least the fourth and sixth grades. Any 30378  
assessment in such area shall be determined by the district or 30379  
school and may be formative or summative in nature. The results of 30380  
such assessment shall not be reported to the department of 30381  
education. 30382

(B)(1) The assessments prescribed under division (B)(1) of 30383  
this section shall collectively be known as the Ohio graduation 30384  
tests. The state board shall prescribe five statewide high school 30385  
achievement assessments, one each designed to measure the level of 30386  
reading, writing, mathematics, science, and social studies skill 30387  
expected at the end of tenth grade. The state board shall 30388  
designate a score in at least the range designated under division 30389  
(A)(2)(c) of this section on each such assessment that shall be 30390  
deemed to be a passing score on the assessment as a condition 30391  
toward granting high school diplomas under sections 3313.61, 30392  
3313.611, 3313.612, and 3325.08 of the Revised Code until the 30393  
assessment system prescribed by section 3301.0712 of the Revised 30394  
Code is implemented in accordance with division (B)(2) of this 30395  
section. 30396

(2) The state board shall prescribe an assessment system in 30397  
accordance with section 3301.0712 of the Revised Code that shall 30398  
replace the Ohio graduation tests beginning with students who 30399  
enter the ninth grade for the first time on or after July 1, 2014. 30400

(3) The state board may enter into a reciprocal agreement 30401  
with the appropriate body or agency of any other state that has 30402

similar statewide achievement assessment requirements for 30403  
receiving high school diplomas, under which any student who has 30404  
met an achievement assessment requirement of one state is 30405  
recognized as having met the similar requirement of the other 30406  
state for purposes of receiving a high school diploma. For 30407  
purposes of this section and sections 3301.0711 and 3313.61 of the 30408  
Revised Code, any student enrolled in any public high school in 30409  
this state who has met an achievement assessment requirement 30410  
specified in a reciprocal agreement entered into under this 30411  
division shall be deemed to have attained at least the applicable 30412  
score designated under this division on each assessment required 30413  
by division (B)(1) or (2) of this section that is specified in the 30414  
agreement. 30415

(C) The superintendent of public instruction shall designate 30416  
dates and times for the administration of the assessments 30417  
prescribed by divisions (A) and (B) of this section. 30418

In prescribing administration dates pursuant to this 30419  
division, the superintendent shall designate the dates in such a 30420  
way as to allow a reasonable length of time between the 30421  
administration of assessments prescribed under this section and 30422  
any administration of the national assessment of educational 30423  
progress given to students in the same grade level pursuant to 30424  
section 3301.27 of the Revised Code or federal law. 30425

(D) The state board shall prescribe a practice version of 30426  
each Ohio graduation test described in division (B)(1) of this 30427  
section that is of comparable length to the actual test. 30428

(E) Any committee established by the department of education 30429  
for the purpose of making recommendations to the state board 30430  
regarding the state board's designation of scores on the 30431  
assessments described by this section shall inform the state board 30432  
of the probable percentage of students who would score in each of 30433  
the ranges established under division (A)(2) of this section on 30434

the assessments if the committee's recommendations are adopted by 30435  
the state board. To the extent possible, these percentages shall 30436  
be disaggregated by gender, major racial and ethnic groups, 30437  
limited English proficient students, economically disadvantaged 30438  
students, students with disabilities, and migrant students. 30439

**Sec. 3301.0711.** (A) The department of education shall: 30440

(1) Annually furnish to, grade, and score all assessments 30441  
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 30442  
the Revised Code to be administered by city, local, exempted 30443  
village, and joint vocational school districts, except that each 30444  
district shall score any assessment administered pursuant to 30445  
division (B)(10) of this section. Each assessment so furnished 30446  
shall include the data verification code of the student to whom 30447  
the assessment will be administered, as assigned pursuant to 30448  
division (D)(2) of section 3301.0714 of the Revised Code. In 30449  
furnishing the practice versions of Ohio graduation tests 30450  
prescribed by division (D) of section 3301.0710 of the Revised 30451  
Code, the department shall make the tests available on its web 30452  
site for reproduction by districts. In awarding contracts for 30453  
grading assessments, the department shall give preference to 30454  
Ohio-based entities employing Ohio residents. 30455

(2) Adopt rules for the ethical use of assessments and 30456  
prescribing the manner in which the assessments prescribed by 30457  
section 3301.0710 of the Revised Code shall be administered to 30458  
students. 30459

(B) Except as provided in divisions (C) and (J) of this 30460  
section, the board of education of each city, local, and exempted 30461  
village school district shall, in accordance with rules adopted 30462  
under division (A) of this section: 30463

(1) Administer the English language arts assessments 30464  
prescribed under division (A)(1)(a) of section 3301.0710 of the 30465

Revised Code twice annually to all students in the third grade who 30466  
have not attained the score designated for that assessment under 30467  
division (A)(2)(c) of section 3301.0710 of the Revised Code. 30468

(2) Administer the mathematics assessment prescribed under 30469  
division (A)(1)(a) of section 3301.0710 of the Revised Code at 30470  
least once annually to all students in the third grade. 30471

(3) Administer the assessments prescribed under division 30472  
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 30473  
annually to all students in the fourth grade. 30474

(4) Administer the assessments prescribed under division 30475  
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 30476  
annually to all students in the fifth grade. 30477

(5) Administer the assessments prescribed under division 30478  
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 30479  
annually to all students in the sixth grade. 30480

(6) Administer the assessments prescribed under division 30481  
(A)(1)(e) of section 3301.0710 of the Revised Code at least once 30482  
annually to all students in the seventh grade. 30483

(7) Administer the assessments prescribed under division 30484  
(A)(1)(f) of section 3301.0710 of the Revised Code at least once 30485  
annually to all students in the eighth grade. 30486

(8) Except as provided in division (B)(9) of this section, 30487  
administer any assessment prescribed under division (B)(1) of 30488  
section 3301.0710 of the Revised Code as follows: 30489

(a) At least once annually to all tenth grade students and at 30490  
least twice annually to all students in eleventh or twelfth grade 30491  
who have not yet attained the score on that assessment designated 30492  
under that division; 30493

(b) To any person who has successfully completed the 30494  
curriculum in any high school or the individualized education 30495

program developed for the person by any high school pursuant to 30496  
section 3323.08 of the Revised Code but has not received a high 30497  
school diploma and who requests to take such assessment, at any 30498  
time such assessment is administered in the district. 30499

(9) In lieu of the board of education of any city, local, or 30500  
exempted village school district in which the student is also 30501  
enrolled, the board of a joint vocational school district shall 30502  
administer any assessment prescribed under division (B)(1) of 30503  
section 3301.0710 of the Revised Code at least twice annually to 30504  
any student enrolled in the joint vocational school district who 30505  
has not yet attained the score on that assessment designated under 30506  
that division. A board of a joint vocational school district may 30507  
also administer such an assessment to any student described in 30508  
division (B)(8)(b) of this section. 30509

(10) If the district has a three-year average graduation rate 30510  
of not more than seventy-five per cent, administer each assessment 30511  
prescribed by division (D) of section 3301.0710 of the Revised 30512  
Code in September to all ninth grade students who entered ninth 30513  
grade prior to July 1, 2014. 30514

Except as provided in section 3313.614 of the Revised Code 30515  
for administration of an assessment to a person who has fulfilled 30516  
the curriculum requirement for a high school diploma but has not 30517  
passed one or more of the required assessments, the assessments 30518  
prescribed under division (B)(1) of section 3301.0710 of the 30519  
Revised Code shall not be administered after the date specified in 30520  
the rules adopted by the state board of education under division 30521  
(D)(1) of section 3301.0712 of the Revised Code. 30522

(11)(a) Except as provided in division (B)(11)(b) of this 30523  
section, administer the assessments prescribed by division (B)(2) 30524  
of section 3301.0710 and section 3301.0712 of the Revised Code in 30525  
accordance with the timeline and plan for implementation of those 30526  
assessments prescribed by rule of the state board adopted under 30527

division (D)(1) of section 3301.0712 of the Revised Code; 30528

(b) A student who has presented evidence to the district or 30529  
school of having satisfied the condition prescribed by division 30530  
(A)(1) of section 3313.618 of the Revised Code to qualify for a 30531  
high school diploma prior to the date of the administration of the 30532  
assessment prescribed under division (B)(1) of section 3301.0712 30533  
of the Revised Code shall not be required to take that assessment. 30534  
However, no board shall prohibit a student who is not required to 30535  
take such assessment from taking the assessment. 30536

(C)(1)(a) In the case of a student receiving special 30537  
education services under Chapter 3323. of the Revised Code, the 30538  
individualized education program developed for the student under 30539  
that chapter shall specify the manner in which the student will 30540  
participate in the assessments administered under this section, 30541  
except that a student with significant cognitive disabilities to 30542  
whom an alternate assessment is administered in accordance with 30543  
division (C)(1) of this section and a student determined to have a 30544  
disability that includes an intellectual disability as outlined in 30545  
guidance issued by the department shall not be required to take 30546  
the assessment prescribed under division (B)(1) of section 30547  
3301.0712 of the Revised Code. The individualized education 30548  
program may excuse the student from taking any particular 30549  
assessment required to be administered under this section if it 30550  
instead specifies an alternate assessment method approved by the 30551  
department of education as conforming to requirements of federal 30552  
law for receipt of federal funds for disadvantaged pupils. To the 30553  
extent possible, the individualized education program shall not 30554  
excuse the student from taking an assessment unless no reasonable 30555  
accommodation can be made to enable the student to take the 30556  
assessment. No board shall prohibit a student who is not required 30557  
to take an assessment under division (C)(1) of this section from 30558  
taking the assessment. 30559

(b) Any alternate assessment approved by the department for a student under this division shall produce measurable results comparable to those produced by the assessment it replaces in order to allow for the student's results to be included in the data compiled for a school district or building under section 3302.03 of the Revised Code.

(c)(i) Any student enrolled in a chartered nonpublic school who has been identified, based on an evaluation conducted in accordance with section 3323.03 of the Revised Code or section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a child with a disability shall be excused from taking any particular assessment required to be administered under this section if a plan developed for the student pursuant to rules adopted by the state board excuses the student from taking that assessment.

(ii) A student with significant cognitive disabilities to whom an alternate assessment is administered in accordance with division (C)(1) of this section and a student determined to have a disability that includes an intellectual disability as outlined in guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(iii) In the case of any student so excused from taking an assessment under division (C)(1)(c) of this section, the chartered nonpublic school shall not prohibit the student from taking the assessment.

(2) A district board may, for medical reasons or other good cause, excuse a student from taking an assessment administered under this section on the date scheduled, but that assessment shall be administered to the excused student not later than nine days following the scheduled date. The district board shall annually report the number of students who have not taken one or

more of the assessments required by this section to the state board not later than the thirtieth day of June.

(3) As used in this division, "limited English proficient student" has the same meaning as in 20 U.S.C. 7801.

No school district board shall excuse any limited English proficient student from taking any particular assessment required to be administered under this section, except as follows:

(a) Any limited English proficient student who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(b) Any limited English proficient student who has been enrolled in United States schools for less than one full school year shall not be required to take any reading, writing, or English language arts assessment.

However, no board shall prohibit a limited English proficient student who is not required to take an assessment under division (C)(3) of this section from taking the assessment. A board may permit any limited English proficient student to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department. For each limited English proficient student, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department.

(4)(a) The governing authority of a chartered nonpublic school may excuse a limited English proficient student from taking any assessment administered under this section.

(b) No governing authority shall require a limited English proficient student who has been enrolled in United States schools



for less than two years and for whom no appropriate accommodations 30623  
are available based on guidance issued by the department to take 30624  
the assessment prescribed under division (B)(1) of section 30625  
3301.0712 of the Revised Code. 30626

(c) No governing authority shall prohibit a limited English 30627  
proficient student from taking an assessment from which the 30628  
student was excused under division (C)(4) of this section. 30629

(D)(1) In the school year next succeeding the school year in 30630  
which the assessments prescribed by division (A)(1) or (B)(1) of 30631  
section 3301.0710 of the Revised Code or former division (A)(1), 30632  
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 30633  
existed prior to September 11, 2001, are administered to any 30634  
student, the board of education of any school district in which 30635  
the student is enrolled in that year shall provide to the student 30636  
intervention services commensurate with the student's performance, 30637  
including any intensive intervention required under section 30638  
3313.608 of the Revised Code, in any skill in which the student 30639  
failed to demonstrate at least a score at the proficient level on 30640  
the assessment. 30641

(2) Following any administration of the assessments 30642  
prescribed by division (D) of section 3301.0710 of the Revised 30643  
Code to ninth grade students, each school district that has a 30644  
three-year average graduation rate of not more than seventy-five 30645  
per cent shall determine for each high school in the district 30646  
whether the school shall be required to provide intervention 30647  
services to any students who took the assessments. In determining 30648  
which high schools shall provide intervention services based on 30649  
the resources available, the district shall consider each school's 30650  
graduation rate and scores on the practice assessments. The 30651  
district also shall consider the scores received by ninth grade 30652  
students on the English language arts and mathematics assessments 30653  
prescribed under division (A)(1)(f) of section 3301.0710 of the 30654

Revised Code in the eighth grade in determining which high schools shall provide intervention services. 30655  
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Each high school selected to provide intervention services under this division shall provide intervention services to any student whose results indicate that the student is failing to make satisfactory progress toward being able to attain scores at the proficient level on the Ohio graduation tests. Intervention services shall be provided in any skill in which a student demonstrates unsatisfactory progress and shall be commensurate with the student's performance. Schools shall provide the intervention services prior to the end of the school year, during the summer following the ninth grade, in the next succeeding school year, or at any combination of those times. 30657  
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(E) Except as provided in section 3313.608 of the Revised Code and division (N) of this section, no school district board of education shall utilize any student's failure to attain a specified score on an assessment administered under this section as a factor in any decision to deny the student promotion to a higher grade level. However, a district board may choose not to promote to the next grade level any student who does not take an assessment administered under this section or make up an assessment as provided by division (C)(2) of this section and who is not exempt from the requirement to take the assessment under division (C)(3) of this section. 30668  
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(F) No person shall be charged a fee for taking any assessment administered under this section. 30679  
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(G)(1) Each school district board shall designate one location for the collection of assessments administered in the spring under division (B)(1) of this section and those administered under divisions (B)(2) to (7) of this section. Each district board shall submit the assessments to the entity with which the department contracts for the scoring of the assessments 30681  
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as follows: 30687

(a) If the district's total enrollment in grades kindergarten 30688  
through twelve during the first full school week of October was 30689  
less than two thousand five hundred, not later than the Friday 30690  
after all of the assessments have been administered; 30691

(b) If the district's total enrollment in grades kindergarten 30692  
through twelve during the first full school week of October was 30693  
two thousand five hundred or more, but less than seven thousand, 30694  
not later than the Monday after all of the assessments have been 30695  
administered; 30696

(c) If the district's total enrollment in grades kindergarten 30697  
through twelve during the first full school week of October was 30698  
seven thousand or more, not later than the Tuesday after all of 30699  
the assessments have been administered. 30700

However, any assessment that a student takes during the 30701  
make-up period described in division (C)(2) of this section shall 30702  
be submitted not later than the Friday following the day the 30703  
student takes the assessment. 30704

(2) The department or an entity with which the department 30705  
contracts for the scoring of the assessment shall send to each 30706  
school district board a list of the individual scores of all 30707  
persons taking a state achievement assessment as follows: 30708

(a) Except as provided in division (G)(2)(b) or (c) of this 30709  
section, within forty-five days after the administration of the 30710  
assessments prescribed by sections 3301.0710 and 3301.0712 of the 30711  
Revised Code, but in no case shall the scores be returned later 30712  
than the thirtieth day of June following the administration; 30713

(b) In the case of the third-grade English language arts 30714  
assessment, within forty-five days after the administration of 30715  
that assessment, but in no case shall the scores be returned later 30716  
than the fifteenth day of June following the administration; 30717

(c) In the case of the writing component of an assessment or 30718  
end-of-course examination in the area of English language arts, 30719  
except for the third-grade English language arts assessment, the 30720  
results may be sent after forty-five days of the administration of 30721  
the writing component, but in no case shall the scores be returned 30722  
later than the thirtieth day of June following the administration. 30723

(3) For assessments administered under this section by a 30724  
joint vocational school district, the department or entity shall 30725  
also send to each city, local, or exempted village school district 30726  
a list of the individual scores of any students of such city, 30727  
local, or exempted village school district who are attending 30728  
school in the joint vocational school district. 30729

(H) Individual scores on any assessments administered under 30730  
this section shall be released by a district board only in 30731  
accordance with section 3319.321 of the Revised Code and the rules 30732  
adopted under division (A) of this section. No district board or 30733  
its employees shall utilize individual or aggregate results in any 30734  
manner that conflicts with rules for the ethical use of 30735  
assessments adopted pursuant to division (A) of this section. 30736

(I) Except as provided in division (G) of this section, the 30737  
department or an entity with which the department contracts for 30738  
the scoring of the assessment shall not release any individual 30739  
scores on any assessment administered under this section. The 30740  
state board shall adopt rules to ensure the protection of student 30741  
confidentiality at all times. The rules may require the use of the 30742  
data verification codes assigned to students pursuant to division 30743  
(D)(2) of section 3301.0714 of the Revised Code to protect the 30744  
confidentiality of student scores. 30745

(J) Notwithstanding division (D) of section 3311.52 of the 30746  
Revised Code, this section does not apply to the board of 30747  
education of any cooperative education school district except as 30748  
provided under rules adopted pursuant to this division. 30749

(1) In accordance with rules that the state board shall 30750  
adopt, the board of education of any city, exempted village, or 30751  
local school district with territory in a cooperative education 30752  
school district established pursuant to divisions (A) to (C) of 30753  
section 3311.52 of the Revised Code may enter into an agreement 30754  
with the board of education of the cooperative education school 30755  
district for administering any assessment prescribed under this 30756  
section to students of the city, exempted village, or local school 30757  
district who are attending school in the cooperative education 30758  
school district. 30759

(2) In accordance with rules that the state board shall 30760  
adopt, the board of education of any city, exempted village, or 30761  
local school district with territory in a cooperative education 30762  
school district established pursuant to section 3311.521 of the 30763  
Revised Code shall enter into an agreement with the cooperative 30764  
district that provides for the administration of any assessment 30765  
prescribed under this section to both of the following: 30766

(a) Students who are attending school in the cooperative 30767  
district and who, if the cooperative district were not 30768  
established, would be entitled to attend school in the city, 30769  
local, or exempted village school district pursuant to section 30770  
3313.64 or 3313.65 of the Revised Code; 30771

(b) Persons described in division (B)(8)(b) of this section. 30772

Any assessment of students pursuant to such an agreement 30773  
shall be in lieu of any assessment of such students or persons 30774  
pursuant to this section. 30775

(K)(1) Except as otherwise provided in division (K)(1) or (2) 30776  
of this section, each chartered nonpublic school for which at 30777  
least sixty-five per cent of its total enrollment is made up of 30778  
students who are participating in state scholarship programs shall 30779  
administer the elementary assessments prescribed by section 30780

3301.0710 of the Revised Code. In accordance with procedures and 30781  
deadlines prescribed by the department, the parent or guardian of 30782  
a student enrolled in the school who is not participating in a 30783  
state scholarship program may submit notice to the chief 30784  
administrative officer of the school that the parent or guardian 30785  
does not wish to have the student take the elementary assessments 30786  
prescribed for the student's grade level under division (A) of 30787  
section 3301.0710 of the Revised Code. If a parent or guardian 30788  
submits an opt-out notice, the school shall not administer the 30789  
assessments to that student. This option does not apply to any 30790  
assessment required for a high school diploma under section 30791  
3313.612 of the Revised Code. 30792

(2) A chartered nonpublic school may submit to the 30793  
superintendent of public instruction a request for a waiver from 30794  
administering the elementary assessments prescribed by division 30795  
(A) of section 3301.0710 of the Revised Code. The state 30796  
superintendent shall approve or disapprove a request for a waiver 30797  
submitted under division (K)(2) of this section. No waiver shall 30798  
be approved for any school year prior to the 2015-2016 school 30799  
year. 30800

To be eligible to submit a request for a waiver, a chartered 30801  
nonpublic school shall meet the following conditions: 30802

(a) At least ninety-five per cent of the students enrolled in 30803  
the school are children with disabilities, as defined under 30804  
section 3323.01 of the Revised Code, or have received a diagnosis 30805  
by a school district or from a physician, including a 30806  
neuropsychiatrist or psychiatrist, or a psychologist who is 30807  
authorized to practice in this or another state as having a 30808  
condition that impairs academic performance, such as dyslexia, 30809  
dyscalculia, attention deficit hyperactivity disorder, or 30810  
Asperger's syndrome. 30811

(b) The school has solely served a student population 30812

described in division (K)(1)(a) of this section for at least ten 30813  
years. 30814

(c) The school provides to the department at least five years 30815  
of records of internal testing conducted by the school that 30816  
affords the department data required for accountability purposes, 30817  
including diagnostic assessments and nationally standardized 30818  
norm-referenced achievement assessments that measure reading and 30819  
math skills. 30820

(3) Any chartered nonpublic school that is not subject to 30821  
division (K)(1) of this section may participate in the assessment 30822  
program by administering any of the assessments prescribed by 30823  
division (A) of section 3301.0710 of the Revised Code. The chief 30824  
administrator of the school shall specify which assessments the 30825  
school will administer. Such specification shall be made in 30826  
writing to the superintendent of public instruction prior to the 30827  
first day of August of any school year in which assessments are 30828  
administered and shall include a pledge that the nonpublic school 30829  
will administer the specified assessments in the same manner as 30830  
public schools are required to do under this section and rules 30831  
adopted by the department. 30832

(4) The department of education shall furnish the assessments 30833  
prescribed by section 3301.0710 of the Revised Code to each 30834  
chartered nonpublic school that is subject to division (K)(1) of 30835  
this section or participates under division (K)(3) of this 30836  
section. 30837

(L) If a chartered nonpublic school is educating students in 30838  
grades nine through twelve, the following shall apply: 30839

(1) For a student who is enrolled in a chartered nonpublic 30840  
school that is accredited through the independent schools 30841  
association of the central states and who is attending the school 30842  
under a state scholarship program, the student shall either take 30843

all of the assessments prescribed by division (B) of section 30844  
3301.0712 of the Revised Code or take an alternative assessment 30845  
approved by the department under section 3313.619 of the Revised 30846  
Code. However, a student who is excused from taking an assessment 30847  
under division (C) of this section or has presented evidence to 30848  
the chartered nonpublic school of having satisfied the condition 30849  
prescribed by division (A)(1) of section 3313.618 of the Revised 30850  
Code to qualify for a high school diploma prior to the date of the 30851  
administration of the assessment prescribed under division (B)(1) 30852  
of section 3301.0712 of the Revised Code shall not be required to 30853  
take that assessment. No governing authority of a chartered 30854  
nonpublic school shall prohibit a student who is not required to 30855  
take such assessment from taking the assessment. 30856

(2) For a student who is enrolled in a chartered nonpublic 30857  
school that is accredited through the independent schools 30858  
association of the central states, and who is not attending the 30859  
school under a state scholarship program, the student shall not be 30860  
required to take any assessment prescribed under section 3301.0712 30861  
or 3313.619 of the Revised Code. 30862

(3)(a) Except as provided in division (L)(3)(b) of this 30863  
section, for a student who is enrolled in a chartered nonpublic 30864  
school that is not accredited through the independent schools 30865  
association of the central states, regardless of whether the 30866  
student is attending or is not attending the school under a state 30867  
scholarship program, the student shall do one of the following: 30868

(i) Take all of the assessments prescribed by division (B) of 30869  
section 3301.0712 of the Revised Code; 30870

(ii) Take only the assessment prescribed by division (B)(1) 30871  
of section 3301.0712 of the Revised Code, provided that the 30872  
student's school publishes the results of that assessment for each 30873  
graduating class. The published results of that assessment shall 30874  
include the overall composite scores, mean scores, twenty-fifth 30875



percentile scores, and seventy-fifth percentile scores for each 30876  
subject area of the assessment. 30877

(iii) Take an alternative assessment approved by the 30878  
department under section 3313.619 of the Revised Code. 30879

(b) A student who is excused from taking an assessment under 30880  
division (C) of this section or has presented evidence to the 30881  
chartered nonpublic school of having satisfied the condition 30882  
prescribed by division (A)(1) of section 3313.618 of the Revised 30883  
Code to qualify for a high school diploma prior to the date of the 30884  
administration of the assessment prescribed under division (B)(1) 30885  
of section 3301.0712 of the Revised Code shall not be required to 30886  
take that assessment. No governing authority of a chartered 30887  
nonpublic school shall prohibit a student who is not required to 30888  
take such assessment from taking the assessment. 30889

(M)(1) The superintendent of the state school for the blind 30890  
and the superintendent of the state school for the deaf shall 30891  
administer the assessments described by sections 3301.0710 and 30892  
3301.0712 of the Revised Code. Each superintendent shall 30893  
administer the assessments in the same manner as district boards 30894  
are required to do under this section and rules adopted by the 30895  
department of education and in conformity with division (C)(1)(a) 30896  
of this section. 30897

(2) The department of education shall furnish the assessments 30898  
described by sections 3301.0710 and 3301.0712 of the Revised Code 30899  
to each superintendent. 30900

(N) Notwithstanding division (E) of this section, a school 30901  
district may use a student's failure to attain a score in at least 30902  
the proficient range on the mathematics assessment described by 30903  
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 30904  
an assessment described by division (A)(1)(b), (c), (d), (e), or 30905  
(f) of section 3301.0710 of the Revised Code as a factor in 30906

retaining that student in the current grade level. 30907

(O)(1) In the manner specified in divisions (O)(3), (4), ~~and~~ 30908  
(6), and (7) of this section, the assessments required by division 30909  
(A)(1) of section 3301.0710 of the Revised Code shall become 30910  
public records pursuant to section 149.43 of the Revised Code on 30911  
the thirty-first day of July following the school year that the 30912  
assessments were administered. 30913

(2) The department may field test proposed questions with 30914  
samples of students to determine the validity, reliability, or 30915  
appropriateness of questions for possible inclusion in a future 30916  
year's assessment. The department also may use anchor questions on 30917  
assessments to ensure that different versions of the same 30918  
assessment are of comparable difficulty. 30919

Field test questions and anchor questions shall not be 30920  
considered in computing scores for individual students. Field test 30921  
questions and anchor questions may be included as part of the 30922  
administration of any assessment required by division (A)(1) or 30923  
(B) of section 3301.0710 and division (B) of section 3301.0712 of 30924  
the Revised Code. 30925

(3) Any field test question or anchor question administered 30926  
under division (O)(2) of this section shall not be a public 30927  
record. Such field test questions and anchor questions shall be 30928  
redacted from any assessments which are released as a public 30929  
record pursuant to division (O)(1) of this section. 30930

(4) This division applies to the assessments prescribed by 30931  
division (A) of section 3301.0710 of the Revised Code. 30932

(a) The first administration of each assessment, as specified 30933  
in former section 3301.0712 of the Revised Code, shall be a public 30934  
record. 30935

(b) For subsequent administrations of each assessment prior 30936  
to the 2011-2012 school year, not less than forty per cent of the 30937

questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (O)(3) of this section.

(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public record.

(5) Each assessment prescribed by division (B)(1) of section 3301.0710 of the Revised Code shall not be a public record.

(6) ~~Beginning with the spring administration for~~ (a) Except as provided in division (O)(6)(b) of this section, for the administrations in the 2014-2015, 2015-2016, and 2016-2017 school year years, questions on the assessments prescribed under division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code and the corresponding preferred answers that are used to compute a student's score shall become a public record as follows:

~~(a)~~(i) Forty per cent of the questions and preferred answers on the assessments on the thirty-first day of July following the administration of the assessment;

~~(b)~~(ii) Twenty per cent of the questions and preferred answers on the assessment on the thirty-first day of July one year after the administration of the assessment;

~~(e)(iii)~~ The remaining forty per cent of the questions and preferred answers on the assessment on the thirty-first day of July two years after the administration of the assessment.

The entire content of an assessment shall become a public record within three years of its administration.

The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.

(b) No questions and corresponding preferred answers shall become a public record under division (O)(6) of this section after July 31, 2017.

(7) Division (O)(7) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code.

Beginning with the assessments administered in the spring of the 2017-2018 school year, not less than forty per cent of the questions on each assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (O)(3) of this section.

(P) As used in this section: 31000

(1) "Three-year average" means the average of the most recent 31001  
consecutive three school years of data. 31002

(2) "Dropout" means a student who withdraws from school 31003  
before completing course requirements for graduation and who is 31004  
not enrolled in an education program approved by the state board 31005  
of education or an education program outside the state. "Dropout" 31006  
does not include a student who has departed the country. 31007

(3) "Graduation rate" means the ratio of students receiving a 31008  
diploma to the number of students who entered ninth grade four 31009  
years earlier. Students who transfer into the district are added 31010  
to the calculation. Students who transfer out of the district for 31011  
reasons other than dropout are subtracted from the calculation. If 31012  
a student who was a dropout in any previous year returns to the 31013  
same school district, that student shall be entered into the 31014  
calculation as if the student had entered ninth grade four years 31015  
before the graduation year of the graduating class that the 31016  
student joins. 31017

(4) "State scholarship programs" means the educational choice 31018  
scholarship pilot program established under sections 3310.01 to 31019  
3310.17 of the Revised Code, the autism scholarship program 31020  
established under section 3310.41 of the Revised Code, the Jon 31021  
Peterson special needs scholarship program established under 31022  
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 31023  
project scholarship program established under sections 3313.974 to 31024  
3313.979 of the Revised Code. 31025

**Sec. 3301.0712.** (A) The state board of education, the 31026  
superintendent of public instruction, and the chancellor of higher 31027  
education shall develop a system of college and work ready 31028  
assessments as described in division (B) of this section to assess 31029  
whether each student upon graduating from high school is ready to 31030

enter college or the workforce. Beginning with students who enter 31031  
the ninth grade for the first time on or after July 1, 2014, the 31032  
system shall replace the Ohio graduation tests prescribed in 31033  
division (B)(1) of section 3301.0710 of the Revised Code as a 31034  
measure of student academic performance and one determinant of 31035  
eligibility for a high school diploma in the manner prescribed by 31036  
rule of the state board adopted under division (D) of this 31037  
section. 31038

(B) The college and work ready assessment system shall 31039  
consist of the following: 31040

(1) Nationally standardized assessments that measure college 31041  
and career readiness and are used for college admission. The 31042  
assessments shall be selected jointly by the state superintendent 31043  
and the chancellor, and one of which shall be selected by each 31044  
school district or school to administer to its students. The 31045  
assessments prescribed under division (B)(1) of this section shall 31046  
be administered to all eleventh-grade students in the spring of 31047  
the school year. 31048

(2) Seven end-of-course examinations, one in each of the 31049  
areas of English language arts I, English language arts II, 31050  
science, Algebra I, geometry, American history, and American 31051  
government. The end-of-course examinations shall be selected 31052  
jointly by the state superintendent and the chancellor in 31053  
consultation with faculty in the appropriate subject areas at 31054  
institutions of higher education of the university system of Ohio. 31055  
Advanced placement examinations and international baccalaureate 31056  
examinations, as prescribed under section 3313.6013 of the Revised 31057  
Code, in the areas of science, American history, and American 31058  
government may be used as end-of-course examinations in accordance 31059  
with division (B)(4)(a)(i) of this section. Final course grades 31060  
for courses taken under any other advanced standing program, as 31061

prescribed under section 3313.6013 of the Revised Code, in the 31062  
areas of science, American history, and American government may be 31063  
used in lieu of end-of-course examinations in accordance with 31064  
division (B)(4)(a)(ii) of this section. 31065

(3)(a) Not later than July 1, 2013, each school district 31066  
board of education shall adopt interim end-of-course examinations 31067  
that comply with the requirements of divisions (B)(3)(b)(i) and 31068  
(ii) of this section to assess mastery of American history and 31069  
American government standards adopted under division (A)(1)(b) of 31070  
section 3301.079 of the Revised Code and the topics required under 31071  
division (M) of section 3313.603 of the Revised Code. Each high 31072  
school of the district shall use the interim examinations until 31073  
the state superintendent and chancellor select end-of-course 31074  
examinations in American history and American government under 31075  
division (B)(2) of this section. 31076

(b) Not later than July 1, 2014, the state superintendent and 31077  
the chancellor shall select the end-of-course examinations in 31078  
American history and American government. 31079

(i) The end-of-course examinations in American history and 31080  
American government shall require demonstration of mastery of the 31081  
American history and American government content for social 31082  
studies standards adopted under division (A)(1)(b) of section 31083  
3301.079 of the Revised Code and the topics required under 31084  
division (M) of section 3313.603 of the Revised Code. 31085

(ii) At least twenty per cent of the end-of-course 31086  
examination in American government shall address the topics on 31087  
American history and American government described in division (M) 31088  
of section 3313.603 of the Revised Code. 31089

(4)(a) Notwithstanding anything to the contrary in this 31090  
section, beginning with the 2014-2015 school year, both of the 31091  
following shall apply: 31092

(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B)(2) of this section. The state board shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.

(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B)(2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end-of-course examination prescribed under that section. The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma.

Division (B)(4)(a)(ii) of this section shall apply only to courses for which students receive transcribed credit, as defined in ~~division (U) of~~ section 3365.01 of the Revised Code. It shall not apply to remedial or developmental courses.

(b) No student shall take a substitute examination or examination prescribed under division (B)(4)(a) of this section in place of the end-of-course examinations in English language arts I, English language arts II, Algebra I, or geometry prescribed under division (B)(2) of this section.

(c) The state board shall consider additional assessments



that may be used, beginning with the 2016-2017 school year, as 31125  
substitute examinations in lieu of the end-of-course examinations 31126  
prescribed under division (B)(2) of this section. 31127

(5) The state board shall do all of the following: 31128

(a) Determine and designate at least five ranges of scores on 31129  
each of the end-of-course examinations prescribed under division 31130  
(B)(2) of this section, and substitute examinations prescribed 31131  
under division (B)(4) of this section. Each range of scores shall 31132  
be considered to demonstrate a level of achievement so that any 31133  
student attaining a score within such range has achieved one of 31134  
the following: 31135

(i) An advanced level of skill; 31136

(ii) An accelerated level of skill; 31137

(iii) A proficient level of skill; 31138

(iv) A basic level of skill; 31139

(v) A limited level of skill. 31140

(b) Determine a method by which to calculate a cumulative 31141  
performance score based on the results of a student's 31142  
end-of-course examinations or substitute examinations; 31143

(c) Determine the minimum cumulative performance score that 31144  
demonstrates the level of academic achievement necessary to earn a 31145  
high school diploma; 31146

(d) Develop a table of corresponding score equivalents for 31147  
the end-of-course examinations and substitute examinations in 31148  
order to calculate student performance consistently across the 31149  
different examinations. 31150

A score of two on an advanced placement examination or a 31151  
score of two or three on an international baccalaureate 31152  
examination shall be considered equivalent to a proficient level 31153  
of skill as specified under division (B)(5)(a)(iii) of this 31154

section.	31155
(6)(a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:	31156 31157
(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.	31158 31159 31160
(ii) The examination was not available for administration prior to July 1, 2015.	31161 31162
Receipt of credit for the course described in division (B)(6)(a)(i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B)(6)(a) of this section may take the applicable end-of-course examination at a later date.	31163 31164 31165 31166 31167
(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B)(6)(a) of this section has attained the cumulative score prescribed by division (B)(5)(c) of this section, such student shall select either of the following:	31168 31169 31170 31171 31172
(i) The student is considered to have attained a proficient score on the end-of-course examination from which the student is exempt;	31173 31174 31175
(ii) The student's final course grade shall be used in lieu of a score on the end-of-course examination from which the student is exempt.	31176 31177 31178
The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.	31179 31180 31181 31182 31183
(7)(a) Notwithstanding anything to the contrary in this	31184

section, the state board may replace the algebra I end-of-course examination prescribed under division (B)(2) of this section with an algebra II end-of-course examination, beginning with the 2016-2017 school year for students who enter ninth grade on or after July 1, 2016.

(b) If the state board replaces the algebra I end-of-course examination with an algebra II end-of-course examination as authorized under division (B)(7)(a) of this section, both of the following shall apply:

(i) A student who is enrolled in an advanced placement or international baccalaureate course in algebra II shall take the advanced placement or international baccalaureate examination in lieu of the algebra II end-of-course examination.

(ii) A student who is enrolled in an algebra II course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, shall not be required to take the algebra II end-of-course examination. Instead, that student's final course grade shall be used in lieu of the examination.

(c) If a school district or school utilizes an integrated approach to mathematics instruction, the district or school may do either or both of the following:

(i) Administer an integrated mathematics I end-of-course examination in lieu of the prescribed algebra I end-of-course examination;

(ii) Administer an integrated mathematics II end-of-course examination in lieu of the prescribed geometry end-of-course examination.

(8)(a) For students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the assessment in the area of science shall be physical science or biology. For students entering the ninth grade for the first time

on or after July 1, 2015, the assessment in the area of science 31216  
shall be biology. 31217

(b) Until July 1, 2019, the department of education shall 31218  
make available the end-of-course examination in physical science 31219  
for students who entered the ninth grade for the first time on or 31220  
after July 1, 2014, but prior to July 1, 2015, and who wish to 31221  
retake the examination. 31222

(c) Not later than July 1, 2016, the state board shall adopt 31223  
rules prescribing the requirements for the end-of-course 31224  
examination in science for students who entered the ninth grade 31225  
for the first time on or after July 1, 2014, but prior to July 1, 31226  
2015, and who have not met the requirement prescribed by section 31227  
3313.618 of the Revised Code by July 1, 2019, due to a student's 31228  
failure to satisfy division (A)(2) of section 3313.618 of the 31229  
Revised Code. 31230

(9) Neither the state board nor the department of education 31231  
shall develop or administer an end-of-course examination in the 31232  
area of world history. 31233

(C) The state board shall convene a group of national 31234  
experts, state experts, and local practitioners to provide advice, 31235  
guidance, and recommendations for the alignment of standards and 31236  
model curricula to the assessments and in the design of the 31237  
end-of-course examinations prescribed by this section. 31238

(D) Upon completion of the development of the assessment 31239  
system, the state board shall adopt rules prescribing all of the 31240  
following: 31241

(1) A timeline and plan for implementation of the assessment 31242  
system, including a phased implementation if the state board 31243  
determines such a phase-in is warranted; 31244

(2) The date after which a person shall meet the requirements 31245  
of the entire assessment system as a prerequisite for a diploma of 31246

adult education under section 3313.611 of the Revised Code; 31247

(3) Whether and the extent to which a person may be excused 31248  
from an American history end-of-course examination and an American 31249  
government end-of-course examination under division (H) of section 31250  
3313.61 and division (B)(3) of section 3313.612 of the Revised 31251  
Code; 31252

(4) The date after which a person who has fulfilled the 31253  
curriculum requirement for a diploma but has not passed one or 31254  
more of the required assessments at the time the person fulfilled 31255  
the curriculum requirement shall meet the requirements of the 31256  
entire assessment system as a prerequisite for a high school 31257  
diploma under division (B) of section 3313.614 of the Revised 31258  
Code; 31259

(5) The extent to which the assessment system applies to 31260  
students enrolled in a dropout recovery and prevention program for 31261  
purposes of division (F) of section 3313.603 and section 3314.36 31262  
of the Revised Code. 31263

(E) Not later than forty-five days prior to the state board's 31264  
adoption of a resolution directing the department to file the 31265  
rules prescribed by division (D) of this section in final form 31266  
under section 119.04 of the Revised Code, the superintendent of 31267  
public instruction shall present the assessment system developed 31268  
under this section to the respective committees of the house of 31269  
representatives and senate that consider education legislation. 31270

(F)(1) Any person enrolled in a nonchartered nonpublic school 31271  
or any person who has been excused from attendance at school for 31272  
the purpose of home instruction under section 3321.04 of the 31273  
Revised Code may choose to participate in the system of 31274  
assessments administered under divisions (B)(1) and (2) of this 31275  
section. However, no such person shall be required to participate 31276  
in the system of assessments. 31277

(2) The department shall adopt rules for the administration and scoring of any assessments under division (F)(1) of this section. 31278  
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(G) Not later than December 31, 2014, the state board shall select at least one nationally recognized job skills assessment. Each school district shall administer that assessment to those students who opt to take it. The state shall reimburse a school district for the costs of administering that assessment. The state board shall establish the minimum score a student must attain on the job skills assessment in order to demonstrate a student's workforce readiness and employability. The administration of the job skills assessment to a student under this division shall not exempt a school district from administering the assessments prescribed in division (B) of this section to that student. 31281  
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**Sec. 3301.0714.** (A) The state board of education shall adopt rules for a statewide education management information system. The rules shall require the state board to establish guidelines for the establishment and maintenance of the system in accordance with this section and the rules adopted under this section. The guidelines shall include: 31292  
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(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section; 31298  
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(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section; 31301  
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(3) Procedures for annually compiling the data in accordance with division (G) of this section; 31304  
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(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section; 31306  
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(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data. 31308  
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(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following: 31310  
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(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes: 31313  
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(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section. 31316  
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(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by the guidelines under this division shall be the same as the categories 31334  
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of services used in determining cost units pursuant to division	31340
(C)(4)(a) of this section.	31341
(c) Average student grades in each subject in grades nine	31342
through twelve;	31343
(d) Academic achievement levels as assessed under sections	31344
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	31345
(e) The number of students designated as having a disabling	31346
condition pursuant to division (C)(1) of section 3301.0711 of the	31347
Revised Code;	31348
(f) The numbers of students reported to the state board	31349
pursuant to division (C)(2) of section 3301.0711 of the Revised	31350
Code;	31351
(g) Attendance rates and the average daily attendance for the	31352
year. For purposes of this division, a student shall be counted as	31353
present for any field trip that is approved by the school	31354
administration.	31355
(h) Expulsion rates;	31356
(i) Suspension rates;	31357
(j) Dropout rates;	31358
(k) Rates of retention in grade;	31359
(l) For pupils in grades nine through twelve, the average	31360
number of carnegie units, as calculated in accordance with state	31361
board of education rules;	31362
(m) Graduation rates, to be calculated in a manner specified	31363
by the department of education that reflects the rate at which	31364
students who were in the ninth grade three years prior to the	31365
current year complete school and that is consistent with	31366
nationally accepted reporting requirements;	31367
(n) Results of diagnostic assessments administered to	31368



kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.

(o) Beginning on the first day of July that next succeeds the effective date of this amendment, for each disciplinary action which is required to be reported under division (B)(4) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be identified by name.

Division (B)(1)(o) of this section does not apply after the date that is two years following the submission of the report required by Section 733.13 of H.B. 49 of the 132nd general assembly.

(2) Personnel and classroom enrollment data for each school district, including:

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in

the school district as a whole, for each school building as a whole, and for each grade in each school building.

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district.

(d) The number of lead teachers employed by each school district and each school building.

(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of limited English proficient students in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.

(b) With respect to each student entering kindergarten, 31433  
whether the student previously participated in a public preschool 31434  
program, a private preschool program, or a head start program, and 31435  
the number of years the student participated in each of these 31436  
programs. 31437

(4) Any data required to be collected pursuant to federal 31438  
law. 31439

(C) The education management information system shall include 31440  
cost accounting data for each district as a whole and for each 31441  
school building in each school district. The guidelines adopted 31442  
under this section shall require the cost data for each school 31443  
district to be maintained in a system of mutually exclusive cost 31444  
units and shall require all of the costs of each school district 31445  
to be divided among the cost units. The guidelines shall require 31446  
the system of mutually exclusive cost units to include at least 31447  
the following: 31448

(1) Administrative costs for the school district as a whole. 31449  
The guidelines shall require the cost units under this division 31450  
(C)(1) to be designed so that each of them may be compiled and 31451  
reported in terms of average expenditure per pupil in formula ADM 31452  
in the school district, as determined pursuant to section 3317.03 31453  
of the Revised Code. 31454

(2) Administrative costs for each school building in the 31455  
school district. The guidelines shall require the cost units under 31456  
this division (C)(2) to be designed so that each of them may be 31457  
compiled and reported in terms of average expenditure per 31458  
full-time equivalent pupil receiving instructional or support 31459  
services in each building. 31460

(3) Instructional services costs for each category of 31461  
instructional service provided directly to students and required 31462  
by guidelines adopted pursuant to division (B)(1)(a) of this 31463

section. The guidelines shall require the cost units under 31464  
division (C)(3) of this section to be designed so that each of 31465  
them may be compiled and reported in terms of average expenditure 31466  
per pupil receiving the service in the school district as a whole 31467  
and average expenditure per pupil receiving the service in each 31468  
building in the school district and in terms of a total cost for 31469  
each category of service and, as a breakdown of the total cost, a 31470  
cost for each of the following components: 31471

(a) The cost of each instructional services category required 31472  
by guidelines adopted under division (B)(1)(a) of this section 31473  
that is provided directly to students by a classroom teacher; 31474

(b) The cost of the instructional support services, such as 31475  
services provided by a speech-language pathologist, classroom 31476  
aide, multimedia aide, or librarian, provided directly to students 31477  
in conjunction with each instructional services category; 31478

(c) The cost of the administrative support services related 31479  
to each instructional services category, such as the cost of 31480  
personnel that develop the curriculum for the instructional 31481  
services category and the cost of personnel supervising or 31482  
coordinating the delivery of the instructional services category. 31483

(4) Support or extracurricular services costs for each 31484  
category of service directly provided to students and required by 31485  
guidelines adopted pursuant to division (B)(1)(b) of this section. 31486  
The guidelines shall require the cost units under division (C)(4) 31487  
of this section to be designed so that each of them may be 31488  
compiled and reported in terms of average expenditure per pupil 31489  
receiving the service in the school district as a whole and 31490  
average expenditure per pupil receiving the service in each 31491  
building in the school district and in terms of a total cost for 31492  
each category of service and, as a breakdown of the total cost, a 31493  
cost for each of the following components: 31494

(a) The cost of each support or extracurricular services category required by guidelines adopted under division (B)(1)(b) of this section that is provided directly to students by a licensed employee, such as services provided by a guidance counselor or any services provided by a licensed employee under a supplemental contract;

(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer;

(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category.

(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the

school district or the information technology center operated 31527  
under section 3301.075 of the Revised Code and is authorized by 31528  
the district or technology center to have access to such 31529  
information or is employed by an entity with which the department 31530  
contracts for the scoring or the development of state assessments. 31531  
The guidelines may require school districts to provide the social 31532  
security numbers of individual staff members and the county of 31533  
residence for a student. Nothing in this section prohibits the 31534  
state board of education or department of education from providing 31535  
a student's county of residence to the department of taxation to 31536  
facilitate the distribution of tax revenue. 31537

(2)(a) The guidelines shall provide for each school district 31538  
or community school to assign a data verification code that is 31539  
unique on a statewide basis over time to each student whose 31540  
initial Ohio enrollment is in that district or school and to 31541  
report all required individual student data for that student 31542  
utilizing such code. The guidelines shall also provide for 31543  
assigning data verification codes to all students enrolled in 31544  
districts or community schools on the effective date of the 31545  
guidelines established under this section. The assignment of data 31546  
verification codes for other entities, as described in division 31547  
(D)(2)(c) of this section, the use of those codes, and the 31548  
reporting and use of associated individual student data shall be 31549  
coordinated by the department in accordance with state and federal 31550  
law. 31551

School districts shall report individual student data to the 31552  
department through the information technology centers utilizing 31553  
the code. The entities described in division (D)(2)(c) of this 31554  
section shall report individual student data to the department in 31555  
the manner prescribed by the department. 31556

Except as provided in sections 3301.941, 3310.11, 3310.42, 31557  
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 31558

shall the state board or the department have access to information 31559  
that would enable any data verification code to be matched to 31560  
personally identifiable student data. 31561

(b) Each school district and community school shall ensure 31562  
that the data verification code is included in the student's 31563  
records reported to any subsequent school district, community 31564  
school, or state institution of higher education, as defined in 31565  
section 3345.011 of the Revised Code, in which the student 31566  
enrolls. Any such subsequent district or school shall utilize the 31567  
same identifier in its reporting of data under this section. 31568

(c) The director of any state agency that administers a 31569  
publicly funded program providing services to children who are 31570  
younger than compulsory school age, as defined in section 3321.01 31571  
of the Revised Code, including the directors of health, job and 31572  
family services, mental health and addiction services, and 31573  
developmental disabilities, shall request and receive, pursuant to 31574  
sections 3301.0723 and 5123.0423 of the Revised Code, a data 31575  
verification code for a child who is receiving those services. 31576

(E) The guidelines adopted under this section may require 31577  
school districts to collect and report data, information, or 31578  
reports other than that described in divisions (A), (B), and (C) 31579  
of this section for the purpose of complying with other reporting 31580  
requirements established in the Revised Code. The other data, 31581  
information, or reports may be maintained in the education 31582  
management information system but are not required to be compiled 31583  
as part of the profile formats required under division (G) of this 31584  
section or the annual statewide report required under division (H) 31585  
of this section. 31586

(F) Beginning with the school year that begins July 1, 1991, 31587  
the board of education of each school district shall annually 31588  
collect and report to the state board, in accordance with the 31589  
guidelines established by the board, the data required pursuant to 31590

this section. A school district may collect and report these data 31591  
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 31592

(G) The state board shall, in accordance with the procedures 31593  
it adopts, annually compile the data reported by each school 31594  
district pursuant to division (D) of this section. The state board 31595  
shall design formats for profiling each school district as a whole 31596  
and each school building within each district and shall compile 31597  
the data in accordance with these formats. These profile formats 31598  
shall: 31599

(1) Include all of the data gathered under this section in a 31600  
manner that facilitates comparison among school districts and 31601  
among school buildings within each school district; 31602

(2) Present the data on academic achievement levels as 31603  
assessed by the testing of student achievement maintained pursuant 31604  
to division (B)(1)(d) of this section. 31605

(H)(1) The state board shall, in accordance with the 31606  
procedures it adopts, annually prepare a statewide report for all 31607  
school districts and the general public that includes the profile 31608  
of each of the school districts developed pursuant to division (G) 31609  
of this section. Copies of the report shall be sent to each school 31610  
district. 31611

(2) The state board shall, in accordance with the procedures 31612  
it adopts, annually prepare an individual report for each school 31613  
district and the general public that includes the profiles of each 31614  
of the school buildings in that school district developed pursuant 31615  
to division (G) of this section. Copies of the report shall be 31616  
sent to the superintendent of the district and to each member of 31617  
the district board of education. 31618

(3) Copies of the reports received from the state board under 31619  
divisions (H)(1) and (2) of this section shall be made available 31620  
to the general public at each school district's offices. Each 31621



district board of education shall make copies of each report 31622  
available to any person upon request and payment of a reasonable 31623  
fee for the cost of reproducing the report. The board shall 31624  
annually publish in a newspaper of general circulation in the 31625  
school district, at least twice during the two weeks prior to the 31626  
week in which the reports will first be available, a notice 31627  
containing the address where the reports are available and the 31628  
date on which the reports will be available. 31629

(I) Any data that is collected or maintained pursuant to this 31630  
section and that identifies an individual pupil is not a public 31631  
record for the purposes of section 149.43 of the Revised Code. 31632

(J) As used in this section: 31633

(1) "School district" means any city, local, exempted 31634  
village, or joint vocational school district and, in accordance 31635  
with section 3314.17 of the Revised Code, any community school. As 31636  
used in division (L) of this section, "school district" also 31637  
includes any educational service center or other educational 31638  
entity required to submit data using the system established under 31639  
this section. 31640

(2) "Cost" means any expenditure for operating expenses made 31641  
by a school district excluding any expenditures for debt 31642  
retirement except for payments made to any commercial lending 31643  
institution for any loan approved pursuant to section 3313.483 of 31644  
the Revised Code. 31645

(K) Any person who removes data from the information system 31646  
established under this section for the purpose of releasing it to 31647  
any person not entitled under law to have access to such 31648  
information is subject to section 2913.42 of the Revised Code 31649  
prohibiting tampering with data. 31650

(L)(1) In accordance with division (L)(2) of this section and 31651  
the rules adopted under division (L)(10) of this section, the 31652

department of education may sanction any school district that 31653  
reports incomplete or inaccurate data, reports data that does not 31654  
conform to data requirements and descriptions published by the 31655  
department, fails to report data in a timely manner, or otherwise 31656  
does not make a good faith effort to report data as required by 31657  
this section. 31658

(2) If the department decides to sanction a school district 31659  
under this division, the department shall take the following 31660  
sequential actions: 31661

(a) Notify the district in writing that the department has 31662  
determined that data has not been reported as required under this 31663  
section and require the district to review its data submission and 31664  
submit corrected data by a deadline established by the department. 31665  
The department also may require the district to develop a 31666  
corrective action plan, which shall include provisions for the 31667  
district to provide mandatory staff training on data reporting 31668  
procedures. 31669

(b) Withhold up to ten per cent of the total amount of state 31670  
funds due to the district for the current fiscal year and, if not 31671  
previously required under division (L)(2)(a) of this section, 31672  
require the district to develop a corrective action plan in 31673  
accordance with that division; 31674

(c) Withhold an additional amount of up to twenty per cent of 31675  
the total amount of state funds due to the district for the 31676  
current fiscal year; 31677

(d) Direct department staff or an outside entity to 31678  
investigate the district's data reporting practices and make 31679  
recommendations for subsequent actions. The recommendations may 31680  
include one or more of the following actions: 31681

(i) Arrange for an audit of the district's data reporting 31682  
practices by department staff or an outside entity; 31683

(ii) Conduct a site visit and evaluation of the district;	31684
(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	31685 31686 31687
(iv) Continue monitoring the district's data reporting;	31688
(v) Assign department staff to supervise the district's data management system;	31689 31690
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	31691 31692 31693
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	31694 31695 31696 31697
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	31698 31699 31700 31701 31702
(ix) Any other action designed to correct the district's data reporting problems.	31703 31704
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	31705 31706 31707 31708 31709 31710
(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any	31711 31712 31713

further actions described by that division. If the department 31714  
withheld funds from the district under that division, the 31715  
department may release those funds to the district, except that if 31716  
the department withheld funding under division (L)(2)(c) of this 31717  
section, the department shall not release the funds withheld under 31718  
division (L)(2)(b) of this section and, if the department withheld 31719  
funding under division (L)(2)(d) of this section, the department 31720  
shall not release the funds withheld under division (L)(2)(b) or 31721  
(c) of this section. 31722

(5) Notwithstanding anything in this section to the contrary, 31723  
the department may use its own staff or an outside entity to 31724  
conduct an audit of a school district's data reporting practices 31725  
any time the department has reason to believe the district has not 31726  
made a good faith effort to report data as required by this 31727  
section. If any audit conducted by an outside entity under 31728  
division (L)(2)(d)(i) or (5) of this section confirms that a 31729  
district has not made a good faith effort to report data as 31730  
required by this section, the district shall reimburse the 31731  
department for the full cost of the audit. The department may 31732  
withhold state funds due to the district for this purpose. 31733

(6) Prior to issuing a revised report card for a school 31734  
district under division (L)(2)(d)(viii) of this section, the 31735  
department may hold a hearing to provide the district with an 31736  
opportunity to demonstrate that it made a good faith effort to 31737  
report data as required by this section. The hearing shall be 31738  
conducted by a referee appointed by the department. Based on the 31739  
information provided in the hearing, the referee shall recommend 31740  
whether the department should issue a revised report card for the 31741  
district. If the referee affirms the department's contention that 31742  
the district did not make a good faith effort to report data as 31743  
required by this section, the district shall bear the full cost of 31744  
conducting the hearing and of issuing any revised report card. 31745

(7) If the department determines that any inaccurate data reported under this section caused a school district to receive excess state funds in any fiscal year, the district shall reimburse the department an amount equal to the excess funds, in accordance with a payment schedule determined by the department. The department may withhold state funds due to the district for this purpose.

(8) Any school district that has funds withheld under division (L)(2) of this section may appeal the withholding in accordance with Chapter 119. of the Revised Code.

(9) In all cases of a disagreement between the department and a school district regarding the appropriateness of an action taken under division (L)(2) of this section, the burden of proof shall be on the district to demonstrate that it made a good faith effort to report data as required by this section.

(10) The state board of education shall adopt rules under Chapter 119. of the Revised Code to implement division (L) of this section.

(M) No information technology center or school district shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department.

(N) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke a license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this

division is guilty of a misdemeanor of the fourth degree. 31777

(P) The department shall disaggregate the data collected 31778  
under division (B)(1)(n) of this section according to the race and 31779  
socioeconomic status of the students assessed. 31780

(Q) If the department cannot compile any of the information 31781  
required by division (H) of section 3302.03 of the Revised Code 31782  
based upon the data collected under this section, the department 31783  
shall develop a plan and a reasonable timeline for the collection 31784  
of any data necessary to comply with that division. 31785

**Sec. 3301.0715.** (A) Except as required under division (B)(1) 31786  
of section 3313.608 or as specified in division (D)(3) of section 31787  
3301.079 of the Revised Code, the board of education of each city, 31788  
local, and exempted village school district shall administer each 31789  
applicable diagnostic assessment developed and provided to the 31790  
district in accordance with section 3301.079 of the Revised Code 31791  
to the following: 31792

(1) Any student who transfers into the district or to a 31793  
different school within the district if each applicable diagnostic 31794  
assessment was not administered by the district or school the 31795  
student previously attended in the current school year, within 31796  
thirty days after the date of transfer. If the district or school 31797  
into which the student transfers cannot determine whether the 31798  
student has taken any applicable diagnostic assessment in the 31799  
current school year, the district or school may administer the 31800  
diagnostic assessment to the student. However, if a student 31801  
transfers into the district prior to the administration of the 31802  
diagnostic assessments to all students under division (B) of this 31803  
section, the district may administer the diagnostic assessments to 31804  
that student on the date or dates determined under that division. 31805

(2) Each kindergarten student, not earlier than the first day 31806  
of the school year and not later than the first day of November. 31807

However, a board of education may administer the selected response 31808  
and performance task items portion of the diagnostic assessment up 31809  
to two weeks prior to the first day of the school year. 31810

For the purpose of division (A)(2) of this section, the 31811  
district shall administer the kindergarten readiness assessment 31812  
provided by the department of education. In no case shall the 31813  
results of the readiness assessment be used to prohibit a student 31814  
from enrolling in kindergarten. 31815

(3) Each student enrolled in first, second, or third grade. 31816

Division (A) of this section does not apply to students with 31817  
significant cognitive disabilities, as defined by the department 31818  
of education. 31819

(B) Each district board shall administer each diagnostic 31820  
assessment when the board deems appropriate, provided the 31821  
administration complies with section 3313.608 of the Revised Code. 31822  
However, the board shall administer any diagnostic assessment at 31823  
least once annually to all students in the appropriate grade 31824  
level. A district board may administer any diagnostic assessment 31825  
in the fall and spring of a school year to measure the amount of 31826  
academic growth attributable to the instruction received by 31827  
students during that school year. 31828

(C) Any district that received a grade of "A" or "B" for the 31829  
performance index score under division (A)(1)(b), (B)(1)(b), or 31830  
(C)(1)(b) of section 3302.03 of the Revised Code or for the 31831  
value-added progress dimension under division (A)(1)(e), 31832  
(B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code for 31833  
the immediately preceding school year may use different diagnostic 31834  
assessments from those adopted under division (D) of section 31835  
3301.079 of the Revised Code in order to satisfy the requirements 31836  
of division (A)(3) of this section. 31837

(D) Each district board shall utilize and score any 31838

diagnostic assessment administered under division (A) of this 31839  
section in accordance with rules established by the department. 31840  
After the administration of any diagnostic assessment, each 31841  
district shall provide a student's completed diagnostic 31842  
assessment, the results of such assessment, and any other 31843  
accompanying documents used during the administration of the 31844  
assessment to the parent of that student, and shall include all 31845  
such documents and information in any plan developed for the 31846  
student under division (C) of section 3313.608 of the Revised 31847  
Code. Each district shall submit to the department, in the manner 31848  
the department prescribes, the results of the diagnostic 31849  
assessments administered under this section, regardless of the 31850  
type of assessment used under section 3313.608 of the Revised 31851  
Code. The department may issue reports with respect to the data 31852  
collected. The department may report school and district level 31853  
kindergarten diagnostic assessment data and use diagnostic 31854  
assessment data to calculate the measure prescribed by divisions 31855  
(B)(1)(g) and (C)(1)(g) of section 3302.03 of the Revised Code. 31856

(E) Each district board shall provide intervention services 31857  
to students whose diagnostic assessments show that they are 31858  
failing to make satisfactory progress toward attaining the 31859  
academic standards for their grade level. 31860

(F) Beginning in the 2018-2019 school year, any chartered 31861  
nonpublic school may elect to administer the kindergarten 31862  
readiness assessment to all kindergarten students enrolled in the 31863  
school. If the school so elects, the chief administrator of the 31864  
school shall notify the superintendent of public instruction not 31865  
later than the thirty-first day of March prior to any school year 31866  
in which the school will administer the assessment. The department 31867  
shall furnish the assessment to the school at no cost to the 31868  
school. In administering the assessment, the school shall do all 31869  
of the following: 31870



(1) Enter into a written agreement with the department 31871  
specifying that the school will share each participating student's 31872  
assessment data with the department and, that for the purpose of 31873  
reporting the data to the department, each participating student 31874  
will be assigned a data verification code as described in division 31875  
(D)(2) of section 3301.0714 of the Revised Code; 31876

(2) Require the assessment to be administered by a teacher 31877  
certified under section 3301.071 of the Revised Code who either 31878  
has completed training on administering the kindergarten readiness 31879  
assessment provided by the department or has been trained by 31880  
another person who has completed such training; 31881

(3) Administer the assessment in the same manner as school 31882  
districts are required to do under this section and the rules 31883  
established under division (D) of this section. 31884

**Sec. 3302.01.** As used in this chapter: 31885

(A) "Performance index score" means the average of the totals 31886  
derived from calculations, for each subject area, of the weighted 31887  
proportion of untested students and students scoring at each level 31888  
of skill described in division (A)(2) of section 3301.0710 of the 31889  
Revised Code on the state achievement assessments, as follows: 31890

(1) For the assessments prescribed by division (A)(1) of 31891  
section 3301.0710 of the Revised Code, the average for each of the 31892  
subject areas of English language arts, mathematics, and science, 31893  
~~and social studies.~~ 31894

(2) For the assessments prescribed by division (B)(1) of 31895  
section 3301.0710 and division (B)(2) of section 3301.0712 of the 31896  
Revised Code, the average for each of the subject areas of English 31897  
language arts and mathematics. 31898

The department of education shall assign weights such that 31899  
students who do not take an assessment receive a weight of zero 31900

and students who take an assessment receive progressively larger weights dependent upon the level of skill attained on the assessment. The department shall assign additional weights to students who have been permitted to pass over a subject in accordance with a student acceleration policy adopted under section 3324.10 of the Revised Code. If such a student attains the proficient score prescribed under division (A)(2)(c) of section 3301.0710 of the Revised Code or higher on an assessment, the department shall assign the student the weight prescribed for the next higher scoring level. If such a student attains the advanced score, prescribed under division (A)(2)(a) of section 3301.0710 of the Revised Code, on an assessment, the department shall assign to the student an additional proportional weight, as approved by the state board. For each school year that such a student's score is included in the performance index score and the student attains the proficient score on an assessment, that additional weight shall be assigned to the student on a subject-by-subject basis.

Students shall be included in the "performance index score" in accordance with division (K)(2) of section 3302.03 of the Revised Code.

(B) "Subgroup" means a subset of the entire student population of the state, a school district, or a school building and includes each of the following:

(1) Major racial and ethnic groups;

(2) Students with disabilities;

(3) Economically disadvantaged students;

(4) Limited English proficient students;

(5) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. For students who are gifted in specific academic ability fields, the department shall use data for those

students with specific academic ability in math and reading. If 31932  
any other academic field is assessed, the department shall also 31933  
include data for students with specific academic ability in that 31934  
field. 31935

(6) Students in the lowest quintile for achievement 31936  
statewide, as determined by a method prescribed by the state board 31937  
of education. 31938

(C) "No Child Left Behind Act of 2001" includes the statutes 31939  
codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or 31940  
both thereto, rules and regulations promulgated pursuant to those 31941  
statutes, guidance documents, and any other policy directives 31942  
regarding implementation of that act issued by the United States 31943  
department of education. 31944

(D) "Adequate yearly progress" means a measure of annual 31945  
academic performance as calculated in accordance with the "No 31946  
Child Left Behind Act of 2001." 31947

(E) "Supplemental educational services" means additional 31948  
academic assistance, such as tutoring, remediation, or other 31949  
educational enrichment activities, that is conducted outside of 31950  
the regular school day by a provider approved by the department in 31951  
accordance with the "No Child Left Behind Act of 2001." 31952

(F) "Value-added progress dimension" means a measure of 31953  
academic gain for a student or group of students over a specific 31954  
period of time that is calculated by applying a statistical 31955  
methodology to individual student achievement data derived from 31956  
the achievement assessments prescribed by section 3301.0710 of the 31957  
Revised Code. The "value-added progress dimension" shall be 31958  
developed and implemented in accordance with section 3302.021 of 31959  
the Revised Code. 31960

(G)(1) "Four-year adjusted cohort graduation rate" means the 31961  
number of students who graduate in four years or less with a 31962

regular high school diploma divided by the number of students who 31963  
form the adjusted cohort for the graduating class. 31964

(2) "Five-year adjusted cohort graduation rate" means the 31965  
number of students who graduate in five years with a regular high 31966  
school diploma divided by the number of students who form the 31967  
adjusted cohort for the four-year graduation rate. 31968

(H) "State institution of higher education" has the same 31969  
meaning as in section 3345.011 of the Revised Code. 31970

(I) "Annual measurable objectives" means a measure of student 31971  
progress determined in accordance with an agreement between the 31972  
department of education and the United States department of 31973  
education. 31974

(J) "Community school" means a community school established 31975  
under Chapter 3314. of the Revised Code. 31976

(K) "STEM school" means a science, technology, engineering, 31977  
and mathematics school established under Chapter 3326. of the 31978  
Revised Code. 31979

(L) "Entitled to attend school in the district" means 31980  
entitled to attend school in a school district under section 31981  
3313.64 or 3313.65 of the Revised Code. 31982

**Sec. 3302.03.** Annually, not later than the fifteenth day of 31983  
September or the preceding Friday when that day falls on a 31984  
Saturday or Sunday, the department of education shall assign a 31985  
letter grade for overall academic performance and for each 31986  
separate performance measure for each school district, and each 31987  
school building in a district, in accordance with this section. 31988  
The state board shall adopt rules pursuant to Chapter 119. of the 31989  
Revised Code to establish performance criteria for each letter 31990  
grade and prescribe a method by which the department assigns each 31991  
letter grade. For a school building to which any of the 31992

performance measures do not apply, due to grade levels served by 31993  
the building, the state board shall designate the performance 31994  
measures that are applicable to the building and that must be 31995  
calculated separately and used to calculate the building's overall 31996  
grade. The department shall issue annual report cards reflecting 31997  
the performance of each school district, each building within each 31998  
district, and for the state as a whole using the performance 31999  
measures and letter grade system described in this section. The 32000  
department shall include on the report card for each district and 32001  
each building within each district the most recent two-year trend 32002  
data in student achievement for each subject and each grade. 32003

(A)(1) For the 2012-2013 school year, the department shall 32004  
issue grades as described in division (E) of this section for each 32005  
of the following performance measures: 32006

(a) Annual measurable objectives; 32007

(b) Performance index score for a school district or 32008  
building. Grades shall be awarded as a percentage of the total 32009  
possible points on the performance index system as adopted by the 32010  
state board. In adopting benchmarks for assigning letter grades 32011  
under division (A)(1)(b) of this section, the state board of 32012  
education shall designate ninety per cent or higher for an "A," at 32013  
least seventy per cent but not more than eighty per cent for a 32014  
"C," and less than fifty per cent for an "F." 32015

(c) The extent to which the school district or building meets 32016  
each of the applicable performance indicators established by the 32017  
state board under section 3302.02 of the Revised Code and the 32018  
percentage of applicable performance indicators that have been 32019  
achieved. In adopting benchmarks for assigning letter grades under 32020  
division (A)(1)(c) of this section, the state board shall 32021  
designate ninety per cent or higher for an "A." 32022

(d) The four- and five-year adjusted cohort graduation rates. 32023

In adopting benchmarks for assigning letter grades under 32024  
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 32025  
department shall designate a four-year adjusted cohort graduation 32026  
rate of ninety-three per cent or higher for an "A" and a five-year 32027  
cohort graduation rate of ninety-five per cent or higher for an 32028  
"A." 32029

(e) The overall score under the value-added progress 32030  
dimension of a school district or building, for which the 32031  
department shall use up to three years of value-added data as 32032  
available. The letter grade assigned for this growth measure shall 32033  
be as follows: 32034

(i) A score that is at least two standard errors of measure 32035  
above the mean score shall be designated as an "A." 32036

(ii) A score that is at least one standard error of measure 32037  
but less than two standard errors of measure above the mean score 32038  
shall be designated as a "B." 32039

(iii) A score that is less than one standard error of measure 32040  
above the mean score but greater than or equal to one standard 32041  
error of measure below the mean score shall be designated as a 32042  
"C." 32043

(iv) A score that is not greater than one standard error of 32044  
measure below the mean score but is greater than or equal to two 32045  
standard errors of measure below the mean score shall be 32046  
designated as a "D." 32047

(v) A score that is not greater than two standard errors of 32048  
measure below the mean score shall be designated as an "F." 32049

Whenever the value-added progress dimension is used as a 32050  
graded performance measure, whether as an overall measure or as a 32051  
measure of separate subgroups, the grades for the measure shall be 32052  
calculated in the same manner as prescribed in division (A)(1)(e) 32053  
of this section. 32054

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(2) Not later than April 30, 2013, the state board of education shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and, not later than June 30, 2013, shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.

(B)(1) For the 2013-2014 and 2014-2015 school years, the department shall issue grades as described in division (E) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades

under division (B)(1)(b) of this section, the state board shall 32086  
designate ninety per cent or higher for an "A," at least seventy 32087  
per cent but not more than eighty per cent for a "C," and less 32088  
than fifty per cent for an "F." 32089

(c) The extent to which the school district or building meets 32090  
each of the applicable performance indicators established by the 32091  
state board under section 3302.03 of the Revised Code and the 32092  
percentage of applicable performance indicators that have been 32093  
achieved. In adopting benchmarks for assigning letter grades under 32094  
division (B)(1)(c) of this section, the state board shall 32095  
designate ninety per cent or higher for an "A." 32096

(d) The four- and five-year adjusted cohort graduation rates; 32097

(e) The overall score under the value-added progress 32098  
dimension of a school district or building, for which the 32099  
department shall use up to three years of value-added data as 32100  
available. 32101

(f) The value-added progress dimension score for a school 32102  
district or building disaggregated for each of the following 32103  
subgroups: students identified as gifted in superior cognitive 32104  
ability and specific academic ability fields under Chapter 3324. 32105  
of the Revised Code, students with disabilities, and students 32106  
whose performance places them in the lowest quintile for 32107  
achievement on a statewide basis. Each subgroup shall be a 32108  
separate graded measure. 32109

(g) Whether a school district or building is making progress 32110  
in improving literacy in grades kindergarten through three, as 32111  
determined using a method prescribed by the state board. The state 32112  
board shall adopt rules to prescribe benchmarks and standards for 32113  
assigning grades to districts and buildings for purposes of 32114  
division (B)(1)(g) of this section. In adopting benchmarks for 32115  
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 32116



this section, the state board shall determine progress made based 32117  
on the reduction in the total percentage of students scoring below 32118  
grade level, or below proficient, compared from year to year on 32119  
the reading and writing diagnostic assessments administered under 32120  
section 3301.0715 of the Revised Code and the third grade English 32121  
language arts assessment under section 3301.0710 of the Revised 32122  
Code, as applicable. The state board shall designate for a "C" 32123  
grade a value that is not lower than the statewide average value 32124  
for this measure. No grade shall be issued under divisions 32125  
(B)(1)(g) and (C)(1)(g) of this section for a district or building 32126  
in which less than five per cent of students have scored below 32127  
grade level on the diagnostic assessment administered to students 32128  
in kindergarten under division (B)(1) of section 3313.608 of the 32129  
Revised Code. 32130

(h) For a high mobility school district or building, an 32131  
additional value-added progress dimension score. For this measure, 32132  
the department shall use value-added data from the most recent 32133  
school year available and shall use assessment scores for only 32134  
those students to whom the district or building has administered 32135  
the assessments prescribed by section 3301.0710 of the Revised 32136  
Code for each of the two most recent consecutive school years. 32137

As used in this division, "high mobility school district or 32138  
building" means a school district or building where at least 32139  
twenty-five per cent of its total enrollment is made up of 32140  
students who have attended that school district or building for 32141  
less than one year. 32142

(2) In addition to the graded measures in division (B)(1) of 32143  
this section, the department shall include on a school district's 32144  
or building's report card all of the following without an assigned 32145  
letter grade: 32146

(a) The percentage of students enrolled in a district or 32147  
building participating in advanced placement classes and the 32148

percentage of those students who received a score of three or 32149  
better on advanced placement examinations; 32150

(b) The number of a district's or building's students who 32151  
have earned at least three college credits through dual enrollment 32152  
or advanced standing programs, such as the post-secondary 32153  
enrollment options program under Chapter 3365. of the Revised Code 32154  
and state-approved career-technical courses offered through dual 32155  
enrollment or statewide articulation, that appear on a student's 32156  
transcript or other official document, either of which is issued 32157  
by the institution of higher education from which the student 32158  
earned the college credit. The credits earned that are reported 32159  
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 32160  
include any that are remedial or developmental and shall include 32161  
those that count toward the curriculum requirements established 32162  
for completion of a degree. 32163

(c) The percentage of students enrolled in a district or 32164  
building who have taken a national standardized test used for 32165  
college admission determinations and the percentage of those 32166  
students who are determined to be remediation-free in accordance 32167  
with standards adopted under division (F) of section 3345.061 of 32168  
the Revised Code; 32169

(d) The percentage of the district's or the building's 32170  
students who receive industry-recognized credentials as approved 32171  
under section 3313.6113 of the Revised Code. ~~The state board shall~~ 32172  
~~adopt criteria for acceptable industry-recognized credentials.~~ 32173

(e) The percentage of students enrolled in a district or 32174  
building who are participating in an international baccalaureate 32175  
program and the percentage of those students who receive a score 32176  
of four or better on the international baccalaureate examinations. 32177

(f) The percentage of the district's or building's students 32178  
who receive an honors diploma under division (B) of section 32179

3313.61 of the Revised Code. 32180

(3) Not later than December 31, 2013, the state board shall 32181  
adopt rules in accordance with Chapter 119. of the Revised Code 32182  
that prescribe the methods by which the performance measures under 32183  
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 32184  
and assigned a letter grade, including performance benchmarks for 32185  
each grade. 32186

At least forty-five days prior to the state board's adoption 32187  
of rules to prescribe the methods by which the performance 32188  
measures under division (B)(1) of this section shall be assessed 32189  
and assigned a letter grade, the department shall conduct a public 32190  
presentation before the standing committees of the house of 32191  
representatives and the senate that consider education legislation 32192  
describing such methods, including performance benchmarks. 32193

(4) There shall not be an overall letter grade for a school 32194  
district or building for the 2013-2014, 2014-2015, 2015-2016, and 32195  
2016-2017 school years. 32196

(C)(1) For the 2014-2015 school year and each school year 32197  
thereafter, the department shall issue grades as described in 32198  
division (E) of this section for each of the performance measures 32199  
prescribed in division (C)(1) of this section. The graded measures 32200  
are as follows: 32201

(a) Annual measurable objectives; 32202

(b) Performance index score for a school district or 32203  
building. Grades shall be awarded as a percentage of the total 32204  
possible points on the performance index system as created by the 32205  
department. In adopting benchmarks for assigning letter grades 32206  
under division (C)(1)(b) of this section, the state board shall 32207  
designate ninety per cent or higher for an "A," at least seventy 32208  
per cent but not more than eighty per cent for a "C," and less 32209  
than fifty per cent for an "F." 32210

(c) The extent to which the school district or building meets 32211  
each of the applicable performance indicators established by the 32212  
state board under section 3302.03 of the Revised Code and the 32213  
percentage of applicable performance indicators that have been 32214  
achieved. In adopting benchmarks for assigning letter grades under 32215  
division (C)(1)(c) of this section, the state board shall 32216  
designate ninety per cent or higher for an "A." 32217

(d) The four- and five-year adjusted cohort graduation rates; 32218

(e) The overall score under the value-added progress 32219  
dimension, or another measure of student academic progress if 32220  
adopted by the state board, of a school district or building, for 32221  
which the department shall use up to three years of value-added 32222  
data as available. 32223

In adopting benchmarks for assigning letter grades for 32224  
overall score on value-added progress dimension under division 32225  
(C)(1)(e) of this section, the state board shall prohibit the 32226  
assigning of a grade of "A" for that measure unless the district's 32227  
or building's grade assigned for value-added progress dimension 32228  
for all subgroups under division (C)(1)(f) of this section is a 32229  
"B" or higher. 32230

For the metric prescribed by division (C)(1)(e) of this 32231  
section, the state board may adopt a student academic progress 32232  
measure to be used instead of the value-added progress dimension. 32233  
If the state board adopts such a measure, it also shall prescribe 32234  
a method for assigning letter grades for the new measure that is 32235  
comparable to the method prescribed in division (A)(1)(e) of this 32236  
section. 32237

(f) The value-added progress dimension score of a school 32238  
district or building disaggregated for each of the following 32239  
subgroups: students identified as gifted in superior cognitive 32240  
ability and specific academic ability fields under Chapter 3324. 32241

of the Revised Code, students with disabilities, and students 32242  
whose performance places them in the lowest quintile for 32243  
achievement on a statewide basis, as determined by a method 32244  
prescribed by the state board. Each subgroup shall be a separate 32245  
graded measure. 32246

The state board may adopt student academic progress measures 32247  
to be used instead of the value-added progress dimension. If the 32248  
state board adopts such measures, it also shall prescribe a method 32249  
for assigning letter grades for the new measures that is 32250  
comparable to the method prescribed in division (A)(1)(e) of this 32251  
section. 32252

(g) Whether a school district or building is making progress 32253  
in improving literacy in grades kindergarten through three, as 32254  
determined using a method prescribed by the state board. The state 32255  
board shall adopt rules to prescribe benchmarks and standards for 32256  
assigning grades to a district or building for purposes of 32257  
division (C)(1)(g) of this section. The state board shall 32258  
designate for a "C" grade a value that is not lower than the 32259  
statewide average value for this measure. No grade shall be issued 32260  
under division (C)(1)(g) of this section for a district or 32261  
building in which less than five per cent of students have scored 32262  
below grade level on the kindergarten diagnostic assessment under 32263  
division (B)(1) of section 3313.608 of the Revised Code. 32264

(h) For a high mobility school district or building, an 32265  
additional value-added progress dimension score. For this measure, 32266  
the department shall use value-added data from the most recent 32267  
school year available and shall use assessment scores for only 32268  
those students to whom the district or building has administered 32269  
the assessments prescribed by section 3301.0710 of the Revised 32270  
Code for each of the two most recent consecutive school years. 32271

As used in this division, "high mobility school district or 32272  
building" means a school district or building where at least 32273

twenty-five per cent of its total enrollment is made up of 32274  
students who have attended that school district or building for 32275  
less than one year. 32276

(2) In addition to the graded measures in division (C)(1) of 32277  
this section, the department shall include on a school district's 32278  
or building's report card all of the following without an assigned 32279  
letter grade: 32280

(a) The percentage of students enrolled in a district or 32281  
building who have taken a national standardized test used for 32282  
college admission determinations and the percentage of those 32283  
students who are determined to be remediation-free in accordance 32284  
with the standards adopted under division (F) of section 3345.061 32285  
of the Revised Code; 32286

(b) The percentage of students enrolled in a district or 32287  
building participating in advanced placement classes and the 32288  
percentage of those students who received a score of three or 32289  
better on advanced placement examinations; 32290

(c) The percentage of a district's or building's students who 32291  
have earned at least three college credits through advanced 32292  
standing programs, such as the college credit plus program under 32293  
Chapter 3365. of the Revised Code and state-approved 32294  
career-technical courses offered through dual enrollment or 32295  
statewide articulation, that appear on a student's college 32296  
transcript issued by the institution of higher education from 32297  
which the student earned the college credit. The credits earned 32298  
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 32299  
section shall not include any that are remedial or developmental 32300  
and shall include those that count toward the curriculum 32301  
requirements established for completion of a degree. 32302

(d) The percentage of the district's or building's students 32303  
who receive an honor's diploma under division (B) of section 32304

3313.61 of the Revised Code;	32305
(e) The percentage of the district's or building's students who receive industry-recognized credentials <u>as approved under</u> <u>section 3313.6113 of the Revised Code</u> ;	32306 32307 32308
(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;	32309 32310 32311 32312
(g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code.	32313 32314 32315
(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2017-2018 school year and each school year thereafter. The rules shall group the performance measures in divisions (C)(1) and (2) of this section into the following components:	32316 32317 32318 32319 32320 32321
(a) Gap closing, which shall include the performance measure in division (C)(1)(a) of this section;	32322 32323
(b) Achievement, which shall include the performance measures in divisions (C)(1)(b) and (c) of this section;	32324 32325
(c) Progress, which shall include the performance measures in divisions (C)(1)(e) and (f) of this section;	32326 32327
(d) Graduation, which shall include the performance measure in division (C)(1)(d) of this section;	32328 32329
(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C)(1)(g) of this section;	32330 32331 32332
(f) Prepared for success, which shall include the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of	32333 32334

this section. The state board shall develop a method to determine 32335  
a grade for the component in division (C)(3)(f) of this section 32336  
using the performance measures in divisions (C)(2)(a), (b), (c), 32337  
(d), (e), and (f) of this section. When available, the state board 32338  
may incorporate the performance measure under division (C)(2)(g) 32339  
of this section into the component under division (C)(3)(f) of 32340  
this section. When determining the overall grade for the prepared 32341  
for success component prescribed by division (C)(3)(f) of this 32342  
section, no individual student shall be counted in more than one 32343  
performance measure. However, if a student qualifies for more than 32344  
one performance measure in the component, the state board may, in 32345  
its method to determine a grade for the component, specify an 32346  
additional weight for such a student that is not greater than or 32347  
equal to 1.0. In determining the overall score under division 32348  
(C)(3)(f) of this section, the state board shall ensure that the 32349  
pool of students included in the performance measures aggregated 32350  
under that division are all of the students included in the four- 32351  
and five-year adjusted graduation cohort. 32352

In the rules adopted under division (C)(3) of this section, 32353  
the state board shall adopt a method for determining a grade for 32354  
each component in divisions (C)(3)(a) to (f) of this section. The 32355  
state board also shall establish a method to assign an overall 32356  
grade of "A," "B," "C," "D," or "F" using the grades assigned for 32357  
each component. The method the state board adopts for assigning an 32358  
overall grade shall give equal weight to the components in 32359  
divisions (C)(3)(b) and (c) of this section. 32360

At least forty-five days prior to the state board's adoption 32361  
of rules to prescribe the methods for calculating the overall 32362  
grade for the report card, as required by this division, the 32363  
department shall conduct a public presentation before the standing 32364  
committees of the house of representatives and the senate that 32365  
consider education legislation describing the format for the 32366



report card, weights that will be assigned to the components of 32367  
the overall grade, and the method for calculating the overall 32368  
grade. 32369

(D) On or after ~~than~~ July 1, 2015, the state board may 32370  
develop a measure of student academic progress for high school 32371  
students using only data from assessments in English language arts 32372  
and mathematics. If the state board develops this measure, each 32373  
school district and applicable school building shall be assigned a 32374  
separate letter grade for ~~if~~ it not sooner than the 2017-2018 32375  
school year. The district's or building's grade for that measure 32376  
shall not be included in determining the district's or building's 32377  
overall letter grade. 32378

(E) The letter grades assigned to a school district or 32379  
building under this section shall be as follows: 32380

(1) "A" for a district or school making excellent progress; 32381

(2) "B" for a district or school making above average 32382  
progress; 32383

(3) "C" for a district or school making average progress; 32384

(4) "D" for a district or school making below average 32385  
progress; 32386

(5) "F" for a district or school failing to meet minimum 32387  
progress. 32388

(F) When reporting data on student achievement and progress, 32389  
the department shall disaggregate that data according to the 32390  
following categories: 32391

(1) Performance of students by grade-level; 32392

(2) Performance of students by race and ethnic group; 32393

(3) Performance of students by gender; 32394

(4) Performance of students grouped by those who have been 32395

enrolled in a district or school for three or more years;	32396
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	32397 32398 32399
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	32400 32401
(7) Performance of students grouped by those who are economically disadvantaged;	32402 32403
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	32404 32405 32406
(9) Performance of students grouped by those who are classified as limited English proficient;	32407 32408
(10) Performance of students grouped by those who have disabilities;	32409 32410
(11) Performance of students grouped by those who are classified as migrants;	32411 32412
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	32413 32414 32415 32416 32417 32418 32419 32420 32421
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	32422 32423 32424
The department may disaggregate data on student performance	32425

according to other categories that the department determines are 32426  
appropriate. To the extent possible, the department shall 32427  
disaggregate data on student performance according to any 32428  
combinations of two or more of the categories listed in divisions 32429  
(F)(1) to (13) of this section that it deems relevant. 32430

In reporting data pursuant to division (F) of this section, 32431  
the department shall not include in the report cards any data 32432  
statistical in nature that is statistically unreliable or that 32433  
could result in the identification of individual students. For 32434  
this purpose, the department shall not report student performance 32435  
data for any group identified in division (F) of this section that 32436  
contains less than ten students. If the department does not report 32437  
student performance data for a group because it contains less than 32438  
ten students, the department shall indicate on the report card 32439  
that is why data was not reported. 32440

(G) The department may include with the report cards any 32441  
additional education and fiscal performance data it deems 32442  
valuable. 32443

(H) The department shall include on each report card a list 32444  
of additional information collected by the department that is 32445  
available regarding the district or building for which the report 32446  
card is issued. When available, such additional information shall 32447  
include student mobility data disaggregated by race and 32448  
socioeconomic status, college enrollment data, and the reports 32449  
prepared under section 3302.031 of the Revised Code. 32450

The department shall maintain a site on the world wide web. 32451  
The report card shall include the address of the site and shall 32452  
specify that such additional information is available to the 32453  
public at that site. The department shall also provide a copy of 32454  
each item on the list to the superintendent of each school 32455  
district. The district superintendent shall provide a copy of any 32456  
item on the list to anyone who requests it. 32457

(I)(1)(a) Except as provided in division (I)(1)(b) of this section, for any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the report card issued for the district under this section or section 3302.033 of the Revised Code.

(b) The department shall not combine data from any conversion community school that a district sponsors if a majority of the students enrolled in the conversion community school are enrolled in a dropout prevention and recovery program that is operated by the school, as described in division (A)(4)(a) of section 3314.35 of the Revised Code. The department shall include as an addendum to the district's report card the ratings and performance measures that are required under section 3314.017 of the Revised Code for any community school to which division (I)(1)(b) of this section applies. This addendum shall include, at a minimum, the data specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 3314.017 of the Revised Code.

(2) Any district that leases a building to a community school located in the district or that enters into an agreement with a community school located in the district whereby the district and the school endorse each other's programs may elect to have data regarding the academic performance of students enrolled in the community school combined with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the district report card. Any district that so elects shall annually file a copy of the lease or agreement with the department.

(3) Any municipal school district, as defined in section

3311.71 of the Revised Code, that sponsors a community school 32490  
located within the district's territory, or that enters into an 32491  
agreement with a community school located within the district's 32492  
territory whereby the district and the community school endorse 32493  
each other's programs, may exercise either or both of the 32494  
following elections: 32495

(a) To have data regarding the academic performance of 32496  
students enrolled in that community school combined with 32497  
comparable data from the schools of the district for the purpose 32498  
of determining the performance of the district as a whole on the 32499  
district's report card; 32500

(b) To have the number of students attending that community 32501  
school noted separately on the district's report card. 32502

The election authorized under division (I)(3)(a) of this 32503  
section is subject to approval by the governing authority of the 32504  
community school. 32505

Any municipal school district that exercises an election to 32506  
combine or include data under division (I)(3) of this section, by 32507  
the first day of October of each year, shall file with the 32508  
department documentation indicating eligibility for that election, 32509  
as required by the department. 32510

(J) The department shall include on each report card the 32511  
percentage of teachers in the district or building who are highly 32512  
qualified, as defined by the No Child Left Behind Act of 2001, and 32513  
a comparison of that percentage with the percentages of such 32514  
teachers in similar districts and buildings. 32515

(K)(1) In calculating English language arts, mathematics, 32516  
~~social studies~~, or science assessment passage rates used to 32517  
determine school district or building performance under this 32518  
section, the department shall include all students taking an 32519  
assessment with accommodation or to whom an alternate assessment 32520

is administered pursuant to division (C)(1) or (3) of section 32521  
3301.0711 of the Revised Code. 32522

(2) In calculating performance index scores, rates of 32523  
achievement on the performance indicators established by the state 32524  
board under section 3302.02 of the Revised Code, and annual 32525  
measurable objectives for determining adequate yearly progress for 32526  
school districts and buildings under this section, the department 32527  
shall do all of the following: 32528

(a) Include for each district or building only those students 32529  
who are included in the ADM certified for the first full school 32530  
week of October and are continuously enrolled in the district or 32531  
building through the time of the spring administration of any 32532  
assessment prescribed by division (A)(1) or (B)(1) of section 32533  
3301.0710 or division (B) of section 3301.0712 of the Revised Code 32534  
that is administered to the student's grade level; 32535

(b) Include cumulative totals from both the fall and spring 32536  
administrations of the third grade English language arts 32537  
achievement assessment; 32538

(c) Except as required by the No Child Left Behind Act of 32539  
2001, exclude for each district or building any limited English 32540  
proficient student who has been enrolled in United States schools 32541  
for less than one full school year. 32542

(L) Beginning with the 2015-2016 school year and at least 32543  
once every three years thereafter, the state board of education 32544  
shall review and may adjust the benchmarks for assigning letter 32545  
grades to the performance measures and components prescribed under 32546  
divisions (C)(3) and (D) of this section. 32547

**Sec. 3302.151.** (A) Notwithstanding anything to the contrary 32548  
in the Revised Code, a school district that qualifies under 32549  
division (D) of this section shall be exempt from all of the 32550

following: 32551

(1) The teacher qualification requirements under the 32552  
third-grade reading guarantee, as prescribed under divisions 32553  
(B)(3)(c) and (H) of section 3313.608 of the Revised Code. This 32554  
exemption does not relieve a teacher from holding a valid Ohio 32555  
license in a subject area and grade level determined appropriate 32556  
by the board of education of that district. 32557

~~(2) The mentoring component of the Ohio teacher residency 32558  
program established under division (A)(1) of section 3319.223 of 32559  
the Revised Code, so long as the district utilizes a local 32560  
approach to train and support new teachers;~~ 32561

~~(3) Any provision of the Revised Code or rule or standard of 32562  
the state board of education prescribing a minimum or maximum 32563  
class size;~~ 32564

~~(4)(3) Any provision of the Revised Code or rule or standard 32565  
of the state board requiring teachers to be licensed specifically 32566  
in the grade level in which they are teaching, except unless 32567  
otherwise prescribed by federal law. This exemption does not apply 32568  
to special education teachers. Nor does this exemption relieve a 32569  
teacher from holding a valid Ohio license in the subject area in 32570  
which that teacher is teaching and at least some grade level 32571  
determined appropriate by the district board. 32572~~

(B)(1) Notwithstanding anything to the contrary in the 32573  
Revised Code, including sections 3319.30 and 3319.36 of the 32574  
Revised Code, the superintendent of a school district that 32575  
qualifies under division (D) of this section may employ an 32576  
individual who is not licensed as required by sections 3319.22 to 32577  
3319.30 of the Revised Code, but who is otherwise qualified based 32578  
on experience, to teach classes in the district, so long as the 32579  
board of education of the school district approves the 32580  
individual's employment and provides mentoring and professional 32581

development opportunities to that individual, as determined 32582  
necessary by the board. 32583

(2) As a condition of employment under this section, an 32584  
individual shall be subject to a criminal records check as 32585  
prescribed by section 3319.391 of the Revised Code. In the manner 32586  
prescribed by the department of education, the individual shall 32587  
submit the criminal records check to the department and shall 32588  
register with the department during the period in which the 32589  
individual is employed by the district. The department shall use 32590  
the information submitted to enroll the individual in the retained 32591  
applicant fingerprint database, established under section 109.5721 32592  
of the Revised Code, in the same manner as any teacher licensed 32593  
under sections 3319.22 to 3319.31 of the Revised Code. 32594

(3) An individual employed pursuant to this division is 32595  
subject to Chapter 3307. of the Revised Code. 32596

If the department receives notification of the arrest or 32597  
conviction of an individual employed under division (B) of this 32598  
section, the department shall promptly notify the employing 32599  
district and may take any action authorized under sections 3319.31 32600  
and 3319.311 of the Revised Code that it considers appropriate. No 32601  
district shall employ any individual under division (B) of this 32602  
section if the district learns that the individual has plead 32603  
guilty to, has been found guilty by a jury or court of, or has 32604  
been convicted of any of the offenses listed in division (C) of 32605  
section 3319.31 of the Revised Code. 32606

(C) Notwithstanding anything to the contrary in the Revised 32607  
Code, noncompliance with any of the requirements listed in 32608  
divisions (A) or (B) of this section shall not disqualify a school 32609  
district that qualifies under division (D) of this section from 32610  
receiving funds under Chapter 3317. of the Revised Code. 32611

(D) In order for a city, local, or exempted village school 32612



district to qualify for the exemptions described in this section, 32613  
the school district shall meet all of the following benchmarks on 32614  
the most recent report card issued for that district under section 32615  
3302.03 of the Revised Code: 32616

(1) The district received at least eighty-five per cent of 32617  
the total possible points for the performance index score 32618  
calculated under division (C)(1)(b) of that section; 32619

(2) The district received a grade of an "A" for performance 32620  
indicators met under division (C)(1)(c) of that section; 32621

(3) The district has a four-year adjusted cohort graduation 32622  
rate of at least ninety-three per cent and a five-year adjusted 32623  
cohort graduation rate of at least ninety-five per cent, as 32624  
calculated under division (C)(1)(d) of that section. 32625

(E) A school district that meets the requirements prescribed 32626  
by division (D) of this section shall be qualified for the 32627  
exemptions prescribed by this section for three school years, 32628  
beginning with the school year in which the qualifying report card 32629  
is issued. 32630

(F) As used in this section, "license" has the same meaning 32631  
as in section 3319.31 of the Revised Code. 32632

**Sec. 3303.20.** The superintendent of public instruction shall 32633  
appoint a supervisor of agricultural education within the 32634  
department of education. The supervisor shall be responsible for 32635  
administering and disseminating to school districts information 32636  
about agricultural education. The supervisor also may serve as the 32637  
chair of the board of trustees of the Ohio FFA association, and 32638  
may assist with the association's programs and activities in a 32639  
manner that enables the association to maintain its state charter 32640  
and to meet applicable requirements of the United States 32641  
department of education and the national FFA organization. This 32642

assistance may include the provision of department personnel, 32643  
services, and facilities. 32644

The department shall maintain an appropriate number of 32645  
full-time employees focusing on agricultural education. The 32646  
department shall employ at least three program consultants who 32647  
shall be available to provide assistance to school districts on a 32648  
regional basis throughout the state. At least one consultant may 32649  
coordinate local activities of the student organization known as 32650  
the future farmers of America. Department employees may not 32651  
receive compensation from the Ohio FFA association, but the 32652  
department may be reimbursed by the association for reasonable 32653  
expenses related to assistance provided under this section. 32654

**Sec. 3304.11.** As used in sections 3304.11 to 3304.27 of the 32655  
Revised Code: 32656

(A) "~~Person~~ Eligible individual with a disability" means ~~any~~ 32657  
~~person with~~ an individual who has a physical or mental impairment 32658  
that ~~is~~ constitutes or results in a substantial impediment to 32659  
employment and who ~~can benefit in terms of an employment outcome~~ 32660  
~~from the provision of~~ requires vocational rehabilitation services 32661  
to prepare for, secure, retain, advance in, or regain employment. 32662

(B) "Physical or mental impairment" means ~~a physical or~~ 32663  
~~mental condition that materially limits, contributes to limiting~~ 32664  
~~or, if not corrected, will probably result in limiting a person's~~ 32665  
~~activities or functioning~~ any physiological, mental, or 32666  
psychological disorder. 32667

(C) "Substantial impediment to employment" means a physical 32668  
or mental ~~disability that impedes a person's occupational~~ 32669  
~~performance, by preventing the person's obtaining, retaining, or~~ 32670  
~~preparing for a gainful occupation consistent with the person's~~ 32671  
~~capacities and~~ impairment that hinders an individual from 32672  
preparing for, entering into, engaging in, advancing in, or 32673

retaining employment consistent with the individual's abilities 32674  
and capabilities. 32675

(D) ~~"Vocational rehabilitation" and "vocational~~ 32676  
~~rehabilitation services" means any activity or service calculated~~ 32677  
~~to enable a person with a disability or groups of persons with~~ 32678  
~~disabilities to engage in gainful occupation and includes, but is~~ 32679  
~~not limited to, medical and vocational evaluation, including~~ 32680  
~~diagnostic and related services, vocational counseling, guidance~~ 32681  
~~and placement, including follow up services, rehabilitation~~ 32682  
~~training, including books and other training materials, physical~~ 32683  
~~restoration, recruitment and training services designed to provide~~ 32684  
~~persons with disabilities new employment opportunities,~~ 32685  
~~maintenance, occupational tools, equipment, supplies,~~ 32686  
~~transportation, services to families of persons with disabilities~~ 32687  
~~that contribute substantially to the rehabilitation of these~~ 32688  
~~persons, and any other goods or service necessary to render a~~ 32689  
~~person with a disability employable~~ has the same meaning as 32690  
defined in section 361.5 of Title 34 of the Code of Federal 32691  
Regulations, 34 C.F.R. 361.5. 32692

(E) "Establishment of a rehabilitation facility" means the 32693  
expansion, remodeling, or alteration of an existing building that 32694  
is necessary to adapt or to increase the effectiveness of that 32695  
building for rehabilitation facility purposes, the acquisition of 32696  
equipment for these purposes, and the initial staffing. 32697

(F) "Construction" means the construction of new buildings, 32698  
acquisition of land or existing buildings and their expansion, 32699  
remodeling, alteration and renovation, and the initial staffing 32700  
and equipment of any new, newly acquired, expanded, remodeled, 32701  
altered, or renovated buildings. 32702

(G) ~~"Physical restoration services" means those services that~~ 32703  
~~are necessary to correct or substantially modify within a~~ 32704  
~~reasonable period of time a physical or mental condition that is~~ 32705

~~stable or slowly progressive.~~ 32706

~~(H) "Occupational license" means any license, permit, or  
other written authority required by any governmental unit in order  
to engage in any occupation or business.~~ 32707  
32708  
32709

~~(I) "Maintenance" means money payments to persons with  
disabilities who need financial assistance for their subsistence  
during their vocational rehabilitation monetary support provided  
to an individual for expenses such as food, shelter, and clothing  
that are in excess of the normal expenses of the individual and  
that are necessitated by the individual's participation in an  
assessment for determining eligibility and need for vocational  
rehabilitation services or the individual's receipt of vocational  
rehabilitation services under an individualized plan for  
employment.~~ 32710  
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**Sec. 3304.12.** (A) The governor, with the advice and consent 32720  
of the senate, shall appoint the opportunities for Ohioans with 32721  
disabilities commission within the opportunities for Ohioans with 32722  
disabilities agency consisting of seven members, no more than four 32723  
of whom shall be members of the same political party and who shall 32724  
include at least three from rehabilitation professions, including 32725  
at least one member from the field of services to the blind, and 32726  
at least four individuals with disabilities, no less than two nor 32727  
more than three of whom have received vocational rehabilitation 32728  
services offered by a state vocational rehabilitation services 32729  
agency or the veterans' administration. The members with 32730  
disabilities shall be representative of several major categories 32731  
of ~~persons~~ eligible individuals with disabilities served by the 32732  
opportunities for Ohioans with disabilities agency. 32733

(B) Terms of office shall be for seven years, commencing on 32734  
the ninth day of September and ending on the eighth day of 32735  
September, with no person eligible to serve more than two 32736

seven-year terms. Each member shall hold office from the date of 32737  
appointment until the end of the term for which the member was 32738  
appointed. Any member appointed to fill a vacancy occurring prior 32739  
to the expiration of the term for which the member's predecessor 32740  
was appointed shall hold office for the remainder of that term. 32741  
Any member shall continue in office subsequent to the expiration 32742  
date of the member's term until a successor takes office, or until 32743  
a period of sixty days has elapsed, whichever occurs first. 32744  
Members who fail to perform their duties or who are guilty of 32745  
misconduct may be removed on written charges preferred by the 32746  
governor or by a majority of the commission. 32747

(C) Members of the commission shall be reimbursed for travel 32748  
and necessary expenses incurred in the conduct of their duties, 32749  
and shall receive an amount fixed pursuant to division (J) of 32750  
section 124.15 of the Revised Code while actually engaged in 32751  
attendance at meetings or in the performance of their duties. 32752

**Sec. 3304.14.** For the purposes of sections 3304.11 to 3304.27 32753  
of the Revised Code, the opportunities for Ohioans with 32754  
disabilities commission shall approve the state vocational 32755  
rehabilitation services plan, jointly approve the state plan for 32756  
independent living with the Ohio state independent living council, 32757  
appoint a consumer advisory committee, and, to the extent 32758  
feasible, conduct a review and analysis of the effectiveness of 32759  
and consumer satisfaction with all of the following: 32760

(A) The functions performed by the opportunities for Ohioans 32761  
with disabilities agency; 32762

(B) The vocational rehabilitation services provided by state 32763  
agencies and other public and private entities responsible for 32764  
providing vocational rehabilitation services to ~~persons~~ eligible 32765  
individuals with disabilities under the "Rehabilitation Act of 32766  
1973," 87 Stat. 355, 29 U.S.C. 701, as amended; 32767

(C) The employment outcomes achieved by eligible individuals 32768  
with disabilities receiving vocational rehabilitation services 32769  
under sections 3304.11 to 3304.27 of the Revised Code, including 32770  
the availability of health and other employment benefits in 32771  
connection with those employment outcomes. 32772

**Sec. 3304.15.** (A) There is hereby created the opportunities 32773  
for Ohioans with disabilities agency. The agency is the designated 32774  
state unit authorized under the "Rehabilitation Act of 1973," 87 32775  
Stat. 355, 29 U.S.C. 701, as amended, to provide vocational 32776  
rehabilitation services to eligible ~~persons~~ individuals with 32777  
disabilities. 32778

(B) The governor shall appoint an executive director of the 32779  
opportunities for Ohioans with disabilities agency to serve at the 32780  
pleasure of the governor and shall fix the executive director's 32781  
compensation. The executive director shall devote the executive 32782  
director's entire time to the duties of the executive director's 32783  
office, shall hold no other office or position of trust and 32784  
profit, and shall engage in no other business during the executive 32785  
director's term of office. The governor may grant the executive 32786  
director the authority to appoint, remove, and discipline without 32787  
regard to sex, race, creed, color, age, or national origin, such 32788  
other professional, administrative, and clerical staff members as 32789  
are necessary to carry out the functions and duties of the agency. 32790

The executive director of the opportunities for Ohioans with 32791  
disabilities agency is the executive and administrative officer of 32792  
the agency. Whenever the Revised Code imposes a duty on or 32793  
requires an action of the agency, the executive director shall 32794  
perform the duty or action on behalf of the agency. The executive 32795  
director may establish procedures for all of the following: 32796

(1) The governance of the agency; 32797

(2) The conduct of agency employees and officers; 32798

(3) The performance of agency business;	32799
(4) The custody, use, and preservation of agency records, papers, books, documents, and property.	32800 32801
(C) The executive director shall have exclusive authority to administer the daily operation and provision of vocational rehabilitation services under this chapter. In exercising that authority, the executive director may do all of the following:	32802 32803 32804 32805
(1) Adopt rules in accordance with Chapter 119. of the Revised Code;	32806 32807
(2) Prepare and submit an annual report to the governor;	32808
(3) Certify any disbursement of funds available to the agency for vocational rehabilitation <del>activities</del> <u>services</u> ;	32809 32810
(4) Take appropriate action to guarantee rights of <u>vocational rehabilitation</u> services to <del>people</del> <u>eligible individuals</u> with disabilities;	32811 32812 32813
(5) Consult with and advise other state agencies and coordinate programs for <del>persons</del> <u>eligible individuals</u> with disabilities;	32814 32815 32816
(6) Comply with the requirements for match as part of budget submission;	32817 32818
(7) Establish research and demonstration projects;	32819
(8) Accept, hold, invest, reinvest, or otherwise use gifts to further vocational rehabilitation <u>services</u> ;	32820 32821
(9) For the purposes of the business enterprise program administered under sections 3304.28 to 3304.35 of the Revised Code:	32822 32823 32824
(a) Establish and manage small business entities owned or operated by <del>visually impaired persons</del> <u>individuals who are blind</u> ;	32825 32826
(b) Purchase insurance;	32827

(c) Accept computers. 32828

(10) Enter into contracts and other agreements for the 32829  
provision of vocational rehabilitation services. 32830

(D) The executive director shall establish a fee schedule for 32831  
vocational rehabilitation services in accordance with 34 C.F.R. 32832  
361.50. 32833

**Sec. 3304.17.** The opportunities for Ohioans with disabilities 32834  
agency shall provide vocational rehabilitation services to all 32835  
eligible ~~persons~~ individuals with disabilities, including any 32836  
~~person~~ eligible individual with a disability who is eligible under 32837  
the terms of an agreement or arrangement with another state or 32838  
with the federal government. If vocational rehabilitation services 32839  
cannot be provided to all eligible individuals with disabilities 32840  
in the state who apply for vocational rehabilitation services, the 32841  
agency shall implement an order of selection in accordance with 34 32842  
C.F.R. 361.36. 32843

**Sec. 3304.171.** (A) As used in this section, "OhioMeansJobs 32844  
web site" has the same meaning as in section 6301.01 of the 32845  
Revised Code. 32846

(B) ~~Beginning January 1, 2016, each recipient of~~ Each 32847  
eligible individual receiving vocational rehabilitation services 32848  
provided under section 3304.17 of the Revised Code shall create an 32849  
account with the OhioMeansJobs web site upon initiation of a job 32850  
search as a part of receiving those vocational rehabilitation 32851  
services. 32852

(C) Division (B) of this section does not apply to any 32853  
eligible individual with a disability who is legally prohibited 32854  
from using a computer, has a physical or visual impairment that 32855  
makes the eligible individual with a disability unable to use a 32856  
computer, or has a limited ability to read, write, speak, or 32857



understand a language in which the OhioMeansJobs web site is 32858  
available. 32859

**Sec. 3304.18.** The treasurer of state shall be the custodian 32860  
of all moneys received from the federal government for vocational 32861  
rehabilitation services programs and shall disburse the money upon 32862  
the certification of the executive director of the opportunities 32863  
for Ohioans with disabilities agency. If federal funds are not 32864  
available to the state for vocational rehabilitation ~~purposes~~ 32865  
services, the governor shall include as part of the governor's 32866  
biennial budget request to the general assembly a request for 32867  
funds sufficient to support the activities of the agency. 32868

**Sec. 3304.182.** Any agreement between the opportunities for 32869  
Ohioans with disabilities agency and a private or public entity 32870  
providing funds under section 3304.181 of the Revised Code may 32871  
permit the agency to receive a specified percentage of the funds, 32872  
but the percentage shall be not more than twenty-five per cent of 32873  
the total funds available under the agreement. The agency may 32874  
terminate an agreement at any time for just cause. It may 32875  
terminate an agreement for any other reason by giving at least 32876  
thirty days' notice to the public or private entity. 32877

Any vocational rehabilitation services provided under an 32878  
agreement entered into under section 3304.181 of the Revised Code 32879  
shall be provided by a person or government entity that meets the 32880  
accreditation standards established in rules adopted by the agency 32881  
under section 3304.15 of the Revised Code. 32882

**Sec. 3304.19.** ~~The right of a person with a disability to~~ 32883  
~~living~~ Any maintenance provided under sections 3304.11 to 3304.27 32884  
of the Revised Code, is not transferable or assignable at law or 32885  
in equity, and none of the money paid or payable or rights 32886  
existing under this chapter are subject to execution, levy, 32887

attachment, garnishment, or other legal process, or to the 32888  
operation of any bankruptcy or insolvency law. 32889

**Sec. 3304.20.** Any ~~person~~ eligible individual with a 32890  
disability applying for or receiving vocational rehabilitation 32891  
services who is dissatisfied with regard to the furnishing or 32892  
denial of vocational rehabilitation services, may file a request 32893  
for an administrative review and redetermination of that action in 32894  
accordance with rules of the opportunities for Ohioans with 32895  
disabilities agency. When the ~~person~~ eligible individual with a 32896  
disability is dissatisfied with the finding of this administrative 32897  
review, the ~~person~~ eligible individual with a disability is 32898  
entitled, in accordance with agency rules and in accordance with 32899  
Chapter 119. of the Revised Code, to a fair hearing before the 32900  
executive director of the agency. 32901

**Sec. 3304.21.** No person shall, except for the purposes of 32902  
sections 3304.11 to 3304.27 of the Revised Code, and in accordance 32903  
with the rules established by the opportunities for Ohioans with 32904  
disabilities agency, solicit, disclose, receive, make use of, 32905  
authorize, knowingly permit, participate in, or acquiesce in the 32906  
use of any list of names or information concerning ~~persons~~ 32907  
eligible individuals with disabilities applying for or receiving 32908  
any vocational rehabilitation services from the agency, which 32909  
information is directly or indirectly derived from the records of 32910  
the agency or is acquired in the performance of the person's 32911  
official duties. 32912

**Sec. 3304.22.** No officer or employee of the opportunities for 32913  
Ohioans with disabilities commission, the opportunities for 32914  
Ohioans with disabilities agency, or any person engaged in the 32915  
administration of a vocational rehabilitation services program 32916  
sponsored by or affiliated with the state shall use or permit the 32917

use of any vocational rehabilitation services program for the 32918  
purpose of interfering with an election for any partisan political 32919  
purpose; solicit or receive money for a partisan political 32920  
purpose; or require any other person to contribute any service or 32921  
money for a partisan political purpose. Whoever violates this 32922  
section shall be removed from the officer's or employee's office 32923  
or employment. 32924

**Sec. 3304.27.** All vocational rehabilitation services made 32925  
available under sections 3304.11 to 3304.27 of the Revised Code, 32926  
are made available subject to amendment or repeal of those 32927  
sections, and no ~~person~~ eligible individual with a disability 32928  
shall have any claim by reason of the ~~person's~~ eligible 32929  
individual's vocational rehabilitation services being affected in 32930  
any way by such an amendment or repeal. 32931

**Sec. 3304.28.** As used in sections 3304.28 to 3304.34 of the 32932  
Revised Code: 32933

(A) "Suitable vending facility" means automatic vending 32934  
machines, cafeterias, snack bars, cart service shelters, counters, 32935  
and other appropriate auxiliary food service equipment determined 32936  
to be necessary by the bureau of services for the visually 32937  
impaired for the automatic or manual dispensing of foods, 32938  
beverages, and other such commodities for sale by ~~persons~~ 32939  
individuals, no fewer than one-half of whom are blind, under the 32940  
supervision of a licensed ~~blind~~ vendor who is blind or an employee 32941  
of the opportunities for Ohioans with disabilities agency. 32942

(B) "Blind" means either of the following: 32943

(1) Vision twenty/two hundred or less in the better eye with 32944  
proper correction; 32945

(2) Field defect in the better eye with proper correction 32946  
that contracts the peripheral field so that the diameter of the 32947

visual field subtends an angle no greater than twenty degrees. 32948

(C) "Governmental property" means any real property, 32949  
building, or facility owned, leased, or rented by the state or any 32950  
board, commission, department, division, or other unit or agency 32951  
thereof, but does not include any institution under the management 32952  
of the department of rehabilitation and correction pursuant to 32953  
section 5120.05 of the Revised Code, or under the management of 32954  
the department of youth services created pursuant to section 32955  
5139.01 of the Revised Code. 32956

**Sec. 3304.29.** The bureau of services for the visually 32957  
impaired shall: 32958

(A) Survey suitable vending facility concession opportunities 32959  
for individuals who are blind ~~persons~~ on governmental property; 32960

(B) Obtain and make public, information concerning employment 32961  
opportunities for individuals who are blind ~~persons~~ in suitable 32962  
vending facilities; 32963

(C) License individuals who are blind ~~persons~~ to operate 32964  
suitable vending facilities on governmental property; 32965

(D) Adopt rules and do everything necessary and proper to 32966  
carry out sections 3304.29 to 3304.34 of the Revised Code. 32967

**Sec. 3304.30.** Every person in charge of governmental property 32968  
to be substantially renovated or who is responsible for the 32969  
acquisition, lease, or rental of such property shall consult with 32970  
the director of the bureau of services for the visually impaired 32971  
prior to such renovation, acquisition, lease, or rental to 32972  
determine if sufficient numbers of persons will be using such 32973  
property to support a suitable vending facility. If the director 32974  
determines that such property would be a satisfactory site for a 32975  
suitable vending facility, provision shall be made for electrical 32976  
outlets, plumbing fixtures, and other requirements for the 32977

installation and operation of a suitable vending facility. In the 32978  
case of a state university, medical university, technical college, 32979  
state community college, community college, university branch 32980  
district, or state-affiliated college or university, the decision 32981  
to establish a suitable vending facility shall be made jointly by 32982  
the director of services for the visually impaired and proper 32983  
administrative authorities of the state or state-affiliated 32984  
college or university. 32985

The bureau shall provide each suitable vending facility with 32986  
equipment and an adequate initial stock of suitable articles to be 32987  
vended. An inventory shall be made of each suitable vending 32988  
facility at least once every six months. Each blind licensee may 32989  
make the blind licensee's own inventory on forms prescribed by the 32990  
bureau, provided that the bureau shall retain the right to make 32991  
its own inventory at any mutually agreeable time. Each blind 32992  
licensee may employ and discharge personnel required to operate 32993  
the blind licensee's suitable vending facility, but employment 32994  
preference shall be given to individuals who are blind persons and 32995  
who are capable of discharging the required duties, ~~and at.~~ At all 32996  
times at least one-half of the employees shall be blind. 32997

**Sec. 3304.31.** Licenses issued by the bureau of services for 32998  
the visually impaired under section 3304.29 of the Revised Code 32999  
shall be in effect until suspended or revoked. The bureau may 33000  
deny, revoke, or suspend a license or otherwise discipline a 33001  
licensee upon proof that the ~~person~~ licensee is guilty of fraud or 33002  
deceit in procuring or attempting to procure a license, is guilty 33003  
of a felony or a crime of moral turpitude, is addicted to the use 33004  
of habit-forming drugs or alcohol, or is mentally incompetent. 33005  
Such license may also be denied, revoked, or suspended on proof of 33006  
violation by the applicant or licensee of the rules established by 33007  
the bureau for the operation of suitable vending facilities by the 33008  
blind or if a licensee fails to maintain a vending facility as a 33009

suitable vending facility. 33010

Any individual who is blind ~~person and~~ who has had ~~his~~ the 33011  
individual's license suspended or revoked or ~~his~~ the individual's 33012  
application denied by the bureau may reapply for a license and may 33013  
be reinstated or be granted a license by the bureau upon 33014  
presentation of satisfactory evidence that there is no longer 33015  
cause for such suspension, revocation, or denial. Before the 33016  
bureau may revoke, deny, or suspend a license, or otherwise 33017  
discipline a licensee, written charges must be filed by the 33018  
director of the bureau and a hearing shall be held as provided in 33019  
Chapter 119. of the Revised Code. 33020

**Sec. 3304.41.** The opportunities for Ohioans with disabilities 33021  
agency shall establish and administer a program for the use of 33022  
funds appropriated for that purpose to provide personal care 33023  
assistance to enable eligible ~~severely physically disabled persons~~ 33024  
individuals with severe physical disabilities to live 33025  
~~independently or~~ and work, independently. The agency shall adopt 33026  
rules in accordance with Chapter 119. of the Revised Code as 33027  
necessary to carry out the purposes of this section, ~~and shall~~ 33028  
~~apply to the controlling board for the release of the funds.~~ 33029

**Sec. 3309.23.** (A) Except as provided in division (B) of this 33030  
section, the following shall be contributors to the school 33031  
employees retirement system: 33032

(1) All employees, as defined in division (B) of section 33033  
3309.01 of the Revised Code; 33034

(2) The employees of an existing or newly created employer 33035  
unit as defined in division (A) of section 3309.01 of the Revised 33036  
Code, supported in whole or in part by the state or any political 33037  
subdivision thereof and wholly controlled and managed by the state 33038  
or any subdivision thereof. Such employees shall become 33039

contributors on the same terms and conditions as provided by this 33040  
chapter, provided the board of trustees or other managing body of 33041  
such school, college, or other institution, if such institution is 33042  
now in existence or if in existence on such date, shall agree by 33043  
formal resolution to accept all the requirements and obligations 33044  
imposed by this chapter upon employers. A certified copy of the 33045  
resolution shall be filed with the school employees retirement 33046  
board. When such resolution has been adopted and a copy of it 33047  
filed with the school employees retirement board, it shall not 33048  
later be subject to rescission or abrogation. Service in such 33049  
schools, colleges, or other institutions shall be then considered 33050  
in every way the same as service in the public schools. 33051

(3) All other individuals who become members. 33052

(B) The following individuals may choose to be exempt from 33053  
compulsory membership by filing a written application for 33054  
exemption with the employer within the first month after being 33055  
employed: 33056

(1) A student who is not a member at the time of employment 33057  
and who is employed by the school, college, or university in which 33058  
the student is enrolled and regularly attending classes; 33059

(2) An emergency employee serving on a temporary basis in 33060  
case of fire, snow, earthquake, flood, or other similar emergency; 33061

(3) An individual employed in a program established pursuant 33062  
to the ~~"Workforce Investment Act," 112 Stat. 936 (1998), 29 U.S.C.~~ 33063  
~~2801~~ "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 33064  
seq., or any other federal job training program. 33065

(C) A member may elect to have employment by the school, 33066  
college, or university at which the member is enrolled and 33067  
regularly attending classes exempted from contribution to the 33068  
retirement system by filing a written application with the 33069  
member's employer within the first month after being so employed. 33070

(D) In all cases of doubt pertaining to contributors on an individual or group basis or the status of existing or newly created employer units, the decision shall be made by the retirement board, and such decision shall be final.

**Sec. 3309.374.** (A) ~~The~~ Until December 31, 2017, the school employees retirement board shall annually increase each allowance, pension, or benefit payable under this chapter by three per cent, ~~except that no allowance, pension, or benefit shall exceed the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.~~

(B) Effective January 1, 2018, the retirement board may annually increase each allowance, pension, or benefit payable under this chapter by the percentage increase, if any, in the consumer price index, not to exceed two and one half per cent, as determined by the United States bureau of labor statistics (U.S. city average for urban wage earners and clerical workers: "all items 1982-84=100") for the twelve-month period ending on the thirtieth day of June of the immediately preceding calendar year. No increase shall be made for a period in which the consumer price index did not increase.

(C) The first increase is payable to all persons becoming eligible after June 30, 1971, upon such persons receiving an allowance, pension, or benefit for twelve months.

The increased amount is payable for the ensuing twelve-month period or until the next increase is granted under this section, whichever is later. Subsequent increases shall be determined from the date of the first increase paid to the former member in the case of an allowance being paid a beneficiary under an option, or from the date of the first increase to the survivor first receiving an allowance or benefit in the case of an allowance or benefit being paid to the subsequent survivors of the former



member. 33102

The date of the first increase under this section becomes the 33103  
anniversary date for any future increases. 33104

(D) The allowance or benefit used in the first calculation of 33105  
an increase under this section shall remain as the base for all 33106  
future increases, unless a new base is established. Any increase 33107  
resulting from payment of a recalculated benefit under Section 3 33108  
of Substitute Senate Bill No. 270 of the 123rd general assembly 33109  
shall be included in the calculation of future increases under 33110  
this section. 33111

~~(B)~~(E) If payment of a portion of a benefit is made to an 33112  
alternate payee under section 3309.671 of the Revised Code, 33113  
increases under this section granted while the order is in effect 33114  
shall be apportioned between the alternate payee and the retirant 33115  
or disability benefit recipient in the same proportion that the 33116  
amount being paid to the alternate payee bears to the amount paid 33117  
to the retirant or disability benefit recipient. 33118

If payment of a portion of a benefit is made to one or more 33119  
beneficiaries under "plan F" under division (B)(3)(e) of section 33120  
3309.46 of the Revised Code, each increase under this section 33121  
granted while the plan of payment is in effect shall be divided 33122  
among the designated beneficiaries in accordance with the portion 33123  
each beneficiary has been allocated. 33124

~~(C)~~(F) No allowance, pension, or benefit payable under this 33125  
chapter shall exceed the limit established by section 415 of the 33126  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 415, as 33127  
amended. 33128

(G) Before granting an increase under division (B) of this 33129  
section, the retirement board may adjust the percentage of any 33130  
increase if the board's actuary, in its annual actuarial valuation 33131  
required by section 3309.21 of the Revised Code, or in other 33132

evaluations conducted under that section, determines that an 33133  
adjustment does not materially impair the fiscal integrity of the 33134  
retirement system or is necessary to preserve the fiscal integrity 33135  
of the retirement system. 33136

(H) The retirement board shall make all rules necessary to 33137  
carry out this section. 33138

**Sec. 3309.661.** (A) Except as provided in section 3309.673 of 33139  
the Revised Code, the granting of a retirement allowance, annuity, 33140  
pension, or other benefit to any person pursuant to action of the 33141  
school employees retirement board vests a right in such person, so 33142  
long as the person remains the recipient of any of the funds 33143  
established by section 3309.60 of the Revised Code, to receive 33144  
such retirement allowance, annuity, pension, or benefit. Such 33145  
right shall also be vested with equal effect in the recipient of a 33146  
grant heretofore made from any of the funds named in section 33147  
3309.60 of the Revised Code. 33148

(B) This section does not affect the retirement board's 33149  
authority under division (G) of section 3309.374 of the Revised 33150  
Code. 33151

**Sec. 3310.16.** ~~For~~ (A) Except as provided in division (B) of 33152  
this section, for the 2013-2014 school year and each school year 33153  
thereafter, the department of education shall conduct two 33154  
application periods each year for the educational choice 33155  
scholarship pilot program under sections 3310.03 and 3310.032 of 33156  
the Revised Code, as follows: 33157

~~(A)~~(1) The first application period shall open not sooner 33158  
than the first day of February prior to the first day of July of 33159  
the school year for which a scholarship is sought and run not less 33160  
than seventy-five days. 33161

~~(B)~~(2) The second application period shall open not sooner 33162

than the first day of July of the school year for which the 33163  
scholarship is sought and run not less than thirty days. 33164

(B) If the scholarships awarded under section 3310.032 of the 33165  
Revised Code in the first application period for any school year 33166  
use the entirety of the amount appropriated by the general 33167  
assembly for such scholarships for that school year, the 33168  
department need not conduct a second application period for 33169  
scholarships under that section. If, after the first application 33170  
period, there are funds remaining to award scholarships under 33171  
section 3310.032 of the Revised Code, the department shall conduct 33172  
a second application period in accordance with division (A)(2) of 33173  
this section. 33174

(C) Not later than the thirty-first day of May of each school 33175  
year, the department shall determine whether funds remain 33176  
available for income-based scholarships under the educational 33177  
choice scholarship program after the first application period. 33178

**Sec. 3310.52.** (A) The Jon Peterson special needs scholarship 33179  
program is hereby established. Under the program, beginning with 33180  
the 2012-2013 school year, subject to division (B) of this 33181  
section, the department of education annually shall pay a 33182  
scholarship to an eligible applicant for services provided by an 33183  
alternative public provider or a registered private provider for a 33184  
qualified special education child. The scholarship shall be used 33185  
only to pay all or part of the fees for the child to attend the 33186  
special education program operated by the alternative public 33187  
provider or registered private provider to implement the child's 33188  
individualized education program, in lieu of the child's attending 33189  
the special education program operated by the school district in 33190  
which the child is entitled to attend school, and other services 33191  
agreed to by the provider and eligible applicant that are not 33192  
included in the individualized education program but are 33193

associated with educating the child. Beginning in the 2014-2015 33194  
school year, if the child is in category one as that term is 33195  
defined in division (B)(1) of section 3310.56 of the Revised Code, 33196  
the scholarship shall be used only to pay for related services 33197  
that are included in the child's individualized education program. 33198  
Upon agreement with the eligible applicant, the alternative public 33199  
provider or registered private provider may modify the services 33200  
provided to the child. 33201

(B) The number of scholarships awarded under the program in 33202  
any fiscal year shall not exceed five per cent of the total number 33203  
of students residing in the state identified as children with 33204  
disabilities during the previous fiscal year. 33205

~~(C) No scholarship or renewal of a scholarship shall be 33206  
awarded to an eligible applicant on behalf of a qualified special 33207  
education child for the next school year, unless on or before the 33208  
application deadline the eligible applicant completes the 33209  
application for the scholarship or renewal, in the manner 33210  
prescribed by the department, and notifies the school district in 33211  
which the child is entitled to attend school that the eligible 33212  
applicant has applied for the scholarship or renewal. 33213~~

~~The application deadline for academic terms that begin 33214  
between the first day of July and the thirty first day of December 33215  
shall be the fifteenth day of April that precedes the first day of 33216  
instruction. The application deadline for academic terms that 33217  
begin between the first day of January and the thirtieth day of 33218  
June shall be the fifteenth day of November that precedes the 33219  
first day of instruction The department shall pay a scholarship to 33220  
the parent of each qualified special education child, unless the 33221  
parent authorizes a direct payment to the child's provider, upon 33222  
application of that parent in the manner prescribed by the 33223  
department. However, the department shall not adopt specific dates 33224  
for application deadlines for scholarships under the program. 33225~~

<b>Sec. 3311.06.</b> (A) As used in this section:	33226
(1) "Annexation" and "annexed" mean annexation for municipal purposes under sections 709.02 to 709.37 of the Revised Code.	33227 33228
(2) "Annexed territory" means territory that has been annexed for municipal purposes to a city served by an urban school district, but on September 24, 1986, has not been transferred to the urban school district.	33229 33230 33231 33232
(3) "Urban school district" means a city school district with an average daily membership for the 1985-1986 school year in excess of twenty thousand that is the school district of a city that contains annexed territory.	33233 33234 33235 33236
(4) "Annexation agreement" means an agreement entered into under division (F) of this section that has been approved by the state board of education or an agreement entered into prior to September 24, 1986, that meets the requirements of division (F) of this section and has been filed with the state board.	33237 33238 33239 33240 33241
(B) The territory included within the boundaries of a city, local, exempted village, or joint vocational school district shall be contiguous except where a natural island forms an integral part of the district, where the state board of education authorizes a noncontiguous school district, as provided in division (E)(1) of this section, or where a local school district is created pursuant to section 3311.26 of the Revised Code from one or more local school districts, one of which has entered into an agreement under section 3313.42 of the Revised Code.	33242 33243 33244 33245 33246 33247 33248 33249 33250
(C)(1) When all of the territory of a school district is annexed to a city or village, such territory thereby becomes a part of the city school district or the school district of which the village is a part, and the legal title to school property in such territory for school purposes shall be vested in the board of	33251 33252 33253 33254 33255

education of the city school district or the school district of 33256  
which the village is a part. 33257

(2) When the territory so annexed to a city or village 33258  
comprises part but not all of the territory of a school district, 33259  
the said territory becomes part of the city school district or the 33260  
school district of which the village is a part only upon approval 33261  
by the state board of education, unless the district in which the 33262  
territory is located is a party to an annexation agreement with 33263  
the city school district. 33264

Any urban school district that has not entered into an 33265  
annexation agreement with any other school district whose 33266  
territory would be affected by any transfer under this division 33267  
and that desires to negotiate the terms of transfer with any such 33268  
district shall conduct any negotiations under division (F) of this 33269  
section as part of entering into an annexation agreement with such 33270  
a district. 33271

Any school district, except an urban school district, 33272  
desiring state board approval of a transfer under this division 33273  
shall make a good faith effort to negotiate the terms of transfer 33274  
with any other school district whose territory would be affected 33275  
by the transfer. Before the state board may approve any transfer 33276  
of territory to a school district, except an urban school 33277  
district, under this section, it must receive the following: 33278

(a) A resolution requesting approval of the transfer, passed 33279  
by at least one of the school districts whose territory would be 33280  
affected by the transfer; 33281

(b) Evidence determined to be sufficient by the state board 33282  
to show that good faith negotiations have taken place or that the 33283  
district requesting the transfer has made a good faith effort to 33284  
hold such negotiations; 33285

(c) If any negotiations took place, a statement signed by all 33286

boards that participated in the negotiations, listing the terms 33287  
agreed on and the points on which no agreement could be reached. 33288

(D) The state board of education shall adopt rules governing 33289  
negotiations held by any school district except an urban school 33290  
district pursuant to division (C)(2) of this section. The rules 33291  
shall encourage the realization of the following goals: 33292

(1) A discussion by the negotiating districts of the present 33293  
and future educational needs of the pupils in each district; 33294

(2) The educational, financial, and territorial stability of 33295  
each district affected by the transfer; 33296

(3) The assurance of appropriate educational programs, 33297  
services, and opportunities for all the pupils in each 33298  
participating district, and adequate planning for the facilities 33299  
needed to provide these programs, services, and opportunities. 33300

Districts involved in negotiations under such rules may agree 33301  
to share revenues from the property included in the territory to 33302  
be transferred, establish cooperative programs between the 33303  
participating districts, and establish mechanisms for the 33304  
settlement of any future boundary disputes. 33305

(E)(1) If territory annexed after September 24, 1986, is part 33306  
of a school district that is a party to an annexation agreement 33307  
with the urban school district serving the annexing city, the 33308  
transfer of such territory shall be governed by the agreement. If 33309  
the agreement does not specify how the territory is to be dealt 33310  
with, the boards of education of the district in which the 33311  
territory is located and the urban school district shall negotiate 33312  
with regard to the transfer of the territory which shall be 33313  
transferred to the urban school district unless, not later than 33314  
ninety days after the effective date of municipal annexation, the 33315  
boards of education of both districts, by resolution adopted by a 33316  
majority of the members of each board, agree that the territory 33317

will not be transferred and so inform the state board of 33318  
education. 33319

If territory is transferred under this division the transfer 33320  
shall take effect on the first day of July occurring not sooner 33321  
than ninety-one days after the effective date of the municipal 33322  
annexation. Territory transferred under this division need not be 33323  
contiguous to the district to which it is transferred. 33324

(2) Territory annexed prior to September 24, 1986, by a city 33325  
served by an urban school district shall not be subject to 33326  
transfer under this section if the district in which the territory 33327  
is located is a party to an annexation agreement or becomes a 33328  
party to such an agreement not later than ninety days after 33329  
September 24, 1986. If the district does not become a party to an 33330  
annexation agreement within the ninety-day period, transfer of 33331  
territory shall be governed by division (C)(2) of this section. If 33332  
the district subsequently becomes a party to an agreement, 33333  
territory annexed prior to September 24, 1986, other than 33334  
territory annexed under division (C)(2) of this section prior to 33335  
the effective date of the agreement, shall not be subject to 33336  
transfer under this section. 33337

(F) An urban school district may enter into a comprehensive 33338  
agreement with one or more school districts under which transfers 33339  
of territory annexed by the city served by the urban school 33340  
district after September 24, 1986, shall be governed by the 33341  
agreement. Such agreement must provide for the establishment of a 33342  
cooperative education program under section 3313.842 of the 33343  
Revised Code in which all the parties to the agreement are 33344  
participants and must be approved by resolution of the majority of 33345  
the members of each of the boards of education of the school 33346  
districts that are parties to it. An agreement may provide for 33347  
interdistrict payments based on local revenue growth resulting 33348  
from development in any territory annexed by the city served by 33349



the urban school district. 33350

An agreement entered into under this division may be altered, 33351  
modified, or terminated only by agreement, by resolution approved 33352  
by the majority of the members of each board of education, of all 33353  
school districts that are parties to the agreement, except that 33354  
with regard to any provision that affects only the urban school 33355  
district and one of the other districts that is a party, that 33356  
district and the urban district may modify or alter the agreement 33357  
by resolution approved by the majority of the members of the board 33358  
of that district and the urban district. Alterations, 33359  
modifications, terminations, and extensions of an agreement 33360  
entered into under this division do not require approval of the 33361  
state board of education, but shall be filed with the board after 33362  
approval and execution by the parties. 33363

If an agreement provides for interdistrict payments, each 33364  
party to the agreement, except any school district specifically 33365  
exempted by the agreement, shall agree to make an annual payment 33366  
to the urban school district with respect to any of its territory 33367  
that is annexed territory in an amount not to exceed the amount 33368  
certified for that year under former section 3317.029 of the 33369  
Revised Code as that section existed prior to July 1, 1998; except 33370  
that such limitation of annual payments to amounts certified under 33371  
former section 3317.029 of the Revised Code does not apply to 33372  
agreements or extensions of agreements entered into on or after 33373  
June 1, 1992, unless such limitation is expressly agreed to by the 33374  
parties. The agreement may provide that all or any part of the 33375  
payment shall be waived if the urban school district receives its 33376  
payment with respect to such annexed territory under former 33377  
section 3317.029 of the Revised Code and that all or any part of 33378  
such payment may be waived if the urban school district does not 33379  
receive its payment with respect to such annexed territory under 33380  
such section. 33381

With respect to territory that is transferred to the urban school district after September 24, 1986, the agreement may provide for annual payments by the urban school district to the school district whose territory is transferred to the urban school district subsequent to annexation by the city served by the urban school district.

(G) In the event territory is transferred from one school district to another under this section, an equitable division of the funds and indebtedness between the districts involved shall be made under the supervision of the state board of education and that board's decision shall be final. Such division shall not include funds payable to or received by a school district under Chapter 3317. of the Revised Code or payable to or received by a school district from the United States or any department or agency thereof. In the event such transferred territory includes real property owned by a school district, the state board of education, as part of such division of funds and indebtedness, shall determine the true value in money of such real property and all buildings or other improvements thereon. The board of education of the school district receiving such territory shall forthwith pay to the board of education of the school district losing such territory such true value in money of such real property, buildings, and improvements less such percentage of the true value in money of each school building located on such real property as is represented by the ratio of the total enrollment in day classes of the pupils residing in the territory transferred enrolled at such school building in the school year in which such annexation proceedings were commenced to the total enrollment in day classes of all pupils residing in the school district losing such territory enrolled at such school building in such school year. The school district receiving such payment shall place the proceeds thereof in its sinking fund or bond retirement fund.

(H) The state board of education, before approving such 33414  
transfer of territory, shall determine that such payment has been 33415  
made and shall apportion to the acquiring school district such 33416  
percentage of the indebtedness of the school district losing the 33417  
territory as is represented by the ratio that the assessed 33418  
valuation of the territory transferred bears to the total assessed 33419  
valuation of the entire school district losing the territory as of 33420  
the effective date of the transfer, provided that in ascertaining 33421  
the indebtedness of the school district losing the territory the 33422  
state board of education shall disregard such percentage of the 33423  
par value of the outstanding and unpaid bonds and notes of said 33424  
school district issued for construction or improvement of the 33425  
school building or buildings for which payment was made by the 33426  
acquiring district as is equal to the percentage by which the true 33427  
value in money of such building or buildings was reduced in fixing 33428  
the amount of said payment. 33429

(I) No transfer of school district territory or division of 33430  
funds and indebtedness incident thereto, pursuant to the 33431  
annexation of territory to a city or village shall be completed in 33432  
any other manner than that prescribed by this section regardless 33433  
of the date of the commencement of such annexation proceedings, 33434  
and this section applies to all proceedings for such transfers and 33435  
divisions of funds and indebtedness pending or commenced on or 33436  
after October 2, 1959. 33437

(J) Notwithstanding anything to the contrary in the Revised 33438  
Code, including section 3311.24 of the Revised Code, beginning on 33439  
the effective date of this amendment until October 1, 2021, no 33440  
school district that is a party to an annexation agreement shall 33441  
transfer territory to another school district that is a party to 33442  
the annexation agreement without the approval of the boards of 33443  
education of each of the school districts. 33444

Sec. 3311.27. The board of education of a surviving school district, as that term is defined in section 5748.10 of the Revised Code, shall notify the tax commissioner as and in the manner required by that section.

**Sec. 3311.751.** Notwithstanding division (F) of section 5705.10 of the Revised Code, if a municipal school district board of education sells real property that it owns in its corporate capacity, moneys received from the sale may be paid into the general fund of the district, as long as all of the following conditions are satisfied:

(A) The district has owned the real property for at least ten years.

(B) The real property and any improvements to that real property were not acquired with the proceeds of public obligations, as defined in section 133.01 of the Revised Code, of the district that are outstanding at the time of the sale.

(C) The deposit of those moneys in that manner is not prohibited by any agreements the district board has entered into with the Ohio ~~school~~ facilities construction commission.

**Sec. 3311.86.** (A) As used in this section:

(1) "Alliance" means a municipal school district transformation alliance established as a nonprofit corporation.

(2) "Alliance municipal school district" means a municipal school district for which an alliance has been created under this section.

(3) "Partnering community school" means a community school established under Chapter 3314. of the Revised Code that is located within the territory of a municipal school district and that either is sponsored by the district or is a party to an

agreement with the district whereby the district and the community 33474  
school endorse each other's programs. 33475

(4) "Transformation alliance education plan" means a plan 33476  
prepared by the mayor, and confirmed by the alliance, to transform 33477  
public education in the alliance municipal school district to a 33478  
system of municipal school district schools and partnering 33479  
community schools that will be held to the highest standards of 33480  
school performance and student achievement. 33481

(B) If one or more partnering community schools are located 33482  
in a municipal school district, the mayor may initiate proceedings 33483  
to establish a municipal school district transformation alliance 33484  
as a nonprofit corporation under Chapter 1702. of the Revised 33485  
Code. The mayor shall have sole authority to appoint the directors 33486  
of any alliance created under this section. The directors of the 33487  
alliance shall include representatives of all of the following: 33488

(1) The municipal school district; 33489

(2) Partnering community schools; 33490

(3) Members of the community at large, including parents and 33491  
educators; 33492

(4) The business community, including business leaders and 33493  
foundation leaders. 33494

No one group listed in divisions (B)(1) to (4) of this 33495  
section shall comprise a majority of the directors. The mayor 33496  
shall be an ex officio director, and serve as the chairperson of 33497  
the board of directors, of any alliance created under this 33498  
section. If the proceedings are initiated, the mayor shall 33499  
identify the directors in the articles of incorporation filed 33500  
under section 1702.04 of the Revised Code. 33501

(C)(1) A majority of the members of the board of directors of 33502  
the alliance shall constitute a quorum of the board. Any formal 33503

action taken by the board of directors shall take place at a 33504  
meeting of the board and shall require the concurrence of a 33505  
majority of the members of the board. Meetings of the board of 33506  
directors shall be public meetings open to the public at all 33507  
times, except that the board and its committees and subcommittees 33508  
may hold an executive session, as if it were a public body with 33509  
public employees, for any of the purposes for which an executive 33510  
session of a public body is permitted under division (G) of 33511  
section 121.22 of the Revised Code, notwithstanding that the 33512  
alliance is not a public body as defined in that section, and its 33513  
employees are not public employees as provided in division (F) of 33514  
this section. The board of directors shall establish reasonable 33515  
methods whereby any person may determine the time and place of all 33516  
of the board's public meetings and by which any person, upon 33517  
request, may obtain reasonable advance notification of the board's 33518  
public meetings. Provisions for that advance notification may 33519  
include, but are not limited to, mailing notices to all 33520  
subscribers on a mailing list or mailing notices in 33521  
self-addressed, stamped envelopes provided by the person. 33522

(2) All records of the alliance shall be organized and 33523  
maintained by the alliance and also filed with the department of 33524  
education. The alliance and the department shall make those 33525  
records available to the public as though those records were 33526  
public records for purposes of Chapter 149. of the Revised Code. 33527  
The department shall promptly notify the alliance upon the 33528  
department's receipt of any requests for records relating to the 33529  
alliance pursuant to section 149.43 of the Revised Code. 33530

(3) The board of directors of the alliance shall establish a 33531  
conflicts of interest policy and shall adopt that policy, and any 33532  
amendments to the policy, at a meeting of the board held in 33533  
accordance with this section. 33534

(D)(1) If an alliance is created under this section, the 33535

alliance shall do all of the following: 33536

(a) Report annually on the performance of all municipal 33537  
school district schools and all community schools established 33538  
under Chapter 3314. of the Revised Code and located in the 33539  
district, using the criteria adopted under division (B) of section 33540  
3311.87 of the Revised Code; 33541

(b) Confirm and monitor implementation of the transformation 33542  
alliance education plan; 33543

(c) Suggest national education models for and provide input 33544  
in the development of new municipal school district schools and 33545  
partnering community schools. 33546

(2) If an alliance is created under this section, the 33547  
department of education may request alliance comment, or the 33548  
alliance independently may offer comment to the department, on the 33549  
granting, renewal, or extension of an agreement with a sponsor of 33550  
community schools under section 3314.015 of the Revised Code when 33551  
the sponsor has existing agreements with a community school 33552  
located in an alliance municipal school district. If the alliance 33553  
makes comments, those comments shall be considered by the 33554  
department prior to making its decision whether to grant, renew, 33555  
or extend the agreement. 33556

For purposes of division (D)(2) of this section, comments by 33557  
the alliance shall be based on the criteria established under 33558  
division (A) of section 3311.87 of the Revised Code. 33559

(E) Divisions (E)(1) to (3) of this section apply to each 33560  
community school sponsor that is subject to approval by the 33561  
department under section 3314.015 of the Revised Code whose 33562  
approval under that section is granted, renewed, or extended on or 33563  
after October 1, 2012. Divisions (E)(1) to (3) of this section do 33564  
not apply to a sponsor that has been approved by the department 33565  
prior to that date, until the sponsor's approval is renewed, 33566

granted anew, or extended on or after that date. 33567

(1) Before a sponsor to which this section applies may 33568  
sponsor new community schools in an alliance municipal school 33569  
district, the sponsor shall request recommendation from the 33570  
alliance to sponsor community schools in the district. 33571

(2) The alliance shall review the sponsor's request and shall 33572  
make a recommendation to the department based on the standards for 33573  
sponsors developed under division (A)(2) of section 3311.87 of the 33574  
Revised Code. 33575

(3) The department shall use the standards developed under 33576  
division (A)(2) of section 3311.87 of the Revised Code, in 33577  
addition to any other requirements of the Revised Code, to review 33578  
a sponsor's request and make a final determination, on 33579  
recommendation of the alliance, of whether the sponsor may sponsor 33580  
new community schools in the alliance municipal school district. 33581

No sponsor shall be required to receive authorization to 33582  
sponsor new community schools under division (E)(3) of this 33583  
section more than one time. 33584

(F) Directors, officers, and employees of an alliance are not 33585  
public employees or public officials, are not subject to Chapters 33586  
124., 145., and 4117. of the Revised Code, and are not "public 33587  
officials" or "public servants" as defined in section 2921.01 of 33588  
the Revised Code. Membership on the board of directors of an 33589  
alliance does not constitute the holding of an incompatible public 33590  
office or employment in violation of any statutory or common law 33591  
prohibition against the simultaneous holding of more than one 33592  
public office or employment. Members of the board of directors of 33593  
an alliance are not disqualified from holding any public office by 33594  
reason of that membership, and do not forfeit by reason of that 33595  
membership the public office or employment held when appointed to 33596  
the board, notwithstanding any contrary disqualification or 33597



forfeiture requirement under the Revised Code or the common law of this state. 33598  
33599

~~(G) The authority to establish an alliance under this section expires on January 1, 2018. Any alliance established under this section is terminated, and any related authority granted to the alliance under this section expires on that date.~~ 33600  
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33602  
33603

**Sec. 3313.372.** (A) As used in this section, "energy conservation measure" means an installation or modification of an installation in, or remodeling of, a building, to reduce energy consumption. It includes: 33604  
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33606  
33607

(1) Insulation of the building structure and systems within the building; 33608  
33609

(2) Storm windows and doors, multiglazed windows and doors, heat absorbing or heat reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption; 33610  
33611  
33612  
33613  
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(3) Automatic energy control systems; 33615

(4) Heating, ventilating, or air conditioning system modifications or replacements; 33616  
33617

(5) Caulking and weatherstripping; 33618

(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless such increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system; 33619  
33620  
33621  
33622  
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(7) Energy recovery systems; 33624

(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily 33625  
33626

within a building or complex of buildings; 33627

(9) Any other modification, installation, or remodeling 33628  
approved by the Ohio ~~school~~ facilities construction commission as 33629  
an energy conservation measure. 33630

(B) A board of education of a city, exempted village, local, 33631  
or joint vocational school district may enter into an installment 33632  
payment contract for the purchase and installation of energy 33633  
conservation measures. The provisions of such installment payment 33634  
contracts dealing with interest charges and financing terms shall 33635  
not be subject to the competitive bidding requirements of section 33636  
3313.46 of the Revised Code, and shall be on the following terms: 33637

(1) Not less than one-fifteenth of the costs thereof shall be 33638  
paid within two years from the date of purchase. 33639

(2) The remaining balance of the costs thereof shall be paid 33640  
within fifteen years from the date of purchase. 33641

The provisions of any installment payment contract entered 33642  
into pursuant to this section shall provide that all payments, 33643  
except payments for repairs and obligations on termination of the 33644  
contract prior to its expiration, shall not exceed the calculated 33645  
energy, water, or waste water cost savings, avoided operating 33646  
costs, and avoided capital costs attributable to the one or more 33647  
measures over a defined period of time. Those payments shall be 33648  
made only to the extent that the savings described in this 33649  
division actually occur. The energy services company shall warrant 33650  
and guarantee that the energy conservation measures shall realize 33651  
guaranteed savings and shall be responsible to pay an amount equal 33652  
to any savings shortfall. 33653

An installment payment contract entered into by a board of 33654  
education under this section shall require the board to contract 33655  
in accordance with division (A) of section 3313.46 of the Revised 33656  
Code for the installation, modification, or remodeling of energy 33657

conservation measures unless division (A) of section 3313.46 of 33658  
the Revised Code does not apply pursuant to division (B)(3) of 33659  
that section, in which case the contract shall be awarded through 33660  
a competitive selection process pursuant to rules adopted by the 33661  
~~school~~ facilities construction commission. 33662

An installment payment contract entered into by a board of 33663  
education under this section may include services for measurement 33664  
and verification of energy savings associated with the guarantee. 33665  
The annual cost of measurement and verification services shall not 33666  
exceed ten per cent of the guaranteed savings in any year of the 33667  
installment payment contract. 33668

(C) If a board of education determines that a surety bond is 33669  
necessary to secure energy, water, or waste water cost savings 33670  
guaranteed in a contract entered into by the board of education 33671  
under this section, the energy services company shall provide a 33672  
surety bond that satisfies all of the following requirements: 33673

(1) The penal sum of the surety bond for the first guarantee 33674  
year shall equal the amount of savings included in the annual 33675  
guaranteed savings amount that is measured and calculated in 33676  
accordance with the measurement and verification plan included in 33677  
the contract, but may not include guaranteed savings that are not 33678  
measured or that are stipulated in the contract. The annual 33679  
guaranteed savings amount shall include only the savings 33680  
guaranteed in the contract for the one-year term that begins on 33681  
the first day of the first savings guarantee year and may not 33682  
include amounts from subsequent years. 33683

(2) The surety bond shall have a term of not more than one 33684  
year unless renewed. At the option of the board of education, the 33685  
surety bond may be renewed for one or two additional terms, each 33686  
term not to exceed one year. The surety bond may not be renewed or 33687  
extended so that it is in effect for more than three consecutive 33688  
years. 33689

In the event of a renewal, the penal sum of the surety bond 33690  
for each renewed year shall be revised so that the penal sum 33691  
equals the annual guaranteed savings amount for such renewal year 33692  
that is measured and calculated in accordance with the measurement 33693  
and verification plan included in the contract, but may not 33694  
include guaranteed savings that are not measured or that are 33695  
stipulated in the contract. Regardless of the number of renewals 33696  
of the bond, the aggregate liability under each renewed bond may 33697  
not exceed the penal sum stated in the renewal certificate for the 33698  
applicable renewal year. 33699

(3) The surety bond for the first year shall be issued within 33700  
thirty days of the commencement of the first savings guarantee 33701  
year under the contract. 33702

In the event of renewal, the surety shall deliver to the 33703  
board of education a renewal certificate reflecting the revised 33704  
penal sum within thirty days of the board of education's request. 33705  
The board of education shall deliver the request for renewal not 33706  
less than thirty days prior to the expiration date of the surety 33707  
bond then in existence. A surety bond furnished pursuant to 33708  
section 153.54 of the Revised Code shall not secure obligations 33709  
related to energy, water, or waste water cost savings as 33710  
referenced in division (C) of this section. 33711

(D) The board may issue the notes of the school district 33712  
signed by the president and the treasurer of the board and 33713  
specifying the terms of the purchase and securing the deferred 33714  
payments provided in this section, payable at the times provided 33715  
and bearing interest at a rate not exceeding the rate determined 33716  
as provided in section 9.95 of the Revised Code. The notes may 33717  
contain an option for prepayment and shall not be subject to 33718  
Chapter 133. of the Revised Code. In the resolution authorizing 33719  
the notes, the board may provide, without the vote of the electors 33720  
of the district, for annually levying and collecting taxes in 33721

amounts sufficient to pay the interest on and retire the notes, 33722  
except that the total net indebtedness of the district without a 33723  
vote of the electors incurred under this and all other sections of 33724  
the Revised Code, except section 3318.052 of the Revised Code, 33725  
shall not exceed one per cent of the district's tax valuation. 33726  
Revenues derived from local taxes or otherwise, for the purpose of 33727  
conserving energy or for defraying the current operating expenses 33728  
of the district, may be applied to the payment of interest and the 33729  
retirement of such notes. The notes may be sold at private sale or 33730  
given to the energy services company under the installment payment 33731  
contract authorized by division (B) of this section. 33732

(E) Debt incurred under this section shall not be included in 33733  
the calculation of the net indebtedness of a school district under 33734  
section 133.06 of the Revised Code. 33735

(F) No school district board shall enter into an installment 33736  
payment contract under division (B) of this section unless it 33737  
first obtains a report of the costs of the energy conservation 33738  
measures and the savings thereof as described under division 33739  
(G)(1) of section 133.06 of the Revised Code as a requirement for 33740  
issuing energy securities, makes a finding that the amount spent 33741  
on such measures is not likely to exceed the amount of money it 33742  
would save in energy costs and resultant operational and 33743  
maintenance costs as described in that division, except that that 33744  
finding shall cover the ensuing fifteen years, and the ~~school~~ 33745  
facilities construction commission determines that the district 33746  
board's findings are reasonable and approves the contract as 33747  
described in that division. 33748

The district board shall monitor the savings and maintain a 33749  
report of those savings, which shall be submitted to the 33750  
commission in the same manner as required by division (G) of 33751  
section 133.06 of the Revised Code in the case of energy 33752  
securities. 33753

**Sec. 3313.411.** (A) As used in this section: 33754

(1) "College-preparatory boarding school" means a 33755  
college-preparatory boarding school established under Chapter 33756  
3328. of the Revised Code. 33757

(2) "Community school" means a community school established 33758  
under Chapter 3314. of the Revised Code. 33759

(3) "High-performing community school" has the same meaning 33760  
as in section 3313.413 of the Revised Code. 33761

(4) "STEM school" means a science, technology, engineering, 33762  
and mathematics school established under Chapter 3326. of the 33763  
Revised Code. 33764

(5) "Unused school facilities" means any real property that 33765  
has been used by a school district for school operations, 33766  
including, but not limited to, academic instruction or 33767  
administration, since July 1, 1998, but has not been used in that 33768  
capacity for two years. 33769

(B)(1) Except as provided in section 3313.412 of the Revised 33770  
Code, on and after June 30, 2011, any school district board of 33771  
education shall offer any unused school facilities it owns in its 33772  
corporate capacity for lease or sale to the governing authorities 33773  
of community schools, ~~and the board~~ boards of trustees of any 33774  
college-preparatory boarding ~~school~~ schools, and the governing 33775  
bodies of any STEM schools, that are located within the territory 33776  
of the district. Not later than sixty days after the district 33777  
board makes the offer, interested governing authorities ~~and,~~ 33778  
boards of trustees, and governing bodies shall notify the district 33779  
treasurer in writing of the intention to lease or purchase the 33780  
property. 33781

The district board shall give priority to the governing 33782  
authorities of high-performing community schools that are located 33783

within the territory of the district. 33784

(2) At the same time that a district board makes the offer 33785  
required under division (B)(1) of this section, the board also 33786  
may, but shall not be required to, offer that property for sale or 33787  
lease to the governing authorities of community schools with 33788  
plans, stipulated in their contracts entered into under section 33789  
3314.03 of the Revised Code, either to relocate their operations 33790  
to the territory of the district or to add facilities, as 33791  
authorized by division (B)(3) or (4) of section 3314.05 of the 33792  
Revised Code, to be located within the territory of the district. 33793

(C)(1) If, not later than sixty days after the district board 33794  
makes the offer, only one governing authority of a high-performing 33795  
community school offered the property under division (B) of this 33796  
section notifies the district treasurer in writing of the 33797  
intention to purchase the property pursuant to that division, the 33798  
district board shall sell the property to that party for the 33799  
appraised fair market value of the property as determined in an 33800  
appraisal of the property that is not more than one year old. 33801

If, not later than sixty days after the district board makes 33802  
the offer, more than one governing authority of a high-performing 33803  
community school offered the property under division (B) of this 33804  
section notifies the district treasurer in writing of the 33805  
intention to purchase the property pursuant to that division, the 33806  
board shall conduct a public auction in the manner required for 33807  
auctions of district property under division (A) of section 33808  
3313.41 of the Revised Code. Only the governing authorities of 33809  
high-performing community schools that notified the district 33810  
treasurer of the intention to purchase the property pursuant to 33811  
division (B) of this section are eligible to bid at the auction. 33812  
The district board is not obligated to accept any bid for the 33813  
property that is lower than the appraised fair market value of the 33814  
property as determined in an appraisal that is not more than one 33815

year old. 33816

(2) If, not later than sixty days after the district board 33817  
makes the offer, no governing authority of a high-performing 33818  
community school notifies the district treasurer of its intention 33819  
to purchase the property pursuant to division (B) of this section, 33820  
the board shall then proceed with the offers from all other 33821  
start-up community schools ~~and~~, college-preparatory boarding 33822  
schools, and STEM schools made pursuant to that division. 33823

If more than one such entity notifies the district treasurer 33824  
of its intention to purchase the property pursuant to division (B) 33825  
of this section, the board shall conduct a public auction in the 33826  
manner required for auctions of district property under division 33827  
(A) of section 3313.41 of the Revised Code. Only the entities that 33828  
notified the district treasurer pursuant to division (B) of this 33829  
section are eligible to bid at the auction. 33830

(3) If more than one governing authority of a high-performing 33831  
community school notifies the district treasurer in writing of the 33832  
intention to lease the property pursuant to division (B) of this 33833  
section, the district board shall conduct a lottery to select from 33834  
among those governing authorities the one qualified governing 33835  
authority to which the district board shall lease the property. 33836

If no such governing authority of a high-performing community 33837  
school notifies the district treasurer of its intention to lease 33838  
the property pursuant to division (B) of this section, the board 33839  
shall then proceed with the offers from all other start-up 33840  
community schools ~~and~~, college-preparatory boarding schools, and 33841  
STEM schools made pursuant to that division. If more than one 33842  
other start-up community school ~~or~~, college-preparatory boarding 33843  
school, or STEM school notified the district treasurer of its 33844  
intention to lease the property pursuant to division (B) of this 33845  
section, the district board shall conduct a lottery to select from 33846  
among those parties the one qualified party to which the district 33847



board shall lease the property. 33848

(4) The lease price offered by a district board to a 33849  
community school ~~or~~, college-preparatory boarding school, or STEM 33850  
school under this section shall not be higher than the fair market 33851  
value for such a leasehold as determined in an appraisal that is 33852  
not more than one year old. 33853

(5) If no qualified party offered the property under division 33854  
(B) of this section accepts the offer to lease or buy the property 33855  
within sixty days after the offer is made, the district board may 33856  
offer the property to any other entity in accordance with 33857  
divisions (A) to (F) of section 3313.41 of the Revised Code. 33858

(D) Notwithstanding division (B) of this section, a school 33859  
district board may renew any agreement it originally entered into 33860  
prior to June 30, 2011, to lease real property to an entity other 33861  
than a community school ~~or~~, college-preparatory boarding school, 33862  
or STEM school. Nothing in this section shall affect the leasehold 33863  
arrangements between the district board and that other entity. 33864

(E)(1) Except as provided in division (E)(2) of this section, 33865  
the governing authority of a community school ~~or the~~, board of 33866  
trustees of a college-preparatory boarding school, or governing 33867  
body of a STEM school shall not sell any property purchased under 33868  
division (B) of this section within five years of purchasing that 33869  
property. 33870

(2) The governing authority ~~or~~, board of trustees, or 33871  
governing body may sell a property purchased under division (B) of 33872  
this section within five years of the purchase, only if the 33873  
governing authority ~~or~~, board of trustees, or governing body sells 33874  
or transfers that property to another entity described in that 33875  
division. 33876

**Sec. 3313.413.** (A) As used in this section, "high-performing 33877

community school" means either of the following: 33878

(1) A community school established under Chapter 3314. of the Revised Code that meets the following conditions: 33879

(a) Except as provided in division (A)(1)(b) or (c) of this section, the school both: 33880

(i) Has received a grade of "A," "B," or "C" for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code or has increased its performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code in each of the previous three years of operation; and 33881

(ii) Has received a grade of "A" or "B" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code on its most recent report card rating issued under that section. 33882

(b) If the school serves only grades kindergarten through three, the school received a grade of "A" or "B" for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code on its most recent report card issued under that section. 33883

(c) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (A)(4)(a) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code. 33884

(2) A newly established community school that is implementing a community school model that has a track record of high-quality academic performance, as determined by the department of education. 33885

(B) When a school district board of education decides to dispose of real property it owns in its corporate capacity under 33886

section 3313.41 of the Revised Code, the board shall first offer 33908  
that property to the governing authorities of all start-up 33909  
community schools ~~and~~, the boards of trustees of any 33910  
college-preparatory boarding ~~school~~ schools, and the governing 33911  
bodies of any STEM schools that are located within the territory 33912  
of the district. Not later than sixty days after the district 33913  
board makes the offer, interested governing authorities ~~and~~, 33914  
boards of trustees, and governing bodies shall notify the district 33915  
treasurer in writing of the intention to purchase the property. 33916

The district board shall give priority to the governing 33917  
authorities of high-performing community schools that are located 33918  
within the territory of the district. 33919

(1) If more than one governing authority of a high-performing 33920  
community school notifies the district treasurer of its intention 33921  
to purchase the property pursuant to division (B) of this section, 33922  
the board shall conduct a public auction in the manner required 33923  
for auctions of district property under division (A) of section 33924  
3313.41 of the Revised Code. Only the governing authorities of 33925  
high-performing community schools that notified the district 33926  
treasurer pursuant to division (B) of this section are eligible to 33927  
bid at the auction. 33928

(2) If no governing authority of a high-performing community 33929  
school notifies the district treasurer of its intention to 33930  
purchase the property pursuant to division (B) of this section, 33931  
the board shall then proceed with the offers from all other 33932  
start-up community schools ~~and~~, college-preparatory boarding 33933  
schools, and STEM schools made pursuant to that division. If more 33934  
than one such entity notifies the district treasurer of its 33935  
intention to purchase the property pursuant to division (B) of 33936  
this section, the board shall conduct a public auction in the 33937  
manner required for auctions of district property under division 33938  
(A) of section 3313.41 of the Revised Code. Only the entities that 33939

notified the district treasurer pursuant to division (B) of this 33940  
section are eligible to bid at the auction. 33941

(3) If no governing authority ~~or~~, board of trustees, or 33942  
governing body notifies the district treasurer of its intention to 33943  
purchase the property pursuant to division (B) of this section, 33944  
the district may then offer the property for sale in the manner 33945  
prescribed under divisions (A) to (F) of section 3313.41 of the 33946  
Revised Code. 33947

(C) Notwithstanding anything to the contrary in sections 33948  
3313.41 and 3313.411 of the Revised Code, the purchase price of 33949  
any real property sold to any of the entities in accordance with 33950  
division (B) of this section shall not be more than the appraised 33951  
fair market value of that property as determined in an appraisal 33952  
of the property that is not more than one year old. 33953

(D) Not later than the first day of October of each year, the 33954  
department of education shall post in a prominent location on its 33955  
web site a list of schools that qualify as high-performing 33956  
community schools for purposes of this section and section 33957  
3313.411 of the Revised Code. 33958

**Sec. 3313.46.** (A) In addition to any other law governing the 33959  
bidding for contracts by the board of education of any school 33960  
district, when any such board determines to build, repair, 33961  
enlarge, improve, or demolish any school building, the cost of 33962  
which will exceed fifty thousand dollars, except in cases of 33963  
urgent necessity, or for the security and protection of school 33964  
property, and except as otherwise provided in division (D) of 33965  
section 713.23 and in section 125.04 of the Revised Code, all of 33966  
the following shall apply: 33967

(1) The board shall cause to be prepared the plans, 33968  
specifications, and related information as required in divisions 33969  
(A)(1), (2), and (3) of section 153.01 of the Revised Code unless 33970

the board determines that other information is sufficient to 33971  
inform any bidders of the board's requirements. However, if the 33972  
board determines that such other information is sufficient for 33973  
bidding a project, the board shall not engage in the construction 33974  
of any such project involving the practice of professional 33975  
engineering, professional surveying, or architecture, for which 33976  
plans, specifications, and estimates have not been made by, and 33977  
the construction thereof inspected by, a licensed professional 33978  
engineer, licensed professional surveyor, or registered architect. 33979

(2) The board shall advertise for bids once each week for a 33980  
period of not less than two consecutive weeks, or as provided in 33981  
section 7.16 of the Revised Code, in a newspaper of general 33982  
circulation in the district before the date specified by the board 33983  
for receiving bids. The board may also cause notice to be inserted 33984  
in trade papers or other publications designated by it or to be 33985  
distributed by electronic means, including posting the notice on 33986  
the board's internet web site. If the board posts the notice on 33987  
its web site, it may eliminate the second notice otherwise 33988  
required to be published in a newspaper of general circulation 33989  
within the school district, provided that the first notice 33990  
published in such newspaper meets all of the following 33991  
requirements: 33992

(a) It is published at least two weeks before the opening of 33993  
bids. 33994

(b) It includes a statement that the notice is posted on the 33995  
board of education's internet web site. 33996

(c) It includes the internet address of the board's internet 33997  
web site. 33998

(d) It includes instructions describing how the notice may be 33999  
accessed on the board's internet web site. 34000

(3) Unless the board extends the time for the opening of bids 34001

they shall be opened at the time and place specified by the board 34002  
in the advertisement for the bids. 34003

(4) Each bid shall contain the name of every person 34004  
interested therein. Each bid shall meet the requirements of 34005  
section 153.54 of the Revised Code. 34006

(5) When both labor and materials are embraced in the work 34007  
bid for, the board may require that each be separately stated in 34008  
the bid, with the price thereof, or may require that bids be 34009  
submitted without such separation. 34010

(6) None but the lowest responsible bid shall be accepted. 34011  
The board may reject all the bids, or accept any bid for both 34012  
labor and material for such improvement or repair, which is the 34013  
lowest in the aggregate. In all other respects, the award of 34014  
contracts for improvement or repair, but not for purchases made 34015  
under section 3327.08 of the Revised Code, shall be pursuant to 34016  
section 153.12 of the Revised Code. 34017

(7) The contract shall be between the board and the bidders. 34018  
The board shall pay the contract price for the work pursuant to 34019  
sections 153.13 and 153.14 of the Revised Code. The board shall 34020  
approve and retain the estimates referred to in section 153.13 of 34021  
the Revised Code and make them available to the auditor of state 34022  
upon request. 34023

(8) When two or more bids are equal, in the whole, or in any 34024  
part thereof, and are lower than any others, either may be 34025  
accepted, but in no case shall the work be divided between such 34026  
bidders. 34027

(9) When there is reason to believe there is collusion or 34028  
combination among the bidders, or any number of them, the bids of 34029  
those concerned therein shall be rejected. 34030

(B) Division (A) of this section does not apply to the board 34031  
of education of any school district in any of the following 34032

situations:	34033
(1) The acquisition of educational materials used in teaching.	34034 34035
(2) If the board determines and declares by resolution adopted by two-thirds of all its members that any item is available and can be acquired only from a single source.	34036 34037 34038
(3) If the board declares by resolution adopted by two-thirds of all its members that division (A) of this section does not apply to any installation, modification, or remodeling involved in any energy conservation measure undertaken through an installment payment contract under section 3313.372 of the Revised Code or undertaken pursuant to division (G) <u>(1)</u> of section 133.06 of the Revised Code.	34039 34040 34041 34042 34043 34044 34045
(4) The acquisition of computer software for instructional purposes and computer hardware for instructional purposes pursuant to division (B)(4) of section 3313.37 of the Revised Code.	34046 34047 34048
(C) No resolution adopted pursuant to division (B)(2) or (3) of this section shall have any effect on whether sections 153.12 to 153.14 and 153.54 of the Revised Code apply to the board of education of any school district with regard to any item.	34049 34050 34051 34052
<b>Sec. 3313.5310.</b> (A)(1) This section applies to both of the following:	34053 34054
(a) Any school operated by a school district board of education;	34055 34056
(b) Any chartered or nonchartered nonpublic school that is subject to the rules of an interscholastic conference or an organization that regulates interscholastic conferences or events.	34057 34058 34059
(2) As used in this section, "athletic activity" means all of the following:	34060 34061

(a) Interscholastic athletics;	34062
(b) An athletic contest or competition that is sponsored by or associated with a school that is subject to this section, including cheerleading, club-sponsored sports activities, and sports activities sponsored by school-affiliated organizations;	34063 34064 34065 34066
(c) Noncompetitive cheerleading that is sponsored by school-affiliated organizations;	34067 34068
(d) Practices, interschool practices, and scrimmages for all of the activities described in divisions (A)(2)(a), (b), and (c) of this section.	34069 34070 34071
(B) Prior to the start of each athletic season, a school that is subject to this section may hold an informational meeting for students, parents, guardians, other persons having care or charge of a student, physicians, pediatric cardiologists, athletic trainers, and any other persons regarding the symptoms and warning signs of sudden cardiac arrest for all ages of students.	34072 34073 34074 34075 34076 34077
(C) No student shall participate in an athletic activity until the student has submitted to a designated school official a form signed by the student and the parent, guardian, or other person having care or charge of the student stating that the student and the parent, guardian, or other person having care or charge of the student have received and reviewed a copy of the information developed by the departments of health and education and posted on their respective internet web sites as required by section 3707.59 of the Revised Code. A completed form shall be submitted each school year, as defined in section 3313.62 of the Revised Code, <del>for each athletic activity</del> in which the student participates <u>in an athletic activity</u> .	34078 34079 34080 34081 34082 34083 34084 34085 34086 34087 34088 34089
(D) No individual shall coach an athletic activity unless the individual has completed, on an annual basis, the sudden cardiac arrest training course approved by the department of health under	34090 34091 34092



division (C) of section 3707.59 of the Revised Code. 34093

(E)(1) A student shall not be allowed to participate in an 34094  
athletic activity if either of the following is the case: 34095

(a) The student's biological parent, biological sibling, or 34096  
biological child has previously experienced sudden cardiac arrest, 34097  
and the student has not been evaluated and cleared for 34098  
participation in an athletic activity by a physician authorized 34099  
under Chapter 4731. of the Revised Code to practice medicine and 34100  
surgery or osteopathic medicine and surgery. 34101

(b) The student is known to have exhibited syncope or 34102  
fainting at any time prior to or following an athletic activity 34103  
and has not been evaluated and cleared for return under division 34104  
(E)(3) of this section after exhibiting syncope or fainting. 34105

(2) A student shall be removed by the student's coach from 34106  
participation in an athletic activity if the student exhibits 34107  
syncope or fainting. 34108

(3) If a student is not allowed to participate in or is 34109  
removed from participation in an athletic activity under division 34110  
(E)(1) or (2) of this section, the student shall not be allowed to 34111  
return to participation until the student is evaluated and cleared 34112  
for return in writing by any of the following: 34113

(a) A physician authorized under Chapter 4731. of the Revised 34114  
Code to practice medicine and surgery or osteopathic medicine and 34115  
surgery, including a physician who specializes in cardiology; 34116

(b) A certified nurse practitioner, clinical nurse 34117  
specialist, or certified nurse-midwife who holds a certificate of 34118  
authority issued under Chapter 4723. of the Revised Code; 34119

(c) A physician assistant licensed under Chapter 4730. of the 34120  
Revised Code; 34121

(d) An athletic trainer licensed under Chapter 4755. of the 34122

Revised Code. 34123

The licensed health care providers specified in divisions 34124  
(E)(3)(a) to (d) of this section may consult with any other 34125  
licensed or certified health care providers in order to determine 34126  
whether a student is ready to return to participation. 34127

(F) A school that is subject to this section shall establish 34128  
penalties for a coach who violates the provisions of division (E) 34129  
of this section. 34130

(G) Nothing in this section shall be construed to abridge or 34131  
limit any rights provided under a collective bargaining agreement 34132  
entered into under Chapter 4117. of the Revised Code prior to ~~the~~ 34133  
~~effective date of this section~~ March 14, 2017. 34134

(H)(1) A school district, member of a school district board 34135  
of education, or school district employee or volunteer, including 34136  
a coach, is not liable in damages in a civil action for injury, 34137  
death, or loss to person or property allegedly arising from 34138  
providing services or performing duties under this section, unless 34139  
the act or omission constitutes willful or wanton misconduct. 34140

This section does not eliminate, limit, or reduce any other 34141  
immunity or defense that a school district, member of a school 34142  
district board of education, or school district employee or 34143  
volunteer, including a coach, may be entitled to under Chapter 34144  
2744. or any other provision of the Revised Code or under the 34145  
common law of this state. 34146

(2) A chartered or nonchartered nonpublic school or any 34147  
officer, director, employee, or volunteer of the school, including 34148  
a coach, is not liable in damages in a civil action for injury, 34149  
death, or loss to person or property allegedly arising from 34150  
providing services or performing duties under this section, unless 34151  
the act or omission constitutes willful or wanton misconduct. 34152

Sec. 3313.5315. Any student from a country or province 34153  
outside the United States, who attends an elementary or secondary 34154  
school in this state that began operating a dormitory on its 34155  
campus prior to 2014, shall be permitted to participate in 34156  
interscholastic athletics at that school on the same basis as 34157  
students who are residents of this state, so long as the student 34158  
holds an F-1 visa issued by the United States department of state. 34159  
Such a student shall not be denied the opportunity to participate 34160  
in interscholastic athletics solely because the student's parents 34161  
do not reside in this state. 34162

No school district, school, interscholastic conference, or 34163  
organization that regulates interscholastic conferences or events 34164  
shall have a rule, bylaw, or other regulation that conflicts with 34165  
this section. 34166

**Sec. 3313.603.** (A) As used in this section: 34167

(1) "One unit" means a minimum of one hundred twenty hours of 34168  
course instruction, except that for a laboratory course, "one 34169  
unit" means a minimum of one hundred fifty hours of course 34170  
instruction. 34171

(2) "One-half unit" means a minimum of sixty hours of course 34172  
instruction, except that for physical education courses, "one-half 34173  
unit" means a minimum of one hundred twenty hours of course 34174  
instruction. 34175

(B) Beginning September 15, 2001, except as required in 34176  
division (C) of this section and division (C) of section 3313.614 34177  
of the Revised Code, the requirements for graduation from every 34178  
high school shall include twenty units earned in grades nine 34179  
through twelve and shall be distributed as follows: 34180

(1) English language arts, four units; 34181

(2) Health, one-half unit; 34182

(3) Mathematics, three units;	34183
(4) Physical education, one-half unit;	34184
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	34185 34186 34187
(a) Biological sciences, one unit;	34188
(b) Physical sciences, one unit.	34189
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	34190 34191 34192
(a) American history, one-half unit;	34193
(b) American government, one-half unit.	34194
(7) Social studies, two units.	34195
Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (B)(7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.	34196 34197 34198 34199 34200
(8) Elective units, seven units until September 15, 2003, and six units thereafter.	34201 34202
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	34203 34204 34205
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as	34206 34207 34208 34209 34210 34211

follows:	34212
(1) English language arts, four units;	34213
(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;	34214 34215 34216
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II. However, students who enter ninth grade for the first time on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II, and instead may complete a career-based pathway mathematics course approved by the department of education as an alternative.	34217 34218 34219 34220 34221 34222 34223
(4) Physical education, one-half unit;	34224
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	34225 34226 34227 34228
(a) Physical sciences, one unit;	34229
(b) Life sciences, one unit;	34230
(c) Advanced study in one or more of the following sciences, one unit:	34231 34232
(i) Chemistry, physics, or other physical science;	34233
(ii) Advanced biology or other life science;	34234
(iii) Astronomy, physical geology, or other earth or space science.	34235 34236
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	34237 34238 34239
(a) American history, one-half unit;	34240

(b) American government, one-half unit. 34241

(7) Social studies, two units. 34242

Each school shall integrate the study of economics and 34243  
financial literacy, as expressed in the social studies academic 34244  
content standards adopted by the state board of education under 34245  
division (A)(1) of section 3301.079 of the Revised Code and the 34246  
academic content standards for financial literacy and 34247  
entrepreneurship adopted under division (A)(2) of that section, 34248  
into one or more existing social studies credits required under 34249  
division (C)(7) of this section, or into the content of another 34250  
class, so that every high school student receives instruction in 34251  
those concepts. In developing the curriculum required by this 34252  
paragraph, schools shall use available public-private partnerships 34253  
and resources and materials that exist in business, industry, and 34254  
through the centers for economics education at institutions of 34255  
higher education in the state. 34256

Beginning with students who enter ninth grade for the first 34257  
time on or after July 1, 2017, the two units of instruction 34258  
prescribed by division (C)(7) of this section shall include at 34259  
least one-half unit of instruction in the study of world history 34260  
and civilizations. 34261

(8) Five units consisting of one or any combination of 34262  
foreign language, fine arts, business, career-technical education, 34263  
family and consumer sciences, technology, agricultural education, 34264  
a junior reserve officer training corps (JROTC) program approved 34265  
by the congress of the United States under title 10 of the United 34266  
States Code, or English language arts, mathematics, science, or 34267  
social studies courses not otherwise required under division (C) 34268  
of this section. 34269

Ohioans must be prepared to apply increased knowledge and 34270  
skills in the workplace and to adapt their knowledge and skills 34271

quickly to meet the rapidly changing conditions of the 34272  
twenty-first century. National studies indicate that all high 34273  
school graduates need the same academic foundation, regardless of 34274  
the opportunities they pursue after graduation. The goal of Ohio's 34275  
system of elementary and secondary education is to prepare all 34276  
students for and seamlessly connect all students to success in 34277  
life beyond high school graduation, regardless of whether the next 34278  
step is entering the workforce, beginning an apprenticeship, 34279  
engaging in post-secondary training, serving in the military, or 34280  
pursuing a college degree. 34281

The requirements for graduation prescribed in division (C) of 34282  
this section are the standard expectation for all students 34283  
entering ninth grade for the first time at a public or chartered 34284  
nonpublic high school on or after July 1, 2010. A student may 34285  
satisfy this expectation through a variety of methods, including, 34286  
but not limited to, integrated, applied, career-technical, and 34287  
traditional coursework. 34288

Whereas teacher quality is essential for student success when 34289  
completing the requirements for graduation, the general assembly 34290  
shall appropriate funds for strategic initiatives designed to 34291  
strengthen schools' capacities to hire and retain highly qualified 34292  
teachers in the subject areas required by the curriculum. Such 34293  
initiatives are expected to require an investment of \$120,000,000 34294  
over five years. 34295

Stronger coordination between high schools and institutions 34296  
of higher education is necessary to prepare students for more 34297  
challenging academic endeavors and to lessen the need for academic 34298  
remediation in college, thereby reducing the costs of higher 34299  
education for Ohio's students, families, and the state. The state 34300  
board and the chancellor of higher education shall develop 34301  
policies to ensure that only in rare instances will students who 34302  
complete the requirements for graduation prescribed in division 34303

(C) of this section require academic remediation after high school. 34304  
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School districts, community schools, and chartered nonpublic schools shall integrate technology into learning experiences across the curriculum in order to maximize efficiency, enhance learning, and prepare students for success in the technology-driven twenty-first century. Districts and schools shall use distance and web-based course delivery as a method of providing or augmenting all instruction required under this division, including laboratory experience in science. Districts and schools shall utilize technology access and electronic learning opportunities provided by the broadcast educational media commission, chancellor, the Ohio learning network, education technology centers, public television stations, and other public and private providers. 34306  
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(D) Except as provided in division (E) of this section, a student who enters ninth grade on or after July 1, 2010, and before July 1, 2016, may qualify for graduation from a public or chartered nonpublic high school even though the student has not completed the requirements for graduation prescribed in division (C) of this section if all of the following conditions are satisfied: 34319  
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(1) During the student's third year of attending high school, as determined by the school, the student and the student's parent, guardian, or custodian sign and file with the school a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework. 34326  
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(2) The student and parent, guardian, or custodian fulfill 34335



any procedural requirements the school stipulates to ensure the 34336  
student's and parent's, guardian's, or custodian's informed 34337  
consent and to facilitate orderly filing of statements under 34338  
division (D)(1) of this section. Annually, each district or school 34339  
shall notify the department of the number of students who choose 34340  
to qualify for graduation under division (D) of this section and 34341  
the number of students who complete the student's success plan and 34342  
graduate from high school. 34343

(3) The student and the student's parent, guardian, or 34344  
custodian and a representative of the student's high school 34345  
jointly develop a student success plan for the student in the 34346  
manner described in division (C)(1) of section 3313.6020 of the 34347  
Revised Code that specifies the student matriculating to a 34348  
two-year degree program, acquiring a business and 34349  
industry-recognized credential, or entering an apprenticeship. 34350

(4) The student's high school provides counseling and support 34351  
for the student related to the plan developed under division 34352  
(D)(3) of this section during the remainder of the student's high 34353  
school experience. 34354

(5)(a) Except as provided in division (D)(5)(b) of this 34355  
section, the student successfully completes, at a minimum, the 34356  
curriculum prescribed in division (B) of this section. 34357

(b) Beginning with students who enter ninth grade for the 34358  
first time on or after July 1, 2014, a student shall be required 34359  
to complete successfully, at the minimum, the curriculum 34360  
prescribed in division (B) of this section, except as follows: 34361

(i) Mathematics, four units, one unit which shall be one of 34362  
the following: 34363

(I) Probability and statistics; 34364

(II) Computer programming; 34365

(III) Applied mathematics or quantitative reasoning;	34366
(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014.	34367 34368 34369
(ii) Elective units, five units;	34370
(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information.	34371 34372 34373 34374
The department, in collaboration with the chancellor, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2016. The department shall submit its findings and any recommendations not later than December 1, 2015, to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, the state board of education, and the superintendent of public instruction.	34375 34376 34377 34378 34379 34380 34381 34382 34383 34384 34385 34386
(E) Each school district and chartered nonpublic school retains the authority to require an even more challenging minimum curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may stipulate any of the following:	34387 34388 34389 34390 34391 34392 34393
(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate;	34394 34395
(2) An exception to the district's or school's minimum high	34396

school curriculum that is comparable to the exception provided in 34397  
division (D) of this section but with additional requirements, 34398  
which may include a requirement that the student successfully 34399  
complete more than the minimum curriculum prescribed in division 34400  
(B) of this section; 34401

(3) That no exception comparable to that provided in division 34402  
(D) of this section is available. 34403

(F) A student enrolled in a dropout prevention and recovery 34404  
program, which program has received a waiver from the department, 34405  
may qualify for graduation from high school by successfully 34406  
completing a competency-based instructional program administered 34407  
by the dropout prevention and recovery program in lieu of 34408  
completing the requirements for graduation prescribed in division 34409  
(C) of this section. The department shall grant a waiver to a 34410  
dropout prevention and recovery program, within sixty days after 34411  
the program applies for the waiver, if the program meets all of 34412  
the following conditions: 34413

(1) The program serves only students not younger than sixteen 34414  
years of age and not older than twenty-one years of age. 34415

(2) The program enrolls students who, at the time of their 34416  
initial enrollment, either, or both, are at least one grade level 34417  
behind their cohort age groups or experience crises that 34418  
significantly interfere with their academic progress such that 34419  
they are prevented from continuing their traditional programs. 34420

(3) The program requires students to attain at least the 34421  
applicable score designated for each of the assessments prescribed 34422  
under division (B)(1) of section 3301.0710 of the Revised Code or, 34423  
to the extent prescribed by rule of the state board under division 34424  
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 34425  
of that section. 34426

(4) The program develops a student success plan for the 34427

student in the manner described in division (C)(1) of section 34428  
3313.6020 of the Revised Code that specifies the student's 34429  
matriculating to a two-year degree program, acquiring a business 34430  
and industry-recognized credential, or entering an apprenticeship. 34431

(5) The program provides counseling and support for the 34432  
student related to the plan developed under division (F)(4) of 34433  
this section during the remainder of the student's high school 34434  
experience. 34435

(6) The program requires the student and the student's 34436  
parent, guardian, or custodian to sign and file, in accordance 34437  
with procedural requirements stipulated by the program, a written 34438  
statement asserting the parent's, guardian's, or custodian's 34439  
consent to the student's graduating without completing the 34440  
requirements for graduation prescribed in division (C) of this 34441  
section and acknowledging that one consequence of not completing 34442  
those requirements is ineligibility to enroll in most state 34443  
universities in Ohio without further coursework. 34444

(7) Prior to receiving the waiver, the program has submitted 34445  
to the department an instructional plan that demonstrates how the 34446  
academic content standards adopted by the state board under 34447  
section 3301.079 of the Revised Code will be taught and assessed. 34448

(8) Prior to receiving the waiver, the program has submitted 34449  
to the department a policy on career advising that satisfies the 34450  
requirements of section 3313.6020 of the Revised Code, with an 34451  
emphasis on how every student will receive career advising. 34452

(9) Prior to receiving the waiver, the program has submitted 34453  
to the department a written agreement outlining the future 34454  
cooperation between the program and any combination of local job 34455  
training, postsecondary education, nonprofit, and health and 34456  
social service organizations to provide services for students in 34457  
the program and their families. 34458

Divisions (F)(8) and (9) of this section apply only to 34459  
waivers granted on or after July 1, 2015. 34460

If the department does not act either to grant the waiver or 34461  
to reject the program application for the waiver within sixty days 34462  
as required under this section, the waiver shall be considered to 34463  
be granted. 34464

(G) Every high school may permit students below the ninth 34465  
grade to take advanced work. If a high school so permits, it shall 34466  
award high school credit for successful completion of the advanced 34467  
work and shall count such advanced work toward the graduation 34468  
requirements of division (B) or (C) of this section if the 34469  
advanced work was both: 34470

(1) Taught by a person who possesses a license or certificate 34471  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 34472  
Code that is valid for teaching high school; 34473

(2) Designated by the board of education of the city, local, 34474  
or exempted village school district, the board of the cooperative 34475  
education school district, or the governing authority of the 34476  
chartered nonpublic school as meeting the high school curriculum 34477  
requirements. 34478

Each high school shall record on the student's high school 34479  
transcript all high school credit awarded under division (G) of 34480  
this section. In addition, if the student completed a seventh- or 34481  
eighth-grade fine arts course described in division (K) of this 34482  
section and the course qualified for high school credit under that 34483  
division, the high school shall record that course on the 34484  
student's high school transcript. 34485

(H) The department shall make its individual academic career 34486  
plan available through its Ohio career information system web site 34487  
for districts and schools to use as a tool for communicating with 34488  
and providing guidance to students and families in selecting high 34489

school courses. 34490

(I) A school district or chartered nonpublic school may 34491  
integrate academic content in a subject area for which the state 34492  
board has adopted standards under section 3301.079 of the Revised 34493  
Code into a course in a different subject area, including a 34494  
career-technical education course, in accordance with guidance for 34495  
integrated coursework developed by the department. Upon successful 34496  
completion of an integrated course, a student may receive credit 34497  
for both subject areas that were integrated into the course. Units 34498  
earned in English language arts, mathematics, science, and social 34499  
studies that are for subject area content delivered through 34500  
integrated academic and career-technical instruction are eligible 34501  
to meet the graduation requirements of division (B) or (C) of this 34502  
section. 34503

For purposes of meeting graduation requirements, if an 34504  
end-of-course examination has been prescribed under section 34505  
3301.0712 of the Revised Code for the subject area delivered 34506  
through integrated instruction, the school district or school may 34507  
administer the related subject area examinations upon the 34508  
student's completion of the integrated course. 34509

Nothing in division (I) of this section shall be construed to 34510  
excuse any school district, chartered nonpublic school, or student 34511  
from any requirement in the Revised Code related to curriculum, 34512  
assessments, or the awarding of a high school diploma. 34513

(J)(1) The state board, in consultation with the chancellor, 34514  
shall adopt a statewide plan implementing methods for students to 34515  
earn units of high school credit based on a demonstration of 34516  
subject area competency, instead of or in combination with 34517  
completing hours of classroom instruction. The state board shall 34518  
adopt the plan not later than March 31, 2009, and commence phasing 34519  
in the plan during the 2009-2010 school year. The plan shall 34520  
include a standard method for recording demonstrated proficiency 34521

on high school transcripts. Each school district and community 34522  
school shall comply with the state board's plan adopted under this 34523  
division and award units of high school credit in accordance with 34524  
the plan. The state board may adopt existing methods for earning 34525  
high school credit based on a demonstration of subject area 34526  
competency as necessary prior to the 2009-2010 school year. 34527

(2) Not later than December 31, 2015, the state board shall 34528  
update the statewide plan adopted pursuant to division (J)(1) of 34529  
this section to also include methods for students enrolled in 34530  
seventh and eighth grade to meet curriculum requirements based on 34531  
a demonstration of subject area competency, instead of or in 34532  
combination with completing hours of classroom instruction. 34533  
Beginning with the 2017-2018 school year, each school district and 34534  
community school also shall comply with the updated plan adopted 34535  
pursuant to this division and permit students enrolled in seventh 34536  
and eighth grade to meet curriculum requirements based on subject 34537  
area competency in accordance with the plan. 34538

(3) Not later than December 31, 2017, the department shall 34539  
develop a framework for school districts and community schools to 34540  
use in granting units of high school credit to students who 34541  
demonstrate subject area competency through work-based learning 34542  
experiences, internships, or cooperative education. Beginning with 34543  
the 2018-2019 school year, each district and community school 34544  
shall comply with the framework. Each district and community 34545  
school also shall review any policy it has adopted regarding the 34546  
demonstration of subject area competency to identify ways to 34547  
incorporate work-based learning experiences, internships, and 34548  
cooperative education into the policy in order to increase student 34549  
engagement and opportunities to earn units of high school credit. 34550

(K) This division does not apply to students who qualify for 34551  
graduation from high school under division (D) or (F) of this 34552  
section, or to students pursuing a career-technical instructional 34553

track as determined by the school district board of education or 34554  
the chartered nonpublic school's governing authority. 34555  
Nevertheless, the general assembly encourages such students to 34556  
consider enrolling in a fine arts course as an elective. 34557

Beginning with students who enter ninth grade for the first 34558  
time on or after July 1, 2010, each student enrolled in a public 34559  
or chartered nonpublic high school shall complete two semesters or 34560  
the equivalent of fine arts to graduate from high school. The 34561  
coursework may be completed in any of grades seven to twelve. Each 34562  
student who completes a fine arts course in grade seven or eight 34563  
may elect to count that course toward the five units of electives 34564  
required for graduation under division (C)(8) of this section, if 34565  
the course satisfied the requirements of division (G) of this 34566  
section. In that case, the high school shall award the student 34567  
high school credit for the course and count the course toward the 34568  
five units required under division (C)(8) of this section. If the 34569  
course in grade seven or eight did not satisfy the requirements of 34570  
division (G) of this section, the high school shall not award the 34571  
student high school credit for the course but shall count the 34572  
course toward the two semesters or the equivalent of fine arts 34573  
required by this division. 34574

(L) Notwithstanding anything to the contrary in this section, 34575  
the board of education of each school district and the governing 34576  
authority of each chartered nonpublic school may adopt a policy to 34577  
excuse from the high school physical education requirement each 34578  
student who, during high school, has participated in 34579  
interscholastic athletics, marching band, or cheerleading for at 34580  
least two full seasons or in the junior reserve officer training 34581  
corps for at least two full school years. If the board or 34582  
authority adopts such a policy, the board or authority shall not 34583  
require the student to complete any physical education course as a 34584  
condition to graduate. However, the student shall be required to 34585



complete one-half unit, consisting of at least sixty hours of 34586  
instruction, in another course of study. In the case of a student 34587  
who has participated in the junior reserve officer training corps 34588  
for at least two full school years, credit received for that 34589  
participation may be used to satisfy the requirement to complete 34590  
one-half unit in another course of study. 34591

(M) It is important that high school students learn and 34592  
understand United States history and the governments of both the 34593  
United States and the state of Ohio. Therefore, beginning with 34594  
students who enter ninth grade for the first time on or after July 34595  
1, 2012, the study of American history and American government 34596  
required by divisions (B)(6) and (C)(6) of this section shall 34597  
include the study of all of the following documents: 34598

(1) The Declaration of Independence; 34599

(2) The Northwest Ordinance; 34600

(3) The Constitution of the United States with emphasis on 34601  
the Bill of Rights; 34602

(4) The Ohio Constitution. 34603

The study of each of the documents prescribed in divisions 34604  
(M)(1) to (4) of this section shall include study of that document 34605  
in its original context. 34606

The study of American history and government required by 34607  
divisions (B)(6) and (C)(6) of this section shall include the 34608  
historical evidence of the role of documents such as the 34609  
Federalist Papers and the Anti-Federalist Papers to firmly 34610  
establish the historical background leading to the establishment 34611  
of the provisions of the Constitution and Bill of Rights. 34612

**Sec. 3313.6012.** (A) The board of education of each city, 34613  
exempted village, and local school district shall adopt a policy 34614  
governing the conduct of academic prevention/intervention services 34615

for all grades and all schools throughout the district. The board 34616  
shall update the policy annually. The policy shall include, but 34617  
not be limited to, all of the following: 34618

(1) Procedures for using diagnostic assessments to measure 34619  
student progress toward the attainment of academic standards and 34620  
to identify students who may not attain the academic standards in 34621  
accordance with section 3301.0715 of the Revised Code; 34622

(2) A plan for the design of classroom-based intervention 34623  
services to meet the instructional needs of individual students as 34624  
determined by the results of diagnostic assessments; 34625

(3) Procedures for the regular collection of student 34626  
performance data; 34627

(4) Procedures for using student performance data to evaluate 34628  
the effectiveness of intervention services and, if necessary, to 34629  
modify such services. 34630

The policy shall include any prevention/intervention services 34631  
required under sections 3301.0711, 3301.0715, and 3313.608 of the 34632  
Revised Code. 34633

(B) In accordance with the policy adopted under division (A) 34634  
of this section, each school district shall provide 34635  
prevention/intervention services in pertinent subject areas to 34636  
students who score below the proficient level on a reading, 34637  
writing, mathematics, ~~social studies~~, or science proficiency or 34638  
achievement test or who do not demonstrate academic performance at 34639  
their grade level based on the results of a diagnostic assessment. 34640

**Sec. 3313.6023.** The board of education of each school 34641  
district shall provide training in the use of an automated 34642  
external defibrillator to each person employed by that district, 34643  
except for substitutes, adult education instructors who are 34644  
scheduled to work the full-time equivalent of less than one 34645

hundred twenty days per school year, or persons who are employed 34646  
on an as-needed, seasonal, or intermittent basis. This training 34647  
may be incorporated into the in-service training required by 34648  
division (A) of section 3319.073 of the Revised Code. For this 34649  
purpose, the board shall use one of the instructional programs 34650  
listed in divisions (B)(1) and (2) of section 3313.6021 of the 34651  
Revised Code. 34652

Each person to whom this section applies shall complete the 34653  
training not later than July 1, 2018, and at least once every five 34654  
years thereafter. 34655

**Sec. 3313.618.** (A) In addition to the applicable curriculum 34656  
requirements, each student entering ninth grade for the first time 34657  
on or after July 1, 2014, shall satisfy at least one of the 34658  
following conditions in order to qualify for a high school 34659  
diploma: 34660

(1) Be remediation-free, in accordance with standards adopted 34661  
under division (F) of section 3345.061 of the Revised Code, on 34662  
each of the nationally standardized assessments in English, 34663  
mathematics, and reading; 34664

(2) Attain a score specified under division (B)(5)(c) of 34665  
section 3301.0712 of the Revised Code on the end-of-course 34666  
examinations prescribed under division (B) of section 3301.0712 of 34667  
the Revised Code. 34668

(3) Attain a score that demonstrates workforce readiness and 34669  
employability on a nationally recognized job skills assessment 34670  
selected by the state board of education under division (G) of 34671  
section 3301.0712 of the Revised Code and obtain either an 34672  
industry-recognized credential, as described under division 34673  
(B)(2)(d) of section 3302.03 of the Revised Code, or a license 34674  
issued by a state agency or board for practice in a vocation that 34675

requires an examination for issuance of that license. 34676

~~The state board shall approve the industry recognized 34677  
credentials and licenses that may qualify a student for a high 34678  
school diploma under division (A)(3) of this section. The 34679  
industry-recognized credentials and licenses shall be as approved 34680  
under section 3313.6113 of the Revised Code. 34681~~

A student may choose to qualify for a high school diploma by 34682  
satisfying any of the separate requirements prescribed by 34683  
divisions (A)(1) to (3) of this section. If the student's school 34684  
district or school does not administer the examination prescribed 34685  
by one of those divisions that the student chooses to take to 34686  
satisfy the requirements of this section, the school district or 34687  
school may require that student to arrange for the applicable 34688  
scores to be sent directly to the district or school by the 34689  
company or organization that administers the examination. 34690

(B) The state board of education shall not create or require 34691  
any additional assessment for the granting of any type of high 34692  
school diploma other than as prescribed by this section. Except as 34693  
provided in ~~section~~ sections 3313.6111 and 3313.6112 of the 34694  
Revised Code, the state board or the superintendent of public 34695  
instruction shall not create any endorsement or designation that 34696  
may be affiliated with a highschool diploma. 34697

**Sec. 3313.6110.** (A) A person who has completed the final year 34698  
of instruction at home, as authorized under section 3321.04 of the 34699  
Revised Code, and has successfully fulfilled the high school 34700  
curriculum applicable to that person may be granted a high school 34701  
diploma by the person's parent, guardian, or other person having 34702  
charge or care of a child, as defined in division (A)(1) of 34703  
section 3321.01 of the Revised Code. 34704

(B) Beginning with diplomas issued on or after July 1, 2015, 34705  
each diploma granted under division (A) of this section shall be 34706

accompanied by the official letter of excuse issued by the 34707  
district superintendent for the student's final year of home 34708  
education. 34709

(C) A person who has graduated from a nonchartered nonpublic 34710  
school in Ohio and who has successfully fulfilled that school's 34711  
high school curriculum may be granted a high school diploma by the 34712  
governing authority of that school. 34713

(D) Notwithstanding anything in the Revised Code to the 34714  
contrary, a diploma granted under this section shall serve as 34715  
proof of the successful completion of that person's applicable 34716  
high school curriculum and satisfactory to fulfill any legal 34717  
requirement to show such proof. 34718

(E) For the purposes of an application for employment, a 34719  
diploma granted under this section shall be considered proof of 34720  
completion of a high school education, regardless of whether the 34721  
person to which the diploma was granted participated in the 34722  
assessments prescribed by division (A)(1) or (B)(1) or (2) of 34723  
section 3301.0710 and section 3301.0712 of the Revised Code. 34724

(F) A diploma granted under division (A) of this section may 34725  
include a state seal of biliteracy or an OhioMeansJobs-readiness 34726  
seal that may be assigned to the student's diploma, by the parent, 34727  
guardian, or other person having charge or care of the student, in 34728  
the same manner as prescribed for transcripts issued by school 34729  
districts and chartered nonpublic schools under ~~section~~ sections 34730  
3313.6111 and 3113.6112 of the Revised Code. 34731

**Sec. 3313.6112.** (A) The superintendent of public instruction, 34732  
in consultation with the chancellor of higher education and the 34733  
governor's office of workforce transformation, shall establish the 34734  
OhioMeansJobs-readiness seal, which may be attached or affixed to 34735  
the high school diploma and transcript of a student enrolled in a 34736  
public or chartered nonpublic school. 34737

(B) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school shall attach or affix the OhioMeansJobs-readiness seal to the diploma and transcript of a student enrolled in the school who meets the requirements prescribed under division (C)(1) of this section.

(C) The state superintendent, in consultation with the chancellor and the governor's office of workforce transformation, shall do the following:

(1) Establish the requirements and criteria for earning an OhioMeansJobs-readiness seal, including demonstration of work-readiness and work ethic competencies such as teamwork, problem-solving, reliability, punctuality, and computer technology competency;

(2) Develop a standardized form for students to complete and have validated prior to graduation by at least three individuals, each of whom must be an employer, teacher, business mentor, community leader, faith-based leader, school leader, or coach of the student;

(3) Prepare and deliver to all school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools an appropriate mechanism for assigning an OhioMeansJobs-readiness seal on a student's diploma and transcript indicating that the student has been assigned the seal;

(4) Provide any other information the state superintendent considers necessary for school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools to assign an OhioMeansJobs-readiness seal.

(D) A student shall not be charged a fee to be assigned an

OhioMeansJobs-readiness seal on the student's diploma and transcript. 34769  
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Sec. 3313.6113. (A) The superintendent of public instruction, in collaboration with the governor's office of workforce transformation and representatives of business organizations, shall establish a committee to develop a list of industry-recognized credentials and licenses that may be used to qualify for a high school diploma under division (A)(3) of section 3313.618 of the Revised Code and shall be used for state report card purposes under section 3302.03 of the Revised Code. The state superintendent shall appoint the members of the committee not later than January 1, 2018. 34771  
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(B) The committee shall do the following: 34781

(1) Establish criteria for acceptable industry-recognized credentials and licenses aligned with the in-demand jobs list published by the department of job and family services; 34782  
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(2) Review the list of industry-recognized credentials and licenses that was in existence on January 1, 2018, and update the list as it considers necessary; 34785  
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(3) Review and update the list of industry-recognized credentials and licenses at least biennially. 34788  
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Sec. 3313.6410. This section applies to any school that is operated by a school district and in which the enrolled students work primarily on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method. 34790  
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(A) Any school to which this section applies shall withdraw from the school any student who, for two consecutive school years of enrollment in the school, has failed to participate in the spring administration of any assessment prescribed under section 34795  
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3301.0710 or 3301.0712 of the Revised Code for the student's grade level and was not excused from the assessment pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code, regardless of whether a waiver was granted for the student under division (E) of section 3317.03 of the Revised Code. The school shall report any such student's data verification code, as assigned pursuant to section 3301.0714 of the Revised Code, to the department of education to be added to the list maintained by the department under section 3314.26 of the Revised Code.

(B) No school to which this section applies shall receive any state funds under Chapter 3317. of the Revised Code for any enrolled student whose data verification code appears on the list maintained by the department under section 3314.26 of the Revised Code. Notwithstanding any provision of the Revised Code to the contrary, the parent of any such student shall pay tuition to the school district that operates the school in an amount equal to the state funds the district otherwise would receive for that student, as determined by the department. A school to which this section applies may withdraw any student for whom the parent does not pay tuition as required by this division.

**Sec. 3313.713.** (A) As used in this section:

(1) "Drug" means a drug, as defined in section 4729.01 of the Revised Code, that is to be administered pursuant to the instructions of the prescriber, whether or not required by law to be sold only upon a prescription.

(2) "Federal law" means the "Individuals with Disabilities Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended.

(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.

(B) The board of education of each city, local, exempted



village, and joint vocational school district shall adopt a policy 34829  
on the authority of its employees, when acting in situations other 34830  
than those governed by sections 2305.23, 2305.231, 3313.712, 34831  
3313.7110, 3313.7112, and 3313.7113 of the Revised Code, to 34832  
administer drugs prescribed to students enrolled in the schools of 34833  
the district. The policy shall provide either that: 34834

(1) Except as otherwise required by federal law, no person 34835  
employed by the board shall, in the course of such employment, 34836  
administer any drug prescribed to any student enrolled in the 34837  
schools of the district. 34838

(2) Designated persons employed by the board are authorized 34839  
to administer to a student a drug prescribed for the student. 34840  
Effective July 1, 2011, only employees of the board who are 34841  
licensed health professionals, or who have completed a drug 34842  
administration training program conducted by a licensed health 34843  
professional and considered appropriate by the board, may 34844  
administer to a student a drug prescribed for the student. Except 34845  
as otherwise provided by federal law, the board's policy may 34846  
provide that certain drugs or types of drugs shall not be 34847  
administered or that no employee shall use certain procedures, 34848  
such as injection, to administer a drug to a student. 34849

(C) No drug prescribed for a student shall be administered 34850  
pursuant to federal law or a policy adopted under division (B) of 34851  
this section until the following occur: 34852

(1) The board, or a person designated by the board, receives 34853  
a written request, signed by the parent, guardian, or other person 34854  
having care or charge of the student, that the drug be 34855  
administered to the student. 34856

(2) The board, or a person designated by the board, receives 34857  
a statement, signed by the prescriber, that includes all of the 34858  
following information: 34859

(a) The name and address of the student;	34860
(b) The school and class in which the student is enrolled;	34861
(c) The name of the drug and the dosage to be administered;	34862
(d) The times or intervals at which each dosage of the drug is to be administered;	34863 34864
(e) The date the administration of the drug is to begin;	34865
(f) The date the administration of the drug is to cease;	34866
(g) Any severe adverse reactions that should be reported to the prescriber and one or more phone numbers at which the prescriber can be reached in an emergency;	34867 34868 34869
(h) Special instructions for administration of the drug, including sterile conditions and storage.	34870 34871
(3) The parent, guardian, or other person having care or charge of the student agrees to submit a revised statement signed by the prescriber to the board or a person designated by the board if any of the information provided by the prescriber pursuant to division (C)(2) of this section changes.	34872 34873 34874 34875 34876
(4) The person authorized by the board to administer the drug receives a copy of the statement required by division (C)(2) or (3) of this section.	34877 34878 34879
(5) The drug is received by the person authorized to administer the drug to the student for whom the drug is prescribed in the container in which it was dispensed by the prescriber or a licensed pharmacist.	34880 34881 34882 34883
(6) Any other procedures required by the board are followed.	34884
(D) If a drug is administered to a student, the board of education shall acquire and retain copies of the written requests required by division (C)(1) and the statements required by divisions (C)(2) and (3) of this section and shall ensure that by	34885 34886 34887 34888

the next school day following the receipt of any such statement a 34889  
copy is given to the person authorized to administer drugs to the 34890  
student for whom the statement has been received. The board, or a 34891  
person designated by the board, shall establish a location in each 34892  
school building for the storage of drugs to be administered under 34893  
this section and federal law. All such drugs shall be stored in 34894  
that location in a locked storage place, except that drugs that 34895  
require refrigeration may be kept in a refrigerator in a place not 34896  
commonly used by students. 34897

(E) No person who has been authorized by a board of education 34898  
to administer a drug and has a copy of the most recent statement 34899  
required by division (C)(2) or (3) of this section given to the 34900  
person in accordance with division (D) of this section prior to 34901  
administering the drug is liable in civil damages for 34902  
administering or failing to administer the drug, unless such 34903  
person acts in a manner that constitutes gross negligence or 34904  
wanton or reckless misconduct. 34905

(F) A board of education may designate a person or persons to 34906  
perform any function or functions in connection with a drug policy 34907  
adopted under this section either by name or by position, 34908  
training, qualifications, or similar distinguishing factors. 34909

(G) A policy adopted by a board of education pursuant to this 34910  
section may be changed, modified, or revised by action of the 34911  
board. 34912

(H) Nothing in this section shall be construed to require a 34913  
person employed by a board of education to administer a drug to a 34914  
student unless the board's policy adopted in compliance with this 34915  
section establishes such a requirement. A board shall not require 34916  
an employee to administer a drug to a student if the employee 34917  
objects, on the basis of religious convictions, to administering 34918  
the drug. 34919

Nothing in this section affects the application of section 34920  
2305.23, 2305.231, 3313.712, 3313.7110, 3313.7112, or 3313.7113 of 34921  
the Revised Code to the administration of emergency care or 34922  
treatment to a student. 34923

Nothing in this section affects the ability of a public or 34924  
nonpublic school to participate in a school-based fluoride mouth 34925  
rinse program established by the director of health pursuant to 34926  
section 3701.136 of the Revised Code. Nothing in this section 34927  
affects the ability of a person who is employed by, or who 34928  
volunteers for, a school that participates in such a program to 34929  
administer fluoride mouth rinse to a student in accordance with 34930  
section 3701.136 of the Revised Code and any rules adopted by the 34931  
director under that section. 34932

(I) Nothing in this section shall be construed to require a 34933  
school district to obtain written authorization or instructions 34934  
from a health care provider to apply nonprescription topical 34935  
ointments designed to prevent sunburn. Furthermore, nothing in 34936  
this section shall be construed to prohibit a student to possess 34937  
and self-apply nonprescription topical ointment designed to 34938  
prevent sunburn while on school property or at a school-sponsored 34939  
event without written authorization or instructions from a 34940  
healthcare provider. The policy adopted by a school district 34941  
pursuant to this section shall not require written authorization 34942  
from a health care provider, but may require parental 34943  
authorization, for the possession or application of such 34944  
sunscreen. A designated person employed by the board of education 34945  
of a school district shall apply sunscreen to a student in 34946  
accordance with the school district's policy upon request. 34947

**Sec. 3313.717.** (A) As used in this section, "automated 34948  
external defibrillator" means a specialized defibrillator that is 34949  
approved for use as a medical device by the United States food and 34950

drug administration for performing automated external 34951  
defibrillation, as defined in section 2305.235 of the Revised 34952  
Code. 34953

(B)(1) The board of education of each school district may 34954  
require the placement of an automated external defibrillator in 34955  
each school under the control of the board. Not later than July 1, 34956  
2018, pursuant to section 3313.6023 of the Revised Code, all 34957  
persons employed by a school district shall receive training in 34958  
the use of an automated external defibrillator in accordance with 34959  
that section, except for substitutes, adult education instructors 34960  
who are scheduled to work the full-time equivalent of less than 34961  
one hundred twenty days per school year, or persons who are 34962  
employed on an as-needed, seasonal, or intermittent basis. 34963

(2) The administrative authority of each chartered nonpublic 34964  
school may require the placement of an automated external 34965  
defibrillator in each school under the control of the authority. 34966  
If an authority requires the placement of an automated external 34967  
defibrillator as provided in this section, the authority also 34968  
shall require that a sufficient number of the staff persons 34969  
assigned to each school under the control of the authority 34970  
successfully complete an appropriate training course in the use of 34971  
an automated external defibrillator as described in section 34972  
3701.85 of the Revised Code. 34973

(C) In regard to the use of an automated external 34974  
defibrillator that is placed in a school as specified in this 34975  
section, and except in the case of willful or wanton misconduct or 34976  
when there is no good faith attempt to activate an emergency 34977  
medical services system in accordance with section 3701.85 of the 34978  
Revised Code, no person shall be held liable in civil damages for 34979  
injury, death, or loss to person or property, or held criminally 34980  
liable, for performing automated external defibrillation in good 34981

faith, regardless of whether the person has obtained appropriate 34982  
training on how to perform automated external defibrillation or 34983  
successfully completed a course in cardiopulmonary resuscitation. 34984

**Sec. 3313.751.** (A) As used in this section: 34985

(1) "School district" means a city, local, exempted village, 34986  
or joint vocational school district. 34987

(2) "Smoke" means to burn any substance containing tobacco, 34988  
including a lighted cigarette, cigar, or pipe, or to burn a clove 34989  
cigarette. 34990

(3) "Use tobacco" means to chew or maintain any substance 34991  
containing tobacco, including smokeless tobacco, in the mouth to 34992  
derive the effects of tobacco. 34993

(B) No pupil shall smoke or use tobacco or possess any 34994  
substance containing tobacco in any area under the control of a 34995  
school district or an educational service center or at any 34996  
activity supervised by any school operated by a school district or 34997  
an educational service center. 34998

(C) No pupil shall use or possess any substance containing 34999  
betel nut in any area under the control of a school district or an 35000  
educational service center or at any activity supervised by any 35001  
school operated by a school district or an educational service 35002  
center. 35003

(D) The board of education of each school district and the 35004  
governing board of each educational service center shall adopt a 35005  
policy providing for the enforcement of ~~division~~ divisions (B) and 35006  
(C) of this section and establishing disciplinary measures for a 35007  
violation of ~~division~~ divisions (B) and (C) of this section. 35008

**Sec. 3313.813.** (A) As used in this section: 35009

(1) "Outdoor education center" means a public or nonprofit 35010

private entity that provides to pupils enrolled in any public or 35011  
chartered nonpublic elementary or secondary school an outdoor 35012  
educational curriculum that the school considers to be part of its 35013  
educational program. 35014

(2) "Outside-school-hours care center" has the meaning 35015  
established in 7 C.F.R. 226.2. 35016

(B) The state board of education shall establish standards 35017  
for a school lunch program, school breakfast program, child and 35018  
adult care food program, special food service program for 35019  
children, summer food service program for children, special milk 35020  
program for children, food service equipment assistance program, 35021  
and commodity distribution program established under the "National 35022  
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 35023  
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 35024  
U.S.C. 1771, as amended. Any board of education of a school 35025  
district, nonprofit private school, outdoor education center, 35026  
child care institution, outside-school-hours care center, or 35027  
summer camp desiring to participate in such a program or required 35028  
to participate under this section shall, if eligible to 35029  
participate under the "National School Lunch Act," as amended, or 35030  
the "Child Nutrition Act of 1966," as amended, make application to 35031  
the state board of education for assistance. The board shall 35032  
administer the allocation and distribution of all state and 35033  
federal funds for these programs. 35034

(C) The state board of education shall require the board of 35035  
education of each school district to establish and maintain a 35036  
school breakfast, lunch, and summer food service program pursuant 35037  
to the "National School Lunch Act" and the "Child Nutrition Act of 35038  
1966," as described in divisions (C)(1) to (4) of this section. 35039

(1) The state board shall require the board of education in 35040  
each school district to establish a breakfast program in every 35041  
school where at least one-fifth of the pupils in the school are 35042

eligible under federal requirements for free breakfasts and to 35043  
establish a lunch program in every school where at least one-fifth 35044  
of the pupils are eligible for free lunches. The board of 35045  
education required to establish a breakfast program under this 35046  
division may make a charge in accordance with federal requirements 35047  
for each reduced price breakfast or paid breakfast to cover the 35048  
cost incurred in providing that meal. 35049

(2) The state board shall require the board of education in 35050  
each school district to establish a breakfast program in every 35051  
school in which the parents of at least one-half of the children 35052  
enrolled in the school have requested that the breakfast program 35053  
be established. The board of education required to establish a 35054  
program under this division may make a charge in accordance with 35055  
federal requirements for each meal to cover all or part of the 35056  
costs incurred in establishing such a program. 35057

(3) The state board shall require the board of education in 35058  
each school district to establish one of the following for summer 35059  
intervention services described in division (D) of section 35060  
3301.0711 or provided under section 3313.608 of the Revised Code, 35061  
and any other summer intervention program required by law: 35062

(a) An extension of the school breakfast program pursuant to 35063  
the "National School Lunch Act" and the "Child Nutrition Act of 35064  
1966"; 35065

(b) An extension of the school lunch program pursuant to 35066  
those acts; 35067

(c) A summer food service program pursuant to those acts. 35068

(4)(a) If the board of education of a school district 35069  
determines that, for financial reasons, it cannot comply with 35070  
division (C)(1) or (3) of this section, the district board may 35071  
choose not to comply with either or both divisions, except as 35072  
provided in ~~division~~ divisions (C)(4)(b) and (c) of this section. 35073



The district board publicly shall communicate to the residents of 35074  
the district, in the manner it determines appropriate, its 35075  
decision not to comply. 35076

(b) If a district board chooses not to comply with division 35077  
(C)(1) of this section, the state board nevertheless shall require 35078  
the district board to establish a breakfast program in every 35079  
school where at least one-third of the pupils in the school are 35080  
eligible under federal requirements for free breakfasts and to 35081  
establish a lunch program in every school where at least one-third 35082  
of the pupils are eligible for free lunches. The district board 35083  
may make a charge in accordance with federal requirements for each 35084  
reduced price breakfast or paid breakfast to cover the cost 35085  
incurred in providing that meal. 35086

(c) If the board of education of a school district chooses 35087  
not to comply with division (C)(3) of this section, the state 35088  
board nevertheless shall require the district board to permit an 35089  
approved summer food service program sponsor to use school 35090  
facilities located in a school building attendance area where at 35091  
least one-half of the pupils are eligible for free lunches. 35092

The department of education shall post in a prominent 35093  
location on the department's web site a list of approved summer 35094  
food service program sponsors that may use school facilities under 35095  
this division. 35096

Subject to the provisions of sections 3313.75 and 3313.77 of 35097  
the Revised Code, a school district may charge the summer food 35098  
service program sponsor a reasonable fee for the use of school 35099  
facilities that may include the actual cost of custodial services, 35100  
charges for the use of school equipment, and a prorated share of 35101  
the utility costs as determined by the district board. A school 35102  
district shall require the summer food service program sponsor to 35103  
indemnify and hold harmless the district from any potential 35104  
liability resulting from the operation of the summer food service 35105

program under this division. For this purpose, the district shall 35106  
either add the summer food service program sponsor, as an 35107  
additional insured party, to the district's existing liability 35108  
insurance policy or require the summer food service program 35109  
sponsor to submit evidence of a separate liability insurance 35110  
policy, for an amount approved by the district board. The summer 35111  
food service program sponsor shall be responsible for any costs 35112  
incurred in obtaining coverage under either option. 35113

(d) If a school district cannot for good cause comply with 35114  
the requirements of division (C)(2) or (4)(b) or (c) of this 35115  
section at the time the state board determines that a district is 35116  
subject to these requirements, the state board shall grant a 35117  
reasonable extension of time. Good cause for an extension of time 35118  
shall include, but need not be limited to, economic impossibility 35119  
of compliance with the requirements at the time the state board 35120  
determines that a district is subject to them. 35121

(D)(1) The state board shall accept the application of any 35122  
outdoor education center in the state making application for 35123  
participation in a program pursuant to division (B) of this 35124  
section. 35125

(2) For purposes of participation in any program pursuant to 35126  
this section, the board shall certify any outdoor education center 35127  
making application as an educational unit that is part of the 35128  
educational system of the state, if the center: 35129

(a) Meets the definition of an outdoor education center; 35130

(b) Provides its outdoor education curriculum to pupils on an 35131  
overnight basis so that pupils are in residence at the center for 35132  
more than twenty-four consecutive hours; 35133

(c) Operates under public or nonprofit private ownership in a 35134  
single building or complex of buildings. 35135

(3) The board shall approve any outdoor education center 35136

certified under this division for participation in the program for 35137  
which the center is making application on the same basis as any 35138  
other applicant for that program. 35139

(E) Any school district board of education or chartered 35140  
nonpublic school that participates in a breakfast program pursuant 35141  
to this section may offer breakfast to pupils in their classrooms 35142  
during the school day. 35143

(F) Notwithstanding anything in this section to the contrary, 35144  
in each fiscal year in which the general assembly appropriates 35145  
funds for purposes of this division, the board of education of 35146  
each school district and each chartered nonpublic school that 35147  
participates in a breakfast program pursuant to this section shall 35148  
provide a breakfast free of charge to each pupil who is eligible 35149  
under federal requirements for a reduced price breakfast. 35150

Sec. 3313.821. The superintendent of public instruction, in 35151  
consultation with the governor's executive workforce board, shall 35152  
establish standards for the operation of business advisory 35153  
councils established by the board of education of a school 35154  
district or the governing board of an educational service center 35155  
under section 3313.82 of the Revised Code. The standards adopted 35156  
by the state superintendent shall include at least the following 35157  
requirements: 35158

(A) Each advisory council and the board of education or 35159  
governing board that established it shall develop a plan by which 35160  
the advisory council shall advise the board of at least those 35161  
matters specified by the board pursuant to section 3313.82 of the 35162  
Revised Code. 35163

(B) Each plan developed pursuant to division (A) of this 35164  
section shall be filed with the department of education. 35165

(C) Each business advisory council shall meet with its school 35166

board at least quarterly. 35167

(D) Each business advisory council and its school board shall 35168  
file a joint statement, not later than the first day of March of 35169  
each school year, describing how the school district or service 35170  
center and its business advisory council has fulfilled their 35171  
responsibilities pursuant to this section and section 3313.82 of 35172  
the Revised Code. 35173

**Sec. 3313.89.** Beginning with the 2014-2015 school year, each 35174  
public high school shall publish or provide, not later than the 35175  
first day of April of each year, in its newsletter, high school 35176  
planning guide, regular publication provided to parents and 35177  
students, or in a prominent location on the school web site, 35178  
information regarding the online education and career planning 35179  
tool developed under section 6301.15 of the Revised Code. The 35180  
information shall include the internet web site address for the 35181  
planning tool and a link to that web site. The information also 35182  
shall include a link to the OhioMeansJobs web site. 35183

As used in this section, "OhioMeansJobs web site" has the 35184  
same meaning as in section 6301.01 of the Revised Code. 35185

**Sec. 3313.902.** (A) As used in this section: 35186

(1) "Approved industry credential or certificate" means a 35187  
credential or certificate that is approved by the chancellor of 35188  
higher education. 35189

(2) "Approved institution" means an eligible institution that 35190  
has been approved to participate in the adult diploma pilot 35191  
program under this section. 35192

(3) "Approved program of study" means a program of study 35193  
offered by an approved institution that satisfies the requirements 35194  
of division (B) of this section. 35195

(4) An eligible student's "career pathway training program amount" means the following:	35196 35197
(a) If the student is enrolled in a tier one career pathway training program, \$4,800;	35198 35199
(b) If the student is enrolled in a tier two career pathway training program, \$3,200;	35200 35201
(c) If the student is enrolled in a tier three career pathway training program, \$1,600.	35202 35203
(5) "Eligible institution" means any of the following:	35204
(a) A community college established under Chapter 3354. of the Revised Code;	35205 35206
(b) A technical college established under Chapter 3357. of the Revised Code;	35207 35208
(c) A state community college established under Chapter 3358. of the Revised Code;	35209 35210
(d) An Ohio technical center recognized by the chancellor that provides post-secondary workforce education.	35211 35212
(6) "Eligible student" means an individual who is at least twenty-two years of age and has not received a high school diploma or a certificate of high school equivalence, as defined in section 4109.06 of the Revised Code.	35213 35214 35215 35216
(7) A "tier one career pathway training program" is a career pathway training program that requires more than six hundred hours of technical training, as determined by the department of education.	35217 35218 35219 35220
(8) A "tier two career pathway training program" is a career pathway training program that requires more than three hundred hours of technical training but less than six hundred hours of technical training, as determined by the department.	35221 35222 35223 35224

(9) A "tier three career pathway training program" is a 35225  
career pathway training program that requires three hundred hours 35226  
or less of technical training, as determined by the department. 35227

(10) An eligible student's "work readiness training amount" 35228  
means the following: 35229

(a) If the student's grade level upon initial enrollment in 35230  
an approved program of study at an approved institution is below 35231  
the ninth grade, as determined in accordance with rules adopted 35232  
under division (E) of this section, \$1,500. 35233

(b) If the student's grade level upon initial enrollment in 35234  
an approved program of study at an approved institution is at or 35235  
above the ninth grade, as determined in accordance with rules 35236  
adopted under division (E) of this section, \$750. 35237

(B) The adult diploma pilot program is hereby established to 35238  
permit an eligible institution to obtain approval from the 35239  
superintendent of public instruction and the chancellor to develop 35240  
and offer a program of study that allows an eligible student to 35241  
obtain a high school diploma. A program shall be eligible for this 35242  
approval if it satisfies all of the following requirements: 35243

(1) The program allows an eligible student to complete the 35244  
requirements for obtaining a high school diploma that are 35245  
specified in rules adopted by the superintendent under division 35246  
(E) of this section while also completing requirements for an 35247  
approved industry credential or certificate. 35248

(2) The program includes career advising and outreach. 35249

(3) The program includes opportunities for students to 35250  
receive a competency-based education. 35251

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 35252  
3313.614, 3313.618, and ~~3313.319~~ 3313.619 of the Revised Code, the 35253  
state board of education shall grant a high school diploma to each 35254

eligible student who enrolls in an approved program of study at an 35255  
approved institution and completes the requirements for obtaining 35256  
a high school diploma that are specified in rules adopted by the 35257  
superintendent under division (E) of this section. 35258

(D)(1) The department shall calculate the following amount 35259  
for each eligible student enrolled in each approved institution's 35260  
approved program of study: 35261

(The student's career pathway training program amount + the 35262  
student's work readiness training amount) X 1.2 35263

(2) The Except as provided in division (D)(4) of this 35264  
section, the department shall pay the amount calculated for an 35265  
eligible student under division (D)(1) of this section to the 35266  
approved institution in which the student is enrolled in the 35267  
following manner: 35268

(a) Twenty-five per cent of the amount calculated under 35269  
division (D)(1) of this section shall be paid to the approved 35270  
institution after the student successfully completes the first 35271  
third of the approved program of study, as determined by the 35272  
department; 35273

(b) Twenty-five per cent of the amount calculated under 35274  
division (D)(1) of this section shall be paid to the approved 35275  
institution after the student successfully completes the second 35276  
third of the approved program of study, as determined by the 35277  
department; 35278

(c) Fifty per cent of the amount calculated under division 35279  
(D)(1) of this section shall be paid to the approved institution 35280  
after the student successfully completes the final third of the 35281  
approved program of study, as determined by the department. 35282

(3) Of the amount paid to an approved institution under 35283  
division (D)(2) of this section, the institution may use the 35284  
amount that is in addition to the student's career pathway 35285

training amount and the student's work readiness training amount 35286  
for the associated services of the approved program of study. 35287  
These services include counseling, advising, assessment, and other 35288  
services as determined or required by the department. 35289

(4) If the superintendent and the chancellor determine that 35290  
is it appropriate for an entity other than the department to make 35291  
full or partial payments for an eligible student under division 35292  
(D)(2) of this section, that entity shall make those payments and 35293  
the department shall not make those payments. 35294

(E) The superintendent, in consultation with the chancellor, 35295  
shall adopt rules for the implementation of the adult diploma 35296  
pilot program, including all of the following: 35297

(1) The requirements for applying for program approval; 35298

(2) The requirements for obtaining a high school diploma 35299  
through the program, including the requirement to obtain a passing 35300  
score on an assessment that is appropriate for the career pathway 35301  
training program that is being completed by the eligible student, 35302  
and the date on which these requirements take effect; 35303

(3) The assessment or assessments that may be used to 35304  
complete the assessment requirement for each career pathway 35305  
training program under division (E)(2) of this section and the 35306  
score that must be obtained on each assessment in order to pass 35307  
the assessment; 35308

(4) Guidelines regarding the funding of the program under 35309  
division (D) of this section, including a method of funding for 35310  
students who transfer from one approved institution to another 35311  
approved institution prior to completing an approved program of 35312  
study; 35313

(5) Circumstances under which an eligible student may be 35314  
charged for tuition, supplies, or associated fees while enrolled 35315  
in an approved institution's approved program of study; 35316



(6) A requirement that an eligible student may not be charged 35317  
for tuition, supplies, or associated fees while enrolled in an 35318  
approved institution's approved program of study except in the 35319  
circumstances described under division (E)(5) of this section; 35320

(7) The payment of federal funds that are to be used by 35321  
approved programs of study at approved institutions. 35322

Sec. 3313.904. The department of education and the department 35323  
of job and family services, in consultation with the governor's 35324  
office of workforce transformation, shall establish an option for 35325  
career-technical education students to participate in 35326  
pre-apprenticeship training programs that impart the skills and 35327  
knowledge needed for successful participation in a registered 35328  
apprenticeship occupation course. 35329

**Sec. 3314.016.** This section applies to any entity that 35330  
sponsors a community school, regardless of whether section 35331  
3314.021 or 3314.027 of the Revised Code exempts the entity from 35332  
the requirement to be approved for sponsorship under divisions 35333  
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 35334  
office of Ohio school sponsorship established under section 35335  
3314.029 of the Revised Code shall be rated under division (B) of 35336  
this section, but divisions (A) and (C) of this section do not 35337  
apply to the office. 35338

(A) An entity that sponsors a community school shall be 35339  
permitted to enter into contracts under section 3314.03 of the 35340  
Revised Code to sponsor additional community schools only if the 35341  
entity meets all of the following criteria: 35342

(1) The entity is in compliance with all provisions of this 35343  
chapter requiring sponsors of community schools to report data or 35344  
information to the department of education. 35345

(2) The entity is not rated as "ineffective" under division 35346

(B)(6) of this section. 35347

(3) Except as set forth in sections 3314.021 and 3314.027 of 35348  
the Revised Code, the entity has received approval from and 35349  
entered into an agreement with the department of education 35350  
pursuant to section 3314.015 of the Revised Code. 35351

(B)(1) Beginning with the 2015-2016 school year, the 35352  
department shall develop and implement an evaluation system that 35353  
annually rates and assigns an overall rating to each entity that 35354  
sponsors a community school. That evaluation system shall be 35355  
developed and posted on the department's web site by the fifteenth 35356  
day of July of each school year. Any changes to the evaluation 35357  
system after that date shall take effect the following year. The 35358  
evaluation system shall be based on the following components: 35359

(a) Academic performance of students enrolled in community 35360  
schools sponsored by the same entity. The academic performance 35361  
component shall be derived from the performance measures 35362  
prescribed for the state report cards under section 3302.03 or 35363  
3314.017 of the Revised Code, and shall be based on the 35364  
performance of the schools for the school year for which the 35365  
evaluation is conducted. In addition to the academic performance 35366  
for a specific school year, the academic performance component 35367  
shall also include year-to-year changes in the overall sponsor 35368  
portfolio. For a community school for which no graded performance 35369  
measures are applicable or available, the department shall use 35370  
nonreport card performance measures specified in the contract 35371  
between the community school and the sponsor under division (A)(4) 35372  
of section 3314.03 of the Revised Code. 35373

If the department uses a component prescribed under division 35374  
(C)(3) of section 3302.03 of the Revised Code to calculate the 35375  
academic performance component specified under division (B)(1)(a) 35376  
of this section, the department shall weight the progress 35377  
component specified under division (C)(3)(c) of section 3302.03 of 35378

the Revised Code at sixty per cent of the total score for the 35379  
academic performance component under this section. 35380

(b) Adherence by a sponsor to the quality practices 35381  
prescribed by the department under division (B)(3) of this 35382  
section. For a sponsor that was rated "effective" or "exemplary" 35383  
on its most recent rating, the department may evaluate that 35384  
sponsor's adherence to quality practices once over a period of 35385  
three years. If the department elects to evaluate a sponsor once 35386  
over a period of three years, the most recent rating for a 35387  
sponsor's adherence to quality practices shall be used when 35388  
determining an annual overall rating conducted under this section. 35389

(c) Compliance with all applicable laws and administrative 35390  
rules by an entity that sponsors a community school. 35391

(2) In calculating an academic performance component, the 35392  
department shall exclude all community schools that have been in 35393  
operation for not more than two full school years and all 35394  
community schools described in division (A)(4)(b) of section 35395  
3314.35 of the Revised Code. However, the academic performance of 35396  
the community schools described in division (A)(4)(b) of section 35397  
3314.35 of the Revised Code shall be reported, but shall not be 35398  
used as a factor when determining a sponsoring entity's rating 35399  
under this section. 35400

(3) The department, in consultation with entities that 35401  
sponsor community schools, shall prescribe quality practices for 35402  
community school sponsors and develop an instrument to measure 35403  
adherence to those quality practices. The quality practices shall 35404  
be based on standards developed by the national association of 35405  
charter school authorizers or any other nationally organized 35406  
community school organization. 35407

(4)(a) The department may permit peer review of a sponsor's 35408  
adherence to the quality practices prescribed under division 35409

(B)(3) of this section. Peer reviewers shall be limited to 35410  
individuals employed by sponsors rated "effective" or "exemplary" 35411  
on the most recent ratings conducted under this section. 35412

(b) The department shall require individuals participating in 35413  
peer review under division (B)(4)(a) of this section to complete 35414  
training approved or established by the department. 35415

(c) The department may enter into an agreement with another 35416  
entity to provide training to individuals conducting peer review 35417  
of sponsors. Prior to entering into an agreement with an entity, 35418  
the department shall review and approve of the entity's training 35419  
program. 35420

(5) Not later than July 1, 2013, the state board of education 35421  
shall adopt rules in accordance with Chapter 119. of the Revised 35422  
Code prescribing standards for measuring compliance with 35423  
applicable laws and rules under division (B)(1)(c) of this 35424  
section. 35425

(6) The department annually shall rate all entities that 35426  
sponsor community schools as either "exemplary," "effective," 35427  
"ineffective," or "poor," based on the components prescribed by 35428  
division (B) of this section, where each component is weighted 35429  
equally. A separate rating shall be given by the department for 35430  
each component of the evaluation system. 35431

The department shall publish the ratings between the first 35432  
day of October and the fifteenth day of October. 35433

The department shall provide training on an annual basis 35434  
regarding the evaluation system prescribed under this section. The 35435  
training shall, at a minimum, describe methodology, timelines, and 35436  
data required for the evaluation system. The first training 35437  
session shall occur not later than ~~thirty days after the effective~~ 35438  
~~date of this section~~ March 2, 2016. Beginning in 2018, the 35439  
training shall be made available to each entity that sponsors a 35440

community school by the fifteenth day of July of each year and 35441  
shall include guidance on any changes made to the evaluation 35442  
system. 35443

If the department uses a points system to determine component 35444  
ratings and overall ratings under this section, the department 35445  
shall not assign an automatic overall rating to an entity based 35446  
solely on the entity receiving an equivalent score of zero points 35447  
on one or more of the individual components prescribed in division 35448  
(B)(1)(b) or (c) of this section. An overall rating shall be the 35449  
cumulative score of the individual components prescribed under 35450  
this section unless the entity receives a score of zero on the 35451  
academic performance component prescribed in division (B)(1)(a) of 35452  
this section. 35453

(7)(a) Entities with an overall rating of "exemplary" for at 35454  
least two consecutive years may take advantage of the following 35455  
incentives: 35456

(i) Renewal of the written agreement with the department, not 35457  
to exceed ten years, provided that the entity consents to 35458  
continued evaluation of adherence to quality practices as 35459  
described in division (B)(1)(b) of this section; 35460

(ii) The ability to extend the term of the contract between 35461  
the sponsoring entity and the community school beyond the term 35462  
described in the written agreement with the department; 35463

(iii) An exemption from the preliminary agreement and 35464  
contract adoption and execution deadline requirements prescribed 35465  
in division (D) of section 3314.02 of the Revised Code; 35466

(iv) An exemption from the automatic contract expiration 35467  
requirement, should a new community school fail to open by the 35468  
thirtieth day of September of the calendar year in which the 35469  
community school contract is executed; 35470

(v) No limit on the number of community schools the entity 35471

may sponsor; 35472

(vi) No territorial restrictions on sponsorship. 35473

An entity may continue to sponsor any community schools with 35474  
which it entered into agreements under division (B)(7)(a)(v) or 35475  
(vi) of this section while rated "exemplary," notwithstanding the 35476  
fact that the entity later receives a lower overall rating. 35477

(b)(i) Entities that receive an overall rating of 35478  
"ineffective" shall be prohibited from sponsoring any new or 35479  
additional community schools during the time in which the sponsor 35480  
is rated as "ineffective" and shall be subject to a quality 35481  
improvement plan based on correcting the deficiencies that led to 35482  
the "ineffective" rating, with timelines and benchmarks that have 35483  
been established by the department. 35484

(ii) Entities that receive an overall rating of "ineffective" 35485  
on their three most recent ratings shall have all sponsorship 35486  
authority revoked. Within thirty days after receiving its third 35487  
rating of "ineffective," the entity may appeal the revocation of 35488  
its sponsorship authority to the superintendent of public 35489  
instruction, who shall appoint an independent hearing officer to 35490  
conduct a hearing in accordance with Chapter 119. of the Revised 35491  
Code. The hearing shall be conducted within thirty days after 35492  
receipt of the notice of appeal. Within forty-five days after the 35493  
hearing is completed, the state board of education shall determine 35494  
whether the revocation is appropriate based on the hearing 35495  
conducted by the independent hearing officer, and if determined 35496  
appropriate, the revocation shall be confirmed. 35497

(c) Entities that receive an overall rating of "poor" shall 35498  
have all sponsorship authority revoked. Within thirty days after 35499  
receiving a rating of "poor," the entity may appeal the revocation 35500  
of its sponsorship authority to the superintendent of public 35501  
instruction, who shall appoint an independent hearing officer to 35502

conduct a hearing in accordance with Chapter 119. of the Revised 35503  
Code. The hearing shall be conducted within thirty days after 35504  
receipt of the notice of appeal. Within forty-five days after the 35505  
hearing is completed, the state board of education shall determine 35506  
whether the revocation is appropriate based on the hearing 35507  
conducted by the independent hearing officer, and if determined 35508  
appropriate, the revocation shall be confirmed. 35509

(8) For the 2014-2015 school year and each school year 35510  
thereafter, student academic performance prescribed under division 35511  
(B)(1)(a) of this section shall include student academic 35512  
performance data from community schools that primarily serve 35513  
students enrolled in a dropout prevention and recovery program. 35514

(C) If the governing authority of a community school enters 35515  
into a contract with a sponsor prior to the date on which the 35516  
sponsor is prohibited from sponsoring additional schools under 35517  
division (A) of this section and the school has not opened for 35518  
operation as of that date, that contract shall be void and the 35519  
school shall not open until the governing authority secures a new 35520  
sponsor by entering into a contract with the new sponsor under 35521  
section 3314.03 of the Revised Code. However, the department's 35522  
office of Ohio school sponsorship, established under section 35523  
3314.029 of the Revised Code, may assume the sponsorship of the 35524  
school until the earlier of the expiration of two school years or 35525  
until a new sponsor is secured by the school's governing 35526  
authority. A community school sponsored by the department under 35527  
this division shall not be included when calculating the maximum 35528  
number of directly authorized community schools permitted under 35529  
division (A)(3) of section 3314.029 of the Revised Code. 35530

(D) When an entity's authority to sponsor schools is revoked 35531  
pursuant to division (B)(7)(b) or (c) of this section, the office 35532  
of Ohio school sponsorship shall assume sponsorship of any schools 35533  
with which the original sponsor has contracted for the remainder 35534

of that school year. The office may continue sponsoring those 35535  
schools until the earlier of: 35536

(1) The expiration of two school years from the time that 35537  
sponsorship is revoked; 35538

(2) When a new sponsor is secured by the governing authority 35539  
pursuant to division (C)(1) of section 3314.02 of the Revised 35540  
Code. 35541

Any community school sponsored under this division shall not 35542  
be counted for purposes of directly authorized community schools 35543  
under division (A)(3) of section 3314.029 of the Revised Code. 35544

**Sec. 3314.03.** A copy of every contract entered into under 35545  
this section shall be filed with the superintendent of public 35546  
instruction. The department of education shall make available on 35547  
its web site a copy of every approved, executed contract filed 35548  
with the superintendent under this section. 35549

(A) Each contract entered into between a sponsor and the 35550  
governing authority of a community school shall specify the 35551  
following: 35552

(1) That the school shall be established as either of the 35553  
following: 35554

(a) A nonprofit corporation established under Chapter 1702. 35555  
of the Revised Code, if established prior to April 8, 2003; 35556

(b) A public benefit corporation established under Chapter 35557  
1702. of the Revised Code, if established after April 8, 2003. 35558

(2) The education program of the school, including the 35559  
school's mission, the characteristics of the students the school 35560  
is expected to attract, the ages and grades of students, and the 35561  
focus of the curriculum; 35562

(3) The academic goals to be achieved and the method of 35563



measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 35564  
35565

(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; 35566  
35567  
35568  
35569

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 35570  
35571

(6)(a) Dismissal procedures; 35572

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student. 35573  
35574  
35575  
35576  
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35578

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 35579  
35580

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code. 35581  
35582  
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(9) An addendum to the contract outlining the facilities to be used that contains at least the following information: 35587  
35588

(a) A detailed description of each facility used for instructional purposes; 35589  
35590

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school; 35591  
35592

(c) The annual mortgage principal and interest payments that 35593

are paid by the school; 35594

(d) The name of the lender or landlord, identified as such, 35595  
and the lender's or landlord's relationship to the operator, if 35596  
any. 35597

(10) Qualifications of teachers, including a requirement that 35598  
the school's classroom teachers be licensed in accordance with 35599  
sections 3319.22 to 3319.31 of the Revised Code, except that a 35600  
community school may engage noncertificated persons to teach up to 35601  
twelve hours per week pursuant to section 3319.301 of the Revised 35602  
Code. 35603

(11) That the school will comply with the following 35604  
requirements: 35605

(a) The school will provide learning opportunities to a 35606  
minimum of twenty-five students for a minimum of nine hundred 35607  
twenty hours per school year. 35608

(b) The governing authority will purchase liability 35609  
insurance, or otherwise provide for the potential liability of the 35610  
school. 35611

(c) The school will be nonsectarian in its programs, 35612  
admission policies, employment practices, and all other 35613  
operations, and will not be operated by a sectarian school or 35614  
religious institution. 35615

(d) The school will comply with sections 9.90, 9.91, 109.65, 35616  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 35617  
3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 35618  
3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 35619  
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 35620  
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 35621  
3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 35622  
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 35623  
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 35624

3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 35625  
3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 35626  
4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 35627  
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 35628  
as if it were a school district and will comply with section 35629  
3301.0714 of the Revised Code in the manner specified in section 35630  
3314.17 of the Revised Code. 35631

(e) The school shall comply with Chapter 102. and section 35632  
2921.42 of the Revised Code. 35633

(f) The school will comply with sections 3313.61, 3313.611, 35634  
and 3313.614 of the Revised Code, except that for students who 35635  
enter ninth grade for the first time before July 1, 2010, the 35636  
requirement in sections 3313.61 and 3313.611 of the Revised Code 35637  
that a person must successfully complete the curriculum in any 35638  
high school prior to receiving a high school diploma may be met by 35639  
completing the curriculum adopted by the governing authority of 35640  
the community school rather than the curriculum specified in Title 35641  
XXXIII of the Revised Code or any rules of the state board of 35642  
education. Beginning with students who enter ninth grade for the 35643  
first time on or after July 1, 2010, the requirement in sections 35644  
3313.61 and 3313.611 of the Revised Code that a person must 35645  
successfully complete the curriculum of a high school prior to 35646  
receiving a high school diploma shall be met by completing the 35647  
requirements prescribed in division (C) of section 3313.603 of the 35648  
Revised Code, unless the person qualifies under division (D) or 35649  
(F) of that section. Each school shall comply with the plan for 35650  
awarding high school credit based on demonstration of subject area 35651  
competency, and beginning with the 2017-2018 school year, with the 35652  
updated plan that permits students enrolled in seventh and eighth 35653  
grade to meet curriculum requirements based on subject area 35654  
competency adopted by the state board of education under divisions 35655  
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 35656

with the 2018-2019 school year, the school shall comply with the 35657  
framework for granting units of high school credit to students who 35658  
demonstrate subject area competency through work-based learning 35659  
experiences, internships, or cooperative education developed by 35660  
the department under division (J)(3) of section 3313.603 of the 35661  
Revised Code. 35662

(g) The school governing authority will submit within four 35663  
months after the end of each school year a report of its 35664  
activities and progress in meeting the goals and standards of 35665  
divisions (A)(3) and (4) of this section and its financial status 35666  
to the sponsor and the parents of all students enrolled in the 35667  
school. 35668

(h) The school, unless it is an internet- or computer-based 35669  
community school, will comply with section 3313.801 of the Revised 35670  
Code as if it were a school district. 35671

(i) If the school is the recipient of moneys from a grant 35672  
awarded under the federal race to the top program, Division (A), 35673  
Title XIV, Sections 14005 and 14006 of the "American Recovery and 35674  
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 35675  
school will pay teachers based upon performance in accordance with 35676  
section 3317.141 and will comply with section 3319.111 of the 35677  
Revised Code as if it were a school district. 35678

(j) If the school operates a preschool program that is 35679  
licensed by the department of education under sections 3301.52 to 35680  
3301.59 of the Revised Code, the school shall comply with sections 35681  
3301.50 to 3301.59 of the Revised Code and the minimum standards 35682  
for preschool programs prescribed in rules adopted by the state 35683  
board under section 3301.53 of the Revised Code. 35684

(k) The school will comply with sections 3313.6021 and 35685  
3313.6023 of the Revised Code as if it were a school district 35686  
unless it is either of the following: 35687

(i) An internet- or computer-based community school;	35688
(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A)(4)(b) of section 3314.35 of the Revised Code.	35689 35690 35691
(12) Arrangements for providing health and other benefits to employees;	35692 35693
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	35694 35695 35696 35697
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	35698 35699
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.	35700 35701 35702
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	35703 35704 35705
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	35706 35707 35708 35709 35710 35711 35712 35713 35714 35715 35716
(18) Provisions establishing procedures for resolving	35717

disputes or differences of opinion between the sponsor and the 35718  
governing authority of the community school; 35719

(19) A provision requiring the governing authority to adopt a 35720  
policy regarding the admission of students who reside outside the 35721  
district in which the school is located. That policy shall comply 35722  
with the admissions procedures specified in sections 3314.06 and 35723  
3314.061 of the Revised Code and, at the sole discretion of the 35724  
authority, shall do one of the following: 35725

(a) Prohibit the enrollment of students who reside outside 35726  
the district in which the school is located; 35727

(b) Permit the enrollment of students who reside in districts 35728  
adjacent to the district in which the school is located; 35729

(c) Permit the enrollment of students who reside in any other 35730  
district in the state. 35731

(20) A provision recognizing the authority of the department 35732  
of education to take over the sponsorship of the school in 35733  
accordance with the provisions of division (C) of section 3314.015 35734  
of the Revised Code; 35735

(21) A provision recognizing the sponsor's authority to 35736  
assume the operation of a school under the conditions specified in 35737  
division (B) of section 3314.073 of the Revised Code; 35738

(22) A provision recognizing both of the following: 35739

(a) The authority of public health and safety officials to 35740  
inspect the facilities of the school and to order the facilities 35741  
closed if those officials find that the facilities are not in 35742  
compliance with health and safety laws and regulations; 35743

(b) The authority of the department of education as the 35744  
community school oversight body to suspend the operation of the 35745  
school under section 3314.072 of the Revised Code if the 35746  
department has evidence of conditions or violations of law at the 35747

school that pose an imminent danger to the health and safety of 35748  
the school's students and employees and the sponsor refuses to 35749  
take such action. 35750

(23) A description of the learning opportunities that will be 35751  
offered to students including both classroom-based and 35752  
non-classroom-based learning opportunities that is in compliance 35753  
with criteria for student participation established by the 35754  
department under division (H)(2) of section 3314.08 of the Revised 35755  
Code; 35756

(24) The school will comply with sections 3302.04 and 35757  
3302.041 of the Revised Code, except that any action required to 35758  
be taken by a school district pursuant to those sections shall be 35759  
taken by the sponsor of the school. However, the sponsor shall not 35760  
be required to take any action described in division (F) of 35761  
section 3302.04 of the Revised Code. 35762

(25) Beginning in the 2006-2007 school year, the school will 35763  
open for operation not later than the thirtieth day of September 35764  
each school year, unless the mission of the school as specified 35765  
under division (A)(2) of this section is solely to serve dropouts. 35766  
In its initial year of operation, if the school fails to open by 35767  
the thirtieth day of September, or within one year after the 35768  
adoption of the contract pursuant to division (D) of section 35769  
3314.02 of the Revised Code if the mission of the school is solely 35770  
to serve dropouts, the contract shall be void. 35771

(26) Whether the school's governing authority is planning to 35772  
seek designation for the school as a STEM school equivalent under 35773  
section 3326.032 of the Revised Code; 35774

(27) That the school's attendance and participation policies 35775  
will be available for public inspection; 35776

(28) That the school's attendance and participation records 35777  
shall be made available to the department of education, auditor of 35778

state, and school's sponsor to the extent permitted under and in 35779  
accordance with the "Family Educational Rights and Privacy Act of 35780  
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 35781  
regulations promulgated under that act, and section 3319.321 of 35782  
the Revised Code; 35783

(29) If a school operates using the blended learning model, 35784  
as defined in section 3301.079 of the Revised Code, all of the 35785  
following information: 35786

(a) An indication of what blended learning model or models 35787  
will be used; 35788

(b) A description of how student instructional needs will be 35789  
determined and documented; 35790

(c) The method to be used for determining competency, 35791  
granting credit, and promoting students to a higher grade level; 35792

(d) The school's attendance requirements, including how the 35793  
school will document participation in learning opportunities; 35794

(e) A statement describing how student progress will be 35795  
monitored; 35796

(f) A statement describing how private student data will be 35797  
protected; 35798

(g) A description of the professional development activities 35799  
that will be offered to teachers. 35800

(30) A provision requiring that all moneys the school's 35801  
operator loans to the school, including facilities loans or cash 35802  
flow assistance, must be accounted for, documented, and bear 35803  
interest at a fair market rate; 35804

(31) A provision requiring that, if the governing authority 35805  
contracts with an attorney, accountant, or entity specializing in 35806  
audits, the attorney, accountant, or entity shall be independent 35807  
from the operator with which the school has contracted. 35808



(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered

into with the department of education under division (B) of 35839  
section 3314.015 of the Revised Code and shall include the 35840  
following: 35841

(1) Monitor the community school's compliance with all laws 35842  
applicable to the school and with the terms of the contract; 35843

(2) Monitor and evaluate the academic and fiscal performance 35844  
and the organization and operation of the community school on at 35845  
least an annual basis; 35846

(3) Report on an annual basis the results of the evaluation 35847  
conducted under division (D)(2) of this section to the department 35848  
of education and to the parents of students enrolled in the 35849  
community school; 35850

(4) Provide technical assistance to the community school in 35851  
complying with laws applicable to the school and terms of the 35852  
contract; 35853

(5) Take steps to intervene in the school's operation to 35854  
correct problems in the school's overall performance, declare the 35855  
school to be on probationary status pursuant to section 3314.073 35856  
of the Revised Code, suspend the operation of the school pursuant 35857  
to section 3314.072 of the Revised Code, or terminate the contract 35858  
of the school pursuant to section 3314.07 of the Revised Code as 35859  
determined necessary by the sponsor; 35860

(6) Have in place a plan of action to be undertaken in the 35861  
event the community school experiences financial difficulties or 35862  
closes prior to the end of a school year. 35863

(E) Upon the expiration of a contract entered into under this 35864  
section, the sponsor of a community school may, with the approval 35865  
of the governing authority of the school, renew that contract for 35866  
a period of time determined by the sponsor, but not ending earlier 35867  
than the end of any school year, if the sponsor finds that the 35868  
school's compliance with applicable laws and terms of the contract 35869

and the school's progress in meeting the academic goals prescribed 35870  
in the contract have been satisfactory. Any contract that is 35871  
renewed under this division remains subject to the provisions of 35872  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 35873

(F) If a community school fails to open for operation within 35874  
one year after the contract entered into under this section is 35875  
adopted pursuant to division (D) of section 3314.02 of the Revised 35876  
Code or permanently closes prior to the expiration of the 35877  
contract, the contract shall be void and the school shall not 35878  
enter into a contract with any other sponsor. A school shall not 35879  
be considered permanently closed because the operations of the 35880  
school have been suspended pursuant to section 3314.072 of the 35881  
Revised Code. 35882

**Sec. 3314.08.** (A) As used in this section: 35883

(1)(a) "Category one career-technical education student" 35884  
means a student who is receiving the career-technical education 35885  
services described in division (A) of section 3317.014 of the 35886  
Revised Code. 35887

(b) "Category two career-technical student" means a student 35888  
who is receiving the career-technical education services described 35889  
in division (B) of section 3317.014 of the Revised Code. 35890

(c) "Category three career-technical student" means a student 35891  
who is receiving the career-technical education services described 35892  
in division (C) of section 3317.014 of the Revised Code. 35893

(d) "Category four career-technical student" means a student 35894  
who is receiving the career-technical education services described 35895  
in division (D) of section 3317.014 of the Revised Code. 35896

(e) "Category five career-technical education student" means 35897  
a student who is receiving the career-technical education services 35898  
described in division (E) of section 3317.014 of the Revised Code. 35899

(2)(a) "Category one limited English proficient student"	35900
means a limited English proficient student described in division	35901
(A) of section 3317.016 of the Revised Code.	35902
(b) "Category two limited English proficient student" means a	35903
limited English proficient student described in division (B) of	35904
section 3317.016 of the Revised Code.	35905
(c) "Category three limited English proficient student" means	35906
a limited English proficient student described in division (C) of	35907
section 3317.016 of the Revised Code.	35908
(3)(a) "Category one special education student" means a	35909
student who is receiving special education services for a	35910
disability specified in division (A) of section 3317.013 of the	35911
Revised Code.	35912
(b) "Category two special education student" means a student	35913
who is receiving special education services for a disability	35914
specified in division (B) of section 3317.013 of the Revised Code.	35915
(c) "Category three special education student" means a	35916
student who is receiving special education services for a	35917
disability specified in division (C) of section 3317.013 of the	35918
Revised Code.	35919
(d) "Category four special education student" means a student	35920
who is receiving special education services for a disability	35921
specified in division (D) of section 3317.013 of the Revised Code.	35922
(e) "Category five special education student" means a student	35923
who is receiving special education services for a disability	35924
specified in division (E) of section 3317.013 of the Revised Code.	35925
(f) "Category six special education student" means a student	35926
who is receiving special education services for a disability	35927
specified in division (F) of section 3317.013 of the Revised Code.	35928
(4) "Formula amount" has the same meaning as in section	35929

3317.02 of the Revised Code.	35930
(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	35931 35932
(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	35933 35934 35935
(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	35936 35937
(B) The state board of education shall adopt rules requiring both of the following:	35938 35939
(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled.	35940 35941 35942 35943 35944 35945
(2) The governing authority of each community school established under this chapter to annually report all of the following:	35946 35947 35948
(a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	35949 35950 35951 35952
(b) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	35953 35954 35955 35956
(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions	35957 35958 35959

(A) to (F) of section 3317.013 of the Revised Code;	35960
(d) The full-time equivalent number of students reported	35961
under divisions (B)(2)(a) and (b) of this section who are enrolled	35962
in career-technical education programs or classes described in	35963
each of divisions (A) to (E) of section 3317.014 of the Revised	35964
Code that are provided by the community school;	35965
(e) The number of students reported under divisions (B)(2)(a)	35966
and (b) of this section who are not reported under division	35967
(B)(2)(d) of this section but who are enrolled in career-technical	35968
education programs or classes described in each of divisions (A)	35969
to (E) of section 3317.014 of the Revised Code at a joint	35970
vocational school district or another district in the	35971
career-technical planning district to which the school is	35972
assigned;	35973
(f) The number of students reported under divisions (B)(2)(a)	35974
and (b) of this section who are category one to three limited	35975
English proficient students described in each of divisions (A) to	35976
(C) of section 3317.016 of the Revised Code;	35977
(g) The number of students reported under divisions (B)(2)(a)	35978
and (b) <u>of this section</u> who are economically disadvantaged, as	35979
defined by the department. A student shall not be categorically	35980
excluded from the number reported under division (B)(2)(g) of this	35981
section based on anything other than family income.	35982
(h) For each student, the city, exempted village, or local	35983
school district in which the student is entitled to attend school	35984
under section 3313.64 or 3313.65 of the Revised Code.	35985
(i) The number of students enrolled in a preschool program	35986
operated by the school that is licensed by the department of	35987
education under sections 3301.52 to 3301.59 of the Revised Code	35988
who are not receiving special education and related services	35989
pursuant to an IEP.	35990

A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code.

A governing authority of a community school shall not include in its report under divisions (B)(2)(a) to (h) of this section any student for whom tuition is charged under division (F) of this section.

(C)(1) Except as provided in division (C)(2) of this section, and subject to divisions (C)(3), (4), (5), (6), and (7) of this section, on a full-time equivalency basis, for each student enrolled in a community school established under this chapter, the department of education annually shall deduct from the state education aid of a student's resident district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the community school the sum of the following:

(a) An opportunity grant in an amount equal to the formula amount;

(b) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;

(c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:

(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;

(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013

of the Revised Code;	36022
(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	36023 36024 36025
(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	36026 36027 36028
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	36029 36030 36031
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	36032 36033 36034
(d) If the student is in kindergarten through third grade, an additional amount of <del>\$305, in fiscal year 2016, and \$320, in fiscal year 2017;</del>	36035 36036 36037
(e) If the student is economically disadvantaged, an additional amount equal to the following:	36038 36039
\$272 X the resident district's economically disadvantaged index	36040 36041
(f) Limited English proficiency funds as follows:	36042
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	36043 36044 36045
(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	36046 36047 36048
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	36049 36050 36051



(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows: 36052  
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(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code; 36054  
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36056

(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code; 36057  
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(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code; 36060  
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(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code; 36063  
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36065

(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code. 36066  
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Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code. 36069  
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(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a), (c), and (g) of this section. 36073  
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No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), (d), (e), or (f) of this section. 36079  
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(3)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs.

(b) The community school shall report under division (C)(3)(a) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(4) In any fiscal year, a community school receiving funds under division (C)(1)(g) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school to report data annually so that the department may monitor the school's compliance with the requirements regarding the manner in which funding received under division (C)(1)(g) of this section may be spent.

(5) Notwithstanding anything to the contrary in section 3313.90 of the Revised Code, except as provided in division (C)(9)

of this section, all funds received under division (C)(1)(g) of 36114  
this section shall be spent in the following manner: 36115

(a) At least seventy-five per cent of the funds shall be 36116  
spent on curriculum development, purchase, and implementation; 36117  
instructional resources and supplies; industry-based program 36118  
certification; student assessment, credentialing, and placement; 36119  
curriculum specific equipment purchases and leases; 36120  
career-technical student organization fees and expenses; home and 36121  
agency linkages; work-based learning experiences; professional 36122  
development; and other costs directly associated with 36123  
career-technical education programs including development of new 36124  
programs. 36125

(b) Not more than twenty-five per cent of the funds shall be 36126  
used for personnel expenditures. 36127

(6) A community school shall spend the funds it receives 36128  
under division (C)(1)(e) of this section in accordance with 36129  
section 3317.25 of the Revised Code. 36130

(7) If the sum of the payments computed under divisions 36131  
(C)(1) and (8)(a) of this section for the students entitled to 36132  
attend school in a particular school district under sections 36133  
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 36134  
district's state education aid and its payment under sections 36135  
321.24 and 323.156 of the Revised Code, the department shall 36136  
calculate and apply a proration factor to the payments to all 36137  
community schools under that division for the students entitled to 36138  
attend school in that district. 36139

(8)(a) Subject to division (C)(7) of this section, the 36140  
department annually shall pay to each community school, including 36141  
each internet- or computer-based community school, an amount equal 36142  
to the following: 36143

(The number of students reported by the community school 36144

under division (B)(2)(e) of this section X the formula amount X 36145  
.20) 36146

(b) For each payment made to a community school under 36147  
division (C)(8)(a) of this section, the department shall deduct 36148  
from the state education aid of each city, local, and exempted 36149  
village school district and, if necessary, from the payment made 36150  
to the district under sections 321.24 and 323.156 of the Revised 36151  
Code an amount equal to the following: 36152

(The number of the district's students reported by the 36153  
community school under division (B)(2)(e) of this section X the 36154  
formula amount X .20) 36155

(9) The department may waive the requirement in division 36156  
(C)(5) of this section for any community school that exclusively 36157  
provides one or more career-technical workforce development 36158  
programs in arts and communications that are not 36159  
equipment-intensive, as determined by the department. 36160

(D) A board of education sponsoring a community school may 36161  
utilize local funds to make enhancement grants to the school or 36162  
may agree, either as part of the contract or separately, to 36163  
provide any specific services to the community school at no cost 36164  
to the school. 36165

(E) A community school may not levy taxes or issue bonds 36166  
secured by tax revenues. 36167

(F) No community school shall charge tuition for the 36168  
enrollment of any student who is a resident of this state. A 36169  
community school may charge tuition for the enrollment of any 36170  
student who is not a resident of this state. 36171

(G)(1)(a) A community school may borrow money to pay any 36172  
necessary and actual expenses of the school in anticipation of the 36173  
receipt of any portion of the payments to be received by the 36174  
school pursuant to division (C) of this section. The school may 36175

issue notes to evidence such borrowing. The proceeds of the notes 36176  
shall be used only for the purposes for which the anticipated 36177  
receipts may be lawfully expended by the school. 36178

(b) A school may also borrow money for a term not to exceed 36179  
fifteen years for the purpose of acquiring facilities. 36180

(2) Except for any amount guaranteed under section 3318.50 of 36181  
the Revised Code, the state is not liable for debt incurred by the 36182  
governing authority of a community school. 36183

(H) The department of education shall adjust the amounts 36184  
subtracted and paid under division (C) of this section to reflect 36185  
any enrollment of students in community schools for less than the 36186  
equivalent of a full school year. The state board of education 36187  
within ninety days after April 8, 2003, shall adopt in accordance 36188  
with Chapter 119. of the Revised Code rules governing the payments 36189  
to community schools under this section including initial payments 36190  
in a school year and adjustments and reductions made in subsequent 36191  
periodic payments to community schools and corresponding 36192  
deductions from school district accounts as provided under 36193  
division (C) of this section. For purposes of this section: 36194

(1) A student shall be considered enrolled in the community 36195  
school for any portion of the school year the student is 36196  
participating at a college under Chapter 3365. of the Revised 36197  
Code. 36198

(2) A student shall be considered to be enrolled in a 36199  
community school for the period of time beginning on the later of 36200  
the date on which the school both has received documentation of 36201  
the student's enrollment from a parent and the student has 36202  
commenced participation in learning opportunities as defined in 36203  
the contract with the sponsor, or thirty days prior to the date on 36204  
which the student is entered into the education management 36205  
information system established under section 3301.0714 of the 36206

Revised Code. For purposes of applying this division and divisions 36207  
(H)(3) and (4) of this section to a community school student, 36208  
"learning opportunities" shall be defined in the contract, which 36209  
shall describe both classroom-based and non-classroom-based 36210  
learning opportunities and shall be in compliance with criteria 36211  
and documentation requirements for student participation which 36212  
shall be established by the department. Any student's instruction 36213  
time in non-classroom-based learning opportunities shall be 36214  
certified by an employee of the community school. A student's 36215  
enrollment shall be considered to cease on the date on which any 36216  
of the following occur: 36217

(a) The community school receives documentation from a parent 36218  
terminating enrollment of the student. 36219

(b) The community school is provided documentation of a 36220  
student's enrollment in another public or private school. 36221

(c) The community school ceases to offer learning 36222  
opportunities to the student pursuant to the terms of the contract 36223  
with the sponsor or the operation of any provision of this 36224  
chapter. 36225

Except as otherwise specified in this paragraph, beginning in 36226  
the 2011-2012 school year, any student who completed the prior 36227  
school year in an internet- or computer-based community school 36228  
shall be considered to be enrolled in the same school in the 36229  
subsequent school year until the student's enrollment has ceased 36230  
as specified in division (H)(2) of this section. The department 36231  
shall continue subtracting and paying amounts for the student 36232  
under division (C) of this section without interruption at the 36233  
start of the subsequent school year. However, if the student 36234  
without a legitimate excuse fails to participate in the first one 36235  
hundred five consecutive hours of learning opportunities offered 36236  
to the student in that subsequent school year, the student shall 36237  
be considered not to have re-enrolled in the school for that 36238

school year and the department shall recalculate the payments to 36239  
the school for that school year to account for the fact that the 36240  
student is not enrolled. 36241

(3) The department shall determine each community school 36242  
student's percentage of full-time equivalency based on the 36243  
percentage of learning opportunities offered by the community 36244  
school to that student, reported either as number of hours or 36245  
number of days, is of the total learning opportunities offered by 36246  
the community school to a student who attends for the school's 36247  
entire school year. However, no internet- or computer-based 36248  
community school shall be credited for any time a student spends 36249  
participating in learning opportunities beyond ten hours within 36250  
any period of twenty-four consecutive hours. Whether it reports 36251  
hours or days of learning opportunities, each community school 36252  
shall offer not less than nine hundred twenty hours of learning 36253  
opportunities during the school year. 36254

(4) With respect to the calculation of full-time equivalency 36255  
under division (H)(3) of this section, the department shall waive 36256  
the number of hours or days of learning opportunities not offered 36257  
to a student because the community school was closed during the 36258  
school year due to disease epidemic, hazardous weather conditions, 36259  
law enforcement emergencies, inoperability of school buses or 36260  
other equipment necessary to the school's operation, damage to a 36261  
school building, or other temporary circumstances due to utility 36262  
failure rendering the school building unfit for school use, so 36263  
long as the school was actually open for instruction with students 36264  
in attendance during that school year for not less than the 36265  
minimum number of hours required by this chapter. The department 36266  
shall treat the school as if it were open for instruction with 36267  
students in attendance during the hours or days waived under this 36268  
division. 36269

(I) The department of education shall reduce the amounts paid 36270

under this section to reflect payments made to colleges under 36271  
section 3365.07 of the Revised Code. 36272

(J)(1) No student shall be considered enrolled in any 36273  
internet- or computer-based community school or, if applicable to 36274  
the student, in any community school that is required to provide 36275  
the student with a computer pursuant to division (C) of section 36276  
3314.22 of the Revised Code, unless both of the following 36277  
conditions are satisfied: 36278

(a) The student possesses or has been provided with all 36279  
required hardware and software materials and all such materials 36280  
are operational so that the student is capable of fully 36281  
participating in the learning opportunities specified in the 36282  
contract between the school and the school's sponsor as required 36283  
by division (A)(23) of section 3314.03 of the Revised Code; 36284

(b) The school is in compliance with division (A) of section 36285  
3314.22 of the Revised Code, relative to such student. 36286

(2) In accordance with policies adopted jointly by the 36287  
superintendent of public instruction and the auditor of state, the 36288  
department shall reduce the amounts otherwise payable under 36289  
division (C) of this section to any community school that includes 36290  
in its program the provision of computer hardware and software 36291  
materials to any student, if such hardware and software materials 36292  
have not been delivered, installed, and activated for each such 36293  
student in a timely manner or other educational materials or 36294  
services have not been provided according to the contract between 36295  
the individual community school and its sponsor. 36296

The superintendent of public instruction and the auditor of 36297  
state shall jointly establish a method for auditing any community 36298  
school to which this division pertains to ensure compliance with 36299  
this section. 36300

The superintendent, auditor of state, and the governor shall 36301



jointly make recommendations to the general assembly for 36302  
legislative changes that may be required to assure fiscal and 36303  
academic accountability for such schools. 36304

(K)(1) If the department determines that a review of a 36305  
community school's enrollment is necessary, such review shall be 36306  
completed and written notice of the findings shall be provided to 36307  
the governing authority of the community school and its sponsor 36308  
within ninety days of the end of the community school's fiscal 36309  
year, unless extended for a period not to exceed thirty additional 36310  
days for one of the following reasons: 36311

(a) The department and the community school mutually agree to 36312  
the extension. 36313

(b) Delays in data submission caused by either a community 36314  
school or its sponsor. 36315

(2) If the review results in a finding that additional 36316  
funding is owed to the school, such payment shall be made within 36317  
thirty days of the written notice. If the review results in a 36318  
finding that the community school owes moneys to the state, the 36319  
following procedure shall apply: 36320

(a) Within ten business days of the receipt of the notice of 36321  
findings, the community school may appeal the department's 36322  
determination to the state board of education or its designee. 36323

(b) The board or its designee shall conduct an informal 36324  
hearing on the matter within thirty days of receipt of such an 36325  
appeal and shall issue a decision within fifteen days of the 36326  
conclusion of the hearing. 36327

(c) If the board has enlisted a designee to conduct the 36328  
hearing, the designee shall certify its decision to the board. The 36329  
board may accept the decision of the designee or may reject the 36330  
decision of the designee and issue its own decision on the matter. 36331

(d) Any decision made by the board under this division is 36332  
final. 36333

(3) If it is decided that the community school owes moneys to 36334  
the state, the department shall deduct such amount from the 36335  
school's future payments in accordance with guidelines issued by 36336  
the superintendent of public instruction. 36337

(L) The department shall not subtract from a school 36338  
district's state aid account and shall not pay to a community 36339  
school under division (C) of this section any amount for any of 36340  
the following: 36341

(1) Any student who has graduated from the twelfth grade of a 36342  
public or nonpublic high school; 36343

(2) Any student who is not a resident of the state; 36344

(3) Any student who was enrolled in the community school 36345  
during the previous school year when assessments were administered 36346  
under section 3301.0711 of the Revised Code but did not take one 36347  
or more of the assessments required by that section and was not 36348  
excused pursuant to division (C)(1) or (3) of that section, unless 36349  
the superintendent of public instruction grants the student a 36350  
waiver from the requirement to take the assessment and a parent is 36351  
not paying tuition for the student pursuant to section 3314.26 of 36352  
the Revised Code. The superintendent may grant a waiver only for 36353  
good cause in accordance with rules adopted by the state board of 36354  
education. 36355

(4) Any student who has attained the age of twenty-two years, 36356  
except for veterans of the armed services whose attendance was 36357  
interrupted before completing the recognized twelve-year course of 36358  
the public schools by reason of induction or enlistment in the 36359  
armed forces and who apply for enrollment in a community school 36360  
not later than four years after termination of war or their 36361  
honorable discharge. If, however, any such veteran elects to 36362

enroll in special courses organized for veterans for whom tuition 36363  
is paid under federal law, or otherwise, the department shall not 36364  
subtract from a school district's state aid account and shall not 36365  
pay to a community school under division (C) of this section any 36366  
amount for that veteran. 36367

**Sec. 3314.26.** (A) Each internet- or computer-based community 36368  
school shall withdraw from the school any student who, for two 36369  
consecutive school years of enrollment in the school, has failed 36370  
to participate in the spring administration of any assessment 36371  
prescribed under section 3301.0710 or 3301.0712 of the Revised 36372  
Code for the student's grade level and was not excused from the 36373  
assessment pursuant to division (C)(1) or (3) of section 3301.0711 36374  
of the Revised Code, regardless of whether a waiver was granted 36375  
for the student under division (L)(3) of section 3314.08 of the 36376  
Revised Code. The school shall report any such student's data 36377  
verification code, as assigned pursuant to section 3301.0714 of 36378  
the Revised Code, to the department of education. The department 36379  
shall maintain a list of all data verification codes reported 36380  
under this division and section 3313.6410 of the Revised Code and 36381  
provide that list to each internet- or computer-based community 36382  
school and to each school to which section 3313.6410 of the 36383  
Revised Code applies. 36384

(B) No internet- or computer-based community school shall 36385  
receive any state funds under this chapter for any enrolled 36386  
student whose data verification code appears on the list 36387  
maintained by the department under division (A) of this section. 36388

Notwithstanding any provision of the Revised Code to the 36389  
contrary, the parent of any such student shall pay tuition to the 36390  
internet- or computer-based community school in an amount equal to 36391  
the state funds the school otherwise would receive for that 36392  
student, as determined by the department. An internet- or 36393

computer-based community school may withdraw any student for whom 36394  
the parent does not pay tuition as required by this division. 36395

Sec. 3314.29. (A) This section applies to any internet- or 36396  
computer-based community school that meets all of the following 36397  
conditions: 36398

(1) Serves all of grades kindergarten through twelve; 36399

(2) Has an enrollment of at least two thousand students; 36400

(3) Has a sponsor that was not rated ineffective or poor on 36401  
its most recent evaluation under section 3314.016 of the Revised 36402  
Code. 36403

(B) Beginning with the 2018-2019 school year, the governing 36404  
authority of a community school to which this section applies may 36405  
adopt a resolution to divide the school into two or three separate 36406  
schools as follows: 36407

(1) If the school is divided into two schools, one school 36408  
shall serve grades kindergarten through eight and one school shall 36409  
serve grades nine through twelve. 36410

(2) If the school is divided into three schools, one school 36411  
shall serve grades kindergarten through five, one school shall 36412  
serve grades six through eight, and one school shall serve grades 36413  
nine through twelve. 36414

(C) The resolution adopted by the governing authority shall 36415  
not be effective unless approved by the school's sponsor. 36416  
Following approval of the resolution by the sponsor, and by the 36417  
fifteenth day of March prior to the school year in which it will 36418  
take effect, the governing authority shall file the resolution 36419  
with the department of education. The division of the schools 36420  
shall be effective on the first day of July succeeding the date 36421  
the resolution is filed with the department. 36422

(D) All of the following shall apply to each new school 36423

created as a result of the resolution authorized by this section 36424  
and to the school that is divided as a result of the resolution: 36425

(1) Each school shall have the same governing authority. 36426

(2) The sponsor and governing authority shall enter into a 36427  
separate contract under section 3314.03 of the Revised Code for 36428  
each school. 36429

(3) No school shall primarily serve students enrolled in a 36430  
dropout prevention and recovery program operated by the school. 36431

(4) No school shall be permitted to divide again under this 36432  
section. 36433

(5) Notwithstanding anything to the contrary in division 36434  
(B)(2) of section 3314.016 of the Revised Code, each school shall 36435  
be included in the calculation of the academic performance 36436  
component for purposes of rating the schools' sponsor under the 36437  
evaluation system prescribed by that section. 36438

(6) Each school shall be subject to the laws contained in 36439  
Chapter 3314. of the Revised Code, except as otherwise specified 36440  
in this section. 36441

(E) The department shall issue a report card under section 36442  
3314.012 of the Revised Code for each new school created as a 36443  
result of the resolution authorized by this section and for the 36444  
school that is divided as a result of the resolution. For purposes 36445  
of the report cards and other reporting requirements under this 36446  
chapter, the department shall assign the school that serves the 36447  
highest grades the same internal retrieval number previously used 36448  
by the school that is divided under this section. The department 36449  
shall assign a new internal retrieval number to each other school 36450  
resulting from the division. 36451

Notwithstanding division (B) of section 3314.012 of the 36452  
Revised Code, the ratings a school receives on its report card for 36453

the first two full school years after the division under this 36454  
section shall count toward closure of the school under section 36455  
3314.35 of the Revised Code and any other matter that is based on 36456  
report card ratings or measures. 36457

**Sec. 3316.20.** (A)(1) The school district solvency assistance 36458  
fund is hereby created in the state treasury, to consist of such 36459  
amounts designated for the purposes of the fund by the general 36460  
assembly. The fund shall be used to provide assistance and grants 36461  
to school districts to enable them to remain solvent and to pay 36462  
unforeseeable expenses of a temporary or emergency nature that 36463  
they are unable to pay from existing resources. 36464

(2) There is hereby created within the fund an account known 36465  
as the school district shared resource account, which shall 36466  
consist of money appropriated to it by the general assembly. The 36467  
money in the account shall be used solely for solvency assistance 36468  
to school districts that have been declared under division (B) of 36469  
section 3316.03 of the Revised Code to be in a state of fiscal 36470  
emergency. 36471

(3) There is hereby created within the fund an account known 36472  
as the catastrophic expenditures account, which shall consist of 36473  
money appropriated to the account by the general assembly plus all 36474  
investment earnings of the fund. Money in the account shall be 36475  
used solely for the following: 36476

(a) Solvency assistance to school districts that have been 36477  
declared under division (B) of section 3316.03 of the Revised Code 36478  
to be in a state of fiscal emergency, in the event that all money 36479  
in the shared resource account is utilized for solvency 36480  
assistance; 36481

(b) Grants to school districts under division (C) of this 36482  
section. 36483

(B) Solvency assistance payments under division (A)(2) or 36484  
(3)(a) of this section shall be made from the fund by the 36485  
superintendent of public instruction in accordance with rules 36486  
adopted by the director of budget and management, after consulting 36487  
with the superintendent, specifying approval criteria and 36488  
procedures necessary for administering the fund. 36489

The fund shall be reimbursed for any solvency assistance 36490  
amounts paid under division (A)(2) or (3)(a) of this section not 36491  
later than the end of the second fiscal year following the fiscal 36492  
year in which the solvency assistance payment was made, except 36493  
that, upon the approval of the director of budget and management 36494  
and the superintendent of public instruction, the fund may be 36495  
reimbursed in another fiscal year designated by the director and 36496  
superintendent that is not later than the end of the tenth fiscal 36497  
year following the fiscal year in which the solvency assistance 36498  
payment was made. If not made directly by the school district, 36499  
such reimbursement shall be made by the director of budget and 36500  
management from the amounts the school district would otherwise 36501  
receive pursuant to Chapter 3317. of the Revised Code, or from any 36502  
other funds appropriated for the district by the general assembly. 36503  
Reimbursements shall be credited to the respective account from 36504  
which the solvency assistance paid to the district was deducted. 36505

(C) The superintendent of public instruction may make 36506  
recommendations, and the controlling board may grant money from 36507  
the catastrophic expenditures account to any school district that 36508  
suffers an unforeseen catastrophic event that severely depletes 36509  
the district's financial resources. The superintendent shall make 36510  
recommendations for the grants in accordance with rules adopted by 36511  
the director of budget and management, after consulting with the 36512  
superintendent. A school district shall not be required to repay 36513  
any grant awarded to the district under this division, unless the 36514  
district receives money from this state or a third party, 36515

including an agency of the government of the United States, 36516  
specifically for the purpose of compensating the district for 36517  
revenue lost or expenses incurred as a result of the unforeseen 36518  
catastrophic event. If a school district receives a grant from the 36519  
catastrophic expenditures account on the basis of the same 36520  
circumstances for which an adjustment or recomputation is 36521  
authorized under section 3317.025, ~~3317.026, 3317.027,~~ 3317.028, 36522  
3317.0210, or 3317.0211 of the Revised Code, the department of 36523  
education shall reduce the adjustment or recomputation by an 36524  
amount not to exceed the total amount of the grant, and an amount 36525  
equal to the reduction shall be transferred, from the funding 36526  
source from which the adjustment or recomputation would be paid, 36527  
to the catastrophic expenditures account. Any adjustment or 36528  
recomputation under such sections that is in excess of the total 36529  
amount of the grant shall be paid to the school district. 36530

**Sec. 3317.01.** As used in this section, "school district," 36531  
unless otherwise specified, means any city, local, exempted 36532  
village, joint vocational, or cooperative education school 36533  
district and any educational service center. 36534

This chapter shall be administered by the state board of 36535  
education. The superintendent of public instruction shall 36536  
calculate the amounts payable to each school district and shall 36537  
certify the amounts payable to each eligible district to the 36538  
treasurer of the district as provided by this chapter. As soon as 36539  
possible after such amounts are calculated, the superintendent 36540  
shall certify to the treasurer of each school district the 36541  
district's adjusted charge-off increase, as defined in section 36542  
5705.211 of the Revised Code. Certification of moneys pursuant to 36543  
this section shall include the amounts payable to each school 36544  
building, at a frequency determined by the superintendent, for 36545  
each subgroup of students, as defined in section 3317.40 of the 36546  
Revised Code, receiving services, provided for by state funding, 36547



from the district or school. No moneys shall be distributed 36548  
pursuant to this chapter without the approval of the controlling 36549  
board. 36550

The state board of education shall, in accordance with 36551  
appropriations made by the general assembly, meet the financial 36552  
obligations of this chapter. 36553

Moneys distributed to school districts pursuant to this 36554  
chapter shall be calculated based on the annual enrollment 36555  
calculated from the three reports required under sections 3317.03 36556  
and 3317.036 of the Revised Code and paid on a fiscal year basis, 36557  
beginning with the first day of July and extending through the 36558  
thirtieth day of June. In any given fiscal year, prior to school 36559  
districts submitting the first report required under section 36560  
3317.03 of the Revised Code, enrollment for the districts shall be 36561  
calculated based on the third report submitted by the districts 36562  
for the previous fiscal year. The moneys appropriated for each 36563  
fiscal year shall be distributed periodically to each school 36564  
district unless otherwise provided for. The state board, in June 36565  
of each year, shall submit to the controlling board the state 36566  
board's year-end distributions pursuant to this chapter. 36567

Except as otherwise provided, payments under this chapter 36568  
shall be made only to those school districts in which: 36569

(A) The school district, except for any educational service 36570  
center and any joint vocational or cooperative education school 36571  
district, levies for current operating expenses at least twenty 36572  
mills. Levies for joint vocational or cooperative education school 36573  
districts or county school financing districts, limited to or to 36574  
the extent apportioned to current expenses, shall be included in 36575  
this qualification requirement. School district income tax levies 36576  
under Chapter 5748. of the Revised Code, limited to or to the 36577  
extent apportioned to current operating expenses, shall be 36578  
included in this qualification requirement to the extent 36579

determined by the tax commissioner under division ~~(D)~~(C) of 36580  
section 3317.021 of the Revised Code. 36581

(B) The school year next preceding the fiscal year for which 36582  
such payments are authorized meets the requirement of section 36583  
3313.48 of the Revised Code, with regard to the minimum number of 36584  
hours school must be open for instruction with pupils in 36585  
attendance, for individualized parent-teacher conference and 36586  
reporting periods, and for professional meetings of teachers. 36587

A school district shall not be considered to have failed to 36588  
comply with this division because schools were open for 36589  
instruction but either twelfth grade students were excused from 36590  
attendance for up to the equivalent of three school days or only a 36591  
portion of the kindergarten students were in attendance for up to 36592  
the equivalent of three school days in order to allow for the 36593  
gradual orientation to school of such students. 36594

A board of education or governing board of an educational 36595  
service center which has not conformed with other law and the 36596  
rules pursuant thereto, shall not participate in the distribution 36597  
of funds authorized by this chapter, except for good and 36598  
sufficient reason established to the satisfaction of the state 36599  
board of education and the state controlling board. 36600

All funds allocated to school districts under this chapter, 36601  
except those specifically allocated for other purposes, shall be 36602  
used to pay current operating expenses only. 36603

**Sec. 3317.013.** The amounts for the following categories of 36604  
special education programs, as these programs are defined for 36605  
purposes of Chapter 3323. of the Revised Code, are as follows: 36606

(A) An amount of ~~\$1,547, in fiscal year 2016, or \$1,578, in~~ 36607  
~~fiscal year 2017,~~ for each student whose primary or only 36608  
identified disability is a speech and language disability, as this 36609

term is defined pursuant to Chapter 3323. of the Revised Code; 36610

(B) An amount of ~~\$3,926, in fiscal year 2016, or \$4,005, in~~ 36611  
~~fiscal year 2017,~~ for each student identified as specific learning 36612  
disabled or developmentally disabled, as these terms are defined 36613  
pursuant to Chapter 3323. of the Revised Code, identified as 36614  
having an other health impairment-minor, or identified as a 36615  
preschool child who is developmentally delayed; 36616

(C) An amount of ~~\$9,433, in fiscal year 2016, or \$9,622, in~~ 36617  
~~fiscal year 2017,~~ for each student identified as hearing disabled 36618  
or severe behavior disabled, as these terms are defined pursuant 36619  
to Chapter 3323. of the Revised Code; 36620

(D) An amount of ~~\$12,589, in fiscal year 2016, or \$12,841, in~~ 36621  
~~fiscal year 2017,~~ for each student identified as vision impaired, 36622  
as this term is defined pursuant to Chapter 3323. of the Revised 36623  
Code, or as having an other health impairment-major; 36624

(E) An amount of ~~\$17,049, in fiscal year 2016, or \$17,390, in~~ 36625  
~~fiscal year 2017,~~ for each student identified as orthopedically 36626  
disabled or as having multiple disabilities, as these terms are 36627  
defined pursuant to Chapter 3323. of the Revised Code; 36628

(F) An amount of ~~\$25,134, in fiscal year 2016, or \$25,637, in~~ 36629  
~~fiscal year 2017,~~ for each student identified as autistic, having 36630  
traumatic brain injuries, or as both visually and hearing 36631  
impaired, as these terms are defined pursuant to Chapter 3323. of 36632  
the Revised Code. 36633

**Sec. 3317.014.** The career-technical education additional 36634  
amount per pupil for each student enrolled in career-technical 36635  
education programs approved by the department of education under 36636  
section 3317.161 of the Revised Code shall be as follows: 36637

(A) An amount of ~~\$4,992, in fiscal year 2016, or \$5,192, in~~ 36638  
~~fiscal year 2017,~~ for each student enrolled in career-technical 36639

education workforce development programs in agricultural and 36640  
environmental systems, construction technologies, engineering and 36641  
science technologies, finance, health science, information 36642  
technology, and manufacturing technologies, each of which shall be 36643  
defined by the department in consultation with the governor's 36644  
office of workforce transformation; 36645

(B) An amount of ~~\$4,732, in fiscal year 2016, or \$4,921, in~~ 36646  
~~fiscal year 2017,~~ for each student enrolled in workforce 36647  
development programs in business and administration, hospitality 36648  
and tourism, human services, law and public safety, transportation 36649  
systems, and arts and communications, each of which shall be 36650  
defined by the department in consultation with the governor's 36651  
office of workforce transformation; 36652

(C) An amount of ~~\$1,726, in fiscal year 2016, or \$1,795, in~~ 36653  
~~fiscal year 2017,~~ for students enrolled in career-based 36654  
intervention programs, which shall be defined by the department in 36655  
consultation with the governor's office of workforce 36656  
transformation; 36657

(D) An amount of ~~\$1,466, in fiscal year 2016, or \$1,525, in~~ 36658  
~~fiscal year 2017,~~ for students enrolled in workforce development 36659  
programs in education and training, marketing, workforce 36660  
development academics, public administration, and career 36661  
development, each of which shall be defined by the department of 36662  
education in consultation with the governor's office of workforce 36663  
transformation; 36664

(E) An amount of ~~\$1,258, in fiscal year 2016, or \$1,308, in~~ 36665  
~~fiscal year 2017,~~ for students enrolled in family and consumer 36666  
science programs, which shall be defined by the department of 36667  
education in consultation with the governor's office of workforce 36668  
transformation. 36669

The amount for career-technical education associated 36670

services, as defined by the department, shall be ~~\$236, in fiscal~~ 36671  
~~year 2016, or \$245, in fiscal year 2017.~~ 36672

**Sec. 3317.017.** The department of education shall compute a 36673  
school district's state share index as follows: 36674

(A) Calculate the district's valuation index, which equals 36675  
the following quotient: 36676

(The district's three-year average valuation / the district's 36677  
total ADM) / (the statewide three-year average valuation for 36678  
school districts with a total ADM greater than zero / the 36679  
statewide total ADM) 36680

(B)(1) Calculate the district's median income index, which 36681  
equals the following quotient: 36682

(The district's median Ohio adjusted gross income / the 36683  
median of the median Ohio adjusted gross income of all districts 36684  
statewide with a total ADM greater than zero) 36685

(2) Calculate the district's income index, which equals the 36686  
following sum: 36687

(The district's median income index X 0.5) + {[the three-year 36688  
average federal adjusted gross income of the school district's 36689  
residents / the district's formula ADM for fiscal year 2017) / 36690  
(the three-year average federal adjusted gross income of all 36691  
districts statewide with a formula ADM for fiscal year 2017 36692  
greater than zero / the statewide formula ADM for fiscal year 36693  
2017)] X 0.5} 36694

(C) Determine the district's wealth index as follows: 36695

(1) If the district's income index is less than the 36696  
district's valuation index and the district's median income index 36697  
is less than or equal to 1.5, then the district's wealth index 36698  
shall be equal to [( 0.4 X the district's income index) + ( 0.6 X 36699  
the district's valuation index)]. 36700

(2) If the district's income index does not meet both of the conditions described in division (C)(1) of this section, then the district's wealth index shall be equal to the district's valuation index. 36701  
36702  
36703  
36704

(D) Determine the district's state share index as follows: 36705

(1) If the district's wealth index is less than or equal to 0.35, then the district's state share index shall be equal to 0.90. 36706  
36707  
36708

(2) If the district's wealth index is greater than 0.35 but less than or equal to 0.90, then the district's state share index shall be equal to  $\{0.40 \times [(0.90 - \text{the district's wealth index}) / 0.55]\} + 0.50$ . 36709  
36710  
36711  
36712

(3) If the district's wealth index is greater than 0.90 but less than 1.8, then the district's state share index shall be equal to  $\{0.45 \times [(1.8 - \text{the district's wealth index}) / 0.9]\} + 0.05$ . 36713  
36714  
36715  
36716

(4) If the district's wealth index is greater than or equal to 1.8, then the district's state share index shall be equal to 0.05. 36717  
36718  
36719

(E)(1) For each school district for which the tax-exempt value of the district, as certified under division (A)(4) of section 3317.021 of the Revised Code, equals or exceeds thirty per cent of the potential value of the district, the department shall calculate the difference between the district's tax-exempt value and thirty per cent of the district's potential value. For this purpose, the "potential value" of a school district is the three-year average valuation of the district plus the tax-exempt value of the district. 36720  
36721  
36722  
36723  
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(2) For each school district to which division (E)(1) of this section applies, the department shall adjust the district's three-year average valuation used in the calculation under 36729  
36730  
36731

division (A) of this section by subtracting from it the amount 36732  
calculated under division (E)(1) of this section. The department 36733  
shall not, however, make any adjustments to the statewide 36734  
three-year average valuation used in the calculation under 36735  
division (A) of this section. 36736

(F)(1) For purposes of division (F) of this section, an 36737  
"eligible school district" is a school district that satisfies all 36738  
of the following: 36739

(a) The total taxable value of public utility personal 36740  
property in the district is at least ten per cent of the 36741  
district's total taxable value for tax year 2015. 36742

(b) The total taxable value of public utility personal 36743  
property in the district for tax year 2016 is at least ten per 36744  
cent less than the total taxable value of public utility property 36745  
in the district for tax year 2015. 36746

(c) The total taxable value of power plants in the district 36747  
for tax year 2016 is at least ten per cent less than the total 36748  
taxable value of power plants in the district for tax year 2015. 36749

(2) Notwithstanding divisions (A) to (E) of this section, the 36750  
department shall compute each eligible school district's state 36751  
share index as follows: 36752

(a) Calculate the district's valuation index in accordance 36753  
with division (A) of this section, except that, if the district's 36754  
total taxable value for tax year 2016 is less than the district's 36755  
"three-year average valuation," the district's "three-year average 36756  
valuation" shall be replaced in that calculation with the 36757  
district's total taxable value for tax year 2016; 36758

(b) Calculate the district's median income index and income 36759  
index in accordance with division (B) of this section; 36760

(c) Determine the district's wealth index in accordance with 36761

division (C) of this section using the district's valuation index, 36762  
median income index, and income index as calculated under 36763  
divisions (F)(2)(a) and (b) of this section; 36764

(d) Determine the district's state share index in accordance 36765  
with division (D) of this section using the district's wealth 36766  
index as determined under division (F)(2)(c) of this section. 36767

(G) When performing the calculations required under this 36768  
section, the department shall not round to fewer than four decimal 36769  
places. 36770

For purposes of these calculations for fiscal years ~~2016~~ 2018 36771  
and ~~2017~~ 2019, "total ADM" means the total ADM for fiscal year 36772  
~~2015~~ 2017; "median Ohio adjusted gross income" means the median 36773  
Ohio adjusted gross income, as that term is defined in section 36774  
5747.01 of the Revised Code, for tax year ~~2013~~ 2015; "three-year 36775  
average federal adjusted gross income" means the average of the 36776  
federal adjusted gross income for tax years ~~2011~~ 2013, ~~2012~~ 2014, 36777  
and ~~2013~~ 2015 as reported under section 3317.021 of the Revised 36778  
Code; and "tax-exempt value" means the tax-exempt value for tax 36779  
year ~~2014~~ 2016. 36780

**Sec. 3317.02.** As used in this chapter: 36781

(A)(1) "Category one career-technical education ADM" means 36782  
the enrollment of students during the school year on a full-time 36783  
equivalency basis in career-technical education programs described 36784  
in division (A) of section 3317.014 of the Revised Code and 36785  
certified under division (B)(11) or (D)(2)(h) of section 3317.03 36786  
of the Revised Code. 36787

(2) "Category two career-technical education ADM" means the 36788  
enrollment of students during the school year on a full-time 36789  
equivalency basis in career-technical education programs described 36790  
in division (B) of section 3317.014 of the Revised Code and 36791



certified under division (B)(12) or (D)(2)(i) of section 3317.03 36792  
of the Revised Code. 36793

(3) "Category three career-technical education ADM" means the 36794  
enrollment of students during the school year on a full-time 36795  
equivalency basis in career-technical education programs described 36796  
in division (C) of section 3317.014 of the Revised Code and 36797  
certified under division (B)(13) or (D)(2)(j) of section 3317.03 36798  
of the Revised Code. 36799

(4) "Category four career-technical education ADM" means the 36800  
enrollment of students during the school year on a full-time 36801  
equivalency basis in career-technical education programs described 36802  
in division (D) of section 3317.014 of the Revised Code and 36803  
certified under division (B)(14) or (D)(2)(k) of section 3317.03 36804  
of the Revised Code. 36805

(5) "Category five career-technical education ADM" means the 36806  
enrollment of students during the school year on a full-time 36807  
equivalency basis in career-technical education programs described 36808  
in division (E) of section 3317.014 of the Revised Code and 36809  
certified under division (B)(15) or (D)(2)(l) of section 3317.03 36810  
of the Revised Code. 36811

(B)(1) "Category one limited English proficient ADM" means 36812  
the full-time equivalent number of limited English proficient 36813  
students described in division (A) of section 3317.016 of the 36814  
Revised Code and certified under division (B)(16) or (D)(2)(m) of 36815  
section 3317.03 of the Revised Code. 36816

(2) "Category two limited English proficient ADM" means the 36817  
full-time equivalent number of limited English proficient students 36818  
described in division (B) of section 3317.016 of the Revised Code 36819  
and certified under division (B)(17) or (D)(2)(n) of section 36820  
3317.03 of the Revised Code. 36821

(3) "Category three limited English proficient ADM" means the 36822

full-time equivalent number of limited English proficient students 36823  
described in division (C) of section 3317.016 of the Revised Code 36824  
and certified under division (B)(18) or (D)(2)(o) of section 36825  
3317.03 of the Revised Code. 36826

(C)(1) "Category one special education ADM" means the 36827  
full-time equivalent number of children with disabilities 36828  
receiving special education services for the disability specified 36829  
in division (A) of section 3317.013 of the Revised Code and 36830  
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 36831  
the Revised Code. 36832

(2) "Category two special education ADM" means the full-time 36833  
equivalent number of children with disabilities receiving special 36834  
education services for those disabilities specified in division 36835  
(B) of section 3317.013 of the Revised Code and certified under 36836  
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 36837  
Code. 36838

(3) "Category three special education ADM" means the 36839  
full-time equivalent number of students receiving special 36840  
education services for those disabilities specified in division 36841  
(C) of section 3317.013 of the Revised Code, and certified under 36842  
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 36843  
Code. 36844

(4) "Category four special education ADM" means the full-time 36845  
equivalent number of students receiving special education services 36846  
for those disabilities specified in division (D) of section 36847  
3317.013 of the Revised Code and certified under division (B)(8) 36848  
or (D)(2)(e) of section 3317.03 of the Revised Code. 36849

(5) "Category five special education ADM" means the full-time 36850  
equivalent number of students receiving special education services 36851  
for the disabilities specified in division (E) of section 3317.013 36852  
of the Revised Code and certified under division (B)(9) or 36853

(D)(2)(f) of section 3317.03 of the Revised Code. 36854

(6) "Category six special education ADM" means the full-time 36855  
equivalent number of students receiving special education services 36856  
for the disabilities specified in division (F) of section 3317.013 36857  
of the Revised Code and certified under division (B)(10) or 36858  
(D)(2)(g) of section 3317.03 of the Revised Code. 36859

(D) "Economically disadvantaged index for a school district" 36860  
means the square of the quotient of that district's percentage of 36861  
students in its total ADM who are identified as economically 36862  
disadvantaged as defined by the department of education, divided 36863  
by the percentage of students in the statewide total ADM 36864  
identified as economically disadvantaged. For purposes of this 36865  
calculation: 36866

(1) For a city, local, or exempted village school district, 36867  
the "statewide total ADM" equals the sum of the total ADM for all 36868  
city, local, and exempted village school districts combined. 36869

(2) For a joint vocational school district, the "statewide 36870  
total ADM" equals the sum of the formula ADM for all joint 36871  
vocational school districts combined. 36872

(E)(1) "Formula ADM" means, for a city, local, or exempted 36873  
village school district, the enrollment reported under division 36874  
(A) of section 3317.03 of the Revised Code, as verified by the 36875  
superintendent of public instruction and adjusted if so ordered 36876  
under division (K) of that section, and as further adjusted by the 36877  
department of education, as follows: 36878

(a) Count only twenty per cent of the number of joint 36879  
vocational school district students counted under division (A)(3) 36880  
of section 3317.03 of the Revised Code; 36881

(b) Add twenty per cent of the number of students who are 36882  
entitled to attend school in the district under section 3313.64 or 36883  
3313.65 of the Revised Code and are enrolled in another school 36884

district under a career-technical education compact. 36885

(2) "Formula ADM" means, for a joint vocational school 36886  
district, the final number verified by the superintendent of 36887  
public instruction, based on the enrollment reported and certified 36888  
under division (D) of section 3317.03 of the Revised Code, as 36889  
adjusted, if so ordered, under division (K) of that section. 36890

(F) "Formula amount" means ~~\$5,900~~ \$6,010, for fiscal year 36891  
~~2016~~ 2018, and ~~\$6,000~~ \$6,020, for fiscal year ~~2017~~ 2019. 36892

(G) "FTE basis" means a count of students based on full-time 36893  
equivalency, in accordance with rules adopted by the department of 36894  
education pursuant to section 3317.03 of the Revised Code. In 36895  
adopting its rules under this division, the department shall 36896  
provide for counting any student in category one, two, three, 36897  
four, five, or six special education ADM or in category one, two, 36898  
three, four, or five career-technical education ADM in the same 36899  
proportion the student is counted in formula ADM. 36900

(H) "Internet- or computer-based community school" has the 36901  
same meaning as in section 3314.02 of the Revised Code. 36902

(I) "Medically fragile child" means a child to whom all of 36903  
the following apply: 36904

(1) The child requires the services of a doctor of medicine 36905  
or osteopathic medicine at least once a week due to the 36906  
instability of the child's medical condition. 36907

(2) The child requires the services of a registered nurse on 36908  
a daily basis. 36909

(3) The child is at risk of institutionalization in a 36910  
hospital, skilled nursing facility, or intermediate care facility 36911  
for individuals with intellectual disabilities. 36912

(J)(1) A child may be identified as having an "other health 36913  
impairment-major" if the child's condition meets the definition of 36914

"other health impaired" established in rules previously adopted by 36915  
the state board of education and if either of the following apply: 36916

(a) The child is identified as having a medical condition 36917  
that is among those listed by the superintendent of public 36918  
instruction as conditions where a substantial majority of cases 36919  
fall within the definition of "medically fragile child." 36920

(b) The child is determined by the superintendent of public 36921  
instruction to be a medically fragile child. A school district 36922  
superintendent may petition the superintendent of public 36923  
instruction for a determination that a child is a medically 36924  
fragile child. 36925

(2) A child may be identified as having an "other health 36926  
impairment-minor" if the child's condition meets the definition of 36927  
"other health impaired" established in rules previously adopted by 36928  
the state board of education but the child's condition does not 36929  
meet either of the conditions specified in division ~~(K)~~(J)(1)(a) 36930  
or (b) of this section. 36931

(K) "Preschool child with a disability" means a child with a 36932  
disability, as defined in section 3323.01 of the Revised Code, who 36933  
is at least age three but is not of compulsory school age, as 36934  
defined in section 3321.01 of the Revised Code, and who is not 36935  
currently enrolled in kindergarten. 36936

(L) "Preschool scholarship ADM" means the number of preschool 36937  
children with disabilities certified under division (B)(3)(h) of 36938  
section 3317.03 of the Revised Code. 36939

(M) "Related services" includes: 36940

(1) Child study, special education supervisors and 36941  
coordinators, speech and hearing services, adaptive physical 36942  
development services, occupational or physical therapy, teacher 36943  
assistants for children with disabilities whose disabilities are 36944  
described in division (B) of section 3317.013 or division (B)(3) 36945

of this section, behavioral intervention, interpreter services, 36946  
work study, nursing services, and specialized integrative services 36947  
as those terms are defined by the department; 36948

(2) Speech and language services provided to any student with 36949  
a disability, including any student whose primary or only 36950  
disability is a speech and language disability; 36951

(3) Any related service not specifically covered by other 36952  
state funds but specified in federal law, including but not 36953  
limited to, audiology and school psychological services; 36954

(4) Any service included in units funded under former 36955  
division (O)(1) of section 3317.024 of the Revised Code; 36956

(5) Any other related service needed by children with 36957  
disabilities in accordance with their individualized education 36958  
programs. 36959

(N) "School district," unless otherwise specified, means 36960  
city, local, and exempted village school districts. 36961

(O) "State education aid" has the same meaning as in section 36962  
5751.20 of the Revised Code. 36963

(P) "State share index" means the state share index 36964  
calculated for a district under section 3317.017 of the Revised 36965  
Code. 36966

(Q) "Taxes charged and payable" means the taxes charged and 36967  
payable against real and public utility property after making the 36968  
reduction required by section 319.301 of the Revised Code, plus 36969  
the taxes levied against tangible personal property. 36970

(R)(1) For purposes of section 3317.017 of the Revised Code, 36971  
"three-year average valuation" means the average of total taxable 36972  
value for tax years ~~2012~~ 2014, ~~2013~~ 2015, and ~~2014~~ 2016. 36973

(2) ~~For purposes of section 3317.018 of the Revised Code,~~ 36974  
~~"three year average valuation" means the following:~~ 36975

~~(a) For fiscal year 2016, the average of total taxable value for tax years 2013, 2014, and 2015;~~ 36976  
36977

~~(b) For fiscal year 2017, the average of total taxable value for tax years 2014, 2015, and 2016.~~ 36978  
36979

~~(3)~~ For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three-year average valuation" means the following: 36980  
36981  
36982

(a) For fiscal year ~~2016~~ 2018, the average of total taxable value for tax years ~~2012~~ 2014, ~~2013~~ 2015, and ~~2014~~ 2016; 36983  
36984

(b) For fiscal year ~~2017~~ 2019, the average of total taxable value for tax years ~~2013~~ 2015, ~~2014~~ 2016, and ~~2015~~ 2017. 36985  
36986

(S) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section. 36987  
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(T) "Total special education ADM" means the sum of categories one through six special education ADM. 36992  
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(U) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code. 36994  
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**Sec. 3317.021.** (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to (5) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this 36998  
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section, in making the computations for the district under this chapter.	37006 37007
(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.	37008 37009 37010
(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.	37011 37012 37013
(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses.	37014 37015 37016 37017 37018 37019
(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.	37020 37021 37022 37023
(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:	37024 37025 37026
(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose;	37027 37028 37029
(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.	37030 37031 37032 37033
(5) The total federal adjusted gross income of the residents of the school district, based on tax returns filed by the	37034 37035



residents of the district, for the most recent year for which this 37036  
information is available, and the median Ohio adjusted gross 37037  
income of the residents of the school district determined on the 37038  
basis of tax returns filed for the second preceding tax year by 37039  
the residents of the district. 37040

(B) On or before the first day of May each year, the tax 37041  
commissioner shall certify to the department of education and the 37042  
office of budget and management the total taxable real property 37043  
value of railroads and, separately, the total taxable tangible 37044  
personal property value of all public utilities for the preceding 37045  
tax year, by school district and by county of location. 37046

~~(C) If a public utility has properly and timely filed a 37047  
petition for reassessment under section 5727.47 of the Revised 37048  
Code with respect to an assessment issued under section 5727.23 of 37049  
the Revised Code affecting taxable property apportioned by the tax 37050  
commissioner to a school district, the taxable value of public 37051  
utility tangible personal property included in the certification 37052  
under divisions (A)(2) and (B) of this section for the school 37053  
district shall include only the amount of taxable value on the 37054  
basis of which the public utility paid tax for the preceding year 37055  
as provided in division (B)(1) or (2) of section 5727.47 of the 37056  
Revised Code. 37057~~

~~(D) If on the basis of the information certified under 37058  
division (A) of this section, the department determines that any 37059  
district fails in any year to meet the qualification requirement 37060  
specified in division (A) of section 3317.01 of the Revised Code, 37061  
the department shall immediately request the tax commissioner to 37062  
determine the extent to which any school district income tax 37063  
levied by the district under Chapter 5748. of the Revised Code 37064  
shall be included in meeting that requirement. Within five days of 37065  
receiving such a request from the department, the tax commissioner 37066  
shall make the determination required by this division and report 37067~~

the quotient obtained under division ~~(D)~~(C)(3) of this section to 37068  
the department and the office of budget and management. This 37069  
quotient represents the number of mills that the department shall 37070  
include in determining whether the district meets the 37071  
qualification requirement of division (A) of section 3317.01 of 37072  
the Revised Code. 37073

The tax commissioner shall make the determination required by 37074  
this division as follows: 37075

(1) Multiply one mill times the total taxable value of the 37076  
district as determined in divisions (A)(1) and (2) of this 37077  
section; 37078

(2) Estimate the total amount of tax liability for the 37079  
current tax year under taxes levied by Chapter 5748. of the 37080  
Revised Code that are apportioned to current operating expenses of 37081  
the district, excluding any income tax receipts allocated for the 37082  
project cost, debt service, or maintenance set-aside associated 37083  
with a state-assisted classroom facilities project as authorized 37084  
by section 3318.052 of the Revised Code; 37085

(3) Divide the amount estimated under division ~~(D)~~(C)(2) of 37086  
this section by the product obtained under division ~~(D)~~(C)(1) of 37087  
this section. 37088

**Sec. 3317.022.** (A) The department of education shall compute 37089  
and distribute state core foundation funding to each eligible 37090  
school district for the fiscal year, using the information 37091  
obtained under section 3317.021 of the Revised Code in the 37092  
calendar year in which the fiscal year begins, as prescribed in 37093  
the following divisions: 37094

(1) An opportunity grant calculated according to the 37095  
following formula: 37096

The formula amount X (formula ADM + preschool scholarship 37097

ADM) X the district's state share index	37098
(2) Targeted assistance funds calculated under divisions (A) and (B) of section 3317.0217 of the Revised Code;	37099 37100
(3) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following:	37101 37102 37103
(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share index;	37104 37105 37106
(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share index;	37107 37108 37109
(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share index;	37110 37111 37112
(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share index;	37113 37114 37115
(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share index;	37116 37117 37118
(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index.	37119 37120 37121
(4) Kindergarten through third grade literacy funds calculated according to the following formula:	37122 37123
<del>+( \$184, in fiscal year 2016, or \$193, in fiscal year 2017)</del> X formula ADM for grades kindergarten through three X the district's state share index <del>)]</del> + <del>+( \$121, in fiscal year 2016, or \$127, in fiscal year 2017)</del> X formula ADM for grades kindergarten through	37124 37125 37126 37127

three+)} 37128

For purposes of this calculation, the department shall 37129  
subtract from a district's formula ADM for grades kindergarten 37130  
through three the number of students reported under division 37131  
(B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an 37132  
internet- or computer-based community school who are in grades 37133  
kindergarten through three. 37134

(5) Economically disadvantaged funds calculated according to 37135  
the following formula: 37136

$\$272 \times$  (the district's economically disadvantaged index)  $\times$  37137  
the number of students who are economically disadvantaged as 37138  
certified under division (B)(21) of section 3317.03 of the Revised 37139  
Code 37140

(6) Limited English proficiency funds calculated as the sum 37141  
of the following: 37142

(a) The district's category one limited English proficient 37143  
ADM  $\times$  the amount specified in division (A) of section 3317.016 of 37144  
the Revised Code  $\times$  the district's state share index; 37145

(b) The district's category two limited English proficient 37146  
ADM  $\times$  the amount specified in division (B) of section 3317.016 of 37147  
the Revised Code  $\times$  the district's state share index; 37148

(c) The district's category three limited English proficient 37149  
ADM  $\times$  the amount specified in division (C) of section 3317.016 of 37150  
the Revised Code  $\times$  the district's state share index. 37151

(7)(a) Gifted identification funds calculated according to 37152  
the following formula: 37153

$\$5.05 \times$  the district's formula ADM 37154

(b) Gifted unit funding calculated under section 3317.051 of 37155  
the Revised Code. 37156

(8) Career-technical education funds calculated as the sum of 37157

the following:	37158
(a) The district's category one career-technical education	37159
ADM X the amount specified in division (A) of section 3317.014 of	37160
the Revised Code X the district's state share index;	37161
(b) The district's category two career-technical education	37162
ADM X the amount specified in division (B) of section 3317.014 of	37163
the Revised Code X the district's state share index;	37164
(c) The district's category three career-technical education	37165
ADM X the amount specified in division (C) of section 3317.014 of	37166
the Revised Code X the district's state share index;	37167
(d) The district's category four career-technical education	37168
ADM X the amount specified in division (D) of section 3317.014 of	37169
the Revised Code X the district's state share index;	37170
(e) The district's category five career-technical education	37171
ADM X the amount specified in division (E) of section 3317.014 of	37172
the Revised Code X the district's state share index.	37173
Payment of funds under division (A)(8) of this section is	37174
subject to approval under section 3317.161 of the Revised Code.	37175
(9) Career-technical education associated services funds	37176
calculated according to the following formula:	37177
The district's state share index X the amount for career-technical	37178
education associated services specified in section 3317.014 of the	37179
Revised Code X the sum of categories one through five	37180
career-technical education ADM	37181
(10) Capacity aid funds calculated under section 3317.0218 of	37182
the Revised Code;	37183
(11) A graduation bonus calculated under section 3317.0215 of	37184
the Revised Code;	37185
(12) A third-grade reading bonus calculated under section	37186
3317.0216 of the Revised Code.	37187

(B) In any fiscal year, a school district shall spend for 37188  
purposes that the department designates as approved for special 37189  
education and related services expenses at least the amount 37190  
calculated as follows: 37191

(The formula amount X the total special education ADM) + (the 37192  
district's category one special education ADM X the amount 37193  
specified in division (A) of section 3317.013 of the Revised Code) 37194  
+ (the district's category two special education ADM X the amount 37195  
specified in division (B) of section 3317.013 of the Revised Code) 37196  
+ (the district's category three special education ADM X the 37197  
amount specified in division (C) of section 3317.013 of the 37198  
Revised Code) + (the district's category four special education 37199  
ADM X the amount specified in division (D) of section 3317.013 of 37200  
the Revised Code) + (the district's category five special 37201  
education ADM X the amount specified in division (E) of section 37202  
3317.013 of the Revised Code) + (the district's category six 37203  
special education ADM X the amount specified in division (F) of 37204  
section 3317.013 of the Revised Code) 37205

The purposes approved by the department for special education 37206  
expenses shall include, but shall not be limited to, 37207  
identification of children with disabilities, compliance with 37208  
state rules governing the education of children with disabilities 37209  
and prescribing the continuum of program options for children with 37210  
disabilities, provision of speech language pathology services, and 37211  
the portion of the school district's overall administrative and 37212  
overhead costs that are attributable to the district's special 37213  
education student population. 37214

The scholarships deducted from the school district's account 37215  
under sections 3310.41 and 3310.55 of the Revised Code shall be 37216  
considered to be an approved special education and related 37217  
services expense for the purpose of the school district's 37218  
compliance with this division. 37219

(C) In any fiscal year, a school district receiving funds 37220  
under division (A)(8) of this section shall spend those funds only 37221  
for the purposes that the department designates as approved for 37222  
career-technical education expenses. Career-technical education 37223  
expenses approved by the department shall include only expenses 37224  
connected to the delivery of career-technical programming to 37225  
career-technical students. The department shall require the school 37226  
district to report data annually so that the department may 37227  
monitor the district's compliance with the requirements regarding 37228  
the manner in which funding received under division (A)(8) of this 37229  
section may be spent. 37230

(D) In any fiscal year, a school district receiving funds 37231  
under division (A)(9) of this section, or through a transfer of 37232  
funds pursuant to division (I) of section 3317.023 of the Revised 37233  
Code, shall spend those funds only for the purposes that the 37234  
department designates as approved for career-technical education 37235  
associated services expenses, which may include such purposes as 37236  
apprenticeship coordinators, coordinators for other 37237  
career-technical education services, career-technical evaluation, 37238  
and other purposes designated by the department. The department 37239  
may deny payment under division (A)(9) of this section to any 37240  
district that the department determines is not operating those 37241  
services or is using funds paid under division (A)(9) of this 37242  
section, or through a transfer of funds pursuant to division (I) 37243  
of section 3317.023 of the Revised Code, for other purposes. 37244

(E) All funds received under division (A)(8) of this section 37245  
shall be spent in the following manner: 37246

(1) At least seventy-five per cent of the funds shall be 37247  
spent on curriculum development, purchase, and implementation; 37248  
instructional resources and supplies; industry-based program 37249  
certification; student assessment, credentialing, and placement; 37250  
curriculum specific equipment purchases and leases; 37251

career-technical student organization fees and expenses; home and 37252  
agency linkages; work-based learning experiences; professional 37253  
development; and other costs directly associated with 37254  
career-technical education programs including development of new 37255  
programs. 37256

(2) Not more than twenty-five per cent of the funds shall be 37257  
used for personnel expenditures. 37258

(F) A school district shall spend the funds it receives under 37259  
division (A)(5) of this section in accordance with section 3317.25 37260  
of the Revised Code. 37261

**Sec. 3317.024.** The following shall be distributed monthly, 37262  
quarterly, or annually as may be determined by the state board of 37263  
education: 37264

(A) An amount for each island school district and each joint 37265  
state school district for the operation of each high school and 37266  
each elementary school maintained within such district and for 37267  
capital improvements for such schools. Such amounts shall be 37268  
determined on the basis of standards adopted by the state board of 37269  
education. However, for fiscal years 2012 and 2013, an island 37270  
district shall receive the lesser of its actual cost of operation, 37271  
as certified to the department of education, or ninety-three per 37272  
cent of the amount the district received in state operating 37273  
funding for fiscal year 2011. If an island district received no 37274  
funding for fiscal year 2011, it shall receive no funding for 37275  
either of fiscal year 2012 or 2013. 37276

(B) An amount for each school district required to pay 37277  
tuition for a child in an institution maintained by the department 37278  
of youth services pursuant to section 3317.082 of the Revised 37279  
Code, provided the child was not included in the calculation of 37280  
the district's formula ADM, as that term is defined in section 37281  
3317.02 of the Revised Code, for the preceding school year. 37282



(C) An amount for the approved cost of transporting eligible pupils with disabilities attending a special education program approved by the department of education whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by the school district or educational service center. No district or service center is eligible to receive a payment under this division for the cost of transporting any pupil whom it transports by regular school bus and who is included in the district's transportation ADM. The state board of education shall establish standards and guidelines for use by the department of education in determining the approved cost of such transportation for each district or service center.

(D) An amount to each school district, including each cooperative education school district, pursuant to section 3313.81 of the Revised Code to assist in providing free lunches to needy children. The amounts shall be determined on the basis of rules adopted by the state board of education.

(E)(1) An amount for auxiliary services to each school district, for each pupil attending a chartered nonpublic elementary or high school within the district. ~~The~~ that is affiliated with a religious order, sect, church, or denomination or has a curriculum or mission that contains religious content, religious courses, devotional exercises, religious training, or any other religious activity.

(2) An amount for auxiliary services paid directly to each chartered nonpublic school not described in division (E)(1) of this section for each pupil attending the school.

The amount paid under divisions (E)(1) and (2) of this section shall equal the total amount appropriated for the implementation of ~~section~~ sections 3317.06 and 3317.062 of the Revised Code divided by the average daily membership in grades kindergarten through twelve in chartered nonpublic elementary and

high schools within the state as determined as of the last day of 37315  
October of each school year. 37316

(F) An amount for each county board of developmental 37317  
disabilities, distributed on the basis of standards adopted by the 37318  
state board of education, for the approved cost of transportation 37319  
required for children attending special education programs 37320  
operated by the county board under section 3323.09 of the Revised 37321  
Code; 37322

(G) An amount to each institution defined under section 37323  
3317.082 of the Revised Code providing elementary or secondary 37324  
education to children other than children receiving special 37325  
education under section 3323.091 of the Revised Code. This amount 37326  
for any institution in any fiscal year shall equal the total of 37327  
all tuition amounts required to be paid to the institution under 37328  
division (A)(1) of section 3317.082 of the Revised Code. 37329

The state board of education or any other board of education 37330  
or governing board may provide for any resident of a district or 37331  
educational service center territory any educational service for 37332  
which funds are made available to the board by the United States 37333  
under the authority of public law, whether such funds come 37334  
directly or indirectly from the United States or any agency or 37335  
department thereof or through the state or any agency, department, 37336  
or political subdivision thereof. 37337

**Sec. 3317.025.** On or before the first day of June of each 37338  
year, the tax commissioner shall certify the following information 37339  
to the department of education and the office of budget and 37340  
management, for each school district in which the value of the 37341  
property described under division (A) of this section exceeds one 37342  
per cent of the taxable value of all real and tangible personal 37343  
property in the district or in which is located tangible personal 37344  
property designed for use or used in strip mining operations, 37345

whose taxable value exceeds five million dollars, and the taxes 37346  
upon which the district is precluded from collecting by virtue of 37347  
legal proceedings to determine the value of such property: 37348

(A) The total taxable value of all property in the district 37349  
owned by a public utility or railroad that has filed a petition 37350  
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 37351  
(1898), 11 U.S.C. 205, as amended, and all tangible personal 37352  
property in the district designed for use or used in strip mining 37353  
operations whose taxable value exceeds five million dollars upon 37354  
which have not been paid in full on or before the first day of 37355  
April of that calendar year all real and tangible personal 37356  
property taxes levied for the preceding calendar year and which 37357  
the district was precluded from collecting by virtue of 37358  
proceedings under section 205 of said act or by virtue of legal 37359  
proceedings to determine the tax liability of such strip mining 37360  
equipment; 37361

(B) The percentage of the total operating taxes charged and 37362  
payable for school district purposes levied against such valuation 37363  
for the preceding calendar year that have not been paid by such 37364  
date; 37365

(C) The product obtained by multiplying the value certified 37366  
under division (A) of this section by the percentage certified 37367  
under division (B) of this section. If the value certified under 37368  
division (A) of this section includes taxable property owned by a 37369  
public utility or railroad that has filed a petition for 37370  
reorganization under the bankruptcy act, the amount used in making 37371  
the calculation under this division shall be reduced by one per 37372  
cent of the total value of all real and tangible personal property 37373  
in the district or the value of the utility's or railroad's 37374  
property, whichever is less. 37375

Upon receipt of the certification, the department shall 37376  
recompute the payments required under this chapter in the manner 37377

the payments would have been computed if: 37378

(1) The amount certified under division (C) of this section 37379  
was not subject to taxation by the district and was not included 37380  
in the certification made under division (A)(1), (A)(2), or ~~(D)~~(C) 37381  
of section 3317.021 of the Revised Code. 37382

(2) The amount of taxes charged and payable and unpaid and 37383  
used to make the computation under division (B) of this section 37384  
had not been levied and had not been used in the computation 37385  
required by division (B) of section 3317.021 of the Revised Code. 37386  
The department shall pay the district that amount in the ensuing 37387  
fiscal year in lieu of the amounts computed under this chapter. 37388

If a school district received a grant from the catastrophic 37389  
expenditures account pursuant to division (C) of section 3316.20 37390  
of the Revised Code on the basis of the same circumstances for 37391  
which a recomputation is made under this section, the amount of 37392  
the recomputation shall be reduced and transferred in accordance 37393  
with division (C) of section 3316.20 of the Revised Code. 37394

**Sec. 3317.0212.** (A) As used in this section: 37395

(1) "Qualifying riders" means resident students enrolled in 37396  
regular education in grades kindergarten to twelve who are 37397  
provided school bus service by a school district and who live more 37398  
than one mile from the school they attend, including students with 37399  
dual enrollment in a joint vocational school district or a 37400  
cooperative education school district, and students enrolled in a 37401  
community school, STEM school, or nonpublic school. 37402

(2) "Qualifying ridership" means the average number of 37403  
qualifying riders who are provided school bus service by a school 37404  
district during the first full week of October. 37405

(3) "Rider density" means the total ADM per square mile of a 37406  
school district. 37407

(4) "School bus service" means a school district's transportation of qualifying riders in any of the following types of vehicles:

(a) School buses owned or leased by the district;

(b) School buses operated by a private contractor hired by the district;

(c) School buses operated by another school district or entity with which the district has contracted, either as part of a consortium for the provision of transportation or otherwise.

(B) Not later than the fifteenth day of October each year, each city, local, and exempted village school district shall report to the department of education its qualifying ridership and any other information requested by the department. Subsequent adjustments to the reported numbers shall be made only in accordance with rules adopted by the department.

(C) The department shall calculate the statewide transportation cost per student as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying ridership in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year.

(D) The department shall calculate the statewide

transportation cost per mile as follows: 37438

(1) Determine each city, local, and exempted village school 37439  
district's transportation cost per mile by dividing the district's 37440  
total costs for school bus service in the previous fiscal year by 37441  
its total number of miles driven for school bus service in the 37442  
previous fiscal year. 37443

(2) After excluding districts that do not provide school bus 37444  
service and the ten districts with the highest transportation 37445  
costs per mile and the ten districts with the lowest 37446  
transportation costs per mile, divide the aggregate cost for 37447  
school bus service for the remaining districts in the previous 37448  
fiscal year by the aggregate miles driven for school bus service 37449  
in those districts in the previous fiscal year. 37450

(E) The department shall calculate each city, local, and 37451  
exempted village school district's transportation payment as 37452  
follows: 37453

(1) Multiply the statewide transportation cost per student by 37454  
the district's qualifying ridership for the current fiscal year. 37455

(2) Multiply the statewide transportation cost per mile by 37456  
the district's total number of miles driven for school bus service 37457  
in the current fiscal year. 37458

(3) Multiply the greater of the amounts calculated under 37459  
divisions (E)(1) and (2) of this section by the following: 37460

(a) For fiscal year 2018, the greater of fifty thirty-seven 37461  
and one-half per cent or the district's state share index, as 37462  
defined in section 3317.02 of the Revised Code; 37463

(b) For fiscal year 2019, the greater of twenty-five per cent 37464  
or the district's state share index. 37465

(F) In addition to funds paid under division (E) of this 37466  
section, each city, local, and exempted village district shall 37467

receive in accordance with rules adopted by the state board of 37468  
education a payment for students transported by means other than 37469  
school bus service and whose transportation is not funded under 37470  
division (C) of section 3317.024 of the Revised Code. The rules 37471  
shall include provisions for school district reporting of such 37472  
students. 37473

(G)(1) For purposes of division (G) of this section, a school 37474  
district's "transportation supplement percentage" means the 37475  
following quotient: 37476

~~+(35, in fiscal year 2016, or 50, in fiscal year 2017) - the~~ 37477  
district's rider density~~+) / 100~~ 37478

If the result of the calculation for a district under 37479  
division (G)(1) of this section is less than zero, the district's 37480  
transportation supplement percentage shall be zero. 37481

(2) The department shall pay each district a transportation 37482  
supplement calculated according to the following formula: 37483

The district's transportation supplement percentage X the amount 37484  
calculated for the district under division (E)(2) of this section 37485  
X 0.55 37486

**Sec. 3317.0218.** The department of education shall annually 37487  
compute capacity aid funds to school districts, as follows: 37488

(A) For each school district, multiply the district's 37489  
three-year average valuation by 0.001; 37490

(B) Determine the median amount of all of the amounts 37491  
calculated under division (A) of this section; 37492

(C) Calculate each school district's capacity ratio, which 37493  
equals the greater of zero or the amount calculated as follows: 37494

(The amount determined under division (B) of this section / the 37495  
amount calculated for the district under division (A) of this 37496  
section) - 1 37497

If the result of a calculation for a school district under 37498  
division (C) of this section is greater than 2.5, the district's 37499  
capacity ratio shall be 2.5. 37500

(D) Calculate the capacity aid per pupil amount, which equals 37501  
the following quotient: 37502

(The amount determined under division (B) of this section) / (the 37503  
average of the formula ADMs of all of the districts for which the 37504  
amount calculated under division (A) of this section is less than 37505  
the amount determined under division (B) of this section) 37506

(E) Calculate each school district's capacity aid, which 37507  
equals the following product: 37508

The capacity aid per pupil amount calculated under division (D) of 37509  
this section X the district's formula ADM X ~~(2.75, for fiscal year~~ 37510  
~~2016, or 3.5, for fiscal year 2017)~~ 4.0 X the district's capacity 37511  
ratio calculated under division (C) of this section 37512

**Sec. 3317.06.** Moneys paid to school districts under division 37513  
(E)(1) of section 3317.024 of the Revised Code shall be used for 37514  
the following independent and fully severable purposes: 37515

(A) To purchase such secular textbooks or digital texts as 37516  
have been approved by the superintendent of public instruction for 37517  
use in public schools in the state and to loan such textbooks or 37518  
digital texts to pupils attending nonpublic schools within the 37519  
district described in division (E)(1) of section 3317.024 of the 37520  
Revised Code or to their parents and to hire clerical personnel to 37521  
administer such lending program. Such loans shall be based upon 37522  
individual requests submitted by such nonpublic school pupils or 37523  
parents. Such requests shall be submitted to the school district 37524  
in which the nonpublic school is located. Such individual requests 37525  
for the loan of textbooks or digital texts shall, for 37526  
administrative convenience, be submitted by the nonpublic school 37527  
pupil or the pupil's parent to the nonpublic school, which shall 37528



prepare and submit collective summaries of the individual requests 37529  
to the school district. As used in this section: 37530

(1) "Textbook" means any book or book substitute that a pupil 37531  
uses as a consumable or nonconsumable text, text substitute, or 37532  
text supplement in a particular class or program in the school the 37533  
pupil regularly attends. 37534

(2) "Digital text" means a consumable book or book substitute 37535  
that a student accesses through the use of a computer or other 37536  
electronic medium or that is available through an internet-based 37537  
provider of course content, or any other material that contributes 37538  
to the learning process through electronic means. 37539

(B) To provide speech and hearing diagnostic services to 37540  
pupils attending nonpublic schools within the district described 37541  
in division (E)(1) of section 3317.024 of the Revised Code. Such 37542  
service shall be provided in the nonpublic school attended by the 37543  
pupil receiving the service. 37544

(C) To provide physician, nursing, dental, and optometric 37545  
services to pupils attending nonpublic schools within the district 37546  
described in division (E)(1) of section 3317.024 of the Revised 37547  
Code. Such services shall be provided in the school attended by 37548  
the nonpublic school pupil receiving the service. 37549

(D) To provide diagnostic psychological services to pupils 37550  
attending nonpublic schools within the district described in 37551  
division (E)(1) of section 3317.024 of the Revised Code. Such 37552  
services shall be provided in the school attended by the pupil 37553  
receiving the service. 37554

(E) To provide therapeutic psychological and speech and 37555  
hearing services to pupils attending nonpublic schools within the 37556  
district described in division (E)(1) of section 3317.024 of the 37557  
Revised Code. Such services shall be provided in the public 37558  
school, in nonpublic schools, in public centers, or in mobile 37559

units located on or off of the nonpublic premises. If such 37560  
services are provided in the public school or in public centers, 37561  
transportation to and from such facilities shall be provided by 37562  
the school district in which the nonpublic school is located. 37563

(F) To provide guidance, counseling, and social work services 37564  
to pupils attending nonpublic schools within the district 37565  
described in division (E)(1) of section 3317.024 of the Revised 37566  
Code. Such services shall be provided in the public school, in 37567  
nonpublic schools, in public centers, or in mobile units located 37568  
on or off of the nonpublic premises. If such services are provided 37569  
in the public school or in public centers, transportation to and 37570  
from such facilities shall be provided by the school district in 37571  
which the nonpublic school is located. 37572

(G) To provide remedial services to pupils attending 37573  
nonpublic schools within the district described in division (E)(1) 37574  
of section 3317.024 of the Revised Code. Such services shall be 37575  
provided in the public school, in nonpublic schools, in public 37576  
centers, or in mobile units located on or off of the nonpublic 37577  
premises. If such services are provided in the public school or in 37578  
public centers, transportation to and from such facilities shall 37579  
be provided by the school district in which the nonpublic school 37580  
is located. 37581

(H) To supply for use by pupils attending nonpublic schools 37582  
within the district described in division (E)(1) of section 37583  
3317.024 of the Revised Code such standardized tests and scoring 37584  
services as are in use in the public schools of the state; 37585

(I) To provide programs for children who attend nonpublic 37586  
schools within the district described in division (E)(1) of 37587  
section 3317.024 of the Revised Code and are children with 37588  
disabilities as defined in section 3323.01 of the Revised Code or 37589  
gifted children. Such programs shall be provided in the public 37590  
school, in nonpublic schools, in public centers, or in mobile 37591

units located on or off of the nonpublic premises. If such 37592  
programs are provided in the public school or in public centers, 37593  
transportation to and from such facilities shall be provided by 37594  
the school district in which the nonpublic school is located. 37595

(J) To hire clerical personnel to assist in the 37596  
administration of programs pursuant to divisions (B), (C), (D), 37597  
(E), (F), (G), and (I) of this section and to hire supervisory 37598  
personnel to supervise the providing of services and textbooks 37599  
pursuant to this section. 37600

(K) To purchase or lease any secular, neutral, and 37601  
nonideological computer application software designed to assist 37602  
students in performing a single task or multiple related tasks, 37603  
device management software, learning management software, 37604  
site-licensing, digital video on demand (DVD), wide area 37605  
connectivity and related technology as it relates to internet 37606  
access, mathematics or science equipment and materials, 37607  
instructional materials, and school library materials that are in 37608  
general use in the public schools of the state and loan such items 37609  
to pupils attending nonpublic schools within the district 37610  
described in division (E)(1) of section 3317.024 of the Revised 37611  
Code or to their parents, and to hire clerical personnel to 37612  
administer the lending program. Only such items that are incapable 37613  
of diversion to religious use and that are susceptible of loan to 37614  
individual pupils and are furnished for the use of individual 37615  
pupils shall be purchased and loaned under this division. As used 37616  
in this section, "instructional materials" means prepared learning 37617  
materials that are secular, neutral, and nonideological in 37618  
character and are of benefit to the instruction of school 37619  
children. "Instructional materials" includes media content that a 37620  
student may access through the use of a computer or electronic 37621  
device. 37622

Mobile applications that are secular, neutral, and 37623

nonideological in character and that are purchased for less than 37624  
twenty dollars for instructional use shall be considered to be 37625  
consumable and shall be distributed to students without the 37626  
expectation that the applications must be returned. 37627

(L) To purchase or lease instructional equipment, including 37628  
computer hardware and related equipment in general use in the 37629  
public schools of the state, for use by pupils attending nonpublic 37630  
schools within the district described in division (E)(1) of 37631  
section 3317.024 of the Revised Code and to loan such items to 37632  
pupils attending such nonpublic schools within the district or to 37633  
their parents, and to hire clerical personnel to administer the 37634  
lending program. "Computer hardware and related equipment" 37635  
includes desktop computers and workstations; laptop computers, 37636  
computer tablets, and other mobile handheld devices; their 37637  
operating systems and accessories; and any equipment designed to 37638  
make accessible the environment of a classroom to a student, who 37639  
is physically unable to attend classroom activities due to 37640  
hospitalization or other circumstances, by allowing real-time 37641  
interaction with other students both one-on-one and in group 37642  
discussion. 37643

(M) To purchase mobile units to be used for the provision of 37644  
services pursuant to divisions (E), (F), (G), and (I) of this 37645  
section and to pay for necessary repairs and operating costs 37646  
associated with these units. 37647

(N) To reimburse costs the district incurred to store the 37648  
records of a chartered nonpublic school that closes. 37649  
Reimbursements under this division shall be made one time only for 37650  
each chartered nonpublic school described in division (E)(1) of 37651  
section 3317.024 of the Revised Code that closes. 37652

(O) To purchase life-saving medical or other emergency 37653  
equipment for placement in nonpublic schools within the district 37654  
described in division (E)(1) of section 3317.024 of the Revised 37655

Code or to maintain such equipment. 37656

(P) To procure and pay for security services from a county sheriff or a township or municipal police force or from a person certified through the Ohio peace officer training commission, in accordance with section 109.78 of the Revised Code, as a special police, security guard, or as a privately employed person serving in a police capacity for nonpublic schools in the district described in division (E)(1) of section 3317.024 of the Revised Code. 37657  
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(O) To provide language and academic support services and other accommodations for English language learners attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. 37665  
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Clerical and supervisory personnel hired pursuant to division (J) of this section shall perform their services in the public schools, in nonpublic schools, public centers, or mobile units where the services are provided to the nonpublic school pupil, except that such personnel may accompany pupils to and from the service sites when necessary to ensure the safety of the children receiving the services. 37669  
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All services provided pursuant to this section may be provided under contract with educational service centers, the department of health, city or general health districts, or private agencies whose personnel are properly licensed by an appropriate state board or agency. 37676  
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Transportation of pupils provided pursuant to divisions (E), (F), (G), and (I) of this section shall be provided by the school district from its general funds and not from moneys paid to it under division (E)(1) of section 3317.024 of the Revised Code unless a special transportation request is submitted by the parent of the child receiving service pursuant to such divisions. If such 37681  
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an application is presented to the school district, it may pay for 37687  
the transportation from moneys paid to it under division (E)(1) of 37688  
section 3317.024 of the Revised Code. 37689

No school district shall provide health or remedial services 37690  
to nonpublic school pupils as authorized by this section unless 37691  
such services are available to pupils attending the public schools 37692  
within the district. 37693

Materials, equipment, computer hardware or software, 37694  
textbooks, digital texts, and health and remedial services 37695  
provided for the benefit of nonpublic school pupils pursuant to 37696  
this section and the admission of pupils to such nonpublic schools 37697  
shall be provided without distinction as to race, creed, color, or 37698  
national origin of such pupils or of their teachers. 37699

No school district shall provide services, materials, or 37700  
equipment that contain religious content for use in religious 37701  
courses, devotional exercises, religious training, or any other 37702  
religious activity. 37703

As used in this section, "parent" includes a person standing 37704  
in loco parentis to a child. 37705

Notwithstanding section 3317.01 of the Revised Code, payments 37706  
shall be made under this section to any city, local, or exempted 37707  
village school district within which is located one or more 37708  
nonpublic elementary or high schools described in division (E)(1) 37709  
of section 3317.024 of the Revised Code and any payments made to 37710  
school districts under division (E)(1) of section 3317.024 of the 37711  
Revised Code for purposes of this section may be disbursed without 37712  
submission to and approval of the controlling board. 37713

The allocation of payments for materials, equipment, 37714  
textbooks, digital texts, health services, and remedial services 37715  
to city, local, and exempted village school districts shall be on 37716  
the basis of the state board of education's estimated annual 37717

average daily membership in nonpublic elementary and high schools 37718  
located in the district described in division (E)(1) of section 37719  
3317.024 of the Revised Code. 37720

Payments made to city, local, and exempted village school 37721  
districts under this section shall be equal to specific 37722  
appropriations made for the purpose. All interest earned by a 37723  
school district on such payments shall be used by the district for 37724  
the same purposes and in the same manner as the payments may be 37725  
used. 37726

The department of education shall adopt guidelines and 37727  
procedures under which such programs and services shall be 37728  
provided, under which districts shall be reimbursed for 37729  
administrative costs incurred in providing such programs and 37730  
services, and under which any unexpended balance of the amounts 37731  
appropriated by the general assembly to implement this section may 37732  
be transferred to the auxiliary services personnel unemployment 37733  
compensation fund established pursuant to section 4141.47 of the 37734  
Revised Code. The department shall also adopt guidelines and 37735  
procedures limiting the purchase and loan of the items described 37736  
in division (K) of this section to items that are in general use 37737  
in the public schools of the state, that are incapable of 37738  
diversion to religious use, and that are susceptible to individual 37739  
use rather than classroom use. Within thirty days after the end of 37740  
each biennium, each board of education shall remit to the 37741  
department all moneys paid to it under division (E)(1) of section 37742  
3317.024 of the Revised Code and any interest earned on those 37743  
moneys that are not required to pay expenses incurred under this 37744  
section during the biennium for which the money was appropriated 37745  
and during which the interest was earned. If a board of education 37746  
subsequently determines that the remittal of moneys leaves the 37747  
board with insufficient money to pay all valid expenses incurred 37748  
under this section during the biennium for which the remitted 37749

money was appropriated, the board may apply to the department of 37750  
education for a refund of money, not to exceed the amount of the 37751  
insufficiency. If the department determines the expenses were 37752  
lawfully incurred and would have been lawful expenditures of the 37753  
refunded money, it shall certify its determination and the amount 37754  
of the refund to be made to the director of job and family 37755  
services who shall make a refund as provided in section 4141.47 of 37756  
the Revised Code. 37757

Each school district shall label materials, equipment, 37758  
computer hardware or software, textbooks, and digital texts 37759  
purchased or leased for loan to a nonpublic school under this 37760  
section, acknowledging that they were purchased or leased with 37761  
state funds under this section. However, a district need not label 37762  
materials, equipment, computer hardware or software, textbooks, or 37763  
digital texts that the district determines are consumable in 37764  
nature or have a value of less than two hundred dollars. 37765

Sec. 3317.062. (A) Moneys paid to chartered nonpublic schools 37766  
under division (E)(2) of section 3317.024 of the Revised Code 37767  
shall be used for one or more of the following purposes: 37768

(1) To purchase secular textbooks or digital texts, as 37769  
defined in divisions (A)(1) and (2) of section 3317.06 of the 37770  
Revised Code, as have been approved by the superintendent of 37771  
public instruction for use in public schools in the state; 37772

(2) To provide the services described in divisions (B), (C), 37773  
(D), and (O) of section 3317.06 of the Revised Code; 37774

(3) To provide the services described in divisions (E), (F), 37775  
(G), and (I) of section 3317.06 of the Revised Code. If such 37776  
services are provided in public schools or in public centers, 37777  
transportation to and from such facilities shall be provided by 37778  
the nonpublic school. 37779



(4) To supply for use by pupils attending the school such standardized tests and scoring services as are in use in the public schools of the state; 37780  
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(5) To hire clerical personnel to assist in the administration of divisions (A)(2), (3), and (4) of this section and to hire supervisory personnel to supervise the providing of services and textbooks pursuant to this section. These personnel shall perform their services in the public schools, in nonpublic schools, public centers, or mobile units where the services are provided to the nonpublic school pupil, except that such personnel may accompany pupils to and from the service sites when necessary to ensure the safety of the children receiving the services. All services provided pursuant to this section may be provided under contract with educational service centers, the department of health, city or general health districts, or private agencies whose personnel are properly licensed by an appropriate state board or agency. 37783  
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(6) To purchase any of the materials described in division (K) of section 3317.06 of the Revised Code; 37797  
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(7) To purchase any of the equipment described in division (L) of section 3317.06 of the Revised Code; 37799  
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(8) To purchase mobile units to be used for the provision of services pursuant to division (A)(3) of this section and to pay for necessary repairs and operating costs associated with these units; 37801  
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(9) To purchase the equipment described in division (O) of section 3317.06 of the Revised Code; 37805  
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(10) To procure and pay for security services described in division (P) of section 3317.06 of the Revised Code. 37807  
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(B) Materials, equipment, computer hardware and software, textbooks, digital texts, and health and remedial services 37809  
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provided pursuant to this section and the admission of pupils to 37811  
nonpublic schools shall be provided without distinction as to 37812  
race, creed, color, or national origin of such pupils or of their 37813  
teachers. 37814

(C) The department of education shall adopt guidelines and 37815  
procedures regarding both of the following: 37816

(1) The expenditure of moneys under this section; 37817

(2) The audit of nonpublic schools receiving funds under this 37818  
section to ensure the appropriate use of funds. 37819

**Sec. 3317.16.** (A) The department of education shall compute 37820  
and distribute state core foundation funding to each joint 37821  
vocational school district for the fiscal year as prescribed in 37822  
the following divisions: 37823

(1) An opportunity grant calculated according to the 37824  
following formula: 37825

(The formula amount X formula ADM) - (0.0005 X the district's 37826  
three-year average valuation) 37827

However, no district shall receive an opportunity grant that 37828  
is less than 0.05 times the formula amount times formula ADM. 37829

(2) Additional state aid for special education and related 37830  
services provided under Chapter 3323. of the Revised Code 37831  
calculated as the sum of the following: 37832

(a) The district's category one special education ADM X the 37833  
amount specified in division (A) of section 3317.013 of the 37834  
Revised Code X the district's state share percentage; 37835

(b) The district's category two special education ADM X the 37836  
amount specified in division (B) of section 3317.013 of the 37837  
Revised Code X the district's state share percentage; 37838

(c) The district's category three special education ADM X the 37839

amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage;	37840 37841
(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage;	37842 37843 37844
(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage;	37845 37846 37847
(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage.	37848 37849 37850
(3) Economically disadvantaged funds calculated according to the following formula:	37851 37852
\$272 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code	37853 37854 37855
(4) Limited English proficiency funds calculated as the sum of the following:	37856 37857
(a) The district's category one limited English proficient ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage;	37858 37859 37860
(b) The district's category two limited English proficient ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share percentage;	37861 37862 37863
(c) The district's category three limited English proficient ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share percentage;	37864 37865 37866
(5) Career-technical education funds calculated as the sum of the following:	37867 37868
(a) The district's category one career-technical education	37869

ADM X the amount specified in division (A) of section 3317.014 of 37870  
the Revised Code X the district's state share percentage; 37871

(b) The district's category two career-technical education 37872  
ADM X the amount specified in division (B) of section 3317.014 of 37873  
the Revised Code X the district's state share percentage; 37874

(c) The district's category three career-technical education 37875  
ADM X the amount specified in division (C) of section 3317.014 of 37876  
the Revised Code X the district's state share percentage; 37877

(d) The district's category four career-technical education 37878  
ADM X the amount specified in division (D) of section 3317.014 of 37879  
the Revised Code X the district's state share percentage; 37880

(e) The district's category five career-technical education 37881  
ADM X the amount specified in division (E) of section 3317.014 of 37882  
the Revised Code X the district's state share percentage. 37883

Payment of funds under division (A)(5) of this section is 37884  
subject to approval under section 3317.161 of the Revised Code. 37885

(6) Career-technical education associated services funds 37886  
calculated under the following formula: 37887

The district's state share percentage X the 37888  
amount for career-technical education associated services 37889  
specified in section 3317.014 of the Revised Code X the sum of 37890  
categories one through five career-technical 37891  
education ~~ADM X the district's state share percentage~~ 37892

(7) A graduation bonus calculated according to the following 37893  
formula: 37894

The district's graduation rate as reported on its most recent 37895  
report card issued by the department under section 3302.033 of the 37896  
Revised Code X 0.075 X the formula amount X the number of the 37897  
district's students who received high school or honors high school 37898  
diplomas as reported by the district to the department, in 37899

accordance with the guidelines adopted under section 3301.0714 of 37900  
the Revised Code, for the same school year for which the most 37901  
recent report card was issued X the district's state share 37902  
percentage 37903

(B)(1) If a joint vocational school district's costs for a 37904  
fiscal year for a student in its categories two through six 37905  
special education ADM exceed the threshold catastrophic cost for 37906  
serving the student, as specified in division (B) of section 37907  
3317.0214 of the Revised Code, the district may submit to the 37908  
superintendent of public instruction documentation, as prescribed 37909  
by the superintendent, of all of its costs for that student. Upon 37910  
submission of documentation for a student of the type and in the 37911  
manner prescribed, the department shall pay to the district an 37912  
amount equal to the sum of the following: 37913

(a) One-half of the district's costs for the student in 37914  
excess of the threshold catastrophic cost; 37915

(b) The product of one-half of the district's costs for the 37916  
student in excess of the threshold catastrophic cost multiplied by 37917  
the district's state share percentage. 37918

(2) The district shall report under division (B)(1) of this 37919  
section, and the department shall pay for, only the costs of 37920  
educational expenses and the related services provided to the 37921  
student in accordance with the student's individualized education 37922  
program. Any legal fees, court costs, or other costs associated 37923  
with any cause of action relating to the student may not be 37924  
included in the amount. 37925

(C)(1) For each student with a disability receiving special 37926  
education and related services under an individualized education 37927  
program, as defined in section 3323.01 of the Revised Code, at a 37928  
joint vocational school district, the resident district or, if the 37929  
student is enrolled in a community school, the community school 37930  
shall be responsible for the amount of any costs of providing 37931

those special education and related services to that student that 37932  
exceed the sum of the amount calculated for those services 37933  
attributable to that student under division (A) of this section. 37934

Those excess costs shall be calculated using a formula 37935  
approved by the department. 37936

(2) The board of education of the joint vocational school 37937  
district may report the excess costs calculated under division 37938  
(C)(1) of this section to the department of education. 37939

(3) If the board of education of the joint vocational school 37940  
district reports excess costs under division (C)(2) of this 37941  
section, the department shall pay the amount of excess cost 37942  
calculated under division (C)(2) of this section to the joint 37943  
vocational school district and shall deduct that amount as 37944  
provided in division (C)(3)(a) or (b) of this section, as 37945  
applicable: 37946

(a) If the student is not enrolled in a community school, the 37947  
department shall deduct the amount from the account of the 37948  
student's resident district pursuant to division (J) of section 37949  
3317.023 of the Revised Code. 37950

(b) If the student is enrolled in a community school, the 37951  
department shall deduct the amount from the account of the 37952  
community school pursuant to section 3314.083 of the Revised Code. 37953

~~(D)~~(1) In any fiscal year, a school district receiving funds 37954  
under division (A)(5) of this section shall spend those funds only 37955  
for the purposes that the department designates as approved for 37956  
career-technical education expenses. Career-technical education 37957  
expenses approved by the department shall include only expenses 37958  
connected to the delivery of career-technical programming to 37959  
career-technical students. The department shall require the school 37960  
district to report data annually so that the department may 37961  
monitor the district's compliance with the requirements regarding 37962

the manner in which funding received under division (A)(5) of this section may be spent. 37963  
37964

~~(2) All funds received under division (A)(5) of this section shall be spent in the following manner:~~ 37965  
37966

~~(a) At least seventy five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career technical student organization fees and expenses; home and agency linkages; work based learning experiences; professional development; and other costs directly associated with career technical education programs including development of new programs.~~ 37967  
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~~(b) Not more than twenty five per cent of the funds shall be used for personnel expenditures.~~ 37977  
37978

(E) In any fiscal year, a school district receiving funds under division (A)(6) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for career-technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career-technical education services, career-technical evaluation, and other purposes designated by the department. The department may deny payment under division (A)(6) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(6) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes. 37979  
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(F) A joint vocational school district shall spend the funds 37993

it receives under division (A)(3) of this section in accordance 37994  
with section 3317.25 of the Revised Code. 37995

(G) As used in this section: 37996

(1) "Community school" means a community school established 37997  
under Chapter 3314. of the Revised Code. 37998

(2) "Resident district" means the city, local, or exempted 37999  
village school district in which a student is entitled to attend 38000  
school under section 3313.64 or 3313.65 of the Revised Code. 38001

(3) "State share percentage" is equal to the following: 38002  
The amount computed under division (A)(1) of this section / 38003  
(the formula amount X formula ADM) 38004

**Sec. 3318.01.** As used in sections 3318.01 to 3318.20 of the 38005  
Revised Code: 38006

(A) "Ohio ~~school~~ facilities construction commission" means 38007  
the commission created pursuant to section ~~3318.30~~ 123.20 of the 38008  
Revised Code. 38009

(B) "Classroom facilities" means rooms in which pupils 38010  
regularly assemble in public school buildings to receive 38011  
instruction and education and such facilities and building 38012  
improvements for the operation and use of such rooms as may be 38013  
needed in order to provide a complete educational program, and may 38014  
include space within which a child care facility or a community 38015  
resource center is housed. "Classroom facilities" includes any 38016  
space necessary for the operation of a vocational education 38017  
program for secondary students in any school district that 38018  
operates such a program. 38019

(C) "Project" means a project to construct or acquire 38020  
classroom facilities, or to reconstruct or make additions to 38021  
existing classroom facilities, to be used for housing the 38022  
applicable school district and its functions. 38023



(D) "School district" means a local, exempted village, or city school district as such districts are defined in Chapter 3311. of the Revised Code, acting as an agency of state government, performing essential governmental functions of state government pursuant to sections 3318.01 to 3318.20 of the Revised Code.

For purposes of assistance provided under sections 3318.40 to 3318.45 of the Revised Code, the term "school district" as used in this section and in divisions (A), (C), and (D) of section 3318.03 and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 3318.14, 3318.15, 3318.16, ~~3318.19~~, and 3318.20 of the Revised Code means a joint vocational school district established pursuant to section 3311.18 of the Revised Code.

(E) "School district board" means the board of education of a school district.

(F) "Net bonded indebtedness" means the difference between the sum of the par value of all outstanding and unpaid bonds and notes which a school district board is obligated to pay and any amounts the school district is obligated to pay under lease-purchase agreements entered into under section 3313.375 of the Revised Code, and the amount held in the sinking fund and other indebtedness retirement funds for their redemption. Notes issued for school buses in accordance with section 3327.08 of the Revised Code, notes issued in anticipation of the collection of current revenues, and bonds issued to pay final judgments shall not be considered in calculating the net bonded indebtedness.

"Net bonded indebtedness" does not include indebtedness arising from the acquisition of land to provide a site for classroom facilities constructed, acquired, or added to pursuant to sections 3318.01 to 3318.20 of the Revised Code or the par value of bonds that have been authorized by the electors and the

proceeds of which will be used by the district to provide any part 38056  
of its portion of the basic project cost. 38057

(G) "Board of elections" means the board of elections of the 38058  
county containing the most populous portion of the school 38059  
district. 38060

(H) "County auditor" means the auditor of the county in which 38061  
the greatest value of taxable property of such school district is 38062  
located. 38063

(I) "Tax duplicates" means the general tax lists and 38064  
duplicates prescribed by sections 319.28 and 319.29 of the Revised 38065  
Code. 38066

(J) "Required level of indebtedness" means: 38067

(1) In the case of school districts in the first percentile, 38068  
five per cent of the district's valuation for the year preceding 38069  
the year in which the controlling board approved the project under 38070  
section 3318.04 of the Revised Code. 38071

(2) In the case of school districts ranked in a subsequent 38072  
percentile, five per cent of the district's valuation for the year 38073  
preceding the year in which the controlling board approved the 38074  
project under section 3318.04 of the Revised Code, plus [two 38075  
one-hundredths of one per cent multiplied by (the percentile in 38076  
which the district ranks for the fiscal year preceding the fiscal 38077  
year in which the controlling board approved the district's 38078  
project minus one)]. 38079

(K) "Required percentage of the basic project costs" means 38080  
one per cent of the basic project costs times the percentile in 38081  
which the school district ranks for the fiscal year preceding the 38082  
fiscal year in which the controlling board approved the district's 38083  
project. 38084

(L) "Basic project cost" means a cost amount determined in 38085

accordance with rules adopted under section 111.15 of the Revised Code by the Ohio ~~school~~ facilities construction commission. The basic project cost calculation shall take into consideration the square footage and cost per square foot necessary for the grade levels to be housed in the classroom facilities, the variation across the state in construction and related costs, the cost of the installation of site utilities and site preparation, the cost of demolition of all or part of any existing classroom facilities that are abandoned under the project, the cost of insuring the project until it is completed, any contingency reserve amount prescribed by the commission under section 3318.086 of the Revised Code, and the professional planning, administration, and design fees that a school district may have to pay to undertake a classroom facilities project.

For a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, the basic project cost calculation for a project under those sections shall also take into account the types of laboratory spaces and program square footages needed for the vocational education programs for high school students offered by the school district.

For a district that opts to divide its entire classroom facilities needs into segments, as authorized by section 3318.034 of the Revised Code, "basic project cost" means the cost determined in accordance with this division of a segment.

(M)(1) Except for a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, a "school district's portion of the basic project cost" means the amount determined under section 3318.032 of the Revised Code.

(2) For a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code,

a "school district's portion of the basic project cost" means the amount determined under division (C) of section 3318.42 of the Revised Code.

(N) "Child care facility" means space within a classroom facility in which the needs of infants, toddlers, preschool children, and school children are provided for by persons other than the parent or guardian of such children for any part of the day, including persons not employed by the school district operating such classroom facility.

(O) "Community resource center" means space within a classroom facility in which comprehensive services that support the needs of families and children are provided by community-based social service providers.

(P) "Valuation" means the total value of all property in the school district as listed and assessed for taxation on the tax duplicates.

(Q) "Percentile" means the percentile in which the school district is ranked pursuant to section 3318.011 of the Revised Code.

(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system.

(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, playgrounds on the project site, and lawn and planting on the project site.

**Sec. 3318.011.** For purposes of providing assistance under sections 3318.01 to 3318.20 of the Revised Code, the department of education shall annually do all of the following:

(A) Calculate the adjusted valuation per pupil of each city, local, and exempted village school district according to the following formula:

The district's valuation per pupil -  
[\$30,000 X (1 - the district's income factor)].

For purposes of this calculation:

(1) Except for a district with an open enrollment net gain that is ten per cent or more of its formula ADM, "valuation per pupil" for a district means its average taxable value, divided by its formula ADM for the previous fiscal year. "Valuation per pupil," for a district with an open enrollment net gain that is ten per cent or more of its formula ADM, means its average taxable value, divided by the sum of its formula ADM for the previous fiscal year plus its open enrollment net gain for the previous fiscal year.

(2) "Average taxable value" means the average of the sum of the amounts certified for a district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code in the second, third, and fourth preceding fiscal years.

(3) "Entitled to attend school" means entitled to attend school in a city, local, or exempted village school district under section 3313.64 or 3313.65 of the Revised Code.

(4) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.

(5) "Native student" has the same meaning as in section 3313.98 of the Revised Code.

(6) "Open enrollment net gain" for a district means (a) the number of the students entitled to attend school in another district but who are enrolled in the schools of the district under its open enrollment policy minus (b) the number of the district's native students who are enrolled in the schools of another

district under the other district's open enrollment policy, both 38179  
numbers as certified to the department under section 3313.981 of 38180  
the Revised Code. If the difference is a negative number, the 38181  
district's "open enrollment net gain" is zero. 38182

(7) "Open enrollment policy" means an interdistrict open 38183  
enrollment policy adopted under section 3313.98 of the Revised 38184  
Code. 38185

(8) "District median income" means the median Ohio adjusted 38186  
gross income certified for a school district under section 38187  
3317.021 of the Revised Code. 38188

(9) "Statewide median income" means the median district 38189  
median income of all city, exempted village, and local school 38190  
districts in the state. 38191

(10) "Income factor" for a city, exempted village, or local 38192  
school district means the quotient obtained by dividing that 38193  
district's median income by the statewide median income. 38194

(B) Calculate for each district the three-year average of the 38195  
adjusted valuations per pupil calculated for the district for the 38196  
current and two preceding fiscal years; 38197

(C) Rank all such districts in order of adjusted valuation 38198  
per pupil from the district with the lowest three-year average 38199  
adjusted valuation per pupil to the district with the highest 38200  
three-year average adjusted valuation per pupil; 38201

(D) Divide such ranking into percentiles with the first 38202  
percentile containing the one per cent of school districts having 38203  
the lowest three-year average adjusted valuations per pupil and 38204  
the one-hundredth percentile containing the one per cent of school 38205  
districts having the highest three-year average adjusted 38206  
valuations per pupil; 38207

(E) Determine the school districts that have three-year 38208

average adjusted valuations per pupil that are greater than the 38209  
median three-year average adjusted valuation per pupil for all 38210  
school districts in the state; 38211

(F) On or before the first day of September, certify the 38212  
information described in divisions (A) to (E) of this section to 38213  
the Ohio ~~school~~ facilities construction commission. 38214

**Sec. 3318.02.** (A) For purposes of sections 3318.01 to 3318.20 38215  
of the Revised Code, the Ohio ~~school~~ facilities construction 38216  
commission shall periodically perform an assessment of the 38217  
classroom facility needs in the state to identify school districts 38218  
in need of additional classroom facilities, or replacement or 38219  
reconstruction of existent classroom facilities, and the cost to 38220  
each such district of constructing or acquiring such additional 38221  
facilities or making such renovations. 38222

(B) Based upon the most recent assessment conducted pursuant 38223  
to division (A) of this section, the commission shall conduct 38224  
on-site visits to school districts identified as having classroom 38225  
facility needs to confirm the findings of the periodic assessment 38226  
and further evaluate the classroom facility needs of the district. 38227  
The evaluation shall assess the district's need to construct or 38228  
acquire new classroom facilities and may include an assessment of 38229  
the district's need for building additions or for the 38230  
reconstruction of existent buildings in lieu of constructing or 38231  
acquiring replacement buildings. 38232

(C)(1) Except as provided in division (C)(2) of this section, 38233  
on-site visits performed on or after May 20, 1997, shall be 38234  
performed in the order specified in this division. The first round 38235  
of on-site visits first succeeding the effective date of this 38236  
amendment, May 20, 1997, shall be limited to the school districts 38237  
in the first through fifth percentiles, excluding districts that 38238  
are ineligible for funding under this chapter pursuant to section 38239

3318.04 of the Revised Code. The second round of on-site visits 38240  
shall be limited to the school districts in the first through 38241  
tenth percentiles, excluding districts that are ineligible for 38242  
funding under this chapter pursuant to section 3318.04 of the 38243  
Revised Code. Each succeeding round of on-site visits shall be 38244  
limited to the percentiles included in the immediately preceding 38245  
round of on-site visits plus the next five percentiles. Except for 38246  
the first round of on-site visits, no round of on-site visits 38247  
shall commence unless eighty per cent of the districts for which 38248  
on-site visits were performed during the immediately preceding 38249  
round, have had projects approved under section 3318.04 of the 38250  
Revised Code. 38251

(2) Notwithstanding division (C)(1) of this section, the 38252  
commission may perform on-site visits for school districts in the 38253  
next highest percentile to the percentiles included in the current 38254  
round of on-site visits, and then to succeeding percentiles one at 38255  
a time, not to exceed the twenty-fifth percentile, if all of the 38256  
following apply: 38257

(a) Less than eighty per cent of the districts for which 38258  
on-site visits were performed in the current round, and in any 38259  
percentiles for which on-site visits were performed in addition to 38260  
the current round pursuant to this division, have had projects 38261  
approved under section 3318.04 of the Revised Code; 38262

(b) There are funds appropriated for the purpose of sections 38263  
3318.01 to 3318.20 of the Revised Code that are not reserved and 38264  
encumbered for projects pursuant to section 3318.04 of the Revised 38265  
Code; 38266

(c) The commission makes a finding that such available funds 38267  
would be more thoroughly utilized if on-site visits were extended 38268  
to the next highest percentile. 38269

(D) Notwithstanding divisions (B) and (C) of this section, in 38270



any fiscal year, the commission may limit the number of districts 38271  
for which it conducts on-site visits based upon its projections of 38272  
the moneys available and moneys necessary to undertake projects 38273  
under sections 3318.01 to 3318.20 of the Revised Code for that 38274  
year. 38275

**Sec. 3318.021.** Notwithstanding section 3318.02 of the Revised 38276  
Code, the Ohio ~~school~~ facilities construction commission may 38277  
conduct on-site visits to any school district whose district board 38278  
adopts a resolution certifying to the commission the board's 38279  
intent to participate in the school building assistance expedited 38280  
local partnership program under section 3318.36 of the Revised 38281  
Code. 38282

**Sec. 3318.022.** Notwithstanding anything to the contrary in 38283  
section 3318.02 of the Revised Code, within two years following 38284  
the request of the school district, the Ohio ~~school~~ facilities 38285  
construction commission shall assess the current conditions of the 38286  
classroom facilities needs of any school district that is not yet 38287  
eligible for state assistance under Chapter 3318. of the Revised 38288  
Code and that requests such an assessment. The assessment made 38289  
under this section shall not include a final agreement between the 38290  
school district and the commission as to the basic project cost of 38291  
the school district's classroom facilities needs. The commission 38292  
shall not consider any request for an assessment under this 38293  
section that is submitted sooner than ~~the effective date of this~~ 38294  
~~section~~ September 14, 2000. 38295

**Sec. 3318.024.** In the first year of a capital biennium, any 38296  
funds appropriated to the Ohio ~~school~~ facilities construction 38297  
commission for classroom facilities projects under this chapter in 38298  
the previous capital biennium that were not spent or encumbered, 38299  
or for which an encumbrance has been canceled under section 38300

3318.05 of the Revised Code, shall be used by the commission only 38301  
for projects under sections 3318.01 to 3318.20 of the Revised 38302  
Code, subject to appropriation by the general assembly. 38303

In the second year of a capital biennium, any funds 38304  
appropriated to the Ohio ~~school~~ facilities construction commission 38305  
for classroom facilities projects under this chapter that were not 38306  
spent or encumbered in the first year of the biennium and which 38307  
are in excess of an amount equal to half of the appropriations for 38308  
the capital biennium, or for which an encumbrance has been 38309  
canceled under section 3318.05 of the Revised Code, shall be used 38310  
by the commission only for projects under sections 3318.01 to 38311  
3318.20, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, and 38312  
3318.40 to 3318.46 of the Revised Code, subject to appropriation 38313  
by the general assembly. 38314

**Sec. 3318.03.** (A) Before conducting an on-site evaluation of 38315  
a school district under section 3318.02 of the Revised Code, at 38316  
the request of the district board of education, the Ohio ~~school~~ 38317  
facilities construction commission shall examine any classroom 38318  
facilities needs assessment that has been conducted by the 38319  
district and any master plan developed for meeting the facility 38320  
needs of the district. 38321

(B) Upon conducting the on-site evaluation under section 38322  
3318.02 of the Revised Code, the Ohio ~~school~~ facilities 38323  
construction commission shall make a determination of all of the 38324  
following: 38325

(1) The needs of the school district for additional classroom 38326  
facilities; 38327

(2) The number of classroom facilities to be included in a 38328  
project and the basic project cost of constructing, acquiring, 38329  
reconstructing, or making additions to each such facility; 38330

(3) The amount of such cost that the school district can supply from available funds, by the issuance of bonds previously authorized by the electors of the school district the proceeds of which can lawfully be used for the project and by the issuance of bonds under section 3318.05 of the Revised Code;

(4) The remaining amount of such cost that shall be supplied by the state;

(5) The amount of the state's portion to be encumbered in accordance with section 3318.11 of the Revised Code in the current and subsequent fiscal years from funds appropriated for purposes of sections 3318.01 to 3318.20 of the Revised Code.

(C) The commission shall make a determination in favor of constructing, acquiring, reconstructing, or making additions to a classroom facility only upon evidence that the proposed project conforms to sound educational practice, that it is in keeping with the orderly process of school district reorganization and consolidation, and that the actual or projected enrollment in each classroom facility proposed to be included in the project is at least three hundred fifty pupils. Exceptions shall be authorized only in those districts where topography, sparsity of population, and other factors make larger schools impracticable.

If the school district board determines that an existing facility has historical value or for other good cause determines that an existing facility should be renovated in lieu of acquiring a comparable facility by new construction, the commission may approve the expenditure of project funds for the renovation of that facility up to but not exceeding one hundred per cent of the estimated cost of acquiring a comparable facility by new construction, as long as the commission determines that the facility when renovated can be operationally efficient, will be adequate for the future needs of the district, and will comply with the other provisions of this division.

(D) Sections 125.81 and 153.04 of the Revised Code shall not  
apply to classroom facilities constructed under either sections  
3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised  
Code.

**Sec. 3318.031.** (A) The Ohio ~~school~~ facilities construction  
commission shall consider student and staff safety and health when  
reviewing design plans for classroom facility construction  
projects proposed under this chapter. After consulting with  
appropriate education, health, and law enforcement personnel, the  
commission may require as a condition of project approval under  
either section 3318.03 or division (B)(1) of section 3318.41 of  
the Revised Code such changes in the design plans as the  
commission believes will advance or improve student and staff  
safety and health in the proposed classroom facility.

To carry out its duties under this division, the commission  
shall review and, if necessary, amend any construction and design  
standards used in its project approval process, including  
standards for location and number of exits, standards for lead  
safety in classroom facilities constructed before 1978 in which  
services are provided to children under six years of age, and  
location of restrooms, with a focus on advancing student and staff  
safety and health.

(B) When reviewing design standards for classroom facility  
construction projects proposed under this chapter, the commission  
shall also consider the extent to which the design standards  
support the following:

(1) Trends in educational delivery methods, including digital  
access and blended learning;

(2) Provision of sufficient space for training new teachers  
and promotion of collaboration among teaching candidates,  
experienced teachers, and teacher educators;

(3) Provision of adequate space for teacher planning and collaboration;	38394 38395
(4) Provision of adequate space for parent involvement activities;	38396 38397
(5) Provision of sufficient space for innovative partnerships between schools and health and social service agencies.	38398 38399
<b>Sec. 3318.032.</b> (A) Except as otherwise provided in divisions (C) and (D) of this section, the portion of the basic project cost supplied by the school district shall be the greater of:	38400 38401 38402
(1) The required percentage of the basic project costs;	38403
(2)(a) For all districts except a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the project, to within five thousand dollars of the required level of indebtedness;	38404 38405 38406 38407 38408 38409 38410
(b) For a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the project, to within five thousand dollars of the following:	38411 38412 38413 38414 38415 38416
The required level of indebtedness X (the basic project cost of the segment as approved by the controlling board / the estimated basic project cost of the district's entire classroom facilities needs as determined jointly by the staff of the Ohio school facilities <u>construction</u> commission and the district)	38417 38418 38419 38420 38421 38422
(B) The amount of the district's share determined under this	38423

section shall be calculated only as of the date the controlling board approved the project, and that amount applies throughout the thirteen-month period permitted under section 3318.05 of the Revised Code for the district's electors to approve the propositions described in that section. If the amount reserved and encumbered for a project is released because the electors do not approve those propositions within that period, and the school district later receives the controlling board's approval for the project, subject to a new project scope and estimated costs under section 3318.054 of the Revised Code, the district's portion shall be recalculated in accordance with this section as of the date of the controlling board's subsequent approval.

(C) At no time shall a school district's portion of the basic project cost be greater than ninety-five per cent of the total basic project cost.

(D) If the controlling board approves a project under sections 3318.01 to 3318.20 of the Revised Code for a school district that previously received assistance under those sections or section 3318.37 of the Revised Code within the twenty-year period prior to the date on which the controlling board approves the new project, the district's portion of the basic project cost for the new project shall be the lesser of the following:

(1) The portion calculated under division (A) of this section;

(2) The greater of the following:

(a) The required percentage of the basic project costs for the new project;

(b) The percentage of the basic project cost paid by the district for the previous project.

**Sec. 3318.033.** (A) As used in this section:

(1) "Formula ADM" has the same meaning as in section 3317.02 38454  
of the Revised Code. 38455

(2) "Open enrollment net gain" has the same meaning as in 38456  
section 3318.011 of the Revised Code. 38457

(B) This section applies to each school district that meets 38458  
the following criteria: 38459

(1) The Ohio ~~school~~ facilities construction commission 38460  
certified its conditional approval of the district's project under 38461  
sections 3318.01 to 3318.20 of the Revised Code after July 1, 38462  
2006, and prior to September 29, 2007, and the project had not 38463  
been completed as of September 29, 2007. 38464

(2) Within one year after the date of the commission's 38465  
certification of its conditional approval, the district's electors 38466  
approved a bond issue to pay the district's portion of the basic 38467  
project cost or the district board of education complied with 38468  
section 3318.052 of the Revised Code. 38469

(3) In the fiscal year prior to the fiscal year in which the 38470  
district's project was conditionally approved, the district had an 38471  
open enrollment net gain that was ten per cent or more of its 38472  
formula ADM. 38473

(C) For each school district to which this section applies, 38474  
the department of education shall recalculate the district's 38475  
percentile ranking under section 3318.011 of the Revised Code for 38476  
the fiscal year prior to the fiscal year in which the district's 38477  
project was conditionally approved and shall report the 38478  
recalculated percentile ranking to the commission. For this 38479  
purpose, the department shall recalculate every school district's 38480  
percentile ranking for that fiscal year using the district's 38481  
"valuation per pupil" as that term is defined in section 3318.011 38482  
of the Revised Code on and after September 29, 2007. 38483

(D) For each school district to which this section applies, 38484

the commission shall use the recalculated percentile ranking 38485  
reported under division (C) of this section to determine the 38486  
district's portion of the basic project cost under section 38487  
3318.032 of the Revised Code. The commission shall not use the 38488  
recalculated percentile ranking for any other purpose, and the 38489  
recalculated ranking shall not affect any other district's portion 38490  
of the basic project cost under section 3318.032 of the Revised 38491  
Code or any district's eligibility for assistance under sections 38492  
3318.01 to 3318.20 of the Revised Code. The commission shall 38493  
revise the agreement entered into under section 3318.08 of the 38494  
Revised Code to reflect the district's new portion of the basic 38495  
project cost as determined under this division. 38496

**Sec. 3318.034.** (A) This section applies to both of the 38497  
following: 38498

(1) Any school district that has not executed an agreement 38499  
for a project under sections 3318.01 to 3318.20 of the Revised 38500  
Code prior to June 24, 2008; 38501

(2) Any school district that is eligible for additional 38502  
assistance under sections 3318.01 to 3318.20 of the Revised Code 38503  
pursuant to division (B)(2) of section 3318.04 of the Revised 38504  
Code. 38505

Notwithstanding any provision of this chapter to the 38506  
contrary, with the approval of the Ohio ~~school~~ facilities 38507  
construction commission, any school district to which this section 38508  
applies may opt to divide the district's entire classroom 38509  
facilities needs, as those needs are jointly determined by the 38510  
staff of the commission and the school district, into discrete 38511  
segments and shall comply with all of the provisions of those 38512  
sections unless otherwise provided in this section. 38513

(B) Except as provided in division (C) of this section, each 38514  
segment shall comply with both of the following: 38515



(1) The segment shall consist of the new construction of one 38516  
or more entire buildings, a stand-alone segment of a building that 38517  
serves grades kindergarten through twelve, or the complete 38518  
renovation of one or more entire existing buildings, with any 38519  
necessary additions to that building. 38520

(2) The segment shall not include any construction of or 38521  
renovation or repair to any building that does not complete the 38522  
needs of the district with respect to that particular building at 38523  
the time the segment is completed. 38524

(C) A district described in division (A)(2) of this section 38525  
that has not received the additional assistance authorized under 38526  
division (B)(2) of section 3318.04 of the Revised Code may 38527  
undertake a segment, with commission approval, for the purpose of 38528  
renovating or replacing work performed on a facility under the 38529  
district's prior project. The commission may approve that segment 38530  
if the commission determines that the renovation or replacement is 38531  
necessary to protect the facility. The basic project cost of the 38532  
segment shall be allocated between the state and the district in 38533  
accordance with section 3318.032 of the Revised Code. However, the 38534  
requirements of division (B) of this section shall not apply to a 38535  
segment undertaken under this division. 38536

(D) The commission shall conditionally approve and seek 38537  
controlling board approval in accordance with division (A) of 38538  
section 3318.04 of the Revised Code of each segment. 38539

(E)(1) When undertaking a segment under this section, a 38540  
school district may elect to prorate its full maintenance amount 38541  
by setting aside for maintenance the amount calculated under 38542  
division (E)(2) of this section to maintain the classroom 38543  
facilities acquired under the segment, if the district will use 38544  
one or more of the alternative methods authorized in sections 38545  
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 38546  
the entire amount calculated under that division. If the district 38547

so elects, the commission and the district shall include in the 38548  
agreement entered into under section 3318.08 of the Revised Code a 38549  
statement specifying that the district will use the amount 38550  
calculated under that division only to maintain the classroom 38551  
facilities acquired under the segment. 38552

(2) The commission shall calculate the amount for a school 38553  
district to maintain the classroom facilities acquired under a 38554  
segment as follows: 38555

The full maintenance amount X (the school district's portion 38556  
of the basic project cost for the segment / the school district's 38557  
portion of the basic project cost for the district's entire 38558  
classroom facilities needs, as determined jointly by the staff of 38559  
the commission and the district) 38560

(3) A school district may elect to prorate its full 38561  
maintenance amount for any number of segments, provided the 38562  
district will use one or more of the alternative methods 38563  
authorized in sections 3318.051, 3318.052, and 3318.084 of the 38564  
Revised Code to generate the entire amount calculated under 38565  
division (E)(2) of this section to maintain the classroom 38566  
facilities acquired under each segment for which it so elects. If 38567  
the district cannot use one or more of those alternative methods 38568  
to generate the entire amount calculated under that division, the 38569  
district shall levy the tax described in division (B) of section 38570  
3318.05 of the Revised Code or an extension of that tax under 38571  
section 3318.061 of the Revised Code in an amount necessary to 38572  
generate the remainder of its full maintenance amount. The 38573  
commission shall calculate the remainder of the district's full 38574  
maintenance amount as follows: 38575

The full maintenance amount - the sum of the amounts 38576  
calculated for the district under division (E)(2) of this section 38577  
for each prior segment of the district's project 38578

(4) In no case shall the sum of the amounts calculated for a school district's maintenance of classroom facilities under divisions (E)(2) and (3) of this section exceed the amount that would have been required for maintenance if the district had elected to undertake its project in its entirety instead of segmenting the project under this section.

(5) If a school district commenced a segment under this section prior to September 10, 2012, but has not completed that segment, and has not levied the tax described in division (B) of section 3318.05 of the Revised Code or an extension of that tax under section 3318.061 of the Revised Code, the district may request approval from the commission to prorate its full maintenance amount in accordance with divisions (E)(1) to (4) of this section. If the commission approves the request, the commission and the district shall amend the agreement entered into under section 3318.08 of the Revised Code to reflect the change.

(F) If a school district levies the tax described in division (B) of section 3318.05 of the Revised Code or an extension of that tax under section 3318.061 of the Revised Code, the tax shall run for twenty-three years from the date the segment for which the tax is initially levied is undertaken. The maintenance levy requirement, as defined in section 3318.18 of the Revised Code, does not apply to a segment undertaken under division (C) of this section.

(G) As used in this section, "full maintenance amount" means the amount of total revenue that a school district likely would generate by one-half mill of the tax described in division (B) of section 3318.05 of the Revised Code over the entire twenty-three-year period required under that section, as determined by the commission in consultation with the department of taxation.

**Sec. 3318.035.** (A) This section applies only if there is a 38610  
change in the assessment rates on gas pipelines imposed under 38611  
state law. 38612

(B) If at any time division (A) of this section applies and 38613  
if the change in assessment rates described in that division 38614  
affects a school district's valuation as determined under division 38615  
(P) of section 3318.01 of the Revised Code by greater than ten per 38616  
cent and if the Ohio ~~school~~ facilities construction commission had 38617  
determined the state and school district portion of the basic 38618  
project cost of such a district's project under section 3318.36 or 38619  
3318.37 of the Revised Code prior to that change in valuation, the 38620  
commission shall adjust the state and school district portions of 38621  
the basic project cost of the school district's project using the 38622  
valuation altered by the change in assessment rates described in 38623  
division (A) of this section. 38624

**Sec. 3318.036.** (A) For purposes of this section: 38625

(1) "Eligible school district" is a city, local, or exempted 38626  
village school district that satisfies both of the following 38627  
conditions: 38628

(a) The district resulted from one of the following that 38629  
became effective between July 1, 2013, and June 30, 2018: 38630

(i) A transfer of all of the territory of one school district 38631  
to another school district in accordance with section 3311.22, 38632  
3311.231, 3311.24, or 3311.38 of the Revised Code; 38633

(ii) The merger of two or more districts in accordance with 38634  
section 3311.25 of the Revised Code; 38635

(iii) The creation of a new local school district from all of 38636  
one or more local school districts in accordance with section 38637  
3311.26 of the Revised Code; 38638

(iv) The consolidation of two or more school districts under section 3311.37 of the Revised Code. 38639  
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(b) The district has demonstrated to the Ohio ~~school~~ facilities construction commission an efficient use of facility space, including a reduction in the number of buildings used by students and administrative staff. 38641  
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(2) "Basic project cost" and "required percentage of the basic project cost" have the same meanings as in section 3318.01 of the Revised Code. 38645  
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(B) Notwithstanding anything to the contrary in this chapter: 38648

(1) If the commission determines that a district is an eligible school district, the commission shall give that district first priority for funding for a project under sections 3318.01 to 3318.20 of the Revised Code as such funds become available, regardless of the district's percentile rank under section 3318.011 of the Revised Code. If the district results from a transfer, merger, consolidation, or creation of a new local district that takes effect prior to ~~the effective date of this section~~ April 6, 2017, the district's portion of the basic project cost shall be the required percentage of the basic project cost based on the percentile ranking of the district that was transferred, merged, consolidated, or existed prior to the creation of the new district that has the lowest three-year average adjusted valuation per pupil, as calculated under section 3318.011 of the Revised Code, on the date that the transfer, merger, consolidation, or creation of the new district became effective. 38649  
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(2) If an eligible school district is given priority under division (B)(1) of this section, the commission may reduce that district's portion of the basic project cost by twenty-five percentage points from the portion determined under section 38666  
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3318.032 of the Revised Code or, if the district results from a transfer, merger, consolidation, or creation of a new local district that takes effect prior to ~~the effective date of this section~~ April 6, 2017, from the portion determined under division (B)(1) of this section. At no time, however, shall that district's portion of the basic project cost be less than five per cent.

(3) If an eligible school district is given priority under division (B)(1) of this section, the commission may reduce that district's portion of the basic project cost by ten percentage points from the portion determined under section 3318.032 of the Revised Code or, if the district results from a transfer, merger, consolidation, or creation of a new local district that takes effect prior to ~~the effective date of this section~~ April 6, 2017, from the portion determined under division (B)(1) of this section, if the district's project satisfies the following conditions:

(a) The project involves construction of a building on land owned by a state institution of higher education, as that term is defined in section 3345.011 of the Revised Code, and the commission approves the project.

(b) The district and the state institution of higher education enter into a written agreement regarding the continued use of the institution's land by the district, and the commission approves the agreement.

(c) On the date that the district and the state institution of higher education enter into the written agreement described in division (B)(3)(b) of this section, the state institution of higher education is participating in the college credit plus program established under Chapter 3365. of the Revised Code.

At no time, however, shall that district's portion of the basic project cost be less than five per cent.

The reduction of the district's portion of the basic project

cost described in division (B)(3) of this section may be in 38701  
addition to a reduction of the district's portion of the basic 38702  
project cost under division (B)(2) of this section. 38703

(C) Except as provided in division (B) of this section, a 38704  
district's project undertaken pursuant to this section shall be 38705  
subject to all other requirements in sections 3318.01 to 3318.20 38706  
of the Revised Code. 38707

Sec. 3318.037. (A) For purposes of this section, an "eligible 38708  
school district" is a school district that satisfies all of the 38709  
following conditions: 38710

(1) The district executed an agreement for a project under 38711  
sections 3318.01 to 3318.20 of the Revised Code that was segmented 38712  
under section 3318.034 of the Revised Code. 38713

(2) The district has undertaken one or more segments of that 38714  
project and has applied to the Ohio facilities construction 38715  
commission for funding for a subsequent segment of the project. 38716

(3) Since the original project agreement described in 38717  
division (A)(1) of this section was executed, the district has 38718  
experienced a decrease in its adjusted valuation per pupil, as 38719  
determined annually under section 3318.011 of the Revised Code, 38720  
such that, as of the date the district submits its application for 38721  
a subsequent segment of the project as described in division 38722  
(A)(2) of this section, the district's annual percentile ranking 38723  
under that section is lower than its percentile ranking on the 38724  
date the district executed the original agreement for the project. 38725

(B) Notwithstanding anything to the contrary in this chapter 38726  
or in any rule of the commission, an eligible school district's 38727  
portion of the cost for a subsequent segment of its project shall 38728  
be the "required percentage of the basic project costs" based on 38729  
the district's current percentile ranking for the fiscal year for 38730

which the district seeks funding for the segment. 38731

Upon determining the respective state and district portions 38732  
of the basic project cost for the segment pursuant to this 38733  
section, the commission and the district shall amend the project 38734  
agreement to stipulate those portions, and the commission shall 38735  
encumber funds for the segment in accordance with section 3318.11 38736  
of the Revised Code. 38737

(C) Nothing in this section shall affect the respective state 38738  
and district portions of the basic project cost of segments of a 38739  
district's project undertaken prior to the district's application 38740  
for funding for a subsequent segment of the project under this 38741  
section. 38742

**Sec. 3318.04.** (A) If the Ohio ~~school~~ facilities construction 38743  
commission makes a determination under section 3318.03 of the 38744  
Revised Code in favor of constructing, acquiring, reconstructing, 38745  
or making additions to a classroom facility, the project shall be 38746  
conditionally approved. Such conditional approval shall be 38747  
submitted to the controlling board for approval thereof. The 38748  
controlling board shall forthwith approve or reject the 38749  
commission's determination, conditional approval, the amount of 38750  
the state's portion of the basic project cost, and, the amount of 38751  
the state's portion to be encumbered in the current fiscal year. 38752  
In the event of approval thereof by the controlling board, the 38753  
commission shall certify such conditional approval to the school 38754  
district board and shall encumber from the total funds 38755  
appropriated for the purpose of sections 3318.01 to 3318.20 of the 38756  
Revised Code the amount approved under this section to be 38757  
encumbered in the current fiscal year. 38758

The basic project cost for a project approved under this 38759  
section shall not exceed the cost that would otherwise have to be 38760  
incurred if the classroom facilities to be constructed, acquired, 38761



or reconstructed, or the additions to be made to classroom 38762  
facilities, under such project meet, but do not exceed, the 38763  
specifications for plans and materials for classroom facilities 38764  
adopted by the commission. 38765

(B)(1) No school district shall have a project conditionally 38766  
approved pursuant to this section if the school district has 38767  
already received any assistance for a project funded under any 38768  
version of sections 3318.01 to 3318.20 of the Revised Code, and 38769  
the prior project was one for which the electors of such district 38770  
approved a levy within the last twenty years pursuant to any 38771  
version of section 3318.06 of the Revised Code for purposes of 38772  
qualifying for the funding of that project, unless the district 38773  
demonstrates to the satisfaction of the commission that the 38774  
district has experienced since approval of its prior project an 38775  
exceptional increase in enrollment significantly above the 38776  
district's design capacity under that prior project as determined 38777  
by rule of the commission. 38778

(2) Notwithstanding division (B)(1) of this section, any 38779  
school district that received assistance under sections 3318.01 to 38780  
3318.20 of the Revised Code, as those sections existed prior to 38781  
May 20, 1997, may receive additional assistance under those 38782  
sections, as they exist on and after May 20, 1997, prior to the 38783  
expiration of the period of time required under division (B)(1) of 38784  
this section, if the percentile in which the school district is 38785  
located, as determined under section 3318.011 of the Revised Code, 38786  
is eligible for assistance as prescribed in section 3318.02 of the 38787  
Revised Code. 38788

The commission may provide assistance under sections 3318.01 38789  
to 3318.20 of the Revised Code pursuant to this division to no 38790  
more than five school districts per fiscal year until all eligible 38791  
school districts have received the additional assistance 38792  
authorized under this division. The commission shall establish 38793

application procedures, deadlines, and priorities for funding 38794  
projects under this division. 38795

The commission at its discretion may waive current design 38796  
specifications it has adopted for projects under sections 3318.01 38797  
to 3318.20 of the Revised Code when assessing an application for 38798  
additional assistance under this division for the renovation of 38799  
classroom facilities constructed or renovated under a school 38800  
district's previous project. If the commission finds that a school 38801  
district's existing classroom facilities are adequate to meet all 38802  
of the school district's needs, the commission may determine that 38803  
no additional state assistance be awarded to a school district 38804  
under this division. 38805

In order for a school district to be eligible to receive any 38806  
additional assistance under this division, the school district 38807  
electors shall extend the school district's existing levy 38808  
dedicated for maintenance of classroom facilities under Chapter 38809  
3318. of the Revised Code, pursuant to section 3318.061 of the 38810  
Revised Code or shall provide equivalent alternative maintenance 38811  
funds as specified in division (A)(2) of section 3318.06 of the 38812  
Revised Code. 38813

(3) Notwithstanding division (B)(1) of this section, any 38814  
school district that has received assistance under sections 38815  
3318.01 to 3318.20 of the Revised Code after May 20, 1997, may 38816  
receive additional assistance if the commission decides in favor 38817  
of providing such assistance pursuant to section 3318.042 of the 38818  
Revised Code. 38819

(4) Notwithstanding division (B)(1) of this section, any 38820  
school district that has opted to divide its entire classroom 38821  
facilities needs into segments to be completed separately, as 38822  
authorized by section 3318.034 of the Revised Code, and that has 38823  
received assistance under sections 3318.01 to 3318.20 of the 38824  
Revised Code for one of those segments may receive assistance 38825

under those sections for a subsequent segment. Assistance for any 38826  
subsequent segment shall not include any additional work on a 38827  
building included in a prior segment unless the district 38828  
demonstrates to the satisfaction of the commission that the 38829  
district has experienced since the completion of the prior segment 38830  
an exceptional increase in enrollment in the grade levels housed 38831  
in that building. 38832

**Sec. 3318.041.** A school district ranked in the first through 38833  
twenty-fifth percentiles may adopt and certify to the Ohio ~~school~~ 38834  
facilities construction commission a resolution specifying a 38835  
proposed project that meets the requirements of this chapter and 38836  
the needs of the district, as confirmed through an on-site visit 38837  
pursuant to section 3318.02 of the Revised Code. The commission 38838  
shall consider such projects for conditional approval pursuant to 38839  
section 3318.03 and shall encumber funds pursuant to section 38840  
3318.04 of the Revised Code in the order in which such resolutions 38841  
are received. 38842

**Sec. 3318.042.** (A) The board of education of any school 38843  
district that is receiving assistance under sections 3318.01 to 38844  
3318.20 of the Revised Code after May 20, 1997, or under sections 38845  
3318.40 to 3318.45 of the Revised Code, and whose project is still 38846  
under construction, may request that the Ohio ~~school~~ facilities 38847  
construction commission examine whether the circumstances 38848  
prescribed in either division (B)(1) or (2) of this section exist 38849  
in the school district. If the commission so finds, the commission 38850  
shall review the school district's original assessment and 38851  
approved project and consider providing additional assistance to 38852  
the school district to correct the prescribed conditions found to 38853  
exist in the district. Additional assistance under this section 38854  
shall be limited to additions to one or more buildings, remodeling 38855  
of one or more buildings, or changes to the infrastructure of one 38856

or more buildings. 38857

(B) Consideration of additional assistance to a school 38858  
district under this section is warranted in either of the 38859  
following circumstances: 38860

(1) Additional work is needed to correct an oversight or 38861  
deficiency not identified or included in the district's initial 38862  
assessment. 38863

(2) Other conditions exist that, in the opinion of the 38864  
commission, warrant additions or remodeling of the project 38865  
facilities or changes to infrastructure associated with the 38866  
district's project that were not identified in the initial 38867  
assessment and plan. 38868

(C) If the commission decides in favor of providing 38869  
additional assistance to any school district under this section, 38870  
the school district shall be responsible for paying for its 38871  
portion of the cost of the additions, remodeling, or 38872  
infrastructure changes pursuant to section 3318.083 of the Revised 38873  
Code. If, after making a financial evaluation of the school 38874  
district, the commission determines that the school district is 38875  
unable without undue hardship, according to the guidelines adopted 38876  
by the commission, to fund the school district portion of the 38877  
increase, then the state and the school district shall enter into 38878  
an agreement whereby the state shall pay the portion of the cost 38879  
increase attributable to the school district which is determined 38880  
to be in excess of any local resources available to the district 38881  
and the district shall thereafter reimburse the state. The 38882  
commission shall establish the district's schedule for reimbursing 38883  
the state, which shall not extend beyond ten years. The commission 38884  
may lengthen the reimbursement schedule of a school district that 38885  
has entered into an agreement under this section prior to ~~the~~ 38886  
~~effective date of this amendment~~ September 26, 2003, as long as 38887  
the total term of that schedule does not extend beyond ten years. 38888

Debt incurred under this section shall not be included in the 38889  
calculation of the net indebtedness of the school district under 38890  
section 133.06 of the Revised Code. 38891

**Sec. 3318.05.** The conditional approval of the Ohio ~~school~~ 38892  
facilities construction commission for a project shall lapse and 38893  
the amount reserved and encumbered for such project shall be 38894  
released unless the school district board accepts such conditional 38895  
approval within one hundred twenty days following the date of 38896  
certification of the conditional approval to the school district 38897  
board and the electors of the school district vote favorably on 38898  
both of the propositions described in divisions (A) and (B) of 38899  
this section within thirteen months of the date of such 38900  
certification, except that a school district described in division 38901  
(C) of this section does not need to submit the proposition 38902  
described in division (B) of this section. The propositions 38903  
described in divisions (A) and (B) of this section shall be 38904  
combined in a single proposal. If the district board or the 38905  
district's electors fail to meet such requirements and the amount 38906  
reserved and encumbered for the district's project is released, 38907  
the district shall be given first priority for project funding as 38908  
such funds become available, subject to section 3318.054 of the 38909  
Revised Code. 38910

(A) On the question of issuing bonds of the school district 38911  
board, for the school district's portion of the basic project 38912  
cost, in an amount equal to the school district's portion of the 38913  
basic project cost less the amount of the proceeds of any 38914  
securities authorized or to be authorized under division (J) of 38915  
section 133.06 of the Revised Code and dedicated by the school 38916  
district board to payment of the district's portion of the basic 38917  
project cost; and 38918

(B) On the question of levying a tax the proceeds of which 38919

shall be used to pay the cost of maintaining the classroom 38920  
facilities included in the project. Such tax shall be at the rate 38921  
of not less than one-half mill for each dollar of valuation for a 38922  
period of twenty-three years, subject to any extension approved 38923  
under section 3318.061 of the Revised Code. 38924

(C) If a school district has in place a tax levied under 38925  
section 5705.21 of the Revised Code for general permanent 38926  
improvements for a continuing period of time and the proceeds of 38927  
such tax can be used for maintenance, or if a district agrees to 38928  
the transfers described in section 3318.051 of the Revised Code, 38929  
the school district need not levy the additional tax required 38930  
under division (B) of this section, provided the school district 38931  
board includes in the agreement entered into under section 3318.08 38932  
of the Revised Code provisions either: 38933

(1) Earmarking an amount from the proceeds of that permanent 38934  
improvement tax for maintenance of classroom facilities equivalent 38935  
to the amount of the additional tax and for the equivalent number 38936  
of years otherwise required under this section; 38937

(2) Requiring the transfer of money in accordance with 38938  
section 3318.051 of the Revised Code. 38939

The district board subsequently may rescind the agreement to 38940  
make the transfers under section 3318.051 of the Revised Code only 38941  
so long as the electors of the district have approved, in 38942  
accordance with section 3318.063 of the Revised Code, the levy of 38943  
a tax for the maintenance of the classroom facilities acquired 38944  
under the district's project and that levy continues to be 38945  
collected as approved by the electors. 38946

(D) Proceeds of the tax to be used for maintenance of the 38947  
classroom facilities under either division (B) or (C)(1) of this 38948  
section, and transfers of money in accordance with section 38949  
3318.051 of the Revised Code shall be deposited into a separate 38950

fund established by the school district for such purpose. 38951

**Sec. 3318.051.** (A) Any city, exempted village, or local 38952  
school district that commences a project under sections 3318.01 to 38953  
3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or 38954  
after September 5, 2006, need not levy the tax otherwise required 38955  
under division (B) of section 3318.05 of the Revised Code, if the 38956  
district board of education adopts a resolution petitioning the 38957  
Ohio ~~school~~ facilities construction commission to approve the 38958  
transfer of money in accordance with this section and the 38959  
commission approves that transfer. If so approved, the commission 38960  
and the district board shall enter into an agreement under which 38961  
the board, in each of twenty-three consecutive years beginning in 38962  
the year in which the board and the commission enter into the 38963  
project agreement under section 3318.08 of the Revised Code, shall 38964  
transfer into the maintenance fund required by division (D) of 38965  
section 3318.05 of the Revised Code not less than an amount equal 38966  
to one-half mill for each dollar of the district's valuation 38967  
unless and until the agreement to make those transfers is 38968  
rescinded by the district board pursuant to division (F) of this 38969  
section. 38970

(B) On the first day of July each year, or on an alternative 38971  
date prescribed by the commission, the district treasurer shall 38972  
certify to the commission and the auditor of state that the amount 38973  
required for the year has been transferred. The auditor of state 38974  
shall include verification of the transfer as part of any audit of 38975  
the district under section 117.11 of the Revised Code. If the 38976  
auditor of state finds that less than the required amount has been 38977  
deposited into a district's maintenance fund, the auditor of state 38978  
shall notify the district board of education in writing of that 38979  
fact and require the board to deposit into the fund, within ninety 38980  
days after the date of the notice, the amount by which the fund is 38981  
deficient for the year. If the district board fails to demonstrate 38982

to the auditor of state's satisfaction that the board has made the 38983  
deposit required in the notice, the auditor of state shall notify 38984  
the department of education. At that time, the department shall 38985  
withhold an amount equal to ten per cent of the district's funds 38986  
calculated for the current fiscal year under Chapter 3317. of the 38987  
Revised Code until the auditor of state notifies the department 38988  
that the auditor of state is satisfied that the board has made the 38989  
required transfer. 38990

(C) Money transferred to the maintenance fund shall be used 38991  
for the maintenance of the facilities acquired under the 38992  
district's project. 38993

(D) The transfers to the maintenance fund under this section 38994  
does not affect a district's obligation to establish and maintain 38995  
a capital and maintenance fund under section 3315.18 of the 38996  
Revised Code. 38997

(E) Any decision by the commission to approve or not approve 38998  
the transfer of money under this section is final and not subject 38999  
to appeal. The commission shall not be responsible for errors or 39000  
miscalculations made in deciding whether to approve a petition to 39001  
make transfers under this section. 39002

(F) If the district board determines that it no longer can 39003  
continue making the transfers agreed to under this section, the 39004  
board may rescind the agreement only so long as the electors of 39005  
the district have approved, in accordance with section 3318.063 of 39006  
the Revised Code, the levy of a tax for the maintenance of the 39007  
classroom facilities acquired under the district's project and 39008  
that levy continues to be collected as approved by the electors. 39009  
That levy shall be for a number of years that is equal to the 39010  
difference between twenty-three years and the number of years that 39011  
the district made transfers under this section and shall be at the 39012  
rate of not less than one-half mill for each dollar of the 39013  
district's valuation. The district board shall continue to make 39014



the transfers agreed to under this section until that levy has 39015  
been approved by the electors. 39016

**Sec. 3318.052.** At any time after the electors of a school 39017  
district have approved either or both a property tax levied under 39018  
section 5705.21 or 5705.218 of the Revised Code for the purpose of 39019  
permanent improvements, including general permanent improvements, 39020  
or a school district income tax levied under Chapter 5748. of the 39021  
Revised Code, the proceeds of either of which, pursuant to the 39022  
ballot measures approved by the electors, are not so restricted 39023  
that they cannot be used to pay the costs of a project or 39024  
maintaining classroom facilities, the school district board may: 39025

(A) Within one year following the date of the certification 39026  
of the conditional approval of the school district's classroom 39027  
facilities project by the Ohio ~~school~~ facilities construction 39028  
commission, enter into a written agreement with the commission, 39029  
which may be part of an agreement entered into under section 39030  
3318.08 of the Revised Code, and in which the school district 39031  
board covenants and agrees to do one or both of the following: 39032

(1) Apply a specified amount of available proceeds of that 39033  
property tax levy, of that school district income tax, or of 39034  
securities issued under this section, or of proceeds from any two 39035  
or more of those sources, to pay all or part of the district's 39036  
portion of the basic project cost of its classroom facilities 39037  
project; 39038

(2) Apply available proceeds of either or both a property tax 39039  
levied under section 5705.21 or 5705.218 of the Revised Code in 39040  
effect for a continuing period of time, or of a school district 39041  
income tax levied under Chapter 5748. of the Revised Code in 39042  
effect for a continuing period of time to the payment of costs of 39043  
maintaining the classroom facilities. 39044

(B) Receive, as a credit against the amount of bonds required 39045

under sections 3318.05 and 3318.06 of the Revised Code, to be 39046  
approved by the electors of the district and issued by the 39047  
district board for the district's portion of the basic project 39048  
cost of its classroom facilities project in order for the district 39049  
to receive state assistance for the project, an amount equal to 39050  
the specified amount that the district board covenants and agrees 39051  
with the commission to apply as set forth in division (A)(1) of 39052  
this section; 39053

(C) Receive, as a credit against the amount of the tax levy 39054  
required under sections 3318.05 and 3318.06 of the Revised Code, 39055  
to be approved by the electors of the district to pay the costs of 39056  
maintaining the classroom facilities in order to receive state 39057  
assistance for the classroom facilities project, an amount 39058  
equivalent to the specified amount of proceeds the school district 39059  
board covenants and agrees with the commission to apply as 39060  
referred to in division (A)(2) of this section; 39061

(D) Apply proceeds of either or both a school district income 39062  
tax levied under Chapter 5748. of the Revised Code that may 39063  
lawfully be used to pay the costs of a classroom facilities 39064  
project or of a tax levied under section 5705.21 or 5705.218 of 39065  
the Revised Code to the payment of debt charges on and financing 39066  
costs related to securities issued under this section; 39067

(E) Issue securities to provide moneys to pay all or part of 39068  
the district's portion of the basic project cost of its classroom 39069  
facilities project in accordance with an agreement entered into 39070  
under division (A) of this section. Securities issued under this 39071  
section shall be Chapter 133. securities and may be issued as 39072  
general obligation securities or issued in anticipation of a 39073  
school district income tax or as property tax anticipation notes 39074  
under section 133.24 of the Revised Code. The district board's 39075  
resolution authorizing the issuance and sale of general obligation 39076  
securities under this section shall conform to the applicable 39077

requirements of section 133.22 or 133.23 of the Revised Code. 39078  
Securities issued under this section shall have principal payments 39079  
during each year after the year of issuance over a period of not 39080  
more than twenty-three years and, if so determined by the district 39081  
board, during the year of issuance. Securities issued under this 39082  
section shall not be included in the calculation of net 39083  
indebtedness of the district under section 133.06 of the Revised 39084  
Code, including but not limited to the limitation on unvoted 39085  
indebtedness specified in division (G) of that section, or under 39086  
section 3313.372 of the Revised Code, if the resolution of the 39087  
district board authorizing their issuance and sale includes 39088  
covenants to appropriate annually from lawfully available proceeds 39089  
of a property tax levied under section 5705.21 or 5705.218 of the 39090  
Revised Code or of a school district income tax levied under 39091  
Chapter 5748. of the Revised Code and to continue to levy and 39092  
collect the tax in amounts necessary to pay the debt charges on 39093  
and financing costs related to the securities as they become due. 39094  
No property tax levied under section 5705.21 or 5705.218 of the 39095  
Revised Code and no school district income tax levied under 39096  
Chapter 5748. of the Revised Code that is pledged, or that the 39097  
school district board has covenanted to levy, collect, and 39098  
appropriate annually, to pay the debt charges on and financing 39099  
costs related to securities issued under this section shall be 39100  
repealed while those securities are outstanding. If such a tax is 39101  
reduced by the electors of the district or by the district board 39102  
while those securities are outstanding, the school district board 39103  
shall continue to levy and collect the tax under the authority of 39104  
the original election authorizing the tax at a rate in each year 39105  
that the board reasonably estimates will produce an amount in that 39106  
year equal to the debt charges on the securities in that year, 39107  
except that in the case of a school district income tax that 39108  
amount shall be rounded up to the nearest one-fourth of one per 39109  
cent. 39110

No state moneys shall be released for a project to which this section applies until the proceeds of the tax securities issued under this section that are dedicated for the payment of the district portion of the basic project cost of its classroom facilities project are first deposited into the district's project construction fund.

**Sec. 3318.054.** (A) If conditional approval of a city, exempted village, or local school district's project lapses as provided in section 3318.05 of the Revised Code, or if conditional approval of a joint vocational school district's project lapses as provided in division (D) of section 3318.41 of the Revised Code, because the district's electors have not approved the ballot measures necessary to generate the district's portion of the basic project cost, and if the district board desires to seek a new conditional approval of the project, the district board shall request that the Ohio ~~school~~ facilities construction commission set the scope, basic project cost, and school district portion of the basic project cost prior to resubmitting the ballot measures to the electors. To do so, the commission shall use the district's current assessed tax valuation and the district's percentile for the prior fiscal year. For a district that has entered into an agreement under section 3318.36 of the Revised Code and desires to proceed with a project under sections 3318.01 to 3318.20 of the Revised Code, the district's portion of the basic project cost shall be the percentage specified in that agreement. The project scope and basic costs established under this division shall be valid for thirteen months from the date the commission approves them.

(B) Upon the commission's approval under division (A) of this section, the district board may submit the ballot measures to the district's electors for approval of the project based on the new project scope and estimated costs. Upon electoral approval of

those measures, the district shall be given first priority for 39143  
project funding as such funds become available. 39144

(C) When the commission determines that funds are available 39145  
for the district's project, the commission shall do all of the 39146  
following: 39147

(1) Determine the school district portion of the basic 39148  
project cost under section 3318.032 of the Revised Code, in the 39149  
case of a city, exempted village, or local school district, or 39150  
under section 3318.42 of the Revised Code, in the case of a joint 39151  
vocational school district; 39152

(2) Conditionally approve the project and submit it to the 39153  
controlling board for approval pursuant to section 3318.04 of the 39154  
Revised Code; 39155

(3) Encumber funds for the project under section 3318.11 of 39156  
the Revised Code; 39157

(4) Enter into an agreement with the district board under 39158  
section 3318.08 of the Revised Code. 39159

**Sec. 3318.06.** (A) After receipt of the conditional approval 39160  
of the Ohio ~~school~~ facilities construction commission, the school 39161  
district board by a majority of all of its members shall, if it 39162  
desires to proceed with the project, declare all of the following 39163  
by resolution: 39164

(1) That by issuing bonds in an amount equal to the school 39165  
district's portion of the basic project cost the district is 39166  
unable to provide adequate classroom facilities without assistance 39167  
from the state; 39168

(2) Unless the school district board has resolved to transfer 39169  
money in accordance with section 3318.051 of the Revised Code or 39170  
to apply the proceeds of a property tax or the proceeds of an 39171  
income tax, or a combination of proceeds from such taxes, as 39172

authorized under section 3318.052 of the Revised Code, that to 39173  
qualify for such state assistance it is necessary to do either of 39174  
the following: 39175

(a) Levy a tax outside the ten-mill limitation the proceeds 39176  
of which shall be used to pay the cost of maintaining the 39177  
classroom facilities included in the project; 39178

(b) Earmark for maintenance of classroom facilities from the 39179  
proceeds of an existing permanent improvement tax levied under 39180  
section 5705.21 of the Revised Code, if such tax can be used for 39181  
maintenance, an amount equivalent to the amount of the additional 39182  
tax otherwise required under this section and sections 3318.05 and 39183  
3318.08 of the Revised Code. 39184

(3) That the question of any tax levy specified in a 39185  
resolution described in division (A)(2)(a) of this section, if 39186  
required, shall be submitted to the electors of the school 39187  
district at the next general or primary election, if there be a 39188  
general or primary election not less than ninety and not more than 39189  
one hundred ten days after the day of the adoption of such 39190  
resolution or, if not, at a special election to be held at a time 39191  
specified in the resolution which shall be not less than ninety 39192  
days after the day of the adoption of the resolution and which 39193  
shall be in accordance with the requirements of section 3501.01 of 39194  
the Revised Code. 39195

Such resolution shall also state that the question of issuing 39196  
bonds of the board shall be combined in a single proposal with the 39197  
question of such tax levy. More than one election under this 39198  
section may be held in any one calendar year. Such resolution 39199  
shall specify both of the following: 39200

(a) That the rate which it is necessary to levy shall be at 39201  
the rate of not less than one-half mill for each one dollar of 39202  
valuation, and that such tax shall be levied for a period of 39203

twenty-three years; 39204

(b) That the proceeds of the tax shall be used to pay the 39205  
cost of maintaining the classroom facilities included in the 39206  
project. 39207

(B) A copy of a resolution adopted under division (A) of this 39208  
section shall after its passage and not less than ninety days 39209  
prior to the date set therein for the election be certified to the 39210  
county board of elections. 39211

The resolution of the school district board, in addition to 39212  
meeting other applicable requirements of section 133.18 of the 39213  
Revised Code, shall state that the amount of bonds to be issued 39214  
will be an amount equal to the school district's portion of the 39215  
basic project cost, and state the maximum maturity of the bonds 39216  
which may be any number of years not exceeding the term calculated 39217  
under section 133.20 of the Revised Code as determined by the 39218  
board. In estimating the amount of bonds to be issued, the board 39219  
shall take into consideration the amount of moneys then in the 39220  
bond retirement fund and the amount of moneys to be collected for 39221  
and disbursed from the bond retirement fund during the remainder 39222  
of the year in which the resolution of necessity is adopted. 39223

If the bonds are to be issued in more than one series, the 39224  
resolution may state, in addition to the information required to 39225  
be stated under division (B)(3) of section 133.18 of the Revised 39226  
Code, the number of series, which shall not exceed five, the 39227  
principal amount of each series, and the approximate date each 39228  
series will be issued, and may provide that no series, or any 39229  
portion thereof, may be issued before such date. Upon such a 39230  
resolution being certified to the county auditor as required by 39231  
division (C) of section 133.18 of the Revised Code, the county 39232  
auditor, in calculating, advising, and confirming the estimated 39233  
average annual property tax levy under that division, shall also 39234  
calculate, advise, and confirm by certification the estimated 39235

average property tax levy for each series of bonds to be issued. 39236

Notice of the election shall include the fact that the tax 39237  
levy shall be at the rate of not less than one-half mill for each 39238  
one dollar of valuation for a period of twenty-three years, and 39239  
that the proceeds of the tax shall be used to pay the cost of 39240  
maintaining the classroom facilities included in the project. 39241

If the bonds are to be issued in more than one series, the 39242  
board of education, when filing copies of the resolution with the 39243  
board of elections as required by division (D) of section 133.18 39244  
of the Revised Code, may direct the board of elections to include 39245  
in the notice of election the principal amount and approximate 39246  
date of each series, the maximum number of years over which the 39247  
principal of each series may be paid, the estimated additional 39248  
average property tax levy for each series, and the first calendar 39249  
year in which the tax is expected to be due for each series, in 39250  
addition to the information required to be stated in the notice 39251  
under divisions (E)(3)(a) to (e) of section 133.18 of the Revised 39252  
Code. 39253

(C)(1) Except as otherwise provided in division (C)(2) of 39254  
this section, the form of the ballot to be used at such election 39255  
shall be: 39256

"A majority affirmative vote is necessary for passage. 39257

Shall bonds be issued by the ..... (here insert name 39258  
of school district) school district to pay the local share of 39259  
school construction under the State of Ohio Classroom Facilities 39260  
Assistance Program in the principal amount of ..... (here 39261  
insert principal amount of the bond issue), to be repaid annually 39262  
over a maximum period of ..... (here insert the maximum 39263  
number of years over which the principal of the bonds may be paid) 39264  
years, and an annual levy of property taxes be made outside the 39265  
ten-mill limitation, estimated by the county auditor to average 39266



over the repayment period of the bond issue ..... (here 39267  
insert the number of mills estimated) mills for each one dollar of 39268  
tax valuation, which amounts to ..... (rate expressed in 39269  
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 39270  
for each one hundred dollars of tax valuation to pay the annual 39271  
debt charges on the bonds and to pay debt charges on any notes 39272  
issued in anticipation of the bonds?" 39273

and, unless the additional levy 39274  
of taxes is not required pursuant 39275  
to division (C) of section 39276  
3318.05 of the Revised Code, 39277

"Shall an additional levy of taxes be made for a period of 39278  
twenty-three years to benefit the ..... (here insert name 39279  
of school district) school district, the proceeds of which shall 39280  
be used to pay the cost of maintaining the classroom facilities 39281  
included in the project at the rate of ..... (here insert the 39282  
number of mills, which shall not be less than one-half mill) mills 39283  
for each one dollar of valuation? 39284

	FOR THE BOND ISSUE AND TAX LEVY	
	AGAINST THE BOND ISSUE AND TAX LEVY	"

39285  
39286  
39287  
39288

(2) If authority is sought to issue bonds in more than one 39289  
series and the board of education so elects, the form of the 39290  
ballot shall be as prescribed in section 3318.062 of the Revised 39291  
Code. If the board of education elects the form of the ballot 39292  
prescribed in that section, it shall so state in the resolution 39293  
adopted under this section. 39294

(D) If it is necessary for the school district to acquire a 39295  
site for the classroom facilities to be acquired pursuant to 39296  
sections 3318.01 to 3318.20 of the Revised Code, the district 39297

board may propose either to issue bonds of the board or to levy a tax to pay for the acquisition of such site, and may combine the question of doing so with the questions specified in division (B) of this section. Bonds issued under this division for the purpose of acquiring a site are a general obligation of the school district and are Chapter 133. securities.

The form of that portion of the ballot to include the question of either issuing bonds or levying a tax for site acquisition purposes shall be one of the following:

(1) "Shall bonds be issued by the ..... (here insert name of the school district) school district to pay costs of acquiring a site for classroom facilities under the State of Ohio Classroom Facilities Assistance Program in the principal amount of ..... (here insert principal amount of the bond issue), to be repaid annually over a maximum period of ..... (here insert maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue ..... (here insert number of mills) mills for each one dollar of tax valuation, which amount to ..... (here insert rate expressed in cents or dollars and cents, such as "thirty-six cents" or "\$0.36") for each one hundred dollars of valuation to pay the annual debt charges on the bonds and to pay debt charges on any notes issued in anticipation of the bonds?"

(2) "Shall an additional levy of taxes outside the ten-mill limitation be made for the benefit of the ..... (here insert name of the school district) school district for the purpose of acquiring a site for classroom facilities in the sum of ..... (here insert annual amount the levy is to produce) estimated by the county auditor to average ..... (here insert number of mills) mills for each one hundred dollars of valuation, for a

period of ..... (here insert number of years the millage is to be imposed) years?"

Where it is necessary to combine the question of issuing bonds of the school district and levying a tax as described in division (B) of this section with the question of issuing bonds of the school district for acquisition of a site, the question specified in that division to be voted on shall be "For the Bond Issues and the Tax Levy" and "Against the Bond Issues and the Tax Levy."

Where it is necessary to combine the question of issuing bonds of the school district and levying a tax as described in division (B) of this section with the question of levying a tax for the acquisition of a site, the question specified in that division to be voted on shall be "For the Bond Issue and the Tax Levies" and "Against the Bond Issue and the Tax Levies."

Where the school district board chooses to combine the question in division (B) of this section with any of the additional questions described in divisions (A) to (D) of section 3318.056 of the Revised Code, the question specified in division (B) of this section to be voted on shall be "For the Bond Issues and the Tax Levies" and "Against the Bond Issues and the Tax Levies."

If a majority of those voting upon a proposition hereunder which includes the question of issuing bonds vote in favor thereof, and if the agreement provided for by section 3318.08 of the Revised Code has been entered into, the school district board may proceed under Chapter 133. of the Revised Code, with the issuance of bonds or bond anticipation notes in accordance with the terms of the agreement.

**Sec. 3318.061.** This section applies only to school districts eligible to receive additional assistance under division (B)(2) of

section 3318.04 of the Revised Code. 39361

The board of education of a school district in which a tax 39362  
described by division (B) of section 3318.05 and levied under 39363  
section 3318.06 of the Revised Code is in effect, may adopt a 39364  
resolution by vote of a majority of its members to extend the term 39365  
of that tax beyond the expiration of that tax as originally 39366  
approved under that section. The school district board may include 39367  
in the resolution a proposal to extend the term of that tax at the 39368  
rate of not less than one-half mill for each dollar of valuation 39369  
for a period of twenty-three years from the year in which the 39370  
school district board and the Ohio ~~school~~ facilities construction 39371  
commission enter into an agreement under division (B)(2) of 39372  
section 3318.04 of the Revised Code or in the following year, as 39373  
specified in the resolution. Such a resolution may be adopted at 39374  
any time before such an agreement is entered into and before the 39375  
tax levied pursuant to section 3318.06 of the Revised Code 39376  
expires. If the resolution is combined with a resolution to issue 39377  
bonds to pay the school district's portion of the basic project 39378  
cost, it shall conform with the requirements of divisions (A)(1), 39379  
(2), and (3) of section 3318.06 of the Revised Code, except that 39380  
the resolution also shall state that the tax levy proposed in the 39381  
resolution is an extension of an existing tax levied under that 39382  
section. A resolution proposing an extension adopted under this 39383  
section does not take effect until it is approved by a majority of 39384  
electors voting in favor of the resolution at a general, primary, 39385  
or special election as provided in this section. 39386

A tax levy extended under this section is subject to the same 39387  
terms and limitations to which the original tax levied under 39388  
section 3318.06 of the Revised Code is subject under that section, 39389  
except the term of the extension shall be as specified in this 39390  
section. 39391

The school district board shall certify a copy of the 39392

resolution adopted under this section to the proper county board 39393  
of elections not later than ninety days before the date set in the 39394  
resolution as the date of the election at which the question will 39395  
be submitted to electors. The notice of the election shall conform 39396  
with the requirements of division (A)(3) of section 3318.06 of the 39397  
Revised Code, except that the notice also shall state that the 39398  
maintenance tax levy is an extension of an existing tax levy. 39399

The form of the ballot shall be as follows: 39400

"Shall the existing tax levied to pay the cost of maintaining 39401  
classroom facilities constructed with the proceeds of the 39402  
previously issued bonds at the rate of ..... (here insert the 39403  
number of mills, which shall not be less than one-half mill) mills 39404  
per dollar of tax valuation, be extended until ..... (here 39405  
insert the year that is twenty-three years after the year in which 39406  
the district and commission will enter into an agreement under 39407  
division (B)(2) of section 3318.04 of the Revised Code or the 39408  
following year)? 39409

	FOR EXTENDING THE EXISTING TAX LEVY
	AGAINST EXTENDING THE EXISTING TAX LEVY

" 39412

39410  
39411  
Section 3318.07 of the Revised Code applies to ballot 39414  
questions under this section. 39415

**Sec. 3318.07.** The board of elections shall certify the result 39416  
of the election to the tax commissioner, to the auditor of the 39417  
county or counties in which the school district is located, to the 39418  
treasurer of the school district board, and to the Ohio ~~school~~ 39419  
facilities construction commission. The necessary tax levy for 39420  
debt service on the bonds shall be included in the annual tax 39421  
budget that is certified to the county budget commission or, if 39422

adoption of the tax budget is waived under section 5705.281 of the Revised Code, included among the tax rates required to be provided to the budget commission under that section.

**Sec. 3318.08.** Except in the case of a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, if the requisite favorable vote on the election is obtained, or if the school district board has resolved to apply the proceeds of a property tax levy or the proceeds of an income tax, or a combination of proceeds from such taxes, as authorized in section 3318.052 of the Revised Code, the Ohio ~~school~~ facilities construction commission, upon certification to it of either the results of the election or the resolution under section 3318.052 of the Revised Code, shall enter into a written agreement with the school district board for the construction and sale of the project. In the case of a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, if the school district board of education and the school district electors have satisfied the conditions prescribed in division (D)(1) of section 3318.41 of the Revised Code, the commission shall enter into an agreement with the school district board for the construction and sale of the project. In either case, the agreement shall include, but need not be limited to, the following provisions:

(A) The sale and issuance of bonds or notes in anticipation thereof, as soon as practicable after the execution of the agreement, in an amount equal to the school district's portion of the basic project cost, including any securities authorized under division (J) of section 133.06 of the Revised Code and dedicated by the school district board to payment of the district's portion of the basic project cost of the project; provided, that if at that time the county treasurer of each county in which the school district is located has not commenced the collection of taxes on

the general duplicate of real and public utility property for the 39455  
year in which the controlling board approved the project, the 39456  
school district board shall authorize the issuance of a first 39457  
installment of bond anticipation notes in an amount specified by 39458  
the agreement, which amount shall not exceed an amount necessary 39459  
to raise the net bonded indebtedness of the school district as of 39460  
the date of the controlling board's approval to within five 39461  
thousand dollars of the required level of indebtedness for the 39462  
preceding year. In the event that a first installment of bond 39463  
anticipation notes is issued, the school district board shall, as 39464  
soon as practicable after the county treasurer of each county in 39465  
which the school district is located has commenced the collection 39466  
of taxes on the general duplicate of real and public utility 39467  
property for the year in which the controlling board approved the 39468  
project, authorize the issuance of a second and final installment 39469  
of bond anticipation notes or a first and final issue of bonds. 39470

The combined value of the first and second installment of 39471  
bond anticipation notes or the value of the first and final issue 39472  
of bonds shall be equal to the school district's portion of the 39473  
basic project cost. The proceeds of any such bonds shall be used 39474  
first to retire any bond anticipation notes. Otherwise, the 39475  
proceeds of such bonds and of any bond anticipation notes, except 39476  
the premium and accrued interest thereon, shall be deposited in 39477  
the school district's project construction fund. In determining 39478  
the amount of net bonded indebtedness for the purpose of fixing 39479  
the amount of an issue of either bonds or bond anticipation notes, 39480  
gross indebtedness shall be reduced by moneys in the bond 39481  
retirement fund only to the extent of the moneys therein on the 39482  
first day of the year preceding the year in which the controlling 39483  
board approved the project. Should there be a decrease in the tax 39484  
valuation of the school district so that the amount of 39485  
indebtedness that can be incurred on the tax duplicates for the 39486  
year in which the controlling board approved the project is less 39487

than the amount of the first installment of bond anticipation 39488  
notes, there shall be paid from the school district's project 39489  
construction fund to the school district's bond retirement fund to 39490  
be applied against such notes an amount sufficient to cause the 39491  
net bonded indebtedness of the school district, as of the first 39492  
day of the year following the year in which the controlling board 39493  
approved the project, to be within five thousand dollars of the 39494  
required level of indebtedness for the year in which the 39495  
controlling board approved the project. The maximum amount of 39496  
indebtedness to be incurred by any school district board as its 39497  
share of the cost of the project is either an amount that will 39498  
cause its net bonded indebtedness, as of the first day of the year 39499  
following the year in which the controlling board approved the 39500  
project, to be within five thousand dollars of the required level 39501  
of indebtedness, or an amount equal to the required percentage of 39502  
the basic project costs, whichever is greater. All bonds and bond 39503  
anticipation notes shall be issued in accordance with Chapter 133. 39504  
of the Revised Code, and notes may be renewed as provided in 39505  
section 133.22 of the Revised Code. 39506

(B) The transfer of such funds of the school district board 39507  
available for the project, together with the proceeds of the sale 39508  
of the bonds or notes, except premium, accrued interest, and 39509  
interest included in the amount of the issue, to the school 39510  
district's project construction fund; 39511

(C) For all school districts except joint vocational school 39512  
districts that receive assistance under sections 3318.40 to 39513  
3318.45 of the Revised Code, the following provisions as 39514  
applicable: 39515

(1) If section 3318.052 of the Revised Code applies, the 39516  
earmarking of the proceeds of a tax levied under section 5705.21 39517  
of the Revised Code for general permanent improvements or under 39518  
section 5705.218 of the Revised Code for the purpose of permanent 39519



improvements, or the proceeds of a school district income tax 39520  
levied under Chapter 5748. of the Revised Code, or the proceeds 39521  
from a combination of those two taxes, in an amount to pay all or 39522  
part of the service charges on bonds issued to pay the school 39523  
district portion of the project and an amount equivalent to all or 39524  
part of the tax required under division (B) of section 3318.05 of 39525  
the Revised Code; 39526

(2) If section 3318.052 of the Revised Code does not apply, 39527  
one of the following: 39528

(a) The levy of the tax authorized at the election for the 39529  
payment of maintenance costs, as specified in division (B) of 39530  
section 3318.05 of the Revised Code; 39531

(b) If the school district electors have approved a 39532  
continuing tax for general permanent improvements under section 39533  
5705.21 of the Revised Code and that tax can be used for 39534  
maintenance, the earmarking of an amount of the proceeds from such 39535  
tax for maintenance of classroom facilities as specified in 39536  
division (B) of section 3318.05 of the Revised Code; 39537

(c) If, in lieu of the tax otherwise required under division 39538  
(B) of section 3318.05 of the Revised Code, the commission has 39539  
approved the transfer of money to the maintenance fund in 39540  
accordance with section 3318.051 of the Revised Code, a 39541  
requirement that the district board comply with the provisions of 39542  
that section. The district board may rescind the provision 39543  
prescribed under division (C)(2)(c) of this section only so long 39544  
as the electors of the district have approved, in accordance with 39545  
section 3318.063 of the Revised Code, the levy of a tax for the 39546  
maintenance of the classroom facilities acquired under the 39547  
district's project and that levy continues to be collected as 39548  
approved by the electors. 39549

(D) For joint vocational school districts that receive 39550

assistance under sections 3318.40 to 3318.45 of the Revised Code, 39551  
provision for deposit of school district moneys dedicated to 39552  
maintenance of the classroom facilities acquired under those 39553  
sections as prescribed in section 3318.43 of the Revised Code; 39554

(E) Dedication of any local donated contribution as provided 39555  
for under section 3318.084 of the Revised Code, including a 39556  
schedule for depositing such moneys applied as an offset of the 39557  
district's obligation to levy the tax described in division (B) of 39558  
section 3318.05 of the Revised Code as required under division 39559  
(D)(2) of section 3318.084 of the Revised Code; 39560

(F) Ownership of or interest in the project during the period 39561  
of construction, which shall be divided between the commission and 39562  
the school district board in proportion to their respective 39563  
contributions to the school district's project construction fund; 39564

(G) Maintenance of the state's interest in the project until 39565  
any obligations issued for the project under section 3318.26 of 39566  
the Revised Code are no longer outstanding; 39567

(H) The insurance of the project by the school district from 39568  
the time there is an insurable interest therein and so long as the 39569  
state retains any ownership or interest in the project pursuant to 39570  
division (F) of this section, in such amounts and against such 39571  
risks as the commission shall require; provided, that the cost of 39572  
any required insurance until the project is completed shall be a 39573  
part of the basic project cost; 39574

(I) The certification by the director of budget and 39575  
management that funds are available and have been set aside to 39576  
meet the state's share of the basic project cost as approved by 39577  
the controlling board pursuant to either section 3318.04 or 39578  
division (B)(1) of section 3318.41 of the Revised Code; 39579

(J) Authorization of the school district board to advertise 39580  
for and receive construction bids for the project, for and on 39581

behalf of the commission, and to award contracts in the name of 39582  
the state subject to approval by the commission; 39583

(K) Provisions for the disbursement of moneys from the school 39584  
district's project account upon issuance by the commission or the 39585  
commission's designated representative of vouchers for work done 39586  
to be certified to the commission by the treasurer of the school 39587  
district board; 39588

(L) Disposal of any balance left in the school district's 39589  
project construction fund upon completion of the project; 39590

(M) Limitations upon use of the project or any part of it so 39591  
long as any obligations issued to finance the project under 39592  
section 3318.26 of the Revised Code are outstanding; 39593

(N) Provision for vesting the state's interest in the project 39594  
to the school district board when the obligations issued to 39595  
finance the project under section 3318.26 of the Revised Code are 39596  
outstanding; 39597

(O) Provision for deposit of an executed copy of the 39598  
agreement in the office of the commission; 39599

(P) Provision for termination of the contract and release of 39600  
the funds encumbered at the time of the conditional approval, if 39601  
the proceeds of the sale of the bonds of the school district board 39602  
are not paid into the school district's project construction fund 39603  
and if bids for the construction of the project have not been 39604  
taken within such period after the execution of the agreement as 39605  
may be fixed by the commission; 39606

(Q) Provision for the school district to maintain the project 39607  
in accordance with a plan approved by the commission; 39608

(R) Provision that all state funds reserved and encumbered to 39609  
pay the state share of the cost of the project and the funds 39610  
provided by the school district to pay for its share of the 39611

project cost, including the respective shares of the cost of a 39612  
segment if the project is divided into segments, be spent on the 39613  
construction and acquisition of the project or segment 39614  
simultaneously in proportion to the state's and the school 39615  
district's respective shares of that basic project cost as 39616  
determined under section 3318.032 of the Revised Code or, if the 39617  
district is a joint vocational school district, under section 39618  
3318.42 of the Revised Code. However, if the school district 39619  
certifies to the commission that expenditure by the school 39620  
district is necessary to maintain the federal tax status or 39621  
tax-exempt status of notes or bonds issued by the school district 39622  
to pay for its share of the project cost or to comply with 39623  
applicable temporary investment periods or spending exceptions to 39624  
rebate as provided for under federal law in regard to those notes 39625  
or bonds, the school district may commit to spend, or spend, a 39626  
greater portion of the funds it provides during any specific 39627  
period than would otherwise be required under this division. 39628

(S) A provision stipulating that the commission may prohibit 39629  
the district from proceeding with any project if the commission 39630  
determines that the site is not suitable for construction 39631  
purposes. The commission may perform soil tests in its 39632  
determination of whether a site is appropriate for construction 39633  
purposes. 39634

(T) A provision stipulating that, unless otherwise authorized 39635  
by the commission, any contingency reserve portion of the 39636  
construction budget prescribed by the commission shall be used 39637  
only to pay costs resulting from unforeseen job conditions, to 39638  
comply with rulings regarding building and other codes, to pay 39639  
costs related to design clarifications or corrections to contract 39640  
documents, and to pay the costs of settlements or judgments 39641  
related to the project as provided under section 3318.086 of the 39642  
Revised Code; 39643

(U) A provision stipulating that for continued release of project funds the school district board shall comply with sections 3313.41, 3313.411, and 3313.413 of the Revised Code throughout the project and shall notify the department of education and the Ohio community school association when the board plans to dispose of facilities by sale under that section;

(V) A provision stipulating that the commission shall not approve a contract for demolition of a facility until the school district board has complied with sections 3313.41, 3313.411, and 3313.413 of the Revised Code relative to that facility, unless demolition of that facility is to clear a site for construction of a replacement facility included in the district's project;

(W) A requirement for the school district to adhere to a facilities maintenance plan approved by the commission.

**Sec. 3318.081.** If the board of education of a school district authorized to impose a tax pursuant to section 3318.06 of the Revised Code determines that taxable value of property subject to the tax has increased to the extent it will not be necessary to impose such tax for twenty-three years in order to generate an amount equal to the amount of the project cost supplied by the state, it may request the county auditor to determine the amount remaining to be paid and the estimated rate of taxation required each year to pay such remainder in equal installments over the maximum number of remaining years the tax may be in effect. The auditor shall make such determination upon request and certify the results thereof to the board of education.

Upon receipt of the auditor's determination, the board of education may request the Ohio ~~school~~ facilities construction commission to enter into a supplemental agreement under which the district may pay the remainder of the amount in annual amounts equal to the quotient obtained by dividing the amount remaining to

be paid by the maximum number of remaining years the tax may be in 39675  
effect. If such an agreement is entered into, the commission shall 39676  
certify a copy thereof to the county auditor and the tax 39677  
authorized by section 3318.06 of the Revised Code thereafter shall 39678  
be levied at the rate required to make the annual payments 39679  
required by the supplemental agreement rather than the rate 39680  
required by such section. 39681

**Sec. 3318.082.** The board of education of any school district 39682  
imposing a tax for the purpose of paying the state pursuant to 39683  
section 3318.06 of the Revised Code prior to the effective date of 39684  
the amendments to that section by Amended Substitute House Bill 39685  
No. 748 of the 121st ~~General Assembly~~ general assembly, may enter 39686  
into a supplemental agreement with the Ohio ~~school~~ facilities 39687  
construction commission under which the proceeds of such tax shall 39688  
be distributed in accordance with the requirements of section 39689  
3318.06 of the Revised Code, as amended by Amended Substitute 39690  
House Bill No. 748 of the 121st general assembly. 39691

**Sec. 3318.083.** If, after the Ohio ~~school~~ facilities 39692  
construction commission and a school district enter into a written 39693  
agreement under section 3318.08 of the Revised Code for the 39694  
construction of a classroom facilities project, the commission 39695  
approves an increase in the basic project cost above the amount 39696  
budgeted plus any interest earned and available in the project 39697  
construction fund, the state and the school district shall share 39698  
the increased cost in proportion to their respective contributions 39699  
to the district's project construction fund. 39700

**Sec. 3318.084.** (A) Notwithstanding anything to the contrary 39701  
in Chapter 3318. of the Revised Code, a school district board may 39702  
apply any local donated contribution toward any of the following: 39703

(1) The district's portion of the basic project cost of a 39704

project under either sections 3318.01 to 3318.20 or sections 39705  
3318.40 to 3318.45 of the Revised Code to reduce the amount of 39706  
bonds the district otherwise must issue in order to receive state 39707  
assistance under those sections; 39708

(2) If the school district is not a joint vocational school 39709  
district proceeding under sections 3318.40 to 3318.45 of the 39710  
Revised Code, an offset of all or part of a district's obligation 39711  
to levy the tax described in division (B) of section 3318.05 of 39712  
the Revised Code, which shall be applied only in the manner 39713  
prescribed in division (B) of this section; 39714

(3) If the school district is a joint vocational school 39715  
district proceeding under sections 3318.40 to 3318.45 of the 39716  
Revised Code, all or part of the amount the school district is 39717  
obligated to set aside for maintenance of the classroom facilities 39718  
acquired under that project pursuant to section 3318.43 of the 39719  
Revised Code. 39720

(B) No school district board shall apply any local donated 39721  
contribution under division (A)(2) of this section unless the Ohio 39722  
~~school~~ facilities construction commission first approves that 39723  
application. 39724

Upon the request of the school district board to apply local 39725  
donated contribution under division (A)(2) of this section, the 39726  
commission in consultation with the department of taxation shall 39727  
determine the amount of total revenue that likely would be 39728  
generated by one-half mill of the tax described in division (B) of 39729  
section 3318.05 of the Revised Code over the entire 39730  
twenty-three-year period required under that section and shall 39731  
deduct from that amount any amount of local donated contribution 39732  
that the board has committed to apply under division (A)(2) of 39733  
this section. The commission then shall determine in consultation 39734  
with the department of taxation the rate of tax over twenty-three 39735  
years necessary to generate the amount of a one-half mill tax not 39736

offset by the local donated contribution. Notwithstanding anything 39737  
to the contrary in section 3318.06, 3318.061, or 3318.361 of the 39738  
Revised Code, the rate determined by the commission shall be the 39739  
rate for which the district board shall seek elector approval 39740  
under those sections to meet its obligation under division (B) of 39741  
section 3318.05 of the Revised Code. In the case of a complete 39742  
offset of the district's obligation under division (B) of section 39743  
3318.05 of the Revised Code, the district shall not be required to 39744  
levy the tax otherwise required under that section. At the end of 39745  
the twenty-three-year period of the tax required under division 39746  
(B) of section 3318.05 of the Revised Code, whether or not the tax 39747  
is actually levied, the commission in consultation of the 39748  
department of taxation shall recalculate the amount that would 39749  
have been generated by the tax if it had been levied at one-half 39750  
mill. If the total amount actually generated over that period from 39751  
both the tax that was actually levied and any local donated 39752  
contribution applied under division (A)(2) of this section is less 39753  
than the amount that would have been raised by a one-half mill 39754  
tax, the district shall pay any difference. If the total amount 39755  
actually raised in such manner is greater than the amount that 39756  
would have been raised by a one-half mill tax the difference shall 39757  
be zero and no payments shall be made by either the district or 39758  
the commission. 39759

(C) As used in this section, "local donated contribution" 39760  
means any of the following: 39761

(1) Any moneys irrevocably donated or granted to a school 39762  
district board by a source other than the state which the board 39763  
has the authority to apply to the school district's project under 39764  
sections 3318.01 to 3318.20 of the Revised Code and which the 39765  
board has pledged for that purpose by resolution adopted by a 39766  
majority of its members; 39767

(2) Any irrevocable letter of credit issued on behalf of a 39768



school district which the school district board has encumbered for 39769  
payment of the school district's share of its project under 39770  
sections 3318.01 to 3318.20 of the Revised Code that has been 39771  
approved by the commission in consultation with the department of 39772  
education; 39773

(3) Any cash a school district has on hand that the school 39774  
district board has encumbered for payment of the school district's 39775  
share of its project under sections 3318.01 to 3318.20 of the 39776  
Revised Code that has been approved by the commission in 39777  
consultation with the department of education, including the 39778  
following: 39779

(a) Any year-end operating fund balances that can be spent 39780  
for classroom facilities; 39781

(b) Any cash resulting from a lease-purchase agreement that 39782  
the school district board has entered into under section 3313.375 39783  
of the Revised Code, provided that the agreement and the related 39784  
financing documents contain provisions protecting the state's 39785  
superior interest in the project. 39786

(4) Any moneys spent by a source other than the school 39787  
district or the state for construction or renovation of specific 39788  
classroom facilities that have been approved by the commission as 39789  
part of the basic project cost of the district's project. The 39790  
school district, the commission, and the entity providing the 39791  
local donated contribution under division (C)(4) of this section 39792  
shall enter into an agreement identifying the classroom facilities 39793  
to be acquired by the expenditures made by that entity. The 39794  
agreement shall include, but not be limited to, stipulations that 39795  
require an audit by the commission of such expenditures made on 39796  
behalf of the district and that specify the maximum amount of 39797  
credit to be allowed for those expenditures. Upon completion of 39798  
the construction or renovation, the commission shall determine the 39799  
actual amount that the commission will credit, at the request of 39800

the district board, toward the district's portion of the basic 39801  
project cost, any project cost overruns, or the basic project cost 39802  
of future segments if the project has been divided into segments 39803  
under section 3318.38 of the Revised Code. The actual amount of 39804  
the credit shall not exceed the lesser of the amount specified in 39805  
the agreement or the actual cost of the construction or 39806  
renovation. 39807

(D) No state moneys shall be released for a project to which 39808  
this section applies until: 39809

(1) Any local donated contribution authorized under division 39810  
(A)(1) of this section is first deposited into the school 39811  
district's project construction fund. 39812

(2) The school district board and the commission have 39813  
included a stipulation in their agreement entered into under 39814  
section 3318.08 of the Revised Code under which the board will 39815  
deposit into a fund approved by the commission according to a 39816  
schedule that does not extend beyond the anticipated completion 39817  
date of the project the total amount of any local donated 39818  
contribution authorized under division (A)(2) or (3) of this 39819  
section and dedicated by the board for that purpose. 39820

However, if any local donated contribution as described in 39821  
division (C)(4) of this section has been approved under this 39822  
section, the state moneys may be released even if the entity 39823  
providing that local donated contribution has not spent the moneys 39824  
so dedicated as long as the agreement required under that section 39825  
has been executed. 39826

**Sec. 3318.086.** The construction budget for any project under 39827  
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 39828  
Revised Code shall contain a contingency reserve in an amount 39829  
prescribed by the Ohio ~~school~~ facilities construction commission, 39830  
which unless otherwise authorized by the commission, shall be used 39831

only to pay costs resulting from unforeseen job conditions, to 39832  
comply with rulings regarding building and other codes, to pay 39833  
costs related to design clarifications or corrections to contract 39834  
documents, and to pay the costs of settlements or judgments 39835  
related to the project. 39836

**Sec. 3318.091.** (A) Promptly after the written agreement 39837  
between the school district board and the Ohio ~~school~~ facilities 39838  
construction commission has been entered into, the school district 39839  
board shall proceed with the issuance of its bonds or notes in 39840  
anticipation thereof pursuant to the provision of such agreement 39841  
required by division (A) of section 3318.08 of the Revised Code 39842  
and the deposit of the proceeds thereof in the school district's 39843  
project construction fund pursuant to the provision of such 39844  
agreement required by division (B) of section 3318.08 of the 39845  
Revised Code, and the school district board, with the approval of 39846  
the commission shall employ a qualified professional person or 39847  
firm to prepare preliminary plans, working drawings, 39848  
specifications, estimates of cost, and such data as the school 39849  
district board and the commission consider necessary for the 39850  
project. When the preliminary plans and preliminary estimates of 39851  
cost have been prepared, and approved by the school district 39852  
board, they shall be submitted to the commission for approval, 39853  
modification, or rejection. The commission shall ensure that the 39854  
plans and materials proposed for use in the project comply with 39855  
specifications for plans and materials that shall be established 39856  
by the commission. When such preliminary plans and preliminary 39857  
estimates of cost and any modifications thereof have been approved 39858  
by the commission and the school district board, the school 39859  
district board shall cause such qualified professional person or 39860  
firm to prepare the working drawings, specifications, and 39861  
estimates of cost. 39862

(B) Whenever project plans submitted to the commission for approval under division (A) of this section propose to locate a facility on a state route or United States highway or within one mile of a state route or United States highway, the commission shall send a copy of the plans to the director of transportation. The director of transportation shall review the plans to determine the feasibility of the proposed ingress and egress to the facility, the traffic circulation pattern on roadways around the facility, and any improvements that would be necessary to conform the roadways to provisions of the manual adopted by the department of transportation pursuant to section 4511.09 of the Revised Code or state or federal law. The director of transportation shall provide a written summary of the director's findings to the commission in a timely manner. The commission shall consider the findings in deciding whether to approve the plans.

**Sec. 3318.10.** When such working drawings, specifications, and estimates of cost have been approved by the school district board and the Ohio ~~school~~ facilities construction commission, the treasurer of the school district board shall advertise for construction bids in accordance with section 3313.46 of the Revised Code. Such notices shall state that plans and specifications for the project are on file in the office of the commission and such other place as may be designated in such notice, and the time and place when and where bids therefor will be received.

The form of proposal to be submitted by bidders shall be supplied by the commission. Bidders may be permitted to bid upon all the branches of work and materials to be furnished and supplied, upon any branch thereof, or upon all or any thereof.

When the construction bids for all branches of work and materials have been tabulated, the commission shall cause to be

prepared a revised estimate of the basic project cost based upon 39894  
the lowest responsible bids received. If such revised estimate 39895  
exceeds the estimated basic project cost as approved by the 39896  
controlling board pursuant to section 3318.04 or division (B)(1) 39897  
of section 3318.41 of the Revised Code, no contracts may be 39898  
entered into pursuant to this section unless such revised estimate 39899  
is approved by the commission and by the controlling board. When 39900  
such revised estimate has been prepared, and after such approvals 39901  
are given, if necessary, and if the school district board has 39902  
caused to be transferred to the project construction fund the 39903  
proceeds from the sale of the first or first and final installment 39904  
of its bonds or bond anticipation notes pursuant to the provision 39905  
of the written agreement required by division (B) of section 39906  
3318.08 of the Revised Code, and when the director of budget and 39907  
management has certified that there is a balance in the 39908  
appropriation, not otherwise obligated to pay precedent 39909  
obligations, pursuant to which the state's share of such revised 39910  
estimate is required to be paid, the contract for all branches of 39911  
work and materials to be furnished and supplied, or for any branch 39912  
thereof as determined by the school district board, shall be 39913  
awarded by the school district board to the lowest responsible 39914  
bidder subject to the approval of the commission. Such award shall 39915  
be made within sixty days after the date on which the bids are 39916  
opened, and the successful bidder shall enter into a contract 39917  
within ten days after the successful bidder is notified of the 39918  
award of the contract. 39919

Subject to the approval of the commission, the school 39920  
district board may reject all bids and readvertise. Any contract 39921  
made under this section shall be made in the name of the state and 39922  
executed on its behalf by the president and treasurer of the 39923  
school district board. 39924

The provisions of sections 9.312 and 3313.46 of the Revised 39925

Code, which are applicable to construction contracts of boards of 39926  
education, shall apply to construction contracts for the project. 39927

The remedies afforded to any subcontractor, materials 39928  
supplier, laborer, mechanic, or persons furnishing material or 39929  
machinery for the project under sections 1311.26 to 1311.32 of the 39930  
Revised Code, shall apply to contracts entered into under this 39931  
section and the itemized statement required by section 1311.26 of 39932  
the Revised Code shall be filed with the school district board. 39933

Notwithstanding any other requirement of this section, a 39934  
school district, with the approval of the commission, may utilize 39935  
any otherwise lawful alternative construction delivery method for 39936  
the construction of the project. 39937

**Sec. 3318.11.** For any project undertaken with financial 39938  
assistance from the state under this chapter, the amount of state 39939  
appropriations to be encumbered for the project in each fiscal 39940  
year shall be determined by the Ohio ~~school~~ facilities 39941  
construction commission based on the project's estimated 39942  
construction schedule for that year. In each fiscal year 39943  
subsequent to the first year in which state appropriations are 39944  
encumbered for the project, the project has priority for state 39945  
funds over projects for which initial state funding is sought. 39946

**Sec. 3318.112.** (A) As used in this section, "solar\_ready" 39947  
means capable of accommodating the eventual installation of roof 39948  
top, solar photovoltaic energy equipment. 39949

(B) The Ohio ~~school~~ facilities construction commission shall 39950  
adopt rules prescribing standards for solar\_ready equipment in 39951  
school buildings under their jurisdiction. The rules shall 39952  
include, but not be limited to, standards regarding roof space 39953  
limitations, shading and obstruction, building orientation, roof 39954  
loading capacity, and electric systems. 39955

(C) A school district may seek, and the commission may grant 39956  
for good cause shown, a waiver from part or all of the standards 39957  
prescribed under division (B) of this section. 39958

**Sec. 3318.12.** (A) The Ohio ~~school~~ facilities construction 39959  
commission shall cause to be transferred to the school district's 39960  
project construction fund the necessary amounts from amounts 39961  
appropriated by the general assembly and set aside for such 39962  
purpose, from time to time as may be necessary to pay obligations 39963  
chargeable to such fund when due. All investment earnings of a 39964  
school district's project construction fund shall be credited to 39965  
the fund. 39966

(B)(1) The treasurer of the school district board shall 39967  
disburse funds from the school district's project construction 39968  
fund, including investment earnings credited to the fund, only 39969  
upon the approval of the commission or the commission's designated 39970  
representative. The commission or the commission's designated 39971  
representative shall issue vouchers against such fund, in such 39972  
amounts, and at such times as required by the contracts for 39973  
construction of the project. 39974

(2) Notwithstanding anything to the contrary in division 39975  
(B)(1) of this section, the school district board may, by a duly 39976  
adopted resolution, choose to use all or part of the investment 39977  
earnings of the district's project construction fund that are 39978  
attributable to the district's contribution to the fund to pay the 39979  
cost of classroom facilities or portions or components of 39980  
classroom facilities that are not included in the district's basic 39981  
project cost but that are related to the district's project. If 39982  
the district board adopts a resolution in favor of using those 39983  
investment earnings as authorized under division (B)(2) of this 39984  
section, the treasurer shall disburse the amount as designated and 39985  
directed by the board. However, if the district board chooses to 39986

use any part of the investment earnings for classroom facilities 39987  
or portions or components of classroom facilities that are not 39988  
included in the basic project cost, as authorized under division 39989  
(B)(2) of this section, and, subsequently, the cost of the project 39990  
exceeds the amount in the project construction fund, the district 39991  
board shall restore to the project construction fund the full 39992  
amount of the investment earnings used under division (B)(2) of 39993  
this section before any additional state moneys shall be released 39994  
for the project. 39995

(C) After a certificate of completion has been issued for a 39996  
project under section 3318.48 of the Revised Code: 39997

(1) At the discretion of the school district board, any 39998  
investment earnings remaining in the project construction fund 39999  
that are attributable to the school district's contribution to the 40000  
fund shall be: 40001

(a) Retained in the project construction fund for future 40002  
projects; 40003

(b) Transferred to the district's maintenance fund required 40004  
by division (B) of section 3318.05 or section 3318.43 of the 40005  
Revised Code, and the money so transferred shall be used solely 40006  
for maintaining the classroom facilities included in the project; 40007

(c) Transferred to the district's permanent improvement fund. 40008

(2) Any investment earnings remaining in the project 40009  
construction fund that are attributable to the state's 40010  
contribution to the fund shall be transferred to the commission 40011  
for expenditure pursuant to sections 3318.01 to 3318.20 or 40012  
sections 3318.40 to 3318.45 of the Revised Code. 40013

(3) Any other surplus remaining in the school district's 40014  
project construction fund shall be transferred to the commission 40015  
and the school district board in proportion to their respective 40016  
contributions to the fund. The commission shall use the money 40017



transferred to it under this division for expenditure pursuant to 40018  
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 40019  
Revised Code. 40020

(D) Pursuant to appropriations of the general assembly, any 40021  
moneys transferred to the commission under division (C)(2) or (3) 40022  
of this section from a project construction fund for a project 40023  
under sections 3318.40 to 3318.45 of the Revised Code may be used 40024  
for future expenditures for projects under sections 3318.40 to 40025  
3318.45 of the Revised Code, notwithstanding the two per cent 40026  
annual limit specified in division (B) of section 3318.40 of the 40027  
Revised Code. 40028

**Sec. 3318.121.** As used in this section, "big-eight school 40029  
district" has the same meaning as in section 3314.02 of the 40030  
Revised Code. 40031

Notwithstanding any provision to the contrary in section 40032  
3318.12 or Chapter 5705. of the Revised Code, a big-eight school 40033  
district receiving assistance for a project under this chapter, 40034  
that has opted with the approval of the Ohio ~~school~~ facilities 40035  
construction commission to divide the project into discrete 40036  
segments to be completed sequentially, or otherwise, may, with the 40037  
approval of the commission or the commission's designated 40038  
representative, and pursuant to a resolution adopted by the school 40039  
district board, transfer to a special construction fund investment 40040  
earnings credited to the project construction fund that are 40041  
attributable to the district's contribution to that fund, if the 40042  
school district board and the commission, or its designated 40043  
representative, determine that the unspent amount of the 40044  
district's contribution to the project construction fund, 40045  
including any investment earnings on that contribution that are 40046  
not to be transferred to the special construction fund, together 40047  
with the principal amount of any additional securities authorized 40048

by the voters of the district to be issued to pay the local share 40049  
of the basic project cost of the entire project that have not yet 40050  
been issued by the district, are projected at the time of the 40051  
transfer to be not less than one hundred ten per cent of the 40052  
amount required to provide for the entire remaining local share of 40053  
the basic project cost because of reductions in the scope and 40054  
estimated cost of the project that have been incorporated in the 40055  
district's approved master facilities plan. The money in that 40056  
special construction fund, including investment earnings 40057  
attributable to money in that fund, shall be used by the district 40058  
solely to pay costs of classroom facilities (A) in later segments 40059  
of the project that are consistent with the specifications for 40060  
plans and materials for classroom facilities adopted by the 40061  
commission and those specifications used by the district for 40062  
classroom facilities included in one or more prior segments, but 40063  
which would cause the cost of the facilities in one or more later 40064  
segments to be in excess of the approved budgeted basic project 40065  
cost for the segment to be shared by the state and the district in 40066  
proportion to the state's and the school district's respective 40067  
shares of the basic project cost as determined under section 40068  
3318.032 of the Revised Code, or (B) that were included in the 40069  
master facilities plan prior to the reduction in scope. All 40070  
investment earnings on a district's special construction fund 40071  
shall be credited to the fund. After the entire project has been 40072  
completed, any investment earnings remaining in the special 40073  
construction fund shall be transferred to the district's 40074  
maintenance fund required by division (B) of section 3318.05 of 40075  
the Revised Code, and used solely for maintaining the classroom 40076  
facilities included in the project. 40077

**Sec. 3318.13.** Notwithstanding any provision of sections 40078  
5705.27 to 5705.50 of the Revised Code, the tax to be levied on 40079  
all taxable property within a school district for the purpose of 40080

paying the cost of maintaining the classroom facilities included 40081  
in the project under the agreement provided in section 3318.08 of 40082  
the Revised Code or the supplemental agreement provided in section 40083  
3318.081 of the Revised Code shall be included in the budget of 40084  
the school district for each year upon the certification to the 40085  
county budget commission or commissions of the county or counties 40086  
in which said school district is located, by the Ohio ~~school~~ 40087  
facilities construction commission of the balance due the state 40088  
under said agreement or supplemental agreement. Such certification 40089  
shall be made on or before the fifteenth day of July in each year. 40090  
Thereafter, the respective county budget commissions shall treat 40091  
such certification as an additional item on the tax budget for the 40092  
school district as to which such certification has been made and 40093  
shall provide for the levy therefor in the manner provided in 40094  
sections 5705.27 to 5705.50 of the Revised Code for tax levies 40095  
included directly in the budgets of the subdivisions. 40096

The levy of taxes shall be included in the next annual tax 40097  
budget that is certified to the county budget commission after the 40098  
execution of the agreement for the project. 40099

**Sec. 3318.15.** There is hereby created the public school 40100  
building fund within the state treasury consisting of any moneys 40101  
transferred or appropriated to the fund by the general assembly, 40102  
moneys paid into or transferred in accordance with section 3318.47 40103  
of the Revised Code, and any grants, gifts, or contributions 40104  
received by the Ohio ~~school~~ facilities construction commission to 40105  
be used for the purposes of the fund. All investment earnings of 40106  
the fund shall be credited to the fund. 40107

Moneys transferred or appropriated to the fund by the general 40108  
assembly and moneys in the fund from grants, gifts, and 40109  
contributions shall be used for the purposes of Chapter 3318. of 40110  
the Revised Code as prescribed by the general assembly. 40111

**Sec. 3318.16.** The Ohio ~~school~~ facilities construction 40112  
commission shall have an interest in real property purchased with 40113  
moneys in the school district's project construction fund. 40114

Once obligations issued to finance a project under section 40115  
3318.26 of the Revised Code are no longer outstanding, any 40116  
interest held by the commission shall be transferred to the school 40117  
district. 40118

**Sec. 3318.18.** (A) As used in this section: 40119

(1) "Valuation" of a school district means the sum of the 40120  
amounts described in divisions (A)(1) and (2) of section 3317.021 40121  
of the Revised Code as most recently certified for the district 40122  
before the annual computation is made under division (B) of this 40123  
section. 40124

(2) "Valuation per pupil" of a school district means the 40125  
district's valuation divided by the district's formula ADM as most 40126  
recently calculated under section 3317.03 of the Revised Code 40127  
before the annual computation is made under division (B) of this 40128  
section. 40129

(3) "Statewide average valuation per pupil" means the total 40130  
of the valuations of all school districts divided by the total of 40131  
the formula ADMs of all school districts as most recently 40132  
calculated under section 3317.03 of the Revised Code before the 40133  
annual computation is made under division (C) of this section. 40134

(4) "Maintenance levy requirement" means the tax required to 40135  
be levied pursuant to division (C)(2)(a) of section 3318.08 and 40136  
division (B) of section 3318.05 of the Revised Code or the 40137  
application of proceeds of another levy to paying the costs of 40138  
maintaining classroom facilities pursuant to division (A)(2) of 40139  
section 3318.052, division (C)(1) or (C)(2)(b) of section 3318.08, 40140  
or division (D)(2) of section 3318.36 of the Revised Code, or a 40141

combination thereof. 40142

(5) "Project agreement" means an agreement between a school 40143  
district and the Ohio ~~school~~ facilities construction commission 40144  
under section 3318.08 or division (B)(1) of section 3318.36 of the 40145  
Revised Code. 40146

(B) On or before July 1, 2006, the department of education 40147  
shall compute the statewide average valuation per pupil and the 40148  
valuation per pupil of each school district, and provide them to 40149  
the Ohio ~~school~~ facilities construction commission. On or before 40150  
the first day of July each year beginning in 2007, the department 40151  
of education shall compute the statewide average valuation per 40152  
pupil and the valuation per pupil of each school district that has 40153  
not already entered into a project agreement, and provide the 40154  
results of those computations to the commission. 40155

(C)(1) At the time the Ohio ~~school~~ facilities construction 40156  
commission enters into a project agreement with a school district, 40157  
the commission shall compute the difference between the district's 40158  
valuation per pupil and the statewide average valuation per pupil 40159  
as most recently provided to the commission under division (B) of 40160  
this section. If the school district's valuation per pupil is less 40161  
than the average statewide valuation per pupil, the commission 40162  
shall multiply the difference between those amounts by one-half 40163  
mill times the formula ADM of the district as most recently 40164  
reported to the department of education for October under division 40165  
(A) of section 3317.03 of the Revised Code. The commission shall 40166  
certify the resulting product to the department of education, 40167  
along with the date on which the maintenance levy requirement 40168  
terminates as provided in the project agreement between the school 40169  
district board and the commission. 40170

(2) In the case of a school district that entered into a 40171  
project agreement after July 1, 1997, but before July 1, 2006, the 40172  
commission shall make the computation described in division (C)(1) 40173

of this section on the basis of the district's valuation per pupil 40174  
and the statewide average valuation per pupil computed as of 40175  
September 1, 2006, and the district's formula ADM reported for 40176  
October 2005. 40177

(3) The amount computed for a school district under division 40178  
(C)(1) or (2) of this section shall not change for the period 40179  
during which payments are made to the district under division (D) 40180  
of this section. 40181

(4) A computation need not be made under division (C)(1) or 40182  
(2) of this section for a school district that certified a 40183  
resolution to the commission under division (D)(3) of section 40184  
3318.36 of the Revised Code until the district becomes eligible 40185  
for state assistance as provided in that division. 40186

(D) In the fourth quarter of each fiscal year, for each 40187  
school district for which a computation has been made under 40188  
division (C) of this section, the department of education shall 40189  
pay the amount computed to each such school district. Payments 40190  
shall be made to a school district each year until and including 40191  
the tax year in which the district's maintenance levy requirement 40192  
terminates. Payments shall be paid from the half-mill equalization 40193  
fund, subject to appropriation by the general assembly. However, 40194  
the department shall make no payments under this section to any 40195  
district that elects the procedure authorized by section 3318.051 40196  
of the Revised Code. 40197

(E) Payments made to a school district under this section 40198  
shall be credited to the district's classroom facilities 40199  
maintenance fund and shall be used only for the purpose of 40200  
maintaining facilities constructed or renovated under the project 40201  
agreement. 40202

(F) There is hereby created in the state treasury the 40203  
half-mill equalization fund. The fund shall receive transfers 40204

pursuant to section 5727.85 of the Revised Code. The fund shall be 40205  
used first to make annual payments under division (D) of this 40206  
section. If a balance remains in the fund after such payments are 40207  
made in full for a year, the Ohio ~~school~~ facilities construction 40208  
commission may request the controlling board to transfer a 40209  
reasonable amount from such remaining balance to the public school 40210  
building fund created under section 3318.15 of the Revised Code 40211  
for the purposes of this chapter. 40212

All investment earnings arising from investment of money in 40213  
the half-mill equalization fund shall be credited to the fund. 40214

**Sec. 3318.22.** (A) The general assembly finds that many school 40215  
districts are prevented by their size, tax base, or other 40216  
conditions from performing their essential functions as agencies 40217  
of state government to provide adequate classroom facilities and 40218  
issuing securities under Chapter 133. of the Revised Code at 40219  
favorable interest rates or charges. Accordingly, the Ohio ~~school~~ 40220  
facilities construction commission is invested with the powers and 40221  
duties provided in sections 3318.21 to 3318.29 of the Revised Code 40222  
in order to provide deserved assistance and materially contribute 40223  
to the educational revitalization of such school districts and 40224  
result in improving the education and welfare of all the people of 40225  
the state. 40226

(B) Sections 3318.21 to 3318.29 of the Revised Code do not 40227  
authorize the commission or the issuing authority to incur bonded 40228  
indebtedness of the state or any political subdivision of the 40229  
state, or to obligate or pledge moneys raised by taxation for the 40230  
payment of any bonds or notes issued pursuant to sections 3318.21 40231  
to 3318.29 of the Revised Code. 40232

**Sec. 3318.25.** There is hereby created in the state treasury 40233  
the school building program assistance fund. The fund shall 40234

consist of the proceeds of obligations issued for the purposes of 40235  
such fund pursuant to section 3318.26 of the Revised Code that are 40236  
payable from moneys in the lottery profits education fund created 40237  
in section 3770.06 of the Revised Code or pursuant to section 40238  
151.03 of the Revised Code. All investment earnings of the fund 40239  
shall be credited to the fund. Moneys in the fund shall be used as 40240  
directed by the Ohio ~~school~~ facilities construction commission for 40241  
the cost to the state of constructing classroom facilities under 40242  
Chapter 3318. of the Revised Code as prescribed by the general 40243  
assembly. 40244

**Sec. 3318.26.** (A) The provisions of this section apply only 40245  
to obligations issued by the issuing authority prior to December 40246  
1, 1999. 40247

(B) Subject to the limitations provided in section 3318.29 of 40248  
the Revised Code, the issuing authority, upon the certification by 40249  
the Ohio ~~school~~ facilities construction commission to the issuing 40250  
authority of the amount of moneys or additional moneys needed in 40251  
the school building program assistance fund for the purposes of 40252  
sections 3318.01 to 3318.20 and sections 3318.40 to 3318.45 of the 40253  
Revised Code, or needed for capitalized interest, for funding 40254  
reserves, and for paying costs and expenses incurred in connection 40255  
with the issuance, carrying, securing, paying, redeeming, or 40256  
retirement of the obligations or any obligations refunded thereby, 40257  
including payment of costs and expenses relating to letters of 40258  
credit, lines of credit, insurance, put agreements, standby 40259  
purchase agreements, indexing, marketing, remarketing and 40260  
administrative arrangements, interest swap or hedging agreements, 40261  
and any other credit enhancement, liquidity, remarketing, renewal, 40262  
or refunding arrangements, all of which are authorized by this 40263  
section, shall issue obligations of the state under this section 40264  
in the required amount. The proceeds of such obligations, except 40265  
for obligations issued to provide moneys for the school building 40266



program assistance fund shall be deposited by the treasurer of 40267  
state in special funds, including reserve funds, as provided in 40268  
the bond proceedings. The issuing authority may appoint trustees, 40269  
paying agents, and transfer agents and may retain the services of 40270  
financial advisors and accounting experts and retain or contract 40271  
for the services of marketing, remarketing, indexing, and 40272  
administrative agents, other consultants, and independent 40273  
contractors, including printing services, as are necessary in the 40274  
issuing authority's judgment to carry out this section. The costs 40275  
of such services are payable from the school building program 40276  
assistance fund or any special fund determined by the issuing 40277  
authority. 40278

(C) The holders or owners of such obligations shall have no 40279  
right to have moneys raised by taxation obligated or pledged, and 40280  
moneys raised by taxation shall not be obligated or pledged, for 40281  
the payment of bond service charges. Such holders or owners shall 40282  
have no rights to payment of bond service charges from any money 40283  
or property received by the commission, treasurer of state, or the 40284  
state, or from any other use of the proceeds of the sale of the 40285  
obligations, and no such moneys may be used for the payment of 40286  
bond service charges, except for accrued interest, capitalized 40287  
interest, and reserves funded from proceeds received upon the sale 40288  
of the obligations and except as otherwise expressly provided in 40289  
the applicable bond proceedings pursuant to written directions by 40290  
the treasurer of state. The right of such holders and owners to 40291  
payment of bond service charges shall be limited to all or that 40292  
portion of the pledged receipts and those special funds pledged 40293  
thereto pursuant to the bond proceedings in accordance with this 40294  
section, and each such obligation shall bear on its face a 40295  
statement to that effect. 40296

(D) Obligations shall be authorized by resolution or order of 40297  
the issuing authority and the bond proceedings shall provide for 40298

the purpose thereof and the principal amount or amounts, and shall 40299  
provide for or authorize the manner or agency for determining the 40300  
principal maturity or maturities, not exceeding the limits 40301  
specified in section 3318.29 of the Revised Code, the interest 40302  
rate or rates or the maximum interest rate, the date of the 40303  
obligations and the dates of payment of interest thereon, their 40304  
denomination, and the establishment within or without the state of 40305  
a place or places of payment of bond service charges. Sections 40306  
9.98 to 9.983 of the Revised Code are applicable to obligations 40307  
issued under this section, subject to any applicable limitation 40308  
under section 3318.29 of the Revised Code. The purpose of such 40309  
obligations may be stated in the bond proceedings in terms 40310  
describing the general purpose or purposes to be served. The bond 40311  
proceedings shall also provide, subject to the provisions of any 40312  
other applicable bond proceedings, for the pledge of all, or such 40313  
part as the issuing authority may determine, of the pledged 40314  
receipts and the applicable special fund or funds to the payment 40315  
of bond service charges, which pledges may be made either prior or 40316  
subordinate to other expenses, claims, or payments, and may be 40317  
made to secure the obligations on a parity with obligations 40318  
theretofore or thereafter issued, if and to the extent provided in 40319  
the bond proceedings. The pledged receipts and special funds so 40320  
pledged and thereafter received by the state are immediately 40321  
subject to the lien of such pledge without any physical delivery 40322  
thereof or further act, and the lien of any such pledges is valid 40323  
and binding against all parties having claims of any kind against 40324  
the state or any governmental agency of the state, irrespective of 40325  
whether such parties have notice thereof, and shall create a 40326  
perfected security interest for all purposes of Chapter 1309. of 40327  
the Revised Code, without the necessity for separation or delivery 40328  
of funds or for the filing or recording of the bond proceedings by 40329  
which such pledge is created or any certificate, statement or 40330  
other document with respect thereto; and the pledge of such 40331

pledged receipts and special funds is effective and the money 40332  
therefrom and thereof may be applied to the purposes for which 40333  
pledged without necessity for any act of appropriation, except as 40334  
required by section 3770.06 of the Revised Code. Every pledge, and 40335  
every covenant and agreement made with respect thereto, made in 40336  
the bond proceedings may therein be extended to the benefit of the 40337  
owners and holders of obligations authorized by this section, and 40338  
to any trustee therefor, for the further security of the payment 40339  
of the bond service charges. 40340

(E) The bond proceedings may contain additional provisions as 40341  
to: 40342

(1) The redemption of obligations prior to maturity at the 40343  
option of the issuing authority at such price or prices and under 40344  
such terms and conditions as are provided in the bond proceedings; 40345

(2) Other terms of the obligations; 40346

(3) Limitations on the issuance of additional obligations; 40347

(4) The terms of any trust agreement or indenture securing 40348  
the obligations or under which the same may be issued; 40349

(5) The deposit, investment and application of special funds, 40350  
and the safeguarding of moneys on hand or on deposit, without 40351  
regard to Chapter 131., 133., or 135. of the Revised Code, but 40352  
subject to any special provisions of sections 3318.21 to 3318.29 40353  
of the Revised Code, with respect to particular funds or moneys, 40354  
provided that any bank or trust company that acts as depository of 40355  
any moneys in the special funds may furnish such indemnifying 40356  
bonds or may pledge such securities as required by the issuing 40357  
authority; 40358

(6) Any or every provision of the bond proceedings being 40359  
binding upon such officer, board, commission, authority, agency, 40360  
department, or other person or body as may from time to time have 40361  
the authority under law to take such actions as may be necessary 40362

to perform all or any part of the duty required by such provision; 40363

(7) Any provision that may be made in a trust agreement or 40364  
indenture; 40365

(8) The lease or sublease of any interest of the school 40366  
district or the state in one or more projects as defined in 40367  
division (C) of section 3318.01 of the Revised Code, or in one or 40368  
more permanent improvements, to or from the issuing authority, as 40369  
provided in one or more lease or sublease agreements between the 40370  
school or the state and the issuing authority; 40371

(9) Any other or additional agreements with the holders of 40372  
the obligations, or the trustee therefor, relating to the 40373  
obligations or the security therefor. 40374

(F) The obligations may have the great seal of the state or a 40375  
facsimile thereof affixed thereto or printed thereon. The 40376  
obligations and any coupons pertaining to obligations shall be 40377  
signed or bear the facsimile signature of the issuing authority. 40378  
Any obligations or coupons may be executed by the person who, on 40379  
the date of execution, is the proper issuing authority although on 40380  
the date of such bonds or coupons such person was not the issuing 40381  
authority. In case the issuing authority whose signature or a 40382  
facsimile of whose signature appears on any such obligation or 40383  
coupon ceases to be the issuing authority before delivery thereof, 40384  
such signature or facsimile is nevertheless valid and sufficient 40385  
for all purposes as if the issuing authority had remained the 40386  
issuing authority until such delivery; and in case the seal to be 40387  
affixed to obligations has been changed after a facsimile of the 40388  
seal has been imprinted on such obligations, such facsimile seal 40389  
shall continue to be sufficient as to such obligations and 40390  
obligations issued in substitution or exchange therefor. 40391

(G) All obligations are negotiable instruments and securities 40392  
under Chapter 1308. of the Revised Code, subject to the provisions 40393

of the bond proceedings as to registration. The obligations may be 40394  
issued in coupon or in registered form, or both, as the issuing 40395  
authority determines. Provision may be made for the registration 40396  
of any obligations with coupons attached thereto as to principal 40397  
alone or as to both principal and interest, their exchange for 40398  
obligations so registered, and for the conversion or reconversion 40399  
into obligations with coupons attached thereto of any obligations 40400  
registered as to both principal and interest, and for reasonable 40401  
charges for such registration, exchange, conversion, and 40402  
reconversion. 40403

(H) Obligations may be sold at public sale or at private 40404  
sale, as determined in the bond proceedings. 40405

(I) Pending preparation of definitive obligations, the 40406  
issuing authority may issue interim receipts or certificates which 40407  
shall be exchanged for such definitive obligations. 40408

(J) In the discretion of the issuing authority, obligations 40409  
may be secured additionally by a trust agreement or indenture 40410  
between the issuing authority and a corporate trustee which may be 40411  
any trust company or bank having a place of business within the 40412  
state. Any such agreement or indenture may contain the resolution 40413  
or order authorizing the issuance of the obligations, any 40414  
provisions that may be contained in any bond proceedings, and 40415  
other provisions that are customary or appropriate in an agreement 40416  
or indenture of such type, including, but not limited to: 40417

(1) Maintenance of each pledge, trust agreement, indenture, 40418  
or other instrument comprising part of the bond proceedings until 40419  
the state has fully paid the bond service charges on the 40420  
obligations secured thereby, or provision therefor has been made; 40421

(2) In the event of default in any payments required to be 40422  
made by the bond proceedings, or any other agreement of the 40423  
issuing authority made as a part of the contract under which the 40424

obligations were issued, enforcement of such payments or agreement 40425  
by mandamus, the appointment of a receiver, suit in equity, action 40426  
at law, or any combination of the foregoing; 40427

(3) The rights and remedies of the holders of obligations and 40428  
of the trustee, and provisions for protecting and enforcing them, 40429  
including limitations on rights of individual holders of 40430  
obligations; 40431

(4) The replacement of any obligations that become mutilated 40432  
or are destroyed, lost, or stolen; 40433

(5) Such other provisions as the trustee and the issuing 40434  
authority agree upon, including limitations, conditions, or 40435  
qualifications relating to any of the foregoing. 40436

(K) Any holder of obligations or a trustee under the bond 40437  
proceedings, except to the extent that the holder's or trustee's 40438  
rights are restricted by the bond proceedings, may by any suitable 40439  
form of legal proceedings, protect and enforce any rights under 40440  
the laws of this state or granted by such bond proceedings. Such 40441  
rights include the right to compel the performance of all duties 40442  
of the issuing authority, the commission, or the director of 40443  
budget and management required by sections 3318.21 to 3318.29 of 40444  
the Revised Code or the bond proceedings; to enjoin unlawful 40445  
activities; and in the event of default with respect to the 40446  
payment of any bond service charges on any obligations or in the 40447  
performance of any covenant or agreement on the part of the 40448  
issuing authority, the commission, or the director of budget and 40449  
management in the bond proceedings, to apply to a court having 40450  
jurisdiction of the cause to appoint a receiver to receive and 40451  
administer the pledged receipts and special funds, other than 40452  
those in the custody of the treasurer of state or the commission, 40453  
which are pledged to the payment of the bond service charges on 40454  
such obligations or which are the subject of the covenant or 40455  
agreement, with full power to pay, and to provide for payment of 40456

bond service charges on, such obligations, and with such powers, 40457  
subject to the direction of the court, as are accorded receivers 40458  
in general equity cases, excluding any power to pledge additional 40459  
revenues or receipts or other income or moneys of the issuing 40460  
authority or the state or governmental agencies of the state to 40461  
the payment of such principal and interest and excluding the power 40462  
to take possession of, mortgage, or cause the sale or otherwise 40463  
dispose of any permanent improvement. 40464

Each duty of the issuing authority and the issuing 40465  
authority's officers and employees, and of each governmental 40466  
agency and its officers, members, or employees, undertaken 40467  
pursuant to the bond proceedings or any agreement or loan made 40468  
under authority of sections 3318.21 to 3318.29 of the Revised 40469  
Code, and in every agreement by or with the issuing authority, is 40470  
hereby established as a duty of the issuing authority, and of each 40471  
such officer, member, or employee having authority to perform such 40472  
duty, specifically enjoined by the law resulting from an office, 40473  
trust, or station within the meaning of section 2731.01 of the 40474  
Revised Code. 40475

The person who is at the time the issuing authority, or the 40476  
issuing authority's officers or employees, are not liable in their 40477  
personal capacities on any obligations issued by the issuing 40478  
authority or any agreements of or with the issuing authority. 40479

(L) Obligations issued under this section are lawful 40480  
investments for banks, societies for savings, savings and loan 40481  
associations, deposit guarantee associations, trust companies, 40482  
trustees, fiduciaries, insurance companies, including domestic for 40483  
life and domestic not for life, trustees or other officers having 40484  
charge of sinking and bond retirement or other special funds of 40485  
political subdivisions and taxing districts of this state, the 40486  
commissioners of the sinking fund of the state, the administrator 40487  
of workers' compensation, the state teachers retirement system, 40488

the public employees retirement system, the school employees 40489  
retirement system, and the Ohio police and fire pension fund, 40490  
notwithstanding any other provisions of the Revised Code or rules 40491  
adopted pursuant thereto by any governmental agency of the state 40492  
with respect to investments by them, and also are acceptable as 40493  
security for the deposit of public moneys. 40494

(M) Unless otherwise provided in any applicable bond 40495  
proceedings, moneys to the credit of or in the special funds 40496  
established by or pursuant to this section may be invested by or 40497  
on behalf of the issuing authority only in notes, bonds, or other 40498  
obligations of the United States, or of any agency or 40499  
instrumentality of the United States, obligations guaranteed as to 40500  
principal and interest by the United States, obligations of this 40501  
state or any political subdivision of this state, and certificates 40502  
of deposit of any national bank located in this state and any 40503  
bank, as defined in section 1101.01 of the Revised Code, subject 40504  
to inspection by the superintendent of financial institutions. If 40505  
the law or the instrument creating a trust pursuant to division 40506  
(J) of this section expressly permits investment in direct 40507  
obligations of the United States or an agency of the United 40508  
States, unless expressly prohibited by the instrument, such moneys 40509  
also may be invested in no front end load money market mutual 40510  
funds consisting exclusively of obligations of the United States 40511  
or an agency of the United States and in repurchase agreements, 40512  
including those issued by the fiduciary itself, secured by 40513  
obligations of the United States or an agency of the United 40514  
States; and in collective investment funds established in 40515  
accordance with section 1111.14 of the Revised Code and consisting 40516  
exclusively of any such securities, notwithstanding division 40517  
(B)(1)(c) of that section. The income from such investments shall 40518  
be credited to such funds as the issuing authority determines, and 40519  
such investments may be sold at such times as the issuing 40520  
authority determines or authorizes. 40521



(N) Provision may be made in the applicable bond proceedings 40522  
for the establishment of separate accounts in the bond service 40523  
fund and for the application of such accounts only to the 40524  
specified bond service charges on obligations pertinent to such 40525  
accounts and bond service fund and for other accounts therein 40526  
within the general purposes of such fund. Unless otherwise 40527  
provided in any applicable bond proceedings, moneys to the credit 40528  
of or in the several special funds established pursuant to this 40529  
section shall be disbursed on the order of the treasurer of state, 40530  
provided that no such order is required for the payment from the 40531  
bond service fund when due of bond service charges on obligations. 40532

(O) The issuing authority may pledge all, or such portion as 40533  
the issuing authority determines, of the pledged receipts to the 40534  
payment of bond service charges on obligations issued under this 40535  
section, and for the establishment and maintenance of any 40536  
reserves, as provided in the bond proceedings, and make other 40537  
provisions therein with respect to pledged receipts as authorized 40538  
by this chapter, which provisions shall be controlling 40539  
notwithstanding any other provisions of law pertaining thereto. 40540

(P) The issuing authority may covenant in the bond 40541  
proceedings, and any such covenants shall be controlling 40542  
notwithstanding any other provision of law, that the state and 40543  
applicable officers and governmental agencies of the state, 40544  
including the general assembly, so long as any obligations are 40545  
outstanding, shall: 40546

(1) Maintain statutory authority for and cause to be operated 40547  
the state lottery, including the transfers to and from the lottery 40548  
profits education fund created in section 3770.06 of the Revised 40549  
Code so that the pledged receipts shall be sufficient in amount to 40550  
meet bond service charges, and the establishment and maintenance 40551  
of any reserves and other requirements provided for in the bond 40552  
proceedings; 40553

(2) Take or permit no action, by statute or otherwise, that 40554  
would impair the exclusion from gross income for federal income 40555  
tax purposes of the interest on any obligations designated by the 40556  
bond proceeding as tax-exempt obligations. 40557

(Q) There is hereby created the school building program bond 40558  
service fund, which shall be in the custody of the treasurer of 40559  
state but shall be separate and apart from and not a part of the 40560  
state treasury. All moneys received by or on account of the 40561  
issuing authority or state agencies and required by the applicable 40562  
bond proceedings, consistent with this section, to be deposited, 40563  
transferred, or credited to the school building program bond 40564  
service fund, and all other moneys transferred or allocated to or 40565  
received for the purposes of the fund, shall be deposited and 40566  
credited to such fund and to any separate accounts therein, 40567  
subject to applicable provisions of the bond proceedings, but 40568  
without necessity for any act of appropriation, except as required 40569  
by section 3770.06 of the Revised Code. During the period 40570  
beginning with the date of the first issuance of obligations and 40571  
continuing during such time as any such obligations are 40572  
outstanding, and so long as moneys in the school building program 40573  
bond service fund are insufficient to pay all bond service charges 40574  
on such obligations becoming due in each year, a sufficient amount 40575  
of the moneys from the lottery profits education fund included in 40576  
pledged receipts, subject to appropriation for such purpose as 40577  
provided in section 3770.06 of the Revised Code, are committed and 40578  
shall be paid to the school building program bond service fund in 40579  
each year for the purpose of paying the bond service charges 40580  
becoming due in that year. The school building program bond 40581  
service fund is a trust fund and is hereby pledged to the payment 40582  
of bond service charges solely on obligations issued to provide 40583  
moneys for the school building program assistance fund to the 40584  
extent provided in the applicable bond proceedings, and payment 40585  
thereof from such fund shall be made or provided for by the 40586

treasurer of state in accordance with such bond proceedings 40587  
without necessity for any act of appropriation except as required 40588  
by section 3770.06 of the Revised Code. 40589

(R) The obligations, the transfer thereof, and the income 40590  
therefrom, including any profit made on the sale thereof, at all 40591  
times shall be free from taxation within the state. 40592

**Sec. 3318.311.** ~~Not later than six months after September 14,~~ 40593  
~~2000, the~~ The Ohio school facilities construction commission shall 40594  
establish design specifications for classroom facilities that are 40595  
appropriate for joint vocational education programs. The 40596  
specifications shall provide standards for appropriate pupil 40597  
instruction space but shall not include standards for any 40598  
vocational education furnishings or equipment that is not 40599  
comparable to, or the vocational education equivalent of, the 40600  
furnishings or equipment for which assistance is available to 40601  
other school districts under sections 3318.01 to 3318.20 of the 40602  
Revised Code. 40603

Beginning September 1, 2003, from time to time the commission 40604  
may amend the specifications as determined necessary by the 40605  
commission; however, any project under sections 3318.40 to 3318.45 40606  
of the Revised Code approved by the commission prior to the most 40607  
recent amendment to the specifications shall not be subject to the 40608  
provisions of such amendment. 40609

**Sec. 3318.351.** (A) As used in this section: 40610

(1) "Classroom facilities" has the same meaning as in section 40611  
3318.01 of the Revised Code. 40612

(2) "Emergency project" means reconstruction or renovation of 40613  
or repair to any classroom facilities made necessary because of 40614  
damage due to an act of God. 40615

(3) "Eligible school district" means any school district in 40616

the first through one-hundredth percentiles as determined under 40617  
section 3318.011 of the Revised Code. 40618

(B)(1) There is hereby established the school building 40619  
emergency assistance program, under which the Ohio ~~school~~ 40620  
facilities construction commission shall distribute grants to 40621  
eligible school districts from moneys specifically appropriated by 40622  
the general assembly for the purposes of this section to assist in 40623  
emergency projects. Any assistance under this section shall be 40624  
used to pay the cost of only the portion of an emergency project 40625  
that is not covered by insurance or other public or private 40626  
emergency assistance received by or payable to the school 40627  
district. Any damage to classroom facilities caused by age of the 40628  
facilities or by lack of timely maintenance to the facilities 40629  
shall not constitute damage that is subject to assistance under 40630  
this section. 40631

(2) The commission shall establish procedures and deadlines 40632  
for eligible school districts to follow in applying for assistance 40633  
under this section. The commission shall consider such 40634  
applications on a case-by-case basis taking into account the 40635  
amount of moneys available under this section. 40636

(3) Every effort shall be made to conform an emergency 40637  
project to design specifications adopted by the commission, 40638  
including minimum capacity requirements adopted under section 40639  
3318.03 of the Revised Code, unless in the judgment of the 40640  
commission it is not possible to conform the project to such 40641  
specifications. 40642

**Sec. 3318.36.** (A)(1) As used in this section: 40643

(a) "Ohio ~~school~~ facilities construction commission," 40644  
"classroom facilities," "school district," "school district 40645  
board," "net bonded indebtedness," "required percentage of the 40646  
basic project costs," "basic project cost," "valuation," and 40647

"percentile" have the same meanings as in section 3318.01 of the Revised Code. 40648  
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(b) "Required level of indebtedness" means five per cent of the school district's valuation for the year preceding the year in which the commission and school district enter into an agreement under division (B) of this section, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks minus one)]. 40650  
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(c) "Local resources" means any moneys generated in any manner permitted for a school district board to raise the school district portion of a project undertaken with assistance under sections 3318.01 to 3318.20 of the Revised Code. 40656  
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(2) For purposes of determining the required level of indebtedness, the required percentage of the basic project costs under division (C)(1) of this section, and priority for assistance under sections 3318.01 to 3318.20 of the Revised Code, the percentile ranking of a school district with which the commission has entered into an agreement under this section between the first day of July and the thirty-first day of August in each fiscal year is the percentile ranking calculated for that district for the immediately preceding fiscal year, and the percentile ranking of a school district with which the commission has entered into such agreement between the first day of September and the thirtieth day of June in each fiscal year is the percentile ranking calculated for that district for the current fiscal year. 40660  
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(B)(1) There is hereby established the school building assistance expedited local partnership program. Under the program, the Ohio ~~school~~ facilities construction commission may enter into an agreement with the board of any school district under which the board may proceed with the new construction or major repairs of a part of the district's classroom facilities needs, as determined under sections 3318.01 to 3318.20 of the Revised Code, through the 40673  
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expenditure of local resources prior to the school district's 40680  
eligibility for state assistance under those sections, and may 40681  
apply that expenditure toward meeting the school district's 40682  
portion of the basic project cost of the total of the district's 40683  
classroom facilities needs, as recalculated under division (E) of 40684  
this section, when the district becomes eligible for state 40685  
assistance under sections 3318.01 to 3318.20 or section 3318.364 40686  
of the Revised Code. Any school district that is reasonably 40687  
expected to receive assistance under sections 3318.01 to 3318.20 40688  
of the Revised Code within two fiscal years from the date the 40689  
school district adopts its resolution under division (B) of this 40690  
section shall not be eligible to participate in the program 40691  
established under this section. 40692

(2) To participate in the program, a school district board 40693  
shall first adopt a resolution certifying to the commission the 40694  
board's intent to participate in the program. 40695

The resolution shall specify the approximate date that the 40696  
board intends to seek elector approval of any bond or tax measures 40697  
or to apply other local resources to use to pay the cost of 40698  
classroom facilities to be constructed under this section. The 40699  
resolution may specify the application of local resources or 40700  
elector-approved bond or tax measures after the resolution is 40701  
adopted by the board, and in such case the board may proceed with 40702  
a discrete portion of its project under this section as soon as 40703  
the commission and the controlling board have approved the basic 40704  
project cost of the district's classroom facilities needs as 40705  
specified in division (D) of this section. The board shall submit 40706  
its resolution to the commission not later than ten days after the 40707  
date the resolution is adopted by the board. 40708

The commission shall not consider any resolution that is 40709  
submitted pursuant to division (B)(2) of this section, as amended 40710  
by this amendment, sooner than September 14, 2000. 40711

(3) For purposes of determining when a district that enters into an agreement under this section becomes eligible for assistance under sections 3318.01 to 3318.20 of the Revised Code or priority for assistance under section 3318.364 of the Revised Code, the commission shall use the district's percentile ranking determined at the time the district entered into the agreement under this section, as prescribed by division (A)(2) of this section.

(4) Any project under this section shall comply with section 3318.03 of the Revised Code and with any specifications for plans and materials for classroom facilities adopted by the commission under section 3318.04 of the Revised Code.

(5) If a school district that enters into an agreement under this section has not begun a project applying local resources as provided for under that agreement at the time the district is notified by the commission that it is eligible to receive state assistance under sections 3318.01 to 3318.20 of the Revised Code, all assessment and agreement documents entered into under this section are void.

(6) Only construction of or repairs to classroom facilities that have been approved by the commission and have been therefore included as part of a district's basic project cost qualify for application of local resources under this section.

(C) Based on the results of on-site visits and assessment, the commission shall determine the basic project cost of the school district's classroom facilities needs. The commission shall determine the school district's portion of such basic project cost, which shall be the greater of:

(1) The required percentage of the basic project costs, determined based on the school district's percentile ranking;

(2) An amount necessary to raise the school district's net

bonded indebtedness, as of the fiscal year the commission and the 40743  
school district enter into the agreement under division (B) of 40744  
this section, to within five thousand dollars of the required 40745  
level of indebtedness. 40746

(D)(1) When the commission determines the basic project cost 40747  
of the classroom facilities needs of a school district and the 40748  
school district's portion of that basic project cost under 40749  
division (C) of this section, the project shall be conditionally 40750  
approved. Such conditional approval shall be submitted to the 40751  
controlling board for approval thereof. The controlling board 40752  
shall forthwith approve or reject the commission's determination, 40753  
conditional approval, and the amount of the state's portion of the 40754  
basic project cost; however, no state funds shall be encumbered 40755  
under this section. Upon approval by the controlling board, the 40756  
school district board may identify a discrete part of its 40757  
classroom facilities needs, which shall include only new 40758  
construction of or additions or major repairs to a particular 40759  
building, to address with local resources. Upon identifying a part 40760  
of the school district's basic project cost to address with local 40761  
resources, the school district board may allocate any available 40762  
school district moneys to pay the cost of that identified part, 40763  
including the proceeds of an issuance of bonds if approved by the 40764  
electors of the school district. 40765

All local resources utilized under this division shall first 40766  
be deposited in the project construction account required under 40767  
section 3318.08 of the Revised Code. 40768

(2) Unless the school district board exercises its option 40769  
under division (D)(3) of this section, for a school district to 40770  
qualify for participation in the program authorized under this 40771  
section, one of the following conditions shall be satisfied: 40772

(a) The electors of the school district by a majority vote 40773  
shall approve the levy of taxes outside the ten-mill limitation 40774



for a period of twenty-three years at the rate of not less than 40775  
one-half mill for each dollar of valuation to be used to pay the 40776  
cost of maintaining the classroom facilities included in the basic 40777  
project cost as determined by the commission. The form of the 40778  
ballot to be used to submit the question whether to approve the 40779  
tax required under this division to the electors of the school 40780  
district shall be the form for an additional levy of taxes 40781  
prescribed in section 3318.361 of the Revised Code, which may be 40782  
combined in a single ballot question with the questions prescribed 40783  
under section 5705.218 of the Revised Code. 40784

(b) As authorized under division (C) of section 3318.05 of 40785  
the Revised Code, the school district board shall earmark from the 40786  
proceeds of a permanent improvement tax levied under section 40787  
5705.21 of the Revised Code, an amount equivalent to the 40788  
additional tax otherwise required under division (D)(2)(a) of this 40789  
section for the maintenance of the classroom facilities included 40790  
in the basic project cost as determined by the commission. 40791

(c) As authorized under section 3318.051 of the Revised Code, 40792  
the school district board shall, if approved by the commission, 40793  
annually transfer into the maintenance fund required under section 40794  
3318.05 of the Revised Code the amount prescribed in section 40795  
3318.051 of the Revised Code in lieu of the tax otherwise required 40796  
under division (D)(2)(a) of this section for the maintenance of 40797  
the classroom facilities included in the basic project cost as 40798  
determined by the commission. 40799

(d) If the school district board has rescinded the agreement 40800  
to make transfers under section 3318.051 of the Revised Code, as 40801  
provided under division (F) of that section, the electors of the 40802  
school district, in accordance with section 3318.063 of the 40803  
Revised Code, first shall approve the levy of taxes outside the 40804  
ten-mill limitation for the period specified in that section at a 40805  
rate of not less than one-half mill for each dollar of valuation. 40806

(e) The school district board shall apply the proceeds of a tax to leverage bonds as authorized under section 3318.052 of the Revised Code or dedicate a local donated contribution in the manner described in division (B) of section 3318.084 of the Revised Code in an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(3) A school district board may opt to delay taking any of the actions described in division (D)(2) of this section until the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code. In order to exercise this option, the board shall certify to the commission a resolution indicating the board's intent to do so prior to entering into an agreement under division (B) of this section.

(4) If pursuant to division (D)(3) of this section a district board opts to delay levying an additional tax until the district becomes eligible for state assistance, it shall submit the question of levying that tax to the district electors as follows:

(a) In accordance with section 3318.06 of the Revised Code if it will also be necessary pursuant to division (E) of this section to submit a proposal for approval of a bond issue;

(b) In accordance with section 3318.361 of the Revised Code if it is not necessary to also submit a proposal for approval of a bond issue pursuant to division (E) of this section.

(5) No state assistance under sections 3318.01 to 3318.20 of the Revised Code shall be released until a school district board that adopts and certifies a resolution under division (D) of this section also demonstrates to the satisfaction of the commission compliance with the provisions of division (D)(2) of this section.

Any amount required for maintenance under division (D)(2) of

this section shall be deposited into a separate fund as specified 40838  
in division (B) of section 3318.05 of the Revised Code. 40839

(E)(1) If the school district becomes eligible for state 40840  
assistance under sections 3318.01 to 3318.20 of the Revised Code 40841  
based on its percentile ranking under division (B)(3) of this 40842  
section or is offered assistance under section 3318.364 of the 40843  
Revised Code, the commission shall conduct a new assessment of the 40844  
school district's classroom facilities needs and shall recalculate 40845  
the basic project cost based on this new assessment. The basic 40846  
project cost recalculated under this division shall include the 40847  
amount of expenditures made by the school district board under 40848  
division (D)(1) of this section. The commission shall then 40849  
recalculate the school district's portion of the new basic project 40850  
cost, which shall be the percentage of the original basic project 40851  
cost assigned to the school district as its portion under division 40852  
(C) of this section. The commission shall deduct the expenditure 40853  
of school district moneys made under division (D)(1) of this 40854  
section from the school district's portion of the basic project 40855  
cost as recalculated under this division. If the amount of school 40856  
district resources applied by the school district board to the 40857  
school district's portion of the basic project cost under this 40858  
section is less than the total amount of such portion as 40859  
recalculated under this division, the school district board by a 40860  
majority vote of all of its members shall, if it desires to seek 40861  
state assistance under sections 3318.01 to 3318.20 of the Revised 40862  
Code, adopt a resolution as specified in section 3318.06 of the 40863  
Revised Code to submit to the electors of the school district the 40864  
question of approval of a bond issue in order to pay any 40865  
additional amount of school district portion required for state 40866  
assistance. Any tax levy approved under division (D) of this 40867  
section satisfies the requirements to levy the additional tax 40868  
under section 3318.06 of the Revised Code. 40869

(2) If the amount of school district resources applied by the school district board to the school district's portion of the basic project cost under this section is more than the total amount of such portion as recalculated under this division, within one year after the school district's portion is recalculated under division (E)(1) of this section the commission may grant to the school district the difference between the two calculated portions, but at no time shall the commission expend any state funds on a project in an amount greater than the state's portion of the basic project cost as recalculated under this division.

Any reimbursement under this division shall be only for local resources the school district has applied toward construction cost expenditures for the classroom facilities approved by the commission, which shall not include any financing costs associated with that construction.

The school district board shall use any moneys reimbursed to the district under this division to pay off any debt service the district owes for classroom facilities constructed under its project under this section before such moneys are applied to any other purpose. However, the district board first may deposit moneys reimbursed under this division into the district's general fund or a permanent improvement fund to replace local resources the district withdrew from those funds, as long as, and to the extent that, those local resources were used by the district for constructing classroom facilities included in the district's basic project cost.

**Sec. 3318.362.** This section applies only to a school district that participates in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code.

A school district board that enters into an agreement with

the Ohio ~~school~~ facilities construction commission under division 40901  
(B) of section 3318.36 of the Revised Code may propose for 40902  
issuance any bonds necessary for its participation in the program 40903  
under section 3318.36 of the Revised Code for any number of years 40904  
not exceeding the term calculated pursuant to section 133.20 of 40905  
the Revised Code. Any moneys received from the state under 40906  
division (E)(2) of section 3318.36 of the Revised Code shall be 40907  
applied, as agreed in writing by the school district board and the 40908  
commission, to pay debt service on outstanding bonds or bond 40909  
anticipation notes issued by the school district board for its 40910  
participation in the expedited local partnership program, 40911  
including by placing those moneys in an applicable escrow fund 40912  
under division (D) of section 133.34 of the Revised Code. 40913

**Sec. 3318.363.** (A) This section applies beginning in fiscal 40914  
year 2003 and only to a school district participating in the 40915  
school building assistance expedited local partnership program 40916  
under section 3318.36 of the Revised Code. 40917

(B) If there is a decrease in the tax valuation of a school 40918  
district to which this section applies by ten per cent or greater 40919  
from one tax year to the next due to a decrease in the assessment 40920  
rate of the taxable property of an electric company that owns 40921  
property in the district, as provided for in section 5727.111 of 40922  
the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd 40923  
General Assembly, the Ohio ~~school~~ facilities construction 40924  
commission shall calculate or recalculate the state and school 40925  
district portions of the basic project cost of the school 40926  
district's project by determining the percentile rank in which the 40927  
district would be located if such ranking were made using the 40928  
adjusted valuation per pupil calculated under division (C) of this 40929  
section rather than the three-year average adjusted valuation per 40930  
pupil, calculated under division (B) of section 3318.011 of the 40931  
Revised Code. For such district, the required percentage of the 40932

basic project cost used to determine the state and school district 40933  
shares of that cost under division (C) of section 3318.36 of the 40934  
Revised Code shall be based on the percentile rank as calculated 40935  
under this section rather than as otherwise provided in division 40936  
(C)(1) of section 3318.36 of the Revised Code. If the commission 40937  
has determined the state and school district portion of the basic 40938  
project cost of such a district's project under section 3318.36 of 40939  
the Revised Code prior to that decrease in tax valuation, the 40940  
commission shall adjust the state and school district shares of 40941  
the basic project cost of such project in accordance with this 40942  
section. 40943

(C)(1) As used in divisions (C) and (D) of this section, 40944  
"total taxable value" and "formula ADM" have the same meanings as 40945  
in section 3317.02 of the Revised Code, and "income factor" has 40946  
the same meaning as in section 3318.011 of the Revised Code. 40947

(2) The adjusted valuation per pupil for a school district to 40948  
which this section applies shall be calculated using the following 40949  
formula: 40950

(The district's total taxable value for the tax year 40951  
preceding the calendar year in which the current fiscal year 40952  
begins / the district's formula ADM for the previous fiscal year) 40953  
- [\$30,000 x (1 - the district's income factor)]. 40954

(D) At the request of the Ohio ~~school~~ facilities construction 40955  
commission, the department of education shall report a district's 40956  
total taxable value for the tax year preceding the calendar year 40957  
in which the current fiscal year begins for any district to which 40958  
this section applies as that information has been certified to the 40959  
department by the tax commissioner pursuant to section 3317.021 of 40960  
the Revised Code. 40961

**Sec. 3318.364.** In any fiscal year, the Ohio ~~school~~ facilities 40962  
construction commission may, at its discretion, provide assistance 40963

under sections 3318.01 to 3318.20 of the Revised Code to a school 40964  
district that has entered into an expedited local partnership 40965  
agreement under section 3318.36 of the Revised Code before the 40966  
district is otherwise eligible for that assistance based on its 40967  
percentile rank, if the commission determines all of the 40968  
following: 40969

(A) The district has made an expenditure of local resources 40970  
under its expedited local partnership agreement on a discrete part 40971  
of its district-wide project. 40972

(B) The district is ready to complete its district-wide 40973  
project or a segment of the project, in accordance with section 40974  
3318.034 of the Revised Code. 40975

(C) The district is in compliance with division (D)(2) of 40976  
section 3318.36 of the Revised Code. 40977

(D) Sufficient state funds have been appropriated for 40978  
classroom facilities projects for the fiscal year to pay the state 40979  
share of the district's project or segment after paying the state 40980  
share of projects for all of the following: 40981

(1) Districts that previously had their conditional approval 40982  
lapse pursuant to section 3318.05 of the Revised Code; 40983

(2) Districts eligible for assistance under division (B)(2) 40984  
of section 3318.04 of the Revised Code; 40985

(3) Districts participating in the exceptional needs school 40986  
facilities assistance program under section 3318.37 or 3318.371 of 40987  
the Revised Code; 40988

(4) Districts participating in the accelerated urban school 40989  
building assistance program under section 3318.38 of the Revised 40990  
Code. 40991

Assistance under this section shall be offered to eligible 40992  
districts in the order of their percentile rankings at the time 40993

they entered into their expedited local partnership agreements, 40994  
from lowest to highest percentile. In the event that more than one 40995  
district has the same percentile ranking, those districts shall be 40996  
offered assistance in the order of the date they entered into 40997  
their expedited local partnership agreements, from earliest to 40998  
latest date. 40999

As used in this section, "local resources" and "percentile" 41000  
have the same meanings as in section 3318.36 of the Revised Code. 41001

**Sec. 3318.37.** (A)(1) As used in this section: 41002

(a) "Full maintenance amount" has the same meaning as in 41003  
section 3318.034 of the Revised Code. 41004

(b) A "school district with an exceptional need for immediate 41005  
classroom facilities assistance" means a school district with an 41006  
exceptional need for new facilities in order to protect the health 41007  
and safety of all or a portion of its students. 41008

(2) No school district that participates in the school 41009  
building assistance expedited local partnership program under 41010  
section 3318.36 of the Revised Code shall receive assistance under 41011  
the program established under this section unless the following 41012  
conditions are satisfied: 41013

(a) The district board adopted a resolution certifying its 41014  
intent to participate in the school building assistance expedited 41015  
local partnership program under section 3318.36 of the Revised 41016  
Code prior to September 14, 2000. 41017

(b) The district was selected by the Ohio ~~school~~ facilities 41018  
construction commission for participation in the school building 41019  
assistance expedited local partnership program under section 41020  
3318.36 of the Revised Code in the manner prescribed by the 41021  
commission under that section as it existed prior to September 14, 41022  
2000. 41023



(B)(1) There is hereby established the exceptional needs 41024  
school facilities assistance program. Under the program, the Ohio 41025  
~~school~~ facilities construction commission may set aside from the 41026  
moneys annually appropriated to it for classroom facilities 41027  
assistance projects up to twenty-five per cent for assistance to 41028  
school districts with exceptional needs for immediate classroom 41029  
facilities assistance. 41030

(2)(a) After consulting with education and construction 41031  
experts, the commission shall adopt guidelines for identifying 41032  
school districts with an exceptional need for immediate classroom 41033  
facilities assistance. 41034

(b) The guidelines shall include application forms and 41035  
instructions for school districts to use in applying for 41036  
assistance under this section. 41037

(3) The commission shall evaluate the classroom facilities, 41038  
and the need for replacement classroom facilities from the 41039  
applications received under this section. The commission, 41040  
utilizing the guidelines adopted under division (B)(2)(a) of this 41041  
section, shall prioritize the school districts to be assessed. 41042

Notwithstanding section 3318.02 of the Revised Code, the 41043  
commission may conduct on-site evaluation of the school districts 41044  
prioritized under this section and approve and award funds until 41045  
such time as all funds set aside under division (B)(1) of this 41046  
section have been encumbered. However, the commission need not 41047  
conduct the evaluation of facilities if the commission determines 41048  
that a district's assessment conducted under section 3318.36 of 41049  
the Revised Code is sufficient for purposes of this section. 41050

(4) Notwithstanding division (A) of section 3318.05 of the 41051  
Revised Code, the school district's portion of the basic project 41052  
cost under this section shall be the "required percentage of the 41053  
basic project costs," as defined in division (K) of section 41054

3318.01 of the Revised Code. 41055

(5) Except as otherwise specified in this section, any 41056  
project undertaken with assistance under this section shall comply 41057  
with all provisions of sections 3318.01 to 3318.20 of the Revised 41058  
Code. A school district may receive assistance under sections 41059  
3318.01 to 3318.20 of the Revised Code for the remainder of the 41060  
district's classroom facilities needs as assessed under this 41061  
section when the district is eligible for such assistance pursuant 41062  
to section 3318.02 of the Revised Code, but any classroom facility 41063  
constructed with assistance under this section shall not be 41064  
included in a district's project at that time unless the 41065  
commission determines the district has experienced the increased 41066  
enrollment specified in division (B)(1) of section 3318.04 of the 41067  
Revised Code. 41068

(C) No school district shall receive assistance under this 41069  
section for a classroom facility that has been included in the 41070  
discrete part of the district's classroom facilities needs 41071  
identified and addressed in the district's project pursuant to an 41072  
agreement entered into under section 3318.36 of the Revised Code, 41073  
unless the district's entire classroom facilities plan consists of 41074  
only a single building designed to house grades kindergarten 41075  
through twelve. 41076

(D)(1) When undertaking a project under this section, a 41077  
school district may elect to prorate its full maintenance amount 41078  
by setting aside for maintenance the amount calculated under 41079  
division (D)(2) of this section to maintain the classroom 41080  
facilities acquired under the project, if the district will use 41081  
one or more of the alternative methods authorized in sections 41082  
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 41083  
the entire amount calculated under that division. If the district 41084  
so elects, the commission and the district shall include in the 41085  
agreement entered into under section 3318.08 of the Revised Code a 41086

statement specifying that the district will use the amount 41087  
calculated under that division only to maintain the classroom 41088  
facilities acquired under the project under this section. 41089

(2) The commission shall calculate the amount for a school 41090  
district to maintain the classroom facilities acquired under a 41091  
project under this section as follows: 41092

The full maintenance amount X (the school district's portion 41093  
of the basic project cost under this section / the school 41094  
district's portion of the basic project cost for the district's 41095  
entire classroom facilities needs, as determined jointly by the 41096  
staff of the commission and the district) 41097

(3) A school district may elect to prorate its full 41098  
maintenance amount for any number of projects under this section, 41099  
provided the district will use one or more of the alternative 41100  
methods authorized in sections 3318.051, 3318.052, and 3318.084 of 41101  
the Revised Code to generate the entire amount calculated under 41102  
division (D)(2) of this section to maintain the classroom 41103  
facilities acquired under each project for which it so elects. If 41104  
the district cannot use one or more of those alternative methods 41105  
to generate the entire amount calculated under that division, the 41106  
district shall levy the tax described in division (B) of section 41107  
3318.05 of the Revised Code or an extension of that tax under 41108  
section 3318.061 of the Revised Code in an amount necessary to 41109  
generate the remainder of its full maintenance amount. The 41110  
commission shall calculate the remainder of the district's full 41111  
maintenance amount as follows: 41112

The full maintenance amount - the sum of the amounts 41113  
calculated for the district under division (D)(2) of this section 41114  
for each of the district's prior projects under this section 41115

(4) In no case shall the sum of the amounts calculated for a 41116  
school district's maintenance of classroom facilities under 41117

divisions (D)(2) and (3) of this section exceed the amount that 41118  
would have been required for maintenance if the district had 41119  
elected to meet its entire classroom facilities needs with a 41120  
project under sections 3318.01 to 3318.20 of the Revised Code and 41121  
had not undertaken one or more projects under this section. 41122

(5) If a school district commenced a project under this 41123  
section prior to ~~the effective date of this amendment~~ September 41124  
10, 2012, but has not completed that project, and has not levied 41125  
the tax described in division (B) of section 3318.05 of the 41126  
Revised Code or an extension of that tax under section 3318.061 of 41127  
the Revised Code, the district may request approval from the 41128  
commission to prorate its full maintenance amount in accordance 41129  
with divisions (D)(1) to (4) of this section. If the commission 41130  
approves the request, the commission and the district shall amend 41131  
the agreement entered into under section 3318.08 of the Revised 41132  
Code to reflect the change. 41133

**Sec. 3318.371.** The Ohio ~~school~~ facilities construction 41134  
commission may provide assistance under the exceptional needs 41135  
school facilities program established by section 3318.37 of the 41136  
Revised Code to any school district for the purpose of the 41137  
relocation or replacement of classroom facilities required as a 41138  
result of any contamination of air, soil, or water that impacts 41139  
the occupants of the facility. 41140

The commission shall make a determination in accordance with 41141  
guidelines adopted by the commission regarding eligibility and 41142  
funding for projects under this section. The commission may 41143  
contract with an independent environmental consultant to conduct a 41144  
study to assist the commission in making the determination. 41145

If the federal government or other public or private entity 41146  
provides funds for restitution of costs incurred by the state or 41147  
school district in the relocation or replacement of the classroom 41148

facilities, the school district shall use such funds in excess of 41149  
the school district's share to refund the state for the state's 41150  
contribution to the environmental contamination portion of the 41151  
project. The school district may apply an amount of such 41152  
restitution funds up to an amount equal to the school district's 41153  
portion of the project, as defined by the commission, toward 41154  
paying its portion of that project to reduce the amount of bonds 41155  
the school district otherwise must issue to receive state 41156  
assistance under sections 3318.01 to 3318.20 of the Revised Code. 41157

**Sec. 3318.38.** (A) As used in this section, "big-eight school 41158  
district" has the same meaning as in section 3314.02 of the 41159  
Revised Code. 41160

(B) There is hereby established the accelerated urban school 41161  
building assistance program. Under the program, notwithstanding 41162  
section 3318.02 of the Revised Code, any big-eight school district 41163  
that has not been approved to receive assistance under sections 41164  
3318.01 to 3318.20 of the Revised Code by July 1, 2002, may 41165  
beginning on that date apply for approval of and be approved for 41166  
such assistance. Except as otherwise provided in this section, any 41167  
project approved and undertaken pursuant to this section shall 41168  
comply with all provisions of sections 3318.01 to 3318.20 of the 41169  
Revised Code. 41170

The Ohio ~~school~~ facilities construction commission shall 41171  
provide assistance to any big-eight school district eligible for 41172  
assistance under this section in the following manner: 41173

(1) Notwithstanding section 3318.02 of the Revised Code: 41174

(a) Not later than June 30, 2002, the commission shall 41175  
conduct an on-site visit and shall assess the classroom facilities 41176  
needs of each big-eight school district eligible for assistance 41177  
under this section; 41178

(b) Beginning July 1, 2002, any big-eight school district 41179  
eligible for assistance under this section may apply to the 41180  
commission for conditional approval of its project as determined 41181  
by the assessment conducted under division (B)(1)(a) of this 41182  
section. The commission may conditionally approve that project and 41183  
submit it to the controlling board for approval pursuant to 41184  
section 3318.04 of the Revised Code. 41185

(2) If the controlling board approves the project of a 41186  
big-eight school district eligible for assistance under this 41187  
section, the commission and the school district shall enter into 41188  
an agreement as prescribed in section 3318.08 of the Revised Code. 41189  
Any agreement executed pursuant to this division shall include any 41190  
applicable segmentation provisions as approved by the commission 41191  
under division (B)(3) of this section. 41192

(3) Notwithstanding any provision to the contrary in sections 41193  
3318.05, 3318.06, and 3318.08 of the Revised Code, a big-eight 41194  
school district eligible for assistance under this section may 41195  
with the approval of the commission opt to divide the project as 41196  
approved under division (B)(1)(b) of this section into discrete 41197  
segments to be completed sequentially. Any project divided into 41198  
segments shall comply with all other provisions of sections 41199  
3318.05, 3318.06, and 3318.08 of the Revised Code except as 41200  
otherwise specified in this division. 41201

If a project is divided into segments under this division: 41202

(a) The school district need raise only the amount equal to 41203  
its proportionate share, as determined under section 3318.032 of 41204  
the Revised Code, of each segment at any one time and may seek 41205  
voter approval of each segment separately; 41206

(b) The state's proportionate share, as determined under 41207  
section 3318.032 of the Revised Code, of only the segment which 41208  
has been approved by the school district electors or for which the 41209

district has applied a local donated contribution under section 41210  
3318.084 of the Revised Code shall be encumbered in accordance 41211  
with section 3318.11 of the Revised Code. Encumbrance of 41212  
additional amounts to cover the state's proportionate share of 41213  
later segments shall be approved separately as they are approved 41214  
by the school district electors or as the district applies a local 41215  
donated contribution to the segments under section 3318.084 of the 41216  
Revised Code. 41217

(c) The school district's maintenance levy requirement, as 41218  
defined in section 3318.18 of the Revised Code, shall run for 41219  
twenty-three years from the date the first segment is undertaken. 41220

(C) In accordance with division (R) of section 3318.08 of the 41221  
Revised Code, the state funds reserved and encumbered and the 41222  
funds provided by the school district to pay the basic project 41223  
cost of any segment of the project under this section, or of the 41224  
entire project if it is not divided into segments, shall be spent 41225  
on the construction and acquisition of the project simultaneously 41226  
in proportion to the state's and the school district's respective 41227  
shares of that basic project cost as determined under section 41228  
3318.032 of the Revised Code. 41229

**Sec. 3318.40.** (A)(1) Sections 3318.40 to 3318.45 of the 41230  
Revised Code apply only to joint vocational school districts. 41231

(2) As used in sections 3318.40 to 3318.45 of the Revised 41232  
Code: 41233

(a) "Ohio ~~school~~ facilities construction commission," 41234  
"classroom facilities," "project," and "basic project cost" have 41235  
the same meanings as in section 3318.01 of the Revised Code. 41236

(b) "Acquisition of classroom facilities" means constructing, 41237  
reconstructing, repairing, or making additions to classroom 41238  
facilities. 41239

(B) There is hereby established the vocational school 41240  
facilities assistance program. Under the program, the Ohio ~~school~~ 41241  
facilities construction commission shall provide assistance to 41242  
joint vocational school districts for the acquisition of classroom 41243  
facilities suitable to the vocational education programs of the 41244  
districts in accordance with sections 3318.40 to 3318.45 of the 41245  
Revised Code. For purposes of the program, beginning July 1, 2003, 41246  
the commission annually may set aside up to two per cent of the 41247  
aggregate amount appropriated to it for classroom facilities 41248  
assistance projects in the public school building fund, 41249  
established under section 3318.15 of the Revised Code, and the 41250  
school building program assistance fund, established under section 41251  
3318.25 of the Revised Code. 41252

(C) The commission shall not provide assistance for any 41253  
distinct part of a project under sections 3318.40 to 3318.45 of 41254  
the Revised Code that when completed will be used exclusively for 41255  
an adult education program or exclusively for operation of a 41256  
driver training school for instruction leading to the issuance of 41257  
a commercial driver's license under Chapter 4506. of the Revised 41258  
Code, except for life safety items and basic building components 41259  
necessary for complete and continuous construction or renovation 41260  
of a classroom facility as determined by the commission. 41261

(D) The commission shall not provide assistance under 41262  
sections 3318.40 to 3318.45 of the Revised Code to acquire 41263  
classroom facilities for vocational educational instruction at a 41264  
location under the control of a school district that is a member 41265  
of a joint vocational school district. Any assistance to acquire 41266  
classroom facilities for vocational educational instruction at 41267  
such location shall be provided to the school district that is a 41268  
member of the joint vocational school district through other 41269  
provisions of this chapter when that member school district is 41270  
eligible for assistance under those provisions. 41271



(E) By September 1, 2003, the commission shall assess the classroom facilities needs of at least five joint vocational school districts, according to the order of priority prescribed in division (B) of section 3318.42 of the Revised Code, and based on the results of those assessments shall determine the extent to which amendments to the specifications adopted under section 3318.311 of the Revised Code are warranted. The commission, thereafter, may amend the specifications as provided in that section.

(F) After the commission has conducted the assessments prescribed in division (E) of this section, the commission shall establish, by rule adopted in accordance with section 111.15 of the Revised Code, guidelines for the commission to use in deciding whether to waive compliance with the design specifications adopted under section 3318.311 of the Revised Code when determining the number of facilities and the basic project cost of projects as prescribed in division (A)(1)(a) of section 3318.41 of the Revised Code. The guidelines shall address the following situations:

(1) Under what circumstances, if any, particular classroom facilities are adequate to meet the needs of the school district even though the facilities do not comply with the specifications adopted under section 3318.311 of the Revised Code;

(2) Under what circumstances, if any, particular classroom facilities will be renovated or repaired rather than replaced by construction of new facilities.

**Sec. 3318.41.** (A)(1) The Ohio ~~school~~ facilities construction commission annually shall assess the classroom facilities needs of the number of joint vocational school districts that the commission reasonably expects to be able to provide assistance to in a fiscal year, based on the amount set aside for that fiscal year under division (B) of section 3318.40 of the Revised Code and

the order of priority prescribed in division (B) of section 41303  
3318.42 of the Revised Code, except that in fiscal year 2004 the 41304  
commission shall conduct at least the five assessments prescribed 41305  
in division (E) of section 3318.40 of the Revised Code. 41306

Upon conducting an assessment of the classroom facilities 41307  
needs of a school district, the commission shall make a 41308  
determination of all of the following: 41309

(a) The number of classroom facilities to be included in a 41310  
project and the basic project cost of acquiring the classroom 41311  
facilities included in the project. The number of facilities and 41312  
basic project cost shall be determined in accordance with the 41313  
specifications adopted under section 3318.311 of the Revised Code 41314  
except to the extent that compliance with such specifications is 41315  
waived by the commission pursuant to the rule of the commission 41316  
adopted under division (F) of section 3318.40 of the Revised Code. 41317

(b) The school district's portion of the basic project cost 41318  
as determined under division (C) of section 3318.42 of the Revised 41319  
Code; 41320

(c) The remaining portion of the basic project cost that 41321  
shall be supplied by the state; 41322

(d) The amount of the state's portion of the basic project 41323  
cost to be encumbered in accordance with section 3318.11 of the 41324  
Revised Code in the current and subsequent fiscal years from funds 41325  
set aside under division (B) of section 3318.40 of the Revised 41326  
Code. 41327

(2) Divisions (A), (C), and (D) of section 3318.03 of the 41328  
Revised Code apply to any project under sections 3318.40 to 41329  
3318.45 of the Revised Code. 41330

(B)(1) If the commission makes a determination under division 41331  
(A) of this section in favor of the acquisition of classroom 41332  
facilities for a project under sections 3318.40 to 3318.45 of the 41333

Revised Code, such project shall be conditionally approved. Such 41334  
conditional approval shall be submitted to the controlling board 41335  
for approval. The controlling board shall immediately approve or 41336  
reject the commission's determination, conditional approval, the 41337  
amount of the state's portion of the basic project cost, and the 41338  
amount of the state's portion of the basic project cost to be 41339  
encumbered in the current fiscal year. In the event of approval by 41340  
the controlling board, the commission shall certify the 41341  
conditional approval to the joint vocational school district board 41342  
of education and shall encumber the approved funds for the current 41343  
fiscal year. 41344

(2) No school district that receives assistance under 41345  
sections 3318.40 to 3318.45 of the Revised Code shall have another 41346  
such project conditionally approved until the expiration of twenty 41347  
years after the school district's prior project was conditionally 41348  
approved, unless the school district board demonstrates to the 41349  
satisfaction of the commission that the school district has 41350  
experienced since conditional approval of its prior project an 41351  
exceptional increase in enrollment or program requirements 41352  
significantly above the school district's design capacity under 41353  
that prior project as determined by rule of the commission. Any 41354  
rule adopted by the commission to implement this division shall be 41355  
tailored to address the classroom facilities needs of joint 41356  
vocational school districts. 41357

(C) In addition to generating the amount of the school 41358  
district's portion of the basic project cost as determined under 41359  
division (C) of section 3318.42 of the Revised Code, in order for 41360  
a school district to receive assistance under sections 3318.40 to 41361  
3318.45 of the Revised Code, the school district board shall set 41362  
aside school district moneys for the maintenance of the classroom 41363  
facilities included in the school district's project in the amount 41364  
and manner prescribed in section 3318.43 of the Revised Code. 41365

(D)(1) The conditional approval for a project certified under 41366  
division (B)(1) of this section shall lapse and the amount 41367  
reserved and encumbered for such project shall be released unless 41368  
both of the following conditions are satisfied: 41369

(a) Within one hundred twenty days following the date of 41370  
certification of the conditional approval to the joint vocational 41371  
school district board, the school district board accepts the 41372  
conditional approval and certifies to the commission the school 41373  
district board's plan to generate the school district's portion of 41374  
the basic project cost, as determined under division (C) of 41375  
section 3318.42 of the Revised Code, and to set aside moneys for 41376  
maintenance of the classroom facilities acquired under the 41377  
project, as prescribed in section 3318.43 of the Revised Code. 41378

(b) Within thirteen months following the date of 41379  
certification of the conditional approval to the school district 41380  
board, the electors of the school district vote favorably on any 41381  
ballot measures proposed by the school district board to generate 41382  
the school district's portion of the basic project cost. 41383

(2) If the school district board or electors fail to satisfy 41384  
the conditions prescribed in division (D)(1) of this section and 41385  
the amount reserved and encumbered for the school district's 41386  
project is released, the school district shall be given first 41387  
priority over other joint vocational school districts for project 41388  
funding under sections 3318.40 to 3318.45 of the Revised Code as 41389  
such funds become available, subject to section 3318.054 of the 41390  
Revised Code. 41391

(E) If the conditions prescribed in division (D)(1) of this 41392  
section are satisfied, the commission and the school district 41393  
board shall enter into an agreement as prescribed in section 41394  
3318.08 of the Revised Code and shall proceed with the development 41395  
of plans, cost estimates, designs, drawings, and specifications as 41396  
prescribed in section 3318.091 of the Revised Code. 41397

(F) Costs in excess of those approved by the commission under 41398  
section 3318.091 of the Revised Code shall be payable only as 41399  
provided in sections 3318.042 and 3318.083 of the Revised Code. 41400

(G) Advertisement for bids and the award of contracts for 41401  
construction of any project under sections 3318.40 to 3318.45 of 41402  
the Revised Code shall be conducted in accordance with section 41403  
3318.10 of the Revised Code. 41404

(H) In accordance with division (R) of section 3318.08 of the 41405  
Revised Code, the state funds reserved and encumbered and the 41406  
funds provided by the school district to pay the basic project 41407  
cost of a project under sections 3318.40 to 3318.45 of the Revised 41408  
Code shall be spent simultaneously in proportion to the state's 41409  
and the school district's respective portions of that basic 41410  
project cost. 41411

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised 41412  
Code apply to projects under sections 3318.40 to 3318.45 of the 41413  
Revised Code. 41414

**Sec. 3318.42.** (A) Not later than the sixty-first day after 41415  
March 14, 2003, and subsequently not later than the sixty-first 41416  
day after the first day of each ensuing fiscal year, the 41417  
department of education shall do all of the following: 41418

(1) Calculate the valuation per pupil of each joint 41419  
vocational school district according to the following formula: 41420

The school district's average taxable value divided by the 41421

school district's formula ADM calculated under section 41422

3317.03 of the Revised Code for the previous fiscal year. 41423

For purposes of this calculation: 41424

(a) "Average taxable value" means the average of the amounts 41425  
certified for a school district in the second, third, and fourth 41426  
preceding tax years under divisions (A)(1) and (2) of section 41427

3317.021 of the Revised Code. 41428

(b) "Formula ADM" has the same meaning as defined in section 41429  
3317.02 of the Revised Code. 41430

(2) Calculate for each school district the three-year average 41431  
of the valuations per pupil calculated for the school district for 41432  
the current and two preceding fiscal years; 41433

(3) Rank all joint vocational school districts in order from 41434  
the school district with the lowest three-year average valuation 41435  
per pupil to the school district with the highest three-year 41436  
average valuation per pupil; 41437

(4) Divide the ranking under division (A)(3) of this section 41438  
into percentiles with the first percentile containing the one per 41439  
cent of school districts having the lowest three-year average 41440  
valuations per pupil and the one-hundredth percentile containing 41441  
the one per cent of school districts having the highest three-year 41442  
average valuations per pupil; 41443

(5) Certify the information described in divisions (A)(1) to 41444  
(4) of this section to the Ohio ~~school~~ facilities construction 41445  
commission. 41446

(B) The commission annually shall select school districts for 41447  
assistance under sections 3318.40 to 3318.45 of the Revised Code 41448  
in the order of the school districts' three-year average 41449  
valuations per pupil such that the school district with the lowest 41450  
three-year average valuation per pupil shall be given the highest 41451  
priority for assistance. 41452

(C) Each joint vocational school district's portion of the 41453  
basic project cost of the school district's project under sections 41454  
3318.40 to 3318.45 of the Revised Code shall be one per cent times 41455  
the percentile in which the district ranks, except that no school 41456  
district's portion shall be less than twenty-five per cent or 41457  
greater than ninety-five per cent of the basic project cost. 41458

Sec. 3318.421. A project under this section shall proceed in 41459  
the manner prescribed in sections 3318.40 to 3318.45 of the 41460  
Revised Code except as otherwise specified by this section. 41461

In addition to any joint vocational school districts selected 41462  
in accordance with section 3318.40 of the Revised Code, the Ohio 41463  
facilities construction commission may select one joint vocational 41464  
school district in fiscal year 2018 and one joint vocational 41465  
school district in fiscal year 2019 for assistance to do one or 41466  
both of the following: 41467

(A) Construct a new complete classroom facility as a 41468  
replacement for one or more of the facilities currently operated 41469  
by the district; 41470

(B) Renovate the district's existing facilities. 41471

The selection shall be made through a competitive process 41472  
that allows any joint vocational school district in this state to 41473  
apply for assistance under this section. 41474

The commission shall select for assistance under this section 41475  
a district that has a compelling need for new construction and 41476  
that demonstrates to the satisfaction of the commission that the 41477  
project is necessary for the district to meet the workforce 41478  
deficiency or demand in the local community or a local industry. 41479  
The commission may consult with other state agencies, public 41480  
entities, nonprofit organizations, private corporations, or the 41481  
JobsOhio nonprofit corporation formed under section 187.01 of the 41482  
Revised Code in making its determination. 41483

Except as provided in this section, the district's portion of 41484  
the basic project cost shall be determined in accordance with 41485  
division (C) of section 3318.42 of the Revised Code. If the 41486  
district's portion of the basic project cost is greater than fifty 41487  
per cent, the Ohio facilities construction commission shall 41488

decrease the district's portion so that it is equal to fifty per cent. At no time, however, shall the state share of the basic project cost exceed \$26,000,000. 41489  
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Notwithstanding anything to the contrary in section 3318.40 of the Revised Code, the commission may set aside from funds appropriated to it for classroom facilities assistance projects under this chapter an amount each fiscal year adequate for this section. 41492  
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**Sec. 3318.43.** Each year for twenty-three successive years after the commencement of a joint vocational school district's project under sections 3318.40 to 3318.45 of the Revised Code, the board of education of that school district shall deposit into a separate maintenance account or into the school district's capital and maintenance fund established under section 3315.18 of the Revised Code, school district moneys dedicated to maintenance of the classroom facilities acquired under sections 3318.40 to 3318.45 of the Revised Code in an amount equal to one and one-half of one per cent of the current insurance value of the classroom facilities acquired under the project, which value shall be subject to the approval of the Ohio ~~school~~ facilities construction commission. 41497  
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**Sec. 3318.46.** By rule adopted in accordance with section 111.15 of the Revised Code, the Ohio ~~school~~ facilities construction commission shall establish a program whereby the board of education of any joint vocational school district may enter into an agreement with the commission under which the board may proceed with the new construction or major repairs of a part of the school district's classroom facilities needs, as determined under sections 3318.40 to 3318.45 of the Revised Code, through the expenditure of local resources prior to the school district's eligibility for state assistance under sections 3318.40 to 3318.45 41510  
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of the Revised Code. The program shall be structured in a manner 41520  
similar to the program established under section 3318.36 of the 41521  
Revised Code. The program shall be operational on July 1, 2004. 41522

**Sec. 3318.48.** (A) When all of the following have occurred, a 41523  
project undertaken by a school district pursuant to this chapter 41524  
shall be considered complete and the Ohio ~~school~~ facilities 41525  
construction commission shall issue a certificate of completion to 41526  
the district board of education: 41527

(1) All facilities to be constructed under the project, as 41528  
specified in the project agreement entered into under section 41529  
3318.08 of the Revised Code, have been completed and the board has 41530  
received a permanent certificate of occupancy for each of those 41531  
facilities. 41532

(2) The commission has issued certificates of contract 41533  
completion on all prime construction contracts entered into by the 41534  
board under section 3318.10 of the Revised Code. 41535

(3) The commission has completed a final accounting of the 41536  
district's project construction fund and has determined that all 41537  
payments from the fund were made in compliance with all policies 41538  
of the commission. 41539

(4) Any litigation concerning the project has been finally 41540  
resolved with no chance of appeal. 41541

(5) All construction management services typically provided 41542  
by the commission to school districts have been delivered and the 41543  
commission has canceled any remaining encumbrance of funds for 41544  
those services. 41545

(B) The commission may issue a certificate of completion to a 41546  
district board prior to all of the conditions described in 41547  
division (A) of this section being satisfied, if the commission 41548  
determines that the circumstances preventing the conditions from 41549

being satisfied are so minor in nature that the project should be 41550  
considered complete. When issuing a certificate of completion 41551  
under this division, the commission may specify any of the 41552  
following: 41553

(1) Any construction or work that has yet to be completed and 41554  
the manner in which the board shall oversee its completion, which 41555  
may include procedures for reporting progress to the commission 41556  
and for accounting of expenditures; 41557

(2) Terms and conditions for the resolution of any pending 41558  
litigation; 41559

(3) Any remaining responsibilities of the construction 41560  
manager regarding the project. 41561

(C) The commission may issue a certificate of completion to a 41562  
district board that does not voluntarily participate in the 41563  
process of closing out the district's project, if the construction 41564  
manager for the project verifies that all facilities to be 41565  
constructed under the project, as specified in the project 41566  
agreement entered into under section 3318.08 of the Revised Code, 41567  
have been completed and the commission determines that those 41568  
facilities have been occupied for at least one year. In that case, 41569  
all funds due to the commission under division (C) of section 41570  
3318.12 of the Revised Code shall be returned to the commission 41571  
not later than thirty days after receipt of the certificate of 41572  
completion. If the funds due to the commission have not been 41573  
returned within sixty days after receipt of the certificate of 41574  
completion, the auditor of state shall issue a finding for 41575  
recovery against the school district and shall request legal 41576  
action under section 117.42 of the Revised Code. 41577

(D) Upon issuance of a certificate of completion under this 41578  
section, the commission's ownership of and interest in the 41579  
project, as specified in division (F) of section 3318.08 of the 41580

Revised Code, shall cease. This cessation shall not alter or  
otherwise affect the state's or commission's interest in the  
project or any limitations on the use of the project as specified  
in the project agreement pursuant to divisions (G), (M), and (N)  
of that section or as specified in section 3318.16 of the Revised  
Code.

**Sec. 3318.49.** (A) The corrective action program is hereby  
established to provide funding for the correction of work, in  
connection with a project funded under sections 3318.01 to 3318.20  
or sections 3318.40 to 3318.45 of the Revised Code or a project  
initiated under section 3318.36 of the Revised Code, that is found  
after occupancy of the facility to be defective or to have been  
omitted.

(B) The Ohio ~~school~~ facilities construction commission may  
provide funding under this section ~~only~~ if the school district  
notifies the ~~executive director of the~~ commission of the defective  
or omitted work ~~within five years after occupancy of~~ and the  
facility for which the district seeks the funding was occupied  
after January 1, 2000.

(C) The commission shall establish procedures ~~and deadlines~~  
for school districts to follow in applying for assistance under  
this section. The procedures ~~shall~~ may include definitions of  
"defective" and "omitted," and shall require that remediation  
efforts focus first on engaging the respective contractors that  
designed and constructed the areas that have design or  
construction-related issues. The commission shall consider  
applications on a case-by-case basis, ~~taking into account the~~  
~~amount of money appropriated and available for purposes of this~~  
~~section.~~ Timing of the application shall not be part of this  
consideration. The commission may consider applications for  
reimbursement for corrective work performed by districts prior to

the effective date of this amendment if the commission was 41612  
notified of the defective or omitted work prior to the initiation 41613  
of that work. 41614

(D) The commission may approve and provide funding assistance 41615  
necessary to take corrective measures after evaluating the 41616  
defective or omitted work or to reimburse for corrective work 41617  
after evaluating the situation necessitating the corrective work. 41618  
The amount approved under this section shall not exceed the cost 41619  
that would otherwise have to be incurred if the classroom 41620  
facilities to be corrected met, but did not exceed, the current 41621  
specifications for plans and materials for classroom facilities 41622  
adopted by the commission. 41623

(1) If the corrective work ~~to be corrected or remediated~~ is 41624  
part of a project not yet completed, the commission may amend the 41625  
project agreement to increase the project budget and may use 41626  
corrective action funding to provide the state portion of the 41627  
corrective amendment. If the work ~~to be corrected or remediated~~ is 41628  
part of a completed project and funds were retained or transferred 41629  
pursuant to division (C) of section 3318.12 of the Revised Code, 41630  
the commission may enter into a new agreement to address the 41631  
corrective action. If the commission enters into a new agreement, 41632  
the state's portion of the cost may be encumbered from the amount 41633  
of money appropriated and available for the purpose of this 41634  
section or the agreement may be conditionally approved and 41635  
submitted to the controlling board for approval. If the agreement 41636  
is submitted to the controlling board, it shall approve or reject 41637  
the commission's determination, conditional approval, the total 41638  
amount of the state's portion of the cost, and the amount of the 41639  
state's portion of the cost to be encumbered in the current fiscal 41640  
year. If the controlling board approves the agreement, the 41641  
commission shall certify the approval to the district board and 41642  
shall encumber from the total funds appropriated for the purposes 41643

of sections 3318.01 to 3318.20 of the Revised Code the amount 41644  
approved to be encumbered in the current fiscal year. 41645

(2) Whether or not the project is completed, the district 41646  
shall contribute a portion of the cost of the corrective action, 41647  
to be determined in accordance with section 3318.032 of the 41648  
Revised Code or, if the district is a joint vocational school 41649  
district, section 3318.42 of the Revised Code. A district that is 41650  
unable to provide its portion so that remediation can proceed may 41651  
apply to the commission for additional assistance under section 41652  
3318.042 of the Revised Code. 41653

(E) The commission shall assess responsibility for the 41654  
defective or omitted work and seek cost recovery from responsible 41655  
parties, if applicable. Any recovery of the expense of remediation 41656  
shall be applied first to the district portion of the cost of the 41657  
corrective action. Any remaining funds shall be applied to the 41658  
state portion and deposited into the school building program 41659  
assistance fund established under section 3318.25 of the Revised 41660  
Code. 41661

**Sec. 3318.50.** (A) As used in this section and in section 41662  
3318.52 of the Revised Code, "classroom facilities" means 41663  
buildings, land, grounds, equipment, and furnishings used by a 41664  
community school in furtherance of its mission and contract 41665  
entered into by the school's governing authority under Chapter 41666  
3314. of the Revised Code. 41667

(B) There is hereby established the community school 41668  
classroom facilities loan guarantee program. Under the program, 41669  
the Ohio ~~school~~ facilities construction commission may guarantee 41670  
for up to fifteen years up to eighty-five per cent of the sum of 41671  
the principal and interest on a loan made to the governing 41672  
authority of a community school established under Chapter 3314. of 41673  
the Revised Code for the sole purpose of assisting the governing 41674

authority in acquiring, improving, or replacing classroom 41675  
facilities for the community school by lease, purchase, remodeling 41676  
of existing facilities, or any other means including new 41677  
construction. 41678

The commission shall not make any loan guarantee under this 41679  
section unless the commission has determined both that the 41680  
applicant is creditworthy and that the classroom facilities that 41681  
have been acquired, improved, or replaced under the loan meet 41682  
applicable health and safety standards established by law for 41683  
school buildings or those facilities that will be acquired, 41684  
improved, or replaced under the loan will meet such standards. 41685

The commission shall not guarantee any loan under this 41686  
section unless the loan is obtained from a financial institution 41687  
regulated by the United States or this state. 41688

(C) At no time shall the commission exceed an aggregate 41689  
liability of ten million dollars to repay loans guaranteed under 41690  
this section. 41691

(D) Any payment made to a lending institution as a result of 41692  
default on a loan guaranteed under this section shall be made from 41693  
moneys in the community school classroom facilities loan guarantee 41694  
fund established under section 3318.52 of the Revised Code. 41695

(E) The commission may assess a fee of up to five hundred 41696  
dollars for each loan guaranteed under this section. 41697

(F) Not later than ninety days after September 5, 2001, the 41698  
commission shall adopt rules that prescribe loan standards and 41699  
procedures consistent with this section that are designed to 41700  
protect the state's interest in any loan guaranteed by this 41701  
section and to ensure that the state has a reasonable chance of 41702  
recovering any payments made by the state in the event of a 41703  
default on any such loan. 41704

Sec. 3318.60. (A) As used in this section and section 3318.61 41705  
of the Revised Code: 41706

(1) "Acquisition of classroom facilities" means constructing, 41707  
reconstructing, repairing, or making additions to classroom 41708  
facilities. 41709

(2) "Ohio ~~school~~ facilities construction commission" and 41710  
"classroom facilities" have the same meanings as in section 41711  
3318.01 of the Revised Code. 41712

(B) There is hereby established the college-preparatory 41713  
boarding school facilities program. Under the program, the Ohio 41714  
~~school~~ facilities construction commission shall provide assistance 41715  
to the boards of trustees of college-preparatory boarding schools 41716  
established under Chapter 3328. of the Revised Code for the 41717  
acquisition of classroom facilities. 41718

(C) The program shall comply with sections 3318.01 to 3318.20 41719  
of the Revised Code, except as follows: 41720

(1) The commission, in consultation with the board of 41721  
trustees of a college-preparatory boarding school, shall determine 41722  
the basic project cost based on all campus facilities needed for 41723  
the school's programs and operations and shall take into account 41724  
any unique spaces or square footages needed for such facilities 41725  
when calculating the basic project cost. Regardless of the 41726  
inclusion of nonclassroom facilities in the calculation of the 41727  
basic project cost, state funds provided under the program shall 41728  
be used only to pay for the acquisition of classroom facilities 41729  
that do not exceed the construction and design standards 41730  
established by the commission. 41731

(2) To be eligible for assistance under the program, the 41732  
board of trustees of a college-preparatory boarding school shall 41733  
secure at least twenty million dollars of private money to satisfy 41734

its share of the basic project cost. Funds provided by the board 41735  
may be used for any type of facility. 41736

(3) A college-preparatory boarding school shall not be 41737  
included in the ranking required by section 3318.011 of the 41738  
Revised Code. The commission shall initiate procedures for the 41739  
school's project when the contract required by section 3328.12 of 41740  
the Revised Code has been executed. 41741

(4) No requirement related to the issuance of bonds or 41742  
securities or the levying of taxes by a school district shall 41743  
apply to a college-preparatory boarding school or its board of 41744  
trustees. 41745

(5) The agreement entered into by the commission with the 41746  
board of trustees of a college-preparatory boarding school under 41747  
section 3318.08 of the Revised Code shall provide for termination 41748  
of the contract and release of the funds encumbered at the time of 41749  
the project's conditional approval, if the board fails to secure 41750  
the amount specified in division (C)(2) of this section within 41751  
such period after the execution of the agreement as may be fixed 41752  
by the commission. 41753

(D) Within the ninety-day period immediately following ~~the~~ 41754  
~~effective date of this section~~ September 29, 2011, the commission 41755  
shall adopt rules necessary for the implementation and 41756  
administration of the program. 41757

**Sec. 3318.61.** (A) In lieu of participating in the 41758  
college-preparatory boarding school facilities program under 41759  
section 3318.60 of the Revised Code, if the board of trustees of a 41760  
college-preparatory boarding school established under Chapter 41761  
3328. of the Revised Code has leased, purchased, or otherwise 41762  
acquired a site for the school, the board of trustees may request 41763  
approval from the Ohio ~~school~~ facilities construction commission 41764  
for the board of trustees and the commission to enter into an 41765



agreement with a person or entity for the development of the site, 41766  
under which agreement all of the following shall occur: 41767

(1) The board of trustees will lease the site and any 41768  
facilities located on that site to the person or entity for the 41769  
purpose of enabling the person or entity to provide the campus 41770  
facilities needed for the school's programs and operations by 41771  
constructing new facilities on the site; reconstructing, 41772  
repairing, or making additions to the existing facilities on the 41773  
site; or both. 41774

(2) The person or entity will lease the site and any new or 41775  
existing facilities located on that site back to the board of 41776  
trustees for use by the school. 41777

(3) The commission will pay the board of trustees state funds 41778  
for the cost of acquisition of classroom facilities on the site 41779  
and the board of trustees will use those funds to make rent 41780  
payments on the lease provided by the person or entity. As agreed 41781  
to by the commission and the board of trustees, the commission may 41782  
pay the state funds to the board of trustees in periodic 41783  
installments or as one lump sum in an amount equal to the 41784  
outstanding balance on the lease for classroom facilities. 41785

(B) The commission shall approve the request of the board of 41786  
trustees under division (A) of this section only if the following 41787  
conditions are satisfied: 41788

(1) The person or entity that would be party to the agreement 41789  
submits to the board of trustees and the commission a plan for 41790  
developing the site that includes the following: 41791

(a) Provision for installation of site utilities that meet 41792  
the requirements of all applicable laws; 41793

(b) A description of the facilities that will be constructed, 41794  
reconstructed, repaired, or added to and their total square 41795

footage;	41796
(c) A description of how the facilities will enable the board of trustees to provide the educational program described in section 3328.22 of the Revised Code;	41797 41798 41799
(d) Provision for securing property and liability insurance for the facilities;	41800 41801
(e) A description of how the development of the site will be financed by the person or entity;	41802 41803
(f) The length of the lease that the person or entity will offer the board of trustees, which shall not exceed forty years, and the monthly rent that will be owed to the person or entity for that lease.	41804 41805 41806 41807
(2) The commission determines that the plan submitted under division (B)(1) of this section is satisfactory and will meet the needs of the students enrolled in the school and that the classroom facilities described in the plan do not exceed the construction and design standards established by the commission.	41808 41809 41810 41811 41812
(3) The person or entity that would be party to the agreement has demonstrated financial responsibility to the satisfaction of the commission.	41813 41814 41815
(4) The commission, in consultation with the board of trustees, determines that it is in the best interest of the school for the board of trustees and the commission to enter into the agreement.	41816 41817 41818 41819
(C) Upon approval of the commission, the board of trustees and the commission may enter into an agreement with the person or entity for development of the site in accordance with this section. The agreement shall include the following:	41820 41821 41822 41823
(1) A requirement that development of the site begin not later than eighteen months after the agreement is executed and	41824 41825

proceed according to a schedule specified in the agreement; 41826

(2) A stipulation that failure of the person or entity 41827  
developing the site to comply with the schedule shall be grounds 41828  
for termination of the agreement; 41829

(3) A provision specifying which party to the agreement owns 41830  
the facilities located on the site if the school closes prior to 41831  
the expiration of the agreement and a provision indicating the 41832  
period of time after the school's closure, if any, during which 41833  
rent payments will continue to be paid to the person or entity 41834  
developing the site. 41835

**Sec. 3318.62.** Any agreement between the Ohio ~~school~~ 41836  
facilities construction commission and the board of trustees of a 41837  
college-preparatory boarding school to provide facilities 41838  
assistance under section 3318.60 or 3318.61 of the Revised Code 41839  
shall include the following stipulations: 41840

(A) If the school ceases its operations, the school's board 41841  
of trustees may permit the classroom facilities to be used for 41842  
only an alternative public purpose, including, but not limited to, 41843  
primary, secondary, vocational, or higher education services. 41844

(B) If the school ceases its operations due to either the 41845  
failure of the school's operator to comply with any of the 41846  
requirements of the contract prescribed under section 3328.12 of 41847  
the Revised Code or the default by the school's board of trustees 41848  
on an underlying leasehold or mortgage agreement, the school's 41849  
board of trustees shall return to the commission the unamortized 41850  
portion of the state funds provided to the board of trustees under 41851  
this chapter, based on a straight-line depreciation over the first 41852  
eighteen years of occupancy. However, if, within twenty-four 41853  
months after the school's cessation from operation, the classroom 41854  
facilities of a college-preparatory boarding school are used for 41855  
an alternative public purpose as prescribed by division (A) of 41856

this section, no return of funds by the board of trustees under 41857  
this division shall be required. 41858

**Sec. 3318.70.** (A) As used in this section: 41859

(1) "Acquisition of classroom facilities" has the same 41860  
meaning as in section 3318.40 of the Revised Code. 41861

(2) "Classroom facilities" has the same meaning as in section 41862  
3318.01 of the Revised Code. 41863

(3) "STEM school" means a science, technology, engineering, 41864  
and mathematics school established under Chapter 3326. of the 41865  
Revised Code that is not governed by a single school district 41866  
board of education, as prescribed by section 3326.51 of the 41867  
Revised Code. 41868

(B) The Ohio ~~school~~ facilities construction commission shall 41869  
establish guidelines for assisting STEM schools in the acquisition 41870  
of classroom facilities. 41871

(C) Upon receipt of a written proposal by the governing body 41872  
of a STEM school, the commission, subject to approval of the 41873  
controlling board, shall provide funding to assist that STEM 41874  
school in the acquisition of classroom facilities. The proposal of 41875  
the governing body shall be submitted in a form and in the manner 41876  
prescribed by the commission. The proposal shall indicate both the 41877  
total amount of funding requested from the commission and the 41878  
amount of other funding pledged for the acquisition of the 41879  
classroom facilities, the latter of which shall not be less than 41880  
the total amount of funding requested from the commission. Once 41881  
the commission determines a proposal meets its established 41882  
guidelines and if the controlling board approves that funding, the 41883  
commission shall enter into an agreement with the governing body 41884  
for the acquisition of the classroom facilities and shall 41885  
encumber, in accordance with section 3318.11 of the Revised Code, 41886

the approved funding from the amounts appropriated to the 41887  
commission for classroom facilities assistance projects. The 41888  
agreement shall include a stipulation of the ownership of the 41889  
classroom facilities in the event the STEM school permanently 41890  
closes at any time. 41891

(D) In the case of the governing body of a group of STEM 41892  
schools, as prescribed by section 3326.031 of the Revised Code, 41893  
the governing body shall submit a proposal for each school under 41894  
its direction separately, and the commission shall consider each 41895  
proposal separately. 41896

**Sec. 3318.71.** (A) As used in this section: 41897

(1) "Acquisition of classroom facilities" has the same 41898  
meaning as in section 3318.40 of the Revised Code. 41899

(2) "Classroom facilities" has the same meaning as in section 41900  
3318.01 of the Revised Code. 41901

(3) "Qualifying partnership" means a group of city, exempted 41902  
village, or local school districts that are part of a 41903  
career-technical education compact and have entered into an 41904  
agreement for joint or cooperative establishment and operation of 41905  
a science, technology, engineering, and mathematics education 41906  
program under section 3313.842 of the Revised Code. The aggregate 41907  
territory of the school districts composing a qualifying 41908  
partnership shall be located in two adjacent counties, each having 41909  
a population greater than forty thousand, but less than fifty 41910  
thousand, and at least one of which borders another state. 41911

(B) The Ohio ~~school~~ facilities construction commission shall 41912  
establish guidelines for assisting a qualifying partnership in the 41913  
acquisition of classroom facilities to be used for a joint 41914  
science, technology, engineering, and mathematics education 41915  
program. 41916

(C) Upon receipt of a written proposal from a qualifying partnership, the commission, subject to approval of the controlling board, shall provide funding to assist that qualifying partnership in the acquisition of classroom facilities described in division (B) of this section. The proposal of the qualifying partnership shall be submitted in a form and in the manner prescribed by the commission. The proposal shall indicate both the total amount of funding requested from the commission and the amount of other funding pledged for the acquisition of the classroom facilities, the latter of which shall not be less than the total amount of funding requested from the commission. Once the commission determines a proposal meets its established guidelines, and if the controlling board approves that funding, the commission shall enter into an agreement with the qualifying partnership for the acquisition of the classroom facilities and shall encumber, in accordance with section 3318.11 of the Revised Code, the approved funding from the amounts appropriated to the commission for classroom facilities assistance projects. The agreement shall include a stipulation of the ownership of the classroom facilities in the event the qualifying partnership ceases to exist.

(D) A qualifying partnership may levy taxes and issue bonds under section 5705.2112 or 5705.2113 of the Revised Code to use for all or part of the funding pledged for the acquisition of classroom facilities under division (C) of this section. If a qualifying partnership chooses to levy taxes or issue bonds for this purpose, it shall select one of the districts that is a member of the qualifying partnership to be the fiscal agent of the qualifying partnership for purposes of those sections.

**Sec. 3319.111.** Notwithstanding section 3319.09 of the Revised Code, this section applies to any person who is employed under a teacher license issued under this chapter, or under a professional

or permanent teacher's certificate issued under former section 41949  
3319.222 of the Revised Code, and who spends at least fifty per 41950  
cent of the time employed providing student instruction. However, 41951  
this section does not apply to any person who is employed as a 41952  
substitute teacher or as an instructor of adult education. 41953  
41954

(A) Not later than July 1, 2013, the board of education of 41955  
each school district, in consultation with teachers employed by 41956  
the board, shall adopt a standards-based teacher evaluation policy 41957  
that conforms with the framework for evaluation of teachers 41958  
developed under section 3319.112 of the Revised Code. The policy 41959  
shall become operative at the expiration of any collective 41960  
bargaining agreement covering teachers employed by the board that 41961  
is in effect on September 29, 2011, and shall be included in any 41962  
renewal or extension of such an agreement. 41963

(B) When using measures of student academic growth as a 41964  
component of a teacher's evaluation, those measures shall include 41965  
the value-added progress dimension prescribed by section 3302.021 41966  
of the Revised Code or an alternative student academic progress 41967  
measure if adopted under division (C)(1)(e) of section 3302.03 of 41968  
the Revised Code. For teachers of grade levels and subjects for 41969  
which the value-added progress dimension or alternative student 41970  
academic progress measure is not applicable, the board shall 41971  
administer assessments on the list developed under division (B)(2) 41972  
of section 3319.112 of the Revised Code. 41973

(C)(1) The board shall conduct an evaluation of each teacher 41974  
employed by the board at least once each school year, except as 41975  
provided in division (C)(2) of this section. The evaluation shall 41976  
be completed by the first day of May and the teacher shall receive 41977  
a written report of the results of the evaluation by the tenth day 41978  
of May. 41979

(2)(a) The board may evaluate each teacher who received a rating of accomplished on the teacher's most recent evaluation conducted under this section once every three school years, so long as the teacher's student academic growth measure, for the most recent school year for which data is available, is average or higher, as determined by the department of education.

(b) The board may evaluate each teacher who received a rating of skilled on the teacher's most recent evaluation conducted under this section once every two years, so long as the teacher's student academic growth measure, for the most recent school year for which data is available, is average or higher, as determined by the department of education.

(c) For each teacher who is evaluated pursuant to division (C)(2) of this section, the evaluation shall be completed by the first day of May of the applicable school year, and the teacher shall receive a written report of the results of the evaluation by the tenth day of May of that school year.

(d) Beginning with the 2014-2015 school year, the board may elect not to conduct an evaluation of a teacher who meets one of the following requirements:

(i) The teacher was on leave from the school district for fifty per cent or more of the school year, as calculated by the board.

(ii) The teacher has submitted notice of retirement and that notice has been accepted by the board not later than the first day of December of the school year in which the evaluation is otherwise scheduled to be conducted.

~~(e) Beginning with the 2017-2018 school year, the board may elect not to conduct an evaluation of a teacher who is participating in the teacher residency program established under section 3319.223 of the Revised Code for the year during which~~



~~that teacher takes, for the first time, at least half of the 42011  
performance based assessment prescribed by the state board of 42012  
education for resident educators. 42013~~

(3) In any year that a teacher is not formally evaluated 42014  
pursuant to division (C) of this section as a result of receiving 42015  
a rating of accomplished or skilled on the teacher's most recent 42016  
evaluation, an individual qualified to evaluate a teacher under 42017  
division (D) of this section shall conduct at least one 42018  
observation of the teacher and hold at least one conference with 42019  
the teacher. 42020

(D) Each evaluation conducted pursuant to this section shall 42021  
be conducted by one or more of the following persons who hold a 42022  
credential established by the department of education for being an 42023  
evaluator: 42024

(1) A person who is under contract with the board pursuant to 42025  
section 3319.01 or 3319.02 of the Revised Code and holds a license 42026  
designated for being a superintendent, assistant superintendent, 42027  
or principal issued under section 3319.22 of the Revised Code; 42028

(2) A person who is under contract with the board pursuant to 42029  
section 3319.02 of the Revised Code and holds a license designated 42030  
for being a vocational director, administrative specialist, or 42031  
supervisor in any educational area issued under section 3319.22 of 42032  
the Revised Code; 42033

(3) A person designated to conduct evaluations under an 42034  
agreement entered into by the board, including an agreement 42035  
providing for peer review entered into by the board and 42036  
representatives of teachers employed by the board; 42037

(4) A person who is employed by an entity contracted by the 42038  
board to conduct evaluations and who holds a license designated 42039  
for being a superintendent, assistant superintendent, principal, 42040  
vocational director, administrative specialist, or supervisor in 42041

any educational area issued under section 3319.22 of the Revised Code or is qualified to conduct evaluations. 42042  
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(E) Notwithstanding division (A)(3) of section 3319.112 of the Revised Code: 42044  
42045

(1) The board shall require at least three formal observations of each teacher who is under consideration for nonrenewal and with whom the board has entered into a limited contract or an extended limited contract under section 3319.11 of the Revised Code. 42046  
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(2) The board may elect, by adoption of a resolution, to require only one formal observation of a teacher who received a rating of accomplished on the teacher's most recent evaluation conducted under this section, provided the teacher completes a project that has been approved by the board to demonstrate the teacher's continued growth and practice at the accomplished level. 42051  
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(F) The board shall include in its evaluation policy procedures for using the evaluation results for retention and promotion decisions and for removal of poorly performing teachers. Seniority shall not be the basis for a decision to retain a teacher, except when making a decision between teachers who have comparable evaluations. 42057  
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(G) For purposes of section 3333.0411 of the Revised Code, the board annually shall report to the department of education the number of teachers for whom an evaluation was conducted under this section and the number of teachers assigned each rating prescribed under division (B)(1) of section 3319.112 of the Revised Code, aggregated by the teacher preparation programs from which and the years in which the teachers graduated. The department shall establish guidelines for reporting the information required by this division. The guidelines shall not permit or require that the name of, or any other personally identifiable information about, 42063  
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any teacher be reported under this division. 42073

(H) Notwithstanding any provision to the contrary in Chapter 42074  
4117. of the Revised Code, the requirements of this section 42075  
prevail over any conflicting provisions of a collective bargaining 42076  
agreement entered into on or after September 24, 2012. 42077

**Sec. 3319.22.** (A)(1) The state board of education shall issue 42078  
the following educator licenses: 42079

(a) A resident educator license, which shall be valid for 42080  
four years and shall be renewable ~~for reasons specified by rules~~ 42081  
~~adopted by the state board pursuant to division (A)(3) of this~~ 42082  
~~section. The state board, on a case by case basis, may extend the~~ 42083  
~~license's duration as necessary to enable the license holder to~~ 42084  
~~complete the Ohio teacher residency program established under~~ 42085  
~~section 3319.223 of the Revised Code;~~ 42086

(b) A professional educator license, which shall be valid for 42087  
five years and shall be renewable; 42088

(c) A senior professional educator license, which shall be 42089  
valid for five years and shall be renewable; 42090

(d) A lead professional educator license, which shall be 42091  
valid for five years and shall be renewable. 42092

(2) The state board may issue any additional educator 42093  
licenses of categories, types, and levels the board elects to 42094  
provide. 42095

(3) The state board shall adopt rules establishing the 42096  
standards and requirements for obtaining each educator license 42097  
issued under this section. ~~The rules shall also include the~~ 42098  
~~reasons for which a resident educator license may be renewed under~~ 42099  
~~division (A)(1)(a) of this section.~~ 42100

(B) The rules adopted under this section shall require at 42101  
least the following standards and qualifications for the educator 42102

licenses described in division (A)(1) of this section: 42103

(1) An applicant for a resident educator license shall hold 42104  
at least a bachelor's degree from an accredited teacher 42105  
preparation program or be a participant in the teach for America 42106  
program and meet the qualifications required under section 42107  
3319.227 of the Revised Code. 42108

(2) An applicant for a professional educator license shall: 42109

(a) Hold at least a bachelor's degree from an institution of 42110  
higher education accredited by a regional accrediting 42111  
organization; 42112

(b) Have ~~successfully completed the Ohio teacher residency~~ 42113  
~~program established under section 3319.223 of the Revised Code, if~~ 42114  
~~the applicant's current or most recently issued license is~~ 42115  
previously held a resident educator license issued under this 42116  
section or an alternative resident educator license issued under 42117  
section 3319.26 of the Revised Code. 42118

(3) An applicant for a senior professional educator license 42119  
shall: 42120

(a) Hold at least a master's degree from an institution of 42121  
higher education accredited by a regional accrediting 42122  
organization; 42123

(b) Have previously held a professional educator license 42124  
issued under this section or section 3319.222 or under former 42125  
section 3319.22 of the Revised Code; 42126

(c) Meet the criteria for the accomplished or distinguished 42127  
level of performance, as described in the standards for teachers 42128  
adopted by the state board under section 3319.61 of the Revised 42129  
Code. 42130

(4) An applicant for a lead professional educator license 42131  
shall: 42132

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;

(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;

(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code.

(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code.

(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of higher education, in the manner and to the extent permitted by state and federal law.

(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows:

(1) Notwithstanding division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case

of the adoption of any rule or the amendment or rescission of any 42164  
rule that necessitates institutions' offering preparation programs 42165  
for educators and other school personnel that are approved by the 42166  
chancellor of higher education under section 3333.048 of the 42167  
Revised Code to revise the curriculum of those programs, the 42168  
effective date shall not be as prescribed in division (E) of 42169  
section 119.03 and division (A)(1) of section 119.04 of the 42170  
Revised Code. Instead, the effective date of such rules, or the 42171  
amendment or rescission of such rules, shall be the date 42172  
prescribed by section 3333.048 of the Revised Code. 42173

(2) Notwithstanding the authority to adopt, amend, or rescind 42174  
emergency rules in division (G) of section 119.03 of the Revised 42175  
Code, this authority shall not apply to the state board of 42176  
education with regard to rules for educator licenses. 42177

(F)(1) The rules adopted under this section establishing 42178  
standards requiring additional coursework for the renewal of any 42179  
educator license shall require a school district and a chartered 42180  
nonpublic school to establish local professional development 42181  
committees. In a nonpublic school, the chief administrative 42182  
officer shall establish the committees in any manner acceptable to 42183  
such officer. The committees established under this division shall 42184  
determine whether coursework that a district or chartered 42185  
nonpublic school teacher proposes to complete meets the 42186  
requirement of the rules. The department of education shall 42187  
provide technical assistance and support to committees as the 42188  
committees incorporate the professional development standards 42189  
adopted by the state board of education pursuant to section 42190  
3319.61 of the Revised Code into their review of coursework that 42191  
is appropriate for license renewal. The rules shall establish a 42192  
procedure by which a teacher may appeal the decision of a local 42193  
professional development committee. 42194

(2) In any school district in which there is no exclusive 42195

representative established under Chapter 4117. of the Revised 42196  
Code, the professional development committees shall be established 42197  
as described in division (F)(2) of this section. 42198

Not later than the effective date of the rules adopted under 42199  
this section, the board of education of each school district shall 42200  
establish the structure for one or more local professional 42201  
development committees to be operated by such school district. The 42202  
committee structure so established by a district board shall 42203  
remain in effect unless within thirty days prior to an anniversary 42204  
of the date upon which the current committee structure was 42205  
established, the board provides notice to all affected district 42206  
employees that the committee structure is to be modified. 42207  
Professional development committees may have a district-level or 42208  
building-level scope of operations, and may be established with 42209  
regard to particular grade or age levels for which an educator 42210  
license is designated. 42211

Each professional development committee shall consist of at 42212  
least three classroom teachers employed by the district, one 42213  
principal employed by the district, and one other employee of the 42214  
district appointed by the district superintendent. For committees 42215  
with a building-level scope, the teacher and principal members 42216  
shall be assigned to that building, and the teacher members shall 42217  
be elected by majority vote of the classroom teachers assigned to 42218  
that building. For committees with a district-level scope, the 42219  
teacher members shall be elected by majority vote of the classroom 42220  
teachers of the district, and the principal member shall be 42221  
elected by a majority vote of the principals of the district, 42222  
unless there are two or fewer principals employed by the district, 42223  
in which case the one or two principals employed shall serve on 42224  
the committee. If a committee has a particular grade or age level 42225  
scope, the teacher members shall be licensed to teach such grade 42226  
or age levels, and shall be elected by majority vote of the 42227

classroom teachers holding such a license and the principal shall 42228  
be elected by all principals serving in buildings where any such 42229  
teachers serve. The district superintendent shall appoint a 42230  
replacement to fill any vacancy that occurs on a professional 42231  
development committee, except in the case of vacancies among the 42232  
elected classroom teacher members, which shall be filled by vote 42233  
of the remaining members of the committee so selected. 42234

Terms of office on professional development committees shall 42235  
be prescribed by the district board establishing the committees. 42236  
The conduct of elections for members of professional development 42237  
committees shall be prescribed by the district board establishing 42238  
the committees. A professional development committee may include 42239  
additional members, except that the majority of members on each 42240  
such committee shall be classroom teachers employed by the 42241  
district. Any member appointed to fill a vacancy occurring prior 42242  
to the expiration date of the term for which a predecessor was 42243  
appointed shall hold office as a member for the remainder of that 42244  
term. 42245

The initial meeting of any professional development 42246  
committee, upon election and appointment of all committee members, 42247  
shall be called by a member designated by the district 42248  
superintendent. At this initial meeting, the committee shall 42249  
select a chairperson and such other officers the committee deems 42250  
necessary, and shall adopt rules for the conduct of its meetings. 42251  
Thereafter, the committee shall meet at the call of the 42252  
chairperson or upon the filing of a petition with the district 42253  
superintendent signed by a majority of the committee members 42254  
calling for the committee to meet. 42255

(3) In the case of a school district in which an exclusive 42256  
representative has been established pursuant to Chapter 4117. of 42257  
the Revised Code, professional development committees shall be 42258  
established in accordance with any collective bargaining agreement 42259



in effect in the district that includes provisions for such 42260  
committees. 42261

If the collective bargaining agreement does not specify a 42262  
different method for the selection of teacher members of the 42263  
committees, the exclusive representative of the district's 42264  
teachers shall select the teacher members. 42265

If the collective bargaining agreement does not specify a 42266  
different structure for the committees, the board of education of 42267  
the school district shall establish the structure, including the 42268  
number of committees and the number of teacher and administrative 42269  
members on each committee; the specific administrative members to 42270  
be part of each committee; whether the scope of the committees 42271  
will be district levels, building levels, or by type of grade or 42272  
age levels for which educator licenses are designated; the lengths 42273  
of terms for members; the manner of filling vacancies on the 42274  
committees; and the frequency and time and place of meetings. 42275  
However, in all cases, except as provided in division (F)(4) of 42276  
this section, there shall be a majority of teacher members of any 42277  
professional development committee, there shall be at least five 42278  
total members of any professional development committee, and the 42279  
exclusive representative shall designate replacement members in 42280  
the case of vacancies among teacher members, unless the collective 42281  
bargaining agreement specifies a different method of selecting 42282  
such replacements. 42283

(4) Whenever an administrator's coursework plan is being 42284  
discussed or voted upon, the local professional development 42285  
committee shall, at the request of one of its administrative 42286  
members, cause a majority of the committee to consist of 42287  
administrative members by reducing the number of teacher members 42288  
voting on the plan. 42289

(G)(1) The department of education, educational service 42290  
centers, county boards of developmental disabilities, regional 42291

professional development centers, special education regional 42292  
resource centers, college and university departments of education, 42293  
head start programs, and the Ohio education computer network may 42294  
establish local professional development committees to determine 42295  
whether the coursework proposed by their employees who are 42296  
licensed or certificated under this section or section 3319.222 of 42297  
the Revised Code, or under the former version of either section as 42298  
it existed prior to October 16, 2009, meet the requirements of the 42299  
rules adopted under this section. They may establish local 42300  
professional development committees on their own or in 42301  
collaboration with a school district or other agency having 42302  
authority to establish them. 42303

Local professional development committees established by 42304  
county boards of developmental disabilities shall be structured in 42305  
a manner comparable to the structures prescribed for school 42306  
districts in divisions (F)(2) and (3) of this section, as shall 42307  
the committees established by any other entity specified in 42308  
division (G)(1) of this section that provides educational services 42309  
by employing or contracting for services of classroom teachers 42310  
licensed or certificated under this section or section 3319.222 of 42311  
the Revised Code, or under the former version of either section as 42312  
it existed prior to October 16, 2009. All other entities specified 42313  
in division (G)(1) of this section shall structure their 42314  
committees in accordance with guidelines which shall be issued by 42315  
the state board. 42316

(2) Any public agency that is not specified in division 42317  
(G)(1) of this section but provides educational services and 42318  
employs or contracts for services of classroom teachers licensed 42319  
or certificated under this section or section 3319.222 of the 42320  
Revised Code, or under the former version of either section as it 42321  
existed prior to October 16, 2009, may establish a local 42322  
professional development committee, subject to the approval of the 42323

department of education. The committee shall be structured in 42324  
accordance with guidelines issued by the state board. 42325

(H) Not later than July 1, 2016, the state board, in 42326  
accordance with Chapter 119. of the Revised Code, shall adopt 42327  
rules pursuant to division (A)(3) of this section that do both of 42328  
the following: 42329

(1) Exempt consistently high-performing teachers from the 42330  
requirement to complete any additional coursework for the renewal 42331  
of an educator license issued under this section or section 42332  
3319.26 of the Revised Code. The rules also shall specify that 42333  
such teachers are exempt from any requirements prescribed by 42334  
professional development committees established under divisions 42335  
(F) and (G) of this section. 42336

(2) For purposes of division (H)(1) of this section, the 42337  
state board shall define the term "consistently high-performing 42338  
teacher." 42339

**Sec. 3319.227.** (A) Notwithstanding any other provision of the 42340  
Revised Code or any rule adopted by the state board of education 42341  
to the contrary, the state board shall issue a resident educator 42342  
license under section 3319.22 of the Revised Code to each person 42343  
who is assigned to teach in this state as a participant in the 42344  
teach for America program and who satisfies the following 42345  
conditions for the duration of the program: 42346

(1) Holds a bachelor's degree from an accredited institution 42347  
of higher education; 42348

(2) Maintained a cumulative undergraduate grade point average 42349  
of at least 2.5 out of 4.0, or its equivalent; 42350

(3) Has passed an examination prescribed by the state board 42351  
in the subject area to be taught; 42352

(4) Has successfully completed the summer training institute 42353

operated by teach for America; 42354

(5) Remains an active member of the teach for America 42355  
two-year support program. 42356

(B) The state board shall issue a resident educator license 42357  
under this section for teaching in any grade level or subject area 42358  
for which a person may obtain a resident educator license under 42359  
section 3319.22 of the Revised Code. The state board shall not 42360  
adopt rules establishing any additional qualifications for the 42361  
license beyond those specified in this section. 42362

(C) Notwithstanding any other provision of the Revised Code 42363  
or any rule adopted by the state board to the contrary, the state 42364  
board shall issue a resident educator license under section 42365  
3319.22 of the Revised Code to any applicant who has completed at 42366  
least two years of teaching in another state as a participant in 42367  
the teach for America program and meets all of the conditions of 42368  
divisions (A)(1) to (4) of this section. ~~The state board shall~~ 42369  
~~credit an applicant under this division as having completed two~~ 42370  
~~years of the teacher residency program under section 3319.223 of~~ 42371  
~~the Revised Code.~~ 42372

(D) In order to place teachers in this state, the teach for 42373  
America program shall enter into an agreement with one or more 42374  
accredited four-year public or private institutions of higher 42375  
education in the state to provide optional training of teach for 42376  
America participants for the purpose of enabling those 42377  
participants to complete an optional master's degree or an 42378  
equivalent amount of coursework. Nothing in this division shall 42379  
require any teach for America participant to complete a master's 42380  
degree as a condition of holding a license issued under this 42381  
section. 42382

(E) The state board shall revoke a resident educator license 42383  
issued to a participant in the teach for America program who is 42384

assigned to teach in this state if the participant resigns or is 42385  
dismissed from the program prior to completion of the two-year 42386  
teach for America support program. 42387

**Sec. 3319.26.** (A) The state board of education shall adopt 42388  
rules establishing the standards and requirements for obtaining an 42389  
alternative resident educator license for teaching in grades 42390  
kindergarten to twelve, or the equivalent, in a designated subject 42391  
area or in the area of intervention specialist, as defined by rule 42392  
of the state board. The rules shall also include the reasons for 42393  
which an alternative resident educator license may be renewed 42394  
under division (D) of this section. 42395

(B) The superintendent of public instruction and the 42396  
chancellor of ~~the Ohio board of regents~~ higher education jointly 42397  
shall develop an intensive pedagogical training institute to 42398  
provide instruction in the principles and practices of teaching 42399  
for individuals seeking an alternative resident educator license. 42400  
The instruction shall cover such topics as student development and 42401  
learning, pupil assessment procedures, curriculum development, 42402  
classroom management, and teaching methodology. 42403

(C) The rules adopted under this section shall require 42404  
applicants for the alternative resident educator license to 42405  
satisfy the following conditions prior to issuance of the license, 42406  
but they shall not require applicants to have completed a major or 42407  
coursework in the subject area for which application is being 42408  
made: 42409

(1) Hold a minimum of a baccalaureate degree; 42410

(2) Successfully complete the pedagogical training institute 42411  
described in division (B) of this section or a summer training 42412  
institute provided to participants of a teacher preparation 42413  
program that is operated by a nonprofit organization and has been 42414  
approved by the chancellor. The chancellor shall approve any such 42415

program that requires participants to hold a bachelor's degree; 42416  
have a cumulative undergraduate grade point average of at least 42417  
2.5 out of 4.0, or its equivalent; and successfully complete the 42418  
program's summer training institute. 42419

(3) Pass an examination in the subject area for which 42420  
application is being made. 42421

(D) An alternative resident educator license shall be valid 42422  
for four years and shall be renewable for reasons specified by 42423  
rules adopted by the state board pursuant to division (A) of this 42424  
section. ~~The state board, on a case by case basis, may extend the~~ 42425  
~~license's duration as necessary to enable the license holder to~~ 42426  
~~complete the Ohio teacher residency program established under~~ 42427  
~~section 3319.223 of the Revised Code.~~ 42428

(E) The rules shall require the holder of an alternative 42429  
resident educator license, as a condition of continuing to hold 42430  
the license, to do ~~all~~ both of the following: 42431

(1) ~~Participate in the Ohio teacher residency program;~~ 42432

~~(2)~~ Show satisfactory progress in taking and successfully 42433  
completing one of the following: 42434

(a) At least twelve additional semester hours, or the 42435  
equivalent, of college coursework in the principles and practices 42436  
of teaching in such topics as student development and learning, 42437  
pupil assessment procedures, curriculum development, classroom 42438  
management, and teaching methodology; 42439

(b) Professional development provided by a teacher 42440  
preparation program that has been approved by the chancellor under 42441  
division (C)(2) of this section. 42442

~~(3)~~(2) Take an assessment of professional knowledge in the 42443  
second year of teaching under the license. 42444

(F) The rules shall provide for the granting of a 42445

professional educator license to a holder of an alternative 42446  
resident educator license upon successfully completing all of the 42447  
following: 42448

(1) Four years of teaching under the alternative license; 42449

(2) The additional college coursework or professional 42450  
development described in division (E)~~(2)~~(1) of this section; 42451

(3) The assessment of professional knowledge described in 42452  
division (E)~~(3)~~(2) of this section. The standards for successfully 42453  
completing this assessment and the manner of conducting the 42454  
assessment shall be the same as for any other individual who is 42455  
required to take the assessment pursuant to rules adopted by the 42456  
state board under section 3319.22 of the Revised Code. 42457

~~(4) The Ohio teacher residency program;~~ 42458

~~(5)~~ All other requirements for a professional educator 42459  
license adopted by the state board under section 3319.22 of the 42460  
Revised Code. 42461

(G) A person who is assigned to teach in this state as a 42462  
participant in the teach for America program or who has completed 42463  
two years of teaching in another state as a participant in that 42464  
program shall be eligible for a license only under section 42465  
3319.227 of the Revised Code and shall not be eligible for a 42466  
license under this section. 42467

**Sec. 3319.271.** (A) The superintendent of public instruction 42468  
shall appoint three incorporators who are knowledgeable about the 42469  
administration of public schools and about the operation of 42470  
nonprofit corporations in Ohio. 42471

(B) The incorporators shall do whatever is necessary and 42472  
proper to set up a nonprofit corporation under Chapter 1702. of 42473  
the Revised Code. The articles of incorporation, in addition to 42474  
meeting the requirements of section 1702.04 of the Revised Code, 42475

shall set forth the following provisions: 42476

(1) That the nonprofit corporation is to create and implement 42477  
a pilot program that provides an alternative path for individuals 42478  
to receive training and development in the administration of 42479  
primary and secondary education and leadership, that will enable 42480  
these individuals to earn a degree in public school 42481  
administration, that will enable these individuals to obtain 42482  
licenses in public school administration, and that promotes the 42483  
placement of these individuals in public schools that have a 42484  
poverty percentage greater than fifty per cent; 42485

(2) That the board of directors are to establish criteria for 42486  
program costs, participant selection, and continued participation, 42487  
and metrics to document and measure pilot program activities; 42488

(3) That the name of the nonprofit corporation is "bright new 42489  
leaders for Ohio schools;" 42490

(4) That the board of directors is to consist of the 42491  
following eleven directors: 42492

(a) The governor or the governor's designee; 42493

(b) The superintendent of public instruction, or the 42494  
superintendent's designee; 42495

(c) The chancellor of higher education, or the chancellor's 42496  
designee; 42497

(d) Four individuals to represent major business enterprises 42498  
in Ohio; 42499

(e) Two individuals appointed by the speaker of the house of 42500  
representatives, one of whom shall be an active duty or retired 42501  
military officer; 42502

(f) Two individuals appointed by the president of the senate, 42503  
one of whom shall be a current or retired teacher or principal . 42504

The dean of the Ohio state university fisher college of 42505



business and the dean of the Ohio state university college of 42506  
education and human ecology are to serve as ex-officio nonvoting 42507  
members of the board. 42508

The individuals on the board who represent major business 42509  
enterprises in Ohio are to be appointed by a statewide 42510  
organization selected by the governor. The organization is to be 42511  
nonpartisan and consist of chief executive officers of major 42512  
corporations organized in Ohio. 42513

(5) That the board is to elect a chairperson from among its 42514  
members, and is to appoint a president of the corporation; 42515

(6) That the president of the corporation, subject to the 42516  
approval of the board, is to enter into a contract with the Ohio 42517  
state university fisher college of business. Under the contract, 42518  
the college is to provide oversight to the corporation and is to 42519  
provide the corporation with office space, and with office 42520  
furniture and equipment, as is necessary for the corporation 42521  
successfully to fulfill its duties. 42522

(7) That the overhead expenses of the corporation are not to 42523  
exceed fifteen per cent of the annual budget of the corporation; 42524

(8) That the president is to apply for, and is to receive and 42525  
accept, grants, gifts, bequests, and contributions from private 42526  
sources; 42527

(9) That the corporation is to submit an annual report to the 42528  
general assembly and governor beginning December 31, 2013+ 42529

~~(10) That state financial support for the corporation shall 42530  
cease on June 30, 2018. 42531~~

**Sec. 3319.291.** (A) The state board of education shall require 42532  
each of the following persons, at the times prescribed by division 42533  
(A) of this section, to undergo a criminal records check, unless 42534  
the person has undergone a records check under this section or a 42535

former version of this section less than five years prior to that 42536  
time. 42537

(1) Any person initially applying for any certificate, 42538  
license, or permit described in this chapter or in division (B) of 42539  
section 3301.071 or in section 3301.074 of the Revised Code at the 42540  
time that application is made; 42541

(2) Any person applying for renewal of any certificate, 42542  
license, or permit described in division (A)(1) of this section at 42543  
the time that application is made; 42544

(3) Any person who is teaching under a professional teaching 42545  
certificate issued under former section 3319.222 of the Revised 42546  
Code upon a date prescribed by the state board; 42547

(4) Any person who is teaching under a permanent teaching 42548  
certificate issued under former section 3319.22 as it existed 42549  
prior to October 29, 1996, or under former section 3319.222 of the 42550  
Revised Code upon a date prescribed by the state board and every 42551  
five years thereafter. 42552

(B)(1) Except as otherwise provided in division (B)(2) of 42553  
this section, the state board shall require each person subject to 42554  
a criminal records check under this section to submit two complete 42555  
sets of fingerprints and written permission that authorizes the 42556  
superintendent of public instruction to forward the fingerprints 42557  
to the bureau of criminal identification and investigation 42558  
pursuant to division (F) of section 109.57 of the Revised Code and 42559  
that authorizes that bureau to forward the fingerprints to the 42560  
federal bureau of investigation for purposes of obtaining any 42561  
criminal records that the federal bureau maintains on the person. 42562

(2) If both of the following conditions apply to a person 42563  
subject to a criminal records check under this section, the state 42564  
board shall require the person to submit one complete set of 42565  
fingerprints and written permission that authorizes the 42566

superintendent of public instruction to forward the fingerprints 42567  
to the bureau of criminal identification and investigation so that 42568  
bureau may forward the fingerprints to the federal bureau of 42569  
investigation for purposes of obtaining any criminal records that 42570  
the federal bureau maintains on the person: 42571

(a) Under this section or any former version of this section, 42572  
the state board or the superintendent of public instruction 42573  
previously requested the superintendent of the bureau of criminal 42574  
identification and investigation to determine whether the bureau 42575  
has any information, gathered pursuant to division (A) of section 42576  
109.57 of the Revised Code, on the person. 42577

(b) The person presents proof that the person has been a 42578  
resident of this state for the five-year period immediately prior 42579  
to the date upon which the person becomes subject to a criminal 42580  
records check under this section. 42581

(C) Except as provided in division (D) of this section, prior 42582  
to issuing or renewing any certificate, license, or permit for a 42583  
person described in division (A)(1) or (2) of this section who is 42584  
subject to a criminal records check and in the case of a person 42585  
described in division (A)(3) or (4) of this section who is subject 42586  
to a criminal records check, the state board or the superintendent 42587  
of public instruction shall do one of the following: 42588

(1) If the person is required to submit fingerprints and 42589  
written permission under division (B)(1) of this section, request 42590  
the superintendent of the bureau of criminal identification and 42591  
investigation to determine whether the bureau has any information, 42592  
gathered pursuant to division (A) of section 109.57 of the Revised 42593  
Code, pertaining to the person and to obtain any criminal records 42594  
that the federal bureau of investigation has on the person. 42595

(2) If the person is required to submit fingerprints and 42596  
written permission under division (B)(2) of this section, request 42597

the superintendent of the bureau of criminal identification and 42598  
investigation to obtain any criminal records that the federal 42599  
bureau of investigation has on the person. 42600

(D) The state board or the superintendent of public 42601  
instruction may choose not to request any information about a 42602  
person required by division (C) of this section if the person 42603  
provides proof that a criminal records check that satisfies the 42604  
requirements of that division was conducted on the person as a 42605  
condition of employment pursuant to section 3319.39 of the Revised 42606  
Code within the immediately preceding year. The state board or the 42607  
superintendent of public instruction may accept a certified copy 42608  
of records that were issued by the bureau of criminal 42609  
identification and investigation and that are presented by the 42610  
person in lieu of requesting that information under division (C) 42611  
of this section if the records were issued by the bureau within 42612  
the immediately preceding year. 42613

(E)(1) If a person described in division (A)(3) or (4) of 42614  
this section who is subject to a criminal records check fails to 42615  
submit fingerprints and written permission by the date specified 42616  
in the applicable division, and the state board or the 42617  
superintendent of public instruction does not apply division (D) 42618  
of this section to the person, or if a person who is subject to 42619  
division (G) of this section fails to submit fingerprints and 42620  
written permission by the date prescribed under that division, the 42621  
superintendent shall prepare a written notice stating that if the 42622  
person does not submit the fingerprints and written permission 42623  
within fifteen days after the date the notice was mailed, the 42624  
person's application will be rejected or the person's professional 42625  
or permanent teaching certificate or license will be inactivated. 42626  
The superintendent shall send the notification by regular mail to 42627  
the person's last known residence address or last known place of 42628  
employment, as indicated in the department of education's records, 42629

or both. 42630

If the person fails to submit the fingerprints and written 42631  
permission within fifteen days after the date the notice was 42632  
mailed, the superintendent of public instruction, on behalf of the 42633  
state board, shall issue a written order rejecting the application 42634  
or inactivating the person's professional or permanent teaching 42635  
certificate or license. The rejection or inactivation shall remain 42636  
in effect until the person submits the fingerprints and written 42637  
permission. The superintendent shall send the order by regular 42638  
mail to the person's last known residence address or last known 42639  
place of employment, as indicated in the department's records, or 42640  
both. The order shall state the reason for the rejection or 42641  
inactivation and shall explain that the rejection or inactivation 42642  
remains in effect until the person ~~complies with division (B) of~~ 42643  
~~this section~~ submits the fingerprints and written permission. 42644

The rejection or inactivation of a professional or permanent 42645  
teaching certificate or license under division (E)(1) of this 42646  
section does not constitute a suspension or revocation of the 42647  
certificate or license by the state board under section 3319.31 of 42648  
the Revised Code and the state board and the superintendent of 42649  
public instruction need not provide the person with an opportunity 42650  
for a hearing with respect to the rejection or inactivation. 42651

(2) If a person whose professional or permanent teaching 42652  
certificate or license has been rejected or inactivated under 42653  
division (E)(1) of this section submits fingerprints and written 42654  
permission as required by division (B) or (G) of this section, the 42655  
superintendent of public instruction, on behalf of the state 42656  
board, shall issue a written order issuing or reactivating the 42657  
certificate or license. The superintendent shall send the order to 42658  
the person by regular mail. 42659

(F) Notwithstanding divisions (A) to (C) of this section, if 42660  
a person holds more than one certificate, license, or permit 42661

described in division (A)(1) of this section, the following shall 42662  
apply: 42663

(1) If the certificates, licenses, or permits are of 42664  
different durations, the person shall be subject to divisions (A) 42665  
to (C) of this section only when applying for renewal of the 42666  
certificate, license, or permit that is of the longest duration. 42667  
Prior to renewing any certificate, license, or permit with a 42668  
shorter duration, the state board or the superintendent of public 42669  
instruction shall determine whether the department of education 42670  
has received any information about the person pursuant to section 42671  
109.5721 of the Revised Code, but the person shall not be subject 42672  
to divisions (A) to (C) of this section as long as the person's 42673  
certificate, license, or permit with the longest duration is 42674  
valid. 42675

(2) If the certificates, licenses, or permits are of the same 42676  
duration but do not expire in the same year, the person shall 42677  
designate one of the certificates, licenses, or permits as the 42678  
person's primary certificate, license, or permit and shall notify 42679  
the department of that designation. The person shall be subject to 42680  
divisions (A) to (C) of this section only when applying for 42681  
renewal of the person's primary certificate, license, or permit. 42682  
Prior to renewing any certificate, license, or permit that is not 42683  
the person's primary certificate, license, or permit, the state 42684  
board or the superintendent of public instruction shall determine 42685  
whether the department has received any information about the 42686  
person pursuant to section 109.5721 of the Revised Code, but the 42687  
person shall not be subject to divisions (A) to (C) of this 42688  
section as long as the person's primary certificate, license, or 42689  
permit is valid. 42690

(3) If the certificates, licenses, or permits are of the same 42691  
duration and expire in the same year and the person applies for 42692  
renewal of the certificates, licenses, or permits at the same 42693

time, the state board or the superintendent of public instruction 42694  
shall request only one criminal records check of the person under 42695  
division (C) of this section. 42696

(G) If the department is unable to enroll a person who has 42697  
submitted an application for licensure, or to whom the state board 42698  
has issued a license, in the retained applicant fingerprint 42699  
database established under section 109.5721 of the Revised Code 42700  
because the person has not satisfied the requirements for 42701  
enrollment, the department shall require the person to satisfy the 42702  
requirements for enrollment, including requiring the person to 42703  
submit, by a date prescribed by the department, one complete set 42704  
of fingerprints and written permission that authorizes the 42705  
superintendent of public instruction to forward the fingerprints 42706  
to the bureau of criminal identification and investigation for the 42707  
purpose of enrolling the person in the database. If the person 42708  
fails to comply by the prescribed date, the department shall 42709  
reject the application or shall take action to inactivate the 42710  
person's license in accordance with division (E) of this section. 42711

**Sec. 3319.61.** (A) The educator standards board, in 42712  
consultation with the chancellor of higher education, shall do all 42713  
of the following: 42714

(1) Develop state standards for teachers and principals that 42715  
reflect what teachers and principals are expected to know and be 42716  
able to do at all stages of their careers. These standards shall 42717  
be aligned with the statewide academic content standards for 42718  
students adopted pursuant to section 3301.079 of the Revised Code, 42719  
be primarily based on educator performance instead of years of 42720  
experience or certain courses completed, and rely on 42721  
evidence-based factors. These standards shall also be aligned with 42722  
the operating standards adopted under division (D)(3) of section 42723  
3301.07 of the Revised Code. 42724

(a) The standards for teachers shall reflect the following	42725
additional criteria:	42726
(i) Alignment with the interstate new teacher assessment and	42727
support consortium standards;	42728
(ii) Differentiation among novice, experienced, and advanced	42729
teachers;	42730
(iii) Reliance on competencies that can be measured;	42731
(iv) Reliance on content knowledge, teaching skills,	42732
discipline-specific teaching methods, and requirements for	42733
professional development;	42734
(v) Alignment with a career-long system of professional	42735
development and evaluation that ensures teachers receive the	42736
support and training needed to achieve the teaching standards as	42737
well as reliable feedback about how well they meet the standards;	42738
(vi) The standards under section 3301.079 of the Revised	42739
Code, including standards on collaborative learning environments	42740
and interdisciplinary, project-based, real-world learning and	42741
differentiated instruction;	42742
(vii) The Ohio leadership framework.	42743
(b) The standards for principals shall be aligned with the	42744
interstate school leaders licensing consortium standards.	42745
(2) Develop standards for school district superintendents	42746
that reflect what superintendents are expected to know and be able	42747
to do at all stages of their careers. The standards shall reflect	42748
knowledge of systems theory and effective management principles	42749
and be aligned with the buckeye association of school	42750
administrators standards and the operating standards developed	42751
under division (D)(3) of section 3301.07 of the Revised Code.	42752
(3) Develop standards for school district treasurers and	42753
business managers that reflect what treasurers and business	42754



managers are expected to know and be able to do at all stages of 42755  
their careers. The standards shall reflect knowledge of systems 42756  
theory and effective management principles and be aligned with the 42757  
association of school business officials international standards 42758  
and the operating standards developed under division (D)(3) of 42759  
section 3301.07 of the Revised Code. 42760

(4) Develop standards for the renewal of licenses under 42761  
sections 3301.074 and 3319.22 of the Revised Code; 42762

(5) Develop standards for educator professional development; 42763

(6) Investigate and make recommendations for the creation, 42764  
expansion, and implementation of school building and school 42765  
district leadership academies; 42766

(7) Develop standards for school counselors that reflect what 42767  
school counselors are expected to know and be able to do at all 42768  
stages of their careers. The standards shall reflect knowledge of 42769  
academic, personal, and social counseling for students and 42770  
effective principles to implement an effective school counseling 42771  
program. The standards also shall reflect Ohio-specific knowledge 42772  
of career counseling for students and education options that 42773  
provide flexibility for earning credit, such as earning units of 42774  
high school credit using the methods adopted by the state board of 42775  
education under division (J) of section 3313.603 of the Revised 42776  
Code and earning college credit through the college credit plus 42777  
program established under Chapter 3365. of the Revised Code. The 42778  
standards shall align with the American school counselor 42779  
association's professional standards and the operating standards 42780  
developed under division (D)(3) of section 3301.07 of the Revised 42781  
Code. 42782

The superintendent of public instruction, the chancellor of 42783  
higher education, or the education standards board itself may 42784  
request that the educator standards board update, review, or 42785

reconsider any standards developed under this section. 42786

(B) The educator standards board shall incorporate indicators 42787  
of cultural competency into the standards developed under division 42788  
(A) of this section. For this purpose, the educator standards 42789  
board shall develop a definition of cultural competency based upon 42790  
content and experiences that enable educators to know, understand, 42791  
and appreciate the students, families, and communities that they 42792  
serve and skills for addressing cultural diversity in ways that 42793  
respond equitably and appropriately to the cultural needs of 42794  
individual students. 42795

(C) In developing the standards under division (A) of this 42796  
section, the educator standards board shall consider the impact of 42797  
the standards on closing the achievement gap between students of 42798  
different subgroups. 42799

(D) In developing the standards under division (A) of this 42800  
section, the educator standards board shall ensure both of the 42801  
following: 42802

(1) That teachers have sufficient knowledge to provide 42803  
appropriate instruction for students identified as gifted pursuant 42804  
to Chapter 3324. of the Revised Code and to assist in the 42805  
identification of such students, and have sufficient knowledge 42806  
that will enable teachers to provide learning opportunities for 42807  
all children to succeed; 42808

(2) That principals, superintendents, school treasurers, and 42809  
school business managers have sufficient knowledge to provide 42810  
principled, collaborative, foresighted, and data-based leadership 42811  
that will provide learning opportunities for all children to 42812  
succeed. 42813

(E) The standards for educator professional development 42814  
developed under division (A)(5) of this section shall include the 42815  
following: 42816

(1) Standards for the inclusion of local professional development committees established under section 3319.22 of the Revised Code in the planning and design of professional development;	42817 42818 42819 42820
(2) Standards that address the crucial link between academic achievement and mental health issues.	42821 42822
(F) The educator standards board shall also perform the following functions:	42823 42824
(1) Monitor compliance with the standards developed under division (A) of this section and make recommendations to the state board of education for appropriate corrective action if such standards are not met;	42825 42826 42827 42828
(2) Research, develop, and recommend policies on the professions of teaching and school administration;	42829 42830
(3) Recommend policies to close the achievement gap between students of different subgroups;	42831 42832
(4) Define a "master teacher" in a manner that can be used uniformly by all school districts;	42833 42834
(5) Adopt criteria that a candidate for a lead professional educator license under section 3319.22 of the Revised Code who does not hold a valid certificate issued by the national board for professional teaching standards must meet to be considered a lead teacher for purposes of division (B)(4)(d) of that section. It is the intent of the general assembly that the educator standards board shall adopt multiple, equal-weighted criteria to use in determining whether a person is a lead teacher. The criteria shall be in addition to the other standards and qualifications prescribed in division (B)(4) of section 3319.22 of the Revised Code. The criteria may include, but shall not be limited to, completion of educational levels beyond a master's degree or other professional development courses or demonstration of a leadership	42835 42836 42837 42838 42839 42840 42841 42842 42843 42844 42845 42846 42847

role in the teacher's school building or district. The board shall 42848  
determine the number of criteria that a teacher shall satisfy to 42849  
be recognized as a lead teacher, which shall not be the total 42850  
number of criteria adopted by the board. 42851

(6) Develop model teacher and principal evaluation 42852  
instruments and processes. The models shall be based on the 42853  
standards developed under division (A) of this section. 42854

(7) Develop a method of measuring the academic improvement 42855  
made by individual students during a one-year period and make 42856  
recommendations for incorporating the measurement as one of 42857  
multiple evaluation criteria into ~~each~~ both of the following: 42858

(a) Eligibility for a professional educator license, senior 42859  
professional educator license, lead professional educator license, 42860  
or principal license issued under section 3319.22 of the Revised 42861  
Code; 42862

~~(b) The Ohio teacher residency program established under 42863  
section 3319.223 of the Revised Code; 42864~~

~~(c) The model teacher and principal evaluation instruments 42865  
and processes developed under division (F)(6) of this section. 42866~~

(G) The educator standards board shall submit recommendations 42867  
of standards developed under division (A) of this section to the 42868  
state board of education not later than September 1, 2010. The 42869  
state board of education shall review those recommendations at the 42870  
state board's regular meeting that next succeeds the date that the 42871  
recommendations are submitted to the state board. At that meeting, 42872  
the state board of education shall vote to either adopt standards 42873  
based on those recommendations or request that the educator 42874  
standards board reconsider its recommendations. The state board of 42875  
education shall articulate reasons for requesting reconsideration 42876  
of the recommendations but shall not direct the content of the 42877  
recommendations. The educator standards board shall reconsider its 42878

recommendations if the state board of education so requests, may 42879  
revise the recommendations, and shall resubmit the 42880  
recommendations, whether revised or not, to the state board not 42881  
later than two weeks prior to the state board's regular meeting 42882  
that next succeeds the meeting at which the state board requested 42883  
reconsideration of the initial recommendations. The state board of 42884  
education shall review the recommendations as resubmitted by the 42885  
educator standards board at the state board's regular meeting that 42886  
next succeeds the meeting at which the state board requested 42887  
reconsideration of the initial recommendations and may adopt the 42888  
standards as resubmitted or, if the resubmitted standards have not 42889  
addressed the state board's concerns, the state board may modify 42890  
the standards prior to adopting them. The final responsibility to 42891  
determine whether to adopt standards as described in division (A) 42892  
of this section and the content of those standards, if adopted, 42893  
belongs solely to the state board of education. 42894

**Sec. 3321.19.** (A) As used in this section and section 42895  
3321.191 of the Revised Code, "habitual truant" has the same 42896  
meaning as in section 2151.011 of the Revised Code. 42897

(B) When a board of education of any city, exempted village, 42898  
local, joint vocational, or cooperative education school district 42899  
or the governing board of any educational service center 42900  
determines that a student in its district has been truant and the 42901  
parent, guardian, or other person having care of the child has 42902  
failed to cause the student's attendance at school, the board may 42903  
require the parent, guardian, or other person having care of the 42904  
child pursuant to division (B) of this section to attend an 42905  
educational program established pursuant to rules adopted by the 42906  
state board of education for the purpose of encouraging parental 42907  
involvement in compelling the attendance of the child at school. 42908

No parent, guardian, or other person having care of a child 42909

shall fail without good cause to attend an educational program 42910  
described in this division if the parent, guardian, or other 42911  
person has been served notice pursuant to division (C) of this 42912  
section. 42913

(C) On the request of the superintendent of schools, the 42914  
superintendent of any educational service center, the board of 42915  
education of any city, exempted village, local, joint vocational, 42916  
or cooperative education school district, or the governing board 42917  
of any educational service center or when it otherwise comes to 42918  
the notice of the attendance officer or other appropriate officer 42919  
of the school district, the attendance officer or other 42920  
appropriate officer shall examine into any case of supposed 42921  
truancy within the district and shall warn the child, if found 42922  
truant, and the child's parent, guardian, or other person having 42923  
care of the child, in writing, of the legal consequences of being 42924  
truant. When any child of compulsory school age, in violation of 42925  
law, is not attending school, the attendance or other appropriate 42926  
officer shall notify the parent, guardian, or other person having 42927  
care of that child of the fact, and require the parent, guardian, 42928  
or other person to cause the child to attend school immediately. 42929  
The parent, guardian, or other person having care of the child 42930  
shall cause the child's attendance at school. Upon the failure of 42931  
the parent, guardian, or other person having care of the child to 42932  
do so, the attendance officer or other appropriate officer, if so 42933  
directed by the superintendent, the district board, or the 42934  
educational service center governing board, shall send notice 42935  
requiring the attendance of that parent, guardian, or other person 42936  
at a parental education program established pursuant to division 42937  
(B) of this section and, subject to divisions (D) and (E) of this 42938  
section, may file a complaint against the parent, guardian, or 42939  
other person having care of the child in any court of competent 42940  
jurisdiction. 42941

(D)(1) Upon the failure of the parent, guardian, or other person having care of the child to cause the child's attendance at school, if the child is considered an habitual truant, the board of education of the school district or the governing board of the educational service center, ~~within ten days~~, subject to division (E) of this section, shall assign the student to an absence intervention team as described in division (C) of section 3321.191 of the Revised Code.

(2) The attendance officer shall file a complaint in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend school jointly against the child and the parent, guardian, or other person having care of the child, in accordance with the timelines and conditions set forth in division (B) of section 3321.16 of the Revised Code. A complaint filed in the juvenile court under this division shall allege that the child is an unruly child for being an habitual truant and that the parent, guardian, or other person having care of the child has violated section 3321.38 of the Revised Code.

(E) A school district with a chronic absenteeism percentage that is less than five per cent, as displayed on the district's most recent report card issued under section 3302.03 of the Revised Code, and the school buildings within that district, shall be exempt from the requirement to assign habitually truant students to an absence intervention team for the following school year and shall instead take any appropriate action as an intervention strategy contained in the policy developed by the district board pursuant to divisions (A) and (B) of section 3321.191 of the Revised Code. In the event that those intervention strategies fail, within sixty-one days after their implementation, the attendance officer shall file a complaint, provided that the conditions described in division (B) of section 3321.16 of the

Revised Code are satisfied. 42974

Sec. 3323.022. The rules of the state board of education for 42975  
staffing ratios for programs with preschool children with 42976  
disabilities shall require the following: 42977

(A) A full-time staff member shall be provided when there are 42978  
eight full-day or sixteen half-day preschool children eligible for 42979  
special education enrolled in a center-based preschool special 42980  
education program. 42981

(B) Staff ratios of one teacher for every eight children 42982  
shall be maintained at all times for a program with a center-based 42983  
teacher, and a second adult shall be present when there are nine 42984  
or more children, including nondisabled children enrolled in a 42985  
class session. 42986

Sec. 3323.052. (A) ~~Not later than November 28, 2011, the~~ The 42987  
department of education shall develop a document that compares a 42988  
parent's and child's rights under this chapter and 20 U.S.C. 1400 42989  
et seq. with the parent's and child's rights under the Jon 42990  
Peterson special needs scholarship program, established in 42991  
sections 3310.51 to 3310.64 of the Revised Code, including ~~the~~ 42992  
~~deadline for application for a scholarship or renewal of a~~ 42993  
~~scholarship and notice of that application to the child's school~~ 42994  
~~district, prescribed in division (C) of section 3310.52 of the~~ 42995  
~~Revised Code, and the provisions of divisions (A) and (B) of~~ 42996  
section 3310.53 of the Revised Code. The department shall revise 42997  
that document as necessary to reflect any pertinent changes in 42998  
state or federal statutory law, rule, or regulation ~~enacted or~~ 42999  
~~adopted after the initial document is developed.~~ 43000

(B) The department and each school district shall ensure that 43001  
the document prescribed in division (A) of this section is 43002  
included in, appended to, or otherwise distributed in conjunction 43003



with the notice required under 20 U.S.C. 1415(d), and any 43004  
provision of the Code of Federal Regulations implementing that 43005  
requirement, in the manner and at all the times specified for such 43006  
notice in federal law or regulation. 43007

(C) In addition to the requirement prescribed by division (B) 43008  
of this section, each time a child's school district completes an 43009  
evaluation for a child with a disability or undertakes the 43010  
development, review, or revision of the child's IEP, the district 43011  
shall notify the child's parent, by letter or electronic means, 43012  
about both the autism scholarship program, under section 3310.41 43013  
of the Revised Code, and the Jon Peterson special needs 43014  
scholarship program, under sections 3310.51 to 3310.64 of the 43015  
Revised Code. The notice shall include the following statement: 43016

"Your child may be eligible for a scholarship under the 43017  
Autism Scholarship Program or the Jon Peterson Special Needs 43018  
Scholarship Program to attend a special education program that 43019  
implements the child's individualized education program and that 43020  
is operated by an alternative public provider or by a registered 43021  
private provider." 43022

The notice shall include the telephone number of the office 43023  
of the department responsible for administering the scholarship 43024  
programs and the specific location of scholarship information on 43025  
the department's web site. 43026

(D) As used in this section, a "child's school district" 43027  
means the school district in which the child is entitled to attend 43028  
school under section 3313.64 or 3313.65 of the Revised Code. 43029

**Sec. 3326.01. (A)** As used in this chapter: 43030

(1) "STEM" is an abbreviation of "science, technology, 43031  
engineering, and mathematics." 43032

(2) "STEAM" is an abbreviation of "science, technology, 43033

engineering, arts, and mathematics." 43034

(B)(1) A science, technology, engineering, arts, and 43035  
mathematics school shall be considered a type of science, 43036  
technology, engineering, and mathematics school. 43037

(2) A STEAM school equivalent shall be considered to be a 43038  
type of STEM school equivalent. 43039

(3) A STEAM program of excellence shall be considered to be a 43040  
type of STEM program of excellence. 43041

(C)(1) Any reference to a STEM school or science, technology, 43042  
engineering, and mathematics school in the Revised Code shall be 43043  
considered to include a STEAM school, unless the context 43044  
specifically indicates a different meaning or intent. All 43045  
provisions of the Revised Code applicable to a STEM school shall 43046  
apply to a STEAM school in the same manner, except as otherwise 43047  
provided in this chapter. 43048

(2) Any reference to a STEM school equivalent in the Revised 43049  
Code shall be considered to include a STEAM school equivalent, 43050  
unless the context specifically indicates a different meaning or 43051  
intent. All provisions of the Revised Code applicable to a STEM 43052  
school equivalent shall apply to a STEAM school equivalent in the 43053  
same manner, except as otherwise provided in this chapter. 43054

(3) Any reference to a STEM program of excellence in the 43055  
Revised Code shall be considered to include a STEAM program of 43056  
excellence, unless the context specifically indicates a different 43057  
meaning or intent. All provisions of the Revised Code applicable 43058  
to a STEM program of excellence shall apply to a STEAM program of 43059  
excellence in the same manner, except as otherwise provided in 43060  
this chapter. 43061

**Sec. 3326.03.** (A) The STEM committee shall authorize the 43062  
establishment of and award grants to science, technology, 43063

engineering, and mathematics schools based on proposals submitted 43064  
to the committee. 43065

The committee shall determine the criteria for proposals, 43066  
establish procedures for the submission of proposals, accept and 43067  
evaluate proposals, and choose which proposals to approve to 43068  
become a STEM school. In approving proposals for STEM schools, the 43069  
committee shall consider locating the schools in diverse 43070  
geographic regions of the state so that all students have access 43071  
to a STEM school. 43072

The committee shall seek technical assistance from the Ohio 43073  
STEM learning network, or its successor, throughout the process of 43074  
accepting and evaluating proposals and choosing which proposals to 43075  
approve. In approving proposals for STEM schools, the committee 43076  
shall consider the recommendations of the Ohio STEM learning 43077  
network, or its successor. 43078

The committee may authorize the establishment of a group of 43079  
multiple STEM schools to operate from multiple facilities located 43080  
in one or more school districts under the direction of a single 43081  
governing body in the manner prescribed by section 3326.031 of the 43082  
Revised Code. The committee shall consider the merits of each of 43083  
the proposed STEM schools within a group and shall authorize each 43084  
school separately. Anytime after authorizing a group of STEM 43085  
schools to be under the direction of a single governing body, upon 43086  
a proposal from the governing body, the committee may authorize 43087  
one or more additional schools to operate as part of that group. 43088

The STEM committee may approve one or more STEM schools to 43089  
serve only students identified as gifted under Chapter 3324. of 43090  
the Revised Code. 43091

(B) Proposals may be submitted only by a partnership of 43092  
public and private entities consisting of at least all of the 43093  
following: 43094

(1) A city, exempted village, local, or joint vocational school district or an educational service center;	43095 43096
(2) Higher education entities;	43097
(3) Business organizations.	43098
A community school established under Chapter 3314. of the Revised Code, a chartered nonpublic school, or both may be part of the partnership.	43099 43100 43101
(C) Each proposal shall include at least the following:	43102
(1) Assurances that the STEM school or group of STEM schools will be under the oversight of a governing body and a description of the members of that governing body and how they will be selected;	43103 43104 43105 43106
(2) Assurances that each STEM school will operate in compliance with this chapter and the provisions of the proposal as accepted by the committee;	43107 43108 43109
(3) Evidence that each school will offer a rigorous, diverse, integrated, and project-based curriculum to students in any of grades kindergarten through twelve, with the goal to prepare those students for college, the workforce, and citizenship, and that does all of the following:	43110 43111 43112 43113 43114
(a) Emphasizes the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;	43115 43116
(b) Incorporates scientific inquiry and technological design;	43117
(c) <u>Includes the arts and humanities. If the proposal is for a STEAM school, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.</u>	43118 43119 43120 43121 43122 43123
(d) Emphasizes personalized learning and teamwork skills.	43124

(4) Evidence that each school will attract school leaders who support the curriculum principles of division (C)(3) of this section;

(5) A description of how each school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code;

(6) Evidence that each school will utilize an established capacity to capture and share knowledge for best practices and innovative professional development with the Ohio STEM learning network, or its successor;

(7) Evidence that each school will operate in collaboration with a partnership that includes institutions of higher education and businesses~~+~~. If the proposal is for a STEAM school, it also shall include evidence that this partnership will include arts organizations.

(8) Assurances that each school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities~~+~~. If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations.

(9) A description of how each school's assets will be distributed if the school closes for any reason.

(D) If a STEM school wishes to become a STEAM school, it may change its existing proposal to include the items required under divisions (C)(3)(c), (C)(7), and (C)(8) of this section and submit the revised proposal to the STEM committee for approval.

**Sec. 3326.032.** (A) The STEM committee may grant a designation of STEM school equivalent to a community school established under Chapter 3314. of the Revised Code or to a chartered nonpublic

school. In order to be eligible for this designation, a community 43155  
school or chartered nonpublic school shall submit a proposal that 43156  
satisfies the requirements of this section. 43157  
43158

The committee shall determine the criteria for proposals, 43159  
establish procedures for the submission of proposals, accept and 43160  
evaluate proposals, and choose which proposals warrant a community 43161  
school or chartered nonpublic school to be designated as a STEM 43162  
school equivalent. 43163

(B) A proposal for designation as a STEM school equivalent 43164  
shall include at least the following: 43165

(1) Assurances that the community school or chartered 43166  
nonpublic school submitting the proposal has a working partnership 43167  
with both public and private entities, including higher education 43168  
entities and business organizations~~†~~. If the proposal is for a 43169  
STEAM school equivalent, it also shall include evidence that this 43170  
partnership includes arts organizations. 43171

(2) Assurances that the school submitting the proposal will 43172  
operate in compliance with this section and the provisions of the 43173  
proposal as accepted by the committee; 43174

(3) Evidence that the school submitting the proposal will 43175  
offer a rigorous, diverse, integrated, and project-based 43176  
curriculum to students in any of grades kindergarten through 43177  
twelve, with the goal to prepare those students for college, the 43178  
workforce, and citizenship, and that does all of the following: 43179

(a) Emphasizes the role of science, technology, engineering, 43180  
and mathematics in promoting innovation and economic progress; 43181

(b) Incorporates scientific inquiry and technological design; 43182

(c) Includes the arts and humanities~~†~~. If the proposal is for 43183  
a STEAM school equivalent, it also shall include evidence that the 43184

curriculum will integrate arts and design into the study of 43185  
science, technology, engineering, and mathematics to foster 43186  
creative thinking, problem-solving, and new approaches to 43187  
scientific invention. 43188

(d) Emphasizes personalized learning and teamwork skills. 43189

(4) Evidence that the school submitting the proposal will 43190  
attract school leaders who support the curriculum principles of 43191  
division (B)(3) of this section; 43192

(5) A description of how each school's curriculum will be 43193  
developed and approved in accordance with section 3326.09 of the 43194  
Revised Code; 43195

(6) Evidence that the school submitting the proposal will 43196  
utilize an established capacity to capture and share knowledge for 43197  
best practices and innovative professional development; 43198

(7) Assurances that the school submitting the proposal has 43199  
received commitments of sustained and verifiable fiscal and 43200  
in-kind support from regional education and business entities. If 43201  
the proposal is for a STEAM school equivalent, it also shall 43202  
include assurances that the school has received commitments of 43203  
sustained and verifiable fiscal and in-kind support from arts 43204  
organizations. 43205

(C)(1) A community school or chartered nonpublic school that 43206  
is designated as a STEM school equivalent under this section shall 43207  
not be subject to the requirements of Chapter 3326. of the Revised 43208  
Code, except that the school shall be subject to the requirements 43209  
of this section and to the curriculum requirements of section 43210  
3326.09 of the Revised Code. 43211

Nothing in this section, however, shall relieve a community 43212  
school of the applicable requirements of Chapter 3314. of the 43213  
Revised Code. Nor shall anything in this section relieve a 43214  
chartered nonpublic school of any provisions of law outside of 43215

this chapter that are applicable to chartered nonpublic schools. 43216

(2) A community school or chartered nonpublic school that is 43217  
designated as a STEM school equivalent under this section shall 43218  
not be eligible for operating funding under sections 3326.31 to 43219  
3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised Code. 43220

(3) A community school or chartered nonpublic school that is 43221  
designated as a STEM school equivalent under this section may 43222  
apply for any of the grants and additional funds described in 43223  
section 3326.38 of the Revised Code for which the school is 43224  
eligible. 43225

(D) If a community school or chartered nonpublic school that 43226  
is designated as a STEM school equivalent under this section 43227  
intends to close or intends to no longer be designated as a STEM 43228  
school equivalent, it shall notify the STEM committee of that 43229  
fact. 43230

(E) If a community school or chartered nonpublic school that 43231  
is designated as a STEM school equivalent wishes to be designated 43232  
as a STEAM school equivalent, it may change its existing proposal 43233  
to include the items required under divisions (B)(1), (B)(3)(c), 43234  
and (B)(7) of this section and submit the revised proposal to the 43235  
STEM committee for approval. 43236

**Sec. 3326.04.** (A) The STEM committee shall award grants to 43237  
support the operation of STEM programs of excellence to serve 43238  
students in any of grades kindergarten through ~~eight~~ twelve 43239  
through a request for proposals. 43240

(B) Proposals may be submitted by any of the following: 43241

(1) The board of education of a city, exempted village, or 43242  
local school district; 43243

(2) The governing authority of a community school established 43244  
under Chapter 3314. of the Revised Code; 43245



(3) The governing authority of a chartered nonpublic school.	43246
(C) Each proposal shall demonstrate to the satisfaction of	43247
the STEM committee that the program meets at least the following	43248
standards:	43249
(1) Unless the program is designed to serve only students	43250
identified as gifted under Chapter 3324. of the Revised Code, the	43251
program will serve all students enrolled in the district or school	43252
in the grades for which the program is designed.	43253
(2) The program will offer a rigorous and diverse curriculum	43254
that is based on scientific inquiry and technological design, that	43255
emphasizes personalized learning and teamwork skills, and that	43256
will expose students to advanced scientific concepts within and	43257
outside the classroom. <u>If the proposal is for a STEAM program of</u>	43258
<u>excellence, it also shall include evidence that the curriculum</u>	43259
<u>will integrate arts and design into the curriculum to foster</u>	43260
<u>creative thinking, problem-solving, and new approaches to</u>	43261
<u>scientific invention.</u>	43262
(3) Unless the program is designed to serve only students	43263
identified as gifted under Chapter 3324. of the Revised Code, the	43264
program will not limit participation of students on the basis of	43265
intellectual ability, measures of achievement, or aptitude.	43266
(4) The program will utilize an established capacity to	43267
capture and share knowledge for best practices and innovative	43268
professional development.	43269
(5) The program will operate in collaboration with a	43270
partnership that includes institutions of higher education and	43271
businesses. <u>If the proposal is for a STEAM program of excellence,</u>	43272
<u>it also shall include evidence that this partnership includes arts</u>	43273
<u>organizations.</u>	43274
(6) The program will include teacher professional development	43275
strategies that are augmented by community and business partners.	43276

(D) The STEM committee shall give priority to proposals for 43277  
new or expanding innovative programs. 43278

(E) If a STEM program of excellence wishes to become a STEAM 43279  
program of excellence, it may change its existing proposal to 43280  
include the items required under divisions (C)(2) and (C)(5) of 43281  
this section and submit the revised proposal to the STEM committee 43282  
for approval. 43283

**Sec. 3326.09.** Subject to approval by its governing body or 43284  
governing authority, the curriculum of each science, technology, 43285  
engineering, and mathematics school and of each community school 43286  
or chartered nonpublic school that is designated as a STEM school 43287  
equivalent under section 3326.032 of the Revised Code shall be 43288  
developed by a team that consists of at least the school's chief 43289  
administrative officer, a teacher, a representative of the higher 43290  
education institution that is a collaborating partner in the STEM 43291  
school or school designated as a STEM school equivalent, and a 43292  
member of the public with expertise in the application of science, 43293  
technology, engineering, or mathematics. In the case of a STEAM 43294  
school or a STEAM school equivalent, the team also shall include 43295  
an expert in the integration of arts and design into the STEM 43296  
fields. 43297

**Sec. 3326.10.** Each science, technology, engineering, and 43298  
mathematics school shall adopt admission procedures that specify 43299  
the following: 43300

(A)(1) Admission shall be open to individuals entitled and 43301  
eligible to attend school pursuant to section 3313.64 or 3313.65 43302  
of the Revised Code in a school district in the state. 43303

(2)(a) Admission may be open on a tuition basis to 43304  
individuals who are not residents of this state. The school shall 43305  
not receive state funds under sections 3326.33 to 3326.51 of the 43306

Revised Code for any student who is not a resident of this state. 43307

(b) The school shall charge tuition for a student who is not 43308  
a resident of this state in an amount ~~equal to the amount~~ 43309  
~~calculated by the department of education under~~ determined by the 43310  
school in accordance with section 3326.101 of the Revised Code. 43311

(B) There will be no discrimination in the admission of 43312  
students to the school on the basis of race, creed, color, 43313  
disability, or sex. 43314

(C) The school will comply with all federal and state laws 43315  
regarding the education of students with disabilities. 43316

(D) Unless the school serves only students identified as 43317  
gifted under Chapter 3324. of the Revised Code, the school will 43318  
not limit admission to students on the basis of intellectual 43319  
ability, measures of achievement or aptitude, or athletic or 43320  
artistic ability. 43321

(E) The school will assert its best effort to attract a 43322  
diverse student body that reflects the community, and the school 43323  
will recruit students from disadvantaged and underrepresented 43324  
groups. 43325

**Sec. 3326.101.** For each student who is not a resident of this 43326  
state and is enrolled in a science, technology, engineering, and 43327  
mathematics school under division (A)(2) of section 3326.10 of the 43328  
Revised Code, the ~~department of education~~ school shall calculate 43329  
determine the amount that ~~the school would have received for that~~ 43330  
~~student under section 3326.33 of the Revised Code if that student~~ 43331  
~~were a resident of this state. The department shall not pay that~~ 43332  
~~amount to the school, but the school shall to charge that amount~~ 43333  
to the student as tuition. This amount shall be not less than the 43334  
minimum amount paid to the school for a student under section 43335  
3326.33 of the Revised Code. 43336

**Sec. 3326.11.** Each science, technology, engineering, and 43337  
mathematics school established under this chapter and its 43338  
governing body shall comply with sections 9.90, 9.91, 109.65, 43339  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 43340  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 43341  
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 43342  
3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 43343  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 43344  
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 43345  
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 43346  
3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 43347  
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 43348  
3313.801, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 43349  
3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 43350  
3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.05, 3321.13, 43351  
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 43352  
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 43353  
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 43354  
Revised Code as if it were a school district. 43355

**Sec. 3326.33.** For each student enrolled in a science, 43356  
technology, engineering, and mathematics school established under 43357  
this chapter, on a full-time equivalency basis, the department of 43358  
education annually shall deduct from the state education aid of a 43359  
student's resident school district and, if necessary, from the 43360  
payment made to the district under sections 321.24 and 323.156 of 43361  
the Revised Code and pay to the school the sum of the following: 43362

(A) An opportunity grant in an amount equal to the formula 43363  
amount; 43364

(B) The per pupil amount of targeted assistance funds 43365  
calculated under division (A) of section 3317.0217 of the Revised 43366  
Code for the student's resident district, as determined by the 43367

department, X 0.25;	43368
(C) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:	43369 43370 43371
(1) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	43372 43373 43374
(2) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	43375 43376 43377
(3) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	43378 43379 43380
(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	43381 43382 43383
(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	43384 43385 43386
(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	43387 43388 43389
(D) If the student is in kindergarten through third grade, <del>\$305, in fiseal year 2016, or \$320, in fiseal year 2017;</del>	43390 43391
(E) If the student is economically disadvantaged, an amount equal to the following:	43392 43393
\$272 X the resident district's economically disadvantaged index	43394
(F) Limited English proficiency funds, as follows:	43395
(1) If the student is a category one limited English proficient student, the amount specified in division (A) of	43396 43397

section 3317.016 of the Revised Code;	43398
(2) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	43399 43400 43401
(3) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	43402 43403 43404
(G) Career-technical education funds as follows:	43405
(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	43406 43407 43408
(2) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	43409 43410 43411
(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	43412 43413 43414
(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	43415 43416 43417
(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	43418 43419 43420
Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code.	43421 43422 43423
<b>Sec. 3326.41.</b> (A) For purposes of this section:	43424
(1) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	43425 43426

(2) "Four-year adjusted cohort graduation rate" has the same meaning as in section 3302.01 of the Revised Code. 43427  
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(3) A science, technology, engineering, and mathematics school's "third-grade reading proficiency percentage" means the percentage of the school's students scoring at a proficient level of skill or higher on the third-grade English language arts assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code for the immediately preceding school year, as reported on the school's report card under section 3302.03 of the Revised Code. 43429  
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(B) In addition to the payments made under section 3326.33 of the Revised Code, the department of education shall annually pay to each science, technology, engineering, and mathematics school a both of the following: 43437  
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43439  
43440

(1) A graduation bonus calculated according to the following formula: 43441  
43442  
The school's four-year adjusted cohort graduation rate on its most recent report card issued by the department under section 3302.03 of the Revised Code X 0.075 X the formula amount X the number of the school's graduates reported to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued 43443  
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(2) A third-grade reading bonus calculated according to the following formula: 43450  
43451  
The school's third-grade reading proficiency percentage X 0.075 X the formula amount X the number of the school's students scoring at a proficient level or higher on the third-grade English language arts assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code for the immediately preceding school year 43452  
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**Sec. 3327.08.** Boards of education of city school districts, 43458  
local school districts, exempted village school districts, 43459  
cooperative education school districts, and joint vocational 43460  
school districts and governing boards of educational service 43461  
centers may purchase on individual contract school buses and other 43462  
equipment used in transporting children to and from school and to 43463  
other functions as authorized by the boards, or the boards, at 43464  
their discretion, may purchase the buses and equipment through any 43465  
system of centralized purchasing established by the state 43466  
department of education for that purpose, provided that state 43467  
subsidy payments shall be based on the amount of the lowest price 43468  
available to the boards by either method of purchase. No board 43469  
shall be deprived of any form of state assistance in the purchase 43470  
of buses and equipment by reason of purchases of buses and 43471  
equipment on an individual contract. 43472

The purchase of school buses shall be made only after 43473  
competitive bidding in accordance with section 3313.46 of the 43474  
Revised Code. All bids shall state that the buses, prior to 43475  
delivery, will comply with the safety rules of the department of 43476  
public safety adopted pursuant to section 4511.76 of the Revised 43477  
Code and all other pertinent provisions of law. 43478

At no time shall bid bonds be required for the purchase of 43479  
school buses, unless the district board or educational service 43480  
center governing board requests that bid bonds be part of the 43481  
competitive bidding process for a specified purchase. 43482

**Sec. 3332.071.** A college or school that holds a certificate 43483  
of registration under this chapter shall pay any fee required by 43484  
the state board of career colleges and schools for a new student 43485  
disclosure course fee. No college or school shall charge a student 43486  
for the fee paid under this section, either directly or through 43487  
any increase in fees or tuition charged to a student to pay the 43488



disclosure course fee. 43489

**Sec. 3333.048.** (A) Not later than one year after October 16, 43490  
2009, the chancellor of higher education and the superintendent of 43491  
public instruction jointly shall do the following: 43492

(1) In accordance with Chapter 119. of the Revised Code, 43493  
establish metrics and educator preparation programs for the 43494  
preparation of educators and other school personnel and the 43495  
institutions of higher education that are engaged in their 43496  
preparation. The metrics and educator preparation programs shall 43497  
be aligned with the standards and qualifications for educator 43498  
licenses adopted by the state board of education under section 43499  
3319.22 of the Revised Code ~~and the requirements of the Ohio~~ 43500  
~~teacher residency program established under section 3319.223 of~~ 43501  
~~the Revised Code.~~ The metrics and educator preparation programs 43502  
also shall ensure that educators and other school personnel are 43503  
adequately prepared to use the value-added progress dimension 43504  
prescribed by section 3302.021 of the Revised Code or the 43505  
alternative student academic progress measure if adopted under 43506  
division (C)(1)(e) of section 3302.03 of the Revised Code. 43507

(2) Provide for the inspection of institutions of higher 43508  
education desiring to prepare educators and other school 43509  
personnel. 43510

(B) Not later than one year after October 16, 2009, the 43511  
chancellor shall approve institutions of higher education engaged 43512  
in the preparation of educators and other school personnel that 43513  
maintain satisfactory training procedures and records of 43514  
performance, as determined by the chancellor. 43515

(C) If the metrics established under division (A)(1) of this 43516  
section require an institution of higher education that prepares 43517  
teachers to satisfy the standards of an independent accreditation 43518  
organization, the chancellor shall permit each institution to 43519

satisfy the standards of any applicable national educator 43520  
preparation accrediting agency recognized by the United States 43521  
department of education. 43522

(D) The metrics and educator preparation programs established 43523  
under division (A)(1) of this section may require an institution 43524  
of higher education, as a condition of approval by the chancellor, 43525  
to make changes in the curricula of its preparation programs for 43526  
educators and other school personnel. 43527

Notwithstanding division (E) of section 119.03 and division 43528  
(A)(1) of section 119.04 of the Revised Code, any metrics, 43529  
educator preparation programs, rules, and regulations, or any 43530  
amendment or rescission of such metrics, educator preparation 43531  
programs, rules, and regulations, adopted under this section that 43532  
necessitate institutions offering preparation programs for 43533  
educators and other school personnel approved by the chancellor to 43534  
revise the curricula of those programs shall not be effective for 43535  
at least one year after the first day of January next succeeding 43536  
the publication of the said change. 43537

Each institution shall allocate money from its existing 43538  
revenue sources to pay the cost of making the curricular changes. 43539

(E) The chancellor shall notify the state board of the 43540  
metrics and educator preparation programs established under 43541  
division (A)(1) of this section and the institutions of higher 43542  
education approved under division (B) of this section. The state 43543  
board shall publish the metrics, educator preparation programs, 43544  
and approved institutions with the standards and qualifications 43545  
for each type of educator license. 43546

(F) The graduates of educator preparation programs approved 43547  
by the chancellor shall be licensed by the state board in 43548  
accordance with the standards and qualifications adopted under 43549  
section 3319.22 of the Revised Code. 43550

Sec. 3333.0414. (A) In accordance with Chapter 119. of the 43551  
Revised Code, the chancellor of higher education shall adopt rules 43552  
that require education preparation programs approved under section 43553  
3333.048 of the Revised Code to include instruction in opioid and 43554  
other substance abuse prevention. The instruction shall be for all 43555  
educator and other school personnel preparation programs for all 43556  
content areas and grade levels. 43557

(B) Instruction shall include all of the following: 43558

(1) Information on the magnitude of opioid and other 43559  
substance abuse; 43560

(2) The role educators and other school personnel can play in 43561  
educating students about the adverse effects of opioid and other 43562  
substance abuse; 43563

(3) Resources available to teach students about the 43564  
consequences of opioid and substance abuse; 43565

(4) Resources available to help fight and treat opioid abuse. 43566

Sec. 3333.0415. Beginning in 2018, the chancellor of higher 43567  
education, in collaboration with the department of education, 43568  
shall prepare an annual report regarding the progress the state is 43569  
making in increasing the percentage of adults in the state with a 43570  
college degree, industry certificate, or other postsecondary 43571  
credential to sixty-five per cent by the year 2025. The chancellor 43572  
shall submit an electronic copy of the report to the governor, the 43573  
president and minority leader of the senate, and speaker and 43574  
minority leader of the house of representatives. 43575

Sec. 3333.051. (A) The chancellor of higher education shall 43576  
establish a program under which a community college established 43577  
under Chapter 3354., technical college established under Chapter 43578  
3357., or state community college established under Chapter 3358. 43579

of the Revised Code may apply to the chancellor for authorization 43580  
to offer applied bachelor's degree programs. 43581

The chancellor may approve programs under this section that 43582  
demonstrate all of the following: 43583

(1) Evidence of an agreement between the college and a 43584  
regional business or industry to train students in an in-demand 43585  
field and to employ students upon their successful completion of 43586  
the program; 43587

(2) That the workforce need of the regional business or 43588  
industry is in an in-demand field with long-term sustainability 43589  
based upon data provided by the governor's office of workforce 43590  
transformation; 43591

(3) Supporting data that identifies the specific workforce 43592  
need the program will address; 43593

(4) The absence of a bachelor's degree program that meets the 43594  
workforce need addressed by the proposed program that is offered 43595  
by a state university or private college or university; 43596

(5) Willingness of an industry partner to offer 43597  
workplace-based learning and employment opportunities to students 43598  
enrolled in the proposed program. 43599

(B) Before approving a program under this section, the 43600  
chancellor shall consult with the governor's office of workforce 43601  
transformation, the inter-university council of Ohio, the Ohio 43602  
association of community colleges, and the association of 43603  
independent colleges and universities of Ohio, or any successor to 43604  
those organizations. 43605

(C) As used in this section: 43606

(1) "Applied bachelor's degree" means a bachelor's degree 43607  
that is both of the following: 43608

(a) Specifically designed for an individual who holds an associate of applied science degree, or its equivalent, in order to maximize application of the individual's technical course credits toward the bachelor's degree; 43609  
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(b) Based on curriculum that incorporates both theoretical and applied knowledge and skills in a specific technical field. 43613  
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(2) "Private college or university" means a nonprofit institution that holds a certificate of authorization pursuant to Chapter 1713. of the Revised Code. 43615  
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(3) "State university" has the same meaning as in section 3345.011 of the Revised Code. 43618  
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**Sec. 3333.052.** The chancellor of higher education shall conduct a study of applied bachelor's degree programs approved and offered under section 3333.051 of the Revised Code to determine the effects of the programs on fulfilling the needs of students and local industry. 43620  
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The chancellor shall complete the study not later than December 31, 2020, and conduct and complete a second study as prescribed by this section not later than December 31, 2022. The chancellor shall submit each study to the general assembly, in accordance with section 101.68 of the Revised Code, and to the governor. 43625  
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As used in this section, "applied bachelor's degree" has the same meaning as in section 3333.051 of the Revised Code. 43631  
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**Sec. 3333.121.** There is hereby established in the state treasury the state ~~need-based~~ financial aid reconciliation fund, which shall consist of refunds of ~~instructional grant payments made pursuant to section 3333.12 of the Revised Code and refunds of state need-based financial aid payments made pursuant to section 3333.122 of the Revised Code~~ state financial aid payments 43633  
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originally disbursed by the department of higher education for 43639  
programs that the department is responsible for administering. 43640  
Revenues credited to the fund shall be used by the chancellor of 43641  
higher education to pay to higher education institutions any 43642  
outstanding obligations ~~from the prior year owed for the Ohio~~ 43643  
~~instructional grant program and the Ohio college opportunity grant~~ 43644  
~~program~~ state financial aid programs that are identified through 43645  
the annual reconciliation and financial audit or through other 43646  
means. Any amount in the fund that is in excess of the amount 43647  
certified to the director of budget and management by the 43648  
chancellor of higher education as necessary to reconcile ~~prior~~ 43649  
~~year~~ payments under the program shall be transferred to the 43650  
general revenue fund. 43651

**Sec. 3333.122.** (A) The chancellor of higher education shall 43652  
adopt rules to carry out this section and as authorized under 43653  
section 3333.123 of the Revised Code. The rules shall include 43654  
definitions of the terms "resident," "expected family 43655  
contribution," "full-time student," "three-quarters-time student," 43656  
"half-time student," "one-quarter-time student," "state cost of 43657  
attendance," and "accredited" for the purpose of those sections. 43658

(B) Only an Ohio resident who meets both of the following is 43659  
eligible for a grant awarded under this section: 43660

(1) The resident has an expected family contribution of two 43661  
thousand one hundred ninety or less; 43662

(2) The resident enrolls in one of the following: 43663

(a) An undergraduate program, or a nursing diploma program 43664  
approved by the board of nursing under section 4723.06 of the 43665  
Revised Code, at a state-assisted state institution of higher 43666  
education, as defined in section 3345.12 of the Revised Code, that 43667  
meets the requirements of Title VI of the Civil Rights Act of 43668  
1964; 43669

(b) An undergraduate program, or a nursing diploma program 43670  
approved by the board of nursing under section 4723.06 of the 43671  
Revised Code, at a private, nonprofit institution in this state 43672  
holding a certificate of authorization pursuant to Chapter 1713. 43673  
of the Revised Code; 43674

(c) An undergraduate program, or a nursing diploma program 43675  
approved by the board of nursing under section 4723.06 of the 43676  
Revised Code, at a career college in this state that holds a 43677  
certificate of registration from the state board of career 43678  
colleges and schools under Chapter 3332. of the Revised Code or at 43679  
a private institution exempt from regulation under Chapter 3332. 43680  
of the Revised Code as prescribed in section 3333.046 of the 43681  
Revised Code, if the program has a certificate of authorization 43682  
pursuant to Chapter 1713. of the Revised Code. 43683

(d) A comprehensive transition and postsecondary program that 43684  
is certified by the United States department of education. For 43685  
purposes of this section, a "comprehensive transition and 43686  
postsecondary program" means a degree, certificate, or non-degree 43687  
program that is designed to support persons with intellectual 43688  
disabilities who are receiving academic, career, technical, and 43689  
independent living instruction at an institution of higher 43690  
education in order to prepare for gainful employment as defined in 43691  
20 U.S.C. 1140. 43692

(C)(1) The chancellor shall establish and administer a 43693  
needs-based financial aid grants program based on the United 43694  
States department of education's method of determining financial 43695  
need. The program shall be known as the Ohio college opportunity 43696  
grant program. The general assembly shall support the needs-based 43697  
financial aid program by such sums and in such manner as it may 43698  
provide, but the chancellor also may receive funds from other 43699  
sources to support the program. If, for any academic year, the 43700  
amounts available for support of the program are inadequate to 43701

provide grants to all eligible students, the chancellor shall do 43702  
one of the following: 43703

(a) Give preference in the payment of grants based upon 43704  
expected family contribution, beginning with the lowest expected 43705  
family contribution category and proceeding upward by category to 43706  
the highest expected family contribution category; 43707

(b) Proportionately reduce the amount of each grant to be 43708  
awarded for the academic year under this section; 43709

(c) Use an alternate formula for such grants that addresses 43710  
the shortage of available funds and has been submitted to and 43711  
approved by the controlling board. 43712

(2) The needs-based financial aid grant shall be paid to the 43713  
eligible student through the institution in which the student is 43714  
enrolled, except that no needs-based financial aid grant shall be 43715  
paid to any person serving a term of imprisonment. Applications 43716  
for the grants shall be made as prescribed by the chancellor, and 43717  
such applications may be made in conjunction with and upon the 43718  
basis of information provided in conjunction with student 43719  
assistance programs funded by agencies of the United States 43720  
government or from financial resources of the institution of 43721  
higher education. The institution shall certify that the student 43722  
applicant meets the requirements set forth in division (B) of this 43723  
section. Needs-based financial aid grants shall be provided to an 43724  
eligible student only as long as the student is making appropriate 43725  
progress toward a nursing diploma ~~or~~, an associate or bachelor's 43726  
degree, or completion of a comprehensive transition and 43727  
postsecondary program. No student shall be eligible to receive a 43728  
grant for more than ten semesters, fifteen quarters, or the 43729  
equivalent of five academic years. A grant made to an eligible 43730  
student on the basis of less than full-time enrollment shall be 43731  
based on the number of credit hours for which the student is 43732  
enrolled and shall be computed in accordance with a formula 43733



adopted by rule issued by the chancellor. No student shall receive 43734  
more than one grant on the basis of less than full-time 43735  
enrollment. 43736

(D)(1) Except as provided in ~~division~~ divisions (D)(4) and 43737  
(5) of this section, no grant awarded under this section shall 43738  
exceed the total state cost of attendance. 43739

(2) Subject to divisions (D)(1), (3), ~~and~~ (4), and (5) of 43740  
this section, the amount of a grant awarded to a student under 43741  
this section shall equal the student's remaining state cost of 43742  
attendance after the student's Pell grant and expected family 43743  
contribution are applied to the instructional and general charges 43744  
for the undergraduate or comprehensive transition and 43745  
postsecondary program. However, for students enrolled in a state 43746  
university or college as defined in section 3345.12 of the Revised 43747  
Code or a university branch, the chancellor may provide that the 43748  
grant amount shall equal the student's remaining instructional and 43749  
general charges for the undergraduate program after the student's 43750  
Pell grant and expected family contribution have been applied to 43751  
those charges, but, in no case, shall the grant amount for such a 43752  
student exceed any maximum that the chancellor may set by rule. 43753

(3) For a student enrolled for a semester or quarter in 43754  
addition to the portion of the academic year covered by a grant 43755  
under this section, the maximum grant amount shall be a percentage 43756  
of the maximum specified in any table established in rules adopted 43757  
by the chancellor as provided in division (A) of this section. The 43758  
maximum grant for a fourth quarter shall be one-third of the 43759  
maximum amount so prescribed. The maximum grant for a third 43760  
semester shall be one-half of the maximum amount so prescribed. 43761

(4) If a student is enrolled in a two-year institution of 43762  
higher education and is eligible for an education and training 43763  
voucher through the Ohio education and training voucher program 43764  
that receives federal funding under the John H. Chafee foster care 43765

independence program, 42 U.S.C. 677, the amount of a grant awarded 43766  
under this section may exceed the total state cost of attendance 43767  
to additionally cover housing costs. 43768

(5) For a student who is receiving federal veterans' benefits 43769  
under the "All-Volunteer Force Educational Assistance Program," 38 43770  
U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance 43771  
Program," 38 U.S.C. 3301 et seq., or any successor program, the 43772  
amount of a grant awarded under this section shall be applied 43773  
toward the total state cost of attendance and the student's 43774  
housing costs and living expenses. Living expenses shall include 43775  
reasonable costs for room and board. 43776

(E) No grant shall be made to any student in a course of 43777  
study in theology, religion, or other field of preparation for a 43778  
religious profession unless such course of study leads to an 43779  
accredited bachelor of arts, bachelor of science, associate of 43780  
arts, or associate of science degree. 43781

(F)(1) Except as provided in division (F)(2) of this section, 43782  
no grant shall be made to any student for enrollment during a 43783  
fiscal year in an institution with a cohort default rate 43784  
determined by the United States secretary of education pursuant to 43785  
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 43786  
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 43787  
preceding the fiscal year, equal to or greater than thirty per 43788  
cent for each of the preceding two fiscal years. 43789

(2) Division (F)(1) of this section does not apply in the 43790  
case of either of the following: 43791

(a) The institution pursuant to federal law appeals its loss 43792  
of eligibility for federal financial aid and the United States 43793  
secretary of education determines its cohort default rate after 43794  
recalculation is lower than the rate specified in division (F)(1) 43795  
of this section or the secretary determines due to mitigating 43796

circumstances that the institution may continue to participate in 43797  
federal financial aid programs. The chancellor shall adopt rules 43798  
requiring any such appellant to provide information to the 43799  
chancellor regarding an appeal. 43800

(b) Any student who has previously received a grant pursuant 43801  
to any provision of this section, including prior to the section's 43802  
amendment by H.B. 1 of the 128th general assembly, effective July 43803  
17, 2009, and who meets all other eligibility requirements of this 43804  
section. 43805

(3) The chancellor shall adopt rules for the notification of 43806  
all institutions whose students will be ineligible to participate 43807  
in the grant program pursuant to division (F)(1) of this section. 43808

(4) A student's attendance at any institution whose students 43809  
are ineligible for grants due to division (F)(1) of this section 43810  
shall not affect that student's eligibility to receive a grant 43811  
when enrolled in another institution. 43812

(G) Institutions of higher education that enroll students 43813  
receiving needs-based financial aid grants under this section 43814  
shall report to the chancellor all students who have received such 43815  
needs-based financial aid grants but are no longer eligible for 43816  
all or part of those grants and shall refund any moneys due the 43817  
state within thirty days after the beginning of the quarter or 43818  
term immediately following the quarter or term in which the 43819  
student was no longer eligible to receive all or part of the 43820  
student's grant. There shall be an interest charge of one per cent 43821  
per month on all moneys due and payable after such thirty-day 43822  
period. The chancellor shall immediately notify the office of 43823  
budget and management and the legislative service commission of 43824  
all refunds so received. 43825

**Sec. 3333.166.** (A) As used in this section: 43826

(1) "For-profit private college" means a career college in this state that holds a certificate of registration from the chancellor of higher education under Chapter 3332. of the Revised Code or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. 43827  
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(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 43833  
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(B) The chancellor shall establish criteria, policies, and procedures that enable students to transfer agreed upon courses completed through a for-profit private college to a state institution of higher education without unnecessary duplication or institutional barriers. Where applicable, the policies and procedures shall build upon the articulation agreement and transfer initiative course equivalency system required by section 3333.16 of the Revised Code. 43835  
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**Sec. 3333.31.** (A) For state subsidy and tuition surcharge purposes, status as a resident of Ohio shall be defined by the chancellor of higher education by rule promulgated pursuant to Chapter 119. of the Revised Code. No adjudication as to the status of any person under such rule, however, shall be required to be made pursuant to Chapter 119. of the Revised Code. The term "resident" for these purposes shall not be equated with the definition of that term as it is employed elsewhere under the laws of this state and other states, and shall not carry with it any of the legal connotations appurtenant thereto. Rather, except as provided in divisions (B), (C), and (E) of this section, for such purposes, the rule promulgated under this section shall have the objective of excluding from treatment as residents those who are present in the state primarily for the purpose of attending a state-supported or state-assisted institution of higher education, 43843  
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and may prescribe presumptive rules, rebuttable or conclusive, as 43858  
to such purpose based upon the source or sources of support of the 43859  
student, residence prior to first enrollment, evidence of 43860  
intention to remain in the state after completion of studies, or 43861  
such other factors as the chancellor deems relevant. 43862

(B) The rules of the chancellor for determining student 43863  
residency shall grant residency status to a veteran and to the 43864  
veteran's spouse and any dependent of the veteran, if both of the 43865  
following conditions are met: 43866

(1) The veteran either: 43867

(a) Served one or more years on active military duty and was 43868  
honorably discharged or received a medical discharge that was 43869  
related to the military service; 43870

(b) Was killed while serving on active military duty or has 43871  
been declared to be missing in action or a prisoner of war. 43872

(2) If the veteran seeks residency status for tuition 43873  
surcharge purposes, the veteran has established domicile in this 43874  
state as of the first day of a term of enrollment in an 43875  
institution of higher education. If the spouse or a dependent of 43876  
the veteran seeks residency status for tuition surcharge purposes, 43877  
the veteran and the spouse or dependent seeking residency status 43878  
have established domicile in this state as of the first day of a 43879  
term of enrollment in an institution of higher education, except 43880  
that if the veteran was killed while serving on active military 43881  
duty, has been declared to be missing in action or a prisoner of 43882  
war, or is deceased after discharge, only the spouse or dependent 43883  
seeking residency status shall be required to have established 43884  
domicile in accordance with this division. 43885

(C) The rules of the chancellor for determining student 43886  
residency shall grant residency status to both of the following: 43887

(1) A veteran who is the recipient of federal veterans' 43888

benefits under the "All-Volunteer Force Educational Assistance Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance Program," 38 U.S.C. 3301 et seq., or any successor program, if the veteran meets all of the following criteria:

(a) The veteran served at least ninety days on active duty.

(b) The veteran enrolls in a state institution of higher education, as defined in section 3345.011 of the Revised Code.

(c) The veteran lives in the state as of the first day of a term of enrollment in the state institution of higher education.

(2) A person who is the recipient of the federal Marine Gunnery Sergeant John David Fry scholarship or transferred federal veterans' benefits under any of the programs described in division (C)(1) of this section, if the person meets both of the following criteria:

(a) The person enrolls in a state institution of higher education.

(b) The person lives in the state as of the first day of a term of enrollment in the state institution of higher education.

In order for a person using transferred federal veterans' benefits to qualify under division (C)(2) of this section, the ~~veteran's period of active duty~~ veteran who transferred the benefits must have ~~been~~ served at least ninety days on active duty or the service member who transferred the benefits must be on active duty.

(D) The rules of the chancellor for determining student residency shall not deny residency status to a student who is either a dependent child of a parent, or the spouse of a person who, as of the first day of a term of enrollment in an institution of higher education, has accepted full-time employment and

established domicile in this state for reasons other than gaining 43919  
the benefit of favorable tuition rates. 43920

Documentation of full-time employment and domicile shall 43921  
include both of the following documents: 43922

(1) A sworn statement from the employer or the employer's 43923  
representative on the letterhead of the employer or the employer's 43924  
representative certifying that the parent or spouse of the student 43925  
is employed full-time in Ohio; 43926

(2) A copy of the lease under which the parent or spouse is 43927  
the lessee and occupant of rented residential property in the 43928  
state, a copy of the closing statement on residential real 43929  
property of which the parent or spouse is the owner and occupant 43930  
in this state or, if the parent or spouse is not the lessee or 43931  
owner of the residence in which the parent or spouse has 43932  
established domicile, a letter from the owner of the residence 43933  
certifying that the parent or spouse resides at that residence. 43934

Residency officers may also evaluate, in accordance with the 43935  
chancellor's rule, requests for immediate residency status from 43936  
dependent students whose parents are not living and whose domicile 43937  
follows that of a legal guardian who has accepted full-time 43938  
employment and established domicile in the state for reasons other 43939  
than gaining the benefit of favorable tuition rates. 43940

(E)(1) The rules of the chancellor for determining student 43941  
residency shall grant residency status to a person who, while a 43942  
resident of this state for state subsidy and tuition surcharge 43943  
purposes, graduated from a high school in this state or completed 43944  
the final year of instruction at home as authorized under section 43945  
3321.04 of the Revised Code, if the person enrolls in an 43946  
institution of higher education and establishes domicile in this 43947  
state, regardless of the student's residence prior to that 43948  
enrollment. 43949

(2) The rules of the chancellor for determining student residency shall not grant residency status to an alien if the alien is not also an immigrant or a nonimmigrant.

(F) As used in this section:

(1) "Dependent," "domicile," "institution of higher education," and "residency officer" have the meanings ascribed in the chancellor's rules adopted under this section.

(2) "Alien" means a person who is not a United States citizen or a United States national.

(3) "Immigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside permanently in the United States and to work without restrictions in the United States.

(4) "Nonimmigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside temporarily in the United States.

(5) "Veteran" means any person who has completed service in the uniformed services, as defined in section 3511.01 of the Revised Code.

(6) "Service member" has the same meaning as in section 5903.01 of the Revised Code.

**Sec. 3333.39.** The chancellor of higher education and the superintendent of public instruction shall establish and administer the teach Ohio program to promote and encourage citizens of this state to consider teaching as a profession. The program shall include all of the following:

(A) A statewide program administered by a nonprofit corporation that has been in existence for at least fifteen years with demonstrated results in encouraging high school students from economically disadvantaged groups to enter the teaching



profession. The chancellor and superintendent jointly shall select 43980  
the nonprofit corporation. 43981

(B) The Ohio teaching fellows program established under 43982  
sections 3333.391 and 3333.392 of the Revised Code; 43983

~~(C) The Ohio teacher residency program established under 43984  
section 3319.223 of the Revised Code; 43985~~

~~(D)~~ Alternative licensure procedures established under 43986  
section 3319.26 of the Revised Code; 43987

~~(E)~~(D) Any other program as identified by the chancellor and 43988  
the superintendent. 43989

**Sec. 3333.45.** (A) For purposes of this section, "eligible 43990  
institution of higher education" means any of the following: 43991

(1) A regionally accredited private, nonprofit institution of 43992  
higher education that is created by the governors of several 43993  
states. At least one of the governors of these states shall also 43994  
be a member of the institution's board of trustees. 43995

(2) A state institution of higher education, as that term is 43996  
defined in section 3345.011 of the Revised Code; 43997

(3) A private, nonprofit institution of higher education that 43998  
has received a certificate of authorization under Chapter 1713. of 43999  
the Revised Code. 44000

(B) The chancellor of higher education may recognize or 44001  
endorse an eligible institution of higher education for the 44002  
purpose of providing competency-based education programs. 44003

(C) In recognizing or endorsing an eligible institution of 44004  
higher education described in division (A)(1) of this section, the 44005  
chancellor may specify all of the following: 44006

(1) The eligibility of students enrolled in the institution 44007  
for state student financial aid programs; 44008

(2) Any articulation and transfer policies of the chancellor that apply to the institution; 44009  
44010

(3) The reporting requirements for the institution. 44011

(D) In recognizing or endorsing any eligible institution of higher education, the chancellor may: 44012  
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(1) Recognize competency-based education as an important component of this state's higher education system; 44014  
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(2) Eliminate any unnecessary barriers to the delivery of competency-based education; 44016  
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(3) Facilitate opportunities to share best practices on the delivery of competency-based education with any eligible institution of higher education; 44018  
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(4) Establish any other requirements that the chancellor determines are in the best interest of this state. 44021  
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(E) The chancellor shall not provide any public operating or capital assistance to an eligible institution of higher education described in division (A)(1) of this section for the purpose of providing competency-based education in this state. 44023  
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**Sec. 3333.91.** ~~Not later than December 31, 2014, the~~ The 44027  
governor's office of workforce transformation, in collaboration 44028  
with the chancellor of higher education, the superintendent of 44029  
public instruction, and the department of job and family services, 44030  
shall develop and submit to the appropriate federal agency a 44031  
single, state unified plan required under the "Workforce 44032  
Innovation and Opportunity Act," 29 U.S.C. 3101 et seq., which 44033  
shall include the information required for the adult basic and 44034  
literacy education program administered by the United States 44035  
secretary of education, and the "Carl D. Perkins Vocational and 44036  
Technical Education Act," 20 U.S.C. 2301, et seq., as amended, ~~and~~ 44037  
~~the "Workforce Investment Act of 1998," 29 U.S.C. 2801, et seq.,~~ 44038

~~as amended.~~ Following the plan's initial submission to the 44039  
appropriate federal agency, the governor's office of workforce 44040  
transformation may update it as necessary. If the plan is updated, 44041  
the governor's office of workforce transformation shall submit the 44042  
updated plan to the appropriate federal agency. 44043

**Sec. 3333.92.** (A) As used in this section, "OhioMeansJobs web 44044  
site" has the same meaning as in section 6301.01 of the Revised 44045  
Code. 44046

(B)(1) ~~Beginning January 1, 2016, each~~ Each participant in an 44047  
adult basic and literacy education funded training or education 44048  
program shall create an account with the OhioMeansJobs web site at 44049  
the twelfth week of the program. 44050

(2) ~~Beginning January 1, 2016, each~~ Each participant in an 44051  
Ohio technical center funded training or education program shall 44052  
create an account with the OhioMeansJobs web site at the time of 44053  
enrollment in the program. 44054

(C) Division (B) of this section does not apply to any 44055  
individual who is legally prohibited from using a computer, has a 44056  
physical or visual impairment that makes the individual unable to 44057  
use a computer, or has a limited ability to read, write, speak, or 44058  
understand a language in which the OhioMeansJobs web site is 44059  
available. 44060

**Sec. 3333.94.** (A) As used in this section: 44061

(1) "In-demand job" means a job that is determined to be in 44062  
demand in this state and its regions under section 6301.11 of the 44063  
Revised Code. 44064

(2) "Ohio technical center" means a center that provides 44065  
adult technical education services and is recognized by the 44066  
chancellor of higher education. 44067

(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 44068  
44069

(B) Not later than January 1, 2018, the chancellor of higher education shall create an inventory of both credit and non-credit certificate programs and industry-recognized credentials offered at state institutions of higher education and Ohio technical centers that align with in-demand jobs in the state. 44070  
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When awarding funds from the OhioMeansJobs workforce development revolving loan fund established under section 6301.14 of the Revised Code, the chancellor shall give preference to certificate programs that support adult learners and are included in the inventory. 44075  
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**Sec. 3333.951.** (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 44080  
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(B) Each state institution of higher education that is co-located with another state institution of higher education annually shall review best practices and shared services in order to improve academic and other services and reduce costs for students. Each state institution shall report its findings to the efficiency advisory committee established under section 3333.95 of the Revised Code. The committee shall include the information reported under this section in the committee's annual report. 44083  
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(C) Each state institution of higher education annually shall report to the efficiency advisory committee on its efforts to reduce textbook costs to students. 44091  
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(D) Each state institution of higher education shall conduct a study to determine the current cost of textbooks for students enrolled in the institution, and shall submit the study to the chancellor of higher education annually by a date prescribed by 44094  
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the chancellor. 44098

**Sec. 3345.025.** The board of trustees of each state 44099  
institution of higher education as defined in section 3345.011 of 44100  
the Revised Code shall adopt a textbook selection policy for 44101  
faculty to follow in selecting and assigning textbooks and other 44102  
instructional materials for use in courses offered by the 44103  
institution. The policy shall include faculty responsibilities and 44104  
actions faculty may take in selecting and assigning textbooks and 44105  
other instructional materials. 44106

**Sec. 3345.061.** (A) Ohio's two-year institutions of higher 44107  
education are respected points of entry for students embarking on 44108  
post-secondary careers and courses completed at those institutions 44109  
are transferable to state universities in accordance with 44110  
articulation and transfer agreements developed under sections 44111  
3333.16, 3333.161, and 3333.162 of the Revised Code. 44112

(B) Beginning with undergraduate students who commence 44113  
undergraduate studies in the 2014-2015 academic year, no state 44114  
university listed in section 3345.011 of the Revised Code, except 44115  
Central state university, Shawnee state university, and Youngstown 44116  
state university, shall receive any state operating subsidies for 44117  
any academic remedial or developmental courses for undergraduate 44118  
students, including courses prescribed in division (C) of section 44119  
3313.603 of the Revised Code, offered at its main campus, except 44120  
as provided in divisions (B)(1) to (4) of this section. 44121

(1) In the 2014-2015 and 2015-2016 academic years, a state 44122  
university may receive state operating subsidies for academic 44123  
remedial or developmental courses completed at the main campus for 44124  
not more than three per cent of the total undergraduate credit 44125  
hours provided by the university at its main campus. 44126

(2) In the 2016-2017 academic year, a state university may 44127

receive state operating subsidies for academic remedial or 44128  
developmental courses completed at the main campus for not more 44129  
than fifteen per cent of the first-year students who have 44130  
graduated from high school within the previous twelve months and 44131  
who are enrolled in the university at its main campus, as 44132  
calculated on a full-time-equivalent basis. 44133

(3) In the 2017-2018 academic year, a state university may 44134  
receive state operating subsidies for academic remedial or 44135  
developmental courses completed at the main campus for not more 44136  
than ten per cent of the first-year students who have graduated 44137  
from high school within the previous twelve months and who are 44138  
enrolled in the university at its main campus, as calculated on a 44139  
full-time-equivalent basis. 44140

(4) In the 2018-2019 academic year, a state university may 44141  
receive state operating subsidies for academic remedial or 44142  
developmental courses completed at the main campus for not more 44143  
than five per cent of the first-year students who have graduated 44144  
from high school within the previous twelve months and who are 44145  
enrolled in the university at its main campus, as calculated on a 44146  
full-time-equivalent basis. 44147

Each state university may continue to offer academic remedial 44148  
and developmental courses at its main campus beyond the extent for 44149  
which state operating subsidies may be paid under this division 44150  
and may continue to offer such courses beyond the 2018-2019 44151  
academic year. However, the main campus of a state university 44152  
shall not receive any state operating subsidies for such courses 44153  
above the maximum amounts permitted in this division. 44154

(C) Except as otherwise provided in division (B) of this 44155  
section, beginning with students who commence undergraduate 44156  
studies in the 2014-2015 academic year, state operating subsidies 44157  
for academic remedial or developmental courses offered by state 44158  
institutions of higher education may be paid only to Central state 44159

university, Shawnee state university, Youngstown state university, 44160  
any university branch, any community college, any state community 44161  
college, or any technical college. 44162

(D) Each state university shall grant credit for academic 44163  
remedial or developmental courses successfully completed at an 44164  
institution described in division (C) of this section pursuant to 44165  
any applicable articulation and transfer agreements the university 44166  
has entered into in accordance with policies and procedures 44167  
adopted under section 3333.16, 3333.161, or 3333.162 of the 44168  
Revised Code. 44169

(E) The chancellor of higher education shall do all of the 44170  
following: 44171

(1) Withhold state operating subsidies for academic remedial 44172  
or developmental courses provided by a main campus of a state 44173  
university as required in order to conform to divisions (B) and 44174  
(C) of this section; 44175

(2) Adopt uniform statewide standards for academic remedial 44176  
and developmental courses offered by all state institutions of 44177  
higher education; 44178

(3) Encourage and assist in the design and establishment of 44179  
academic remedial and developmental courses by institutions of 44180  
higher education; 44181

(4) Define "academic year" for purposes of this section and 44182  
section 3345.06 of the Revised Code; 44183

(5) Encourage and assist in the development of articulation 44184  
and transfer agreements between state universities and other 44185  
institutions of higher education in accordance with policies and 44186  
procedures adopted under sections 3333.16, 3333.161, and 3333.162 44187  
of the Revised Code. 44188

(F) Not later than December 31, 2012, the presidents, or 44189

equivalent position, of all state institutions of higher 44190  
education, or their designees, jointly shall establish uniform 44191  
statewide standards in mathematics, science, reading, and writing 44192  
each student enrolled in a state institution of higher education 44193  
must meet to be considered in remediation-free status. The 44194  
presidents also shall establish assessments, if they deem 44195  
necessary, to determine if a student meets the standards adopted 44196  
under this division. Each institution is responsible for assessing 44197  
the needs of its enrolled students in the manner adopted by the 44198  
presidents. The board of trustees or managing authority of each 44199  
state institution of higher education shall adopt the 44200  
remediation-free status standard, and any related assessments, 44201  
into the institution's policies. 44202

The chancellor shall assist in coordinating the work of the 44203  
presidents under this division. The chancellor shall monitor the 44204  
standards in mathematics, science, reading, and writing 44205  
established under division (F) of this section to ensure that the 44206  
standards adequately demonstrate a student's remediation-free 44207  
status. 44208

(G) Each year, not later than a date established by the 44209  
chancellor, each state institution of higher education shall 44210  
report to the governor, the general assembly, the chancellor, and 44211  
the superintendent of public instruction all of the following for 44212  
the prior academic year: 44213

(1) The institution's aggregate costs for providing academic 44214  
remedial or developmental courses; 44215

(2) The amount of those costs disaggregated according to the 44216  
city, local, or exempted village school districts from which the 44217  
students taking those courses received their high school diplomas; 44218

(3) Any other information with respect to academic remedial 44219  
and developmental courses that the chancellor considers 44220



appropriate. 44221

(H) Not later than December 31, 2011, and the thirty-first 44222  
day of each December thereafter, the chancellor and the 44223  
superintendent of public instruction shall issue a report 44224  
recommending policies and strategies for reducing the need for 44225  
academic remediation and developmental courses at state 44226  
institutions of higher education. 44227

(I) As used in this section, "state institution of higher 44228  
education" has the same meaning as in section 3345.011 of the 44229  
Revised Code. 44230

**Sec. 3345.14.** (A) As used in this section, "state college or 44231  
university" means any state university or college defined in 44232  
division (A)(1) of section 3345.12 of the Revised Code, and any 44233  
other institution of higher education defined in division (A)(2) 44234  
of that section. 44235

(B) All rights to and interests in discoveries, inventions, 44236  
or patents which result from research or investigation conducted 44237  
in any experiment station, bureau, laboratory, research facility, 44238  
or other facility of any state college or university, or by 44239  
employees of any state college or university acting within the 44240  
scope of their employment or with funding, equipment, or 44241  
infrastructure provided by or through any state college or 44242  
university, shall be the sole property of that college or 44243  
university. No person, firm, association, corporation, or 44244  
governmental agency which uses the facilities of such college or 44245  
university in connection with such research or investigation and 44246  
no faculty member, employee, or student of such college or 44247  
university participating in or making such discoveries or 44248  
inventions, shall have any rights to or interests in such 44249  
discoveries or inventions, including income therefrom, except as 44250  
may, by determination of the board of trustees of such college or 44251

university, be assigned, licensed, transferred, or paid to such 44252  
persons or entities in accordance with division (C) of this 44253  
section or in accordance with rules adopted under division (D) of 44254  
this section. 44255

(C) As may be determined from time to time by the board of 44256  
trustees of any state college or university, the college or 44257  
university may retain, assign, license, transfer, sell, or 44258  
otherwise dispose of, in whole or in part and upon such terms as 44259  
the board of trustees may direct, any and all rights to, interests 44260  
in, or income from any such discoveries, inventions, or patents 44261  
which the college or university owns or may acquire. Such 44262  
dispositions may be to any individual, firm, association, 44263  
corporation, or governmental agency, or to any faculty member, 44264  
employee, or student of the college or university as the board of 44265  
trustees may direct. Any and all income or proceeds derived or 44266  
retained from such dispositions shall be applied to the general or 44267  
special use of the college or university as determined by the 44268  
board of trustees of such college or university. 44269

(D)(1) Notwithstanding any provision of the Revised Code to 44270  
the contrary, including but not limited to sections 102.03, 44271  
102.04, 2921.42, and 2921.43 of the Revised Code, the board of 44272  
trustees of any state college or university ~~may~~ shall adopt rules 44273  
in accordance with section 111.15 of the Revised Code that set 44274  
forth circumstances under which an employee of the college or 44275  
university may solicit or accept, and under which a person may 44276  
give or promise to give to such an employee, a financial interest 44277  
in any firm, corporation, or other association to which the board 44278  
has assigned, licensed, transferred, or sold the college or 44279  
university's interests in its intellectual property, including 44280  
discoveries or inventions made or created by that employee or in 44281  
patents issued to that employee. 44282

(2) Rules established under division (D)(1) of this section 44283

shall include the following: 44284

(a) A requirement that each college or university employee 44285  
disclose to the college or university board of trustees any 44286  
financial interest the employee holds in a firm, corporation, or 44287  
other association as described in division (D)(1) of this section; 44288

(b) A requirement that all disclosures made under division 44289  
(D)(2)(a) of this section are reviewed by officials designated by 44290  
the college or university board of trustees. The officials 44291  
designated under this division shall determine the information 44292  
that shall be disclosed and safeguards that shall be applied in 44293  
order to manage, reduce, or eliminate any actual or potential 44294  
conflict of interest. 44295

(c) A requirement that in implementing division (D) of this 44296  
section all members of the college or university board of trustees 44297  
shall be governed by Chapter 102. and sections 2921.42 and 2921.43 44298  
of the Revised Code. 44299

(d) Guidelines to ensure that any financial interest held by 44300  
any employee of the college or university does not result in 44301  
misuse of the students, employees, or resources of the college or 44302  
university for the benefit of the firm, corporation, or other 44303  
association in which such interest is held or does not otherwise 44304  
interfere with the duties and responsibilities of the employee who 44305  
holds such an interest. 44306

(3) Rules established under division (D)(1) of this section 44307  
may include other provisions at the discretion of the college or 44308  
university board of trustees. 44309

(E) Notwithstanding division (D) of this section, the Ohio 44310  
ethics commission retains authority to provide assistance to a 44311  
college or university board of trustees in the implementation of 44312  
division (D)(2) of this section and to address any matter that is 44313  
outside the scope of the exception to division (B) of this section 44314

as set forth in division (D) of this section or as set forth in 44315  
rules established under division (D) of this section. 44316

**Sec. 3345.35.** Not later than ~~January 1, 2016~~ December 31, 44317  
2017, and by the first day of ~~January~~ September of every fifth 44318  
year thereafter, the board of trustees of each state institution 44319  
of higher education, as defined in section 3345.011 of the Revised 44320  
Code, shall evaluate all courses and programs the institution 44321  
offers based on enrollment and ~~student performance in each course~~ 44322  
~~or program~~ duplication of its courses and programs with those of 44323  
other state institutions of higher education within a geographic 44324  
region, as determined by the chancellor of higher education. For 44325  
courses and programs with low enrollment, as defined by the 44326  
chancellor ~~of higher education,~~ the board of trustees shall 44327  
provide a summary of recommended actions, including consideration 44328  
of collaboration with other state institutions of higher 44329  
education. For duplicative programs, as defined by the chancellor, 44330  
the board of trustees shall evaluate the benefits of collaboration 44331  
with other institutions of higher education, ~~based on geographic~~ 44332  
~~region,~~ to deliver the ~~course~~ program. 44333

Each board of trustees shall submit its findings under this 44334  
section to the chancellor not later than thirty days after the 44335  
completion of the evaluations or as part of submitting the annual 44336  
efficiency report required pursuant to section 3333.95 of the 44337  
Revised Code. For the findings required to be submitted by 44338  
December 31, 2017, a board of trustees may submit the additional 44339  
information required under this section as amended by this act, as 44340  
an addendum to the findings the board submitted prior to January 44341  
1, 2016, under former law. 44342

**Sec. 3345.45. (A)** On or before January 1, 1994, the 44343  
chancellor of higher education jointly with all state 44344  
universities, as defined in section 3345.011 of the Revised Code, 44345

shall develop standards for instructional workloads for full-time 44346  
and part-time faculty in keeping with the universities' missions 44347  
and with special emphasis on the undergraduate learning 44348  
experience. The standards shall contain clear guidelines for 44349  
institutions to determine a range of acceptable undergraduate 44350  
teaching by faculty. 44351

(B) On or before June 30, 1994, the board of trustees of each 44352  
state university shall take formal action to adopt a faculty 44353  
workload policy consistent with the standards developed under this 44354  
section. Notwithstanding section 4117.08 of the Revised Code, the 44355  
policies adopted under this section are not appropriate subjects 44356  
for collective bargaining. Notwithstanding division (A) of section 44357  
4117.10 of the Revised Code, any policy adopted under this section 44358  
by a board of trustees prevails over any conflicting provisions of 44359  
any collective bargaining agreement between an employees 44360  
organization and that board of trustees. 44361

(C)(1) The board of trustees of each state university shall 44362  
review the university's policy on faculty tenure and update that 44363  
policy to promote excellence in instruction, research, service, or 44364  
commercialization, or any combination thereof. 44365

(2) Beginning on July 1, 2018, as a condition for a state 44366  
university to receive any state funds for research that are 44367  
allocated to the department of higher education under the 44368  
appropriation line items referred to as either "research incentive 44369  
third frontier fund" or "research incentive third frontier-tax," 44370  
the chancellor shall require the university to include multiple 44371  
pathways for faculty tenure, one of which may be a 44372  
commercialization pathway, in its policy. 44373

Sec. 3345.57. (A) As used in this section, "state institution 44374  
of higher education" has the same meaning as in section 3345.011 44375  
of the Revised Code. 44376

(B) A state institution of higher education may establish a program under which an employee of the institution may donate that employee's accrued but unused paid leave to another employee of the institution who has no accrued but unused paid leave and who has a critical need for it because of circumstances such as a serious illness or the serious illness of a member of the employee's immediate family. If a state institution of higher education establishes a leave donation program under this section, the institution shall adopt rules in accordance with Chapter 119. of the Revised Code to provide for the administration of the program. These rules shall include, but not be limited to, provisions that identify the circumstances under which leave may be donated and that specify the amount, types, and value of leave that may be donated. 44377  
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**Sec. 3345.58.** (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 44391  
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(B) No state institution of higher education shall refuse to accept college credit earned in this state within the past five years as a substitute for comparable coursework offered at the institution. Additionally, no state institution shall refuse to accept advanced or upper level coursework completed in the past five years in this state as a substitute for comparable core or lower level coursework. 44394  
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If college credit was earned in this state more than five years ago, the state institution shall permit the student to take a competency-based assessment in the relevant subject area. If the student passes the assessment, the state institution shall excuse the student from completing the applicable course and shall grant credit to the student for that course. 44401  
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<u>Sec. 3345.59. (A) As used in this section:</u>	44407
<u>(1) "Information technology center" means a center established under section 3301.075 of the Revised Code.</u>	44408 44409
<u>(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code.</u>	44410 44411 44412
<u>(B) Not later than June 30, 2018, all state institutions of higher education that are located in the same region of the state, as defined by the chancellor of higher education, shall enter into an agreement providing for the creation of a compact. Under that agreement, the compact shall do all of the following:</u>	44413 44414 44415 44416 44417
<u>(1) Examine whether unnecessary duplication of academic programming exists;</u>	44418 44419
<u>(2) Develop strategies to address the workforce education needs of the region;</u>	44420 44421
<u>(3) Enhance the sharing of resources between institutions to align educational pathways and to increase access within the region. For these purposes, the compact shall do all of the following:</u>	44422 44423 44424 44425
<u>(a) Provide and share resources and programming to improve academic performance and opportunities to address the workforce needs of the region;</u>	44426 44427 44428
<u>(b) Identify, develop, and implement shared curriculum and resources to promote educational pathways that minimize the time required to earn a degree. This may include, but is not limited to, curriculum delivered using open educational resources and online formats.</u>	44429 44430 44431 44432 44433
<u>(c) Analyze operational costs and implement cost-effective procedures that support greater access and opportunities for students in the region.</u>	44434 44435 44436

<u>(4) Reduce operational and administrative costs to provide more learning opportunities and collaboration in the region;</u>	44437 44438
<u>(5) Enhance career counseling and experiential learning opportunities for students;</u>	44439 44440
<u>(6) Expand alternative education delivery models such as competency-based and project-based learning;</u>	44441 44442
<u>(7) Develop a strategy to increase collaboration and pathways with information technology centers, adult basic and literacy education programs, and school districts in the region;</u>	44443 44444 44445
<u>(8) Develop strategies to enhance the sharing of resources between institutions to improve and expand the capacity and capability for research and development;</u>	44446 44447 44448
<u>(9) Identify and implement the best use of university regional campuses to reflect the goals described in division (B) of this section.</u>	44449 44450 44451
<u>(C) Nothing in this section shall prohibit a state institution of higher education from entering into multiple agreements under division (B) of this section. Additionally, there is no limit to the number, or the number of each type, of state institutions of higher education that may enter into an agreement under that division.</u>	44452 44453 44454 44455 44456 44457
<u>(D) In addition to any agreement entered into pursuant to division (B) of this section, each state institution of higher education that is designated a land grant college under the federal "Morrill Act of 1862," 7 U.S.C. 301 et seq., or the "Agricultural College Act of 1890," 7 U.S.C. 321 et seq., or any subsequent act of congress, also shall to enter into an agreement providing for the creation of a compact that enhances collaboration between state institutions designated as land grant colleges.</u>	44458 44459 44460 44461 44462 44463 44464 44465 44466



(E) Each state institution of higher education shall include 44467  
in its annual efficiency report to the chancellor the efficiencies 44468  
produced as a result of each compact to which the institution 44469  
belongs. 44470

**Sec. 3347.091.** (A) Real property or buildings a university 44471  
housing commission identifies as a property site for development 44472  
or redevelopment under section 3347.09 of the Revised Code may be 44473  
situated within or outside of the political subdivision in which 44474  
the administrative offices of the university identified with the 44475  
commission are principally located. 44476

(B) If located entirely outside of the political subdivision, 44477  
but not less than thirty-three per cent of the property site's 44478  
boundary is contiguous, continuously or otherwise, to other 44479  
university-owned or leased property, then all of the following 44480  
apply: 44481

(1) The uses specified in section 3347.09 of the Revised Code 44482  
are unconditionally permitted on the property site. 44483

(2) The property site may be developed to accommodate 44484  
population and structural densities exhibited in any other 44485  
developed real property and buildings owned or leased by the 44486  
university or commission for the purposes provided in section 44487  
3347.09 of the Revised Code. 44488

(3) None of the following may be enforced, to the extent they 44489  
prohibit, condition, limit, or impair either the development of a 44490  
property site in accordance with this section or the housing or 44491  
structural types or dimensions proposed for such purposes: 44492

(a) Land use laws enacted by a municipality, township, city, 44493  
or county; 44494

(b) Subdivision regulations; 44495

(c) Any other similar lawfully binding provision. 44496

(C) Nothing in this section shall be construed to impair or prohibit a commission or university from acquiring title to real property or buildings leased or proposed to be leased in accordance with this section. 44497  
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**Sec. 3354.01.** As used in sections 3354.01 to 3354.18 of the Revised Code: 44501  
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(A) "Community college district" means a political subdivision of the state and a body corporate with all the powers of a corporation, comprised of the territory of one or more contiguous counties having together a total population of not less than seventy-five thousand preceding the establishment of such district, and organized for the purpose of establishing, owning, and operating a community college within the territory of such district. 44503  
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(B) "Contiguous counties" means counties so located that each such county shares at least one boundary in common with at least one other such county in the group of counties referred to as being "contiguous." 44511  
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(C) "Community college" means a public institution of education beyond the high school organized for the principal purpose of providing for the people of the community college district wherein such college is situated the instructional programs defined in this section as "arts and sciences" and "technical," or either, and may include the "adult-education" program as defined in this section. Except for applied bachelor's degree programs ~~offered~~ approved by the chancellor of higher education under section ~~3354.071~~ 3333.051 of the Revised Code, instructional programs shall not exceed two years in duration. 44515  
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A university maintained and operated by a municipality located in a county having a total population equal to the requirement for a community college district as set forth in 44525  
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division (A) of section 3354.01 of the Revised Code and is found 44528  
by the chancellor of higher education to offer instructional 44529  
programs which are needed in the community and which are 44530  
equivalent to those required of community colleges shall be, for 44531  
the purposes of receiving state or federal financial aid only, 44532  
considered a community college and shall receive the same state 44533  
financial assistance granted to community colleges but only in 44534  
respect to students enrolled in their first and second year of 44535  
post high school education in the kinds of instructional programs 44536  
offered by the municipal university. 44537

(D) "Arts and sciences program" means both of the following: 44538

(1) A curricular program of two years or less duration, 44539  
provided within a community college, planned and intended to 44540  
enable students to gain academic credit for courses generally 44541  
comparable to courses offered in the first two years in accredited 44542  
colleges and universities in the state, and designed either to 44543  
enable students to transfer to such colleges and universities for 44544  
the purpose of earning baccalaureate degrees or to enable students 44545  
to terminate academic study after two years with a proportionate 44546  
recognition of academic achievement. 44547

(2) ~~A~~ An applied bachelor's degree program approved and 44548  
offered under section ~~3354.071~~ 3333.051 of the Revised Code. 44549

(E) "Adult-education program" means the dissemination of post 44550  
high school educational service and knowledge, by a community 44551  
college, for the occupational, cultural, or general educational 44552  
benefit of adult persons, such educational service and knowledge 44553  
not being offered for the primary purpose of enabling such persons 44554  
to obtain academic credit or other formal academic recognition. 44555

(F) "Charter amendment" means a change in the official plan 44556  
of a community college for the purpose of acquiring additional 44557  
lands or structures, disposing of or transferring lands or 44558

structures, erection of structures, or creating or abolishing of 44559  
one or more academic departments corresponding to generally 44560  
recognized fields of academic study. 44561

(G) "Technical program" means a post high school curricular 44562  
program of two years or less duration, provided within a community 44563  
college, planned and intended to enable students to gain academic 44564  
credit for courses designed to prepare such students to meet the 44565  
occupational requirements of the community. 44566

(H) "Operating costs" means all expenses for all purposes of 44567  
the community college district except expenditures for permanent 44568  
improvements having an estimated life of usefulness of five years 44569  
or more as certified by the fiscal officer of the community 44570  
college district. 44571

(I) "Applied bachelor's degree" has the same meaning as in 44572  
section 3333.051 of the Revised Code. 44573

**Sec. 3354.09.** The board of trustees of a community college 44574  
district may: 44575

(A) Own and operate a community college, pursuant to an 44576  
official plan prepared and approved in accordance with section 44577  
3354.07 of the Revised Code, or enter into a contract with a 44578  
generally accredited public university or college for operation of 44579  
such community college by such university or college pursuant to 44580  
an official plan prepared and approved in accordance with section 44581  
3354.07 of the Revised Code; 44582

(B) Hold, encumber, control, acquire by donation, purchase, 44583  
or condemnation, construct, own, lease, use, and sell real and 44584  
personal property as is necessary for the conduct of the program 44585  
of the community college on whatever terms and for whatever 44586  
consideration may be appropriate for the purpose of the college; 44587

(C) Accept gifts, grants, bequests, and devises absolutely or 44588

in trust for support of the college during the existence of the 44589  
college; 44590

(D) Appoint the administrative officers, faculty, and staff, 44591  
necessary and proper for such community college, and fix their 44592  
compensation except in instances in which the board of trustees 44593  
has delegated such powers to a college or university operating 44594  
such community college pursuant to a contract entered into by the 44595  
board of trustees of the district; 44596

(E) Provide for a community college necessary lands, 44597  
buildings or other structures, equipment, means, and appliances; 44598

(F) Develop and adopt, pursuant to the official plan, the 44599  
curricular programs identified in section 3354.01 of the Revised 44600  
Code as arts and sciences programs and technical programs, or 44601  
either. Such programs may include adult-education programs. 44602

(G) Except as provided in sections 3333.17 and 3333.32 of the 44603  
Revised Code, establish schedules of fees and tuition for students 44604  
who are residents of the district, residents of Ohio but not of 44605  
the district, and students who are nonresidents of Ohio. The 44606  
establishment of rules governing the determination of residence 44607  
shall be subject to approval of the ~~Ohio board of regents~~ 44608  
chancellor of higher education. Students who are nonresidents of 44609  
Ohio shall be required to pay higher rates of fees and tuition 44610  
than the rates required of students who are residents of Ohio but 44611  
not of the district, and students who are residents of the 44612  
district shall pay a smaller tuition and fee rate than the rate 44613  
for either category of nonresident students. 44614

(H) Authorize, approve, ratify, or confirm any agreement 44615  
relating to any such community college with the United States 44616  
government, acting through any agency of such government 44617  
designated or created to aid in the financing of such projects, or 44618  
with any person or agency offering grants in aid in financing such 44619

educational facilities or the operation of such facilities except 44620  
as prohibited in division (K) of this section. 44621

Such agreement may include a provision for repayment of 44622  
advances, grants, or loans made to any community college district 44623  
from funds which may become available to it. 44624

When the United States government or its agent makes a grant 44625  
of money to any community college district to aid in paying the 44626  
cost of any projects of such district, or enters into an agreement 44627  
with the community college district for the making of any such 44628  
grant of money, the amount thereof is deemed appropriated for such 44629  
purpose by the community college district and is deemed in process 44630  
of collection within the meaning of section 5705.41 of the Revised 44631  
Code. 44632

(I) Grant appropriate certificates of achievement or degrees 44633  
to students successfully completing the community college 44634  
programs; 44635

(J) Prescribe rules for the effective operation of a 44636  
community college and exercise such other powers as are necessary 44637  
for the efficient management of such college; 44638

(K) Receive and expend gifts or grants from the state for the 44639  
payment of operating costs, for the acquisition, construction, or 44640  
improvement of buildings or other structures, or for the 44641  
acquisition or use of land. In no event shall state gifts or 44642  
grants be expended for the support of adult-education programs. 44643  
Gifts or grants from the state for operating costs shall not in 44644  
any biennium exceed the amount recommended by the ~~Ohio board of~~ 44645  
~~regents~~ chancellor to the governor as provided in Chapter 3333. of 44646  
the Revised Code. Such gifts or grants shall be distributed to 44647  
such districts in equal quarter-annual payments, unless otherwise 44648  
provided or authorized in any act appropriating moneys for such 44649  
purposes, on or before the last day of February, May, August, and 44650

November in each year. 44651

(L) Retain consultants in the fields of education, planning, 44652  
architecture, law, engineering, or other fields of professional 44653  
skill; 44654

(M) Purchase: 44655

(1) A policy or policies of insurance insuring the district 44656  
against loss of or damage to property, whether real, personal, or 44657  
mixed, which is owned by the district or leased by it as lessee or 44658  
which is in the process of construction by or for the district; 44659

(2) A policy or policies of fidelity insurance in such 44660  
amounts and covering such trustees, officers, and employees of the 44661  
district as it considers necessary or desirable; 44662

(3) A policy or policies of liability insurance from an 44663  
insurer or insurers licensed to do business in this state insuring 44664  
its members, officers, and employees against all civil liability 44665  
arising from an act or omission by the member, officer, or 44666  
employee when the member, officer, or employee is not acting 44667  
manifestly outside the scope of employment or official 44668  
responsibilities with the institution, with malicious purpose or 44669  
bad faith, or in a wanton or reckless manner, or may otherwise 44670  
provide for the indemnification of such persons against such 44671  
liability. All or any portion of the cost, premium, or charge for 44672  
such a policy or policies or indemnification payment may be paid 44673  
from any funds under the institution's control. The policy or 44674  
policies of liability insurance or the indemnification policy of 44675  
the institution may cover any risks including, but not limited to, 44676  
damages resulting from injury to property or person, professional 44677  
liability, and other special risks, including legal fees and 44678  
expenses incurred in the defense or settlement of claims for such 44679  
damages. 44680

(4) A policy or policies of insurance insuring the district 44681

against any liabilities to which it may be subject on account of 44682  
damage or injury to persons or property, including liability for 44683  
wrongful death. 44684

(N) Designate one or more employees of the institution as 44685  
state university law enforcement officers, to serve and have 44686  
duties as prescribed in section 3345.04 of the Revised Code. 44687

Any instrument by which real property is acquired pursuant to 44688  
this section shall identify the agency of the state that has the 44689  
use and benefit of the real property as specified in section 44690  
5301.012 of the Revised Code. 44691

**Sec. 3357.01.** As used in this chapter: 44692

(A) "Technical college" means an institution of education 44693  
beyond the high school, including an institution of higher 44694  
education, organized for the principal purpose of providing for 44695  
the residents of the technical college district, wherein such 44696  
college is situated, any one or more of the instructional programs 44697  
defined in this section as "technical college," or 44698  
"adult-education technical programs," normally not exceeding two 44699  
years' duration and not leading to a baccalaureate degree, except 44700  
as provided in section 3333.051 of the Revised Code. 44701

(B) "Technical college district" means a political 44702  
subdivision of the state and a body corporate with all the powers 44703  
of a corporation, comprised of the territory of a city school 44704  
district or a county, or two or more contiguous school districts 44705  
or counties, which meets the standards prescribed by the ~~Ohio~~ 44706  
~~board of regents~~ chancellor of higher education pursuant to 44707  
section 3357.02 of the Revised Code, and which is organized for 44708  
the purpose of establishing, owning, and operating one or more 44709  
technical colleges within the territory of such district. 44710

(C) "Contiguous school districts or counties" means school 44711



districts or counties so located that each such school district or 44712  
county shares at least one boundary or a portion thereof in common 44713  
with at least one other such school district or county in the 44714  
group of school districts or counties referred to as being 44715  
"contiguous." 44716

(D) "Technical college program" means a post high school 44717  
curricular program provided within a technical college, planned 44718  
and intended to qualify students, after satisfactory completion of 44719  
such a program normally two years in duration, to pursue careers 44720  
in which they provide immediate technical assistance to 44721  
professional or managerial persons generally required to hold 44722  
baccalaureate or higher academic degrees in technical or 44723  
professional fields. The technical and professional fields 44724  
referred to in this section include, but are not limited to, 44725  
engineering and physical, medical, or other sciences. 44726

(E) "Adult-education technical program" means the 44727  
dissemination of post high school technical education service and 44728  
knowledge, for the occupational, or general educational benefit of 44729  
adult persons. 44730

(F) "Charter amendment" means a change in the official plan 44731  
of a technical college for the purpose of acquiring additional 44732  
lands or structures, disposing of or transferring lands or 44733  
structures, erecting structures, creating or abolishing technical 44734  
college or adult education technical curricular programs. 44735

(G) "Baccalaureate-oriented associate degree program" means a 44736  
curricular program of not more than two years' duration that is 44737  
planned and intended to enable students to gain academic credit 44738  
for courses comparable to first- and second-year courses offered 44739  
by accredited colleges and universities. The purpose of 44740  
baccalaureate-oriented associate degree coursework in technical 44741  
colleges is to enable students to transfer to colleges and 44742  
universities and earn baccalaureate degrees or to enable students 44743

to terminate academic study after two years with a proportionate 44744  
recognition of academic achievement through receipt of an 44745  
associate degree. 44746

(H) "Applied bachelor's degree" has the same meaning as in 44747  
section 3333.051 of the Revised Code. 44748

**Sec. 3357.09.** The board of trustees of a technical college 44749  
district may: 44750

(A) Own and operate a technical college, pursuant to an 44751  
official plan prepared and approved in accordance with section 44752  
3357.07 of the Revised Code; 44753

(B) Hold, encumber, control, acquire by donation, purchase, 44754  
or condemnation, construct, own, lease, use, and sell, real and 44755  
personal property as necessary for the conduct of the program of 44756  
the technical college on whatever terms and for whatever 44757  
consideration may be appropriate for the purposes of the 44758  
institution; 44759

(C) Accept gifts, grants, bequests, and devises absolutely or 44760  
in trust for support of the technical college; 44761

(D) Appoint the president, faculty, and such other employees 44762  
as necessary and proper for such technical college, and fix their 44763  
compensation; 44764

(E) Provide for a technical college necessary lands, 44765  
buildings or other structures, equipment, means, and appliances; 44766

(F) Develop and adopt, pursuant to the official plan, any one 44767  
or more of the curricular programs identified in section 3357.01 44768  
of the Revised Code as technical-college programs, or 44769  
adult-education technical programs, and applied bachelor's degree 44770  
programs under section 3333.051 of the Revised Code; 44771

(G) Except as provided in sections 3333.17 and 3333.32 of the 44772  
Revised Code, establish schedules of fees and tuition for: 44773

students who are residents of the district; students who are 44774  
residents of Ohio but not of the district; students who are 44775  
nonresidents of Ohio. The establishment of rules governing the 44776  
determination of residence shall be subject to approval of the 44777  
~~Ohio board of regents~~ chancellor of higher education. Students who 44778  
are nonresidents of Ohio shall be required to pay higher rates of 44779  
fees and tuition than the rates required of students who are 44780  
residents of Ohio but not of the district, and students who are 44781  
residents of the district shall pay smaller tuition and fee rates 44782  
than the rates for either of the above categories of nonresident 44783  
students, except that students who are residents of Ohio but not 44784  
of the district shall be required to pay higher fees and tuition 44785  
than students who are residents of the district only when a 44786  
district tax levy has been adopted and is in effect under the 44787  
authority of section 3357.11, 5705.19, or 5705.191 of the Revised 44788  
Code. 44789

(H) Authorize, approve, ratify, or confirm, with approval of 44790  
the ~~Ohio board of regents~~ chancellor, any agreement with the 44791  
United States government, acting through any agency designated to 44792  
aid in the financing of technical college projects, or with any 44793  
person, organization, or agency offering grants-in-aid for 44794  
technical college facilities or operation; 44795

(I) Receive assistance for the cost of equipment and for the 44796  
operation of such technical colleges from moneys appropriated for 44797  
technical education or for matching of Title VIII of the "National 44798  
Defense Education Act," 72 Stat. 1597 (1958), 20 U.S.C.A. 15a-15e. 44799  
Moneys shall be distributed by the ~~Ohio board of regents~~ 44800  
chancellor in accordance with rules which the board shall 44801  
establish governing its allocations to technical colleges 44802  
chartered under section 3357.07 of the Revised Code. 44803

(J) Grant appropriate associate degrees to students 44804  
successfully completing the technical college programs. 44805

appropriate applied bachelor's degrees to students successfully 44806  
completing applied bachelor's degree programs, and certificates of 44807  
achievement to those students who complete other programs; 44808

(K) Prescribe rules for the effective operation of a 44809  
technical college, and exercise such other powers as are necessary 44810  
for the efficient management of such college; 44811

(L) Enter into contracts and conduct technical college 44812  
programs or technical courses outside the technical college 44813  
district; 44814

(M) Enter into contracts with the board of education of any 44815  
local, exempted village, or city school district or the governing 44816  
board of any educational service center to permit the school 44817  
district or service center to use the facilities of the technical 44818  
college district; 44819

(N) Designate one or more employees of the institution as 44820  
state university law enforcement officers, to serve and have 44821  
duties as prescribed in section 3345.04 of the Revised Code; 44822

(O) Subject to the approval of the ~~Ohio board of regents~~ 44823  
chancellor, offer technical college programs or technical courses 44824  
for credit at locations outside the technical college district. 44825  
For purposes of computing state aid, students enrolled in such 44826  
courses shall be deemed to be students enrolled in programs and 44827  
courses at off-campus locations in the district. 44828

(P) Purchase a policy or policies of liability insurance from 44829  
an insurer or insurers licensed to do business in this state 44830  
insuring its members, officers, and employees against all civil 44831  
liability arising from an act or omission by the member, officer, 44832  
or employee, when the member, officer, or employee is not acting 44833  
manifestly outside the scope of the member's, officer's, or 44834  
employee's employment or official responsibilities with the 44835  
institution, with malicious purpose or bad faith, or in a wanton 44836

or reckless manner, or may otherwise provide for the 44837  
indemnification of such persons against such liability. All or any 44838  
portion of the cost, premium, or charge for such a policy or 44839  
policies or indemnification payment may be paid from any funds 44840  
under the institution's control. The policy or policies of 44841  
liability insurance or the indemnification policy of the 44842  
institution may cover any risks including, but not limited to, 44843  
damages resulting from injury to property or person, professional 44844  
liability, and other special risks, including legal fees and 44845  
expenses incurred in the defense or settlement of claims for such 44846  
damages. 44847

Any instrument by which real property is acquired pursuant to 44848  
this section shall identify the agency of the state that has the 44849  
use and benefit of the real property as specified in section 44850  
5301.012 of the Revised Code. 44851

**Sec. 3357.19.** The ~~Ohio board of regents~~ chancellor of higher 44852  
education shall: 44853

(A) Promulgate rules, regulations, and standards in 44854  
conformity with Chapter 119. of the Revised Code relative to the 44855  
qualifications of teaching personnel in technical colleges, and 44856  
require conformity to all such rules, regulations, and standards 44857  
as a condition upon the issuance of a charter to any technical 44858  
college and upon the continued operation of such colleges; 44859

(B) Promulgate rules, regulations, and standards relative to 44860  
the quality and content of instructional courses in technical 44861  
colleges, and relative to the awarding of certificates of 44862  
achievement or ~~associate~~ degrees to students in such colleges, and 44863  
require conformity to all such rules, regulations, and standards 44864  
as a condition upon the issuance of a charter to any technical 44865  
college and upon the continued operation of such college; 44866

(C) Conduct studies and examinations of the operation and 44867

facilities of technical colleges, and require reports from such 44868  
colleges, from time to time as the ~~board~~ chancellor deems 44869  
necessary, and revoke or suspend pursuant to Chapter 119. of the 44870  
Revised Code, the charter of any technical college found to be in 44871  
substantial violation of law, of rules, regulations, or standards 44872  
of the ~~board~~ chancellor, or of the approved official plan of such 44873  
college; 44874

(D) Employ such professional, administrative, clerical, or 44875  
secretarial personnel as may be found necessary to assist the 44876  
~~board~~ chancellor in the performance of ~~its~~ the chancellor's 44877  
duties; 44878

(E) Perform biennial examinations of the budget requirements 44879  
of the technical colleges in the state, and present 44880  
recommendations to the governor with respect to such budget 44881  
requirements; 44882

(F) Perform research studies relative to technical college 44883  
education. 44884

**Sec. 3358.01.** As used in sections 3358.01 to 3358.10 of the 44885  
Revised Code: 44886

(A) "State community college district" means a political 44887  
subdivision composed of the territory of a county, or of two or 44888  
more contiguous counties, in either case having a total population 44889  
of at least one hundred fifty thousand, and organized for the 44890  
purpose of establishing, owning, and operating a state community 44891  
college within the district or a political subdivision created 44892  
pursuant to division (A) of section 3358.02 of the Revised Code. 44893

(B) "State community college" means a two-year institution, 44894  
offering a baccalaureate-oriented program, technical education 44895  
program, or an adult continuing education program. The extent to 44896  
which the college offers baccalaureate-oriented and technical 44897

programs shall be determined in its charter. However, a state 44898  
community college may offer applied bachelor's degree programs 44899  
pursuant to section 3333.051 of the Revised Code. 44900

(C) "Baccalaureate-oriented program" means a curricular 44901  
program of not more than two years' duration that is planned and 44902  
intended to enable students to gain academic credit for courses 44903  
comparable to first- and second-year courses offered by accredited 44904  
colleges and universities. The purpose of baccalaureate-oriented 44905  
coursework in state community colleges is to enable students to 44906  
transfer to colleges and universities and earn baccalaureate 44907  
degrees or to enable students to terminate academic study after 44908  
two years with a proportionate recognition of academic achievement 44909  
through receipt of an associate degree. 44910

(D) "Technical education program" means a post high school 44911  
program of not more than two years' duration that is planned and 44912  
intended to prepare students to pursue employment or improve 44913  
technical knowledge in careers generally but not exclusively at 44914  
the semiprofessional level. Technical education programs include, 44915  
but are not limited to, programs in the technologies of business, 44916  
engineering, health, natural science, and public service and are 44917  
programs which, after two years of academic study, result in 44918  
proportionate recognition of academic achievement through receipt 44919  
of an associate degree. 44920

(E) "Adult continuing education program" means the offering 44921  
of short courses, seminars, workshops, exhibits, performances, and 44922  
other educational activities for the general educational or 44923  
occupational benefit of adults. 44924

(F) "Applied bachelor's degree" has the same meaning as in 44925  
section 3333.051 of the Revised Code. 44926

**Sec. 3358.08.** The board of trustees of a state community 44927  
college district may: 44928

- (A) Own and operate a state community college; 44929
- (B) Hold, encumber, control, acquire by donation, purchase or 44930  
condemn, construct, own, lease, use, and sell, real and personal 44931  
property as necessary for the conduct of the program of the state 44932  
community college on whatever terms and for whatever consideration 44933  
may be appropriate for the purpose of the institution; 44934
- (C) Accept gifts, grants, bequests, and devises absolute or 44935  
in trust for support of the state community college; 44936
- (D) Employ a president, and appoint or approve the 44937  
appointment of other necessary administrative officers, full-time 44938  
faculty members, and operating staff. The board may delegate the 44939  
appointment of operating staff and part-time faculty members to 44940  
the college president. The board shall fix the rate of 44941  
compensation of the president and all officers and full-time 44942  
employees as are necessary and proper for state community 44943  
colleges. 44944
- (E) Provide for the state community college necessary lands, 44945  
buildings, or other structures, equipment, means, and appliances; 44946
- (F) Establish within the maximum amounts permitted by law, 44947  
schedules of fees and tuition for students who are Ohio residents 44948  
and students who are not; 44949
- (G) Grant appropriate ~~associate~~ degrees to students 44950  
successfully completing the state community college's programs, 44951  
and certificates of achievement to students who complete other 44952  
programs; 44953
- (H) Prescribe policies for the effective operation of the 44954  
state community college and exercise such other powers as are 44955  
necessary for the efficient management of the college; 44956
- (I) Enter into contracts with neighboring colleges and 44957  
universities for the conduct of state community college programs 44958



or technical courses outside the state community college district; 44959

(J) Purchase: 44960

(1) A policy or policies of insurance insuring the district 44961  
against loss or damage to property, whether real, personal, or 44962  
mixed, which is owned by the district or leased by it as lessee or 44963  
which is in the process of construction by or for the district; 44964

(2) A policy or policies of fidelity insurance in such 44965  
amounts and covering such trustees, officers, and employees of the 44966  
district as the board may consider necessary or desirable; 44967

(3) A policy or policies of liability insurance from an 44968  
insurer or insurers licensed to do business in this state insuring 44969  
its members, officers, and employees against all civil liability 44970  
arising from an act or omission by the member, officer, or 44971  
employee, when the member, officer, or employee is not acting 44972  
manifestly outside the scope of employment or official 44973  
responsibilities with the institution, with malicious purpose or 44974  
bad faith, or in a wanton or reckless manner, or may otherwise 44975  
provide for the indemnification of such persons against such 44976  
liability. All or any portion of the cost, premium, or charge for 44977  
such a policy or policies or indemnification payment may be paid 44978  
from any funds under the institution's control. The policy or 44979  
policies of liability insurance or the indemnification policy of 44980  
the institution may cover any risks including, but not limited to, 44981  
damages resulting from injury to property or person, professional 44982  
liability, and other special risks, including legal fees and 44983  
expenses incurred in the defense or settlement claims of such 44984  
damages. 44985

(4) A policy or policies of insurance insuring the district 44986  
against any liabilities to which it may be subject on account of 44987  
damage or injury to persons or property, including liability for 44988  
wrongful death. 44989

Any instrument by which real property is acquired pursuant to 44990  
this section shall identify the agency of the state that has the 44991  
use and benefit of the real property as specified in section 44992  
5301.012 of the Revised Code. 44993

**Sec. 3365.01.** As used in this chapter: 44994

(A) "Articulated credit" means post-secondary credit that is 44995  
reflected on the official record of a student at an institution of 44996  
higher education only upon enrollment at that institution after 44997  
graduation from a secondary school. 44998

(B) "Default ceiling amount" means one of the following 44999  
amounts, whichever is applicable: 45000

(1) For a participant enrolled in a college operating on a 45001  
semester schedule, the amount calculated according to the 45002  
following formula: 45003

$$((0.83 \times \text{formula amount}) / 30) \quad 45004$$

$$\times \text{number of enrolled credit hours} \quad 45005$$

(2) For a participant enrolled in a college operating on a 45006  
quarter schedule, the amount calculated according to the following 45007  
formula: 45008  
45009

$$((0.83 \times \text{formula amount}) / 45) \quad 45010$$

$$\times \text{number of enrolled credit hours} \quad 45011$$

(C) "Default floor amount" means twenty-five per cent of the 45012  
default ceiling amount. 45013  
45014

(D) "Eligible out-of-state college" means any institution of 45015  
higher education that is located outside of Ohio and is approved 45016  
by the chancellor of ~~the Ohio board of regents~~ higher education to 45017  
participate in the college credit plus program. 45018

(E) "Fee" means any course-related fee and any other fee imposed by the college, but not included in tuition, for participation in the program established by this chapter.	45019 45020 45021
(F) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	45022 45023
(G) "Governing entity" means a board of education of a school district, a governing authority of a community school established under Chapter 3314., a governing body of a STEM school established under Chapter 3326., or a board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code.	45024 45025 45026 45027 45028 45029
(H) "Home-instructed participant" means a student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code, and is participating in the program established by this chapter.	45030 45031 45032 45033
(I) "Maximum per participant charge amount" means one of the following amounts, whichever is applicable:	45034 45035
(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:	45036 45037 45038
((formula amount / 30)	45039
X number of enrolled credit hours)	45040
(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:	45041 45042 45043
((formula amount / 45)	45044
X number of enrolled credit hours)	45045
(J) "Nonpublic secondary school" means a chartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.	45046 45047 45048 45049

(K) "Number of enrolled credit hours" means the number of 45050  
credit hours for a course in which a participant is enrolled 45051  
during the previous term after the date on which a withdrawal from 45052  
a course would have negatively affected the participant's 45053  
transcripted grade, as prescribed by the college's established 45054  
withdrawal policy. 45055

(L) "Parent" has the same meaning as in section 3313.64 of 45056  
the Revised Code. 45057

(M) "Participant" means any student enrolled in a college 45058  
under the program established by this chapter. 45059

(N) "Partnering college" means a college with which a public 45060  
or nonpublic secondary school has entered into an agreement in 45061  
order to offer the program established by this chapter. 45062

(O) "Partnering secondary school" means a public or nonpublic 45063  
secondary school with which a college has entered into an 45064  
agreement in order to offer the program established by this 45065  
chapter. 45066

(P) "Private college" means any of the following: 45067

(1) A nonprofit institution holding a certificate of 45068  
authorization pursuant to Chapter 1713. of the Revised Code; 45069

(2) An institution holding a certificate of registration from 45070  
the state board of career colleges and schools and program 45071  
authorization for an associate or bachelor's degree program issued 45072  
under section 3332.05 of the Revised Code; 45073

(3) A private institution exempt from regulation under 45074  
Chapter 3332. of the Revised Code as prescribed in section 45075  
3333.046 of the Revised Code. 45076

(Q) "Public college" means a "state institution of higher 45077  
education" in section 3345.011 of the Revised Code, excluding the 45078  
northeast Ohio medical university. 45079

(R) "Public secondary school" means a school serving grades 45080  
nine through twelve in a city, local, or exempted village school 45081  
district, a joint vocational school district, a community school 45082  
established under Chapter 3314., a STEM school established under 45083  
Chapter 3326., or a college-preparatory boarding school 45084  
established under Chapter 3328. of the Revised Code. 45085

(S) "School year" has the same meaning as in section 3313.62 45086  
of the Revised Code. 45087

(T) "Secondary grade" means any of grades nine through 45088  
twelve. 45089

(U) "Standard rate" means the amount per credit hour assessed 45090  
by the college for an in-state student who is enrolled in an 45091  
undergraduate course at that college, but who is not participating 45092  
in the college credit plus program, as prescribed by the college's 45093  
established tuition policy. 45094

(V) "Transcripted credit" means post-secondary credit that is 45095  
conferred by an institution of higher education and is reflected 45096  
on a student's official record at that institution upon completion 45097  
of a course. 45098

**Sec. 3365.03.** (A) A student enrolled in a public or nonpublic 45099  
secondary school during the student's ninth, tenth, eleventh, or 45100  
twelfth grade school year; a student enrolled in a nonchartered 45101  
nonpublic secondary school in the student's ninth, tenth, 45102  
eleventh, or twelfth grade school year; or a student who has been 45103  
excused from the compulsory attendance law for the purpose of home 45104  
instruction under section 3321.04 of the Revised Code and is the 45105  
equivalent of a ninth, tenth, eleventh, or twelfth grade student, 45106  
may apply to and enroll in a college under the college credit plus 45107  
program. 45108

(1) In order for a public secondary school student to 45109

participate in the program, all of the following criteria shall be met: 45110  
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(a) The student or the student's parent shall inform the principal, or equivalent, of the student's school by the first day of April of the student's intent to participate in the program during the following school year. Any student who fails to provide the notification by the required date may not participate in the program during the following school year without the written consent of the principal, or equivalent. If a student seeks consent from the principal after failing to provide notification by the required date, the principal shall notify the department of education of the student's intent to participate within ten days of the date on which the student seeks consent. If the principal does not provide written consent, the student may appeal the principal's decision to the state board of education governing entity of the school, except for a student who is enrolled in a school district, who may appeal the decision to the district superintendent. Not later than thirty days after the notification of the appeal, the state board district superintendent or governing entity shall hear the appeal and shall make a decision to either grant or deny that student's participation in the program. The decision of the district superintendent or governing entity shall be final. 45112  
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(b) The student shall ~~both~~: 45133

(i) Apply to a public or a participating private college, or an eligible out-of-state college participating in the program, in accordance with the college's established procedures for admission, pursuant to section 3365.05 of the Revised Code; 45134  
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(ii) As a condition of eligibility, be remediation-free, in accordance with one of the assessments established under division (F) of section 3345.061 of the Revised Code. However, a student who scores within one standard error of measurement below the 45138  
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remediation-free threshold for one of those assessments shall be 45142  
considered to have met this requirement if the student also 45143  
either: 45144

(I) Has a cumulative high school grade point average of at 45145  
least 3.0. If the student is seeking to participate under section 45146  
3365.033 of the Revised Code, the student must have an equivalent 45147  
cumulative grade point average in the applicable grade levels. 45148

(II) Receives a recommendation from a school counselor, 45149  
principal, or career-technical program advisor. 45150

(iii) Meet the college's and relevant academic program's 45151  
established standards for admission, enrollment, and ~~for~~ course 45152  
placement, including course-specific capacity limitations, 45153  
pursuant to section 3365.05 of the Revised Code. 45154

(c) The student shall elect at the time of enrollment to 45155  
participate under either division (A) or (B) of section 3365.06 of 45156  
the Revised Code for each course under the program. 45157

(d) The student and the student's parent shall sign a form, 45158  
provided by the school, stating that they have received the 45159  
counseling required under division (B) of section 3365.04 of the 45160  
Revised Code and that they understand the responsibilities they 45161  
must assume in the program. 45162

(2) In order for a nonpublic secondary school student, a 45163  
nonchartered nonpublic secondary school student, or a 45164  
home-instructed student to participate in the program, both of the 45165  
following criteria shall be met: 45166

(a) The student shall meet the criteria in divisions 45167  
(A)(1)(b) and (c) of this section. 45168

(b)(i) If the student is enrolled in a nonpublic secondary 45169  
school, that student shall send to the department of education a 45170  
copy of the student's acceptance from a college and an 45171

application. The application shall be made on forms provided by 45172  
the state board of education and shall include information about 45173  
the student's proposed participation, including the school year in 45174  
which the student wishes to participate; and the semesters or 45175  
terms the student wishes to enroll during such year. The 45176  
department shall mark each application with the date and time of 45177  
receipt. 45178

(ii) If the student is enrolled in a nonchartered nonpublic 45179  
secondary school or is home-instructed, the parent or guardian of 45180  
that student shall notify the department by the first day of April 45181  
prior to the school year in which the student wishes to 45182  
participate. 45183

(B) Except as provided for in division (C) of this section 45184  
and in sections 3365.031 and 3365.032 of the Revised Code: 45185

(1) No public secondary school shall prohibit a student 45186  
enrolled in that school from participating in the program if that 45187  
student meets all of the criteria in division (A)(1) of this 45188  
section. 45189

(2) No participating nonpublic secondary school shall 45190  
prohibit a student enrolled in that school from participating in 45191  
the program if the student meets all of the criteria in division 45192  
(A)(2) of this section and, if the student is enrolled under 45193  
division (B) of section 3365.06 of the Revised Code, the student 45194  
is awarded funding from the department in accordance with rules 45195  
adopted by the chancellor of ~~the Ohio board of regents~~ higher 45196  
education, in consultation with the superintendent of public 45197  
instruction, pursuant to section 3365.071 of the Revised Code. 45198

(C) For purposes of this section, during the period of an 45199  
expulsion imposed by a public secondary school, a student is 45200  
ineligible to apply to enroll in a college under this section, 45201  
unless the student is admitted to another public secondary or 45202



participating nonpublic secondary school. If a student is enrolled 45203  
in a college under this section at the time the student is 45204  
expelled, the student's status for the remainder of the college 45205  
term in which the expulsion is imposed shall be determined under 45206  
section 3365.032 of the Revised Code. 45207

(D) Upon a student's graduation from high school, 45208  
participation in the college credit plus program shall not affect 45209  
the student's eligibility at any public college for scholarships 45210  
or for other benefits or opportunities that are available to 45211  
first-time college students and are awarded by that college, 45212  
regardless of the number of credit hours that the student 45213  
completed under the program. 45214

**Sec. 3365.04.** Each public and participating nonpublic 45215  
secondary school shall do all of the following with respect to the 45216  
college credit plus program: 45217

(A) Provide information about the program prior to the first 45218  
day of ~~March~~ February of each year to all students enrolled in 45219  
grades six through eleven; 45220

(B) Provide counseling services to students in grades six 45221  
through eleven and to their parents before the students 45222  
participate in the program under this chapter to ensure that 45223  
students and parents are fully aware of the possible consequences 45224  
and benefits of participation. Counseling information shall 45225  
include: 45226

(1) Program eligibility; 45227

(2) The process for granting academic credits; 45228

(3) Any necessary financial arrangements for tuition, 45229  
textbooks, and fees; 45230

(4) Criteria for any transportation aid; 45231

(5) Available support services; 45232

(6) Scheduling;	45233
(7) Communicating the possible consequences and benefits of participation, including all of the following:	45234
(a) The consequences of failing or not completing a course under the program, including the effect on the student's ability to complete the secondary school's graduation requirements;	45236
(b) The effect of the grade attained in a course under the program being included in the student's grade point average, as applicable;	45237
(c) The benefits to the student for successfully completing a course under the program, including the ability to reduce the overall costs of, and the amount of time required for, a college education.	45238
(8) The academic and social responsibilities of students and parents under the program;	45239
(9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll;	45240
(10) The standard packet of information for the program developed by the chancellor of <del>the Ohio board of regents</del> <u>higher education</u> pursuant to section 3365.15 of the Revised Code;	45241
For a participating nonpublic secondary school, counseling information shall also include an explanation that funding may be limited and that not all students who wish to participate may be able to do so.	45242
(C) Promote the program on the school's web site, including the details of the school's current agreements with partnering colleges;	45243
(D) Schedule at least one informational session per school year to allow each partnering college that is located within thirty miles of the school to meet with interested students and	45244
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parents. The session shall include the benefits and consequences 45263  
of participation and shall outline any changes or additions to the 45264  
requirements of the program. If there are no partnering colleges 45265  
located within thirty miles of the school, the school shall 45266  
coordinate with the closest partnering college to offer an 45267  
informational session. 45268

(E) Implement a policy for the awarding of grades and the 45269  
calculation of class standing for courses taken under division 45270  
(A)(2) or (B) of section 3365.06 of the Revised Code. The policy 45271  
adopted under this division shall be equivalent to the school's 45272  
policy for courses taken under the advanced standing programs 45273  
described in divisions (A)(2) and (3) of section 3313.6013 of the 45274  
Revised Code or for other courses designated as honors courses by 45275  
the school. If the policy includes awarding a weighted grade or 45276  
enhancing a student's class standing for these courses, the policy 45277  
adopted under this section shall also provide for these procedures 45278  
to be applied to courses taken under the college credit plus 45279  
program. 45280

(F) Develop model course pathways, pursuant to section 45281  
3365.13 of the Revised Code, and publish the course pathways among 45282  
the school's official list of course offerings for the program. 45283

(G) Annually collect, report, and track specified data 45284  
related to the program according to data reporting guidelines 45285  
adopted by the chancellor and the superintendent of public 45286  
instruction pursuant to section 3365.15 of the Revised Code. 45287

**Sec. 3365.05.** Each public and participating private college 45288  
shall do all of the following with respect to the college credit 45289  
plus program: 45290

(A) Apply established standards and procedures for admission 45291  
to the college and for course placement for participants. When 45292  
determining admission and course placement, the college shall do 45293

all of the following: 45294

(1) Determine whether each student who applies to participate at that college meets the remediation-free threshold, or the alternative criteria, prescribed by division (A)(1)(b)(ii) of section 3365.03 of the Revised Code. 45295  
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Beginning with the 2018 summer academic session, if, as part of the college's established admissions process and for purposes of determining student eligibility, the college requires a student to take the ACT or SAT, the college shall either: 45299  
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(a) Administer the accuplacer test as an alternative to the ACT or SAT to students and align the results of the accuplacer to the ACT or SAT. For this purpose, the accuplacer shall be administered at no cost to the student. 45303  
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(b) Continue to require the ACT or SAT for students. For this purpose, the college shall develop a process for reimbursing students who take the ACT or SAT and are eligible for free or reduced price lunches under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, for the full cost of the assessment. If a student also qualifies for a fee waiver for the ACT or SAT, the student shall first apply the waiver when taking the assessment. A student shall receive reimbursement for the ACT or SAT only once for purposes of the student's participation in the college credit plus program. 45307  
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(2) Consider all available student data that may be an indicator of college readiness, including grade point average and end-of-course examination scores, if applicable; 45318  
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~~(2)~~(3) Give priority to its current students regarding enrollment in courses. However, once a participant has been accepted into a course, the college shall not displace the participant for another student. 45321  
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~~(3)~~(4) Adhere to any capacity limitations that the college 45325  
has established for specified courses. 45326

(B) Send written notice to a the participant, the 45327  
participant's parent, and the participant's secondary school, ~~and~~ 45328  
~~the superintendent of public instruction,~~ not later than fourteen 45329  
calendar days prior to the first day of classes for that term, of 45330  
the participant's admission to the college and to specified 45331  
courses under the program. 45332

(C) Provide both of the following, not later than twenty-one 45333  
calendar days after the first day of classes for that term, to 45334  
each participant, and the participant's secondary school, ~~and the~~ 45335  
~~superintendent of public instruction:~~ 45336

(1) The courses and hours of enrollment of the participant; 45337

(2) The option elected by the participant under division (A) 45338  
or (B) of section 3365.06 of the Revised Code for each course. 45339

The college shall also provide to each partnering school a 45340  
roster of participants from that school that are enrolled in the 45341  
college and a list of course assignments for each participant. 45342

(D) Promote the program on the college's web site, including 45343  
the details of the college's current agreements with partnering 45344  
secondary schools. 45345

(E) Coordinate with each partnering secondary school that is 45346  
located within thirty miles of the college to present at least one 45347  
informational session per school year for interested students and 45348  
parents. The session shall include the benefits and consequences 45349  
of participation and shall outline any changes or additions to the 45350  
requirements of the program. If there are no partnering schools 45351  
located within thirty miles of the college, the college shall 45352  
coordinate with the closest partnering school to offer an 45353  
informational session. 45354

(F) Assign an academic advisor that is employed by the college to each participant enrolled in that college. Prior to the date on which a withdrawal from a course would negatively affect a participant's transcribed grade, as prescribed by the college's established withdrawal policy, the college shall ensure that the academic advisor and the participant meet at least once to discuss the program and the courses in which the participant is enrolled.

(G) Do both of the following with regard to high school teachers that are teaching courses for the college at a secondary school under the program:

(1) Provide at least one professional development session per school year;

(2) Conduct at least one classroom observation per school year for each course that is authorized by the college and taught by a high school teacher to ensure that the course meets the quality of a college-level course.

(H) Annually collect, report, and track specified data related to the program according to data reporting guidelines adopted by the chancellor and the superintendent of public instruction pursuant to section 3365.15 of the Revised Code.

(I) With the exception of divisions (D) and (E) of this section, any eligible out-of-state college participating in the college credit plus program shall be subject to the same requirements as a participating private college under this section.

**Sec. 3365.06.** The rules adopted under section 3365.02 of the Revised Code shall provide for participants to enroll in courses under either of the ~~following~~ options: prescribed by division (A) or (B) of this section.

(A) The participant may elect at the time of enrollment to be

responsible for payment of all tuition and the cost of all 45385  
textbooks, materials, and fees associated with the course. The 45386  
college shall notify the participant about payment of tuition and 45387  
fees in the customary manner followed by the college. A 45388  
participant electing this option also shall elect, at the time of 45389  
enrollment, whether to receive only college credit or high school 45390  
credit and college credit for the course. 45391

(1) The participant may elect to receive only college credit 45392  
for the course. Except as provided in section 3365.032 of the 45393  
Revised Code, if the participant successfully completes the 45394  
course, the college shall award the participant full credit for 45395  
the course, but the governing entity of a public secondary school 45396  
or the governing body of a participating nonpublic secondary 45397  
school shall not award the high school credit. 45398

(2) The participant may elect to receive both high school 45399  
credit and college credit for the course. Except as provided in 45400  
section 3365.032 of the Revised Code, if the participant 45401  
successfully completes the course, the college shall award the 45402  
participant full credit for the course and the governing entity of 45403  
a public school or the governing body of a participating nonpublic 45404  
school shall award the participant high school credit. 45405

(B) The If a course is eligible for funding under rules 45406  
adopted pursuant to division (C)(1) of this section, the 45407  
participant may elect at the time of enrollment for ~~each~~ the 45408  
course to have the college reimbursed under section 3365.07 of the 45409  
Revised Code. Except as provided in section 3365.032 of the 45410  
Revised Code, if the participant successfully completes the 45411  
course, the college shall award the participant full credit for 45412  
the course and the governing entity of a public school or the 45413  
governing body of a participating nonpublic school shall award the 45414  
participant high school credit. If the participant elects to have 45415  
the college reimbursed under this division, the department shall 45416

reimburse the college for the number of enrolled credit hours in 45417  
accordance with section 3365.07 of the Revised Code. 45418

(C)(1) The chancellor of higher education, in consultation 45419  
with the superintendent of public instruction, shall adopt rules 45420  
specifying which courses are eligible for funding under section 45421  
3365.07 of the Revised Code. 45422

The rules shall address at least the following: 45423

(a) Whether courses must be taken in a specified sequence; 45424

(b) Whether to restrict funding and limit eligibility to 45425  
certain types of courses, including (i) courses that are included 45426  
in the statewide articulation and transfer system, established by 45427  
the chancellor pursuant to section 3333.161 of the Revised Code; 45428  
(ii) courses that may be applied to multiple degree pathways or 45429  
are applicable to in-demand jobs; or (iii) other types of courses; 45430

(c) Whether courses with private instruction, as defined by 45431  
the chancellor, are eligible for funding. 45432

The rules also shall specify the school year for which 45433  
implementation of the rules adopted pursuant to this division 45434  
shall first apply. 45435

(2) In developing the rules, the chancellor, in consultation 45436  
with the state superintendent, shall establish a process to 45437  
receive input from public and nonpublic secondary schools, public 45438  
and private colleges, and other interested parties. 45439

(D) When determining a school district's enrollment under 45440  
section 3317.03 of the Revised Code, the time a participant is 45441  
attending courses under division (A) of this section shall be 45442  
considered as time the participant is not attending or enrolled in 45443  
school anywhere, and the time a participant is attending courses 45444  
under division (B) of this section shall be considered as time the 45445  
participant is attending or enrolled in the district's schools. 45446



**Sec. 3365.07.** The department of education shall calculate and pay state funds to colleges for participants in the college credit plus program under division (B) of section 3365.06 of the Revised Code pursuant to this section. For a nonpublic secondary school participant, a nonchartered nonpublic secondary school participant, or a home-instructed participant, the department shall pay state funds pursuant to this section only if that participant is awarded funding according to rules adopted by the chancellor of higher education, in consultation with the superintendent of public instruction, pursuant to section 3365.071 of the Revised Code. The program shall be the sole mechanism by which state funds are paid to colleges for students to earn transcribed credit for college courses while enrolled in both a secondary school and a college, with the exception of state funds paid to colleges according to an agreement described in division (A)(1) of section 3365.02 of the Revised Code.

(A) For each public or nonpublic secondary school participant enrolled in a public college:

(1) If no agreement has been entered into under division (A)(2) of this section, both of the following shall apply:

(a) The department shall pay to the college the applicable amount as follows:

(i) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the lesser of the default ceiling amount or the college's standard rate;

(ii) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, the lesser of fifty per cent of the default ceiling amount or the college's standard rate;

(iii) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, the default floor amount.

(b) The participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments for each participant made by the department shall be not less than the default floor amount, unless approved by the chancellor, and not more than either the default ceiling amount or the college's standard rate, whichever is less. The chancellor ~~shall~~ may approve an agreement that includes a payment below the default floor amount, as long as the provisions of the agreement comply with all other requirements of this chapter to ensure program quality. If no agreement is entered into under division (A)(2) of this section, both of the following shall apply:

(a) The department shall pay to the college the applicable default amounts prescribed by division (A)(1)(a) of this section, depending upon the method of delivery and instruction.

(b) In accordance with division (A)(1)(b) of this section, the participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(3) No participant that is enrolled in a public college shall be charged for any tuition, textbooks, or other fees related to participation in the program.

(B) For each public secondary school participant enrolled in a private college:

(1) If no agreement has been entered into under division (B)(2) of this section, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section.

(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments shall be not less than the default floor amount, unless approved by the chancellor, and not more than either the default ceiling amount or the college's standard rate, whichever is less.

If an agreement is entered into under division (B)(2) of this section, both of the following shall apply:

(a) The department shall make a payment to the college for each participant that is equal to the default floor amount, unless approved by the chancellor to pay an amount below the default floor amount. The chancellor ~~shall~~ may approve an agreement that includes a payment below the default floor amount, as long as the provisions of the agreement comply with all other requirements of this chapter to ensure program quality.

(b) Payment for costs for the participant that exceed the amount paid by the department pursuant to division (B)(2)(a) of this section shall be negotiated by the school and the college. The agreement may include a stipulation permitting the charging of a participant.

However, under no circumstances shall:

(i) Payments for a participant made by the department under division (B)(2) of this section exceed the lesser of the default ceiling amount or the college's standard rate;

(ii) The amount charged to a participant under division 45539  
(B)(2) of this section exceed the difference between the maximum 45540  
per participant charge amount and the default floor amount; 45541

(iii) The sum of the payments made by the department for a 45542  
participant and the amount charged to that participant under 45543  
division (B)(2) of this section exceed the following amounts, as 45544  
applicable: 45545

(I) For a participant enrolled in a college course delivered 45546  
on the college campus, at another location operated by the 45547  
college, or online, the maximum per participant charge amount; 45548

(II) For a participant enrolled in a college course delivered 45549  
at the participant's secondary school but taught by college 45550  
faculty, one hundred twenty-five dollars; 45551

(III) For a participant enrolled in a college course 45552  
delivered at the participant's secondary school and taught by a 45553  
high school teacher who has met the credential requirements 45554  
established for purposes of the program in rules adopted by the 45555  
chancellor, one hundred dollars. 45556

(iv) A participant that is identified as economically 45557  
disadvantaged according to rules adopted by the department be 45558  
charged under division (B)(2) of this section for any tuition, 45559  
textbooks, or other fees related to participation in the program. 45560

(C) For each nonpublic secondary school participant enrolled 45561  
in a private or eligible out-of-state college, the department 45562  
shall pay to the college the applicable amount calculated in the 45563  
same manner as in division (A)(1)(a) of this section. Payment for 45564  
costs for the participant that exceed the amount paid by the 45565  
department shall be negotiated by the governing body of the 45566  
nonpublic secondary school and the college. 45567

However, under no circumstances shall: 45568

(1) The payments for a participant made by the department 45569  
under this division exceed the lesser of the default ceiling 45570  
amount or the college's standard rate. 45571

(2) Any nonpublic secondary school participant, who is 45572  
enrolled in that secondary school with a scholarship awarded under 45573  
either the educational choice scholarship pilot program, as 45574  
prescribed by sections 3310.01 to 3310.17, or the pilot project 45575  
scholarship program, as prescribed by sections 3313.974 to 45576  
3313.979 of the Revised Code, and who qualifies as a low-income 45577  
student under either of those programs, be charged for any 45578  
tuition, textbooks, or other fees related to participation in the 45579  
college credit plus program. 45580

(D) For each nonchartered nonpublic secondary school 45581  
participant and each home-instructed participant enrolled in a 45582  
public, private, or eligible out-of-state college, the department 45583  
shall pay to the college the lesser of the default ceiling amount 45584  
or the college's standard rate, if that participant is enrolled in 45585  
a college course delivered on the college campus, at another 45586  
location operated by the college, or online. 45587

(E) Not later than thirty days after the end of each term, 45588  
each college expecting to receive payment for the costs of a 45589  
participant under this section shall notify the department of the 45590  
number of enrolled credit hours for each participant. 45591

(F) ~~Each January and July, or as soon as possible thereafter,~~ 45592  
~~the~~ The department shall make the applicable payments under this 45593  
section to each college, which provided proper notification to the 45594  
department under division (E) of this section, for the number of 45595  
enrolled credit hours for participants enrolled in the college 45596  
under division (B) of section 3365.06 of the Revised Code. Except 45597  
in cases involving incomplete participant information or a dispute 45598  
of participant information, payments shall be made by the last day 45599  
of January for participants who were enrolled during the fall term 45600

and by the last day of July for participants who were enrolled 45601  
during the spring term. The department shall not make any payments 45602  
to a college under this section if a participant withdrew from a 45603  
course prior to the date on which a withdrawal from the course 45604  
would have negatively affected the participant's transcribed 45605  
grade, as prescribed by the college's established withdrawal 45606  
policy. 45607

(1) Payments made for public secondary school participants 45608  
under this section shall be deducted from the school foundation 45609  
payments made to the participant's school district or, if the 45610  
participant is enrolled in a community school, a STEM school, or a 45611  
college-preparatory boarding school, from the payments made to 45612  
that school under section 3314.08, 3326.33, or 3328.34 of the 45613  
Revised Code. If the participant is enrolled in a joint vocational 45614  
school district, a portion of the amount shall be deducted from 45615  
the payments to the joint vocational school district and a portion 45616  
shall be deducted from the payments to the participant's city, 45617  
local, or exempted village school district in accordance with the 45618  
full-time equivalency of the student's enrollment in each 45619  
district. Amounts deducted under division (F)(1) of this section 45620  
shall be calculated in accordance with rules adopted by the 45621  
chancellor, in consultation with the state superintendent, 45622  
pursuant to division (B) of section 3365.071 of the Revised Code. 45623

(2) Payments made for nonpublic secondary school 45624  
participants, nonchartered nonpublic secondary school 45625  
participants, and home-instructed participants under this section 45626  
shall be deducted from moneys appropriated by the general assembly 45627  
for such purpose. Payments shall be allocated and distributed in 45628  
accordance with rules adopted by the chancellor, in consultation 45629  
with the state superintendent, pursuant to division (A) of section 45630  
3365.071 of the Revised Code. 45631

(G) Any public college that enrolls a student under division 45632

(B) of section 3365.06 of the Revised Code may include that 45633  
student in the calculation used to determine its state share of 45634  
instruction funds appropriated to the department of higher 45635  
education by the general assembly. 45636

Sec. 3365.091. (A) The chancellor of higher education, in 45637  
consultation with the superintendent of public instruction, shall 45638  
adopt rules specifying the conditions under which an 45639  
underperforming participant may continue to participate in the 45640  
college credit plus program. 45641

The rules shall address at least the following: 45642

(1) The definition of an "underperforming participant"; 45643

(2) Any additional conditions that participants with repeated 45644  
underperformance must satisfy; 45645

(3) The timeframe for notifying an underperforming 45646  
participant who is determined to be ineligible for participation 45647  
of such ineligibility; 45648

(4) Mechanisms available to assist underperforming 45649  
participants; 45650

(5) The role of school guidance counselors and college 45651  
academic advisers in assisting underperforming participants; 45652

(6) If an underperforming participant is determined to be 45653  
ineligible for participation, any consequences that such 45654  
ineligibility may have on the student's ability to complete the 45655  
secondary school's graduation requirements. 45656

The rules also shall specify the school year for which 45657  
implementation of the rules adopted pursuant to division (A) of 45658  
this section shall first apply. 45659

(B) In developing the rules pursuant to division (A) of this 45660  
section, the chancellor, in consultation with the state 45661

superintendent, shall establish a process to receive input from 45662  
public and nonpublic secondary schools, public and private 45663  
colleges, and other interested parties. 45664

**Sec. 3365.12.** (A) All courses offered under the college 45665  
credit plus program shall be the same courses that are included in 45666  
the partnering college's course catalogue for college-level, 45667  
nonremedial courses and shall apply to at least one degree or 45668  
professional certification at the partnering college. 45669

(B)(1) High school credit awarded for courses successfully 45670  
completed under this chapter shall count toward the graduation 45671  
requirements and subject area requirements of the public secondary 45672  
school or participating nonpublic secondary school. If a course 45673  
comparable to one a participant completed at a college is offered 45674  
by the school, the governing entity or governing body shall award 45675  
comparable credit for the course completed at the college. If no 45676  
comparable course is offered by the school, the governing entity 45677  
or governing body shall grant an appropriate number of elective 45678  
credits to the participant. 45679

(2) If there is a dispute between a participant's school and 45680  
a participant regarding high school credits granted for a course, 45681  
the participant may appeal the decision to the ~~state board~~ 45682  
department of education. The ~~state board's~~ department's decision 45683  
regarding any high school credits granted under this section is 45684  
final. 45685

(C) Evidence of successful completion of each course and the 45686  
high school credits awarded by the school shall be included in the 45687  
student's record. The record shall indicate that the credits were 45688  
earned as a participant under this chapter and shall include the 45689  
name of the college at which the credits were earned. 45690

**Sec. 3365.15.** The chancellor of higher education and the 45691



superintendent of public instruction jointly shall do all of the 45692  
following: 45693

(A) Adopt data reporting guidelines specifying the types of 45694  
data that public and participating nonpublic secondary schools and 45695  
public and participating private colleges, including eligible 45696  
out-of-state colleges participating in the program, must annually 45697  
collect, report, and track under division (G) of section 3365.04 45698  
and division (H) of section 3365.05 of the Revised Code. The types 45699  
of data shall include all of the following: 45700

(1) For each secondary school and college: 45701

(a) The number of participants disaggregated by grade level, 45702  
socioeconomic status, race, gender, and disability; 45703

(b) The number of completed courses and credit hours, 45704  
disaggregated by the college in which participants were enrolled; 45705

(c) The number of courses in which participants enrolled, 45706  
disaggregated by subject area and level of difficulty. 45707

(2) For each secondary school, the number of students who 45708  
were denied participation in the program under division (A)(1)(a) 45709  
or (C) of section 3365.03 or section 3365.031 or 3365.032 of the 45710  
Revised Code. Each participating nonpublic secondary school shall 45711  
also include the number of students who were denied participation 45712  
due to the student not being awarded funding by the department of 45713  
education pursuant to section 3365.071 of the Revised Code. 45714

(3) For each college: 45715

(a) The number of students who applied to enroll in the 45716  
college under the program but were not granted admission; 45717

(b) The average number of completed courses per participant; 45718

(c) The average grade point average for participants in 45719  
college courses under the program. 45720

The guidelines adopted under this division shall also include 45721  
policies and procedures for the collection, reporting, and 45722  
tracking of such data. 45723

(B) Annually compile the data required under division (A) of 45724  
this section. Not later than the thirty-first day of December of 45725  
each year, the data from the previous school year shall be posted 45726  
in a prominent location on both the chancellor of higher 45727  
education's and the department of education's web sites. 45728

(C) ~~Submit a biennial report detailing the status of the 45729  
college credit plus program, including an analysis of quality 45730  
assurance measures related to the program, both of the following 45731  
to the governor, the president of the senate, the speaker of the 45732  
house of representatives, and the chairpersons of the education 45733  
committees of the senate and house of representatives;~~ 45734

(1) A biennial report detailing the status of the college 45735  
credit plus program, including an analysis of quality assurance 45736  
measures related to the program. The report shall include only 45737  
data available through the higher education information system 45738  
administered by the chancellor. The first report shall be 45739  
submitted not later than December 31, 2017, and each subsequent 45740  
report shall be submitted not later than the thirty-first day of 45741  
December every two years thereafter. 45742

(2) Until December 2023, an annual report on outcomes of the 45743  
college credit plus program that are supported by empirical 45744  
evidence. The report shall include all of the following, 45745  
disaggregated by cohort: 45746

(a) Number of degrees attained; 45747

(b) Level and type of degrees attained; 45748

(c) Number of students who receive a degree in two different 45749  
subject areas; 45750

<u>(d) Time to completion of a degree, disaggregated by level</u>	45751
<u>and type of degree attained;</u>	45752
<u>(e) Time to enrollment in a graduate or doctoral degree</u>	45753
<u>program;</u>	45754
<u>(f) The number of students who participate in a study abroad</u>	45755
<u>course;</u>	45756
<u>(g) How all of the measures described in division (C)(2) of</u>	45757
<u>this section compare to both:</u>	45758
<u>(i) The overall student population who did not participate in</u>	45759
<u>the college credit plus program;</u>	45760
<u>(ii) Any similar measures compiled under the former</u>	45761
<u>postsecondary enrollment options program, to the extent that such</u>	45762
<u>data is available.</u>	45763
<u>The first report shall be submitted not later than December</u>	45764
<u>31, 2018, and each subsequent report shall be submitted not later</u>	45765
<u>than the thirty-first day of December each year thereafter until</u>	45766
<u>December 2023.</u>	45767
(D) Establish a college credit plus advisory committee to	45768
assist in the development of performance metrics and the	45769
monitoring of the program's progress. At least one member of the	45770
advisory committee shall be a school guidance counselor.	45771
The chancellor shall also, in consultation with the	45772
superintendent, create a standard packet of information for the	45773
college credit plus program directed toward students and parents	45774
that are interested in the program.	45775
<u>(E) For purposes of this section, "cohort" means a group of</u>	45776
<u>students who participated in the college credit plus program and</u>	45777
<u>who, upon graduation from high school, enroll in an Ohio</u>	45778
<u>institution of higher education during the same academic year.</u>	45779

**Sec. 3503.16.** (A) Except as otherwise provided in division 45780  
~~(D)~~(E) of section 111.44 of the Revised Code, whenever a 45781  
registered elector changes the place of residence of that 45782  
registered elector from one precinct to another within a county or 45783  
from one county to another, or has a change of name, that 45784  
registered elector shall report the change by delivering a change 45785  
of residence or change of name form, whichever is appropriate, as 45786  
prescribed by the secretary of state under section 3503.14 of the 45787  
Revised Code to the state or local office of a designated agency, 45788  
a public high school or vocational school, a public library, the 45789  
office of the county treasurer, the office of the secretary of 45790  
state, any office of the registrar or deputy registrar of motor 45791  
vehicles, or any office of a board of elections in person or by a 45792  
third person. Any voter registration, change of address, or change 45793  
of name application, returned by mail, may be sent only to the 45794  
secretary of state or the board of elections. 45795

A registered elector also may update the registration of that 45796  
registered elector by filing a change of residence or change of 45797  
name form on the day of a special, primary, or general election at 45798  
the polling place in the precinct in which that registered elector 45799  
resides or at the board of elections or at another site designated 45800  
by the board. 45801

(B)(1)(a) Any registered elector who moves within a precinct 45802  
on or prior to the day of a general, primary, or special election 45803  
and has not filed a notice of change of residence with the board 45804  
of elections may vote in that election by going to that registered 45805  
elector's assigned polling place, completing and signing a notice 45806  
of change of residence, showing identification in the form of a 45807  
current and valid photo identification, a military identification, 45808  
or a copy of a current utility bill, bank statement, government 45809  
check, paycheck, or other government document, other than a notice 45810  
of voter registration mailed by a board of elections under section 45811

3503.19 of the Revised Code, that shows the name and current address of the elector, and casting a ballot.

(b) Any registered elector who changes the name of that registered elector and remains within a precinct on or prior to the day of a general, primary, or special election and has not filed a notice of change of name with the board of elections may vote in that election by going to that registered elector's assigned polling place, completing and signing a notice of a change of name, and casting a provisional ballot under section 3505.181 of the Revised Code. If the registered elector provides to the precinct election officials proof of a legal name change, such as a marriage license or court order that includes the elector's current and prior names, the elector may complete and sign a notice of change of name and cast a regular ballot.

(2) Any registered elector who moves from one precinct to another within a county or moves from one precinct to another and changes the name of that registered elector on or prior to the day of a general, primary, or special election and has not filed a notice of change of residence or change of name, whichever is appropriate, with the board of elections may vote in that election if that registered elector complies with division (G) of this section or does all of the following:

(a) Appears at anytime during regular business hours on or after the twenty-eighth day prior to the election in which that registered elector wishes to vote or, if the election is held on the day of a presidential primary election, the twenty-fifth day prior to the election, through noon of the Saturday prior to the election at the office of the board of elections, appears at any time during regular business hours on the Monday prior to the election at the office of the board of elections, or appears on the day of the election at either of the following locations:

(i) The polling place for the precinct in which that

registered elector resides; 45844

(ii) The office of the board of elections or, if pursuant to 45845  
division (C) of section 3501.10 of the Revised Code the board has 45846  
designated another location in the county at which registered 45847  
electors may vote, at that other location instead of the office of 45848  
the board of elections. 45849

(b) Completes and signs, under penalty of election 45850  
falsification, the written affirmation on the provisional ballot 45851  
envelope, which shall serve as a notice of change of residence or 45852  
change of name, whichever is appropriate; 45853

(c) Votes a provisional ballot under section 3505.181 of the 45854  
Revised Code at the polling place, at the office of the board of 45855  
elections, or, if pursuant to division (C) of section 3501.10 of 45856  
the Revised Code the board has designated another location in the 45857  
county at which registered electors may vote, at that other 45858  
location instead of the office of the board of elections, 45859  
whichever is appropriate, using the address to which that 45860  
registered elector has moved or the name of that registered 45861  
elector as changed, whichever is appropriate; 45862

(d) Completes and signs, under penalty of election 45863  
falsification, a statement attesting that that registered elector 45864  
moved or had a change of name, whichever is appropriate, on or 45865  
prior to the day of the election, has voted a provisional ballot 45866  
at the polling place for the precinct in which that registered 45867  
elector resides, at the office of the board of elections, or, if 45868  
pursuant to division (C) of section 3501.10 of the Revised Code 45869  
the board has designated another location in the county at which 45870  
registered electors may vote, at that other location instead of 45871  
the office of the board of elections, whichever is appropriate, 45872  
and will not vote or attempt to vote at any other location for 45873  
that particular election. 45874

(C) Any registered elector who moves from one county to 45875  
another county within the state on or prior to the day of a 45876  
general, primary, or special election and has not registered to 45877  
vote in the county to which that registered elector moved may vote 45878  
in that election if that registered elector complies with division 45879  
(G) of this section or does all of the following: 45880

(1) Appears at any time during regular business hours on or 45881  
after the twenty-eighth day prior to the election in which that 45882  
registered elector wishes to vote or, if the election is held on 45883  
the day of a presidential primary election, the twenty-fifth day 45884  
prior to the election, through noon of the Saturday prior to the 45885  
election at the office of the board of elections or, if pursuant 45886  
to division (C) of section 3501.10 of the Revised Code the board 45887  
has designated another location in the county at which registered 45888  
electors may vote, at that other location instead of the office of 45889  
the board of elections, appears during regular business hours on 45890  
the Monday prior to the election at the office of the board of 45891  
elections or, if pursuant to division (C) of section 3501.10 of 45892  
the Revised Code the board has designated another location in the 45893  
county at which registered electors may vote, at that other 45894  
location instead of the office of the board of elections, or 45895  
appears on the day of the election at the office of the board of 45896  
elections or, if pursuant to division (C) of section 3501.10 of 45897  
the Revised Code the board has designated another location in the 45898  
county at which registered electors may vote, at that other 45899  
location instead of the office of the board of elections; 45900

(2) Completes and signs, under penalty of election 45901  
falsification, the written affirmation on the provisional ballot 45902  
envelope, which shall serve as a notice of change of residence; 45903

(3) Votes a provisional ballot under section 3505.181 of the 45904  
Revised Code at the office of the board of elections or, if 45905  
pursuant to division (C) of section 3501.10 of the Revised Code 45906

the board has designated another location in the county at which 45907  
registered electors may vote, at that other location instead of 45908  
the office of the board of elections, using the address to which 45909  
that registered elector has moved; 45910

(4) Completes and signs, under penalty of election 45911  
falsification, a statement attesting that that registered elector 45912  
has moved from one county to another county within the state on or 45913  
prior to the day of the election, has voted at the office of the 45914  
board of elections or, if pursuant to division (C) of section 45915  
3501.10 of the Revised Code the board has designated another 45916  
location in the county at which registered electors may vote, at 45917  
that other location instead of the office of the board of 45918  
elections, and will not vote or attempt to vote at any other 45919  
location for that particular election. 45920

(D) A person who votes by absent voter's ballots pursuant to 45921  
division (G) of this section shall not make written application 45922  
for the ballots pursuant to Chapter 3509. of the Revised Code. 45923  
Ballots cast pursuant to division (G) of this section shall be set 45924  
aside in a special envelope and counted during the official 45925  
canvass of votes in the manner provided for in sections 3505.32 45926  
and 3509.06 of the Revised Code insofar as that manner is 45927  
applicable. The board shall examine the pollbooks to verify that 45928  
no ballot was cast at the polls or by absent voter's ballots under 45929  
Chapter 3509. or 3511. of the Revised Code by an elector who has 45930  
voted by absent voter's ballots pursuant to division (G) of this 45931  
section. Any ballot determined to be insufficient for any of the 45932  
reasons stated above or stated in section 3509.07 of the Revised 45933  
Code shall not be counted. 45934

Subject to division (C) of section 3501.10 of the Revised 45935  
Code, a board of elections may lease or otherwise acquire a site 45936  
different from the office of the board at which registered 45937  
electors may vote pursuant to division (B) or (C) of this section. 45938



(E) Upon receiving a notice of change of residence or change of name, the board of elections shall immediately send the registrant an acknowledgment notice. If the change of residence or change of name notice is valid, the board shall update the voter's registration as appropriate. If that form is incomplete, the board shall inform the registrant in the acknowledgment notice specified in this division of the information necessary to complete or update that registrant's registration.

(F) Change of residence and change of name forms shall be available at each polling place, and when these forms are completed, noting changes of residence or name, as appropriate, they shall be filed with election officials at the polling place. Election officials shall return completed forms, together with the pollbooks and tally sheets, to the board of elections.

The board of elections shall provide change of residence and change of name forms to the probate court and court of common pleas. The court shall provide the forms to any person eighteen years of age or older who has a change of name by order of the court or who applies for a marriage license. The court shall forward all completed forms to the board of elections within five days after receiving them.

(G) A registered elector who otherwise would qualify to vote under division (B) or (C) of this section but is unable to appear at the office of the board of elections or, if pursuant to division (C) of section 3501.10 of the Revised Code the board has designated another location in the county at which registered electors may vote, at that other location, on account of personal illness, physical disability, or infirmity, may vote on the day of the election if that registered elector does all of the following:

(1) Makes a written application that includes all of the information required under section 3509.03 of the Revised Code to the appropriate board for an absent voter's ballot on or after the

twenty-seventh day prior to the election in which the registered 45971  
elector wishes to vote through noon of the Saturday prior to that 45972  
election and requests that the absent voter's ballot be sent to 45973  
the address to which the registered elector has moved if the 45974  
registered elector has moved, or to the address of that registered 45975  
elector who has not moved but has had a change of name; 45976

(2) Declares that the registered elector has moved or had a 45977  
change of name, whichever is appropriate, and otherwise is 45978  
qualified to vote under the circumstances described in division 45979  
(B) or (C) of this section, whichever is appropriate, but that the 45980  
registered elector is unable to appear at the board of elections 45981  
because of personal illness, physical disability, or infirmity; 45982

(3) Completes and returns along with the completed absent 45983  
voter's ballot a notice of change of residence indicating the 45984  
address to which the registered elector has moved, or a notice of 45985  
change of name, whichever is appropriate; 45986

(4) Completes and signs, under penalty of election 45987  
falsification, a statement attesting that the registered elector 45988  
has moved or had a change of name on or prior to the day before 45989  
the election, has voted by absent voter's ballot because of 45990  
personal illness, physical disability, or infirmity that prevented 45991  
the registered elector from appearing at the board of elections, 45992  
and will not vote or attempt to vote at any other location or by 45993  
absent voter's ballot mailed to any other location or address for 45994  
that particular election. 45995

**Sec. 3506.01.** As used in this chapter and Chapters 3501., 45996  
3503., 3505., 3509., 3511., 3513., 3515., 3517., 3519., 3521., 45997  
3523., and 3599. of the Revised Code: 45998

(A) "Marking device" means an apparatus operated by a voter 45999  
to record the voter's choices through the ~~piercing~~ or marking of 46000  
ballots enabling them to be examined and counted by automatic 46001

tabulating equipment. 46002

(B) "Ballot" means the official election presentation of 46003  
offices and candidates, including write-in candidates, and of 46004  
questions and issues, and the means by which votes are recorded. 46005

(C) "Automatic tabulating equipment" means a machine or 46006  
electronic device, or interconnected or interrelated machines or 46007  
electronic devices, that will automatically examine and count 46008  
votes recorded on ballots. Automatic tabulating equipment may 46009  
allow for the voter's selections to be indicated by marks made on 46010  
a paper record by an electronic marking device. 46011

(D) "Central counting station" means a location, or one of a 46012  
number of locations, designated by the board of elections for the 46013  
automatic examining, sorting, or counting of ballots. 46014

(E) "Voting machines" means mechanical or electronic 46015  
equipment for the direct recording and tabulation of votes. 46016

(F) "Direct recording electronic voting machine" means a 46017  
voting machine that records votes by means of a ballot display 46018  
provided with mechanical or electro-optical components that can be 46019  
actuated by the voter, that processes the data by means of a 46020  
computer program, and that records voting data and ballot images 46021  
in internal or external memory components. A "direct recording 46022  
electronic voting machine" produces a tabulation of the voting 46023  
data stored in a removable memory component and in printed copy. 46024  
"Direct recording electronic voting machine" does not include a 46025  
voting machine that captures votes by means of a ballot display 46026  
but that transfers those votes onto an optical scan ballot or 46027  
other paper record for tabulation. 46028

(G) "Help America Vote Act of 2002" means the "Help America 46029  
Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666. 46030

(H) "Voter verified paper audit trail" means a physical paper 46031  
printout on which the voter's ballot choices, as registered by a 46032

direct recording electronic voting machine, are recorded. The 46033  
voter shall be permitted to visually or audibly inspect the 46034  
contents of the physical paper printout. The physical paper 46035  
printout shall be securely retained at the polling place until the 46036  
close of the polls on the day of the election; the secretary of 46037  
state shall adopt rules under Chapter 119. of the Revised Code 46038  
specifying the manner of storing the physical paper printout at 46039  
the polling place. After the physical paper printout is produced, 46040  
but before the voter's ballot is recorded, the voter shall have an 46041  
opportunity to accept or reject the contents of the printout as 46042  
matching the voter's ballot choices. If a voter rejects the 46043  
contents of the physical paper printout, the system that produces 46044  
the voter verified paper audit trail shall invalidate the printout 46045  
and permit the voter to recast the voter's ballot. On and after 46046  
the first federal election that occurs after January 1, 2006, 46047  
unless required sooner by the Help America Vote Act of 2002, any 46048  
system that produces a voter verified paper audit trail shall be 46049  
accessible to disabled voters, including visually impaired voters, 46050  
in the same manner as the direct recording electronic voting 46051  
machine that produces it. 46052

**Sec. 3506.06.** No marking device shall be approved by the 46053  
board of voting machine examiners or certified by the secretary of 46054  
state, or be purchased, rented, or otherwise acquired, or used, 46055  
unless it fulfills the following requirements: 46056

(A) It shall permit and require voting in absolute secrecy, 46057  
and shall be so constructed that no person can see or know for 46058  
whom any other elector has voted or is voting, except an elector 46059  
who is assisting a voter as prescribed by section 3505.24 of the 46060  
Revised Code. 46061

(B) It shall permit each elector to vote at any election for 46062  
all persons and offices for whom and for which the elector is 46063

lawfully entitled to vote, whether or not the name of any such 46064  
person appears on a ballot as a candidate; to vote for as many 46065  
persons for an office as the elector is entitled to vote for; and 46066  
to vote for or against any question upon which the elector is 46067  
entitled to vote. 46068

(C) It shall permit each elector to write in the names of 46069  
persons for whom the elector desires to vote, whose names do not 46070  
appear upon the ballot, if such write-in candidates are permitted 46071  
by law. 46072

(D) It shall permit each elector, at all presidential 46073  
elections, by one ~~punch~~ or mark to vote for candidates of one 46074  
party for president, vice president, and presidential electors. 46075

(E) It shall be durably constructed of material of good 46076  
quality in a neat and workerlike manner, and in form that shall 46077  
make it safely transportable. 46078

(F) It shall be so constructed that a voter may readily learn 46079  
the method of operating it and may expeditiously cast the voter's 46080  
vote for all candidates of the voter's choice. 46081

(G) It shall not provide to a voter any type of receipt or 46082  
voter confirmation that the voter legally may retain after leaving 46083  
the polling place. 46084

**Sec. 3506.07.** No automatic tabulating equipment shall be 46085  
approved by the board of voting machine examiners or certified by 46086  
the secretary of state, or be purchased, rented, or otherwise 46087  
acquired, or used, unless it has been or is capable of being 46088  
manufactured for use and distribution beyond a prototype and can 46089  
be set by election officials, to examine ballots and to count 46090  
votes accurately for each candidate, question, and issue, 46091  
excluding any ballots ~~punched~~ or marked contrary to the 46092  
instructions printed on such ballots, provided that such equipment 46093

shall not be required to count write-in votes or the votes on any 46094  
ballots that have been voted other than at the regular polling 46095  
place on election day. 46096

**Sec. 3513.02.** ~~(A)(1) If, in any odd numbered year, no valid~~ 46097  
~~declaration of candidacy person is filed for nomination certified~~ 46098  
as a candidate for the nomination of a political party for 46099  
~~election to any of the offices~~ an office to be voted for at ~~the a~~ 46100  
general election ~~to be held in such year,~~ or if the number of 46101  
persons ~~filing such declarations of candidacy for nominations~~ 46102  
certified as candidates for the nomination of ~~one that~~ political 46103  
party for ~~election to such offices~~ that office does not exceed, ~~as~~ 46104  
~~to any such office,~~ the number of candidates ~~which such~~ that 46105  
political party is entitled to nominate as its candidates for 46106  
~~election to such~~ that office, then no primary election shall be 46107  
held for the purpose of nominating party candidates of ~~such~~ that 46108  
party for ~~election to offices to be voted for at such general~~ 46109  
~~election and no primary ballots shall be provided for such party~~ 46110  
that office. If, however, the only office for which there are more 46111  
~~valid declarations of candidacy filed~~ certified candidates than 46112  
the number to be nominated by a political party, ~~is the office of~~ 46113  
councilperson in a ward, a primary election shall be held for ~~such~~ 46114  
that party for that office only in the ward or wards in which 46115  
there is a contest, and only the names of the candidates for the 46116  
office of councilperson in ~~such~~ that ward shall appear on the 46117  
primary ballot of ~~such~~ that political party. 46118

~~The~~ (2) If the number of persons certified as candidates for 46119  
the nomination of a political party for an office does not exceed 46120  
the number of candidates the political party is entitled to 46121  
nominate as its candidates for that office, then the election 46122  
officials whose duty it would have been to ~~provide for and conduct~~ 46123  
~~the holding of such primary election, declare the results thereof,~~ 46124  
~~and~~ issue certificates of nomination to the persons ~~entitled~~ 46125

~~thereto if such~~ nominated at the primary election had been held 46126  
shall declare each of ~~such~~ those persons to be nominated as of the 46127  
date of the ~~ninetieth~~ sixty-fifth day before the primary election, 46128  
issue appropriate certificates of nomination to each of them, and 46129  
certify their names to the proper election officials, in order 46130  
that their names may be printed on the official ballots provided 46131  
for use in the succeeding general election in the same manner as 46132  
though ~~such~~ the primary election had been held and ~~such~~ those 46133  
persons had been nominated at ~~such~~ the election. 46134

(B) If the number of persons certified as candidates for the 46135  
nomination of a political party for an office exceeds the number 46136  
of candidates the political party is entitled to nominate as its 46137  
candidates for that office and one or more candidates die, 46138  
withdraw, or are disqualified before the day of the primary 46139  
election, such that the number of candidates no longer exceeds the 46140  
number of candidates that the political party is entitled to 46141  
nominate as its candidates for that office, and the vacancy or 46142  
vacancies are not filled under division (F) of section 3513.052 of 46143  
the Revised Code, then all of the following apply: 46144

(1) No primary election shall be held for the purpose of 46145  
nominating party candidates of that party for that office. 46146

(2) If the ballots for that election have already been 46147  
prepared and primary election is to be held for that party for the 46148  
purpose of nominating or electing candidates for other offices, 46149  
the board of elections shall not remove the names of the 46150  
candidates from the ballots. The board of elections shall post a 46151  
notice at each polling place on the day of the election that no 46152  
primary is being held for the purpose of nominating party 46153  
candidates of that party for that office and that votes for those 46154  
candidates will be void and will not be counted. The board also 46155  
shall enclose a copy of that notice with each absent voter's 46156  
ballot given or mailed after all but one candidate has died, 46157

withdrawn, or been disqualified. Any votes for those candidates 46158  
are void and shall not be counted. 46159

(3) The election officials whose duty it would have been to 46160  
issue certificates of nomination to the persons nominated at the 46161  
primary election shall declare the remaining candidate or 46162  
candidates to be nominated as of the date of the primary election, 46163  
issue appropriate certificates of nomination to each of them, and 46164  
certify their names to the proper election officials, in order 46165  
that their names may be printed on the official ballots provided 46166  
for use in the succeeding general election in the same manner as 46167  
though the primary election had been held and those persons had 46168  
been nominated at that election. 46169

**Sec. 3513.30.** (A)(1) ~~If only one valid declaration of~~ 46170  
~~candidacy is filed for nomination~~ the number of persons certified 46171  
~~as a candidate~~ candidates for the nomination of a political party 46172  
for an office does not exceed the number of candidates that 46173  
political party is entitled to nominate as its candidates for that 46174  
office and that candidate dies one or more candidates die, 46175  
withdraw, or are disqualified prior to the tenth day before the 46176  
primary election, both of the following may occur: 46177

(a) The political party whose candidate died, withdrew, or 46178  
was disqualified may fill the vacancy so created as provided in 46179  
division (A)(2) of this section. 46180

(b) Any major political party other than the one whose 46181  
candidate died, withdrew, or was disqualified may select a 46182  
candidate as provided in division (A)(2) of this section under 46183  
either of the following circumstances: 46184

(i) No person ~~has filed a valid declaration of candidacy for~~ 46185  
~~nomination~~ is certified as that party's a candidate at the primary 46186  
election for that party's nomination for that office. 46187



(ii) ~~Only one person has filed a valid declaration of~~ 46188  
~~candidacy for nomination~~ The number of persons certified as that 46189  
~~party's candidate at the primary election~~ candidates for that 46190  
~~party's nomination for that office does not exceed the number of~~ 46191  
~~candidates that political party is entitled to nominate as its~~ 46192  
~~candidates for that office, that person has one or more candidates~~ 46193  
have withdrawn, died, or been disqualified under section 3513.052 46194  
of the Revised Code, and the vacancy or vacancies so created ~~has~~ 46195  
have not been filled. 46196

(2) A vacancy may be filled under division (A)(1)(a) and a 46197  
selection may be made under division (A)(1)(b) of this section by 46198  
the appropriate committee of the political party in the same 46199  
manner as provided in divisions (A) to (E) of section 3513.31 of 46200  
the Revised Code for the filling of similar vacancies created by 46201  
withdrawals or disqualifications under section 3513.052 of the 46202  
Revised Code after the primary election, except that the 46203  
certification required under that section may not be filed with 46204  
the secretary of state, or with a board of the most populous 46205  
county of a district, or with the board of a county in which the 46206  
major portion of the population of a subdivision is located, later 46207  
than four p.m. of the tenth day before the day of such primary 46208  
election, or with any other board later than four p.m. of the 46209  
fifth day before the day of such primary election. 46210

(3) ~~If only one valid declaration of candidacy is filed for~~ 46211  
~~nomination~~ the number of persons certified as a candidate 46212  
candidates for the nomination of a political party for an office 46213  
does not exceed the number of candidates that political party is 46214  
entitled to nominate as its candidates for that office and ~~that~~ 46215  
~~candidate dies~~ one or more candidates die, withdraw, or are 46216  
disqualified on or after the tenth day before the day of the 46217  
primary election, ~~that~~ each such candidate is considered to have 46218  
received the nomination of that candidate's political party at 46219

that primary election, and, for purposes of filling the vacancy so  
created, that candidate's death, withdrawal, or disqualification  
shall be treated as if ~~that candidate died~~ it occurred on the day  
after the day of the primary election.

(B) Any ~~person filing a declaration of candidacy~~ candidate  
for the nomination of a political party for an office may withdraw  
as such candidate at any time prior to the primary election. The  
withdrawal shall be effected and the statement of withdrawal shall  
be filed in accordance with the procedures prescribed in division  
(D) of this section for the withdrawal of persons nominated in a  
primary election or by nominating petition.

(C) A person who is the first choice for president of the  
United States by a candidate for delegate or alternate to a  
national convention of a political party may withdraw consent for  
the selection of the person as such first choice no later than  
four p.m. of the fortieth day before the day of the presidential  
primary election. Withdrawal of consent shall be for the entire  
slate of candidates for delegates and alternates who named such  
person as their presidential first choice and shall constitute  
withdrawal from the primary election by such delegates and  
alternates. The withdrawal shall be made in writing and delivered  
to the secretary of state. If the withdrawal is delivered to the  
secretary of state on or before the seventieth day before the day  
of the primary election, the boards of elections shall remove both  
the name of the withdrawn first choice and the names of such  
withdrawn candidates from the ballots according to the directions  
of the secretary of state. If the withdrawal is delivered to the  
secretary of state after the seventieth day before the day of the  
primary election, the board of elections shall not remove the name  
of the withdrawn first choice and the names of the withdrawn  
candidates from the ballots. The board of elections shall post a  
notice at each polling location on the day of the primary

election, and shall enclose with each absent voter's ballot given 46252  
or mailed after the candidate withdraws, a notice that votes for 46253  
the withdrawn first choice or the withdrawn candidates will be 46254  
void and will not be counted. If such names are not removed from 46255  
all ballots before the day of the election, the votes for the 46256  
withdrawn first choice or the withdrawn candidates are void and 46257  
shall not be counted. 46258

(D) Any person nominated in a primary election or by 46259  
nominating petition as a candidate for election at the next 46260  
general election may withdraw as such candidate at any time prior 46261  
to the general election. Such withdrawal may be effected by the 46262  
filing of a written statement by such candidate announcing the 46263  
candidate's withdrawal and requesting that the candidate's name 46264  
not be printed on the ballots. If such candidate's declaration of 46265  
candidacy or nominating petition was filed with the secretary of 46266  
state, the candidate's statement of withdrawal shall be addressed 46267  
to and filed with the secretary of state. If such candidate's 46268  
declaration of candidacy or nominating petition was filed with a 46269  
board of elections, the candidate's statement of withdrawal shall 46270  
be addressed to and filed with such board. 46271

(E) When a person withdraws under division (B) or (D) of this 46272  
section on or before the seventieth day before the day of the 46273  
primary election or the general election, the board of elections 46274  
shall remove the name of the withdrawn candidate from the ballots 46275  
according to the directions of the secretary of state. When a 46276  
person withdraws under division (B) or (D) of this section after 46277  
the seventieth day before the day of the primary election or the 46278  
general election, the board of elections shall not remove the name 46279  
of the withdrawn candidate from the ballots. The board of 46280  
elections shall post a notice at each polling place on the day of 46281  
the election, and shall enclose with each absent voter's ballot 46282  
given or mailed after the candidate withdraws, a notice that votes 46283

for the withdrawn candidate will be void and will not be counted. 46284  
If the name is not removed from all ballots before the day of the 46285  
election, the votes for the withdrawn candidate are void and shall 46286  
not be counted. 46287

**Sec. 3513.301.** (A) Notwithstanding section 3513.30 of the 46288  
Revised Code and except as otherwise provided in division (B)(2) 46289  
of this section, if only one person has filed a valid declaration 46290  
of candidacy for nomination as the candidate of a political party 46291  
for the office of representative to congress and that person 46292  
withdraws as a candidate or dies at any time before the primary 46293  
election, a special election shall be held under division (B)(1) 46294  
of this section as soon as reasonably practicable to nominate the 46295  
following: 46296

(1) That party's candidate for congress; 46297

(2) The candidate for congress of any other major political 46298  
party under either of the following circumstances: 46299

(a) No person has filed a valid declaration of candidacy for 46300  
nomination as that party's candidate at the primary election. 46301

(b) Only one person has filed a valid declaration of 46302  
candidacy for nomination as that party's candidate at the primary 46303  
election, that person has withdrawn or died, and the vacancy so 46304  
created has not been filled. 46305

(B) ~~The~~ (1) Except as otherwise provided in division (B)(2) 46306  
of this section, the boards of elections of all the counties 46307  
contained in whole or in part within the congressional district 46308  
for which a special election is being held under this section 46309  
shall, ~~as soon as reasonably practicable,~~ conduct the special 46310  
election on a date designated by the secretary of state and give 46311  
notice of the time and places of holding the election as provided 46312  
in section 3501.03 of the Revised Code. The election shall be held 46313

and conducted and returns of it made as in the case of a primary 46314  
election, except that the secretary of state shall designate the 46315  
deadline to file a declaration of candidacy or a declaration of 46316  
intent to be a write-in candidate for the election. 46317

(2) If, for each nomination to be made at the special 46318  
election to be held under division (B)(1) of this section, only 46319  
one person has filed a valid declaration of candidacy or no person 46320  
has filed a valid declaration of candidacy, then no special 46321  
election shall be held. If no special election is held, then for 46322  
each nomination for which only one person has filed a valid 46323  
declaration of candidacy, the board of elections of the most 46324  
populous county of the congressional district shall certify the 46325  
person's name to the secretary of state, the secretary of state 46326  
shall issue a certificate of nomination to the person, and the 46327  
person's name shall appear on the ballot as that party's candidate 46328  
at the general election. 46329

(C) The state shall pay all costs of any special election 46330  
held under this section. 46331

**Sec. 3513.312.** (A) Notwithstanding section 3513.31 of the 46332  
Revised Code, if a person nominated in a primary election or 46333  
nominated by petition under section 3517.012 of the Revised Code 46334  
as a party candidate for the office of representative to congress 46335  
for election at the next general election withdraws as such 46336  
candidate prior to the ninetieth day before the day of such 46337  
general election, or dies prior to the ninetieth day before the 46338  
day of such general election, the vacancy in the party nomination 46339  
so created shall be filled ~~by a special election held in~~ 46340  
accordance with division (B)(1) of this section as soon as 46341  
reasonably practicable. 46342

(B) ~~The~~ (1) Except as otherwise provided in division (B)(2) 46343  
of this section, the boards of elections of all the counties 46344

contained in whole or in part within the congressional district in 46345  
which a vacancy occurs as described in division (A) of this 46346  
section shall, ~~as soon as reasonably practicable,~~ conduct the 46347  
special election on a date designated by the secretary of state 46348  
and give notice of the time and places of holding such election as 46349  
provided in section 3501.03 of the Revised Code. Such election 46350  
shall be held and conducted and returns thereof made as in the 46351  
case of a primary election, except that the secretary of state 46352  
shall designate the deadline to file a declaration of candidacy or 46353  
a declaration of intent to be a write-in candidate for the 46354  
election. 46355

(2) If only one person has filed a valid declaration of 46356  
candidacy for the special election to be held under division 46357  
(B)(1) of this section, or if no person has filed a valid 46358  
declaration of candidacy, then no special election shall be held. 46359  
If one person has filed a valid declaration of candidacy, the 46360  
board of elections of the most populous county of the 46361  
congressional district shall certify the person's name to the 46362  
secretary of state, the secretary of state shall issue a 46363  
certificate of nomination to the person, and the person's name 46364  
shall appear on the ballot as that party's candidate at the 46365  
general election. 46366

(C) The state shall pay all costs of any special election 46367  
held pursuant to this section. 46368

**Sec. 3517.17.** (A) (1) At the beginning of each calendar 46369  
quarter, after the costs of audits are deducted under division 46370  
(B)(1) of section 3517.16 of the Revised Code, the tax 46371  
commissioner shall ~~divide~~ distribute any remaining moneys that 46372  
have accrued in the Ohio political party fund during the previous 46373  
quarter ~~equally among all qualified political parties in the~~ 46374  
~~following manner. Of the public moneys to which a party is~~ 46375

entitled: 46376

~~(1) One half shall be paid to the treasurer of the state executive committee of the party. Along with the distribution, the commissioner shall provide a list of amounts to be allocated to each county executive committee, which shall be determined by multiplying one-half of the total distribution by the ratio that the number of checkoffs in each county bears to the total number of checkoffs.~~ 46377  
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~~(2) One half shall be distributed Upon receiving a distribution of funds under division (A)(1) of this section, the treasurer of the state executive committee of the party shall distribute, from one-half of the received distribution of funds, an amount to the treasurer of each county executive committee of the various counties in accordance with the ratio that the number of checkoffs in each county bears to the total number of checkoffs, as determined list provided by the tax commissioner.~~ 46384  
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Each party treasurer receiving public moneys from the Ohio political party fund shall deposit those moneys into the party's restricted fund created under section 3517.1012 of the Revised Code, shall expend and maintain those moneys subject to the requirements of that section and section 3517.18 of the Revised Code, and shall file deposit and disbursement statements as required by division (B) of section 3517.1012 of the Revised Code. The auditor of state shall annually audit the deposit and disbursement statements of the state committee of a political party that is eligible to receive public moneys collected during the previous year, to ascertain that all moneys in the party's restricted fund are expended in accordance with law. The auditor of state shall audit the deposit and disbursement statements of each county committee of such a political party to ascertain that all moneys in the party's restricted fund are expended in accordance with law at the time of the public office audit of that 46392  
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county under Chapter 117. of the Revised Code. 46408

(B) Only major political parties, as defined in section 46409  
3501.01 of the Revised Code, may apply for public moneys from the 46410  
Ohio political party fund. At the end of each even-numbered 46411  
calendar year, the secretary of state shall announce the names of 46412  
all such political parties, indicating that they may apply to 46413  
receive such moneys during the ensuing two years. Any political 46414  
party named at this time may, not later than the last day of 46415  
January of the ensuing odd-numbered year, make application with 46416  
the tax commissioner to receive public moneys. A political party 46417  
that fails to make a timely application shall not receive public 46418  
moneys during that two-year period. The tax commissioner shall 46419  
prescribe an appropriate application form. Moneys from the fund 46420  
shall be provided during the appropriate two-year period to each 46421  
political party that makes a timely application in accordance with 46422  
this division. 46423

**Sec. 3701.021.** (A) The director of health shall adopt, in 46424  
accordance with Chapter 119. of the Revised Code, such rules as 46425  
are necessary to carry out sections 3701.021 to 3701.0210 of the 46426  
Revised Code, including, but not limited to, rules to establish 46427  
the following: 46428

(1) Medical and financial eligibility requirements for the 46429  
program for medically handicapped children; 46430

(2) ~~Eligibility~~ Subject to division (C) of this section, 46431  
eligibility requirements for providers ~~of~~ who provide goods and 46432  
services for the program for medically handicapped children; 46433

(3) Procedures to be followed by the department of health in 46434  
disqualifying providers for violating requirements adopted under 46435  
division (A)(2) of this section; 46436

(4) Procedures to be used by the department regarding 46437



application for diagnostic services under division (B) of section 46438  
3701.023 of the Revised Code and payment for those services under 46439  
division (E) of that section; 46440

(5) Standards for the provision of service coordination by 46441  
the department of health and city and general health districts; 46442

(6) Procedures for the department to use to determine the 46443  
amount to be paid annually by each county for services for 46444  
medically handicapped children and to allow counties to retain 46445  
funds under divisions (A)(2) and (3) of section 3701.024 of the 46446  
Revised Code; 46447

(7) Financial eligibility requirements for services for Ohio 46448  
residents twenty-one years of age or older who have cystic 46449  
fibrosis; 46450

(8) Criteria for payment of approved providers who provide 46451  
goods and services for medically handicapped children; 46452

(9) Criteria for the department to use in determining whether 46453  
the payment of health insurance premiums of participants in the 46454  
program for medically handicapped children is cost-effective; 46455

(10) Procedures for appeal of denials of applications under 46456  
divisions (A) and (D) of section 3701.023 of the Revised Code, 46457  
disqualification of providers, and amounts paid for services; 46458

(11) Terms of appointment for members of the medically 46459  
handicapped children's medical advisory council created in section 46460  
3701.025 of the Revised Code; 46461

(12) Eligibility requirements for the hemophilia program, 46462  
including income and hardship requirements; 46463

(13) If a manufacturer discount program is established under 46464  
division (J)(1) of section 3701.023 of the Revised Code, 46465  
procedures for administering the program, including criteria and 46466  
other requirements for participation in the program by 46467

manufacturers of drugs and nutritional formulas. 46468

(B) The department of health shall develop a manual of 46469  
operational procedures and guidelines for the program for 46470  
medically handicapped children to implement sections 3701.021 to 46471  
3701.0210 of the Revised Code. 46472

(C) A medicaid provider, as defined in section 5164.01 of the 46473  
Revised Code, is eligible to be a provider of the same goods and 46474  
services for the program for medically handicapped children that 46475  
the provider is approved to provide for the medicaid program and 46476  
the director shall approve such a provider for participation in 46477  
the program for medically handicapped children. 46478

**Sec. 3701.12.** (A) As used in this section: 46479

(1) "Third party" means any person or government entity other 46480  
than the department of health or a program administered by the 46481  
department. 46482

(2) "Third party benefits" means any and all benefits paid by 46483  
a third party to or on behalf of an individual or the individual's 46484  
parent or guardian for goods or services the individual has 46485  
received from the department of health or a grantee or contractor 46486  
of the department. 46487

(B) Except as provided in division (C) of this section, the 46488  
department of health shall not, on or after January 1, 2018, pay 46489  
for goods or services that are payable through third party 46490  
benefits. 46491

(C) The prohibition in division (B) of this section does not 46492  
apply when expressly contrary to another provision of the Revised 46493  
Code or when, as determined by the director of health, department 46494  
of health funds are required to mitigate the spread of infectious 46495  
disease or are needed for exceptional circumstances. 46496

Sec. 3701.144. (A) As used in this section, "cost sharing" has the same meaning as in section 3923.85 of the Revised Code. 46497  
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(B) The department of health shall administer the state's participation in the national breast and cervical cancer early detection program (NBCCEDP), which shall be known as the Ohio breast and cervical cancer project. The project shall be administered in accordance with Title XV of the "Public Health Service Act," 42 U.S.C. 300k et seq., and the department's NBCCEDP grant agreement with the United States centers for disease control and prevention. 46499  
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(C) In administering the project, the department shall set eligibility requirements for services provided through the project as follows: 46507  
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(1) The woman must have countable family income not exceeding two hundred fifty per cent of the federal poverty line. 46510  
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(2) One of the following must be the case: 46512

(a) The woman is not covered by health insurance. 46513

(b) The woman is covered by health insurance that does not include the screening or diagnostic services the woman seeks through the project. 46514  
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(c) The woman is covered by health insurance that imposes cost sharing for the screening or diagnostic services the woman seeks through the project that exceeds the limit specified by the director of health in rules adopted under division (D) of this section. 46517  
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(3) In the case of a woman seeking cervical cancer screening and diagnostic services through the project, the woman must be at least twenty-one and less than sixty-five years of age. 46522  
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(4) In the case of a woman seeking breast cancer screening and diagnostic services through the project, either of the 46525  
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following must be the case: 46527

(a) The woman is at least forty and less than sixty-five years of age. 46528  
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(b) The woman is at least twenty-five and less than forty years of age and has been determined by a physician to need breast cancer screening and diagnostic services due to the results of a clinical breast examination, the woman's family history, or other factors. 46530  
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(D) The director shall adopt rules for purposes of division (C)(2)(c) of this section specifying the cost sharing limit for each screening and diagnostic service that may be obtained through the project. The director may adopt other rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 46535  
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**Sec. 3701.243.** (A) Except as provided in this section or section 3701.248 of the Revised Code, no person or agency of state or local government that acquires the information while providing any health care service or while in the employ of a health care facility or health care provider shall disclose or compel another to disclose any of the following: 46541  
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(1) The identity of any individual on whom an HIV test is performed; 46547  
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(2) The results of an HIV test in a form that identifies the individual tested; 46549  
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(3) The identity of any individual diagnosed as having AIDS or an AIDS-related condition. 46551  
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(B)(1) Except as provided in divisions (B)(2), (C), (D), and (F) of this section, the results of an HIV test or the identity of an individual on whom an HIV test is performed or who is diagnosed as having AIDS or an AIDS-related condition may be disclosed only 46553  
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to the following: 46557

(a) The individual who was tested or the individual's legal guardian, and the individual's spouse or any sexual partner; 46558  
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(b) A person to whom disclosure is authorized by a written release, executed by the individual tested or by the individual's legal guardian and specifying to whom disclosure of the test results or diagnosis is authorized and the time period during which the release is to be effective; 46560  
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(c) ~~The individual's~~ Any physician who treats the individual; 46565

(d) The department of health or a health commissioner to which reports are made under section 3701.24 of the Revised Code; 46566  
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(e) A health care facility or provider that procures, processes, distributes, or uses a human body part from a deceased individual, donated for a purpose specified in Chapter 2108. of the Revised Code, and that needs medical information about the deceased individual to ensure that the body part is medically acceptable for its intended purpose; 46568  
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(f) Health care facility staff committees or accreditation or oversight review organizations conducting program monitoring, program evaluation, or service reviews; 46574  
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(g) A health care provider, emergency medical services worker, or peace officer who sustained a significant exposure to the body fluids of another individual, if that individual was tested pursuant to division (E)(6) of section 3701.242 of the Revised Code, except that the identity of the individual tested shall not be revealed; 46577  
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(h) To law enforcement authorities pursuant to a search warrant or a subpoena issued by or at the request of a grand jury, a prosecuting attorney, a city director of law or similar chief legal officer of a municipal corporation, or a village solicitor, 46583  
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in connection with a criminal investigation or prosecution. 46587

(2) The results of an HIV test or a diagnosis of AIDS or an 46588  
AIDS-related condition may be disclosed to a health care provider, 46589  
or an authorized agent or employee of a health care facility or a 46590  
health care provider, if the provider, agent, or employee has a 46591  
medical need to know the information and is participating in the 46592  
diagnosis, care, or treatment of the individual on whom the test 46593  
was performed or who has been diagnosed as having AIDS or an 46594  
AIDS-related condition. 46595

This division does not impose a standard of disclosure 46596  
different from the standard for disclosure of all other specific 46597  
information about a patient to health care providers and 46598  
facilities. Disclosure may not be requested or made solely for the 46599  
purpose of identifying an individual who has a positive HIV test 46600  
result or has been diagnosed as having AIDS or an AIDS-related 46601  
condition in order to refuse to treat the individual. Referral of 46602  
an individual to another health care provider or facility based on 46603  
reasonable professional judgment does not constitute refusal to 46604  
treat the individual. 46605

(3) Not later than ninety days after November 1, 1989, each 46606  
health care facility in this state shall establish a protocol to 46607  
be followed by employees and individuals affiliated with the 46608  
facility in making disclosures authorized by division (B)(2) of 46609  
this section. A person employed by or affiliated with a health 46610  
care facility who determines in accordance with the protocol 46611  
established by the facility that a disclosure is authorized by 46612  
division (B)(2) of this section is immune from liability to any 46613  
person in a civil action for damages for injury, death, or loss to 46614  
person or property resulting from the disclosure. 46615

(C)(1) Any person or government agency may seek access to or 46616  
authority to disclose the HIV test records of an individual in 46617  
accordance with the following provisions: 46618

(a) The person or government agency shall bring an action in a court of common pleas requesting disclosure of or authority to disclose the results of an HIV test of a specific individual, who shall be identified in the complaint by a pseudonym but whose name shall be communicated to the court confidentially, pursuant to a court order restricting the use of the name. The court shall provide the individual with notice and an opportunity to participate in the proceedings if the individual is not named as a party. Proceedings shall be conducted in chambers unless the individual agrees to a hearing in open court.

(b) The court may issue an order granting the plaintiff access to or authority to disclose the test results only if the court finds by clear and convincing evidence that the plaintiff has demonstrated a compelling need for disclosure of the information that cannot be accommodated by other means. In assessing compelling need, the court shall weigh the need for disclosure against the privacy right of the individual tested and against any disservice to the public interest that might result from the disclosure, such as discrimination against the individual or the deterrence of others from being tested.

(c) If the court issues an order, it shall guard against unauthorized disclosure by specifying the persons who may have access to the information, the purposes for which the information shall be used, and prohibitions against future disclosure.

(2) A person or government agency that considers it necessary to disclose the results of an HIV test of a specific individual in an action in which it is a party may seek authority for the disclosure by filing an in camera motion with the court in which the action is being heard. In hearing the motion, the court shall employ procedures for confidentiality similar to those specified in division (C)(1) of this section. The court shall grant the motion only if it finds by clear and convincing evidence that a

compelling need for the disclosure has been demonstrated. 46651

(3) Except for an order issued in a criminal prosecution or 46652  
an order under division (C)(1) or (2) of this section granting 46653  
disclosure of the result of an HIV test of a specific individual, 46654  
a court shall not compel a blood bank, hospital blood center, or 46655  
blood collection facility to disclose the result of HIV tests 46656  
performed on the blood of voluntary donors in a way that reveals 46657  
the identity of any donor. 46658

(4) In a civil action in which the plaintiff seeks to recover 46659  
damages from an individual defendant based on an allegation that 46660  
the plaintiff contracted the HIV virus as a result of actions of 46661  
the defendant, the prohibitions against disclosure in this section 46662  
do not bar discovery of the results of any HIV test given to the 46663  
defendant or any diagnosis that the defendant suffers from AIDS or 46664  
an AIDS-related condition. 46665

(D) The results of an HIV test or the identity of an 46666  
individual on whom an HIV test is performed or who is diagnosed as 46667  
having AIDS or an AIDS-related condition may be disclosed to a 46668  
federal, state, or local government agency, or the official 46669  
representative of such an agency, for purposes of the medicaid 46670  
program, the medicare program, or any other public assistance 46671  
program. 46672

(E) Any disclosure pursuant to this section shall be in 46673  
writing and accompanied by a written statement that includes the 46674  
following or substantially similar language: "This information has 46675  
been disclosed to you from confidential records protected from 46676  
disclosure by state law. You shall make no further disclosure of 46677  
this information without the specific, written, and informed 46678  
release of the individual to whom it pertains, or as otherwise 46679  
permitted by state law. A general authorization for the release of 46680  
medical or other information is not sufficient for the purpose of 46681  
the release of HIV test results or diagnoses." 46682



(F) An individual who knows that the individual has received 46683  
a positive result on an HIV test or has been diagnosed as having 46684  
AIDS or an AIDS-related condition shall disclose this information 46685  
to any other person with whom the individual intends to make 46686  
common use of a hypodermic needle or engage in sexual conduct as 46687  
defined in section 2907.01 of the Revised Code. An individual's 46688  
compliance with this division does not prohibit a prosecution of 46689  
the individual for a violation of division (B) of section 2903.11 46690  
of the Revised Code. 46691

(G) Nothing in this section prohibits the introduction of 46692  
evidence concerning an HIV test of a specific individual in a 46693  
criminal proceeding. 46694

**Sec. 3701.601.** There is hereby created in the state treasury 46695  
the breast and cervical cancer project income tax contribution 46696  
fund, which shall consist of money contributed to it under section 46697  
5747.113 of the Revised Code and of contributions made directly to 46698  
it. Any person may contribute directly to the fund in addition to 46699  
or independently of the income tax refund contribution system 46700  
established in section 5747.113 of the Revised Code. 46701

The director of health shall distribute the contributed funds 46702  
to the Ohio breast and cervical cancer project ~~funded by the~~ 46703  
~~national breast and cervical cancer early detection program~~ 46704  
~~established under the "Breast and Cervical Cancer Mortality~~ 46705  
~~Prevention Act of 1990," 104 Stat. 409, 42 U.S.C. 300k et seq.~~ 46706  
administered under section 3701.144 of the Revised Code. The 46707  
contributed funds shall be used specifically for the provision of 46708  
breast and cervical cancer screening, diagnostic, and outreach 46709  
services to uninsured and under-insured women who meet the 46710  
eligibility requirements specified in that section. The breast and 46711  
cervical cancer project, through its regional agencies, shall 46712  
~~first~~ use the contributed funds to pay for services provided 46713

directly by personnel of local departments of health, federally 46714  
qualified health centers as defined by section 3701.047 of the 46715  
Revised Code, or other community health centers. ~~If contributed 46716  
funds remain after a regional agency pays for all screening,  
diagnostic, and outreach services provided by local departments of 46717  
health, federally qualified health centers, or other community 46718  
health centers, the regional agency may use contributed funds to 46719  
pay for services provided by other providers.~~ 46720  
46721

**Sec. 3701.611.** (A) Not later than six months after ~~the 46722  
effective date of this section~~ April 6, 2017, the department of 46723  
health and the department of developmental disabilities shall 46724  
create a central intake and referral system for the state's part C 46725  
early intervention services program and all home visiting programs 46726  
operating in this state. The system shall comply with all 46727  
regulations governing the part C early intervention program for 46728  
infants and toddlers with disabilities that are promulgated under 46729  
the "Individuals with Disabilities Education Act of 1997," 20 46730  
U.S.C. 1400, as amended. Through a competitive bidding process, 46731  
the department of health and department of developmental 46732  
disabilities may select one or more persons or government entities 46733  
to operate the system. 46734

(B) If the department of health and department of 46735  
developmental disabilities choose to select one or more system 46736  
operators as described in division (A) of this section, a contract 46737  
with any system operator shall require that the system do both of 46738  
the following: 46739

(1) Serve as a single point of entry for access, assessment, 46740  
and referral of families to appropriate home visiting services and 46741  
part C early intervention services based on each family's location 46742  
of residence; 46743

(2) Use a standardized form or other mechanism to assess for 46744

each family member's risk factors and social determinants of 46745  
health, as well as ensure that the family is referred to the 46746  
appropriate home visiting or part C early intervention program or 46747  
service. 46748

(C) The standardized form or other mechanism described in 46749  
division (B)(2) of this section shall be agreed to by the home 46750  
visiting consortium created under section 3701.612 of the Revised 46751  
Code and the early intervention services advisory council created 46752  
under section 5123.0422 of the Revised Code. 46753

~~If the Ohio home visiting consortium created under section 46754  
3701.612 of the Revised Code has recommended a standardized form 46755  
or other mechanism for this purpose, the contract may require the 46756  
use of that form or other mechanism.~~ 46757

(D) A contract entered into under division (B) of this 46758  
section shall require a system operator to issue an annual report 46759  
to the department of health and department of developmental 46760  
disabilities that includes data regarding referrals made by the 46761  
central intake and referral system, costs associated with the 46762  
referrals, and the quality of services received by families who 46763  
were referred to services through the system. The report shall be 46764  
distributed to the home visiting consortium created under section 46765  
3701.612 of the Revised Code and the early intervention services 46766  
advisory council created under section 5123.0422 of the Revised 46767  
Code. 46768

(E) The department of health and department of developmental 46769  
disabilities shall share any funding made available to each 46770  
department for local outreach and child find efforts after 46771  
creating the central intake and referral system described in 46772  
division (A) of this section. 46773

(F) Nothing in this section is intended to do any of the 46774  
following: 46775

(1) Prohibit the department of health or department of developmental disabilities from using alternative promotional materials or names for the central intake and referral system; 46776  
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(2) Require the use of help me grow program promotional materials or names; 46779  
46780

(3) Prohibit providers, central coordinators, the department of health, the department of developmental disabilities, or stakeholders from using the help me grow name for promotional materials for both the home visiting and part C early intervention services components. 46781  
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**Sec. 3701.65.** (A) There is hereby created in the state treasury the "choose life" fund. The fund shall consist of the contributions that are paid to the registrar of motor vehicles by applicants who voluntarily elect to obtain "choose life" license plates pursuant to section 4503.91 of the Revised Code and any money returned to the fund under division (E)(1)(d) of this section. All investment earnings of the fund shall be credited to the fund. 46786  
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(B)(1) At least annually, the director of health shall distribute the money in the fund to any private, nonprofit organization that is eligible to receive funds under this section and that applies for funding under division (C) of this section. 46794  
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(2) The director shall allocate the funds to each county in proportion to the number of "choose life" license plates issued during the preceding year to vehicles registered in each county. The director shall distribute funds allocated for a county as follows: 46798  
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(a) To one or more eligible organizations located within the county; 46803  
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(b) If no eligible organization located within the county 46805

applies for funding, to one or more eligible organizations located 46806  
in contiguous counties; 46807

(c) If no eligible organization located within the county or 46808  
a contiguous county applies for funding, to one or more eligible 46809  
organizations within any other county. 46810

(3) The director shall ensure that any funds allocated for a 46811  
county are distributed equally among eligible organizations that 46812  
apply for funding within the county. 46813

(C) Any organization seeking funds under this section 46814  
annually shall apply for distribution of the funds based on the 46815  
county in which the organization is located. An organization also 46816  
may apply for funding in a county in which it is not located if it 46817  
demonstrates that it provides services for pregnant women residing 46818  
in that county. The director shall develop an application form and 46819  
may determine the schedule and procedures that an organization 46820  
shall follow when annually applying for funds. The application 46821  
shall inform the applicant of the conditions for receiving and 46822  
using funds under division (E) of this section. The application 46823  
shall require evidence that the organization meets all of the 46824  
following requirements: 46825

(1) Is a private, nonprofit organization; 46826

(2) Is committed to counseling pregnant women about the 46827  
option of adoption; 46828

(3) Provides services within the state to pregnant women who 46829  
are planning to place their children for adoption, including 46830  
counseling and meeting the material needs of the women; 46831

(4) Does not charge women for any services received; 46832

(5) Is not involved or associated with any abortion 46833  
activities, including counseling for or referrals to abortion 46834  
clinics, providing medical abortion-related procedures, or 46835

pro-abortion advertising; 46836

(6) Does not discriminate in its provision of any services on 46837  
the basis of race, religion, color, age, marital status, national 46838  
origin, handicap, gender, or age; 46839

(7) If the organization is applying for funding in a county 46840  
in which it is not located, provides services for pregnant women 46841  
residing in that county. 46842

(D) The director shall not distribute funds to an 46843  
organization that does not provide verifiable evidence of the 46844  
requirements specified in the application under division (C) of 46845  
this section and shall not provide additional funds to any 46846  
organization that fails to comply with division (E) of this 46847  
section in regard to its previous receipt of funds under this 46848  
section. 46849

(E)(1) An organization receiving funds under this section 46850  
shall do all of the following: 46851

(a) Use not more than sixty per cent of the funds distributed 46852  
to it for the material needs of pregnant women who are planning to 46853  
place their children for adoption or for infants awaiting 46854  
placement with adoptive parents, including clothing, housing, 46855  
medical care, food, utilities, and transportation; 46856

(b) Use not more than forty per cent of the funds distributed 46857  
to it for counseling, training, or advertising; 46858

(c) Not use any of the funds distributed to it for 46859  
administrative expenses, legal expenses, or capital expenditures; 46860

(d) Annually return to the fund created under division (A) of 46861  
this section any unused money that exceeds ten per cent of the 46862  
money distributed to the organization. 46863

(2) The organization annually shall submit to the director an 46864  
audited financial statement verifying its compliance with division 46865

(E)(1) of this section. 46866

(F) The director, in accordance with Chapter 119. of the 46867  
Revised Code, shall adopt rules to implement this section. 46868

It is not the intent of the general assembly that the 46869  
department create a new position within the department to 46870  
implement and administer this section. It is the intent of the 46871  
general assembly that the implementation and administration of 46872  
this section be accomplished by existing department personnel. 46873

(G) If funds that have been allocated to a county for any 46874  
previous year have not been distributed to one or more eligible 46875  
organizations, the director may distribute those funds in 46876  
accordance with this section. 46877

**Sec. 3701.83.** There is hereby created in the state treasury 46878  
the general operations fund. Moneys in the fund shall be used for 46879  
the purposes specified in sections 3701.04, 3701.344, 3702.20, 46880  
~~3710.15~~, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 46881  
3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 46882  
3749.07, ~~4736.06~~, 4747.04, and 4769.09 of the Revised Code. 46883

**Sec. 3701.881.** (A) As used in this section: 46884

(1) "Applicant" means a person who is under final 46885  
consideration for employment with a home health agency in a 46886  
full-time, part-time, or temporary position that involves 46887  
providing direct care to an individual or is referred to a home 46888  
health agency by an employment service for such a position. 46889

(2) "Community-based long-term care provider" means a 46890  
provider as defined in section 173.39 of the Revised Code. 46891

(3) "Community-based long-term care subcontractor" means a 46892  
subcontractor as defined in section 173.38 of the Revised Code. 46893

(4) "Criminal records check" has the same meaning as in 46894

section 109.572 of the Revised Code.	46895
(5) "Direct care" means any of the following:	46896
(a) Any service identified in divisions (A)(8)(a) to (f) of this section that is provided in a patient's place of residence used as the patient's home;	46897 46898 46899
(b) Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have access to a patient's personal property or financial documents regarding a patient;	46900 46901 46902 46903
(c) For each home health agency individually, any other routine service or activity that the chief administrator of the home health agency designates as direct care.	46904 46905 46906
(6) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	46907 46908 46909
(7) "Employee" means a person employed by a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service.	46910 46911 46912 46913 46914
(8) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, hospice care program, or pediatric respite care program, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home:	46915 46916 46917 46918 46919
(a) Skilled nursing care;	46920
(b) Physical therapy;	46921
(c) Speech-language pathology;	46922
(d) Occupational therapy;	46923



(e) Medical social services;	46924
(f) Home health aide services.	46925
(9) "Home health aide services" means any of the following services provided by an employee of a home health agency:	46926 46927
(a) Hands-on bathing or assistance with a tub bath or shower;	46928
(b) Assistance with dressing, ambulation, and toileting;	46929
(c) Catheter care but not insertion;	46930
(d) Meal preparation and feeding.	46931
(10) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.	46932 46933 46934
(11) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.	46935 46936 46937
(12) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	46938 46939
(13) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	46940 46941 46942
(14) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.	46943 46944
(15) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.	46945 46946
(16) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.	46947 46948 46949
(17) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.	46950 46951

(18) "Waiver agency" has the same meaning as in section 46952  
5164.342 of the Revised Code. 46953

(B) No home health agency shall employ an applicant or 46954  
continue to employ an employee in a position that involves 46955  
providing direct care to an individual if any of the following 46956  
apply: 46957

(1) A review of the databases listed in division (D) of this 46958  
section reveals any of the following: 46959

(a) That the applicant or employee is included in one or more 46960  
of the databases listed in divisions (D)(1) to (5) of this 46961  
section; 46962

(b) That there is in the state nurse aide registry 46963  
established under section 3721.32 of the Revised Code a statement 46964  
detailing findings by the director of health that the applicant or 46965  
employee abused, neglected, or ~~abused~~ exploited a long-term care 46966  
facility or residential care facility resident or misappropriated 46967  
property of such a resident; 46968

(c) That the applicant or employee is included in one or more 46969  
of the databases, if any, specified in rules adopted under this 46970  
section and the rules prohibit the home health agency from 46971  
employing an applicant or continuing to employ an employee 46972  
included in such a database in a position that involves providing 46973  
direct care to an individual. 46974

(2) After the applicant or employee is provided, pursuant to 46975  
division (E)(2)(a) of this section, a copy of the form prescribed 46976  
pursuant to division (C)(1) of section 109.572 of the Revised Code 46977  
and the standard impression sheet prescribed pursuant to division 46978  
(C)(2) of that section, the applicant or employee fails to 46979  
complete the form or provide the applicant's or employee's 46980  
fingerprint impressions on the standard impression sheet. 46981

(3) Except as provided in rules adopted under this section, 46982

the applicant or employee is found by a criminal records check 46983  
required by this section to have been convicted of, pleaded guilty 46984  
to, or been found eligible for intervention in lieu of conviction 46985  
for a disqualifying offense. 46986

(C) Except as provided by division (F) of this section, the 46987  
chief administrator of a home health agency shall inform each 46988  
applicant of both of the following at the time of the applicant's 46989  
initial application for employment or referral to the home health 46990  
agency by an employment service for a position that involves 46991  
providing direct care to an individual: 46992

(1) That a review of the databases listed in division (D) of 46993  
this section will be conducted to determine whether the home 46994  
health agency is prohibited by division (B)(1) of this section 46995  
from employing the applicant in the position; 46996

(2) That, unless the database review reveals that the 46997  
applicant may not be employed in the position, a criminal records 46998  
check of the applicant will be conducted and the applicant is 46999  
required to provide a set of the applicant's fingerprint 47000  
impressions as part of the criminal records check. 47001

(D) As a condition of employing any applicant in a position 47002  
that involves providing direct care to an individual, the chief 47003  
administrator of a home health agency shall conduct a database 47004  
review of the applicant in accordance with rules adopted under 47005  
this section. If rules adopted under this section so require, the 47006  
chief administrator of a home health agency shall conduct a 47007  
database review of an employee in accordance with the rules as a 47008  
condition of continuing to employ the employee in a position that 47009  
involves providing direct care to an individual. However, the 47010  
chief administrator is not required to conduct a database review 47011  
of an applicant or employee if division (F) of this section 47012  
applies. A database review shall determine whether the applicant 47013  
or employee is included in any of the following: 47014

(1) The excluded parties list system that is maintained by 47015  
the United States general services administration pursuant to 47016  
subpart 9.4 of the federal acquisition regulation and available at 47017  
the federal web site known as the system for award management; 47018

(2) The list of excluded individuals and entities maintained 47019  
by the office of inspector general in the United States department 47020  
of health and human services pursuant to the "Social Security 47021  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 47022

(3) The registry of developmental disabilities employees 47023  
established under section 5123.52 of the Revised Code; 47024

(4) The internet-based sex offender and child-victim offender 47025  
database established under division (A)(11) of section 2950.13 of 47026  
the Revised Code; 47027

(5) The internet-based database of inmates established under 47028  
section 5120.66 of the Revised Code; 47029

(6) The state nurse aide registry established under section 47030  
3721.32 of the Revised Code; 47031

(7) Any other database, if any, specified in rules adopted 47032  
under this section. 47033

(E)(1) As a condition of employing any applicant in a 47034  
position that involves providing direct care to an individual, the 47035  
chief administrator of a home health agency shall request the 47036  
superintendent of the bureau of criminal identification and 47037  
investigation to conduct a criminal records check of the 47038  
applicant. If rules adopted under this section so require, the 47039  
chief administrator of a home health agency shall request the 47040  
superintendent to conduct a criminal records check of an employee 47041  
at times specified in the rules as a condition of continuing to 47042  
employ the employee in a position that involves providing direct 47043  
care to an individual. However, the chief administrator is not 47044  
required to request the criminal records check of the applicant or 47045

the employee if division (F) of this section applies or the home health agency is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing direct care to an individual. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof that the applicant or employee has been a resident of this state for that five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) The chief administrator shall do all of the following:

(a) Provide to each applicant and employee for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and standard impression sheet from each applicant and employee;

(c) Forward the completed form and standard impression sheet to the superintendent at the time the chief administrator requests the criminal records check.

(3) A home health agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the agency requests under this section. A home health agency may charge an applicant a fee not exceeding the amount the agency pays to the bureau under this section if both of the following apply:

(a) The home health agency notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(b) The medicaid program does not reimburse the home health agency for the fee it pays to the bureau under this section.

(F) Divisions (C) to (E) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a home health agency by an employment service that supplies full-time, part-time, or temporary staff for positions that involve providing direct care to an individual and both of the following apply:

(1) The chief administrator of the home health agency receives from the employment service confirmation that a review of the databases listed in division (D) of this section was conducted with regard to the applicant or employee.

(2) The chief administrator of the home health agency receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following:

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the home health agency;

(b) In the case of an employee, the date by which the home

health agency would otherwise have to request a criminal records 47108  
check of the employee under division (E) of this section. 47109

(G)(1) A home health agency may employ conditionally an 47110  
applicant for whom a criminal records check request is required by 47111  
this section before obtaining the results of the criminal records 47112  
check if the agency is not prohibited by division (B) of this 47113  
section from employing the applicant in a position that involves 47114  
providing direct care to an individual and either of the following 47115  
applies: 47116

(a) The chief administrator of the home health agency 47117  
requests the criminal records check in accordance with division 47118  
(E) of this section not later than five business days after the 47119  
applicant begins conditional employment. 47120

(b) The applicant is referred to the home health agency by an 47121  
employment service, the employment service or the applicant 47122  
provides the chief administrator of the agency a letter that is on 47123  
the letterhead of the employment service, the letter is dated and 47124  
signed by a supervisor or another designated official of the 47125  
employment service, and the letter states all of the following: 47126

(i) That the employment service has requested the 47127  
superintendent to conduct a criminal records check regarding the 47128  
applicant; 47129

(ii) That the requested criminal records check is to include 47130  
a determination of whether the applicant has been convicted of, 47131  
pleaded guilty to, or been found eligible for intervention in lieu 47132  
of conviction for a disqualifying offense; 47133

(iii) That the employment service has not received the 47134  
results of the criminal records check as of the date set forth on 47135  
the letter; 47136

(iv) That the employment service promptly will send a copy of 47137  
the results of the criminal records check to the chief 47138

administrator of the home health agency when the employment 47139  
service receives the results. 47140

(2) If a home health agency employs an applicant 47141  
conditionally pursuant to division (G)(1)(b) of this section, the 47142  
employment service, on its receipt of the results of the criminal 47143  
records check, promptly shall send a copy of the results to the 47144  
chief administrator of the agency. 47145

(3) A home health agency that employs an applicant 47146  
conditionally pursuant to division (G)(1)(a) or (b) of this 47147  
section shall terminate the applicant's employment if the results 47148  
of the criminal records check, other than the results of any 47149  
request for information from the federal bureau of investigation, 47150  
are not obtained within the period ending sixty days after the 47151  
date the request for the criminal records check is made. 47152  
Regardless of when the results of the criminal records check are 47153  
obtained, if the results indicate that the applicant has been 47154  
convicted of, pleaded guilty to, or been found eligible for 47155  
intervention in lieu of conviction for a disqualifying offense, 47156  
the home health agency shall terminate the applicant's employment 47157  
unless circumstances specified in rules adopted under this section 47158  
that permit the agency to employ the applicant exist and the 47159  
agency chooses to employ the applicant. Termination of employment 47160  
under this division shall be considered just cause for discharge 47161  
for purposes of division (D)(2) of section 4141.29 of the Revised 47162  
Code if the applicant makes any attempt to deceive the home health 47163  
agency about the applicant's criminal record. 47164

(H) The report of any criminal records check conducted by the 47165  
bureau of criminal identification and investigation in accordance 47166  
with section 109.572 of the Revised Code and pursuant to a request 47167  
made under this section is not a public record for the purposes of 47168  
section 149.43 of the Revised Code and shall not be made available 47169  
to any person other than the following: 47170



- (1) The applicant or employee who is the subject of the criminal records check or the applicant's or employee's representative; 47171  
47172  
47173
- (2) The home health agency requesting the criminal records check or its representative; 47174  
47175
- (3) The administrator of any other facility, agency, or program that provides direct care to individuals that is owned or operated by the same entity that owns or operates the home health agency that requested the criminal records check; 47176  
47177  
47178  
47179
- (4) The employment service that requested the criminal records check; 47180  
47181
- (5) The director of health and the staff of the department of health who monitor a home health agency's compliance with this section; 47182  
47183  
47184
- (6) The director of aging or the director's designee if either of the following apply: 47185  
47186
- (a) In the case of a criminal records check requested by a home health agency, the home health agency also is a community-based long-term care provider or community-based long-term care subcontractor; 47187  
47188  
47189  
47190
- (b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a community-based long-term care provider or community-based long-term care subcontractor. 47191  
47192  
47193  
47194  
47195
- (7) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if either of the following apply: 47196  
47197  
47198
- (a) In the case of a criminal records check requested by a home health agency, the home health agency also is a waiver 47199  
47200

agency; 47201

(b) In the case of a criminal records check requested by an 47202  
employment service, the employment service makes the request for 47203  
an applicant or employee the employment service refers to a home 47204  
health agency that also is a waiver agency. 47205

(8) Any court, hearing officer, or other necessary individual 47206  
involved in a case dealing with any of the following: 47207

(a) A denial of employment of the applicant or employee; 47208

(b) Employment or unemployment benefits of the applicant or 47209  
employee; 47210

(c) A civil or criminal action regarding the medicaid 47211  
program. 47212

(I) In a tort or other civil action for damages that is 47213  
brought as the result of an injury, death, or loss to person or 47214  
property caused by an applicant or employee who a home health 47215  
agency employs in a position that involves providing direct care 47216  
to an individual, all of the following shall apply: 47217

(1) If the home health agency employed the applicant or 47218  
employee in good faith and reasonable reliance on the report of a 47219  
criminal records check requested under this section, the agency 47220  
shall not be found negligent solely because of its reliance on the 47221  
report, even if the information in the report is determined later 47222  
to have been incomplete or inaccurate. 47223

(2) If the home health agency employed the applicant in good 47224  
faith on a conditional basis pursuant to division (G) of this 47225  
section, the agency shall not be found negligent solely because it 47226  
employed the applicant prior to receiving the report of a criminal 47227  
records check requested under this section. 47228

(3) If the home health agency in good faith employed the 47229  
applicant or employee according to the personal character 47230

standards established in rules adopted under this section, the 47231  
agency shall not be found negligent solely because the applicant 47232  
or employee had been convicted of, pleaded guilty to, or been 47233  
found eligible for intervention in lieu of conviction for a 47234  
disqualifying offense. 47235

(J) The director of health shall adopt rules in accordance 47236  
with Chapter 119. of the Revised Code to implement this section. 47237

(1) The rules may do the following: 47238

(a) Require employees to undergo database reviews and 47239  
criminal records checks under this section; 47240

(b) If the rules require employees to undergo database 47241  
reviews and criminal records checks under this section, exempt one 47242  
or more classes of employees from the requirements; 47243

(c) For the purpose of division (D)(7) of this section, 47244  
specify other databases that are to be checked as part of a 47245  
database review conducted under this section. 47246

(2) The rules shall specify all of the following: 47247

(a) The procedures for conducting database reviews under this 47248  
section; 47249

(b) If the rules require employees to undergo database 47250  
reviews and criminal records checks under this section, the times 47251  
at which the database reviews and criminal records checks are to 47252  
be conducted; 47253

(c) If the rules specify other databases to be checked as 47254  
part of the database reviews, the circumstances under which a home 47255  
health agency is prohibited from employing an applicant or 47256  
continuing to employ an employee who is found by a database review 47257  
to be included in one or more of those databases; 47258

(d) Circumstances under which a home health agency may employ 47259  
an applicant or employee who is found by a criminal records check 47260

required by this section to have been convicted of, pleaded guilty 47261  
to, or been found eligible for intervention in lieu of conviction 47262  
for a disqualifying offense but meets personal character 47263  
standards. 47264

Sec. 3701.916. (A) As used in this section, "direct care" and 47265  
"home health agency" have the same meanings as in section 3701.881 47266  
of the Revised Code. 47267

(B) For the purpose of identifying jobs that are in demand in 47268  
this state under section 6301.11 of the Revised Code, direct care 47269  
provided by a home health agency shall be considered a targeted 47270  
industry sector as identified by the governor's office of 47271  
workforce transformation. 47272

(C) The director of job and family services shall review the 47273  
criteria for any program that provides occupational training, 47274  
adult education, or career pathway assistance through a grant or 47275  
other source of funding to determine whether an employee of a home 47276  
health agency may participate in the program, and, to the extent 47277  
possible, make any necessary changes to the criteria to allow a 47278  
home health agency employee to participate in the program. 47279

**Sec. 3702.304. (A)(1)** The director of health may grant a 47280  
variance from the written transfer agreement requirement of 47281  
section 3702.303 of the Revised Code if the ambulatory surgical 47282  
facility submits to the director a complete variance application, 47283  
prescribed by the director, and the director determines after 47284  
reviewing the application that the facility is capable of 47285  
achieving the purpose of a written transfer agreement in the 47286  
absence of one. The director's determination is final. 47287

(2) Not later than sixty days after receiving a variance 47288  
application from an ambulatory surgical facility, the director 47289  
shall grant or deny the variance. A variance application that has 47290

not been approved within sixty days is considered denied. 47291

(B) A variance application is complete for purposes of 47292  
division (A)(1) of this section if it contains or includes as 47293  
attachments all of the following: 47294

(1) A statement explaining why application of the requirement 47295  
would cause the facility undue hardship and why the variance will 47296  
not jeopardize the health and safety of any patient; 47297

(2) A letter, contract, or memorandum of understanding signed 47298  
by the facility and one or more consulting physicians who have 47299  
admitting privileges at a minimum of one local hospital, 47300  
memorializing the physician or physicians' agreement to provide 47301  
back-up coverage when medical care beyond the level the facility 47302  
can provide is necessary; 47303

(3) For each consulting physician described in division 47304  
(B)(2) of this section: 47305

(a) A signed statement in which the physician attests that 47306  
the physician is familiar with the facility and its operations, 47307  
and agrees to provide notice to the facility of any changes in the 47308  
physician's ability to provide back-up coverage; 47309

(b) The estimated travel time from the physician's main 47310  
residence or office to each local hospital where the physician has 47311  
admitting privileges; 47312

(c) Written verification that the facility has a record of 47313  
the name, telephone numbers, and practice specialties of the 47314  
physician; 47315

(d) Written verification from the state medical board that 47316  
the physician possesses a valid ~~certificate~~ license to practice 47317  
medicine and surgery or osteopathic medicine and surgery issued 47318  
under Chapter 4731. of the Revised Code; 47319

(e) Documented verification that each hospital at which the 47320

physician has admitting privileges has been informed in writing by 47321  
the physician that the physician is a consulting physician for the 47322  
ambulatory surgical facility and has agreed to provide back-up 47323  
coverage for the facility when medical care beyond the care the 47324  
facility can provide is necessary. 47325

(4) A copy of the facility's operating procedures or 47326  
protocols that, at a minimum, do all of the following: 47327

(a) Address how back-up coverage by consulting physicians is 47328  
to occur, including how back-up coverage is to occur when 47329  
consulting physicians are temporarily unavailable; 47330

(b) Specify that each consulting physician is required to 47331  
notify the facility, without delay, when the physician is unable 47332  
to expeditiously admit patients to a local hospital and provide 47333  
for continuity of patient care; 47334

(c) Specify that a patient's medical record maintained by the 47335  
facility must be transferred contemporaneously with the patient 47336  
when the patient is transferred from the facility to a hospital. 47337

(5) Any other information the director considers necessary. 47338

(C) The director's decision to grant, refuse, or rescind a 47339  
variance is final. 47340

(D) The director shall consider each application for a 47341  
variance independently without regard to any decision the director 47342  
may have made on a prior occasion to grant or deny a variance to 47343  
that ambulatory surgical facility or any other facility. 47344

**Sec. 3702.307.** An ambulatory surgical facility shall notify 47345  
the director of health when any of the following occurs: 47346

(A) The facility modifies any provision of its most recent 47347  
written transfer agreement filed with the director under section 47348  
3702.303 of the Revised Code. Notification under these 47349  
circumstances shall occur not later than the business day after 47350

the modification is finalized. As used in this division, "business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code.

(B) The facility modifies its operating procedures or protocols described in division (B)(4) of section 3702.304 of the Revised Code. Notification under these circumstances shall occur not later than forty-eight hours after the modification is made.

(C) The ambulatory surgical facility becomes aware of an event, including disciplinary action by the state medical board pursuant to section 4731.22 of the Revised Code, that may affect a consulting physician's certificate license to practice medicine and surgery or osteopathic medicine and surgery or the physician's ability to admit patients to a hospital identified in a variance application, as described in division (B)(3)(e) of section 3702.304 of the Revised Code. Notification under these circumstances shall occur not later than one week after the facility becomes aware of the event's occurrence.

**Sec. 3702.52.** The director of health shall administer a state certificate of need program in accordance with sections 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. Administration of the program shall include both a standard review process and an expedited review process.

(A) The director shall issue rulings on whether a particular proposed project is a reviewable activity. The director shall issue a ruling not later than forty-five days after receiving a request for a ruling accompanied by the information needed to make the ruling, except that if an expedited review is requested, the ruling shall be issued not later than fourteen days after receiving the request for a ruling accompanied by the information needed to make the ruling. If the director does not issue a ruling in ~~that~~ the required time, the project shall be considered to have

been ruled not a reviewable activity. 47382

(B)(1) Each application for a certificate of need shall be 47383  
submitted to the director on forms and in the manner prescribed by 47384  
the director. ~~Each~~ An application for which expedited review is 47385  
requested must meet the same requirements as all other 47386  
applications. 47387

Each application shall include a plan for obligating the 47388  
capital expenditures or implementing the proposed project on a 47389  
timely basis in accordance with section 3702.524 of the Revised 47390  
Code. Each application shall also include all other information 47391  
required by rules adopted under division (B) of section 3702.57 of 47392  
the Revised Code. 47393

(2) Each application shall be accompanied by the application 47394  
fee established in rules adopted under division (G) of section 47395  
3702.57 of the Revised Code. Application fees received by the 47396  
director under this division shall be deposited into the state 47397  
treasury to the credit of the certificate of need fund, which is 47398  
hereby created. The director shall use the fund only to pay the 47399  
costs of administering sections 3702.11 to 3702.20, 3702.30, and 47400  
3702.51 to 3702.62 of the Revised Code and rules adopted under 47401  
those sections. An application fee is nonrefundable unless the 47402  
director determines that the application cannot be accepted. 47403

(3) The director shall review applications for certificates 47404  
of need. As part of a review, the director shall determine whether 47405  
an application is complete. The director shall not consider an 47406  
application to be complete unless the application meets all 47407  
criteria for a complete application specified in rules adopted 47408  
under section 3702.57 of the Revised Code. The director shall mail 47409  
to the applicant a written notice that the application is 47410  
complete, or a written request for additional information, not 47411  
later than thirty days after receiving an application or a 47412  
response to an earlier request for information. For an application 47413



for which expedited review is requested, the director's notice or 47414  
request shall be mailed not later than fourteen days after the 47415  
director receives the application or a response to an earlier 47416  
request for information. Except as provided in section 3702.522 of 47417  
the Revised Code, the director shall not make more than two 47418  
requests for additional information. The director's determination 47419  
that an application is not complete is final and not subject to 47420  
appeal. 47421

(4) Except as necessary to comply with a subpoena issued 47422  
under division (F) of this section, after a notice of completeness 47423  
has been received, no person shall make revisions to information 47424  
that was submitted to the director before the director mailed the 47425  
notice of completeness or knowingly discuss in person or by 47426  
telephone the merits of the application with the director. A 47427  
person may supplement an application after a notice of 47428  
completeness has been received by submitting clarifying 47429  
information to the director. 47430

(C) All of the following apply to the process of granting or 47431  
denying a certificate of need: 47432

(1) If the project proposed in a certificate of need 47433  
application meets all of the applicable certificate of need 47434  
criteria for approval under sections 3702.51 to 3702.62 of the 47435  
Revised Code and the rules adopted under those sections, the 47436  
director shall grant a certificate of need for all or part of the 47437  
project that is the subject of the application by the applicable 47438  
deadline specified in division (C)(4) of this section or any 47439  
extension of it under division (C)(5) of this section. 47440

(2) The director's grant of a certificate of need does not 47441  
affect, and sets no precedent for, the director's decision to 47442  
grant or deny other applications for similar reviewable 47443  
activities. 47444

(3) Any affected person may submit written comments regarding 47445  
an application. The director shall consider all written comments 47446  
received by the forty-fifth day after the application is submitted 47447  
to the director, except that in an expedited review to be 47448  
considered written comments must be received by the twenty-first 47449  
day after the application is submitted. 47450

(4) Except as provided in division (C)(5) of this section, 47451  
the director shall grant or deny certificate of need applications 47452  
not later than sixty days after mailing the notice of completeness 47453  
unless the application is receiving expedited review. If the 47454  
application is receiving expedited review, the director shall 47455  
grant or deny the application not later than thirty days after 47456  
mailing the notice of completeness. 47457

(5) Except as otherwise provided in division (C)(6) of this 47458  
section, the director or the applicant may extend the deadline 47459  
prescribed in division (C)(4) of this section once, for no longer 47460  
than thirty days, by written notice before the end of the deadline 47461  
prescribed by division (C)(4) of this section. An extension by the 47462  
director under division (C)(5) of this section shall apply to all 47463  
applications that are in comparative review. 47464

(6) No applicant in a comparative review may extend the 47465  
deadline specified in division (C)(4) of this section. 47466

(7) If the director does not grant or deny the certificate by 47467  
the applicable deadline specified in division (C)(4) of this 47468  
section or any extension of it under division (C)(5) of this 47469  
section, the certificate shall be considered to have been granted. 47470

(8) In granting a certificate of need, the director shall 47471  
specify as the maximum capital expenditure the certificate holder 47472  
may obligate under the certificate a figure equal to one hundred 47473  
ten per cent of the approved project cost. 47474

(9) In granting a certificate of need, the director may grant 47475

the certificate with conditions that must be met by the holder of 47476  
the certificate. 47477

(D) When a certificate of need is granted for a project under 47478  
which beds are to be relocated, upon completion of the project for 47479  
which the certificate of need was granted a number of beds equal 47480  
to the number of beds relocated shall cease to be operated in the 47481  
long-term care facility from which they are relocated, except that 47482  
the beds may continue to be operated for not more than fifteen 47483  
days to allow relocation of residents to the facility to which the 47484  
beds have been relocated. Notwithstanding section 3721.03 of the 47485  
Revised Code, if the relocated beds are in a home licensed under 47486  
Chapter 3721. of the Revised Code, the facility's license is 47487  
automatically reduced by the number of beds relocated effective 47488  
fifteen days after the beds are relocated. If the beds are in a 47489  
facility that is certified as a skilled nursing facility or 47490  
nursing facility under Title XVIII or XIX of the "Social Security 47491  
Act," the certification for the beds shall be surrendered. If the 47492  
beds are registered under section 3701.07 of the Revised Code as 47493  
skilled nursing beds or long-term care beds, the director shall 47494  
remove the beds from registration not later than fifteen days 47495  
after the beds are relocated. 47496

(E) During the period beginning with the granting of a 47497  
certificate of need and ending five years after implementation of 47498  
the reviewable activity for which the certificate was granted, the 47499  
director shall monitor the activities of the person granted the 47500  
certificate to determine whether the reviewable activity is 47501  
conducted in substantial accordance with the certificate. A 47502  
reviewable activity shall not be determined to be not in 47503  
substantial accordance with the certificate of need solely because 47504  
of a either of the following: 47505

(1) A decrease in bed capacity; 47506

(2) A change in the owner or operator of the facility unless 47507

any of the circumstances specified in division (B) of section 47508  
3702.59 of the Revised Code apply to the new owner or operator. 47509

(F) When reviewing applications for certificates of need, 47510  
considering appeals under section 3702.60 of the Revised Code, or 47511  
monitoring activities of persons granted certificates of need, the 47512  
director may issue and enforce, in the manner provided in section 47513  
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 47514  
compel a person to testify and produce documents relevant to 47515  
review of the application, consideration of the appeal, or 47516  
monitoring of the activities. In addition, the director or the 47517  
director's designee may visit the sites where the activities are 47518  
or will be conducted. 47519

(G) The director may withdraw certificates of need. 47520

(H) All long-term care facilities shall submit to the 47521  
director, upon request, any information prescribed by rules 47522  
adopted under division (H) of section 3702.57 of the Revised Code 47523  
that is necessary to conduct reviews of certificate of need 47524  
applications and to develop criteria for reviews. 47525

(I) Any decision to grant or deny a certificate of need shall 47526  
consider the special needs and circumstances resulting from moral 47527  
and ethical values and the free exercise of religious rights of 47528  
long-term care facilities administered by religious organizations, 47529  
and the special needs and circumstances of inner city and rural 47530  
communities. 47531

**Sec. 3702.72.** (A) A primary care physician who will not have 47532  
an outstanding obligation for medical service to the federal 47533  
government, a state, or other entity at the time of participation 47534  
in the physician loan repayment program and meets one of the 47535  
following requirements may apply for participation in the 47536  
physician loan repayment program: 47537

(1) The primary care physician is enrolled in the final year of an accredited program required for board certification in a primary care specialty. 47538  
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(2) The primary care physician is enrolled in the final year of a fellowship program in a primary care specialty. 47541  
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(3) The primary care physician holds a valid ~~certificate~~ license to practice medicine and surgery or osteopathic medicine and surgery issued under Chapter 4731. of the Revised Code. 47543  
47544  
47545

(B) An application for participation in the physician loan repayment program shall be submitted to the director of health on a form that the director shall prescribe. The information required to be submitted with an application includes the following: 47546  
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47548  
47549

(1) The applicant's name, permanent address or address at which the applicant is currently residing if different from the permanent address, and telephone number; 47550  
47551  
47552

(2) The applicant's primary care specialty or specialties; 47553

(3) The medical school or osteopathic medical school the applicant attended, the dates of attendance, and verification of attendance; 47554  
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47556

(4) The facility or institution where the applicant's medical residency program was completed or is being performed, and, if completed, the date of completion; 47557  
47558  
47559

(5) If applicable, the facility or institution where the applicant's fellowship was completed or is being performed, and, if completed, the date of completion; 47560  
47561  
47562

(6) A summary and verification of the educational expenses for which the applicant seeks reimbursement under the program; 47563  
47564

(7) Verification of the applicant's authorization under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 47565  
47566  
47567

(8) Verification of the applicant's United States citizenship 47568  
or status as a legal alien. 47569

**Sec. 3704.01.** As used in this chapter: 47570

(A) "Administrator" means the administrator of the United 47571  
States environmental protection agency or the chief executive of 47572  
any successor federal agency responsible for implementation of the 47573  
federal Clean Air Act. 47574

(B) "Air contaminant" means particulate matter, dust, fumes, 47575  
gas, mist, radionuclides, smoke, vapor, or odorous substances, or 47576  
any combination thereof, but does not mean emissions from 47577  
agricultural production activities, as defined in section 929.01 47578  
of the Revised Code, that are consistent with generally accepted 47579  
agricultural practices, were established prior to adjacent 47580  
nonagricultural activities, have no substantial, adverse effect on 47581  
the public health, safety, or welfare, do not result from the 47582  
negligent or other improper operations of any such agricultural 47583  
activities, and would not be required to obtain a Title V permit. 47584  
For the purposes of this chapter, agricultural production 47585  
activities do not include the installation and operation of 47586  
off-farm facilities for the storage or processing of agricultural 47587  
products, including, but not limited to, alfalfa dehydrating 47588  
facilities, rendering plants, and feed and grain mills, elevators, 47589  
and terminals. 47590

(C) "Air contaminant source" means each separate operation or 47591  
activity that results or may result in the emission of any air 47592  
contaminant. 47593

(D) "Air pollution" means the presence in the ambient air of 47594  
one or more air contaminants or any combination thereof in 47595  
sufficient quantity and of such characteristics and duration as is 47596  
or threatens to be injurious to human health or welfare, plant or 47597  
animal life, or property, or as unreasonably interferes with the 47598

comfortable enjoyment of life or property. 47599

(E) "Ambient air" means that portion of the atmosphere 47600  
outside of buildings and other enclosures, stacks, or ducts that 47601  
surrounds human, plant, or animal life or property. 47602

(F) "Best available technology" means any combination of work 47603  
practices, raw material specifications, throughput limitations, 47604  
source design characteristics, an evaluation of the annualized 47605  
cost per ton of pollutant removed, and air pollution control 47606  
devices that have been previously demonstrated to the director of 47607  
environmental protection to operate satisfactorily in this state 47608  
or other states with similar air quality on substantially similar 47609  
air pollution sources. 47610

(G) "Change within a permitted facility" means, within the 47611  
context of the Title V permit program established under section 47612  
3704.036 of the Revised Code, a change that is limited by a 47613  
federally enforceable provision of an applicable Title V permit 47614  
and that does not include physical, production, or other changes 47615  
that are neither addressed nor limited by the federally 47616  
enforceable portion of a Title V permit unless the change would 47617  
result in a violation of a federally enforceable requirement or a 47618  
modification under Title I of the federal Clean Air Act or would 47619  
be subject to any requirements under Title IV of that act. 47620

(H) "Emit" or "emission" means the release into the ambient 47621  
air of an air contaminant. 47622

(I) "Emission limitation" and "emission standard" mean a 47623  
requirement that limits the quantity, rate, or concentration of 47624  
emissions of air contaminants, including any requirement relating 47625  
to the operation or maintenance of an air contaminant source. 47626

(J) "Facility," for the purposes of the Title V permit 47627  
program established under section 3704.036 of the Revised Code, 47628  
means all of the emitting activities that are located on 47629

contiguous or adjacent properties that are under the control of 47630  
the same person or persons or are under common control and that 47631  
are in the same major group as described in the standard 47632  
Industrial Classification Manual, 1987. 47633

(K) "Federal Clean Air Act" means "Air Quality Act of 1967," 47634  
81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air Act 47635  
Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of 47636  
November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 9, 47637  
1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 88 47638  
Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 1977," 91 47639  
Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act Amendments of 47640  
1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air Act Amendments of 47641  
1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and any other amendments 47642  
that have been or may hereafter be adopted, or any supplements to 47643  
those acts and laws of the United States that have been or may 47644  
hereafter be enacted in substitution therefor, together with any 47645  
regulations that have been or may hereafter be adopted by the 47646  
administrator by virtue of and in accordance with those acts and 47647  
laws. Reference to a particular title or section of the federal 47648  
Clean Air Act includes any amendments that have been or may 47649  
hereafter be enacted in substitution therefor and any regulations 47650  
pertaining to the title or section that have been or may hereafter 47651  
be adopted by the administrator by virtue of and in accordance 47652  
with the federal Clean Air Act. 47653

(L) "Hazardous air pollutant" means any pollutant listed 47654  
under section 112(b) of the federal Clean Air Act. 47655

(M) "Implementation plan" means a program for the prevention 47656  
and abatement of air pollution in the state that has been 47657  
promulgated or approved by the administrator pursuant to the 47658  
federal Clean Air Act. 47659

(N) "Local air pollution control authority" includes all of 47660  
the following unless terminated by the political subdivisions 47661



represented thereby: 47662

(1) All of the following agencies representing the following 47663  
political subdivisions, as those agencies existed on ~~the effective~~ 47664  
~~date of this section~~ July 1, 1993: 47665

(a) The Akron regional air quality management district 47666  
representing Medina, Summit, and Portage counties; 47667

(b) The Canton city health department representing Stark 47668  
county; 47669

(c) The Hamilton county department of environmental services, 47670  
southwest Ohio air quality agency representing Butler, Warren, 47671  
Hamilton, and Clermont counties; 47672

(d) The city of Cleveland division of the environment 47673  
representing ~~the city of Cleveland~~ Cuyahoga county; 47674

(e) The regional air pollution control agency representing 47675  
Darke, Preble, Miami, Montgomery, Clark, and Greene counties; 47676

(f) The Lake county general health district representing Lake 47677  
and Geauga counties; 47678

(g) The Portsmouth city health department representing Brown, 47679  
Adams, Scioto, and Lawrence counties; 47680

(h) ~~The north Ohio valley air authority representing Carroll,~~ 47681  
~~Jefferson, Columbiana, Harrison, Belmont, and Monroe counties;~~ 47682

~~(i)~~ The city of Toledo division of pollution control 47683  
representing Lucas county and the city of Rossford in Wood county; 47684

~~(j)~~(i) The Mahoning-Trumbull air pollution control agency, 47685  
city of Youngstown, representing Trumbull and Mahoning counties. 47686

(2) Any successor to an existing local air pollution control 47687  
authority listed in divisions (N)(1)(a) to ~~(j)~~(i) of this section 47688  
that results from a change in the political subdivisions 47689  
comprising the local air pollution control authority through the 47690

withdrawal of a political subdivision from membership in the local 47691  
air pollution control authority or the inclusion of an additional 47692  
political subdivision in the membership of the local air pollution 47693  
control authority; 47694

(3) Any new local air pollution control authority established 47695  
on or after ~~the effective date of this section~~ July 1, 1993, by 47696  
one or more political subdivisions of this state for the purposes 47697  
of exercising the powers reserved to political subdivisions of 47698  
this state under division (A) of section 3704.11 of the Revised 47699  
Code. 47700

(O) "Person" means the federal government or any agency 47701  
thereof, the state or any agency thereof, any political 47702  
subdivision or any agency thereof, or any public or private 47703  
corporation, individual, partnership, or other entity. 47704

(P) "Research and development sources" means sources whose 47705  
activities are conducted for nonprofit scientific or educational 47706  
purposes; sources whose activities are conducted to test more 47707  
efficient production processes or methods for preventing or 47708  
reducing adverse environmental impacts, provided that the 47709  
activities do not include the production of an intermediate or 47710  
final product for sale or exchange for commercial profit, except 47711  
in a de minimis manner; a research or laboratory source the 47712  
primary purpose of which is to conduct research and development 47713  
into new processes and products, that is operated under the close 47714  
supervision of technically trained personnel, and that is not 47715  
engaged in the manufacture of products for sale or exchange for 47716  
commercial profit, except in a de minimis manner; the temporary 47717  
use of normal production sources in a research and development 47718  
mode to test the technical or commercial viability of alternative 47719  
raw materials or production processes, provided that the use does 47720  
not include the production of an intermediate or final product for 47721  
sale or exchange for commercial profit, except in a de minimis 47722

manner; the experimental firing of any fuel or combination of 47723  
fuels in a boiler, heater, furnace, or dryer for the purpose of 47724  
conducting research and development of more efficient combustion 47725  
or more effective prevention or control of air pollutant 47726  
emissions, provided that, during those periods of research and 47727  
development, the heat generated is not used for normal production 47728  
purposes or for producing a product for sale or exchange for 47729  
commercial profit, except in a de minimis manner; and such other 47730  
similar sources as the director may prescribe by rule. 47731

(Q) "Responsible official" means one of the following, as 47732  
applicable: 47733

(1) For a corporation: a president, secretary, treasurer, or 47734  
vice-president of the corporation in charge of a principal 47735  
business function, any other person who performs similar policy or 47736  
decision-making functions for the corporation, or a duly 47737  
authorized representative of any such person if the representative 47738  
is responsible for the overall operation of one or more 47739  
manufacturing, production, or operating facilities applying for or 47740  
subject to a Title V permit and if one of the following applies: 47741

(a) The facilities employ more than two hundred fifty 47742  
individuals or have gross annual sales or expenditures exceeding 47743  
twenty-five million dollars, in second quarter 1980 dollars; 47744

(b) The delegation of authority to the representative is 47745  
approved in advance by the director. 47746

(2) For a partnership or sole proprietorship: a general 47747  
partner or the proprietor, respectively. 47748

(3) For the federal government or any agency thereof, the 47749  
state or any agency thereof, a political subdivision or any agency 47750  
thereof, or any other public agency, either a principal executive 47751  
officer or authorized elected official. For the purposes of this 47752  
division, a principal executive officer of a federal agency 47753

includes the chief executive officer having responsibility for the 47754  
overall operation of a principal geographic unit of the agency. 47755

(4) For affected sources, both of the following: 47756

(a) The designated representative insofar as actions, 47757  
standards, requirements, or prohibitions under Title IV of the 47758  
federal Clean Air Act or regulations adopted under it are 47759  
concerned; 47760

(b) The designated representative for any other purposes 47761  
under 40 C.F.R. part 70. 47762

(R) "Small business stationary source" means any building, 47763  
structure, facility, or installation that emits any federally 47764  
regulated air pollutant and is owned or operated by a person who 47765  
employs one hundred or fewer individuals; is a small business 47766  
concern as defined in the "Small Business Act," 72 Stat. 384 47767  
(1958), 15 U.S.C.A. 632, as amended; is not a major stationary 47768  
source as defined in section 302(j) of the federal Clean Air Act; 47769  
does not emit fifty tons or more per year of any federally 47770  
regulated air pollutant or any hazardous air pollutant; and emits 47771  
less than seventy-five tons per year of all federally regulated 47772  
air pollutants. 47773

(S) "Title V permit" means an operating permit required to be 47774  
issued by the state under section 502 of the federal Clean Air Act 47775  
and issued under section 3704.036 of the Revised Code and rules 47776  
adopted under it. 47777

(T) For the purposes of the Title V permit program 47778  
established under this chapter and rules adopted under it, all 47779  
terms defined in 40 C.F.R. part 70 have the same meaning as in 47780  
that part. 47781

**Sec. 3704.035.** (A) There is hereby created in the state 47782  
treasury the Title V clean air fund. Except as otherwise provided 47783

in division (K) of section 3745.11 of the Revised Code, all moneys 47784  
collected under division (B) of that section, and any gifts, 47785  
grants, or contributions received by the director of environmental 47786  
protection for the purposes of the fund, shall be credited to the 47787  
fund. 47788

The director shall expend all moneys credited to the fund 47789  
solely to administer and enforce the Title V program pursuant to 47790  
the federal Clean Air Act, this chapter, and rules adopted under 47791  
it, except as costs relating to enforcement are limited by the 47792  
federal Clean Air Act. The director shall establish separate and 47793  
distinct accounting for all such moneys. 47794

(B) There is hereby created in the state treasury the 47795  
non-Title V clean air fund. All money collected under section 47796  
3710.15 and divisions (D), (F), (G), (H), (I), and (J) of section 47797  
3745.11 of the Revised Code shall be credited to the fund. In 47798  
addition, any gifts, grants, or contributions received by the 47799  
director for the purposes of the fund shall be credited to the 47800  
fund. 47801

The director shall expend money in the fund exclusively to 47802  
pay the cost of administering and enforcing the laws of this state 47803  
pertaining to the prevention, control, and abatement of air 47804  
pollution, the prevention, control, and abatement of asbestos, 47805  
rules adopted under those laws, and terms and conditions of 47806  
permits, variances, and orders issued under those laws, and 47807  
asbestos abatement licensure and certification issued under those 47808  
laws. However, the director shall not expend money credited to the 47809  
fund for the administration and enforcement of the Title V permit 47810  
program established under this chapter and rules adopted under it 47811  
or motor vehicle inspection and maintenance programs established 47812  
under sections 3704.14, 3704.141, 3704.16, 3704.161, and 3704.162 47813  
of the Revised Code. 47814

(C) The director shall report biennially to the general 47815

assembly the amounts of fees and other moneys credited to the 47816  
funds under this section and the amounts expended from them for 47817  
each of the various air pollution control programs. 47818

**Sec. 3704.111.** (A) Not later than October 1, 1993, the 47819  
director of environmental protection shall enter into a delegation 47820  
agreement with each local air pollution control authority listed 47821  
in divisions ~~(J)~~(N)(1)(a) to ~~(j)~~(i) of section 3704.01 of the 47822  
Revised Code under which the local air pollution control authority 47823  
agrees to perform on behalf of the environmental protection agency 47824  
air pollution control regulatory services within the political 47825  
subdivision represented by the local air pollution control 47826  
authority. The director may enter into such a delegation agreement 47827  
with a local air pollution control authority established on or 47828  
after the effective date of this section, subject to the condition 47829  
established in division (B) of this section. Each delegation 47830  
agreement shall be self-renewing on an annual basis on the first 47831  
day of October of each year. The terms of each such delegation 47832  
agreement shall remain unchanged from year to year unless they are 47833  
amended by mutual agreement of the director and the local air 47834  
pollution control authority. 47835

(B) The director may conduct a periodic performance 47836  
evaluation of the air pollution control program operated by each 47837  
local air pollution control authority. Based upon the findings of 47838  
such a performance evaluation, the director may terminate or 47839  
refuse to renew the delegation agreement with a local air 47840  
pollution control authority if ~~he~~ the director determines that the 47841  
local air pollution control authority is not adequately performing 47842  
its obligations under the agreement. 47843

(C) The director may enter into contracts for payments to 47844  
local air pollution control authorities from moneys credited to 47845  
the clean air fund created in section 3704.035 of the Revised 47846

Code, subject to the limitation specified in that section, and any 47847  
other moneys appropriated by the general assembly for that 47848  
purpose. The director shall distribute the moneys available for 47849  
making payments to the local air pollution control authorities 47850  
pursuant to such contracts equitably among the local air pollution 47851  
control authorities based upon the amount of local funding and the 47852  
workload of each local air pollution control authority, including, 47853  
without limitation, population served, number of air permits 47854  
issued for both new and existing sources, land area, and number of 47855  
air contaminant sources. The director biennially shall review the 47856  
workload of each local air pollution control authority and shall 47857  
determine the percentage of the moneys available for the purpose 47858  
of making payments under the contracts. In determining the 47859  
percentage of those moneys that is to be so distributed, the 47860  
director shall consider the recommendations of the local air 47861  
pollution control authorities. 47862

(D) The director may modify a contract between the director 47863  
and a local air pollution control authority to authorize the local 47864  
air pollution control authority to perform air pollution control 47865  
activities outside the geographic boundaries of that local air 47866  
pollution control authority. 47867

**Sec. 3705.07.** (A) The local registrar of vital statistics 47868  
shall number consecutively ~~the birth, each fetal death, and death~~ 47869  
~~certificates in three separate series, beginning with "number one"~~ 47870  
~~for the first birth, the first fetal death, and the first death~~ 47871  
~~registered in each calendar year~~ certificate printed on paper that 47872  
the local registrar receives from the electronic death 47873  
registration system (EDRS) maintained by the department of health. 47874  
The number assigned to each certificate shall be the one provided 47875  
by EDRS. Such local registrar shall sign the local registrar's 47876  
name in attest to the date of filing in the local office. The 47877  
local registrar shall make a complete and accurate copy of each 47878

~~birth, fetal death, and death certificate registered printed on~~ 47879  
~~paper that is filed.~~ Each paper copy shall be filed and 47880  
~~permanently preserved as the local record of such birth, fetal~~ 47881  
~~death, or death except as provided in sections 3705.09, 3705.12,~~ 47882  
~~and 3705.124 of the Revised Code until the electronic information~~ 47883  
~~regarding the event has been completed and made available in EDRS~~ 47884  
~~and EDRS is capable of issuing a complete and accurate electronic~~ 47885  
~~copy of the certificate.~~ The local record may be a ~~typewritten,~~ 47886  
photographic, electronic, or other reproduction. ~~On or before the~~ 47887  
~~tenth day of each month, the~~ The local registrar shall transmit to 47888  
the state office of vital statistics all original ~~birth, fetal~~ 47889  
~~death, and death, and military service certificates received, and~~ 47890  
~~all social security numbers obtained under section 3705.09,~~ 47891  
~~3705.10, or 3705.16 of the Revised Code, during the preceding~~ 47892  
~~month using the state transmittal schedule specified by the~~ 47893  
~~department of health.~~ The local registrar shall immediately notify 47894  
the health commissioner with jurisdiction in the registration 47895  
district of the receipt of a death certificate attesting that 47896  
death resulted from a communicable disease. 47897

The office of vital statistics shall carefully examine the 47898  
records and certificates received from local registrars of vital 47899  
statistics and shall secure any further information that may be 47900  
necessary to make each record and certificate complete and 47901  
satisfactory. It shall arrange and preserve the records and 47902  
certificates, or reproductions of them produced pursuant to 47903  
section 3705.03 of the Revised Code, in a systematic manner and 47904  
shall maintain a permanent index of all births, fetal deaths, and 47905  
deaths registered, which shall show the name of the child or 47906  
deceased person, place and date of birth or death, and number of 47907  
the ~~record or certificate, and the volume in which it is~~ 47908  
~~contained.~~ 47909

(B)(1) The office of vital statistics shall make available to 47910



the division of child support in the department of job and family 47911  
services all social security numbers that ~~were furnished to a~~ 47912  
~~local registrar of vital statistics~~ accompany a birth certificate 47913  
submitted for filing under division ~~(I)~~(H) of section 3705.09 or 47914  
~~under~~ section 3705.10 ~~or 3705.16~~ of the Revised Code and that were 47915  
~~transmitted to the office under division (A) of this section~~ or 47916  
that accompany a death certificate registered under section 47917  
3705.16 of the Revised Code. 47918

(2) The office of vital statistics also shall make available 47919  
to the division of child support in the department of job and 47920  
family services any other information recorded in the birth record 47921  
that may enable the division to use the social security numbers 47922  
provided under division (B)(1) of this section to obtain the 47923  
location of the father of the child whose birth certificate was 47924  
accompanied by the social security number or to otherwise enforce 47925  
a child support order pertaining to that child or any other child. 47926

**Sec. 3705.08.** (A) The director of health, by rule, shall 47927  
prescribe the form of records and certificates required by this 47928  
chapter. Records and certificates shall include the items and 47929  
information prescribed by the director, including the items 47930  
recommended by the national center for health statistics of the 47931  
United States department of health and human services, subject to 47932  
approval of and modification by the director. 47933

(B) All birth certificates shall include a statement setting 47934  
forth the names of the child's parents ~~and a line for the mother's~~ 47935  
~~and the father's signature.~~ 47936

(C) All death certificates shall include, in the medical 47937  
certification portion of the certificate, a space to indicate, if 47938  
the deceased individual is female and the manner of death is 47939  
determined to be a suspicious or violent death, whether any of the 47940  
following conditions apply to the individual: 47941

- (1) Not pregnant within the past year; 47942
- (2) Pregnant at the time of death; 47943
- (3) Not pregnant, but had been pregnant within forty-two days 47944  
prior to the time of death; 47945
- (4) Not pregnant, but had been pregnant within forty-three 47946  
days to one year prior to the time of death; 47947
- (5) Unknown whether pregnant within the past year. 47948
- (D)(1) The director shall prescribe electronic methods, and 47949  
~~forms, and blanks and shall furnish necessary postage, forms, and~~ 47950  
~~blanks~~ for obtaining registration of births, deaths, and other 47951  
vital statistics in each registration district, and for preserving 47952  
the records of the office of vital statistics, and no forms or 47953  
blanks shall be used other than those prescribed by the director. 47954
- (2) All birth, fetal death, and death records and 47955  
certificates shall be ~~signed~~ certified. Except as provided in 47956  
division (G) of section 3705.09, section 3705.12, 3705.121, 47957  
3705.122, or 3705.124, division (D) of section 3705.15, or section 47958  
3705.16 of the Revised Code, a birth, ~~fetal death, or death~~ 47959  
~~certificate shall be signed by the person required to sign the~~ 47960  
~~certificate~~ certificate requiring signature may be electronically 47961  
certified by the person in charge of the institution or that 47962  
person's designee. A death certificate may be electronically 47963  
certified by the individual who attests to the facts of death. 47964
- (3) All vital records shall contain the date received for 47965  
~~registration~~ filing. 47966
- (4) Information and signatures required in certificates, 47967  
records, or reports authorized by this chapter may be filed and 47968  
registered by photographic, electronic, or other means as 47969  
prescribed by the director. 47970
- Sec. 3705.09.** (A) A birth certificate for each live birth in 47971

this state shall be filed in the registration district in which it 47972  
occurs within ten calendar days after such birth and shall be 47973  
registered if it has been completed and filed in accordance with 47974  
this section. 47975

(B) When a birth occurs in or en route to an institution, the 47976  
person in charge of the institution or a designated representative 47977  
shall obtain the personal data, prepare the certificate, ~~secure~~ 47978  
~~the signatures required,~~ and file complete and certify the facts 47979  
of birth on the certificate within ten calendar days ~~with the~~ 47980  
~~local registrar of vital statistics.~~ The physician or certified 47981  
nurse-midwife in attendance shall ~~provide the medical information~~ 47982  
~~required by the certificate and certify to the facts of birth~~ 47983  
~~within seventy two hours after the birth~~ be listed on the birth 47984  
record. 47985

(C) When a birth occurs outside an institution, the birth 47986  
certificate shall be prepared and filed by one of the following in 47987  
the indicated order of priority: 47988

(1) The physician or certified nurse-midwife in attendance at 47989  
or immediately after the birth; 47990

(2) Any other person in attendance at or immediately after 47991  
the birth; 47992

(3) The father; 47993

(4) The mother; 47994

(5) The person in charge of the premises where the birth 47995  
occurred. 47996

(D) Either of the parents of the child or other informant 47997  
shall attest to the accuracy of the personal data entered on the 47998  
birth certificate in time to permit the filing of the certificate 47999  
within the ten days prescribed in this section. 48000

(E) When a birth occurs in a moving conveyance within the 48001

United States and the child is first removed from the conveyance 48002  
in this state, the birth shall be registered in this state and the 48003  
place where it is first removed shall be considered the place of 48004  
birth. When a birth occurs on a moving conveyance while in 48005  
international waters or air space or in a foreign country or its 48006  
air space and the child is first removed from the conveyance in 48007  
this state, the birth shall be registered in this state but the 48008  
record shall show the actual place of birth insofar as can be 48009  
determined. 48010

(F)(1) If the mother of a child was married at the time of 48011  
either conception or birth or between conception and birth, the 48012  
child shall be registered in the surname designated by the mother, 48013  
and the name of the husband shall be entered on the certificate as 48014  
the father of the child. The presumption of paternity shall be in 48015  
accordance with section 3111.03 of the Revised Code. 48016

(2) If the mother was not married at the time of conception 48017  
or birth or between conception and birth, the child shall be 48018  
registered by the surname designated by the mother. The name of 48019  
the father of such child shall also be inserted on the birth 48020  
certificate if both the mother and the father sign an 48021  
acknowledgement of paternity affidavit before the birth record has 48022  
been sent to the local registrar. If the father is not named on 48023  
the birth certificate pursuant to division (F)(1) or (2) of this 48024  
section, no other information about the father shall be entered on 48025  
the record. 48026

(G) When a man is presumed, found, or declared to be the 48027  
father of a child, according to section 2105.26, sections 3111.01 48028  
to 3111.18, former section 3111.21, or sections 3111.38 to 3111.54 48029  
of the Revised Code, or the father has acknowledged the child as 48030  
his child in an acknowledgment of paternity, and the 48031  
acknowledgment has become final pursuant to section 2151.232, 48032  
3111.25, or 3111.821 of the Revised Code, and documentary evidence 48033

of such fact is submitted to the department of health in such form 48034  
as the director may require, a new birth record shall be issued by 48035  
the department which shall have the same overall appearance as the 48036  
record which would have been issued under this section if a 48037  
marriage had occurred before the birth of such child. Where 48038  
handwriting is required to effect such appearance, the department 48039  
shall supply it. Upon the issuance of such new birth record, the 48040  
original birth record shall cease to be a public record. Except as 48041  
provided in division (C) of section 3705.091 of the Revised Code, 48042  
the original record and any documentary evidence supporting the 48043  
new registration of birth shall be placed in an envelope which 48044  
shall be sealed by the department and shall not be open to 48045  
inspection or copy unless so ordered by a court of competent 48046  
jurisdiction. 48047

~~The department shall then promptly forward a copy of the new 48048  
birth record to the local registrar of vital statistics of the 48049  
district in which the birth occurred, and such local registrar 48050  
shall file a copy of such new birth record along with and in the 48051  
same manner as the other copies of birth records in such local 48052  
registrar's possession. All copies of the original birth record in 48053  
the possession of the local registrar or the probate court, as 48054  
well as any and all index references to it, shall be destroyed. 48055  
Such new birth record, as well as any certified or exact copy of 48056  
it, when properly authenticated by a duly authorized person shall 48057  
be prima facie evidence in all courts and places of the facts 48058  
stated in it. 48059~~

~~(H) When a woman who is a legal resident of this state has 48060  
given birth to a child in a foreign country that does not have a 48061  
system of registration of vital statistics, a birth record may be 48062  
filed in the office of vital statistics on evidence satisfactory 48063  
to the director of health. 48064~~

~~(I)~~(H) Every birth certificate filed under this section on or 48065

after July 1, 1990, shall be accompanied by all social security 48066  
numbers that have been issued to the parents of the child, unless 48067  
the division of child support in the department of job and family 48068  
services, acting in accordance with regulations prescribed under 48069  
the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, 48070  
as amended, finds good cause for not requiring that the numbers be 48071  
furnished with the certificate. The parents' social security 48072  
numbers shall not be recorded on the certificate. ~~The local 48073  
registrar of vital statistics shall transmit the social security 48074  
numbers to the state office of vital statistics in accordance with 48075  
section 3705.07 of the Revised Code.~~ No social security number 48076  
obtained under this division shall be used for any purpose other 48077  
than child support enforcement. 48078

**Sec. 3705.10.** Any birth certificate submitted for filing 48079  
eleven or more days after the birth occurred constitutes a delayed 48080  
birth registration. A delayed birth certificate may be filed in 48081  
accordance with rules which shall be adopted by the director of 48082  
health. The rules shall include, but not be limited to, all of the 48083  
following requirements for each delayed birth certificate filed on 48084  
or after July 1, 1990: 48085

(A) The certificate shall be accompanied by all social 48086  
security numbers that have been issued to the parents of the 48087  
child, unless the division of child support in the department of 48088  
job and family services, acting in accordance with regulations 48089  
prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 48090  
42 U.S.C.A. 405, as amended, finds good cause for not requiring 48091  
that the numbers be furnished with the certificate. 48092

(B) The parents' social security numbers shall not be 48093  
recorded on the certificate. 48094

(C) ~~The local registrar of vital statistics shall transmit 48095  
the social security numbers to the state office of vital 48096~~

~~statistics in accordance with section 3705.07 of the Revised Code.~~ 48097

(D) No social security number obtained under this section 48098  
shall be used for any purpose other than child support 48099  
enforcement. 48100

**Sec. 3706.05.** The Ohio air quality development authority may 48101  
at any time issue revenue bonds and notes of the state in such 48102  
principal amount as, in the opinion of the authority, are 48103  
necessary for the purpose of paying any part of the cost of one or 48104  
more air quality projects or parts thereof, including one or more 48105  
payments pursuant to a commodity contract entered into in 48106  
connection with the acquisition or construction of air quality 48107  
facilities. The authority may at any time issue renewal notes, 48108  
issue bonds to pay such notes and whenever it deems refunding 48109  
expedient, refund any bonds by the issuance of air quality revenue 48110  
refunding bonds of the state, whether the bonds to be refunded 48111  
have or have not matured, and issue bonds partly to refund bonds 48112  
then outstanding, and partly for any other authorized purpose. The 48113  
refunding bonds shall be sold and the proceeds applied to the 48114  
purchase, redemption, or payment of the bonds to be refunded. 48115  
Except as may otherwise be expressly provided by the authority, 48116  
every issue of its bonds or notes shall be ~~general~~ obligations of 48117  
the authority payable solely out of the revenues of the authority 48118  
that are pledged for such payment, without preference or priority 48119  
of the first bonds issued, subject only to any agreements with the 48120  
holders of particular bonds or notes pledging any particular 48121  
revenues. Such pledge shall be valid and binding from the time the 48122  
pledge is made and the revenues so pledged and thereafter received 48123  
by the authority shall immediately be subject to the lien of such 48124  
pledge without any physical delivery thereof or further act, and 48125  
the lien of any such pledge is valid and binding as against all 48126  
parties having claims of any kind in tort, contract, or otherwise 48127  
against the authority, irrespective of whether such parties have 48128

notice thereof. Neither the resolution nor any trust agreement by 48129  
which a pledge is created need be filed or recorded except in the 48130  
records of the authority. 48131

Whether or not the bonds or notes are of such form and 48132  
character as to be negotiable instruments, the bonds or notes 48133  
shall have all the qualities and incidents of negotiable 48134  
instruments, subject only to the provisions of the bonds or notes 48135  
for registration. 48136

The bonds and notes shall be authorized by resolution of the 48137  
authority, shall bear such date or dates, and shall mature at such 48138  
time or times, in the case of any such note or any renewals 48139  
thereof not exceeding five years from the date of issue of such 48140  
original note and in the case of any such bond not exceeding forty 48141  
years from the date of issue, as such resolution or resolutions 48142  
may provide. The bonds and notes shall bear interest at such rate 48143  
or rates, be in such denominations, be in such form, either coupon 48144  
or registered, carry such registration privileges, be payable in 48145  
such medium of payment, at such place or places, and be subject to 48146  
such terms of redemption as the authority may authorize. The bonds 48147  
and notes of the authority may be sold by the authority, at public 48148  
or private sale, at or at not less than such price or prices as 48149  
the authority determines. The bonds and notes shall be executed by 48150  
the chairperson and vice-chairperson of the authority, either or 48151  
both of whom may use a facsimile signature, the official seal of 48152  
the authority or a facsimile thereof shall be affixed thereto or 48153  
printed thereon and attested, manually or by facsimile signature, 48154  
by the secretary-treasurer of the authority, and any coupons 48155  
attached thereto shall bear the signature or facsimile signature 48156  
of the chairperson of the authority. In case any officer whose 48157  
signature, or a facsimile of whose signature, appears on any 48158  
bonds, notes or coupons ceases to be such officer before delivery 48159  
of bonds or notes, such signature or facsimile shall nevertheless 48160



be sufficient for all purposes the same as if the officer had 48161  
remained in office until such delivery, and in case the seal of 48162  
the authority has been changed after a facsimile has been 48163  
imprinted on such bonds or notes, such facsimile seal will 48164  
continue to be sufficient for all purposes. 48165

Any resolution or resolutions authorizing any bonds or notes 48166  
or any issue thereof may contain provisions, subject to such 48167  
agreements with bondholders or noteholders as may then exist, 48168  
which provisions shall be a part of the contract with the holders 48169  
thereof, as to: the pledging of all or any part of the revenues of 48170  
the authority to secure the payment of the bonds or notes or of 48171  
any issue thereof; the use and disposition of revenues of the 48172  
authority; a covenant to fix, alter, and collect rentals and other 48173  
charges so that pledged revenues will be sufficient to pay costs 48174  
of operation, maintenance, and repairs, pay principal of and 48175  
interest on bonds or notes secured by the pledge of such revenues, 48176  
and provide such reserves as may be required by the applicable 48177  
resolution or trust agreement; the setting aside of reserve funds, 48178  
sinking funds, or replacement and improvement funds and the 48179  
regulation and disposition thereof; the crediting of the proceeds 48180  
of the sale of bonds or notes to and among the funds referred to 48181  
or provided for in the resolution authorizing the issuance of the 48182  
bonds or notes; the use, lease, sale, or other disposition of any 48183  
air quality project or any other assets of the authority; 48184  
limitations on the purpose to which the proceeds of sale of bonds 48185  
or notes may be applied and the pledging of such proceeds to 48186  
secure the payment of the bonds or notes or of any issue thereof; 48187  
as to notes issued in anticipation of the issuance of bonds, the 48188  
agreement of the authority to do all things necessary for the 48189  
authorization, issuance, and sale of such bonds in such amounts as 48190  
may be necessary for the timely retirement of such notes; 48191  
limitations on the issuance of additional bonds or notes; the 48192  
terms upon which additional bonds or notes may be issued and 48193

secured; the refunding of outstanding bonds or notes; the 48194  
procedure, if any, by which the terms of any contract with 48195  
bondholders or noteholders may be amended or abrogated, the amount 48196  
of bonds or notes the holders of which must consent thereto, and 48197  
the manner in which such consent may be given; limitations on the 48198  
amount of moneys to be expended by the authority for operating, 48199  
administrative, or other expenses of the authority; securing any 48200  
bonds or notes by a trust agreement in accordance with section 48201  
3706.07 of the Revised Code; any other matters, of like or 48202  
different character, that in any way affect the security or 48203  
protection of the bonds or notes. 48204

Neither the members of the authority nor any person executing 48205  
the bonds or notes shall be liable personally on the bonds or 48206  
notes or be subject to any personal liability or accountability by 48207  
reason of the issuance thereof. 48208

**Sec. 3706.27.** (A) There is hereby created in the state 48209  
treasury the advanced energy research and development fund to 48210  
provide grants for advanced energy projects. There is hereby 48211  
created in the state treasury the advanced energy research and 48212  
development taxable fund to provide loans for advanced energy 48213  
projects. 48214

(B)(1) The advanced energy research and development fund and 48215  
the advanced energy research and development taxable fund shall 48216  
consist of the proceeds of obligations that were issued prior to 48217  
the effective date of this amendment under section 166.08 of the 48218  
Revised Code. Money shall be credited to the respective funds in 48219  
the proportion that the executive director of the Ohio air quality 48220  
development authority, with the affirmative vote of a majority of 48221  
the members of the authority, determines appropriate. 48222

(2) Any investment earnings from the money in the advanced 48223  
energy research and development fund and in the advanced energy 48224

research and development taxable fund shall be credited to those 48225  
funds, respectively. Any repayment of loans made from money in the 48226  
advanced energy research and development taxable fund shall be 48227  
credited to the alternative fuel transportation fund created in 48228  
section 122.075 of the Revised Code. 48229

(C) The director of budget and management shall establish and 48230  
maintain records or accounts for or within these funds in such a 48231  
manner as to show the ~~amount~~ amounts credited to the funds 48232  
~~pursuant to section 166.08 of the Revised Code~~ and that the 48233  
amounts so credited have been expended for the purposes set forth 48234  
in Section 2p or 13 of Article VIII, Ohio Constitution, and 48235  
sections 166.08~~7~~ and 166.30~~7~~ of the Revised Code and former  
section 3706.26 of the Revised Code. 48236  
48237

**Sec. 3707.58.** (A) As used in this section: 48238

(1) "Youth athlete" means an individual who wishes to 48239  
practice for or compete in athletic activities organized by a 48240  
youth sports organization; 48241

(2) "Youth sports organization" has the same meaning as in 48242  
section 3707.51 of the Revised Code. 48243

(B) Prior to the start of each athletic season, a youth 48244  
sports organization that is subject to this section may hold an 48245  
informational meeting for youth athletes, parents, guardians, 48246  
other persons having care or charge of a youth athlete, 48247  
physicians, pediatric cardiologists, athletic trainers, and any 48248  
other persons regarding the symptoms and warning signs of sudden 48249  
cardiac arrest for all ages of youth athletes. 48250

(C) No youth athlete shall participate in an athletic 48251  
activity organized by a youth sports organization until the youth 48252  
athlete has submitted to a designated official of the youth sports 48253  
organization a form signed by the youth athlete and the parent, 48254

guardian, or other person having care or charge of the youth 48255  
athlete stating that the youth athlete and the parent, guardian, 48256  
or other person having care or charge of the youth athlete have 48257  
received and reviewed a copy of the information developed by the 48258  
departments of health and education and posted on their respective 48259  
internet web sites as required by section 3707.59 of the Revised 48260  
Code. A completed form shall be submitted each calendar year ~~for~~ 48261  
to each youth sports organization that organizes an athletic 48262  
activity in which the youth athlete participates. 48263

(D) No individual shall coach an athletic activity organized 48264  
by a youth sports organization unless the individual has 48265  
completed, on an annual basis, the sudden cardiac arrest training 48266  
course approved by the department of health under division (C) of 48267  
section 3707.59 of the Revised Code. 48268

(E)(1) A youth athlete shall not be allowed to participate in 48269  
an athletic activity organized by a youth sports organization if 48270  
either of the following is the case: 48271

(a) The youth athlete's biological parent, biological 48272  
sibling, or biological child has previously experienced sudden 48273  
cardiac arrest, and the youth athlete has not been evaluated and 48274  
cleared for participation in an athletic activity organized by a 48275  
youth sports organization by a physician authorized under Chapter 48276  
4731. of the Revised Code to practice medicine and surgery or 48277  
osteopathic medicine and surgery. 48278

(b) The youth athlete is known to have exhibited syncope or 48279  
fainting at any time prior to or following an athletic activity 48280  
and has not been evaluated and cleared for return under division 48281  
(E)(3) of this section after exhibiting syncope or fainting. 48282

(2) A youth athlete shall be removed by the youth athlete's 48283  
coach from participation in an athletic activity organized by a 48284  
youth sports organization if the youth athlete exhibits syncope or 48285

fainting. 48286

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

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

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

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

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

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

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

Sec. 3710.01. As used in this chapter: 48317

(A) "Asbestos" means the asbestiform varieties of ~~chrysotile~~ 48318  
~~or serpentine, amosite or cummingtonite-grunerite, crocidolite or~~ 48319  
~~riebeckite, actinolite, tremolite, and anthophyllite~~ serpentine 48320  
(chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, 48321  
anthophyllite, and actinolite-tremolite as determined using the 48322  
method specified in 40 C.F.R. Part 763, Subpart E, Appendix E, 48323  
Section 1, Polarized Light Microscopy (PLM). 48324

(B) "Asbestos hazard abatement activity" means any activity 48325  
involving the removal, renovation, enclosure, repair, or 48326  
encapsulation of reasonably related friable asbestos-containing 48327  
materials in an amount greater than fifty linear feet or fifty 48328  
square feet. "Asbestos hazard abatement activity" also includes 48329  
any such activity involving such asbestos-containing materials in 48330  
an amount of fifty linear or fifty square feet or less if, when 48331  
combined with any other reasonably related activity in terms of 48332  
time and location of the activity, the total amount is in an 48333  
amount greater than fifty linear or fifty square feet. 48334

(C) "Asbestos hazard abatement contractor" means a business 48335  
entity or public entity that engages in or intends to engage in 48336  
asbestos hazard abatement activities and that employs or 48337  
supervises one or more asbestos hazard abatement specialists for 48338  
asbestos hazard abatement activities. "Asbestos hazard abatement 48339  
contractor" does not mean an employee of an asbestos hazard 48340  
abatement contractor, a general contractor who subcontracts to an 48341  
asbestos hazard abatement contractor an asbestos hazard abatement 48342  
activity, or any individual who engages in asbestos hazard 48343  
abatement activity in the individual's own home. 48344

(D) "Asbestos hazard abatement project" means one or more 48345  
asbestos hazard abatement activities that are conducted by one 48346  
asbestos hazard abatement contractor and that are reasonably 48347

related to each other. 48348

(E) "Asbestos hazard abatement specialist" means a person 48349  
with responsibility for the oversight or supervision of asbestos 48350  
hazard abatement activities, including asbestos hazard abatement 48351  
project managers, hazard abatement project supervisors and 48352  
foremen, and employees of school districts or other governmental 48353  
or public entities who coordinate or directly supervise or oversee 48354  
asbestos hazard abatement activities performed by school district, 48355  
governmental, or other public employees in school district, 48356  
governmental, or other public buildings. 48357

(F) "Asbestos hazard evaluation specialist" means a person 48358  
responsible for the identification, detection, and assessment of 48359  
asbestos-containing materials, the determination of appropriate 48360  
response actions, or the preparation of asbestos management plans 48361  
for the purpose of protecting the public health from the hazards 48362  
associated with exposure to asbestos, including the performance of 48363  
air and bulk sampling. This category of specialists includes 48364  
management planners, health professionals, industrial hygienists, 48365  
private consultants, or other individuals involved in asbestos 48366  
risk identification or assessment or regulatory activities. 48367

(G) "Business entity" means a partnership, firm, association, 48368  
corporation, sole proprietorship, or other business concern. 48369

(H) "Public entity" means the state or any of its political 48370  
subdivisions or any agency or instrumentality of either. 48371

(I) "License" means a document issued by the ~~department of~~ 48372  
health director of environmental protection to a business entity 48373  
or public entity affirming that the entity has met the 48374  
requirements set forth in this chapter to engage in asbestos 48375  
hazard abatement activities as an asbestos hazard abatement 48376  
contractor. 48377

(J) "Certificate" means: 48378

(1) A document issued by the ~~department~~ director to an individual affirming that the individual has successfully completed the training and other requirements set forth in this chapter to qualify as an asbestos hazard abatement specialist, an asbestos hazard evaluation specialist, an asbestos hazard abatement worker, an asbestos hazard abatement project designer, an asbestos hazard abatement air-monitoring technician, an approved asbestos hazard training provider, or other category of asbestos hazard specialist that the director establishes by rule; or

(2) A document issued by a training institution in accordance with rules adopted by the director affirming that an individual has successfully completed the instruction required in all categories as provided in sections 3710.07 and 3710.10 of the Revised Code.

(K) "Person" means any individual, business entity, governmental body, or other public or private entity.

(L) "Encapsulate" means to coat, bind, or resurface walls, ceilings, pipes, or other structures ~~to prevent friable asbestos~~ for asbestos-containing materials with suitable products to prevent friable asbestos from becoming airborne.

(M) "Friable asbestos-containing material" means ~~any material that contains more than one per cent asbestos by weight and that can be crumbled, pulverized, or reduced to powder, when dry, by hand pressure~~ friable asbestos material as defined in rules adopted under Chapter 3704. of the Revised Code.

(N) "Enclosure" means the permanent confinement of friable asbestos-containing materials with an airtight barrier in an area not used as an air plenum.

(O) "Renovation" means ~~the removal or stripping of friable asbestos-containing materials used on any pipe, duct, boiler,~~



~~tank, reactor, turbine, furnace, or load supporting member~~ 48410  
~~altering a facility or one or more facility components in any way,~~ 48411  
~~including the stripping or removal of friable asbestos-containing~~ 48412  
~~material from a facility component.~~ 48413

(P) "Asbestos hazard abatement worker" means the person 48414  
responsible in a nonsupervisory capacity for the performance of an 48415  
asbestos hazard abatement activity. 48416

(Q) "Asbestos hazard abatement project designer" means the 48417  
person responsible for the determination of the workscope, work 48418  
sequence, or performance standards for an asbestos hazard 48419  
abatement activity, including preparation of specifications, 48420  
plans, and contract documents. 48421

~~(R) "Director" means the director of health or the director's~~ 48422  
~~authorized representative.~~ 48423

~~(S)~~ "Clearance air sampling" means an air sampling performed 48424  
after the completion of any asbestos hazard abatement activity and 48425  
prior to the reoccupation of the contained work area by the public 48426  
and conducted for the purpose of protecting the public from the 48427  
health hazards associated with exposure to friable 48428  
asbestos-containing material. 48429

~~(T)~~(S) "Asbestos hazard abatement air-monitoring technician" 48430  
means the person who is responsible for environmental monitoring 48431  
or work area clearance air sampling, including air monitoring 48432  
performed to determine completion of response actions under the 48433  
rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United 48434  
States environmental protection agency pursuant to the "Asbestos 48435  
Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 48436  
2970. "Asbestos hazard abatement air-monitoring technician" does 48437  
not mean an industrial hygienist or industrial hygienist in 48438  
training, certified by the American board of industrial hygiene. 48439

Sec. 3710.02. (A) In accordance with Chapter 119. of the 48440  
Revised Code, the director of ~~health~~ environmental protection 48441  
shall, as the director determines necessary, adopt rules to carry 48442  
out this chapter. The rules shall include all of the following: 48443

(1) Criteria and procedures for the certification of asbestos 48444  
hazard abatement specialists, asbestos hazard evaluation 48445  
specialists, asbestos hazard abatement workers, asbestos hazard 48446  
abatement project designers, and asbestos hazard abatement 48447  
air-monitoring technicians by the director ~~of health~~; 48448

(2) Criteria and procedures for the director to examine the 48449  
records of licensees, certificate holders, and asbestos hazard 48450  
abatement training schools; 48451

(3) Procedures and criteria in addition to those provided in 48452  
this chapter for the approval of courses for asbestos hazard 48453  
training; 48454

(4) Fees for licenses, certifications, and course approvals 48455  
in excess of the levels set in section 3710.05 of the Revised Code 48456  
and fees for the certification of asbestos hazard abatement 48457  
air-monitoring technicians; 48458

(5) Levels of asbestos exposure or other circumstances 48459  
constituting a ~~public~~ an environmental health emergency that 48460  
authorize the director to issue an emergency order under division 48461  
(B) of section 3710.13 of the Revised Code; 48462

(6) Employee training standards, work practices that reduce 48463  
the risk of contamination and recontamination of the environment, 48464  
record-keeping requirements, action levels, project clearance 48465  
levels, and other requirements that asbestos hazard abatement 48466  
contractors, asbestos hazard abatement specialists, asbestos 48467  
hazard evaluation specialists, asbestos hazard abatement project 48468  
designers, asbestos hazard abatement air-monitoring technicians, 48469

asbestos hazard abatement workers, and other persons involved with 48470  
asbestos hazard abatement activities must follow for the 48471  
prevention of hazard to the public; 48472

(7) Worker protection equipment and practices and other 48473  
health and safety standards for employees and agents of public 48474  
entities coming in contact with asbestos through asbestos hazard 48475  
abatement activity; 48476

(8) Standards of acceptable conduct for licensees and 48477  
certificate holders engaged in asbestos hazard abatement or 48478  
evaluation activities and acts and omissions that constitute 48479  
grounds for the suspension or revocation of a license or 48480  
certificate, or the denial of an application or renewal of a 48481  
license or certificate in addition to those otherwise provided in 48482  
this chapter; 48483

(9) Training requirements for asbestos hazard abatement 48484  
project designers and asbestos hazard abatement air-monitoring 48485  
technicians; 48486

(10)(a) Subject to the condition specified in division 48487  
(A)(10)(b) of this section, a standard requiring that the amount 48488  
of asbestos contained in the air in areas accessible to the public 48489  
in buildings that are owned, operated, or leased by a public 48490  
entity be not more than ten thousand asbestos fibers longer than 48491  
five microns per cubic meter of air calculated as an eight-hour 48492  
time-weighted average, which is measured during periods of normal 48493  
building occupancy, and a requirement that measurement of airborne 48494  
asbestos be made by either or both of the following methods, 48495  
provided that results derived by use of the method described in 48496  
division (A)(10)(a)(i) of this section supersede results derived 48497  
by use of the method described in division (A)(10)(a)(ii) of this 48498  
section if both methods are used and the methods yield conflicting 48499  
results concerning the presence of fibers in the tested air that 48500  
may not be asbestos: 48501

(i) Transmission electron microscopy in the manner described 48502  
in the measurement protocol established by the United States 48503  
environmental protection agency as set forth in 40 C.F.R. 763; 48504

(ii) Optical phase contrast microscopy in the manner 48505  
described in the measurement protocol established by the United 48506  
States occupational safety and health administration as set forth 48507  
in 29 C.F.R. 1910. 48508

(b) The director periodically shall review the standard 48509  
required by division (A)(10)(a) of this section and determine 48510  
whether and how it should be amended and how it shall be used in 48511  
conjunction with visual and physical assessment of 48512  
asbestos-containing materials located in buildings that are owned, 48513  
operated, or leased by a public entity to determine appropriate 48514  
and cost-effective response actions to such asbestos-containing 48515  
materials and shall amend the standard if it determines that such 48516  
action is necessary. 48517

(11) Other rules that the director determines necessary for 48518  
the implementation of this chapter and to protect the public 48519  
health from the hazards associated with exposure to asbestos. 48520

(B) The director shall do all of the following: 48521

(1) Administer and enforce this chapter and the rules adopted 48522  
pursuant thereto; 48523

(2) Develop comprehensive programs and policies for the 48524  
control and prevention of nonoccupational exposure of the public 48525  
to friable asbestos-containing materials; 48526

(3) Ensure that persons are trained and licensed or 48527  
certified, where appropriate, in accordance with this chapter and 48528  
the rules adopted pursuant thereto; 48529

(4) Examine those records of licensed asbestos hazard 48530  
abatement contractors, certified asbestos hazard abatement 48531

specialists, asbestos hazard evaluation specialists, asbestos 48532  
hazard abatement project designers, asbestos hazard abatement 48533  
air-monitoring technicians, and asbestos hazard training courses 48534  
in accordance with rules adopted by the director as the director 48535  
determines necessary to determine compliance with this chapter and 48536  
the rules adopted pursuant thereto; 48537

(5) Prohibit and prevent improper asbestos hazard abatement 48538  
procedures and require the modification or alteration of asbestos 48539  
abatement procedures as they relate to this chapter and the rules 48540  
adopted pursuant thereto; 48541

(6) Collect and disseminate health education information 48542  
relating to safe management of asbestos hazards; 48543

(7) Accept and administer grants from the federal government 48544  
and other sources, both public and private, for carrying out any 48545  
of the director's functions; 48546

(8) As the director determines appropriate, conduct on-site 48547  
inspections at any location where an asbestos hazard abatement 48548  
activity is planned, in progress, or has been completed, at any 48549  
location where ~~a public~~ an environmental health emergency 48550  
involving asbestos may occur, is occurring, or has occurred, or to 48551  
evaluate the performance or compliance of any person subject to 48552  
this chapter; 48553

(9) Conduct an on-site audit of each asbestos hazard training 48554  
provider approved pursuant to this chapter, at least once 48555  
biennially, during an actual course conducted by the provider 48556  
within the state; 48557

(10) Cooperate and assist in investigations, as such relate 48558  
to this chapter, conducted by local law enforcement agencies, ~~the~~ 48559  
~~Ohio environmental protection agency~~, the United States 48560  
occupational safety and health administration, and other local, 48561  
state, and federal agencies. 48562

**Sec. 3710.04.** (A) To qualify for an asbestos hazard abatement contractor's license, a business entity or public entity shall meet the requirements of this section.

(B) Each employee or agent of the business entity or public entity applying for a license who will come in contact with asbestos or will be responsible for an asbestos hazard abatement project shall:

(1) Be familiar with all applicable state and federal standards for asbestos hazard abatement projects;

(2) Have successfully completed the course of instruction on asbestos hazard abatement activities, for their particular certification, approved by the ~~department of health~~ Ohio environmental protection agency pursuant to section 3710.10 of the Revised Code, have passed an examination approved by the ~~department~~ agency, and demonstrate to the ~~department~~ agency that the employee or agent is capable of complying with all applicable standards of this state, the United States environmental protection agency, and the United States occupational safety and health administration.

(C) A business entity or public entity applying for an asbestos hazard abatement contractor's license shall, in addition to the other requirements of this section, provide at least one asbestos hazard abatement specialist, certified pursuant to this chapter and the rules adopted under it, for each asbestos hazard abatement project, and demonstrate to the satisfaction of the ~~department~~ Ohio environmental protection agency that the applicant:

(1) Has access to at least one asbestos disposal site approved by the ~~Ohio environmental protection~~ agency that is sufficient for the deposit of all asbestos waste that the applicant will generate during the term of the license;

(2) Is sufficiently qualified to safely remove asbestos, 48594  
demonstrated by reliability as an asbestos hazard abatement 48595  
contractor, possesses a work program that prevents the 48596  
contamination or recontamination of the environment and protects 48597  
the public health from the hazards of exposure to asbestos, 48598  
possesses evidence of certification of each individual employee or 48599  
agent who will be responsible for others who may come in contact 48600  
with friable asbestos-containing materials, possesses evidence of 48601  
training of workers required by section 3710.07 of the Revised 48602  
Code, and has prior successful experience in asbestos hazard 48603  
abatement projects or equivalent qualifications as determined in 48604  
accordance with rules adopted by the director of ~~health~~ 48605  
environmental protection; 48606

(3) Possesses a worker protection program consistent with 48607  
requirements established by the director if the contractor is a 48608  
public entity, and a worker protection program consistent with the 48609  
requirements of the United States occupational safety and health 48610  
administration if the contractor is a business entity; 48611

(4) Is registered as a business entity with the secretary of 48612  
state. 48613

(D) No applicant for licensure as an asbestos hazard 48614  
abatement contractor, in order to meet the requirements of this 48615  
chapter, shall list an employee of another contractor. 48616

(E) The business entity or public entity shall meet any other 48617  
standards that the director, by rule, sets. 48618

(F) Nothing in this chapter or the rules adopted pursuant 48619  
thereto relating to asbestos hazard abatement project designers 48620  
shall be interpreted as authorizing or permitting an individual 48621  
who is certified as an asbestos hazard abatement project designer 48622  
to perform the services of a registered architect or professional 48623  
engineer unless that person is registered under Chapter 4703. or 48624

4733. of the Revised Code to perform such services. 48625

**Sec. 3710.05.** (A) Except as otherwise provided in this 48626  
chapter, no person shall engage in any asbestos hazard abatement 48627  
activities in this state unless licensed or certified pursuant to 48628  
this chapter. 48629

(B) To apply for licensure as an asbestos abatement 48630  
contractor or certification as an asbestos hazard abatement 48631  
specialist, an asbestos hazard evaluation specialist, an asbestos 48632  
hazard abatement project designer, or an asbestos hazard abatement 48633  
air-monitoring technician, a person shall do all of the following: 48634

(1) Submit a completed application to the ~~department~~ director 48635  
of ~~health~~ environmental protection, on a form provided by the 48636  
~~department~~ agency; 48637

(2) Pay the requisite fee as provided in division (D) of this 48638  
section; 48639

(3) Submit any other information the director ~~of health~~ by 48640  
rule requires. 48641

(C) The application form for a business entity or public 48642  
entity applying for an asbestos hazard abatement contractor's 48643  
license shall include all of the following: 48644

(1) A description of the protective clothing and respirators 48645  
that the public entity will use to comply with rules adopted by 48646  
the director and that the business entity will use to comply with 48647  
requirements of the United States occupational safety and health 48648  
administration; 48649

(2) A description of procedures the business entity or public 48650  
entity will use for the selection, utilization, handling, removal, 48651  
and disposal of clothing to prevent contamination or 48652  
recontamination of the environment and to protect the public 48653  
health from the hazards associated with exposure to asbestos; 48654



(3) The name and address of each asbestos disposal site that the business entity or public entity might use during the year;	48655 48656
(4) A description of the site decontamination procedures that the business entity or public entity will use;	48657 48658
(5) A description of the asbestos hazard abatement procedures that the business entity or public entity will use;	48659 48660
(6) A description of the procedures that the business entity or public entity will use for handling waste containing asbestos;	48661 48662
(7) A description of the air-monitoring procedures that the business entity or public entity will use to prevent contamination or recontamination of the environment and to protect the public health from the hazards of exposure to asbestos;	48663 48664 48665 48666
(8) A description of the final clean-up procedures that the business entity or public entity will use;	48667 48668
(9) A list of all partners, owners, and officers of the business entity along with their social security numbers;	48669 48670
(10) The federal tax identification number of the business entity or the public entity.	48671 48672
(D) The fees to be charged to each public entity, <u>except for the agency</u> , and <u>each</u> business entity and their employees and agents for licensure, certification, approval, and renewal of licenses, certifications, and approvals granted under this chapter, subject to division (A)(4) of section 3710.02 of the Revised Code, are:	48673 48674 48675 48676 48677 48678
(1) Seven hundred fifty dollars for asbestos hazard abatement contractors;	48679 48680
(2) Two hundred dollars for asbestos hazard abatement project designers;	48681 48682
(3) Fifty dollars for asbestos hazard abatement workers;	48683

(4) Two hundred dollars for asbestos hazard abatement specialists;	48684 48685
(5) Two hundred dollars for asbestos hazard evaluation specialists; and	48686 48687
(6) Nine hundred dollars for approval or renewal of asbestos hazard training providers.	48688 48689
(E) Notwithstanding division (A) of this section, no business entity which engages in asbestos hazard abatement activities solely at its own place of business is required to be licensed as an asbestos hazard abatement contractor provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection agency and the United States occupational safety and health administration and provided further that all persons employed by the business entity on the activity meet the requirements of this chapter.	48690 48691 48692 48693 48694 48695 48696 48697 48698
<b>Sec. 3710.051.</b> No person shall enter into an agreement to perform any aspect of an asbestos hazard abatement project unless the agreement is written and contains at least all of the following:	48699 48700 48701 48702
(A) A requirement that all persons working on the project are licensed or certified by the <del>department of health</del> <u>director of environmental protection</u> as required by this chapter;	48703 48704 48705
(B) A requirement that all project clearance levels and sampling be in accordance with rules adopted by the director <del>of health</del> ;	48706 48707 48708
(C) A requirement that all clearance air-monitoring be conducted by asbestos hazard abatement air-monitoring technicians or asbestos hazard evaluation specialists certified by the <del>department</del> <u>director</u> .	48709 48710 48711 48712

Sec. 3710.06. (A) Within fifteen business days after 48713  
receiving an application, the ~~department of health~~ director of 48714  
environmental protection shall acknowledge receipt of the 48715  
application and notify the applicant of any deficiency in the 48716  
application. Within sixty calendar days after receiving a 48717  
completed application, including all additional information 48718  
requested by the ~~department~~ director, the ~~department~~ director 48719  
shall issue a license or certificate or deny the application. The 48720  
~~department~~ director shall issue only one license or certificate 48721  
that is in effect at one time to a business entity and its 48722  
principal officers and a public entity and its principal officers. 48723

(B)(1) The ~~department~~ director shall deny an application if 48724  
it determines that the applicant has not demonstrated the ability 48725  
to comply fully with all applicable federal and state requirements 48726  
and all requirements, procedures, and standards established by the 48727  
~~director of health~~ in this chapter, Chapter 3704. of the Revised 48728  
Code, or rules adopted under those chapters, as those chapters and 48729  
rules pertain to asbestos. 48730

(2) The ~~department~~ director shall deny any application for an 48731  
asbestos hazard abatement contractor's license if the applicant or 48732  
an officer or employee of the applicant has been convicted of a 48733  
felony under any state or federal law designed to protect the 48734  
environment. 48735

(3) The ~~department~~ director shall send all denials of an 48736  
application by certified mail to the applicant. If the ~~department~~ 48737  
director receives a timely request for a hearing from the 48738  
applicant on the proposed denial of an application, as provided in 48739  
division (D) of section 3710.13 of the Revised Code, the 48740  
~~department~~ director shall hold a hearing in accordance with 48741  
Chapter 119. of the Revised Code, as provided in division (A) of 48742  
section 3710.13 of the Revised Code. 48743

(C) In an emergency that results from a sudden, unexpected event that is not a planned asbestos hazard abatement project, the ~~department~~ director may waive the requirements for a license or certificate. For the purposes of this division, "emergency" includes operations necessitated by nonroutine failures of equipment or by actions of fire and emergency medical personnel pursuant to duties within their official capacities. Any person who performs an asbestos hazard abatement activity under emergency conditions shall notify the director within three days after performance thereof.

(D) Each license or certificate issued under this chapter expires one year after the date of issue, but each licensee or certificate holder may apply to the ~~department~~ environmental protection agency for the extension of the holder's license or certificate under the standard renewal procedures of Chapter 4745. of the Revised Code.

To qualify for renewal of a license or certificate issued under this chapter, each licensee or certificate holder shall send the appropriate renewal fee set forth in division (D) of section 3710.05 of the Revised Code or as adopted by rule by the director pursuant to division (A)(4) of section 3710.02 of the Revised Code.

Certificate holders also shall successfully complete an annual renewal course approved by the ~~department~~ agency pursuant to section 3710.10 of the Revised Code.

(E) The ~~department~~ director may charge a fee in addition to those specified in division (D) of section 3710.05 of the Revised Code or in rules adopted by the director pursuant to division (A)(4) of section 3710.02 of the Revised Code if the licensee or certificate holder applies for renewal after the expiration thereof or requests a reissuance of any license or certificate, provided that no such fee shall exceed the original fees by more

than fifty per cent. 48776

**Sec. 3710.07.** (A) Prior to engaging in any asbestos hazard 48777  
abatement project, an asbestos hazard abatement contractor shall 48778  
do all of the following: 48779

(1) Prepare a written respiratory protection program as 48780  
defined by the director of ~~health~~ environmental protection 48781  
pursuant to rule, and make the program available to the ~~department~~ 48782  
~~of health~~ environmental protection agency, and workers at the job 48783  
site if the contractor is a public entity or prepare a written 48784  
respiratory protection program, consistent with 29 C.F.R. 1910.134 48785  
and make the program available to the ~~department~~ agency, and 48786  
workers at the job site if the contractor is a business entity; 48787

(2) Ensure that each worker who will be involved in any 48788  
asbestos hazard abatement project has been examined within the 48789  
preceding year and has been declared by a physician to be 48790  
physically capable of working while wearing a respirator; 48791

(3) Ensure that each of the contractor's employees or agents 48792  
who will come in contact with asbestos-containing materials or 48793  
will be responsible for an asbestos hazard abatement project 48794  
receives the appropriate certification or licensure required by 48795  
this chapter and the following training: 48796

(a) An initial course approved by the ~~department~~ agency 48797  
pursuant to section 3710.10 of the Revised Code, completed before 48798  
engaging in any asbestos hazard abatement project; and 48799

(b) An annual review course approved by the ~~department~~ agency 48800  
pursuant to section 3710.10 of the Revised Code. 48801

(B) After obtaining or renewing a license, an asbestos hazard 48802  
abatement contractor shall notify the ~~department~~ agency, on a form 48803  
approved by the director ~~of health~~, at least ten days before 48804  
beginning each asbestos hazard abatement project conducted during 48805

the term of the contractor's license. 48806

(C) In addition to any other fee imposed under this chapter, 48807  
an asbestos hazard abatement contractor shall pay, at the time of 48808  
providing notice under division (B) of this section, the 48809  
~~department~~ agency a fee of sixty-five dollars for each asbestos 48810  
hazard abatement project conducted. 48811

**Sec. 3710.08.** (A) An asbestos hazard abatement contractor 48812  
engaging in any asbestos hazard abatement project shall, during 48813  
the course of the project: 48814

(1) Conduct each project in a manner that is in compliance 48815  
with the requirements the director of environmental protection 48816  
adopts pursuant to section 3704.03 of the Revised Code and the 48817  
asbestos requirements of the United States occupational safety and 48818  
health administration set forth in 29 C.F.R. ~~1926.58~~ 1926.1101; 48819

(2) Comply with all applicable rules adopted by the director 48820  
of ~~health~~ environmental protection pursuant to ~~section~~ sections 48821  
3704.03 and 3710.02 of the Revised Code. 48822

(B) An asbestos hazard abatement contractor that is a public 48823  
entity shall: 48824

(1) Provide workers with protective clothing and equipment 48825  
and ensure that the workers involved in any asbestos hazard 48826  
abatement project use the items properly. Protective clothing and 48827  
equipment shall include: 48828

(a) Respirators approved by the national institute of 48829  
occupational safety and health. These respirators shall be fit 48830  
tested in accordance with requirements of the United States 48831  
occupational safety and health administration set forth in 29 48832  
C.F.R. ~~1926.58(h)~~ 1926.1101. At the request of an employee, the 48833  
asbestos hazard abatement contractor shall provide the employee 48834  
with a powered air purifying respirator, in which case, the 48835

testing requirements of division (B)(1)(a) of this section do not apply.	48836 48837
(b) Items required by the director <del>of health</del> by rule as provided in division (A)(7) of section 3710.02 of the Revised Code.	48838 48839 48840
(2) Comply with all applicable standards of conduct and requirements adopted by the director <del>of health</del> pursuant to section 3710.02 of the Revised Code.	48841 48842 48843
(C) An asbestos hazard abatement specialist engaging in any asbestos hazard abatement project shall, during the course of the project:	48844 48845 48846
(1) Conduct each project in a manner that will meet decontamination procedures, project containment procedures, and asbestos fiber dispersal methods as provided in division (A)(6) of section 3710.02 of the Revised Code;	48847 48848 48849 48850
(2) Ensure that workers utilize, handle, remove, and dispose of the disposable clothing provided by abatement contractors in a manner that will prevent contamination or recontamination of the environment and protect the public health from the hazards of exposure to asbestos;	48851 48852 48853 48854 48855
(3) Ensure that workers utilize protective clothing and equipment and comply with the applicable health and safety standards set forth in division (A) of section 3710.08 of the Revised Code;	48856 48857 48858 48859
(4) Ensure that there is no smoking, eating, or drinking in the work area;	48860 48861
(5) Comply with all applicable standards of conduct and requirements adopted by the director <del>of health</del> pursuant to <del>section</del> <u>sections 3704.03 and</u> 3710.02 of the Revised Code.	48862 48863 48864
(D) An asbestos hazard evaluation specialist engaged in the	48865

identification, detection, and assessment of asbestos-containing 48866  
materials, the determination of appropriate response actions, or 48867  
other activities associated with an abatement project or the 48868  
preparation of management plans, shall comply with the applicable 48869  
standards of conduct and requirements adopted by the director ~~of~~ 48870  
~~health~~ pursuant to ~~section~~ sections 3704.03 and 3710.02 of the 48871  
Revised Code. 48872

(E) Every asbestos hazard abatement worker shall comply with 48873  
all applicable standards adopted by the director ~~of health~~ 48874  
pursuant to ~~section~~ sections 3704.03 and 3710.02 of the Revised 48875  
Code. 48876

(F) The ~~department~~ director may, on a case-by-case basis, 48877  
approve an alternative to the worker protection requirements of 48878  
divisions (A), (B), and (C) of this section for an asbestos hazard 48879  
abatement project conducted by a public entity, provided that the 48880  
asbestos hazard abatement contractor submits the alternative 48881  
procedure to the ~~department~~ director in writing and demonstrates 48882  
to the satisfaction of the ~~department~~ director that the proposed 48883  
alternative procedure provides equivalent worker protection. 48884

**Sec. 3710.09.** (A) As a means of protecting the public, each 48885  
asbestos hazard abatement contractor licensed under this chapter 48886  
shall maintain records of all asbestos hazard abatement projects 48887  
which the contractor performs and make these records available to 48888  
the ~~department of health~~ the director of environmental protection 48889  
upon request. The licensee shall maintain the records for at least 48890  
thirty years. 48891

(B) The records required by this section shall include all of 48892  
the following: 48893

(1) The name, social security number, and address of the 48894  
person who supervised the asbestos hazard abatement project; 48895



- (2) The names and social security numbers of all workers at the job site; 48896  
48897
- (3) The location and description of the asbestos hazard abatement project and the amount of asbestos-containing material that was removed; 48898  
48899  
48900
- (4) The starting and completion dates of each asbestos hazard abatement project; 48901  
48902
- (5) A summary of the procedures that were used to comply with all applicable federal, state, and local standards; 48903  
48904
- (6) The name and address of each asbestos disposal site where the waste containing asbestos was deposited; 48905  
48906
- (7) Any other information that the director ~~of health~~, by rule, requires. 48907  
48908

**Sec. 3710.10.** (A) No person other than the ~~department of health~~ director of environmental protection shall conduct or offer to conduct any initial or review training course or examination required by this chapter unless that person is approved to sponsor the courses and examinations under this section. In conducting any such course or examination, the ~~department~~ director and the approved person shall administer the courses and examinations according to the United States environmental protection agency "Model Accreditation Plan," 40 C.F.R. 763, Subpart E, Appendix C, and the rules of the director ~~of health~~ adopted pursuant to division (A)(3) of section 3710.02 of the Revised Code. A person may apply for approval or renewal of a course on the health and safety aspects of asbestos hazard abatement activities which meets the requirements of division (A)(3) of section 3710.07 of the Revised Code by submitting a written application on forms provided by the ~~department~~ director. 48909  
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(B) In order to obtain or renew ~~department~~ approval, a person 48925

sponsoring a course shall substantially satisfy all of the 48926  
following criteria: 48927

(1) Provide courses of instruction and examinations that meet 48928  
the requirements of division (A) of this section; 48929

(2) Ensure that instruction is given or supervised by 48930  
personnel with sufficient education and experience as determined 48931  
in rules adopted by the director; 48932

(3) Maintain lists of students trained and the dates on which 48933  
training occurred for at least twenty years, and make this 48934  
information available to the ~~department~~ director upon request. 48935

(C) In order to obtain or renew ~~department~~ approval, a person 48936  
sponsoring an initial course or a review course annually shall 48937  
apply to the ~~department~~ director for approval. In applying, the 48938  
person shall submit the fee set forth in division (D) of section 48939  
3710.05 of the Revised Code along with any increase in fee adopted 48940  
pursuant to division (A)(4) of section 3710.02 of the Revised 48941  
Code. 48942

(D)(1) The ~~department~~ director shall act or acknowledge 48943  
receipt of an application within ten working days after receiving 48944  
the application. 48945

(2) The ~~department~~ director shall act on the application 48946  
within ninety days after it is complete. 48947

(3) The ~~department~~ director shall grant contingent approval 48948  
of an application if the ~~department~~ director determines the course 48949  
substantially satisfies or will substantially satisfy the criteria 48950  
in this chapter and the rules adopted by the director. 48951

(4) The ~~department~~ director may deny or revoke approval of a 48952  
course if the ~~department~~ director determines the course does not 48953  
or will not substantially satisfy the criteria in this chapter or 48954  
the rules adopted by the director. 48955

(5) The ~~department~~ director shall grant final approval of a 48956  
course only after an on-site audit by the ~~department~~ director 48957  
which reveals that the course substantially satisfies the criteria 48958  
in this chapter and the rules adopted by the director. Course 48959  
approvals expire one year from the date of final approval under 48960  
division (D)(5) of this section. 48961

(E) Each course approval issued under this section expires 48962  
one year after the date of issue, but a person who received 48963  
approval may apply to the ~~department~~ director for renewal under 48964  
the standard renewal procedures of Chapter 4745. of the Revised 48965  
Code. The fee prescribed in section 3710.05 of the Revised Code 48966  
must accompany the application. 48967

**Sec. 3710.11.** Persons licensed, certified, or otherwise 48968  
approved under the laws of another state to perform functions 48969  
substantially similar to those of an asbestos hazard abatement 48970  
contractor, asbestos hazard abatement specialist, asbestos hazard 48971  
evaluation specialist, asbestos hazard abatement project designer, 48972  
or asbestos hazard abatement air-monitoring technician, may apply 48973  
to the director of ~~health~~ environmental protection for licensure 48974  
or certification. The director shall license or certify persons 48975  
under this section upon a determination that the standards for 48976  
certification, licensure, or approval in the other state are at 48977  
least substantially equivalent to those established by this 48978  
chapter and the rules adopted thereunder. The director may require 48979  
an examination before licensure or certification under this 48980  
section. 48981

Persons certified or licensed under this section are subject 48982  
to the same duties and requirements for renewal as other persons 48983  
certified or licensed pursuant to this chapter and the rules 48984  
adopted thereunder. 48985

**Sec. 3710.12.** Subject to ~~the hearing provisions of this~~ 48986  
~~chapter section 3710.13 of the Revised Code,~~ the ~~department of~~ 48987  
~~health director of environmental protection~~ may deny, suspend, or 48988  
revoke any license or certificate, or renewal thereof, if the 48989  
licensee or certificate holder: 48990

(A) Fraudulently or deceptively obtains or attempts to obtain 48991  
a license or certificate; 48992

(B) Fails at any time to meet the qualifications for a 48993  
license or certificate; 48994

(C) Is violating or threatening to violate any provisions of 48995  
any of the following: 48996

(1) This chapter, Chapters 3704. and 3745. of the Revised 48997  
Code, or the rules of the director ~~of health~~ adopted pursuant 48998  
~~thereto to those chapters, as those chapters and rules pertain to~~ 48999  
asbestos; 49000

(2) The "National Emission Standard for Hazardous Air 49001  
Pollutants" regulations of the United States environmental 49002  
protection agency as the regulations pertain to asbestos; 49003

(3) The regulations of the United States occupational safety 49004  
and health administration as the regulations pertain to asbestos. 49005

**Sec. 3710.13.** (A) ~~Except as otherwise provided in Chapter~~ 49006  
~~119. of the Revised Code or this section, before~~ Before the 49007  
~~department of health director of environmental protection~~ takes 49008  
any action under section 3710.12 of the Revised Code, ~~it~~ the 49009  
director shall give the license applicant, licensee, or 49010  
certificate holder against whom action is contemplated an 49011  
opportunity for a hearing. 49012

Except as otherwise provided in this section, the ~~department~~ 49013  
director shall give notice and hold the hearing in accordance with 49014

Chapter 119. of the Revised Code. 49015

(B) The ~~department~~ director, without notice or hearing and in 49016  
accordance with rules adopted by the director ~~of health~~, may issue 49017  
an order requiring any action necessary to meet ~~a public an~~ 49018  
environmental health emergency involving asbestos. Any person to 49019  
whom an order is directed shall immediately comply with the order. 49020  
Upon application to the director ~~of health~~, the person shall be 49021  
afforded a hearing as soon as possible, but no more than twenty 49022  
days after receipt of the application by the director. 49023

(C) If the director determines, pursuant to division (B) of 49024  
this section, that ~~a public an environmental~~ health emergency 49025  
involving asbestos exists, the director may order, without a 49026  
hearing, the denial, suspension, or revocation of any license or 49027  
certificate issued under this chapter of the parties involved, 49028  
provided that an opportunity for a hearing is provided to the 49029  
affected party as soon as reasonably possible. 49030

~~(D) All proceedings under this chapter are subject to Chapter 49031  
119. of the Revised Code, except that:~~ 49032

~~(1) Upon the request of a licensee or certificate holder, the 49033  
location of an adjudicatory hearing is the county seat of the 49034  
county in which the licensee or certificate holder conducts 49035  
business.~~ 49036

~~(2) The director shall notify, by certified mail or personal 49037  
delivery, a licensee or certificate holder that the licensee or 49038  
certificate holder is entitled to a hearing if the licensee or 49039  
certificate holder requests it, in writing, within ten days of the 49040  
time that the licensee or certificate holder receives the notice. 49041  
If the licensee or certificate holder requests such a hearing, the 49042  
director shall set the hearing date no later than ten days after 49043  
the director receives the request.~~ 49044

~~(3) The director shall not apply for or receive a 49045~~

~~postponement or continuation of an adjudication hearing. If a 49046  
licensee or certificate holder requests a postponement or 49047  
continuation of an adjudication hearing, the director only shall 49048  
grant the request if the licensee or certificate holder 49049  
demonstrates extreme hardship in complying with the hearing date. 49050  
If the director grants a postponement or continuation on the 49051  
grounds of extreme hardship, the director shall include in the 49052  
record of the case, the nature and cause of the extreme hardship. 49053~~

~~(4) In lieu of an adjudicatory hearing required by this 49054  
chapter, a licensee or certificate holder, by no later than the 49055  
date set for a hearing pursuant to division (A)(3) of this 49056  
section, may by written request to the director, request that the 49057  
matter be resolved by the licensee or certificate holder 49058  
submitting documents, papers, and other written evidence to the 49059  
director to support the licensee's or certificate holder's claim. 49060~~

~~(5) If the director appoints a referee or an examiner to 49061  
conduct a hearing, all of the following apply: 49062~~

~~(a) The examiner or referee shall serve, by certified mail 49063  
and within three business days of the conclusion of the hearing, a 49064  
copy of the written adjudication report and the referee's or 49065  
examiner's recommendations, on the director and the affected 49066  
licensee or certificate holder or the licensee's or certificate 49067  
holder's attorney or other representative of record. 49068~~

~~(b) The licensee or certificate holder, within three business 49069  
days of receipt of the report under division (D)(5)(a) of this 49070  
section, may file with the director written objections to the 49071  
report and recommendations. 49072~~

~~(c) The director shall consider any objections received under 49073  
division (D)(5)(b) of this section prior to approving, modifying, 49074  
or disapproving the report and recommendations. Within six 49075  
business days of receiving the report under division (D)(5)(a) of 49076~~

~~this section, the director shall serve the director's order, by 49077  
certified mail, on the affected licensee or certificate holder or 49078  
the licensee's or certificate holder's attorney or other 49079  
representative of record. 49080~~

~~(6) If the director conducts an adjudicatory hearing under 49081  
this chapter, the director shall serve the director's decision, by 49082  
certified mail and within three business days of the conclusion of 49083  
the hearing, on the affected licensee or certificate holder or the 49084  
licensee's or certificate holder's attorney or other 49085  
representative of record. 49086~~

~~(7) If no hearing is held, the director shall issue an order, 49087  
by certified mail and within three business days of the last date 49088  
possible for a hearing, based upon the record available to the 49089  
director, to the affected licensee or certificate holder or the 49090  
licensee's or certificate holder's attorney or other 49091  
representative of record. 49092~~

~~(8) A licensee or certificate holder shall file a notice of 49093  
appeal to an adverse adjudication decision within fifteen days 49094  
after receipt of the director's order. 49095~~

**Sec. 3710.14.** (A) At the request of the director of health 49096  
environmental protection, the attorney general may commence a 49097  
civil action for civil penalties and injunctions, in a court of 49098  
common pleas, against any person who has violated, is violating, 49099  
or is threatening to violate this chapter, any rule adopted under 49100  
this chapter, or any license or certificate issued under this 49101  
chapter. 49102

(B) The court of common pleas in which an action for 49103  
injunctive relief is filed has jurisdiction to, and shall grant, 49104  
preliminary and permanent injunctive relief upon a showing that 49105  
the person against whom the action is brought has violated, is 49106  
violating, or is threatening to violate any provision of this 49107

~~chapter~~ chapter, any rule adopted under this chapter, or any 49108  
license or certificate issued under this chapter. 49109

(C) Upon a finding of a violation, the court shall assess a 49110  
civil penalty of not more than five thousand dollars against the 49111  
person. 49112

(D) Each day a violation continues is a separate violation 49113  
under this section. 49114

(E) The remedies provided in Chapter 3710. of the Revised 49115  
Code are in addition to remedies otherwise available under any 49116  
federal, state, or local law. 49117

**Sec. 3710.15.** All civil and criminal penalties ordered 49118  
pursuant to this chapter and paid as provided in the chapter, and 49119  
all fees and other moneys collected pursuant to the chapter, shall 49120  
be deposited in the ~~general operations~~ non-title V clean air fund 49121  
created in section ~~3701.83~~ 3704.035 of the Revised Code ~~and shall~~ 49122  
~~be used for the sole purpose of administering and enforcing this~~ 49123  
~~chapter and the rules adopted under it.~~ 49124

**Sec. 3710.17.** (A) Where any person is certified or licensed 49125  
by the ~~department of health~~ director of environmental protection 49126  
to engage in asbestos hazard abatement or evaluation activity 49127  
pursuant to this chapter, the liability of that person when 49128  
performing such activity in accordance with procedures established 49129  
pursuant to state or federal law for an injury to any individual 49130  
or property caused or related to this activity shall be limited to 49131  
acts or omissions of the person during the course of performing 49132  
the activity which can be shown, based on a preponderance of the 49133  
evidence, to have been negligent. For the purposes of this 49134  
section, the demonstration that acts or omissions of a person 49135  
performing asbestos hazard abatement or evaluation activities were 49136  
in accordance with generally accepted practice and with procedures 49137



established by state or federal law at the time the abatement or 49138  
evaluation activity was performed creates a rebuttable presumption 49139  
that the acts or omissions were not negligent. 49140

(B) Where any person contracts with a certified asbestos 49141  
hazard abatement specialist, asbestos hazard evaluation 49142  
specialist, or other category of asbestos hazard specialist 49143  
established by the director of health, or a licensed asbestos 49144  
hazard abatement contractor, the liability of that person for 49145  
asbestos-related injuries caused by the person's contractee in the 49146  
performance of asbestos hazard abatement or evaluation activities 49147  
shall be limited to those asbestos-related injuries arising from 49148  
acts which the person knew or could reasonably have been expected 49149  
to know were not in accordance with generally accepted practice or 49150  
with procedures established by state or federal law at the time 49151  
the abatement activity took place. 49152

(C) Notwithstanding any other provisions of the Revised Code 49153  
or rules of a court to the contrary, this section governs all 49154  
claims for asbestos-related injuries arising from asbestos hazard 49155  
abatement or evaluation activities. 49156

**Sec. 3710.19.** On receipt of a notice pursuant to section 49157  
3123.43 of the Revised Code, the ~~department of health~~ director of 49158  
environmental protection shall comply with sections 3123.41 to 49159  
3123.50 of the Revised Code and any applicable rules adopted under 49160  
section 3123.63 of the Revised Code with respect to a license or 49161  
certificate issued pursuant to this chapter. 49162

**Sec. 3710.99.** (A) At the request of the director of ~~health~~ 49163  
environmental protection, a prosecuting attorney, city director of 49164  
law, or similar chief legal officer may commence a criminal 49165  
action, in a court of this state, against any person who violates 49166  
any provision of ~~Chapter 3710. of the Revised Code~~ this chapter, 49167

any rule adopted under this chapter, any license or certificate 49168  
issued under ~~the~~ this chapter, or any order issued pursuant to ~~the~~ 49169  
this chapter. 49170

(B) Upon conviction, the person is subject to: 49171

(1) A fine of at least ten thousand dollars but not more than 49172  
twenty-five thousand dollars or imprisonment at least one year but 49173  
not more than two years, or both, for a first offense; or 49174

(2) A fine of at least twenty thousand dollars but not more 49175  
than forty thousand dollars or imprisonment of at least two years 49176  
but not more than four years or both for a second or subsequent 49177  
offense. 49178

**Sec. 3713.04.** (A) In accordance with Chapter 119. of the 49179  
Revised Code, the superintendent of industrial compliance shall: 49180

(1) Adopt rules pertaining to the definition, name, and 49181  
description of materials necessary to carry out this chapter; 49182

(2) Determine the testing standards, fees, and charges to be 49183  
paid for making any test or analysis required pursuant to section 49184  
3713.08 of the Revised Code. 49185

(B) In accordance with Chapter 119. of the Revised Code, the 49186  
superintendent may adopt rules regarding the following: 49187

(1) Establishing an initial application fee or an annual 49188  
registration renewal fee not more than fifty per cent higher than 49189  
the fees set forth in section 4713.05 of the Revised Code; 49190

(2) Establishing standards, on a reciprocal basis, for the 49191  
acceptance of labels and laboratory analyses from other states 49192  
where the labeling requirements and laboratory analysis standards 49193  
are substantially equal to the requirements of this state, 49194  
provided the other state extends similar reciprocity to labels and 49195  
laboratory analysis conducted under this chapter; 49196

(3) Any other rules necessary to administer and carry out this chapter. 49197  
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(C) The superintendent may do any of the following: 49199

(1) Issue administrative orders, conduct hearings, and take all actions necessary under the authority of Chapter 119. of the Revised Code for the administration of this chapter. The authority granted under this division shall include the authority to suspend, revoke, or deny registration under this chapter. 49200  
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(2) Establish and maintain facilities within the department of commerce to make tests and analysis of materials used in the manufacture of bedding and stuffed toys. The superintendent also may designate established laboratories ~~in various sections of the state~~ that are qualified to make these tests. These laboratories may be used for making any test or analysis of materials used in the manufacture of bedding and stuffed toys. If the superintendent exercises this authority, the superintendent shall adopt rules to determine the fees and charges to be paid for making the tests or analyses authorized under this section. 49205  
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(3) Exercise such other powers and duties as are necessary to carry out the purpose and intent of this chapter. 49215  
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**Sec. 3715.021.** (A) As used in this section, "food processing establishment" means a premises or part of a premises where food is processed, packaged, manufactured, or otherwise held or handled for distribution to another location or for sale at wholesale. "Food processing establishment" includes the activities of a bakery, confectionery, cannery, bottler, warehouse, or distributor, and the activities of an entity that receives or salvages distressed food for sale or use as food. A "food processing establishment" does not include a cottage food production operation; a processor of maple syrup who boils sap when a minimum of seventy-five per cent of the sap used to produce 49217  
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the syrup is collected directly from trees by that processor; a 49228  
processor of sorghum who processes sorghum juice when a minimum of 49229  
seventy-five per cent of the sorghum juice used to produce the 49230  
sorghum is extracted directly from sorghum plants by that 49231  
processor; ~~or~~ a beekeeper who jars honey when a minimum of 49232  
seventy-five per cent of the honey is from that beekeeper's own 49233  
hives; or a processor of apple syrup or apple butter who directly 49234  
harvests from trees a minimum of seventy-five per cent of the 49235  
apples used to produce the apple syrup or apple butter. 49236

(B) The director of agriculture shall adopt rules in 49237  
accordance with Chapter 119. of the Revised Code that establish, 49238  
when otherwise not established by the Revised Code, standards and 49239  
good manufacturing practices for food processing establishments, 49240  
including the facilities of food processing establishments and 49241  
their sanitation. The rules shall conform with or be equivalent to 49242  
the standards for foods established by the United States food and 49243  
drug administration in Title 21 of the Code of Federal 49244  
Regulations. 49245

A business or that portion of a business that is regulated by 49246  
the department of agriculture under Chapter 917. or 918. of the 49247  
Revised Code is not subject to regulation under this section as a 49248  
food processing establishment. 49249

**Sec. 3715.041.** (A)(1) As used in this section, "food 49250  
processing establishment" has the same meaning as in section 49251  
3715.021 of the Revised Code. 49252

(2) A person that operates a food processing establishment 49253  
shall register the establishment annually with the director of 49254  
agriculture. The person shall submit an application for 49255  
registration or renewal on a form prescribed and provided by the 49256  
director. Except as provided in division (G) of this section, an 49257  
application for registration or renewal shall be accompanied by a 49258

registration fee in an amount established in rules adopted under 49259  
this section. If a person files an application for registration on 49260  
or after the first day of August of any year, the fee shall be 49261  
one-half of the annual registration fee. 49262

(B)(1) The director shall inspect the food processing 49263  
establishment for which an application for initial registration 49264  
has been submitted. If, upon inspection, the director finds that 49265  
the establishment is in compliance with this chapter and Chapter 49266  
911., 913., 915., or 925. of the Revised Code, as applicable, or 49267  
applicable rules adopted under those chapters, the director shall 49268  
issue a certificate of registration to the food processing 49269  
establishment. A food processing establishment registration 49270  
expires on the thirty-first day of January and is valid until that 49271  
date unless it is suspended or revoked under this section. 49272

(2) A person that is operating a food processing 49273  
establishment ~~on the effective date of this section~~ shall apply to 49274  
the director for a certificate of registration ~~not later than~~ 49275  
~~ninety days after the effective date of this section~~ not later 49276  
than a date specified by the director in rules adopted under this 49277  
section. If an application is not filed with the director or 49278  
postmarked on or before ~~ninety days after the effective date of~~ 49279  
~~this section~~ that date, the director shall assess a late fee in an 49280  
amount established in rules adopted under this section. 49281

(C)(1) A food processing establishment registration may be 49282  
renewed by the director. A person seeking registration renewal 49283  
shall submit an application for renewal to the director not later 49284  
than the thirty-first day of January. The director shall issue a 49285  
renewed certificate of registration on receipt of a complete 49286  
renewal application except as provided in division (C)(2) of this 49287  
section. 49288

(2) If a renewal application is not filed with the director 49289  
or postmarked on or before the thirty-first day of January, the 49290

director shall assess a late fee in an amount established in rules 49291  
adopted under this section. The director shall not renew the 49292  
registration until the applicant pays the late fee. 49293

(D) A copy of the food processing establishment registration 49294  
certificate shall be conspicuously displayed in an area of the 49295  
establishment to which customers of the establishment have access. 49296

(E)(1) The director or the director's designee may issue an 49297  
order suspending or revoking a food processing establishment 49298  
registration upon determining that the registration holder is in 49299  
violation of this chapter or Chapter 911., 913., 915., or 925. of 49300  
the Revised Code, as applicable, or applicable rules adopted under 49301  
those chapters. Except as provided in division (E)(2) of this 49302  
section, a registration shall not be suspended or revoked until 49303  
the registration holder is provided an opportunity to appeal the 49304  
suspension or revocation in accordance with Chapter 119. of the 49305  
Revised Code. 49306

(2) If the director determines that a food processing 49307  
establishment presents an immediate danger to the public health, 49308  
the director may issue an order immediately suspending the 49309  
establishment's registration without affording the registration 49310  
holder an opportunity for a hearing. The director then shall 49311  
afford the registration holder a hearing in accordance with 49312  
Chapter 119. of the Revised Code not later than ten days after the 49313  
date of suspension. 49314

(3) If the director finds that a person is operating a food 49315  
processing establishment without registering the establishment 49316  
under this section, the director shall issue a letter of warning 49317  
to the person giving the person ten days to register the 49318  
establishment. If the person fails to register the establishment 49319  
within that ten-day time period, the director may assess a civil 49320  
penalty against the person. If the director assesses a civil 49321  
penalty, the director shall do so as follows: 49322

(a) If, within five years of the issuance of the letter of warning to the person, the director has not previously assessed a civil penalty against the person under this section, in an amount not exceeding five hundred dollars; 49323  
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(b) If, within five years of the issuance of the letter of warning to the person, the director has previously assessed one civil penalty against the person under this section, in an amount not exceeding one thousand five hundred dollars; 49327  
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(c) If, within five years of the issuance of the letter of warning to the person, the director has previously assessed two or more civil penalties against the person under this section, in an amount not exceeding five thousand dollars. 49331  
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(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following: 49335  
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(1) The date by which a person that is operating a food processing establishment must submit an application for a food processing establishment registration; 49337  
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(2) The amount of the registration fee that must be submitted with an application for a food processing establishment registration and with an application for renewal; 49340  
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~~(2)~~(3) The amount of the late fee that is required in division (B)(2) of this section; 49343  
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~~(3)~~(4) The amount of the fee for the late renewal of a food processing establishment registration that is required in division (C)(2) of this section; 49345  
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~~(4)~~(5) Any other procedures and requirements that are necessary to administer and enforce this section. 49348  
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(G) The following are not required to pay any registration fee that is otherwise required in this section: 49350  
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(1) ~~Home bakeries~~ Bakeries registered under section 911.02 of 49352

the Revised Code;	49353
(2) Canneries licensed under section 913.02 of the Revised Code;	49354 49355
(3) Soft drink plants licensed under section 913.23 of the Revised Code;	49356 49357
(4) Cold-storage warehouses licensed under section 915.02 of the Revised Code;	49358 49359
(5) Persons licensed under section 915.15 of the Revised Code;	49360 49361
(6) Persons that are engaged in egg production and that maintain annually five hundred or fewer laying hens.	49362 49363
(H) All money that is collected under this section shall be credited to the food safety fund created in section 915.24 of the Revised Code.	49364 49365 49366
<b><u>Sec. 3715.08. (A) As used in this section:</u></b>	49367
<u>(1) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.</u>	49368 49369
<u>(2) "Prescriber" means any of the following:</u>	49370
<u>(a) An advanced practice registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;</u>	49371 49372 49373 49374
<u>(b) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;</u>	49375 49376 49377
<u>(c) A physician assistant who is licensed under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.</u>	49378 49379 49380 49381



(3) "Qualifying practitioner" has the same meaning as in 49382  
section 303(g)(2)(G)(iii) of the "Controlled Substances Act of 49383  
1970," 21 U.S.C. 823(g)(2)(G)(iii), as amended. 49384

(B) Before initiating medication-assisted treatment, a 49385  
prescriber shall give the patient or the patient's representative 49386  
information about all drugs approved by the United States food and 49387  
drug administration for use in medication-assisted treatment. The 49388  
information must be provided both orally and in writing. The 49389  
prescriber or the prescriber's delegate shall note in the 49390  
patient's medical record when this information was provided and 49391  
make the record available to employees of the board of nursing or 49392  
state medical board on their request. 49393

If the prescriber is not a qualifying practitioner and the 49394  
patient's choice is treatment with a controlled substance 49395  
containing buprenorphine and the prescriber determines that such 49396  
treatment is clinically appropriate and meets generally accepted 49397  
standards of medicine, the prescriber shall refer the patient to a 49398  
qualifying practitioner. If the patient's choice is methadone 49399  
treatment and the prescriber determines that such treatment is 49400  
clinically appropriate and meets generally accepted standards of 49401  
medicine, the prescriber shall refer the patient to a community 49402  
addiction services provider licensed under section 5119.391 of the 49403  
Revised Code. In either case, the prescriber or the prescriber's 49404  
delegate shall make a notation in the patient's medical record 49405  
naming the practitioner or provider to whom the patient was 49406  
referred and specifying when the referral was made. 49407

**Sec. 3719.04.** (A) A licensed manufacturer or wholesaler of 49408  
controlled substances person identified in division (B)(1)(a) of 49409  
section 4729.52 of the Revised Code who holds a category III 49410  
license under that section may sell at wholesale controlled 49411  
substances to any of the following persons and subject to the 49412

following conditions: 49413

(1) To ~~a licensed manufacturer or wholesaler of controlled substances~~ another person who holds a category III license under section 4729.50 of the Revised Code, or a terminal distributor of dangerous drugs having a category III license under section 4729.54 of the Revised Code; 49414  
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(2) To a person in the employ of the United States government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing controlled substances by reason of official duties; 49419  
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(3) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, for the actual medical needs of persons on board the ship or aircraft, when not in port; provided such controlled substances shall be sold to the master of the ship or person in charge of the aircraft only in pursuance of a special official written order approved by a commissioned medical officer or acting assistant surgeon of the United States public health service; 49423  
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(4) To a person in a foreign country, if the federal drug abuse control laws are complied with. 49431  
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(B) An official written order for any schedule II controlled substances shall be signed in triplicate by the person giving the order or by the person's authorized agent. The original shall be presented to the person who sells or dispenses the schedule II controlled substances named in the order and, if that person accepts the order, each party to the transaction shall preserve the party's copy of the order for a period of three years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of Chapter 3719. of the Revised Code. Compliance with the federal drug abuse control laws, respecting the requirements governing the use of a special 49433  
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official written order constitutes compliance with this division. 49444

**Sec. 3719.07.** (A) As used in this section, "description" 49445  
means the dosage form, strength, and quantity, and the brand name, 49446  
if any, or the generic name, of a drug or controlled substance. 49447

(B)(1) Every licensed health professional authorized to 49448  
prescribe drugs shall keep a record of all controlled substances 49449  
received and a record of all controlled substances administered, 49450  
dispensed, or used other than by prescription. Every other person, 49451  
except a pharmacist, or a manufacturer, or wholesaler, or other 49452  
person licensed under section 4729.52 of the Revised Code, who is 49453  
authorized to purchase and use controlled substances shall keep a 49454  
record of all controlled substances purchased and used other than 49455  
by prescription. The records shall be kept in accordance with 49456  
division (C)(1) of this section. 49457

(2) Manufacturers ~~and~~, wholesalers, and other persons 49458  
licensed under section 4729.52 of the Revised Code shall keep 49459  
records of all controlled substances compounded, mixed, 49460  
cultivated, grown, or by any other process produced or prepared by 49461  
them, and of all controlled substances received or sold by them. 49462  
The records shall be kept in accordance with division (C)(2) of 49463  
this section. 49464

(3) Every category III terminal distributor of dangerous 49465  
drugs shall keep records of all controlled substances received or 49466  
sold. The records shall be kept in accordance with division (C)(3) 49467  
of this section. 49468

(4) Every person who sells or purchases for resale schedule V 49469  
controlled substances exempted by section 3719.15 of the Revised 49470  
Code shall keep a record showing the quantities and kinds thereof 49471  
received or sold. The records shall be kept in accordance with 49472  
divisions (C)(1), (2), and (3) of this section. 49473

(C)(1) The records required by divisions (B)(1) and (4) of this section shall contain the following: 49474  
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(a) The description of all controlled substances received, the name and address of the person from whom received, and the date of receipt; 49476  
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(b) The description of controlled substances administered, dispensed, purchased, sold, or used; the date of administering, dispensing, purchasing, selling, or using; the name and address of the person to whom, or for whose use, or the owner and species of the animal for which the controlled substance was administered, dispensed, purchased, sold, or used. 49479  
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(2) The records required by divisions (B)(2) and (4) of this section shall contain the following: 49485  
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(a) The description of all controlled substances produced or prepared, the name and address of the person from whom received, and the date of receipt; 49487  
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(b) The description of controlled substances sold, the name and address of each person to whom a controlled substance is sold, the amount of the controlled substance sold to each person, and the date it was sold. 49490  
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(3) The records required by divisions (B)(3) and (4) of this section shall contain the following: 49494  
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(a) The description of controlled substances received, the name and address of the person from whom controlled substances are received, and the date of receipt; 49496  
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(b) The name and place of residence of each person to whom controlled substances, including those otherwise exempted by section 3719.15 of the Revised Code, are sold, the description of the controlled substances sold to each person, and the date the controlled substances are sold to each person. 49499  
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(D) Every record required by this section shall be kept for a 49504  
period of three years. 49505

The keeping of a record required by or under the federal drug 49506  
abuse control laws, containing substantially the same information 49507  
as specified in this section, constitutes compliance with this 49508  
section. 49509

Every person who purchases for resale or who sells controlled 49510  
substance preparations exempted by section 3719.15 of the Revised 49511  
Code shall keep the record required by or under the federal drug 49512  
abuse control laws. 49513

**Sec. 3719.08.** (A) ~~Whenever~~ As used in this division, 49514  
"repackager" and "outsourcing facility" have the same meanings as 49515  
in section 4729.01 of the Revised Code. 49516

Whenever a manufacturer sells a controlled substance, and 49517  
whenever a wholesaler, repackager, or outsourcing facility sells a 49518  
controlled substance in a package the wholesaler, repackager, or 49519  
outsourcing facility has prepared, the manufacturer or the 49520  
wholesaler, repackager, or outsourcing facility, as the case may 49521  
be, shall securely affix to each package in which the controlled 49522  
substance is contained a label showing in legible English the name 49523  
and address of the vendor and the quantity, kind, and form of 49524  
controlled substance contained therein. No person, except a 49525  
pharmacist for the purpose of dispensing a controlled substance 49526  
upon a prescription shall alter, deface, or remove any label so 49527  
affixed. 49528

(B) Except as provided in division (C) of this section, when 49529  
a pharmacist dispenses any controlled substance on a prescription 49530  
for use by a patient, or supplies a controlled substance to a 49531  
licensed health professional authorized to prescribe drugs for use 49532  
by the professional in personally furnishing patients with 49533  
controlled substances, the pharmacist shall affix to the container 49534

in which the controlled substance is dispensed or supplied a label 49535  
showing the following: 49536

(1) The name and address of the pharmacy dispensing or 49537  
supplying the controlled substance; 49538

(2) The name of the patient for whom the controlled substance 49539  
is prescribed and, if the patient is an animal, the name of the 49540  
owner and the species of the animal; 49541

(3) The name of the prescriber; 49542

(4) All directions for use stated on the prescription or 49543  
provided by the prescriber; 49544

(5) The date on which the controlled substance was dispensed 49545  
or supplied; 49546

(6) The name, quantity, and strength of the controlled 49547  
substance and, if applicable, the name of the distributor or 49548  
manufacturer. 49549

(C) The requirements of division (B) of this section do not 49550  
apply when a controlled substance is prescribed or supplied for 49551  
administration to an ultimate user who is institutionalized. 49552

(D) A licensed health professional authorized to prescribe 49553  
drugs who personally furnishes a controlled substance to a patient 49554  
shall comply with division (A) of section 4729.291 of the Revised 49555  
Code with respect to labeling and packaging of the controlled 49556  
substance. 49557

(E) No person shall alter, deface, or remove any label 49558  
affixed pursuant to this section as long as any of the original 49559  
contents remain. 49560

(F) Every label for a schedule II, III, or IV controlled 49561  
substance shall contain the following warning: 49562

"Caution: federal law prohibits the transfer of this drug to 49563  
any person other than the patient for whom it was prescribed." 49564

**Sec. 3721.02.** (A) As used in this section, "residential facility" means a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.

(B)(1) The director of health shall license homes and establish procedures to be followed in inspecting and licensing homes. The director may inspect a home at any time. Each home shall be inspected by the director at least once prior to the issuance of a license and at least once every fifteen months thereafter. The state fire marshal or a township, municipal, or other legally constituted fire department approved by the marshal shall also inspect a home prior to issuance of a license, at least once every fifteen months thereafter, and at any other time requested by the director. A home does not have to be inspected prior to issuance of a license by the director, state fire marshal, or a fire department if ownership of the home is assigned or transferred to a different person and the home was licensed under this chapter immediately prior to the assignment or transfer. A nursing home does not need to be inspected before the director increases the nursing home's licensed capacity if the beds being added to the nursing home are placed in resident rooms that were inspected, as part of the most recent previous inspection of the nursing home, for the same number of residents proposed to be placed in a room after the capacity increase. The director may enter at any time, for the purposes of investigation, any institution, residence, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is operating as a nursing home, residential care facility, or home for the aging without a valid license required by section 3721.05 of the Revised Code or, in the case of a county home or district home, is operating despite the revocation of its

residential care facility license. The director may delegate the 49597  
director's authority and duties under this chapter to any 49598  
division, bureau, agency, or official of the department of health. 49599

(2)(a) If, prior to issuance of a license, a home submits a 49600  
request for an expedited licensing inspection and the request is 49601  
submitted in a manner and form approved by the director, the 49602  
director shall commence an inspection of the home not later than 49603  
ten business days after receiving the request. 49604

(b) On request, submitted in a manner and form approved by 49605  
the director, the director may review plans for a building that is 49606  
to be used as a home for compliance with applicable state and 49607  
local building and safety codes. 49608

(c) The director may charge a fee for an expedited licensing 49609  
inspection or a plan review that is adequate to cover the expense 49610  
of expediting the inspection or reviewing the plans. The fee shall 49611  
be deposited in the state treasury to the credit of the general 49612  
operations fund created in section 3701.83 of the Revised Code and 49613  
used solely for expediting inspections and reviewing plans. 49614

(C) A single facility may be licensed both as a nursing home 49615  
pursuant to this chapter and as a residential facility pursuant to 49616  
section 5119.34 of the Revised Code if the director determines 49617  
that the part or unit to be licensed as a nursing home can be 49618  
maintained separate and discrete from the part or unit to be 49619  
licensed as a residential facility. 49620

(D) In determining the number of residents in a home for the 49621  
purpose of licensing, the director shall consider all the 49622  
individuals for whom the home provides accommodations as one group 49623  
unless one of the following is the case: 49624

(1) The home is a home for the aging, in which case all the 49625  
individuals in the part or unit licensed as a nursing home shall 49626  
be considered as one group, and all the individuals in the part or 49627



unit licensed as a rest home shall be considered as another group. 49628

(2) The home is both a nursing home and a residential 49629  
facility. In that case, all the individuals in the part or unit 49630  
licensed as a nursing home shall be considered as one group, and 49631  
all the individuals in the part or unit licensed as an adult care 49632  
facility shall be considered as another group. 49633

(3) The home maintains, in addition to a nursing home or 49634  
residential care facility, a separate and discrete part or unit 49635  
that provides accommodations to individuals who do not require or 49636  
receive skilled nursing care and do not receive personal care 49637  
services from the home, in which case the individuals in the 49638  
separate and discrete part or unit shall not be considered in 49639  
determining the number of residents in the home if the separate 49640  
and discrete part or unit is in compliance with the Ohio basic 49641  
building code established by the board of building standards under 49642  
Chapters 3781. and 3791. of the Revised Code and the home permits 49643  
the director, on request, to inspect the separate and discrete 49644  
part or unit and speak with the individuals residing there, if 49645  
they consent, to determine whether the separate and discrete part 49646  
or unit meets the requirements of this division. 49647

(E)(1) The director of health shall charge the following 49648  
application fee and annual renewal licensing and inspection fee 49649  
for each fifty persons or part thereof of a home's licensed 49650  
capacity: 49651

(a) For state fiscal year 2010, two hundred twenty dollars; 49652

(b) For state fiscal year 2011, two hundred seventy dollars; 49653

(c) For each state fiscal year thereafter, three hundred 49654  
twenty dollars. 49655

(2) All fees collected by the director for the issuance or 49656  
renewal of licenses shall be deposited into the state treasury to 49657  
the credit of the general operations fund created in section 49658

3701.83 of the Revised Code for use only in administering and 49659  
enforcing this chapter and rules adopted under it. 49660

(F)(1) Except as otherwise provided in this section, the 49661  
results of an inspection or investigation of a home that is 49662  
conducted under this section, including any statement of 49663  
deficiencies and all findings and deficiencies cited in the 49664  
statement on the basis of the inspection or investigation, shall 49665  
be used solely to determine the home's compliance with this 49666  
chapter or another chapter of the Revised Code in any action or 49667  
proceeding other than an action commenced under division (I) of 49668  
section 3721.17 of the Revised Code. Those results of an 49669  
inspection or investigation, that statement of deficiencies, and 49670  
the findings and deficiencies cited in that statement shall not be 49671  
used in either of the following: 49672

(a) Any court or in any action or proceeding that is pending 49673  
in any court and are not admissible in evidence in any action or 49674  
proceeding unless that action or proceeding is an appeal of an 49675  
action by the department of health under this chapter or is an 49676  
action by any department or agency of the state to enforce this 49677  
chapter or another chapter of the Revised Code; 49678

(b) An advertisement, unless the advertisement includes all 49679  
of the following: 49680

(i) The date the inspection or investigation was conducted; 49681

(ii) A statement that the director of health inspects all 49682  
homes at least once every fifteen months; 49683

(iii) If a finding or deficiency cited in the statement of 49684  
deficiencies has been substantially corrected, a statement that 49685  
the finding or deficiency has been substantially corrected and the 49686  
date that the finding or deficiency was substantially corrected; 49687

(iv) The number of findings and deficiencies cited in the 49688  
statement of deficiencies on the basis of the inspection or 49689

investigation;	49690
(v) The average number of findings and deficiencies cited in a statement of deficiencies on the basis of an inspection or investigation conducted under this section during the same calendar year as the inspection or investigation used in the advertisement;	49691 49692 49693 49694 49695
(vi) A statement that the advertisement is neither authorized nor endorsed by the department of health or any other government agency.	49696 49697 49698
(2) Nothing in division (F)(1) of this section prohibits the results of an inspection or investigation conducted under this section from being used in a criminal investigation or prosecution.	49699 49700 49701 49702
<b>Sec. 3721.031.</b> (A) The director of health may investigate any complaint the director receives concerning a home.	49703 49704
(1) Except as required by court order, as necessary for the administration or enforcement of any statute relating to homes, or as provided in division (C) of this section, the director and any employee of the department of health shall not release any of the following information without the permission of the individual or of the individual's legal representative:	49705 49706 49707 49708 49709 49710
(a) The identity of any patient or resident;	49711
(b) The identity of any individual who submits a complaint about a home;	49712 49713
(c) The identity of any individual who provides the director with information about a home and has requested confidentiality;	49714 49715
(d) Any information that reasonably would tend to disclose the identity of any individual described in division (A)(1)(a) to (c) of this section.	49716 49717 49718

(2) An agency or individual to whom the director is required, 49719  
by court order or for the administration or enforcement of a 49720  
statute relating to homes, to release information described in 49721  
division (A)(1) of this section shall not release the information 49722  
without the permission of the individual who would be or would 49723  
reasonably tend to be identified, or of the individual's legal 49724  
representative, unless the agency or individual is required to 49725  
release it by division (C) of this section, by court order, or for 49726  
the administration or enforcement of a statute relating to homes. 49727

(B) Except as provided in division (C) of this section, any 49728  
record that identifies an individual described in division 49729  
(A)(1)(a) to (c) of this section or that reasonably would tend to 49730  
identify such an individual is not a public record for the 49731  
purposes of section 149.43 of the Revised Code, and is not subject 49732  
to inspection and copying under section 1347.08 of the Revised 49733  
Code. 49734

(C)(1) If the director, or an agency or individual to whom 49735  
the director is required by court order or for administration or 49736  
enforcement of a statute relating to homes to release information 49737  
described in division (A)(1) of this section, uses information in 49738  
any administrative or judicial proceeding against a home that 49739  
reasonably would tend to identify an individual described in 49740  
division (A)(1)(a) to (c) of this section, the director, agency, 49741  
or individual shall disclose that information to the home. 49742  
However, the director, agency, or individual shall not disclose 49743  
information that directly identifies an individual described in 49744  
divisions (A)(1)(a) to (c) of this section, unless the individual 49745  
is to testify in the proceedings. 49746

(2)(a) On the request of the director of aging or the 49747  
director's designee and subject to division (C)(2)(b) of this 49748  
section, the director of health may release to the department of 49749  
aging the identity of a patient or resident of a home who receives 49750

assisted living services pursuant to sections 173.54 to 173.548 of 49751  
the Revised Code. 49752

(b) The department of aging shall not use information 49753  
obtained under division (C)(2)(a) for any purpose other than 49754  
monitoring the well-being of patients or residents who receive 49755  
assisted living services. 49756

(D) No person shall knowingly register a false complaint 49757  
about a home with the director, or knowingly swear or affirm the 49758  
truth of a false complaint, when the complaint is made for the 49759  
purpose of incriminating another. 49760

(E) An individual who in good faith submits a complaint under 49761  
this section or any other provision of the Revised Code regarding 49762  
a violation of this chapter, or participates in any investigation, 49763  
administrative proceeding, or judicial proceeding resulting from 49764  
the complaint, has the full protection against retaliatory action 49765  
provided by sections 4113.51 to 4113.53 of the Revised Code. 49766

**Sec. 3721.21.** As used in sections 3721.21 to 3721.34 of the 49767  
Revised Code: 49768

(A) "Long-term care facility" means either of the following: 49769

(1) A nursing home as defined in section 3721.01 of the 49770  
Revised Code; 49771

(2) A facility or part of a facility that is certified as a 49772  
skilled nursing facility or a nursing facility under Title XVIII 49773  
or XIX of the "Social Security Act." 49774

(B) "Residential care facility" has the same meaning as in 49775  
section 3721.01 of the Revised Code. 49776

(C) "Abuse" means ~~knowingly causing physical harm or~~ 49777  
~~recklessly causing serious physical harm to a resident by physical~~ 49778  
~~contact with the resident or by use of physical or chemical~~ 49779  
~~restraint, medication, or isolation as punishment, for staff~~ 49780

~~convenience, excessively, as a substitute for treatment, or in~~ 49781  
~~amounts that preclude habilitation and treatment any of the~~ 49782  
following: 49783

(1) Physical abuse; 49784

(2) Psychological abuse; 49785

(3) Sexual abuse. 49786

(D) "Neglect" means recklessly failing to provide a resident 49787  
with any treatment, care, goods, or service necessary to maintain 49788  
the health or safety of the resident when the failure results in 49789  
serious physical harm to the resident. "Neglect" does not include 49790  
allowing a resident, at the resident's option, to receive only 49791  
treatment by spiritual means through prayer in accordance with the 49792  
tenets of a recognized religious denomination. 49793

(E) "Exploitation" means taking advantage of a resident, 49794  
regardless of whether the action was for personal gain, whether 49795  
the resident knew of the action, or whether the resident was 49796  
harmed. 49797

(F) "Misappropriation" means depriving, defrauding, or 49798  
otherwise obtaining the real or personal property of a resident by 49799  
any means prohibited by the Revised Code, including violations of 49800  
Chapter 2911. or 2913. of the Revised Code. 49801

~~(F)~~(G) "Resident" includes a resident, patient, former 49802  
resident or patient, or deceased resident or patient of a 49803  
long-term care facility or a residential care facility. 49804

(H) "Physical abuse" means knowingly causing physical harm or 49805  
recklessly causing serious physical harm to a resident through 49806  
either of the following: 49807

(1) Physical contact with the resident; 49808

(2) The use of physical restraint, chemical restraint, 49809  
medication that does not constitute a chemical restraint, or 49810

isolation, if the restraint, medication, or isolation is 49811  
excessive, for punishment, for staff convenience, a substitute for 49812  
treatment, or in an amount that precludes habilitation and 49813  
treatment. 49814

(I) "Psychological abuse" means knowingly or recklessly 49815  
causing psychological harm to a resident, whether verbally or by 49816  
action. 49817

(J) "Sexual abuse" means sexual conduct or sexual contact 49818  
with a resident, as those terms are defined in section 2907.01 of 49819  
the Revised Code. 49820

~~(G)~~(K) "Physical restraint" has the same meaning as in 49821  
section 3721.10 of the Revised Code. 49822

~~(H)~~(L) "Chemical restraint" has the same meaning as in 49823  
section 3721.10 of the Revised Code. 49824

~~(I)~~(M) "Nursing and nursing-related services" means the 49825  
personal care services and other services not constituting skilled 49826  
nursing care that are specified in rules the director of health 49827  
shall adopt in accordance with Chapter 119. of the Revised Code. 49828

~~(J)~~(N) "Personal care services" has the same meaning as in 49829  
section 3721.01 of the Revised Code. 49830

~~(K)~~(O)(1) Except as provided in division ~~(K)~~(O)(2) of this 49831  
section, "nurse aide" means an individual who provides nursing and 49832  
nursing-related services to residents in a long-term care 49833  
facility, either as a member of the staff of the facility for 49834  
monetary compensation or as a volunteer without monetary 49835  
compensation. 49836

(2) "Nurse aide" does not include either of the following: 49837

(a) A licensed health professional practicing within the 49838  
scope of the professional's license; 49839

(b) An individual providing nursing and nursing-related 49840

services in a religious nonmedical health care institution, if the 49841  
individual has been trained in the principles of nonmedical care 49842  
and is recognized by the institution as being competent in the 49843  
administration of care within the religious tenets practiced by 49844  
the residents of the institution. 49845

~~(L)~~(P) "Licensed health professional" means all of the 49846  
following: 49847

(1) An occupational therapist or occupational therapy 49848  
assistant licensed under Chapter 4755. of the Revised Code; 49849

(2) A physical therapist or physical therapy assistant 49850  
licensed under Chapter 4755. of the Revised Code; 49851

(3) A physician authorized under Chapter 4731. of the Revised 49852  
Code to practice medicine and surgery, osteopathic medicine and 49853  
surgery, or ~~pediatry~~ podiatric medicine and surgery; 49854

(4) A physician assistant authorized under Chapter 4730. of 49855  
the Revised Code to practice as a physician assistant; 49856

(5) A registered nurse or licensed practical nurse licensed 49857  
under Chapter 4723. of the Revised Code; 49858

(6) A social worker or independent social worker licensed 49859  
under Chapter 4757. of the Revised Code or a social work assistant 49860  
registered under that chapter; 49861

(7) A speech-language pathologist or audiologist licensed 49862  
under Chapter 4753. of the Revised Code; 49863

(8) A dentist or dental hygienist licensed under Chapter 49864  
4715. of the Revised Code; 49865

(9) An optometrist licensed under Chapter 4725. of the 49866  
Revised Code; 49867

(10) A pharmacist licensed under Chapter 4729. of the Revised 49868  
Code; 49869



(11) A psychologist licensed under Chapter 4732. of the Revised Code; 49870  
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(12) A chiropractor licensed under Chapter 4734. of the Revised Code; 49872  
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(13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code; 49874  
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(14) A licensed professional counselor or licensed professional clinical counselor licensed under Chapter 4757. of the Revised Code; 49876  
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(15) A marriage and family therapist or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code. 49879  
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~~(M)~~(O) "Religious nonmedical health care institution" means an institution that meets or exceeds the conditions to receive payment under the medicare program established under Title XVIII of the "Social Security Act" for inpatient hospital services or post-hospital extended care services furnished to an individual in a religious nonmedical health care institution, as defined in section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395x(ss)(1), as amended. 49882  
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~~(N)~~(R) "Competency evaluation program" means a program through which the competency of a nurse aide to provide nursing and nursing-related services is evaluated. 49890  
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~~(O)~~(S) "Training and competency evaluation program" means a program of nurse aide training and evaluation of competency to provide nursing and nursing-related services. 49893  
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**Sec. 3721.22.** (A)(1) No licensed health professional person identified in division (P)(1) to (12), (14), or (15) of section 3721.21 of the Revised Code who knows or suspects that a resident has been abused ~~or~~, neglected, or exploited, or that a resident's 49896  
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property has been misappropriated, by any individual used by a 49900  
long-term care facility or residential care facility to provide 49901  
services to residents, shall fail to report that knowledge or 49902  
suspicion to the ~~director of health~~ facility. 49903

(2) No nursing home administrator licensed or temporarily 49904  
licensed under Chapter 4751. of the Revised Code, and no 49905  
administrator of a residential care facility, who knows or 49906  
suspects that a resident has been abused, neglected, or exploited, 49907  
or that a resident's property has been misappropriated, by any 49908  
individual used by a long-term care facility or residential care 49909  
facility to provide services to residents, shall fail to report 49910  
that knowledge or suspicion to the director of health. 49911

(B) Any person, including a resident, who knows or suspects 49912  
that a resident has been abused ~~or~~, neglected, or exploited, or 49913  
that a resident's property has been misappropriated, by any 49914  
individual used by a long-term care facility or residential care 49915  
facility to provide services to residents, may report that 49916  
knowledge or suspicion to the director of health. 49917

(C) Any person who in good faith reports suspected abuse, 49918  
neglect, exploitation, or misappropriation to a facility or the 49919  
director of health, provides information during an investigation 49920  
of suspected abuse, neglect, exploitation, or misappropriation 49921  
conducted by the director, or participates in a hearing conducted 49922  
under section 3721.23 of the Revised Code is not subject to 49923  
criminal prosecution, liable in damages in a tort or other civil 49924  
action, or subject to professional disciplinary action because of 49925  
injury or loss to person or property allegedly arising from the 49926  
making of the report, provision of information, or participation 49927  
in the hearing. 49928

(D) If the director has reason to believe that a violation of 49929  
division (A) of this section has occurred, the director may report 49930  
the suspected violation to the appropriate professional licensing 49931

authority and to the attorney general, county prosecutor, or other 49932  
appropriate law enforcement official. 49933

(E) No person shall knowingly make a false allegation of 49934  
abuse ~~or~~, neglect, or exploitation of a resident or 49935  
misappropriation of a resident's property, or knowingly swear or 49936  
affirm the truth of a false allegation, when the allegation is 49937  
made for the purpose of incriminating another. 49938

**Sec. 3721.23.** (A) The director of health shall receive, 49939  
review, and investigate allegations of abuse ~~or~~, neglect, or 49940  
exploitation of a resident or misappropriation of the property of 49941  
a resident by any individual used by a long-term care facility or 49942  
residential care facility to provide services to residents. 49943

(B) The director shall make findings regarding alleged abuse, 49944  
neglect, exploitation, or misappropriation of property after doing 49945  
both of the following: 49946

(1) Investigating the allegation and determining that there 49947  
is a reasonable basis for it; 49948

(2) Giving notice to the individual named in the allegation 49949  
and affording the individual a reasonable opportunity for a 49950  
hearing. 49951

Notice to the person named in an allegation shall be given 49952  
and the hearing shall be conducted pursuant to rules adopted by 49953  
the director under section 3721.26 of the Revised Code. For 49954  
purposes of conducting a hearing under this section, the director 49955  
may issue subpoenas compelling attendance of witnesses or 49956  
production of documents. The subpoenas shall be served in the same 49957  
manner as subpoenas and subpoenas duces tecum issued for a trial 49958  
of a civil action in a court of common pleas. If a person who is 49959  
served a subpoena fails to attend a hearing or to produce 49960  
documents, or refuses to be sworn or to answer any questions, the 49961

director may apply to the common pleas court of the county in 49962  
which the person resides, or the county in which the long-term 49963  
care facility or residential care facility is located, for a 49964  
contempt order, as in the case of a failure of a person who is 49965  
served a subpoena issued by the court to attend or to produce 49966  
documents or a refusal of such person to testify. 49967

(C)(1) If the director finds that an individual used by a 49968  
long-term care facility or residential care facility has abused, 49969  
neglected, or ~~abused~~ exploited a resident or misappropriated 49970  
property of a resident, the director shall ~~notify~~ do both of the 49971  
following: 49972

(a) Notify the individual, the facility using the individual, 49973  
~~and~~ the attorney general, county prosecutor, or other appropriate 49974  
law enforcement official. ~~The director also shall do the~~ 49975  
~~following:~~ 49976

~~(a) If the individual is used by a long term care facility as~~ 49977  
~~a nurse aide, the director shall, in accordance with section~~ 49978  
~~3721.32 of the Revised Code, include in the nurse aide registry~~ 49979  
~~established under that section a statement detailing the findings~~ 49980  
~~pertaining to the individual.~~ 49981

~~(b) If the individual is a licensed health professional used~~ 49982  
~~by a long term care facility or residential care facility to~~ 49983  
~~provide services to residents, the director shall notify, and, if~~ 49984  
~~applicable, the appropriate professional licensing authority~~ 49985  
~~established under Title XLVII of the Revised Code.~~ 49986

~~(c) If the individual is used by a long term care facility~~ 49987  
~~and is neither a nurse aide nor a licensed health professional, or~~ 49988  
~~is used by a residential care facility and is not a licensed~~ 49989  
~~health professional, the director shall, in~~ 49990

(b) In accordance with section 3721.32 of the Revised Code, 49991  
include in the nurse aide registry established under that section 49992

a statement detailing the findings pertaining to the individual. 49993

(2) ~~A nurse aide or other~~ An individual about whom a 49994  
statement is required by this division to be included in the nurse 49995  
aide registry may provide the director with a statement disputing 49996  
the director's findings and explaining the circumstances of the 49997  
allegation. The statement shall be included in the nurse aide 49998  
registry with the director's findings. 49999

(D)(1) If the director finds that alleged abuse, neglect, or 50000  
~~abuse~~ exploitation of a resident or misappropriation of property 50001  
of a resident cannot be substantiated, the director shall notify 50002  
the individual and expunge all files and records of the 50003  
investigation and the hearing by doing all of the following: 50004

(a) Removing and destroying the files and records, originals 50005  
and copies, and deleting all index references; 50006

(b) Reporting to the individual the nature and extent of any 50007  
information about the individual transmitted to any other person 50008  
or government entity by the director of health; 50009

(c) Otherwise ensuring that any examination of files and 50010  
records in question show no record whatever with respect to the 50011  
individual. 50012

(2)(a) If, in accordance with division (C)(1)~~(a) or (c)~~ of 50013  
this section, the director includes in the nurse aide registry a 50014  
statement of a finding of neglect, the individual found to have 50015  
neglected a resident may, not earlier than one year after the date 50016  
of the finding, petition the director to rescind the finding and 50017  
remove the statement and any accompanying information from the 50018  
nurse aide registry. The director shall consider the petition. If, 50019  
in the judgment of the director, the neglect was a singular 50020  
occurrence and the employment and personal history of the 50021  
individual does not evidence abuse, exploitation, or any other 50022  
incident of neglect of residents, the director shall notify the 50023

individual and remove the statement and any accompanying 50024  
information from the nurse aide registry. The director shall 50025  
expunge all files and records of the investigation and the 50026  
hearing, except the petition for rescission of the finding of 50027  
neglect and the director's notice that the rescission has been 50028  
approved. 50029

(b) A petition for rescission of a finding of neglect and the 50030  
director's notice that the rescission has been approved are not 50031  
public records for the purposes of section 149.43 of the Revised 50032  
Code. 50033

(3) When files and records have been expunged under division 50034  
(D)(1) or (2) of this section, all rights and privileges are 50035  
restored, and the individual, the director, and any other person 50036  
or government entity may properly reply to an inquiry that no such 50037  
record exists as to the matter expunged. 50038

**Sec. 3721.24.** (A) No person or government entity shall 50039  
retaliate against an employee or another individual used by the 50040  
person or government entity to perform any work or services who, 50041  
in good faith, makes or causes to be made a report of suspected 50042  
abuse ~~or~~, neglect, or exploitation of a resident or 50043  
misappropriation of the property of a resident; indicates an 50044  
intention to make such a report; provides information during an 50045  
investigation of suspected abuse, neglect, exploitation, or 50046  
misappropriation conducted by the director of health; or 50047  
participates in a hearing conducted under section 3721.23 of the 50048  
Revised Code or in any other administrative or judicial 50049  
proceedings pertaining to the suspected abuse, neglect, 50050  
exploitation, or misappropriation. For purposes of this division, 50051  
retaliatory actions include discharging, demoting, or transferring 50052  
the employee or other person, preparing a negative work 50053  
performance evaluation of the employee or other person, reducing 50054

the benefits, pay, or work privileges of the employee or other person, and any other action intended to retaliate against the employee or other person.

(B)(1) No person or government entity shall retaliate against a resident who reports or causes to be reported suspected abuse, neglect, exploitation, or misappropriation; indicates an intention to make such a report; provides information during an investigation of alleged abuse, neglect, exploitation, or misappropriation conducted by the director; or participates in a hearing under section 3721.23 of the Revised Code or in any other administrative or judicial proceeding pertaining to the suspected abuse, neglect, exploitation, or misappropriation; or on whose behalf any other person or government entity takes any of those actions. ~~For~~

(2) No person or government entity shall retaliate against a resident whose family member, guardian, sponsor, or personal representative reports or causes to be reported suspected abuse, neglect, exploitation, or misappropriation; indicates an intention to make such a report; provides information during an investigation of alleged abuse, neglect, exploitation, or misappropriation conducted by the director; or participates in a hearing under section 3721.23 of the Revised Code or in any other administrative or judicial proceeding pertaining to the suspected abuse, neglect, exploitation, or misappropriation; or on whose behalf any other person or government entity takes any of those actions.

(3) For purposes of this division divisions (B)(1) and (2) of this section, retaliatory actions include abuse, verbal threats or other harsh language, change of room assignment, withholding of services, failure to provide care in a timely manner, and any other action intended to retaliate against the resident.

(C) Any person has a cause of action against a person or

government entity for harm resulting from violation of division 50087  
(A) or (B) of this section. If it finds that a violation has 50088  
occurred, the court may award damages and order injunctive relief. 50089  
The court may award court costs and reasonable attorney's fees to 50090  
the prevailing party. 50091

**Sec. 3721.25.** (A)(1) Except as required by court order, as 50092  
necessary for the administration or enforcement of any statute or 50093  
rule relating to long-term care facilities or residential care 50094  
facilities, or as provided in division (D) of this section, the 50095  
director of health shall not disclose any of the following without 50096  
the consent of the individual or the individual's legal 50097  
representative: 50098

(a) The name of an individual who reports suspected abuse ~~or~~, 50099  
neglect, or exploitation of a resident or misappropriation of a 50100  
resident's property to the facility or director; 50101

(b) The name of an individual who provides information during 50102  
an investigation of suspected abuse, neglect, exploitation, or 50103  
misappropriation conducted by the director; 50104

(c) Any information that would tend to disclose the identity 50105  
of an individual described in division (A)(1)(a) or (b) of this 50106  
section. 50107

(2) An agency or individual to whom the director is required, 50108  
by court order or for the administration or enforcement of a 50109  
statute relating to long-term care facilities or residential care 50110  
facilities, to release information described in division (A)(1) of 50111  
this section shall not release the information without the 50112  
permission of the individual who would be or would reasonably tend 50113  
to be identified, or of the individual's legal representative, 50114  
unless the agency or individual is required to release it by 50115  
division (D) of this section, by court order, or for the 50116  
administration or enforcement of a statute relating to long-term 50117



care facilities or residential care facilities. 50118

(B) Except as provided in division (D) of this section, any 50119  
record that identifies an individual described in division 50120  
(A)(1)(a) or (b) of this section, or that would tend to disclose 50121  
the identity of such an individual, is not a public record for the 50122  
purposes of section 149.43 of the Revised Code, and is not subject 50123  
to inspection or copying under section 1347.08 of the Revised 50124  
Code. 50125

(C) Except as provided in division (B) of this section and 50126  
division (D) of section 3721.23 of the Revised Code, the records 50127  
of a hearing conducted under section 3721.23 of the Revised Code 50128  
are public records for the purposes of section 149.43 of the 50129  
Revised Code and are subject to inspection and copying under 50130  
section 1347.08 of the Revised Code. 50131

(D) If the director, or an agency or individual to whom the 50132  
director is required by court order or for administration or 50133  
enforcement of a statute relating to long-term care facilities or 50134  
residential care facilities to release information described in 50135  
division (A)(1) of this section, uses information in any 50136  
administrative or judicial proceeding against a long-term care 50137  
facility or residential care facility that reasonably would tend 50138  
to identify an individual described in division (A)(1)(a) or (b) 50139  
of this section, the director, agency, or individual shall 50140  
disclose that information to the facility. However, the director, 50141  
agency, or individual shall not disclose information that directly 50142  
identifies an individual described in division (A)(1)(a) or (b) of 50143  
this section, unless the individual is to testify in the 50144  
proceedings. 50145

**Sec. 3721.32.** (A) The director of health shall establish a 50146  
state nurse aide registry listing all individuals who have done 50147  
any of the following: 50148

(1) Were used by a long-term care facility as nurse aides on 50149  
a full-time, temporary, per diem, or other basis at any time 50150  
during the period commencing July 1, 1989, and ending January 1, 50151  
1990, and successfully completed, not later than October 1, 1990, 50152  
a competency evaluation program approved by the director under 50153  
division (A) of section 3721.31 of the Revised Code or conducted 50154  
by the director under division (C) of that section; 50155

(2) Successfully completed a training and competency 50156  
evaluation program approved by the director under division (A) of 50157  
section 3721.31 of the Revised Code or met the conditions 50158  
specified in division (F) of section 3721.28 of the Revised Code, 50159  
and, if the training and competency evaluation program or the 50160  
training, instruction, or education the individual completed in 50161  
meeting the conditions specified in division (F) of section 50162  
3721.28 of the Revised Code was conducted in or by a long-term 50163  
care facility, or if the director so required pursuant to division 50164  
(E) of section 3721.31 of the Revised Code, has successfully 50165  
completed a competency evaluation program conducted by the 50166  
director; 50167

(3) Successfully completed a training and competency 50168  
evaluation program conducted by the director under division (C) of 50169  
section 3721.31 of the Revised Code; 50170

(4) Successfully completed, prior to July 1, 1989, a program 50171  
that the director has determined under division (B)(3) of section 50172  
3721.28 of the Revised Code included a competency evaluation 50173  
component no less stringent than the competency evaluation 50174  
programs approved or conducted by the director under section 50175  
3721.31 of the Revised Code, and was otherwise comparable to the 50176  
training and competency evaluation program being approved by the 50177  
director under section 3721.31 of the Revised Code; 50178

(5) Are listed in a nurse aide registry maintained by another 50179  
state that certifies that its program for training and evaluation 50180

of competency of nurse aides complies with Titles XVIII and XIX of 50181  
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 50182  
as amended, or regulations adopted thereunder; 50183

(6) Were found competent, as provided in division (B)(5) of 50184  
section 3721.28 of the Revised Code, prior to July 1, 1989, after 50185  
the completion of a course of nurse aide training of at least one 50186  
hundred hours' duration; 50187

(7) Are enrolled in a prelicensure program of nursing 50188  
education approved by the board of nursing or by an agency of 50189  
another state that regulates nursing education, have provided the 50190  
long-term care facility with a certificate from the program 50191  
indicating that the individual has successfully completed the 50192  
courses that teach basic nursing skills including infection 50193  
control, safety and emergency procedures, and personal care, and 50194  
have successfully completed a competency evaluation program 50195  
conducted by the director under division (A) of section 3721.31 of 50196  
the Revised Code; 50197

(8) Have the equivalent of twelve months or more of full-time 50198  
employment in the five years preceding listing in the registry as 50199  
a hospital aide or orderly and have successfully completed a 50200  
competency evaluation program conducted by the director under 50201  
division (C) of section 3721.31 of the Revised Code. 50202

(B) ~~The~~ In addition to the list of individuals required by 50203  
division (A) of this section, the registry shall include both of 50204  
the following: 50205

(1) The statement required by section 3721.23 of the Revised 50206  
Code detailing findings by the director under that section 50207  
regarding alleged abuse ~~or~~, neglect, or exploitation of a resident 50208  
or misappropriation of resident property; 50209

(2) Any statement provided by an individual under section 50210  
3721.23 of the Revised Code disputing the director's findings. 50211

Whenever an inquiry is received as to the information 50212  
contained in the registry concerning an individual about whom a 50213  
statement required by section 3721.23 of the Revised Code is 50214  
included in the registry, the director shall disclose the 50215  
statement or a summary of the statement together with any 50216  
statement provided by the individual under section 3721.23 or a 50217  
clear and accurate summary of that statement. 50218

(C) The director may by rule specify additional information 50219  
that must be provided to the registry by long-term care facilities 50220  
and persons or government agencies conducting approved competency 50221  
evaluation programs and training and competency evaluation 50222  
programs. 50223

(D) Information contained in the registry is a public record 50224  
for the purposes of section 149.43 of the Revised Code, and is 50225  
subject to inspection and copying under section 1347.08 of the 50226  
Revised Code. 50227

**Sec. 3727.45.** The director of health may apply to the court 50228  
of common pleas of the county in which a hospital is located for a 50229  
temporary or permanent injunction restraining the hospital from 50230  
failure to comply with ~~sections 3727.33, 3727.34, and section~~ 50231  
3727.42 of the Revised Code. 50232

**Sec. 3727.54.** (A) At least once ~~a year~~ every two years, the 50233  
hospital-wide nursing care committee convened pursuant to section 50234  
3727.51 of the Revised Code shall do both of the following: 50235

~~(A)(1)~~ Review how the ~~most current~~ nursing services staffing 50236  
plan in effect at the time of the review does all of the 50237  
following: 50238

~~(1)(a)~~ Affects inpatient care outcomes; 50239

~~(2)(b)~~ Affects clinical management; 50240

~~(3)(c)~~ Facilitates a delivery system that provides, on a 50241  
cost-effective basis, quality nursing care consistent with 50242  
acceptable and prevailing standards of safe nursing care and 50243  
~~evidenced-based~~ evidence-based guidelines established by national 50244  
nursing organizations. 50245

~~(B)(2)~~ Make recommendations, based on the ~~most-recent~~ review 50246  
conducted under division (A)(1) of this section, regarding how the 50247  
~~most-current~~ nursing services staffing plan should be revised, if 50248  
at all. 50249

(B) Beginning in 2018, a hospital shall submit to the 50250  
department of health, by March 1 of each even-numbered year, a  
copy of the hospital's nursing services staffing plan in effect at  
that time. 50251  
50252  
50253

**Sec. 3729.08.** (A) The licenser of the health district in 50254  
which a recreational vehicle park, recreation camp, combined 50255  
park-camp, or temporary park-camp is or is to be located, in 50256  
accordance with Chapter 119. of the Revised Code, may refuse to 50257  
grant, may suspend, or may revoke any license granted to any 50258  
person for failure to comply with this chapter or with any rule 50259  
adopted by the director of health under section 3729.02 of the 50260  
Revised Code. 50261

(B) If a recreational vehicle park or combined park-camp 50262  
operator is found to have used the park or park-camp as a chronic  
nuisance in violation of division (B) of section 3729.14 of the  
Revised Code, the licenser shall immediately revoke any license  
held by the park or park-camp operator upon receipt of information  
provided by the local board of health in accordance with division  
(D) of that section. 50263  
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**Sec. 3729.14.** (A) As used in this section: 50269

(1) "Chronic nuisance property" means a property on which 50270

three or more nuisance activities have occurred during any consecutive six-month period. 50271  
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(2) "Deadly weapon" and "firearm" have the same meanings as in section 2923.11 of the Revised Code. 50273  
50274

(3) "Nuisance activity" includes all of the following: 50275

(a) A felony drug abuse offense as defined in section 2925.01 of the Revised Code; 50276  
50277

(b) A felony sex offense as defined in section 2967.28 of the Revised Code; 50278  
50279

(c) A felony offense of violence; 50280

(d) A felony or a specification an element of which includes the possession or use of a deadly weapon, including an explosive or a firearm. 50281  
50282  
50283

(4) "Offense of violence" has the same meaning as in section 2901.01 of the Revised Code. 50284  
50285

(5) "Person associated with the property" includes a camp operator; camp employee; camp official; camp agent; campsite user; any other person licensed under Chapter 3729. of the Revised Code; any person occupying a campsite including a tenant or invitee; or any person present on the property of a recreational park camp or combined park-camp with the permission of the camp operator or other person licensed under Chapter 3729. of the Revised Code or the consent of any campsite user, tenant, or invitee. 50286  
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(6) "Property" means the property of a recreational vehicle park or a combined park-camp, including all lots, buildings, or campsites, whether contained on one or multiple parcels of real property. 50294  
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(B) No person shall use or operate a recreational vehicle park or combined park-camp as a chronic nuisance. No camp operator shall let a park or park-camp be so used, or knowingly permit a 50298  
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person who has entered into a campsite use agreement with the 50301  
operator to engage in such conduct in the park or park-camp. 50302

(C) If a local board of health of the health district in 50303  
which a recreational vehicle park or combined park-camp is located 50304  
finds that persons associated with the property of the park or 50305  
park-camp have engaged in a nuisance activity on the park or 50306  
park-camp property two or more times in any consecutive six-month 50307  
period, the local board of health shall send notice to the camp 50308  
operator specifying the conduct that constitutes the nuisance 50309  
activity. The notice shall be sent to the camp operator by 50310  
certified mail. The notice shall inform the operator that if one 50311  
or more nuisance activities occurs on the property within the 50312  
consecutive six-month period beginning on the date of the first 50313  
nuisance activity, the property will be declared a chronic 50314  
nuisance as described in division (A) of this section and the camp 50315  
operator's license will be revoked. 50316

If subsequent to the mailing of the notice, the local board 50317  
of health learns of an additional nuisance activity on the 50318  
recreational vehicle park or combined park-camp property during a 50319  
consecutive six-month period beginning on the date the notice was 50320  
mailed to the park operator, the board shall immediately report to 50321  
the licensing authority that the property is a chronic nuisance. 50322  
Upon receipt of such information, the licensing authority shall 50323  
revoke the camp operator's license in accordance with section 50324  
3729.08 of the Revised Code. 50325

(D) This section does not limit any recourse permitted 50326  
elsewhere in the Revised Code or at common law for conduct that 50327  
violates this section. 50328

**Sec. 3734.02.** (A) The director of environmental protection, 50329  
in accordance with Chapter 119. of the Revised Code, shall adopt 50330  
and may amend, suspend, or rescind rules having uniform 50331

application throughout the state governing solid waste facilities 50332  
and the inspections of and issuance of permits and licenses for 50333  
all solid waste facilities in order to ensure that the facilities 50334  
will be located, maintained, and operated, and will undergo 50335  
closure and post-closure care, in a sanitary manner so as not to 50336  
create a nuisance, cause or contribute to water pollution, create 50337  
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 50338  
257.3-8, as amended. The rules may include, without limitation, 50339  
financial assurance requirements for closure and post-closure care 50340  
and corrective action and requirements for taking corrective 50341  
action in the event of the surface or subsurface discharge or 50342  
migration of explosive gases or leachate from a solid waste 50343  
facility, or of ground water contamination resulting from the 50344  
transfer or disposal of solid wastes at a facility, beyond the 50345  
boundaries of any area within a facility that is operating or is 50346  
undergoing closure or post-closure care where solid wastes were 50347  
disposed of or are being disposed of. The rules shall not concern 50348  
or relate to personnel policies, salaries, wages, fringe benefits, 50349  
or other conditions of employment of employees of persons owning 50350  
or operating solid waste facilities. The director, in accordance 50351  
with Chapter 119. of the Revised Code, shall adopt and may amend, 50352  
suspend, or rescind rules governing the issuance, modification, 50353  
revocation, suspension, or denial of variances from the director's 50354  
solid waste rules, including, without limitation, rules adopted 50355  
under this chapter governing the management of scrap tires. 50356

Variances shall be issued, modified, revoked, suspended, or 50357  
rescinded in accordance with this division, rules adopted under 50358  
it, and Chapter 3745. of the Revised Code. The director may order 50359  
the person to whom a variance is issued to take such action within 50360  
such time as the director may determine to be appropriate and 50361  
reasonable to prevent the creation of a nuisance or a hazard to 50362  
the public health or safety or the environment. Applications for 50363  
variances shall contain such detail plans, specifications, and 50364



information regarding objectives, procedures, controls, and other 50365  
pertinent data as the director may require. The director shall 50366  
grant a variance only if the applicant demonstrates to the 50367  
director's satisfaction that construction and operation of the 50368  
solid waste facility in the manner allowed by the variance and any 50369  
terms or conditions imposed as part of the variance will not 50370  
create a nuisance or a hazard to the public health or safety or 50371  
the environment. In granting any variance, the director shall 50372  
state the specific provision or provisions whose terms are to be 50373  
varied and also shall state specific terms or conditions imposed 50374  
upon the applicant in place of the provision or provisions. 50375

The director may hold a public hearing on an application for 50376  
a variance or renewal of a variance at a location in the county 50377  
where the operations that are the subject of the application for 50378  
the variance are conducted. The director shall give not less than 50379  
twenty days' notice of the hearing to the applicant by certified 50380  
mail or by another type of mail accompanied by a receipt and shall 50381  
publish at least one notice of the hearing in a newspaper with 50382  
general circulation in the county where the hearing is to be held. 50383  
The director shall make available for public inspection at the 50384  
principal office of the environmental protection agency a current 50385  
list of pending applications for variances and a current schedule 50386  
of pending variance hearings. The director shall make a complete 50387  
stenographic record of testimony and other evidence submitted at 50388  
the hearing. 50389

Within ten days after the hearing, the director shall make a 50390  
written determination to issue, renew, or deny the variance and 50391  
shall enter the determination and the basis for it into the record 50392  
of the hearing. The director shall issue, renew, or deny an 50393  
application for a variance or renewal of a variance within six 50394  
months of the date upon which the director receives a complete 50395  
application with all pertinent information and data required. No 50396

variance shall be issued, revoked, modified, or denied until the 50397  
director has considered the relative interests of the applicant, 50398  
other persons and property affected by the variance, and the 50399  
general public. Any variance granted under this division shall be 50400  
for a period specified by the director and may be renewed from 50401  
time to time on such terms and for such periods as the director 50402  
determines to be appropriate. No application shall be denied and 50403  
no variance shall be revoked or modified without a written order 50404  
stating the findings upon which the denial, revocation, or 50405  
modification is based. A copy of the order shall be sent to the 50406  
applicant or variance holder by certified mail or by another type 50407  
of mail accompanied by a receipt. 50408

(B) The director shall prescribe and furnish the forms 50409  
necessary to administer and enforce this chapter. The director may 50410  
cooperate with and enter into agreements with other state, local, 50411  
or federal agencies to carry out the purposes of this chapter. The 50412  
director may exercise all incidental powers necessary to carry out 50413  
the purposes of this chapter. 50414

(C) Except as provided in this division and divisions (N)(2) 50415  
and (3) of this section, no person shall establish a new solid 50416  
waste facility or infectious waste treatment facility, or modify 50417  
an existing solid waste facility or infectious waste treatment 50418  
facility, without submitting an application for a permit with 50419  
accompanying detail plans, specifications, and information 50420  
regarding the facility and method of operation and receiving a 50421  
permit issued by the director, except that no permit shall be 50422  
required under this division to install or operate a solid waste 50423  
facility for sewage sludge treatment or disposal when the 50424  
treatment or disposal is authorized by a current permit issued 50425  
under Chapter 3704. or 6111. of the Revised Code. 50426

No person shall continue to operate a solid waste facility 50427  
for which the director ~~has denied a permit for which an~~ 50428

~~application was required under division (A)(3) of section 3734.05~~ 50429  
~~of the Revised Code, or for which the director~~ has disapproved 50430  
plans and specifications required to be filed by an order issued 50431  
under division (A)~~(5)~~(3) of ~~that~~ section 3734.05 of the Revised 50432  
Code, after the date prescribed for commencement of closure of the 50433  
facility in the order issued under division (A)~~(6)~~(4) of that 50434  
section ~~3734.05 of the Revised Code~~ denying the permit application 50435  
or approval. 50436

On and after the effective date of the rules adopted under 50437  
division (A) of this section and division (D) of section 3734.12 50438  
of the Revised Code governing solid waste transfer facilities, no 50439  
person shall establish a new, or modify an existing, solid waste 50440  
transfer facility without first submitting an application for a 50441  
permit with accompanying engineering detail plans, specifications, 50442  
and information regarding the facility and its method of operation 50443  
to the director and receiving a permit issued by the director. 50444

No person shall establish a new compost facility or continue 50445  
to operate an existing compost facility that accepts exclusively 50446  
source separated yard wastes without submitting a completed 50447  
registration for the facility to the director in accordance with 50448  
rules adopted under divisions (A) and (N)(3) of this section. 50449

This division does not apply to a generator of infectious 50450  
wastes that does any of the following: 50451

(1) Treats, by methods, techniques, and practices established 50452  
by rules adopted under division (B)(2)(a) of section 3734.021 of 50453  
the Revised Code, any of the following: 50454

(a) Infectious wastes that are generated on any premises that 50455  
are owned or operated by the generator; 50456

(b) Infectious wastes that are generated by a generator who 50457  
has staff privileges at a hospital as defined in section 3727.01 50458  
of the Revised Code; 50459

(c) Infectious wastes that are generated in providing care to a patient by an emergency medical services organization as defined in section 4765.01 of the Revised Code.

(2) Holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code;

(3) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following:

(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended;

(b) Chapter 918. of the Revised Code;

(c) Chapter 953. of the Revised Code.

(D) Neither this chapter nor any rules adopted under it apply to single-family residential premises; to infectious wastes generated by individuals for purposes of their own care or treatment; to the temporary storage of solid wastes, other than scrap tires, prior to their collection for disposal; to the storage of one hundred or fewer scrap tires unless they are stored in such a manner that, in the judgment of the director or the board of health of the health district in which the scrap tires are stored, the storage causes a nuisance, a hazard to public health or safety, or a fire hazard; or to the collection of solid wastes, other than scrap tires, by a political subdivision or a person holding a franchise or license from a political subdivision of the state; to composting, as defined in section 1511.01 of the Revised Code, conducted in accordance with section 1511.022 of the Revised Code; or to any person who is licensed to transport raw rendering material to a compost facility pursuant to section 953.23 of the Revised Code.

(E)(1) As used in this division:

(a) "On-site facility" means a facility that stores, treats, 50490  
or disposes of hazardous waste that is generated on the premises 50491  
of the facility. 50492

(b) "Off-site facility" means a facility that stores, treats, 50493  
or disposes of hazardous waste that is generated off the premises 50494  
of the facility and includes such a facility that is also an 50495  
on-site facility. 50496

(c) "Satellite facility" means any of the following: 50497

(i) An on-site facility that also receives hazardous waste 50498  
from other premises owned by the same person who generates the 50499  
waste on the facility premises; 50500

(ii) An off-site facility operated so that all of the 50501  
hazardous waste it receives is generated on one or more premises 50502  
owned by the person who owns the facility; 50503

(iii) An on-site facility that also receives hazardous waste 50504  
that is transported uninterruptedly and directly to the facility 50505  
through a pipeline from a generator who is not the owner of the 50506  
facility. 50507

(2) Except as provided in division (E)(3) of this section, no 50508  
person shall establish or operate a hazardous waste facility, or 50509  
use a solid waste facility for the storage, treatment, or disposal 50510  
of any hazardous waste, without a hazardous waste facility 50511  
installation and operation permit issued in accordance with 50512  
section 3734.05 of the Revised Code and subject to the payment of 50513  
an application fee not to exceed one thousand five hundred 50514  
dollars, payable upon application for a hazardous waste facility 50515  
installation and operation permit and upon application for a 50516  
renewal permit issued under division (H) of section 3734.05 of the 50517  
Revised Code, to be credited to the hazardous waste facility 50518  
management fund created in section 3734.18 of the Revised Code. 50519  
The term of a hazardous waste facility installation and operation 50520

permit shall not exceed ten years. 50521

In addition to the application fee, there is hereby levied an 50522  
annual permit fee to be paid by the permit holder upon the 50523  
anniversaries of the date of issuance of the hazardous waste 50524  
facility installation and operation permit and of any subsequent 50525  
renewal permits and to be credited to the hazardous waste facility 50526  
management fund. Annual permit fees totaling forty thousand 50527  
dollars or more for any one facility may be paid on a quarterly 50528  
basis with the first quarterly payment each year being due on the 50529  
anniversary of the date of issuance of the hazardous waste 50530  
facility installation and operation permit and of any subsequent 50531  
renewal permits. The annual permit fee shall be determined for 50532  
each permit holder by the director in accordance with the 50533  
following schedule: 50534

TYPE OF BASIC				50535
MANAGEMENT UNIT	TYPE OF FACILITY		FEE	50536
Storage facility using: 50537				
Containers	On-site, off-site, and			50538
	satellite		\$ 500	50539
Tanks	On-site, off-site, and			50540
	satellite		500	50541
Waste pile	On-site, off-site, and			50542
	satellite		3,000	50543
Surface impoundment	On-site and satellite		8,000	50544
	Off-site		10,000	50545
Disposal facility using: 50546				
Deep well injection	On-site and satellite		15,000	50547
	Off-site		25,000	50548
Landfill	On-site and satellite		25,000	50549
	Off-site		40,000	50550
Land application	On-site and satellite		2,500	50551
	Off-site		5,000	50552

Surface impoundment	On-site and satellite	10,000	50553
	Off-site	20,000	50554
Treatment facility using:			50555
Tanks	On-site, off-site, and		50556
	satellite	700	50557
Surface impoundment	On-site and satellite	8,000	50558
	Off-site	10,000	50559
Incinerator	On-site and satellite	5,000	50560
	Off-site	10,000	50561
Other forms			50562
of treatment	On-site, off-site, and		50563
	satellite	1,000	50564

A hazardous waste disposal facility that disposes of hazardous waste by deep well injection and that pays the annual permit fee established in section 6111.046 of the Revised Code is not subject to the permit fee established in this division for disposal facilities using deep well injection unless the director determines that the facility is not in compliance with applicable requirements established under this chapter and rules adopted under it.

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage and treatment. A facility using more than one method of storage, treatment, or disposal shall pay the permit fee indicated by the schedule for each such method.

The director shall not require the payment of that portion of an annual permit fee of any permit holder that would apply to a hazardous waste management unit for which a permit has been issued, but for which construction has not yet commenced. Once construction has commenced, the director shall require the payment

of a part of the appropriate fee indicated by the schedule that 50585  
bears the same relationship to the total fee that the number of 50586  
days remaining until the next anniversary date at which payment of 50587  
the annual permit fee is due bears to three hundred sixty-five. 50588

The director, by rules adopted in accordance with Chapters 50589  
119. and 3745. of the Revised Code, shall prescribe procedures for 50590  
collecting the annual permit fee established by this division and 50591  
may prescribe other requirements necessary to carry out this 50592  
division. 50593

(3) The prohibition against establishing or operating a 50594  
hazardous waste facility without a hazardous waste facility 50595  
installation and operation permit does not apply to either of the 50596  
following: 50597

(a) A facility that is operating in accordance with a permit 50598  
renewal issued under division (H) of section 3734.05 of the 50599  
Revised Code, a revision issued under division (I) of that section 50600  
as it existed prior to August 20, 1996, or a modification issued 50601  
by the director under division (I) of that section on and after 50602  
August 20, 1996; 50603

(b) Except as provided in division (J) of section 3734.05 of 50604  
the Revised Code, a facility that will operate or is operating in 50605  
accordance with a permit by rule, or that is not subject to permit 50606  
requirements, under rules adopted by the director. In accordance 50607  
with Chapter 119. of the Revised Code, the director shall adopt, 50608  
and subsequently may amend, suspend, or rescind, rules for the 50609  
purposes of division (E)(3)(b) of this section. Any rules so 50610  
adopted shall be consistent with and equivalent to regulations 50611  
pertaining to interim status adopted under the "Resource 50612  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 50613  
6921, as amended, except as otherwise provided in this chapter. 50614

If a modification is requested or proposed for a facility 50615



described in division (E)(3)(a) or (b) of this section, division 50616  
(I)(7) of section 3734.05 of the Revised Code applies. 50617

(F) No person shall store, treat, or dispose of hazardous 50618  
waste identified or listed under this chapter and rules adopted 50619  
under it, regardless of whether generated on or off the premises 50620  
where the waste is stored, treated, or disposed of, or transport 50621  
or cause to be transported any hazardous waste identified or 50622  
listed under this chapter and rules adopted under it to any other 50623  
premises, except at or to any of the following: 50624

(1) A hazardous waste facility operating under a permit 50625  
issued in accordance with this chapter; 50626

(2) A facility in another state operating under a license or 50627  
permit issued in accordance with the "Resource Conservation and 50628  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 50629  
amended; 50630

(3) A facility in another nation operating in accordance with 50631  
the laws of that nation; 50632

(4) A facility holding a permit issued pursuant to Title I of 50633  
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 50634  
Stat. 1052, 33 U.S.C.A. 1401, as amended; 50635

(5) A hazardous waste facility as described in division 50636  
(E)(3)(a) or (b) of this section. 50637

(G) The director, by order, may exempt any person generating, 50638  
collecting, storing, treating, disposing of, or transporting solid 50639  
wastes, infectious wastes, or hazardous waste, or processing solid 50640  
wastes that consist of scrap tires, in such quantities or under 50641  
such circumstances that, in the determination of the director, are 50642  
unlikely to adversely affect the public health or safety or the 50643  
environment from any requirement to obtain a registration 50644  
certificate, permit, or license or comply with the manifest system 50645  
or other requirements of this chapter. Such an exemption shall be 50646

consistent with and equivalent to any regulations adopted by the 50647  
administrator of the United States environmental protection agency 50648  
under the "Resource Conservation and Recovery Act of 1976," 90 50649  
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 50650  
provided in this chapter. 50651

(H) No person shall engage in filling, grading, excavating, 50652  
building, drilling, or mining on land where a hazardous waste 50653  
facility, or a solid waste facility, was operated without prior 50654  
authorization from the director, who shall establish the procedure 50655  
for granting such authorization by rules adopted in accordance 50656  
with Chapter 119. of the Revised Code. 50657

A public utility that has main or distribution lines above or 50658  
below the land surface located on an easement or right-of-way 50659  
across land where a solid waste facility was operated may engage 50660  
in any such activity within the easement or right-of-way without 50661  
prior authorization from the director for purposes of performing 50662  
emergency repair or emergency replacement of its lines; of the 50663  
poles, towers, foundations, or other structures supporting or 50664  
sustaining any such lines; or of the appurtenances to those 50665  
structures, necessary to restore or maintain existing public 50666  
utility service. A public utility may enter upon any such easement 50667  
or right-of-way without prior authorization from the director for 50668  
purposes of performing necessary or routine maintenance of those 50669  
portions of its existing lines; of the existing poles, towers, 50670  
foundations, or other structures sustaining or supporting its 50671  
lines; or of the appurtenances to any such supporting or 50672  
sustaining structure, located on or above the land surface on any 50673  
such easement or right-of-way. Within twenty-four hours after 50674  
commencing any such emergency repair, replacement, or maintenance 50675  
work, the public utility shall notify the director or the 50676  
director's authorized representative of those activities and shall 50677  
provide such information regarding those activities as the 50678

director or the director's representative may request. Upon 50679  
completion of the emergency repair, replacement, or maintenance 50680  
activities, the public utility shall restore any land of the solid 50681  
waste facility disturbed by those activities to the condition 50682  
existing prior to the commencement of those activities. 50683

(I) No owner or operator of a hazardous waste facility, in 50684  
the operation of the facility, shall cause, permit, or allow the 50685  
emission therefrom of any particulate matter, dust, fumes, gas, 50686  
mist, smoke, vapor, or odorous substance that, in the opinion of 50687  
the director, unreasonably interferes with the comfortable 50688  
enjoyment of life or property by persons living or working in the 50689  
vicinity of the facility, or that is injurious to public health. 50690  
Any such action is hereby declared to be a public nuisance. 50691

(J) Notwithstanding any other provision of this chapter, in 50692  
the event the director finds an imminent and substantial danger to 50693  
public health or safety or the environment that creates an 50694  
emergency situation requiring the immediate treatment, storage, or 50695  
disposal of hazardous waste, the director may issue a temporary 50696  
emergency permit to allow the treatment, storage, or disposal of 50697  
the hazardous waste at a facility that is not otherwise authorized 50698  
by a hazardous waste facility installation and operation permit to 50699  
treat, store, or dispose of the waste. The emergency permit shall 50700  
not exceed ninety days in duration and shall not be renewed. The 50701  
director shall adopt, and may amend, suspend, or rescind, rules in 50702  
accordance with Chapter 119. of the Revised Code governing the 50703  
issuance, modification, revocation, and denial of emergency 50704  
permits. 50705

(K) Except for infectious wastes generated by a person who 50706  
produces fewer than fifty pounds of infectious wastes at a 50707  
premises during any one month, no owner or operator of a sanitary 50708  
landfill shall knowingly accept for disposal, or dispose of, any 50709  
infectious wastes that have not been treated to render them 50710

noninfectious. 50711

(L) The director, in accordance with Chapter 119. of the 50712  
Revised Code, shall adopt, and may amend, suspend, or rescind, 50713  
rules having uniform application throughout the state establishing 50714  
a training and certification program that shall be required for 50715  
employees of boards of health who are responsible for enforcing 50716  
the solid waste and infectious waste provisions of this chapter 50717  
and rules adopted under them and for persons who are responsible 50718  
for the operation of solid waste facilities or infectious waste 50719  
treatment facilities. The rules shall provide all of the 50720  
following, without limitation: 50721

(1) The program shall be administered by the director and 50722  
shall consist of a course on new solid waste and infectious waste 50723  
technologies, enforcement procedures, and rules; 50724

(2) The course shall be offered on an annual basis; 50725

(3) Those persons who are required to take the course under 50726  
division (L) of this section shall do so triennially; 50727

(4) Persons who successfully complete the course shall be 50728  
certified by the director; 50729

(5) Certification shall be required for all employees of 50730  
boards of health who are responsible for enforcing the solid waste 50731  
or infectious waste provisions of this chapter and rules adopted 50732  
under them and for all persons who are responsible for the 50733  
operation of solid waste facilities or infectious waste treatment 50734  
facilities; 50735

(6)(a) All employees of a board of health who, on the 50736  
effective date of the rules adopted under this division, are 50737  
responsible for enforcing the solid waste or infectious waste 50738  
provisions of this chapter and the rules adopted under them shall 50739  
complete the course and be certified by the director not later 50740  
than January 1, 1995; 50741

(b) All employees of a board of health who, after the 50742  
effective date of the rules adopted under division (L) of this 50743  
section, become responsible for enforcing the solid waste or 50744  
infectious waste provisions of this chapter and rules adopted 50745  
under them and who do not hold a current and valid certification 50746  
from the director at that time shall complete the course and be 50747  
certified by the director within two years after becoming 50748  
responsible for performing those activities. 50749

No person shall fail to obtain the certification required 50750  
under this division. 50751

(M) The director shall not issue a permit under section 50752  
3734.05 of the Revised Code to establish a solid waste facility, 50753  
or to modify a solid waste facility operating on December 21, 50754  
1988, in a manner that expands the disposal capacity or geographic 50755  
area covered by the facility, that is or is to be located within 50756  
the boundaries of a state park established or dedicated under 50757  
Chapter 1546. of the Revised Code, a state park purchase area 50758  
established under section 1546.06 of the Revised Code, any unit of 50759  
the national park system, or any property that lies within the 50760  
boundaries of a national park or recreation area, but that has not 50761  
been acquired or is not administered by the secretary of the 50762  
United States department of the interior, located in this state, 50763  
or any candidate area located in this state and identified for 50764  
potential inclusion in the national park system in the edition of 50765  
the "national park system plan" submitted under paragraph (b) of 50766  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 50767  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 50768  
application for the permit, unless the facility or proposed 50769  
facility is or is to be used exclusively for the disposal of solid 50770  
wastes generated within the park or recreation area and the 50771  
director determines that the facility or proposed facility will 50772  
not degrade any of the natural or cultural resources of the park 50773

or recreation area. The director shall not issue a variance under 50774  
division (A) of this section and rules adopted under it, or issue 50775  
an exemption order under division (G) of this section, that would 50776  
authorize any such establishment or expansion of a solid waste 50777  
facility within the boundaries of any such park or recreation 50778  
area, state park purchase area, or candidate area, other than a 50779  
solid waste facility exclusively for the disposal of solid wastes 50780  
generated within the park or recreation area when the director 50781  
determines that the facility will not degrade any of the natural 50782  
or cultural resources of the park or recreation area. 50783

(N)(1) The rules adopted under division (A) of this section, 50784  
other than those governing variances, do not apply to scrap tire 50785  
collection, storage, monocell, monofill, and recovery facilities. 50786  
Those facilities are subject to and governed by rules adopted 50787  
under sections 3734.70 to 3734.73 of the Revised Code, as 50788  
applicable. 50789

(2) Division (C) of this section does not apply to scrap tire 50790  
collection, storage, monocell, monofill, and recovery facilities. 50791  
The establishment and modification of those facilities are subject 50792  
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 50793  
Code, as applicable. 50794

(3) The director may adopt, amend, suspend, or rescind rules 50795  
under division (A) of this section creating an alternative system 50796  
for authorizing the establishment, operation, or modification of a 50797  
solid waste compost facility in lieu of the requirement that a 50798  
person seeking to establish, operate, or modify a solid waste 50799  
compost facility apply for and receive a permit under division (C) 50800  
of this section and section 3734.05 of the Revised Code and a 50801  
license under division (A)(1) of that section. The rules may 50802  
include requirements governing, without limitation, the 50803  
classification of solid waste compost facilities, the submittal of 50804  
operating records for solid waste compost facilities, and the 50805

creation of a registration or notification system in lieu of the 50806  
issuance of permits and licenses for solid waste compost 50807  
facilities. The rules shall specify the applicability of divisions 50808  
(A)(1), and (2)(a), ~~(3), and (4)~~ of section 3734.05 of the Revised 50809  
Code to a solid waste compost facility. 50810

(O)(1) As used in this division, "secondary aluminum waste" 50811  
means waste material or byproducts, when disposed of, containing 50812  
aluminum generated from secondary aluminum smelting operations and 50813  
consisting of dross, salt cake, baghouse dust associated with 50814  
aluminum recycling furnace operations, or dry-milled wastes. 50815

(2) The owner or operator of a sanitary landfill shall not 50816  
dispose of municipal solid waste that has been commingled with 50817  
secondary aluminum waste. 50818

(3) The owner or operator of a sanitary landfill may dispose 50819  
of secondary aluminum waste, but only in a monocell or monofill 50820  
that has been permitted for that purpose in accordance with this 50821  
chapter and rules adopted under it. 50822

(P)(1) As used in divisions (P) and (Q) of this section: 50823

(a) "Natural background" means two picocuries per gram or the 50824  
actual number of picocuries per gram as measured at an individual 50825  
solid waste facility, subject to verification by the director of 50826  
health. 50827

(b) "Drilling operation" includes a production operation as 50828  
defined in section 1509.01 of the Revised Code. 50829

(2) The owner or operator of a solid waste facility shall not 50830  
accept for transfer or disposal technologically enhanced naturally 50831  
occurring radioactive material if that material contains or is 50832  
contaminated with radium-226, radium-228, or any combination of 50833  
radium-226 and radium-228 at concentrations equal to or greater 50834  
than five picocuries per gram above natural background. 50835

(3) The owner or operator of a solid waste facility may 50836  
receive and process for purposes other than transfer or disposal 50837  
technologically enhanced naturally occurring radioactive material 50838  
that contains or is contaminated with radium-226, radium-228, or 50839  
any combination of radium-226 and radium-228 at concentrations 50840  
equal to or greater than five picocuries per gram above natural 50841  
background, provided that the owner or operator has obtained and 50842  
maintains all other necessary authorizations, including any 50843  
authorization required by rules adopted by the director of health 50844  
under section 3748.04 of the Revised Code. 50845

(4) The director of environmental protection may adopt rules 50846  
in accordance with Chapter 119. of the Revised Code governing the 50847  
receipt, acceptance, processing, handling, management, and 50848  
disposal by solid waste facilities of material that contains or is 50849  
contaminated with radioactive material, including, without 50850  
limitation, technologically enhanced naturally occurring 50851  
radioactive material that contains or is contaminated with 50852  
radium-226, radium-228, or any combination of radium-226 and 50853  
radium-228 at concentrations less than five picocuries per gram 50854  
above natural background. Rules adopted by the director may 50855  
include at a minimum both of the following: 50856

(a) Requirements in accordance with which the owner or 50857  
operator of a solid waste facility must monitor leachate and 50858  
ground water for radium-226, radium-228, and other radionuclides; 50859

(b) Requirements in accordance with which the owner or 50860  
operator of a solid waste facility must develop procedures to 50861  
ensure that technologically enhanced naturally occurring 50862  
radioactive material accepted at the facility neither contains nor 50863  
is contaminated with radium-226, radium-228, or any combination of 50864  
radium-226 and radium-228 at concentrations equal to or greater 50865  
than five picocuries per gram above natural background. 50866

(Q) Notwithstanding any other provision of this section, the 50867



owner or operator of a solid waste facility shall not receive, 50868  
accept, process, handle, manage, or dispose of technologically 50869  
enhanced naturally occurring radioactive material associated with 50870  
drilling operations without first obtaining representative 50871  
analytical results to determine compliance with divisions (P)(2) 50872  
and (3) of this section and rules adopted under it. 50873

**Sec. 3734.041.** (A) The owner or operator holding a license 50874  
issued under division (A) of section 3734.05 of the Revised Code 50875  
for a sanitary landfill that is so situated that a residence or 50876  
other occupied structure off the premises of the landfill is 50877  
located within one thousand feet horizontal distance from the 50878  
exterior boundary of the landfill, and the owner or operator of 50879  
any closed landfill that is so situated and for which a license 50880  
was issued under division (A) of section 3734.05 of the Revised 50881  
Code, or the subsequent owner, lessee, or other person who has 50882  
control of the land on which the closed landfill is located, 50883  
shall, within sixty days after the effective date of the rules 50884  
adopted under division (F) of this section, submit an explosive 50885  
gas monitoring plan for the landfill or closed landfill to the 50886  
director of environmental protection for approval for compliance 50887  
with those rules. After approval of the plan, the owner ~~or,~~ 50888  
~~operator of the landfill, or, in the instance of a closed~~ 50889  
~~landfill, the owner or operator of the closed landfill, or the,~~ 50890  
subsequent owner, lessee, or other person ~~who has control of the~~ 50891  
~~land on which the closed landfill is located~~ shall conduct 50892  
monitoring of explosive gas levels at the landfill or closed 50893  
landfill, and submit written reports of the results of the 50894  
monitoring to the director and the board of health of the health 50895  
district in which the landfill is located in accordance with the 50896  
approved plan and the schedule for implementation contained in the 50897  
approved plan. 50898

No person shall violate or fail to perform a duty imposed by 50899

a plan approved under this section. 50900

(B) Division (A) of this section does not apply to a sanitary 50901  
landfill or closed sanitary landfill that exclusively disposes, or 50902  
disposed, of solid wastes generated on the premises where the 50903  
landfill or closed landfill is located; to a sanitary landfill or 50904  
closed sanitary landfill that exclusively disposes, or disposed, 50905  
of solid wastes generated on one or more premises owned by the 50906  
person who owns the landfill or closed landfill; or to a sanitary 50907  
landfill or closed sanitary landfill owned or operated by a person 50908  
other than the generator of the wastes that exclusively disposes, 50909  
or disposed, of nonputrescible solid wastes or nonputrescible 50910  
wastes generated by a single generator at one or more premises 50911  
owned by the generator. 50912

(C) ~~When~~ As used in this division and division (D) of this 50913  
section, "responsible party" includes the owner or operator of a 50914  
solid waste disposal facility; any current or former owner of a 50915  
closed solid waste disposal facility; any person who was 50916  
responsible for the operations of a closed solid waste disposal 50917  
facility; any lessee or other person who has control of the 50918  
property on which a closed solid waste disposal facility is 50919  
located; a receiver appointed pursuant to Chapter 2735. of the 50920  
Revised Code with respect to a solid waste disposal facility or 50921  
closed solid waste disposal facility; and a trustee in bankruptcy. 50922

Notwithstanding division (B) of this section, if the director 50923  
determines that, due to the types of wastes disposed of, the 50924  
engineering design, the hydrogeological setting, the period of 50925  
time since the commencement of operation, ~~and~~ the proximity of 50926  
residential or other occupied structures located off the premises 50927  
of ~~the landfill~~ a solid waste disposal facility to the exterior 50928  
boundaries, ~~of~~ or information related to concentrations of 50929  
explosive gas at or surrounding a sanitary landfill licensed under 50930  
division (A) of section 3734.05 of the Revised Code facility or 50931

closed sanitary landfill for which a license was issued under that 50932  
~~division facility~~, the potential exists for the formation and 50933  
subsurface migration of explosive gases in such quantities and 50934  
under such conditions as to ~~endanger~~ threaten human health or 50935  
safety or the environment, the director ~~shall~~ may issue to the 50936  
~~owner or operator of the sanitary landfill, or, in the instance of~~ 50937  
~~a closed sanitary landfill, the owner or operator of the sanitary~~ 50938  
~~landfill, or the subsequent owner, lessee, or other person who has~~ 50939  
~~control of the property on which the closed landfill is located,~~ 50940  
any responsible party an order directing ~~such owner~~ the 50941  
responsible party to prepare, ~~obtain approval of, and implement an~~ 50942  
and submit a new or revised explosive gas monitoring and reporting 50943  
plan, in accordance with division (A) of that complies with 50944  
division (A) of this section and provides for the adequate 50945  
evaluation of explosive gas generation at and migration from the 50946  
solid waste disposal facility or closed solid waste disposal 50947  
facility. A plan so submitted shall be approved in accordance with 50948  
division (A) of this section. After approval of the plan, the 50949  
responsible party shall conduct monitoring of explosive gas levels 50950  
at the facility or closed facility and submit written reports of 50951  
the results of the monitoring in accordance with the plan approved 50952  
under this section. For the purposes of this division and division 50953  
(D) of this section, explosive gases shall be considered to 50954  
~~endanger~~ threaten human health or safety or the environment if 50955  
concentrations of methane generated by ~~the landfill~~ a facility in 50956  
~~landfill~~ occupied structures, ~~excluding gas control or recovery~~ 50957  
~~system components,~~ exceed twenty-five per cent of the lower 50958  
explosive limit or if concentrations of methane generated by the 50959  
~~landfill~~ facility at the ~~landfill~~ facility boundary exceed the 50960  
lower explosive limit. As used in this division, "lower explosive 50961  
limit" means the lowest per cent by volume of methane that will 50962  
produce a flame in air at twenty-five degrees centigrade and 50963  
atmospheric pressure. 50964

(D) If a report submitted pursuant to a plan approved under 50965  
division (A) of this section indicates that the formation of 50966  
explosive gases at, and migration of explosive gases from, a 50967  
~~sanitary landfill~~ solid waste disposal facility or closed ~~sanitary~~ 50968  
~~landfill~~ solid waste disposal facility threatens human health or 50969  
safety or the environment, the director or his authorized 50970  
representative ~~shall promptly~~ may conduct an evaluation of the 50971  
levels of explosive gases on the premises of the ~~landfill~~ facility 50972  
and in occupied structures located in proximity to the boundaries 50973  
of the ~~landfill~~ facility to determine whether the formation of 50974  
explosive gases at, and migration of those gases from, the 50975  
~~landfill~~ facility or closed ~~landfill~~ facility constitutes such a 50976  
threat. In addition, the director or the director's authorized 50977  
representative, on their own initiative, may conduct an evaluation 50978  
in accordance with division (G) of this section. Based upon the 50979  
findings of the an evaluation, ~~or of an evaluation conducted by~~ 50980  
~~the director, or his authorized representative, on his own~~ 50981  
~~initiative,~~ the director ~~shall~~ may issue an order under division 50982  
(A) or (B) of section 3734.13 of the Revised Code, as the director 50983  
considers necessary or appropriate, directing ~~the owner or~~ 50984  
~~operator of the landfill, or, in the instance of a closed~~ 50985  
~~landfill, the owner or operator of the landfill, or the subsequent~~ 50986  
~~owner, lessee, or other person who has control of the land on~~ 50987  
~~which the closed landfill is located,~~ any responsible party to 50988  
perform such measures as the director considers necessary or 50989  
appropriate, to abate or minimize the formation of explosive gases 50990  
or their migration off the premises of the ~~landfill~~ facility, to 50991  
abate or remedy any conditions caused by the formation and 50992  
migration of such gases that ~~endanger~~ threaten human health or 50993  
safety or the environment and to take such actions as the director 50994  
finds necessary or appropriate to prevent recurrence of the 50995  
migration of explosive gases or decrease their concentration to 50996  
levels set forth in division (C) of this section. 50997

After the issuance of an order under this division, the 50998  
director shall inspect the ~~landfill at least once each week, or~~ 50999  
facility at such ~~other~~ intervals as the director or ~~his~~ an 51000  
authorized representative of the director considers necessary or 51001  
appropriate, to ascertain compliance with the order until such 51002  
time as the director determines that full compliance with those 51003  
terms and conditions has been achieved. 51004

If a report submitted pursuant to a plan approved under 51005  
division (A) of this section indicates that the formation of 51006  
explosive gases at, and migration of explosive gases from, a 51007  
~~landfill~~ solid waste disposal facility that is subject to an order 51008  
issued under division (D) of this section has recurred in such 51009  
quantities or under such conditions as to threaten human health or 51010  
safety or the environment, or if the director determines from an 51011  
inspection of any such ~~landfill~~ facility that the ~~owner or~~ 51012  
~~operator of the landfill, or, in the instance of a closed~~ 51013  
~~landfill, the owner or operator of the landfill, or the subsequent~~ 51014  
~~owner, lessee, or other person who has control of the land on~~ 51015  
~~which the closed landfill is located,~~ responsible party has 51016  
violated or is violating a term or condition of the order or that 51017  
measures in addition to those prescribed by the order are 51018  
necessary or appropriate under the circumstances, the director 51019  
shall take such actions under division (A), (B), or (C) of section 51020  
3734.13 of the Revised Code as ~~he~~ the director considers necessary 51021  
or appropriate to protect human health or safety or the 51022  
environment. 51023

(E) The director shall conduct random inspections of licensed 51024  
and closed sanitary landfills for explosive gas levels and to 51025  
monitor the accuracy of the reports submitted pursuant to plans 51026  
approved under division (A) of this section. 51027

(F) The director shall adopt rules under Chapter 119. of the 51028  
Revised Code prescribing standards for conducting the explosive 51029

gas monitoring required by division (A) of this section including, 51030  
without limitation, standards governing the numbers, locations, 51031  
and design and construction of monitoring wells; quality control 51032  
procedures to be followed by persons conducting those evaluations 51033  
to ensure the accuracy of the monitoring; the frequency for 51034  
sampling the monitoring wells, which shall be at least quarterly, 51035  
except as otherwise provided in this division; and the frequency 51036  
of reporting monitoring results to the director and board of 51037  
health. The rules shall require that, in the instance of closed 51038  
sanitary landfills, explosive gas monitoring be conducted for the 51039  
period of twenty years after closure or for such other period as 51040  
the director considers necessary or appropriate. Such explosive 51041  
gas monitoring shall be conducted quarterly during each of the 51042  
five years immediately following closure of the landfills and 51043  
semiannually thereafter. If such semiannual sampling shows that 51044  
the methane limits set in division (C) of this section are 51045  
exceeded, sampling may be resumed at a frequency determined by the 51046  
director. 51047

(G) The director or the director's authorized representative 51048  
may enter upon a solid waste disposal facility or a closed solid 51049  
waste disposal facility to conduct an evaluation of the 51050  
concentration of explosive gas generated at or migrating from the 51051  
facility. The owner or operator of a solid waste disposal facility 51052  
or closed solid waste disposal facility shall allow the director 51053  
or representative to conduct such an evaluation of the facility, 51054  
any structures within the boundary of the facility, and any 51055  
occupied structures in close proximity to the boundary of the 51056  
facility that are owned or controlled by the owner or operator. 51057

(H) The remedy provided by division (D) of this section is 51058  
cumulative and concurrent with any other remedy provided in this 51059  
chapter or Chapter 3704. of the Revised Code, and the existence or 51060  
exercise of one remedy does not prevent the exercise of any other. 51061

**Sec. 3734.05.** (A)(1) Except as provided in divisions (A)~~(4)~~, 51062  
~~(8)~~,(6) and ~~(9)~~(7) of this section, no person shall operate or 51063  
maintain a solid waste facility without a license issued under 51064  
this division by the board of health of the health district in 51065  
which the facility is located or by the director of environmental 51066  
protection when the health district in which the facility is 51067  
located is not on the approved list under section 3734.08 of the 51068  
Revised Code. 51069

During the month of December, but before the first day of 51070  
January of the next year, every person proposing to continue to 51071  
operate an existing solid waste facility shall procure a license 51072  
under this division to operate the facility for that year from the 51073  
board of health of the health district in which the facility is 51074  
located or, if the health district is not on the approved list 51075  
under section 3734.08 of the Revised Code, from the director. The 51076  
application for such a license shall be submitted to the board of 51077  
health or to the director, as appropriate, on or before the last 51078  
day of September of the year preceding that for which the license 51079  
is sought. In addition to the application fee prescribed in 51080  
division (A)(2) of this section, a person who submits an 51081  
application after that date shall pay an additional ten per cent 51082  
of the amount of the application fee for each week that the 51083  
application is late. Late payment fees accompanying an application 51084  
submitted to the board of health shall be credited to the special 51085  
fund of the health district created in division (B) of section 51086  
3734.06 of the Revised Code, and late payment fees accompanying an 51087  
application submitted to the director shall be credited to the 51088  
general revenue fund. A person who has received a license, upon 51089  
sale or disposition of a solid waste facility, and upon consent of 51090  
the board of health and the director, may have the license 51091  
transferred to another person. The board of health or the director 51092  
may include such terms and conditions in a license or revision to 51093

a license as are appropriate to ensure compliance with this 51094  
chapter and rules adopted under it. The terms and conditions may 51095  
establish the authorized maximum daily waste receipts for the 51096  
facility. Limitations on maximum daily waste receipts shall be 51097  
specified in cubic yards of volume for the purpose of regulating 51098  
the design, construction, and operation of solid waste facilities. 51099  
Terms and conditions included in a license or revision to a 51100  
license by a board of health shall be consistent with, and pertain 51101  
only to the subjects addressed in, the rules adopted under 51102  
division (A) of section 3734.02 and division (D) of section 51103  
3734.12 of the Revised Code. 51104

(2)(a) Except as provided in divisions (A)(2)(b), ~~(8)(6)~~, and 51105  
~~(9)(7)~~ of this section, each person proposing to open a new solid 51106  
waste facility or to modify an existing solid waste facility shall 51107  
submit an application for a permit with accompanying detail plans 51108  
and specifications to the environmental protection agency for 51109  
required approval under the rules adopted by the director pursuant 51110  
to division (A) of section 3734.02 of the Revised Code and 51111  
applicable rules adopted under division (D) of section 3734.12 of 51112  
the Revised Code at least two hundred seventy days before proposed 51113  
operation of the facility and shall concurrently make application 51114  
for the issuance of a license under division (A)(1) of this 51115  
section with the board of health of the health district in which 51116  
the proposed facility is to be located. 51117

(b) On and after the effective date of the rules adopted 51118  
under division (A) of section 3734.02 of the Revised Code and 51119  
division (D) of section 3734.12 of the Revised Code governing 51120  
solid waste transfer facilities, each person proposing to open a 51121  
new solid waste transfer facility or to modify an existing solid 51122  
waste transfer facility shall submit an application for a permit 51123  
with accompanying engineering detail plans, specifications, and 51124  
information regarding the facility and its method of operation to 51125



the environmental protection agency for required approval under 51126  
those rules at least two hundred seventy days before commencing 51127  
proposed operation of the facility and concurrently shall make 51128  
application for the issuance of a license under division (A)(1) of 51129  
this section with the board of health of the health district in 51130  
which the facility is located or proposed. 51131

(c) Each application for a permit under division (A)(2)(a) or 51132  
(b) of this section shall be accompanied by a nonrefundable 51133  
application fee of four hundred dollars that shall be credited to 51134  
the general revenue fund. Each application for an annual license 51135  
under division (A)(1) or (2) of this section shall be accompanied 51136  
by a nonrefundable application fee of one hundred dollars. If the 51137  
application for an annual license is submitted to a board of 51138  
health on the approved list under section 3734.08 of the Revised 51139  
Code, the application fee shall be credited to the special fund of 51140  
the health district created in division (B) of section 3734.06 of 51141  
the Revised Code. If the application for an annual license is 51142  
submitted to the director, the application fee shall be credited 51143  
to the general revenue fund. If a permit or license is issued, the 51144  
amount of the application fee paid shall be deducted from the 51145  
amount of the permit fee due under division (Q) of section 3745.11 51146  
of the Revised Code or the amount of the license fee due under 51147  
division (A)(1), (2), (3), (4), or (5) of section 3734.06 of the 51148  
Revised Code. 51149

(d) As used in divisions (A)(2)(d), (e), and (f) of this 51150  
section, "modify" means any of the following: 51151

(i) Any increase of more than ten per cent in the total 51152  
capacity of a solid waste facility; 51153

(ii) Any expansion of the limits of solid waste placement at 51154  
a solid waste facility; 51155

(iii) Any increase in the depth of excavation at a solid 51156

waste facility; 51157

(iv) Any change in the technique of waste receipt or type of 51158  
waste received at a solid waste facility that may endanger human 51159  
health, as determined by the director by rules adopted in 51160  
accordance with Chapter 119. of the Revised Code. 51161

Not later than forty-five days after submitting an 51162  
application under division (A)(2)(a) or (b) of this section for a 51163  
permit to open a new or modify an existing solid waste facility, 51164  
the applicant, in conjunction with an officer or employee of the 51165  
environmental protection agency, shall hold a public meeting on 51166  
the application within the county in which the new or modified 51167  
solid waste facility is or is proposed to be located or within a 51168  
contiguous county. Not less than thirty days before holding the 51169  
public meeting on the application, the applicant shall publish 51170  
notice of the meeting in each newspaper of general circulation 51171  
that is published in the county in which the facility is or is 51172  
proposed to be located. If no newspaper of general circulation is 51173  
published in the county, the applicant shall publish the notice in 51174  
a newspaper of general circulation in the county. The notice shall 51175  
contain the date, time, and location of the public meeting and a 51176  
general description of the proposed new or modified facility. Not 51177  
later than five days after publishing the notice, the applicant 51178  
shall send by certified mail a copy of the notice and the date the 51179  
notice was published to the director and the legislative authority 51180  
of each municipal corporation, township, and county, and to the 51181  
chief executive officer of each municipal corporation, in which 51182  
the facility is or is proposed to be located. At the public 51183  
meeting, the applicant shall provide information and describe the 51184  
application and respond to comments or questions concerning the 51185  
application, and the officer or employee of the agency shall 51186  
describe the permit application process. At the public meeting, 51187  
any person may submit written or oral comments on or objections to 51188

the application. Not more than thirty days after the public 51189  
meeting, the applicant shall provide the director with a copy of a 51190  
transcript of the full meeting, copies of any exhibits, displays, 51191  
or other materials presented by the applicant at the meeting, and 51192  
the original copy of any written comments submitted at the 51193  
meeting. 51194

(e) Except as provided in division (A)(2)(f) of this section, 51195  
prior to taking an action, other than a proposed or final denial, 51196  
upon an application submitted under division (A)(2)(a) of this 51197  
section for a permit to open a new or modify an existing solid 51198  
waste facility, the director shall hold a public information 51199  
session and a public hearing on the application within the county 51200  
in which the new or modified solid waste facility is or is 51201  
proposed to be located or within a contiguous county. If the 51202  
application is for a permit to open a new solid waste facility, 51203  
the director shall hold the hearing not less than fourteen days 51204  
after the information session. If the application is for a permit 51205  
to modify an existing solid waste facility, the director may hold 51206  
both the information session and the hearing on the same day 51207  
unless any individual affected by the application requests in 51208  
writing that the information session and the hearing not be held 51209  
on the same day, in which case the director shall hold the hearing 51210  
not less than fourteen days after the information session. The 51211  
director shall publish notice of the public information session or 51212  
public hearing not less than thirty days before holding the 51213  
information session or hearing, as applicable. The notice shall be 51214  
published in each newspaper of general circulation that is 51215  
published in the county in which the facility is or is proposed to 51216  
be located. If no newspaper of general circulation is published in 51217  
the county, the director shall publish the notice in a newspaper 51218  
of general circulation in the county. The notice shall contain the 51219  
date, time, and location of the information session or hearing, as 51220  
applicable, and a general description of the proposed new or 51221

modified facility. At the public information session, an officer 51222  
or employee of the environmental protection agency shall describe 51223  
the status of the permit application and be available to respond 51224  
to comments or questions concerning the application. At the public 51225  
hearing, any person may submit written or oral comments on or 51226  
objections to the approval of the application. The applicant, or a 51227  
representative of the applicant who has knowledge of the location, 51228  
construction, and operation of the facility, shall attend the 51229  
information session and public hearing to respond to comments or 51230  
questions concerning the facility directed to the applicant or 51231  
representative by the officer or employee of the environmental 51232  
protection agency presiding at the information session and 51233  
hearing. 51234

(f) The solid waste management policy committee of a county 51235  
or joint solid waste management district may adopt a resolution 51236  
requesting expeditious consideration of a specific application 51237  
submitted under division (A)(2)(a) of this section for a permit to 51238  
modify an existing solid waste facility within the district. The 51239  
resolution shall make the finding that expedited consideration of 51240  
the application without the public information session and public 51241  
hearing under division (A)(2)(e) of this section is in the public 51242  
interest and will not endanger human health, as determined by the 51243  
director by rules adopted in accordance with Chapter 119. of the 51244  
Revised Code. Upon receiving such a resolution, the director, at 51245  
the director's discretion, may issue a final action upon the 51246  
application without holding a public information session or public 51247  
hearing pursuant to division (A)(2)(e) of this section. 51248

(3) ~~Except as provided in division (A)(10) of this section,~~ 51249  
~~and unless the owner or operator of any solid waste facility,~~ 51250  
~~other than a solid waste transfer facility or a compost facility~~ 51251  
~~that accepts exclusively source separated yard wastes, that~~ 51252  
~~commenced operation on or before July 1, 1968, has obtained an~~ 51253

~~exemption from the requirements of division (A)(3) of this section 51254  
in accordance with division (G) of section 3734.02 of the Revised 51255  
Code, the owner or operator shall submit to the director an 51256  
application for a permit with accompanying engineering detail 51257  
plans, specifications, and information regarding the facility and 51258  
its method of operation for approval under rules adopted under 51259  
division (A) of section 3734.02 of the Revised Code and applicable 51260  
rules adopted under division (D) of section 3734.12 of the Revised 51261  
Code in accordance with the following schedule: 51262~~

~~(a) Not later than September 24, 1988, if the facility is 51263  
located in the city of Garfield Heights or Parma in Cuyahoga 51264  
county; 51265~~

~~(b) Not later than December 24, 1988, if the facility is 51266  
located in Delaware, Greene, Guernsey, Hamilton, Madison, 51267  
Mahoning, Ottawa, or Vinton county; 51268~~

~~(c) Not later than March 24, 1989, if the facility is located 51269  
in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or 51270  
Washington county, or is located in the city of Brooklyn or 51271  
Cuyahoga Heights in Cuyahoga county; 51272~~

~~(d) Not later than June 24, 1989, if the facility is located 51273  
in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or 51274  
Summit county or is located in Cuyahoga county outside the cities 51275  
of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights; 51276~~

~~(e) Not later than September 24, 1989, if the facility is 51277  
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 51278  
county; 51279~~

~~(f) Not later than December 24, 1989, if the facility is 51280  
located in a county not listed in divisions (A)(3)(a) to (e) of 51281  
this section; 51282~~

~~(g) Notwithstanding divisions (A)(3)(a) to (f) of this 51283  
section, not later than December 31, 1990, if the facility is a 51284~~

~~solid waste facility owned by a generator of solid wastes when the~~ 51285  
~~solid waste facility exclusively disposes of solid wastes~~ 51286  
~~generated at one or more premises owned by the generator~~ 51287  
~~regardless of whether the facility is located on a premises where~~ 51288  
~~the wastes are generated and if the facility disposes of more than~~ 51289  
~~one hundred thousand tons of solid wastes per year, provided that~~ 51290  
~~any such facility shall be subject to division (A)(5) of this~~ 51291  
~~section.~~ 51292

~~(4) Except as provided in divisions (A)(8), (9), and (10) of~~ 51293  
~~this section, unless the owner or operator of any solid waste~~ 51294  
~~facility for which a permit was issued after July 1, 1968, but~~ 51295  
~~before January 1, 1980, has obtained an exemption from the~~ 51296  
~~requirements of division (A)(4) of this section under division (G)~~ 51297  
~~of section 3734.02 of the Revised Code, the owner or operator~~ 51298  
~~shall submit to the director an application for a permit with~~ 51299  
~~accompanying engineering detail plans, specifications, and~~ 51300  
~~information regarding the facility and its method of operation for~~ 51301  
~~approval under those rules.~~ 51302

~~(5) The director may issue an order in accordance with~~ 51303  
~~Chapter 3745. of the Revised Code to the owner or operator of a~~ 51304  
~~solid waste facility requiring the person to submit to the~~ 51305  
~~director updated engineering detail plans, specifications, and~~ 51306  
~~information regarding the facility and its method of operation for~~ 51307  
~~approval under rules adopted under division (A) of section 3734.02~~ 51308  
~~of the Revised Code and applicable rules adopted under division~~ 51309  
~~(D) of section 3734.12 of the Revised Code if, in the director's~~ 51310  
~~judgment, conditions at the facility constitute a substantial~~ 51311  
~~threat to public health or safety or are causing or contributing~~ 51312  
~~to or threatening to cause or contribute to air or water pollution~~ 51313  
~~or soil contamination. Any person who receives such an order shall~~ 51314  
~~submit the updated engineering detail plans, specifications, and~~ 51315  
~~information to the director within one hundred eighty days after~~ 51316

the effective date of the order. 51317

~~(6)(4)~~ The director shall act upon an application submitted 51318  
~~under division (A)(3) or (4) of this section and~~ any updated 51319  
engineering plans, specifications, and information submitted under 51320  
division (A)~~(5)~~(3) of this section within one hundred eighty days 51321  
after receiving them. If the director ~~denies any such permit~~ 51322  
~~application, the~~ issues an order denying the application or 51323  
disapproving the plans, specifications, and information submitted 51324  
under division (A)(3) of this section, the order shall include all 51325  
of the following requirements that: 51326

(a) That the owner or operator submit a plan for closure and 51327  
post-closure care of the facility to the director for approval 51328  
within six months after issuance of the order<sub>7i</sub> 51329

(b) That the owner or operator cease accepting solid wastes 51330  
for disposal or transfer at the facility<sub>7i</sub> and 51331

(c) The owner or operator commence closure of the facility 51332  
not later than one year after issuance of the order. ~~If~~ 51333

If the director determines that closure of the facility 51334  
within that one-year period would result in the unavailability of 51335  
sufficient solid waste management facility capacity within the 51336  
county or joint solid waste management district in which the 51337  
facility is located to dispose of or transfer the solid waste 51338  
generated within the district, the director in the order of ~~denial~~ 51339  
~~or~~ disapproval may postpone commencement of closure of the 51340  
facility for such period of time as the director finds necessary 51341  
for the board of county commissioners or directors of the district 51342  
to secure access to or for there to be constructed within the 51343  
district sufficient solid waste management facility capacity to 51344  
meet the needs of the district, provided that the director shall 51345  
certify in the director's order that postponing the date for 51346  
commencement of closure will not endanger ground water or any 51347

property surrounding the facility, allow methane gas migration to occur, or cause or contribute to any other type of environmental damage. 51348  
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If an emergency need for disposal capacity that may affect public health and safety exists as a result of closure of a facility under division (A)~~(6)~~(4) of this section, the director may issue an order designating another solid waste facility to accept the wastes that would have been disposed of at the facility to be closed. 51351  
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~~(7)~~(5) If the director determines that standards more stringent than those applicable in rules adopted under division (A) of section 3734.02 of the Revised Code and division (D) of section 3734.12 of the Revised Code, or standards pertaining to subjects not specifically addressed by those rules, are necessary to ensure that a solid waste facility constructed at the proposed location will not cause a nuisance, cause or contribute to water pollution, or endanger public health or safety, the director may issue a permit for the facility with such terms and conditions as the director finds necessary to protect public health and safety and the environment. If a permit is issued, the director shall state in the order issuing it the specific findings supporting each such term or condition. 51357  
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~~(8)~~(6) Divisions (A)(1), and (2)(a), ~~(3), and (4)~~ of this section do not apply to a solid waste compost facility that accepts exclusively source separated yard wastes and that is registered under division (C) of section 3734.02 of the Revised Code or, unless otherwise provided in rules adopted under division (N)(3) of section 3734.02 of the Revised Code, to a solid waste compost facility if the director has adopted rules establishing an alternative system for authorizing the establishment, operation, or modification of a solid waste compost facility under that division. 51370  
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~~(9)(7)~~ Divisions (A)(1) to ~~(7)(5)~~ of this section do not 51380  
apply to scrap tire collection, storage, monocell, monofill, and 51381  
recovery facilities. The approval of plans and specifications, as 51382  
applicable, and the issuance of registration certificates, 51383  
permits, and licenses for those facilities are subject to sections 51384  
3734.75 to 3734.78 of the Revised Code, as applicable, and section 51385  
3734.81 of the Revised Code. 51386

~~(10) Divisions (A)(3) and (4) of this section do not apply to 51387  
a solid waste incinerator that was placed into operation on or 51388  
before October 12, 1994, and that is not authorized to accept and 51389  
treat infectious wastes pursuant to division (B) of this section. 51390~~

(B)(1) No person shall operate or maintain an infectious 51391  
waste treatment facility without a license issued by the board of 51392  
health of the health district in which the facility is located or 51393  
by the director when the health district in which the facility is 51394  
located is not on the approved list under section 3734.08 of the 51395  
Revised Code. 51396

(2)(a) During the month of December, but before the first day 51397  
of January of the next year, every person proposing to continue to 51398  
operate an existing infectious waste treatment facility shall 51399  
procure a license to operate the facility for that year from the 51400  
board of health of the health district in which the facility is 51401  
located or, if the health district is not on the approved list 51402  
under section 3734.08 of the Revised Code, from the director. The 51403  
application for such a license shall be submitted to the board of 51404  
health or to the director, as appropriate, on or before the last 51405  
day of September of the year preceding that for which the license 51406  
is sought. In addition to the application fee prescribed in 51407  
division (B)(2)(c) of this section, a person who submits an 51408  
application after that date shall pay an additional ten per cent 51409  
of the amount of the application fee for each week that the 51410  
application is late. Late payment fees accompanying an application 51411

submitted to the board of health shall be credited to the special 51412  
infectious waste fund of the health district created in division 51413  
(C) of section 3734.06 of the Revised Code, and late payment fees 51414  
accompanying an application submitted to the director shall be 51415  
credited to the general revenue fund. A person who has received a 51416  
license, upon sale or disposition of an infectious waste treatment 51417  
facility and upon consent of the board of health and the director, 51418  
may have the license transferred to another person. The board of 51419  
health or the director may include such terms and conditions in a 51420  
license or revision to a license as are appropriate to ensure 51421  
compliance with the infectious waste provisions of this chapter 51422  
and rules adopted under them. 51423

(b) Each person proposing to open a new infectious waste 51424  
treatment facility or to modify an existing infectious waste 51425  
treatment facility shall submit an application for a permit with 51426  
accompanying detail plans and specifications to the environmental 51427  
protection agency for required approval under the rules adopted by 51428  
the director pursuant to section 3734.021 of the Revised Code two 51429  
hundred seventy days before proposed operation of the facility and 51430  
concurrently shall make application for a license with the board 51431  
of health of the health district in which the facility is or is 51432  
proposed to be located. Not later than ninety days after receiving 51433  
a complete application under division (B)(2)(b) of this section 51434  
for a permit to open a new infectious waste treatment facility or 51435  
modify an existing infectious waste treatment facility to expand 51436  
its treatment capacity, or receiving a complete application under 51437  
division (A)(2)(a) of this section for a permit to open a new 51438  
solid waste incineration facility, or modify an existing solid 51439  
waste incineration facility to also treat infectious wastes or to 51440  
increase its infectious waste treatment capacity, that pertains to 51441  
a facility for which a notation authorizing infectious waste 51442  
treatment is included or proposed to be included in the solid 51443  
waste incineration facility's license pursuant to division (B)(3) 51444

of this section, the director shall hold a public hearing on the application within the county in which the new or modified infectious waste or solid waste facility is or is proposed to be located or within a contiguous county. Not less than thirty days before holding the public hearing on the application, the director shall publish notice of the hearing in each newspaper that has general circulation and that is published in the county in which the facility is or is proposed to be located. If there is no newspaper that has general circulation and that is published in the county, the director shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the public hearing and a general description of the proposed new or modified facility. At the public hearing, any person may submit written or oral comments on or objections to the approval or disapproval of the application. The applicant, or a representative of the applicant who has knowledge of the location, construction, and operation of the facility, shall attend the public hearing to respond to comments or questions concerning the facility directed to the applicant or representative by the officer or employee of the environmental protection agency presiding at the hearing.

(c) Each application for a permit under division (B)(2)(b) of this section shall be accompanied by a nonrefundable application fee of four hundred dollars that shall be credited to the general revenue fund. Each application for an annual license under division (B)(2)(a) of this section shall be accompanied by a nonrefundable application fee of one hundred dollars. If the application for an annual license is submitted to a board of health on the approved list under section 3734.08 of the Revised Code, the application fee shall be credited to the special infectious waste fund of the health district created in division (C) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application

fee shall be credited to the general revenue fund. If a permit or 51478  
license is issued, the amount of the application fee paid shall be 51479  
deducted from the amount of the permit fee due under division (Q) 51480  
of section 3745.11 of the Revised Code or the amount of the 51481  
license fee due under division (C) of section 3734.06 of the 51482  
Revised Code. 51483

(d) The director may issue an order in accordance with 51484  
Chapter 3745. of the Revised Code to the owner or operator of an 51485  
infectious waste treatment facility requiring the person to submit 51486  
to the director updated engineering detail plans, specifications, 51487  
and information regarding the facility and its method of operation 51488  
for approval under rules adopted under section 3734.021 of the 51489  
Revised Code if, in the director's judgment, conditions at the 51490  
facility constitute a substantial threat to public health or 51491  
safety or are causing or contributing to or threatening to cause 51492  
or contribute to air or water pollution or soil contamination. Any 51493  
person who receives such an order shall submit the updated 51494  
engineering detail plans, specifications, and information to the 51495  
director within one hundred eighty days after the effective date 51496  
of the order. 51497

(e) The director shall act on any updated engineering plans, 51498  
specifications, and information submitted under division (B)(2)(d) 51499  
of this section within one hundred eighty days after receiving 51500  
them. If the director disapproves any such updated engineering 51501  
plans, specifications, and information, the director shall include 51502  
in the order disapproving the plans the requirement that the owner 51503  
or operator cease accepting infectious wastes for treatment at the 51504  
facility. 51505

(3) Division (B) of this section does not apply to a 51506  
generator of infectious wastes that meets any of the following 51507  
conditions: 51508

(a) Treats, by methods, techniques, and practices established 51509

by rules adopted under division (B)(2)(a) of section 3734.021 of 51510  
the Revised Code, any of the following wastes: 51511

(i) Infectious wastes that are generated on any premises that 51512  
are owned or operated by the generator; 51513

(ii) Infectious wastes that are generated by a generator who 51514  
has staff privileges at a hospital as defined in section 3727.01 51515  
of the Revised Code; 51516

(iii) Infectious wastes that are generated in providing care 51517  
to a patient by an emergency medical services organization as 51518  
defined in section 4765.01 of the Revised Code. 51519

(b) Holds a license or renewal of a license to operate a 51520  
crematory facility issued under Chapter 4717. and a permit issued 51521  
under Chapter 3704. of the Revised Code; 51522

(c) Treats or disposes of dead animals or parts thereof, or 51523  
the blood of animals, and is subject to any of the following: 51524

(i) Inspection under the "Federal Meat Inspection Act," 81 51525  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 51526

(ii) Chapter 918. of the Revised Code; 51527

(iii) Chapter 953. of the Revised Code. 51528

Nothing in division (B) of this section requires a facility 51529  
that holds a license issued under division (A) of this section as 51530  
a solid waste facility and that also treats infectious wastes by 51531  
the same method, technique, or process to obtain a license under 51532  
division (B) of this section as an infectious waste treatment 51533  
facility. However, the solid waste facility license for the 51534  
facility shall include the notation that the facility also treats 51535  
infectious wastes. 51536

The director shall not issue a permit to open a new solid 51537  
waste incineration facility unless the proposed facility complies 51538  
with the requirements for the location of new infectious waste 51539

incineration facilities established in rules adopted under 51540  
division (B)(2)(b) of section 3734.021 of the Revised Code. 51541

(C) Except for a facility or activity described in division 51542  
(E)(3) of section 3734.02 of the Revised Code, a person who 51543  
proposes to establish or operate a hazardous waste facility shall 51544  
submit a complete application for a hazardous waste facility 51545  
installation and operation permit and accompanying detail plans, 51546  
specifications, and such information as the director may require 51547  
to the environmental protection agency at least one hundred eighty 51548  
days before the proposed beginning of operation of the facility. 51549  
The applicant shall notify by certified mail the legislative 51550  
authority of each municipal corporation, township, and county in 51551  
which the facility is proposed to be located of the submission of 51552  
the application within ten days after the submission or at such 51553  
earlier time as the director may establish by rule. If the 51554  
application is for a proposed new hazardous waste disposal or 51555  
thermal treatment facility, the applicant also shall give actual 51556  
notice of the general design and purpose of the facility to the 51557  
legislative authority of each municipal corporation, township, and 51558  
county in which the facility is proposed to be located at least 51559  
ninety days before the permit application is submitted to the 51560  
environmental protection agency. 51561

In accordance with rules adopted under section 3734.12 of the 51562  
Revised Code, prior to the submission of a complete application 51563  
for a hazardous waste facility installation and operation permit, 51564  
the applicant shall hold at least one meeting in the township or 51565  
municipal corporation in which the facility is proposed to be 51566  
located, whichever is geographically closer to the proposed 51567  
location of the facility. The meeting shall be open to the public 51568  
and shall be held to inform the community of the proposed 51569  
hazardous waste management activities and to solicit questions 51570  
from the community concerning the activities. 51571

(D)(1) Except as provided in section 3734.123 of the Revised Code, upon receipt of a complete application for a hazardous waste facility installation and operation permit under division (C) of this section, the director shall consider the application and accompanying information to determine whether the application complies with agency rules and the requirements of division (D)(2) of this section. After making a determination, the director shall issue either a draft permit or a notice of intent to deny the permit. The director, in accordance with rules adopted under section 3734.12 of the Revised Code or with rules adopted to implement Chapter 3745. of the Revised Code, shall provide public notice of the application and the draft permit or the notice of intent to deny the permit, provide an opportunity for public comments, and, if significant interest is shown, schedule a public meeting in the county in which the facility is proposed to be located and give public notice of the date, time, and location of the public meeting in a newspaper of general circulation in that county.

(2) The director shall not approve an application for a hazardous waste facility installation and operation permit or an application for a modification under division (I)(3) of this section unless the director finds and determines as follows:

(a) The nature and volume of the waste to be treated, stored, or disposed of at the facility;

(b) That the facility complies with the director's hazardous waste standards adopted pursuant to section 3734.12 of the Revised Code;

(c) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of various alternatives, and other pertinent considerations;

(d) That the facility represents the minimum risk of all of the following: 51603  
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(i) Fires or explosions from treatment, storage, or disposal methods; 51605  
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(ii) Release of hazardous waste during transportation of hazardous waste to or from the facility; 51607  
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(iii) Adverse impact on the public health and safety. 51609

(e) That the facility will comply with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them; 51610  
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(f) That if the owner of the facility, the operator of the facility, or any other person in a position with the facility from which the person may influence the installation and operation of the facility has been involved in any prior activity involving transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them, the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and all regulations adopted under it, and similar laws and rules of other states if any such prior operation was located in another state that demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under the applicable provisions of this chapter and Chapters 3704. and 6111. of the Revised Code, the applicable rules and standards adopted under them, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. For off-site facilities, as defined in section 3734.41 of the Revised Code, the director may use the investigative reports of the 51613  
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attorney general prepared pursuant to section 3734.42 of the Revised Code as a basis for making a finding and determination under division (D)(2)(f) of this section.

(g) That the active areas within a new hazardous waste facility where acute hazardous waste as listed in 40 C.F.R. 261.33 (e), as amended, or organic waste that is toxic and is listed under 40 C.F.R. 261, as amended, is being stored, treated, or disposed of and where the aggregate of the storage design capacity and the disposal design capacity of all hazardous waste in those areas is greater than two hundred fifty thousand gallons, are not located or operated within any of the following:

(i) Two thousand feet of any residence, school, hospital, jail, or prison;

(ii) Any naturally occurring wetland;

(iii) Any flood hazard area if the applicant cannot show that the facility will be designed, constructed, operated, and maintained to prevent washout by a one-hundred-year flood.

Division (D)(2)(g) of this section does not apply to the facility of any applicant who demonstrates to the director that the limitations specified in that division are not necessary because of the nature or volume of the waste and the manner of management applied, the facility will impose no substantial danger to the health and safety of persons occupying the structures listed in division (D)(2)(g)(i) of this section, and the facility is to be located or operated in an area where the proposed hazardous waste activities will not be incompatible with existing land uses in the area.

(h) That the facility will not be located within the boundaries of a state park established or dedicated under Chapter 1546. of the Revised Code, a state park purchase area established under section 1546.06 of the Revised Code, any unit of the

national park system, or any property that lies within the 51665  
boundaries of a national park or recreation area, but that has not 51666  
been acquired or is not administered by the secretary of the 51667  
United States department of the interior, located in this state, 51668  
or any candidate area located in this state identified for 51669  
potential inclusion in the national park system in the edition of 51670  
the "national park system plan" submitted under paragraph (b) of 51671  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 51672  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 51673  
application for the permit, unless the facility will be used 51674  
exclusively for the storage of hazardous waste generated within 51675  
the park or recreation area in conjunction with the operation of 51676  
the park or recreation area. Division (D)(2)(h) of this section 51677  
does not apply to the facility of any applicant for modification 51678  
of a permit unless the modification application proposes to 51679  
increase the land area included in the facility or to increase the 51680  
quantity of hazardous waste that will be treated, stored, or 51681  
disposed of at the facility. 51682

(3) Not later than one hundred eighty days after the end of 51683  
the public comment period, the director, without prior hearing, 51684  
shall issue or deny the permit in accordance with Chapter 3745. of 51685  
the Revised Code. If the director approves an application for a 51686  
hazardous waste facility installation and operation permit, the 51687  
director shall issue the permit, upon such terms and conditions as 51688  
the director finds are necessary to ensure the construction and 51689  
operation of the hazardous waste facility in accordance with the 51690  
standards of this section. 51691

(E) No political subdivision of this state shall require any 51692  
additional zoning or other approval, consent, permit, certificate, 51693  
or condition for the construction or operation of a hazardous 51694  
waste facility authorized by a hazardous waste facility 51695  
installation and operation permit issued pursuant to this chapter, 51696

nor shall any political subdivision adopt or enforce any law, 51697  
ordinance, or rule that in any way alters, impairs, or limits the 51698  
authority granted in the permit. 51699

(F) The director may issue a single hazardous waste facility 51700  
installation and operation permit to a person who operates two or 51701  
more adjoining facilities where hazardous waste is stored, 51702  
treated, or disposed of if the application includes detail plans, 51703  
specifications, and information on all facilities. For the 51704  
purposes of this section, "adjoining" means sharing a common 51705  
boundary, separated only by a public road, or in such proximity 51706  
that the director determines that the issuance of a single permit 51707  
will not create a hazard to the public health or safety or the 51708  
environment. 51709

(G) No person shall falsify or fail to keep or submit any 51710  
plans, specifications, data, reports, records, manifests, or other 51711  
information required to be kept or submitted to the director by 51712  
this chapter or the rules adopted under it. 51713

(H)(1) Each person who holds an installation and operation 51714  
permit issued under this section and who wishes to obtain a permit 51715  
renewal shall submit a completed application for an installation 51716  
and operation permit renewal and any necessary accompanying 51717  
general plans, detail plans, specifications, and such information 51718  
as the director may require to the director no later than one 51719  
hundred eighty days prior to the expiration date of the existing 51720  
permit or upon a later date prior to the expiration of the 51721  
existing permit if the permittee can demonstrate good cause for 51722  
the late submittal. The director shall consider the application 51723  
and accompanying information, inspection reports of the facility, 51724  
results of performance tests, a report regarding the facility's 51725  
compliance or noncompliance with the terms and conditions of its 51726  
permit and rules adopted by the director under this chapter, and 51727  
such other information as is relevant to the operation of the 51728

facility and shall issue a draft renewal permit or a notice of 51729  
intent to deny the renewal permit. The director, in accordance 51730  
with rules adopted under this section or with rules adopted to 51731  
implement Chapter 3745. of the Revised Code, shall give public 51732  
notice of the application and draft renewal permit or notice of 51733  
intent to deny the renewal permit, provide for the opportunity for 51734  
public comments within a specified time period, schedule a public 51735  
meeting in the county in which the facility is located if 51736  
significant interest is shown, and give public notice of the 51737  
public meeting. 51738

(2) Within sixty days after the public meeting or close of 51739  
the public comment period, the director, without prior hearing, 51740  
shall issue or deny the renewal permit in accordance with Chapter 51741  
3745. of the Revised Code. The director shall not issue a renewal 51742  
permit unless the director determines that the facility under the 51743  
existing permit has a history of compliance with this chapter, 51744  
rules adopted under it, the existing permit, or orders entered to 51745  
enforce such requirements that demonstrates sufficient 51746  
reliability, expertise, and competency to operate the facility 51747  
henceforth under this chapter, rules adopted under it, and the 51748  
renewal permit. If the director approves an application for a 51749  
renewal permit, the director shall issue the permit subject to the 51750  
payment of the annual permit fee required under division (E) of 51751  
section 3734.02 of the Revised Code and upon such terms and 51752  
conditions as the director finds are reasonable to ensure that 51753  
continued operation, maintenance, closure, and post-closure care 51754  
of the hazardous waste facility are in accordance with the rules 51755  
adopted under section 3734.12 of the Revised Code. 51756

(3) An installation and operation permit renewal application 51757  
submitted to the director that also contains or would constitute 51758  
an application for a modification shall be acted upon by the 51759  
director in accordance with division (I) of this section in the 51760

same manner as an application for a modification. In approving or 51761  
disapproving the renewal portion of a permit renewal application 51762  
containing an application for a modification, the director shall 51763  
apply the criteria established under division (H)(2) of this 51764  
section. 51765

(4) An application for renewal or modification of a permit 51766  
that does not contain an application for a modification as 51767  
described in divisions (I)(3)(a) to (d) of this section shall not 51768  
be subject to division (D)(2) of this section. 51769

(I)(1) As used in this section, "modification" means a change 51770  
or alteration to a hazardous waste facility or its operations that 51771  
is inconsistent with or not authorized by its existing permit or 51772  
authorization to operate. Modifications shall be classified as 51773  
Class 1, 2, or 3 modifications in accordance with rules adopted 51774  
under division (K) of this section. Modifications classified as 51775  
Class 3 modifications, in accordance with rules adopted under that 51776  
division, shall be further classified by the director as either 51777  
Class 3 modifications that are to be approved or disapproved by 51778  
the director under divisions (I)(3)(a) to (d) of this section or 51779  
as Class 3 modifications that are to be approved or disapproved by 51780  
the director under division (I)(5) of this section. Not later than 51781  
thirty days after receiving a request for a modification under 51782  
division (I)(4) of this section that is not listed in Appendix I 51783  
to 40 C.F.R. 270.42 or in rules adopted under division (K) of this 51784  
section, the director shall classify the modification and shall 51785  
notify the owner or operator of the facility requesting the 51786  
modification of the classification. Notwithstanding any other law 51787  
to the contrary, a modification that involves the transfer of a 51788  
hazardous waste facility installation and operation permit to a 51789  
new owner or operator for any off-site facility as defined in 51790  
section 3734.41 of the Revised Code shall be classified as a Class 51791  
3 modification. The transfer of a hazardous waste facility 51792

installation and operation permit to a new owner or operator for a 51793  
facility that is not an off-site facility shall be classified as a 51794  
Class 1 modification requiring prior approval of the director. 51795

(2) Except as provided in section 3734.123 of the Revised 51796  
Code, a hazardous waste facility installation and operation permit 51797  
may be modified at the request of the director or upon the written 51798  
request of the permittee only if any of the following applies: 51799

(a) The permittee desires to accomplish alterations, 51800  
additions, or deletions to the permitted facility or to undertake 51801  
alterations, additions, deletions, or activities that are 51802  
inconsistent with or not authorized by the existing permit; 51803

(b) New information or data justify permit conditions in 51804  
addition to or different from those in the existing permit; 51805

(c) The standards, criteria, or rules upon which the existing 51806  
permit is based have been changed by new, amended, or rescinded 51807  
standards, criteria, or rules, or by judicial decision after the 51808  
existing permit was issued, and the change justifies permit 51809  
conditions in addition to or different from those in the existing 51810  
permit; 51811

(d) The permittee proposes to transfer the permit to another 51812  
person. 51813

(3) The director shall approve or disapprove an application 51814  
for a modification in accordance with division (D)(2) of this 51815  
section and rules adopted under division (K) of this section for 51816  
all of the following categories of Class 3 modifications: 51817

(a) Authority to conduct treatment, storage, or disposal at a 51818  
site, location, or tract of land that has not been authorized for 51819  
the proposed category of treatment, storage, or disposal activity 51820  
by the facility's permit; 51821

(b) Modification or addition of a hazardous waste management 51822

unit, as defined in rules adopted under section 3734.12 of the Revised Code, that results in an increase in a facility's storage capacity of more than twenty-five per cent over the capacity authorized by the facility's permit, an increase in a facility's treatment rate of more than twenty-five per cent over the rate so authorized, or an increase in a facility's disposal capacity over the capacity so authorized. The authorized disposal capacity for a facility shall be calculated from the approved design plans for the disposal units at that facility. In no case during a five-year period shall a facility's storage capacity or treatment rate be modified to increase by more than twenty-five per cent in the aggregate without the director's approval in accordance with division (D)(2) of this section. Notwithstanding any provision of division (I) of this section to the contrary, a request for modification of a facility's annual total waste receipt limit shall be classified and approved or disapproved by the director under division (I)(5) of this section.

(c) Authority to add any of the following categories of regulated activities not previously authorized at a facility by the facility's permit: storage at a facility not previously authorized to store hazardous waste, treatment at a facility not previously authorized to treat hazardous waste, or disposal at a facility not previously authorized to dispose of hazardous waste; or authority to add a category of hazardous waste management unit not previously authorized at the facility by the facility's permit. Notwithstanding any provision of division (I) of this section to the contrary, a request for authority to add or to modify an activity or a hazardous waste management unit for the purposes of performing a corrective action shall be classified and approved or disapproved by the director under division (I)(5) of this section.

(d) Authority to treat, store, or dispose of waste types

listed or characterized as reactive or explosive, in rules adopted 51855  
under section 3734.12 of the Revised Code, or any acute hazardous 51856  
waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not 51857  
previously authorized to treat, store, or dispose of those types 51858  
of wastes by the facility's permit unless the requested authority 51859  
is limited to wastes that no longer exhibit characteristics 51860  
meeting the criteria for listing or characterization as reactive 51861  
or explosive wastes, or for listing as acute hazardous waste, but 51862  
still are required to carry those waste codes as established in 51863  
rules adopted under section 3734.12 of the Revised Code because of 51864  
the requirements established in 40 C.F.R. 261(a) and (e), as 51865  
amended, that is, the "mixture," "derived-from," or "contained-in" 51866  
regulations. 51867

(4) A written request for a modification from the permittee 51868  
shall be submitted to the director and shall contain such 51869  
information as is necessary to support the request. Requests for 51870  
modifications shall be acted upon by the director in accordance 51871  
with this section and rules adopted under it. 51872

(5) Class 1 modification applications that require prior 51873  
approval of the director, as provided in division (I)(1) of this 51874  
section or as determined in accordance with rules adopted under 51875  
division (K) of this section, Class 2 modification applications, 51876  
and Class 3 modification applications that are not described in 51877  
divisions (I)(3)(a) to (d) of this section shall be approved or 51878  
disapproved by the director in accordance with rules adopted under 51879  
division (K) of this section. The board of county commissioners of 51880  
the county, the board of township trustees of the township, and 51881  
the city manager or mayor of the municipal corporation in which a 51882  
hazardous waste facility is located shall receive notification of 51883  
any application for a modification for that facility and shall be 51884  
considered as interested persons with respect to the director's 51885  
consideration of the application. 51886



As used in division (I) of this section: 51887

(a) "Owner" means the person who owns a majority or 51888  
controlling interest in a facility. 51889

(b) "Operator" means the person who is responsible for the 51890  
overall operation of a facility. 51891

The director shall approve or disapprove an application for a 51892  
Class 1 modification that requires the director's approval within 51893  
sixty days after receiving the request for modification. The 51894  
director shall approve or disapprove an application for a Class 2 51895  
modification within three hundred days after receiving the request 51896  
for modification. The director shall approve or disapprove an 51897  
application for a Class 3 modification within three hundred 51898  
sixty-five days after receiving the request for modification. 51899

(6) The approval or disapproval by the director of a Class 1 51900  
modification application is not a final action that is appealable 51901  
under Chapter 3745. of the Revised Code. The approval or 51902  
disapproval by the director of a Class 2 modification or a Class 3 51903  
modification is a final action that is appealable under that 51904  
chapter. In approving or disapproving a request for a 51905  
modification, the director shall consider all comments pertaining 51906  
to the request that are received during the public comment period 51907  
and the public meetings. The administrative record for appeal of a 51908  
final action by the director in approving or disapproving a 51909  
request for a modification shall include all comments received 51910  
during the public comment period relating to the request for 51911  
modification, written materials submitted at the public meetings 51912  
relating to the request, and any other documents related to the 51913  
director's action. 51914

(7) Notwithstanding any other provision of law to the 51915  
contrary, a change or alteration to a hazardous waste facility 51916  
described in division (E)(3)(a) or (b) of section 3734.02 of the 51917

Revised Code, or its operations, is a modification for the 51918  
purposes of this section. An application for a modification at 51919  
such a facility shall be submitted, classified, and approved or 51920  
disapproved in accordance with divisions (I)(1) to (6) of this 51921  
section in the same manner as a modification to a hazardous waste 51922  
facility installation and operation permit. 51923

(J)(1) Except as provided in division (J)(2) of this section, 51924  
an owner or operator of a hazardous waste facility that is 51925  
operating in accordance with a permit by rule under rules adopted 51926  
by the director under division (E)(3)(b) of section 3734.02 of the 51927  
Revised Code shall submit either a hazardous waste facility 51928  
installation and operation permit application for the facility or 51929  
a modification application, whichever is required under division 51930  
(J)(1)(a) or (b) of this section, within one hundred eighty days 51931  
after the director has requested the application or upon a later 51932  
date if the owner or operator demonstrates to the director good 51933  
cause for the late submittal. 51934

(a) If the owner or operator does not have a hazardous waste 51935  
facility installation and operation permit for any hazardous waste 51936  
treatment, storage, or disposal activities at the facility, the 51937  
owner or operator shall submit an application for such a permit to 51938  
the director for the activities authorized by the permit by rule. 51939  
Notwithstanding any other provision of law to the contrary, the 51940  
director shall approve or disapprove the application for the 51941  
permit in accordance with the procedures governing the approval or 51942  
disapproval of permit renewals under division (H) of this section. 51943

(b) If the owner or operator has a hazardous waste facility 51944  
installation and operation permit for hazardous waste treatment, 51945  
storage, or disposal activities at the facility other than those 51946  
authorized by the permit by rule, the owner or operator shall 51947  
submit to the director a request for modification in accordance 51948  
with division (I) of this section. Notwithstanding any other 51949

provision of law to the contrary, the director shall approve or 51950  
disapprove the modification application in accordance with 51951  
division (I)(5) of this section. 51952

(2) The owner or operator of a boiler or industrial furnace 51953  
that is conducting thermal treatment activities in accordance with 51954  
a permit by rule under rules adopted by the director under 51955  
division (E)(3)(b) of section 3734.02 of the Revised Code shall 51956  
submit a hazardous waste facility installation and operation 51957  
permit application if the owner or operator does not have such a 51958  
permit for any hazardous waste treatment, storage, or disposal 51959  
activities at the facility or, if the owner or operator has such a 51960  
permit for hazardous waste treatment, storage, or disposal 51961  
activities at the facility other than thermal treatment activities 51962  
authorized by the permit by rule, a modification application to 51963  
add those activities authorized by the permit by rule, whichever 51964  
is applicable, within one hundred eighty days after the director 51965  
has requested the submission of the application or upon a later 51966  
date if the owner or operator demonstrates to the director good 51967  
cause for the late submittal. The application shall be accompanied 51968  
by information necessary to support the request. The director 51969  
shall approve or disapprove an application for a hazardous waste 51970  
facility installation and operation permit in accordance with 51971  
division (D) of this section and approve or disapprove an 51972  
application for a modification in accordance with division (I)(3) 51973  
of this section, except that the director shall not disapprove an 51974  
application for the thermal treatment activities on the basis of 51975  
the criteria set forth in division (D)(2)(g) or (h) of this 51976  
section. 51977

(3) As used in division (J) of this section: 51978

(a) "Modification application" means a request for a 51979  
modification submitted in accordance with division (I) of this 51980  
section. 51981

(b) "Thermal treatment," "boiler," and "industrial furnace" 51982  
have the same meanings as in rules adopted under section 3734.12 51983  
of the Revised Code. 51984

(K) The director shall adopt, and may amend, suspend, or 51985  
rescind, rules in accordance with Chapter 119. of the Revised Code 51986  
in order to implement divisions (H) and (I) of this section. 51987  
Except when in actual conflict with this section, rules governing 51988  
the classification of and procedures for the modification of 51989  
hazardous waste facility installation and operation permits shall 51990  
be substantively and procedurally identical to the regulations 51991  
governing hazardous waste facility permitting and permit 51992  
modifications adopted under the "Resource Conservation and 51993  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 51994  
amended. 51995

**Sec. 3734.06.** (A)(1) Except as provided in divisions (A)(2), 51996  
(3), (4), and (5) of this section and in section 3734.82 of the 51997  
Revised Code, the annual fee for a solid waste facility license 51998  
shall be in accordance with the following schedule: 51999

AUTHORIZED MAXIMUM	ANNUAL	
DAILY WASTE	LICENSE	
RECEIPT (TONS)	FEE	
100 or less	\$ 5,000	52003
101 to 200	12,500	52004
201 to 500	30,000	52005
501 or more	60,000	52006

For the purpose of determining the applicable license fee 52007  
under divisions (A)(1), (2), and (3) of this section, the 52008  
authorized maximum daily waste receipt shall be the maximum amount 52009  
of wastes the facility is authorized to receive daily that is 52010  
established in the permit for the facility, and any modifications 52011  
to that permit, issued under division (A)(2) ~~or (3)~~ of section 52012

3734.05 of the Revised Code; the annual license for the facility, 52013  
and any revisions to that license, issued under division (A)(1) of 52014  
section 3734.05 of the Revised Code; the approved operating plan 52015  
or operational report for which submission and approval are 52016  
required by rules adopted by the director of environmental 52017  
protection under section 3734.02 of the Revised Code; or an order 52018  
issued by the director as authorized by rule; ~~or the updated~~ 52019  
~~engineering plans, specifications, and facility and operation~~ 52020  
~~information approved under division (A)(4) of section 3734.05 of~~ 52021  
~~the Revised Code.~~ If no authorized maximum daily waste receipt is 52022  
so established, the annual license fee is sixty thousand dollars 52023  
under division (A)(1) of this section and thirty thousand dollars 52024  
under divisions (A)(2) and (3) of this section. 52025

The authorized maximum daily waste receipt set forth in any 52026  
such document shall be stated in terms of cubic yards of volume 52027  
for the purpose of regulating the design, construction, and 52028  
operation of a solid waste facility. For the purpose of 52029  
determining applicable license fees under this section, the 52030  
authorized maximum daily waste receipt so stated shall be 52031  
converted from cubic yards to tons as the unit of measurement 52032  
based upon a conversion factor of three cubic yards per ton for 52033  
compacted wastes generally and one cubic yard per ton for baled 52034  
wastes. 52035

(2) The annual license fee for a facility that is an 52036  
incinerator facility is one-half the amount shown in division 52037  
(A)(1) of this section. When a municipal corporation, county, or 52038  
township owns and operates more than one incinerator within its 52039  
boundaries, the municipal corporation, county, or township shall 52040  
pay one fee for the licenses for all of its incinerators. The fee 52041  
shall be determined on the basis of the aggregate maximum daily 52042  
waste receipt for all the incinerators owned and operated by the 52043  
municipal corporation, county, or township in an amount that is 52044

one-half the amount shown in division (A)(1) of this section. 52045

(3) The annual fee for a solid waste compost facility license 52046  
shall be in accordance with the following schedule: 52047

AUTHORIZED MAXIMUM	ANNUAL	52048
DAILY WASTE	LICENSE	52049
RECEIPT (TONS)	FEE	52050
12 or less	\$ 300	52051
13 to 25	600	52052
26 to 50	1,200	52053
51 to 75	1,800	52054
76 to 100	2,500	52055
101 to 150	3,750	52056
151 to 200	5,000	52057
201 to 250	6,250	52058
251 to 300	7,500	52059
301 to 400	10,000	52060
401 to 500	12,500	52061
501 or more	30,000	52062

(4) The annual license fee for a solid waste facility, 52063  
regardless of its authorized maximum daily waste receipt, is five 52064  
thousand dollars for a facility meeting either of the following 52065  
qualifications: 52066

(a) The facility is owned by a generator of solid wastes when 52067  
the solid waste facility exclusively disposes of solid wastes 52068  
generated at one or more premises owned by the generator 52069  
regardless of whether the facility is located on a premises where 52070  
the wastes are generated. 52071

(b) The facility exclusively disposes of wastes that are 52072  
generated from the combustion of coal, or from the combustion of 52073  
primarily coal in combination with scrap tires, that is not 52074  
combined in any way with garbage at one or more premises owned by 52075  
the generator. 52076

(5) The annual license fee for a facility that is a transfer facility is seven hundred fifty dollars. 52077  
52078

(6) The same fees shall apply to private operators and to the state and its political subdivisions and shall be paid within thirty days after issuance of a license. The fee includes the cost of licensing, all inspections, and other costs associated with the administration of the solid waste provisions of this chapter and rules adopted under them, excluding the provisions governing scrap tires. Each such license shall specify that it is conditioned upon payment of the applicable fee to the board of health or the director, as appropriate, within thirty days after issuance of the license. 52079  
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(B) The board of health shall retain two thousand five hundred dollars of each license fee collected by the board under divisions (A)(1), (2), (3), and (4) of this section or the entire amount of any such fee that is less than two thousand five hundred dollars. The moneys retained shall be paid into a special fund, which is hereby created in each health district, and used solely to administer and enforce the solid waste provisions of this chapter and the rules adopted under them, excluding the provisions governing scrap tires. The remainder of each license fee collected by the board shall be transmitted to the director within forty-five days after receipt of the fee. The director shall transmit these moneys to the treasurer of state to be credited to the general revenue fund. The board of health shall retain the entire amount of each fee collected under division (A)(5) of this section, which moneys shall be paid into the special fund of the health district. 52089  
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(C)(1) Except as provided in divisions (C)(2) and (3) of this section, the annual fee for an infectious waste treatment facility license shall be in accordance with the following schedule: 52105  
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52107

MAXIMUM

ANNUAL

52108

DAILY WASTE RECEIPT (TONS)	LICENSE FEE	
100 or less	\$ 5,000	52111
101 to 200	12,500	52112
201 to 500	30,000	52113
501 or more	60,000	52114

For the purpose of determining the applicable license fee under divisions (C)(1) and (2) of this section, the maximum daily waste receipt shall be the maximum amount of infectious wastes the facility is authorized to receive daily that is established in the permit for the facility, and any modifications to that permit, issued under division (B)(2)(b) of section 3734.05 of the Revised Code; or the annual license for the facility, and any revisions to that license, issued under division (B)(2)(a) of section 3734.05 of the Revised Code. If no maximum daily waste receipt is so established, the annual license fee is sixty thousand dollars under division (C)(1) of this section and thirty thousand dollars under division (C)(2) of this section.

(2) The annual license fee for an infectious waste treatment facility that is an incinerator is one-half the amount shown in division (C)(1) of this section.

(3) Fees levied under divisions (C)(1) and (2) of this section shall apply to private operators and to the state and its political subdivisions and shall be paid within thirty days after issuance of a license. The fee includes the cost of licensing, all inspections, and other costs associated with the administration of the infectious waste provisions of this chapter and rules adopted under them. Each such license shall specify that it is conditioned upon payment of the applicable fee to the board of health or the director, as appropriate, within thirty days after issuance of the license.

(4) The board of health shall retain two thousand five



hundred dollars of each license fee collected by the board under 52141  
divisions (C)(1) and (2) of this section. The moneys retained 52142  
shall be paid into a special infectious waste fund, which is 52143  
hereby created in each health district, and used solely to 52144  
administer and enforce the infectious waste provisions of this 52145  
chapter and the rules adopted under them. The remainder of each 52146  
license fee collected by the board shall be transmitted to the 52147  
director within forty-five days after receipt of the fee. The 52148  
director shall transmit these moneys to the treasurer of state to 52149  
be credited to the general revenue fund. 52150

**Sec. 3734.15.** (A) No person shall transport hazardous waste 52151  
anywhere in this state unless the person has first ~~registered~~ 52152  
filed an annual registration statement with, and obtained a 52153  
uniform permit from the public utilities commission paid an annual 52154  
registration fee to, the United States department of 52155  
transportation in accordance with Chapter 4921. of the Revised 52156  
Code 49 C.F.R. 107.601 to 107.620. 52157

For the purposes of this section, "registered transporter" 52158  
means any person who ~~is registered~~ has filed an annual 52159  
registration statement with and has received a uniform permit from 52160  
the public utilities commission pursuant to Chapter 4921. of the 52161  
Revised Code, and paid an annual registration fee to, the United 52162  
States department of transportation in accordance with 49 C.F.R. 52163  
107.601 to 107.620. 52164

(B) A registered transporter of hazardous waste shall be 52165  
responsible for the safe delivery of any hazardous waste that the 52166  
registered transporter transports from such time as the registered 52167  
transporter obtains the waste until the registered transporter 52168  
delivers it to a treatment, storage, or disposal facility 52169  
specified in division (F) of section 3734.02 of the Revised Code, 52170  
as recorded on the manifest required in division (B) of section 52171

3734.12 of the Revised Code. Any registered transporter who 52172  
violates this chapter or any rule adopted under the chapter while 52173  
transporting hazardous waste shall be liable for any damage or 52174  
injury caused by the violation and for the costs of rectifying the 52175  
violation and conditions caused by the violation. 52176

(C) No person who generates hazardous waste shall cause the 52177  
waste to be transported by any person who is not a registered 52178  
transporter. No person shall accept for treatment, storage, or 52179  
disposal any hazardous waste from an unregistered transporter. Any 52180  
person who is requested to accept such waste for treatment, 52181  
storage, or disposal shall notify the director, the board of 52182  
health in the person's location, and the public utilities 52183  
commission of the request. 52184

If a generator causes an unregistered transporter to 52185  
transport the hazardous waste, the generator of the waste, the 52186  
transporter, and any person who accepts the waste for treatment, 52187  
storage, or disposal shall be jointly and severally liable for any 52188  
damage or injury caused by the handling of the waste and for the 52189  
costs of rectifying their violation and conditions caused by their 52190  
violation. 52191

**Sec. 3734.42.** (A)(1) Every applicant for a permit shall file 52192  
a disclosure statement, on a form developed by the attorney 52193  
general, with the director of environmental protection and the 52194  
attorney general at the same time the applicant files an 52195  
application for the permit with the director. 52196

(2) Any individual required to be listed in the disclosure 52197  
statement shall be fingerprinted for identification and 52198  
investigation purposes in accordance with procedures established 52199  
by the attorney general. An individual required to be 52200  
fingerprinted under this section shall not be required to be 52201  
fingerprinted more than once under this section. 52202

(3) The attorney general, within one hundred eighty days 52203  
after receipt of the disclosure statement from an applicant for a 52204  
permit, shall prepare and transmit to the director an 52205  
investigative report on the applicant, based in part upon the 52206  
disclosure statement, except that this deadline may be extended 52207  
for a reasonable period of time, for good cause, by the director 52208  
or the attorney general. In preparing this report, the attorney 52209  
general may request and receive criminal history information from 52210  
the federal bureau of investigation and any other law enforcement 52211  
agency or organization. The attorney general may provide such 52212  
confidentiality regarding the information received from a law 52213  
enforcement agency as may be imposed by that agency as a condition 52214  
for providing that information to the attorney general. 52215

(4) The review of the application by the director shall 52216  
include a review of the disclosure statement and investigative 52217  
report. 52218

(B) All applicants and permittees shall provide any 52219  
assistance or information requested by the director or the 52220  
attorney general and shall cooperate in any inquiry or 52221  
investigation conducted by the attorney general and any inquiry, 52222  
investigation, or hearing conducted by the director. If, upon 52223  
issuance of a formal request to answer any inquiry or produce 52224  
information, evidence, or testimony, any applicant or permittee, 52225  
any officer, director, or partner of any business concern, or any 52226  
key employee of the applicant or permittee refuses to comply, the 52227  
permit of the applicant or permittee may be denied or revoked by 52228  
the director. 52229

(C) The attorney general may charge and collect such fees 52230  
from applicants and permittees as are necessary to cover the costs 52231  
of administering and enforcing the investigative procedures 52232  
authorized in sections 3734.41 to 3734.47 of the Revised Code. The 52233  
attorney general shall transmit moneys collected under this 52234

division to the treasurer of state to be credited to the solid and hazardous waste background investigations fund, which is hereby created in the state treasury. Moneys in the fund shall be used solely for paying the attorney general's costs of administering and enforcing the investigative procedures authorized in sections 3734.41 to 3734.47 of the Revised Code.

(D) An appropriate applicant, a permittee, or a prospective owner shall submit to the attorney general, on a form provided by the attorney general, the following information within the periods specified:

(1) Information required to be included in the disclosure statement for any new officer, director, partner, or key employee, to be submitted within ninety days from the addition of the officer, director, partner, or key employee;

(2) Information required to be included in a disclosure statement regarding the addition of any new business concern to be submitted within ninety days from the addition of the new business concern.

(E)(1) The attorney general shall enter in the database established under section 109.5721 of the Revised Code the name, the fingerprints, and other relevant information concerning each officer, director, partner, or key employee of an applicant, permittee, or prospective owner.

(2) For purposes of section 109.5721 of the Revised Code, annually on a date assigned by the attorney general, an applicant, permittee, or prospective owner shall provide the attorney general with a list of both of the following:

(a) Each officer, director, partner, or key employee of the applicant, permittee, or prospective owner and the person's address and social security number;

(b) Any officer, director, partner, or key employee of the

applicant, permittee, or prospective owner who has left a position 52266  
previously held with the applicant, permittee, or prospective 52267  
owner during the previous one-year period and the person's social 52268  
security number. 52269

(3) Annually, the attorney general shall update the database 52270  
established under section 109.5721 of the Revised Code to reflect 52271  
the information provided by an applicant, permittee, or 52272  
prospective owner under divisions (E)(2)(a) and (b) of this 52273  
section. 52274

(4) Notwithstanding division (C) of this section, the 52275  
attorney general shall charge and collect fees from an applicant, 52276  
permittee, or prospective owner that is required to submit 52277  
information under this division in accordance with rules adopted 52278  
under section 109.5721 of the Revised Code. The fees shall not 52279  
exceed fees that are charged to any other person who is charged 52280  
fees for purposes of the database established under that section 52281  
and who is not an officer, director, partner, or key employee of 52282  
an applicant, permittee, or prospective owner under this section. 52283

(F)(1) Every ~~three~~ five years, the attorney general shall 52284  
request from the federal bureau of investigation any information 52285  
regarding a criminal conviction with respect to each officer, 52286  
director, partner, or key employee of an applicant, permittee, or 52287  
prospective owner. The attorney general may take any actions 52288  
necessary for purposes of this division, including, as necessary, 52289  
requesting the submission of any necessary documents authorizing 52290  
the release of information. 52291

(2) Every ~~three~~ five years, an applicant, permittee, or 52292  
prospective owner shall submit an affidavit listing all of the 52293  
following regarding a business concern required to be listed in 52294  
the applicant's, permittee's, or prospective owner's disclosure 52295  
statement: 52296

(a) Any administrative enforcement order issued to the 52297  
business concern in connection with any violation of any federal 52298  
or state environmental protection laws, rules, or regulations 52299  
during the previous ~~three-year~~ five-year period; 52300

(b) Any civil action in which the business concern was 52301  
determined to be liable or was the subject of injunctive relief or 52302  
another type of civil relief in connection with any violation of 52303  
any federal or state environmental protection laws, rules, or 52304  
regulations during the previous ~~three-year~~ five-year period; 52305

(c) Any criminal conviction for a violation of any federal or 52306  
state environmental protection laws, rules, or regulations that 52307  
has been committed knowingly or recklessly by the business concern 52308  
during the previous ~~three-year~~ five-year period. 52309

(G) With respect to an applicant, permittee, or prospective 52310  
owner, the attorney general shall notify the director of 52311  
environmental protection of any crime ascertained under division 52312  
(E) or (F) of this section that is a disqualifying crime under 52313  
section 3734.44 of the Revised Code. The attorney general shall 52314  
provide the notification not later than thirty days after the 52315  
crime was ascertained. 52316

(H) The failure to provide information under this section may 52317  
constitute the basis for the revocation of a permit or license, 52318  
the denial of a permit or license application, the denial of a 52319  
renewal of a permit or license, or the disapproval of a change in 52320  
ownership as described in division (I) of this section. Prior to a 52321  
denial, revocation, or disapproval, the director shall notify the 52322  
applicant, permittee, or prospective owner of the director's 52323  
intention to do so. The director shall give the applicant, 52324  
permittee, or prospective owner fourteen days from the date of the 52325  
notice to explain why the information was not provided. The 52326  
director shall consider the explanation when determining whether 52327  
to revoke the permit or license, deny the permit or license 52328

application or renewal, or disapprove the change in ownership. 52329

Nothing in this section affects the rights of the director or 52330  
the attorney general granted under sections 3734.40 to 3734.47 of 52331  
the Revised Code to request information from a person at any other 52332  
time. 52333

(I)(1) Whenever there is a change in ownership of any 52334  
operating off-site solid waste facility, any operating off-site 52335  
infectious waste facility, or any operating off-site hazardous 52336  
waste facility, the prospective owner shall file a disclosure 52337  
statement with the attorney general and the director at least one 52338  
hundred eighty days prior to the proposed change in ownership. In 52339  
addition, whenever there is a change in ownership of any operating 52340  
on-site solid waste facility, any operating on-site infectious 52341  
waste facility, or any operating on-site hazardous waste facility 52342  
and the prospective owner intends to operate the facility as an 52343  
off-site facility by accepting wastes other than wastes generated 52344  
by the facility owner, the prospective owner shall file a 52345  
disclosure statement with the attorney general and the director. 52346  
The prospective owner shall file the disclosure statement at least 52347  
one hundred eighty days prior to the proposed change in ownership. 52348

Upon receipt of the disclosure statement, the attorney 52349  
general shall prepare an investigative report and transmit it to 52350  
the director. The director shall review the disclosure statement 52351  
and investigative report to determine whether the statement or 52352  
report contains information that if submitted with a permit 52353  
application would require a denial of the permit pursuant to 52354  
section 3734.44 of the Revised Code. If the director determines 52355  
that the statement or report contains such information, the 52356  
director shall disapprove the change in ownership. 52357

(2) If the parties to a change in ownership decide to proceed 52358  
with the change prior to the action of the director on the 52359  
disclosure statement and investigative report, the parties shall 52360

include in all contracts or other documents reflecting the change 52361  
in ownership language expressly making the change in ownership 52362  
subject to the approval of the director and expressly negating the 52363  
change if it is disapproved by the director pursuant to division 52364  
(I)(1) of this section. 52365

(3) As used in this section, "change in ownership" includes a 52366  
change of the individuals or entities who own a solid waste 52367  
facility, infectious waste facility, or hazardous waste facility. 52368  
"Change in ownership" does not include a legal change in a 52369  
business concern's name when its ownership otherwise remains the 52370  
same. "Change in ownership" also does not include a personal name 52371  
change of officers, directors, partners, or key employees 52372  
contained in a disclosure statement. 52373

**Sec. 3734.57.** (A) The following fees are hereby levied on the 52374  
transfer or disposal of solid wastes in this state: 52375

(1) Ninety cents per ton through June 30, ~~2018~~ 2020, twenty 52376  
cents of the proceeds of which shall be deposited in the state 52377  
treasury to the credit of the hazardous waste facility management 52378  
fund created in section 3734.18 of the Revised Code and seventy 52379  
cents of the proceeds of which shall be deposited in the state 52380  
treasury to the credit of the hazardous waste clean-up fund 52381  
created in section 3734.28 of the Revised Code; 52382

(2) An additional seventy-five cents per ton through June 30, 52383  
~~2018~~ 2020, the proceeds of which shall be deposited in the state 52384  
treasury to the credit of the waste management fund created in 52385  
section 3734.061 of the Revised Code. 52386

(3) An additional two dollars and eighty-five cents per ton 52387  
through June 30, ~~2018~~ 2020, the proceeds of which shall be 52388  
deposited in the state treasury to the credit of the environmental 52389  
protection fund created in section 3745.015 of the Revised Code; 52390



(4) An additional twenty-five cents per ton through June 30, 2018 ~~2020~~, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code.

In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under this division. In the case of solid wastes that are not taken to a solid waste transfer facility located in this state prior to being transported to a solid waste disposal facility, the fees shall be collected by the owner or operator of the solid waste disposal facility as a trustee for the state. The amount of fees required to be collected under this division at such a disposal facility shall equal the total tonnage of solid wastes received at the facility that was not previously taken to a solid waste transfer facility located in this state multiplied by the fees levied under this division. Fees levied under this division do not apply to materials separated from a mixed waste stream for recycling by a generator or materials removed from the solid waste stream through recycling, as "recycling" is defined in rules adopted under section 3734.02 of the Revised Code.

The owner or operator of a solid waste transfer facility or disposal facility, as applicable, shall prepare and file with the director of environmental protection each month a return indicating the total tonnage of solid wastes received at the facility during that month and the total amount of the fees

required to be collected under this division during that month. In 52423  
addition, the owner or operator of a solid waste disposal facility 52424  
shall indicate on the return the total tonnage of solid wastes 52425  
received from transfer facilities located in this state during 52426  
that month for which the fees were required to be collected by the 52427  
transfer facilities. The monthly returns shall be filed on a form 52428  
prescribed by the director. Not later than thirty days after the 52429  
last day of the month to which a return applies, the owner or 52430  
operator shall mail to the director the return for that month 52431  
together with the fees required to be collected under this 52432  
division during that month as indicated on the return or may 52433  
submit the return and fees electronically in a manner approved by 52434  
the director. If the return is filed and the amount of the fees 52435  
due is paid in a timely manner as required in this division, the 52436  
owner or operator may retain a discount of three-fourths of one 52437  
per cent of the total amount of the fees that are required to be 52438  
paid as indicated on the return. 52439

The owner or operator may request an extension of not more 52440  
than thirty days for filing the return and remitting the fees, 52441  
provided that the owner or operator has submitted such a request 52442  
in writing to the director together with a detailed description of 52443  
why the extension is requested, the director has received the 52444  
request not later than the day on which the return is required to 52445  
be filed, and the director has approved the request. If the fees 52446  
are not remitted within thirty days after the last day of the 52447  
month to which the return applies or are not remitted by the last 52448  
day of an extension approved by the director, the owner or 52449  
operator shall not retain the three-fourths of one per cent 52450  
discount and shall pay an additional ten per cent of the amount of 52451  
the fees for each month that they are late. For purposes of 52452  
calculating the late fee, the first month in which fees are late 52453  
begins on the first day after the deadline has passed for timely 52454  
submitting the return and fees, and one additional month shall be 52455

counted every thirty days thereafter. 52456

The owner or operator of a solid waste facility may request a 52457  
refund or credit of fees levied under this division and remitted 52458  
to the director that have not been paid to the owner or operator. 52459  
Such a request shall be made only if the fees have not been 52460  
collected by the owner or operator, have become a debt that has 52461  
become worthless or uncollectable for a period of six months or 52462  
more, and may be claimed as a deduction, including a deduction 52463  
claimed if the owner or operator keeps accounts on an accrual 52464  
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 52465  
U.S.C. 166, as amended, and regulations adopted under it. Prior to 52466  
making a request for a refund or credit, an owner or operator 52467  
shall make reasonable efforts to collect the applicable fees. A 52468  
request for a refund or credit shall not include any costs 52469  
resulting from those efforts to collect unpaid fees. 52470

A request for a refund or credit of fees shall be made in 52471  
writing, on a form prescribed by the director, and shall be 52472  
supported by evidence that may be required in rules adopted by the 52473  
director under this chapter. After reviewing the request, and if 52474  
the request and evidence submitted with the request indicate that 52475  
a refund or credit is warranted, the director shall grant a refund 52476  
to the owner or operator or shall permit a credit to be taken by 52477  
the owner or operator on a subsequent monthly return submitted by 52478  
the owner or operator. The amount of a refund or credit shall not 52479  
exceed an amount that is equal to ninety days' worth of fees owed 52480  
to an owner or operator by a particular debtor of the owner or 52481  
operator. A refund or credit shall not be granted by the director 52482  
to an owner or operator more than once in any twelve-month period 52483  
for fees owed to the owner or operator by a particular debtor. 52484

If, after receiving a refund or credit from the director, an 52485  
owner or operator receives payment of all or part of the fees, the 52486  
owner or operator shall remit the fees with the next monthly 52487

return submitted to the director together with a written 52488  
explanation of the reason for the submittal. 52489

For purposes of computing the fees levied under this division 52490  
or division (B) of this section, any solid waste transfer or 52491  
disposal facility that does not use scales as a means of 52492  
determining gate receipts shall use a conversion factor of three 52493  
cubic yards per ton of solid waste or one cubic yard per ton for 52494  
baled waste, as applicable. 52495

The fees levied under this division and divisions (B) and (C) 52496  
of this section are in addition to all other applicable fees and 52497  
taxes and shall be paid by the customer or a political subdivision 52498  
to the owner or operator of a solid waste transfer or disposal 52499  
facility. In the alternative, the fees shall be paid by a customer 52500  
or political subdivision to a transporter of waste who 52501  
subsequently transfers the fees to the owner or operator of such a 52502  
facility. The fees shall be paid notwithstanding the existence of 52503  
any provision in a contract that the customer or a political 52504  
subdivision may have with the owner or operator or with a 52505  
transporter of waste to the facility that would not require or 52506  
allow such payment regardless of whether the contract was entered 52507  
prior to or after October 16, 2009. For those purposes, "customer" 52508  
means a person who contracts with, or utilizes the solid waste 52509  
services of, the owner or operator of a solid waste transfer or 52510  
disposal facility or a transporter of solid waste to such a 52511  
facility. 52512

(B) For the purposes specified in division (G) of this 52513  
section, the solid waste management policy committee of a county 52514  
or joint solid waste management district may levy fees upon the 52515  
following activities: 52516

(1) The disposal at a solid waste disposal facility located 52517  
in the district of solid wastes generated within the district; 52518

(2) The disposal at a solid waste disposal facility within 52519  
the district of solid wastes generated outside the boundaries of 52520  
the district, but inside this state; 52521

(3) The disposal at a solid waste disposal facility within 52522  
the district of solid wastes generated outside the boundaries of 52523  
this state. 52524

The solid waste management plan of the county or joint 52525  
district approved under section 3734.521 or 3734.55 of the Revised 52526  
Code and any amendments to it, or the resolution adopted under 52527  
this division, as appropriate, shall establish the rates of the 52528  
fees levied under divisions (B)(1), (2), and (3) of this section, 52529  
if any, and shall specify whether the fees are levied on the basis 52530  
of tons or cubic yards as the unit of measurement. A solid waste 52531  
management district that levies fees under this division on the 52532  
basis of cubic yards shall do so in accordance with division (A) 52533  
of this section. 52534

The fee levied under division (B)(1) of this section shall be 52535  
not less than one dollar per ton nor more than two dollars per 52536  
ton, the fee levied under division (B)(2) of this section shall be 52537  
not less than two dollars per ton nor more than four dollars per 52538  
ton, and the fee levied under division (B)(3) of this section 52539  
shall be not more than the fee levied under division (B)(1) of 52540  
this section. 52541

Prior to the approval of the solid waste management plan of a 52542  
district under section 3734.55 of the Revised Code, the solid 52543  
waste management policy committee of a district may levy fees 52544  
under this division by adopting a resolution establishing the 52545  
proposed amount of the fees. Upon adopting the resolution, the 52546  
committee shall deliver a copy of the resolution to the board of 52547  
county commissioners of each county forming the district and to 52548  
the legislative authority of each municipal corporation and 52549  
township under the jurisdiction of the district and shall prepare 52550

and publish the resolution and a notice of the time and location 52551  
where a public hearing on the fees will be held. Upon adopting the 52552  
resolution, the committee shall deliver written notice of the 52553  
adoption of the resolution; of the amount of the proposed fees; 52554  
and of the date, time, and location of the public hearing to the 52555  
director and to the fifty industrial, commercial, or institutional 52556  
generators of solid wastes within the district that generate the 52557  
largest quantities of solid wastes, as determined by the 52558  
committee, and to their local trade associations. The committee 52559  
shall make good faith efforts to identify those generators within 52560  
the district and their local trade associations, but the 52561  
nonprovision of notice under this division to a particular 52562  
generator or local trade association does not invalidate the 52563  
proceedings under this division. The publication shall occur at 52564  
least thirty days before the hearing. After the hearing, the 52565  
committee may make such revisions to the proposed fees as it 52566  
considers appropriate and thereafter, by resolution, shall adopt 52567  
the revised fee schedule. Upon adopting the revised fee schedule, 52568  
the committee shall deliver a copy of the resolution doing so to 52569  
the board of county commissioners of each county forming the 52570  
district and to the legislative authority of each municipal 52571  
corporation and township under the jurisdiction of the district. 52572  
Within sixty days after the delivery of a copy of the resolution 52573  
adopting the proposed revised fees by the policy committee, each 52574  
such board and legislative authority, by ordinance or resolution, 52575  
shall approve or disapprove the revised fees and deliver a copy of 52576  
the ordinance or resolution to the committee. If any such board or 52577  
legislative authority fails to adopt and deliver to the policy 52578  
committee an ordinance or resolution approving or disapproving the 52579  
revised fees within sixty days after the policy committee 52580  
delivered its resolution adopting the proposed revised fees, it 52581  
shall be conclusively presumed that the board or legislative 52582  
authority has approved the proposed revised fees. The committee 52583

shall determine if the resolution has been ratified in the same 52584  
manner in which it determines if a draft solid waste management 52585  
plan has been ratified under division (B) of section 3734.55 of 52586  
the Revised Code. 52587

The committee may amend the schedule of fees levied pursuant 52588  
to a resolution adopted and ratified under this division by 52589  
adopting a resolution establishing the proposed amount of the 52590  
amended fees. The committee may repeal the fees levied pursuant to 52591  
such a resolution by adopting a resolution proposing to repeal 52592  
them. Upon adopting such a resolution, the committee shall proceed 52593  
to obtain ratification of the resolution in accordance with this 52594  
division. 52595

Not later than fourteen days after declaring the new fees to 52596  
be ratified or the fees to be repealed under this division, the 52597  
committee shall notify by certified mail the owner or operator of 52598  
each solid waste disposal facility that is required to collect the 52599  
fees of the ratification and the amount of the fees or of the 52600  
repeal of the fees. Collection of any fees shall commence or 52601  
collection of repealed fees shall cease on the first day of the 52602  
second month following the month in which notification is sent to 52603  
the owner or operator. 52604

Fees levied under this division also may be established, 52605  
amended, or repealed by a solid waste management policy committee 52606  
through the adoption of a new district solid waste management 52607  
plan, the adoption of an amended plan, or the amendment of the 52608  
plan or amended plan in accordance with sections 3734.55 and 52609  
3734.56 of the Revised Code or the adoption or amendment of a 52610  
district plan in connection with a change in district composition 52611  
under section 3734.521 of the Revised Code. 52612

Not later than fourteen days after the director issues an 52613  
order approving a district's solid waste management plan, amended 52614  
plan, or amendment to a plan or amended plan that establishes, 52615

amends, or repeals a schedule of fees levied by the district, the 52616  
committee shall notify by certified mail the owner or operator of 52617  
each solid waste disposal facility that is required to collect the 52618  
fees of the approval of the plan or amended plan, or the amendment 52619  
to the plan, as appropriate, and the amount of the fees, if any. 52620  
In the case of an initial or amended plan approved under section 52621  
3734.521 of the Revised Code in connection with a change in 52622  
district composition, other than one involving the withdrawal of a 52623  
county from a joint district, the committee, within fourteen days 52624  
after the change takes effect pursuant to division (G) of that 52625  
section, shall notify by certified mail the owner or operator of 52626  
each solid waste disposal facility that is required to collect the 52627  
fees that the change has taken effect and of the amount of the 52628  
fees, if any. Collection of any fees shall commence or collection 52629  
of repealed fees shall cease on the first day of the second month 52630  
following the month in which notification is sent to the owner or 52631  
operator. 52632

If, in the case of a change in district composition involving 52633  
the withdrawal of a county from a joint district, the director 52634  
completes the actions required under division (G)(1) or (3) of 52635  
section 3734.521 of the Revised Code, as appropriate, forty-five 52636  
days or more before the beginning of a calendar year, the policy 52637  
committee of each of the districts resulting from the change that 52638  
obtained the director's approval of an initial or amended plan in 52639  
connection with the change, within fourteen days after the 52640  
director's completion of the required actions, shall notify by 52641  
certified mail the owner or operator of each solid waste disposal 52642  
facility that is required to collect the district's fees that the 52643  
change is to take effect on the first day of January immediately 52644  
following the issuance of the notice and of the amount of the fees 52645  
or amended fees levied under divisions (B)(1) to (3) of this 52646  
section pursuant to the district's initial or amended plan as so 52647  
approved or, if appropriate, the repeal of the district's fees by 52648



that initial or amended plan. Collection of any fees set forth in 52649  
such a plan or amended plan shall commence on the first day of 52650  
January immediately following the issuance of the notice. If such 52651  
an initial or amended plan repeals a schedule of fees, collection 52652  
of the fees shall cease on that first day of January. 52653

If, in the case of a change in district composition involving 52654  
the withdrawal of a county from a joint district, the director 52655  
completes the actions required under division (G)(1) or (3) of 52656  
section 3734.521 of the Revised Code, as appropriate, less than 52657  
forty-five days before the beginning of a calendar year, the 52658  
director, on behalf of each of the districts resulting from the 52659  
change that obtained the director's approval of an initial or 52660  
amended plan in connection with the change proceedings, shall 52661  
notify by certified mail the owner or operator of each solid waste 52662  
disposal facility that is required to collect the district's fees 52663  
that the change is to take effect on the first day of January 52664  
immediately following the mailing of the notice and of the amount 52665  
of the fees or amended fees levied under divisions (B)(1) to (3) 52666  
of this section pursuant to the district's initial or amended plan 52667  
as so approved or, if appropriate, the repeal of the district's 52668  
fees by that initial or amended plan. Collection of any fees set 52669  
forth in such a plan or amended plan shall commence on the first 52670  
day of the second month following the month in which notification 52671  
is sent to the owner or operator. If such an initial or amended 52672  
plan repeals a schedule of fees, collection of the fees shall 52673  
cease on the first day of the second month following the month in 52674  
which notification is sent to the owner or operator. 52675

If the schedule of fees that a solid waste management 52676  
district is levying under divisions (B)(1) to (3) of this section 52677  
is amended or repealed, the fees in effect immediately prior to 52678  
the amendment or repeal shall continue to be collected until 52679  
collection of the amended fees commences or collection of the 52680

repealed fees ceases, as applicable, as specified in this 52681  
division. In the case of a change in district composition, money 52682  
so received from the collection of the fees of the former 52683  
districts shall be divided among the resulting districts in 52684  
accordance with division (B) of section 343.012 of the Revised 52685  
Code and the agreements entered into under division (B) of section 52686  
343.01 of the Revised Code to establish the former and resulting 52687  
districts and any amendments to those agreements. 52688

For the purposes of the provisions of division (B) of this 52689  
section establishing the times when newly established or amended 52690  
fees levied by a district are required to commence and the 52691  
collection of fees that have been amended or repealed is required 52692  
to cease, "fees" or "schedule of fees" includes, in addition to 52693  
fees levied under divisions (B)(1) to (3) of this section, those 52694  
levied under section 3734.573 or 3734.574 of the Revised Code. 52695

(C) For the purposes of defraying the added costs to a 52696  
municipal corporation or township of maintaining roads and other 52697  
public facilities and of providing emergency and other public 52698  
services, and compensating a municipal corporation or township for 52699  
reductions in real property tax revenues due to reductions in real 52700  
property valuations resulting from the location and operation of a 52701  
solid waste disposal facility within the municipal corporation or 52702  
township, a municipal corporation or township in which such a 52703  
solid waste disposal facility is located may levy a fee of not 52704  
more than twenty-five cents per ton on the disposal of solid 52705  
wastes at a solid waste disposal facility located within the 52706  
boundaries of the municipal corporation or township regardless of 52707  
where the wastes were generated. 52708

The legislative authority of a municipal corporation or 52709  
township may levy fees under this division by enacting an 52710  
ordinance or adopting a resolution establishing the amount of the 52711  
fees. Upon so doing the legislative authority shall mail a 52712

certified copy of the ordinance or resolution to the board of 52713  
county commissioners or directors of the county or joint solid 52714  
waste management district in which the municipal corporation or 52715  
township is located or, if a regional solid waste management 52716  
authority has been formed under section 343.011 of the Revised 52717  
Code, to the board of trustees of that regional authority, the 52718  
owner or operator of each solid waste disposal facility in the 52719  
municipal corporation or township that is required to collect the 52720  
fee by the ordinance or resolution, and the director of 52721  
environmental protection. Although the fees levied under this 52722  
division are levied on the basis of tons as the unit of 52723  
measurement, the legislative authority, in its ordinance or 52724  
resolution levying the fees under this division, may direct that 52725  
the fees be levied on the basis of cubic yards as the unit of 52726  
measurement based upon a conversion factor of three cubic yards 52727  
per ton generally or one cubic yard per ton for baled wastes. 52728

Not later than five days after enacting an ordinance or 52729  
adopting a resolution under this division, the legislative 52730  
authority shall so notify by certified mail the owner or operator 52731  
of each solid waste disposal facility that is required to collect 52732  
the fee. Collection of any fee levied on or after March 24, 1992, 52733  
shall commence on the first day of the second month following the 52734  
month in which notification is sent to the owner or operator. 52735

(D)(1) The fees levied under divisions (A), (B), and (C) of 52736  
this section do not apply to the disposal of solid wastes that: 52737

(a) Are disposed of at a facility owned by the generator of 52738  
the wastes when the solid waste facility exclusively disposes of 52739  
solid wastes generated at one or more premises owned by the 52740  
generator regardless of whether the facility is located on a 52741  
premises where the wastes are generated; 52742

(b) Are generated from the combustion of coal, or from the 52743  
combustion of primarily coal, regardless of whether the disposal 52744

facility is located on the premises where the wastes are 52745  
generated; 52746

(c) Are asbestos or asbestos-containing materials or products 52747  
disposed of at a construction and demolition debris facility that 52748  
is licensed under Chapter 3714. of the Revised Code or at a solid 52749  
waste facility that is licensed under this chapter. 52750

(2) Except as provided in section 3734.571 of the Revised 52751  
Code, any fees levied under division (B)(1) of this section apply 52752  
to solid wastes originating outside the boundaries of a county or 52753  
joint district that are covered by an agreement for the joint use 52754  
of solid waste facilities entered into under section 343.02 of the 52755  
Revised Code by the board of county commissioners or board of 52756  
directors of the county or joint district where the wastes are 52757  
generated and disposed of. 52758

(3) When solid wastes, other than solid wastes that consist 52759  
of scrap tires, are burned in a disposal facility that is an 52760  
incinerator or energy recovery facility, the fees levied under 52761  
divisions (A), (B), and (C) of this section shall be levied upon 52762  
the disposal of the fly ash and bottom ash remaining after burning 52763  
of the solid wastes and shall be collected by the owner or 52764  
operator of the sanitary landfill where the ash is disposed of. 52765

(4) When solid wastes are delivered to a solid waste transfer 52766  
facility, the fees levied under divisions (B) and (C) of this 52767  
section shall be levied upon the disposal of solid wastes 52768  
transported off the premises of the transfer facility for disposal 52769  
and shall be collected by the owner or operator of the solid waste 52770  
disposal facility where the wastes are disposed of. 52771

(5) The fees levied under divisions (A), (B), and (C) of this 52772  
section do not apply to sewage sludge that is generated by a waste 52773  
water treatment facility holding a national pollutant discharge 52774  
elimination system permit and that is disposed of through 52775

incineration, land application, or composting or at another 52776  
resource recovery or disposal facility that is not a landfill. 52777

(6) The fees levied under divisions (A), (B), and (C) of this 52778  
section do not apply to solid wastes delivered to a solid waste 52779  
composting facility for processing. When any unprocessed solid 52780  
waste or compost product is transported off the premises of a 52781  
composting facility and disposed of at a landfill, the fees levied 52782  
under divisions (A), (B), and (C) of this section shall be 52783  
collected by the owner or operator of the landfill where the 52784  
unprocessed waste or compost product is disposed of. 52785

(7) When solid wastes that consist of scrap tires are 52786  
processed at a scrap tire recovery facility, the fees levied under 52787  
divisions (A), (B), and (C) of this section shall be levied upon 52788  
the disposal of the fly ash and bottom ash or other solid wastes 52789  
remaining after the processing of the scrap tires and shall be 52790  
collected by the owner or operator of the solid waste disposal 52791  
facility where the ash or other solid wastes are disposed of. 52792

(8) The director of environmental protection may issue an 52793  
order exempting from the fees levied under this section solid 52794  
wastes, including, but not limited to, scrap tires, that are 52795  
generated, transferred, or disposed of as a result of a contract 52796  
providing for the expenditure of public funds entered into by the 52797  
administrator or regional administrator of the United States 52798  
environmental protection agency, the director of environmental 52799  
protection, or the director of administrative services on behalf 52800  
of the director of environmental protection for the purpose of 52801  
remediating conditions at a hazardous waste facility, solid waste 52802  
facility, or other location at which the administrator or regional 52803  
administrator or the director of environmental protection has 52804  
reason to believe that there is a substantial threat to public 52805  
health or safety or the environment or that the conditions are 52806  
causing or contributing to air or water pollution or soil 52807

contamination. An order issued by the director of environmental 52808  
protection under division (D)(8) of this section shall include a 52809  
determination that the amount of the fees not received by a solid 52810  
waste management district as a result of the order will not 52811  
adversely impact the implementation and financing of the 52812  
district's approved solid waste management plan and any approved 52813  
amendments to the plan. Such an order is a final action of the 52814  
director of environmental protection. 52815

(E) The fees levied under divisions (B) and (C) of this 52816  
section shall be collected by the owner or operator of the solid 52817  
waste disposal facility where the wastes are disposed of as a 52818  
trustee for the county or joint district and municipal corporation 52819  
or township where the wastes are disposed of. Moneys from the fees 52820  
levied under division (B) of this section shall be forwarded to 52821  
the board of county commissioners or board of directors of the 52822  
district in accordance with rules adopted under division (H) of 52823  
this section. Moneys from the fees levied under division (C) of 52824  
this section shall be forwarded to the treasurer or such other 52825  
officer of the municipal corporation as, by virtue of the charter, 52826  
has the duties of the treasurer or to the fiscal officer of the 52827  
township, as appropriate, in accordance with those rules. 52828

(F) Moneys received by the treasurer or other officer of the 52829  
municipal corporation under division (E) of this section shall be 52830  
paid into the general fund of the municipal corporation. Moneys 52831  
received by the fiscal officer of the township under that division 52832  
shall be paid into the general fund of the township. The treasurer 52833  
or other officer of the municipal corporation or the township 52834  
fiscal officer, as appropriate, shall maintain separate records of 52835  
the moneys received from the fees levied under division (C) of 52836  
this section. 52837

(G) Moneys received by the board of county commissioners or 52838  
board of directors under division (E) of this section or section 52839

3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 52840  
shall be paid to the county treasurer, or other official acting in 52841  
a similar capacity under a county charter, in a county district or 52842  
to the county treasurer or other official designated by the board 52843  
of directors in a joint district and kept in a separate and 52844  
distinct fund to the credit of the district. If a regional solid 52845  
waste management authority has been formed under section 343.011 52846  
of the Revised Code, moneys received by the board of trustees of 52847  
that regional authority under division (E) of this section shall 52848  
be kept by the board in a separate and distinct fund to the credit 52849  
of the district. Moneys in the special fund of the county or joint 52850  
district arising from the fees levied under division (B) of this 52851  
section and the fee levied under division (A) of section 3734.573 52852  
of the Revised Code shall be expended by the board of county 52853  
commissioners or directors of the district in accordance with the 52854  
district's solid waste management plan or amended plan approved 52855  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 52856  
exclusively for the following purposes: 52857

(1) Preparation of the solid waste management plan of the 52858  
district under section 3734.54 of the Revised Code, monitoring 52859  
implementation of the plan, and conducting the periodic review and 52860  
amendment of the plan required by section 3734.56 of the Revised 52861  
Code by the solid waste management policy committee; 52862

(2) Implementation of the approved solid waste management 52863  
plan or amended plan of the district, including, without 52864  
limitation, the development and implementation of solid waste 52865  
recycling or reduction programs; 52866

(3) Providing financial assistance to boards of health within 52867  
the district, if solid waste facilities are located within the 52868  
district, for enforcement of this chapter and rules, orders, and 52869  
terms and conditions of permits, licenses, and variances adopted 52870  
or issued under it, other than the hazardous waste provisions of 52871

this chapter and rules adopted and orders and terms and conditions 52872  
of permits issued under those provisions; 52873

(4) Providing financial assistance to each county within the 52874  
district to defray the added costs of maintaining roads and other 52875  
public facilities and of providing emergency and other public 52876  
services resulting from the location and operation of a solid 52877  
waste facility within the county under the district's approved 52878  
solid waste management plan or amended plan; 52879

(5) Pursuant to contracts entered into with boards of health 52880  
within the district, if solid waste facilities contained in the 52881  
district's approved plan or amended plan are located within the 52882  
district, for paying the costs incurred by those boards of health 52883  
for collecting and analyzing samples from public or private water 52884  
wells on lands adjacent to those facilities; 52885

(6) Developing and implementing a program for the inspection 52886  
of solid wastes generated outside the boundaries of this state 52887  
that are disposed of at solid waste facilities included in the 52888  
district's approved solid waste management plan or amended plan; 52889

(7) Providing financial assistance to boards of health within 52890  
the district for the enforcement of section 3734.03 of the Revised 52891  
Code or to local law enforcement agencies having jurisdiction 52892  
within the district for enforcing anti-littering laws and 52893  
ordinances; 52894

(8) Providing financial assistance to boards of health of 52895  
health districts within the district that are on the approved list 52896  
under section 3734.08 of the Revised Code to defray the costs to 52897  
the health districts for the participation of their employees 52898  
responsible for enforcement of the solid waste provisions of this 52899  
chapter and rules adopted and orders and terms and conditions of 52900  
permits, licenses, and variances issued under those provisions in 52901  
the training and certification program as required by rules 52902



adopted under division (L) of section 3734.02 of the Revised Code; 52903

(9) Providing financial assistance to individual municipal 52904  
corporations and townships within the district to defray their 52905  
added costs of maintaining roads and other public facilities and 52906  
of providing emergency and other public services resulting from 52907  
the location and operation within their boundaries of a 52908  
composting, energy or resource recovery, incineration, or 52909  
recycling facility that either is owned by the district or is 52910  
furnishing solid waste management facility or recycling services 52911  
to the district pursuant to a contract or agreement with the board 52912  
of county commissioners or directors of the district; 52913

(10) Payment of any expenses that are agreed to, awarded, or 52914  
ordered to be paid under section 3734.35 of the Revised Code and 52915  
of any administrative costs incurred pursuant to that section. In 52916  
the case of a joint solid waste management district, if the board 52917  
of county commissioners of one of the counties in the district is 52918  
negotiating on behalf of affected communities, as defined in that 52919  
section, in that county, the board shall obtain the approval of 52920  
the board of directors of the district in order to expend moneys 52921  
for administrative costs incurred. 52922

Prior to the approval of the district's solid waste 52923  
management plan under section 3734.55 of the Revised Code, moneys 52924  
in the special fund of the district arising from the fees shall be 52925  
expended for those purposes in the manner prescribed by the solid 52926  
waste management policy committee by resolution. 52927

Notwithstanding division (G)(6) of this section as it existed 52928  
prior to October 29, 1993, or any provision in a district's solid 52929  
waste management plan prepared in accordance with division 52930  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 52931  
prior to that date, any moneys arising from the fees levied under 52932  
division (B)(3) of this section prior to January 1, 1994, may be 52933  
expended for any of the purposes authorized in divisions (G)(1) to 52934

(10) of this section. 52935

(H) The director shall adopt rules in accordance with Chapter 52936  
119. of the Revised Code prescribing procedures for collecting and 52937  
forwarding the fees levied under divisions (B) and (C) of this 52938  
section to the boards of county commissioners or directors of 52939  
county or joint solid waste management districts and to the 52940  
treasurers or other officers of municipal corporations and the 52941  
fiscal officers of townships. The rules also shall prescribe the 52942  
dates for forwarding the fees to the boards and officials and may 52943  
prescribe any other requirements the director considers necessary 52944  
or appropriate to implement and administer divisions (A), (B), and 52945  
(C) of this section. 52946

**Sec. 3734.576.** (A) As used in this section: 52947

(1) "Recycling" means the process of collecting, sorting, 52948  
cleansing, treating, and reconstituting waste or other discarded 52949  
materials for the purpose of recovering and reusing the materials. 52950

(2) "Automotive shredder residue" means the nonrecyclable 52951  
residue that is generated as a direct result of processing 52952  
automobiles, appliances, sheet steel, and other ferrous and 52953  
nonferrous scrap metals through a hammermill shredder for purposes 52954  
of recycling and that meets all of the following requirements: 52955

(a) ~~The residue is solid waste.~~ 52956

~~(b)~~ The residue is not hazardous waste. 52957

~~(e)~~(b) The residue created during the recycling process 52958  
comprises not more than thirty-five per cent of the total weight 52959  
of material that is processed for recycling. 52960

~~(d)~~(c) The residue is generated by processing recycled 52961  
materials that are to be sold, used, or reused within ninety days 52962  
of the time when the material is processed. 52963

(B) Automotive shredder residue is not solid waste as defined 52964

in section 3734.01 of the Revised Code and is exempt from solid waste fees otherwise applicable under sections 3734.57 and 3734.573 of the Revised Code if both of the following apply: 52965  
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(1) The automotive shredder residue conforms to specifications that result in a residue of a uniform consistency resembling dirt or mulch; 52968  
52969  
52970

(2) The particulate pieces that make up the residue do not exceed three inches in diameter. 52971  
52972

(C) Automotive shredder residue that does not comply with division (B) of this section is solid waste as defined in section 3734.01 of the Revised Code and is not exempt from solid waste fees applicable under sections 3734.57 and 3734.573 of the Revised Code. 52973  
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(D) Automotive shredder residue that complies with division (B) of this section may be used as daily cover, as defined in rules adopted under Chapter 3745. of the Revised Code, if the residue provides protection comparable to six inches of soil. 52978  
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(E)(1) The solid waste management policy committee of a solid waste management district that is levying a solid waste generation fee under section 3734.573 of the Revised Code may adopt a resolution exempting automotive shredder residue that does not comply with division (B) of this section from that fee without the necessity for ratification of the resolution or may include the exemption in an amended solid waste management plan of the district adopted under section 3734.56 of the Revised Code at the time when adoption of an amended plan is required. Not later than seven days after the adoption of such a resolution or the approval of an amended plan, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility or transfer facility that is required to collect generation fees on behalf of the district of the exemption. The exemption shall take 52982  
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effect on the first day of the first month following the month in 52996  
which notification is sent to each disposal facility and transfer 52997  
facility, as applicable. 52998

The policy committee of a solid waste management district may 52999  
establish procedures and requirements, including record-keeping 53000  
procedures and requirements, that are necessary for the 53001  
administration and enforcement of an exemption established under 53002  
division ~~(B)~~(E)(1) of this section. 53003

(2) If the policy committee of a solid waste management 53004  
district has adopted a resolution under division ~~(B)~~(E)(1) of this 53005  
section and the committee seeks to continue exempting automotive 53006  
shredder residue that does not comply with division (B) of this 53007  
section from the district's generation fee at the time when the 53008  
district is required to adopt an amended solid waste management 53009  
plan under section 3734.56 of the Revised Code, the committee 53010  
shall include the exemption in the amended plan of the district. 53011  
If the exemption is not included in the amended plan of the 53012  
district, the exemption shall expire and shall cease to apply as 53013  
provided in division ~~(C)~~(F) of this section. 53014

~~(C)~~(F) If the policy committee of a solid waste management 53015  
district seeks to eliminate an exemption of automotive shredder 53016  
residue that does not comply with division (B) of this section 53017  
from the district's generation fee that was established under 53018  
division ~~(B)~~(E)(1) of this section, the committee shall adopt a 53019  
resolution eliminating the exemption without the necessity for 53020  
ratification of the resolution. After adoption of the resolution 53021  
and if the district has included the exemption in its amended 53022  
solid waste management plan in accordance with either division 53023  
~~(B)~~(E)(1) or (2) of this section, the committee shall subsequently 53024  
amend the plan to reflect the elimination of the exemption at the 53025  
time when the adoption of an amended plan is required under 53026  
section 3734.56 of the Revised Code. 53027

Upon expiration of the exemption or adoption of a resolution 53028  
eliminating the exemption, the policy committee shall notify by 53029  
certified mail the owner or operator of each solid waste disposal 53030  
facility or transfer facility that is required to collect 53031  
generation fees on behalf of the district of the expiration or 53032  
elimination of the exemption, as applicable. The exemption shall 53033  
cease to apply on the first day of the first month following the 53034  
month in which notification is sent to each disposal facility and 53035  
transfer facility, as applicable. 53036

**Sec. 3734.82.** (A) The annual fee for a scrap tire recovery 53037  
facility license issued under section 3734.81 of the Revised Code 53038  
shall be in accordance with the following schedule: 53039

Daily Design	Annual	
Input Capacity	License	
(Tons)	Fee	
1 or less	\$ 100	53043
2 to 25	500	53044
26 to 50	1,000	53045
51 to 100	1,500	53046
101 to 200	2,500	53047
201 to 500	3,500	53048
501 or more	5,500	53049

For the purpose of determining the applicable license fee 53050  
under this division, the daily design input capacity shall be the 53051  
quantity of scrap tires the facility is designed to process daily 53052  
as set forth in the registration certificate or permit for the 53053  
facility, and any modifications to the permit, if applicable, 53054  
issued under section 3734.78 of the Revised Code. 53055

(B) The annual fee for a scrap tire monocell or monofill 53056  
facility license shall be in accordance with the following 53057  
schedule: 53058

Authorized Maximum	Annual	53059
Daily Waste Receipt	License	53060
(Tons)	Fee	53061
100 or less	\$ 5,000	53062
101 to 200	12,500	53063
201 to 500	30,000	53064
501 or more	60,000	53065

For the purpose of determining the applicable license fee 53066  
under this division, the authorized maximum daily waste receipt 53067  
shall be the maximum amount of scrap tires the facility is 53068  
authorized to receive daily that is established in the permit for 53069  
the facility, and any modification to that permit, issued under 53070  
section 3734.77 of the Revised Code. 53071

(C)(1) Except as otherwise provided in division (C)(2) of 53072  
this section, the annual fee for a scrap tire storage facility 53073  
license shall equal one thousand dollars times the number of acres 53074  
on which scrap tires are to be stored at the facility during the 53075  
license year, as set forth on the application for the annual 53076  
license, except that the total annual license fee for any such 53077  
facility shall not exceed three thousand dollars. 53078

(2) The annual fee for a scrap tire storage facility license 53079  
for a storage facility that is owned or operated by a motor 53080  
vehicle salvage dealer licensed under Chapter 4738. of the Revised 53081  
Code is one hundred dollars. 53082

(D)(1) Except as otherwise provided in division (D)(2) of 53083  
this section, the annual fee for a scrap tire collection facility 53084  
license is two hundred dollars. 53085

(2) The annual fee for a scrap tire collection facility 53086  
license for a collection facility that is owned or operated by a 53087  
motor vehicle salvage dealer licensed under Chapter 4738. of the 53088  
Revised Code is fifty dollars. 53089

(E) Except as otherwise provided in divisions (C)(2) and 53090  
(D)(2) of this section, the same fees apply to private operators 53091  
and to the state and its political subdivisions and shall be paid 53092  
within thirty days after the issuance of a license. The fees 53093  
include the cost of licensing, all inspections, and other costs 53094  
associated with the administration of the scrap tire provisions of 53095  
this chapter and rules adopted under them. Each license shall 53096  
specify that it is conditioned upon payment of the applicable fee 53097  
to the board of health or the director of environmental 53098  
protection, as appropriate, within thirty days after the issuance 53099  
of the license. 53100

(F) The board of health shall retain fifteen thousand dollars 53101  
of each license fee collected by the board under division (B) of 53102  
this section, or the entire amount of any such fee that is less 53103  
than fifteen thousand dollars, and the entire amount of each 53104  
license fee collected by the board under divisions (A), (C), and 53105  
(D) of this section. The moneys retained shall be paid into a 53106  
special fund, which is hereby created in each health district, and 53107  
used solely to administer and enforce the scrap tire provisions of 53108  
this chapter and rules adopted under them. The remainder, if any, 53109  
of each license fee collected by the board under division (B) of 53110  
this section shall be transmitted to the director within 53111  
forty-five days after receipt of the fee. 53112

(G) The director shall transmit the moneys received by the 53113  
director from license fees collected under division (B) of this 53114  
section to the treasurer of state to be credited to the scrap tire 53115  
management fund, which is hereby created in the state treasury. 53116  
The fund shall consist of all federal moneys received by the 53117  
environmental protection agency for the scrap tire management 53118  
program; all grants, gifts, and contributions made to the director 53119  
for that program; and all other moneys that may be provided by law 53120  
for that program. The director shall use moneys in the fund as 53121

follows: 53122

(1) Expend amounts determined necessary by the director to 53123  
implement, administer, and enforce the scrap tire provisions of 53124  
this chapter and rules adopted under them; 53125

(2) During each fiscal year, if the director of environmental 53126  
protection determines it to be appropriate and advisable, request 53127  
the director of budget and management to, and the director of 53128  
budget and management ~~shall~~ may, transfer up to one million 53129  
dollars to the scrap tire grant fund created in section 3734.822 53130  
of the Revised Code for supporting market development activities 53131  
for scrap tires and synthetic rubber from tire manufacturing 53132  
processes and tire recycling processes. In addition, during a 53133  
fiscal year, the director of environmental protection may request 53134  
the director of budget and management to, and the director of 53135  
budget and management shall, transfer up to an additional five 53136  
hundred thousand dollars to the scrap tire grant fund for scrap 53137  
tire amnesty events and scrap tire cleanup events. 53138

(3) After the expenditures and transfers are made under 53139  
divisions (G)(1) and (2) of this section, expend the balance of 53140  
the money in the scrap tire management fund remaining in each 53141  
fiscal year to conduct removal actions under section 3734.85 of 53142  
the Revised Code and to provide grants to boards of health under 53143  
section 3734.042 of the Revised Code. 53144

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to 53145  
defray the cost of administering and enforcing the scrap tire 53146  
provisions of this chapter, rules adopted under those provisions, 53147  
and terms and conditions of orders, variances, and licenses issued 53148  
under those provisions; to abate accumulations of scrap tires; to 53149  
make grants supporting market development activities for scrap 53150  
tires and synthetic rubber from tire manufacturing processes and 53151  
tire recycling processes and to support scrap tire amnesty and 53152



cleanup events; to make loans to promote the recycling or recovery 53153  
of energy from scrap tires; and to defray the costs of 53154  
administering and enforcing sections 3734.90 to 3734.9014 of the 53155  
Revised Code, a fee of fifty cents per tire is hereby levied on 53156  
the sale of tires. The proceeds of the fee shall be deposited in 53157  
the state treasury to the credit of the scrap tire management fund 53158  
created in section 3734.82 of the Revised Code. The fee is levied 53159  
from the first day of the calendar month that begins next after 53160  
thirty days from October 29, 1993, through June 30, ~~2018~~ 2020. 53161

(2) Beginning on July 1, 2011, and ending on June 30, ~~2018~~ 53162  
2020, there is hereby levied an additional fee of fifty cents per 53163  
tire on the sale of tires the proceeds of which shall be deposited 53164  
in the state treasury to the credit of the soil and water 53165  
conservation district assistance fund created in section 940.15 of 53166  
the Revised Code. 53167

(B) Only one sale of the same article shall be used in 53168  
computing the amount of the fee due. 53169

**Sec. 3734.9011.** (A) No wholesale distributor or other person 53170  
shall sell tires to a retail dealer within this state, and no 53171  
retail dealer or other person shall import or otherwise acquire 53172  
tires for sale at retail within this state from a person who is 53173  
not a registered wholesale distributor, without having a 53174  
registration therefor. 53175

(B) Each wholesale distributor and each retail dealer 53176  
required to be registered under division (A) of this section shall 53177  
apply for registration ~~on or before the date that is two months~~ 53178  
~~after the effective date of this section, or on or before the~~ 53179  
first day of doing business that ~~required~~ requires the 53180  
registration. The application shall be filed with the tax 53181  
commissioner, in a form and providing such information as 53182  
prescribed by the commissioner. The commissioner shall assign an 53183

account number to each registration and shall so notify the 53184  
registrant. ~~The~~ An unrevoked registration shall remain in effect 53185  
until canceled by the wholesale distributor or retail dealer upon 53186  
the cessation of business. 53187

(C) The tax commissioner shall not accept a registration 53188  
under division (B) of this section or may suspend or revoke the 53189  
registration of a wholesale distributor or retail dealer if the 53190  
wholesale distributor or retail dealer has failed to file any 53191  
returns, submit any information, or pay any outstanding taxes, 53192  
charges, or fees as required for any tax, charge, or fee 53193  
administered by the commissioner, to the extent that the 53194  
commissioner is aware of such failure at the time of the 53195  
application. 53196

**Sec. 3735.31.** A metropolitan housing authority created under 53197  
sections 3735.27 to 3735.50 of the Revised Code constitutes a body 53198  
corporate and politic. Nothing in this chapter shall limit the 53199  
authority of a metropolitan housing authority, or a nonprofit 53200  
corporation formed by a metropolitan housing authority to carry 53201  
out its functions, to compete for and perform federal housing 53202  
contracts or grants within or outside this state. To clear, plan, 53203  
and rebuild slum areas within the district in which the authority 53204  
is created, to provide safe and sanitary housing accommodations to 53205  
families of low income within that district, or to accomplish any 53206  
combination of the foregoing purposes, the authority may do any of 53207  
the following: 53208

(A) Sue and be sued; have a seal; have corporate succession; 53209  
receive grants from state, federal, or other governments, or from 53210  
private sources; conduct investigations into housing and living 53211  
conditions; enter any buildings or property in order to conduct 53212  
its investigations; conduct examinations, subpoena, and require 53213  
the attendance of witnesses and the production of books and 53214

papers; issue commissions for the examination of witnesses who are 53215  
out of the state or unable to attend before the authority or 53216  
excused from attendance; and in connection with these powers, any 53217  
member of the authority may administer oaths, take affidavits, and 53218  
issue subpoenas; 53219

(B) Determine what areas constitute slum areas, and prepare 53220  
plans for housing or other projects in those areas; purchase, 53221  
lease, sell, exchange, transfer, assign, or mortgage any property, 53222  
real or personal, or any interest in that property, or acquire the 53223  
same by gift, bequest, or eminent domain; own, hold, clear, and 53224  
improve property; provide and set aside housing projects, or 53225  
dwelling units comprising portions of housing projects, designed 53226  
especially for the use of families, the head of which or the 53227  
spouse of which is sixty-five years of age or older; engage in, or 53228  
contract for, the construction, reconstruction, alteration, or 53229  
repair, or both, of any housing project or part of any housing 53230  
project; include in any contract let in connection with a project, 53231  
stipulations requiring that the contractor and any subcontractors 53232  
comply with requirements as to minimum wages and maximum hours of 53233  
labor, and comply with any conditions that the federal government 53234  
has attached to its financial aid of the project; lease or 53235  
operate, or both, any project, and establish or revise schedules 53236  
of rents for any projects or part of any project; arrange with the 53237  
county or municipal corporations, or both, for the planning and 53238  
replanning of streets, alleys, and other public places or 53239  
facilities in connection with any area or project; borrow money 53240  
upon its notes, debentures, or other evidences of indebtedness, 53241  
and secure the same by mortgages upon property held or to be held 53242  
by it, or by pledge of its revenues, or in any other manner; 53243  
invest any funds held in reserves or sinking funds or not required 53244  
for immediate disbursements; enter into a shared service agreement 53245  
with another metropolitan housing authority; execute contracts and 53246  
all other instruments necessary or convenient to the exercise of 53247

the powers granted in this section; make, amend, and repeal bylaws 53248  
and rules to carry into effect its powers and purposes; 53249

(C) Borrow money or accept grants or other financial 53250  
assistance from the federal government for or in aid of any 53251  
housing project within its territorial limits; take over or lease 53252  
or manage any housing project or undertaking constructed or owned 53253  
by the federal government; comply with any conditions and enter 53254  
into any mortgages, trust indentures, leases, or agreements that 53255  
are necessary, convenient, or desirable; 53256

(D) Subject to section 3735.311 of the Revised Code, employ a 53257  
police force to protect the lives and property of the residents of 53258  
housing projects within the district, to preserve the peace in the 53259  
housing projects, and to enforce the laws, ordinances, and 53260  
regulations of this state and its political subdivisions in the 53261  
housing projects and, when authorized by law, outside the limits 53262  
of the housing projects. 53263

(E) Enter into an agreement with a county, municipal 53264  
corporation, or township in whose jurisdiction the metropolitan 53265  
housing authority is located that permits metropolitan housing 53266  
authority police officers employed under division (D) of this 53267  
section to exercise full arrest powers as provided in section 53268  
2935.03 of the Revised Code, perform any police function, exercise 53269  
any police power, or render any police service within specified 53270  
areas of the county, municipal corporation, or township for the 53271  
purpose of preserving the peace and enforcing all laws of the 53272  
state, ordinances of the municipal corporation, or regulations of 53273  
the township. 53274

**Sec. 3735.33.** Any two or more metropolitan housing 53275  
authorities created under sections 3735.27 to 3735.50, ~~inclusive,~~ 53276  
of the Revised Code, may join or cooperate with one another in the 53277  
exercise, either jointly or otherwise, of any or all of their 53278

powers relative to the purpose of financing as provided in 53279  
sections 3735.31 and 3735.45 to 3735.49, ~~inclusive~~, of the Revised 53280  
Code. The moneys received from such joint or cooperative financing 53281  
may be used for planning, undertaking, owning, constructing, 53282  
operating, or contracting with respect to a housing project or 53283  
projects located within the area of operation of any one or more 53284  
of the authorities. An authority may by resolution prescribe and 53285  
authorize any other authority or authorities, joining or 53286  
cooperating with it, to act on its behalf with respect to any or 53287  
all powers relative to the purpose of financing, as its agent or 53288  
otherwise, in the name of the authority or authorities so joining 53289  
or cooperating, or in its own name. 53290

Any two or more metropolitan housing authorities created 53291  
under sections 3735.27 to 3735.50 of the Revised Code may enter 53292  
into a shared service agreement. 53293

**Sec. 3735.40.** As used in sections 3735.27, 3735.31, and 53294  
3735.40 to 3735.50 of the Revised Code: 53295

(A) "Federal government" includes the United States, the 53296  
federal works administrator, or any other agency or 53297  
instrumentality, corporate or otherwise, of the United States. 53298

(B) "Slum" has the meaning defined in section 1.08 of the 53299  
Revised Code. 53300

(C) "Housing project" or "project" means any of the following 53301  
works or undertakings: 53302

(1) Demolish, clear, or remove buildings from any slum area. 53303  
Such work or undertaking may embrace the adaptation of such area 53304  
to public purposes, including parks or other recreational or 53305  
community purposes. 53306

(2) Provide decent, safe, and sanitary urban or rural 53307  
dwellings, apartments, or other living accommodations for persons 53308

of low income. ~~Such work or undertaking may include~~ 53309

(3) Provide for buildings, land, equipment, facilities, and 53310  
other real or personal property for necessary, convenient, or 53311  
desirable appurtenances, streets, sewers, water service, parks, 53312  
site preparation, gardening, administrative, community, health, 53313  
recreational, educational, welfare, commercial, residential, or 53314  
other purposes. 53315

~~(3)~~(4) Accomplish a combination of the foregoing. "Housing 53316  
project" also may be applied to the planning of the buildings and 53317  
improvements, the acquisition of property, the demolition of 53318  
existing structures, the construction, reconstruction, alteration, 53319  
and repair of the improvements, and all other work in connection 53320  
therewith. 53321

(D) "Families of low income" means persons or families who 53322  
lack the amount of income which is necessary, as determined by the 53323  
metropolitan housing authority undertaking the housing project, to 53324  
enable them, without financial assistance, to live in decent, 53325  
safe, and sanitary dwellings, without overcrowding. 53326

(E) "Families" means families consisting of two or more 53327  
persons, a single person who has attained the age at which an 53328  
individual may elect to receive an old age benefit under Title II 53329  
of the "Social Security Act" or is under disability as defined in 53330  
section 223 of that act, 49 Stat. 622 (1935), 42 U.S.C.A. 401, as 53331  
amended, or the remaining member of a tenant family. 53332

(F) "Families" also means a single person discharged by the 53333  
head of a hospital pursuant to section 5122.21 of the Revised Code 53334  
after March 10, 1964. 53335

**Sec. 3735.41.** Except as otherwise provided in section 3735.43 53336  
of the Revised Code, in the operation or management of housing 53337  
projects a metropolitan housing authority shall observe the 53338

following with respect to rentals and tenant selection: 53339

(A)(1) It shall not ~~accept~~ provide a federally derived rent 53340  
subsidy to any person as a tenant in for any dwelling in a housing 53341  
project if the persons who would occupy the dwelling have an 53342  
aggregate annual net income ~~less such deductions and exemptions~~ 53343  
~~therefrom as are authorized by law or the regulations established~~ 53344  
~~by the public housing administration which that~~ equals or exceeds 53345  
the amount ~~which that~~ the authority determines to be necessary ~~in~~ 53346  
~~order~~ to enable such persons to ~~secure~~ do both of the following: 53347

(a) Secure safe, sanitary, and uncongested dwelling 53348  
accommodations within the area of operation of the authority ~~and~~ 53349  
~~to provide;~~ 53350

(b) Provide an adequate standard of living for themselves. 53351

(2) As used in this division, "aggregate annual net income" 53352  
means the aggregate annual income less the deductions and 53353  
exemptions from that income authorized by law or regulations 53354  
established by the United States department of housing and urban 53355  
development. 53356

(B) It may rent or lease the dwelling accommodations therein 53357  
only at rentals within the financial reach of persons who lack the 53358  
amount of income which it determines, pursuant to division (A) of 53359  
this section, to be necessary in order to obtain safe, sanitary, 53360  
and uncongested dwelling accommodations within the area of 53361  
operation of the authority and to provide an adequate standard of 53362  
living. 53363

(C) It may use a federally derived rent subsidy to rent or 53364  
lease to a tenant a dwelling consisting of the number of rooms, 53365  
but no greater number, which it considers necessary to provide 53366  
safe and sanitary accommodations to the proposed occupants 53367  
thereof, without overcrowding. 53368

Sections 3735.27 to 3735.50 of the Revised Code do not limit 53369

the power of an authority to vest in a bondholder the right, in 53370  
the event of a default by such authority, to take possession of a 53371  
housing project or cause the appointment of a receiver thereof or 53372  
acquire title thereto through foreclosure proceedings, free from 53373  
all the restrictions imposed by such sections. 53374

**Sec. 3735.66.** The legislative authorities of municipal 53375  
corporations and counties may survey the housing within their 53376  
jurisdictions and, after the survey, may adopt resolutions 53377  
describing the boundaries of community reinvestment areas which 53378  
contain the conditions required for the finding under division (B) 53379  
of section 3735.65 of the Revised Code. The findings resulting 53380  
from the survey shall be incorporated in the resolution describing 53381  
the boundaries of an area. The legislative authority may stipulate 53382  
in the resolution that only new structures or remodeling 53383  
classified as to use as commercial, industrial, or residential, or 53384  
some combination thereof, and otherwise satisfying the 53385  
requirements of section 3735.67 of the Revised Code are eligible 53386  
for exemption from taxation under that section. If the resolution 53387  
does not include such a stipulation, all new structures and 53388  
remodeling satisfying the requirements of section 3735.67 of the 53389  
Revised Code are eligible for exemption from taxation regardless 53390  
of classification. Whether or not the resolution includes such a 53391  
stipulation, the classification of the structures or remodeling 53392  
eligible for exemption in the area shall at all times be 53393  
consistent with zoning restrictions applicable to the area. For 53394  
the purposes of sections 3735.65 to 3735.70 of the Revised Code, 53395  
whether a structure or remodeling composed of multiple units is 53396  
classified as commercial or residential shall be determined by 53397  
resolution or ordinance of the legislative authority or, in the 53398  
absence of such a determination, by the classification of the use 53399  
of the structure or remodeling under the applicable zoning 53400  
regulations. 53401



If construction or remodeling classified as residential is 53402  
eligible for exemption from taxation, the resolution shall specify 53403  
a percentage, not to exceed one hundred per cent, of the assessed 53404  
valuation of such property to be exempted. The percentage 53405  
specified shall apply to all residential construction or 53406  
remodeling for which exemption is granted. 53407

The resolution adopted pursuant to this section shall be 53408  
published in a newspaper of general circulation in the municipal 53409  
corporation, if the resolution is adopted by the legislative 53410  
authority of a municipal corporation, or in a newspaper of general 53411  
circulation in the county, if the resolution is adopted by the 53412  
legislative authority of the county, once a week for two 53413  
consecutive weeks or as provided in section 7.16 of the Revised 53414  
Code, immediately following its adoption. 53415

Each legislative authority adopting a resolution pursuant to 53416  
this section shall designate a housing officer. In addition, each 53417  
such legislative authority, not later than ~~fifteen~~ sixty days 53418  
after the adoption of the resolution, shall petition the director 53419  
of development services for the director to confirm the findings 53420  
described in the resolution. The petition shall be accompanied by 53421  
a copy of the resolution and by a map of the community 53422  
reinvestment area in sufficient detail to denote the specific 53423  
boundaries of the area and to indicate zoning restrictions 53424  
applicable to the area. The director shall determine whether the 53425  
findings contained in the resolution are valid, and whether the 53426  
classification of structures or remodeling eligible for exemption 53427  
under the resolution is consistent with zoning restrictions 53428  
applicable to the area as indicated on the map. Within thirty days 53429  
of receiving the petition, the director shall forward the 53430  
director's determination to the legislative authority. The 53431  
legislative authority or housing officer shall not grant any 53432  
exemption from taxation under section 3735.67 of the Revised Code 53433

until the director forwards the director's determination to the 53434  
legislative authority. The director shall assign to each community 53435  
reinvestment area a unique designation by which the area shall be 53436  
identified for purposes of sections 3735.65 to 3735.70 of the 53437  
Revised Code. 53438

If zoning restrictions in any part of a community 53439  
reinvestment area are changed at any time after the legislative 53440  
authority petitions the director under this section, the 53441  
legislative authority shall notify the director and shall submit a 53442  
map of the area indicating the new zoning restrictions in the 53443  
area. 53444

**Sec. 3735.661.** (A) For the purpose of determining the "first 53445  
two amendments" referenced in division (B) of Section 3 of Am. 53446  
Sub. S.B. 19 of the 120th general assembly, an amendment means any 53447  
modification to an ordinance or resolution adopted under section 53448  
3735.66 of the Revised Code that does any of the following: 53449

(1) Expands the geographic size of a community reinvestment 53450  
area; 53451

(2) Increases a property's or category of property's exempted 53452  
percentage of assessed valuation, notwithstanding the requirements 53453  
of section 3735.66 of the Revised Code as that section existed on 53454  
July 21, 1994. Division (A)(2) of this section does not authorize 53455  
a municipal corporation or county to increase a property's or 53456  
category of property's exempted percentage of assessed valuation 53457  
pursuant to that section. 53458

(3) Increases the term of any tax exemption or category of 53459  
tax exemptions, except as provided in division (B)(6) of this 53460  
section; 53461

(4) Extends the duration of a community reinvestment area; 53462

(5) Changes eligibility requirements for receiving tax 53463

exemptions. 53464

(B) For the purpose of determining the "first two amendments" 53465  
in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th 53466  
general assembly, an amendment does not include any modification 53467  
to an ordinance or resolution adopted under section 3735.66 of the 53468  
Revised Code that does any of the following: 53469

(1) Restricts the availability of tax exemptions, including 53470  
any of the following: 53471

(a) Removes area from or decreases the geographic size of a 53472  
community reinvestment area; 53473

(b) Decreases a property's or category of property's exempted 53474  
percentage of assessed valuation, notwithstanding the requirements 53475  
of section 3735.66 of the Revised Code as that section existed on 53476  
July 21, 1994. Division (B)(1)(b) of this section does not 53477  
authorize a municipal corporation or county to decrease a 53478  
property's or category of property's exempted percentage of 53479  
assessed valuation pursuant to that section. 53480

(c) Decreases the term of any tax exemption or category of 53481  
exemption; 53482

(d) Shortens the period of time after which the granting of 53483  
tax exemptions may be terminated. 53484

(2) Recognizes or confirms the continuing existence of a 53485  
community reinvestment area, including by providing a date after 53486  
which the area may be terminated; 53487

(3) Recognizes or confirms a previously granted tax 53488  
exemption; 53489

(4) Clarifies ambiguities or corrects defects in previously 53490  
enacted ordinances or resolutions; 53491

(5) Makes modifications that are procedural or 53492  
administrative, including changing the designation of a housing 53493

officer, the process for approving or appealing a tax exemption, 53494  
or the amount of any application fee, or modifying a community 53495  
reinvestment area housing council created under section 3735.69 of 53496  
the Revised Code or a tax incentive review council under section 53497  
5709.85 of the Revised Code; 53498

(6) Increases the term of tax exemption for remodeling to not 53499  
more than that authorized by H.B. 463 of the 131st general 53500  
assembly for an exemption application that has been filed but not 53501  
yet granted, or has been filed, on or after April 6, 2017, or that 53502  
is filed on or after any other later date, provided the maximum 53503  
term of the exemption for such remodeling before the ordinance's 53504  
or resolution's modification was the maximum term allowed under 53505  
division (D)(1) or (2) of section 3735.67 of the Revised Code as 53506  
that section existed before its amendment by H.B. 463 of the 131st 53507  
general assembly. 53508

**Sec. 3735.672.** (A) On or before the thirty-first day of March 53509  
each year, a legislative authority that has entered into an 53510  
agreement with a party under section 3735.671 of the Revised Code 53511  
shall submit to the director of development services and the board 53512  
of education of each school district of which a municipal 53513  
corporation or township to which such an agreement applies is a 53514  
part a report on all such agreements in effect during the 53515  
preceding calendar year. The report shall include the following 53516  
information: 53517

(1) The designation, assigned by the director of development 53518  
services, of each community reinvestment area within the municipal 53519  
corporation or county, and the total population of each area 53520  
according to the most recent data available; 53521

(2) The number of agreements and the number of full-time 53522  
employees subject to those agreements within each area, each 53523  
according to the most recent data available and identified and 53524

categorized by the appropriate standard industrial code, and the 53525  
rate of unemployment in the municipal corporation or county in 53526  
which the area is located for each year since the area was 53527  
certified; 53528

(3) The number of agreements approved and executed during the 53529  
calendar year for which the report is submitted, the total number 53530  
of agreements in effect on the thirty-first day of December of the 53531  
preceding calendar year, the number of agreements that expired 53532  
during the calendar year for which the report is submitted, and 53533  
the number of agreements scheduled to expire during the calendar 53534  
year in which the report is submitted. For each agreement that 53535  
expired during the calendar year for which the report is 53536  
submitted, the legislative authority shall include the amount of 53537  
taxes exempted under the agreement. 53538

(4) The number of agreements receiving compliance reviews by 53539  
the tax incentive review council in the municipal corporation or 53540  
county during the calendar year for which the report is submitted, 53541  
including all of the following information: 53542

(a) The number of agreements the terms of which the party has 53543  
complied with, indicating separately for each such agreement the 53544  
value of the real property exempted pursuant to the agreement and 53545  
a comparison of the stipulated and actual schedules for hiring new 53546  
employees, for retaining existing employees, and for the amount of 53547  
payroll of the party attributable to these employees; 53548

(b) The number of agreements the terms of which a party has 53549  
failed to comply with, indicating separately for each such 53550  
agreement the value of the real and personal property exempted 53551  
pursuant to the agreement and a comparison of the stipulated and 53552  
actual schedules for hiring new employees, for retaining existing 53553  
employees, and for the amount of payroll of the enterprise 53554  
attributable to these employees; 53555

(c) The number of agreements about which the tax incentive review council made recommendations to the legislative authority, and the number of such recommendations that have not been followed;

(d) The number of agreements rescinded during the calendar year for which the report is submitted.

(5) The number of parties subject to agreements that expanded within each area, including the number of new employees hired and existing employees retained by that party, and the number of new parties subject to agreements that established within each area, including the number of new employees hired by each party;

(6) For each agreement in effect during any part of the preceding year, the number of employees employed by the party at the property that is the subject of the agreement immediately prior to formal approval of the agreement, the number of employees employed by the party at that property on the thirty-first day of December of the preceding year, the payroll of the party for the preceding year, the amount of taxes paid on real property that was exempted under the agreement, and the amount of such taxes that were not paid because of the exemption.

(B) Upon the failure of a municipal corporation or county to comply with division (A) of this section:

(1) Beginning on the first day of April of the calendar year in which the municipal corporation or county fails to comply with that division, the municipal corporation or county shall not enter into any agreements under section 3735.671 of the Revised Code until the municipal corporation or county has complied with division (A) of this section.

(2) On the first day of each ensuing calendar month until the municipal corporation or county complies with that division, the director of development services shall either order the proper

county auditor to deduct from the next succeeding payment of taxes 53587  
to the municipal corporation or county under section 321.31, 53588  
321.32, 321.33, or 321.34 of the Revised Code an amount equal to 53589  
five hundred dollars for each calendar month the municipal 53590  
corporation or county fails to comply with that division, or order 53591  
the county auditor to deduct such an amount from the next 53592  
succeeding payment to the municipal corporation or county from the 53593  
undivided local government fund under section 5747.51 of the 53594  
Revised Code. At the time such a payment is made, the county 53595  
auditor shall comply with the director's order by issuing a 53596  
warrant, drawn on the fund from which such money would have been 53597  
paid, to the director of development services, who shall deposit 53598  
the warrant into the state community reinvestment area program 53599  
administration fund created in division (C) of this section. 53600

(C) The director, by rule, shall establish the state's 53601  
application fee for applications submitted to a municipal 53602  
corporation or county to enter into an agreement under section 53603  
3735.671 of the Revised Code. In establishing the amount of the 53604  
fee, the director shall consider the state's cost of administering 53605  
the community reinvestment area program, including the cost of 53606  
reviewing the reports required under division (A) of this section. 53607  
The director may change the amount of the fee at such times and in 53608  
such increments as the director considers necessary. Any municipal 53609  
corporation or county that receives an application shall collect 53610  
the application fee and remit the fee for deposit in the state 53611  
treasury to the credit of the ~~business assistance~~ tax incentives 53612  
operating fund created in section 122.174 of the Revised Code. 53613

**Sec. 3737.21.** (A) The director of the department of commerce 53614  
shall appoint, from names submitted to the director by the state 53615  
fire council, a state fire marshal, who shall serve at the 53616  
pleasure of the director and shall possess the following 53617  
qualifications: 53618

(1) A degree from an accredited college or university with specialized study in either the field of fire protection or fire protection engineering, or the equivalent qualifications determined from training, experience, and duties in a fire service;

(2) Five years of recent, progressively more responsible experience in fire inspection, fire code enforcement, fire investigation, fire protection engineering, teaching of fire safety engineering, or fire fighting.

(B) When a vacancy occurs in the position of state fire marshal, the director shall notify the state fire council. ~~The council shall communicate the fact of the vacancy by regular mail to all fire chiefs and fire protection engineers known to the council, or whose identity may be ascertained by the council by the exercise of due diligence. The council, no earlier than thirty days after mailing the notification, shall compile a list of all applicants for the position of fire marshal who are qualified under this section.~~ The council shall submit the names of at least three persons on the list for the position of state fire marshal who are qualified under this section to the director. The director shall appoint the state fire marshal from the list of at least three names or may request the council to submit additional names.

**Sec. 3742.01.** As used in this chapter:

(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

(B) "Child care facility" means each area of any of the following in which child care, as defined in section 5104.01 of the Revised Code, is provided to children under six years of age:

(1) A child day-care center, type A family day-care home, or



type B family day-care home as defined in section 5104.01 of the Revised Code; 53649  
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(2) A preschool program or school child program as defined in section 3301.52 of the Revised Code. 53651  
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(C) "Clearance examination" means an examination to determine whether the lead hazards in a residential unit, child care facility, or school have been sufficiently controlled. A clearance examination includes a visual assessment, collection, and analysis of environmental samples. 53653  
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(D) "Clearance technician" means a person, other than a licensed lead inspector or licensed lead risk assessor, who performs a clearance examination. 53658  
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(E) "Clinical laboratory" means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of substances derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease, or in the assessment or impairment of the health of human beings. "Clinical laboratory" does not include a facility that only collects or prepares specimens, or serves as a mailing service, and does not perform testing. 53661  
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(F) "Encapsulation" means the coating and sealing of surfaces with durable surface coating specifically formulated to be elastic, able to withstand sharp and blunt impacts, long-lasting, and resilient, while also resistant to cracking, peeling, algae, fungus, and ultraviolet light, so as to prevent any part of lead-containing paint from becoming part of house dust or otherwise accessible to children. 53671  
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(G) "Enclosure" means the resurfacing or covering of surfaces with durable materials such as wallboard or paneling, and the 53678  
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sealing or caulking of edges and joints, so as to prevent or 53680  
control chalking, flaking, peeling, scaling, or loose 53681  
lead-containing substances from becoming part of house dust or 53682  
otherwise accessible to children. 53683

(H) "Environmental lead analytical laboratory" means a 53684  
facility that analyzes air, dust, soil, water, paint, film, or 53685  
other substances, other than substances derived from the human 53686  
body, for the presence and concentration of lead. 53687

(I) "HEPA" means the designation given to a product, device, 53688  
or system that has been equipped with a high-efficiency 53689  
particulate air filter, which is a filter capable of removing 53690  
particles of 0.3 microns or larger from air at 99.97 per cent or 53691  
greater efficiency. 53692

(J) "Interim controls" means a set of measures designed to 53693  
reduce temporarily human exposure or likely human exposure to lead 53694  
hazards. Interim controls include specialized cleaning, repairs, 53695  
painting, temporary containment, ongoing lead hazard maintenance 53696  
activities, and the establishment and operation of management and 53697  
resident education programs. 53698

(K)(1) "Lead abatement" means a measure or set of measures 53699  
designed for the single purpose of permanently eliminating lead 53700  
hazards. "Lead abatement" includes all of the following: 53701

(a) Removal of lead-based paint and lead-contaminated dust; 53702

(b) Permanent enclosure or encapsulation of lead-based paint; 53703

(c) Replacement of surfaces or fixtures painted with 53704  
lead-based paint; 53705

(d) Removal or permanent covering of lead-contaminated soil; 53706

(e) Preparation, cleanup, and disposal activities associated 53707  
with lead abatement. 53708

(2) "Lead abatement" does not include any of the following: 53709

(a) <del>Preventive treatments</del> <u>Residential rental unit lead-safe</u>	53710
<u>maintenance practices</u> performed pursuant to <del>section</del> <u>sections</u>	53711
3742.41 <u>and 3742.42</u> of the Revised Code;	53712
(b) Implementation of interim controls;	53713
(c) Activities performed by a property owner on a residential	53714
unit to which both of the following apply:	53715
(i) It is a freestanding single-family home used as the	53716
property owner's private residence.	53717
(ii) No child under six years of age who has lead poisoning	53718
resides in the unit.	53719
(L) "Lead abatement contractor" means any individual who	53720
engages in or intends to engage in lead abatement and employs or	53721
supervises one or more lead abatement workers, including on-site	53722
supervision of lead abatement projects, or prepares	53723
specifications, plans, or documents for a lead abatement project.	53724
(M) "Lead abatement project" means one or more lead abatement	53725
activities that are conducted by a lead abatement contractor and	53726
are reasonably related to each other.	53727
(N) "Lead abatement project designer" means a person who is	53728
responsible for designing lead abatement projects and preparing a	53729
pre-abatement plan for all designed projects.	53730
(O) "Lead abatement worker" means an individual who is	53731
responsible in a nonsupervisory capacity for the performance of	53732
lead abatement.	53733
(P) "Lead-based paint" means any paint or other similar	53734
surface-coating substance containing lead at or in excess of the	53735
level that is hazardous to human health, as that level is	53736
established in rules adopted under section <del>3742.50</del> <u>3742.45</u> of the	53737
Revised Code.	53738
(Q) "Lead-contaminated dust" means dust that contains an area	53739

or mass concentration of lead at or in excess of the level that is hazardous to human health, as that level is established in rules adopted under section ~~3742.50~~ 3742.45 of the Revised Code.

(R) "Lead-contaminated soil" means soil that contains lead at or in excess of the level that is hazardous to human health, as that level is established in rules adopted under section ~~3742.50~~ 3742.45 of the Revised Code.

(S) "Lead hazard free" means no lead-based paint is present in any area referenced in division (B) of section 3742.42 of the Revised Code.

(T) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as determined by the director of health in rules adopted under section ~~3742.50~~ 3742.45 of the Revised Code. "Lead hazard" includes lead-based paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes.

~~(T)~~(U) "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint. The inspection shall use a sampling or testing technique approved by the director in rules adopted under section 3742.03 of the Revised Code. A licensed lead inspector or laboratory approved under section 3742.09 of the Revised Code shall certify in writing the precise results of the inspection.

~~(U)~~(V) "Lead inspector" means any individual who conducts a lead inspection, provides professional advice regarding a lead inspection, or prepares a report explaining the results of a lead inspection.

~~(V)~~(W) "Lead poisoning" means the level of lead in human blood that is hazardous to human health, as specified in rules adopted under section ~~3742.50~~ 3742.45 of the Revised Code.

~~(W)~~(X) "Lead risk assessment" means an on-site investigation

to determine and report the existence, nature, severity, and 53771  
location of lead hazards in a residential unit, child care 53772  
facility, or school, including information gathering from the 53773  
unit, facility, or school's current owner's knowledge regarding 53774  
the age and painting history of the unit, facility, or school and 53775  
occupancy by children under six years of age, visual inspection, 53776  
limited wipe sampling or other environmental sampling techniques, 53777  
and any other activity as may be appropriate. 53778

~~(X)~~(Y) "Lead risk assessor" means a person who is responsible 53779  
for developing a written inspection, risk assessment, and analysis 53780  
plan; conducting inspections for lead hazards in a residential 53781  
unit, child care facility, or school; interpreting results of 53782  
inspections and risk assessments; identifying hazard control 53783  
strategies to reduce or eliminate lead exposures; and completing a 53784  
risk assessment report. 53785

~~(Y) "Lead safe renovation" means the supervision or 53786  
performance of services for the general improvement of all or part 53787  
of an existing structure, including a residential unit, child care 53788  
facility, or school, when the services are supervised or performed 53789  
by a lead safe renovator. 53790~~

~~(Z) "Lead safe renovator" means a person who has successfully 53791  
completed a training program in lead safe renovation approved 53792  
under section 3742.47 of the Revised Code. "Lead-safe residential 53793  
rental unit" means a residential rental unit that has undergone 53794  
the residential rental unit lead-safe maintenance practices 53795  
described in section 3742.42 of the Revised Code, including 53796  
post-maintenance dust sampling or are registered pursuant to 53797  
division (D) of section 3742.41 of the Revised Code. 53798~~

(AA) "Manager" means a person, who may be the same person as 53799  
the owner, responsible for the daily operation of a residential 53800  
unit, child care facility, or school. 53801

(BB) "Permanent" means an expected design life of at least 53802  
twenty years. 53803

(CC) "Replacement" means an activity that entails removing 53804  
components such as windows, doors, and trim that have lead hazards 53805  
on their surfaces and installing components free of lead hazards. 53806

(DD) "Residential unit" means a dwelling or any part of a 53807  
building being used as an individual's private residence. 53808  
"Residential unit" includes a residential rental unit. 53809

(EE) ~~"School"~~ "Residential rental unit" means a rental 53810  
property containing a dwelling or any part of a building being 53811  
used as an individual's private residence. 53812

(FF) "School" means a public or nonpublic school in which 53813  
children under six years of age receive education. 53814

**Sec. 3742.02.** (A) No person shall do any of the following: 53815

(1) Violate any provision of this chapter or the rules 53816  
adopted pursuant to it; 53817

(2) Apply or cause to be applied any lead-based paint on or 53818  
inside a residential unit, child care facility, or school, unless 53819  
the director of health has determined by rule under section 53820  
~~3742.50~~ 3742.45 of the Revised Code that no suitable substitute 53821  
exists; 53822

(3) Interfere with an investigation conducted by the director 53823  
of health or a board of health in accordance with section 3742.35 53824  
of the Revised Code. 53825

(B) No person shall knowingly authorize or employ an 53826  
individual to perform lead abatement on a residential unit, child 53827  
care facility, or school unless the individual who will perform 53828  
the lead abatement holds a valid license issued under section 53829  
3742.05 of the Revised Code. 53830

(C) No person shall do any of the following when a residential unit, child care facility, or school is involved:	53831 53832
(1) Perform a lead inspection without a valid lead inspector license issued under section 3742.05 of the Revised Code;	53833 53834
(2) Perform a lead risk assessment or provide professional advice regarding lead abatement without a valid lead risk assessor license issued under section 3742.05 of the Revised Code;	53835 53836 53837
(3) Act as a lead abatement contractor without a valid lead abatement contractor's license issued under section 3742.05 of the Revised Code;	53838 53839 53840
(4) Act as a lead abatement project designer without a valid lead abatement project designer license issued under section 3742.05 of the Revised Code;	53841 53842 53843
(5) Perform lead abatement without a valid lead abatement worker license issued under section 3742.05 of the Revised Code;	53844 53845
(6) Effective one year after April 7, 2003, perform a clearance examination without a valid clearance technician license issued under section 3742.05 of the Revised Code, unless the person holds a valid lead inspector license or valid lead risk assessor license issued under that section;	53846 53847 53848 53849 53850
(7) Perform lead training for the licensing purposes of this chapter without a valid approval from the director of health under section 3742.08 of the Revised Code;	53851 53852 53853
(8) Perform interim controls without complying with 24 C.F.R. Part 35.	53854 53855
<b>Sec. 3742.31.</b> (A) The director of health shall establish, promote, and maintain a child lead poisoning prevention program. The program shall provide statewide coordination of screening, diagnosis, and treatment services for children under age six, including both of the following:	53856 53857 53858 53859 53860

(1) Collecting the social security numbers of all children 53861  
screened, diagnosed, or treated as part of the program's case 53862  
management system; 53863

(2) Disclosing to the department of medicaid on at least an 53864  
annual basis the identity and lead screening test results of each 53865  
child screened pursuant to section 3742.30 of the Revised Code. 53866  
The director shall collect and disseminate information relating to 53867  
child lead poisoning and controlling lead hazards. 53868

(B) The director of health shall operate the child lead 53869  
poisoning prevention program in accordance with rules adopted 53870  
under section ~~3742.50~~ 3742.45 of the Revised Code. The director 53871  
may enter into an interagency agreement with one or more other 53872  
state agencies to perform one or more of the program's duties. The 53873  
director shall supervise and direct an agency's performance of 53874  
such a duty. 53875

**Sec. 3742.35.** When the director of health or a board of 53876  
health authorized to enforce sections 3742.35 to 3742.40 of the 53877  
Revised Code becomes aware that an individual under six years of 53878  
age has lead poisoning, the director or board shall conduct an 53879  
investigation to determine the source of the lead poisoning. The 53880  
director or board may conduct such an investigation when the 53881  
director or board becomes aware that an individual six years of 53882  
age or older has lead poisoning. The director or board shall 53883  
conduct the investigation in accordance with rules adopted under 53884  
section ~~3742.50~~ 3742.45 of the Revised Code. 53885

In conducting the investigation, the director or board may 53886  
request permission to enter the residential unit, child care 53887  
facility, or school that the director or board reasonably suspects 53888  
to be the source of the lead poisoning. If the property is 53889  
occupied, the director or board shall ask the occupant for 53890  
permission. If the property is not occupied, the director or board 53891



shall ask the property owner or manager for permission. If the 53892  
occupant, owner, or manager fails or refuses to permit entry, the 53893  
director or board may petition and obtain an order to enter the 53894  
property from a court of competent jurisdiction in the county in 53895  
which the property is located. 53896

As part of the investigation, the director or board may 53897  
review the records and reports, if any, maintained by a lead 53898  
inspector, lead abatement contractor, lead risk assessor, lead 53899  
abatement project designer, lead abatement worker, or clearance 53900  
technician. 53901

**Sec. 3742.36.** When the director of health or an authorized 53902  
board of health determines pursuant to an investigation conducted 53903  
under section 3742.35 of the Revised Code that a residential unit, 53904  
child care facility, or school is a possible source of the child's 53905  
lead poisoning, the director or board shall conduct a risk 53906  
assessment of that property in accordance with rules adopted under 53907  
section ~~3742.50~~ 3742.45 of the Revised Code. 53908

**Sec. 3742.41.** (A) ~~A property~~ The director of health shall 53909  
establish and maintain a lead-safe residential rental unit 53910  
registry in accordance with rules adopted under section 3742.45 of 53911  
the Revised Code. The director shall not impose a fee for 53912  
registration of a residential rental unit on the registry. 53913

(B) Beginning six months after the effective date of the 53914  
rules referenced in division (A) of this section, the owner of a 53915  
residential rental unit constructed before January 1, ~~1950~~ 1978, 53916  
that is used as a residential unit, child care facility, or school 53917  
shall be legally presumed not to contain a lead hazard and not to 53918  
be the source of the lead poisoning of an individual who resides 53919  
in the unit or receives child care or education at the facility or 53920  
school if the owner or manager of the unit, facility, or school 53921

~~successfully completes both of the following preventive treatments:~~ 53922  
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~~(1) Follows may implement the essential residential rental unit lead-safe maintenance practices specified in section 3742.42 of the Revised Code for the control of any lead hazards.~~ 53924  
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~~(2) Covers all rough, pitted, or porous horizontal surfaces of the inhabited or occupied areas within the unit, facility, or school with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane, carpet, or linoleum.~~ 53927  
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~~(B) The owner or manager of a residential unit, child care facility, or school has successfully completed the preventive treatments specified in division (A) of this section if the unit, facility, or school passes a clearance examination in accordance with standards for passage established by rules adopted under section 3742.49 of the Revised Code.~~ 53931  
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~~(C) The legal presumption established under this section is rebuttable in a court of law only on a showing of clear and convincing evidence to the contrary After completion of the residential rental unit lead-safe maintenance practices, the owner may register the property as a lead-safe residential rental unit with the department of health for inclusion on the registry.~~ 53937  
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~~(D) The owner of a residential rental unit also may register the unit as a lead-safe residential rental unit with the department for inclusion on the registry if either of the following apply:~~ 53943  
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~~(1) The residential rental unit was or is constructed after January 1, 1978;~~ 53947  
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~~(2) The residential rental unit is lead free as determined by a licensed lead inspector or lead risk assessor after an inspection of the unit.~~ 53949  
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(E)(1) The owner of a residential rental unit that is subject to a lead hazard control order under section 3742.37 of the Revised Code shall register the residential rental unit on the lead-safe residential rental unit lead-safe registry after the unit passes a clearance examination, as specified in section 3742.39 of the Revised Code, indicating that the lead hazards identified in the order are controlled. 53952  
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(2) The owner of a residential rental unit that is designated as housing for the elderly or senior housing by the director is exempt from the requirement to register under division (E)(1) of this section. 53959  
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**Sec. 3742.42.** (A) In completing ~~the essential residential rental unit lead-safe maintenance practices portion of the preventive treatments specified in section 3742.41 of the Revised Code,~~ the owner or ~~manager~~ agent of the owner of a residential rental unit, ~~child care facility, or school~~ shall do all of the following: 53963  
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~~(1) Use only safe work practices, which include compliance with section 3742.44 of the Revised Code, to prevent the spread of lead-contaminated dust~~ Successfully complete a training program in residential rental unit lead-safe maintenance practices approved by the director under section 3742.43 of the Revised Code; 53969  
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~~(2) Perform~~ Annually perform a visual examinations examination for deteriorated paint, underlying damage, and other conditions that may cause exposure to lead; 53974  
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~~(3) Promptly and safely~~ After completing the visual examination and identification of deteriorated paint or other conditions that may cause exposure to lead, repair deteriorated paint or other building components that may cause exposure to lead and eliminate the cause of the deterioration in accordance with the work practice standards established by the United States 53977  
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environmental protection agency in 40 C.F.R. Part 745.85; 53983

~~(4) Ask tenants in a residential unit, and parents,~~ 53984  
~~guardians, and custodians of children in a child care facility or~~ 53985  
~~school, to report concerns about potential lead hazards by~~ 53986  
~~providing written notices to the tenants or parents, guardians,~~ 53987  
~~and custodians or by posting notices in conspicuous locations~~ 53988  
Conduct post-maintenance dust sampling in accordance with rules 53989  
adopted under section 3742.45 of the Revised Code; 53990

~~(5) Perform specialized cleaning in accordance with section~~ 53991  
~~3742.45 of the Revised Code to control lead-contaminated dust;~~ 53992

~~(6) Cover any bare soil on the property, except soil proven~~ 53993  
~~not to be lead-contaminated;~~ 53994

~~(7) Maintain a record of essential residential rental unit~~ 53995  
~~lead-safe maintenance practices for at least three years that~~ 53996  
~~documents all essential those maintenance practices;~~ 53997

~~(8) Successfully complete a training program in essential~~ 53998  
~~maintenance practices that has been approved under section~~ 53999  
~~3742.47, including post-maintenance dust sampling conducted in~~ 54000  
~~accordance with rules adopted under section 3742.45 of the Revised~~ 54001  
~~Code.~~ 54002

(B) The areas of a residential rental unit, ~~child care~~ 54003  
~~facility, or school~~ that are subject to division (A) of this 54004  
section include all of the following: 54005

(1) The interior surfaces and all common areas ~~of the unit,~~ 54006  
~~facility, or school;~~ 54007

(2) Every attached or unattached structure located within the 54008  
same lot line as the residential rental unit, ~~facility, or school~~ 54009  
that the owner or manager considers to be associated with the 54010  
operation of the residential rental unit, ~~facility, or school,~~ 54011  
including garages, play equipment, and fences; 54012

(3) The lot or land that the residential rental unit, 54013  
facility, or school occupies. 54014

(C) The residential rental unit lead-safe maintenance 54015  
practices described in this section are not required to be 54016  
performed by a person licensed as a lead abatement contractor or 54017  
lead abatement worker under this chapter. However, six months 54018  
after the effective date of this amendment, any person other than 54019  
a lead abatement contractor or lead abatement worker who performs 54020  
the residential rental unit lead-safe maintenance practices shall 54021  
have successfully completed a training program in residential 54022  
rental unit lead-safe maintenance practices approved by the 54023  
director under section 3742.43 of the Revised Code. 54024

**Sec. 3742.43.** (A) A person seeking approval of a training 54025  
program in residential rental unit lead-safe maintenance practices 54026  
shall apply for approval of the training program to the director 54027  
of health. The application shall be made on a form prescribed by 54028  
the director and shall include the nonrefundable application fee 54029  
established in division (B) of this section. The director shall 54030  
approve the training program if the applicant demonstrates to the 54031  
satisfaction of the director both of the following: 54032

(1) That the training program will provide written proof of 54033  
completion to each person who completes the program and passes an 54034  
examination; 54035

(2) The program is in compliance with any other training 54036  
program requirements established in rules adopted under section 54037  
3742.45 of the Revised Code. 54038

(B) The director of health shall establish a nonrefundable 54039  
application fee for approving a training program under this 54040  
section. The fee shall be reasonable and shall not exceed the 54041  
expense incurred in conducting evaluation and approval of a 54042  
training program. 54043

**Sec. ~~3742.49~~ 3742.44.** The director of health, in consultation 54044  
with the individual authorized by the governor to act as the state 54045  
historic preservation officer, shall develop recommendations for 54046  
controlling lead hazards that take into consideration the historic 54047  
nature of the property in which the hazards are located. The 54048  
director shall provide periodic notifications of the 54049  
recommendations to all persons licensed under this chapter. All 54050  
lead hazard control orders issued under section 3742.37 of the 54051  
Revised Code shall inform the recipient of the recommendations 54052  
developed under this section. 54053

In no event shall a person use the recommendations as 54054  
justification for refusing to comply with a lead hazard control 54055  
order issued under section 3742.37 of the Revised Code. 54056

**Sec. ~~3742.50~~ 3742.45.** (A) The director of health shall adopt 54057  
rules in accordance with Chapter 119. of the Revised Code 54058  
establishing all of the following: 54059

(1) Procedures necessary for the development and operation of 54060  
the child lead poisoning prevention program established under 54061  
section 3742.31 of the Revised Code; 54062

(2) Standards and procedures for conducting investigations 54063  
and risk assessments under sections 3742.35 and 3742.36 of the 54064  
Revised Code; 54065

(3) Standards and procedures for issuing lead hazard control 54066  
orders under section 3742.37 of the Revised Code, including 54067  
standards and procedures for determining appropriate deadlines for 54068  
complying with lead hazard control orders; 54069

(4) The level of lead in human blood that is hazardous to 54070  
human health, consistent with the guidelines issued by the centers 54071  
for disease control and prevention in the public health service of 54072  
the United States department of health and human services; 54073

(5) The level of lead in paint, dust, and soil that is hazardous to human health; 54074  
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(6) Standards and procedures to be followed when ~~implementing preventive treatments for the control of lead hazards pursuant to registering a residential rental unit on the lead-safe residential rental unit registry under~~ section 3742.41 of the Revised Code that are based on information from the United States environmental protection agency, ~~department of housing and urban development, occupational safety and health administration, or other agencies with recommendations or guidelines regarding implementation of preventive treatments;~~ 54076  
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(7) Standards that must be met to pass a clearance examination; 54085  
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(8) Procedures and criteria for approving ~~under section 3742.47 of the Revised Code~~ training programs in essential residential rental unit lead-safe maintenance practices ~~and lead-safe renovation and requirements~~, in addition to those specified in section ~~3742.47~~ 3742.43 of the Revised Code, ~~that a program must meet to receive approval;~~ 54087  
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(9) ~~The examination to be administered by a training program approved under section 3742.47 of the Revised Code and the examination's passing score~~ Procedures for post-maintenance dust sampling. 54093  
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(B) The director shall establish procedures for revising its rules to ensure that the child lead poisoning prevention activities conducted under this chapter continue to meet the requirements necessary to obtain any federal funding available for those activities, including requirements established by the United States environmental protection agency, United States department of housing and urban development, or any other federal agency with jurisdiction over activities pertaining to child lead poisoning 54097  
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prevention. 54105

**Sec. ~~3742.51~~ 3742.46.** (A) There is hereby created in the 54106  
state treasury the lead poisoning prevention fund. The fund shall 54107  
include all moneys appropriated to the department of health for 54108  
the administration and enforcement of sections 3742.31 to ~~3742.50~~ 54109  
3742.45 of the Revised Code and the rules adopted under those 54110  
sections. Any grants, contributions, or other moneys collected by 54111  
the department for purposes of preventing lead poisoning shall be 54112  
deposited in the state treasury to the credit of the fund. 54113

(B) Moneys in the fund shall be used solely for the purposes 54114  
of the child lead poisoning prevention program established under 54115  
section 3742.31 of the Revised Code, including providing financial 54116  
assistance to individuals who are unable to pay for the following: 54117

(1) Costs associated with obtaining lead tests and lead 54118  
poisoning treatment for children under six years of age who are 54119  
not covered by private medical insurance or are underinsured, are 54120  
not eligible for the medicaid program or any other government 54121  
health program, and do not have access to another source of funds 54122  
to cover the cost of lead tests and any indicated treatments; 54123

(2) Costs associated with having lead abatement performed or 54124  
having the ~~preventive treatments~~ residential rental unit lead-safe 54125  
maintenance practices specified in section ~~3742.41~~ 3742.42 of the 54126  
Revised Code performed. 54127

**Sec. 3745.012.** (A) The director of environmental protection 54128  
shall collect all moneys for permits, licenses, plan approvals, 54129  
variances, and certifications of any nature issued and 54130  
administered by the environmental protection agency under Chapter 54131  
3704., 3714., 3734., 6109., or 6111. of the Revised Code. The 54132  
director shall keep a record of all such moneys collected showing 54133  
the amounts received, from whom, and for what purpose collected. 54134



All such moneys shall be credited to the general revenue fund, 54135  
except for such moneys required to be credited to any other fund. 54136

(B) The director may reduce or waive a fee incurred for 54137  
either of the following: 54138

(1) Submitting a late payment if the original amount has been 54139  
paid in full; 54140

(2) Responding to an emergency, including fees for the 54141  
disposal of material and debris, if the governor declares a state 54142  
of emergency. 54143

**Sec. 3745.016.** There is hereby created in the state treasury 54144  
the federally supported cleanup and response fund consisting of 54145  
money credited to the fund from federal grants, gifts, and 54146  
contributions ~~to support the investigation and remediation of~~ 54147  
~~contaminated property.~~ The environmental protection agency shall 54148  
use money in the fund to support the investigation and remediation 54149  
of contaminated property and implementation of the hazardous waste 54150  
provisions of Chapter 3734. of the Revised Code. 54151

**Sec. 3745.018.** The director of environmental protection shall 54152  
establish within environmental protection the agency a division to 54153  
administer the agency's financial, technical, and compliance 54154  
programs to assist communities, businesses, and other regulated 54155  
entities. The division shall administer all of the following: 54156

(A) State revolving wastewater and drinking water loan 54157  
programs under sections 6109.22 and 6111.036 of the Revised Code; 54158

(B) Agency grant programs, including recycling and litter 54159  
prevention grant programs under section 3736.05 of the Revised 54160  
Code; 54161

(C) Programs for providing compliance and pollution 54162  
prevention assistance to regulated entities under sections 3704.18 54163

<u>and 3745.017 of the Revised Code;</u>	54164
<u>(D) Statewide source reduction, recycling, recycling market</u>	54165
<u>development, and litter prevention programs under section 3736.02</u>	54166
<u>of the Revised Code.</u>	54167
<b>Sec. 3745.11.</b> (A) Applicants for and holders of permits,	54168
licenses, variances, plan approvals, and certifications issued by	54169
the director of environmental protection pursuant to Chapters	54170
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee	54171
to the environmental protection agency for each such issuance and	54172
each application for an issuance as provided by this section. No	54173
fee shall be charged for any issuance for which no application has	54174
been submitted to the director.	54175
(B) Except as otherwise provided in division (C)(2) of this	54176
section, beginning July 1, 1994, each person who owns or operates	54177
an air contaminant source and who is required to apply for and	54178
obtain a Title V permit under section 3704.036 of the Revised Code	54179
shall pay the fees set forth in this division. For the purposes of	54180
this division, total emissions of air contaminants may be	54181
calculated using engineering calculations, emissions factors,	54182
material balance calculations, or performance testing procedures,	54183
as authorized by the director.	54184
The following fees shall be assessed on the total actual	54185
emissions from a source in tons per year of the regulated	54186
pollutants particulate matter, sulfur dioxide, nitrogen oxides,	54187
organic compounds, and lead:	54188
(1) Fifteen dollars per ton on the total actual emissions of	54189
each such regulated pollutant during the period July through	54190
December 1993, to be collected no sooner than July 1, 1994;	54191
(2) Twenty dollars per ton on the total actual emissions of	54192
each such regulated pollutant during calendar year 1994, to be	54193

collected no sooner than April 15, 1995; 54194

(3) Twenty-five dollars per ton on the total actual emissions 54195  
of each such regulated pollutant in calendar year 1995, and each 54196  
subsequent calendar year, to be collected no sooner than the 54197  
fifteenth day of April of the year next succeeding the calendar 54198  
year in which the emissions occurred. 54199

The fees levied under this division do not apply to that 54200  
portion of the emissions of a regulated pollutant at a facility 54201  
that exceed four thousand tons during a calendar year. 54202

(C)(1) The fees assessed under division (B) of this section 54203  
are for the purpose of providing funding for the Title V permit 54204  
program. 54205

(2) The fees assessed under division (B) of this section do 54206  
not apply to emissions from any electric generating unit 54207  
designated as a Phase I unit under Title IV of the federal Clean 54208  
Air Act prior to calendar year 2000. Those fees shall be assessed 54209  
on the emissions from such a generating unit commencing in 54210  
calendar year 2001 based upon the total actual emissions from the 54211  
generating unit during calendar year 2000 and shall continue to be 54212  
assessed each subsequent calendar year based on the total actual 54213  
emissions from the generating unit during the preceding calendar 54214  
year. 54215

(3) The director shall issue invoices to owners or operators 54216  
of air contaminant sources who are required to pay a fee assessed 54217  
under division (B) or (D) of this section. Any such invoice shall 54218  
be issued no sooner than the applicable date when the fee first 54219  
may be collected in a year under the applicable division, shall 54220  
identify the nature and amount of the fee assessed, and shall 54221  
indicate that the fee is required to be paid within thirty days 54222  
after the issuance of the invoice. 54223

(D)(1) Except as provided in division (D)(3) of this section, 54224

from January 1, 1994, through December 31, 2003, each person who  
owns or operates an air contaminant source; who is required to  
apply for a permit to operate pursuant to rules adopted under  
division (G), or a variance pursuant to division (H), of section  
3704.03 of the Revised Code; and who is not required to apply for  
and obtain a Title V permit under section 3704.036 of the Revised  
Code shall pay a single fee based upon the sum of the actual  
annual emissions from the facility of the regulated pollutants  
particulate matter, sulfur dioxide, nitrogen oxides, organic  
compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility	
More than 0, but less than 50	\$ 75	54238
50 or more, but less than 100	300	54239
100 or more	700	54240

(2) Except as provided in division (D)(3) of this section,  
beginning January 1, 2004, each person who owns or operates an air  
contaminant source; who is required to apply for a permit to  
operate pursuant to rules adopted under division (G), or a  
variance pursuant to division (H), of section 3704.03 of the  
Revised Code; and who is not required to apply for and obtain a  
Title V permit under section 3704.03 of the Revised Code shall pay  
a single fee based upon the sum of the actual annual emissions  
from the facility of the regulated pollutants particulate matter,  
sulfur dioxide, nitrogen oxides, organic compounds, and lead in  
accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility	
More than 0, but less than 10	\$ 100	54255
10 or more, but less than 50	200	54256

50 or more, but less than 100	300	54257
100 or more	700	54258

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2018~~ 2020, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility	
Less than 10	\$ 170	54275
10 or more, but less than 20	340	54276
20 or more, but less than 30	670	54277
30 or more, but less than 40	1,010	54278
40 or more, but less than 50	1,340	54279
50 or more, but less than 60	1,680	54280
60 or more, but less than 70	2,010	54281
70 or more, but less than 80	2,350	54282
80 or more, but less than 90	2,680	54283
90 or more, but less than 100	3,020	54284
100 or more	3,350	54285

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2)

of this section shall be collected annually no sooner than the 54289  
fifteenth day of April, commencing in 2005. The fees assessed 54290  
under division (D)(3) of this section shall be collected no sooner 54291  
than the fifteenth day of April, commencing in 2000. The fees 54292  
assessed under division (D) of this section in a calendar year 54293  
shall be based upon the sum of the actual emissions of those 54294  
regulated pollutants during the preceding calendar year. For the 54295  
purpose of division (D) of this section, emissions of air 54296  
contaminants may be calculated using engineering calculations, 54297  
emission factors, material balance calculations, or performance 54298  
testing procedures, as authorized by the director. The director, 54299  
by rule, may require persons who are required to pay the fees 54300  
assessed under division (D) of this section to pay those fees 54301  
biennially rather than annually. 54302

(E)(1) Consistent with the need to cover the reasonable costs 54303  
of the Title V permit program, the director annually shall 54304  
increase the fees prescribed in division (B) of this section by 54305  
the percentage, if any, by which the consumer price index for the 54306  
most recent calendar year ending before the beginning of a year 54307  
exceeds the consumer price index for calendar year 1989. Upon 54308  
calculating an increase in fees authorized by division (E)(1) of 54309  
this section, the director shall compile revised fee schedules for 54310  
the purposes of division (B) of this section and shall make the 54311  
revised schedules available to persons required to pay the fees 54312  
assessed under that division and to the public. 54313

(2) For the purposes of division (E)(1) of this section: 54314

(a) The consumer price index for any year is the average of 54315  
the consumer price index for all urban consumers published by the 54316  
United States department of labor as of the close of the 54317  
twelve-month period ending on the thirty-first day of August of 54318  
that year. 54319

(b) If the 1989 consumer price index is revised, the director 54320

shall use the revision of the consumer price index that is most 54321  
consistent with that for calendar year 1989. 54322

(F) Each person who is issued a permit to install pursuant to 54323  
rules adopted under division (F) of section 3704.03 of the Revised 54324  
Code on or after July 1, 2003, shall pay the fees specified in the 54325  
following schedules: 54326

(1) Fuel-burning equipment (boilers, furnaces, or process 54327  
heaters used in the process of burning fuel for the primary 54328  
purpose of producing heat or power by indirect heat transfer) 54329  
Input capacity (maximum) 54330

(million British thermal units per hour)	Permit to install	
Greater than 0, but less than 10	\$ 200	54332
10 or more, but less than 100	400	54333
100 or more, but less than 300	1000	54334
300 or more, but less than 500	2250	54335
500 or more, but less than 1000	3750	54336
1000 or more, but less than 5000	6000	54337
5000 or more	9000	54338

Units burning exclusively natural gas, number two fuel oil, 54339  
or both shall be assessed a fee that is one-half the applicable 54340  
amount shown in division (F)(1) of this section. 54341

(2) Combustion turbines and stationary internal combustion 54342  
engines designed to generate electricity 54343

Generating capacity (mega watts)	Permit to install	
0 or more, but less than 10	\$ 25	54345
10 or more, but less than 25	150	54346
25 or more, but less than 50	300	54347
50 or more, but less than 100	500	54348
100 or more, but less than 250	1000	54349
250 or more	2000	54350

(3) Incinerators 54351

Input capacity (pounds per hour)	Permit to install	54352
0 to 100	\$ 100	54353
101 to 500	500	54354
501 to 2000	1000	54355
2001 to 20,000	1500	54356
more than 20,000	3750	54357

(4)(a) Process 54358

Process weight rate (pounds per hour)	Permit to install	54359
0 to 1000	\$ 200	54360
1001 to 5000	500	54361
5001 to 10,000	750	54362
10,001 to 50,000	1000	54363
more than 50,000	1250	54364

In any process where process weight rate cannot be 54365  
ascertained, the minimum fee shall be assessed. A boiler, furnace, 54366  
combustion turbine, stationary internal combustion engine, or 54367  
process heater designed to provide direct heat or power to a 54368  
process not designed to generate electricity shall be assessed a 54369  
fee established in division (F)(4)(a) of this section. A 54370  
combustion turbine or stationary internal combustion engine 54371  
designed to generate electricity shall be assessed a fee 54372  
established in division (F)(2) of this section. 54373

(b) Notwithstanding division (F)(4)(a) of this section, any 54374  
person issued a permit to install pursuant to rules adopted under 54375  
division (F) of section 3704.03 of the Revised Code shall pay the 54376  
fees set forth in division (F)(4)(c) of this section for a process 54377  
used in any of the following industries, as identified by the 54378  
applicable two-digit, three-digit, or four-digit standard 54379  
industrial classification code according to the Standard 54380  
Industrial Classification Manual published by the United States 54381  
office of management and budget in the executive office of the 54382  
president, 1987, as revised: 54383



Major group 10, metal mining;	54384
Major group 12, coal mining;	54385
Major group 14, mining and quarrying of nonmetallic minerals;	54386
Industry group 204, grain mill products;	54387
2873 Nitrogen fertilizers;	54388
2874 Phosphatic fertilizers;	54389
3281 Cut stone and stone products;	54390
3295 Minerals and earth, ground or otherwise treated;	54391
4221 Grain elevators (storage only);	54392
5159 Farm related raw materials;	54393
5261 Retail nurseries and lawn and garden supply stores.	54394
(c) The fees set forth in the following schedule apply to the	54395
issuance of a permit to install pursuant to rules adopted under	54396
division (F) of section 3704.03 of the Revised Code for a process	54397
identified in division (F)(4)(b) of this section:	54398
Process weight rate (pounds per hour)	Permit to install 54399
0 to 10,000	\$ 200 54400
10,001 to 50,000	400 54401
50,001 to 100,000	500 54402
100,001 to 200,000	600 54403
200,001 to 400,000	750 54404
400,001 or more	900 54405
(5) Storage tanks	54406
Gallons (maximum useful capacity)	Permit to install 54407
0 to 20,000	\$ 100 54408
20,001 to 40,000	150 54409
40,001 to 100,000	250 54410
100,001 to 500,000	400 54411

500,001 or greater	750	54412
(6) Gasoline/fuel dispensing facilities		54413
For each gasoline/fuel		54414
dispensing facility (includes all	Permit to install	54415
units at the facility)	\$ 100	54416
(7) Dry cleaning facilities		54417
For each dry cleaning		54418
facility (includes all units	Permit to install	54419
at the facility)	\$ 100	54420
(8) Registration status		54421
For each source covered	Permit to install	54422
by registration status	\$ 75	54423
(G) An owner or operator who is responsible for an asbestos		54424
demolition or renovation project pursuant to rules adopted under		54425
section 3704.03 of the Revised Code shall pay, <u>upon submitting a</u>		54426
<u>notification pursuant to rules adopted under that section,</u> the		54427
fees set forth in the following schedule:		54428
Action	Fee	54429
Each notification	\$75	54430
Asbestos removal	\$3/unit	54431
Asbestos cleanup	\$4/cubic yard	54432
For purposes of this division, "unit" means any combination of		54433
linear feet or square feet equal to fifty.		54434
(H) A person who is issued an extension of time for a permit		54435
to install an air contaminant source pursuant to rules adopted		54436
under division (F) of section 3704.03 of the Revised Code shall		54437
pay a fee equal to one-half the fee originally assessed for the		54438
permit to install under this section, except that the fee for such		54439
an extension shall not exceed two hundred dollars.		54440
(I) A person who is issued a modification to a permit to		54441
install an air contaminant source pursuant to rules adopted under		54442

section 3704.03 of the Revised Code shall pay a fee equal to 54443  
one-half of the fee that would be assessed under this section to 54444  
obtain a permit to install the source. The fee assessed by this 54445  
division only applies to modifications that are initiated by the 54446  
owner or operator of the source and shall not exceed two thousand 54447  
dollars. 54448

(J) Notwithstanding division (F) of this section, a person 54449  
who applies for or obtains a permit to install pursuant to rules 54450  
adopted under division (F) of section 3704.03 of the Revised Code 54451  
after the date actual construction of the source began shall pay a 54452  
fee for the permit to install that is equal to twice the fee that 54453  
otherwise would be assessed under the applicable division unless 54454  
the applicant received authorization to begin construction under 54455  
division (W) of section 3704.03 of the Revised Code. This division 54456  
only applies to sources for which actual construction of the 54457  
source begins on or after July 1, 1993. The imposition or payment 54458  
of the fee established in this division does not preclude the 54459  
director from taking any administrative or judicial enforcement 54460  
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 54461  
of the Revised Code, or a rule adopted under any of them, in 54462  
connection with a violation of rules adopted under division (F) of 54463  
section 3704.03 of the Revised Code. 54464

As used in this division, "actual construction of the source" 54465  
means the initiation of physical on-site construction activities 54466  
in connection with improvements to the source that are permanent 54467  
in nature, including, without limitation, the installation of 54468  
building supports and foundations and the laying of underground 54469  
pipework. 54470

(K)(1) Money received under division (B) of this section 54471  
shall be deposited in the state treasury to the credit of the 54472  
Title V clean air fund created in section 3704.035 of the Revised 54473  
Code. Annually, not more than fifty cents per ton of each fee 54474

assessed under division (B) of this section on actual emissions 54475  
from a source and received by the environmental protection agency 54476  
pursuant to that division ~~shall~~ may be transferred by the director 54477  
using an interstate transfer voucher to the state treasury to the 54478  
credit of the small business assistance fund created in section 54479  
3706.19 of the Revised Code. In addition, annually, the amount of 54480  
money necessary for the operation of the office of ombudsperson as 54481  
determined under division (B) of that section shall be transferred 54482  
to the state treasury to the credit of the small business 54483  
ombudsperson fund created by that section. 54484

(2) Money received by the agency pursuant to divisions (D), 54485  
(F), (G), (H), (I), and (J) of this section shall be deposited in 54486  
the state treasury to the credit of the non-Title V clean air fund 54487  
created in section 3704.035 of the Revised Code. 54488

~~(L)(1)(a) Except as otherwise provided in division (L)(1)(b)~~ 54489  
~~or (c) of this section, a person issued a water discharge permit~~ 54490  
~~or renewal of a water discharge permit pursuant to Chapter 6111.~~ 54491  
~~of the Revised Code shall pay a fee based on each point source to~~ 54492  
~~which the issuance is applicable in accordance with the following~~ 54493  
~~schedule:~~ 54494

<del>Design flow discharge (gallons per day)</del>	<del>Fee</del>	
<del>0 to 1000</del>	<del>\$ 0</del>	54496
<del>1,001 to 5000</del>	<del>100</del>	54497
<del>5,001 to 50,000</del>	<del>200</del>	54498
<del>50,001 to 100,000</del>	<del>300</del>	54499
<del>100,001 to 300,000</del>	<del>525</del>	54500
<del>over 300,000</del>	<del>750</del>	54501

~~(b) Notwithstanding the fee schedule specified in division~~ 54502  
~~(L)(1)(a) of this section, the fee for a water discharge permit~~ 54503  
~~that is applicable to coal mining operations regulated under~~ 54504  
~~Chapter 1513. of the Revised Code shall be two hundred fifty~~ 54505  
~~dollars per mine.~~ 54506

~~(c) Notwithstanding the fee schedule specified in division (L)(1)(a) of this section, the fee for a water discharge permit for a public discharger identified by I in the third character of the permittee's NPDES permit number shall not exceed seven hundred fifty dollars.~~ 54507  
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~~(2)~~ A person applying for a plan approval for a wastewater treatment works pursuant to section 6111.44, 6111.45, or 6111.46 of the Revised Code shall pay a nonrefundable fee of one hundred dollars plus sixty-five one-hundredths of one per cent of the estimated project cost through June 30, ~~2018~~ 2020, and a nonrefundable application fee of one hundred dollars plus two-tenths of one per cent of the estimated project cost on and after July 1, ~~2018~~ 2020, except that the total fee shall not exceed fifteen thousand dollars through June 30, ~~2018~~ 2020, and five thousand dollars on and after July 1, ~~2018~~ 2020. The fee shall be paid at the time the application is submitted. 54512  
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~~(3) A person issued a modification of a water discharge permit shall pay a fee equal to one half the fee that otherwise would be charged for a water discharge permit, except that the fee for the modification shall not exceed four hundred dollars.~~ 54523  
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~~(4)~~(2) A person who has entered into an agreement with the director under section 6111.14 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons who have entered into agreements under that section, or who have applied for agreements, of the amount of the fee. 54527  
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~~(5)~~(3)(a)(i) Not later than January 30, ~~2016~~ 2018, and January 30, ~~2017~~ 2019, a person holding an NPDES discharge permit issued pursuant to Chapter 6111. of the Revised Code with an 54536  
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average daily discharge flow of five thousand gallons or more 54539  
shall pay a nonrefundable annual discharge fee. Any person who 54540  
fails to pay the fee at that time shall pay an additional amount 54541  
that equals ten per cent of the required annual discharge fee. 54542

(ii) The billing year for the annual discharge fee 54543  
established in division (L)~~(5)~~(3)(a)(i) of this section shall 54544  
consist of a twelve-month period beginning on the first day of 54545  
January of the year preceding the date when the annual discharge 54546  
fee is due. In the case of an existing source that permanently 54547  
ceases to discharge during a billing year, the director shall 54548  
reduce the annual discharge fee, including the surcharge 54549  
applicable to certain industrial facilities pursuant to division 54550  
(L)~~(5)~~(3)(c) of this section, by one-twelfth for each full month 54551  
during the billing year that the source was not discharging, but 54552  
only if the person holding the NPDES discharge permit for the 54553  
source notifies the director in writing, not later than the first 54554  
day of October of the billing year, of the circumstances causing 54555  
the cessation of discharge. 54556

(iii) The annual discharge fee established in division 54557  
(L)~~(5)~~(3)(a)(i) of this section, except for the surcharge 54558  
applicable to certain industrial facilities pursuant to division 54559  
(L)~~(5)~~(3)(c) of this section, shall be based upon the average 54560  
daily discharge flow in gallons per day calculated using first day 54561  
of May through thirty-first day of October flow data for the 54562  
period two years prior to the date on which the fee is due. In the 54563  
case of NPDES discharge permits for new sources, the fee shall be 54564  
calculated using the average daily design flow of the facility 54565  
until actual average daily discharge flow values are available for 54566  
the time period specified in division (L)~~(5)~~(3)(a)(iii) of this 54567  
section. The annual discharge fee may be prorated for a new source 54568  
as described in division (L)~~(5)~~(3)(a)(ii) of this section. 54569

(b)(i) An NPDES permit holder that is a public discharger 54570

shall pay the fee specified in the following schedule:		54571
Average daily	Fee due by	54572
discharge flow	January 30,	54573
	<del>2016</del> <u>2018</u> , and	54574
	January 30, <del>2017</del>	54575
	<u>2019</u>	
5,000 to 49,999	\$ 200	54576
50,000 to 100,000	500	54577
100,001 to 250,000	1,050	54578
250,001 to 1,000,000	2,600	54579
1,000,001 to 5,000,000	5,200	54580
5,000,001 to 10,000,000	10,350	54581
10,000,001 to 20,000,000	15,550	54582
20,000,001 to 50,000,000	25,900	54583
50,000,001 to 100,000,000	41,400	54584
100,000,001 or more	62,100	54585

(ii) Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand persons shall pay an annual discharge fee under division (L)~~(5)~~(3)(b)(i) of this section that is based on the combined average daily discharge flow of the treatment works.

(c)(i) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

Average daily	Fee due by	54598
discharge flow	January 30,	54599
	<del>2016</del> <u>2018</u> , and	54600
	January 30, <del>2017</del>	54601

	<u>2019</u>	
5,000 to 49,999	\$ 250	54602
50,000 to 250,000	1,200	54603
250,001 to 1,000,000	2,950	54604
1,000,001 to 5,000,000	5,850	54605
5,000,001 to 10,000,000	8,800	54606
10,000,001 to 20,000,000	11,700	54607
20,000,001 to 100,000,000	14,050	54608
100,000,001 to 250,000,000	16,400	54609
250,000,001 or more	18,700	54610

(ii) In addition to the fee specified in the above schedule, 54611  
an NPDES permit holder that is an industrial discharger classified 54612  
as a major discharger during all or part of the annual discharge 54613  
fee billing year specified in division (L)~~(5)~~(3)(a)(ii) of this 54614  
section shall pay a nonrefundable annual surcharge of seven 54615  
thousand five hundred dollars not later than January 30, ~~2016~~ 54616  
2018, and not later than January 30, ~~2017~~ 2019. Any person who 54617  
fails to pay the surcharge at that time shall pay an additional 54618  
amount that equals ten per cent of the amount of the surcharge. 54619

(d) Notwithstanding divisions (L)~~(5)~~(3)(b) and (c) of this 54620  
section, a public discharger, that is not a separate municipal 54621  
storm sewer system, identified by I in the third character of the 54622  
permittee's NPDES permit number and an industrial discharger 54623  
identified by I, J, L, V, W, X, Y, or Z in the third character of 54624  
the permittee's NPDES permit number shall pay a nonrefundable 54625  
annual discharge fee of one hundred eighty dollars not later than 54626  
January 30, ~~2016~~ 2018, and not later than January 30, ~~2017~~ 2019. 54627  
Any person who fails to pay the fee at that time shall pay an 54628  
additional amount that equals ten per cent of the required fee. 54629

~~(6)~~(4) Each person obtaining a ~~national pollutant discharge~~ 54630  
~~elimination system general or individual~~ an NPDES permit for 54631  
municipal storm water discharge shall pay a nonrefundable storm 54632



water annual discharge fee of ~~one hundred~~ ten dollars per 54633  
one-tenth of a square mile of area permitted. The fee shall not 54634  
exceed ten thousand dollars and shall be payable on or before 54635  
January 30, 2004, and the thirtieth day of January of each year 54636  
thereafter. Any person who fails to pay the fee on the date 54637  
specified in division (L)~~(6)~~(4) of this section shall pay an 54638  
additional amount per year equal to ten per cent of the annual fee 54639  
that is unpaid. 54640

~~(7)~~(5) The director shall transmit all moneys collected under 54641  
division (L) of this section to the treasurer of state for deposit 54642  
into the state treasury to the credit of the surface water 54643  
protection fund created in section 6111.038 of the Revised Code. 54644

~~(8)~~(6) As used in ~~division (L)~~ of this section: 54645

(a) "NPDES" means the federally approved national pollutant 54646  
discharge elimination system individual and general program for 54647  
issuing, modifying, revoking, reissuing, terminating, monitoring, 54648  
and enforcing permits and imposing and enforcing pretreatment 54649  
requirements under Chapter 6111. of the Revised Code and rules 54650  
adopted under it. 54651

(b) "Public discharger" means any holder of an NPDES permit 54652  
identified by P in the second character of the NPDES permit number 54653  
assigned by the director. 54654

(c) "Industrial discharger" means any holder of an NPDES 54655  
permit identified by I in the second character of the NPDES permit 54656  
number assigned by the director. 54657

(d) "Major discharger" means any holder of an NPDES permit 54658  
classified as major by the regional administrator of the United 54659  
States environmental protection agency in conjunction with the 54660  
director. 54661

(M) Through June 30, ~~2018~~ 2020, a person applying for a 54662  
license or license renewal to operate a public water system under 54663

section 6109.21 of the Revised Code shall pay the appropriate fee 54664  
established under this division at the time of application to the 54665  
director. Any person who fails to pay the fee at that time shall 54666  
pay an additional amount that equals ten per cent of the required 54667  
fee. The director shall transmit all moneys collected under this 54668  
division to the treasurer of state for deposit into the drinking 54669  
water protection fund created in section 6109.30 of the Revised 54670  
Code. 54671

Except as provided in divisions (M)(4) and (5) of this 54672  
section, fees required under this division shall be calculated and 54673  
paid in accordance with the following schedule: 54674

(1) For the initial license required under section 6109.21 of 54675  
the Revised Code for any public water system that is a community 54676  
water system as defined in section 6109.01 of the Revised Code, 54677  
and for each license renewal required for such a system prior to 54678  
January 31, ~~2018~~ 2020, the fee is: 54679

Number of service connections	Fee amount	
Not more than 49	\$ 112	54681
50 to 99	176	54682
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	54684
2,500 to 4,999	1.48	54685
5,000 to 7,499	1.42	54686
7,500 to 9,999	1.34	54687
10,000 to 14,999	1.16	54688
15,000 to 24,999	1.10	54689
25,000 to 49,999	1.04	54690
50,000 to 99,999	.92	54691
100,000 to 149,999	.86	54692
150,000 to 199,999	.80	54693
200,000 or more	.76	54694

A public water system may determine how it will pay the total 54695

amount of the fee calculated under division (M)(1) of this 54696  
section, including the assessment of additional user fees that may 54697  
be assessed on a volumetric basis. 54698

As used in division (M)(1) of this section, "service 54699  
connection" means the number of active or inactive pipes, 54700  
goosenecks, pigtails, and any other fittings connecting a water 54701  
main to any building outlet. 54702

(2) For the initial license required under section 6109.21 of 54703  
the Revised Code for any public water system that is not a 54704  
community water system and serves a nontransient population, and 54705  
for each license renewal required for such a system prior to 54706  
January 31, ~~2018~~ 2020, the fee is: 54707

Population served	Fee amount	
Fewer than 150	\$ 112	54709
150 to 299	176	54710
300 to 749	384	54711
750 to 1,499	628	54712
1,500 to 2,999	1,268	54713
3,000 to 7,499	2,816	54714
7,500 to 14,999	5,510	54715
15,000 to 22,499	9,048	54716
22,500 to 29,999	12,430	54717
30,000 or more	16,820	54718

As used in division (M)(2) of this section, "population 54719  
served" means the total number of individuals having access to the 54720  
water supply during a twenty-four-hour period for at least sixty 54721  
days during any calendar year. In the absence of a specific 54722  
population count, that number shall be calculated at the rate of 54723  
three individuals per service connection. 54724

(3) For the initial license required under section 6109.21 of 54725  
the Revised Code for any public water system that is not a 54726  
community water system and serves a transient population, and for 54727

each license renewal required for such a system prior to January 31, ~~2018~~ 2020, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	54731
2	112	54732
3	176	54733
4	278	54734
5	568	54735
System designated as using a surface water source	792	54737

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2018~~ 2020, and fifteen thousand dollars on and after July 1, ~~2018~~ 2020. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2018~~ 2020, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological		54773
MMO-MUG	\$2,000	54774
MF	2,100	54775
MMO-MUG and MF	2,550	54776
organic chemical	5,400	54777
trace metals	5,400	54778
standard chemistry	2,800	54779
limited chemistry	1,550	54780

On and after July 1, ~~2018~~ 2020, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650	54783
organic chemicals	3,500	54784
trace metals	3,500	54785
standard chemistry	1,800	54786
limited chemistry	1,000	54787

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2018~~ 2020, an individual

laboratory shall not be assessed a fee under this division more 54790  
than once in any three-year period unless the person requests the 54791  
addition of analytical methods or analysts, in which case the 54792  
person shall pay eighteen hundred dollars for each additional 54793  
survey requested. 54794

As used in division (N)(3) of this section: 54795

(a) "MF" means microfiltration. 54796

(b) "MMO" means minimal medium ONPG. 54797

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 54798

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 54799

The director shall transmit all moneys collected under this 54800  
division to the treasurer of state for deposit into the drinking 54801  
water protection fund created in section 6109.30 of the Revised 54802  
Code. 54803

(O) Any person applying to the director to take an 54804  
examination for certification as an operator of a water supply 54805  
system or wastewater system under Chapter 6109. or 6111. of the 54806  
Revised Code that is administered by the director, at the time the 54807  
application is submitted, shall pay a fee in accordance with the 54808  
following schedule through November 30, ~~2018~~ 2020: 54809

Class A operator	\$ 80	54810
Class I operator	105	54811
Class II operator	120	54812
Class III operator	130	54813
Class IV operator	145	54814

On and after December 1, ~~2018~~ 2020, the applicant shall pay a 54815  
fee in accordance with the following schedule: 54816

Class A operator	\$ 50	54817
Class I operator	70	54818
Class II operator	80	54819

Class III operator	90	54820
Class IV operator	100	54821

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	54830
Class I operator	35	54831
Class II operator	45	54832
Class III operator	55	54833
Class IV operator	65	54834

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	54840
Class I operator	55	54841
Class II operator	65	54842
Class III operator	75	54843
Class IV operator	85	54844

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of

the fees that the provider assesses and collects for administering 54852  
water supply system or wastewater treatment system certification 54853  
examinations in this state for the calendar year. The fee shall be 54854  
paid not later than forty-five days after the end of a calendar 54855  
year. 54856

The director shall transmit all moneys collected under this 54857  
division to the treasurer of state for deposit into the drinking 54858  
water protection fund created in section 6109.30 of the Revised 54859  
Code. 54860

(P) Any person submitting an application for an industrial 54861  
water pollution control certificate under section 6111.31 of the 54862  
Revised Code, as that section existed before its repeal by H.B. 95 54863  
of the 125th general assembly, shall pay a nonrefundable fee of 54864  
five hundred dollars at the time the application is submitted. The 54865  
director shall transmit all moneys collected under this division 54866  
to the treasurer of state for deposit into the surface water 54867  
protection fund created in section 6111.038 of the Revised Code. A 54868  
person paying a certificate fee under this division shall not pay 54869  
an application fee under division (S)(1) of this section. On and 54870  
after June 26, 2003, persons shall file such applications and pay 54871  
the fee as required under sections 5709.20 to 5709.27 of the 54872  
Revised Code, and proceeds from the fee shall be credited as 54873  
provided in section 5709.212 of the Revised Code. 54874

(Q) Except as otherwise provided in division (R) of this 54875  
section, a person issued a permit by the director for a new solid 54876  
waste disposal facility other than an incineration or composting 54877  
facility, a new infectious waste treatment facility other than an 54878  
incineration facility, or a modification of such an existing 54879  
facility that includes an increase in the total disposal or 54880  
treatment capacity of the facility pursuant to Chapter 3734. of 54881  
the Revised Code shall pay a fee of ten dollars per thousand cubic 54882  
yards of disposal or treatment capacity, or one thousand dollars, 54883



whichever is greater, except that the total fee for any such 54884  
permit shall not exceed eighty thousand dollars. A person issued a 54885  
modification of a permit for a solid waste disposal facility or an 54886  
infectious waste treatment facility that does not involve an 54887  
increase in the total disposal or treatment capacity of the 54888  
facility shall pay a fee of one thousand dollars. A person issued 54889  
a permit to install a new, or modify an existing, solid waste 54890  
transfer facility under that chapter shall pay a fee of two 54891  
thousand five hundred dollars. A person issued a permit to install 54892  
a new or to modify an existing solid waste incineration or 54893  
composting facility, or an existing infectious waste treatment 54894  
facility using incineration as its principal method of treatment, 54895  
under that chapter shall pay a fee of one thousand dollars. The 54896  
increases in the permit fees under this division resulting from 54897  
the amendments made by Amended Substitute House Bill 592 of the 54898  
117th general assembly do not apply to any person who submitted an 54899  
application for a permit to install a new, or modify an existing, 54900  
solid waste disposal facility under that chapter prior to 54901  
September 1, 1987; any such person shall pay the permit fee 54902  
established in this division as it existed prior to June 24, 1988. 54903  
In addition to the applicable permit fee under this division, a 54904  
person issued a permit to install or modify a solid waste facility 54905  
or an infectious waste treatment facility under that chapter who 54906  
fails to pay the permit fee to the director in compliance with 54907  
division (V) of this section shall pay an additional ten per cent 54908  
of the amount of the fee for each week that the permit fee is 54909  
late. 54910

Permit and late payment fees paid to the director under this 54911  
division shall be credited to the general revenue fund. 54912

(R)(1) A person issued a registration certificate for a scrap 54913  
tire collection facility under section 3734.75 of the Revised Code 54914  
shall pay a fee of two hundred dollars, except that if the 54915

facility is owned or operated by a motor vehicle salvage dealer 54916  
licensed under Chapter 4738. of the Revised Code, the person shall 54917  
pay a fee of twenty-five dollars. 54918

(2) A person issued a registration certificate for a new 54919  
scrap tire storage facility under section 3734.76 of the Revised 54920  
Code shall pay a fee of three hundred dollars, except that if the 54921  
facility is owned or operated by a motor vehicle salvage dealer 54922  
licensed under Chapter 4738. of the Revised Code, the person shall 54923  
pay a fee of twenty-five dollars. 54924

(3) A person issued a permit for a scrap tire storage 54925  
facility under section 3734.76 of the Revised Code shall pay a fee 54926  
of one thousand dollars, except that if the facility is owned or 54927  
operated by a motor vehicle salvage dealer licensed under Chapter 54928  
4738. of the Revised Code, the person shall pay a fee of fifty 54929  
dollars. 54930

(4) A person issued a permit for a scrap tire monocell or 54931  
monofill facility under section 3734.77 of the Revised Code shall 54932  
pay a fee of ten dollars per thousand cubic yards of disposal 54933  
capacity or one thousand dollars, whichever is greater, except 54934  
that the total fee for any such permit shall not exceed eighty 54935  
thousand dollars. 54936

(5) A person issued a registration certificate for a scrap 54937  
tire recovery facility under section 3734.78 of the Revised Code 54938  
shall pay a fee of one hundred dollars. 54939

(6) A person issued a permit for a scrap tire recovery 54940  
facility under section 3734.78 of the Revised Code shall pay a fee 54941  
of one thousand dollars. 54942

(7) In addition to the applicable registration certificate or 54943  
permit fee under divisions (R)(1) to (6) of this section, a person 54944  
issued a registration certificate or permit for any such scrap 54945  
tire facility who fails to pay the registration certificate or 54946

permit fee to the director in compliance with division (V) of this 54947  
section shall pay an additional ten per cent of the amount of the 54948  
fee for each week that the fee is late. 54949

(8) The registration certificate, permit, and late payment 54950  
fees paid to the director under divisions (R)(1) to (7) of this 54951  
section shall be credited to the scrap tire management fund 54952  
created in section 3734.82 of the Revised Code. 54953

(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), 54954  
(P), and (S)(2) of this section, division (A)(2) of section 54955  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 54956  
and rules adopted under division (T)(1) of this section, any 54957  
person applying for a registration certificate under section 54958  
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 54959  
variance, or plan approval under Chapter 3734. of the Revised Code 54960  
shall pay a nonrefundable fee of fifteen dollars at the time the 54961  
application is submitted. 54962

(b) Except as otherwise provided, any person applying for a 54963  
permit, variance, or plan approval under Chapter 6109. or 6111. of 54964  
the Revised Code shall pay a nonrefundable application fee of one 54965  
hundred dollars at the time the application is submitted through 54966  
June 30, ~~2018~~ 2020, and a nonrefundable application fee of fifteen 54967  
dollars at the time the application is submitted on and after July 54968  
1, ~~2018~~ 2020. ~~Except~~ 54969

(c)(i) ~~Except~~ as otherwise provided in ~~division~~ divisions 54970  
(S)~~(3)~~(1)(c)(iii) and (iv) of this section, through June 30, ~~2018~~ 54971  
2020, any person applying for a ~~national pollutant discharge~~ 54972  
~~elimination system~~ an NPDES permit under Chapter 6111. of the 54973  
Revised Code shall pay a nonrefundable application fee of two 54974  
hundred dollars at the time of application for the permit. On and 54975  
after July 1, ~~2018~~ 2020, such a person shall pay a nonrefundable 54976  
application fee of fifteen dollars at the time of application. 54977

(ii) In addition to the nonrefundable application fee, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a design flow discharge fee based on each point source to which the issuance is applicable in accordance with the following schedule:

<u>Design flow discharge (gallons per day)</u>	<u>Fee</u>	
<u>0 to 1000</u>	<u>\$ 0</u>	54984
<u>1,001 to 5000</u>	<u>100</u>	54985
<u>5,001 to 50,000</u>	<u>200</u>	54986
<u>50,001 to 100,000</u>	<u>300</u>	54987
<u>100,001 to 300,000</u>	<u>525</u>	54988
<u>over 300,000</u>	<u>750</u>	54989

(iii) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a public discharger identified by the letter I in the third character of the NPDES permit number shall not exceed nine hundred fifty dollars.

(iv) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a coal mining operation regulated under Chapter 1513. of the Revised Code shall not exceed four hundred fifty dollars per mine.

(v) A person issued a modification of an NPDES permit shall pay a nonrefundable modification fee equal to the application fee and one-half the design flow discharge fee based on each point source, if applicable, that would be charged for an NPDES permit, except that the modification fee shall not exceed six hundred dollars.

(d) In addition to the application fee established under division (S)(1)(c)(i) of this section, any person applying for a ~~national pollutant discharge elimination system~~ an NPDES general storm water construction permit shall pay a nonrefundable fee of

twenty dollars per acre for each acre that is permitted above five 55010  
acres at the time the application is submitted. However, the per 55011  
acreage fee shall not exceed three hundred dollars. In addition to 55012  
the application fee established under division (S)(1)(c)(i) of 55013  
this section, any person applying for ~~a national pollutant~~ 55014  
~~discharge elimination system~~ an NPDES general storm water 55015  
industrial permit shall pay a nonrefundable fee of one hundred 55016  
fifty dollars at the time the application is submitted. 55017

(e) The director shall transmit all moneys collected under 55018  
division (S)(1) of this section pursuant to Chapter 6109. of the 55019  
Revised Code to the treasurer of state for deposit into the 55020  
drinking water protection fund created in section 6109.30 of the 55021  
Revised Code. 55022

(f) The director shall transmit all moneys collected under 55023  
division (S)(1) of this section pursuant to Chapter 6111. of the 55024  
Revised Code and under division (S)(3) of this section to the 55025  
treasurer of state for deposit into the surface water protection 55026  
fund created in section 6111.038 of the Revised Code. 55027

(g) If a registration certificate is issued under section 55028  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 55029  
the application fee paid shall be deducted from the amount of the 55030  
registration certificate fee due under division (R)(1), (2), or 55031  
(5) of this section, as applicable. 55032

(h) If a person submits an electronic application for a 55033  
registration certificate, permit, variance, or plan approval for 55034  
which an application fee is established under division (S)(1) of 55035  
this section, the person shall pay ~~the all~~ applicable ~~application~~ 55036  
~~fee fees~~ as expeditiously as possible after the submission of the 55037  
electronic application. An application for a registration 55038  
certificate, permit, variance, or plan approval for which an 55039  
application fee is established under division (S)(1) of this 55040  
section shall not be reviewed or processed until the applicable 55041

application fee, and any other fees established under this 55042  
division, are paid. 55043

(2) Division (S)(1) of this section does not apply to an 55044  
application for a registration certificate for a scrap tire 55045  
collection or storage facility submitted under section 3734.75 or 55046  
3734.76 of the Revised Code, as applicable, if the owner or 55047  
operator of the facility or proposed facility is a motor vehicle 55048  
salvage dealer licensed under Chapter 4738. of the Revised Code. 55049

(3) A person applying for coverage under ~~a national pollutant~~ 55050  
~~discharge elimination system~~ an NPDES general discharge permit for 55051  
household sewage treatment systems shall pay the following fees: 55052

(a) A nonrefundable fee of two hundred dollars at the time of 55053  
application for initial permit coverage; 55054

(b) A nonrefundable fee of one hundred dollars at the time of 55055  
application for a renewal of permit coverage. 55056

(T) The director may adopt, amend, and rescind rules in 55057  
accordance with Chapter 119. of the Revised Code that do all of 55058  
the following: 55059

(1) Prescribe fees to be paid by applicants for and holders 55060  
of any license, permit, variance, plan approval, or certification 55061  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 55062  
the Revised Code that are not specifically established in this 55063  
section. The fees shall be designed to defray the cost of 55064  
processing, issuing, revoking, modifying, denying, and enforcing 55065  
the licenses, permits, variances, plan approvals, and 55066  
certifications. 55067

The director shall transmit all moneys collected under rules 55068  
adopted under division (T)(1) of this section pursuant to Chapter 55069  
6109. of the Revised Code to the treasurer of state for deposit 55070  
into the drinking water protection fund created in section 6109.30 55071  
of the Revised Code. 55072

The director shall transmit all moneys collected under rules 55073  
adopted under division (T)(1) of this section pursuant to Chapter 55074  
6111. of the Revised Code to the treasurer of state for deposit 55075  
into the surface water protection fund created in section 6111.038 55076  
of the Revised Code. 55077

(2) Exempt the state and political subdivisions thereof, 55078  
including education facilities or medical facilities owned by the 55079  
state or a political subdivision, or any person exempted from 55080  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 55081  
any fee required by this section; 55082

(3) Provide for the waiver of any fee, or any part thereof, 55083  
otherwise required by this section whenever the director 55084  
determines that the imposition of the fee would constitute an 55085  
unreasonable cost of doing business for any applicant, class of 55086  
applicants, or other person subject to the fee; 55087

(4) Prescribe measures that the director considers necessary 55088  
to carry out this section. 55089

(U) When the director reasonably demonstrates that the direct 55090  
cost to the state associated with the issuance of a permit ~~to~~ 55091  
~~install~~, license, variance, plan approval, or certification 55092  
exceeds the fee for the issuance or review specified by this 55093  
section, the director may condition the issuance or review on the 55094  
payment by the person receiving the issuance or review of, in 55095  
addition to the fee specified by this section, the amount, or any 55096  
portion thereof, in excess of the fee specified under this 55097  
section. The director shall not so condition issuances for which a 55098  
fee is prescribed in division ~~(L)(1)(b)~~(S)(1)(c)(iii) of this 55099  
section. 55100

(V) Except as provided in divisions (L), (M), ~~and~~ (P), and 55101  
(S) of this section or unless otherwise prescribed by a rule of 55102  
the director adopted pursuant to Chapter 119. of the Revised Code, 55103

all fees required by this section are payable within thirty days 55104  
after the issuance of an invoice for the fee by the director or 55105  
the effective date of the issuance of the license, permit, 55106  
variance, plan approval, or certification. If payment is late, the 55107  
person responsible for payment of the fee shall pay an additional 55108  
ten per cent of the amount due for each month that it is late. 55109

(W) As used in this section, "fuel-burning equipment," 55110  
"fuel-burning equipment input capacity," "incinerator," 55111  
"incinerator input capacity," "process," "process weight rate," 55112  
"storage tank," "gasoline dispensing facility," "dry cleaning 55113  
facility," "design flow discharge," and "new source treatment 55114  
works" have the meanings ascribed to those terms by applicable 55115  
rules or standards adopted by the director under Chapter 3704. or 55116  
6111. of the Revised Code. 55117

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 55118  
(J) of this section, and in any other provision of this section 55119  
pertaining to fees paid pursuant to Chapter 3704. of the Revised 55120  
Code: 55121

(1) "Facility," "federal Clean Air Act," "person," and "Title 55122  
V permit" have the same meanings as in section 3704.01 of the 55123  
Revised Code. 55124

(2) "Title V permit program" means the following activities 55125  
as necessary to meet the requirements of Title V of the federal 55126  
Clean Air Act and 40 C.F.R. part 70, including at least: 55127

(a) Preparing and adopting, if applicable, generally 55128  
applicable rules or guidance regarding the permit program or its 55129  
implementation or enforcement; 55130

(b) Reviewing and acting on any application for a Title V 55131  
permit, permit revision, or permit renewal, including the 55132  
development of an applicable requirement as part of the processing 55133  
of a permit, permit revision, or permit renewal; 55134



(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;	55135 55136 55137
(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;	55138 55139 55140
(e) Emission and ambient monitoring;	55141
(f) Modeling, analyses, or demonstrations;	55142
(g) Preparing inventories and tracking emissions;	55143
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	55144 55145 55146 55147 55148 55149 55150
(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.	55151 55152 55153
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due.	55154 55155 55156 55157 55158 55159 55160 55161 55162 55163
(2)(a) Except as provided in division (Y)(2)(d) of this	55164

section, each sewage sludge facility shall pay a minimum annual  
sewage sludge fee of one hundred dollars. 55165  
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(b) The annual sludge fee required to be paid by a sewage  
sludge facility that treats or disposes of exceptional quality  
sludge in this state shall be thirty-five per cent less per dry  
ton of exceptional quality sludge than the fee assessed under  
division (Y)(1) of this section, subject to the following  
exceptions: 55167  
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(i) Except as provided in division (Y)(2)(d) of this section,  
a sewage sludge facility that treats or disposes of exceptional  
quality sludge shall pay a minimum annual sewage sludge fee of one  
hundred dollars. 55173  
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(ii) A sewage sludge facility that treats or disposes of  
exceptional quality sludge shall not be required to pay the annual  
sludge fee for treatment or disposal in this state of exceptional  
quality sludge generated outside of this state and contained in  
bags or other containers not greater than one hundred pounds in  
capacity. 55177  
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A thirty-five per cent reduction for exceptional quality  
sludge applies to the maximum annual fees established under  
division (Y)(3) of this section. 55183  
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(c) A sewage sludge facility that transfers sewage sludge to  
another sewage sludge facility in this state for further treatment  
prior to disposal in this state shall not be required to pay the  
annual sludge fee for the tons of sewage sludge that have been  
transferred. In such a case, the sewage sludge facility that  
disposes of the sewage sludge shall pay the annual sludge fee.  
However, the facility transferring the sewage sludge shall pay the  
one-hundred-dollar minimum fee required under division (Y)(2)(a)  
of this section. 55186  
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In the case of a sewage sludge facility that treats sewage 55195

sludge in this state and transfers it out of this state to another 55196  
entity for disposal, the sewage sludge facility in this state 55197  
shall be required to pay the annual sludge fee for the tons of 55198  
sewage sludge that have been transferred. 55199

(d) A sewage sludge facility that generates sewage sludge 55200  
resulting from an average daily discharge flow of less than five 55201  
thousand gallons per day is not subject to the fees assessed under 55202  
division (Y) of this section. 55203

(3) No sewage sludge facility required to pay the annual 55204  
sludge fee shall be required to pay more than the maximum annual 55205  
fee for each disposal method that the sewage sludge facility uses. 55206  
The maximum annual fee does not include the additional amount that 55207  
may be charged under division (Y)(5) of this section for late 55208  
payment of the annual sludge fee. The maximum annual fee for the 55209  
following methods of disposal of sewage sludge is as follows: 55210

(a) Incineration: five thousand dollars; 55211

(b) Preexisting land reclamation project or disposal in a 55212  
landfill: five thousand dollars; 55213

(c) Land application, land reclamation, surface disposal, or 55214  
any other disposal method not specified in division (Y)(3)(a) or 55215  
(b) of this section: twenty thousand dollars. 55216

(4)(a) In the case of an entity that generates sewage sludge 55217  
or a sewage sludge facility that treats sewage sludge and 55218  
transfers the sewage sludge to an incineration facility for 55219  
disposal, the incineration facility, and not the entity generating 55220  
the sewage sludge or the sewage sludge facility treating the 55221  
sewage sludge, shall pay the annual sludge fee for the tons of 55222  
sewage sludge that are transferred. However, the entity or 55223  
facility generating or treating the sewage sludge shall pay the 55224  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 55225  
of this section. 55226

(b) In the case of an entity that generates sewage sludge and transfers the sewage sludge to a landfill for disposal or to a sewage sludge facility for land reclamation or surface disposal, the entity generating the sewage sludge, and not the landfill or sewage sludge facility, shall pay the annual sludge fee for the tons of sewage sludge that are transferred.

(5) Not later than the first day of April of the calendar year following March 17, 2000, and each first day of April thereafter, the director shall issue invoices to persons who are required to pay the annual sludge fee. The invoice shall identify the nature and amount of the annual sludge fee assessed and state the first day of May as the deadline for receipt by the director of objections regarding the amount of the fee and the first day of July as the deadline for payment of the fee.

Not later than the first day of May following receipt of an invoice, a person required to pay the annual sludge fee may submit objections to the director concerning the accuracy of information regarding the number of dry tons of sewage sludge used to calculate the amount of the annual sludge fee or regarding whether the sewage sludge qualifies for the exceptional quality sludge discount established in division (Y)(2)(b) of this section. The director may consider the objections and adjust the amount of the fee to ensure that it is accurate.

If the director does not adjust the amount of the annual sludge fee in response to a person's objections, the person may appeal the director's determination in accordance with Chapter 119. of the Revised Code.

Not later than the first day of June, the director shall notify the objecting person regarding whether the director has found the objections to be valid and the reasons for the finding. If the director finds the objections to be valid and adjusts the amount of the annual sludge fee accordingly, the director shall

issue with the notification a new invoice to the person 55259  
identifying the amount of the annual sludge fee assessed and 55260  
stating the first day of July as the deadline for payment. 55261

Not later than the first day of July, any person who is 55262  
required to do so shall pay the annual sludge fee. Any person who 55263  
is required to pay the fee, but who fails to do so on or before 55264  
that date shall pay an additional amount that equals ten per cent 55265  
of the required annual sludge fee. 55266

(6) The director shall transmit all moneys collected under 55267  
division (Y) of this section to the treasurer of state for deposit 55268  
into the surface water protection fund created in section 6111.038 55269  
of the Revised Code. The moneys shall be used to defray the costs 55270  
of administering and enforcing provisions in Chapter 6111. of the 55271  
Revised Code and rules adopted under it that govern the use, 55272  
storage, treatment, or disposal of sewage sludge. 55273

(7) Beginning in fiscal year 2001, and every two years 55274  
thereafter, the director shall review the total amount of moneys 55275  
generated by the annual sludge fees to determine if that amount 55276  
exceeded six hundred thousand dollars in either of the two 55277  
preceding fiscal years. If the total amount of moneys in the fund 55278  
exceeded six hundred thousand dollars in either fiscal year, the 55279  
director, after review of the fee structure and consultation with 55280  
affected persons, shall issue an order reducing the amount of the 55281  
fees levied under division (Y) of this section so that the 55282  
estimated amount of moneys resulting from the fees will not exceed 55283  
six hundred thousand dollars in any fiscal year. 55284

If, upon review of the fees under division (Y)(7) of this 55285  
section and after the fees have been reduced, the director 55286  
determines that the total amount of moneys collected and 55287  
accumulated is less than six hundred thousand dollars, the 55288  
director, after review of the fee structure and consultation with 55289  
affected persons, may issue an order increasing the amount of the 55290

fees levied under division (Y) of this section so that the 55291  
estimated amount of moneys resulting from the fees will be 55292  
approximately six hundred thousand dollars. Fees shall never be 55293  
increased to an amount exceeding the amount specified in division 55294  
(Y)(7) of this section. 55295

Notwithstanding section 119.06 of the Revised Code, the 55296  
director may issue an order under division (Y)(7) of this section 55297  
without the necessity to hold an adjudicatory hearing in 55298  
connection with the order. The issuance of an order under this 55299  
division is not an act or action for purposes of section 3745.04 55300  
of the Revised Code. 55301

(8) As used in division (Y) of this section: 55302

(a) "Sewage sludge facility" means an entity that performs 55303  
treatment on or is responsible for the disposal of sewage sludge. 55304

(b) "Sewage sludge" means a solid, semi-solid, or liquid 55305  
residue generated during the treatment of domestic sewage in a 55306  
treatment works as defined in section 6111.01 of the Revised Code. 55307  
"Sewage sludge" includes, but is not limited to, scum or solids 55308  
removed in primary, secondary, or advanced wastewater treatment 55309  
processes. "Sewage sludge" does not include ash generated during 55310  
the firing of sewage sludge in a sewage sludge incinerator, grit 55311  
and screenings generated during preliminary treatment of domestic 55312  
sewage in a treatment works, animal manure, residue generated 55313  
during treatment of animal manure, or domestic septage. 55314

(c) "Exceptional quality sludge" means sewage sludge that 55315  
meets all of the following qualifications: 55316

(i) Satisfies the class A pathogen standards in 40 C.F.R. 55317  
503.32(a); 55318

(ii) Satisfies one of the vector attraction reduction 55319  
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 55320

- (iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13; 55321  
55322
- (iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13. 55323  
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- (d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge. 55325  
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- (e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator. 55328  
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- (f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil. 55331  
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- (g) "Land reclamation" means the returning of disturbed land to productive use. 55336  
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- (h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites. 55338  
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- (i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device. 55342  
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- (j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway. 55346  
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- (k) "Annual sludge fee" means the fee assessed under division 55350

(Y)(1) of this section. 55351

(l) "Landfill" means a sanitary landfill facility, as defined 55352  
in rules adopted under section 3734.02 of the Revised Code, that 55353  
is licensed under section 3734.05 of the Revised Code. 55354

(m) "Preexisting land reclamation project" means a 55355  
property-specific land reclamation project that has been in 55356  
continuous operation for not less than five years pursuant to 55357  
approval of the activity by the director and includes the 55358  
implementation of a community outreach program concerning the 55359  
activity. 55360

**Sec. 3751.01.** As used in this chapter: 55361

(A) "Confidential business information" means the types or 55362  
categories of information identified in rules adopted by the 55363  
administrator of the United States environmental protection agency 55364  
under ~~division (A)(1)(g) of section 3751.02 of the Revised Code~~ 55365  
EPCRA. 55366

(B) "EPCRA" means the "Emergency Planning and Community 55367  
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, et 55368  
seq. 55369

(C) "Facility" means all buildings, equipment, structures, 55370  
and other stationary items that are located on a single site or on 55371  
contiguous or adjacent sites and that are owned or operated by the 55372  
same person or by any person who controls, is controlled by, or is 55373  
under common control with such person. 55374

~~(C)~~(D) "Manufacture" means the production, preparation, 55375  
importation, or compounding of a toxic chemical. The term also 55376  
applies to a toxic chemical produced coincidentally during the 55377  
manufacture, processing, use, or disposal of another substance or 55378  
mixture including, without limitation, byproducts and coproducts 55379  
that are separated from the other substance or mixture and 55380



impurities that remain in that substance or mixture. 55381

~~(D)~~(E) "Person" includes the state, any political subdivision 55382  
or other state or local body, the United States and any agency or 55383  
instrumentality thereof, and any entity defined as a person under 55384  
section 1.59 of the Revised Code. 55385

~~(E)~~(F) "Process" means the preparation of a toxic chemical 55386  
after its manufacture for distribution in commerce: 55387

(1) In the same form or physical state as, or in a different 55388  
form or physical state from, that in which it was received by the 55389  
person so preparing such chemical; 55390

(2) As part of an article containing the toxic chemical. 55391

~~(F)~~(G) "Release" means any spilling, leaking, pumping, 55392  
pouring, emitting, emptying, discharging, injecting, escaping, 55393  
leaching, dumping, or discharging into the environment of any 55394  
toxic chemical including, without limitation, the abandonment or 55395  
discarding of barrels, containers, and other closed receptacles 55396  
that contained a toxic chemical. 55397

~~(G)~~(H) "Toxic chemical" means a chemical listed in rules 55398  
adopted by the administrator of the United States environmental 55399  
protection agency ~~under division (A)(1)(a) of section 3751.02 of~~ 55400  
~~the Revised Code EPCRA.~~ 55401

**Sec. 3751.02.** ~~(A)~~ The director of environmental protection 55402  
~~shall~~ may do any of the following: 55403

~~(1)~~(A) Adopt rules in accordance with Chapter 119. of the 55404  
Revised Code ~~that are consistent with and equivalent in scope,~~ 55405  
~~content, and coverage to, and no more stringent than section 313~~ 55406  
~~of the "Emergency Planning and Community Right To Know Act of~~ 55407  
~~1986," 100 Stat. 1741, 42 U.S.C.A. 11023, and regulations adopted~~ 55408  
~~under that section:~~ 55409

~~(a) Identifying and listing toxic chemicals, establishing~~ 55410

~~threshold quantities for any such chemical used, manufactured, or 55411  
processed at a facility that differ from and supersede a threshold 55412  
quantity prescribed in division (C) of section 3751.03 of the 55413  
Revised Code, and establishing ranges of quantities of those 55414  
chemicals to be used in preparing toxic chemical release forms 55415  
under that section. The rules may establish different annual 55416  
threshold quantities based upon whether a toxic chemical is used, 55417  
manufactured, or processed at a facility or based upon classes of 55418  
chemicals or categories of facilities. 55419~~

~~(b) Adding or deleting standard industrial classification 55420  
codes from the list in division (A)(1) of section 3751.03 of the 55421  
Revised Code establishing the categories of facilities subject to 55422  
the reporting requirements of that section; 55423~~

~~(c) Applying the reporting requirements of section 3751.03 of 55424  
the Revised Code to owners or operators of individual facilities 55425  
in this state that manufacture, process, or otherwise use a toxic 55426  
chemical, in addition to those subject to the reporting 55427  
requirements of that section pursuant to the criteria contained in 55428  
it or rules adopted under division (A)(1)(a) or (b) of this 55429  
section; 55430~~

~~(d) Modifying the frequency for submitting the report 55431  
required by division (A) of section 3751.03 of the Revised Code 55432  
applicable to; 55433~~

~~(i) All toxic chemical release forms required to be submitted 55434  
by division (A) of section 3751.03 of the Revised Code; 55435~~

~~(ii) A class of toxic chemicals or a category of facilities; 55436~~

~~(iii) A specific toxic chemical; 55437~~

~~(iv) A specific facility. 55438~~

~~(e) Establishing procedures for receiving and fulfilling 55439  
requests from the public for information held by the director 55440~~



of 1986," 100 Stat. 1741, 42 U.S.C.A. 10041 EPCRA, request the 55472  
administrator of the United States environmental protection agency 55473  
to apply the toxic chemical release reporting requirements of 55474  
~~section 313~~ of that act to the owner or operator of any facility 55475  
in this state that manufactures, processes, or otherwise uses a 55476  
toxic chemical if, in the director's judgment, such reporting is 55477  
warranted by the toxicity of the toxic chemical manufactured, 55478  
processed, or otherwise used at the facility; the proximity of the 55479  
facility to other facilities that release the toxic chemical or to 55480  
population centers; or the history of releases of the toxic 55481  
chemical at the facility; 55482

~~(2)(C)~~ As the representative of the governor pursuant to 55483  
~~section 313(e)(2)~~ of the "~~Emergency Planning and Community~~ 55484  
~~Right To Know Act of 1986,~~" 100 Stat. 1741, 42 U.S.C.A. 11041 55485  
EPCRA, petition the administrator to, by regulation, add a 55486  
chemical to or delete a chemical from the list of toxic chemicals 55487  
subject to the toxic chemical release reporting requirements of 55488  
~~section 313~~ of that act if, in the director's judgment, the 55489  
chemical meets the criteria of ~~paragraph (d)(2) or (3)~~ of required 55490  
by that section act. 55491

**Sec. 3751.03.** (A)(1) On or before the first day of July of 55492  
each year or as otherwise prescribed ~~in rules adopted by the~~ 55493  
administrator of the United States environmental protection agency 55494  
~~under division (A)(1)(d) of section 3751.02 of the Revised Code~~ 55495  
EPCRA, the owner or operator of a facility ~~that is in standard~~ 55496  
~~industrial classification codes 20 to 39 and any other codes added~~ 55497  
~~by rules adopted under division (A)(1)(b) of section 3751.02 of~~ 55498  
~~the Revised Code, as those standard industrial classification~~ 55499  
~~codes were in effect on July 1, 1985, that has ten or more~~ 55500  
~~full-time employees, and that manufactured, processed, or~~ 55501  
~~otherwise used during the preceding calendar year a toxic chemical~~ 55502  
~~in an amount exceeding the applicable threshold quantity~~ 55503

~~established in division (C) of this section or otherwise~~ 55504  
~~prescribed in rules adopted under division (A)(1)(a) of section~~ 55505  
~~3751.02 of the Revised Code, described in division (A)(2) of this~~ 55506  
~~section shall prepare and submit to the director of environmental~~ 55507  
~~protection administrator a completed toxic chemical release form~~ 55508  
~~for each toxic chemical that was so manufactured, processed, or~~ 55509  
~~otherwise used at the facility during the preceding calendar year.~~ 55510  
~~The electronic submission of the form to the administrator~~ 55511  
~~constitutes simultaneous submission of the form to the director of~~ 55512  
~~environmental protection for purposes of EPCRA. The~~ 55513

(2) Division (A)(1) of this section applies to the owner or 55514  
operator of a facility to which all of the following apply: 55515

(a) The facility is in standard industrial classification 55516  
codes 20 to 39, as those codes were in effect on July 1, 1985, or 55517  
in any other applicable code added by the administrator. 55518

(b) The owner or operator has ten or more full-time 55519  
employees. 55520

(c) The facility manufactured, processed, or otherwise used 55521  
during the calendar year immediately preceding the first day of 55522  
July or date otherwise prescribed by the administrator, a toxic 55523  
chemical in an amount exceeding the applicable threshold quantity 55524  
established by the administrator under EPCRA. 55525

(3) The owner or operator shall submit the information 55526  
~~required by division (B) of this section on a uniform toxic~~ 55527  
~~chemical release form prescribed by the administrator under~~ 55528  
~~division (A)(3) of section 3751.02 of the Revised Code EPCRA. If~~ 55529  
~~the director has not prescribed the form, an owner or operator~~ 55530  
~~shall submit the information required to be included on the form~~ 55531  
~~under that division to the director by means of a letter~~ 55532  
~~postmarked not later than the date on which the form is due under~~ 55533  
~~this division.~~ 55534

~~(2) In addition to the owners or operators of facilities meeting the criteria enumerated in division (A)(1) of this section, the owners and operators of facilities identified in rules adopted under division (A)(1)(c) of section 3751.02 of the Revised Code shall comply with division (A)(1) of this section. Division (A)(1) of this section does not apply to the owner or operator of a facility in a standard industrial classification code that has been deleted from the list in division (A)(1) of this section by rules adopted under division (A)(1)(b) of section 3751.02 of the Revised Code.~~

~~(B) The uniform toxic chemical release form shall contain all of the following information:~~

~~(1) The name, location of, and principal business activities conducted at the facility;~~

~~(2) Each of the following items of information regarding the toxic chemical:~~

~~(a) Whether the toxic chemical is manufactured, processed, or otherwise used and the general category or categories of use of the chemical;~~

~~(b) An estimate of the maximum amount in pounds of the toxic chemical present at the facility at any time during the preceding calendar year. The estimate shall be provided in the appropriate reporting range established by rules adopted under division (A)(1)(a) of section 3751.02 of the Revised Code.~~

~~(c) The waste treatment or disposal methods employed for each waste stream and an estimate of the efficiency typically achieved by those methods for that waste stream;~~

~~(d) The quantity of the toxic chemical entering each environmental medium annually;~~

~~(e) An indication as to whether the owner or operator chooses~~

~~to withhold information about it as a trade secret and, if so, 55565  
whether the owner or operator has filed a claim with the 55566  
administrator of the United States environmental protection agency 55567  
for protection of that information as a trade secret pursuant to 55568  
rules adopted under division (A)(2) of section 3751.02 of the 55569  
Revised Code. 55570~~

~~(3) An appropriate certification regarding the accuracy and 55571  
completeness of the report, signed by an official of the owner or 55572  
operator with management responsibility. 55573~~

~~(C) The threshold amounts for purposes of reporting toxic 55574  
chemicals under this section are as follow: 55575~~

~~(1) With respect to a toxic chemical used at a facility, ten 55576  
thousand pounds for the applicable calendar year; 55577~~

~~(2) With respect to a toxic chemical manufactured or 55578  
processed at a facility: 55579~~

~~(a) For the form required to be submitted on or before July 55580  
1, 1989, fifty thousand pounds per year; 55581~~

~~(b) For the form required to be submitted on or before July 55582  
1, 1990, and for each year thereafter, twenty five thousand pounds 55583  
per year; 55584~~

~~(c) Such other threshold quantities as may be prescribed by 55585  
rules adopted under division (A)(1)(a) of section 3751.02 of the 55586  
Revised Code. 55587~~

~~(D)(B) The toxic chemical release forms required by this 55588  
section are intended to provide information to federal, state, and 55589  
local governments and the public, including residents of 55590  
communities surrounding facilities covered by this section. 55591  
Subject to the limitations prescribed in section 3751.04 of the 55592  
Revised Code and rules adopted under division (A)(1)(f) of section 55593  
3751.02 of the Revised Code governing the protection of trade 55594~~

~~secrets and confidential business information, the director, upon~~ 55595  
~~request, shall make toxic chemical release forms submitted under~~ 55596  
~~this section available to inform persons about releases of toxic~~ 55597  
~~chemicals to the environment, to assist government agencies,~~ 55598  
~~researchers, and other persons in conducting research and~~ 55599  
~~gathering data, to aid in the development of appropriate rules,~~ 55600  
~~guidelines, standards, and emergency plans, and for other similar~~ 55601  
~~purposes.~~ 55602

~~(E)(C)~~ No owner or operator of a facility who is required by 55603  
this section to file a toxic chemical release form shall fail to 55604  
submit a toxic chemical release form as required by this section. 55605

~~(F)(D)~~ An owner or operator of a facility who is required 55606  
under this section to file a toxic chemical release form and who 55607  
knowingly makes a false statement on that form, on a record upon 55608  
which the information on that form is based, or on other 55609  
information or records required to be kept or submitted under this 55610  
chapter and the rules adopted under this chapter is guilty of 55611  
falsification under section 2921.13 of the Revised Code. 55612

**Sec. 3751.04.** (A) Except as otherwise provided in division 55613  
(D) of this section, any person required to provide information ~~to~~ 55614  
~~the director of environmental protection~~ under section 3751.03 of 55615  
the Revised Code may withhold from submission ~~to the director or~~ 55616  
~~any other person~~ the specific chemical identity, including the 55617  
chemical name and other specific identification, of the toxic 55618  
chemical on the grounds that the information constitutes a trade 55619  
secret if either of the following conditions is met: 55620

(1)(a) At the time of submitting the information sought to be 55621  
classified as a trade secret, the owner or operator of the 55622  
facility submits a claim for protection of that information as a 55623  
trade secret pursuant to ~~rules adopted~~ regulations promulgated by 55624  
the administrator of the United States environmental protection 55625



~~agency under division (A)(2) of section 3751.02 of the Revised Code EPCRA, and submits a copy of the required toxic chemical release form that indicates that such a claim has been filed and contains the generic class or category of the identity in place of the identity and that is accompanied by a copy of the substantiation supporting the trade secret claim that was submitted to the administrator of the United States environmental protection agency. The owner or operator may withhold from the copy of the explanations and supplemental information submitted to the director information identified as confidential business information in rules adopted under division (A)(1)(g) of section 3751.02 of the Revised Code.~~ 55626  
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(b) A determination of the claim remains pending pursuant to those ~~rules~~ regulations. 55638  
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(2) It has been determined by the administrator pursuant to ~~rules adopted under division (A)(2) of section 3751.02 of the Revised Code~~ those regulations that a trade secret exists. 55640  
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(B) No person shall withhold the specific identity of a toxic chemical on the grounds that the information is a trade secret in either of the following instances: 55643  
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(1) From any toxic chemical release form if it has been determined by the administrator pursuant to ~~rules adopted regulations promulgated under division (A)(2) of section 3751.02 of the Revised Code EPCRA~~ that no trade secret exists; 55646  
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(2) When required to provide the specific chemical identity to a health professional, physician, or nurse pursuant to division (D) of this section. 55650  
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(C) The governor may, pursuant to ~~section 322 of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042~~ EPCRA, request the administrator of the United States environmental protection agency to provide 55653  
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specific chemical identities that are claimed or have been 55657  
determined to be trade secret information or the explanations and 55658  
supplemental information supporting trade secret protection claims 55659  
regarding facilities located in this state that are subject to 55660  
this chapter. The governor shall not make any trade secret or 55661  
confidential information obtained under this division available to 55662  
any member of the emergency planning commission created in section 55663  
3750.02 of the Revised Code or to any member of a local emergency 55664  
planning committee of an emergency planning district established 55665  
under section 3750.03 of the Revised Code who is not also an 55666  
officer or employee of the state or a political subdivision. Any 55667  
trade secret or confidential business information obtained under 55668  
this division shall be protected from unauthorized disclosure ~~in~~ 55669  
~~accordance with rules adopted under division (A)(1)(f) of section~~ 55670  
~~3751.02 of the Revised Code.~~ 55671

(D)(1) The owner or operator of a facility that is subject to 55672  
section 3751.03 of the Revised Code shall provide the specific 55673  
chemical identity of a toxic chemical, if the specific chemical 55674  
identity is known, to any health professional who submits to the 55675  
owner or operator a written request and statement of need for the 55676  
specific chemical identity. The written statement of need shall be 55677  
a statement of the health professional that the health 55678  
professional has a reasonable basis to believe that all of the 55679  
following conditions pertain to the request: 55680

(a) The information is needed for purposes of diagnosis or 55681  
treatment of an individual; 55682

(b) The individual being diagnosed or treated has been 55683  
exposed to the chemical concerned; 55684

(c) Knowledge of the specific chemical identity of the 55685  
chemical will assist in diagnosis and treatment. 55686

An owner or operator to whom such a written request and 55687

statement of need is submitted shall provide the requested 55688  
information to the health professional promptly after receiving 55689  
the request and statement of need, subject to division (D)(4) of 55690  
this section. 55691

(2) The owner or operator of a facility that is subject to 55692  
section 3751.03 of the Revised Code shall provide a copy of a 55693  
toxic chemical release form that contains the specific chemical 55694  
identity of a toxic chemical, if the specific chemical identity is 55695  
known, to any treating physician or nurse who requests that 55696  
information if the physician or nurse determines that all of the 55697  
following conditions pertain to the request: 55698

(a) A medical emergency exists; 55699

(b) The specific chemical identity of the chemical concerned 55700  
is necessary for or will assist in emergency or first aid 55701  
diagnosis or treatment; 55702

(c) The individual being diagnosed or treated has been 55703  
exposed to the chemical concerned. 55704

The owner or operator shall provide the requested information 55705  
to the physician or nurse immediately upon receiving such a 55706  
request. The owner or operator shall not require any such treating 55707  
physician or nurse to provide a written confidentiality agreement 55708  
or statement of need as a precondition for disclosure of a 55709  
specific chemical identity under this division; however, the owner 55710  
or operator may require the treating physician or nurse to provide 55711  
a written confidentiality agreement under division (D)(4) of this 55712  
section and a statement setting forth the conditions listed in 55713  
divisions (D)(2)(a) to (c) of this section as soon after the 55714  
disclosure is made as circumstances permit. 55715

(3) The owner or operator of a facility that is subject to 55716  
section 3751.03 of the Revised Code shall provide the specific 55717  
chemical identity of a toxic chemical, if the specific chemical 55718

identity is known, to any health professional, including, without 55719  
limitation, a physician, toxicologist, or epidemiologist, who is 55720  
either employed by or under contract with a political subdivision 55721  
and who submits to the owner or operator a written request for the 55722  
information, a written statement of need for the information that 55723  
meets the requirements of division (D)(3) of this section, and a 55724  
written confidentiality agreement under division (D)(4) of this 55725  
section. The owner or operator shall promptly after receipt of the 55726  
written request, statement of need, and confidentiality agreement 55727  
provide the requested information to the local health professional 55728  
who requested it. 55729

The written statement of need for a specific chemical 55730  
identity required by division (D)(3) of this section shall 55731  
describe with reasonable detail one or more of the following 55732  
health needs for the information: 55733

(a) To assess exposure of persons living in a local community 55734  
to the hazards of the chemical concerned; 55735

(b) To conduct or assess sampling to determine exposure 55736  
levels of various population groups to the chemical concerned; 55737

(c) To conduct periodic medical surveillance of population 55738  
groups exposed to the chemical concerned; 55739

(d) To provide medical treatment to individuals or population 55740  
groups exposed to the chemical concerned; 55741

(e) To conduct studies to determine the health effects of 55742  
exposure to the chemical concerned; 55743

(f) To conduct studies to aid in the identification of a 55744  
chemical that may reasonably be anticipated to cause an observed 55745  
health effect. 55746

(4) Any person who obtains information under division (D)(1) 55747  
or (3) of this section shall, as a precondition for receiving that 55748

information, enter into a written confidentiality agreement with 55749  
the owner or operator of the facility from whom the information 55750  
was requested that the person will not use the information for any 55751  
purpose other than the health needs asserted in the statement of 55752  
need provided thereunder, except as otherwise may be authorized by 55753  
the terms of the agreement or by the person providing the 55754  
information. 55755

(E) An officer or employee of the environmental protection 55756  
agency shall not request the owner or operator of a facility 55757  
subject to this chapter to submit to the officer or employee a 55758  
trade secret claim, toxic chemical release form required by 55759  
section 3751.03 of the Revised Code, substantiation of a trade 55760  
secret claim, or explanation or supporting information or copy 55761  
thereof pertaining to a trade secret claim, that contains any 55762  
information claimed or determined to be a trade secret ~~pursuant to~~ 55763  
~~rules adopted under division (A)(2) of section 3751.02 of the~~ 55764  
~~Revised Code~~ or identified as confidential business information ~~by~~ 55765  
~~rules adopted under division (A)(1)(g) of that section~~ EPCRA. If 55766  
any officer or employee of the agency knows or has reason to 55767  
believe that a trade secret claim, toxic chemical release form, 55768  
substantiation, or explanation or supporting information 55769  
pertaining to a trade secret claim contains any such information, 55770  
the officer or employee immediately shall return it to the owner 55771  
or operator of the facility who submitted it without reading it 55772  
and shall request the owner or operator to submit the appropriate 55773  
report or substantiation that does not contain the information 55774  
claimed or determined to be a trade secret or so identified as 55775  
confidential business information. 55776

(F) No officer or employee of the environmental protection 55777  
agency, health professional, physician, nurse, or other person who 55778  
receives information claimed or determined to be a trade secret 55779  
~~pursuant to rules adopted under division (A)(2) of section 3751.02~~ 55780

~~of the Revised Code or identified as confidential business~~ 55781  
~~information by rules adopted by regulations promulgated by the~~ 55782  
~~administrator under division (A)(1)(g) of section 3751.02 of the~~ 55783  
~~Revised Code EPCRA shall release any information so classified or~~ 55784  
~~identified to any person not authorized to have that information~~ 55785  
~~under division (C) of this section or rules adopted under division~~ 55786  
~~(A)(1)(f) of section 3751.02 of the Revised Code. A violation of~~ 55787  
~~this division is not also a violation of section 2913.02 or~~ 55788  
~~2913.04 of the Revised Code.~~ 55789

**Sec. 3751.05.** ~~(A) The owner or operator of a facility~~ 55790  
~~required to annually file one or more toxic chemical release forms~~ 55791  
~~under section 3751.03 of the Revised Code shall submit with the~~ 55792  
~~release forms a filing fee of fifty dollars. In addition to the~~ 55793  
~~filing fee, the owner or operator shall submit an additional fee~~ 55794  
~~of fifteen dollars per release form filed but not exceeding a~~ 55795  
~~total additional fee of five hundred dollars.~~ 55796

~~(B) An owner or operator of a facility who fails to submit a~~ 55797  
~~toxic chemical release form within thirty days after the~~ 55798  
~~applicable filing date prescribed in that section shall submit~~ 55799  
~~with the form a late filing fee of fifteen per cent of the total~~ 55800  
~~fees due under division (A) of this section, whichever is more, in~~ 55801  
~~addition to the fees due under that division.~~ 55802

~~(C) The director of environmental protection may establish~~ 55803  
~~fees to be paid by persons, other than public officers or~~ 55804  
~~employees, obtaining copies of documents or information submitted~~ 55805  
~~to the director under this chapter and rules adopted under it. The~~ 55806  
~~fee shall be established at a level calculated to defray the costs~~ 55807  
~~of copying the documents or information. The director may charge~~ 55808  
~~the actual costs involved in accessing any computerized data base~~ 55809  
~~established by him under this chapter or by the administrator of~~ 55810  
~~the United States environmental protection agency under the~~ 55811

~~"Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11002, needed to fulfill a request for information regarding releases of toxic chemicals for which reporting is required by this chapter and rules adopted under it.~~

~~(D) All moneys received by the director under this section and all civil penalties received under division (B) of section 3751.10 of the Revised Code shall be credited to the toxic chemical release reporting fund, hereby created in the state treasury. Moneys credited to the fund shall be expended by the director exclusively for the purposes of implementing, administering, and enforcing this chapter and the rules adopted and orders issued under it.~~

**Sec. 3751.10.** (A) The attorney general, the prosecuting attorney of the county, or the city director of law of the city where a violation has occurred or is occurring, upon the written request of the director of environmental protection, shall prosecute to termination or bring an action for injunction against any person who has violated or is violating any section of this chapter or any rule adopted or order issued under it. The court of common pleas in which an action for injunction is filed has the jurisdiction to and shall grant preliminary and permanent injunctive relief upon a showing that the person against whom the action is brought has violated or is violating any section of this chapter or a rule adopted or order issued under it. The court shall give precedence to such an action over all other cases.

Upon the certified written request of any person, the director shall conduct such investigations and make such inquiries as are necessary to secure compliance with this chapter or rules adopted or orders issued under it. The director may, upon request or upon ~~his~~ the director's own initiative, investigate or make inquiries into any violation of this chapter or rules adopted or

orders issued under it. 55843

(B) Whoever violates division ~~(E)~~(C) of section 3751.03, 55844  
division (B)(1) or (2) of section 3751.04 of the Revised Code, or 55845  
an order issued under this chapter, shall pay a civil penalty of 55846  
not more than twenty-five thousand dollars for each day of 55847  
violation. The attorney general, the prosecuting attorney of the 55848  
county, or the city director of law of the city where a violation 55849  
of this chapter or a rule adopted or order issued under it has 55850  
occurred or is occurring, upon the written request of the 55851  
director, shall bring an action for imposition of a civil penalty 55852  
under this division against any person who has committed or is 55853  
committing any such violation. All civil penalties received under 55854  
this division shall be credited to the toxic chemical release 55855  
reporting fund created in section 3751.05 of the Revised Code. 55856

(C) Any action for injunction or civil penalties under 55857  
division (A) or (B) of this section is a civil action governed by 55858  
the Rules of Civil Procedure. 55859

**Sec. 3751.11.** A member of the emergency response commission, 55860  
officer or employee of the environmental protection agency, member 55861  
or employee of a local emergency planning committee, officer or 55862  
employee of a fire department, health professional, physician, 55863  
nurse, or other person who receives information classified as a 55864  
trade secret ~~pursuant to rules adopted under division (A)(2) of~~ 55865  
~~section 3751.02 of the Revised Code~~ or identified as confidential 55866  
business information ~~by rules adopted under division (A)(1)(g) of~~ 55867  
~~section 3751.02 of the Revised Code~~ pursuant to EPCRA and who 55868  
violates division (F) of section 3751.04 of the Revised Code or 55869  
otherwise discloses information classified as a trade secret or 55870  
identified as confidential business information pursuant to ~~those~~ 55871  
~~rules that act~~ to a person not authorized to have that information 55872  
under division (C) of section 3751.04 of the Revised Code or ~~rules~~ 55873



~~adopted under division (A)(1)(f) of section 3751.02 of the Revised Code EPCRA~~, is liable in damages in a civil action to the owner of the trade secret information for any injury or loss to person or property sustained by ~~him~~ the owner resulting from the violation or unauthorized disclosure of that information. Any owner of information so classified as a trade secret or identified as confidential business information who, as a result of a violation of division (F) of section 3751.04 of the Revised Code or by disclosure of trade secret or confidential business information to a person not authorized to have it pursuant to division (C) of section 3751.04 of the Revised Code or ~~rules adopted under division (A)(1)(f) of section 3751.02 of the Revised Code EPCRA~~, sustains any injury or loss to person or property may bring a civil action for damages and other appropriate relief against the person who violated that division or otherwise disclosed the trade secret or confidential business information to a person not so authorized to have it.

In such a civil action, if the plaintiff establishes by a preponderance of the evidence, and if the trier of fact finds, that the defendant violated that division or otherwise disclosed information classified as a trade secret or identified as confidential business information to a person not so authorized to have it, and that the plaintiff sustained injury or loss to person or property as a result of the violation or unauthorized disclosure of the information, the trier of fact may award compensatory damages and such other relief as the trier of fact finds appropriate.

In any civil action under this section the court may award costs and reasonable attorney's fees to the prevailing party.

Liability imposed under this section for a violation of division (F) of section 3751.04 of the Revised Code is in addition to other civil liability, if any, under the Revised Code or common

law of this state and in addition to any criminal penalty that is 55906  
imposed for the same violation under section 3751.99 of the 55907  
Revised Code. 55908

**Sec. 3769.087.** (A) In addition to the commission of eighteen 55909  
per cent retained by each permit holder as provided in section 55910  
3769.08 of the Revised Code, each permit holder shall retain an 55911  
additional amount equal to four per cent of the total of all 55912  
moneys wagered on each racing day on all wagering pools other than 55913  
win, place, and show, of which amount retained an amount equal to 55914  
three per cent of the total of all moneys wagered on each racing 55915  
day on those pools shall be paid in the manner prescribed under 55916  
section 3769.103 of the Revised Code, as a tax. Subject to the 55917  
restrictions contained in divisions (B), (C), and (M) of section 55918  
3769.08 of the Revised Code, from such additional moneys paid to 55919  
the tax commissioner: 55920

(1) Four-sixths shall be allocated to fund distribution as 55921  
provided in division (M) of section 3769.08 of the Revised Code. 55922

(2) One-twelfth shall be paid into the Ohio fairs fund 55923  
created by section 3769.082 of the Revised Code. 55924

(3) ~~One-sixth~~ One-twelfth of the additional moneys paid to 55925  
the tax commissioner by thoroughbred racing permit holders shall 55926  
be paid into the Ohio thoroughbred race fund created by section 55927  
3769.083 of the Revised Code. 55928

(4) One-twelfth of the additional moneys paid to the tax 55929  
commissioner by harness horse racing permit holders shall be paid 55930  
to the Ohio standardbred development fund created by section 55931  
3769.085 of the Revised Code. 55932

(5) One-sixth shall be paid into the state racing commission 55933  
operating fund created by section 3769.03 of the Revised Code. 55934

(6) One-twelfth of the additional moneys paid to the tax 55935

commissioner by quarterhorse racing permit holders shall be paid 55936  
into the Ohio thoroughbred race fund created by section 3769.083 55937  
of the Revised Code to support quarterhorse development and 55938  
purses. 55939

The remaining one per cent that is retained of the total of 55940  
all moneys wagered on each racing day on all pools other than win, 55941  
place, and show, shall be retained by racing permit holders, and, 55942  
except as otherwise provided in section 3769.089 of the Revised 55943  
Code, racing permit holders shall use one-half for purse money and 55944  
retain one-half. 55945

(B) In addition to the commission of eighteen per cent 55946  
retained by each permit holder as provided in section 3769.08 of 55947  
the Revised Code and the additional amount retained by each permit 55948  
holder as provided in division (A) of this section, each permit 55949  
holder shall retain an additional amount equal to one-half of one 55950  
per cent of the total of all moneys wagered on each racing day on 55951  
all wagering pools other than win, place, and show. The additional 55952  
amount retained under this division shall be paid in the manner 55953  
prescribed under section 3769.103 of the Revised Code, as a tax. 55954  
The tax commissioner shall pay the amount of the tax received 55955  
under this division to the state racing commission operating fund 55956  
created by section 3769.03 of the Revised Code. 55957

(C) Unless otherwise agreed to by the video lottery sales 55958  
agent and the applicable horsemen's association recognized by the 55959  
state racing commission to represent such persons, within ninety 55960  
days after September 29, 2013, for video lottery sales agents 55961  
operating as such on September 29, 2013, or within six months 55962  
after the date a video lottery sales agent begins operating as 55963  
such for video lottery sales agents not operating as such on 55964  
September 29, 2013, the state racing commission shall direct 55965  
through rule that a percentage of the lottery sales agent's 55966  
commission as determined by the state lottery commission for 55967

conducting video lottery terminal gaming on behalf of the state be 55968  
paid to the state racing commission for the benefit of breeding 55969  
and racing in this state. The percentage so determined shall not 55970  
be less than nine per cent or more than eleven per cent of the 55971  
video lottery terminal income, and shall be a sliding scale based 55972  
upon capital expenditures necessary to build the video lottery 55973  
sales agent's facility. The aggregate of one hundred per cent of 55974  
video lottery terminal income minus the lottery sales agent's 55975  
commission percentage as determined by the state lottery 55976  
commission plus the percentage of the lottery sale agent's 55977  
commission, as determined by the state racing commission or 55978  
otherwise agreed to by the video lottery sales agent and the 55979  
applicable horsemen's association recognized by the state racing 55980  
commission to represent such persons, for the benefit of breeding 55981  
and racing in this state shall not exceed forty-five per cent of 55982  
the video lottery terminal income. In addition, beginning July 1, 55983  
2013, the state lottery commission shall adopt a rule to require 55984  
the lottery sales agent conducting video lottery terminal gaming 55985  
on behalf of the state to disperse to the state lottery commission 55986  
one-half of one per cent of such a lottery sales agent's 55987  
commission for the purpose of providing funding support to 55988  
appropriate state agencies for programs that provide for gambling 55989  
addiction and other related addiction services. The state lottery 55990  
commission's rule also may require the lottery sales agent 55991  
conducting video lottery terminal gaming on behalf of the state to 55992  
disperse to the state lottery commission an additional amount up 55993  
to one-half of one per cent of such a lottery sales agent's 55994  
commission for that purpose. 55995

**Sec. 3770.02.** (A) Subject to the advice and consent of the 55996  
senate, the governor shall appoint a director of the state lottery 55997  
commission who shall serve at the pleasure of the governor. The 55998  
director shall devote full time to the duties of the office and 55999

shall hold no other office or employment. The director shall meet 56000  
all requirements for appointment as a member of the commission and 56001  
shall, by experience and training, possess management skills that 56002  
equip the director to administer an enterprise of the nature of a 56003  
state lottery. The director shall receive an annual salary in 56004  
accordance with pay range 48 of section 124.152 of the Revised 56005  
Code. 56006

(B)(1) The director shall attend all meetings of the 56007  
commission and shall act as its secretary. The director shall keep 56008  
a record of all commission proceedings and shall keep the 56009  
commission's records, files, and documents at the commission's 56010  
principal office. All records of the commission's meetings shall 56011  
be available for inspection by any member of the public, upon a 56012  
showing of good cause and prior notification to the director. 56013

(2) The director shall be the commission's executive officer 56014  
and shall be responsible for keeping all commission records and 56015  
supervising and administering the state lottery in accordance with 56016  
this chapter, and carrying out all commission rules adopted under 56017  
section 3770.03 of the Revised Code. 56018

(C)(1) The director shall appoint ~~an assistant director,~~ 56019  
~~deputy directors of marketing, operations, sales, finance, public~~ 56020  
~~relations, security, and administration, as necessary~~ and as many 56021  
regional managers as are required. The director may also appoint 56022  
necessary professional, technical, and clerical assistants. All 56023  
such officers and employees shall be appointed and compensated 56024  
pursuant to Chapter 124. of the Revised Code. Regional and 56025  
assistant regional managers, sales representatives, and any 56026  
lottery executive account representatives shall remain in the 56027  
unclassified service. The assistant director shall act as director 56028  
in the absence or disability of the director. If the director does 56029  
not appoint an assistant director, the director shall designate a 56030  
deputy director to act as director in the absence or disability of 56031

the director. 56032

(2) The director, in consultation with the director of 56033  
administrative services, may establish standards of proficiency 56034  
and productivity for commission field representatives. 56035

(D) The director shall request the bureau of criminal 56036  
identification and investigation, the department of public safety, 56037  
or any other state, local, or federal agency to supply the 56038  
director with the criminal records of any job applicant and may 56039  
periodically request the criminal records of commission employees. 56040  
At or prior to the time of making such a request, the director 56041  
shall require a job applicant or commission employee to obtain 56042  
fingerprint cards prescribed by the superintendent of the bureau 56043  
of criminal identification and investigation at a qualified law 56044  
enforcement agency, and the director shall cause these fingerprint 56045  
cards to be forwarded to the bureau of criminal identification and 56046  
investigation and the federal bureau of investigation. The 56047  
commission shall assume the cost of obtaining the fingerprint 56048  
cards and shall pay to each agency supplying criminal records for 56049  
each investigation under this division a reasonable fee, as 56050  
determined by the agency. 56051

(E) The director shall license lottery sales agents pursuant 56052  
to section 3770.05 of the Revised Code and, when it is considered 56053  
necessary, may revoke or suspend the license of any lottery sales 56054  
agent. The director may license video lottery technology 56055  
providers, independent testing laboratories, and gaming employees, 56056  
and promulgate rules relating thereto. When the director considers 56057  
it necessary, the director may suspend or revoke the license of a 56058  
video lottery technology provider, independent testing laboratory, 56059  
or gaming employee, including suspension or revocation without 56060  
affording an opportunity for a prior hearing under section 119.07 56061  
of the Revised Code when the public safety, convenience, or trust 56062  
requires immediate action. 56063

(F) The director shall confer at least once each month with the commission, at which time the director shall advise it regarding the operation and administration of the lottery. The director shall make available at the request of the commission all documents, files, and other records pertaining to the operation and administration of the lottery. The director shall prepare and make available to the commission each month a complete and accurate accounting of lottery revenues, prize money disbursements and the cost of goods and services awarded as prizes, operating expenses, and all other relevant financial information, including an accounting of all transfers made from any lottery funds in the custody of the treasurer of state to benefit education.

(G) The director may enter into contracts for the operation or promotion of the lottery pursuant to Chapter 125. of the Revised Code.

(H)(1) Pursuant to rules adopted by the commission under section 3770.03 of the Revised Code, the director shall require any lottery sales agents to deposit to the credit of the state lottery fund, in banking institutions designated by the treasurer of state, net proceeds due the commission as determined by the director.

(2) Pursuant to rules adopted by the commission under Chapter 119. of the Revised Code, the director may impose penalties for the failure of a sales agent to transfer funds to the commission in a timely manner. Penalties may include monetary penalties, immediate suspension or revocation of a license, or any other penalty the commission adopts by rule.

(I) The director may arrange for any person, or any banking institution, to perform functions and services in connection with the operation of the lottery as the director may consider necessary to carry out this chapter.

(J)(1) As used in this chapter, "statewide joint lottery game" means a lottery game that the commission sells solely within this state under an agreement with other lottery jurisdictions to sell the same lottery game solely within their statewide or other jurisdictional boundaries. 56095  
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(2) If the governor directs the director to do so, the director shall enter into an agreement with other lottery jurisdictions to conduct statewide joint lottery games. If the governor signs the agreement personally or by means of an authenticating officer pursuant to section 107.15 of the Revised Code, the director then may conduct statewide joint lottery games under the agreement. 56100  
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56102  
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(3) The entire net proceeds from any statewide joint lottery games shall be used to fund elementary, secondary, vocational, and special education programs in this state. 56107  
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56109

(4) The commission shall conduct any statewide joint lottery games in accordance with rules it adopts under division (B)(5) of section 3770.03 of the Revised Code. 56110  
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56112

(K)(1) The director shall enter into an agreement with the department of mental health and addiction services under which the department shall provide a program of gambling addiction services on behalf of the commission. The commission shall pay the costs of the program provided pursuant to the agreement. 56113  
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56115  
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56117

(2) As used in this section, "gambling addiction services" has the same meaning as in section 5119.01 of the Revised Code. 56118  
56119

**Sec. 3770.03.** (A) The state lottery commission shall promulgate rules under which a statewide lottery may be conducted, which includes, and since the original enactment of this section has included, the authority for the commission to operate video lottery terminal games. Any reference in this chapter to tickets 56120  
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56122  
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shall not be construed to in any way limit the authority of the 56125  
commission to operate video lottery terminal games. Nothing in 56126  
this chapter shall restrict the authority of the commission to 56127  
promulgate rules related to the operation of games utilizing video 56128  
lottery terminals as described in section 3770.21 of the Revised 56129  
Code. The rules shall be promulgated pursuant to Chapter 119. of 56130  
the Revised Code, except that instant game rules shall be 56131  
promulgated pursuant to section 111.15 of the Revised Code but are 56132  
not subject to division (D) of that section. Subjects covered in 56133  
these rules shall include, but need not be limited to, the 56134  
following: 56135

(1) The type of lottery to be conducted; 56136

(2) The prices of tickets in the lottery; 56137

(3) The number, nature, and value of prize awards, the manner 56138  
and frequency of prize drawings, and the manner in which prizes 56139  
shall be awarded to holders of winning tickets. 56140

(B) The commission shall promulgate rules, in addition to 56141  
those described in division (A) of this section, pursuant to 56142  
Chapter 119. of the Revised Code under which a statewide lottery 56143  
and statewide joint lottery games may be conducted. Subjects 56144  
covered in these rules shall include, but not be limited to, the 56145  
following: 56146

(1) The locations at which lottery tickets may be sold and 56147  
the manner in which they are to be sold. These rules may authorize 56148  
the sale of lottery tickets by commission personnel or other 56149  
licensed individuals from traveling show wagons at the state fair, 56150  
and at any other expositions the director of the commission 56151  
considers acceptable. These rules shall prohibit commission 56152  
personnel or other licensed individuals from soliciting from an 56153  
exposition the right to sell lottery tickets at that exposition, 56154  
but shall allow commission personnel or other licensed individuals 56155

to sell lottery tickets at an exposition if the exposition 56156  
requests commission personnel or licensed individuals to do so. 56157  
These rules may also address the accessibility of sales agent 56158  
locations to commission products in accordance with the "Americans 56159  
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 56160  
et seq. These rules may not permit a lottery sales agent to accept 56161  
a credit card for the purchase of a lottery ticket, except for a 56162  
video lottery terminal as provided in rule 3770:2-7-01 of the 56163  
Administrative Code. 56164

(2) The manner in which lottery sales revenues are to be 56165  
collected, including authorization for the director to impose 56166  
penalties for failure by lottery sales agents to transfer revenues 56167  
to the commission in a timely manner; 56168

(3) ~~The~~ Except as otherwise provided in division (B)(6) of 56169  
this section, the amount of compensation to be paid to licensed 56170  
lottery sales agents; 56171

(4) The substantive criteria for the licensing of lottery 56172  
sales agents consistent with section 3770.05 of the Revised Code, 56173  
and procedures for revoking or suspending their licenses 56174  
consistent with Chapter 119. of the Revised Code. If 56175  
circumstances, such as the nonpayment of funds owed by a lottery 56176  
sales agent, or other circumstances related to the public safety, 56177  
convenience, or trust, require immediate action, the director may 56178  
suspend a license without affording an opportunity for a prior 56179  
hearing under section 119.07 of the Revised Code. 56180

(5) Special game rules to implement any agreements signed by 56181  
the governor that the director enters into with other lottery 56182  
jurisdictions under division (J) of section 3770.02 of the Revised 56183  
Code to conduct statewide joint lottery games. The rules shall 56184  
require that the entire net proceeds of those games that remain, 56185  
after associated operating expenses, prize disbursements, lottery 56186  
sales agent bonuses, commissions, and reimbursements, and any 56187

other expenses necessary to comply with the agreements or the 56188  
rules are deducted from the gross proceeds of those games, be 56189  
transferred to the lottery profits education fund under division 56190  
(B) of section 3770.06 of the Revised Code. 56191

(6) The commission to be paid to a video lottery sales agent, 56192  
which shall be sixty-six per cent of the agent's video lottery 56193  
terminal income; 56194

(7) Any other subjects the commission determines are 56195  
necessary for the operation of video lottery terminal games, 56196  
including the establishment of any fees, fines, ~~or~~ payment 56197  
schedules, or the establishment of a voluntary exclusion program. 56198

(C) Chapter 2915. of the Revised Code does not apply to, 56199  
affect, or prohibit lotteries conducted pursuant to this chapter. 56200

(D) The commission may promulgate rules, in addition to those 56201  
described in divisions (A) and (B) of this section, that establish 56202  
standards governing the display of advertising and celebrity 56203  
images on lottery tickets and on other items that are used in the 56204  
conduct of, or to promote, the statewide lottery and statewide 56205  
joint lottery games. Any revenue derived from the sale of 56206  
advertising displayed on lottery tickets and on those other items 56207  
shall be considered, for purposes of section 3770.06 of the 56208  
Revised Code, to be related proceeds in connection with the 56209  
statewide lottery or gross proceeds from statewide joint lottery 56210  
games, as applicable. 56211

(E)(1) The commission shall meet with the director at least 56212  
once each month and shall convene other meetings at the request of 56213  
the chairperson or any five of the members. No action taken by the 56214  
commission shall be binding unless at least five of the members 56215  
present vote in favor of the action. A written record shall be 56216  
made of the proceedings of each meeting and shall be transmitted 56217  
forthwith to the governor, the president of the senate, the senate 56218

minority leader, the speaker of the house of representatives, and 56219  
the house minority leader. 56220

(2) The director shall present to the commission a report 56221  
each month, showing the total revenues, prize disbursements, and 56222  
operating expenses of the state lottery for the preceding month. 56223  
As soon as practicable after the end of each fiscal year, the 56224  
commission shall prepare and transmit to the governor and the 56225  
general assembly a report of lottery revenues, prize 56226  
disbursements, and operating expenses for the preceding fiscal 56227  
year and any recommendations for legislation considered necessary 56228  
by the commission. 56229

**Sec. 3770.22.** (A) Any information concerning the following 56230  
that is submitted, collected, or gathered as part of an 56231  
application to the state lottery commission for a video lottery 56232  
related license under this chapter is confidential and not subject 56233  
to disclosure by a state agency or political subdivision as a 56234  
public record under section 149.43 of the Revised Code: 56235

(1) A dependent of an applicant; 56236

(2) The social security number, passport number, or federal 56237  
tax identification number of an applicant or the spouse of an 56238  
applicant; 56239

(3) The home address and telephone number of an applicant or 56240  
the spouse or dependent of an applicant; 56241

(4) An applicant's birth certificate; 56242

(5) The driver's license number of an applicant or the 56243  
applicant's spouse; 56244

(6) The name or address of a previous spouse of the 56245  
applicant; 56246

(7) The date of birth of the applicant and the spouse of an 56247  
applicant; 56248

(8) The place of birth of the applicant and the spouse of an applicant;	56249 56250
(9) The personal financial information and records of an applicant or of an employee or the spouse or dependent of an applicant, including tax returns and information, and records of criminal proceedings;	56251 56252 56253 56254
(10) Any information concerning a victim of domestic violence, sexual assault, or stalking;	56255 56256
(11) The electronic mail address of the spouse or family member of the applicant;	56257 56258
(12) Any trade secret, medical records, and patents or exclusive licenses;	56259 56260
(13) Security information, including risk prevention plans, detection and countermeasures, location of count rooms or other money storage areas, emergency management plans, security and surveillance plans, equipment and usage protocols, and theft and fraud prevention plans and countermeasures;	56261 56262 56263 56264 56265
(14) Information provided in a multijurisdictional personal history disclosure form, including the Ohio supplement, exhibits, attachments, and updates.	56266 56267 56268
(B) The individual's name, the individual's place of employment, the individual's job title, and the individual's gaming experience that is provided for an individual who holds, held, or has applied for a video lottery related license under this chapter is not confidential. The reason for denial or revocation of a video lottery related license or for disciplinary action against the individual is not confidential.	56269 56270 56271 56272 56273 56274 56275
(C) An individual who holds, held, or has applied for a video lottery related license under this chapter may waive the confidentiality requirements of division (A) of this section.	56276 56277 56278

(D) Confidential information received by the commission from 56279  
another jurisdiction relating to a person who holds, held, or has 56280  
applied for a license under this chapter is confidential and not 56281  
subject to disclosure as a public record under section 149.43 of 56282  
the Revised Code. The commission may share the information 56283  
referenced in this division with, or disclose the information to, 56284  
the inspector general, any appropriate prosecuting authority, any 56285  
law enforcement agency, or any other appropriate governmental or 56286  
licensing agency, if the agency that receives the information 56287  
complies with the same requirements regarding confidentiality as 56288  
those with which the commission must comply. 56289

The applicant shall complete a cover sheet for the 56290  
application on which the applicant shall disclose the applicant's 56291  
name, the business address of the lottery sales agent, management 56292  
company, holding company, or gaming-related vendor employing the 56293  
applicant, the business address and telephone number of such 56294  
employer, and the county, state, and country in which the 56295  
applicant's residence is located. 56296

(E) The identity and personal information of a person 56297  
participating in a voluntary exclusion program implemented either 56298  
by the lottery commission or a video lottery terminal sales agent 56299  
shall be confidential and only shall be disseminated according to 56300  
the following: 56301

(1) The commission may disseminate the information to a video 56302  
lottery terminal sales agent and the agents and employees of the 56303  
agent for purposes of enforcement. 56304

(2) A video lottery terminal sales agent operating a 56305  
voluntary exclusion program may disseminate the information to the 56306  
agents, employees of the agent, and to the commission for purposes 56307  
of enforcement. 56308

(3) Either the commission or a video lottery terminal sales 56309

agent operating a voluntary exclusion program may disseminate the 56310  
information to other entities upon request of the participant and 56311  
agreement by the commission. 56312

**Sec. 3794.03. Areas where smoking is not regulated by this** 56313  
**chapter.** 56314

The following shall be exempt from the provisions of this 56315  
chapter: 56316

(A) Private residences, except during the hours of operation 56317  
as a child care or adult care facility for compensation, during 56318  
the hours of operation as a business by a person other than a 56319  
person residing in the private residence, or during the hours of 56320  
operation as a business, when employees of the business, who are 56321  
not residents of the private residence or are not related to the 56322  
owner, are present. 56323

(B) Rooms for sleeping in hotels, motels and other lodging 56324  
facilities designated as smoking rooms; provided, however, that 56325  
not more than twenty ~~percent~~ per cent of sleeping rooms may be so 56326  
designated. 56327

(C) Family-owned and operated places of employment in which 56328  
all employees are related to the owner, but only if the enclosed 56329  
areas of the place of employment are not open to the public, are 56330  
in a ~~free-standing~~ freestanding structure occupied solely by the 56331  
place of employment, and smoke from the place of employment does 56332  
not migrate into an enclosed area where smoking is prohibited 56333  
under the provisions of this chapter. 56334

(D) Any nursing home, as defined in division (A) of section 56335  
3721.10~~(A)~~ of the Revised Code, but only to the extent necessary 56336  
to comply with division (A)(18) of section 3721.13~~(A)(18)~~ of the 56337  
Revised Code. If indoor smoking area is provided by a nursing home 56338  
for residents of the nursing home, the designated indoor smoking 56339

area shall be separately enclosed and separately ventilated so 56340  
that tobacco smoke does not enter, through entrances, windows, 56341  
ventilation systems, or other means, any areas where smoking is 56342  
otherwise prohibited under this chapter. Only residents of the 56343  
nursing home may utilize the designated indoor smoking area for 56344  
smoking. A nursing home may designate specific times when the 56345  
indoor smoking area may be used for such purpose. No employee of a 56346  
nursing home shall be required to accompany a resident into a 56347  
designated indoor smoking area or perform services in such area 56348  
when being used for smoking. 56349

(E) Retail tobacco stores ~~as defined in section 3794.01(H) of~~ 56350  
~~this chapter~~ in operation prior to ~~the effective date of this~~ 56351  
~~section~~ December 7, 2006. The retail tobacco store shall annually 56352  
file with the department of health by the thirty-first day of 56353  
January ~~thirty-first~~ an affidavit stating the percentage of its 56354  
gross income during the prior calendar year that was derived from 56355  
the sale of cigars, cigarettes, pipes, or other smoking devices 56356  
for smoking tobacco and related smoking accessories. Any retail 56357  
tobacco store that begins operation after ~~the effective date of~~ 56358  
~~this section~~ December 7, 2006, or any existing retail tobacco 56359  
store that relocates to another location after ~~the effective date~~ 56360  
~~of this section~~ December 7, 2006, may only qualify for this 56361  
exemption if located in a freestanding structure occupied solely 56362  
by the business and smoke from the business does not migrate into 56363  
an enclosed area where smoking is prohibited under the provisions 56364  
of this chapter. 56365

(F) Outdoor patios ~~as defined in Section 3794.01(I) of this~~ 56366  
~~chapter~~. All outdoor patios shall be physically separated from an 56367  
enclosed area. If windows or doors form any part of the partition 56368  
between an enclosed area and the outdoor patio, the openings shall 56369  
be closed to prevent the migration of smoke into the enclosed 56370  
area. If windows or doors do not prevent the migration of smoke 56371



into the enclosed area, the outdoor patio shall be considered an extension of the enclosed area and subject to the prohibitions of this chapter.

(G) Private clubs as defined in division (B)(13) of section 4301.01~~(B)(13)~~ of the Revised Code, provided all of the following apply: the club has no employees; the club is organized as a not\_for\_profit entity; only members of the club are present in the club's building; no persons under the age of eighteen are present in the club's building; the club is located in a freestanding structure occupied solely by the club; smoke from the club does not migrate into an enclosed area where smoking is prohibited under the provisions of this chapter; and, if the club serves alcohol, it holds a valid D4 liquor permit.

(H) An enclosed space in a laboratory facility at an accredited college or university, when used solely and exclusively for clinical research activities by a person, organization, or other entity conducting institutional review board-approved scientific or medical research related to the health effects of smoking or the use of tobacco products. The enclosed space shall not be open to the public and shall be designed to minimize exposure of nonsmokers to smoke. The program administrator shall annually file a notice of new research with the department of health on a form prescribed by the department.

Sec. 3901.89. Beginning on the effective date of this section and ending on the last day of the 132nd General Assembly, there shall be a moratorium on any new health care mandates impacting individual and group health insurance plans that are not subject to the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq.

Sec. 3901.90. The superintendent of insurance, in

consultation with the director of mental health and addiction 56402  
services, shall develop consumer and payer education on mental 56403  
health and addiction services insurance parity and establish and 56404  
promote a consumer hotline to collect information and help 56405  
consumers understand and access their insurance benefits. 56406

The department of insurance and the department of mental 56407  
health and addiction services shall jointly report annually on the 56408  
department's efforts, which shall include information on consumer 56409  
and payer outreach activities and identification of trends and 56410  
barriers to access and coverage in this state. The departments 56411  
shall submit the report to the general assembly, the joint 56412  
medicaid oversight committee, and the governor, not later than the 56413  
thirtieth day of January of each year. 56414

**Sec. 3923.041.** (A) As used in this section: 56415

(1) "Chronic condition" means a medical condition that has 56416  
persisted after reasonable efforts have been made to relieve or 56417  
cure its cause and has continued, either continuously or 56418  
episodically, for longer than six continuous months. 56419

(2) "Clinical peer" means a health care practitioner in the 56420  
same or in a similar, specialty that typically manages the medical 56421  
condition, procedure, or treatment under review. 56422

(3) "Covered person" means a person receiving coverage for 56423  
health services under a policy of sickness and accident insurance 56424  
or a public employee benefit plan. 56425

(4) "Emergency service" has the same meaning as in section 56426  
1753.28 of the Revised Code. 56427

(5) "Fraudulent or materially incorrect information" means 56428  
any type of intentional deception or misrepresentation made by a 56429  
person with the knowledge that the deception could result in some 56430  
unauthorized benefit to the covered person in question. 56431

(6) "Health care practitioner" has the same meaning as in section 3701.74 of the Revised Code. 56432  
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(7) "NCPDP SCRIPT standard" means the national council for prescription drug programs SCRIPT standard version 201310 or the most recent standard adopted by the United States department of health and human services. 56434  
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(8) "Prior authorization requirement" means any practice implemented by either a sickness and accident insurer or a public employee benefit plan in which coverage of a health care service, device, or drug is dependent upon a covered person or a health care practitioner obtaining approval from the insurer or plan prior to the service, device, or drug being performed, received, or prescribed, as applicable. "Prior authorization" includes prospective or utilization review procedures conducted prior to providing a health care service, device, or drug. 56438  
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(9) "Urgent care services" means a medical care or other service for a condition where application of the timeframe for making routine or non-life threatening care determinations is either of the following: 56447  
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(a) Could seriously jeopardize the life, health, or safety of the patient or others due to the patient's psychological state; 56451  
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(b) In the opinion of a practitioner with knowledge of the patient's medical or behavioral condition, would subject the patient to adverse health consequences without the care or treatment that is the subject of the request. 56453  
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(10) "Utilization review" and "utilization review organization" have the same meanings as in section 1751.77 of the Revised Code. 56457  
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(B) If a policy issued by a sickness and accident insurer or a public employee benefit plan contains a prior authorization requirement, then all of the following apply: 56460  
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(1) For policies issued on or after January 1, 2018, the insurer or plan shall permit health care practitioners to access the prior authorization form through the applicable electronic software system.

(2)(a) For policies issued on or after January 1, 2018, the insurer or plan, or other payer acting on behalf of the insurer or plan, to accept prior authorization requests through a secure electronic transmission.

(b) For policies issued on or after January 1, 2018, the insurer or plan, a pharmacy benefit manager responsible for handling prior authorization requests, or other payer acting on behalf of the insurer or plan shall accept and respond to prior prescription benefit authorization requests through a secure electronic transmission using NCPDP SCRIPT standard ePA transactions, and for prior medical benefit authorization requests through a secure electronic transmission using standards established by the council for affordable quality health care on operating rules for information exchange or its successor.

(c) For purposes of division (B)(2) of this section, neither of the following shall be considered a secure electronic transmission:

(i) A facsimile;

(ii) A proprietary payer portal for prescription drug requests that does not use NCPDP SCRIPT standard.

(3) For policies issued on or after January 1, 2018, a health care practitioner and an insurer or plan may enter into a contractual arrangement under which the insurer or plan agrees to process prior authorization requests that are not submitted electronically because of the financial hardship that electronic submission of prior authorization requests would create for the health care practitioner or if internet connectivity is limited or

unavailable where the health care practitioner is located. 56494

(4)(a) For policies issued on or after January 1, 2018, if 56495  
the health care practitioner submits the request for prior 56496  
authorization electronically as described in divisions (B)(1) and 56497  
(2) of this section, the insurer or plan shall respond to all 56498  
prior authorization requests within forty-eight hours for urgent 56499  
care services, or ten calendar days for any prior authorization 56500  
request that is not for an urgent care service, of the time the 56501  
request is received by the insurer or plan. Division (B)(4) of 56502  
this section does not apply to emergency services. 56503

(b) The response required under division (B)(4)(a) of this 56504  
section shall indicate whether the request is approved or denied. 56505  
If the prior authorization is denied, the insurer or plan shall 56506  
provide the specific reason for the denial. 56507

(c) If the prior authorization request is incomplete, the 56508  
insurer or plan shall indicate the specific additional information 56509  
that is required to process the request. 56510

(5)(a) For policies issued on or after January 1, 2018, if a 56511  
health care practitioner submits a prior authorization request as 56512  
described in divisions (B)(1) and (2) of this section, the insurer 56513  
or plan shall provide an electronic receipt to the health care 56514  
practitioner acknowledging that the prior authorization request 56515  
was received. 56516

(b) For policies issued on or after January 1, 2018, if an 56517  
issuer or plan requests additional information that is required to 56518  
process a prior authorization request as described in division 56519  
(B)(4)(c) of this section, the health care practitioner shall 56520  
provide an electronic receipt to the issuer or plan acknowledging 56521  
that the request for additional information was received. 56522

(6)(a) For policies issued on or after January 1, 2017, for a 56523  
prior approval related to a chronic condition, the insurer or plan 56524

shall honor a prior authorization approval for an approved drug 56525  
for the lesser of the following from the date of the approval: 56526

- (i) Twelve months; 56527
- (ii) The last day of the covered person's eligibility under 56528  
the policy or plan. 56529
- (b) The duration of all other prior authorization approvals 56530  
shall be dictated by the policy or plan. 56531
- (c) An insurer or plan, in relation to prior approval under 56532  
division (B)(6)(a) of this section, may require a health care 56533  
practitioner to submit information to the insurer or plan 56534  
indicating that the patient's chronic condition has not changed. 56535
- (i) The request for information by the insurer or plan and 56536  
the response by the health care practitioner shall be in an 56537  
electronic format, which may be by electronic mail or other 56538  
electronic communication. 56539
- (ii) The frequency of the submission of requested information 56540  
shall be consistent with medical or scientific evidence, as 56541  
defined in section 3922.01 of the Revised Code, but shall not be 56542  
required more frequently than quarterly. 56543
- (iii) If the health care practitioner does not respond within 56544  
five calendar days from the date the request was received, the 56545  
insurer or plan may terminate the twelve-month approval. 56546
- (d) A twelve-month approval provided under division (B)(6)(a) 56547  
of this section is no longer valid and automatically terminates if 56548  
there are changes to federal or state laws or federal regulatory 56549  
guidance or compliance information prescribing that the drug in 56550  
question is no longer approved or safe for the intended purpose. 56551
- (e) A twelve-month approval provided under division (B)(6)(a) 56552  
of this section does not apply to and is not required for any of 56553  
the following: 56554

(i) Medications that are prescribed for a non-maintenance condition;	56555 56556
(ii) Medications that have a typical treatment of less than one year;	56557 56558
(iii) Medications that require an initial trial period to determine effectiveness and tolerability, beyond which a one-year, or greater, prior authorization period will be given;	56559 56560 56561
(iv) Medications where there is medical or scientific evidence as defined in section 3922.01 of the Revised Code that do not support a twelve-month prior approval;	56562 56563 56564
(v) Medications that are a schedule I or II controlled substance or any opioid analgesic or benzodiazepine, as defined in section 3719.01 of the Revised Code;	56565 56566 56567
(vi) Medications that are not prescribed by an in-network provider as part of the care management program.	56568 56569
(7) For policies issued on or after January 1, 2017, an insurer or plan may, but is not required to, provide the twelve-month approval prescribed in division (B)(6)(a) of this section for a prescription drug that meets either of the following:	56570 56571 56572 56573 56574
(a) The drug is prescribed or administered to treat a rare medical condition and pursuant to medical or scientific evidence as defined in section 3922.01 of the Revised Code.	56575 56576 56577
(b) Medications that are controlled substances not included in division (B)(6)(e)(v) of this section.	56578 56579
For purposes of division (B)(7) of this section, "rare medical condition" means any disease or condition that affects fewer than two hundred thousand individuals in the United States.	56580 56581 56582
(8) Nothing in division (B)(6) or (7) of this section prohibits the substitution, in accordance with section 4729.38 of	56583 56584

the Revised Code, of any drug that has received a twelve-month approval under division (B)(6)(a) of this section when there is a release of either of the following:

(a) A United States food and drug administration approved comparable brand product or a generic counterpart of a brand product that is listed as therapeutically equivalent in the United States food and drug administration's publication titled approved drug products with therapeutic equivalence evaluations;

(b) An interchangeable biological product, as defined in section 3715.01 of the Revised Code.

(9)(a) For policies issued on or after January 1, 2017, upon written request, an insurer or plan shall permit a retrospective review for a claim that is submitted for a service where prior authorization was required but not obtained if the service in question meets all of the following:

(i) The service is directly related to another service for which prior approval has already been obtained and that has already been performed.

(ii) The new service was not known to be needed at the time the original prior authorized service was performed.

(iii) The need for the new service was revealed at the time the original authorized service was performed.

(b) Once the written request and all necessary information is received, the insurer or plan shall review the claim for coverage and medical necessity. The insurer or plan shall not deny a claim for such a new service based solely on the fact that a prior authorization approval was not received for the new service in question.

(10)(a) For policies issued on or after January 1, 2017, the insurer or plan shall disclose to all participating health care



practitioners any new prior authorization requirement at least 56615  
thirty days prior to the effective date of the new requirement. 56616

(b) The notice may be sent via electronic mail or standard 56617  
mail and shall be conspicuously entitled "Notice of Changes to 56618  
Prior Authorization Requirements." The notice is not required to 56619  
contain a complete listing of all changes made to the prior 56620  
authorization requirements, but shall include specific information 56621  
on where the health care practitioner may locate the information 56622  
on the insurer or plan's web site or, if applicable, the insurer's 56623  
or plan's portal. 56624

(c) All participating health care practitioners shall 56625  
promptly notify the insurer or plan of any changes to the health 56626  
care practitioner's electronic mail or standard mail address. 56627

(11)(a) For policies issued on or after January 1, 2017, the 56628  
insurer or plan shall make available to all participating health 56629  
care practitioners on its web site or provider portal a listing of 56630  
its prior authorization requirements, including specific 56631  
information or documentation that a practitioner must submit in 56632  
order for the prior authorization request to be considered 56633  
complete. 56634

(b) The insurer or plan shall make available on its web site 56635  
information about the policies, contracts, or agreements offered 56636  
by the insurer or plan that clearly identifies specific services, 56637  
drugs, or devices to which a prior authorization requirement 56638  
exists. 56639

(12) For policies issued on or after January 1, 2018, the 56640  
insurer or plan shall establish a streamlined appeal process 56641  
relating to adverse prior authorization determinations that shall 56642  
include all of the following: 56643

(a) For urgent care services, the appeal shall be considered 56644  
within forty-eight hours after the insurer or plan receives the 56645

appeal. 56646

(b) For all other matters, the appeal shall be considered 56647  
within ten calendar days after the insurer or plan receives the 56648  
appeal. 56649

(c) The appeal shall be between the health care practitioner 56650  
requesting the service in question and a clinical peer. 56651

(d) If the appeal does not resolve the disagreement, either 56652  
the covered person or an authorized representative as defined in 56653  
section 3922.01 of the Revised Code may request an external review 56654  
under Chapter 3922. of the Revised Code to the extent Chapter 56655  
3922. of the Revised Code is applicable. 56656

(C) For policies issued on or after January 1, 2017, except 56657  
in cases of fraudulent or materially incorrect information, an 56658  
insurer or plan shall not retroactively deny a prior authorization 56659  
for a health care service, drug, or device when all of the 56660  
following are met: 56661

(1) The health care practitioner submits a prior 56662  
authorization request to the insurer or plan for a health care 56663  
service, drug, or device; 56664

(2) The insurer or plan approves the prior authorization 56665  
request after determining that all of the following are true: 56666

(a) The patient is eligible under the health benefit plan. 56667

(b) The health care service, drug, or device is covered under 56668  
the patient's health benefit plan. 56669

(c) The health care service, drug, or device meets the 56670  
insurer's or plan's standards for medical necessity and prior 56671  
authorization. 56672

(3) The health care practitioner renders the health care 56673  
service, drug, or device pursuant to the approved prior 56674  
authorization request and all of the terms and conditions of the 56675

health care practitioner's contract with the insurer or plan; 56676

(4) On the date the health care practitioner renders the 56677  
prior approved health care service, drug, or device, all of the 56678  
following are true: 56679

(a) The patient is eligible under the health benefit plan. 56680

(b) The patient's condition or circumstances related to the 56681  
patient's care has not changed. 56682

(c) The health care practitioner submits an accurate claim 56683  
that matches the information submitted by the health care 56684  
practitioner in the approved prior authorization request. 56685

(5) If the health care practitioner submits a claim that 56686  
includes an unintentional error and the error results in a claim 56687  
that does not match the information originally submitted by the 56688  
health care practitioner in the approved prior authorization 56689  
request, upon receiving a denial of services from the insurer or 56690  
plan, the health care practitioner may resubmit the claim pursuant 56691  
to division (C) of this section with the information that matches 56692  
the information included in the approved prior authorization. 56693

(D) Any provision of a contractual arrangement entered into 56694  
between an insurer or plan and a health care practitioner or 56695  
beneficiary that is contrary to divisions (A) to (C) of this 56696  
section is unenforceable. 56697

(E) For policies issued on or after January 1, 2017, 56698  
committing a series of violations of this section that, taken 56699  
together, constitute a practice or pattern shall be considered an 56700  
unfair and deceptive practice under sections 3901.19 to 3901.26 of 56701  
the Revised Code. 56702

(F) The superintendent of insurance may adopt rules in 56703  
accordance with Chapter 119. of the Revised Code as necessary to 56704  
implement the provisions of this section. 56705

(G) This section does not apply to any of the following types of coverage: a policy, contract, certificate, or agreement that covers only a specified accident, accident only, credit, dental, disability income, long-term care, hospital indemnity, supplemental coverage as described in section 3923.37 of the Revised Code, specified disease, or vision care; a dental benefit that is offered as a part of a policy of sickness and accident insurance or a public employee benefit plan; coverage issued as a supplement to liability insurance; insurance arising out of workers' compensation or similar law; automobile medical payment insurance; insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance; a medicare supplement policy of insurance as defined by the superintendent of insurance by rule; coverage under a plan through medicare or the federal employees benefit program; or any coverage issued under Chapter 55 of Title 10 of the United States Code and any coverage issued as a supplement to that coverage.

**Sec. 3937.32.** (A) No cancellation of an automobile insurance policy is effective, unless it is pursuant to written notice to the insured of cancellation. Such notice shall contain:

~~(A)~~(1) The policy number;

~~(B)~~(2) The date of the notice;

~~(C)~~(3) The effective date of cancellation of the policy, which shall not be earlier than thirty days following the date of the notice;

~~(D)~~(4) An explanation of the reason for cancellation and the information upon which it is based, or a statement that such explanation will be furnished to the insured in writing within five days after receipt of the insured's written request therefor

to the insurer; 56737

~~(E)~~(5) Where cancellation is for nonpayment of premium at 56738  
least ten days notice from the date of mailing of cancellation 56739  
accompanied by the reason therefor shall be given; 56740

~~(F)~~(6) A statement that if there is cause to believe such 56741  
cancellation is based on erroneous information, or is contrary to 56742  
law or the terms of the policy, the insured is entitled to have 56743  
the matter reviewed by the superintendent of insurance, upon 56744  
written application to the superintendent made not later than the 56745  
effective date of cancellation of the policy. 56746

(B) An insurer may include a notice of cancellation for 56747  
nonpayment of premium with a billing notice. Subject to division 56748  
(A)(5) of this section, such a cancellation is effective on or 56749  
after the due date of the bill. 56750

**Sec. 4104.15.** (A) All certificates of inspection for boilers, 56751  
issued prior to October 15, 1965, are valid and effective for the 56752  
period set forth in such certificates unless sooner withdrawn by 56753  
the superintendent of industrial compliance. The owner or user of 56754  
any such boiler shall obtain an appropriate certificate of 56755  
operation for such boiler, and shall not operate such boiler, or 56756  
permit it to be operated unless a certificate of operation has 56757  
been obtained in accordance with section 4104.17 of the Revised 56758  
Code. 56759

(B) ~~If, upon making the internal and external inspection~~ 56760  
~~required under sections 4104.11, 4104.12, and 4104.13 of the~~ 56761  
~~Revised Code, the inspector finds the boiler to be in safe working~~ 56762  
~~order, with the fittings necessary to safety, and properly set up,~~ 56763  
~~upon the inspector's report to the superintendent, the~~ 56764  
~~superintendent shall issue to the owner or user thereof, or renew,~~ 56765  
~~upon application and upon a boiler owner or user is in compliance~~ 56766  
with sections 4104.13, 4104.17, and 4104.18 of the Revised Code, a 56767

the superintendent, upon application, shall issue the boiler owner 56768  
or user a certificate of operation or renew the boiler owner's or 56769  
user's certificate of operation. The certificate of operation 56770  
which shall state: 56771

(1) State the maximum pressure at which the boiler may be 56772  
operated, as ascertained by the rules of the board of building 56773  
standards. ~~Such certificates shall also state,~~ the name of the 56774  
owner or user, the location, size, and number of each boiler, and 56775  
the date of issuance, ~~and shall be;~~ 56776

(2) Be so placed as to be easily read in the engine room or 56777  
boiler room of the plant where the boiler is located, except that 56778  
the certificate of operation for a portable boiler shall be kept 56779  
on the premises and shall be accessible at all times. 56780

(C) If an inspector at any inspection finds that the boiler 56781  
or pressure vessel is not in safe working condition, or is not 56782  
provided with the fittings necessary to safety, or if the fittings 56783  
are improperly arranged, the inspector shall immediately notify 56784  
the owner or user and person in charge of the boiler and shall 56785  
report the same to the superintendent who may revoke, suspend, or 56786  
deny the certificate of operation and not renew the same until the 56787  
boiler or pressure vessel and its fittings are put in condition to 56788  
insure safety of operation, and the owner or user shall not 56789  
operate the boiler or pressure vessel, or permit it to be operated 56790  
until such certificate has been granted or restored. 56791

(D) If the superintendent or a general boiler inspector finds 56792  
that a pressure vessel or boiler or a part thereof poses an 56793  
explosion hazard that reasonably can be regarded as posing an 56794  
imminent danger of death or serious physical harm to persons, the 56795  
superintendent or the general boiler inspector shall seal the 56796  
pressure vessel or boiler and order, in writing, the operator or 56797  
owner of the pressure vessel or boiler to immediately cease the 56798  
pressure vessel's or boiler's operation. The order shall be 56799

effective until the nonconformities are eliminated, corrected, or 56800  
otherwise remedied, or for a period of seventy-two hours from the 56801  
time of issuance, whichever occurs first. During the 56802  
seventy-two-hour period, the superintendent may request that the 56803  
prosecuting attorney or city attorney of Franklin county or of the 56804  
county in which the pressure vessel or boiler is located obtain an 56805  
injunction restraining the operator or owner of the pressure 56806  
vessel or boiler from continuing its operation after the 56807  
seventy-two-hour period expires until the nonconformities are 56808  
eliminated, corrected, or otherwise remedied. 56809

(E) Each boiler which has been inspected shall be assigned a 56810  
number by the superintendent, which number shall be stamped on a 56811  
nonferrous metal tag affixed to the boiler or its fittings by seal 56812  
or otherwise. No person except an inspector shall deface or remove 56813  
any such number or tag. 56814

(F) If the owner or user of any pressure vessel or boiler 56815  
disagrees with the inspector as to the necessity for shutting down 56816  
a pressure vessel or boiler or for making repairs or alterations 56817  
in it, or taking any other measures for safety that are requested 56818  
by an inspector, the owner or user may appeal from the decision of 56819  
the inspector to the superintendent, who may, after such other 56820  
inspection by a general inspector or special inspector as the 56821  
superintendent deems necessary, decide the issue. 56822

(G) Neither sections 4104.01 to 4104.20 of the Revised Code, 56823  
nor an inspection or report by any inspector, shall relieve the 56824  
owner or user of a pressure vessel or boiler of the duty of using 56825  
due care in the inspection, operation, and repair of the pressure 56826  
vessel or boiler or of any liability for damages for failure to 56827  
inspect, repair, or operate the pressure vessel or boiler safely. 56828

**Sec. 4104.18.** (A) The owner or user of a boiler required 56829  
under section 4104.12 of the Revised Code to be inspected upon 56830

installation, and the owner or user of a boiler for which a certificate of inspection has been issued ~~which~~ that is replaced with an appropriate certificate of operation, shall pay to the superintendent of industrial compliance a an initial certificate of operation fee in the following amount ~~of fifty, as applicable:~~

(1) Fifty dollars for boilers subject to annual inspections under section 4104.11 of the Revised Code, ~~one;~~

(2) One hundred dollars for boilers subject to biennial inspection under section 4104.13 of the Revised Code, ~~one;~~

(3) One hundred fifty dollars for boilers subject to triennial inspection under section 4104.11 of the Revised Code, ~~or two;~~

(4) Two hundred fifty dollars for boilers subject to quinquennial inspection under section 4104.13 of the Revised Code.

(B) The owner or user of a boiler required under section 4104.12 of the Revised Code to be inspected upon installation, and the owner or user of a boiler for which a certificate of inspection has been issued that is replaced with an appropriate certificate of operation, shall pay to the superintendent of industrial compliance an annual certificate of operation renewal fee in the following amount, as applicable:

(1) Fifty dollars for boilers subject to annual inspections under section 4101.11 of the Revised Code;

(2) One hundred dollars for boilers subject to biennial inspections under section 4104.13 of the Revised Code;

(3) One hundred fifty dollars for boilers subject to triennial inspections under section 4104.11 of the Revised Code;

(4) Two hundred fifty dollars for boilers subject to quinquennial inspections under section 4104.13 of the Revised Code.



(C) The fee for complete inspection during construction by a general inspector on boilers and pressure vessels manufactured within the state shall be thirty-five dollars per hour. Boiler and pressure vessel manufacturers other than those located in the state may secure inspection by a general inspector on work during construction, upon application to the superintendent, and upon payment of a fee of thirty-five dollars per hour, plus the necessary traveling and hotel expenses incurred by the inspector.

~~(C)~~(D) The application fee for applicants for steam engineer, high pressure boiler operator, or low pressure boiler operator licenses is seventy-five dollars. The fee for each original or renewal steam engineer, high pressure boiler operator, or low pressure boiler operator license is fifty dollars.

~~(D)~~ The director of commerce, subject to the approval of the controlling board, may establish fees in excess of the fees provided in divisions (A), (B), and (C) of this section. (E) The superintendent of industrial compliance, by rule adopted in accordance with Chapter 119. of the Revised Code, may increase the fees required by this section and may establish fees to pay the costs of the division to fulfill its duties established by this chapter. The fees shall bear some reasonable relationship to the cost of administering and enforcing the provisions of this chapter. Any moneys collected under this section shall be paid into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.

~~(E)~~(F) Any person who fails to pay an invoiced renewal fee or an invoiced inspection fee required for any inspection conducted by the division of industrial compliance pursuant to this chapter within forty-five days of the invoice date shall pay a late payment fee equal to twenty-five per cent of the invoiced fee.

~~(F)~~(G) In addition to the fees assessed in divisions (A) ~~and~~ (B), and (C) of this section, the board of building standards

shall assess the owner or user a fee of three dollars and 56893  
twenty-five cents for each certificate of operation or renewal 56894  
thereof issued under ~~division~~ divisions (A) and (B) of this 56895  
section and for each inspection conducted under division ~~(B)~~(C) of 56896  
this section. The board shall adopt rules, in accordance with 56897  
Chapter 119. of the Revised Code, specifying the manner by which 56898  
the superintendent shall collect and remit to the board the fees 56899  
assessed under this division and requiring that remittance of the 56900  
fees be made at least quarterly. 56901

**Sec. 4105.17.** (A) The fee for each ~~inspection, or~~ attempted 56902  
inspection that, due to no fault of a general inspector or the 56903  
division of industrial compliance, is not successfully completed, 56904  
by a general inspector before the operation of a permanent new 56905  
elevator prior to the issuance of a certificate of operation, 56906  
before operation of an elevator being put back into service after 56907  
a repair or after an adjudication under section 4105.11 of the 56908  
Revised Code, or as a result of the operation of section 4105.08 56909  
of the Revised Code and is an elevator required to be inspected 56910  
under this chapter is one hundred twenty dollars plus ten dollars 56911  
for each floor where the elevator stops. ~~The superintendent of~~ 56912  
~~industrial compliance may assess an additional fee of one hundred~~ 56913  
~~twenty dollars plus ten dollars for each floor where an elevator~~ 56914  
~~stops for the reinspection of an elevator when a previous attempt~~ 56915  
~~to inspect that elevator has been unsuccessful through no fault of~~ 56916  
~~a general inspector or the division of industrial compliance.~~ 56917

(B) The fee for each ~~inspection, or~~ attempted inspection, 56918  
that due to no fault of the general inspector or the division, is 56919  
not successfully completed by a general inspector before operation 56920  
of a permanent new escalator or moving walk prior to the issuance 56921  
of a certificate of operation, before operation of an escalator or 56922  
moving walk being put back in service after a repair, or as a 56923  
result of the operation of section 4105.08 of the Revised Code is 56924

~~three hundred dollars. The superintendent may assess an additional 56925  
fee of one hundred fifty dollars for the reinspection of an 56926  
escalator or moving walk when a previous attempt to inspect that 56927  
escalator or moving walk has been unsuccessful through no fault of 56928  
the general inspector or the division. 56929~~

(C) The fee for issuing or renewing a certificate of 56930  
operation under section 4105.15 of the Revised Code for an 56931  
elevator that is inspected every six months in accordance with 56932  
division (A) of section 4105.10 of the Revised Code is two hundred 56933  
twenty dollars plus twelve dollars for each floor where the 56934  
elevator stops, except where the elevator has been inspected by a 56935  
special inspector in accordance with section 4105.07 of the 56936  
Revised Code. 56937

(D) The fee for issuing or renewing a certificate of 56938  
operation under section 4105.05 of the Revised Code for an 56939  
elevator that is inspected every twelve months in accordance with 56940  
division (A) of section 4105.10 of the Revised Code is fifty-five 56941  
dollars plus ten dollars for each floor where the elevator stops, 56942  
except where the elevator has been inspected by a special 56943  
inspector in accordance with section 4105.07 of the Revised Code. 56944

(E) The fee for issuing or renewing a certificate of 56945  
operation under section 4105.15 of the Revised Code for an 56946  
escalator or moving walk is three hundred dollars, except where 56947  
the escalator or moving walk has been inspected by a special 56948  
inspector in accordance with section 4105.07 of the Revised Code. 56949

(F) All other fees to be charged for any examination given or 56950  
other service performed by the division pursuant to this chapter 56951  
shall be prescribed by the director of commerce. The fees shall be 56952  
reasonably related to the costs of such examination or other 56953  
service. 56954

(G) The director of commerce, subject to the approval of the 56955

controlling board, may establish fees in excess of the fees 56956  
provided in divisions (A), (B), (C), (D), and (E) of this section. 56957  
Any moneys collected under this section shall be paid into the 56958  
state treasury to the credit of the industrial compliance 56959  
operating fund created in section 121.084 of the Revised Code. 56960

(H) Any person who fails to pay an inspection fee required 56961  
for any inspection ~~conducted~~ attempted by the division pursuant to 56962  
this chapter within forty-five days after the inspection is 56963  
~~conducted~~ attempted, or who fails to pay a certificate of 56964  
operation fee pursuant to this chapter within forty-five days 56965  
after the certificate's expiration, shall pay a late payment fee 56966  
equal to twenty-five per cent of the inspection fee. 56967

(I) In addition to the fees assessed in divisions (A), (B), 56968  
(C), (D), and (E) of this section, the board of building standards 56969  
shall assess a fee of three dollars and twenty-five cents for each 56970  
certificate of operation or renewal thereof issued under divisions 56971  
(A), (B), (C), (D), or (E) of this section and for each permit 56972  
issued under section 4105.16 of the Revised Code. The board shall 56973  
adopt rules, in accordance with Chapter 119. of the Revised Code, 56974  
specifying the manner by which the superintendent shall collect 56975  
and remit to the board the fees assessed under this division and 56976  
requiring that remittance of the fees be made at least quarterly. 56977

(J) The superintendent, by rule adopted in accordance with 56978  
Chapter 119. of the Revised Code, may increase the fees required 56979  
by this section and may establish fees to pay the costs of the 56980  
division to fulfill its duties established by this chapter. The 56981  
fees shall bear some reasonable relationship to the cost of 56982  
administering and enforcing this chapter. 56983

(K) For purposes of this section: 56984

(1) "Escalator" means a power driven, inclined, continuous 56985  
stairway used for raising or lowering passengers. 56986

(2) "Moving walk" means a passenger carrying device on which 56987  
passengers stand or walk, with a passenger carrying surface that 56988  
is uninterrupted and remains parallel to its direction of motion. 56989

**Sec. 4109.06.** (A) This chapter does not apply to the 56990  
following: 56991

(1) Minors who are students working on any properly guarded 56992  
machines in the manual training department of any school when the 56993  
work is performed under the personal supervision of an instructor; 56994

(2) Students participating in a ~~vocational~~ career-technical 56995  
or STEM program approved by the Ohio department of education or 56996  
students participating in any eligible classes through the college 56997  
credit plus program established under Chapter 3365. of the Revised 56998  
Code that include a state-recognized pre-apprenticeship program 56999  
that imparts the skills and knowledge needed for successful 57000  
participation in a registered apprenticeship occupation course; 57001

(3) A minor participating in a play, pageant, or concert 57002  
produced by an outdoor historical drama corporation, a 57003  
professional traveling theatrical production, a professional 57004  
concert tour, or a personal appearance tour as a professional 57005  
motion picture star, or as an actor or performer in motion 57006  
pictures or in radio or television productions in accordance with 57007  
the rules adopted pursuant to division (A) of section 4109.05 of 57008  
the Revised Code; 57009

(4) The participation, without remuneration of a minor and 57010  
with the consent of a parent or guardian, in a performance given 57011  
by a church, school, or academy, or at a concert or entertainment 57012  
given solely for charitable purposes, or by a charitable or 57013  
religious institution; 57014

(5) Minors who are employed by their parents in occupations 57015  
other than occupations prohibited by rule adopted under this 57016

chapter;	57017
(6) Minors engaged in the delivery of newspapers to the consumer;	57018 57019
(7) Minors who have received a high school diploma or a certificate of attendance from an accredited secondary school or a certificate of high school equivalence;	57020 57021 57022
(8) Minors who are currently heads of households or are parents contributing to the support of their children;	57023 57024
(9) Minors engaged in lawn mowing, snow shoveling, and other related employment;	57025 57026
(10) Minors employed in agricultural employment in connection with farms operated by their parents, grandparents, or guardians where they are members of the guardians' household. Minors are not exempt from this chapter if they reside in agricultural labor camps as defined in section 3733.41 of the Revised Code;	57027 57028 57029 57030 57031
(11) Students participating in a program to serve as precinct officers as authorized by section 3501.22 of the Revised Code.	57032 57033
(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the Revised Code do not apply to the following:	57034 57035
(1) Minors who work in a sheltered workshop operated by a county board of developmental disabilities;	57036 57037
(2) Minors performing services for a nonprofit organization where the minor receives no compensation, except for any expenses incurred by the minor or except for meals provided to the minor;	57038 57039 57040
(3) Minors who are employed in agricultural employment and who do not reside in agricultural labor camps.	57041 57042
(C) Division (D) of section 4109.07 of the Revised Code does not apply to minors who have their employment hours established as follows:	57043 57044 57045

(1) A minor adjudicated to be an unruly child or delinquent 57046  
child who, as a result of the adjudication, is placed on probation 57047  
may either file a petition in the juvenile court in whose 57048  
jurisdiction the minor resides, or apply to the superintendent or 57049  
to the chief administrative officer who issued the minor's age and 57050  
schooling certificate pursuant to section 3331.01 of the Revised 57051  
Code, alleging the restrictions on the hours of employment 57052  
described in division (D) of section 4109.07 of the Revised Code 57053  
will cause a substantial hardship or are not in the minor's best 57054  
interests. Upon receipt of a petition or application, the court, 57055  
the superintendent, or the chief administrative officer, as 57056  
appropriate, shall consult with the person required to supervise 57057  
the minor on probation. If after that consultation, the court, the 57058  
superintendent, or the chief administrative officer finds the 57059  
minor has failed to show the restrictions will result in a 57060  
substantial hardship or that the restrictions are not in the 57061  
minor's best interests, the court, the superintendent, or the 57062  
chief administrative officer shall uphold the restrictions. If 57063  
after that consultation, the court, the superintendent, or the 57064  
chief administrative officer finds the minor has shown the 57065  
restricted hours will cause a substantial hardship or are not in 57066  
the minor's best interests, the court, the superintendent, or the 57067  
chief administrative officer shall establish differing hours of 57068  
employment for the minor and notify the minor and the minor's 57069  
employer of those hours, which shall be binding in lieu of the 57070  
restrictions on the hours of employment described in division (D) 57071  
of section 4109.07 of the Revised Code. 57072

(2) Any minor to whom division (C)(1) of this section does 57073  
not apply may either file a petition in the juvenile court in 57074  
whose jurisdiction the person resides, or apply to the 57075  
superintendent or to the chief administrative officer who issued 57076  
the minor's age and schooling certificate pursuant to section 57077  
3331.01 of the Revised Code, alleging the restrictions on the 57078

hours of employment described in division (D) of section 4109.07 57079  
of the Revised Code will cause a substantial hardship or are not 57080  
in the minor's best interests. 57081

If, as a result of a petition or application, the court, the 57082  
superintendent, or the chief administrative officer, as 57083  
appropriate, finds the minor has failed to show such restrictions 57084  
will result in a substantial hardship or that the restrictions are 57085  
not in the minor's best interests, the court, the superintendent, 57086  
or the chief administrative officer shall uphold the restrictions. 57087  
If the court, the superintendent, or the chief administrative 57088  
officer finds the minor has shown the restricted hours will cause 57089  
a substantial hardship or are not in the minor's best interests, 57090  
the court, the superintendent, or the chief administrative officer 57091  
shall establish the hours of employment for the minor and shall 57092  
notify the minor and the minor's employer of those hours. 57093

(D) Section 4109.03, divisions (A) and (C) of section 57094  
4109.02, and division (B) of section 4109.08 of the Revised Code 57095  
do not apply to minors who are sixteen or seventeen years of age 57096  
and who are employed at a seasonal amusement or recreational 57097  
establishment. 57098

(E) As used in this section, "certificate of high school 57099  
equivalence" means either: 57100

(1) A statement issued by the department of education that 57101  
the holder of the statement has achieved the equivalent of a high 57102  
school education as measured by scores obtained on a high school 57103  
equivalency test approved by the department pursuant to division 57104  
(B) of section 3301.80 of the Revised Code; 57105

(2) A statement issued by a primary-secondary education or 57106  
higher education agency of another state that the holder of the 57107  
statement has achieved the equivalent of a high school education 57108  
as measured by scores obtained on a similar nationally recognized 57109



high school equivalency test. 57110

**Sec. 4112.05.** (A)(1) The commission, as provided in this 57111  
section, shall prevent any person from engaging in unlawful 57112  
discriminatory practices. 57113

(2) The commission may at any time attempt to resolve 57114  
allegations of unlawful discriminatory practices by the use of 57115  
alternative dispute resolution, provided that, before instituting 57116  
the formal hearing authorized by division (B) of this section, it 57117  
shall attempt, by informal methods of conference, conciliation, 57118  
and persuasion, to induce compliance with this chapter. 57119

(B)(1) Any person may file a charge with the commission 57120  
alleging that another person has engaged or is engaging in an 57121  
unlawful discriminatory practice. In the case of a charge alleging 57122  
an unlawful discriminatory practice described in division (A), 57123  
(B), (C), (D), (E), (F), (G), (I), or (J) of section 4112.02 or in 57124  
section 4112.021 or 4112.022 of the Revised Code, the charge shall 57125  
be in writing and under oath and shall be filed with the 57126  
commission within six months after the alleged unlawful 57127  
discriminatory practice was committed. In the case of a charge 57128  
alleging an unlawful discriminatory practice described in division 57129  
(H) of section 4112.02 of the Revised Code, the charge shall be in 57130  
writing and under oath and shall be filed with the commission 57131  
within one year after the alleged unlawful discriminatory practice 57132  
was committed. 57133

(a) An oath under this chapter may be made in any form of 57134  
affirmation the person deems binding on the person's conscience. 57135  
Acceptable forms include, but are not limited to, declarations 57136  
made under penalty of perjury. 57137

(b) Any charge timely received, via facsimile, postal mail, 57138  
electronic mail, or otherwise, may be signed under oath after the 57139  
limitations period for filing set forth under division (B)(1) of 57140

this section and will relate back to the original filing date. 57141

(2) Upon receiving a charge, the commission may initiate a 57142  
preliminary investigation to determine whether it is probable that 57143  
an unlawful discriminatory practice has been or is being engaged 57144  
in. The commission also may conduct, upon its own initiative and 57145  
independent of the filing of any charges, a preliminary 57146  
investigation relating to any of the unlawful discriminatory 57147  
practices described in division (A), (B), (C), (D), (E), (F), (I), 57148  
or (J) of section 4112.02 or in section 4112.021 or 4112.022 of 57149  
the Revised Code. Prior to a notification of a complainant under 57150  
division (B)(4) of this section or prior to the commencement of 57151  
informal methods of conference, conciliation, and persuasion, or 57152  
alternative dispute resolution, under that division, the members 57153  
of the commission and the officers and employees of the commission 57154  
shall not make public in any manner and shall retain as 57155  
confidential all information that was obtained as a result of or 57156  
that otherwise pertains to a preliminary investigation other than 57157  
one described in division (B)(3) of this section. 57158

(3)(a) Unless it is impracticable to do so and subject to its 57159  
authority under division (B)(3)(d) of this section, the commission 57160  
shall complete a preliminary investigation of a charge filed 57161  
pursuant to division (B)(1) of this section that alleges an 57162  
unlawful discriminatory practice described in division (H) of 57163  
section 4112.02 of the Revised Code, and shall take one of the 57164  
following actions, within one hundred days after the filing of the 57165  
charge: 57166

(i) Notify the complainant and the respondent that it is not 57167  
probable that an unlawful discriminatory practice described in 57168  
division (H) of section 4112.02 of the Revised Code has been or is 57169  
being engaged in and that the commission will not issue a 57170  
complaint in the matter; 57171

(ii) Initiate a complaint and schedule it for informal 57172

methods of conference, conciliation, and persuasion, or 57173  
alternative dispute resolution; 57174

(iii) Initiate a complaint and refer it to the attorney 57175  
general with a recommendation to seek a temporary or permanent 57176  
injunction or a temporary restraining order. If this action is 57177  
taken, the attorney general shall apply, as expeditiously as 57178  
possible after receipt of the complaint, to the court of common 57179  
pleas of the county in which the unlawful discriminatory practice 57180  
allegedly occurred for the appropriate injunction or order, and 57181  
the court shall hear and determine the application as 57182  
expeditiously as possible. 57183

(b) If it is not practicable to comply with the requirements 57184  
of division (B)(3)(a) of this section within the one-hundred-day 57185  
period described in that division, the commission shall notify the 57186  
complainant and the respondent in writing of the reasons for the 57187  
noncompliance. 57188

(c) Prior to the issuance of a complaint under division 57189  
(B)(3)(a)(ii) or (iii) of this section or prior to a notification 57190  
of the complainant and the respondent under division (B)(3)(a)(i) 57191  
of this section, the members of the commission and the officers 57192  
and employees of the commission shall not make public in any 57193  
manner and shall retain as confidential all information that was 57194  
obtained as a result of or that otherwise pertains to a 57195  
preliminary investigation of a charge filed pursuant to division 57196  
(B)(1) of this section that alleges an unlawful discriminatory 57197  
practice described in division (H) of section 4112.02 of the 57198  
Revised Code. 57199

(d) Notwithstanding the types of action described in 57200  
divisions (B)(3)(a)(ii) and (iii) of this section, prior to the 57201  
issuance of a complaint or the referral of a complaint to the 57202  
attorney general and prior to endeavoring to eliminate an unlawful 57203  
discriminatory practice described in division (H) of section 57204

4112.02 of the Revised Code by informal methods of conference, 57205  
conciliation, and persuasion, or by alternative dispute 57206  
resolution, the commission may seek a temporary or permanent 57207  
injunction or a temporary restraining order in the court of common 57208  
pleas of the county in which the unlawful discriminatory practice 57209  
allegedly occurred. 57210

(4) If the commission determines after a preliminary 57211  
investigation other than one described in division (B)(3) of this 57212  
section that it is not probable that an unlawful discriminatory 57213  
practice has been or is being engaged in, it shall notify any 57214  
complainant under division (B)(1) of this section that it has so 57215  
determined and that it will not issue a complaint in the matter. 57216  
If the commission determines after a preliminary investigation 57217  
other than the one described in division (B)(3) of this section 57218  
that it is probable that an unlawful discriminatory practice has 57219  
been or is being engaged in, it shall endeavor to eliminate the 57220  
practice by informal methods of conference, conciliation, and 57221  
persuasion, or by alternative dispute resolution. 57222

(5) Nothing said or done during informal methods of 57223  
conference, conciliation, and persuasion, or during alternative 57224  
dispute resolution, under this section shall be disclosed by any 57225  
member of the commission or its staff or be used as evidence in 57226  
any subsequent hearing or other proceeding. If, after a 57227  
preliminary investigation and the use of informal methods of 57228  
conference, conciliation, and persuasion, or alternative dispute 57229  
resolution, under this section, the commission is satisfied that 57230  
any unlawful discriminatory practice will be eliminated, it may 57231  
treat the charge involved as being conciliated and enter that 57232  
disposition on the records of the commission. If the commission 57233  
fails to effect the elimination of an unlawful discriminatory 57234  
practice by informal methods of conference, conciliation, and 57235  
persuasion, or by alternative dispute resolution under this 57236

section and to obtain voluntary compliance with this chapter, the 57237  
commission shall issue and cause to be served upon any person, 57238  
including the respondent against whom a complainant has filed a 57239  
charge pursuant to division (B)(1) of this section, a complaint 57240  
stating the charges involved and containing a notice of an 57241  
opportunity for a hearing before the commission, a member of the 57242  
commission, or a hearing examiner at a place that is stated in the 57243  
notice and that is located within the county in which the alleged 57244  
unlawful discriminatory practice has occurred or is occurring or 57245  
in which the respondent resides or transacts business. The hearing 57246  
shall be held not less than thirty days after the service of the 57247  
complaint upon the complainant, the aggrieved persons other than 57248  
the complainant on whose behalf the complaint is issued, and the 57249  
respondent, unless the complainant, an aggrieved person, or the 57250  
respondent elects to proceed under division (A)(2) of section 57251  
4112.051 of the Revised Code when that division is applicable. If 57252  
a complaint pertains to an alleged unlawful discriminatory 57253  
practice described in division (H) of section 4112.02 of the 57254  
Revised Code, the complaint shall notify the complainant, an 57255  
aggrieved person, and the respondent of the right of the 57256  
complainant, an aggrieved person, or the respondent to elect to 57257  
proceed with the administrative hearing process under this section 57258  
or to proceed under division (A)(2) of section 4112.051 of the 57259  
Revised Code. 57260

(6) The attorney general shall represent the commission at 57261  
any hearing held pursuant to division (B)(5) of this section and 57262  
shall present the evidence in support of the complaint. 57263

(7) Any complaint issued pursuant to division (B)(5) of this 57264  
section after the filing of a charge under division (B)(1) of this 57265  
section shall be so issued within one year after the complainant 57266  
filed the charge with respect to an alleged unlawful 57267  
discriminatory practice. 57268

(C)(1) Any complaint issued pursuant to division (B) of this section may be amended by the commission, a member of the commission, or the hearing examiner conducting a hearing under division (B) of this section.

(a) Except as provided in division (C)(1)(b) of this section, a complaint issued pursuant to division (B) of this section may be amended at any time prior to or during the hearing.

(b) If a complaint issued pursuant to division (B) of this section alleges an unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code, the complaint may be amended at any time up to seven days prior to the hearing and not thereafter.

(2) The respondent has the right to file an answer or an amended answer to the original and amended complaints and to appear at the hearing in person, by attorney, or otherwise to examine and cross-examine witnesses.

(D) The complainant shall be a party to a hearing under division (B) of this section, and any person who is an indispensable party to a complete determination or settlement of a question involved in the hearing shall be joined. Any aggrieved person who has or claims an interest in the subject of the hearing and in obtaining or preventing relief against the unlawful discriminatory practices complained of shall be permitted to appear only for the presentation of oral or written arguments, to present evidence, perform direct and cross-examination, and be represented by counsel. The commission shall adopt rules, in accordance with Chapter 119. of the Revised Code governing the authority granted under this division.

(E) In any hearing under division (B) of this section, the commission, a member of the commission, or the hearing examiner shall not be bound by the Rules of Evidence but, in ascertaining

the practices followed by the respondent, shall take into account 57300  
all reliable, probative, and substantial statistical or other 57301  
evidence produced at the hearing that may tend to prove the 57302  
existence of a predetermined pattern of employment or membership, 57303  
provided that nothing contained in this section shall be construed 57304  
to authorize or require any person to observe the proportion that 57305  
persons of any race, color, religion, sex, military status, 57306  
familial status, national origin, disability, age, or ancestry 57307  
bear to the total population or in accordance with any criterion 57308  
other than the individual qualifications of the applicant. 57309

(F) The testimony taken at a hearing under division (B) of 57310  
this section shall be under oath and shall be reduced to writing 57311  
and filed with the commission. Thereafter, in its discretion, the 57312  
commission, upon the service of a notice upon the complainant and 57313  
the respondent that indicates an opportunity to be present, may 57314  
take further testimony or hear argument. 57315

(G)(1)(a) If, upon all reliable, probative, and substantial 57316  
evidence presented at a hearing under division (B) of this 57317  
section, the commission determines that the respondent has engaged 57318  
in, or is engaging in, any unlawful discriminatory practice, 57319  
whether against the complainant or others, the commission shall 57320  
state its findings of fact and conclusions of law and shall issue 57321  
and, subject to the provisions of Chapter 119. of the Revised 57322  
Code, cause to be served on the respondent an order requiring the 57323  
respondent to do all of the following: 57324

~~(1)~~(i) Cease and desist from the unlawful discriminatory 57325  
practice; 57326

(ii) Take any further affirmative or other action that will 57327  
effectuate the purposes of this chapter, including, but not 57328  
limited to, hiring, reinstatement, or upgrading of employees with 57329  
or without back pay, or admission or restoration to union 57330  
membership; 57331

(iii) Report to the commission the manner of compliance. 57332

If the commission directs payment of back pay, it shall make 57333  
allowance for interim earnings. 57334

(b) If the commission finds a violation of division (H) of 57335  
section 4112.02 of the Revised Code, in addition to the action 57336  
described in division (G)(1)(a) of this section, the commission 57337  
additionally may require the respondent to undergo ~~recommendation~~ 57338  
remediation in the form of a class, seminar, or any other type of 57339  
remediation approved by the commission, may require the ~~responded~~ 57340  
respondent to pay actual damages and reasonable attorney's fees, 57341  
and may, to vindicate the public interest, assess a civil penalty 57342  
against the respondent as follows: 57343

(i) If division (G)(1)(b)(ii) or (iii) of this section does 57344  
not apply, a civil penalty in an amount not to exceed ten thousand 57345  
dollars; 57346

(ii) If division (G)(1)(b)(iii) of this section does not 57347  
apply and if the respondent has been determined by a final order 57348  
of the commission or by a final judgment of a court to have 57349  
committed one violation of division (H) of section 4112.02 of the 57350  
Revised Code during the five-year period immediately preceding the 57351  
date on which a complaint was issued pursuant to division (B) of 57352  
this section, a civil penalty in an amount not to exceed 57353  
twenty-five thousand dollars; 57354

(iii) If the respondent has been determined by a final order 57355  
of the commission or by a final judgment of a court to have 57356  
committed two or more violations of division (H) of section 57357  
4112.02 of the Revised Code during the seven-year period 57358  
immediately preceding the date on which a complaint was issued 57359  
pursuant to division (B) of this section, a civil penalty damages 57360  
in an amount not to exceed fifty thousand dollars. 57361

(2) Upon the submission of reports of compliance, the 57362



commission may issue a declaratory order stating that the 57363  
respondent has ceased to engage in particular unlawful 57364  
discriminatory practices. 57365

(H) If the commission finds that no probable cause exists for 57366  
crediting charges of unlawful discriminatory practices or if, upon 57367  
all the evidence presented at a hearing under division (B) of this 57368  
section on a charge, the commission finds that a respondent has 57369  
not engaged in any unlawful discriminatory practice against the 57370  
complainant or others, it shall state its findings of fact and 57371  
shall issue and cause to be served on the complainant an order 57372  
dismissing the complaint as to the respondent. A copy of the order 57373  
shall be delivered in all cases to the attorney general and any 57374  
other public officers whom the commission considers proper. 57375

If, upon all the evidence presented at a hearing under 57376  
division (B) of this section on a charge, the commission finds 57377  
that a respondent has not engaged in any unlawful discriminatory 57378  
practice against the complainant or others, it may award to the 57379  
respondent reasonable attorney's fees to the extent provided in 5 57380  
U.S.C. 504 and accompanying regulations. 57381

(I) Until the time period for appeal set forth in division 57382  
(H) of section 4112.06 of the Revised Code expires, the 57383  
commission, subject to the provisions of Chapter 119. of the 57384  
Revised Code, at any time, upon reasonable notice, and in the 57385  
manner it considers proper, may modify or set aside, in whole or 57386  
in part, any finding or order made by it under this section. 57387

**Sec. 4117.01.** As used in this chapter: 57388

(A) "Person," in addition to those included in division (C) 57389  
of section 1.59 of the Revised Code, includes employee 57390  
organizations, public employees, and public employers. 57391

(B) ~~"Public~~ (1) Except as provided in division (B)(2) of this 57392

section, "public employer" means the state or any political 57393  
subdivision of the state located entirely within the state, 57394  
including, ~~without limitation,~~ any of the following: 57395

(a) A municipal corporation with a population of at least 57396  
five thousand according to the most recent federal decennial 57397  
census; 57398

(b) A county; 57399

(c) A township with a population of at least five thousand in 57400  
the unincorporated area of the township according to the most 57401  
recent federal decennial census; 57402

(d) A school district; 57403

(e) A governing authority of a community school established 57404  
under Chapter 3314. of the Revised Code; 57405

(f) The college preparatory boarding school established under 57406  
Chapter 3328. of the Revised Code or its operator; 57407

(g) A state institution of higher learning; 57408

(h) A public or special district; 57409

(i) A state agency, authority, commission, or board; ~~or~~ 57410

(j) Any other branch of public employment. "Public 57411

(2) "Public employer" does not include ~~the~~ either of the 57412  
following: 57413

(a) The nonprofit corporation formed under section 187.01 of 57414  
the Revised Code; 57415

(b) A municipal corporation that has a population of less 57416  
than five thousand, according to the most recent federal decennial 57417  
census, after excluding from the count those individuals 57418  
incarcerated in a state or federal prison located within the 57419  
municipal corporation. 57420

(C) "Public employee" means any person holding a position by 57421

appointment or employment in the service of a public employer, 57422  
including any person working pursuant to a contract between a 57423  
public employer and a private employer and over whom the national 57424  
labor relations board has declined jurisdiction on the basis that 57425  
the involved employees are employees of a public employer, except: 57426

(1) Persons holding elective office; 57427

(2) Employees of the general assembly and employees of any 57428  
other legislative body of the public employer whose principal 57429  
duties are directly related to the legislative functions of the 57430  
body; 57431

(3) Employees on the staff of the governor or the chief 57432  
executive of the public employer whose principal duties are 57433  
directly related to the performance of the executive functions of 57434  
the governor or the chief executive; 57435

(4) Persons who are members of the Ohio organized militia, 57436  
while training or performing duty under section 5919.29 or 5923.12 57437  
of the Revised Code; 57438

(5) Employees of the state employment relations board, 57439  
including those employees of the state employment relations board 57440  
utilized by the state personnel board of review in the exercise of 57441  
the powers and the performance of the duties and functions of the 57442  
state personnel board of review; 57443

(6) Confidential employees; 57444

(7) Management level employees; 57445

(8) Employees and officers of the courts, assistants to the 57446  
attorney general, assistant prosecuting attorneys, and employees 57447  
of the clerks of courts who perform a judicial function; 57448

(9) Employees of a public official who act in a fiduciary 57449  
capacity, appointed pursuant to section 124.11 of the Revised 57450  
Code; 57451

(10) Supervisors;	57452
(11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining unit;	57453 57454 57455 57456 57457
(12) Employees of county boards of election;	57458
(13) Seasonal and casual employees as determined by the state employment relations board;	57459 57460
(14) Part-time faculty members of an institution of higher education;	57461 57462
(15) Participants in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;	57463 57464 57465 57466 57467 57468
(16) Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	57469 57470 57471
(17) Employees of community-based correctional facilities and district community-based correctional facilities created under sections 2301.51 to 2301.58 of the Revised Code.	57472 57473 57474
(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.	57475 57476 57477 57478 57479
(E) "Exclusive representative" means the employee organization certified or recognized as an exclusive	57480 57481

representative under section 4117.05 of the Revised Code. 57482

(F) "Supervisor" means any individual who has authority, in 57483  
the interest of the public employer, to hire, transfer, suspend, 57484  
lay off, recall, promote, discharge, assign, reward, or discipline 57485  
other public employees; to responsibly direct them; to adjust 57486  
their grievances; or to effectively recommend such action, if the 57487  
exercise of that authority is not of a merely routine or clerical 57488  
nature, but requires the use of independent judgment, provided 57489  
that: 57490

(1) Employees of school districts who are department 57491  
chairpersons or consulting teachers shall not be deemed 57492  
supervisors. 57493

(2) With respect to members of a police or fire department, 57494  
no person shall be deemed a supervisor except the chief of the 57495  
department or those individuals who, in the absence of the chief, 57496  
are authorized to exercise the authority and perform the duties of 57497  
the chief of the department. Where prior to June 1, 1982, a public 57498  
employer pursuant to a judicial decision, rendered in litigation 57499  
to which the public employer was a party, has declined to engage 57500  
in collective bargaining with members of a police or fire 57501  
department on the basis that those members are supervisors, those 57502  
members of a police or fire department do not have the rights 57503  
specified in this chapter for the purposes of future collective 57504  
bargaining. The state employment relations board shall decide all 57505  
disputes concerning the application of division (F)(2) of this 57506  
section. 57507

(3) With respect to faculty members of a state institution of 57508  
higher education, heads of departments or divisions are 57509  
supervisors; however, no other faculty member or group of faculty 57510  
members is a supervisor solely because the faculty member or group 57511  
of faculty members participate in decisions with respect to 57512  
courses, curriculum, personnel, or other matters of academic 57513

policy. 57514

(4) No teacher as defined in section 3319.09 of the Revised Code shall be designated as a supervisor or a management level employee unless the teacher is employed under a contract governed by section 3319.01, 3319.011, or 3319.02 of the Revised Code and is assigned to a position for which a license deemed to be for administrators under state board rules is required pursuant to section 3319.22 of the Revised Code. 57515  
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(G) "To bargain collectively" means to perform the mutual obligation of the public employer, by its representatives, and the representatives of its employees to negotiate in good faith at reasonable times and places with respect to wages, hours, terms, and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement, with the intention of reaching an agreement, or to resolve questions arising under the agreement. "To bargain collectively" includes executing a written contract incorporating the terms of any agreement reached. The obligation to bargain collectively does not mean that either party is compelled to agree to a proposal nor does it require the making of a concession. 57522  
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(H) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthy working conditions at the place of employment that are abnormal to the place of employment. 57534  
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(I) "Unauthorized strike" includes, but is not limited to, concerted action during the term or extended term of a collective bargaining agreement or during the pendency of the settlement 57543  
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procedures set forth in section 4117.14 of the Revised Code in 57546  
failing to report to duty; willful absence from one's position; 57547  
stoppage of work; slowdown, or abstinence in whole or in part from 57548  
the full, faithful, and proper performance of the duties of 57549  
employment for the purpose of inducing, influencing, or coercing a 57550  
change in wages, hours, terms, and other conditions of employment. 57551  
"Unauthorized strike" includes any such action, absence, stoppage, 57552  
slowdown, or abstinence when done partially or intermittently, 57553  
whether during or after the expiration of the term or extended 57554  
term of a collective bargaining agreement or during or after the 57555  
pendency of the settlement procedures set forth in section 4117.14 57556  
of the Revised Code. 57557

(J) "Professional employee" means any employee engaged in 57558  
work that is predominantly intellectual, involving the consistent 57559  
exercise of discretion and judgment in its performance and 57560  
requiring knowledge of an advanced type in a field of science or 57561  
learning customarily acquired by a prolonged course in an 57562  
institution of higher learning or a hospital, as distinguished 57563  
from a general academic education or from an apprenticeship; or an 57564  
employee who has completed the courses of specialized intellectual 57565  
instruction and is performing related work under the supervision 57566  
of a professional person to become qualified as a professional 57567  
employee. 57568

(K) "Confidential employee" means any employee who works in 57569  
the personnel offices of a public employer and deals with 57570  
information to be used by the public employer in collective 57571  
bargaining; or any employee who works in a close continuing 57572  
relationship with public officers or representatives directly 57573  
participating in collective bargaining on behalf of the employer. 57574

(L) "Management level employee" means an individual who 57575  
formulates policy on behalf of the public employer, who 57576  
responsibly directs the implementation of policy, or who may 57577

reasonably be required on behalf of the public employer to assist 57578  
in the preparation for the conduct of collective negotiations, 57579  
administer collectively negotiated agreements, or have a major 57580  
role in personnel administration. Assistant superintendents, 57581  
principals, and assistant principals whose employment is governed 57582  
by section 3319.02 of the Revised Code are management level 57583  
employees. With respect to members of a faculty of a state 57584  
institution of higher education, no person is a management level 57585  
employee because of the person's involvement in the formulation or 57586  
implementation of academic or institution policy. 57587

(M) "Wages" means hourly rates of pay, salaries, or other 57588  
forms of compensation for services rendered. 57589

(N) "Member of a police department" means a person who is in 57590  
the employ of a police department of a municipal corporation as a 57591  
full-time regular police officer as the result of an appointment 57592  
from a duly established civil service eligibility list or under 57593  
section 737.15 or 737.16 of the Revised Code, a full-time deputy 57594  
sheriff appointed under section 311.04 of the Revised Code, a 57595  
township constable appointed under section 509.01 of the Revised 57596  
Code, or a member of a township or joint police district police 57597  
department appointed under section 505.49 of the Revised Code. 57598

(O) "Members of the state highway patrol" means highway 57599  
patrol troopers and radio operators appointed under section 57600  
5503.01 of the Revised Code. 57601

(P) "Member of a fire department" means a person who is in 57602  
the employ of a fire department of a municipal corporation or a 57603  
township as a fire cadet, full-time regular firefighter, or 57604  
promoted rank as the result of an appointment from a duly 57605  
established civil service eligibility list or under section 57606  
505.38, 709.012, or 737.22 of the Revised Code. 57607

(Q) "Day" means calendar day. 57608



**Sec. 4141.29.** Each eligible individual shall receive benefits 57609  
as compensation for loss of remuneration due to involuntary total 57610  
or partial unemployment in the amounts and subject to the 57611  
conditions stipulated in this chapter. 57612

(A) No individual is entitled to a waiting period or benefits 57613  
for any week unless the individual: 57614

(1) Has filed a valid application for determination of 57615  
benefit rights in accordance with section 4141.28 of the Revised 57616  
Code; 57617

(2) Has made a claim for benefits in accordance with section 57618  
4141.28 of the Revised Code; 57619

(3)(a) Has registered for work and thereafter continues to 57620  
report to an employment office or other registration place 57621  
maintained or designated by the director of job and family 57622  
services. Registration shall be made in accordance with the time 57623  
limits, frequency, and manner prescribed by the director. 57624

(b) For purposes of division (A)(3) of this section, an 57625  
individual has "registered" upon doing any of the following: 57626

(i) Filing an application for benefit rights; 57627

(ii) Making a weekly claim for benefits; 57628

(iii) Reopening an existing claim following a period of 57629  
employment or nonreporting. 57630

(c) After an applicant is registered, that registration 57631  
continues for a period of three calendar weeks, including the week 57632  
during which the applicant registered. However, an individual is 57633  
not registered for purposes of division (A)(3) of this section 57634  
during any period in which the individual fails to report, as 57635  
instructed by the director, or fails to reopen an existing claim 57636  
following a period of employment. 57637

(d) The director may, for good cause, extend the period of registration. 57638  
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(e) For purposes of this section, "report" means contact by phone, access electronically, or be present for an in-person appointment, as designated by the director. 57640  
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(4)(a)(i) Is able to work and available for suitable work and, except as provided in division (A)(4)(a)(ii) or (iii) of this section, is actively seeking suitable work either in a locality in which the individual has earned wages subject to this chapter during the individual's base period, or if the individual leaves that locality, then in a locality where suitable work normally is performed. 57643  
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(ii) The director may waive the requirement that a claimant be actively seeking work when the director finds that the individual has been laid off and the employer who laid the individual off has notified the director within ten days after the layoff, that work is expected to be available for the individual within a specified number of days not to exceed forty-five calendar days following the last day the individual worked. In the event the individual is not recalled within the specified period, this waiver shall cease to be operative with respect to that layoff. 57650  
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(iii) The director may waive the requirement that a claimant be actively seeking work if the director determines that the individual has been laid off and the employer who laid the individual off has notified the director in accordance with division (C) of section 4141.28 of the Revised Code that the employer has closed the employer's entire plant or part of the employer's plant for a purpose other than inventory or vacation that will cause unemployment for a definite period not exceeding twenty-six weeks beginning on the date the employer notifies the director, for the period of the specific shutdown, if all of the 57660  
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following apply: 57670

(I) The employer and the individuals affected by the layoff 57671  
who are claiming benefits under this chapter jointly request the 57672  
exemption. 57673

(II) The employer provides that the affected individuals 57674  
shall return to work for the employer within twenty-six weeks 57675  
after the date the employer notifies the director. 57676

(III) The director determines that the waiver of the active 57677  
search for work requirement will promote productivity and economic 57678  
stability within the state. 57679

(iv) Division (A)(4)(a)(iii) of this section does not exempt 57680  
an individual from meeting the other requirements specified in 57681  
division (A)(4)(a)(i) of this section to be able to work and 57682  
otherwise fully be available for work. An exemption granted under 57683  
division (A)(4)(a)(iii) of this section may be granted only with 57684  
respect to a specific plant closing. 57685

(b)(i) The individual shall be instructed as to the efforts 57686  
that the individual must make in the search for suitable work, 57687  
including that, within six months after October 11, 2013, the 57688  
individual shall register with the OhioMeansJobs web site, except 57689  
in any of the following circumstances: 57690

(I) The individual is an individual described in division 57691  
(A)(4)(b)(iii) of this section; 57692

(II) Where the active search for work requirement has been 57693  
waived under division (A)(4)(a) of this section; 57694

(III) Where the active search for work requirement is 57695  
considered to be met under division (A)(4)(c), (d), or (e) of this 57696  
section. 57697

(ii) An individual who is registered with the OhioMeansJobs 57698  
web site shall receive a weekly listing of available jobs based on 57699

information provided by the individual at the time of 57700  
registration. For each week that the individual claims benefits, 57701  
the individual shall keep a record of the individual's work search 57702  
efforts and shall produce that record in the manner and means 57703  
prescribed by the director. 57704

(iii) No individual shall be required to register with the 57705  
OhioMeansJobs web site if the individual is legally prohibited 57706  
from using a computer, has a physical or visual impairment that 57707  
makes the individual unable to use a computer, or has a limited 57708  
ability to read, write, speak, or understand a language in which 57709  
the OhioMeansJobs web site is available. 57710

(iv) As used in division (A)(4)(b) of this section: 57711

(I) "OhioMeansJobs web site" ~~means the electronic job~~ 57712  
~~placement system operated by the state~~ has the same meaning as in 57713  
section 6301.01 of the Revised Code. 57714

(II) "Registration" includes the creation, electronic 57715  
posting, and maintenance of an active, searchable resume. 57716

(c) An individual who is attending a training course approved 57717  
by the director meets the requirement of this division, if 57718  
attendance was recommended by the director and the individual is 57719  
regularly attending the course and is making satisfactory 57720  
progress. An individual also meets the requirements of this 57721  
division if the individual is participating and advancing in a 57722  
training program, as defined in division (P) of section 5709.61 of 57723  
the Revised Code, and if an enterprise, defined in division (B) of 57724  
section 5709.61 of the Revised Code, is paying all or part of the 57725  
cost of the individual's participation in the training program 57726  
with the intention of hiring the individual for employment as a 57727  
new employee, as defined in division (L) of section 5709.61 of the 57728  
Revised Code, for at least ninety days after the individual's 57729  
completion of the training program. 57730

(d) An individual who becomes unemployed while attending a 57731  
regularly established school and whose base period qualifying 57732  
weeks were earned in whole or in part while attending that school, 57733  
meets the availability and active search for work requirements of 57734  
division (A)(4)(a) of this section if the individual regularly 57735  
attends the school during weeks with respect to which the 57736  
individual claims unemployment benefits and makes self available 57737  
on any shift of hours for suitable employment with the 57738  
individual's most recent employer or any other employer in the 57739  
individual's base period, or for any other suitable employment to 57740  
which the individual is directed, under this chapter. 57741

(e) An individual who is a member in good standing with a 57742  
labor organization that refers individuals to jobs meets the 57743  
active search for work requirement specified in division (A)(4)(a) 57744  
of this section if the individual provides documentation that the 57745  
individual is eligible for a referral or placement upon request 57746  
and in a manner prescribed by the director. 57747

(f) Notwithstanding any other provisions of this section, no 57748  
otherwise eligible individual shall be denied benefits for any 57749  
week because the individual is in training approved under section 57750  
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 57751  
2296, nor shall that individual be denied benefits by reason of 57752  
leaving work to enter such training, provided the work left is not 57753  
suitable employment, or because of the application to any week in 57754  
training of provisions in this chapter, or any applicable federal 57755  
unemployment compensation law, relating to availability for work, 57756  
active search for work, or refusal to accept work. 57757

For the purposes of division (A)(4)(f) of this section, 57758  
"suitable employment" means with respect to an individual, work of 57759  
a substantially equal or higher skill level than the individual's 57760  
past adversely affected employment, as defined for the purposes of 57761  
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 57762

wages for such work at not less than eighty per cent of the 57763  
individual's average weekly wage as determined for the purposes of 57764  
that federal act. 57765

(5) Is unable to obtain suitable work. An individual who is 57766  
provided temporary work assignments by the individual's employer 57767  
under agreed terms and conditions of employment, and who is 57768  
required pursuant to those terms and conditions to inquire with 57769  
the individual's employer for available work assignments upon the 57770  
conclusion of each work assignment, is not considered unable to 57771  
obtain suitable employment if suitable work assignments are 57772  
available with the employer but the individual fails to contact 57773  
the employer to inquire about work assignments. 57774

(6) Participates in reemployment services, such as job search 57775  
assistance services, if the individual has been determined to be 57776  
likely to exhaust benefits under this chapter, including 57777  
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 57778  
extended compensation, and needs reemployment services pursuant to 57779  
the profiling system established by the director under division 57780  
(K) of this section, unless the director determines that: 57781

(a) The individual has completed such services; or 57782

(b) There is justifiable cause for the claimant's failure to 57783  
participate in such services. 57784

Ineligibility for failure to participate in reemployment 57785  
services as described in division (A)(6) of this section shall be 57786  
for the week or weeks in which the claimant was scheduled and 57787  
failed to participate without justifiable cause. 57788

(7) Participates in the reemployment and eligibility 57789  
assessment program, or other reemployment services, as required by 57790  
the director. As used in division (A)(7) of this section, 57791  
"reemployment services" includes job search assistance activities, 57792  
skills assessments, and the provision of labor market statistics 57793

or analysis. 57794

(a) For purposes of division (A)(7) of this section, 57795  
participation is required unless the director determines that 57796  
either of the following circumstances applies to the individual: 57797

(i) The individual has completed similar services. 57798

(ii) Justifiable cause exists for the failure of the 57799  
individual to participate in those services. 57800

(b) Within six months after October 11, 2013, notwithstanding 57801  
any earlier contact an individual may have had with a local 57802  
~~one-stop county office~~ OhioMeansJobs center, ~~including~~ as 57803  
~~described~~ defined in section ~~6301.08~~ 6301.01 of the Revised Code, 57804  
beginning with the eighth week after the week during which an 57805  
individual first files a valid application for determination of 57806  
benefit rights in the individual's benefit year, the individual 57807  
shall report to a local ~~one-stop county office~~ OhioMeansJobs 57808  
center for reemployment services in the manner prescribed by the 57809  
director. 57810

(c) An individual whose active search for work requirement 57811  
has been waived under division (A)(4)(a) of this section or is 57812  
considered to be satisfied under division (A)(4)(c), (d), or (e) 57813  
of this section is exempt from the requirements of division (A)(7) 57814  
of this section. 57815

(B) An individual suffering total or partial unemployment is 57816  
eligible for benefits for unemployment occurring subsequent to a 57817  
waiting period of one week and no benefits shall be payable during 57818  
this required waiting period. Not more than one week of waiting 57819  
period shall be required of any individual in any benefit year in 57820  
order to establish the individual's eligibility for total or 57821  
partial unemployment benefits. 57822

(C) The waiting period for total or partial unemployment 57823  
shall commence on the first day of the first week with respect to 57824

which the individual first files a claim for benefits at an 57825  
employment office or other place of registration maintained or 57826  
designated by the director or on the first day of the first week 57827  
with respect to which the individual has otherwise filed a claim 57828  
for benefits in accordance with the rules of the department of job 57829  
and family services, provided such claim is allowed by the 57830  
director. 57831

(D) Notwithstanding division (A) of this section, no 57832  
individual may serve a waiting period or be paid benefits under 57833  
the following conditions: 57834

(1) For any week with respect to which the director finds 57835  
that: 57836

(a) The individual's unemployment was due to a labor dispute 57837  
other than a lockout at any factory, establishment, or other 57838  
premises located in this or any other state and owned or operated 57839  
by the employer by which the individual is or was last employed; 57840  
and for so long as the individual's unemployment is due to such 57841  
labor dispute. No individual shall be disqualified under this 57842  
provision if either of the following applies: 57843

(i) The individual's employment was with such employer at any 57844  
factory, establishment, or premises located in this state, owned 57845  
or operated by such employer, other than the factory, 57846  
establishment, or premises at which the labor dispute exists, if 57847  
it is shown that the individual is not financing, participating 57848  
in, or directly interested in such labor dispute; 57849

(ii) The individual's employment was with an employer not 57850  
involved in the labor dispute but whose place of business was 57851  
located within the same premises as the employer engaged in the 57852  
dispute, unless the individual's employer is a wholly owned 57853  
subsidiary of the employer engaged in the dispute, or unless the 57854  
individual actively participates in or voluntarily stops work 57855



because of such dispute. If it is established that the claimant 57856  
was laid off for an indefinite period and not recalled to work 57857  
prior to the dispute, or was separated by the employer prior to 57858  
the dispute for reasons other than the labor dispute, or that the 57859  
individual obtained a bona fide job with another employer while 57860  
the dispute was still in progress, such labor dispute shall not 57861  
render the employee ineligible for benefits. 57862

(b) The individual has been given a disciplinary layoff for 57863  
misconduct in connection with the individual's work. 57864

(2) For the duration of the individual's unemployment if the 57865  
director finds that: 57866

(a) The individual quit work without just cause or has been 57867  
discharged for just cause in connection with the individual's 57868  
work, provided division (D)(2) of this section does not apply to 57869  
the separation of a person under any of the following 57870  
circumstances: 57871

(i) Separation from employment for the purpose of entering 57872  
the armed forces of the United States if the individual is 57873  
inducted into the armed forces within one of the following 57874  
periods: 57875

(I) Thirty days after separation; 57876

(II) One hundred eighty days after separation if the 57877  
individual's date of induction is delayed solely at the discretion 57878  
of the armed forces. 57879

(ii) Separation from employment pursuant to a 57880  
labor-management contract or agreement, or pursuant to an 57881  
established employer plan, program, or policy, which permits the 57882  
employee, because of lack of work, to accept a separation from 57883  
employment; 57884

(iii) The individual has left employment to accept a recall 57885

from a prior employer or, except as provided in division 57886  
(D)(2)(a)(iv) of this section, to accept other employment as 57887  
provided under section 4141.291 of the Revised Code, or left or 57888  
was separated from employment that was concurrent employment at 57889  
the time of the most recent separation or within six weeks prior 57890  
to the most recent separation where the remuneration, hours, or 57891  
other conditions of such concurrent employment were substantially 57892  
less favorable than the individual's most recent employment and 57893  
where such employment, if offered as new work, would be considered 57894  
not suitable under the provisions of divisions (E) and (F) of this 57895  
section. Any benefits that would otherwise be chargeable to the 57896  
account of the employer from whom an individual has left 57897  
employment or was separated from employment that was concurrent 57898  
employment under conditions described in division (D)(2)(a)(iii) 57899  
of this section, shall instead be charged to the mutualized 57900  
account created by division (B) of section 4141.25 of the Revised 57901  
Code, except that any benefits chargeable to the account of a 57902  
reimbursing employer under division (D)(2)(a)(iii) of this section 57903  
shall be charged to the account of the reimbursing employer and 57904  
not to the mutualized account, except as provided in division 57905  
(D)(2) of section 4141.24 of the Revised Code. 57906

(iv) When an individual has been issued a definite layoff 57907  
date by the individual's employer and before the layoff date, the 57908  
individual quits to accept other employment, the provisions of 57909  
division (D)(2)(a)(iii) of this section apply and no 57910  
disqualification shall be imposed under division (D) of this 57911  
section. However, if the individual fails to meet the employment 57912  
and earnings requirements of division (A)(2) of section 4141.291 57913  
of the Revised Code, then the individual, pursuant to division 57914  
(A)(5) of this section, shall be ineligible for benefits for any 57915  
week of unemployment that occurs prior to the layoff date. 57916

(b) The individual has refused without good cause to accept 57917

an offer of suitable work when made by an employer either in 57918  
person or to the individual's last known address, or has refused 57919  
or failed to investigate a referral to suitable work when directed 57920  
to do so by a local employment office of this state or another 57921  
state, provided that this division shall not cause a 57922  
disqualification for a waiting week or benefits under the 57923  
following circumstances: 57924

(i) When work is offered by the individual's employer and the 57925  
individual is not required to accept the offer pursuant to the 57926  
terms of the labor-management contract or agreement; or 57927

(ii) When the individual is attending a training course 57928  
pursuant to division (A)(4) of this section except, in the event 57929  
of a refusal to accept an offer of suitable work or a refusal or 57930  
failure to investigate a referral, benefits thereafter paid to 57931  
such individual shall not be charged to the account of any 57932  
employer and, except as provided in division (B)(1)(b) of section 57933  
4141.241 of the Revised Code, shall be charged to the mutualized 57934  
account as provided in division (B) of section 4141.25 of the 57935  
Revised Code. 57936

(c) Such individual quit work to marry or because of marital, 57937  
parental, filial, or other domestic obligations. 57938

(d) The individual became unemployed by reason of commitment 57939  
to any correctional institution. 57940

(e) The individual became unemployed because of dishonesty in 57941  
connection with the individual's most recent or any base period 57942  
work. Remuneration earned in such work shall be excluded from the 57943  
individual's total base period remuneration and qualifying weeks 57944  
that otherwise would be credited to the individual for such work 57945  
in the individual's base period shall not be credited for the 57946  
purpose of determining the total benefits to which the individual 57947  
is eligible and the weekly benefit amount to be paid under section 57948

4141.30 of the Revised Code. Such excluded remuneration and 57949  
noncredited qualifying weeks shall be excluded from the 57950  
calculation of the maximum amount to be charged, under division 57951  
(D) of section 4141.24 and section 4141.33 of the Revised Code, 57952  
against the accounts of the individual's base period employers. In 57953  
addition, no benefits shall thereafter be paid to the individual 57954  
based upon such excluded remuneration or noncredited qualifying 57955  
weeks. 57956

For purposes of division (D)(2)(e) of this section, 57957  
"dishonesty" means the commission of substantive theft, fraud, or 57958  
deceitful acts. 57959

(E) No individual otherwise qualified to receive benefits 57960  
shall lose the right to benefits by reason of a refusal to accept 57961  
new work if: 57962

(1) As a condition of being so employed the individual would 57963  
be required to join a company union, or to resign from or refrain 57964  
from joining any bona fide labor organization, or would be denied 57965  
the right to retain membership in and observe the lawful rules of 57966  
any such organization. 57967

(2) The position offered is vacant due directly to a strike, 57968  
lockout, or other labor dispute. 57969

(3) The work is at an unreasonable distance from the 57970  
individual's residence, having regard to the character of the work 57971  
the individual has been accustomed to do, and travel to the place 57972  
of work involves expenses substantially greater than that required 57973  
for the individual's former work, unless the expense is provided 57974  
for. 57975

(4) The remuneration, hours, or other conditions of the work 57976  
offered are substantially less favorable to the individual than 57977  
those prevailing for similar work in the locality. 57978

(F) Subject to the special exceptions contained in division 57979

(A)(4)(f) of this section and section 4141.301 of the Revised Code, in determining whether any work is suitable for a claimant in the administration of this chapter, the director, in addition to the determination required under division (E) of this section, shall consider the degree of risk to the claimant's health, safety, and morals, the individual's physical fitness for the work, the individual's prior training and experience, the length of the individual's unemployment, the distance of the available work from the individual's residence, and the individual's prospects for obtaining local work.

(G) The "duration of unemployment" as used in this section means the full period of unemployment next ensuing after a separation from any base period or subsequent work and until an individual has become reemployed in employment subject to this chapter, or the unemployment compensation act of another state, or of the United States, and until such individual has worked six weeks and for those weeks has earned or been paid remuneration equal to six times an average weekly wage of not less than: eighty-five dollars and ten cents per week beginning on June 26, 1990; and beginning on and after January 1, 1992, twenty-seven and one-half per cent of the statewide average weekly wage as computed each first day of January under division (B)(3) of section 4141.30 of the Revised Code, rounded down to the nearest dollar, except for purposes of division (D)(2)(c) of this section, such term means the full period of unemployment next ensuing after a separation from such work and until such individual has become reemployed subject to the terms set forth above, and has earned wages equal to one-half of the individual's average weekly wage or sixty dollars, whichever is less.

(H) If a claimant is disqualified under division (D)(2)(a), (c), or (d) of this section or found to be qualified under the exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of

this section or division (A)(2) of section 4141.291 of the Revised Code, then benefits that may become payable to such claimant, which are chargeable to the account of the employer from whom the individual was separated under such conditions, shall be charged to the mutualized account provided in section 4141.25 of the Revised Code, provided that no charge shall be made to the mutualized account for benefits chargeable to a reimbursing employer, except as provided in division (D)(2) of section 4141.24 of the Revised Code. In the case of a reimbursing employer, the director shall refund or credit to the account of the reimbursing employer any over-paid benefits that are recovered under division (B) of section 4141.35 of the Revised Code. Amounts chargeable to other states, the United States, or Canada that are subject to agreements and arrangements that are established pursuant to section 4141.43 of the Revised Code shall be credited or reimbursed according to the agreements and arrangements to which the chargeable amounts are subject.

(I)(1) Benefits based on service in employment as provided in divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code shall be payable in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other service subject to this chapter; except that after December 31, 1977:

(a) Benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education, as defined in division (Y) of section 4141.01 of the Revised Code; or for an educational institution as defined in division (CC) of section 4141.01 of the Revised Code, shall not be paid to any individual for any week of unemployment that begins during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms or during a period of paid sabbatical leave provided for in

the individual's contract, if the individual performs such 58044  
services in the first of those academic years or terms and has a 58045  
contract or a reasonable assurance that the individual will 58046  
perform services in any such capacity for any such institution in 58047  
the second of those academic years or terms. 58048

(b) Benefits based on service for an educational institution 58049  
or an institution of higher education in other than an 58050  
instructional, research, or principal administrative capacity, 58051  
shall not be paid to any individual for any week of unemployment 58052  
which begins during the period between two successive academic 58053  
years or terms of the employing educational institution or 58054  
institution of higher education, provided the individual performed 58055  
those services for the educational institution or institution of 58056  
higher education during the first such academic year or term and, 58057  
there is a reasonable assurance that such individual will perform 58058  
those services for any educational institution or institution of 58059  
higher education in the second of such academic years or terms. 58060

If compensation is denied to any individual for any week 58061  
under division (I)(1)(b) of this section and the individual was 58062  
not offered an opportunity to perform those services for an 58063  
institution of higher education or for an educational institution 58064  
for the second of such academic years or terms, the individual is 58065  
entitled to a retroactive payment of compensation for each week 58066  
for which the individual timely filed a claim for compensation and 58067  
for which compensation was denied solely by reason of division 58068  
(I)(1)(b) of this section. An application for retroactive benefits 58069  
shall be timely filed if received by the director or the 58070  
director's deputy within or prior to the end of the fourth full 58071  
calendar week after the end of the period for which benefits were 58072  
denied because of reasonable assurance of employment. The 58073  
provision for the payment of retroactive benefits under division 58074  
(I)(1)(b) of this section is applicable to weeks of unemployment 58075

beginning on and after November 18, 1983. The provisions under 58076  
division (I)(1)(b) of this section shall be retroactive to 58077  
September 5, 1982, only if, as a condition for full tax credit 58078  
against the tax imposed by the "Federal Unemployment Tax Act," 53 58079  
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 58080  
secretary of labor determines that retroactivity is required by 58081  
federal law. 58082

(c) With respect to weeks of unemployment beginning after 58083  
December 31, 1977, benefits shall be denied to any individual for 58084  
any week which commences during an established and customary 58085  
vacation period or holiday recess, if the individual performs any 58086  
services described in divisions (I)(1)(a) and (b) of this section 58087  
in the period immediately before the vacation period or holiday 58088  
recess, and there is a reasonable assurance that the individual 58089  
will perform any such services in the period immediately following 58090  
the vacation period or holiday recess. 58091

(d) With respect to any services described in division 58092  
(I)(1)(a), (b), or (c) of this section, benefits payable on the 58093  
basis of services in any such capacity shall be denied as 58094  
specified in division (I)(1)(a), (b), or (c) of this section to 58095  
any individual who performs such services in an educational 58096  
institution or institution of higher education while in the employ 58097  
of an educational service agency. For this purpose, the term 58098  
"educational service agency" means a governmental agency or 58099  
governmental entity that is established and operated exclusively 58100  
for the purpose of providing services to one or more educational 58101  
institutions or one or more institutions of higher education. 58102

(e) Any individual employed by a county board of 58103  
developmental disabilities shall be notified by the thirtieth day 58104  
of April each year if the individual is not to be reemployed the 58105  
following academic year. 58106

(f) Any individual employed by a school district, other than 58107



a municipal school district as defined in section 3311.71 of the Revised Code, shall be notified by the first day of June each year if the individual is not to be reemployed the following academic year.

(2) No disqualification will be imposed, between academic years or terms or during a vacation period or holiday recess under this division, unless the director or the director's deputy has received a statement in writing from the educational institution or institution of higher education that the claimant has a contract for, or a reasonable assurance of, reemployment for the ensuing academic year or term.

(3) If an individual has employment with an educational institution or an institution of higher education and employment with a noneducational employer, during the base period of the individual's benefit year, then the individual may become eligible for benefits during the between-term, or vacation or holiday recess, disqualification period, based on employment performed for the noneducational employer, provided that the employment is sufficient to qualify the individual for benefit rights separately from the benefit rights based on school employment. The weekly benefit amount and maximum benefits payable during a disqualification period shall be computed based solely on the nonschool employment.

(J) Benefits shall not be paid on the basis of employment performed by an alien, unless the alien had been lawfully admitted to the United States for permanent residence at the time the services were performed, was lawfully present for purposes of performing the services, or was otherwise permanently residing in the United States under color of law at the time the services were performed, under section 212(d)(5) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101:

(1) Any data or information required of individuals applying

for benefits to determine whether benefits are not payable to them 58140  
because of their alien status shall be uniformly required from all 58141  
applicants for benefits. 58142

(2) In the case of an individual whose application for 58143  
benefits would otherwise be approved, no determination that 58144  
benefits to the individual are not payable because of the 58145  
individual's alien status shall be made except upon a 58146  
preponderance of the evidence that the individual had not, in 58147  
fact, been lawfully admitted to the United States. 58148

(K) The director shall establish and utilize a system of 58149  
profiling all new claimants under this chapter that: 58150

(1) Identifies which claimants will be likely to exhaust 58151  
regular compensation and will need job search assistance services 58152  
to make a successful transition to new employment; 58153

(2) Refers claimants identified pursuant to division (K)(1) 58154  
of this section to reemployment services, such as job search 58155  
assistance services, available under any state or federal law; 58156

(3) Collects follow-up information relating to the services 58157  
received by such claimants and the employment outcomes for such 58158  
claimant's subsequent to receiving such services and utilizes such 58159  
information in making identifications pursuant to division (K)(1) 58160  
of this section; and 58161

(4) Meets such other requirements as the United States 58162  
secretary of labor determines are appropriate. 58163

(L) Except as otherwise provided in division (A)(6) of this 58164  
section, ineligibility pursuant to division (A) of this section 58165  
shall begin on the first day of the week in which the claimant 58166  
becomes ineligible for benefits and shall end on the last day of 58167  
the week preceding the week in which the claimant satisfies the 58168  
eligibility requirements. 58169

(M) The director may adopt rules that the director considers 58170  
necessary for the administration of division (A) of this section. 58171

**Sec. 4141.43.** (A) The director of job and family services may 58172  
cooperate with the industrial commission, the bureau of workers' 58173  
compensation, the United States internal revenue service, the 58174  
United States employment service, and other similar departments 58175  
and agencies, as determined by the director, in the exchange or 58176  
disclosure of information as to wages, employment, payrolls, 58177  
unemployment, and other information. The director may employ, 58178  
jointly with one or more of such agencies or departments, 58179  
auditors, examiners, inspectors, and other employees necessary for 58180  
the administration of this chapter and employment and training 58181  
services for workers in the state. 58182

(B) The director may make the state's record relating to the 58183  
administration of this chapter available to the railroad 58184  
retirement board and may furnish the board at the board's expense 58185  
such copies thereof as the board deems necessary for its purposes. 58186

(C) The director may afford reasonable cooperation with every 58187  
agency of the United States charged with the administration of any 58188  
unemployment compensation law. 58189

(D) The director may enter into arrangements with the 58190  
appropriate agencies of other states or of the United States or 58191  
Canada whereby individuals performing services in this and other 58192  
states for a single employer under circumstances not specifically 58193  
provided for in division (B) of section 4141.01 of the Revised 58194  
Code or in similar provisions in the unemployment compensation 58195  
laws of such other states shall be deemed to be engaged in 58196  
employment performed entirely within this state or within one of 58197  
such other states or within Canada, and whereby potential rights 58198  
to benefits accumulated under the unemployment compensation laws 58199  
of several states or under such a law of the United States, or 58200

both, or of Canada may constitute the basis for the payment of 58201  
benefits through a single appropriate agency under terms that the 58202  
director finds will be fair and reasonable as to all affected 58203  
interests and will not result in any substantial loss to the 58204  
unemployment compensation fund. 58205

(E) The director may enter into agreements with the 58206  
appropriate agencies of other states or of the United States or 58207  
Canada: 58208

(1) Whereby services or wages upon the basis of which an 58209  
individual may become entitled to benefits under the unemployment 58210  
compensation law of another state or of the United States or 58211  
Canada shall be deemed to be employment or wages for employment by 58212  
employers for the purposes of qualifying claimants for benefits 58213  
under this chapter, and the director may estimate the number of 58214  
weeks of employment represented by the wages reported to the 58215  
director for such claimants by such other agency, provided such 58216  
other state agency or agency of the United States or Canada has 58217  
agreed to reimburse the unemployment compensation fund for such 58218  
portion of benefits paid under this chapter upon the basis of such 58219  
services or wages as the director finds will be fair and 58220  
reasonable as to all affected interests; 58221

(2) Whereby the director will reimburse other state or 58222  
federal or Canadian agencies charged with the administration of 58223  
unemployment compensation laws with such reasonable portion of 58224  
benefits, paid under the law of such other states or of the United 58225  
States or of Canada upon the basis of employment or wages for 58226  
employment by employers, as the director finds will be fair and 58227  
reasonable as to all affected interests. Reimbursements so payable 58228  
shall be deemed to be benefits for the purpose of section 4141.09 58229  
and division (A) of section 4141.30 of the Revised Code. However, 58230  
no reimbursement so payable shall be charged against any 58231  
employer's account for the purposes of section 4141.24 of the 58232

Revised Code if the employer's account, under the same or similar 58233  
circumstances, with respect to benefits charged under the 58234  
provisions of this chapter, other than this section, would not be 58235  
charged or, if the claimant at the time the claimant files the 58236  
combined wage claim cannot establish benefit rights under this 58237  
chapter. This noncharging shall not be applicable to a nonprofit 58238  
organization that has elected to make payments in lieu of 58239  
contributions under section 4141.241 of the Revised Code, except 58240  
as provided in division (D)(2) of section 4141.24 of the Revised 58241  
Code. The director may make to other state or federal or Canadian 58242  
agencies and receive from such other state or federal or Canadian 58243  
agencies reimbursements from or to the unemployment compensation 58244  
fund, in accordance with arrangements pursuant to this section. 58245

(3) Notwithstanding division (B)(2)(f) of section 4141.01 of 58246  
the Revised Code, the director may enter into agreements with 58247  
other states whereby services performed for a crew leader, as 58248  
defined in division (BB) of section 4141.01 of the Revised Code, 58249  
may be covered in the state in which the crew leader either: 58250

(a) Has the crew leader's place of business or from which the 58251  
crew leader's business is operated or controlled; 58252

(b) Resides if the crew leader has no place of business in 58253  
any state. 58254

(F) The director may apply for an advance to the unemployment 58255  
compensation fund and do all things necessary or required to 58256  
obtain such advance and arrange for the repayment of such advance 58257  
in accordance with Title XII of the "Social Security Act" as 58258  
amended. 58259

(G) The director may enter into reciprocal agreements or 58260  
arrangements with the appropriate agencies of other states in 58261  
regard to services on vessels engaged in interstate or foreign 58262  
commerce whereby such services for a single employer, wherever 58263

performed, shall be deemed performed within this state or within 58264  
such other states. 58265

(H) The director shall participate in any arrangements for 58266  
the payment of compensation on the basis of combining an 58267  
individual's wages and employment, covered under this chapter, 58268  
with the individual's wages and employment covered under the 58269  
unemployment compensation laws of other states which are approved 58270  
by the United States secretary of labor in consultation with the 58271  
state unemployment compensation agencies as reasonably calculated 58272  
to assure the prompt and full payment of compensation in such 58273  
situations and which include provisions for: 58274

(1) Applying the base period of a single state law to a claim 58275  
involving the combining of an individual's wages and employment 58276  
covered under two or more state unemployment compensation laws, 58277  
and 58278

(2) Avoiding the duplicate use of wages and employment by 58279  
reason of such combining. 58280

(I) The director shall cooperate with the United States 58281  
department of labor to the fullest extent consistent with this 58282  
chapter, and shall take such action, through the adoption of 58283  
appropriate rules, regulations, and administrative methods and 58284  
standards, as may be necessary to secure to this state and its 58285  
citizens all advantages available under the provisions of the 58286  
"Social Security Act" that relate to unemployment compensation, 58287  
the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26 58288  
U.S.C.A. 3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat. 58289  
113, 29 U.S.C.A. 49, ~~and~~ the "Federal-State Extended Unemployment 58290  
Compensation Act of 1970," 84 Stat. 596, 26 U.S.C.A. 3306, and the 58291  
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.~~ 58292  
~~2801 et seq~~ "Workforce Innovation and Opportunity Act," 29 58293  
U.S.C.A. 3101 et seq. 58294

(J) The director may disclose wage information furnished to 58295  
or maintained by the director under Chapter 4141. of the Revised 58296  
Code to a consumer reporting agency as defined by the "Fair Credit 58297  
Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, for 58298  
the purpose of verifying an individual's income under a written 58299  
agreement that requires all of the following: 58300

(1) A written statement of informed consent from the 58301  
individual whose information is to be disclosed; 58302

(2) A written statement confirming that the consumer 58303  
reporting agency and any other entity to which the information is 58304  
disclosed or released will safeguard the information from illegal 58305  
or unauthorized disclosure; 58306

(3) A written statement confirming that the consumer 58307  
reporting agency will pay to the bureau all costs associated with 58308  
the disclosure. 58309

The director shall prescribe a manner and format in which 58310  
this information may be provided. 58311

(K) The director shall adopt rules defining the requirements 58312  
of the release of individual income verification information 58313  
specified in division (J) of this section, which shall include all 58314  
terms and conditions necessary to meet the requirements of federal 58315  
law as interpreted by the United States department of labor or 58316  
considered necessary by the director for the proper administration 58317  
of this division. 58318

(L) The director shall disclose information furnished to or 58319  
maintained by the director under this chapter upon request and on 58320  
a reimbursable basis as required by section 303 of the "Social 58321  
Security Act," 42 U.S.C.A. 503, and section 3304 of the "Internal 58322  
Revenue Code," 26 U.S.C.A. 3304. 58323

**Sec. 4141.51.** (A) An employer who wishes to participate in 58324

the SharedWork Ohio program shall submit a plan to the director of 58325  
job and family services in which the employer does all of the 58326  
following: 58327

(1) Identifies the participating employees by name, social 58328  
security number, affected unit, and normal weekly hours of work; 58329

(2) Describes the manner in which the employer will implement 58330  
the requirements of the SharedWork Ohio program, including the 58331  
proposed reduction percentage, which shall be between ten per cent 58332  
and fifty per cent, and any temporary closure of the participating 58333  
employer's business for equipment maintenance or other similar 58334  
circumstances that the employer knows may occur during the 58335  
effective period of an approved plan; 58336

(3) Includes a plan for giving advance notice, if feasible, 58337  
to an employee whose normal weekly hours of work are to be reduced 58338  
and, if advance notice is not feasible, an explanation of why that 58339  
notice is not feasible; 58340

(4) Includes a certification by the employer that the 58341  
aggregate reduction in the number of hours worked by the employees 58342  
of the employer is in lieu of layoffs and includes an estimate of 58343  
the number of layoffs that would have occurred absent the ability 58344  
to participate in the SharedWork Ohio program; 58345

(5) Includes a certification by the employer that if the 58346  
employer provides health benefits and retirement benefits under a 58347  
defined benefit plan, as defined in 26 U.S.C. 414(j), as amended, 58348  
or contributions under a defined contribution plan as defined in 58349  
26 U.S.C. 414(i), as amended, to any employee whose normal weekly 58350  
hours of work are reduced under the program that such benefits 58351  
will continue to be provided to an employee participating in the 58352  
SharedWork Ohio program under the same terms and conditions as 58353  
though the normal weekly hours of work of the employee had not 58354  
been reduced or to the same extent as other employees not 58355



participating in the program; 58356

(6) Permits eligible employees to participate, as 58357  
appropriate, in training to enhance job skills approved by the 58358  
director, including employer-sponsored training or worker training 58359  
funded under the federal "~~Workforce Investment Act of 1998,~~" 112 58360  
~~Stat. 936, 29 U.S.C. 2801 et seq., as amended~~ "Workforce 58361  
Innovation and Opportunity Act," 29 U.S.C. 3101 et seq.; 58362

(7) Includes any other information as required by the United 58363  
States secretary of labor or the director under the rules the 58364  
director adopts under section 4141.50 of the Revised Code; 58365

(8) Includes an attestation by the employer that the terms of 58366  
the written plan submitted by the employer and implementation of 58367  
that plan are consistent with obligations of the employer under 58368  
the applicable federal and state laws; 58369

(9) Includes a certification by the employer that the 58370  
employer will promptly notify the director of any change in the 58371  
business that includes the sale or transfer of all or part of the 58372  
business, and that the employer will notify any successor in 58373  
interest to the employer's business prior to the transfer of all 58374  
or part of the business, of the existence of any approved shared 58375  
work plan; 58376

(10) Includes a certification by the employer that, as of the 58377  
date the employer submits the plan, the employer is current on all 58378  
reports and has paid all contributions, reimbursements, interest, 58379  
and penalties due under this chapter; 58380

(11) Includes an assurance from the employer that the 58381  
employer will remain current on all employer reporting and 58382  
payments of contributions, reimbursements, interest, and penalties 58383  
as required by this chapter; 58384

(12) Includes a certification by the employer that none of 58385  
the participating employees are employed on a seasonal, temporary, 58386

or intermittent basis; 58387

(13) Includes an assurance from the employer that the 58388  
employer will not reduce a participating employee's normal weekly 58389  
hours of work by more than the reduction percentage, except in the 58390  
event of a temporary closure of the employer's business for 58391  
equipment maintenance, or when the employee takes approved time 58392  
off during the week with pay, and the combined work hours and paid 58393  
leave hours equal the number of hours the employee would have 58394  
worked under the plan. 58395

(B) The director shall approve a shared work plan if an 58396  
employer includes in the plan all of the information, 58397  
certifications, and assurances required under division (A) of this 58398  
section. 58399

(C) The director shall approve or deny a shared work plan and 58400  
shall send a written notice to the employer stating whether the 58401  
director approved or denied the plan not later than thirty days 58402  
after the director receives the plan. If the director denies 58403  
approval of a shared work plan, the director shall state the 58404  
reasons for denying approval in the written notice sent to the 58405  
employer. 58406

(D) The director shall enforce the requirements of the 58407  
SharedWork Ohio program in the same manner as the director 58408  
enforces the requirements of this chapter, including under section 58409  
4141.40 of the Revised Code. 58410

**Sec. 4301.22.** Sales of beer and intoxicating liquor under all 58411  
classes of permits and from state liquor stores are subject to the 58412  
following restrictions, in addition to those imposed by the rules 58413  
or orders of the division of liquor control: 58414

(A)(1) Except as otherwise provided in this chapter, no beer 58415  
or intoxicating liquor shall be sold to any person under 58416

twenty-one years of age. 58417

(2) No low-alcohol beverage shall be sold to any person under 58418  
eighteen years of age. No permit issued by the division shall be 58419  
suspended, revoked, or canceled because of a violation of division 58420  
(A)(2) of this section. 58421

(3) No intoxicating liquor shall be handled by any person 58422  
under twenty-one years of age, except that a person eighteen years 58423  
of age or older employed by a permit holder may handle or sell 58424  
beer or intoxicating liquor in sealed containers in connection 58425  
with wholesale or retail sales, and any person nineteen years of 58426  
age or older employed by a permit holder may handle intoxicating 58427  
liquor in open containers when acting in the capacity of a server 58428  
in a hotel, restaurant, club, or night club, as defined in 58429  
division (B) of section 4301.01 of the Revised Code, or in the 58430  
premises of a D-7 permit holder. This section does not authorize 58431  
persons under twenty-one years of age to sell intoxicating liquor 58432  
across a bar. Any person employed by a permit holder may handle 58433  
beer or intoxicating liquor in sealed containers in connection 58434  
with manufacturing, storage, warehousing, placement, stocking, 58435  
bagging, loading, or unloading, and may handle beer or 58436  
intoxicating liquor in open containers in connection with cleaning 58437  
tables or handling empty bottles or glasses. 58438

(B) No permit holder and no agent or employee of a permit 58439  
holder shall sell or furnish beer or intoxicating liquor to an 58440  
intoxicated person. 58441

(C) No sales of intoxicating liquor shall be made after 58442  
two-thirty a.m. on Sunday except under either of the following 58443  
circumstances: 58444

(1) Intoxicating liquor may be sold on Sunday under authority 58445  
of a permit that authorizes Sunday sale. 58446

(2) Spirituous liquor may be sold on Sunday by any person 58447

awarded an agency contract under section 4301.17 of the Revised 58448  
Code if the sale of spirituous liquor is authorized in the 58449  
applicable precinct as the result of an election on question 58450  
(B)(1) or (2) of section 4301.351 of the Revised Code and if the 58451  
agency contract authorizes the sale of spirituous liquor on 58452  
Sunday. 58453

This section does not prevent a municipal corporation from 58454  
adopting a closing hour for the sale of intoxicating liquor 58455  
earlier than two-thirty a.m. on Sunday or to provide that no 58456  
intoxicating liquor may be sold prior to that hour on Sunday. 58457

(D) No holder of a permit shall give away any beer or 58458  
intoxicating liquor of any kind at any time in connection with the 58459  
permit holder's business. However, with the exception of an A-1-A 58460  
permit holder that also has been issued an A-2 or A-2f permit, an 58461  
A-1-A, A-1c, or D permit holder may provide to a paying customer 58462  
not more than a total of four tasting samples of beer, wine, or 58463  
spirituous liquor, as authorized by the applicable permit, in any 58464  
twenty-four-hour period. The permit holder shall provide the 58465  
tasting samples free of charge, at the permit holder's expense, 58466  
only to a person who is twenty-one years of age or older. The 58467  
person shall consume the tasting samples on the premises of the 58468  
permit holder. A distributor is not responsible for the costs of 58469  
providing tasting samples authorized under division (D) of this 58470  
section. 58471

As used in division (D) of this section: 58472

(1) "Tasting sample" means one of the following, as 58473  
applicable: 58474

(a) An amount not to exceed two ounces of beer; 58475

(b) An amount not to exceed two ounces of wine; 58476

(c) An amount not to exceed a quarter ounce of spirituous 58477  
liquor. 58478

(2) "D permit holder" means a person that has been issued a 58479  
D-1, D-2, D-2x, D-3, D-3a, D-3x, D-4, D-5, D-5a, D-5c, D-5d, D-5e, 58480  
D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-6, 58481  
or D-7 permit. 58482

(E) Except as otherwise provided in this division, no retail 58483  
permit holder shall display or permit the display on the outside 58484  
of any licensed retail premises, or on any lot of ground on which 58485  
the licensed premises are situated, or on the exterior of any 58486  
building of which the licensed premises are a part, any sign, 58487  
illustration, or advertisement bearing the name, brand name, trade 58488  
name, trade-mark, designation, or other emblem of or indicating 58489  
the manufacturer, producer, distributor, place of manufacture, 58490  
production, or distribution of any beer or intoxicating liquor. 58491  
Signs, illustrations, or advertisements bearing the name, brand 58492  
name, trade name, trade-mark, designation, or other emblem of or 58493  
indicating the manufacturer, producer, distributor, place of 58494  
manufacture, production, or distribution of beer or intoxicating 58495  
liquor may be displayed and permitted to be displayed on the 58496  
interior or in the show windows of any licensed premises, if the 58497  
particular brand or type of product so advertised is actually 58498  
available for sale on the premises at the time of that display. 58499  
The liquor control commission shall determine by rule the size and 58500  
character of those signs, illustrations, or advertisements. 58501

(F) No retail permit holder shall possess on the licensed 58502  
premises any barrel or other container from which beer is drawn, 58503  
unless there is attached to the spigot or other dispensing 58504  
apparatus the name of the manufacturer of the product contained in 58505  
the barrel or other container, provided that, if the beer is 58506  
served at a bar, the manufacturer's name or brand shall appear in 58507  
full view of the purchaser. The commission shall regulate the size 58508  
and character of the devices provided for in this section. 58509

(G) Except as otherwise provided in this division, no sale of 58510

any gift certificate shall be permitted whereby beer or 58511  
intoxicating liquor of any kind is to be exchanged for the 58512  
certificate, unless the gift certificate can be exchanged only for 58513  
food, and beer or intoxicating liquor, for on-premises consumption 58514  
and the value of the beer or intoxicating liquor for which the 58515  
certificate can be exchanged does not exceed more than thirty per 58516  
cent of the total value of the gift certificate. The sale of gift 58517  
certificates for the purchase of beer, wine, or mixed beverages 58518  
shall be permitted for the purchase of beer, wine, or mixed 58519  
beverages for off-premises consumption. Limitations on the use of 58520  
a gift certificate for the purchase of beer, wine, or mixed 58521  
beverages for off-premises consumption may be expressed by clearly 58522  
stamping or typing on the face of the certificate that the 58523  
certificate may not be used for the purchase of beer, wine, or 58524  
mixed beverages. 58525

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of 58526  
the Revised Code: 58527

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 58528  
fluid ounces. 58529

(2) "Sale" or "sell" includes exchange, barter, gift, 58530  
distribution, and, except with respect to A-4 permit holders, 58531  
offer for sale. 58532

(B) For the purposes of providing revenues for the support of 58533  
the state and encouraging the grape industries in the state, a tax 58534  
is hereby levied on the sale or distribution of wine in Ohio, 58535  
except for known sacramental purposes, at the rate of thirty cents 58536  
per wine gallon for wine containing not less than four per cent of 58537  
alcohol by volume and not more than fourteen per cent of alcohol 58538  
by volume, ninety-eight cents per wine gallon for wine containing 58539  
more than fourteen per cent but not more than twenty-one per cent 58540  
of alcohol by volume, one dollar and eight cents per wine gallon 58541

for vermouth, and one dollar and forty-eight cents per wine gallon 58542  
for sparkling and carbonated wine and champagne, the tax to be 58543  
paid by the holders of A-2, A-2f, and B-5 permits or by any other 58544  
person selling or distributing wine upon which no tax has been 58545  
paid. From the tax paid under this section on wine, vermouth, and 58546  
sparkling and carbonated wine and champagne, the treasurer of 58547  
state shall credit to the Ohio grape industries fund created under 58548  
section 924.54 of the Revised Code a sum equal to one cent per 58549  
gallon for each gallon upon which the tax is paid. 58550

(C) For the purpose of providing revenues for the support of 58551  
the state, there is hereby levied a tax on prepared and bottled 58552  
highballs, cocktails, cordials, and other mixed beverages at the 58553  
rate of one dollar and twenty cents per wine gallon to be paid by 58554  
holders of A-4 permits or by any other person selling or 58555  
distributing those products upon which no tax has been paid. Only 58556  
one sale of the same article shall be used in computing the amount 58557  
of tax due. The tax on mixed beverages to be paid by holders of 58558  
A-4 permits under this section shall not attach until the 58559  
ownership of the mixed beverage is transferred for valuable 58560  
consideration to a wholesaler or retailer, and no payment of the 58561  
tax shall be required prior to that time. 58562

(D) During the period of July 1, ~~2015~~ 2017, through June 30, 58563  
~~2017~~ 2019, from the tax paid under this section on wine, vermouth, 58564  
and sparkling and carbonated wine and champagne, the treasurer of 58565  
state shall credit to the Ohio grape industries fund created under 58566  
section 924.54 of the Revised Code a sum equal to two cents per 58567  
gallon upon which the tax is paid. The amount credited under this 58568  
division is in addition to the amount credited to the Ohio grape 58569  
industries fund under division (B) of this section. 58570

(E) For the purpose of providing revenues for the support of 58571  
the state, there is hereby levied a tax on cider at the rate of 58572  
twenty-four cents per wine gallon to be paid by the holders of 58573

A-2, A-2f, and B-5 permits or by any other person selling or 58574  
distributing cider upon which no tax has been paid. Only one sale 58575  
of the same article shall be used in computing the amount of the 58576  
tax due. 58577

**Sec. 4301.62.** (A) As used in this section: 58578

(1) "Chauffeured limousine" means a vehicle registered under 58579  
section 4503.24 of the Revised Code. 58580

(2) "Street," "highway," and "motor vehicle" have the same 58581  
meanings as in section 4511.01 of the Revised Code. 58582

(B) No person shall have in the person's possession an opened 58583  
container of beer or intoxicating liquor in any of the following 58584  
circumstances: 58585

(1) Except as provided in division (C)(1)(e) of this section, 58586  
in an agency store; 58587

(2) Except as provided in division (C) of this section, on 58588  
the premises of the holder of any permit issued by the division of 58589  
liquor control; 58590

(3) In any other public place; 58591

(4) Except as provided in division (D) or (E) of this 58592  
section, while operating or being a passenger in or on a motor 58593  
vehicle on any street, highway, or other public or private 58594  
property open to the public for purposes of vehicular travel or 58595  
parking; 58596

(5) Except as provided in division (D) or (E) of this 58597  
section, while being in or on a stationary motor vehicle on any 58598  
street, highway, or other public or private property open to the 58599  
public for purposes of vehicular travel or parking. 58600

(C)(1) A person may have in the person's possession an opened 58601  
container of any of the following: 58602



(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or F-8 permit;

(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2 permit holder or S permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;

(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the Revised Code;

(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the liquor control commission;

(e) Spirituous liquor to be consumed for purposes of a tasting sample, as defined in section 4301.171 of the Revised Code.

(2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this division, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.

(3)(a) A person may have in the person's possession on a D-2 58634  
liquor permit premises an opened or unopened container of wine 58635  
that was not purchased from the holder of the D-2 permit if the 58636  
premises for which the D-2 permit is issued is an outdoor 58637  
performing arts center, the person is attending an orchestral 58638  
performance, and the holder of the D-2 permit grants permission 58639  
for the possession and consumption of wine in certain 58640  
predesignated areas of the premises during the period for which 58641  
the D-2 permit is issued. 58642

(b) As used in division (C)(3)(a) of this section: 58643

(i) "Orchestral performance" means a concert comprised of a 58644  
group of not fewer than forty musicians playing various musical 58645  
instruments. 58646

(ii) "Outdoor performing arts center" means an outdoor 58647  
performing arts center that is located on not less than one 58648  
hundred fifty acres of land and that is open for performances from 58649  
the first day of April to the last day of October of each year. 58650

(4) A person may have in the person's possession an opened or 58651  
unopened container of beer or intoxicating liquor at an outdoor 58652  
location at which the person is attending an orchestral 58653  
performance as defined in division (C)(3)(b)(i) of this section if 58654  
the person with supervision and control over the performance 58655  
grants permission for the possession and consumption of beer or 58656  
intoxicating liquor in certain predesignated areas of that outdoor 58657  
location. 58658

(5) A person may have in the person's possession on an F-9 58659  
liquor permit premises an opened or unopened container of beer or 58660  
intoxicating liquor that was not purchased from the holder of the 58661  
F-9 permit if the person is attending ~~an~~ either of the following: 58662

(a) An orchestral performance and the F-9 permit holder of 58663  
~~the F-9 permit~~ grants permission for the possession and 58664

consumption of beer or intoxicating liquor in certain 58665  
predesignated areas of the premises during the period for which 58666  
the F-9 permit is issued; 58667

(b) An outdoor performing arts event or orchestral 58668  
performance that is free of charge and the F-9 permit holder 58669  
annually hosts not less than twenty-five other events or 58670  
performances that are free of charge on the permit premises. 58671

As used in division (C)(5) of this section, "orchestral 58672  
performance" has the same meaning as in division (C)(3)(b) of this 58673  
section. 58674

(6)(a) A person may have in the person's possession on the 58675  
property of an outdoor motorsports facility an opened or unopened 58676  
container of beer or intoxicating liquor that was not purchased 58677  
from the owner of the facility if both of the following apply: 58678

(i) The person is attending a racing event at the facility; 58679  
and 58680

(ii) The owner of the facility grants permission for the 58681  
possession and consumption of beer or intoxicating liquor on the 58682  
property of the facility. 58683

(b) As used in division (C)(6)(a) of this section: 58684

(i) "Racing event" means a motor vehicle racing event 58685  
sanctioned by one or more motor racing sanctioning organizations. 58686

(ii) "Outdoor motorsports facility" means an outdoor 58687  
racetrack to which all of the following apply: 58688

(I) It is two and four-tenths miles or more in length. 58689

(II) It is located on two hundred acres or more of land. 58690

(III) The primary business of the owner of the facility is 58691  
the hosting and promoting of racing events. 58692

(IV) The holder of a D-1, D-2, or D-3 permit is located on 58693

the property of the facility. 58694

(7)(a) A person may have in the person's possession an opened 58695  
container of beer or intoxicating liquor at an outdoor location 58696  
within an outdoor refreshment area created under section 4301.82 58697  
of the Revised Code if the opened container of beer or 58698  
intoxicating liquor was purchased from a qualified permit holder 58699  
to which both of the following apply: 58700

(i) The permit holder's premises is located within the 58701  
outdoor refreshment area. 58702

(ii) The permit held by the permit holder has an outdoor 58703  
refreshment area designation. 58704

(b) Division (C)(7) of this section does not authorize a 58705  
person to do either of the following: 58706

(i) Enter the premises of an establishment within an outdoor 58707  
refreshment area while possessing an opened container of beer or 58708  
intoxicating liquor acquired elsewhere; 58709

(ii) Possess an opened container of beer or intoxicating 58710  
liquor while being in or on a motor vehicle within an outdoor 58711  
refreshment area, unless the motor vehicle is stationary and is 58712  
not being operated in a lane of vehicular travel or unless the 58713  
possession is otherwise authorized under division (D) or (E) of 58714  
this section. 58715

(8)(a) A person may have in the person's possession on the 58716  
property of a market, within a defined F-8 permit premises, an 58717  
opened container of beer or intoxicating liquor that was purchased 58718  
from a D permit premises that is located immediately adjacent to 58719  
the market if both of the following apply: 58720

(i) The market grants permission for the possession and 58721  
consumption of beer and intoxicating liquor within the defined F-8 58722  
permit premises; 58723

(ii) The market is hosting an event pursuant to an F-8 permit 58724  
and the market has notified the division of liquor control about 58725  
the event in accordance with division (A)(3) of section 4303.208 58726  
of the Revised Code. 58727

(b) As used in division (C)(8) of this section, ~~market~~ 58728  
"market" means a market, for which an F-8 permit is held, that has 58729  
been in operation since 1860. 58730

(D) This section does not apply to a person who pays all or a 58731  
portion of the fee imposed for the use of a chauffeured limousine 58732  
pursuant to a prearranged contract, or the guest of the person, 58733  
when all of the following apply: 58734

(1) The person or guest is a passenger in the limousine. 58735

(2) The person or guest is located in the limousine, but is 58736  
not occupying a seat in the front compartment of the limousine 58737  
where the operator of the limousine is located. 58738

(3) The limousine is located on any street, highway, or other 58739  
public or private property open to the public for purposes of 58740  
vehicular travel or parking. 58741

(E) An opened bottle of wine that was purchased from the 58742  
holder of a permit that authorizes the sale of wine for 58743  
consumption on the premises where sold is not an opened container 58744  
for the purposes of this section if both of the following apply: 58745

(1) The opened bottle of wine is securely resealed by the 58746  
permit holder or an employee of the permit holder before the 58747  
bottle is removed from the premises. The bottle shall be secured 58748  
in such a manner that it is visibly apparent if the bottle has 58749  
been subsequently opened or tampered with. 58750

(2) The opened bottle of wine that is resealed in accordance 58751  
with division (E)(1) of this section is stored in the trunk of a 58752  
motor vehicle or, if the motor vehicle does not have a trunk, 58753

behind the last upright seat or in an area not normally occupied 58754  
by the driver or passengers and not easily accessible by the 58755  
driver. 58756

(F)(1) Except if an ordinance or resolution is enacted or 58757  
adopted under division (F)(2) of this section, this section does 58758  
not apply to a person who, pursuant to a prearranged contract, is 58759  
a passenger riding on a commercial quadricycle when all of the 58760  
following apply: 58761

(a) The person is not occupying a seat in the front of the 58762  
commercial quadricycle where the operator is steering or braking. 58763

(b) The commercial quadricycle is being operated on a street, 58764  
highway, or other public or private property open to the public 58765  
for purposes of vehicular travel or parking. 58766

(c) The person has in their possession on the commercial 58767  
quadricycle an opened container of beer or wine. 58768

(d) The person has in their possession on the commercial 58769  
quadricycle not more than either thirty-six ounces of beer or 58770  
eighteen ounces of wine. 58771

(2) The legislative authority of a municipal corporation or 58772  
township may enact an ordinance or adopt a resolution, as 58773  
applicable, that prohibits a passenger riding on a commercial 58774  
quadricycle from possessing an opened container of beer or wine. 58775

(3) As used in this section, "commercial quadricycle" means a 58776  
vehicle that has fully-operative pedals for propulsion entirely by 58777  
human power and that meets all of the following requirements: 58778

(a) It has four wheels and is operated in a manner similar to 58779  
a bicycle. 58780

(b) It has at least five seats for passengers. 58781

(c) It is designed to be powered by the pedaling of the 58782  
operator and the passengers. 58783

(d) It is used for commercial purposes.	58784
(e) It is operated by the vehicle owner or an employee of the owner.	58785 58786
(G) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market.	58787 58788 58789 58790 58791
As used in division (G) of this section, "market" means an establishment that:	58792 58793
(1) Leases space in the market to individual vendors, not less than fifty per cent of which are retail food establishments or food service operations licensed under Chapter 3717. of the Revised Code;	58794 58795 58796 58797
(2) Has an indoor sales floor area of not less than twenty-two thousand square feet;	58798 58799
(3) Hosts a farmer's market on each Saturday from April through December.	58800 58801
<b>Sec. 4303.05.</b> <u>(A)</u> Permit A-4 may be issued to a <u>either of the following:</u>	58802 58803
<u>(1)</u> A manufacturer to manufacture prepared highballs, cocktails, cordials, and other mixed <del>drinks</del> <u>beverages</u> containing not less than <del>four</del> <u>one-half of one</u> per cent of alcohol by volume and not more than twenty-one per cent of alcohol by volume, and to sell such products to wholesale and retail permit holders in sealed containers only under such rules as are adopted by the division of liquor control. The holder of such permit may import into the state spirituous liquor and wine only for blending or other manufacturing purposes under such rules as are prescribed by the division.	58804 58805 58806 58807 58808 58809 58810 58811 58812 58813

(2) A manufacturer to manufacture ice cream containing not less than one-half of one per cent of alcohol by volume but not more than six per cent of alcohol by volume, and to sell those products either for consumption on the premises where manufactured or in sealed containers for consumption off the premises where manufactured. For off-premises consumption purposes, a manufacturer shall not knowingly sell more than four pints of such ice cream to a customer in any calendar day.

No A-4 permit shall be issued to a manufacturer to sell ice cream under division (A)(2) of this section unless the sale of mixed beverages for both on- and off-premises consumption is authorized in the election precinct in which the A-4 permit is proposed to be located.

(B) The holder of ~~such an~~ an A-4 permit may also purchase spirituous liquor for manufacturing and blending purposes from the holder of an A-3 permit issued by the division. The fee for an A-4 permit is three thousand nine hundred six dollars for each plant.

**Sec. 4303.181.** (A) Permit D-5a may be issued either to the owner or operator of a hotel or motel that is required to be licensed under section 3731.03 of the Revised Code, that contains at least fifty rooms for registered transient guests or is owned by a state institution of higher education as defined in section 3345.011 of the Revised Code or a private college or university, and that qualifies under the other requirements of this section, or to the owner or operator of a restaurant specified under this section, to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and to registered guests in their rooms, which may be sold by means of a controlled access alcohol and beverage cabinet in accordance with division (B) of section 4301.21 of the Revised Code; and to sell the same products



in the same manner and amounts not for consumption on the premises 58845  
as may be sold by holders of D-1 and D-2 permits. The premises of 58846  
the hotel or motel shall include a retail food establishment or a 58847  
food service operation licensed pursuant to Chapter 3717. of the 58848  
Revised Code that operates as a restaurant for purposes of this 58849  
chapter and that is affiliated with the hotel or motel and within 58850  
or contiguous to the hotel or motel, and that serves food within 58851  
the hotel or motel, but the principal business of the owner or 58852  
operator of the hotel or motel shall be the accommodation of 58853  
transient guests. In addition to the privileges authorized in this 58854  
division, the holder of a D-5a permit may exercise the same 58855  
privileges as the holder of a D-5 permit. 58856

The owner or operator of a hotel, motel, or restaurant who 58857  
qualified for and held a D-5a permit on August 4, 1976, may, if 58858  
the owner or operator held another permit before holding a D-5a 58859  
permit, either retain a D-5a permit or apply for the permit 58860  
formerly held, and the division of liquor control shall issue the 58861  
permit for which the owner or operator applies and formerly held, 58862  
notwithstanding any quota. 58863

A D-5a permit shall not be transferred to another location. 58864  
No quota restriction shall be placed on the number of D-5a permits 58865  
that may be issued. 58866

The fee for this permit is two thousand three hundred 58867  
forty-four dollars. 58868

(B) Permit D-5b may be issued to the owner, operator, tenant, 58869  
lessee, or occupant of an enclosed shopping center to sell beer 58870  
and intoxicating liquor at retail, only by the individual drink in 58871  
glass and from the container, for consumption on the premises 58872  
where sold; and to sell the same products in the same manner and 58873  
amount not for consumption on the premises as may be sold by 58874  
holders of D-1 and D-2 permits. In addition to the privileges 58875

authorized in this division, the holder of a D-5b permit may 58876  
exercise the same privileges as a holder of a D-5 permit. 58877

A D-5b permit shall not be transferred to another location. 58878

One D-5b permit may be issued at an enclosed shopping center 58879  
containing at least two hundred twenty-five thousand, but less 58880  
than four hundred thousand, square feet of floor area. 58881

Two D-5b permits may be issued at an enclosed shopping center 58882  
containing at least four hundred thousand square feet of floor 58883  
area. No more than one D-5b permit may be issued at an enclosed 58884  
shopping center for each additional two hundred thousand square 58885  
feet of floor area or fraction of that floor area, up to a maximum 58886  
of five D-5b permits for each enclosed shopping center. The number 58887  
of D-5b permits that may be issued at an enclosed shopping center 58888  
shall be determined by subtracting the number of D-3 and D-5 58889  
permits issued in the enclosed shopping center from the number of 58890  
D-5b permits that otherwise may be issued at the enclosed shopping 58891  
center under the formulas provided in this division. Except as 58892  
provided in this section, no quota shall be placed on the number 58893  
of D-5b permits that may be issued. Notwithstanding any quota 58894  
provided in this section, the holder of any D-5b permit first 58895  
issued in accordance with this section is entitled to its renewal 58896  
in accordance with section 4303.271 of the Revised Code. 58897

The holder of a D-5b permit issued before April 4, 1984, 58898  
whose tenancy is terminated for a cause other than nonpayment of 58899  
rent, may return the D-5b permit to the division of liquor 58900  
control, and the division shall cancel that permit. Upon 58901  
cancellation of that permit and upon the permit holder's payment 58902  
of taxes, contributions, premiums, assessments, and other debts 58903  
owing or accrued upon the date of cancellation to this state and 58904  
its political subdivisions and a filing with the division of a 58905  
certification of that payment, the division shall issue to that 58906  
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 58907

that person requests. The division shall issue the D-5 permit, or 58908  
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 58909  
D-3, or D-5 permits currently issued in the municipal corporation 58910  
or in the unincorporated area of the township where that person's 58911  
proposed premises is located equals or exceeds the maximum number 58912  
of such permits that can be issued in that municipal corporation 58913  
or in the unincorporated area of that township under the 58914  
population quota restrictions contained in section 4303.29 of the 58915  
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 58916  
be transferred to another location. If a D-5b permit is canceled 58917  
under the provisions of this paragraph, the number of D-5b permits 58918  
that may be issued at the enclosed shopping center for which the 58919  
D-5b permit was issued, under the formula provided in this 58920  
division, shall be reduced by one if the enclosed shopping center 58921  
was entitled to more than one D-5b permit under the formula. 58922

The fee for this permit is two thousand three hundred 58923  
forty-four dollars. 58924

(C) Permit D-5c may be issued to the owner or operator of a 58925  
retail food establishment or a food service operation licensed 58926  
pursuant to Chapter 3717. of the Revised Code that operates as a 58927  
restaurant for purposes of this chapter and that qualifies under 58928  
the other requirements of this section to sell beer and any 58929  
intoxicating liquor at retail, only by the individual drink in 58930  
glass and from the container, for consumption on the premises 58931  
where sold, and to sell the same products in the same manner and 58932  
amounts not for consumption on the premises as may be sold by 58933  
holders of D-1 and D-2 permits. In addition to the privileges 58934  
authorized in this division, the holder of a D-5c permit may 58935  
exercise the same privileges as the holder of a D-5 permit. 58936

To qualify for a D-5c permit, the owner or operator of a 58937  
retail food establishment or a food service operation licensed 58938  
pursuant to Chapter 3717. of the Revised Code that operates as a 58939

restaurant for purposes of this chapter, shall have operated the 58940  
restaurant at the proposed premises for not less than twenty-four 58941  
consecutive months immediately preceding the filing of the 58942  
application for the permit, have applied for a D-5 permit no later 58943  
than December 31, 1988, and appear on the division's quota waiting 58944  
list for not less than six months immediately preceding the filing 58945  
of the application for the permit. In addition to these 58946  
requirements, the proposed D-5c permit premises shall be located 58947  
within a municipal corporation and further within an election 58948  
precinct that, at the time of the application, has no more than 58949  
twenty-five per cent of its total land area zoned for residential 58950  
use. 58951

A D-5c permit shall not be transferred to another location. 58952  
No quota restriction shall be placed on the number of such permits 58953  
that may be issued. 58954

Any person who has held a D-5c permit for at least two years 58955  
may apply for a D-5 permit, and the division of liquor control 58956  
shall issue the D-5 permit notwithstanding the quota restrictions 58957  
contained in section 4303.29 of the Revised Code or in any rule of 58958  
the liquor control commission. 58959

The fee for this permit is one thousand five hundred 58960  
sixty-three dollars. 58961

(D) Permit D-5d may be issued to the owner or operator of a 58962  
retail food establishment or a food service operation licensed 58963  
pursuant to Chapter 3717. of the Revised Code that operates as a 58964  
restaurant for purposes of this chapter and that is located at an 58965  
airport operated by a board of county commissioners pursuant to 58966  
section 307.20 of the Revised Code, at an airport operated by a 58967  
port authority pursuant to Chapter 4582. of the Revised Code, or 58968  
at an airport operated by a regional airport authority pursuant to 58969  
Chapter 308. of the Revised Code. The holder of a D-5d permit may 58970  
sell beer and any intoxicating liquor at retail, only by the 58971

individual drink in glass and from the container, for consumption 58972  
on the premises where sold, and may sell the same products in the 58973  
same manner and amounts not for consumption on the premises where 58974  
sold as may be sold by the holders of D-1 and D-2 permits. In 58975  
addition to the privileges authorized in this division, the holder 58976  
of a D-5d permit may exercise the same privileges as the holder of 58977  
a D-5 permit. 58978

A D-5d permit shall not be transferred to another location. 58979  
No quota restrictions shall be placed on the number of such 58980  
permits that may be issued. 58981

The fee for this permit is two thousand three hundred 58982  
forty-four dollars. 58983

(E) Permit D-5e may be issued to any nonprofit organization 58984  
that is exempt from federal income taxation under the "Internal 58985  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 58986  
amended, or that is a charitable organization under any chapter of 58987  
the Revised Code, and that owns or operates a riverboat that meets 58988  
all of the following: 58989

(1) Is permanently docked at one location; 58990

(2) Is designated as an historical riverboat by the Ohio 58991  
history connection; 58992

(3) Contains not less than fifteen hundred square feet of 58993  
floor area; 58994

(4) Has a seating capacity of fifty or more persons. 58995

The holder of a D-5e permit may sell beer and intoxicating 58996  
liquor at retail, only by the individual drink in glass and from 58997  
the container, for consumption on the premises where sold. 58998

A D-5e permit shall not be transferred to another location. 58999  
No quota restriction shall be placed on the number of such permits 59000  
that may be issued. The population quota restrictions contained in 59001

section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.

The fee for this permit is one thousand two hundred nineteen dollars.

(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:

(1) It contains not less than twenty-five hundred square feet of floor area.

(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river.

(3) It provides docking space for twenty-five boats.

(4) It provides entertainment and recreation, provided that not less than fifty per cent of the business on the permit premises shall be preparing and serving meals for a consideration.

In addition, each application for a D-5f permit shall be accompanied by a certification from the local legislative authority that the issuance of the D-5f permit is not inconsistent with that political subdivision's comprehensive development plan or other economic development goal as officially established by the local legislative authority.

The holder of a D-5f permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from

the container, for consumption on the premises where sold. 59032

A D-5f permit shall not be transferred to another location. 59033

The division of liquor control shall not issue a D-5f permit 59034  
if the permit premises or proposed permit premises are located 59035  
within an area in which the sale of spirituous liquor by the glass 59036  
is prohibited. 59037

A fee for this permit is two thousand three hundred 59038  
forty-four dollars. 59039

As used in this division, "navigable river" means a river 59040  
that is also a "navigable water" as defined in the "Federal Power 59041  
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 59042

(G) Permit D-5g may be issued to a nonprofit corporation that 59043  
is either the owner or the operator of a national professional 59044  
sports museum. The holder of a D-5g permit may sell beer and any 59045  
intoxicating liquor at retail, only by the individual drink in 59046  
glass and from the container, for consumption on the premises 59047  
where sold. The holder of a D-5g permit shall sell no beer or 59048  
intoxicating liquor for consumption on the premises where sold 59049  
after two-thirty a.m. A D-5g permit shall not be transferred to 59050  
another location. No quota restrictions shall be placed on the 59051  
number of D-5g permits that may be issued. The fee for this permit 59052  
is one thousand eight hundred seventy-five dollars. 59053

(H)(1) Permit D-5h may be issued to any nonprofit 59054  
organization that is exempt from federal income taxation under the 59055  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 59056  
501(c)(3), as amended, that owns or operates any of the following: 59057

(a) A fine arts museum, provided that the nonprofit 59058  
organization has no less than one thousand five hundred bona fide 59059  
members possessing full membership privileges; 59060

(b) A community arts center. As used in division (H)(1)(b) of 59061

this section, "community arts center" means a facility that 59062  
provides arts programming to the community in more than one arts 59063  
discipline, including, but not limited to, exhibits of works of 59064  
art and performances by both professional and amateur artists. 59065

(c) A community theater, provided that the nonprofit 59066  
organization is a member of the Ohio arts council and the American 59067  
community theatre association and has been in existence for not 59068  
less than ten years. As used in division (H)(1)(c) of this 59069  
section, "community theater" means a facility that contains at 59070  
least one hundred fifty seats and has a primary function of 59071  
presenting live theatrical performances and providing recreational 59072  
opportunities to the community. 59073

(2) The holder of a D-5h permit may sell beer and any 59074  
intoxicating liquor at retail, only by the individual drink in 59075  
glass and from the container, for consumption on the premises 59076  
where sold. The holder of a D-5h permit shall sell no beer or 59077  
intoxicating liquor for consumption on the premises where sold 59078  
after one a.m. A D-5h permit shall not be transferred to another 59079  
location. No quota restrictions shall be placed on the number of 59080  
D-5h permits that may be issued. 59081

(3) The fee for a D-5h permit is one thousand eight hundred 59082  
seventy-five dollars. 59083

(I) Permit D-5i may be issued to the owner or operator of a 59084  
retail food establishment or a food service operation licensed 59085  
under Chapter 3717. of the Revised Code that operates as a 59086  
restaurant for purposes of this chapter and that meets all of the 59087  
following requirements: 59088

(1) It is located in a municipal corporation or a township 59089  
with a population of one hundred thousand or less. 59090

(2) It has inside seating capacity for at least one hundred 59091  
forty persons. 59092



(3) It has at least four thousand square feet of floor area. 59093

(4) It offers full-course meals, appetizers, and sandwiches. 59094

(5) Its receipts from beer and liquor sales, excluding wine sales, do not exceed twenty-five per cent of its total gross receipts. 59095  
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(6) It has at least one of the following characteristics: 59098

(a) The value of its real and personal property exceeds seven hundred twenty-five thousand dollars. 59099  
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(b) It is located on property that is owned or leased by the state or a state agency, and its owner or operator has authorization from the state or the state agency that owns or leases the property to obtain a D-5i permit. 59101  
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The holder of a D-5i permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5i permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after two-thirty a.m. In addition to the privileges authorized in this division, the holder of a D-5i permit may exercise the same privileges as the holder of a D-5 permit. 59105  
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A D-5i permit shall not be transferred to another location. 59116  
The division of liquor control shall not renew a D-5i permit unless the retail food establishment or food service operation for which it is issued continues to meet the requirements described in divisions (I)(1) to (6) of this section. No quota restrictions shall be placed on the number of D-5i permits that may be issued. The fee for the D-5i permit is two thousand three hundred forty-four dollars. 59117  
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(J) Permit D-5j may be issued to the owner or the operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold and to sell beer and intoxicating liquor in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5j permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit.

The D-5j permit shall be issued only within a community entertainment district that is designated under section 4301.80 of the Revised Code. The permit shall not be issued to a community entertainment district that is designated under divisions (B) and (C) of section 4301.80 of the Revised Code if the district does not meet one of the following qualifications:

(1) It is located in a municipal corporation with a population of at least one hundred thousand.

(2) It is located in a municipal corporation with a population of at least twenty thousand, and either of the following applies:

(a) It contains an amusement park the rides of which have been issued a permit by the department of agriculture under Chapter 1711. of the Revised Code.

(b) Not less than fifty million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation.

(3) It is located in a township with a population of at least forty thousand.

(4) It is located in a township with a population of at least

twenty thousand, and not less than seventy million dollars will be 59155  
invested in development and construction in the community 59156  
entertainment district's area located in the township. 59157

(5) It is located in a municipal corporation with a 59158  
population between seven thousand and twenty thousand, and both of 59159  
the following apply: 59160

(a) The municipal corporation was incorporated as a village 59161  
prior to calendar year 1860 and currently has a historic downtown 59162  
business district. 59163

(b) The municipal corporation is located in the same county 59164  
as another municipal corporation with at least one community 59165  
entertainment district. 59166

(6) It is located in a municipal corporation with a 59167  
population of at least ten thousand, and not less than seventy 59168  
million dollars will be invested in development and construction 59169  
in the community entertainment district's area located in the 59170  
municipal corporation. 59171

(7) It is located in a municipal corporation with a 59172  
population of at least ~~five~~ three thousand, and not less than one 59173  
hundred fifty million dollars will be invested in development and 59174  
construction in the community entertainment district's area 59175  
located in the municipal corporation. 59176

The location of a D-5j permit may be transferred only within 59177  
the geographic boundaries of the community entertainment district 59178  
in which it was issued and shall not be transferred outside the 59179  
geographic boundaries of that district. 59180

Not more than one D-5j permit shall be issued within each 59181  
community entertainment district for each five acres of land 59182  
located within the district. Not more than fifteen D-5j permits 59183  
may be issued within a single community entertainment district. 59184  
Except as otherwise provided in division (J)(4) of this section, 59185

no quota restrictions shall be placed upon the number of D-5j permits that may be issued. 59186  
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The fee for a D-5j permit is two thousand three hundred forty-four dollars. 59188  
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(K)(1) Permit D-5k may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 59190  
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501(c)(3), as amended, that is the owner or operator of a botanical garden recognized by the American association of botanical gardens and arboreta, and that has not less than twenty-five hundred bona fide members. 59193  
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(2) The holder of a D-5k permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, on the premises where sold. 59197  
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(3) The holder of a D-5k permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after one a.m. 59200  
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(4) A D-5k permit shall not be transferred to another location. 59203  
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(5) No quota restrictions shall be placed on the number of D-5k permits that may be issued. 59205  
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(6) The fee for the D-5k permit is one thousand eight hundred seventy-five dollars. 59207  
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(L)(1) Permit D-5l may be issued to the owner or the operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold and to sell beer and intoxicating liquor in the same manner and amounts not for consumption on the premises where sold 59209  
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as may be sold by the holders of D-1 and D-2 permits. The holder 59216  
of a D-51 permit may exercise the same privileges, and shall 59217  
observe the same hours of operation, as the holder of a D-5 59218  
permit. 59219

(2) The D-51 permit shall be issued only to a premises to 59220  
which all of the following apply: 59221

(a) The premises has gross annual receipts from the sale of 59222  
food and meals that constitute not less than seventy-five per cent 59223  
of its total gross annual receipts. 59224

(b) The premises is located within a revitalization district 59225  
that is designated under section 4301.81 of the Revised Code. 59226

(c) The premises is located in a municipal corporation or 59227  
township in which the number of D-5 permits issued equals or 59228  
exceeds the number of those permits that may be issued in that 59229  
municipal corporation or township under section 4303.29 of the 59230  
Revised Code. 59231

(d) The premises meets any of the following qualifications: 59232

(i) It is located in a county with a population of one 59233  
hundred twenty-five thousand or less according to the population 59234  
estimates certified by the development services agency for 59235  
calendar year 2006. 59236

(ii) It is located in the municipal corporation that has the 59237  
largest population in a county when the county has a population 59238  
between two hundred fifteen thousand and two hundred twenty-five 59239  
thousand according to the population estimates certified by the 59240  
development services agency for calendar year 2006. Division 59241  
(L)(2)(d)(ii) of this section applies only to a municipal 59242  
corporation that is wholly located in a county. 59243

(iii) It is located in the municipal corporation that has the 59244  
largest population in a county when the county has a population 59245

between one hundred forty thousand and one hundred forty-one 59246  
thousand according to the population estimates certified by the 59247  
development services agency for calendar year 2006. Division 59248  
(L)(2)(d)(iii) of this section applies only to a municipal 59249  
corporation that is wholly located in a county. 59250

(iv) It is located in a township with a population density of 59251  
less than four hundred fifty people per square mile. For purposes 59252  
of division (L)(2)(d)(iv) of this section, the population of a 59253  
township is considered to be the population shown by the most 59254  
recent regular federal decennial census. 59255

(v) It is located in a municipal corporation that is wholly 59256  
located within the geographic boundaries of a township, provided 59257  
that the municipal corporation and the unincorporated portion of 59258  
the township have a combined population density of less than four 59259  
hundred fifty people per square mile. For purposes of division 59260  
(L)(2)(d)(v) of this section, the population of a municipal 59261  
corporation and unincorporated portion of a township is the 59262  
population shown by the most recent federal decennial census. 59263

(3) The location of a D-51 permit may be transferred only 59264  
within the geographic boundaries of the revitalization district in 59265  
which it was issued and shall not be transferred outside the 59266  
geographic boundaries of that district. 59267

(4) Not more than one D-51 permit shall be issued within each 59268  
revitalization district for each five acres of land located within 59269  
the district. Not more than fifteen D-51 permits may be issued 59270  
within a single revitalization district. Except as otherwise 59271  
provided in division (L)(4) of this section, no quota restrictions 59272  
shall be placed upon the number of D-51 permits that may be 59273  
issued. 59274

(5) No D-51 permit shall be issued to an adult entertainment 59275  
establishment as defined in section 2907.39 of the Revised Code. 59276

(6) The fee for a D-5l permit is two thousand three hundred 59277  
forty-four dollars. 59278

(M) Permit D-5m may be issued to either the owner or the 59279  
operator of a retail food establishment or food service operation 59280  
licensed under Chapter 3717. of the Revised Code that operates as 59281  
a restaurant for purposes of this chapter and that is located in, 59282  
or affiliated with, a center for the preservation of wild animals 59283  
as defined in section 4301.404 of the Revised Code, to sell beer 59284  
and any intoxicating liquor at retail, only by the glass and from 59285  
the container, for consumption on the premises where sold, and to 59286  
sell the same products in the same manner and amounts not for 59287  
consumption on the premises as may be sold by the holders of D-1 59288  
and D-2 permits. In addition to the privileges authorized by this 59289  
division, the holder of a D-5m permit may exercise the same 59290  
privileges as the holder of a D-5 permit. 59291

A D-5m permit shall not be transferred to another location. 59292  
No quota restrictions shall be placed on the number of D-5m 59293  
permits that may be issued. The fee for a permit D-5m is two 59294  
thousand three hundred forty-four dollars. 59295

(N) Permit D-5n shall be issued to either a casino operator 59296  
or a casino management company licensed under Chapter 3772. of the 59297  
Revised Code that operates a casino facility under that chapter, 59298  
to sell beer and any intoxicating liquor at retail, only by the 59299  
individual drink in glass and from the container, for consumption 59300  
on the premises where sold, and to sell the same products in the 59301  
same manner and amounts not for consumption on the premises as may 59302  
be sold by the holders of D-1 and D-2 permits. In addition to the 59303  
privileges authorized by this division, the holder of a D-5n 59304  
permit may exercise the same privileges as the holder of a D-5 59305  
permit. A D-5n permit shall not be transferred to another 59306  
location. Only one D-5n permit may be issued per casino facility 59307  
and not more than four D-5n permits shall be issued in this state. 59308

The fee for a permit D-5n shall be twenty thousand dollars. The 59309  
holder of a D-5n permit may conduct casino gaming on the permit 59310  
premises notwithstanding any provision of the Revised Code or 59311  
Administrative Code. 59312

(O) Permit D-5o may be issued to the owner or operator of a 59313  
retail food establishment or a food service operation licensed 59314  
under Chapter 3717. of the Revised Code that operates as a 59315  
restaurant for purposes of this chapter and that is located within 59316  
a casino facility for which a D-5n permit has been issued. The 59317  
holder of a D-5o permit may sell beer and any intoxicating liquor 59318  
at retail, only by the individual drink in glass and from the 59319  
container, for consumption on the premises where sold, and may 59320  
sell the same products in the same manner and amounts not for 59321  
consumption on the premises where sold as may be sold by the 59322  
holders of D-1 and D-2 permits. In addition to the privileges 59323  
authorized by this division, the holder of a D-5o permit may 59324  
exercise the same privileges as the holder of a D-5 permit. A D-5o 59325  
permit shall not be transferred to another location. No quota 59326  
restrictions shall be placed on the number of such permits that 59327  
may be issued. The fee for this permit is two thousand three 59328  
hundred forty-four dollars. 59329

**Sec. 4303.209.** (A)(1) The division of liquor control may 59330  
issue an F-9 permit to a nonprofit corporation that operates a 59331  
park on property leased from a municipal corporation or to a 59332  
nonprofit corporation that provides or manages entertainment 59333  
programming pursuant to an agreement with a nonprofit corporation 59334  
that operates a park on property leased from a municipal 59335  
corporation to sell beer or intoxicating liquor by the individual 59336  
drink at specific events conducted within the park property and 59337  
appurtenant streets, but only if, and only at times at which, the 59338  
sale of beer and intoxicating liquor on the premises is otherwise 59339  
permitted by law. Additionally, an F-9 permit may be issued only 59340



if the park property ~~is~~ meets either of the following: 59341

(a) It is located in a county that has a population of 59342  
between one million one hundred thousand and one million two 59343  
hundred thousand on ~~the effective date of this section~~ March 22, 59344  
2012. 59345

(b) It is the subject of an agreement between a municipal 59346  
corporation, a national nonprofit organization that is a 59347  
foundation, and an Ohio-based nonprofit organization for the 59348  
purposes of hosting outdoor performing arts events or orchestral 59349  
performances. As used in division (A)(1)(b) of this section, 59350  
"orchestral performance" has the same meaning as in division 59351  
(C)(3)(a) of section 4301.62 of the Revised Code. 59352

(2) The division may issue separate F-9 permits to a 59353  
nonprofit corporation that operates a park on property leased from 59354  
a municipal corporation and a nonprofit corporation that provides 59355  
or manages entertainment programming pursuant to an agreement with 59356  
a nonprofit corporation that operates a park on property leased 59357  
from a municipal corporation to be effective during the same time 59358  
period. However, the permit privileges may be exercised by only 59359  
one of the holders of an F-9 permit at specific events. The other 59360  
holder of an F-9 permit shall certify to the division that it will 59361  
not exercise its permit privileges during that specific event. 59362

(3) The premises on which an F-9 permit will be used shall be 59363  
clearly defined and sufficiently restricted to allow proper 59364  
supervision of the permit's use by state and local law enforcement 59365  
officers. Sales under an F-9 permit shall be confined to the same 59366  
hours permitted to the holder of a D-3 permit. 59367

(4) The fee for an F-9 permit is one thousand seven hundred 59368  
dollars. An F-9 permit is effective for a period not to exceed 59369  
nine months as specified in the permit. An F-9 permit is not 59370  
transferable or renewable. However, the holder of an F-9 permit 59371

may apply for a new F-9 permit at any time. The holder of an F-9 59372  
permit shall make sales only at those specific events about which 59373  
the permit holder has notified in advance the division of liquor 59374  
control, the department of public safety, and the chief, sheriff, 59375  
or other principal peace officer of the local law enforcement 59376  
agencies having jurisdiction over the premises. 59377

(B)(1) An application for the issuance of an F-9 permit is 59378  
subject to the notice and hearing requirements established in 59379  
division (A) of section 4303.26 of the Revised Code. 59380

(2) The liquor control commission shall adopt rules under 59381  
Chapter 119. of the Revised Code necessary to administer this 59382  
section. 59383

(C) No F-9 permit holder shall sell beer or intoxicating 59384  
liquor beyond the hours of sale allowed by the permit. This 59385  
division imposes strict liability on the holder of an F-9 permit 59386  
and on any officer, agent, or employee of that permit holder. 59387

(D) Nothing in this section prohibits the division from 59388  
issuing an F-2 permit for a specific event not conducted by the 59389  
holder of an F-9 permit provided that the holder of the F-9 permit 59390  
certifies to the division that it will not exercise its permit 59391  
privileges during that specific event. 59392

**Sec. 4303.26.** (A) Applications for regular permits authorized 59393  
by sections 4303.02 to 4303.23 of the Revised Code may be filed 59394  
with the division of liquor control. No permit shall be issued by 59395  
the division until fifteen days after the application for it is 59396  
filed. An applicant for the issuance of a new permit shall pay a 59397  
processing fee of one hundred dollars when filing application for 59398  
the permit, if the permit is then available, or shall pay the 59399  
processing fee when a permit becomes available, if it is not 59400  
available when the applicant initially files the application. When 59401  
an application for a new class C or D permit is filed, when class 59402

C or D permits become available, or when an application for 59403  
transfer of ownership of a class C or D permit or transfer of a 59404  
location of a class C or D permit is filed, no permit shall be 59405  
issued, nor shall the location or the ownership of a permit be 59406  
transferred, by the division until the division notifies the 59407  
legislative authority of the municipal corporation, if the 59408  
business or event is or is to be located within the corporate 59409  
limits of a municipal corporation, or the clerk of the board of 59410  
county commissioners and the fiscal officer of the board of 59411  
township trustees in the county in which the business or event is 59412  
or is to be conducted, if the business is or is to be located 59413  
outside the corporate limits of a municipal corporation, and an 59414  
opportunity is provided officials or employees of the municipal 59415  
corporation or county and township, who shall be designated by the 59416  
legislative authority ~~of the municipal corporation~~ or the board of 59417  
county commissioners or board of township trustees, for a complete 59418  
hearing upon the advisability of the issuance, transfer of 59419  
ownership, or transfer of location of the permit. In this hearing, 59420  
no objection to the issuance, transfer of ownership, or transfer 59421  
of location of the permit shall be based upon noncompliance of the 59422  
proposed permit premises with local zoning regulations which 59423  
prohibit the sale of beer or intoxicating liquor, in an area zoned 59424  
for commercial or industrial uses, for a permit premises that 59425  
would otherwise qualify for a proper permit issued by the 59426  
division. 59427

When the division sends notice to the legislative or 59428  
executive authority of the political subdivision, as required by 59429  
this section, the division shall also so notify, by certified 59430  
mail, return receipt requested, or by personal service, the chief 59431  
peace officer of the political subdivision. Upon the request of 59432  
the chief peace officer, the division shall send the chief peace 59433  
officer a copy of the application for the issuance or the transfer 59434  
of ownership or location of the permit and all other documents or 59435

materials filed by the applicant or applicants in relation to the 59436  
application. The chief peace officer may appear and testify, 59437  
either in person or through a representative, at any hearing held 59438  
on the advisability of the issuance, transfer of ownership, or 59439  
transfer of location of the permit. The hearing shall be held in 59440  
the central office of the division, except that upon written 59441  
request of the legislative authority of the municipal corporation 59442  
or the board of county commissioners or board of township 59443  
trustees, the hearing shall be held in the county seat of the 59444  
county where the applicant's business is or is to be conducted. 59445

If the business or event specified in an application for the 59446  
issuance, transfer of ownership, or transfer of location of any 59447  
regular permit authorized by sections 4303.02 to 4303.23 of the 59448  
Revised Code, except for an F-2 permit, is, or is to be operated, 59449  
within five hundred feet from the boundaries of a parcel of real 59450  
estate having situated on it a school, church, library, public 59451  
playground, or township park, no permit shall be issued, nor shall 59452  
the location or the ownership of a permit be transferred, by the 59453  
division until written notice of the filing of the application 59454  
with the division is served, by certified mail, return receipt 59455  
requested, or by personal service, upon the authorities in control 59456  
of the school, church, library, public playground, or township 59457  
park and an opportunity is provided them for a complete hearing 59458  
upon the advisability of the issuance, transfer of ownership, or 59459  
transfer of location of the permit. In this hearing, no objection 59460  
to the issuance, transfer of ownership, or transfer of location of 59461  
the permit shall be based upon the noncompliance of the proposed 59462  
permit premises with local zoning regulations which prohibit the 59463  
sale of beer or intoxicating liquor, in an area zoned for 59464  
commercial or industrial uses, for a permit premises that would 59465  
otherwise qualify for a proper permit issued by the division. Upon 59466  
the written request of any of these authorities, the hearing shall 59467  
be held in the county seat of the county where the applicant's 59468

business is or is to be conducted. 59469

A request for any hearing authorized by this section shall be 59470  
made no later than thirty days from the time of notification by 59471  
the division. This thirty-day period begins on the date the 59472  
division mails notice to the legislative authority or the date on 59473  
which the division mails notice to or, by personal service, serves 59474  
notice upon, the institution. The division shall conduct a hearing 59475  
if the request for the hearing is postmarked by the deadline date. 59476  
The division may allow, upon cause shown by the requesting 59477  
legislative authority or board, an extension of thirty additional 59478  
days for the legislative authority of the municipal corporation, 59479  
board of township trustees of the township, or board of county 59480  
commissioners of the county in which a permit premises is or is to 59481  
be located to object to the issuance, transfer of ownership, or 59482  
transfer of location of a permit. The request for the extension 59483  
shall be made by the legislative authority or board to the 59484  
division no later than thirty days after the time of notification 59485  
by the division. 59486

(B)~~(1)~~ When an application for transfer of ownership of a 59487  
permit is filed with the division, the division shall give notice 59488  
of the application to the ~~department of taxation~~ tax commissioner. 59489  
Within twenty days after receiving this notification, the 59490  
~~department of taxation~~ commissioner shall notify the division of 59491  
liquor control and the proposed transferee of the permit if the 59492  
permit holder owes to this state any delinquent horse-racing 59493  
taxes, alcoholic beverage taxes, motor fuel taxes, petroleum 59494  
activity taxes, sales or use taxes ~~or~~, cigarette taxes, other 59495  
tobacco product taxes, income taxes withheld from employee 59496  
compensation, commercial activity taxes, or gross casino revenue 59497  
taxes, or has failed to file any ~~sales tax returns or employee~~ 59498  
~~income tax withholding~~ corresponding returns or submit any 59499  
information required by the commissioner, as required for such 59500

~~taxes~~, to the extent that ~~the any delinquent taxes and delinquent~~ 59501  
~~returns are payment or return, or any failure to submit~~ 59502  
~~information, is~~ known to the department of taxation at ~~that the~~ 59503  
time of the application. The division shall not transfer ownership 59504  
of the permit until payments known to be delinquent are resolved, 59505  
returns known to be delinquent are filed, and ~~until the tax or~~ 59506  
~~withholding delinquency is resolved~~ any information required by 59507  
the commissioner has been provided. As used in this division, 59508  
"resolved" means that the ~~tax or withholding delinquency~~ 59509  
delinquent payment has been paid in full or an amount sufficient 59510  
to satisfy the ~~delinquency~~ delinquent payment is in escrow for the 59511  
benefit of the state. The ~~department of taxation commissioner~~ 59512  
shall notify the division of the resolution. After the division 59513  
has received the notification from the ~~department of taxation~~ 59514  
commissioner, the division may proceed to transfer ownership of 59515  
the permit. Nothing in this division shall be construed to affect 59516  
or limit the responsibilities or liabilities of the transferor or 59517  
the transferee imposed by Chapter 3769., 4301., 4303., 4305., 59518  
5735., 5736., 5739. or, 5741., 5743., 5747., 5751., or 5753. of 59519  
the Revised Code. 59520

~~(2) Notwithstanding section 5703.21 of the Revised Code,~~ 59521  
~~nothing prohibits the department of taxation from disclosing to~~ 59522  
~~the division or to the proposed transferee or the proposed~~ 59523  
~~transferee's designated agent any information pursuant to division~~ 59524  
~~(B)(1) of this section.~~ 59525

(C) No F or F-2 permit shall be issued for an event until the 59526  
applicant has, by means of a form that the division shall provide 59527  
to the applicant, notified the chief peace officer of the 59528  
political subdivision in which the event will be conducted of the 59529  
date, time, place, and duration of the event. 59530

(D) The division of liquor control shall notify an applicant 59531  
for a permit authorized by sections 4303.02 to 4303.23 of the 59532

Revised Code of an action pending or judgment entered against a 59533  
liquor permit premises, of which the division has knowledge, 59534  
pursuant to section 3767.03 or 3767.05 of the Revised Code if the 59535  
applicant is applying for a permit at the location of the premises 59536  
that is the subject of the action under section 3767.03 or 59537  
judgment under section 3767.05 of the Revised Code. 59538

**Sec. 4303.271.** (A) Except as provided in divisions (B) and 59539  
(D) of this section, the holder of a permit issued under sections 59540  
4303.02 to 4303.232 of the Revised Code, who files an application 59541  
for the renewal of the same class of permit for the same premises, 59542  
shall be entitled to the renewal of the permit. The division of 59543  
liquor control shall renew the permit unless the division rejects 59544  
for good cause any renewal application, subject to the right of 59545  
the applicant to appeal the rejection to the liquor control 59546  
commission. 59547

(B) The legislative authority of the municipal corporation, 59548  
the board of township trustees, or the board of county 59549  
commissioners of the county in which a permit premises is located 59550  
may object to the renewal of a permit issued under sections 59551  
4303.11 to 4303.183 of the Revised Code for any of the reasons 59552  
contained in division (A) of section 4303.292 of the Revised Code. 59553  
Any objection shall be made no later than thirty days prior to the 59554  
expiration of the permit, and the division shall accept the 59555  
objection if it is postmarked no later than thirty days prior to 59556  
the expiration of the permit. The objection shall be made by a 59557  
resolution specifying the reasons for objecting to the renewal and 59558  
requesting a hearing, but no objection shall be based upon 59559  
noncompliance of the permit premises with local zoning regulations 59560  
that prohibit the sale of beer or intoxicating liquor in an area 59561  
zoned for commercial or industrial uses, for a permit premises 59562  
that would otherwise qualify for a proper permit issued by the 59563  
division. The resolution shall be accompanied by a statement by 59564

the chief legal officer of the political subdivision that, in the 59565  
chief legal officer's opinion, the objection is based upon 59566  
substantial legal grounds within the meaning and intent of 59567  
division (A) of section 4303.292 of the Revised Code. 59568

Upon receipt of a resolution of a legislative authority or 59569  
board objecting to the renewal of a permit and a statement from 59570  
the chief legal officer, the division shall set a time for the 59571  
hearing and send by certified mail to the permit holder, at the 59572  
permit holder's usual place of business, a copy of the resolution 59573  
and notice of the hearing. The division shall then hold a hearing 59574  
in the central office of the division, except that, upon written 59575  
request of the legislative authority or board, the hearing shall 59576  
be held in the county seat of the county in which the permit 59577  
premises is located, to determine whether the renewal shall be 59578  
denied for any of the reasons contained in division (A) of section 59579  
4303.292 of the Revised Code. Only the reasons for refusal 59580  
contained in division (A) of section 4303.292 of the Revised Code 59581  
and specified in the resolution of objection shall be considered 59582  
at the hearing. 59583

The permit holder and the objecting legislative authority or 59584  
board shall be parties to the proceedings under this section and 59585  
shall have the right to be present, to be represented by counsel, 59586  
to offer evidence, to require the attendance of witnesses, and to 59587  
cross-examine witnesses at the hearing. 59588

(C) An application for renewal of a permit shall be filed 59589  
with the division at least fifteen days prior to the expiration of 59590  
an existing permit, and the existing permit shall continue in 59591  
effect as provided in section 119.06 of the Revised Code until the 59592  
application is approved or rejected by the division. Any holder of 59593  
a permit, which has expired through failure to be renewed as 59594  
provided in this section, shall obtain a renewal of the permit, 59595  
upon filing an application for renewal with the division, at any 59596



time within thirty days from the date of the expired permit. A 59597  
penalty of ten per cent of the permit fee shall be paid by the 59598  
permit holder if the application for renewal is not filed at least 59599  
fifteen days prior to the expiration of the permit. 59600

(D)(1) Annually, the tax commissioner shall cause the 59601  
horse-racing, alcoholic beverage, motor fuel, petroleum activity, 59602  
sales and or use, cigarette, other tobacco products, employer 59603  
withholding, commercial activity, and gross casino revenue tax 59604  
records in the department of taxation for each holder of a permit 59605  
issued under sections 4303.02 to 4303.232 of the Revised Code to 59606  
be examined to determine if the permit holder is delinquent in 59607  
filing any ~~sales or withholding tax returns or has any outstanding~~ 59608  
~~liability for sales or withholding tax, penalties, or interest~~ 59609  
~~imposed pursuant to Chapter 5739. or sections 5747.06 and 5747.07~~ 59610  
~~of the Revised Code, submitting any information required by the~~ 59611  
commissioner, or remitting any payments with respect to those 59612  
taxes or any fees, charges, penalties, or interest related to 59613  
those taxes. ~~If~~ 59614

If any delinquency or liability exists, the commissioner 59615  
shall send a notice of that fact by certified mail, return receipt 59616  
requested, to the permit holder at the mailing address shown in 59617  
the records of the department. The notice shall specify, in as 59618  
much detail as is possible, the periods for which returns have not 59619  
been filed and the nature and amount of unpaid assessments and 59620  
other liabilities and shall be sent on or before the first day of 59621  
the third month preceding the month in which the permit expires. 59622  
The commissioner also shall notify the division of liquor control 59623  
of the delinquency or liability, identifying the permit holder by 59624  
name and permit number. 59625

(2)(a) Except as provided in division (D)(4) of this section, 59626  
the division of liquor control shall not renew the permit of any 59627  
permit holder the tax commissioner has identified as being 59628

delinquent in filing any ~~sales or withholding tax~~ returns ~~or as~~ 59629  
~~being liable for outstanding sales or withholding tax, penalties,~~ 59630  
~~or interest, providing any information, or remitting any payments~~ 59631  
with respect to the taxes listed in division (D)(1) of this 59632  
section as of the first day of the sixth month preceding the month 59633  
in which the permit expires, or of any permit holder the 59634  
commissioner has identified as having been assessed by the 59635  
department on or before the first day of the third month preceding 59636  
the month in which the permit expires, until the division is 59637  
notified by the ~~tax~~ commissioner that the delinquency, liability, 59638  
or assessment has been resolved. 59639

(b)(i) Within ninety days after the date on which the permit 59640  
expires, any permit holder whose permit is not renewed under this 59641  
division may file an appeal with the liquor control commission. 59642  
The commission shall notify the tax commissioner regarding the 59643  
filing of any such appeal. During the period in which the appeal 59644  
is pending, the permit shall not be renewed by the division. The 59645  
permit shall be reinstated if the permit holder and the ~~tax~~ 59646  
commissioner or the attorney general demonstrate to the liquor 59647  
control commission that the commissioner's notification of a 59648  
delinquency or assessment was in error or that the issue of the 59649  
delinquency or assessment has been resolved. 59650

(ii) A permit holder who has filed an appeal under division 59651  
(D)(2)(b)(i) of this section may file a motion to withdraw the 59652  
appeal. The division of liquor control may renew a permit holder's 59653  
permit if the permit holder has withdrawn such an appeal and the 59654  
division receives written certification from the tax commissioner 59655  
that the permit holder's delinquency or assessment has been 59656  
resolved. 59657

(3) A permit holder notified of delinquency or liability 59658  
under this section may protest the notification to the tax 59659  
commissioner on the basis that no ~~returns are~~ return or 59660

information is delinquent and no tax, ~~penalties fee, charge,~~ 59661  
penalty, or interest is outstanding. The commissioner shall 59662  
expeditiously consider any evidence submitted by the permit holder 59663  
and, if it is determined that the notification was in error, 59664  
immediately shall inform the division of liquor control that the 59665  
renewal application may be granted. The renewal shall not be 59666  
denied if the delinquency or unreported liability is the subject 59667  
of a bona fide dispute ~~pursuant to section 5717.02, 5717.04,~~ 59668  
~~5739.13, or 5747.13 of the Revised Code~~ as to the validity of the 59669  
delinquency or unreported liability and is the subject of an 59670  
assessment and of an appeal properly filed by the permit holder. 59671

(4) If the commissioner concludes that under the 59672  
circumstances the permit holder's delinquency or liability has 59673  
been conditionally resolved, the commissioner shall allow the 59674  
permit to be renewed, conditioned upon the permit holder's 59675  
continuing performance in satisfying the delinquency and 59676  
liability. The conditional nature of the renewal shall be 59677  
specified in the notification given to the division of liquor 59678  
control under division (D)(1) of this section. Upon receipt of 59679  
notice of the resolution, the division shall issue a conditional 59680  
renewal. If the taxpayer defaults on any agreement to pay the 59681  
delinquency or liability or fails to keep subsequent tax or fee 59682  
payments current, the liquor control commission, upon request and 59683  
proof of the default or failure to keep subsequent tax or fee 59684  
payments current, shall indefinitely suspend the permit holder's 59685  
permit until all taxes or fees and interest due are paid. 59686

(5) The commissioner may adopt rules to assist in 59687  
administering the duties imposed by this section. 59688

**Sec. 4501.044.** (A) All moneys received under section 4503.65 59689  
of the Revised Code ~~and~~ from the tax imposed by section 4503.02 of 59690  
the Revised Code on vehicles that are apportionable ~~and to which~~ 59691

~~the rates specified in divisions (A)(1) to (21) and division (B)~~ 59692  
~~of section 4503.042 of the Revised Code apply~~ shall be paid into 59693  
the international registration plan distribution fund, which is 59694  
hereby created in the state treasury, and distributed as follows: 59695

(1) First, to make payments to other states that are members 59696  
of the international registration plan of the portions of 59697  
registration taxes the states are eligible to receive because of 59698  
the operation within their borders of apportionable vehicles that 59699  
are registered in Ohio; 59700

(2) Second, two and five-tenths per cent of all the moneys 59701  
received from apportionable vehicles under section 4503.65 of the 59702  
Revised Code that are collected from other international 59703  
registration plan jurisdictions shall be deposited into the public 59704  
safety - highway purposes fund established in section 4501.06 of 59705  
the Revised Code; 59706

(3) Third, forty-two and six-tenths per cent of the moneys 59707  
received from apportionable vehicles registered in this state 59708  
under divisions (A)(8) to (21) of section ~~4503.042~~ 4503.65 and 59709  
forty-two and six-tenths per cent of the balance remaining from 59710  
the moneys received from apportionable vehicles under section 59711  
4503.65 of the Revised Code that are collected from other 59712  
international registration plan jurisdictions after distribution 59713  
under division (A)(2) of this section shall be deposited in the 59714  
state treasury to the credit of the public safety - highway 59715  
purposes fund created by section 4501.06 of the Revised Code; 59716

(4) Fourth, an amount estimated as the annual costs that the 59717  
department of taxation will incur in conducting audits of persons 59718  
who have registered motor vehicles under the international 59719  
registration plan, one-twelfth of which amount shall be paid by 59720  
the registrar of motor vehicles into the international 59721  
registration plan auditing fund created by section 5703.12 of the 59722  
Revised Code by the fifteenth day of each month; 59723

(5) Fifth, to the public safety - highway purposes fund 59724  
established in section 4501.06 of the Revised Code, to offset 59725  
operating expenses incurred by the bureau of motor vehicles in 59726  
administering the international registration plan; 59727

(6) Any moneys remaining in the international registration 59728  
plan distribution fund after distribution under divisions (A)(1) 59729  
to (5) of this section shall be distributed in accordance with 59730  
division (B) of this section. 59731

(B)(1) Moneys received under section 4503.65 from the tax 59732  
imposed by section 4503.02 of the Revised Code on vehicles that 59733  
are apportionable ~~and to which the rates specified in divisions~~ 59734  
~~(A)(1) to (21) and division (B) of section 4503.042 of the Revised~~ 59735  
~~Code apply~~ vehicles registered in this state shall be distributed 59736  
and used in the manner provided in section 4501.04 of the Revised 59737  
Code and rules adopted by the registrar of motor vehicles for 59738  
moneys deposited to the credit of the auto registration 59739  
distribution fund. 59740

(2) Moneys received from ~~collections~~ apportionable vehicles 59741  
under section 4503.65 of the Revised Code that are collected from 59742  
other international registration plan jurisdictions shall be 59743  
distributed under divisions (B)(2) and (3) of this section. 59744

Each county, township, and municipal corporation shall 59745  
receive an amount such that the ratio that the amount of moneys 59746  
received by that county, township, or municipal corporation under 59747  
division (B)(1) of this section from apportionable vehicles 59748  
registered in Ohio and under section 4503.65 of the Revised Code 59749  
from apportionable vehicles registered in other international 59750  
registration plan jurisdictions bears to the total amount of 59751  
moneys received by all counties, townships, and municipal 59752  
corporations under division (B)(1) of this section from 59753  
apportionable vehicles registered in Ohio and under section 59754  
4503.65 of the Revised Code from apportionable vehicles registered 59755

in other international registration plan jurisdictions equals the 59756  
ratio that the amount of moneys that the county, township, or 59757  
municipal corporation would receive from apportionable vehicles 59758  
registered in Ohio were the moneys from such vehicles distributed 59759  
under section 4501.04 of the Revised Code, based solely on the 59760  
weight schedules contained in section ~~4503.042~~ 4503.65 of the 59761  
Revised Code, bears to the total amount of money that all 59762  
counties, townships, and municipal corporations would receive from 59763  
apportionable vehicles registered in Ohio were the moneys from 59764  
such vehicles distributed under section 4501.04 of the Revised 59765  
Code, based solely on the weight schedules contained in section 59766  
~~4503.042~~ 4503.65 of the Revised Code. 59767

No county, township, or municipal corporation shall receive 59768  
under division (B)(2) of this section an amount greater than the 59769  
amount of money that that county, township, or municipal 59770  
corporation would receive from apportionable vehicles registered 59771  
in Ohio were the money from the taxation of such vehicles 59772  
distributed under section 4501.04 of the Revised Code based solely 59773  
on the weight schedules contained in section ~~4503.042~~ 4503.65 of 59774  
the Revised Code. 59775

(3) If, at the end of the distribution year, the total of all 59776  
moneys received under section 4503.65 of the Revised Code for 59777  
apportionable vehicles registered in another international 59778  
registration plan jurisdiction exceeds the total moneys subject to 59779  
distribution under division (B)(2) of this section, the registrar 59780  
shall distribute to each county, township, and municipal 59781  
corporation a portion of the excess. The excess shall be 59782  
distributed to counties, townships, and municipal corporations in 59783  
the same proportion that the revenues received by each county, 59784  
township, and municipal corporation from collections under section 59785  
4503.02 of the Revised Code for apportionable vehicles registered 59786  
in this state and from collections under section 4503.65 of the 59787

Revised Code for apportionable vehicles registered in another 59788  
international registration plan jurisdiction during that 59789  
distribution year bears to the total revenues received by 59790  
counties, townships, and municipal corporations from taxes levied 59791  
under section 4503.02 of the Revised Code for apportionable 59792  
vehicles registered in this state and from collections under 59793  
section 4503.65 of the Revised Code for apportionable vehicles 59794  
registered in another international registration plan jurisdiction 59795  
during that distribution year. 59796

(C) All moneys received from the administrative fee imposed 59797  
by division (C)(2) of section ~~4503.042~~ 4503.65 of the Revised Code 59798  
shall be deposited to the credit of the public safety - highway 59799  
purposes fund established in section 4501.06 of the Revised Code, 59800  
to offset operating expenses incurred by the bureau of motor 59801  
vehicles in administering the international registration plan. 59802

(D) A deputy registrar shall retain fifty cents of the fee 59803  
imposed under division (C)(3) of section 4503.65 of the Revised 59804  
Code and shall transmit the remaining amount to the registrar at 59805  
the time and in the manner provided by section 4503.10 of the 59806  
Revised Code. The registrar shall deposit all such moneys received 59807  
into the public safety - highway purposes fund established in 59808  
section 4501.06 of the Revised Code. 59809

(E) All investment earnings of the international registration 59810  
plan distribution fund shall be credited to the fund. 59811

**Sec. 4501.045.** (A) All moneys received from the tax imposed 59812  
by section 4503.02 of the Revised Code on commercial cars and 59813  
buses that are registered in this state and that are not 59814  
apportionable and to which the rates provided under divisions 59815  
(A)(8) to (21) of section 4503.042 of the Revised Code apply, 59816  
shall be distributed as follows: 59817

(1) First, forty-two and six-tenths per cent shall be 59818

deposited in the state treasury to the credit of the public safety 59819  
- highway purposes fund created by section 4501.06 of the Revised 59820  
Code, to be used solely for the purposes set forth in that 59821  
section; 59822

(2) Second, the balance remaining after distribution under 59823  
division (A)(1) of this section shall be deposited to the credit 59824  
of the auto registration distribution fund for distribution in the 59825  
manner provided in sections 4501.03 and 4501.04 of the Revised 59826  
Code. 59827

(B) All moneys received from the tax imposed by section 59828  
4503.02 of the Revised Code on commercial cars and buses that are 59829  
registered in this state and that are not apportionable and to 59830  
which the rates provided under divisions (A)(1) to (7) and 59831  
division (B) of section 4503.042 of the Revised Code apply, shall 59832  
be deposited to the credit of the auto registration distribution 59833  
fund for distribution in the manner provided in sections 4501.03 59834  
and 4501.04 of the Revised Code. 59835

(C) All moneys received from the tax imposed by section 59836  
4503.02 of the Revised Code on trailers and semitrailers shall be 59837  
deposited to the credit of the auto registration distribution fund 59838  
for distribution in the manner provided in sections 4501.03 and 59839  
4501.04 of the Revised Code. 59840

Sec. 4501.07. There is hereby created the public safety 59841  
highway patrol custodial fund, which shall be in the custody of 59842  
the treasurer of state, but shall not be part of the state 59843  
treasury. Except as otherwise provided in section 5502.1321 of the 59844  
Revised Code, all money seized during investigations or other 59845  
enforcement activities of the highway patrol shall be deposited 59846  
into the fund or otherwise safeguarded as provided in Chapter 59847  
2981. of the Revised Code. The director of public safety shall 59848  
transfer money upon resolution of all legal proceedings in 59849



accordance with Chapter 2981. of the Revised Code. 59850

**Sec. 4503.02.** An annual license tax is hereby levied upon the 59851  
operation of motor vehicles on the public roads or highways, for 59852  
the purpose of enforcing and paying the expense of administering 59853  
the law relative to the registration and operation of such 59854  
vehicles; planning, constructing, maintaining, and repairing 59855  
public roads, highways, and streets; maintaining and repairing 59856  
bridges and viaducts; paying the counties' proportion of the cost 59857  
and expenses of cooperating with the department of transportation 59858  
in the planning, improvement, and construction of state highways; 59859  
paying the counties' portion of the compensation, damages, cost, 59860  
and expenses of planning, constructing, reconstructing, improving, 59861  
maintaining, and repairing roads; paying the principal, interest, 59862  
and charges on county bonds and other obligations issued pursuant 59863  
to Chapter 133. of the Revised Code or incurred pursuant to 59864  
section 5531.09 of the Revised Code for highway improvements; for 59865  
the purpose of providing motorcycle safety and education 59866  
instruction; enabling municipal corporations to plan, construct, 59867  
reconstruct, repave, widen, maintain, repair, clear, and clean 59868  
public highways, roads, and streets; paying the principal, 59869  
interest, and other charges on municipal bonds and other 59870  
obligations issued pursuant to Chapter 133. of the Revised Code or 59871  
incurred pursuant to section 5531.09 of the Revised Code for 59872  
highway improvements; to maintain and repair bridges and viaducts; 59873  
to purchase, erect, and maintain street and traffic signs and 59874  
markers; to purchase, erect, and maintain traffic lights and 59875  
signals; to supplement revenue already available for such 59876  
purposes; to pay the interest, principal, and charges on bonds and 59877  
other obligations issued pursuant to Section 2i of Article VIII, 59878  
Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised 59879  
Code. ~~Such~~ 59880

The tax shall be at the rates specified in sections 4503.04 59881  
~~and, 4503.042, and 4503.65~~ of the Revised Code. Under section 59882  
4503.04 of the Revised Code, the tax shall be paid to and 59883  
collected by the registrar of motor vehicles or deputy registrar 59884  
at the time of making application for registration. Under ~~section~~ 59885  
sections 4503.042 and 4503.65 of the Revised Code, the tax shall 59886  
be paid to and collected by the registrar or deputy registrar as 59887  
specified in those sections at the time and manner set forth by 59888  
the registrar by rule. 59889

**Sec. 4503.038.** (A) Not later than nine months after ~~the~~ 59890  
~~effective date of this section~~ June 30, 2017, the registrar of 59891  
motor vehicles shall adopt rules in accordance with Chapter 119. 59892  
of the Revised Code establishing a service fee that applies for 59893  
purposes of sections 4503.03, 4503.036, 4503.042, 4503.10, 59894  
4503.102, 4503.12, 4503.182, 4503.24, 4503.65, 4505.061, 4506.08, 59895  
4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 4519.10, 59896  
4519.56, and 4519.69 of the Revised Code. The service fee shall be 59897  
not more than five dollars and twenty-five cents. When 59898  
establishing the fee, the registrar shall consider inflation and 59899  
any other factors the registrar considers to be relevant to the 59900  
determination. 59901

(B) Not later than nine months after ~~the effective date of~~ 59902  
~~this section~~ June 30, 2017, the registrar shall adopt rules in 59903  
accordance with Chapter 119. of the Revised Code establishing 59904  
prorated service fees that apply for purposes of multi-year 59905  
registrations authorized under section 4503.103 of the Revised 59906  
Code. When establishing the fee, the registrar shall consider 59907  
inflation and any other factors the registrar considers to be 59908  
relevant to the determination. 59909

**Sec. 4503.04.** Except as provided in sections 4503.042 and 59910  
4503.65 of the Revised Code for the registration of commercial 59911

cars, trailers, semitrailers, and certain buses, the rates of the 59912  
taxes imposed by section 4503.02 of the Revised Code shall be as 59913  
follows: 59914

(A)(1) For motor vehicles having three wheels or less, the 59915  
license tax is: 59916

(a) For each motorized bicycle or moped, ten dollars; 59917

(b) For each motorcycle, autocyple, cab-enclosed motorcycle, 59918  
motor-driven cycle, or motor scooter, fourteen dollars. 59919

(2) For each low-speed, under-speed, and utility vehicle, and 59920  
each mini-truck, ten dollars. 59921

(B) For each passenger car, twenty dollars; 59922

(C) For each manufactured home, each mobile home, and each 59923  
travel trailer or house vehicle, ten dollars; 59924

(D) For each noncommercial motor vehicle designed by the 59925  
manufacturer to carry a load of no more than three-quarters of one 59926  
ton and for each motor home, thirty-five dollars; for each 59927  
noncommercial motor vehicle designed by the manufacturer to carry 59928  
a load of more than three-quarters of one ton, but not more than 59929  
one ton, seventy dollars; 59930

(E) For each noncommercial trailer, the license tax is: 59931

(1) Eighty-five cents for each one hundred pounds or part 59932  
thereof for the first two thousand pounds or part thereof of 59933  
weight of vehicle fully equipped; 59934

(2) One dollar and forty cents for each one hundred pounds or 59935  
part thereof in excess of two thousand pounds up to and including 59936  
ten thousand pounds. 59937

(F) Notwithstanding its weight, twelve dollars for any: 59938

(1) Vehicle equipped, owned, and used by a charitable or 59939  
nonprofit corporation exclusively for the purpose of administering 59940

chest x-rays or receiving blood donations; 59941

(2) Van used principally for the transportation of 59942  
handicapped persons that has been modified by being equipped with 59943  
adaptive equipment to facilitate the movement of such persons into 59944  
and out of the van; 59945

(3) Bus used principally for the transportation of 59946  
handicapped persons or persons sixty-five years of age or older. 59947

(G) Notwithstanding its weight, twenty dollars for any bus 59948  
used principally for the transportation of persons in a 59949  
ridesharing arrangement. 59950

(H) For each transit bus having motor power the license tax 59951  
is twelve dollars. 59952

"Transit bus" means either a motor vehicle having a seating 59953  
capacity of more than seven persons which is operated and used by 59954  
any person in the rendition of a public mass transportation 59955  
service primarily in a municipal corporation or municipal 59956  
corporations and provided at least seventy-five per cent of the 59957  
annual mileage of such service and use is within such municipal 59958  
corporation or municipal corporations or a motor vehicle having a 59959  
seating capacity of more than seven persons which is operated 59960  
solely for the transportation of persons associated with a 59961  
charitable or nonprofit corporation, but does not mean any motor 59962  
vehicle having a seating capacity of more than seven persons when 59963  
such vehicle is used in a ridesharing capacity or any bus 59964  
described by division (F)(3) of this section. 59965

The application for registration of such transit bus shall be 59966  
accompanied by an affidavit prescribed by the registrar of motor 59967  
vehicles and signed by the person or an agent of the firm or 59968  
corporation operating such bus stating that the bus has a seating 59969  
capacity of more than seven persons, and that it is either to be 59970  
operated and used in the rendition of a public mass transportation 59971

service and that at least seventy-five per cent of the annual 59972  
mileage of such operation and use shall be within one or more 59973  
municipal corporations or that it is to be operated solely for the 59974  
transportation of persons associated with a charitable or 59975  
nonprofit corporation. 59976

The form of the license plate, and the manner of its 59977  
attachment to the vehicle, shall be prescribed by the registrar of 59978  
motor vehicles. 59979

(I) Except as otherwise provided in division (A) or (J) of 59980  
this section, the minimum tax for any vehicle having motor power 59981  
is ten dollars and eighty cents, and for each noncommercial 59982  
trailer, five dollars. 59983

(J)(1) Except as otherwise provided in division (J) of this 59984  
section, for each farm truck, except a noncommercial motor 59985  
vehicle, that is owned, controlled, or operated by one or more 59986  
farmers exclusively in farm use as defined in this section, and 59987  
not for commercial purposes, and provided that at least 59988  
seventy-five per cent of such farm use is by or for the one or 59989  
more owners, controllers, or operators of the farm in the 59990  
operation of which a farm truck is used, the license tax is five 59991  
dollars plus: 59992

(a) Fifty cents per one hundred pounds or part thereof for 59993  
the first three thousand pounds; 59994

(b) Seventy cents per one hundred pounds or part thereof in 59995  
excess of three thousand pounds up to and including four thousand 59996  
pounds; 59997

(c) Ninety cents per one hundred pounds or part thereof in 59998  
excess of four thousand pounds up to and including six thousand 59999  
pounds; 60000

(d) Two dollars for each one hundred pounds or part thereof 60001  
in excess of six thousand pounds up to and including ten thousand 60002

pounds; 60003

(e) Two dollars and twenty-five cents for each one hundred 60004  
pounds or part thereof in excess of ten thousand pounds; 60005

(f) The minimum license tax for any farm truck shall be 60006  
twelve dollars. 60007

(2) The owner of a farm truck may register the truck for a 60008  
period of one-half year by paying one-half the registration tax 60009  
imposed on the truck under this chapter and one-half the amount of 60010  
any tax imposed on the truck under Chapter 4504. of the Revised 60011  
Code. 60012

(3) A farm bus may be registered for a period of two hundred 60013  
ten days from the date of issue of the license plates for the bus, 60014  
for a fee of ten dollars, provided such license plates shall not 60015  
be issued for more than one such period in any calendar year. Such 60016  
use does not include the operation of trucks by commercial 60017  
processors of agricultural products. 60018

(4) License plates for farm trucks and for farm buses shall 60019  
have some distinguishing marks, letters, colors, or other 60020  
characteristics to be determined by the director of public safety. 60021

(5) Every person registering a farm truck or bus under this 60022  
section shall furnish an affidavit certifying that the truck or 60023  
bus licensed to that person is to be so used as to meet the 60024  
requirements necessary for the farm truck or farm bus 60025  
classification. 60026

Any farmer may use a truck owned by the farmer for commercial 60027  
purposes by paying the difference between the commercial truck 60028  
registration fee and the farm truck registration fee for the 60029  
remaining part of the registration period for which the truck is 60030  
registered. Such remainder shall be calculated from the beginning 60031  
of the semiannual period in which application for such commercial 60032  
license is made. 60033

Taxes at the rates provided in this section are in lieu of 60034  
all taxes on or with respect to the ownership of such motor 60035  
vehicles, except as provided in ~~section~~ sections 4503.042 ~~and~~ 60036  
~~section~~, 4503.06, and 4503.65 of the Revised Code. 60037

(K) Other than trucks registered under the international 60038  
registration plan in another jurisdiction and for which this state 60039  
has received an apportioned registration fee, the license tax for 60040  
each truck which is owned, controlled, or operated by a 60041  
nonresident, and licensed in another state, and which is used 60042  
exclusively for the transportation of nonprocessed agricultural 60043  
products intrastate, from the place of production to the place of 60044  
processing, is twenty-four dollars. 60045

"Truck," as used in this division, means any pickup truck, 60046  
straight truck, semitrailer, or trailer other than a travel 60047  
trailer. Nonprocessed agricultural products, as used in this 60048  
division, does not include livestock or grain. 60049

A license issued under this division shall be issued for a 60050  
period of one hundred thirty days in the same manner in which all 60051  
other licenses are issued under this section, provided that no 60052  
truck shall be so licensed for more than one 60053  
one-hundred-thirty-day period during any calendar year. 60054

The license issued pursuant to this division shall consist of 60055  
a windshield decal to be designed by the director of public 60056  
safety. 60057

Every person registering a truck under this division shall 60058  
furnish an affidavit certifying that the truck licensed to the 60059  
person is to be used exclusively for the purposes specified in 60060  
this division. 60061

(L) Every person registering a motor vehicle as a 60062  
noncommercial motor vehicle as defined in section 4501.01 of the 60063  
Revised Code, or registering a trailer as a noncommercial trailer 60064

as defined in that section, shall furnish an affidavit certifying 60065  
that the motor vehicle or trailer so licensed to the person is to 60066  
be so used as to meet the requirements necessary for the 60067  
noncommercial vehicle classification. 60068

(M) Every person registering a van or bus as provided in 60069  
divisions (F)(2) and (3) of this section shall furnish a notarized 60070  
statement certifying that the van or bus licensed to the person is 60071  
to be used for the purposes specified in those divisions. The form 60072  
of the license plate issued for such motor vehicles shall be 60073  
prescribed by the registrar. 60074

(N) Every person registering as a passenger car a motor 60075  
vehicle designed and used for carrying more than nine but not more 60076  
than fifteen passengers, and every person registering a bus as 60077  
provided in division (G) of this section, shall furnish an 60078  
affidavit certifying that the vehicle so licensed to the person is 60079  
to be used in a ridesharing arrangement and that the person will 60080  
have in effect whenever the vehicle is used in a ridesharing 60081  
arrangement a policy of liability insurance with respect to the 60082  
motor vehicle in amounts and coverages no less than those required 60083  
by section 4509.79 of the Revised Code. The form of the license 60084  
plate issued for such a motor vehicle shall be prescribed by the 60085  
registrar. 60086

(O)(1) If an application for registration renewal is not 60087  
applied for prior to the expiration date of the registration or 60088  
within thirty days after that date, the registrar or deputy 60089  
registrar shall collect a fee of ten dollars for the issuance of 60090  
the vehicle registration. For any motor vehicle that is used on a 60091  
seasonal basis, whether used for general transportation or not, 60092  
and that has not been used on the public roads or highways since 60093  
the expiration of the registration, the registrar or deputy 60094  
registrar shall waive the fee established under this division if 60095  
the application is accompanied by supporting evidence of seasonal 60096



use as the registrar may require. The registrar or deputy 60097  
registrar may waive the fee for other good cause shown if the 60098  
application is accompanied by supporting evidence as the registrar 60099  
may require. The fee shall be in addition to all other fees 60100  
established by this section. A deputy registrar shall retain fifty 60101  
cents of the fee and shall transmit the remaining amount to the 60102  
registrar at the time and in the manner provided by section 60103  
4503.10 of the Revised Code. The registrar shall deposit all 60104  
moneys received under this division into the public safety - 60105  
highway purposes fund established in section 4501.06 of the 60106  
Revised Code. 60107

(2) Division (O)(1) of this section does not apply to a farm 60108  
truck or farm bus registered under division (J) of this section. 60109

(P) As used in this section: 60110

(1) "Van" means any motor vehicle having a single rear axle 60111  
and an enclosed body without a second seat. 60112

(2) "Handicapped person" means any person who has lost the 60113  
use of one or both legs, or one or both arms, or is blind, deaf, 60114  
or so severely disabled as to be unable to move about without the 60115  
aid of crutches or a wheelchair. 60116

(3) "Farm truck" means a truck used in the transportation 60117  
from the farm of products of the farm, including livestock and its 60118  
products, poultry and its products, floricultural and 60119  
horticultural products, and in the transportation to the farm of 60120  
supplies for the farm, including tile, fence, and every other 60121  
thing or commodity used in agricultural, floricultural, 60122  
horticultural, livestock, and poultry production and livestock, 60123  
poultry, and other animals and things used for breeding, feeding, 60124  
or other purposes connected with the operation of the farm. 60125

(4) "Farm bus" means a bus used only for the transportation 60126  
of agricultural employees and used only in the transportation of 60127

such employees as are necessary in the operation of the farm. 60128

(5) "Farm supplies" includes fuel used exclusively in the 60129  
operation of a farm, including one or more homes located on and 60130  
used in the operation of one or more farms, and furniture and 60131  
other things used in and around such homes. 60132

**Sec. 4503.042.** ~~The registrar of motor vehicles shall adopt~~ 60133  
~~rules establishing the date, subsequent to this state's entry into~~ 60134  
~~membership in the international registration plan, when the rates~~ 60135  
established ~~by~~ under this section ~~become operative~~ apply to 60136  
commercial cars, buses, trailers, and semitrailers that are not 60137  
subject to apportioned rates under the international registration 60138  
plan. 60139

(A) The rates of the annual registration taxes imposed by 60140  
section 4503.02 of the Revised Code ~~are as follows for commercial~~ 60141  
~~cars having a, based on~~ gross vehicle weight or combined gross 60142  
vehicle weight ~~of, for commercial cars that are not apportionable~~ 60143  
are as follows: 60144

(1) ~~Not~~ For not more than two thousand pounds, forty-five 60145  
dollars; 60146

(2) ~~More~~ For more than two thousand but not more than six 60147  
thousand pounds, seventy dollars; 60148

(3) ~~More~~ For more than six thousand but not more than ten 60149  
thousand pounds, eighty-five dollars; 60150

(4) ~~More~~ For more than ten thousand but not more than 60151  
fourteen thousand pounds, one hundred five dollars; 60152

(5) ~~More~~ For more than fourteen thousand but not more than 60153  
eighteen thousand pounds, one hundred twenty-five dollars; 60154

(6) ~~More~~ For more than eighteen thousand but not more than 60155  
twenty-two thousand pounds, one hundred fifty dollars; 60156

- (7) ~~More~~ For more than twenty-two thousand but not more than 60157  
twenty-six thousand pounds, one hundred seventy-five dollars; 60158
- (8) ~~More~~ For more than twenty-six thousand but not more than 60159  
thirty thousand pounds, three hundred fifty-five dollars; 60160
- (9) ~~More~~ For more than thirty thousand but not more than 60161  
thirty-four thousand pounds, four hundred twenty dollars; 60162
- (10) ~~More~~ For more than thirty-four thousand but not more 60163  
than thirty-eight thousand pounds, four hundred eighty dollars; 60164
- (11) ~~More~~ For more than thirty-eight thousand but not more 60165  
than forty-two thousand pounds, five hundred forty dollars; 60166
- (12) ~~More~~ For more than forty-two thousand but not more than 60167  
forty-six thousand pounds, six hundred dollars; 60168
- (13) ~~More~~ For more than forty-six thousand but not more than 60169  
fifty thousand pounds, six hundred sixty dollars; 60170
- (14) ~~More~~ For more than fifty thousand but not more than 60171  
fifty-four thousand pounds, seven hundred twenty-five dollars; 60172
- (15) ~~More~~ For more than fifty-four thousand but not more than 60173  
fifty-eight thousand pounds, seven hundred eighty-five dollars; 60174
- (16) ~~More~~ For more than fifty-eight thousand but not more 60175  
than sixty-two thousand pounds, eight hundred fifty-five dollars; 60176
- (17) ~~More~~ For more than sixty-two thousand but not more than 60177  
sixty-six thousand pounds, nine hundred twenty-five dollars; 60178
- (18) ~~More~~ For more than sixty-six thousand but not more than 60179  
seventy thousand pounds, nine hundred ninety-five dollars; 60180
- (19) ~~More~~ For more than seventy thousand but not more than 60181  
seventy-four thousand pounds, one thousand eighty dollars; 60182
- (20) ~~More~~ For more than seventy-four thousand but not more 60183  
than seventy-eight thousand pounds, one thousand two hundred 60184  
dollars; 60185

- (21) ~~More~~ For more than seventy-eight thousand pounds, one thousand three hundred forty dollars. 60186  
60187
- (B) The rates of the annual registration taxes imposed by section 4503.02 of the Revised Code ~~are as follows for buses having a,~~ based on gross vehicle weight or combined gross vehicle weight ~~of,~~ for buses that are not apportionable are as follows: 60188  
60189  
60190  
60191
- (1) ~~Not~~ For not more than two thousand pounds, ten dollars; 60192
- (2) ~~More~~ For more than two thousand but not more than six thousand pounds, forty dollars; 60193  
60194
- (3) ~~More~~ For more than six thousand but not more than ten thousand pounds, one hundred dollars; 60195  
60196
- (4) ~~More~~ For more than ten thousand but not more than fourteen thousand pounds, one hundred eighty dollars; 60197  
60198
- (5) ~~More~~ For more than fourteen thousand but not more than eighteen thousand pounds, two hundred sixty dollars; 60199  
60200
- (6) ~~More~~ For more than eighteen thousand but not more than twenty-two thousand pounds, three hundred forty dollars; 60201  
60202
- (7) ~~More~~ For more than twenty-two thousand but not more than twenty-six thousand pounds, four hundred twenty dollars; 60203  
60204
- (8) ~~More~~ For more than twenty-six thousand but not more than thirty thousand pounds, five hundred dollars; 60205  
60206
- (9) ~~More~~ For more than thirty thousand but not more than thirty-four thousand pounds, five hundred eighty dollars; 60207  
60208
- (10) ~~More~~ For more than thirty-four thousand but not more than thirty-eight thousand pounds, six hundred sixty dollars; 60209  
60210
- (11) ~~More~~ For more than thirty-eight thousand but not more than forty-two thousand pounds, seven hundred forty dollars; 60211  
60212
- (12) ~~More~~ For more than forty-two thousand but not more than forty-six thousand pounds, eight hundred twenty dollars; 60213  
60214

- (13) ~~More~~ For more than forty-six thousand but not more than 60215  
fifty thousand pounds, nine hundred forty dollars; 60216
- (14) ~~More~~ For more than fifty thousand but not more than 60217  
fifty-four thousand pounds, one thousand dollars; 60218
- (15) ~~More~~ For more than fifty-four thousand but not more than 60219  
fifty-eight thousand pounds, one thousand ninety dollars; 60220
- (16) ~~More~~ For more than fifty-eight thousand but not more 60221  
than sixty-two thousand pounds, one thousand one hundred eighty 60222  
dollars; 60223
- (17) ~~More~~ For more than sixty-two thousand but not more than 60224  
sixty-six thousand pounds, one thousand two hundred seventy 60225  
dollars; 60226
- (18) ~~More~~ For more than sixty-six thousand but not more than 60227  
seventy thousand pounds, one thousand three hundred sixty dollars; 60228
- (19) ~~More~~ For more than seventy thousand but not more than 60229  
seventy-four thousand pounds, one thousand four hundred fifty 60230  
dollars; 60231
- (20) ~~More~~ For more than seventy-four thousand but not more 60232  
than seventy-eight thousand pounds, one thousand five hundred 60233  
forty dollars; 60234
- (21) ~~More~~ For more than seventy-eight thousand pounds, one 60235  
thousand six hundred thirty dollars. 60236
- (C) ~~In addition to the license taxes imposed at the rates 60237  
specified in divisions (A) and (B) of this section, a fee equal to 60238  
the amount established under section 4503.038 of the Revised Code, 60239  
plus an appropriate amount to cover the cost of postage, shall be 60240  
collected by the registrar for each international registration 60241  
plan license processed by the registrar. 60242~~
- ~~(D)~~ The rate of the tax for each trailer and semitrailer is 60243  
twenty-five dollars. 60244

~~(E)~~(D) If an application for registration renewal is not 60245  
applied for prior to the expiration date of the registration or 60246  
within thirty days after that date, the registrar or deputy 60247  
registrar shall collect a fee of ten dollars for the issuance of 60248  
the vehicle registration, but may waive the fee for good cause 60249  
shown if the application is accompanied by supporting evidence as 60250  
the registrar may require. The fee shall be in addition to all 60251  
other fees established by this section. A deputy registrar shall 60252  
retain fifty cents of the fee and shall transmit the remaining 60253  
amount to the registrar at the time and in the manner provided by 60254  
section 4503.10 of the Revised Code. The registrar shall deposit 60255  
all moneys received under this division into the public safety - 60256  
highway purposes fund established in section 4501.06 of the 60257  
Revised Code. 60258

~~(F)~~(E) The rates established by this section shall not apply 60259  
to any of the following: 60260

(1) Vehicles equipped, owned, and used by a charitable or 60261  
nonprofit corporation exclusively for the purpose of administering 60262  
chest x-rays or receiving blood donations; 60263

(2) Vans used principally for the transportation of 60264  
handicapped persons that have been modified by being equipped with 60265  
adaptive equipment to facilitate the movement of such persons into 60266  
and out of the vans; 60267

(3) Buses used principally for the transportation of 60268  
handicapped persons or persons sixty-five years of age or older; 60269

(4) Buses used principally for the transportation of persons 60270  
in a ridesharing arrangement; 60271

(5) Transit buses having motor power; 60272

(6) Noncommercial trailers, mobile homes, or manufactured 60273  
homes. 60274

**Sec. 4503.066.** (A)(1) To obtain a tax reduction under section 4503.065 of the Revised Code, the owner of the home shall file an application with the county auditor of the county in which the home is located. An application for reduction in taxes based upon a physical disability shall be accompanied by a certificate signed by a physician, and an application for reduction in taxes based upon a mental disability shall be accompanied by a certificate signed by a physician or psychologist licensed to practice in this state. The certificate shall attest to the fact that the applicant is permanently and totally disabled, shall be in a form that the department of taxation requires, and shall include the definition of totally and permanently disabled as set forth in section 4503.064 of the Revised Code. An application for reduction in taxes based upon a disability certified as permanent and total by a state or federal agency having the function of so classifying persons shall be accompanied by a certificate from that agency. An application by a disabled veteran for the reduction under division (B) of section 4503.065 of the Revised Code shall be accompanied by a letter or other written confirmation from the United States department of veterans affairs, or its predecessor or successor agency, showing that the veteran qualifies as a disabled veteran.

(2) Each application shall constitute a continuing application for a reduction in taxes for each year in which the manufactured or mobile home is occupied by the applicant. Failure to receive a new application or notification under division (B) of this section after an application for reduction has been approved is prima-facie evidence that the original applicant is entitled to the reduction calculated on the basis of the information contained in the original application. The original application and any subsequent application shall be in the form of a signed statement and shall be filed ~~not later than the first Monday in June on or~~

before the thirty-first day of December of the year for which the reduction is sought. The statement shall be on a form, devised and supplied by the tax commissioner, that shall require no more information than is necessary to establish the applicant's eligibility for the reduction in taxes and the amount of the reduction to which the applicant is entitled. The form shall contain a statement that signing such application constitutes a delegation of authority by the applicant to the tax commissioner or the county auditor, individually or in consultation with each other, to examine any tax or financial records that relate to the income of the applicant as stated on the application for the purpose of determining eligibility under, or possible violation of, division (C) or (D) of this section. The form also shall contain a statement that conviction of willfully falsifying information to obtain a reduction in taxes or failing to comply with division (B) of this section shall result in the revocation of the right to the reduction for a period of three years.

If an application filed for the current tax year is approved after the taxes have been paid for the current year, the amount of the reduction in taxes for the current year shall be treated as an overpayment of taxes in the same manner as a late application under division (A)(3) of this section.

(3) A late application for a reduction in taxes for the year preceding the year for which an original application is filed may be filed with an original application. If the auditor determines that the information contained in the late application is correct, the auditor shall determine both the amount of the reduction in taxes to which the applicant would have been entitled for the current tax year had the application been timely filed and approved in the preceding year, and the amount the taxes levied under section 4503.06 of the Revised Code for the current year would have been reduced as a result of the reduction. When an



applicant is permanently and totally disabled on the first day of 60339  
January of the year in which the applicant files a late 60340  
application, the auditor, in making the determination of the 60341  
amounts of the reduction in taxes under division (A)(3) of this 60342  
section, is not required to determine that the applicant was 60343  
permanently and totally disabled on the first day of January of 60344  
the preceding year. 60345

The amount of the reduction in taxes pursuant to a late 60346  
application shall be treated as an overpayment of taxes by the 60347  
applicant. The auditor shall credit the amount of the overpayment 60348  
against the amount of the taxes or penalties then due from the 60349  
applicant, and, at the next succeeding settlement, the amount of 60350  
the credit shall be deducted from the amount of any taxes or 60351  
penalties distributable to the county or any taxing unit in the 60352  
county that has received the benefit of the taxes or penalties 60353  
previously overpaid, in proportion to the benefits previously 60354  
received. If, after the credit has been made, there remains a 60355  
balance of the overpayment, or if there are no taxes or penalties 60356  
due from the applicant, the auditor shall refund that balance to 60357  
the applicant by a warrant drawn on the county treasurer in favor 60358  
of the applicant. The treasurer shall pay the warrant from the 60359  
general fund of the county. If there is insufficient money in the 60360  
general fund to make the payment, the treasurer shall pay the 60361  
warrant out of any undivided manufactured or mobile home taxes 60362  
subsequently received by the treasurer for distribution to the 60363  
county or taxing district in the county that received the benefit 60364  
of the overpaid taxes, in proportion to the benefits previously 60365  
received, and the amount paid from the undivided funds shall be 60366  
deducted from the money otherwise distributable to the county or 60367  
taxing district in the county at the next or any succeeding 60368  
distribution. At the next or any succeeding distribution after 60369  
making the refund, the treasurer shall reimburse the general fund 60370  
for any payment made from that fund by deducting the amount of 60371

that payment from the money distributable to the county or other 60372  
taxing unit in the county that has received the benefit of the 60373  
taxes, in proportion to the benefits previously received. ~~On the~~ 60374  
~~second Monday in September of each year, the~~ The county auditor 60375  
shall certify the total amount of the reductions in taxes made in 60376  
the current year under division (A)(3) of this section to the tax 60377  
commissioner who shall treat that amount as a reduction in taxes 60378  
for the current tax year and shall make reimbursement to the 60379  
county of that amount in the manner prescribed in section 4503.068 60380  
of the Revised Code, from moneys appropriated for that purpose. 60381

(B) If in any year for which an application for reduction in 60382  
taxes has been approved the owner no longer qualifies for the 60383  
reduction, the owner shall notify the county auditor that the 60384  
owner is not qualified for a reduction in taxes. 60385

During ~~January~~ February of each year, the county auditor 60386  
shall furnish each person whose application for reduction has been 60387  
approved, by ordinary mail, a form on which to report any changes 60388  
in total income, ownership, occupancy, disability, and other 60389  
information earlier furnished the auditor relative to the 60390  
application. The form shall be completed and returned to the 60391  
auditor not later than the ~~first Monday in June~~ thirty-first day 60392  
of December if the changes would affect the person's eligibility 60393  
for the reduction. 60394

(C) No person shall knowingly make a false statement for the 60395  
purpose of obtaining a reduction in taxes under section 4503.065 60396  
of the Revised Code. 60397

(D) No person shall knowingly fail to notify the county 60398  
auditor of any change required by division (B) of this section 60399  
that has the effect of maintaining or securing a reduction in 60400  
taxes under section 4503.065 of the Revised Code. 60401

(E) No person shall knowingly make a false statement or 60402

certification attesting to any person's physical or mental 60403  
condition for purposes of qualifying such person for tax relief 60404  
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 60405

(F) Whoever violates division (C), (D), or (E) of this 60406  
section is guilty of a misdemeanor of the fourth degree. 60407

**Sec. 4503.08.** (A) The weight of all motor vehicles, except 60408  
those taxed under ~~section~~ sections 4503.042 and 4503.65 of the 60409  
Revised Code, shall be the weight of the vehicle fully equipped as 60410  
determined on a standard scale. The weight of any machinery 60411  
mounted upon or affixed to a motor vehicle and not inherently 60412  
motor vehicle equipment shall not be included in the determination 60413  
of the total weight. 60414

(B) The horsepower of all vehicles propelled by internal 60415  
combustion engines shall be computed upon the following formula: 60416  
square the diameter of the cylinder measured in inches, multiply 60417  
by the number of cylinders, and divide by two and one half. For 60418  
all motor vehicles propelled by steam engines, the rating of the 60419  
horsepower shall be based on the system of rating adopted by the 60420  
United States government. 60421

(C) For all motor vehicles propelled by electricity, the 60422  
rating of the horsepower shall be the normal horsepower of the 60423  
electric motor therein, to be ascertained by the registrar of 60424  
motor vehicles. 60425

**Sec. 4503.10.** (A) The owner of every snowmobile, off-highway 60426  
motorcycle, and all-purpose vehicle required to be registered 60427  
under section 4519.02 of the Revised Code shall file an 60428  
application for registration under section 4519.03 of the Revised 60429  
Code. The owner of a motor vehicle, other than a snowmobile, 60430  
off-highway motorcycle, or all-purpose vehicle, that is not 60431  
designed and constructed by the manufacturer for operation on a 60432

street or highway may not register it under this chapter except 60433  
upon certification of inspection pursuant to section 4513.02 of 60434  
the Revised Code by the sheriff, or the chief of police of the 60435  
municipal corporation or township, with jurisdiction over the 60436  
political subdivision in which the owner of the motor vehicle 60437  
resides. Except as provided in section 4503.103 of the Revised 60438  
Code, every owner of every other motor vehicle not previously 60439  
described in this section and every person mentioned as owner in 60440  
the last certificate of title of a motor vehicle that is operated 60441  
or driven upon the public roads or highways shall cause to be 60442  
filed each year, by mail or otherwise, in the office of the 60443  
registrar of motor vehicles or a deputy registrar, a written or 60444  
electronic application or a preprinted registration renewal notice 60445  
issued under section 4503.102 of the Revised Code, the form of 60446  
which shall be prescribed by the registrar, for registration for 60447  
the following registration year, which shall begin on the first 60448  
day of January of every calendar year and end on the thirty-first 60449  
day of December in the same year. Applications for registration 60450  
and registration renewal notices shall be filed at the times 60451  
established by the registrar pursuant to section 4503.101 of the 60452  
Revised Code. A motor vehicle owner also may elect to apply for or 60453  
renew a motor vehicle registration by electronic means using 60454  
electronic signature in accordance with rules adopted by the 60455  
registrar. Except as provided in division (J) of this section, 60456  
applications for registration shall be made on blanks furnished by 60457  
the registrar for that purpose, containing the following 60458  
information: 60459

(1) A brief description of the motor vehicle to be 60460  
registered, including the year, make, model, and vehicle 60461  
identification number, and, in the case of commercial cars, the 60462  
gross weight of the vehicle fully equipped computed in the manner 60463  
prescribed in section 4503.08 of the Revised Code; 60464

(2) The name and residence address of the owner, and the township and municipal corporation in which the owner resides; 60465  
60466

(3) The district of registration, which shall be determined as follows: 60467  
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(a) In case the motor vehicle to be registered is used for hire or principally in connection with any established business or branch business, conducted at a particular place, the district of registration is the municipal corporation in which that place is located or, if not located in any municipal corporation, the county and township in which that place is located. 60469  
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(b) In case the vehicle is not so used, the district of registration is the municipal corporation or county in which the owner resides at the time of making the application. 60475  
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(4) Whether the motor vehicle is a new or used motor vehicle; 60478

(5) The date of purchase of the motor vehicle; 60479

(6) Whether the fees required to be paid for the registration or transfer of the motor vehicle, during the preceding registration year and during the preceding period of the current registration year, have been paid. Each application for registration shall be signed by the owner, either manually or by electronic signature, or pursuant to obtaining a limited power of attorney authorized by the registrar for registration, or other document authorizing such signature. If the owner elects to apply for or renew the motor vehicle registration with the registrar by electronic means, the owner's manual signature is not required. 60480  
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(7) The owner's social security number, driver's license number, or state identification number, or, where a motor vehicle to be registered is used for hire or principally in connection with any established business, the owner's federal taxpayer identification number. The bureau of motor vehicles shall retain in its records all social security numbers provided under this 60490  
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section, but the bureau shall not place social security numbers on motor vehicle certificates of registration. 60496  
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(B) Except as otherwise provided in this division, each time an applicant first registers a motor vehicle in the applicant's name, the applicant shall present for inspection a physical certificate of title or memorandum certificate showing title to the motor vehicle to be registered in the name of the applicant if a physical certificate of title or memorandum certificate has been issued by a clerk of a court of common pleas. If, under sections 4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk instead has issued an electronic certificate of title for the applicant's motor vehicle, that certificate may be presented for inspection at the time of first registration in a manner prescribed by rules adopted by the registrar. An applicant is not required to present a certificate of title to an electronic motor vehicle dealer acting as a limited authority deputy registrar in accordance with rules adopted by the registrar. When a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it, each application for registration for a vehicle required to be inspected under that section and those rules shall be accompanied by an inspection certificate for the motor vehicle issued in accordance with that section. The application shall be refused if any of the following applies: 60498  
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(1) The application is not in proper form. 60520

(2) The application is prohibited from being accepted by division (D) of section 2935.27, division (A) of section 2937.221, division (A) of section 4503.13, division (B) of section 4510.22, or division (B)(1) of section 4521.10 of the Revised Code. 60521  
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(3) A certificate of title or memorandum certificate of title is required but does not accompany the application or, in the case of an electronic certificate of title, is required but is not 60525  
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presented in a manner prescribed by the registrar's rules. 60528

(4) All registration and transfer fees for the motor vehicle, 60529  
for the preceding year or the preceding period of the current 60530  
registration year, have not been paid. 60531

(5) The owner or lessee does not have an inspection 60532  
certificate for the motor vehicle as provided in section 3704.14 60533  
of the Revised Code, and rules adopted under it, if that section 60534  
is applicable. 60535

This section does not require the payment of license or 60536  
registration taxes on a motor vehicle for any preceding year, or 60537  
for any preceding period of a year, if the motor vehicle was not 60538  
taxable for that preceding year or period under sections 4503.02, 60539  
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 60540  
Revised Code. When a certificate of registration is issued upon 60541  
the first registration of a motor vehicle by or on behalf of the 60542  
owner, the official issuing the certificate shall indicate the 60543  
issuance with a stamp on the certificate of title or memorandum 60544  
certificate or, in the case of an electronic certificate of title, 60545  
an electronic stamp or other notation as specified in rules 60546  
adopted by the registrar, and with a stamp on the inspection 60547  
certificate for the motor vehicle, if any. The official also shall 60548  
indicate, by a stamp or by other means the registrar prescribes, 60549  
on the registration certificate issued upon the first registration 60550  
of a motor vehicle by or on behalf of the owner the odometer 60551  
reading of the motor vehicle as shown in the odometer statement 60552  
included in or attached to the certificate of title. Upon each 60553  
subsequent registration of the motor vehicle by or on behalf of 60554  
the same owner, the official also shall so indicate the odometer 60555  
reading of the motor vehicle as shown on the immediately preceding 60556  
certificate of registration. 60557

The registrar shall include in the permanent registration 60558  
record of any vehicle required to be inspected under section 60559

3704.14 of the Revised Code the inspection certificate number from 60560  
the inspection certificate that is presented at the time of 60561  
registration of the vehicle as required under this division. 60562

(C)(1) Except as otherwise provided in division (C)(1) of 60563  
this section, the registrar and each deputy registrar shall 60564  
collect an additional fee of eleven dollars for each application 60565  
for registration and registration renewal received. For vehicles 60566  
specified in divisions (A)(1) to (21) of section 4503.042 of the 60567  
Revised Code, the registrar and deputy registrar shall collect an 60568  
additional fee of thirty dollars for each application for 60569  
registration and registration renewal received. No additional fee 60570  
shall be charged for vehicles registered under section 4503.65 of 60571  
the Revised Code. The additional fee is for the purpose of 60572  
defraying the department of public safety's costs associated with 60573  
the administration and enforcement of the motor vehicle and 60574  
traffic laws of Ohio. Each deputy registrar shall transmit the 60575  
fees collected under division (C)(1) of this section in the time 60576  
and manner provided in this section. The registrar shall deposit 60577  
all moneys received under division (C)(1) of this section into the 60578  
public safety - highway purposes fund established in section 60579  
4501.06 of the Revised Code. 60580

(2) In addition, a charge of twenty-five cents shall be made 60581  
for each reflectorized safety license plate issued, and a single 60582  
charge of twenty-five cents shall be made for each county 60583  
identification sticker or each set of county identification 60584  
stickers issued, as the case may be, to cover the cost of 60585  
producing the license plates and stickers, including material, 60586  
manufacturing, and administrative costs. Those fees shall be in 60587  
addition to the license tax. If the total cost of producing the 60588  
plates is less than twenty-five cents per plate, or if the total 60589  
cost of producing the stickers is less than twenty-five cents per 60590  
sticker or per set issued, any excess moneys accruing from the 60591



fees shall be distributed in the same manner as provided by 60592  
section 4501.04 of the Revised Code for the distribution of 60593  
license tax moneys. If the total cost of producing the plates 60594  
exceeds twenty-five cents per plate, or if the total cost of 60595  
producing the stickers exceeds twenty-five cents per sticker or 60596  
per set issued, the difference shall be paid from the license tax 60597  
moneys collected pursuant to section 4503.02 of the Revised Code. 60598

(D) Each deputy registrar shall be allowed a fee equal to the 60599  
amount established under section 4503.038 of the Revised Code for 60600  
each application for registration and registration renewal notice 60601  
the deputy registrar receives, which shall be for the purpose of 60602  
compensating the deputy registrar for the deputy registrar's 60603  
services, and such office and rental expenses, as may be necessary 60604  
for the proper discharge of the deputy registrar's duties in the 60605  
receiving of applications and renewal notices and the issuing of 60606  
registrations. 60607

(E) Upon the certification of the registrar, the county 60608  
sheriff or local police officials shall recover license plates 60609  
erroneously or fraudulently issued. 60610

(F) Each deputy registrar, upon receipt of any application 60611  
for registration or registration renewal notice, together with the 60612  
license fee and any local motor vehicle license tax levied 60613  
pursuant to Chapter 4504. of the Revised Code, shall transmit that 60614  
fee and tax, if any, in the manner provided in this section, 60615  
together with the original and duplicate copy of the application, 60616  
to the registrar. The registrar, subject to the approval of the 60617  
director of public safety, may deposit the funds collected by 60618  
those deputies in a local bank or depository to the credit of the 60619  
"state of Ohio, bureau of motor vehicles." Where a local bank or 60620  
depository has been designated by the registrar, each deputy 60621  
registrar shall deposit all moneys collected by the deputy 60622  
registrar into that bank or depository not more than one business 60623

day after their collection and shall make reports to the registrar 60624  
of the amounts so deposited, together with any other information, 60625  
some of which may be prescribed by the treasurer of state, as the 60626  
registrar may require and as prescribed by the registrar by rule. 60627  
The registrar, within three days after receipt of notification of 60628  
the deposit of funds by a deputy registrar in a local bank or 60629  
depository, shall draw on that account in favor of the treasurer 60630  
of state. The registrar, subject to the approval of the director 60631  
and the treasurer of state, may make reasonable rules necessary 60632  
for the prompt transmittal of fees and for safeguarding the 60633  
interests of the state and of counties, townships, municipal 60634  
corporations, and transportation improvement districts levying 60635  
local motor vehicle license taxes. The registrar may pay service 60636  
charges usually collected by banks and depositories for such 60637  
service. If deputy registrars are located in communities where 60638  
banking facilities are not available, they shall transmit the fees 60639  
forthwith, by money order or otherwise, as the registrar, by rule 60640  
approved by the director and the treasurer of state, may 60641  
prescribe. The registrar may pay the usual and customary fees for 60642  
such service. 60643

(G) This section does not prevent any person from making an 60644  
application for a motor vehicle license directly to the registrar 60645  
by mail, by electronic means, or in person at any of the 60646  
registrar's offices, upon payment of a service fee equal to the 60647  
amount established under section 4503.038 of the Revised Code for 60648  
each application. 60649

(H) No person shall make a false statement as to the district 60650  
of registration in an application required by division (A) of this 60651  
section. Violation of this division is falsification under section 60652  
2921.13 of the Revised Code and punishable as specified in that 60653  
section. 60654

(I)(1) Where applicable, the requirements of division (B) of 60655

this section relating to the presentation of an inspection certificate issued under section 3704.14 of the Revised Code and rules adopted under it for a motor vehicle, the refusal of a license for failure to present an inspection certificate, and the stamping of the inspection certificate by the official issuing the certificate of registration apply to the registration of and issuance of license plates for a motor vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised Code.

(2)(a) The registrar shall adopt rules ensuring that each owner registering a motor vehicle in a county where a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it receives information about the requirements established in that section and those rules and about the need in those counties to present an inspection certificate with an application for registration or preregistration.

(b) Upon request, the registrar shall provide the director of environmental protection, or any person that has been awarded a contract under section 3704.14 of the Revised Code, an on-line computer data link to registration information for all passenger cars, noncommercial motor vehicles, and commercial cars that are subject to that section. The registrar also shall provide to the director of environmental protection a magnetic data tape containing registration information regarding passenger cars, noncommercial motor vehicles, and commercial cars for which a multi-year registration is in effect under section 4503.103 of the Revised Code or rules adopted under it, including, without limitation, the date of issuance of the multi-year registration, the registration deadline established under rules adopted under section 4503.101 of the Revised Code that was applicable in the

year in which the multi-year registration was issued, and the 60688  
registration deadline for renewal of the multi-year registration. 60689

(J) Subject to division (K) of this section, application for 60690  
registration under the international registration plan, as set 60691  
forth in sections 4503.60 to 4503.66 of the Revised Code, shall be 60692  
made to the registrar on forms furnished by the registrar. In 60693  
accordance with international registration plan guidelines and 60694  
pursuant to rules adopted by the registrar, the forms shall 60695  
include the following: 60696

(1) A uniform mileage schedule; 60697

(2) The gross vehicle weight of the vehicle or combined gross 60698  
vehicle weight of the combination vehicle as declared by the 60699  
registrant; 60700

(3) Any other information the registrar requires by rule. 60701

(K) The registrar shall determine the feasibility of 60702  
implementing an electronic commercial fleet licensing and 60703  
management program that will enable the owners of commercial 60704  
tractors, commercial trailers, and commercial semitrailers to 60705  
conduct electronic transactions by July 1, 2010, or sooner. If the 60706  
registrar determines that implementing such a program is feasible, 60707  
the registrar shall adopt new rules under this division or amend 60708  
existing rules adopted under this division as necessary in order 60709  
to respond to advances in technology. 60710

If international registration plan guidelines and provisions 60711  
allow member jurisdictions to permit applications for 60712  
registrations under the international registration plan to be made 60713  
via the internet, the rules the registrar adopts under this 60714  
division shall permit such action. 60715

**Sec. 4503.101.** (A) The registrar of motor vehicles shall 60716  
adopt rules to establish a system of motor vehicle registration 60717

based upon the type of vehicle to be registered, the type of 60718  
ownership of the vehicle, the class of license plate to be issued, 60719  
and any other factor the registrar determines to be relevant. 60720  
Except for commercial cars, buses, trailers, and semitrailers that 60721  
are registered in this state and that are taxed under ~~section~~ 60722  
sections 4503.042 and 4503.65 of the Revised Code; except for 60723  
rental vehicles owned by motor vehicle renting dealers; and except 60724  
as otherwise provided by rule, motor vehicles owned by an 60725  
individual shall be registered based upon the motor vehicle 60726  
owner's date of birth. Beginning with the 2004 registration year, 60727  
the registrar shall assign motor vehicles to the registration 60728  
periods established by rules adopted under this section. 60729

(B) The registrar shall adopt rules to permit motor vehicle 60730  
owners residing together at one address to select the date of 60731  
birth of any one of the owners as the date to register any or all 60732  
of the vehicles at that residence address, as shown in the records 60733  
of the bureau of motor vehicles. 60734

(C) The registrar shall adopt rules to assign and reassign 60735  
all commercial cars, trailers, and semitrailers that are 60736  
registered in this state and that are taxed under ~~section~~ sections 60737  
4503.042 and 4503.65 of the Revised Code and all rental vehicles 60738  
owned by motor vehicle renting dealers to a system of registration 60739  
so that the registrations of approximately one-twelfth of all such 60740  
vehicles expire on the last day of each month of a calendar year. 60741  
To effect a reassignment from the registration period in effect on 60742  
June 30, 2003, to the new registration periods established by the 60743  
rules adopted under this section as amended, the rules may require 60744  
the motor vehicle to be registered for more or less than a 60745  
twelve-month period at the time the motor vehicle's registration 60746  
is subject to its initial renewal following the effective date of 60747  
such rules. If necessary to effect an efficient transition, the 60748  
rules may provide that the registration reassignments take place 60749

over two consecutive registration periods. The registration taxes 60750  
to be charged shall be determined by the registrar on the basis of 60751  
the annual tax otherwise due on the motor vehicle, prorated in 60752  
accordance with the number of months for which the motor vehicle 60753  
is registered, except that the fee established by division (C)(1) 60754  
of section 4503.10 of the Revised Code shall be collected in full 60755  
for each renewal that occurs during the transition period and 60756  
shall not be prorated. 60757

(D) The registrar shall adopt rules to permit any commercial 60758  
motor vehicle owner or motor vehicle renting dealer who owns two 60759  
or more motor vehicles to request the registrar to permit the 60760  
owner to separate the owner's fleet into up to four divisions for 60761  
assignment to separate dates upon which to register the vehicles, 60762  
provided that the registrar may disapprove any such request 60763  
whenever the registrar has reason to believe that an uneven 60764  
distribution of registrations throughout the calendar year has 60765  
developed or is likely to develop. 60766

(E) Every owner or lessee of a motor vehicle holding a 60767  
certificate of registration shall notify the registrar of any 60768  
change of the owner's or lessee's correct address within ten days 60769  
after the change occurs. The notification shall be in writing on a 60770  
form provided by the registrar or by electronic means approved by 60771  
the registrar and shall include the full name, date of birth if 60772  
applicable, license number, county of residence or place of 60773  
business, social security account number of an individual or 60774  
federal tax identification number of a business, and new address. 60775

(F) As used in this section, "motor vehicle renting dealer" 60776  
has the same meaning as in section 4549.65 of the Revised Code. 60777

**Sec. 4503.15.** Owners and lessees of motor vehicles who are 60778  
residents of this state and hold an unrevoked and unexpired 60779  
license duly admitting them to the practice of medicine in this 60780

state, upon application, accompanied by proof of the issuance to 60781  
the applicant by this state of a ~~certificate~~ license issued 60782  
pursuant to section 4731.14 of the Revised Code authorizing the 60783  
person to engage in the practice of medicine, upon complying with 60784  
the motor vehicle laws relating to registration and licensing of 60785  
motor vehicles, and upon payment of the regular license fee, as 60786  
prescribed under sections 4503.04 and 4503.10 of the Revised Code, 60787  
and the payment of an additional fee of ten dollars, which shall 60788  
be for the purpose of compensating the bureau of motor vehicles 60789  
for additional services required in the issuing of license plates 60790  
under this section, shall be issued a validation sticker and 60791  
license plates, or a validation sticker alone when required by 60792  
section 4503.191 of the Revised Code, for passenger cars and other 60793  
vehicles of a class approved by the registrar. Such license 60794  
plates, in addition to the letters and numbers ordinarily 60795  
inscribed thereon, shall be inscribed with the word "physician." 60796

**Sec. 4503.503.** (A) The owner or lessee of any passenger car, 60797  
noncommercial motor vehicle, recreational vehicle, or other 60798  
vehicle of a class approved by the registrar of motor vehicles may 60799  
apply to the registrar for the registration of the vehicle and 60800  
issuance of "Ohio agriculture" license plates. The application for 60801  
"Ohio agriculture" license plates may be combined with a request 60802  
for a special reserved license plate under section 4503.40 or 60803  
4503.42 of the Revised Code. Upon receipt of the completed 60804  
application and compliance with division (B) of this section, the 60805  
registrar shall issue to the applicant the appropriate vehicle 60806  
registration and a set of "Ohio agriculture" license plates with a 60807  
validation sticker or a validation sticker alone when required by 60808  
section 4503.191 of the Revised Code. 60809

In addition to the letters and numbers ordinarily inscribed 60810  
thereon, "Ohio agriculture" license plates shall be inscribed with 60811  
words and markings selected and designed by the Ohio farm bureau 60812

federation, in consultation with representatives of agricultural 60813  
commodity organizations of this state. The registrar shall approve 60814  
the final design. "Ohio agriculture" license plates shall bear 60815  
county identification stickers that identify the county of 60816  
registration as required under section 4503.19 of the Revised 60817  
Code. 60818

(B) "Ohio agriculture" license plates and validation stickers 60819  
shall be issued upon payment of the regular license tax as 60820  
prescribed under section 4503.04 of the Revised Code, any 60821  
applicable motor vehicle tax levied under Chapter 4504. of the 60822  
Revised Code, any applicable fee prescribed by section 4503.40 or 60823  
4503.42 of the Revised Code, a bureau of motor vehicles 60824  
administrative fee of ten dollars, the contribution specified 60825  
under division (C) of this section, and compliance with all other 60826  
applicable laws relating to the registration of motor vehicles. 60827

(C) For each application for registration and registration 60828  
renewal received under this section, the registrar shall collect a 60829  
contribution of twenty dollars. The registrar shall transmit this 60830  
contribution to the treasurer of state for deposit in the ~~Ohio~~ 60831  
~~agriculture license plate scholarship~~ state treasury to the credit 60832  
of the agro Ohio fund created in section ~~901.90~~ 901.04 of the 60833  
Revised Code. 60834

(D) The registrar shall deposit the bureau administrative fee 60835  
of ten dollars specified in division (B) of this section, the 60836  
purpose of which is to compensate the bureau for the additional 60837  
services required in the issuing of the applicant's "Ohio 60838  
agriculture" license plates, into the state bureau of motor 60839  
vehicles fund created in section 4501.25 of the Revised Code. 60840

**Sec. 4503.63.** (A) The registrar of motor vehicles shall adopt 60841  
rules in accordance with the international registration plan for 60842  
the calculation of the proportionate registration tax due under 60843



section ~~4503.042~~ 4503.65 of the Revised Code for the registration 60844  
of a vehicle in this state and in all jurisdictions declared for 60845  
apportionment purposes on the uniform mileage schedule. In 60846  
accordance with such rules, the registrar shall notify the 60847  
registrant of the taxes or fees due and shall collect the amount 60848  
due for registration in each declared jurisdiction, unless the 60849  
other jurisdiction bills the registrant directly. 60850

(B) The registrar shall notify other declared jurisdictions 60851  
that an apportioned registration application has been filed, shall 60852  
furnish the declared jurisdiction documentation to substantiate 60853  
and verify the application, and shall transmit the taxes or fees 60854  
to those jurisdictions within forty-five days of receipt. 60855

(C) The registrar shall cooperate with other jurisdictions in 60856  
connection with registration of vehicles under sections 4503.60 to 60857  
4503.66 of the Revised Code and the collection of apportioned 60858  
taxes and fees. 60859

**Sec. 4503.65.** ~~The registrar of motor vehicles shall take all 60860  
steps necessary to determine and collect the apportioned 60861  
registration tax due for vehicles registered in another 60862  
international registration plan jurisdiction that lists Ohio for 60863  
apportionment purposes on a uniform mileage schedule. The 60864  
registration taxes to be charged shall be determined on the basis 60865  
of the annual tax otherwise due on the motor vehicle, prorated in 60866  
accordance with the number of months for which the motor vehicle 60867  
is registered. Until October 1, 2009, such vehicles shall be taxed 60868  
at the rates established under section 4503.042 of the Revised 60869  
Code. The rates in established under this section become effective 60870  
on and after October 1, 2009 apply to commercial cars and buses 60871  
that are subject to apportioned rates under the international 60872  
registration plan. 60873~~

(A) The rates of the annual registration taxes ~~imposed by~~ 60874

~~this section are as follows for commercial cars having a, based on~~ 60875  
~~gross vehicle weight or combined gross vehicle weight of, for~~ 60876  
commercial cars that are apportionable are as follows: 60877

(1) ~~Not~~ For not more than two thousand pounds, ~~forty seven~~ 60878  
one hundred dollars; 60879

(2) ~~More~~ For more than two thousand but not more than six 60880  
thousand pounds, ~~seventy two~~ one hundred twenty-five dollars; 60881

(3) ~~More~~ For more than six thousand but not more than ten 60882  
thousand pounds, ~~eighty eight~~ one hundred forty dollars; 60883

(4) ~~More~~ For more than ten thousand but not more than 60884  
fourteen thousand pounds, one hundred ~~eight~~ sixty dollars; 60885

(5) ~~More~~ For more than fourteen thousand but not more than 60886  
eighteen thousand pounds, one hundred ~~twenty nine~~ eighty dollars; 60887

(6) ~~More~~ For more than eighteen thousand but not more than 60888  
twenty-two thousand pounds, ~~one two~~ hundred fifty four five 60889  
dollars; 60890

(7) ~~More~~ For more than twenty-two thousand but not more than 60891  
twenty-six thousand pounds, ~~one two~~ hundred eighty thirty dollars; 60892

(8) ~~More~~ For more than twenty-six thousand but not more than 60893  
thirty thousand pounds, ~~three~~ four hundred ~~sixty four~~ ten dollars; 60894

(9) ~~More~~ For more than thirty thousand but not more than 60895  
thirty-four thousand pounds, four hundred ~~thirty one~~ seventy-five 60896  
dollars; 60897

(10) ~~More~~ For more than thirty-four thousand but not more 60898  
than thirty-eight thousand pounds, ~~four~~ five hundred ~~ninety two~~ 60899  
thirty-five dollars; 60900

(11) ~~More~~ For more than thirty-eight thousand but not more 60901  
than forty-two thousand pounds, five hundred ~~fifty four~~ 60902  
ninety-five dollars; 60903

- (12) ~~More~~ For more than forty-two thousand but not more than 60904  
forty-six thousand pounds, six hundred ~~fifteen~~ fifty-five dollars; 60905
- (13) ~~More~~ For more than forty-six thousand but not more than 60906  
fifty thousand pounds, ~~six~~ seven hundred ~~seventy-seven~~ fifteen 60907  
dollars; 60908
- (14) ~~More~~ For more than fifty thousand but not more than 60909  
fifty-four thousand pounds, seven hundred ~~forty-four~~ eighty 60910  
dollars; 60911
- (15) ~~More~~ For more than fifty-four thousand but not more than 60912  
fifty-eight thousand pounds, eight hundred ~~five~~ forty dollars; 60913
- (16) ~~More~~ For more than fifty-eight thousand but not more 60914  
than sixty-two thousand pounds, ~~eight~~ nine hundred ~~seventy-seven~~ 60915  
ten dollars; 60916
- (17) ~~More~~ For more than sixty-two thousand but not more than 60917  
sixty-six thousand pounds, nine hundred ~~forty-nine~~ eighty dollars; 60918
- (18) ~~More~~ For more than sixty-six thousand but not more than 60919  
seventy thousand pounds, one thousand ~~twenty~~ fifty dollars; 60920
- (19) ~~More~~ For more than seventy thousand but not more than 60921  
seventy-four thousand pounds, one thousand one hundred ~~seven~~ 60922  
thirty-five dollars; 60923
- (20) ~~More~~ For more than seventy-four thousand but not more 60924  
than seventy-eight thousand pounds, one thousand two hundred 60925  
~~thirty~~ fifty-five dollars; 60926
- (21) ~~More~~ For more than seventy-eight thousand pounds, one 60927  
thousand three hundred ~~seventy-three~~ ninety-five dollars ~~and fifty~~ 60928  
~~cents.~~ 60929
- (B) The rates of ~~the~~ annual registration taxes imposed ~~by~~ 60930  
~~this section are as follows for buses having a,~~ based on gross 60931  
vehicle weight or combined gross vehicle weight ~~of,~~ for buses that 60932  
are apportionable are as follows: 60933

- (1) ~~Not~~ For not more than two thousand pounds, ~~eleven~~  
forty-six dollars; 60934  
60935
- (2) ~~More~~ For more than two thousand but not more than six  
thousand pounds, ~~forty-one~~ seventy-six dollars; 60936  
60937
- (3) ~~More~~ For more than six thousand but not more than ten  
thousand pounds, one hundred ~~three~~ thirty-six dollars; 60938  
60939
- (4) ~~More~~ For more than ten thousand but not more than  
fourteen thousand pounds, ~~one~~ two hundred ~~eighty-five~~ sixteen  
dollars; 60940  
60941  
60942
- (5) ~~More~~ For more than fourteen thousand but not more than  
eighteen thousand pounds, two hundred ~~sixty-seven~~ ninety-six  
dollars; 60943  
60944  
60945
- (6) ~~More~~ For more than eighteen thousand but not more than  
twenty-two thousand pounds, three hundred ~~forty-nine~~ seventy-six  
dollars; 60946  
60947  
60948
- (7) ~~More~~ For more than twenty-two thousand but not more than  
twenty-six thousand pounds, four hundred ~~thirty-one~~ fifty-six  
dollars; 60949  
60950  
60951
- (8) ~~More~~ For more than twenty-six thousand but not more than  
thirty thousand pounds, five hundred ~~thirteen~~ thirty-six dollars; 60952  
60953
- (9) ~~More~~ For more than thirty thousand but not more than  
thirty-four thousand pounds, ~~five~~ six hundred ~~ninety-four~~ sixteen  
dollars ~~and fifty cents~~; 60954  
60955  
60956
- (10) ~~More~~ For more than thirty-four thousand but not more  
than thirty-eight thousand pounds, six hundred ~~seventy-four~~  
ninety-six dollars ~~and fifty cents~~; 60957  
60958  
60959
- (11) ~~More~~ For more than thirty-eight thousand but not more  
than forty-two thousand pounds, seven hundred ~~fifty-four~~  
seventy-six dollars ~~and fifty cents~~; 60960  
60961  
60962
- (12) ~~More~~ For more than forty-two thousand but not more than 60963

forty-six thousand pounds, eight hundred ~~thirty-four~~ fifty-six 60964  
dollars ~~and fifty cents~~; 60965

(13) ~~More~~ For more than forty-six thousand but not more than 60966  
fifty thousand pounds, nine hundred ~~fifty-four~~ seventy-six dollars 60967  
~~and fifty cents~~; 60968

(14) ~~More~~ For more than fifty thousand but not more than 60969  
fifty-four thousand pounds, one thousand ~~fourteen~~ thirty-six 60970  
dollars ~~and fifty cents~~; 60971

(15) ~~More~~ For more than fifty-four thousand but not more than 60972  
fifty-eight thousand pounds, one thousand one hundred ~~four~~ 60973  
twenty-six dollars ~~and fifty cents~~; 60974

(16) ~~More~~ For more than fifty-eight thousand but not more 60975  
than sixty-two thousand pounds, one thousand ~~one~~ two hundred 60976  
~~ninety-four~~ sixteen dollars ~~and fifty cents~~; 60977

(17) ~~More~~ For more than sixty-two thousand but not more than 60978  
sixty-six thousand pounds, one thousand ~~two~~ three hundred 60979  
~~eighty-four~~ six dollars ~~and fifty cents~~; 60980

(18) ~~More~~ For more than sixty-six thousand but not more than 60981  
seventy thousand pounds, one thousand three hundred ~~seventy-four~~ 60982  
ninety-six dollars ~~and fifty cents~~; 60983

(19) ~~More~~ For more than seventy thousand but not more than 60984  
seventy-four thousand pounds, one thousand four hundred ~~sixty-four~~ 60985  
eighty-six dollars ~~and fifty cents~~; 60986

(20) ~~More~~ For more than seventy-four thousand but not more 60987  
than seventy-eight thousand pounds, one thousand five hundred 60988  
~~fifty-four~~ seventy-six dollars ~~and fifty cents~~; 60989

(21) ~~More~~ For more than seventy-eight thousand pounds, one 60990  
thousand six hundred ~~forty-four~~ sixty-six dollars ~~and fifty cents~~. 60991

(C)(1) Applications for the in-state registration of a 60992  
commercial car or commercial bus under the international 60993

registration plan shall be filed with the registrar. The registrar shall use the appropriate amount under division (A) or (B) of this section as the base rate for purposes of determining the registration taxes due to this state in accordance with rules adopted under section 4503.63 of the Revised Code for apportionment purposes. 60994  
60995  
60996  
60997  
60998  
60999

(2) With regard to a commercial car or commercial bus that is registered in this state and is subject to the international registration plan, the registrar or deputy registrar shall charge a fee equal to the amount established under section 4503.038 of the Revised Code, plus an appropriate amount to cover the cost of postage. 61000  
61001  
61002  
61003  
61004  
61005

(3) With regard to a commercial car or commercial bus that is registered in this state and is subject to the international registration plan, if an application for registration renewal is not applied for prior to the expiration date of the registration or within thirty days after that date, the registrar or deputy registrar shall collect a fee of ten dollars for the issuance of the vehicle registration. The registrar may waive the fee for good cause shown if the application is accompanied by supporting evidence as the registrar may require. 61006  
61007  
61008  
61009  
61010  
61011  
61012  
61013  
61014

(D) The registrar of motor vehicles shall take all steps necessary to determine and collect the apportioned registration tax due for vehicles registered in another international registration plan jurisdiction that lists Ohio for apportionment purposes on a uniform mileage schedule. The registration taxes charged shall be determined on the basis of the annual tax otherwise due on the motor vehicle, prorated in accordance with the number of months for which the motor vehicle is registered. The base rate shall be the applicable amount under division (A) or (B) of this section. 61015  
61016  
61017  
61018  
61019  
61020  
61021  
61022  
61023  
61024

**Sec. 4503.77.** (A) As used in this section: 61025

(1) "Nonstandard license plate" means all of the following: 61026

(a) A license plate issued under sections 4503.52, 4503.55, 61027  
4503.56, 4503.57, 4503.70, 4503.71, 4503.72, and 4503.75 of the 61028  
Revised Code; 61029

(b) A license plate issued under a program that is 61030  
reestablished under division (D) of this section and that meets 61031  
the requirements contained in division (B) of section 4503.78 of 61032  
the Revised Code; 61033

(c) Except as may otherwise be specifically provided by law, 61034  
any license plate created after August 21, 1997. 61035

(2) For purposes of license plates issued under sections 61036  
4503.503 and 4503.504 of the Revised Code, "sponsor" includes ~~the~~ 61037  
~~Ohio agriculture license plate scholarship fund board created in~~ 61038  
~~section 901.90 of the Revised Code and~~ the director of 61039  
agriculture. 61040

(B)(1) If, during any calendar year, the total number of 61041  
motor vehicle registrations involving a particular type of 61042  
nonstandard license plate is less than twenty-five, including both 61043  
new registrations and registration renewals, the registrar of 61044  
motor vehicles, on or after the first day of January, but not 61045  
later than the fifteenth day of January of the following year, 61046  
shall send a written notice to the sponsor of that type of 61047  
nonstandard license plate, if a sponsor exists, informing the 61048  
sponsor of this fact. The registrar also shall inform the sponsor 61049  
that if, during the calendar year in which the written notice is 61050  
sent, the total number of motor vehicle registrations involving 61051  
the sponsor's nonstandard license plate again is less than 61052  
twenty-five, the program involving that type of nonstandard 61053  
license plate will be terminated on the thirty-first day of 61054

December of the calendar year in which the written notice is sent 61055  
and, except as provided in division (C) of this section, no motor 61056  
vehicle registration application involving either the actual 61057  
issuance of that type of nonstandard license plate or the 61058  
registration renewal of a motor vehicle displaying that type of 61059  
nonstandard license plate will be accepted by the registrar or a 61060  
deputy registrar beginning the first day of January of the next 61061  
calendar year. The registrar also shall inform the sponsor that if 61062  
the program involving the sponsor's nonstandard license plate is 61063  
terminated under this section, it may be reestablished pursuant to 61064  
division (D) of this section. 61065

(2) If, during any calendar year, the total number of motor 61066  
vehicle registrations involving a particular type of nonstandard 61067  
license plate is less than twenty-five, including both new 61068  
registrations and registration renewals, and no sponsor exists for 61069  
that license plate, the registrar shall issue a public notice on 61070  
or after the first day of January, but not later than the 61071  
fifteenth day of January of the following year, stating that fact. 61072  
The notice also shall inform the public that if, during the 61073  
calendar year in which the registrar issues the public notice, the 61074  
total number of motor vehicle registrations for that type of 61075  
nonstandard license plate, including both new registrations and 61076  
registration renewals, again is less than twenty-five, the program 61077  
involving that type of nonstandard license plate will be 61078  
terminated on the thirty-first day of December of the calendar 61079  
year in which the registrar issues the public notice and, except 61080  
as provided in division (C) of this section, no motor vehicle 61081  
registration application involving either the actual issuance of 61082  
that type of nonstandard license plate or the registration renewal 61083  
of a motor vehicle displaying that type of nonstandard license 61084  
plate will be accepted by the registrar or a deputy registrar 61085  
beginning on the first day of January of the next calendar year. 61086



(C) If the program involving a type of nonstandard license plate is terminated under division (B) of this section, the registration of any motor vehicle displaying that type of nonstandard license plate at the time of termination may be renewed so long as the nonstandard license plates remain serviceable. If the nonstandard license plates of such a motor vehicle become unfit for service, the owner of the motor vehicle may apply for the issuance of nonstandard license plates of that same type, but the registrar or deputy registrar shall issue such nonstandard license plates only if at the time of application the stock of the bureau contains license plates of that type of nonstandard license plate. If, at the time of such application, the stock of the bureau does not contain license plates of that type of nonstandard license plate, the registrar or deputy registrar shall inform the owner of that fact, and the application shall be refused.

If the program involving a type of nonstandard license plate is terminated under division (B) of this section and the registration of motor vehicles displaying such license plates continues as permitted by this division, the registrar, for as long as such registrations continue to be issued, shall continue to collect and distribute any contribution that was required to be collected and distributed prior to the termination of that program.

(D) If the program involving a nonstandard license plate is terminated under division (B)(1) of this section, the sponsor of that license plate may apply to the registrar for the reestablishment of the program. If the program involving that nonstandard license plate is reestablished, the reestablishment is subject to division (B) of section 4503.78 of the Revised Code.

**Sec. 4503.83.** (A) Commencing January 1, 2014, the owner or

lessee of a fleet of apportioned vehicles may apply to the 61118  
registrar of motor vehicles for the registration of any 61119  
apportioned vehicle, commercial trailer, or other vehicle of a 61120  
class approved by the registrar and issuance of company logo 61121  
license plates. The initial application shall be for not less than 61122  
fifty eligible vehicles. The applicant shall provide the registrar 61123  
the artwork for the company logo plate in a format designated by 61124  
the registrar. The registrar shall approve the artwork or return 61125  
the artwork for modification in accordance with any design 61126  
requirements reasonably imposed by the registrar. 61127

Upon approval of the artwork and receipt of the completed 61128  
application and compliance with divisions (B) and (C) of this 61129  
section, the registrar shall issue to the applicant the 61130  
appropriate vehicle registration and the appropriate number of 61131  
company logo license plates with a validation sticker or a 61132  
validation sticker alone when required by section 4503.191 of the 61133  
Revised Code, except that no validation sticker shall be issued 61134  
under this section for a motor vehicle for which the registration 61135  
tax is specified in section 4503.042 of the Revised Code. 61136

In addition to the letters and numbers ordinarily inscribed 61137  
on license plates, company logo license plates shall be inscribed 61138  
with words and markings requested by the applicant and approved by 61139  
the registrar. 61140

(B) A company logo license plate and a validation sticker or, 61141  
when applicable, a validation sticker alone shall be issued upon 61142  
payment of the applicable regular license tax prescribed in 61143  
section 4503.042 or 4503.65 of the Revised Code for the 61144  
registration of a vehicle in this state, any applicable fees 61145  
prescribed in section 4503.10 of the Revised Code, any applicable 61146  
motor vehicle tax levied under Chapter 4504. of the Revised Code, 61147  
a bureau of motor vehicles fee of six dollars when a company logo 61148  
license plate actually is issued, and compliance with all other 61149

applicable laws relating to the registration of motor vehicles. If 61150  
a company logo plate is issued to replace an existing license 61151  
plate for the same vehicle, the replacement license plate fees 61152  
prescribed in division (A) of section 4503.19 of the Revised Code 61153  
shall not apply. 61154

(C) The registrar shall deposit the bureau of motor vehicles 61155  
fee specified in division (B) of this section, the purpose of 61156  
which is to compensate the bureau for the additional services 61157  
required in issuing company logo license plates, in the public 61158  
safety - highway purposes fund created in section 4501.06 of the 61159  
Revised Code. 61160

Sec. 4504.201. No commercial car that is taxed under division 61161  
(A) of section 4503.65 of the Revised Code, and no commercial bus 61162  
that is taxed under division (B) of section 4503.65 of the Revised 61163  
Code, is subject to a tax established under section 4504.02, 61164  
4504.06, 4504.15, 4504.16, 4504.17, 4504.171, 4504.172, 4504.18, 61165  
or 4504.24 of the Revised Code. 61166

**Sec. 4505.06.** (A)(1) Application for a certificate of title 61167  
shall be made in a form prescribed by the registrar of motor 61168  
vehicles and shall be sworn to before a notary public or other 61169  
officer empowered to administer oaths. The application shall be 61170  
filed with the clerk of any court of common pleas. An application 61171  
for a certificate of title may be filed electronically by any 61172  
electronic means approved by the registrar in any county with the 61173  
clerk of the court of common pleas of that county. Any payments 61174  
required by this chapter shall be considered as accompanying any 61175  
electronically transmitted application when payment actually is 61176  
received by the clerk. Payment of any fee or taxes may be made by 61177  
electronic transfer of funds. 61178

(2) The application for a certificate of title shall be 61179

accompanied by the fee prescribed in section 4505.09 of the Revised Code. The fee shall be retained by the clerk who issues the certificate of title and shall be distributed in accordance with that section. If a clerk of a court of common pleas, other than the clerk of the court of common pleas of an applicant's county of residence, issues a certificate of title to the applicant, the clerk shall transmit data related to the transaction to the automated title processing system.

(3) If a certificate of title previously has been issued for a motor vehicle in this state, the application for a certificate of title also shall be accompanied by that certificate of title duly assigned, unless otherwise provided in this chapter. If a certificate of title previously has not been issued for the motor vehicle in this state, the application, unless otherwise provided in this chapter, shall be accompanied by a manufacturer's or importer's certificate or by a certificate of title of another state from which the motor vehicle was brought into this state. If the application refers to a motor vehicle last previously registered in another state, the application also shall be accompanied by the physical inspection certificate required by section 4505.061 of the Revised Code. If the application is made by two persons regarding a motor vehicle in which they wish to establish joint ownership with right of survivorship, they may do so as provided in section 2131.12 of the Revised Code. If the applicant requests a designation of the motor vehicle in beneficiary form so that upon the death of the owner of the motor vehicle, ownership of the motor vehicle will pass to a designated transfer-on-death beneficiary or beneficiaries, the applicant may do so as provided in section 2131.13 of the Revised Code. A person who establishes ownership of a motor vehicle that is transferable on death in accordance with section 2131.13 of the Revised Code may terminate that type of ownership or change the designation of the transfer-on-death beneficiary or beneficiaries by applying for

a certificate of title pursuant to this section. The clerk shall 61213  
retain the evidence of title presented by the applicant and on 61214  
which the certificate of title is issued, except that, if an 61215  
application for a certificate of title is filed electronically by 61216  
an electronic motor vehicle dealer on behalf of the purchaser of a 61217  
motor vehicle, the clerk shall retain the completed electronic 61218  
record to which the dealer converted the certificate of title 61219  
application and other required documents. The registrar, after 61220  
consultation with the attorney general, shall adopt rules that 61221  
govern the location at which, and the manner in which, are stored 61222  
the actual application and all other documents relating to the 61223  
sale of a motor vehicle when an electronic motor vehicle dealer 61224  
files the application for a certificate of title electronically on 61225  
behalf of the purchaser. Not later than December 31, 2017, the 61226  
registrar shall arrange for a service that enables all electronic 61227  
motor vehicle dealers to file applications for certificates of 61228  
title on behalf of purchasers of motor vehicles electronically by 61229  
transferring the applications directly from the computer systems 61230  
of the dealers to the clerk. 61231

The clerk shall use reasonable diligence in ascertaining 61232  
whether or not the facts in the application for a certificate of 61233  
title are true by checking the application and documents 61234  
accompanying it or the electronic record to which a dealer 61235  
converted the application and accompanying documents with the 61236  
records of motor vehicles in the clerk's office. If the clerk is 61237  
satisfied that the applicant is the owner of the motor vehicle and 61238  
that the application is in the proper form, the clerk, within five 61239  
business days after the application is filed and except as 61240  
provided in section 4505.021 of the Revised Code, shall issue a 61241  
physical certificate of title over the clerk's signature and 61242  
sealed with the clerk's seal, unless the applicant specifically 61243  
requests the clerk not to issue a physical certificate of title 61244  
and instead to issue an electronic certificate of title. For 61245

purposes of the transfer of a certificate of title, if the clerk 61246  
is satisfied that the secured party has duly discharged a lien 61247  
notation but has not canceled the lien notation with a clerk, the 61248  
clerk may cancel the lien notation on the automated title 61249  
processing system and notify the clerk of the county of origin. 61250

(4) In the case of the sale of a motor vehicle to a general 61251  
buyer or user by a dealer, by a motor vehicle leasing dealer 61252  
selling the motor vehicle to the lessee or, in a case in which the 61253  
leasing dealer subleased the motor vehicle, the sublessee, at the 61254  
end of the lease agreement or sublease agreement, or by a 61255  
manufactured housing broker, the certificate of title shall be 61256  
obtained in the name of the buyer by the dealer, leasing dealer, 61257  
or manufactured housing broker, as the case may be, upon 61258  
application signed by the buyer. The certificate of title shall be 61259  
issued, or the process of entering the certificate of title 61260  
application information into the automated title processing system 61261  
if a physical certificate of title is not to be issued shall be 61262  
completed, within five business days after the application for 61263  
title is filed with the clerk. If the buyer of the motor vehicle 61264  
previously leased the motor vehicle and is buying the motor 61265  
vehicle at the end of the lease pursuant to that lease, the 61266  
certificate of title shall be obtained in the name of the buyer by 61267  
the motor vehicle leasing dealer who previously leased the motor 61268  
vehicle to the buyer or by the motor vehicle leasing dealer who 61269  
subleased the motor vehicle to the buyer under a sublease 61270  
agreement. 61271

In all other cases, except as provided in section 4505.032 61272  
and division (D)(2) of section 4505.11 of the Revised Code, such 61273  
certificates shall be obtained by the buyer. 61274

(5)(a)(i) If the certificate of title is being obtained in 61275  
the name of the buyer by a motor vehicle dealer or motor vehicle 61276  
leasing dealer and there is a security interest to be noted on the 61277

certificate of title, the dealer or leasing dealer shall submit 61278  
the application for the certificate of title and, if required by 61279  
division (B)(5) of this section, payment of the applicable tax to 61280  
a clerk within seven business days after the later of the delivery 61281  
of the motor vehicle to the buyer or the date the dealer or 61282  
leasing dealer obtains the manufacturer's or importer's 61283  
certificate, or certificate of title issued in the name of the 61284  
dealer or leasing dealer, for the motor vehicle. Submission of the 61285  
application for the certificate of title and payment, if required, 61286  
of the applicable tax within the required seven business days may 61287  
be indicated by postmark or receipt by a clerk within that period. 61288

(ii) Upon receipt of the certificate of title with the 61289  
security interest noted on its face, the dealer or leasing dealer 61290  
shall forward the certificate of title to the secured party at the 61291  
location noted in the financing documents or otherwise specified 61292  
by the secured party. 61293

(iii) A motor vehicle dealer or motor vehicle leasing dealer 61294  
is liable to a secured party for a late fee of ten dollars per day 61295  
for each certificate of title application and, if required by 61296  
division (B)(5) of this section, payment of the applicable tax 61297  
~~that is,~~ submitted to a clerk more than seven business days but 61298  
less than twenty-one days after the later of the delivery of the 61299  
motor vehicle to the buyer or the date the dealer or leasing 61300  
dealer obtains the manufacturer's or importer's certificate, or 61301  
certificate of title issued in the name of the dealer or leasing 61302  
dealer, for the motor vehicle and, from then on, twenty-five 61303  
dollars per day until the application and applicable tax are 61304  
submitted to a clerk. 61305

(b) In all cases of transfer of a motor vehicle except the 61306  
transfer of a manufactured home or mobile home, the application 61307  
for certificate of title shall be filed within thirty days after 61308  
the assignment or delivery of the motor vehicle. 61309

(c) An application for a certificate of title for a new manufactured home shall be filed within thirty days after the delivery of the new manufactured home to the purchaser. The date of the delivery shall be the date on which an occupancy permit for the manufactured home is delivered to the purchaser of the home by the appropriate legal authority.

(d) An application for a certificate of title for a used manufactured home or a used mobile home shall be filed as follows:

(i) If a certificate of title for the used manufactured home or used mobile home was issued to the motor vehicle dealer prior to the sale of the manufactured or mobile home to the purchaser, the application for certificate of title shall be filed within thirty days after the date on which an occupancy permit for the manufactured or mobile home is delivered to the purchaser by the appropriate legal authority.

(ii) If the motor vehicle dealer has been designated by a secured party to display the manufactured or mobile home for sale, or to sell the manufactured or mobile home under section 4505.20 of the Revised Code, but the certificate of title has not been transferred by the secured party to the motor vehicle dealer, and the dealer has complied with the requirements of division (A) of section 4505.181 of the Revised Code, the application for certificate of title shall be filed within thirty days after the date on which the motor vehicle dealer obtains the certificate of title for the home from the secured party or the date on which an occupancy permit for the manufactured or mobile home is delivered to the purchaser by the appropriate legal authority, whichever occurs later.

(6) If an application for a certificate of title is not filed within the period specified in division (A)(5)(b), (c), or (d) of this section, the clerk shall collect a fee of five dollars for the issuance of the certificate, except that no such fee shall be



required from a motor vehicle salvage dealer, as defined in 61342  
division (A) of section 4738.01 of the Revised Code, who 61343  
immediately surrenders the certificate of title for cancellation. 61344  
The fee shall be in addition to all other fees established by this 61345  
chapter, and shall be retained by the clerk. The registrar shall 61346  
provide, on the certificate of title form prescribed by section 61347  
4505.07 of the Revised Code, language necessary to give evidence 61348  
of the date on which the assignment or delivery of the motor 61349  
vehicle was made. 61350

(7) As used in division (A) of this section, "lease 61351  
agreement," "lessee," and "sublease agreement" have the same 61352  
meanings as in section 4505.04 of the Revised Code and "new 61353  
manufactured home," "used manufactured home," and "used mobile 61354  
home" have the same meanings as in section 5739.0210 of the 61355  
Revised Code. 61356

(B)(1) The clerk, except as otherwise provided in this 61357  
section, shall refuse to accept for filing any application for a 61358  
certificate of title and shall refuse to issue a certificate of 61359  
title unless the dealer or the applicant, in cases in which the 61360  
certificate shall be obtained by the buyer, submits with the 61361  
application payment of the tax levied by or pursuant to Chapters 61362  
5739. and 5741. of the Revised Code based on the purchaser's 61363  
county of residence. Upon payment of the tax in accordance with 61364  
division (E) of this section, the clerk shall issue a receipt 61365  
prescribed by the registrar and agreed upon by the tax 61366  
commissioner showing payment of the tax or a receipt issued by the 61367  
commissioner showing the payment of the tax. When submitting 61368  
payment of the tax to the clerk, a dealer shall retain any 61369  
discount to which the dealer is entitled under section 5739.12 of 61370  
the Revised Code. 61371

(2) For receiving and disbursing such taxes paid to the clerk 61372  
by a resident of the clerk's county, the clerk may retain a 61373

poundage fee of one and one one-hundredth per cent, and the clerk 61374  
shall pay the poundage fee into the certificate of title 61375  
administration fund created by section 325.33 of the Revised Code. 61376  
The clerk shall not retain a poundage fee from payments of taxes 61377  
by persons who do not reside in the clerk's county. 61378

A clerk, however, may retain from the taxes paid to the clerk 61379  
an amount equal to the poundage fees associated with certificates 61380  
of title issued by other clerks of courts of common pleas to 61381  
applicants who reside in the first clerk's county. The registrar, 61382  
in consultation with the tax commissioner and the clerks of the 61383  
courts of common pleas, shall develop a report from the automated 61384  
title processing system that informs each clerk of the amount of 61385  
the poundage fees that the clerk is permitted to retain from those 61386  
taxes because of certificates of title issued by the clerks of 61387  
other counties to applicants who reside in the first clerk's 61388  
county. 61389

(3) In the case of casual sales of motor vehicles, as defined 61390  
in section 4517.01 of the Revised Code, the price for the purpose 61391  
of determining the tax shall be the purchase price on the assigned 61392  
certificate of title executed by the seller and filed with the 61393  
clerk by the buyer on a form to be prescribed by the registrar, 61394  
which shall be prima-facie evidence of the amount for the 61395  
determination of the tax. 61396

(4) Each county clerk shall forward to the treasurer of state 61397  
all sales and use tax collections resulting from sales of motor 61398  
vehicles, off-highway motorcycles, and all-purpose vehicles during 61399  
a calendar week on or before the Friday following the close of 61400  
that week. If, on any Friday, the offices of the clerk of courts 61401  
or the state are not open for business, the tax shall be forwarded 61402  
to the treasurer of state on or before the next day on which the 61403  
offices are open. Every remittance of tax under division (B)(4) of 61404  
this section shall be accompanied by a remittance report in such 61405

form as the tax commissioner prescribes. Upon receipt of a tax  
remittance and remittance report, the treasurer of state shall  
date stamp the report and forward it to the tax commissioner. If  
the tax due for any week is not remitted by a clerk of courts as  
required under division (B)(4) of this section, the commissioner  
may require the clerk to forfeit the poundage fees for the sales  
made during that week. The treasurer of state may require the  
clerks of courts to transmit tax collections and remittance  
reports electronically.

(5) On and after January 1, 2018, a new or used motor vehicle  
dealer licensed in this state, in lieu of remitting the tax levied  
by or pursuant to Chapters 5739. and 5741. of the Revised Code to  
the clerk under this section, may elect to submit to the clerk a  
certificate acknowledging the sale or lease of the motor vehicle,  
stating the purchaser's county of residence, and pledging that the  
dealer will report and remit the tax due as required by section  
5739.12 or 5741.12 of the Revised Code, whichever is applicable.  
For each dealer that reports and remits the tax due pursuant to an  
election under division (B)(5) of this section, the director of  
budget and management shall transfer from the general revenue fund  
to the certificate of title administration fund an amount equal to  
the poundage fees that the clerk would be entitled to retain if  
the dealer had remitted the tax due to the clerk under division  
(A)(5)(a) of this section. The registrar, in consultation with the  
tax commissioner, the director, and the clerks of courts of common  
pleas, shall develop a report from the automated title processing  
system that informs each clerk, the commissioner, and the director  
of the amount of the poundage fees that each clerk is permitted to  
receive because of the certificates of title issued by the clerks.  
A motor vehicle dealer that does not report and remit the tax due  
pursuant to an election under division (B)(5) of this section  
shall pay the tax to the clerk of courts as provided in division  
(A)(5)(a) of this section.

(C)(1) If the transferor indicates on the certificate of title that the odometer reflects mileage in excess of the designed mechanical limit of the odometer, the clerk shall enter the phrase "exceeds mechanical limits" following the mileage designation. If the transferor indicates on the certificate of title that the odometer reading is not the actual mileage, the clerk shall enter the phrase "nonactual: warning - odometer discrepancy" following the mileage designation. The clerk shall use reasonable care in transferring the information supplied by the transferor, but is not liable for any errors or omissions of the clerk or those of the clerk's deputies in the performance of the clerk's duties created by this chapter.

The registrar shall prescribe an affidavit in which the transferor shall swear to the true selling price and, except as provided in this division, the true odometer reading of the motor vehicle. The registrar may prescribe an affidavit in which the seller and buyer provide information pertaining to the odometer reading of the motor vehicle in addition to that required by this section, as such information may be required by the United States secretary of transportation by rule prescribed under authority of subchapter IV of the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981.

(2) Division (C)(1) of this section does not require the giving of information concerning the odometer and odometer reading of a motor vehicle when ownership of a motor vehicle is being transferred as a result of a bequest, under the laws of intestate succession, to a survivor pursuant to section 2106.18, 2131.12, or 4505.10 of the Revised Code, to a transfer-on-death beneficiary or beneficiaries pursuant to section 2131.13 of the Revised Code, in connection with the creation of a security interest or for a vehicle with a gross vehicle weight rating of more than sixteen thousand pounds.

(D) When the transfer to the applicant was made in some other state or in interstate commerce, the clerk, except as provided in this section, shall refuse to issue any certificate of title unless the tax imposed by or pursuant to Chapter 5741. of the Revised Code based on the purchaser's county of residence has been paid as evidenced by a receipt issued by the tax commissioner, or unless the applicant submits with the application payment of the tax. Upon payment of the tax in accordance with division (E) of this section, the clerk shall issue a receipt prescribed by the registrar and agreed upon by the tax commissioner, showing payment of the tax.

For receiving and disbursing such taxes paid to the clerk by a resident of the clerk's county, the clerk may retain a poundage fee of one and one one-hundredth per cent. The clerk shall not retain a poundage fee from payments of taxes by persons who do not reside in the clerk's county.

A clerk, however, may retain from the taxes paid to the clerk an amount equal to the poundage fees associated with certificates of title issued by other clerks of courts of common pleas to applicants who reside in the first clerk's county. The registrar, in consultation with the tax commissioner and the clerks of the courts of common pleas, shall develop a report from the automated title processing system that informs each clerk of the amount of the poundage fees that the clerk is permitted to retain from those taxes because of certificates of title issued by the clerks of other counties to applicants who reside in the first clerk's county.

When the vendor is not regularly engaged in the business of selling motor vehicles, the vendor shall not be required to purchase a vendor's license or make reports concerning those sales.

(E) The clerk shall accept any payment of a tax in cash, or

by cashier's check, certified check, draft, money order, or teller 61503  
check issued by any insured financial institution payable to the 61504  
clerk and submitted with an application for a certificate of title 61505  
under division (B) or (D) of this section. The clerk also may 61506  
accept payment of the tax by corporate, business, or personal 61507  
check, credit card, electronic transfer or wire transfer, debit 61508  
card, or any other accepted form of payment made payable to the 61509  
clerk. The clerk may require bonds, guarantees, or letters of 61510  
credit to ensure the collection of corporate, business, or 61511  
personal checks. Any service fee charged by a third party to a 61512  
clerk for the use of any form of payment may be paid by the clerk 61513  
from the certificate of title administration fund created in 61514  
section 325.33 of the Revised Code, or may be assessed by the 61515  
clerk upon the applicant as an additional fee. Upon collection, 61516  
the additional fees shall be paid by the clerk into that 61517  
certificate of title administration fund. 61518

The clerk shall make a good faith effort to collect any 61519  
payment of taxes due but not made because the payment was returned 61520  
or dishonored, but the clerk is not personally liable for the 61521  
payment of uncollected taxes or uncollected fees. The clerk shall 61522  
notify the tax commissioner of any such payment of taxes that is 61523  
due but not made and shall furnish the information to the 61524  
commissioner that the commissioner requires. The clerk shall 61525  
deduct the amount of taxes due but not paid from the clerk's 61526  
periodic remittance of tax payments, in accordance with procedures 61527  
agreed upon by the tax commissioner. The commissioner may collect 61528  
taxes due by assessment in the manner provided in section 5739.13 61529  
of the Revised Code. 61530

Any person who presents payment that is returned or 61531  
dishonored for any reason is liable to the clerk for payment of a 61532  
penalty over and above the amount of the taxes due. The clerk 61533  
shall determine the amount of the penalty, and the penalty shall 61534

be no greater than that amount necessary to compensate the clerk 61535  
for banking charges, legal fees, or other expenses incurred by the 61536  
clerk in collecting the returned or dishonored payment. The 61537  
remedies and procedures provided in this section are in addition 61538  
to any other available civil or criminal remedies. Subsequently 61539  
collected penalties, poundage fees, and title fees, less any title 61540  
fee due the state, from returned or dishonored payments collected 61541  
by the clerk shall be paid into the certificate of title 61542  
administration fund. Subsequently collected taxes, less poundage 61543  
fees, shall be sent by the clerk to the treasurer of state at the 61544  
next scheduled periodic remittance of tax payments, with 61545  
information as the commissioner may require. The clerk may abate 61546  
all or any part of any penalty assessed under this division. 61547

(F) In the following cases, the clerk shall accept for filing 61548  
an application and shall issue a certificate of title without 61549  
requiring payment or evidence of payment of the tax: 61550

(1) When the purchaser is this state or any of its political 61551  
subdivisions, a church, or an organization whose purchases are 61552  
exempted by section 5739.02 of the Revised Code; 61553

(2) When the transaction in this state is not a retail sale 61554  
as defined by section 5739.01 of the Revised Code; 61555

(3) When the purchase is outside this state or in interstate 61556  
commerce and the purpose of the purchaser is not to use, store, or 61557  
consume within the meaning of section 5741.01 of the Revised Code; 61558

(4) When the purchaser is the federal government; 61559

(5) When the motor vehicle was purchased outside this state 61560  
for use outside this state; 61561

(6) When the motor vehicle is purchased by a nonresident 61562  
under the circumstances described in division (B)(1) of section 61563  
5739.029 of the Revised Code, and upon presentation of a copy of 61564  
the affidavit provided by that section, and a copy of the 61565

exemption certificate provided by section 5739.03 of the Revised Code; 61566  
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(7) When the applicant is a new or used motor vehicle dealer that makes an election and submits a certificate under division (B)(5) of this section. 61568  
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(G) An application, as prescribed by the registrar and agreed to by the tax commissioner, shall be filled out and sworn to by the buyer of a motor vehicle in a casual sale. The application shall contain the following notice in bold lettering: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by law to state the true selling price. A false statement is in violation of section 2921.13 of the Revised Code and is punishable by six months' imprisonment or a fine of up to one thousand dollars, or both. All transfers are audited by the department of taxation. The seller and buyer must provide any information requested by the department of taxation. The buyer may be assessed any additional tax found to be due." 61571  
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(H) For sales of manufactured homes or mobile homes occurring on or after January 1, 2000, the clerk shall accept for filing, pursuant to Chapter 5739. of the Revised Code, an application for a certificate of title for a manufactured home or mobile home without requiring payment of any tax pursuant to section 5739.02, 5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt issued by the tax commissioner showing payment of the tax. For sales of manufactured homes or mobile homes occurring on or after January 1, 2000, the applicant shall pay to the clerk an additional fee of five dollars for each certificate of title issued by the clerk for a manufactured or mobile home pursuant to division (H) of section 4505.11 of the Revised Code and for each certificate of title issued upon transfer of ownership of the home. The clerk shall credit the fee to the county certificate of title administration fund, and the fee shall be used to pay the 61583  
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expenses of archiving those certificates pursuant to division (A) 61598  
of section 4505.08 and division (H)(3) of section 4505.11 of the 61599  
Revised Code. The tax commissioner shall administer any tax on a 61600  
manufactured or mobile home pursuant to Chapters 5739. and 5741. 61601  
of the Revised Code. 61602

(I) Every clerk shall have the capability to transact by 61603  
electronic means all procedures and transactions relating to the 61604  
issuance of motor vehicle certificates of title that are described 61605  
in the Revised Code as being accomplished by electronic means. 61606

**Sec. 4508.02.** (A)(1) The director of public safety, subject 61607  
to Chapter 119. of the Revised Code, shall adopt and prescribe 61608  
such rules concerning the administration and enforcement of this 61609  
chapter as are necessary to protect the public. The rules shall 61610  
require an assessment of the holder of a probationary instructor 61611  
license. The director shall inspect the school facilities and 61612  
equipment of applicants and licensees and examine applicants for 61613  
instructor's licenses. 61614

(2) The director shall adopt rules governing online driver 61615  
education courses that may be completed via the internet to 61616  
satisfy the classroom instruction under division (C) of this 61617  
section. The rules shall do all of the following: 61618

(a) Establish standards that an online driver training 61619  
enterprise must satisfy to be licensed to offer an online driver 61620  
education course via the internet, including, at a minimum, proven 61621  
expertise in providing driver education and an acceptable 61622  
infrastructure capable of providing secure online driver education 61623  
in accord with advances in internet technology. The rules shall 61624  
allow an online driver training enterprise to be affiliated with a 61625  
licensed driver training school offering in-person classroom 61626  
instruction, but shall not require such an affiliation. 61627

(b) Establish content requirements that an online driver 61628

education course must satisfy to be approved as equivalent to 61629  
twenty-four hours of in-person classroom instruction; 61630

(c) Establish attendance standards, including a maximum 61631  
number of course hours that may be completed in a twenty-four-hour 61632  
period; 61633

(d) Allow an enrolled applicant to begin the required eight 61634  
hours of actual behind-the-wheel instruction upon completing at 61635  
least two hours of course instruction and being issued a 61636  
certificate of enrollment by a licensed online driver training 61637  
enterprise; 61638

(e) Establish any other requirements necessary to regulate 61639  
online driver education. 61640

(B) The director shall administer and enforce this chapter. 61641

(C) The rules shall require twenty-four hours of in-person 61642  
classroom instruction or completion of an approved, equivalent 61643  
online driver education course offered via the internet by a 61644  
licensed online driver training enterprise, and eight hours of 61645  
actual behind-the-wheel instruction conducted on public streets 61646  
and highways of this state for all beginning drivers of 61647  
noncommercial motor vehicles who are under age eighteen. The rules 61648  
also shall require the classroom instruction or online driver 61649  
education course for such drivers to include instruction ~~in the~~ on 61650  
both of the following: 61651

(1) The dangers of driving a motor vehicle while using an 61652  
electronic wireless communications device to write, send, or read 61653  
a text-based communication; 61654

(2) Substance abuse and prescription drug abuse, the science 61655  
related to addiction, and the effect of psychoactive substances on 61656  
the brain and on a person while operating a motor vehicle. 61657

(D) The rules shall state the minimum hours for classroom and 61658

behind-the-wheel instruction required for beginning drivers of 61659  
commercial trucks, commercial cars, buses, and commercial 61660  
tractors, trailers, and semitrailers. 61661

(E)(1) The department of public safety may charge a fee to 61662  
each online driver training enterprise in an amount sufficient to 61663  
pay the actual expenses the department incurs in the regulation of 61664  
online driver education courses. 61665

(2) The department shall supply to each licensed online 61666  
driver training enterprise certificates to be used for certifying 61667  
an applicant's enrollment in an approved online driver education 61668  
course and a separate certificate to be issued upon successful 61669  
completion of an approved online driver education course. The 61670  
certificates shall be numbered serially. The department may charge 61671  
a fee to each online driver training enterprise per certificate 61672  
supplied to pay the actual expenses the department incurs in 61673  
supplying the certificates. 61674

(F) The director shall adopt rules in accordance with Chapter 61675  
119. of the Revised Code governing an abbreviated driver training 61676  
course for adults that must be completed by any applicant for an 61677  
initial driver's license who is eighteen years of age or older and 61678  
who failed the road or maneuverability test required under 61679  
division (A)(2) of section 4507.11 of the Revised Code prior to 61680  
attempting the test a second or subsequent time. 61681

**Sec. 4510.022.** (A) As used in this section: 61682

(1) "First-time offender" means a person whose driver's 61683  
license or commercial driver's license or permit or nonresident 61684  
operating privilege has been suspended for being convicted of, or 61685  
pleading guilty to, an OVI offense under any of the following: 61686

(a) Division (G)(1)(a) or (H)(1) of section 4511.19 of the 61687  
Revised Code; 61688

(b) Section 4510.07 of the Revised Code for a municipal OVI offense when the offense is equivalent to an offense under division (G)(1)(a) or (H)(1) of section 4511.19 of the Revised Code; 61689  
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61691  
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(c) Division (B) or (D) of section 4510.17 of the Revised Code when the offense is equivalent to an offense under division (G)(1)(a) or (H)(1) of section 4511.19 of the Revised Code. 61693  
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(2) "OVI offense" means a violation of section 4511.19 of the Revised Code or a violation of a substantially similar municipal ordinance or law of another state or the United States. 61696  
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(3) "Unlimited driving privileges" means driving privileges that are unrestricted as to purpose, time, and place, but that are subject to any other reasonable conditions imposed by a court under division (C)(2) of this section. 61699  
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(B) A first-time offender may file a petition for unlimited driving privileges with a certified ignition interlock device during the period of suspension imposed for an OVI offense in the same manner and in the same venue as the person is permitted to apply for limited driving privileges. 61703  
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(C)(1) With regard to a first-time offender, in any circumstance in which a court is authorized to grant limited driving privileges under section 4510.021, 4510.13, or 4510.17 of the Revised Code during the period of suspension, as applicable, the court may instead grant unlimited driving privileges with a certified ignition interlock device. No court shall grant unlimited driving privileges with a certified ignition interlock device during any period, or under any circumstance, that the court is prohibited from granting limited driving privileges. 61708  
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(2) All of the following apply when a court grants unlimited driving privileges with a certified ignition interlock device to a first-time offender: 61717  
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(a) The court shall issue an order authorizing the first-time offender to operate a motor vehicle only if the vehicle is equipped with a certified ignition interlock device, except as provided in division (C) of section 4510.43 of the Revised Code. The order may include any reasonable conditions other than conditions that restrict the driving privileges in terms of purpose, time, or place.

The court shall provide to the first-time offender a copy of the order and a notice that the first-time offender is subject to the sanctions specified in division (E) of this section.

The court also shall submit a copy of the order to the registrar of motor vehicles.

(b) The court may reduce the period of suspension imposed by the court by an amount of time not greater than half the period of suspension.

(c) The court shall suspend any jail term imposed for the OVI offense. The court shall retain jurisdiction over the first-time offender until the expiration of the period of suspension imposed for the OVI offense and, if the offender violates any term or condition of the order during the period of suspension, the court shall require the first-time offender to serve the jail term.

(D)(1) A first-time offender shall present to the registrar or to a deputy registrar an order issued under this section and a certificate affirming the installation of a certified ignition interlock device that is in a form established by the director of public safety and that is signed by the person who installed the device. Upon presentation of the order and certificate to the registrar or a deputy registrar, the registrar or deputy registrar shall issue the offender a restricted license, unless the offender's driver's or commercial driver's license or permit is suspended under any other provision of law and limited driving

privileges have not been granted with regard to that suspension. A 61751  
restricted license issued under this division shall be identical 61752  
to an Ohio driver's license, except that it shall have printed on 61753  
its face a statement that the offender is prohibited from 61754  
operating any motor vehicle that is not equipped with a certified 61755  
ignition interlock device. 61756

(2)(a) No person who has been granted unlimited driving 61757  
privileges with a certified ignition interlock device under this 61758  
section shall operate a motor vehicle prior to obtaining a 61759  
restricted license. Any person who violates this prohibition is 61760  
subject to the penalties prescribed in section 4510.14 of the 61761  
Revised Code. 61762

(b) The offense established under division (D)(2)(a) of this 61763  
section is a strict liability offense and section 2901.20 of the 61764  
Revised Code does not apply. 61765

(E) If a first-time offender has been granted unlimited 61766  
driving privileges with a certified ignition interlock device 61767  
under this section and the first-time offender either commits an 61768  
ignition interlock device violation as defined under section 61769  
4510.46 of the Revised Code or the first-time offender operates a 61770  
motor vehicle that is not equipped with a certified ignition 61771  
interlock device, the following applies: 61772

(1) On a first violation, the court may require the 61773  
first-time offender to wear a monitor that provides continuous 61774  
alcohol monitoring that is remote. 61775

(2) On a second violation, the court shall require the 61776  
first-time offender to wear a monitor that provides continuous 61777  
alcohol monitoring that is remote for a minimum of forty days. 61778

(3) On a third or subsequent violation, the court shall 61779  
require the first-time offender to wear a monitor that provides 61780  
continuous alcohol monitoring that is remote for a minimum of 61781

sixty days. 61782

(4) With regard to any instance, the judge may increase the 61783  
period of suspension and the period during which the first-time 61784  
offender must drive a motor vehicle equipped with a certified 61785  
ignition interlock device in the same manner as provided in 61786  
division (A)(8)(c) of section 4510.13 of the Revised Code. The 61787  
limitation under division (E) of section 4510.46 of the Revised 61788  
Code applies to an increase under division (E)(4) of this section. 61789

(5) If the instance occurred within sixty days of the end of 61790  
the suspension of the offender's driver's or commercial driver's 61791  
license or permit or nonresident operating privilege and the court 61792  
does not increase the period of the suspension under division 61793  
(E)(4) of this section, the court shall proceed as follows: 61794

(a) Issue an order extending the period of suspension and the 61795  
period of time during which the first-time offender must drive a 61796  
vehicle equipped with a certified ignition interlock device so 61797  
that the suspension terminates sixty days from the date the 61798  
offender committed that violation. 61799

(b) For each violation subsequent to a violation for which an 61800  
extension was ordered under division (E)(5)(a) of this section, 61801  
issue an order extending the period of suspension and the period 61802  
of time during which the first-time offender must drive a vehicle 61803  
equipped with a certified ignition interlock device so that the 61804  
suspension terminates sixty days from the date the offender 61805  
committed that violation. 61806

The registrar of motor vehicles is prohibited from 61807  
reinstating a first-time offender's license unless the applicable 61808  
period of suspension has been served and no ignition interlock 61809  
device violations have been committed within the sixty days prior 61810  
to the application for reinstatement. 61811

(F) With respect to an order issued under this section, the 61812

judge shall impose an additional court cost of two dollars and 61813  
fifty cents upon the first-time offender. The judge shall not 61814  
waive this payment unless the judge determines that the first-time 61815  
offender is indigent and waives the payment of all court costs 61816  
imposed upon the indigent first-time offender. The clerk of court 61817  
shall transmit one hundred per cent of this mandatory court cost 61818  
collected during a month on or before the twenty-third day of the 61819  
following month to the state treasury to be credited to the ~~state~~ 61820  
~~highway safety~~ public safety - highway purposes fund created under 61821  
section 4501.06 of the Revised Code. The department of public 61822  
safety shall use the amounts collected to cover costs associated 61823  
with maintaining the habitual OVI/OMWI offender registry created 61824  
under section 5502.10 of the Revised Code. 61825

A judge may impose an additional court cost of two dollars 61826  
and fifty cents upon the first-time offender. The clerk of court 61827  
shall retain this discretionary two dollar and fifty cent court 61828  
cost, if imposed. The clerk shall deposit it in the court's 61829  
special projects fund that is established under division (E)(1) of 61830  
section 2303.201, division (B)(1) of section 1901.26, or division 61831  
(B)(1) of section 1907.24 of the Revised Code. 61832

**Sec. 4511.19.** (A)(1) No person shall operate any vehicle, 61833  
streetcar, or trackless trolley within this state, if, at the time 61834  
of the operation, any of the following apply: 61835

(a) The person is under the influence of alcohol, a drug of 61836  
abuse, or a combination of them. 61837

(b) The person has a concentration of eight-hundredths of one 61838  
per cent or more but less than seventeen-hundredths of one per 61839  
cent by weight per unit volume of alcohol in the person's whole 61840  
blood. 61841

(c) The person has a concentration of ninety-six-thousandths 61842  
of one per cent or more but less than two hundred four-thousandths 61843



of one per cent by weight per unit volume of alcohol in the 61844  
person's blood serum or plasma. 61845

(d) The person has a concentration of eight-hundredths of one 61846  
gram or more but less than seventeen-hundredths of one gram by 61847  
weight of alcohol per two hundred ten liters of the person's 61848  
breath. 61849

(e) The person has a concentration of eleven-hundredths of 61850  
one gram or more but less than two hundred 61851  
thirty-eight-thousandths of one gram by weight of alcohol per one 61852  
hundred milliliters of the person's urine. 61853

(f) The person has a concentration of seventeen-hundredths of 61854  
one per cent or more by weight per unit volume of alcohol in the 61855  
person's whole blood. 61856

(g) The person has a concentration of two hundred 61857  
four-thousandths of one per cent or more by weight per unit volume 61858  
of alcohol in the person's blood serum or plasma. 61859

(h) The person has a concentration of seventeen-hundredths of 61860  
one gram or more by weight of alcohol per two hundred ten liters 61861  
of the person's breath. 61862

(i) The person has a concentration of two hundred 61863  
thirty-eight-thousandths of one gram or more by weight of alcohol 61864  
per one hundred milliliters of the person's urine. 61865

(j) Except as provided in division (K) of this section, the 61866  
person has a concentration of any of the following controlled 61867  
substances or metabolites of a controlled substance in the 61868  
person's whole blood, blood serum or plasma, or urine that equals 61869  
or exceeds any of the following: 61870

(i) The person has a concentration of amphetamine in the 61871  
person's urine of at least five hundred nanograms of amphetamine 61872  
per milliliter of the person's urine or has a concentration of 61873

amphetamine in the person's whole blood or blood serum or plasma 61874  
of at least one hundred nanograms of amphetamine per milliliter of 61875  
the person's whole blood or blood serum or plasma. 61876

(ii) The person has a concentration of cocaine in the 61877  
person's urine of at least one hundred fifty nanograms of cocaine 61878  
per milliliter of the person's urine or has a concentration of 61879  
cocaine in the person's whole blood or blood serum or plasma of at 61880  
least fifty nanograms of cocaine per milliliter of the person's 61881  
whole blood or blood serum or plasma. 61882

(iii) The person has a concentration of cocaine metabolite in 61883  
the person's urine of at least one hundred fifty nanograms of 61884  
cocaine metabolite per milliliter of the person's urine or has a 61885  
concentration of cocaine metabolite in the person's whole blood or 61886  
blood serum or plasma of at least fifty nanograms of cocaine 61887  
metabolite per milliliter of the person's whole blood or blood 61888  
serum or plasma. 61889

(iv) The person has a concentration of heroin in the person's 61890  
urine of at least two thousand nanograms of heroin per milliliter 61891  
of the person's urine or has a concentration of heroin in the 61892  
person's whole blood or blood serum or plasma of at least fifty 61893  
nanograms of heroin per milliliter of the person's whole blood or 61894  
blood serum or plasma. 61895

(v) The person has a concentration of heroin metabolite 61896  
(6-monoacetyl morphine) in the person's urine of at least ten 61897  
nanograms of heroin metabolite (6-monoacetyl morphine) per 61898  
milliliter of the person's urine or has a concentration of heroin 61899  
metabolite (6-monoacetyl morphine) in the person's whole blood or 61900  
blood serum or plasma of at least ten nanograms of heroin 61901  
metabolite (6-monoacetyl morphine) per milliliter of the person's 61902  
whole blood or blood serum or plasma. 61903

(vi) The person has a concentration of L.S.D. in the person's 61904

urine of at least twenty-five nanograms of L.S.D. per milliliter 61905  
of the person's urine or a concentration of L.S.D. in the person's 61906  
whole blood or blood serum or plasma of at least ten nanograms of 61907  
L.S.D. per milliliter of the person's whole blood or blood serum 61908  
or plasma. 61909

(vii) The person has a concentration of marihuana in the 61910  
person's urine of at least ten nanograms of marihuana per 61911  
milliliter of the person's urine or has a concentration of 61912  
marihuana in the person's whole blood or blood serum or plasma of 61913  
at least two nanograms of marihuana per milliliter of the person's 61914  
whole blood or blood serum or plasma. 61915

(viii) Either of the following applies: 61916

(I) The person is under the influence of alcohol, a drug of 61917  
abuse, or a combination of them, and, ~~as measured by gas~~ 61918  
~~chromatography mass spectrometry,~~ the person has a concentration 61919  
of marihuana metabolite in the person's urine of at least fifteen 61920  
nanograms of marihuana metabolite per milliliter of the person's 61921  
urine or has a concentration of marihuana metabolite in the 61922  
person's whole blood or blood serum or plasma of at least five 61923  
nanograms of marihuana metabolite per milliliter of the person's 61924  
whole blood or blood serum or plasma. 61925

(II) ~~As measured by gas chromatography mass spectrometry,~~ the 61926  
The person has a concentration of marihuana metabolite in the 61927  
person's urine of at least thirty-five nanograms of marihuana 61928  
metabolite per milliliter of the person's urine or has a 61929  
concentration of marihuana metabolite in the person's whole blood 61930  
or blood serum or plasma of at least fifty nanograms of marihuana 61931  
metabolite per milliliter of the person's whole blood or blood 61932  
serum or plasma. 61933

(ix) The person has a concentration of methamphetamine in the 61934  
person's urine of at least five hundred nanograms of 61935

methamphetamine per milliliter of the person's urine or has a 61936  
concentration of methamphetamine in the person's whole blood or 61937  
blood serum or plasma of at least one hundred nanograms of 61938  
methamphetamine per milliliter of the person's whole blood or 61939  
blood serum or plasma. 61940

(x) The person has a concentration of phencyclidine in the 61941  
person's urine of at least twenty-five nanograms of phencyclidine 61942  
per milliliter of the person's urine or has a concentration of 61943  
phencyclidine in the person's whole blood or blood serum or plasma 61944  
of at least ten nanograms of phencyclidine per milliliter of the 61945  
person's whole blood or blood serum or plasma. 61946

(xi) The state board of pharmacy has adopted a rule pursuant 61947  
to section 4729.041 of the Revised Code that specifies the amount 61948  
of salvia divinorum and the amount of salvinorin A that constitute 61949  
concentrations of salvia divinorum and salvinorin A in a person's 61950  
urine, in a person's whole blood, or in a person's blood serum or 61951  
plasma at or above which the person is impaired for purposes of 61952  
operating any vehicle, streetcar, or trackless trolley within this 61953  
state, the rule is in effect, and the person has a concentration 61954  
of salvia divinorum or salvinorin A of at least that amount so 61955  
specified by rule in the person's urine, in the person's whole 61956  
blood, or in the person's blood serum or plasma. 61957

(2) No person who, within twenty years of the conduct 61958  
described in division (A)(2)(a) of this section, previously has 61959  
been convicted of or pleaded guilty to a violation of this 61960  
division, a violation of division (A)(1) or (B) of this section, 61961  
or any other equivalent offense shall do both of the following: 61962

(a) Operate any vehicle, streetcar, or trackless trolley 61963  
within this state while under the influence of alcohol, a drug of 61964  
abuse, or a combination of them; 61965

(b) Subsequent to being arrested for operating the vehicle, 61966

streetcar, or trackless trolley as described in division (A)(2)(a) 61967  
of this section, being asked by a law enforcement officer to 61968  
submit to a chemical test or tests under section 4511.191 of the 61969  
Revised Code, and being advised by the officer in accordance with 61970  
section 4511.192 of the Revised Code of the consequences of the 61971  
person's refusal or submission to the test or tests, refuse to 61972  
submit to the test or tests. 61973

(B) No person under twenty-one years of age shall operate any 61974  
vehicle, streetcar, or trackless trolley within this state, if, at 61975  
the time of the operation, any of the following apply: 61976

(1) The person has a concentration of at least two-hundredths 61977  
of one per cent but less than eight-hundredths of one per cent by 61978  
weight per unit volume of alcohol in the person's whole blood. 61979

(2) The person has a concentration of at least 61980  
three-hundredths of one per cent but less than 61981  
ninety-six-thousandths of one per cent by weight per unit volume 61982  
of alcohol in the person's blood serum or plasma. 61983

(3) The person has a concentration of at least two-hundredths 61984  
of one gram but less than eight-hundredths of one gram by weight 61985  
of alcohol per two hundred ten liters of the person's breath. 61986

(4) The person has a concentration of at least twenty-eight 61987  
one-thousandths of one gram but less than eleven-hundredths of one 61988  
gram by weight of alcohol per one hundred milliliters of the 61989  
person's urine. 61990

(C) In any proceeding arising out of one incident, a person 61991  
may be charged with a violation of division (A)(1)(a) or (A)(2) 61992  
and a violation of division (B)(1), (2), or (3) of this section, 61993  
but the person may not be convicted of more than one violation of 61994  
these divisions. 61995

(D)(1)(a) In any criminal prosecution or juvenile court 61996  
proceeding for a violation of division (A)(1)(a) of this section 61997

or for an equivalent offense that is vehicle-related, the result 61998  
of any test of any blood or urine withdrawn and analyzed at any 61999  
health care provider, as defined in section 2317.02 of the Revised 62000  
Code, may be admitted with expert testimony to be considered with 62001  
any other relevant and competent evidence in determining the guilt 62002  
or innocence of the defendant. 62003

(b) In any criminal prosecution or juvenile court proceeding 62004  
for a violation of division (A) or (B) of this section or for an 62005  
equivalent offense that is vehicle-related, the court may admit 62006  
evidence on the concentration of alcohol, drugs of abuse, 62007  
controlled substances, metabolites of a controlled substance, or a 62008  
combination of them in the defendant's whole blood, blood serum or 62009  
plasma, breath, urine, or other bodily substance at the time of 62010  
the alleged violation as shown by chemical analysis of the 62011  
substance withdrawn within three hours of the time of the alleged 62012  
violation. The three-hour time limit specified in this division 62013  
regarding the admission of evidence does not extend or affect the 62014  
two-hour time limit specified in division (A) of section 4511.192 62015  
of the Revised Code as the maximum period of time during which a 62016  
person may consent to a chemical test or tests as described in 62017  
that section. The court may admit evidence on the concentration of 62018  
alcohol, drugs of abuse, or a combination of them as described in 62019  
this division when a person submits to a blood, breath, urine, or 62020  
other bodily substance test at the request of a law enforcement 62021  
officer under section 4511.191 of the Revised Code or a blood or 62022  
urine sample is obtained pursuant to a search warrant. Only a 62023  
physician, a registered nurse, an emergency medical 62024  
technician-intermediate, an emergency medical 62025  
technician-paramedic, or a qualified technician, chemist, or 62026  
phlebotomist shall withdraw a blood sample for the purpose of 62027  
determining the alcohol, drug, controlled substance, metabolite of 62028  
a controlled substance, or combination content of the whole blood, 62029  
blood serum, or blood plasma. This limitation does not apply to 62030

the taking of breath or urine specimens. A person authorized to 62031  
withdraw blood under this division may refuse to withdraw blood 62032  
under this division, if in that person's opinion, the physical 62033  
welfare of the person would be endangered by the withdrawing of 62034  
blood. 62035

The bodily substance withdrawn under division (D)(1)(b) of 62036  
this section shall be analyzed in accordance with methods approved 62037  
by the director of health by an individual possessing a valid 62038  
permit issued by the director pursuant to section 3701.143 of the 62039  
Revised Code. 62040

(c) As used in division (D)(1)(b) of this section, "emergency 62041  
medical technician-intermediate" and "emergency medical 62042  
technician-paramedic" have the same meanings as in section 4765.01 62043  
of the Revised Code. 62044

(2) In a criminal prosecution or juvenile court proceeding 62045  
for a violation of division (A) of this section or for an 62046  
equivalent offense that is vehicle-related, if there was at the 62047  
time the bodily substance was withdrawn a concentration of less 62048  
than the applicable concentration of alcohol specified in 62049  
divisions (A)(1)(b), (c), (d), and (e) of this section or less 62050  
than the applicable concentration of a listed controlled substance 62051  
or a listed metabolite of a controlled substance specified for a 62052  
violation of division (A)(1)(j) of this section, that fact may be 62053  
considered with other competent evidence in determining the guilt 62054  
or innocence of the defendant. This division does not limit or 62055  
affect a criminal prosecution or juvenile court proceeding for a 62056  
violation of division (B) of this section or for an equivalent 62057  
offense that is substantially equivalent to that division. 62058

(3) Upon the request of the person who was tested, the 62059  
results of the chemical test shall be made available to the person 62060  
or the person's attorney, immediately upon the completion of the 62061  
chemical test analysis. 62062

If the chemical test was obtained pursuant to division 62063  
(D)(1)(b) of this section, the person tested may have a physician, 62064  
a registered nurse, or a qualified technician, chemist, or 62065  
phlebotomist of the person's own choosing administer a chemical 62066  
test or tests, at the person's expense, in addition to any 62067  
administered at the request of a law enforcement officer. If the 62068  
person was under arrest as described in division (A)(5) of section 62069  
4511.191 of the Revised Code, the arresting officer shall advise 62070  
the person at the time of the arrest that the person may have an 62071  
independent chemical test taken at the person's own expense. If 62072  
the person was under arrest other than described in division 62073  
(A)(5) of section 4511.191 of the Revised Code, the form to be 62074  
read to the person to be tested, as required under section 62075  
4511.192 of the Revised Code, shall state that the person may have 62076  
an independent test performed at the person's expense. The failure 62077  
or inability to obtain an additional chemical test by a person 62078  
shall not preclude the admission of evidence relating to the 62079  
chemical test or tests taken at the request of a law enforcement 62080  
officer. 62081

(4)(a) As used in divisions (D)(4)(b) and (c) of this 62082  
section, "national highway traffic safety administration" means 62083  
the national highway traffic safety administration established as 62084  
an administration of the United States department of 62085  
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 62086

(b) In any criminal prosecution or juvenile court proceeding 62087  
for a violation of division (A) or (B) of this section, of a 62088  
municipal ordinance relating to operating a vehicle while under 62089  
the influence of alcohol, a drug of abuse, or alcohol and a drug 62090  
of abuse, or of a municipal ordinance relating to operating a 62091  
vehicle with a prohibited concentration of alcohol, a controlled 62092  
substance, or a metabolite of a controlled substance in the whole 62093  
blood, blood serum or plasma, breath, or urine, if a law 62094



enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the national highway traffic safety administration, all of the following apply:

(i) The officer may testify concerning the results of the field sobriety test so administered.

(ii) The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

(iii) If testimony is presented or evidence is introduced under division (D)(4)(b)(i) or (ii) of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

(c) Division (D)(4)(b) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (D)(4)(b) of this section.

(E)(1) Subject to division (E)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) or (B)(1), (2), (3), or (4) of this section or for an equivalent

offense that is substantially equivalent to any of those 62126  
divisions, a laboratory report from any laboratory personnel 62127  
issued a permit by the department of health authorizing an 62128  
analysis as described in this division that contains an analysis 62129  
of the whole blood, blood serum or plasma, breath, urine, or other 62130  
bodily substance tested and that contains all of the information 62131  
specified in this division shall be admitted as prima-facie 62132  
evidence of the information and statements that the report 62133  
contains. The laboratory report shall contain all of the 62134  
following: 62135

(a) The signature, under oath, of any person who performed 62136  
the analysis; 62137

(b) Any findings as to the identity and quantity of alcohol, 62138  
a drug of abuse, a controlled substance, a metabolite of a 62139  
controlled substance, or a combination of them that was found; 62140

(c) A copy of a notarized statement by the laboratory 62141  
director or a designee of the director that contains the name of 62142  
each certified analyst or test performer involved with the report, 62143  
the analyst's or test performer's employment relationship with the 62144  
laboratory that issued the report, and a notation that performing 62145  
an analysis of the type involved is part of the analyst's or test 62146  
performer's regular duties; 62147

(d) An outline of the analyst's or test performer's 62148  
education, training, and experience in performing the type of 62149  
analysis involved and a certification that the laboratory 62150  
satisfies appropriate quality control standards in general and, in 62151  
this particular analysis, under rules of the department of health. 62152

(2) Notwithstanding any other provision of law regarding the 62153  
admission of evidence, a report of the type described in division 62154  
(E)(1) of this section is not admissible against the defendant to 62155  
whom it pertains in any proceeding, other than a preliminary 62156

hearing or a grand jury proceeding, unless the prosecutor has 62157  
served a copy of the report on the defendant's attorney or, if the 62158  
defendant has no attorney, on the defendant. 62159

(3) A report of the type described in division (E)(1) of this 62160  
section shall not be prima-facie evidence of the contents, 62161  
identity, or amount of any substance if, within seven days after 62162  
the defendant to whom the report pertains or the defendant's 62163  
attorney receives a copy of the report, the defendant or the 62164  
defendant's attorney demands the testimony of the person who 62165  
signed the report. The judge in the case may extend the seven-day 62166  
time limit in the interest of justice. 62167

(F) Except as otherwise provided in this division, any 62168  
physician, registered nurse, emergency medical 62169  
technician-intermediate, emergency medical technician-paramedic, 62170  
or qualified technician, chemist, or phlebotomist who withdraws 62171  
blood from a person pursuant to this section or section 4511.191 62172  
or 4511.192 of the Revised Code, and any hospital, first-aid 62173  
station, or clinic at which blood is withdrawn from a person 62174  
pursuant to this section or section 4511.191 or 4511.192 of the 62175  
Revised Code, is immune from criminal liability and civil 62176  
liability based upon a claim of assault and battery or any other 62177  
claim that is not a claim of malpractice, for any act performed in 62178  
withdrawing blood from the person. The immunity provided in this 62179  
division also extends to an emergency medical service organization 62180  
that employs an emergency medical technician-intermediate or 62181  
emergency medical technician-paramedic who withdraws blood under 62182  
this section. The immunity provided in this division is not 62183  
available to a person who withdraws blood if the person engages in 62184  
willful or wanton misconduct. 62185

As used in this division, "emergency medical 62186  
technician-intermediate" and "emergency medical 62187  
technician-paramedic" have the same meanings as in section 4765.01 62188

of the Revised Code. 62189

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 62190  
to (i) or (A)(2) of this section is guilty of operating a vehicle 62191  
under the influence of alcohol, a drug of abuse, or a combination 62192  
of them. Whoever violates division (A)(1)(j) of this section is 62193  
guilty of operating a vehicle while under the influence of a 62194  
listed controlled substance or a listed metabolite of a controlled 62195  
substance. The court shall sentence the offender for either 62196  
offense under Chapter 2929. of the Revised Code, except as 62197  
otherwise authorized or required by divisions (G)(1)(a) to (e) of 62198  
this section: 62199

(a) Except as otherwise provided in division (G)(1)(b), (c), 62200  
(d), or (e) of this section, the offender is guilty of a 62201  
misdemeanor of the first degree, and the court shall sentence the 62202  
offender to all of the following: 62203

(i) If the sentence is being imposed for a violation of 62204  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 62205  
mandatory jail term of three consecutive days. As used in this 62206  
division, three consecutive days means seventy-two consecutive 62207  
hours. The court may sentence an offender to both an intervention 62208  
program and a jail term. The court may impose a jail term in 62209  
addition to the three-day mandatory jail term or intervention 62210  
program. However, in no case shall the cumulative jail term 62211  
imposed for the offense exceed six months. 62212

The court may suspend the execution of the three-day jail 62213  
term under this division if the court, in lieu of that suspended 62214  
term, places the offender under a community control sanction 62215  
pursuant to section 2929.25 of the Revised Code and requires the 62216  
offender to attend, for three consecutive days, a drivers' 62217  
intervention program certified under section 5119.38 of the 62218  
Revised Code. The court also may suspend the execution of any part 62219  
of the three-day jail term under this division if it places the 62220

offender under a community control sanction pursuant to section 62221  
2929.25 of the Revised Code for part of the three days, requires 62222  
the offender to attend for the suspended part of the term a 62223  
drivers' intervention program so certified, and sentences the 62224  
offender to a jail term equal to the remainder of the three 62225  
consecutive days that the offender does not spend attending the 62226  
program. The court may require the offender, as a condition of 62227  
community control and in addition to the required attendance at a 62228  
drivers' intervention program, to attend and satisfactorily 62229  
complete any treatment or education programs that comply with the 62230  
minimum standards adopted pursuant to Chapter 5119. of the Revised 62231  
Code by the director of mental health and addiction services that 62232  
the operators of the drivers' intervention program determine that 62233  
the offender should attend and to report periodically to the court 62234  
on the offender's progress in the programs. The court also may 62235  
impose on the offender any other conditions of community control 62236  
that it considers necessary. 62237

If the court grants unlimited driving privileges to a 62238  
first-time offender under section 4510.022 of the Revised Code, 62239  
all penalties imposed upon the offender by the court under 62240  
division (G)(1)(a)(i) of this section for the offense apply, 62241  
except that the court shall suspend any mandatory or additional 62242  
jail term imposed by the court under division (G)(1)(a)(i) of this 62243  
section upon granting unlimited driving privileges in accordance 62244  
with section 4510.022 of the Revised Code. 62245

(ii) If the sentence is being imposed for a violation of 62246  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 62247  
section, except as otherwise provided in this division, a 62248  
mandatory jail term of at least three consecutive days and a 62249  
requirement that the offender attend, for three consecutive days, 62250  
a drivers' intervention program that is certified pursuant to 62251  
section 5119.38 of the Revised Code. As used in this division, 62252

three consecutive days means seventy-two consecutive hours. If the court determines that the offender is not conducive to treatment in a drivers' intervention program, if the offender refuses to attend a drivers' intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a driver's intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days.

If the court grants unlimited driving privileges to a first-time offender under section 4510.022 of the Revised Code, all penalties imposed upon the offender by the court under division (G)(1)(a)(ii) of this section for the offense apply, except that the court shall suspend any mandatory or additional jail term imposed by the court under division (G)(1)(a)(ii) of this section upon granting unlimited driving privileges in accordance with section 4510.022 of the Revised Code.

The court may require the offender, under a community control sanction imposed under section 2929.25 of the Revised Code, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 5119. of the Revised Code by the director of mental health and addiction services, in addition to the required attendance at drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

(iii) In all cases, a fine of not less than three hundred seventy-five and not more than one thousand seventy-five dollars;

(iv) In all cases, a suspension of the offender's driver's or commercial driver's license or permit or nonresident operating

privilege for a definite period of one to three years. The court 62285  
may grant limited driving privileges relative to the suspension 62286  
under sections 4510.021 and 4510.13 of the Revised Code. The court 62287  
may grant unlimited driving privileges with an ignition interlock 62288  
device relative to the suspension and may reduce the period of 62289  
suspension as authorized under section 4510.022 of the Revised 62290  
Code. 62291

(b) Except as otherwise provided in division (G)(1)(e) of 62292  
this section, an offender who, within ten years of the offense, 62293  
previously has been convicted of or pleaded guilty to one 62294  
violation of division (A) or (B) of this section or one other 62295  
equivalent offense is guilty of a misdemeanor of the first degree. 62296  
The court shall sentence the offender to all of the following: 62297

(i) If the sentence is being imposed for a violation of 62298  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 62299  
mandatory jail term of ten consecutive days. The court shall 62300  
impose the ten-day mandatory jail term under this division unless, 62301  
subject to division (G)(3) of this section, it instead imposes a 62302  
sentence under that division consisting of both a jail term and a 62303  
term of house arrest with electronic monitoring, with continuous 62304  
alcohol monitoring, or with both electronic monitoring and 62305  
continuous alcohol monitoring. The court may impose a jail term in 62306  
addition to the ten-day mandatory jail term. The cumulative jail 62307  
term imposed for the offense shall not exceed six months. 62308

In addition to the jail term or the term of house arrest with 62309  
electronic monitoring or continuous alcohol monitoring or both 62310  
types of monitoring and jail term, the court shall require the 62311  
offender to be assessed by a community addiction services provider 62312  
that is authorized by section 5119.21 of the Revised Code, subject 62313  
to division (I) of this section, and shall order the offender to 62314  
follow the treatment recommendations of the services provider. The 62315  
purpose of the assessment is to determine the degree of the 62316

offender's alcohol usage and to determine whether or not treatment 62317  
is warranted. Upon the request of the court, the services provider 62318  
shall submit the results of the assessment to the court, including 62319  
all treatment recommendations and clinical diagnoses related to 62320  
alcohol use. 62321

(ii) If the sentence is being imposed for a violation of 62322  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 62323  
section, except as otherwise provided in this division, a 62324  
mandatory jail term of twenty consecutive days. The court shall 62325  
impose the twenty-day mandatory jail term under this division 62326  
unless, subject to division (G)(3) of this section, it instead 62327  
imposes a sentence under that division consisting of both a jail 62328  
term and a term of house arrest with electronic monitoring, with 62329  
continuous alcohol monitoring, or with both electronic monitoring 62330  
and continuous alcohol monitoring. The court may impose a jail 62331  
term in addition to the twenty-day mandatory jail term. The 62332  
cumulative jail term imposed for the offense shall not exceed six 62333  
months. 62334

In addition to the jail term or the term of house arrest with 62335  
electronic monitoring or continuous alcohol monitoring or both 62336  
types of monitoring and jail term, the court shall require the 62337  
offender to be assessed by a community addiction service provider 62338  
that is authorized by section 5119.21 of the Revised Code, subject 62339  
to division (I) of this section, and shall order the offender to 62340  
follow the treatment recommendations of the services provider. The 62341  
purpose of the assessment is to determine the degree of the 62342  
offender's alcohol usage and to determine whether or not treatment 62343  
is warranted. Upon the request of the court, the services provider 62344  
shall submit the results of the assessment to the court, including 62345  
all treatment recommendations and clinical diagnoses related to 62346  
alcohol use. 62347

(iii) In all cases, notwithstanding the fines set forth in 62348



Chapter 2929. of the Revised Code, a fine of not less than five 62349  
hundred twenty-five and not more than one thousand six hundred 62350  
twenty-five dollars; 62351

(iv) In all cases, a suspension of the offender's driver's 62352  
license, commercial driver's license, temporary instruction 62353  
permit, probationary license, or nonresident operating privilege 62354  
for a definite period of one to seven years. The court may grant 62355  
limited driving privileges relative to the suspension under 62356  
sections 4510.021 and 4510.13 of the Revised Code. 62357

(v) In all cases, if the vehicle is registered in the 62358  
offender's name, immobilization of the vehicle involved in the 62359  
offense for ninety days in accordance with section 4503.233 of the 62360  
Revised Code and impoundment of the license plates of that vehicle 62361  
for ninety days. 62362

(c) Except as otherwise provided in division (G)(1)(e) of 62363  
this section, an offender who, within ten years of the offense, 62364  
previously has been convicted of or pleaded guilty to two 62365  
violations of division (A) or (B) of this section or other 62366  
equivalent offenses is guilty of a misdemeanor. The court shall 62367  
sentence the offender to all of the following: 62368

(i) If the sentence is being imposed for a violation of 62369  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 62370  
mandatory jail term of thirty consecutive days. The court shall 62371  
impose the thirty-day mandatory jail term under this division 62372  
unless, subject to division (G)(3) of this section, it instead 62373  
imposes a sentence under that division consisting of both a jail 62374  
term and a term of house arrest with electronic monitoring, with 62375  
continuous alcohol monitoring, or with both electronic monitoring 62376  
and continuous alcohol monitoring. The court may impose a jail 62377  
term in addition to the thirty-day mandatory jail term. 62378  
Notwithstanding the jail terms set forth in sections 2929.21 to 62379  
2929.28 of the Revised Code, the additional jail term shall not 62380

exceed one year, and the cumulative jail term imposed for the 62381  
offense shall not exceed one year. 62382

(ii) If the sentence is being imposed for a violation of 62383  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 62384  
section, a mandatory jail term of sixty consecutive days. The 62385  
court shall impose the sixty-day mandatory jail term under this 62386  
division unless, subject to division (G)(3) of this section, it 62387  
instead imposes a sentence under that division consisting of both 62388  
a jail term and a term of house arrest with electronic monitoring, 62389  
with continuous alcohol monitoring, or with both electronic 62390  
monitoring and continuous alcohol monitoring. The court may impose 62391  
a jail term in addition to the sixty-day mandatory jail term. 62392  
Notwithstanding the jail terms set forth in sections 2929.21 to 62393  
2929.28 of the Revised Code, the additional jail term shall not 62394  
exceed one year, and the cumulative jail term imposed for the 62395  
offense shall not exceed one year. 62396

(iii) In all cases, notwithstanding the fines set forth in 62397  
Chapter 2929. of the Revised Code, a fine of not less than eight 62398  
hundred fifty and not more than two thousand seven hundred fifty 62399  
dollars; 62400

(iv) In all cases, a suspension of the offender's driver's 62401  
license, commercial driver's license, temporary instruction 62402  
permit, probationary license, or nonresident operating privilege 62403  
for a definite period of two to twelve years. The court may grant 62404  
limited driving privileges relative to the suspension under 62405  
sections 4510.021 and 4510.13 of the Revised Code. 62406

(v) In all cases, if the vehicle is registered in the 62407  
offender's name, criminal forfeiture of the vehicle involved in 62408  
the offense in accordance with section 4503.234 of the Revised 62409  
Code. Division (G)(6) of this section applies regarding any 62410  
vehicle that is subject to an order of criminal forfeiture under 62411  
this division. 62412

(vi) In all cases, the court shall order the offender to participate with a community addiction services provider authorized by section 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(d) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to three or four violations of division (A) or (B) of this section or other equivalent offenses or an offender who, within twenty years of the offense, previously has been convicted of or pleaded guilty to five or more violations of that nature is guilty of a felony of the fourth degree. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or, in the discretion of the court, either a mandatory term of local incarceration of sixty consecutive days in accordance with division (G)(1) of section 2929.13 of the Revised Code or a mandatory prison term of sixty consecutive days in accordance with division (G)(2) of that section if the offender is not convicted of and does not plead

guilty to a specification of that type. If the court imposes a 62445  
mandatory term of local incarceration, it may impose a jail term 62446  
in addition to the sixty-day mandatory term, the cumulative total 62447  
of the mandatory term and the jail term for the offense shall not 62448  
exceed one year, and, except as provided in division (A)(1) of 62449  
section 2929.13 of the Revised Code, no prison term is authorized 62450  
for the offense. If the court imposes a mandatory prison term, 62451  
notwithstanding division (A)(4) of section 2929.14 of the Revised 62452  
Code, it also may sentence the offender to a definite prison term 62453  
that shall be not less than six months and not more than thirty 62454  
months and the prison terms shall be imposed as described in 62455  
division (G)(2) of section 2929.13 of the Revised Code. If the 62456  
court imposes a mandatory prison term or mandatory prison term and 62457  
additional prison term, in addition to the term or terms so 62458  
imposed, the court also may sentence the offender to a community 62459  
control sanction for the offense, but the offender shall serve all 62460  
of the prison terms so imposed prior to serving the community 62461  
control sanction. 62462

(ii) If the sentence is being imposed for a violation of 62463  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 62464  
section, a mandatory prison term of one, two, three, four, or five 62465  
years as required by and in accordance with division (G)(2) of 62466  
section 2929.13 of the Revised Code if the offender also is 62467  
convicted of or also pleads guilty to a specification of the type 62468  
described in section 2941.1413 of the Revised Code or, in the 62469  
discretion of the court, either a mandatory term of local 62470  
incarceration of one hundred twenty consecutive days in accordance 62471  
with division (G)(1) of section 2929.13 of the Revised Code or a 62472  
mandatory prison term of one hundred twenty consecutive days in 62473  
accordance with division (G)(2) of that section if the offender is 62474  
not convicted of and does not plead guilty to a specification of 62475  
that type. If the court imposes a mandatory term of local 62476  
incarceration, it may impose a jail term in addition to the one 62477

hundred twenty-day mandatory term, the cumulative total of the 62478  
mandatory term and the jail term for the offense shall not exceed 62479  
one year, and, except as provided in division (A)(1) of section 62480  
2929.13 of the Revised Code, no prison term is authorized for the 62481  
offense. If the court imposes a mandatory prison term, 62482  
notwithstanding division (A)(4) of section 2929.14 of the Revised 62483  
Code, it also may sentence the offender to a definite prison term 62484  
that shall be not less than six months and not more than thirty 62485  
months and the prison terms shall be imposed as described in 62486  
division (G)(2) of section 2929.13 of the Revised Code. If the 62487  
court imposes a mandatory prison term or mandatory prison term and 62488  
additional prison term, in addition to the term or terms so 62489  
imposed, the court also may sentence the offender to a community 62490  
control sanction for the offense, but the offender shall serve all 62491  
of the prison terms so imposed prior to serving the community 62492  
control sanction. 62493

(iii) In all cases, notwithstanding section 2929.18 of the 62494  
Revised Code, a fine of not less than one thousand three hundred 62495  
fifty nor more than ten thousand five hundred dollars; 62496

(iv) In all cases, a class two license suspension of the 62497  
offender's driver's license, commercial driver's license, 62498  
temporary instruction permit, probationary license, or nonresident 62499  
operating privilege from the range specified in division (A)(2) of 62500  
section 4510.02 of the Revised Code. The court may grant limited 62501  
driving privileges relative to the suspension under sections 62502  
4510.021 and 4510.13 of the Revised Code. 62503

(v) In all cases, if the vehicle is registered in the 62504  
offender's name, criminal forfeiture of the vehicle involved in 62505  
the offense in accordance with section 4503.234 of the Revised 62506  
Code. Division (G)(6) of this section applies regarding any 62507  
vehicle that is subject to an order of criminal forfeiture under 62508  
this division. 62509

(vi) In all cases, the court shall order the offender to participate with a community addiction services provider authorized by section 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(vii) In all cases, if the court sentences the offender to a mandatory term of local incarceration, in addition to the mandatory term, the court, pursuant to section 2929.17 of the Revised Code, may impose a term of house arrest with electronic monitoring. The term shall not commence until after the offender has served the mandatory term of local incarceration.

(e) An offender who previously has been convicted of or pleaded guilty to a violation of division (A) of this section that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony of the third degree. The court shall sentence the offender to all of the following:

(i) If the offender is being sentenced for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or a mandatory prison term of sixty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender is not

convicted of and does not plead guilty to a specification of that 62542  
type. The court may impose a prison term in addition to the 62543  
mandatory prison term. The cumulative total of a sixty-day 62544  
mandatory prison term and the additional prison term for the 62545  
offense shall not exceed five years. In addition to the mandatory 62546  
prison term or mandatory prison term and additional prison term 62547  
the court imposes, the court also may sentence the offender to a 62548  
community control sanction for the offense, but the offender shall 62549  
serve all of the prison terms so imposed prior to serving the 62550  
community control sanction. 62551

(ii) If the sentence is being imposed for a violation of 62552  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 62553  
section, a mandatory prison term of one, two, three, four, or five 62554  
years as required by and in accordance with division (G)(2) of 62555  
section 2929.13 of the Revised Code if the offender also is 62556  
convicted of or also pleads guilty to a specification of the type 62557  
described in section 2941.1413 of the Revised Code or a mandatory 62558  
prison term of one hundred twenty consecutive days in accordance 62559  
with division (G)(2) of section 2929.13 of the Revised Code if the 62560  
offender is not convicted of and does not plead guilty to a 62561  
specification of that type. The court may impose a prison term in 62562  
addition to the mandatory prison term. The cumulative total of a 62563  
one hundred twenty-day mandatory prison term and the additional 62564  
prison term for the offense shall not exceed five years. In 62565  
addition to the mandatory prison term or mandatory prison term and 62566  
additional prison term the court imposes, the court also may 62567  
sentence the offender to a community control sanction for the 62568  
offense, but the offender shall serve all of the prison terms so 62569  
imposed prior to serving the community control sanction. 62570

(iii) In all cases, notwithstanding section 2929.18 of the 62571  
Revised Code, a fine of not less than one thousand three hundred 62572  
fifty nor more than ten thousand five hundred dollars; 62573

(iv) In all cases, a class two license suspension of the 62574  
offender's driver's license, commercial driver's license, 62575  
temporary instruction permit, probationary license, or nonresident 62576  
operating privilege from the range specified in division (A)(2) of 62577  
section 4510.02 of the Revised Code. The court may grant limited 62578  
driving privileges relative to the suspension under sections 62579  
4510.021 and 4510.13 of the Revised Code. 62580

(v) In all cases, if the vehicle is registered in the 62581  
offender's name, criminal forfeiture of the vehicle involved in 62582  
the offense in accordance with section 4503.234 of the Revised 62583  
Code. Division (G)(6) of this section applies regarding any 62584  
vehicle that is subject to an order of criminal forfeiture under 62585  
this division. 62586

(vi) In all cases, the court shall order the offender to 62587  
participate with a community addiction services provider 62588  
authorized by section 5119.21 of the Revised Code, subject to 62589  
division (I) of this section, and shall order the offender to 62590  
follow the treatment recommendations of the services provider. The 62591  
operator of the services provider shall determine and assess the 62592  
degree of the offender's alcohol dependency and shall make 62593  
recommendations for treatment. Upon the request of the court, the 62594  
services provider shall submit the results of the assessment to 62595  
the court, including all treatment recommendations and clinical 62596  
diagnoses related to alcohol use. 62597

(2) An offender who is convicted of or pleads guilty to a 62598  
violation of division (A) of this section and who subsequently 62599  
seeks reinstatement of the driver's or occupational driver's 62600  
license or permit or nonresident operating privilege suspended 62601  
under this section as a result of the conviction or guilty plea 62602  
shall pay a reinstatement fee as provided in division (F)(2) of 62603  
section 4511.191 of the Revised Code. 62604

(3) If an offender is sentenced to a jail term under division 62605



(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 62606  
if, within sixty days of sentencing of the offender, the court 62607  
issues a written finding on the record that, due to the 62608  
unavailability of space at the jail where the offender is required 62609  
to serve the term, the offender will not be able to begin serving 62610  
that term within the sixty-day period following the date of 62611  
sentencing, the court may impose an alternative sentence under 62612  
this division that includes a term of house arrest with electronic 62613  
monitoring, with continuous alcohol monitoring, or with both 62614  
electronic monitoring and continuous alcohol monitoring. 62615

As an alternative to a mandatory jail term of ten consecutive 62616  
days required by division (G)(1)(b)(i) of this section, the court, 62617  
under this division, may sentence the offender to five consecutive 62618  
days in jail and not less than eighteen consecutive days of house 62619  
arrest with electronic monitoring, with continuous alcohol 62620  
monitoring, or with both electronic monitoring and continuous 62621  
alcohol monitoring. The cumulative total of the five consecutive 62622  
days in jail and the period of house arrest with electronic 62623  
monitoring, continuous alcohol monitoring, or both types of 62624  
monitoring shall not exceed six months. The five consecutive days 62625  
in jail do not have to be served prior to or consecutively to the 62626  
period of house arrest. 62627

As an alternative to the mandatory jail term of twenty 62628  
consecutive days required by division (G)(1)(b)(ii) of this 62629  
section, the court, under this division, may sentence the offender 62630  
to ten consecutive days in jail and not less than thirty-six 62631  
consecutive days of house arrest with electronic monitoring, with 62632  
continuous alcohol monitoring, or with both electronic monitoring 62633  
and continuous alcohol monitoring. The cumulative total of the ten 62634  
consecutive days in jail and the period of house arrest with 62635  
electronic monitoring, continuous alcohol monitoring, or both 62636  
types of monitoring shall not exceed six months. The ten 62637

consecutive days in jail do not have to be served prior to or 62638  
consecutively to the period of house arrest. 62639

As an alternative to a mandatory jail term of thirty 62640  
consecutive days required by division (G)(1)(c)(i) of this 62641  
section, the court, under this division, may sentence the offender 62642  
to fifteen consecutive days in jail and not less than fifty-five 62643  
consecutive days of house arrest with electronic monitoring, with 62644  
continuous alcohol monitoring, or with both electronic monitoring 62645  
and continuous alcohol monitoring. The cumulative total of the 62646  
fifteen consecutive days in jail and the period of house arrest 62647  
with electronic monitoring, continuous alcohol monitoring, or both 62648  
types of monitoring shall not exceed one year. The fifteen 62649  
consecutive days in jail do not have to be served prior to or 62650  
consecutively to the period of house arrest. 62651

As an alternative to the mandatory jail term of sixty 62652  
consecutive days required by division (G)(1)(c)(ii) of this 62653  
section, the court, under this division, may sentence the offender 62654  
to thirty consecutive days in jail and not less than one hundred 62655  
ten consecutive days of house arrest with electronic monitoring, 62656  
with continuous alcohol monitoring, or with both electronic 62657  
monitoring and continuous alcohol monitoring. The cumulative total 62658  
of the thirty consecutive days in jail and the period of house 62659  
arrest with electronic monitoring, continuous alcohol monitoring, 62660  
or both types of monitoring shall not exceed one year. The thirty 62661  
consecutive days in jail do not have to be served prior to or 62662  
consecutively to the period of house arrest. 62663

(4) If an offender's driver's or occupational driver's 62664  
license or permit or nonresident operating privilege is suspended 62665  
under division (G) of this section and if section 4510.13 of the 62666  
Revised Code permits the court to grant limited driving 62667  
privileges, the court may grant the limited driving privileges in 62668  
accordance with that section. If division (A)(7) of that section 62669

requires that the court impose as a condition of the privileges 62670  
that the offender must display on the vehicle that is driven 62671  
subject to the privileges restricted license plates that are 62672  
issued under section 4503.231 of the Revised Code, except as 62673  
provided in division (B) of that section, the court shall impose 62674  
that condition as one of the conditions of the limited driving 62675  
privileges granted to the offender, except as provided in division 62676  
(B) of section 4503.231 of the Revised Code. 62677

(5) Fines imposed under this section for a violation of 62678  
division (A) of this section shall be distributed as follows: 62679

(a) Twenty-five dollars of the fine imposed under division 62680  
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 62681  
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 62682  
fine imposed under division (G)(1)(c)(iii), and two hundred ten 62683  
dollars of the fine imposed under division (G)(1)(d)(iii) or 62684  
(e)(iii) of this section shall be paid to an enforcement and 62685  
education fund established by the legislative authority of the law 62686  
enforcement agency in this state that primarily was responsible 62687  
for the arrest of the offender, as determined by the court that 62688  
imposes the fine. The agency shall use this share to pay only 62689  
those costs it incurs in enforcing this section or a municipal OVI 62690  
ordinance and in informing the public of the laws governing the 62691  
operation of a vehicle while under the influence of alcohol, the 62692  
dangers of the operation of a vehicle under the influence of 62693  
alcohol, and other information relating to the operation of a 62694  
vehicle under the influence of alcohol and the consumption of 62695  
alcoholic beverages. 62696

(b) Fifty dollars of the fine imposed under division 62697  
(G)(1)(a)(iii) of this section shall be paid to the political 62698  
subdivision that pays the cost of housing the offender during the 62699  
offender's term of incarceration. If the offender is being 62700  
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 62701

(e), or (j) of this section and was confined as a result of the 62702  
offense prior to being sentenced for the offense but is not 62703  
sentenced to a term of incarceration, the fifty dollars shall be 62704  
paid to the political subdivision that paid the cost of housing 62705  
the offender during that period of confinement. The political 62706  
subdivision shall use the share under this division to pay or 62707  
reimburse incarceration or treatment costs it incurs in housing or 62708  
providing drug and alcohol treatment to persons who violate this 62709  
section or a municipal OVI ordinance, costs of any immobilizing or 62710  
disabling device used on the offender's vehicle, and costs of 62711  
electronic house arrest equipment needed for persons who violate 62712  
this section. 62713

(c) Twenty-five dollars of the fine imposed under division 62714  
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 62715  
division (G)(1)(b)(iii) of this section shall be deposited into 62716  
the county or municipal indigent drivers' alcohol treatment fund 62717  
under the control of that court, as created by the county or 62718  
municipal corporation under division (F) of section 4511.191 of 62719  
the Revised Code. 62720

(d) One hundred fifteen dollars of the fine imposed under 62721  
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 62722  
fine imposed under division (G)(1)(c)(iii), and four hundred forty 62723  
dollars of the fine imposed under division (G)(1)(d)(iii) or 62724  
(e)(iii) of this section shall be paid to the political 62725  
subdivision that pays the cost of housing the offender during the 62726  
offender's term of incarceration. The political subdivision shall 62727  
use this share to pay or reimburse incarceration or treatment 62728  
costs it incurs in housing or providing drug and alcohol treatment 62729  
to persons who violate this section or a municipal OVI ordinance, 62730  
costs for any immobilizing or disabling device used on the 62731  
offender's vehicle, and costs of electronic house arrest equipment 62732  
needed for persons who violate this section. 62733

(e) Fifty dollars of the fine imposed under divisions 62734  
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 62735  
and (G)(1)(e)(iii) of this section shall be deposited into the 62736  
special projects fund of the court in which the offender was 62737  
convicted and that is established under division (E)(1) of section 62738  
2303.201, division (B)(1) of section 1901.26, or division (B)(1) 62739  
of section 1907.24 of the Revised Code, to be used exclusively to 62740  
cover the cost of immobilizing or disabling devices, including 62741  
certified ignition interlock devices, and remote alcohol 62742  
monitoring devices for indigent offenders who are required by a 62743  
judge to use either of these devices. If the court in which the 62744  
offender was convicted does not have a special projects fund that 62745  
is established under division (E)(1) of section 2303.201, division 62746  
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 62747  
of the Revised Code, the fifty dollars shall be deposited into the 62748  
indigent drivers interlock and alcohol monitoring fund under 62749  
division (I) of section 4511.191 of the Revised Code. 62750

(f) Seventy-five dollars of the fine imposed under division 62751  
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 62752  
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 62753  
of the fine imposed under division (G)(1)(c)(iii), and five 62754  
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 62755  
or (e)(iii) of this section shall be transmitted to the treasurer 62756  
of state for deposit into the indigent defense support fund 62757  
established under section 120.08 of the Revised Code. 62758

(g) The balance of the fine imposed under division 62759  
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 62760  
section shall be disbursed as otherwise provided by law. 62761

(6) If title to a motor vehicle that is subject to an order 62762  
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 62763  
this section is assigned or transferred and division (B)(2) or (3) 62764  
of section 4503.234 of the Revised Code applies, in addition to or 62765

independent of any other penalty established by law, the court may  
fine the offender the value of the vehicle as determined by  
publications of the national automobile dealers association. The  
proceeds of any fine so imposed shall be distributed in accordance  
with division (C)(2) of that section.

(7) In all cases in which an offender is sentenced under  
division (G) of this section, the offender shall provide the court  
with proof of financial responsibility as defined in section  
4509.01 of the Revised Code. If the offender fails to provide that  
proof of financial responsibility, the court, in addition to any  
other penalties provided by law, may order restitution pursuant to  
section 2929.18 or 2929.28 of the Revised Code in an amount not  
exceeding five thousand dollars for any economic loss arising from  
an accident or collision that was the direct and proximate result  
of the offender's operation of the vehicle before, during, or  
after committing the offense for which the offender is sentenced  
under division (G) of this section.

(8) A court may order an offender to reimburse a law  
enforcement agency for any costs incurred by the agency with  
respect to a chemical test or tests administered to the offender  
if all of the following apply:

(a) The offender is convicted of or pleads guilty to a  
violation of division (A) of this section.

(b) The test or tests were of the offender's whole blood,  
blood serum or plasma, or urine.

(c) The test or tests indicated that the offender had a  
prohibited concentration of a controlled substance or a metabolite  
of a controlled substance in the offender's whole blood, blood  
serum or plasma, or urine at the time of the offense.

(9) As used in division (G) of this section, "electronic  
monitoring," "mandatory prison term," and "mandatory term of local

incarceration" have the same meanings as in section 2929.01 of the Revised Code.

(H) Whoever violates division (B) of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows:

(1) Except as otherwise provided in division (H)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under section 4510.022 of the Revised Code. If the court grants unlimited driving privileges under section 4510.022 of the Revised Code, the court shall suspend any jail term imposed under division (H)(1) of this section as required under that section.

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of division (A) or (B) of this section or other equivalent offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections

4510.021 and 4510.13 of the Revised Code. 62829

(3) If the offender also is convicted of or also pleads 62830  
guilty to a specification of the type described in section 62831  
2941.1416 of the Revised Code and if the court imposes a jail term 62832  
for the violation of division (B) of this section, the court shall 62833  
impose upon the offender an additional definite jail term pursuant 62834  
to division (E) of section 2929.24 of the Revised Code. 62835

(4) The offender shall provide the court with proof of 62836  
financial responsibility as defined in section 4509.01 of the 62837  
Revised Code. If the offender fails to provide that proof of 62838  
financial responsibility, then, in addition to any other penalties 62839  
provided by law, the court may order restitution pursuant to 62840  
section 2929.28 of the Revised Code in an amount not exceeding 62841  
five thousand dollars for any economic loss arising from an 62842  
accident or collision that was the direct and proximate result of 62843  
the offender's operation of the vehicle before, during, or after 62844  
committing the violation of division (B) of this section. 62845

(I)(1) No court shall sentence an offender to an alcohol 62846  
treatment program under this section unless the treatment program 62847  
complies with the minimum standards for alcohol treatment programs 62848  
adopted under Chapter 5119. of the Revised Code by the director of 62849  
mental health and addiction services. 62850

(2) An offender who stays in a drivers' intervention program 62851  
or in an alcohol treatment program under an order issued under 62852  
this section shall pay the cost of the stay in the program. 62853  
However, if the court determines that an offender who stays in an 62854  
alcohol treatment program under an order issued under this section 62855  
is unable to pay the cost of the stay in the program, the court 62856  
may order that the cost be paid from the court's indigent drivers' 62857  
alcohol treatment fund. 62858

(J) If a person whose driver's or commercial driver's license 62859



or permit or nonresident operating privilege is suspended under 62860  
this section files an appeal regarding any aspect of the person's 62861  
trial or sentence, the appeal itself does not stay the operation 62862  
of the suspension. 62863

(K) Division (A)(1)(j) of this section does not apply to a 62864  
person who operates a vehicle, streetcar, or trackless trolley 62865  
while the person has a concentration of a listed controlled 62866  
substance or a listed metabolite of a controlled substance in the 62867  
person's whole blood, blood serum or plasma, or urine that equals 62868  
or exceeds the amount specified in that division, if both of the 62869  
following apply: 62870

(1) The person obtained the controlled substance pursuant to 62871  
a prescription issued by a licensed health professional authorized 62872  
to prescribe drugs. 62873

(2) The person injected, ingested, or inhaled the controlled 62874  
substance in accordance with the health professional's directions. 62875

(L) The prohibited concentrations of a controlled substance 62876  
or a metabolite of a controlled substance listed in division 62877  
(A)(1)(j) of this section also apply in a prosecution of a 62878  
violation of division (D) of section 2923.16 of the Revised Code 62879  
in the same manner as if the offender is being prosecuted for a 62880  
prohibited concentration of alcohol. 62881

(M) All terms defined in section 4510.01 of the Revised Code 62882  
apply to this section. If the meaning of a term defined in section 62883  
4510.01 of the Revised Code conflicts with the meaning of the same 62884  
term as defined in section 4501.01 or 4511.01 of the Revised Code, 62885  
the term as defined in section 4510.01 of the Revised Code applies 62886  
to this section. 62887

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 62888  
as adopted by the supreme court under authority of section 2937.46 62889  
of the Revised Code, do not apply to felony violations of this 62890

section. Subject to division (N)(2) of this section, the Rules of Criminal Procedure apply to felony violations of this section.

(2) If, on or after January 1, 2004, the supreme court modifies the Ohio Traffic Rules to provide procedures to govern felony violations of this section, the modified rules shall apply to felony violations of this section.

**Sec. 4709.02.** Except as provided in this chapter, no person shall do any of the following:

(A) Engage in or attempt to engage in the practice of barbering, hold themselves out as a practicing barber, or advertise in a manner that indicates they are a barber, without a barber license issued pursuant to this chapter;

(B) Operate or attempt to operate a barber shop without a barber shop license issued pursuant to this chapter;

(C) Engage in or attempt to engage in the teaching of or assist in the teaching of the practice of barbering without a barber teacher or assistant barber teacher license issued pursuant to this chapter;

(D) Advertise barbering services unless the establishment and personnel employed therein are licensed pursuant to this chapter;

(E) Use or display a barber pole for the purpose of offering barber services to the consuming public without a barber shop license issued pursuant to this chapter;

(F) Operate or attempt to operate a barber school without a barber school license issued pursuant to this chapter;

(G) Teach or attempt to teach any phase of barbering for pay, free, or otherwise without approval from the state cosmetology and barber board;

(H) Being a barber, knowingly continue the practice of

barbering, or being a student, knowingly continue as a student in 62920  
any barber school, while such person has an infectious, 62921  
contagious, or communicable disease; 62922

(I) Obtain or attempt to obtain a license by fraudulent 62923  
misrepresentation for money, other than the required fee, or any 62924  
other thing of value; 62925

(J) Practice or attempt to practice barbering by fraudulent 62926  
misrepresentation; 62927

(K) Employ another person to perform or himself perform the 62928  
practice of barbering in a licensed barber shop unless that person 62929  
is licensed as a barber under this chapter; 62930

(L) Use any room or place for barbering which is also used 62931  
for residential or other business purposes, unless it is separated 62932  
by a substantial ceiling-high partition. This does not exclude 62933  
hair care products used and sold in barber shops or the sale of 62934  
clothing and related accessories as authorized by division (F) of 62935  
section 4709.09 of the Revised Code. 62936

(M) Violate any rule adopted by the board or department of 62937  
health for barber shops or barber schools. 62938

**Sec. 4709.05.** In addition to any other duty imposed on the 62939  
state cosmetology and barber board under this chapter or Chapter 62940  
4713. of the Revised Code, the board shall do all of the 62941  
following: 62942

~~(A) Organize by electing a chairperson from its members to 62943  
serve a one-year term;~~ 62944

~~(B) Hold regular meetings, at the times and places as it 62945  
determines for the purpose of conducting the examinations required 62946  
under this chapter, and hold additional meetings for the 62947  
transaction of necessary business;~~ 62948

~~(C) Provide for suitable quarters, in the city of Columbus,~~ 62949

~~for the conduct of its business and the maintenance of its records;~~ 62950  
62951

~~(D) Adopt a common seal for the authentication of its orders, communications, and records;~~ 62952  
62953

~~(E)~~(B) Maintain a record of its proceedings and a register of persons licensed as barbers. The register shall include each licensee's name, place of business, residence, and licensure date and number, and a record of all licenses issued, refused, renewed, suspended, or revoked. The records are open to public inspection at all reasonable times. 62954  
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~~(F) Annually, on or before the first day of January, make a report to the governor of all its official acts during the preceding year, its receipts and disbursements, recommendations it determines appropriate, and an evaluation of board activities intended to aid or protect consumers of barber services;~~ 62960  
62961  
62962  
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62964

~~(G) Employ an executive director who shall do all things requested by the board for the administration and enforcement of this chapter. The executive director shall employ inspectors, clerks, and other assistants as the executive director determines necessary.~~ 62965  
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~~(H)~~(C) Ensure that the practice of barbering is conducted only in a licensed barber shop, except when the practice of barbering is performed on a person whose physical or mental disability prevents that person from going to a licensed barber shop; 62970  
62971  
62972  
62973  
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~~(I)~~(D) Conduct or have conducted the examination for applicants to practice as licensed barbers at least four times per year at the times and places the board determines; 62975  
62976  
62977

~~(J)~~(E) Adopt rules, in accordance with Chapter 119. of the Revised Code, to administer and enforce this chapter and which cover all of the following: 62978  
62979  
62980

(1) Sanitary standards for the operation of barber shops and 62981  
barber schools that conform to guidelines established by the 62982  
department of health; 62983

(2) The content of the examination required of an applicant 62984  
for a barber license. The examination shall include a practical 62985  
demonstration and a written test, shall relate only to the 62986  
practice of barbering, and shall require the applicant to 62987  
demonstrate that the applicant has a thorough knowledge of and 62988  
competence in the proper techniques in the safe use of chemicals 62989  
used in the practice of barbering. 62990

(3) Continuing education requirements for persons licensed 62991  
pursuant to this chapter. The board may impose continuing 62992  
education requirements upon a licensee for a violation of this 62993  
chapter or the rules adopted pursuant thereto or if the board 62994  
determines that the requirements are necessary to preserve the 62995  
health, safety, or welfare of the public. 62996

(4) Requirements for the licensure of barber schools, barber 62997  
teachers, and assistant barber teachers; 62998

(5) Requirements for students of barber schools; 62999

(6) Any other area the board determines appropriate to 63000  
administer or enforce this chapter. 63001

~~(K) Annually review the rules adopted pursuant to division 63002  
(J) of this section in order to compare those rules with the rules 63003  
adopted by the state board of cosmetology pursuant to section 63004  
4713.08 of the Revised Code. If the barber board determines that 63005  
the rules adopted by the state board of cosmetology, including, 63006  
but not limited to, rules concerning using career technical 63007  
schools, would be beneficial to the barbering profession, the 63008  
barber board shall adopt rules similar to those it determines 63009  
would be beneficial for barbers. 63010~~

~~(L)~~(F) Prior to adopting any rule under this chapter, 63011

indicate at a formal hearing the reasons why the rule is necessary 63012  
as a protection of the persons who use barber services or as an 63013  
improvement of the professional standing of barbers in this state; 63014

~~(M)~~(G) Furnish each owner or manager of a barber shop and 63015  
barber school with a copy of all sanitary rules adopted pursuant 63016  
to division ~~(J)~~(E) of this section; 63017

~~(N)~~(H) Conduct such investigations and inspections of persons 63018  
and establishments licensed or unlicensed pursuant to this chapter 63019  
and for that purpose, any member of the board or any of its 63020  
authorized agents may enter and inspect any place of business of a 63021  
licensee or a person suspected of violating this chapter or the 63022  
rules adopted pursuant thereto, during normal business hours; 63023

~~(O)~~(I) Upon the written request of an applicant and the 63024  
payment of the appropriate fee, provide to the applicant licensure 63025  
information concerning the applicant; 63026

~~(P)~~(J) Do all things necessary for the proper administration 63027  
and enforcement of this chapter. 63028

**Sec. 4709.07.** (A) Each person who desires to obtain an 63029  
initial license to practice barbering shall apply to the state 63030  
cosmetology and barber board, on forms provided by the board. The 63031  
application form shall include the name of the person applying for 63032  
the license and evidence that the applicant meets all of the 63033  
requirements of division (B) of this section. The application 63034  
shall be accompanied by two signed current photographs of the 63035  
applicant, in the size determined by the board, that show only the 63036  
head and shoulders of the applicant, and the examination 63037  
application fee. 63038

(B) In order to take the required barber examination and to 63039  
qualify for licensure as a barber, an applicant must demonstrate 63040  
that the applicant meets all of the following: 63041

(1) Is of good moral character; 63042

(2) Is at least eighteen years of age; 63043

(3) Has an eighth grade education or an equivalent education 63044  
as determined by the state board of education in the state where 63045  
the applicant resides; 63046

(4) Has graduated with at least ~~eighteen~~ one thousand eight 63047  
hundred hours of training from a board-approved barber school or 63048  
has graduated with at least one thousand hours of training from a 63049  
board-approved barber school in this state and has a current 63050  
cosmetology or hair designer license issued pursuant to Chapter 63051  
4713. of the Revised Code. No hours of instruction earned by an 63052  
applicant five or more years prior to the examination apply to the 63053  
hours of study required by this division. 63054

(C) Any applicant who meets all of the requirements of 63055  
divisions (A) and (B) of this section may take the barber 63056  
examination at the time and place specified by the board. If the 63057  
applicant fails to attain at least a seventy-five per cent pass 63058  
rate on each part of the examination, the applicant is ineligible 63059  
for licensure; however, the applicant may reapply for examination 63060  
within ninety days after the date of the release of the 63061  
examination scores by paying the required reexamination fee. An 63062  
applicant is only required to take that part or parts of the 63063  
examination on which the applicant did not receive a score of 63064  
seventy-five per cent or higher. If the applicant fails to reapply 63065  
for examination within ninety days or fails the second 63066  
examination, in order to reapply for examination for licensure the 63067  
applicant shall complete an additional course of study of not less 63068  
than two hundred hours, in a board-approved barber school. The 63069  
board shall provide to an applicant, upon request, a report which 63070  
explains the reasons for the applicant's failure to pass the 63071  
examination. 63072

(D) The board shall issue a license to practice barbering to any applicant who, to the satisfaction of the board, meets the requirements of divisions (A) and (B) of this section, who passes the required examination, and pays the initial licensure fee. Every licensed barber shall display the certificate of licensure in a conspicuous place adjacent to or near the licensed barber's work chair, along with a signed current photograph, in the size determined by the board, showing head and shoulders only.

**Sec. 4709.08.** Any person who holds a current license or registration to practice as a barber in any other state or district of the United States or country whose requirements for licensure or registration of barbers are substantially equivalent to the requirements of this chapter and rules adopted under it and that extends similar reciprocity to persons licensed as barbers in this state may apply to the state cosmetology and barber board for a barber license. The board shall, without examination, unless the board determines to require an examination, issue a license to practice as a licensed barber in this state if the person meets the requirements of this section, is at least eighteen years of age and of good moral character, and pays the required fees. The board may waive any of the requirements of this section.

**Sec. 4709.09.** (A) Each person who desires to obtain a barber shop license shall apply to the state cosmetology and barber board, on forms provided by the board. The board shall issue a barber shop license to a person if the board determines that the person meets all of the requirements of division (B) of this section and pays the required license and inspection fees.

(B) In order for a person to qualify for a license to operate a barber shop, the barber shop shall meet all of the following requirements:



- (1) Be in the charge and under the immediate supervision of a licensed barber; 63103  
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- (2) Be equipped to provide running hot and cold water and proper drainage; 63105  
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- (3) Sanitize and maintain in a sanitary condition, all instruments and supplies; 63107  
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- (4) Keep towels and linens clean and sanitary and in a dry, dust-proof container; 63109  
63110
- (5) Display the shop license and a copy of the board's sanitary rules in a conspicuous place in the working area. 63111  
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- (C) Any licensed barber who leases space in a licensed barber shop and engages in the practice of barbering independent and free from supervision of the owner or manager of the barber shop is considered to be engaged in the operation of a separate and distinct barber shop and shall obtain a license to operate a barber shop pursuant to this section. 63113  
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- (D) A shop license is not transferable from one owner to another and if an owner or operator of a barber shop permanently ceases offering barber services at the shop, the owner or operator shall return the barber shop license to the board within ten days of the cessation of services. 63119  
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- (E)(1) Manicurists licensed under Chapter 4713. of the Revised Code may practice manicuring in a barber shop. 63124  
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- (2) Tanning facilities issued a permit under section 4713.48 of the Revised Code may be operated in a barber shop. 63126  
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- (F) Clothing and related accessories may be sold at retail in a barber shop so long as these sales maintain the integrity of the facility as a barber shop. 63128  
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- Sec. 4709.10.** (A) Each person who desires to obtain a license 63131

to operate a barber school shall apply to the state cosmetology 63132  
and barber board, on forms provided by the board. The board shall 63133  
issue a barber school license to a person if the board determines 63134  
that the person meets and will comply with all of the requirements 63135  
of division (B) of this section and pays the required licensure 63136  
and inspection fees. 63137

(B) In order for a person to qualify for a license to operate 63138  
a barber school, the barber school to be operated by the person 63139  
must meet all of the following requirements: 63140

(1) Have a training facility sufficient to meet the required 63141  
educational curriculum established by the board, including enough 63142  
space to accommodate all the facilities and equipment required by 63143  
rule by the board; 63144

(2) Provide sufficient licensed teaching personnel to meet 63145  
the minimum pupil-teacher ratio established by rule of the board; 63146

(3) Have established and provide to the board proof that it 63147  
has met all of the board requirements to operate a barber school, 63148  
as adopted by rule of the board; 63149

(4) File with the board a program of its curriculum, 63150  
accounting for not less than ~~eighteen~~ one thousand eight hundred 63151  
hours of instruction in the courses of theory and practical 63152  
demonstration required by rule of the board; 63153

(5) File with the board a surety bond in the amount of ten 63154  
thousand dollars issued by a bonding company licensed to do 63155  
business in this state. The bond shall be in the form prescribed 63156  
by the board and conditioned upon the barber school's continued 63157  
instruction in the theory and practice of barbering. The bond 63158  
shall continue in effect until notice of its termination is 63159  
provided to the board. In no event, however, shall the bond be 63160  
terminated while the barber school is in operation. Any student 63161  
who is injured or damaged by reason of a barber school's failure 63162

to continue instruction in the theory and practice of barbering 63163  
may maintain an action on the bond against the barber school or 63164  
the surety, or both, for the recovery of any money or tuition paid 63165  
in advance for instruction in the theory and practice of barbering 63166  
which was not received. The aggregate liability of the surety to 63167  
all students shall not exceed the sum of the bond. 63168

(6) Maintain adequate record keeping to ensure that it has 63169  
met the requirements for records of student progress as required 63170  
by board rule; 63171

(7) Establish minimum standards for acceptance of student 63172  
applicants for admission to the barber school. The barber school 63173  
may establish entrance requirements which are more stringent than 63174  
those prescribed by the board, but the requirements must at a 63175  
minimum require the applicant to meet all of the following: 63176

(a) Be at least seventeen years of age; 63177

(b) Be of good moral character; 63178

(c) Have an eighth grade education, or an equivalent 63179  
education as determined by the state board of education; 63180

(d) Submit two signed current photographs of ~~himself~~ the 63181  
applicant, in the size determined by the board. 63182

(8) Have a procedure to submit every student applicant's 63183  
admission application to the board for the board's review and 63184  
approval prior to the applicant's admission to the barber school; 63185

(9) Operate in a manner which reflects credit upon the 63186  
barbering profession; 63187

(10) Offer a curriculum of study which covers all aspects of 63188  
the scientific fundamentals of barbering as specified by rule of 63189  
the board; 63190

(11) Employ no more than two licensed assistant barber 63191  
teachers for each licensed barber teacher employed or fewer than 63192

two licensed teachers or one licensed teacher and one licensed 63193  
assistant teacher at each facility. 63194

(C) Each person who desires to obtain a barber teacher or 63195  
assistant barber teacher license shall apply to the ~~barber~~ board, 63196  
on forms provided by the ~~barber~~ board. The board shall only issue 63197  
a barber teacher license to a person who meets all of the 63198  
following requirements: 63199

(1) Holds a current barber license issued pursuant to this 63200  
chapter and has at least eighteen months of work experience in a 63201  
licensed barber shop or has been employed as an assistant barber 63202  
teacher under the supervision of a licensed barber teacher for at 63203  
least one year, unless, for good cause, the board waives this 63204  
requirement; 63205

(2) Meets such other requirements as adopted by rule by the 63206  
board; 63207

(3) Passes the required examination; and 63208

(4) Pays the required fees. If an applicant fails to pass the 63209  
examination, ~~he~~ the applicant may reapply for the examination and 63210  
licensure no earlier than one year after the failure to pass and 63211  
provided that during that period, ~~he~~ the applicant remains 63212  
employed as an assistant barber teacher. 63213

The board shall only issue an assistant barber teacher 63214  
license to a person who holds a current barber license issued 63215  
pursuant to this chapter and pays the required fees. 63216

(D) Any person who meets the qualifications of an assistant 63217  
teacher pursuant to division (C) of this section, may be employed 63218  
as an assistant teacher, provided that within five days after the 63219  
commencement of the employment the barber school submits to the 63220  
board, on forms provided by the board, the applicant's 63221  
qualifications. 63222

Sec. 4709.12. (A) The <u>state cosmetology and</u> barber board	63223
shall charge and collect the following fees:	63224
(1) For the application to take the barber examination,	63225
ninety dollars;	63226
(2) For an application to retake any part of the barber	63227
examination, forty-five dollars;	63228
(3) For the initial issuance of a license to practice as a	63229
barber, thirty dollars;	63230
(4) For the biennial renewal of the license to practice as a	63231
barber, one hundred ten dollars;	63232
(5) For the restoration of an expired barber license, one	63233
hundred dollars, and seventy-five dollars for each lapsed year,	63234
provided that the total fee shall not exceed six hundred ninety	63235
dollars;	63236
(6) For the issuance of a duplicate barber or shop license,	63237
forty-five dollars;	63238
(7) For the inspection of a new barber shop, change of	63239
ownership, or reopening of premises or facilities formerly	63240
operated as a barber shop, and issuance of a shop license, one	63241
hundred ten dollars;	63242
(8) For the biennial renewal of a barber shop license,	63243
seventy-five dollars;	63244
(9) For the restoration of a barber shop license, one hundred	63245
ten dollars;	63246
(10) For each inspection of premises for location of a new	63247
barber school, or each inspection of premises for relocation of a	63248
currently licensed barber school, seven hundred fifty dollars;	63249
(11) For the initial barber school license, one thousand	63250
dollars, and one thousand dollars for the renewal of the license;	63251

(12) For the restoration of a barber school license, one thousand dollars;	63252 63253
(13) For the issuance of a student registration, forty dollars;	63254 63255
(14) For the examination and issuance of a biennial teacher license, one hundred eighty-five dollars;	63256 63257
(15) For the renewal of a biennial teacher license, one hundred fifty dollars;	63258 63259
(16) For the restoration of an expired teacher license, two hundred twenty-five dollars, and sixty dollars for each lapsed year, provided that the total fee shall not exceed four hundred fifty dollars;	63260 63261 63262 63263
(17) For the issuance of a barber license by reciprocity pursuant to section 4709.08 of the Revised Code, three hundred dollars;	63264 63265 63266
(18) For providing licensure information concerning an applicant, upon written request of the applicant, forty dollars.	63267 63268
(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that the fees do not exceed the amounts permitted by this section by more than fifty per cent.	63269 63270 63271 63272
(C) In addition to any other fee charged and collected under this section, the <del>barber</del> board shall ask each person renewing a license to practice as a barber whether the person wishes to make a two-dollar voluntary contribution to the Ed Jeffers barber museum. The board shall transmit any contributions to the treasurer of state for deposit into the occupational licensing fund.	63273 63274 63275 63276 63277 63278 63279
<b>Sec. 4709.13.</b> (A) The <u>state cosmetology and</u> barber board may refuse to issue or renew or may suspend or revoke or impose	63280 63281

conditions upon any license issued pursuant to this chapter for	63282
any one or more of the following causes:	63283
(1) Advertising by means of knowingly false or deceptive	63284
statements;	63285
(2) Habitual drunkenness or possession of or addiction to the	63286
use of any controlled drug prohibited by state or federal law;	63287
(3) Immoral or unprofessional conduct;	63288
(4) Continuing to be employed in a barber shop wherein rules	63289
of the board or department of health are violated;	63290
(5) Employing any person who does not have a current Ohio	63291
license to perform the practice of barbering;	63292
(6) Owning, managing, operating, or controlling any barber	63293
school or portion thereof, wherein the practice of barbering is	63294
carried on, whether in the same building or not, without	63295
displaying a sign at all entrances to the places where the	63296
barbering is carried on, indicating that the work therein is done	63297
by students exclusively;	63298
(7) Owning, managing, operating, or controlling any barber	63299
shop, unless it displays a recognizable sign or barber pole	63300
indicating that it is a barber shop, and the sign or pole is	63301
clearly visible at the main entrance to the shop;	63302
(8) Violating any sanitary rules approved by the department	63303
of health or the board;	63304
(9) Employing another person to perform or personally perform	63305
the practice of barbering in a licensed barber shop unless that	63306
person is licensed as a barber under this chapter;	63307
(10) Gross incompetence.	63308
(B)(1) The board may refuse to renew or may suspend or revoke	63309
or impose conditions upon any license issued pursuant to this	63310
chapter for conviction of or plea of guilty to a felony committed	63311

after the person has been issued a license under this chapter, 63312  
shown by a certified copy of the record of the court in which the 63313  
person was convicted or pleaded guilty. 63314

(2) A conviction or plea of guilty to a felony committed 63315  
prior to being issued a license under this chapter shall not 63316  
disqualify a person from being issued an initial license under 63317  
this chapter. 63318

(C) Prior to taking any action under division (A) or (B) of 63319  
this section, the board shall provide the person with a statement 63320  
of the charges against the person and notice of the time and place 63321  
of a hearing on the charges. The board shall conduct the hearing 63322  
according to Chapter 119. of the Revised Code. Any person 63323  
dissatisfied with a decision of the board may appeal the board's 63324  
decision to the court of common pleas in Franklin county. 63325

(D) The board may adopt rules in accordance with Chapter 119. 63326  
of the Revised Code, specifying additional grounds upon which the 63327  
board may take action under division (A) of this section. 63328

**Sec. 4709.14.** (A) If the state cosmetology and barber board 63329  
determines that any person is violating or threatening to violate 63330  
any provision of this chapter or the rules adopted pursuant 63331  
thereto and such violation or threatened violation is a threat to 63332  
the health or safety of persons who use barber services, the board 63333  
may apply to a court of competent jurisdiction in the county in 63334  
which the violation or threatened violation occurred or will occur 63335  
for injunctive relief and such other relief to prevent further 63336  
violations. The attorney general shall, at the board's request, 63337  
represent the board in any such action. 63338

(B) If the board determines, after a hearing conducted in 63339  
accordance with Chapter 119. of the Revised Code, that any person 63340  
has violated any provision of this chapter or the rules adopted 63341  
pursuant thereto, the board may, in addition to any other action 63342



it may take or any other penalty imposed pursuant to this chapter, 63343  
impose one or more fines upon the person. In no event, however, 63344  
shall the fines imposed under this division exceed five hundred 63345  
dollars for a first offense or one thousand dollars for each 63346  
subsequent offense. 63347

(C) A person who allegedly has violated a provision of this 63348  
chapter for which the board proposes to impose a fine may pay the 63349  
board the amount of the fine and waive the right to an 63350  
adjudicatory hearing conducted under Chapter 119. of the Revised 63351  
Code and described in division (B) of this section. 63352

**Sec. 4709.23.** No phase of barbering shall be taught for pay, 63353  
free, or otherwise, without approval from the state cosmetology 63354  
and barber board. 63355

**Sec. 4713.01.** As used in this chapter: 63356

"Apprentice instructor" means an individual holding a 63357  
practicing license issued by the state ~~board of~~ cosmetology and 63358  
barber board who is engaged in learning or acquiring knowledge of 63359  
the occupation of an instructor of a branch of cosmetology at a 63360  
school of cosmetology. 63361

"Beauty salon" means a salon in which an individual is 63362  
authorized to engage in all branches of cosmetology. 63363

"Biennial licensing period" means the two-year period 63364  
beginning on the first day of February of an odd-numbered year and 63365  
ending on the last day of January of the next odd-numbered year. 63366

"Boutique salon" means a salon in which an individual engages 63367  
in boutique services and no other branch of cosmetology. 63368

"Boutique services" means braiding, threading, and 63369  
shampooing. 63370

"Braiding" means intertwining the hair in a systematic motion 63371

to create patterns in a three-dimensional form, inverting the hair 63372  
against the scalp along part of a straight or curved row of 63373  
intertwined hair, or twisting the hair in a systematic motion, and 63374  
includes extending the hair with natural or synthetic hair fibers. 63375

"Branch of cosmetology" means the practice of cosmetology, 63376  
practice of esthetics, practice of hair design, practice of 63377  
manicuring, practice of natural hair styling, or practice of 63378  
boutique services. 63379

"Cosmetic therapy" has the same meaning as in section 4731.15 63380  
of the Revised Code. 63381

"Cosmetologist" means an individual authorized to engage in 63382  
all branches of cosmetology in a licensed facility. 63383

"Cosmetology" means the art or practice of embellishment, 63384  
cleansing, beautification, and styling of hair, wigs, postiches, 63385  
face, body, or nails. 63386

"Cosmetology instructor" means an individual authorized to 63387  
teach the theory and practice of all branches of cosmetology at a 63388  
school of cosmetology. 63389

"Esthetician" means an individual who engages in the practice 63390  
of esthetics but no other branch of cosmetology in a licensed 63391  
facility. 63392

"Esthetics instructor" means an individual who teaches the 63393  
theory and practice of esthetics, but no other branch of 63394  
cosmetology, at a school of cosmetology. 63395

"Esthetics salon" means a salon in which an individual 63396  
engages in the practice of esthetics but no other branch of 63397  
cosmetology. 63398

"Eye lash extensions" include temporary and semi-permanent 63399  
enhancements designed to add length, thickness, and fullness to 63400  
natural eyelashes. 63401

"Hair designer" means an individual who engages in the practice of hair design but no other branch of cosmetology in a licensed facility.

"Hair design instructor" means an individual who teaches the theory and practice of hair design, but no other branch of cosmetology, at a school of cosmetology.

"Hair design salon" means a salon in which an individual engages in the practice of hair design but no other branch of cosmetology.

"Hair removal" includes tweezing, waxing, sugaring, and threading. "Hair removal" does not include electrolysis.

"Independent contractor" means an individual who is not an employee of a salon but practices a branch of cosmetology within a salon in a licensed facility.

"Instructor license" means a license to teach the theory and practice of a branch of cosmetology at a school of cosmetology.

"Licensed facility" means any premises, building, or part of a building licensed under section 4713.41 of the Revised Code in which cosmetology services are authorized by the state ~~board of~~ cosmetology and barber board to be performed.

"Advanced cosmetologist" means an individual authorized to work in a beauty salon and engage in all branches of cosmetology.

"Advanced esthetician" means an individual authorized to work in an esthetics salon, but no other type of salon, and engage in the practice of esthetics, but no other branch of cosmetology.

"Advanced hair designer" means an individual authorized to work in a hair design salon, but no other type of salon, and engage in the practice of hair design, but no other branch of cosmetology.

"Advanced license" means a license to work in a salon and

practice the branch of cosmetology practiced at the salon. 63432

"Advanced manicurist" means an individual authorized to work 63433  
in a nail salon, but no other type of salon, and engage in the 63434  
practice of manicuring, but no other branch of cosmetology. 63435

"Advanced natural hair stylist" means an individual 63436  
authorized to work in a natural hair style salon, but no other 63437  
type of salon, and engage in the practice of natural hair styling, 63438  
but no other branch of cosmetology. 63439

"Manicurist" means an individual who engages in the practice 63440  
of manicuring but no other branch of cosmetology in a licensed 63441  
facility. 63442

"Manicurist instructor" means an individual who teaches the 63443  
theory and practice of manicuring, but no other branch of 63444  
cosmetology, at a school of cosmetology. 63445

"Nail salon" means a salon in which an individual engages in 63446  
the practice of manicuring but no other branch of cosmetology. 63447

"Natural hair stylist" means an individual who engages in the 63448  
practice of natural hair styling but no other branch of 63449  
cosmetology in a licensed facility. 63450

"Natural hair style instructor" means an individual who 63451  
teaches the theory and practice of natural hair styling, but no 63452  
other branch of cosmetology, at a school of cosmetology. 63453

"Natural hair style salon" means a salon in which an 63454  
individual engages in the practice of natural hair styling but no 63455  
other branch of cosmetology. 63456

"Practice of braiding" means utilizing the technique of 63457  
intertwining hair in a systematic motion to create patterns in a 63458  
three-dimensional form, including patterns that are inverted, 63459  
upright, or singled against the scalp that follow along straight 63460  
or curved partings. It may include twisting or locking the hair 63461

while adding bulk or length with human hair, synthetic hair, or 63462  
both and using simple devices such as clips, combs, and hairpins. 63463  
"Practice of braiding" does not include application of weaving, 63464  
bonding, and fusion of individual strands or wefts; application of 63465  
dyes, reactive chemicals, or other preparations to alter the color 63466  
or straighten, curl, or alter the structure of hair; embellishing 63467  
or beautifying hair by cutting or singeing, except as needed to 63468  
finish the ends of synthetic fibers used to add bulk to or 63469  
lengthen hair. 63470

"Practice of cosmetology" means the practice of all branches 63471  
of cosmetology. 63472

"Practice of esthetics" means the application of cosmetics, 63473  
tonics, antiseptics, creams, lotions, or other preparations for 63474  
the purpose of skin beautification and includes preparation of the 63475  
skin by manual massage techniques or by use of electrical, 63476  
mechanical, or other apparatus; enhancement of the skin by skin 63477  
care, facials, body treatments, hair removal, and other 63478  
treatments; and eye lash extension services. 63479

"Practice of hair design" means embellishing or beautifying 63480  
hair, wigs, or hairpieces by arranging, dressing, pressing, 63481  
curling, waving, permanent waving, cleansing, cutting, singeing, 63482  
bleaching, coloring, braiding, weaving, or similar work. "Practice 63483  
of hair design" includes utilizing techniques performed by hand 63484  
that result in tension on hair roots such as twisting, wrapping, 63485  
weaving, extending, locking, or braiding of the hair. 63486

"Practice of manicuring" means cleaning, trimming, shaping 63487  
the free edge of, or applying polish to the nails of any 63488  
individual; applying nail enhancements and embellishments to any 63489  
individual; massaging the hands and lower arms up to the elbow of 63490  
any individual; massaging the feet and lower legs up to the knee 63491  
of any individual; using lotions or softeners on the hands and 63492  
feet of any individual; or any combination of these types of 63493

services. 63494

"Practice of natural hair styling" means utilizing techniques 63495  
performed by hand that result in tension on hair roots such as 63496  
twisting, wrapping, weaving, extending, locking, or braiding of 63497  
the hair. "Practice of natural hair styling" does not include the 63498  
application of dyes, reactive chemicals, or other preparations to 63499  
alter the color or to straighten, curl, or alter the structure of 63500  
the hair. "Practice of natural hair styling" also does not include 63501  
embellishing or beautifying hair by cutting or singeing, except as 63502  
needed to finish off the end of a braid, or by dressing, pressing, 63503  
curling, waving, permanent waving, or similar work. 63504

"Practicing license" means a license to practice a branch of 63505  
cosmetology in a licensed facility. 63506

"Salon" means a licensed facility on any premises, building, 63507  
or part of a building in which an individual engages in the 63508  
practice of one or more branches of cosmetology. "Salon" does not 63509  
include a barber shop licensed under Chapter 4709. of the Revised 63510  
Code. "Salon" does not mean a tanning facility, although a tanning 63511  
facility may be located in a salon. 63512

"School of cosmetology" means any premises, building, or part 63513  
of a building in which students are instructed in the theories and 63514  
practices of one or more branches of cosmetology. 63515

"Shampooing" means the act of cleansing and conditioning an 63516  
individual's hair under the supervision of an individual licensed 63517  
under this chapter and in preparation to immediately receive a 63518  
service from a licensee. 63519

"Student" means an individual, other than an apprentice 63520  
instructor, who is engaged in learning or acquiring knowledge of 63521  
the practice of a branch of cosmetology at a school of 63522  
cosmetology. 63523

"Tanning facility" means any premises, building, or part of a 63524

building that contains one or more rooms or booths with any of the 63525  
following: 63526

(A) Equipment or beds used for tanning human skin by the use 63527  
of fluorescent sun lamps using ultraviolet or other artificial 63528  
radiation; 63529

(B) Equipment or booths that use chemicals applied to human 63530  
skin, including chemical applications commonly referred to as 63531  
spray-on, mist-on, or sunless tans; 63532

(C) Equipment or beds that use visible light for cosmetic 63533  
purposes. 63534

"Threading" includes a service that results in the removal of 63535  
hair from its follicle from around the eyebrows and from other 63536  
parts of the face with the use of a single strand of thread and an 63537  
astringent, if the service does not use chemicals of any kind, 63538  
wax, or any implements, instruments, or tools to remove hair. 63539

**Sec. 4713.02.** (A) There is hereby created the state ~~board of~~ 63540  
cosmetology and barber board, consisting of all of the following 63541  
members appointed by the governor, with the advice and consent of 63542  
the senate: 63543

(1) One individual holding a current, valid cosmetologist or 63544  
cosmetology instructor license at the time of appointment; 63545

(2) Two individuals holding current, valid cosmetologist 63546  
licenses and actively engaged in managing beauty salons for a 63547  
period of not less than five years at the time of appointment; 63548

(3) One individual who holds a current, valid independent 63549  
contractor license at the time of appointment and practices a 63550  
branch of cosmetology; 63551

(4) One individual who represents individuals who teach the 63552  
theory and practice of a branch of cosmetology at a vocational or 63553  
career-technical school; 63554

- (5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology; 63555  
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- (6) One owner of at least five licensed salons; 63557
- (7) One individual who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 63558  
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- (8) One individual representing the general public; 63564
- (9) One individual who holds a current, valid tanning permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment; 63565  
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- (10) One individual who holds a current, valid esthetician license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the individual's appointment; 63568  
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- (11) Two barbers, one of whom is an employer barber and one of whom is employed as a barber, both of whom have been licensed as barbers in this state for at least five years immediately preceding their appointment. 63572  
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- (B) The superintendent of public instruction shall nominate three individuals for the governor to choose from when making an appointment under division (A)(4) of this section. 63576  
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- (C) All members shall be at least twenty-five years of age, residents of the state, and citizens of the United States. No more than two members, at any time, shall be graduates of the same school of cosmetology. Not more than one member shall have a common financial connection with any school of cosmetology ~~or~~ salon, barber school, or barber shop. 63579  
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Terms of office are for five years. Terms shall commence on 63585  
the first day of November and end on the thirty-first day of 63586  
October. Each member shall hold office from the date of 63587  
appointment until the end of the term for which appointed. In case 63588  
of a vacancy occurring on the board, the governor shall, in the 63589  
same manner prescribed for the regular appointment to the board, 63590  
fill the vacancy by appointing a member. Any member appointed to 63591  
fill a vacancy occurring prior to the expiration of the term for 63592  
which the member's predecessor was appointed shall hold office for 63593  
the remainder of such term. Any member shall continue in office 63594  
subsequent to the expiration date of the member's term until the 63595  
member's successor takes office, or until a period of sixty days 63596  
has elapsed, whichever occurs first. Before entering upon the 63597  
discharge of the duties of the office of member, each member shall 63598  
take, and file with the secretary of state, the oath of office 63599  
required by Section 7 of Article XV, Ohio Constitution. 63600

The members of the board shall receive an amount fixed 63601  
pursuant to Chapter 124. of the Revised Code per diem for every 63602  
meeting of the board which they attend, together with their 63603  
necessary expenses, and mileage for each mile necessarily 63604  
traveled. 63605

The members of the board shall annually elect, from among 63606  
their number, a chairperson and a vice-chairperson. The executive 63607  
director appointed pursuant to section 4713.06 of the Revised Code 63608  
shall serve as the board's secretary. 63609

(D) The board shall prescribe the duties of its officers and 63610  
establish an office within Franklin county. The board shall keep 63611  
all records and files at the office and have the records and files 63612  
at all reasonable hours open to public inspection in accordance 63613  
with section 149.43 of the Revised Code and any rules adopted by 63614  
the board in compliance with this state's record retention policy. 63615  
The board also shall adopt a seal for the authentication of its 63616

orders, communications, and records. 63617

(E) The governor may remove any member for cause prior to the expiration of the member's term of office. 63618  
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(F) Whenever the term "state board of cosmetology" is used, referred to, or designated in statute, rule, contract, grant, or other document, the use, reference, or designation shall be deemed to mean the "state cosmetology and barber board" or the executive director of the state cosmetology and barber board, whichever is appropriate in context. Whenever the term "barber board" is used, referred to, or designated in statute, rule, contract, grant, or other document, the use, reference, or designation shall be deemed to mean the "state cosmetology and barber board" or the executive director of the state cosmetology and barber board, whichever is appropriate in context. 63620  
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**Sec. 4713.03.** The state ~~board~~ of cosmetology and barber board shall hold meetings to transact its business at least four times a year. The board may hold additional meetings as, in its judgment, are necessary. The board shall meet at the times and places it selects. 63631  
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**Sec. 4713.04.** The state ~~board~~ of cosmetology and barber board may authorize any of its members, in writing, to undertake any proceedings authorized by this chapter, and the finding or order of such members is the finding of the board when confirmed by it. 63636  
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**Sec. 4713.05.** All receipts of the state ~~board~~ of cosmetology and barber board shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund. All vouchers of the board shall be approved by the board chairperson or executive director, or both, as authorized by the board. 63641  
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**Sec. 4713.06.** The state ~~board of~~ cosmetology and barber board 63646  
shall annually appoint an executive director. The executive 63647  
director may not be a member of the board, but subsequent to 63648  
appointment, shall serve as secretary of the board. The executive 63649  
director, before entering upon the discharge of the executive 63650  
director's duties, shall file with the secretary of state a good 63651  
and sufficient bond payable to the state, to ensure the faithful 63652  
performance of duties of the office of executive director. The 63653  
bond shall be in an amount the board requires. The premium of the 63654  
bond shall be paid from appropriations made to the board for 63655  
operating purposes. Whenever the term "executive director of the 63656  
state board of cosmetology" or the term "executive director of the 63657  
barber board," or variations thereof, is used, referred to, or 63658  
designated in statute, rule, contract, grant, or other document, 63659  
the use, reference, or designation shall be deemed to mean the 63660  
"executive director of the state cosmetology and barber board." 63661

The board may employ inspectors, examiners, consultants on 63662  
contents of examinations, clerks, or other individuals as 63663  
necessary for the administration of this chapter and Chapter 4709. 63664  
of the Revised Code. All inspectors and examiners shall be 63665  
licensed cosmetologists pursuant to this chapter or licensed 63666  
barbers pursuant to Chapter 4709. of the Revised Code. 63667

The board may appoint inspectors to inspect and investigate 63668  
all facilities regulated by this chapter and Chapter 4709. of the 63669  
Revised Code, including tanning facilities, to ensure compliance 63670  
with this chapter and Chapter 4709. of the Revised Code, the rules 63671  
adopted ~~pursuant to it~~ by the board, and the board's policies, in 63672  
accordance with division (A)(11) of section 4713.07 of the Revised 63673  
Code. 63674

**Sec. 4713.07.** (A) The state ~~board of~~ cosmetology and barber 63675  
board shall do all of the following: 63676

- (1) Regulate the practice of cosmetology and all of its branches in this state; 63677  
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- (2) Investigate or inspect, when evidence appears to demonstrate that an individual has violated any provision of this chapter or any rule adopted pursuant to it, the activities or premises of a license holder or unlicensed individual; 63679  
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- (3) Adopt rules in accordance with section 4713.08 of the Revised Code; 63683  
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- (4) Prescribe and make available application forms to be used by individuals seeking admission to an examination conducted under section 4713.24 of the Revised Code or a license or registration issued under this chapter; 63685  
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- (5) Prescribe and make available application forms to be used by individuals seeking renewal of a license or registration issued under this chapter; 63689  
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- (6) Provide a toll-free number and an online service to receive complaints alleging violations of this chapter or Chapter 4709. of the Revised Code; 63692  
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- (7) Report to the proper prosecuting officer violations of section 4713.14 of the Revised Code of which the board is aware; 63695  
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- (8) Submit a written report annually to the governor that provides all of the following: 63697  
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- (a) A discussion of the conditions in this state of the branches of cosmetology; 63699  
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- (b) An evaluation of board activities intended to aid or protect consumers; 63701  
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- (c) A brief summary of the board's proceedings during the year the report covers; 63703  
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- ~~(e)~~(d) A statement of all money that the board received and expended during the year the report covers. 63705  
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- (9) Keep a record of all of the following: 63707
- (a) The board's proceedings; 63708
- (b) The name and last known physical address, electronic mail address, and telephone number of each individual issued a license or registration under this chapter; 63709  
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- (c) The date and number of each license, permit, and registration that the board issues. 63712  
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- (10) Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons or other facilities within this state; 63714  
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- (11) Require inspectors appointed pursuant to section 4713.06 of the Revised Code to conduct inspections of licensed or permitted facilities, including salons and boutique salons, schools of cosmetology, barber schools, barber shops, and tanning facilities, within ninety days of the opening for business of a licensed facility, upon complaints reported to the board, within ninety days after a violation was documented at a facility, and at least once every two years. Any individual, after providing the individual's name and contact information, may report to the board any information the individual may have that appears to show a violation of any provision of this chapter or rule adopted under it or a violation of any provision of Chapter 4709. of the Revised Code or rule adopted by the board pursuant to Chapter 4709. of the Revised Code. In the absence of bad faith, any individual who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for damages in a civil action as a result of the report or testimony. For the purpose of inspections, an independent contractor shall be added to the board's records as an individual salon. 63717  
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- (12) Supply a copy of the poster created pursuant to division 63737

(B) of section 5502.63 of the Revised Code to each person	63738
authorized to operate a salon, school of cosmetology, tanning	63739
facility, or other type of facility under this chapter;	63740
(13) All other duties that this chapter imposes on the board.	63741
(B) The board may delegate any of the duties listed in	63742
division (A) of this section to the executive director of the	63743
board or to an individual designated by the executive director.	63744
<b>Sec. 4713.071.</b> (A) <del>Beginning one year after the effective</del>	63745
<del>date of this section, the</del> <u>The state board of cosmetology and</u>	63746
<u>barber board</u> shall annually submit a written report to the	63747
governor, president of the senate, and speaker of the house of	63748
representatives. The report shall list all of the following for	63749
the preceding twelve-month period:	63750
(1) The number of students enrolled in courses at licensed	63751
public and private schools of cosmetology <u>and barbering</u> ;	63752
(2) The number of students graduating from licensed public	63753
and private schools of cosmetology <u>and barbering</u> ;	63754
(3) The annual cost for students to attend each licensed	63755
public or private school of cosmetology <u>and barbering</u> ;	63756
(4) The loan default rates for licensed public and private	63757
schools of cosmetology <u>and barbering</u> ;	63758
(5) The first-time licensure passage rate for graduates of	63759
all public and private schools <u>of cosmetology and barbering</u> ;	63760
(6) The total number of new and renewal licenses in each	63761
profession;	63762
(7) The total number of complaint-driven inspections	63763
conducted by the board;	63764
(8) The total number and type of violations, including a list	63765
of the top ten violations, which shall aid in the identification	63766

of focus areas for continuing education purposes; 63767

(9) The twenty salons and individuals cited with the most violations for unlicensed workers; 63768  
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(10) The number of adjudications or other disciplinary action taken by the board. 63770  
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(B) The board shall include in the final report under division (A) of this section any recommendations it has for changes to this chapter or Chapter 4709. of the Revised Code. 63772  
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**Sec. 4713.08.** (A) The state ~~board of~~ cosmetology and barber board shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this chapter. The rules shall do all of the following: 63775  
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(1) Govern the practice of the branches of cosmetology; 63779

(2) Specify conditions an individual must satisfy to qualify for a temporary pre-examination work permit under section 4713.22 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section; 63780  
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(3) Provide for the conduct of examinations under section 4713.24 of the Revised Code; 63784  
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(4) Specify conditions under which the board will take into account, under section 4713.32 of the Revised Code, instruction an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code received more than five years before the date of application for the license; 63786  
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(5) Provide for the granting of waivers under section 4713.29 of the Revised Code; 63791  
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(6) Specify conditions an applicant must satisfy for the board to issue the applicant a license under section 4713.34 of the Revised Code without the applicant taking an examination 63793  
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conducted under section 4713.24 of the Revised Code;	63796
(7) Specify locations in which glamour photography services in which a branch of cosmetology is practiced may be provided;	63797 63798
(8) Establish conditions and the fee for a temporary special occasion work permit under section 4713.37 of the Revised Code and specify the amount of time such a permit is valid;	63799 63800 63801
(9) Specify conditions an applicant must satisfy for the board to issue the applicant an independent contractor license under section 4713.39 of the Revised Code and the fee for issuance and renewal of the license;	63802 63803 63804 63805
(10) Establish conditions under which food may be sold at a salon;	63806 63807
(11) Specify which professions regulated by a professional regulatory board of this state may be practiced in a salon under section 4713.42 of the Revised Code;	63808 63809 63810
(12) Establish standards for the provision of cosmetic therapy, massage therapy, or other professional service in a salon pursuant to section 4713.42 of the Revised Code;	63811 63812 63813
(13) Establish standards for board approval of, and the granting of credits for, training in branches of cosmetology at schools of cosmetology licensed in this state;	63814 63815 63816
(14) Establish the manner in which a school of cosmetology licensed under section 4713.44 of the Revised Code may offer post-secondary and advanced practice programs;	63817 63818 63819
(15) Establish sanitary standards for the practice of the branches of cosmetology, salons, and schools of cosmetology;	63820 63821
(16) Establish the application process for obtaining a tanning facility permit under section 4713.48 of the Revised Code, including the amount of the fee for an initial or renewed permit;	63822 63823 63824
(17) Establish standards for installing and operating a	63825



tanning facility in a manner that ensures the health and safety of consumers, including standards that do all of the following:

- (a) Establish a maximum safe time of exposure to radiation and a maximum safe temperature at which sun lamps may be operated;
- (b) Require consumers to wear protective eyeglasses;
- (c) Require consumers to be supervised as to the length of time consumers use the facility's sun lamps;
- (d) Require the operator to prohibit consumers from standing too close to sun lamps and to post signs warning consumers of the potential effects of radiation on individuals taking certain medications and of the possible relationship of the radiation to skin cancer;
- (e) Require the installation of protective shielding for sun lamps and handrails for consumers;
- (f) Require floors to be dry during operation of lamps;
- (g) Establish procedures an operator must follow in making reasonable efforts in compliance with section 4713.50 of the Revised Code to determine the age of an individual seeking to use sun lamp tanning services.

(18)(a) If the board, under section 4713.61 of the Revised Code, develops a procedure for classifying licenses inactive, do both of the following:

- (i) Establish a fee for having a license classified inactive that reflects the cost to the board of providing the inactive license service. If one or more renewal periods have elapsed since the license was valid, the fee shall not include lapsed renewal fees for more than three of those renewal periods;
- (ii) Specify the continuing education that an individual whose license has been classified inactive must complete to have the license restored. The continuing education shall be sufficient

to ensure the minimum competency in the use or administration of a new procedure or product required by a licensee necessary to protect public health and safety. The requirement shall not exceed the cumulative number of hours of continuing education that the individual would have been required to complete had the individual retained an active license.

(b) In addition, the board may specify the conditions and method for granting a temporary work permit to practice a branch of cosmetology to an individual whose license has been classified inactive.

(19) Establish a fee for approval of a continuing education program under section 4713.62 of the Revised Code that is adequate to cover any expense the board incurs in the approval process;

(20) Anything else necessary to implement this chapter.

(B)(1) The rules adopted under division (A)(2) of this section may establish additional conditions for a temporary pre-examination work permit under section 4713.22 of the Revised Code that are applicable to individuals who practice a branch of cosmetology in another state or country.

(2) The rules adopted under division (A)(18)(b) of this section may establish additional conditions for a temporary work permit that are applicable to individuals who practice a branch of cosmetology in another state.

(C) The conditions specified in rules adopted under division (A)(6) of this section may include that an applicant is applying for a license to practice a branch of cosmetology for which the board determines an examination is unnecessary.

(D) The rules adopted under division (A)(11) of this section shall not include a profession if practice of the profession in a salon is a violation of a statute or rule governing the profession.

(E) The sanitary standards established under division (A)(15) 63887  
of this section shall focus in particular on precautions to be 63888  
employed to prevent infectious or contagious diseases being 63889  
created or spread. The board shall consult with the Ohio 63890  
department of health when establishing the sanitary standards. 63891

(F) The fee established by rules adopted under division 63892  
(A)(16) of this section shall cover the cost the board incurs in 63893  
inspecting tanning facilities and enforcing the board's rules but 63894  
may not exceed one hundred dollars per location of such 63895  
facilities. 63896

**Sec. 4713.081.** The state ~~board of~~ cosmetology and barber 63897  
board shall furnish a copy of the sanitary standards established 63898  
by rules adopted under section 4713.08 of the Revised Code to each 63899  
individual to whom the board issues a practicing license, advanced 63900  
license, license to operate a salon or school of cosmetology, or 63901  
boutique services registration. The board also shall furnish a 63902  
copy of the sanitary standards to each individual providing 63903  
cosmetic therapy, massage therapy, or other professional service 63904  
in a salon under section 4713.42 of the Revised Code. A salon or 63905  
school of cosmetology provided a copy of the sanitary standards 63906  
shall post the standards in a public and conspicuous place in the 63907  
salon or school. 63908

**Sec. 4713.082.** The state ~~board of~~ cosmetology and barber 63909  
board shall furnish a copy of the standards established by rules 63910  
adopted under section 4713.08 of the Revised Code for installing 63911  
and operating a tanning facility to each individual to whom the 63912  
board issues a permit to operate a tanning facility. An individual 63913  
provided a copy of the standards shall post the standards in a 63914  
public and conspicuous place in the tanning facility. 63915

**Sec. 4713.09.** The state ~~board of~~ cosmetology and barber board 63916

may adopt rules in accordance with section 4713.08 of the Revised Code to establish a continuing education requirement, not to exceed eight hours in a biennial licensing period, as a condition of renewal for a practicing license, advanced license, instructor license, or boutique services registration. These hours may include training in identifying and addressing the crime of trafficking in persons as described in section 2905.32 of the Revised Code. At least two of the eight hours of the continuing education requirement must be achieved in courses concerning safety and sanitation, and at least one hour of the eight hours of the continuing education requirement must be achieved in courses concerning law and rule updates.

**Sec. 4713.10.** (A) The state board of cosmetology shall charge and collect the following fees:

(1) For a temporary pre-examination work permit under section 4713.22 of the Revised Code, ~~seven not more than fifteen~~ dollars and fifty cents;

(2) For initial application to take an examination under section 4713.24 of the Revised Code, ~~thirty-one not more than~~ forty dollars ~~and fifty cents~~;

(3) For application to take an examination under section 4713.24 of the Revised Code by an applicant who has previously applied to take, but failed to appear for, the examination, ~~forty~~ not more than fifty-five dollars;

(4) For application to re-take an examination under section 4713.24 of the Revised Code by an applicant who has previously appeared for, but failed to pass, the examination, ~~thirty-one not~~ more than forty dollars ~~and fifty cents~~;

(5) For the issuance of a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, ~~forty-five~~ not more than

seventy-five dollars; 63947

(6) For the issuance of a license under section 4713.34 of the Revised Code, not more than seventy dollars; 63948  
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(7) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, ~~forty-five~~ not more than seventy dollars; 63950  
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(8) For the issuance or renewal of a cosmetology school license, not more than two hundred fifty dollars; 63953  
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(9) For the issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of the Revised Code, ~~seventy-five~~ not more than one hundred dollars; 63955  
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(10) For the renewal of a salon license under section 4713.41 of the Revised Code, ~~sixty~~ not more than ninety dollars; 63958  
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(11) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, an amount equal to the sum of the current license renewal fee and a lapsed renewal fee of not more than forty-five dollars per license renewal period that has elapsed since the license was last issued or renewed; 63960  
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(12) For the issuance of a duplicate of any license, ~~twenty~~ not more than thirty dollars; 63966  
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(13) For the preparation and mailing of a licensee's records to another state for a reciprocity license, not more than fifty dollars; 63968  
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(14) For the processing of any fees related to a check from a licensee returned to the board for insufficient funds, an additional thirty dollars. 63971  
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(B) The board shall adjust the fees biennially, by rule, within the limits established by division (A) of this section, to provide sufficient revenues to meet its expenses. 63974  
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(C) The board may establish an installment plan for the 63977  
payment of fines and fees and may reduce fees as considered 63978  
appropriate by the board. 63979

~~(C)~~(D) At the request of a person who is temporarily unable 63980  
to pay a fee imposed under division (A) of this section, or on its 63981  
own motion, the board may extend the date payment is due by up to 63982  
ninety days. If the fee remains unpaid after the date payment is 63983  
due, the amount of the fee shall be certified to the attorney 63984  
general for collection in the form and manner prescribed by the 63985  
attorney general. The attorney general may assess the collection 63986  
cost to the amount certified in such a manner and amount as 63987  
prescribed by the attorney general. 63988

**Sec. 4713.11.** The state ~~board of~~ cosmetology and barber 63989  
board, subject to the approval of the controlling board, may 63990  
establish fees in excess of the amounts provided by section 63991  
4713.10 of the Revised Code, provided that any fee increase does 63992  
not exceed the amount permitted by more than fifty per cent. 63993

**Sec. 4713.13.** Whenever in the judgment of the state ~~board of~~ 63994  
cosmetology and barber board any individual has engaged in or is 63995  
about to engage in any acts or practices that constitute a 63996  
violation of this chapter, or any rule adopted under this chapter, 63997  
the board may apply to the appropriate court for an order 63998  
enjoining the acts or practices, and upon a showing by the board 63999  
that the individual has engaged in the acts or practices, the 64000  
court shall grant an injunction, restraining order, or other order 64001  
as may be appropriate. 64002

**Sec. 4713.141.** An inspector employed by the state ~~board of~~ 64003  
cosmetology and barber board may take a sample of a product used 64004  
or sold in a salon or school of cosmetology for the purpose of 64005  
examining the sample, or causing an examination of the sample to 64006

be made, to determine whether division (M) of section 4713.14 of  
the Revised Code has been violated.

Should the results of the test prove that division (M) of  
section 4713.14 of the Revised Code has been violated, the board  
shall take action in accordance with section 4713.64 of the  
Revised Code. A fine imposed under that section shall include the  
cost of the test. The person's license may be suspended or  
revoked.

**Sec. 4713.17.** (A) The following persons are exempt from the  
provisions of this chapter, except, as applicable, section 4713.42  
of the Revised Code:

(1) All individuals authorized to practice medicine, surgery,  
dentistry, and nursing or any of its branches in this state;

(2) Commissioned surgical and medical officers of the United  
States army, navy, air force, or marine hospital service when  
engaged in the actual performance of their official duties, and  
attendants attached to same;

(3) ~~Barbers, insofar as their usual and ordinary vocation and  
profession is concerned;~~

~~(4)~~ Funeral directors, embalmers, and apprentices licensed or  
registered under Chapter 4717. of the Revised Code;

~~(5)~~(4) Persons who are engaged in the retail sale, cleaning,  
or beautification of wigs and hairpieces but who do not engage in  
any other act constituting the practice of a branch of  
cosmetology;

~~(6)~~(5) Volunteers of hospitals, and homes as defined in  
section 3721.01 of the Revised Code, who render service to  
registered patients and inpatients who reside in such hospitals or  
homes. Such volunteers shall not use or work with any chemical

products such as permanent wave, hair dye, or chemical hair 64036  
relaxer, which without proper training would pose a health or 64037  
safety problem to the patient. 64038

~~(7)~~(6) Nurse aides and other employees of hospitals and homes 64039  
as defined in section 3721.01 of the Revised Code, who practice a 64040  
branch of cosmetology on registered patients only as part of 64041  
general patient care services and who do not charge patients 64042  
directly on a fee for service basis; 64043

~~(8)~~(7) Cosmetic therapists and massage therapists who hold 64044  
current, valid certificates to practice cosmetic or massage 64045  
therapy issued by the state medical board under section 4731.15 of 64046  
the Revised Code, to the extent their actions are authorized by 64047  
their certificates to practice; 64048

~~(9)~~(8) Inmates who provide services related to a branch of 64049  
cosmetology to other inmates, except when those services are 64050  
provided in a licensed school of cosmetology within a state 64051  
correctional institution for females. 64052

(B) The director of rehabilitation and correction shall 64053  
oversee the services described in division (A)~~(9)~~(8) of this 64054  
section with respect to sanitation and adopt rules governing those 64055  
types of services provided by inmates. 64056

**Sec. 4713.20.** Each individual who seeks admission to an 64057  
examination conducted under section 4713.24 of the Revised Code 64058  
shall submit both of the following to the state ~~board of~~ 64059  
cosmetology and barber board: 64060

(A) As part of a license application, proof that the 64061  
individual satisfies all conditions to obtain the license for 64062  
which the examination is conducted, other than the requirement to 64063  
have passed the examination; 64064

(B) A set of the individual's biometric fingerprint scan 64065



taken at the board's offices. 64066

**Sec. 4713.22.** (A) The state ~~board of~~ cosmetology and barber 64067  
board shall issue a temporary pre-examination work permit to an 64068  
individual who applies under section 4713.20 of the Revised Code 64069  
for admission to an examination conducted under section 4713.24 of 64070  
the Revised Code, if the individual satisfies all of the following 64071  
conditions: 64072

(1) Is seeking a practicing license or an instructor license; 64073

(2) Has not previously failed an examination conducted under 64074  
section 4713.24 of the Revised Code to determine the applicant's 64075  
fitness to practice or instruct the branch of cosmetology for 64076  
which the individual seeks a license; 64077

(3) Pays to the board the applicable fee; 64078

(4) Satisfies all other conditions established by rules 64079  
adopted under section 4713.08 of the Revised Code. 64080

(B) An individual issued a temporary pre-examination work 64081  
permit may practice the branch of cosmetology for which the 64082  
individual seeks a practicing license until the date the 64083  
individual is scheduled to take an examination under section 64084  
4713.24 of the Revised Code. The individual shall practice under 64085  
the supervision of an individual holding a current, valid license 64086  
appropriate for the type of salon in which the permit holder 64087  
practices. 64088

(C) An individual issued a temporary pre-examination work 64089  
permit may instruct the branch of cosmetology for which the 64090  
individual seeks an instructor license for a period not to exceed 64091  
one hundred twenty days. 64092

(D) A temporary pre-examination work permit is renewable in 64093  
accordance with rules adopted under section 4713.08 of the Revised 64094  
Code. 64095

**Sec. 4713.24.** (A) The state ~~board of~~ cosmetology and barber  
board shall conduct an examination for each individual who  
satisfies the requirements established by section 4713.20 of the  
Revised Code for admission to the examination. Examinations for  
licensure for any branch of cosmetology shall assess the ability  
of a prospective cosmetology professional to maintain a safe and  
sanitary place of service delivery. The board may develop and  
administer the appropriate examination or enter into an agreement  
with a national testing service to develop the examination,  
administer the examination, or both. The examination shall be  
specific to the type of license the individual seeks and satisfy  
all of the following conditions:

(1) Include both practical demonstrations and written or oral  
tests related to the type of license the individual seeks;

(2) Relate only to a branch of cosmetology, but not be  
confined to any special system or method;

(3) Be consistent in both practical and technical  
requirements for the type of license the individual seeks;

(4) Be of sufficient thoroughness to satisfy the board as to  
the individual's skill in and knowledge of the branch of  
cosmetology for which the examination is conducted.

(B) Not later than two years after ~~the effective date of this~~  
~~amendment~~ September 13, 2016, the board shall create a curriculum  
and an examination for individuals seeking licensure to become an  
instructor and shall conduct an examination for each individual  
who satisfies the requirements established pursuant to section  
4713.31 of the Revised Code for admission to the examination.

(C) The board shall adopt rules regarding the equipment or  
supplies an individual is required to bring to an examination  
described in this section.

(D) The board shall not release the questions developed for 64126  
the examinations and the practical demonstrations used in the 64127  
testing process, except for the following purposes: 64128

(1) Reviewing or rewriting of any part of the examination on 64129  
a periodic basis as prescribed in rules adopted under section 64130  
4713.08 of the Revised Code; 64131

(2) Testing of individuals in another state for admission to 64132  
the profession of cosmetology or any of its branches as required 64133  
under a contract or by means of a license with that state; 64134

(3) Complying with a public records request after which the 64135  
questions or the demonstrations have become a public record under 64136  
division (F) of this section and otherwise may lawfully be 64137  
released. 64138

(E) The examination papers and the scored results of the 64139  
practical demonstrations of each individual examined by the board 64140  
shall be open for inspection by the individual or the individual's 64141  
attorney for at least ninety days following the announcement of 64142  
the individual's grade, except for papers that under the terms of 64143  
a contract with a testing service are not available for 64144  
inspection. On written request of an individual or the 64145  
individual's attorney made to the board not later than ninety days 64146  
after announcement of the individual's grade, the board shall have 64147  
the individual's practical examination papers regraded manually. 64148

(F) Test materials, examinations, or evaluation tools used in 64149  
an examination for licensure under this chapter that the board 64150  
develops or contracts with a private or government entity to 64151  
administer shall become public records under section 149.43 of the 64152  
Revised Code fifteen years after the materials, examinations, or 64153  
tools were first used in an assessment for licensure, unless the 64154  
release of the record is otherwise prohibited by state or federal 64155  
law, or the record is deemed to be the proprietary information of 64156

a private entity. 64157

**Sec. 4713.25.** (A) The state ~~board of~~ cosmetology and barber 64158  
board may administer a separate advanced cosmetologist examination 64159  
for individuals who complete an advanced cosmetologist training 64160  
course separate from a cosmetologist training course. The board 64161  
may combine the advanced cosmetologist examination with the 64162  
cosmetologist examination for individuals who complete a combined 64163  
cosmetologist and advanced cosmetologist training course. 64164

(B) The board may administer a separate advanced esthetician 64165  
examination for individuals who complete an advanced esthetician 64166  
training course separate from an esthetician training course. The 64167  
board may combine the advanced esthetician examination with the 64168  
esthetician examination for individuals who complete an 64169  
esthetician and advanced esthetician training course. 64170

(C) The board may administer a separate advanced hair 64171  
designer examination for individuals who complete an advanced hair 64172  
designer training course separate from a hair designer training 64173  
course. The board may combine the advanced hair designer 64174  
examination with the hair designer examination for individuals who 64175  
complete a hair designer and advanced hair designer training 64176  
course. 64177

(D) The board may administer a separate advanced manicurist 64178  
examination for individuals who complete an advanced manicurist 64179  
training course separate from a manicurist training course. The 64180  
board may combine the advanced manicurist examination with the 64181  
manicurist examination for individuals who complete a manicurist 64182  
and advanced manicurist training course. 64183

(E) The board may administer a separate advanced natural hair 64184  
stylist examination for individuals who complete an advanced 64185  
natural hair stylist training course separate from a natural hair 64186  
stylist training course. The board may combine the advanced 64187

natural hair stylist examination with the natural hair stylist 64188  
examination for individuals who complete a natural hair stylist 64189  
and advanced natural hair stylist training course. 64190

**Sec. 4713.28.** (A) The state ~~board of~~ cosmetology and barber 64191  
board shall issue a practicing license to an applicant who 64192  
satisfies all of the following applicable conditions: 64193

(1) Is at least sixteen years of age; 64194

(2) Is of good moral character; 64195

(3) Has the equivalent of an Ohio public school tenth grade 64196  
education; 64197

(4) Has submitted a written application on a form furnished 64198  
by the board that contains all of the following: 64199

(a) The name of the individual and any other identifying 64200  
information required by the board; 64201

(b) A recent photograph of the individual that meets the 64202  
specifications established by the board; 64203

(c) A photocopy of the individual's current driver's license 64204  
or other proof of legal residence; 64205

(d) Proof that the individual is qualified to take the 64206  
applicable examination as required by section 4713.20 of the 64207  
Revised Code; 64208

(e) An oath verifying that the information in the application 64209  
is true; 64210

(f) The applicable application fee. 64211

(5) Passes an examination conducted under division (A) of 64212  
section 4713.24 of the Revised Code for the branch of cosmetology 64213  
the applicant seeks to practice; 64214

(6) Pays to the board the applicable license fee; 64215

(7) In the case of an applicant for an initial cosmetologist license, has successfully completed at least one thousand five hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;

(8) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state;

(9) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;

(10) In the case of an applicant for an initial manicurist license, has successfully completed at least two hundred hours of board-approved manicurist training in a school of cosmetology licensed in this state;

(11) In the case of an applicant for an initial natural hair stylist license, has successfully completed at least four hundred fifty hours of instruction in subjects relating to sanitation, scalp care, anatomy, hair styling, communication skills, and laws and rules governing the practice of cosmetology.

(B) The board shall not deny a license to any applicant based on prior incarceration or conviction for any crime. If the board denies an individual a license or license renewal, the reasons for

such denial shall be put in writing. 64247

**Sec. 4713.29.** In accordance with rules adopted under section 64248  
4713.08 of the Revised Code, the state ~~board of~~ cosmetology and 64249  
barber board may waive a condition established by section 4713.28 64250  
of the Revised Code for a license to practice a branch of 64251  
cosmetology for an applicant who practices that branch of 64252  
cosmetology in a state or country that does not license or 64253  
register branches of cosmetology. 64254

**Sec. 4713.30.** The state ~~board of~~ cosmetology and barber board 64255  
shall issue an advanced license to an applicant who satisfies all 64256  
of the following applicable conditions: 64257

(A) Is at least sixteen years of age; 64258

(B) Is of good moral character; 64259

(C) Has the equivalent of an Ohio public school tenth grade 64260  
education; 64261

(D) Pays to the board the applicable fee; 64262

(E) Passes the appropriate advanced license examination; 64263

(F) In the case of an applicant for an initial advanced 64264  
cosmetologist license, does either of the following: 64265

(1) Has a licensed advanced cosmetologist or owner of a 64266  
licensed beauty salon located in this or another state certify to 64267  
the board that the applicant has practiced as a cosmetologist for 64268  
at least one thousand eight hundred hours in a licensed beauty 64269  
salon; 64270

(2) Has a school of cosmetology licensed in this state 64271  
certify to the board that the applicant has successfully 64272  
completed, in addition to the hours required for licensure as a 64273  
cosmetologist, at least three hundred hours of board-approved 64274  
advanced cosmetologist training. 64275

(G) In the case of an applicant for an initial advanced 64276  
esthetician license, does either of the following: 64277

(1) Has the licensed advanced esthetician, licensed advanced 64278  
cosmetologist, or owner of a licensed esthetics salon or licensed 64279  
beauty salon located in this or another state certify to the board 64280  
that the applicant has practiced esthetics for at least one 64281  
thousand eight hundred hours as an esthetician in a licensed 64282  
esthetics salon or as a cosmetologist in a licensed beauty salon; 64283

(2) Has a school of cosmetology licensed in this state 64284  
certify to the board that the applicant has successfully 64285  
completed, in addition to the hours required for licensure as an 64286  
esthetician or cosmetologist, at least one hundred fifty hours of 64287  
board-approved advanced esthetician training. 64288

(H) In the case of an applicant for an initial advanced hair 64289  
designer license, does either of the following: 64290

(1) Has the licensed advanced hair designer, licensed 64291  
advanced cosmetologist, or owner of a licensed hair design salon 64292  
or licensed beauty salon located in this or another state certify 64293  
to the board that the applicant has practiced hair design for at 64294  
least one thousand eight hundred hours as a hair designer in a 64295  
licensed hair design salon or as a cosmetologist in a licensed 64296  
beauty salon; 64297

(2) Has a school of cosmetology licensed in this state 64298  
certify to the board that the applicant has successfully 64299  
completed, in addition to the hours required for licensure as a 64300  
hair designer or cosmetologist, at least two hundred forty hours 64301  
of board-approved advanced hair designer training. 64302

(I) In the case of an applicant for an initial advanced 64303  
manicurist license, does either of the following: 64304

(1) Has the licensed advanced manicurist, licensed advanced 64305  
cosmetologist, or owner of a licensed nail salon, licensed beauty 64306



salon, or licensed barber shop located in this or another state 64307  
certify to the board that the applicant has practiced manicuring 64308  
for at least one thousand eight hundred hours as a manicurist in a 64309  
licensed nail salon or licensed barber shop or as a cosmetologist 64310  
in a licensed beauty salon or licensed barber shop; 64311

(2) Has a school of cosmetology licensed in this state 64312  
certify to the board that the applicant has successfully 64313  
completed, in addition to the hours required for licensure as a 64314  
manicurist or cosmetologist, at least one hundred hours of 64315  
board-approved advanced manicurist training. 64316

(J) In the case of an applicant for an initial advanced 64317  
natural hair stylist license, does either of the following: 64318

(1) Has the licensed advanced natural hair stylist, licensed 64319  
advanced cosmetologist, or owner of a licensed natural hair style 64320  
salon or licensed beauty salon located in this or another state 64321  
certify to the board that the applicant has practiced natural hair 64322  
styling for at least one thousand eight hundred hours as a natural 64323  
hair stylist in a licensed natural hair style salon or as a 64324  
cosmetologist in a licensed beauty salon; 64325

(2) Has a school of cosmetology licensed in this state 64326  
certify to the board that the applicant has successfully 64327  
completed, in addition to the hours required for licensure as 64328  
natural hair stylist or cosmetologist, at least one hundred fifty 64329  
hours of board-approved advanced natural hair stylist training. 64330

**Sec. 4713.31.** The state ~~board of~~ cosmetology and barber board 64331  
shall issue an instructor license to an applicant who satisfies 64332  
all of the following applicable conditions: 64333

(A) Is at least eighteen years of age; 64334

(B) Is of good moral character; 64335

(C) Has the equivalent of an Ohio public school twelfth grade 64336

education;	64337
(D) Pays to the board the applicable fee;	64338
(E) In the case of an applicant for an initial cosmetology instructor license, holds a current, valid advanced cosmetologist license issued in this state and does either of the following:	64339 64340 64341
(1) Has the licensed advanced cosmetologist or owner of the licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;	64342 64343 64344 64345 64346
(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed one thousand hours of board-approved cosmetology instructor training as an apprentice instructor.	64347 64348 64349 64350
(F) In the case of an applicant for an initial esthetics instructor license, holds a current, valid advanced esthetician or advanced cosmetologist license issued in this state and does either of the following:	64351 64352 64353 64354
(1) Has the licensed advanced esthetician, licensed advanced cosmetologist, or owner of the licensed esthetics salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of esthetics in a licensed esthetics salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;	64355 64356 64357 64358 64359 64360 64361
(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least five hundred hours of board-approved esthetics instructor training as an apprentice instructor.	64362 64363 64364 64365
(G) In the case of an applicant for an initial hair design	64366

instructor license, holds a current, valid advanced hair designer 64367  
or advanced cosmetologist license and does either of the 64368  
following: 64369

(1) Has the licensed advanced hair designer, licensed 64370  
advanced cosmetologist, or owner of the licensed hair design salon 64371  
or licensed beauty salon in which the applicant has been employed 64372  
certify to the board that the applicant has engaged in the 64373  
practice of hair design in a licensed hair design salon or 64374  
practice of cosmetology in a licensed beauty salon for at least 64375  
one thousand eight hundred hours; 64376

(2) Has a school of cosmetology licensed in this state 64377  
certify to the board that the applicant has successfully completed 64378  
at least eight hundred hours of board-approved hair design 64379  
instructor's training as an apprentice instructor. 64380

(H) In the case of an applicant for an initial manicurist 64381  
instructor license, holds a current, valid advanced manicurist or 64382  
advanced cosmetologist license and does either of the following: 64383

(1) Has the licensed advanced manicurist, licensed advanced 64384  
cosmetologist, or owner of the licensed nail salon or licensed 64385  
beauty salon in which the applicant has been employed certify to 64386  
the board that the applicant has engaged in the practice of 64387  
manicuring in a licensed nail salon or practice of cosmetology in 64388  
a licensed beauty salon for at least one thousand eight hundred 64389  
hours; 64390

(2) Has a school of cosmetology licensed in this state 64391  
certify to the board that the applicant has successfully completed 64392  
at least three hundred hours of board-approved manicurist 64393  
instructor training as an apprentice instructor. 64394

(I) In the case of an applicant for an initial natural hair 64395  
style instructor license, holds a current, valid advanced natural 64396  
hair stylist or advanced cosmetologist license and does either of 64397

the following: 64398

(1) Has the licensed advanced natural hair stylist, licensed 64399  
advanced cosmetologist, or owner of the licensed natural hair 64400  
style salon or licensed beauty salon in which the applicant has 64401  
been employed certify to the board that the applicant has engaged 64402  
in the practice of natural hair styling in a licensed natural hair 64403  
style salon or practice of cosmetology in a licensed beauty salon 64404  
for at least one thousand eight hundred hours; 64405

(2) Has a school of cosmetology licensed in this state 64406  
certify to the board that the applicant has successfully completed 64407  
at least four hundred hours of board-approved natural hair style 64408  
instructor training as an apprentice instructor. 64409

(J) In the case of all applicants, passes an examination 64410  
conducted under division (B) of section 4713.24 of the Revised 64411  
Code for the branch of cosmetology the applicant seeks to 64412  
instruct. 64413

**Sec. 4713.32.** When determining the total hours of instruction 64414  
received by an applicant for a license under section 4713.28, 64415  
4713.30, or 4713.31 of the Revised Code, the state ~~board of~~ 64416  
cosmetology and barber board shall not take into account more than 64417  
ten hours of instruction per day. The board shall take into 64418  
account instruction received more than five years prior to the 64419  
date of application for the license in accordance with rules 64420  
adopted under section 4713.08 of the Revised Code. 64421

**Sec. 4713.34.** The state ~~board of~~ cosmetology and barber board 64422  
shall issue a license to practice a branch of cosmetology or 64423  
instructor license to an applicant who is licensed or registered 64424  
in another state or country to practice that branch of cosmetology 64425  
or teach the theory and practice of that branch of cosmetology, as 64426  
appropriate, if all of the following conditions are satisfied: 64427

(A) The applicant satisfies all of the following conditions:	64428
(1) Is not less than eighteen years of age;	64429
(2) Is of good moral character;	64430
(3) In the case of an applicant for a practicing license,	64431
passes an examination conducted under section 4713.24 of the	64432
Revised Code for the license the applicant seeks, unless the	64433
applicant satisfies conditions specified in rules adopted under	64434
section 4713.08 of the Revised Code for the board to issue the	64435
applicant a license without taking the examination;	64436
(4) Pays the applicable fee.	64437
(B) At the time the applicant obtained the license or	64438
registration in the other state or country, the requirements in	64439
this state for obtaining the license the applicant seeks were	64440
substantially equal to the other state or country's requirements.	64441
(C) The jurisdiction that issued the applicant's license or	64442
registration extends similar reciprocity to individuals holding a	64443
license issued by the board.	64444
<b>Sec. 4713.35.</b> An individual who holds a current, valid	64445
cosmetologist or advanced cosmetologist license issued by the	64446
state <del>board of</del> cosmetology <u>and barber board</u> may engage in the	64447
practice of one or more branches of cosmetology as the individual	64448
chooses in a licensed facility.	64449
An individual who holds a current, valid esthetician or	64450
advanced esthetician license issued by the board may engage in the	64451
practice of esthetics but no other branch of cosmetology in a	64452
licensed facility.	64453
An individual who holds a current, valid hair designer or	64454
advanced hair designer license issued by the board may engage in	64455
the practice of hair design but no other branch of cosmetology in	64456
a licensed facility.	64457

An individual who holds a current, valid manicurist or 64458  
advanced manicurist license issued by the board may engage in the 64459  
practice of manicuring but no other branch of cosmetology in a 64460  
licensed facility. 64461

An individual who holds a current, valid natural hair stylist 64462  
or advanced natural hair stylist license issued by the board may 64463  
engage in the practice of natural hair styling but no other branch 64464  
of cosmetology in a licensed facility. 64465

An individual who holds a current, valid cosmetology 64466  
instructor license issued by the board may teach the theory and 64467  
practice of one or more branches of cosmetology at a school of 64468  
cosmetology as the individual chooses. 64469

An individual who holds a current, valid esthetics instructor 64470  
license issued by the board may teach the theory and practice of 64471  
esthetics, but no other branch of cosmetology, at a school of 64472  
cosmetology. 64473

An individual who holds a current, valid hair design 64474  
instructor license issued by the board may teach the theory and 64475  
practice of hair design, but no other branch of cosmetology, at a 64476  
school of cosmetology. 64477

An individual who holds a current, valid manicurist 64478  
instructor license issued by the board may teach the theory and 64479  
practice of manicuring, but no other branch of cosmetology, at a 64480  
school of cosmetology. 64481

An individual who holds a current, valid natural hair style 64482  
instructor license issued by the board may teach the theory and 64483  
practice of natural hair styling, but no other branch of 64484  
cosmetology, at a school of cosmetology. 64485

An individual who holds a current, valid boutique 64486  
registration with the board may engage in the practice of boutique 64487  
services but no other branch of cosmetology. 64488

**Sec. 4713.37.** (A) The state ~~board of~~ cosmetology and barber  
board may issue a temporary special occasion work permit to an  
individual who satisfies all of the following conditions:

(1) Has been licensed or registered in another state or  
country to practice a branch of cosmetology or teach the theory  
and practice of a branch of cosmetology for at least five years;

(2) Is a recognized expert in the practice or teaching of the  
branch of cosmetology the individual practices or teaches;

(3) Is to practice that branch of cosmetology or teach the  
theory and practice of that branch of cosmetology in this state as  
part of a promotional or instructional program for not more than  
the amount of time a temporary special occasion work permit is  
effective;

(4) Satisfies all other conditions for a temporary special  
occasion work permit established by rules adopted under section  
4713.08 of the Revised Code;

(5) Pays the fee established by rules adopted under section  
4713.08 of the Revised Code.

(B) An individual issued a temporary special occasion work  
permit may practice the branch of cosmetology the individual  
practices in another state or country, or teach the theory and  
practice of the branch of cosmetology the individual teaches in  
another state or country, until the expiration date of the permit.  
A temporary special occasion work permit is valid for the period  
of time specified in rules adopted under section 4713.08 of the  
Revised Code.

**Sec. 4713.39.** The state ~~board of~~ cosmetology and barber board  
shall issue a license to engage in the practice of a branch of  
cosmetology as an independent contractor to an applicant who pays  
the applicable fee; holds a current, valid license for the type of

salon in which the applicant will practice that branch of 64519  
cosmetology; and satisfies the conditions for the license 64520  
established by rules adopted under section 4713.08 of the Revised 64521  
Code. 64522

**Sec. 4713.41.** The state ~~board of cosmetology and barber board~~ 64523  
shall issue a license to operate a salon, including a boutique 64524  
salon, to an applicant who pays the applicable fee and affirms 64525  
that all of the following conditions will be met: 64526

(A)(1) An individual holding a current, valid cosmetologist 64527  
license or boutique services registration pertaining to the branch 64528  
of cosmetology services performed at the salon or boutique salon, 64529  
shall have charge of and immediate supervision over the salon at 64530  
all times when the salon is open for business except as permitted 64531  
under division (A)(2) of this section. 64532

(2) A business establishment that is engaged primarily in 64533  
retail sales but is also licensed as a salon shall have present an 64534  
individual holding a current, valid license or registration to 64535  
practice in that type of salon in charge of and in immediate 64536  
supervision of the salon during posted or advertised service 64537  
hours, if the practice of cosmetology is restricted to those 64538  
posted or advertised service hours. 64539

(B) The salon is equipped to do all of the following: 64540

(1) Provide potable running hot and cold water and proper 64541  
drainage; 64542

(2) Sanitize all instruments and supplies used in the branch 64543  
of cosmetology provided at the salon; 64544

(3) If cosmetic therapy, massage therapy, or other 64545  
professional service is provided at the salon under section 64546  
4713.42 of the Revised Code, sanitize all instruments and supplies 64547  
used in the cosmetic therapy, massage therapy, or other 64548



professional service. 64549

(C) Except as provided in sections 4713.42 and 4713.49 of the Revised Code, only the branch of cosmetology that the salon is licensed to provide is practiced at the salon. 64550  
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(D) The salon is kept in a clean and sanitary condition and properly ventilated. 64553  
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(E) No food is sold at the salon in a manner inconsistent with rules adopted under section 4713.08 of the Revised Code. 64555  
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(F) A notice that contains a toll-free number and online process for reporting alleged violations of this chapter, as prescribed by the board of cosmetology, is posted at the salon in a common area for all customers of salon services. 64557  
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64559  
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**Sec. 4713.44.** (A) The state ~~board of~~ cosmetology and barber board shall issue a license to operate a school of cosmetology to an applicant who pays the applicable fee and satisfies all of the following requirements: 64561  
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64563  
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(1) Maintains a course of practical training and technical instruction for the branch or branches of cosmetology to be taught at the school equal to the requirements for admission to an examination under section 4713.24 of the Revised Code that an individual must pass to obtain a license to practice that branch or those branches of cosmetology; 64565  
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64567  
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(2) Possesses or makes available apparatus and equipment sufficient for the ready and full teaching of all subjects of the curriculum; 64571  
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64573

(3) Maintains individuals licensed under section 4713.31 or 4713.34 of the Revised Code to teach the theory and practice of the branches of cosmetology; 64574  
64575  
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(4) Notifies the board of the enrollment of each new student, keeps a record devoted to the different practices, establishes 64577  
64578

grades, and holds examinations in order to certify the students' 64579  
completion of the prescribed course of study before the issuance 64580  
of certificates of completion; 64581

(5) In the case of a school of cosmetology that offers clock 64582  
hours for the purpose of satisfying minimum hours of training and 64583  
instruction, keeps a daily record of the attendance of each 64584  
student; 64585

(6) On the date that an apprentice cosmetology instructor 64586  
begins cosmetology instructor training at the school, certifies 64587  
the name of the apprentice cosmetology instructor to the board 64588  
along with the date on which the apprentice's instructor training 64589  
began; 64590

(7) Instructs not more than six apprentice cosmetology 64591  
instructors at any one time; 64592

(8) Files with the board a good and sufficient surety bond 64593  
executed by the individual, firm, or corporation operating the 64594  
school of cosmetology as principal and by a surety company as 64595  
surety in the amount of ten thousand dollars; provided, that this 64596  
requirement does not apply to a vocational or career-technical 64597  
school program conducted by a city, exempted village, local, or 64598  
joint vocational school district. The bond shall be in the form 64599  
prescribed by the board and be conditioned upon the school's 64600  
continued instruction in the theory and practice of the branches 64601  
of cosmetology. Every bond shall continue in effect until notice 64602  
of its termination is given to the board by registered mail and 64603  
every bond shall so provide. 64604

(9) Establishes and maintains an internal procedure for 64605  
processing complaints filed against the school and for providing 64606  
students with instructions on how to file a complaint directly 64607  
with the board pursuant to section 4713.641 of the Revised Code. 64608

(B) A school of cosmetology holding a license issued under 64609

division (A) of this section is an educational institution and is 64610  
authorized to offer educational programs beyond secondary 64611  
education, advanced practice programs, or both in accordance with 64612  
rules adopted by the board pursuant to section 4713.08 of the 64613  
Revised Code. 64614

(C) A school of cosmetology holding a license to operate a 64615  
school of cosmetology on September 29, 2013, shall establish and 64616  
maintain an internal procedure for processing complaints filed 64617  
against the school and shall provide each of the school's students 64618  
with instructions on how to file a complaint directly with the 64619  
board pursuant to section 4713.641 of the Revised Code. 64620

**Sec. 4713.45.** (A) A school of cosmetology may do the 64621  
following: 64622

(1) In accordance with rules adopted under section 4713.08 of 64623  
the Revised Code, a school of cosmetology operated by a public 64624  
entity or a private person may offer clock hours, credit hours, or 64625  
competency-based credits for the purpose of satisfying minimum 64626  
hours of training and instruction; 64627

(2) Allow an apprentice cosmetology instructor the regular 64628  
quota of students prescribed by the state ~~board of~~ cosmetology and 64629  
barber board if a cosmetology instructor is present; 64630

(3) Compensate an apprentice cosmetology instructor; 64631

(4) Subject to division (B) of this section, employ an 64632  
individual who does not hold a current, valid instructor license 64633  
to teach subjects related to a branch of cosmetology. 64634

(B) A school of cosmetology shall have a licensed cosmetology 64635  
instructor present when an individual employed pursuant to 64636  
division (A)(4) of this section teaches at the school, unless the 64637  
individual is one of the following: 64638

(1) An individual with a current, valid teacher's certificate 64639

or educator license issued by the state board of education; 64640

(2) An individual with a bachelor's degree in the subject the 64641  
person teaches at the school; 64642

(3) An individual also employed by a university or college to 64643  
teach the subject the person teaches at the school. 64644

(C) A school of cosmetology shall annually review the 64645  
subjects and coursework required to receive an initial cosmetology 64646  
license and advanced license and, in doing so, shall incorporate 64647  
standards adopted by the state ~~board of~~ cosmetology and barber 64648  
board pursuant to division (A)(13) of section 4713.08 of the 64649  
Revised Code. 64650

**Sec. 4713.48.** (A) The state ~~board of~~ cosmetology and barber 64651  
board shall issue a permit to operate a tanning facility to an 64652  
applicant if all of the following conditions are satisfied: 64653

(1) The applicant applies in accordance with the application 64654  
process adopted by rules adopted under section 4713.08 of the 64655  
Revised Code. 64656

(2) The applicant pays to the treasurer of state the fee 64657  
established by those rules. 64658

(3) An initial inspection of the premises indicates that the 64659  
tanning facility has been installed and will be operated in 64660  
accordance with those rules. 64661

(B) A permit holder shall post the permit in a public and 64662  
conspicuous place on any premises where the tanning facility is 64663  
located. An individual shall obtain a separate permit for each of 64664  
the premises owned or operated by that individual at which the 64665  
individual seeks to operate a tanning facility. 64666

(C) To continue operating, a permit holder shall biennially 64667  
renew the permit by the last day of January of each odd-numbered 64668  
year. The board shall renew the permit upon the holder's payment 64669

to the treasurer of state of the biennial renewal fee. 64670

**Sec. 4713.50.** (A) A tanning facility operator or employee 64671  
shall make reasonable efforts, in accordance with procedures 64672  
established under section 4713.08 of the Revised Code, to 64673  
determine whether an individual seeking to use the facility's sun 64674  
lamp tanning services is less than sixteen years of age, at least 64675  
sixteen but less than eighteen years of age, or eighteen years of 64676  
age or older. 64677

(B)(1) A tanning facility operator or employee shall not 64678  
allow an individual who is eighteen years of age or older to use 64679  
the facility's sun lamp tanning services without first obtaining 64680  
the consent of the individual. The consent shall be evidenced by 64681  
the individual's signature on the form developed by the state 64682  
~~board of cosmetology~~ and barber board under section 4713.51 of the 64683  
Revised Code. The consent is valid indefinitely. 64684

(2) A tanning facility operator or employee shall not allow 64685  
an individual who is at least sixteen but less than eighteen years 64686  
of age to use the facility's sun lamp tanning services without 64687  
first obtaining the consent of a parent or legal guardian of the 64688  
individual. The consent shall be evidenced by the signature of the 64689  
parent or legal guardian on the form developed by the board under 64690  
section 4713.51 of the Revised Code. The form must be signed in 64691  
the presence of the operator or an employee of the tanning 64692  
facility. The consent is valid for ninety days from the date the 64693  
form is signed. A tanning facility operator or employee shall not 64694  
allow an individual who is at least sixteen but less than eighteen 64695  
years of age to use the facility's sun lamp tanning services for 64696  
more than forty-five sessions during the ninety-day period covered 64697  
by the consent. No such session may be longer than the maximum 64698  
safe time of exposure specified in rules adopted under division 64699  
(A)(17) of section 4713.08 of the Revised Code. 64700

(3) A tanning facility operator or employee shall not allow an individual who is less than sixteen years of age to use the facility's sun lamp tanning services unless both of the following apply:

(a) The tanning facility operator or employee obtains the consent of a parent or legal guardian of the individual prior to each session of the use of the facility's sun lamp tanning services. The consent shall be evidenced by the signature of the parent or legal guardian on the form developed by the board under section 4713.51 of the Revised Code. The form must be signed in the presence of the operator or an employee of the tanning facility.

(b) A parent or legal guardian of the individual is present at the tanning facility for the duration of each session of the use of the facility's sun lamp tanning services.

(c) For purposes of division (B) of this section, an electronic signature may be used to provide and may be accepted as a signature evidencing consent.

**Sec. 4713.51.** The state ~~board of~~ cosmetology and barber board shall develop a form for use by tanning facility operators and employees in complying with the consent requirements of division (B) of section 4713.50 of the Revised Code. The form must describe the potential health effects of radiation from sun lamps, including a description of the possible relationship of the radiation to skin cancer. In developing the form, the board shall consult with the department of health, dermatologists, and tanning facility operators. The board shall make the form available on the internet web site maintained by the board.

**Sec. 4713.55.** Every license issued by the state ~~board of~~ cosmetology and barber board shall be signed by the chairperson

and attested by the executive director of the board, with the seal of the board attached. 64731  
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The board shall specify on each practicing license that the board issues the branch of cosmetology that the license entitles the holder to practice. The board shall specify on each advanced license that the board issues the type of salon in which the license entitles the holder to work and the branch of cosmetology that the license entitles the holder to practice. The board shall specify on each instructor license that the board issues the branch of cosmetology that the license entitles the holder to teach. The board shall specify on each salon license that the board issues the branch of cosmetology that the license entitles the holder to offer. The board shall specify on each independent contractor license that the board issues the branch of cosmetology that the license entitles the holder to offer within a licensed salon. Such licenses are prima-facie evidence of the right of the holder to practice or teach the branch of cosmetology that the license specifies. 64733  
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**Sec. 4713.56.** Every holder of a practicing license, instructor license, independent contractor license, or boutique service registration issued by the state board of cosmetology shall maintain the board-issued, wallet-sized license or electronically generated license certification or registration and a current government-issued photo identification that can be produced upon inspection or request. 64749  
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Every holder of a license to operate a salon issued by the board shall display the license in a public and conspicuous place in the salon. 64756  
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Every holder of a license to operate a school of cosmetology issued by the board shall display the license in a public and 64759  
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conspicuous place in the school. 64761

Every individual who provides cosmetic therapy, massage 64762  
therapy, or other professional service in a salon under section 64763  
4713.42 of the Revised Code shall maintain the individual's 64764  
professional license or certificate or electronically generated 64765  
license certification or registration and a state of Ohio issued 64766  
photo identification that can be produced upon inspection or 64767  
request. 64768

**Sec. 4713.57.** A license or registration issued by the state 64769  
~~board of cosmetology and barber board pursuant to this chapter~~ is 64770  
valid until the last day of January of the odd-numbered year 64771  
following its original issuance or renewal, unless the license is 64772  
revoked or suspended prior to that date. Renewal shall be done in 64773  
accordance with the standard renewal procedure of Chapter 4745. of 64774  
the Revised Code. The board may refuse to renew a license if the 64775  
individual holding the license has an outstanding unpaid fine 64776  
levied under section 4713.64 of the Revised Code. 64777

**Sec. 4713.58.** (A) Except as provided in division (B) of this 64778  
section, on payment of the renewal fee and submission of proof 64779  
satisfactory to the state ~~board of cosmetology and barber board~~ 64780  
that any applicable continuing education requirements have been 64781  
completed, an individual currently licensed as: 64782

(1) A cosmetology instructor who has previously been licensed 64783  
as a cosmetologist or an advanced cosmetologist, is entitled to 64784  
the reissuance of a cosmetologist or advanced cosmetologist 64785  
license; 64786

(2) An esthetics instructor who has previously been licensed 64787  
as an esthetician or an advanced esthetician, is entitled to the 64788  
reissuance of an esthetician or advanced esthetician license; 64789

(3) A hair design instructor who has previously been licensed 64790



as a hair designer or an advanced hair designer, is entitled to 64791  
the reissuance of a hair designer or advanced hair designer 64792  
license; 64793

(4) A manicurist instructor who has previously been licensed 64794  
as a manicurist or an advanced manicurist, is entitled to the 64795  
reissuance of a manicurist or advanced manicurist license; 64796

(5) A natural hair style instructor who has previously been 64797  
licensed as a natural hair stylist or an advanced natural hair 64798  
stylist, is entitled to the reissuance of a natural hair stylist 64799  
or advanced natural hair stylist license. 64800

(B) No individual is entitled to the reissuance of a license 64801  
under division (A) of this section if the license was revoked or 64802  
suspended or the individual has an outstanding unpaid fine levied 64803  
under section 4713.64 of the Revised Code. 64804

**Sec. 4713.59.** If the state ~~board of~~ cosmetology and barber 64805  
board adopts rules under section 4713.09 of the Revised Code to 64806  
establish a continuing education requirement as a condition of 64807  
renewal for a practicing license, advanced license, or instructor 64808  
license, the board shall inform each affected licensee of the 64809  
continuing education requirement that applies to the next biennial 64810  
licensing period by including that information in the renewal 64811  
notification it sends the licensee. The notification shall state 64812  
that the licensee must complete the continuing education 64813  
requirement by the fifteenth day of January of the next 64814  
odd-numbered year. 64815

Hours completed in excess of the continuing education 64816  
requirement may not be applied to the next biennial licensing 64817  
period. 64818

**Sec. 4713.61.** (A) If the state ~~board of~~ cosmetology and 64819  
barber board adopts a continuing education requirement under 64820

section 4713.09 of the Revised Code, it may develop a procedure by which an individual who holds a license to practice a branch of cosmetology, advanced license, or instructor license and who is not currently engaged in the practice of the branch of cosmetology or teaching the theory and practice of the branch of cosmetology, but who desires to be so engaged in the future, may apply to the board to have the individual's license classified inactive. If the board develops such a procedure, an individual seeking to have the individual's license classified inactive shall apply to the board on a form provided by the board and pay the fee established by rules adopted under section 4713.08 of the Revised Code.

(B) The board shall not restore an inactive license until the later of the following:

(1) The date that the individual holding the license submits proof satisfactory to the board that the individual has completed the continuing education that a rule adopted under section 4713.08 of the Revised Code requires;

(2) The last day of January of the next odd-numbered year following the year the license is classified inactive.

(C) An individual who holds an inactive license may engage in the practice of a branch of cosmetology if the individual holds a temporary work permit as specified in rules adopted by the board under section 4713.08 of the Revised Code.

**Sec. 4713.62.** (A) An individual holding a practicing license, advanced license, instructor license, or boutique services registration may satisfy a continuing education requirement established by rules adopted under section 4713.09 of the Revised Code only by completing continuing education programs approved under division (B) of this section.

(B) The state ~~board of~~ cosmetology and barber board shall

approve a continuing education program if all of the following 64851  
conditions are satisfied: 64852

(1) The person operating the program submits to the board a 64853  
written application for approval. 64854

(2) The person operating the program pays to the board a fee 64855  
established by rules adopted under section 4713.08 of the Revised 64856  
Code. 64857

(3) The program is operated by an employee, officer, or 64858  
director of a nonprofit professional association, college or 64859  
university, proprietary continuing education institutions 64860  
providing programs approved by the board, vocational school, 64861  
postsecondary proprietary school of cosmetology licensed by the 64862  
board, salon licensed by the board, or manufacturer of supplies or 64863  
equipment used in the practice of a branch of cosmetology. 64864

(4) The program will do at least one of the following: 64865

(a) Enhance the professional competency of the affected 64866  
licensees or registrants; 64867

(b) Protect the public; 64868

(c) Educate the affected licensees or registrants in the 64869  
application of the laws and rules regulating the practice of a 64870  
branch of cosmetology. 64871

(5) The person operating the program provides the board a 64872  
tentative schedule of when the program will be available so that 64873  
the board can make the schedule readily available to all licensees 64874  
and registrants throughout the state. 64875

**Sec. 4713.63.** A practicing license, advanced license, or 64876  
instructor license that has not been renewed for any reason other 64877  
than because it has been revoked, suspended, or classified 64878  
inactive, or because the license holder has been given a waiver or 64879  
extension under section 4713.60 of the Revised Code, is expired. 64880

An expired license may be restored if the individual who held the license meets all of the following applicable conditions:

(A) Pays to the state ~~board of~~ cosmetology and barber board the restoration fee established under section 4713.10 of the Revised Code;

(B) In the case of a practicing license or advanced license that has been expired for more than two consecutive license renewal periods, completes eight hours of continuing education for each license renewal period that has elapsed since the license was last issued or renewed, up to a maximum of twenty-four hours. At least four of those hours shall include a course pertaining to sanitation and safety methods.

The board shall deposit all fees it receives under division (B) of this section into the general revenue fund.

**Sec. 4713.64.** (A) The state ~~board of~~ cosmetology and barber board may take disciplinary action under this chapter for any of the following:

(1) Failure to comply with the safety, sanitation, and licensing requirements of this chapter or rules adopted under it;

(2) Continued practice by an individual knowingly having an infectious or contagious disease;

(3) Habitual drunkenness or addiction to any habit-forming drug;

(4) Willful false and fraudulent or deceptive advertising;

(5) Falsification of any record or application required to be filed with the board;

(6) Failure to pay a fine or abide by a suspension order issued by the board;

(7) Failure to cooperate with an investigation or inspection;	64909
(8) Failure to respond to a subpoena;	64910
(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;	64911 64912
(10) In the case of a salon, any individual's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the salon.	64913 64914 64915
(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:	64916 64917
(1) Deny, revoke, or suspend a license, permit, or registration issued by the board <u>under this chapter</u> ;	64918 64919
(2) Impose a fine;	64920
(3) Require the holder of a license, permit, or registration <u>issued under this chapter</u> to take corrective action courses.	64921 64922
(C)(1) Except as provided in divisions (C)(2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119. of the Revised Code.	64923 64924 64925
(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual or salon who violates division (A)(9) or (10) of this section. After the board takes such disciplinary action, the board shall give written notice to the subject of the disciplinary action of the right to request a hearing under Chapter 119. of the Revised Code.	64926 64927 64928 64929 64930 64931 64932
(3) In lieu of an adjudication, the board may enter into a consent agreement with the holder of a license, permit, or registration <u>issued under this chapter</u> . A consent agreement that is ratified by a majority vote of a quorum of the board members is considered to constitute the findings and orders of the board with respect to the matter addressed in the agreement. If the board	64933 64934 64935 64936 64937 64938

does not ratify a consent agreement, the admissions and findings 64939  
contained in the agreement are of no effect, and the case shall be 64940  
scheduled for adjudication under Chapter 119. of the Revised Code. 64941

(D) The amount and content of corrective action courses and 64942  
other relevant criteria shall be established by the board in rules 64943  
adopted under section 4713.08 of the Revised Code. 64944

(E)(1) The board may impose a separate fine for each offense 64945  
listed in division (A) of this section. The amount of the first 64946  
fine issued for a violation as the result of an inspection shall 64947  
be not more than two hundred fifty dollars if the violator has not 64948  
previously been fined for that offense. Any fines issued for 64949  
additional violations during such an inspection shall not be more 64950  
than one hundred dollars for each additional violation. The fine 64951  
shall be not more than five hundred dollars if the violator has 64952  
been fined for the same offense once before. Any fines issued for 64953  
additional violations during a second inspection shall not be more 64954  
than two hundred dollars for each additional violation. The fine 64955  
shall be not more than one thousand dollars if the violator has 64956  
been fined for the same offense two or more times before. Any 64957  
fines issued for additional violations during a third inspection 64958  
shall not be more than three hundred dollars for each additional 64959  
violation. 64960

(2) The board shall issue an order notifying a violator of a 64961  
fine imposed under division (E)(1) of this section. The notice 64962  
shall specify the date by which the fine is to be paid. The date 64963  
shall be less than forty-five days after the board issues the 64964  
order. 64965

(3) At the request of a violator who is temporarily unable to 64966  
pay a fine, or upon its own motion, the board may extend the time 64967  
period within which the violator shall pay the fine up to ninety 64968  
days after the date the board issues the order. 64969

(4) If a violator fails to pay a fine by the date specified 64970  
in the board's order and does not request an extension within ten 64971  
days after the date the board issues the order, or if the violator 64972  
fails to pay the fine within the extended time period as described 64973  
in division (E)(3) of this section, the board shall add to the 64974  
fine an additional penalty equal to ten per cent of the fine. 64975

(5) If a violator fails to pay a fine within ninety days 64976  
after the board issues the order, the board shall add to the fine 64977  
interest at a rate specified by the board in rules adopted under 64978  
section 4713.08 of the Revised Code. 64979

(6) If the fine, including any interest or additional 64980  
penalty, remains unpaid on the ninety-first day after the board 64981  
issues an order under division (E)(2) of this section, the amount 64982  
of the fine and any interest or additional penalty shall be 64983  
certified to the attorney general for collection in the form and 64984  
manner prescribed by the attorney general. The attorney general 64985  
may assess the collection cost to the amount certified in such a 64986  
manner and amount as prescribed by the attorney general. 64987

(F) In the case of an offense of failure to comply with 64988  
division (A) or (B)(2) or (3) of section 4713.50 of the Revised 64989  
Code, the board shall impose a fine of five hundred dollars if the 64990  
violator has not previously been fined for that offense. If the 64991  
violator has previously been fined for the offense, the board may 64992  
impose a fine in accordance with this division or take another 64993  
action in accordance with division (B) of this section. 64994

(G) The board shall notify a licensee or registrant who is in 64995  
violation of division (A) of this section and the owner of the 64996  
salon in which the conditions constituting the violation were 64997  
found. The individual receiving the notice of violation and the 64998  
owner of the salon may request a hearing pursuant to section 64999  
119.07 of the Revised Code. If the individual or owner fails to 65000  
request a hearing or enter into a consent agreement thirty days 65001

after the date the board, in accordance with section 119.07 of the Revised Code and division (J) of this section, notifies the individual or owner of the board's intent to act against the individual or owner under division (A) of this section, the board by a majority vote of a quorum of the board members may take the action against the individual or owner without holding an adjudication hearing.

(H) The board, after a hearing in accordance with Chapter 119. of the Revised Code or pursuant to a consent agreement, may suspend a license, permit, or registration if the licensee, permit holder, or registrant fails to correct an unsafe condition that exists in violation of the board's rules or fails to cooperate in an inspection. If a violation of this chapter or rules adopted under it has resulted in a condition reasonably believed by an inspector to create an immediate danger to the health and safety of any individual using the facility, the inspector may suspend the license or permit of the facility or the individual responsible for the violation without a prior hearing until the condition is corrected or until a hearing in accordance with Chapter 119. of the Revised Code is held or a consent agreement is entered into and the board either upholds the suspension or reinstates the license, permit, or registration.

(I) The board shall not take disciplinary action against an individual licensed to operate a salon or school of cosmetology for a violation of this chapter that was committed by an individual licensed to practice a branch of cosmetology, while practicing within the salon or school, when the individual's actions were beyond the control of the salon owner or school.

(J) In addition to the methods of notification required under section 119.07 of the Revised Code, the board may send the notices required under divisions (C)(2), (E)(2), and (G) of this section by any delivery method that is traceable and requires that the



delivery person obtain a signature to verify that the notice has 65034  
been delivered. The board also may send the notices by electronic 65035  
mail, provided that the electronic mail delivery system certifies 65036  
that a notice has been received. 65037

**Sec. 4713.641.** Any student or former student of a school of 65038  
cosmetology licensed under division (A) of section 4713.44 of the 65039  
Revised Code may file a complaint with the state ~~board of~~ 65040  
cosmetology and barber board alleging that the school has violated 65041  
division (A) of section 4713.64 of the Revised Code. The complaint 65042  
shall be in writing and signed by the individual bringing the 65043  
complaint. Upon receiving a complaint, the board shall initiate a 65044  
preliminary investigation to determine whether it is probable that 65045  
a violation was committed. If the board determines after 65046  
preliminary investigation that it is not probable that a violation 65047  
was committed, the board shall notify the individual who filed the 65048  
complaint of the board's findings and that the board will not 65049  
issue a formal complaint in the matter. If the board determines 65050  
after a preliminary investigation that it is probable that a 65051  
violation was committed, the board shall proceed against the 65052  
school pursuant to the board's authority under section 4713.64 of 65053  
the Revised Code and in accordance with the hearing and notice 65054  
requirements prescribed in Chapter 119. of the Revised Code. 65055

**Sec. 4713.65.** On receipt of a notice pursuant to section 65056  
3123.43 of the Revised Code, the state ~~board of~~ cosmetology and 65057  
barber board shall comply with sections 3123.41 to 3123.50 of the 65058  
Revised Code and any applicable rules adopted under section 65059  
3123.63 of the Revised Code with respect to a license issued 65060  
pursuant to this chapter or licenses issued pursuant to Chapter 65061  
4709. of the Revised Code. 65062

**Sec. 4713.66.** (A) The state ~~board of~~ cosmetology and barber 65063

board, on its own motion or on receipt of a written complaint, may 65064  
investigate or inspect the activities or premises of an individual 65065  
or entity who is alleged to have violated this chapter or rules 65066  
adopted under it, regardless of whether the individual or entity 65067  
holds a license or registration issued under this chapter. 65068

(B) If, based on its investigation, the board determines that 65069  
there is reasonable cause to believe that an individual or entity 65070  
has violated this chapter or rules adopted under it, the board 65071  
shall afford the individual or entity an opportunity for a 65072  
hearing. Notice shall be given and any hearing conducted in 65073  
accordance with Chapter 119. of the Revised Code. 65074

(C) The board shall maintain a transcript of the hearing and 65075  
issue a written opinion to all parties, citing its findings and 65076  
ground for any action it takes. Any action shall be taken in 65077  
accordance with section 4713.64 of the Revised Code. 65078

**Sec. 4713.68.** The state ~~board of cosmetology and barber board~~ 65079  
shall comply with section 4776.20 of the Revised Code. 65080

**Sec. 4713.69.** (A) The state ~~board of cosmetology and barber~~ 65081  
board shall issue a boutique services registration to an applicant 65082  
who satisfies all of the following applicable conditions: 65083

(1) Is at least sixteen years of age; 65084

(2) Is of good moral character; 65085

(3) Has the equivalent of an Ohio public school tenth grade 65086  
education; 65087

(4) Has submitted a written application on a form prescribed 65088  
by the board containing all of the following: 65089

(a) The applicant's name and home address; 65090

(b) The applicant's home telephone number and cellular 65091

telephone number, if any; 65092

(c) The applicant's electronic mail address, if any; 65093

(d) The applicant's date of birth; 65094

(e) The address and telephone number where boutique services 65095  
will be performed. The address shall not contain a post office box 65096  
number. 65097

(f) Whether the applicant has an occupational license, 65098  
certification, or registration to provide beauty services in 65099  
another state, and if so, what type of license and in what state; 65100

(g) Whether the applicant has ever had an occupational 65101  
license, certification, or registration suspended, revoked, or 65102  
denied in any state; 65103

(h) An affidavit providing proof of formal training or 65104  
apprenticeship under an individual providing such services. 65105

(B) The place of business where boutique services are 65106  
performed must comply with the safety and sanitation requirements 65107  
for licensed salon facilities as described in section 4713.41 of 65108  
the Revised Code. 65109

(C) ~~Within six months of the effective date of this section,~~ 65110  
~~the~~ The board shall specify the manner by which boutique services 65111  
registrants shall fulfill the continuing education requirements 65112  
set forth in section 4713.09 of the Revised Code. 65113

**Sec. 4715.13.** (A) Applicants for licenses to practice 65114  
dentistry or for a general anesthesia permit or a conscious 65115  
intravenous sedation permit shall pay to the secretary of the 65116  
state dental board the following fees: 65117

(1) For license to practice dentistry, two hundred ~~ten~~ 65118  
~~sixty-seven~~ dollars if issued in an odd-numbered year or ~~three~~ 65119  
~~four~~ hundred ~~fifty-seven~~ fifty-four dollars if issued in an 65120

even-numbered year; 65121

(2) For duplicate license, to be granted upon proof of loss 65122  
of the original, twenty dollars; 65123

(3) For a general anesthesia permit, one hundred twenty-seven 65124  
dollars; 65125

(4) For a conscious intravenous sedation permit, one hundred 65126  
twenty-seven dollars. 65127

(B) Forty dollars of each fee collected under division (A)(1) 65128  
of this section for a license issued in an even-numbered year and 65129  
twenty dollars of each fee collected under division (A)(1) of this 65130  
section in an odd-numbered year shall be paid to the dentist loan 65131  
repayment fund established under section 3702.95 of the Revised 65132  
Code. 65133

(C) In the case of a person who applies for a license to 65134  
practice dentistry by taking an examination administered by the 65135  
state dental board, both of the following apply: 65136

(1) The fee in division (A)(1) of this section may be 65137  
refunded to an applicant who is unavoidably prevented from 65138  
attending the examination, or the applicant may be examined at the 65139  
next regular or special meeting of the board without an additional 65140  
fee. 65141

(2) An applicant who fails the first examination may be 65142  
re-examined at the next regular or special meeting of the board 65143  
without an additional fee. 65144

**Sec. 4715.14.** (A)(1) Each person who is licensed to practice 65145  
dentistry in Ohio shall, on or before the first day of January of 65146  
each even-numbered year, register with the state dental board. The 65147  
registration shall be made on a form prescribed by the board and 65148  
furnished by the secretary, shall include the licensee's name, 65149  
address, license number, and such other reasonable information as 65150

the board may consider necessary, and shall include payment of a 65151  
biennial registration fee of ~~two~~ three hundred ~~forty five~~ twelve 65152  
dollars. ~~Except as provided in division (E) of this section, this~~ 65153  
~~fee shall be paid to the treasurer of state.~~ Subject to division 65154  
(C) of this section, a registration shall be in effect for the 65155  
two-year period beginning on the first day of January of the 65156  
even-numbered year and ending on the last day of December of the 65157  
following odd-numbered year, and shall be renewed in accordance 65158  
with the standard renewal procedure of sections 4745.01 to 4745.03 65159  
of the Revised Code. 65160

(2)(a) Except as provided in division (A)(2)(b) of this 65161  
section, in the case of a licensee seeking registration who 65162  
prescribes or personally furnishes opioid analgesics or 65163  
benzodiazepines, as defined in section 3719.01 of the Revised 65164  
Code, the licensee shall certify to the board whether the licensee 65165  
has been granted access to the drug database established and 65166  
maintained by the state board of pharmacy pursuant to section 65167  
4729.75 of the Revised Code. 65168

(b) The requirement in division (A)(2)(a) of this section 65169  
does not apply if any of the following is the case: 65170

(i) The state board of pharmacy notifies the state dental 65171  
board pursuant to section 4729.861 of the Revised Code that the 65172  
licensee has been restricted from obtaining further information 65173  
from the drug database. 65174

(ii) The state board of pharmacy no longer maintains the drug 65175  
database. 65176

(iii) The licensee does not practice dentistry in this state. 65177

(3) If a licensee certifies to the state dental board that 65178  
the licensee has been granted access to the drug database and the 65179  
board finds through an audit or other means that the licensee has 65180  
not been granted access, the board may take action under section 65181

4715.30 of the Revised Code. 65182

(B) A licensed dentist who desires to temporarily retire from 65183  
practice and who has given the board notice in writing to that 65184  
effect shall be granted such a retirement, provided only that at 65185  
that time all previous registration fees and additional costs of 65186  
reinstatement have been paid. 65187

(C) Not later than the thirty-first day of January of an 65188  
even-numbered year, the board shall send a notice by certified 65189  
mail to a dentist who fails to renew a license in accordance with 65190  
division (A) of this section. The notice shall state all of the 65191  
following: 65192

(1) That the board has not received the registration form and 65193  
fee described in that division; 65194

(2) That the license shall remain valid and in good standing 65195  
until the first day of April following the last day of December of 65196  
the odd-numbered year in which the dentist was scheduled to renew 65197  
if the dentist remains in compliance with all other applicable 65198  
provisions of this chapter and any rule adopted under it; 65199

(3) That the license may be renewed until the first day of 65200  
April following the last day of December of the odd-numbered year 65201  
in which the dentist was scheduled to renew by the payment of the 65202  
biennial registration fee and an additional fee of one hundred 65203  
twenty-seven dollars to cover the cost of late renewal; 65204

(4) That unless the board receives the registration form and 65205  
fee before the first day of April following the last day of 65206  
December of the odd-numbered year in which the dentist was 65207  
scheduled to renew, the board may, on or after the relevant first 65208  
day of April, initiate disciplinary action against the dentist 65209  
pursuant to Chapter 119. of the Revised Code; 65210

(5) That a dentist whose license has been suspended as a 65211  
result of disciplinary action initiated pursuant to division 65212

(C)(4) of this section may be reinstated by the payment of the 65213  
biennial registration fee and an additional fee of three hundred 65214  
eighty-one dollars to cover the cost of reinstatement. 65215

(D) Each dentist licensed to practice, whether a resident or 65216  
not, shall notify the secretary in writing or electronically of 65217  
any change in the dentist's office address or employment within 65218  
ten days after such change has taken place. On the first day of 65219  
July of every even-numbered year, the secretary shall issue a 65220  
printed roster of the names and addresses so registered. 65221

(E) ~~Twenty~~ Forty dollars of each biennial registration fee 65222  
shall be paid to the dentist loan repayment fund created under 65223  
section 3702.95 of the Revised Code. 65224

**Sec. 4715.16.** (A) Upon payment of a fee of ~~ten~~ thirteen 65225  
dollars, the state dental board may without examination issue a 65226  
limited resident's license to any person who is a graduate of a 65227  
dental college, is authorized to practice in another state or 65228  
country or qualified to take the regular licensing examination in 65229  
this state, and furnishes the board satisfactory proof of having 65230  
been appointed a dental resident at an accredited dental college 65231  
in this state or at an accredited program of a hospital in this 65232  
state, but has not yet been licensed as a dentist by the board. 65233  
Any person receiving a limited resident's license may practice 65234  
dentistry only in connection with programs operated by the dental 65235  
college or hospital at which the person is appointed as a resident 65236  
as designated on the person's limited resident's license, and only 65237  
under the direction of a licensed dentist who is a member of the 65238  
dental staff of the college or hospital or a dentist holding a 65239  
current limited teaching license issued under division (B) of this 65240  
section, and only on bona fide patients of such programs. The 65241  
holder of a limited resident's license may be disciplined by the 65242  
board pursuant to section 4715.30 of the Revised Code. 65243

(B) Upon payment of one hundred ~~one~~ twenty-seven dollars and 65244  
upon application endorsed by an accredited dental college in this 65245  
state, the board may without examination issue a limited teaching 65246  
license to a dentist who is a graduate of a dental college, is 65247  
authorized to practice dentistry in another state or country, and 65248  
has full-time appointment to the faculty of the endorsing dental 65249  
college. A limited teaching license is subject to annual renewal 65250  
in accordance with the standard renewal procedure of Chapter 4745. 65251  
of the Revised Code, and automatically expires upon termination of 65252  
the full-time faculty appointment. A person holding a limited 65253  
teaching license may practice dentistry only in connection with 65254  
programs operated by the endorsing dental college. The board may 65255  
discipline the holder of a limited teaching license pursuant to 65256  
section 4715.30 of the Revised Code. 65257

(C)(1) As used in this division: 65258

(a) "Continuing dental education practicum" or "practicum" 65259  
means a course of instruction, approved by the American dental 65260  
association, Ohio dental association, or academy of general 65261  
dentistry, that is designed to improve the clinical skills of a 65262  
dentist by requiring the dentist to participate in clinical 65263  
exercises on patients. 65264

(b) "Director" means the person responsible for the operation 65265  
of a practicum. 65266

(2) Upon payment of one hundred ~~one~~ twenty-seven dollars and 65267  
application endorsed by the director of a continuing dental 65268  
education practicum, the board shall, without examination, issue a 65269  
temporary limited continuing education license to a resident of a 65270  
state other than Ohio who is licensed to practice dentistry in 65271  
such state and is in good standing, is a graduate of an accredited 65272  
dental college, and is registered to participate in the endorsing 65273  
practicum. The determination of whether a dentist is in good 65274  
standing shall be made by the board. 65275



A dentist holding a temporary limited continuing education license may practice dentistry only on residents of the state in which the dentist is permanently licensed or on patients referred by a dentist licensed pursuant to section 4715.12 of the Revised Code to an instructing dentist licensed pursuant to that section, and only while participating in a required clinical exercise of the endorsing practicum on the premises of the facility where the practicum is being conducted.

Practice under a temporary limited continuing education license shall be under the direct supervision and full professional responsibility of an instructing dentist licensed pursuant to section 4715.12 of the Revised Code, shall be limited to the performance of those procedures necessary to complete the endorsing practicum, and shall not exceed thirty days of actual patient treatment in any year.

(3) A director of a continuing dental education practicum who endorses an application for a temporary limited continuing education license shall, prior to making the endorsement, notify the state dental board in writing of the identity of the sponsors and the faculty of the practicum and the dates and locations at which it will be offered. The notice shall also include a brief description of the course of instruction. The board may prohibit a continuing dental education practicum from endorsing applications for temporary limited continuing education licenses if the board determines that the practicum is engaged in activities that constitute a threat to public health and safety or do not constitute bona fide continuing dental education, or that the practicum permits activities which otherwise violate this chapter. Any continuing dental education practicum prohibited from endorsing applications may request an adjudication pursuant to Chapter 119. of the Revised Code.

A temporary limited continuing education license shall be

valid only when the dentist is participating in the endorsing 65308  
continuing dental education practicum and shall expire at the end 65309  
of one year. If the dentist fails to complete the endorsing 65310  
practicum in one year, the board may, upon the dentist's 65311  
application and payment of a fee of ~~seventy-five~~ ninety-four 65312  
dollars, renew the temporary limited continuing education license 65313  
for a consecutive one-year period. Only two renewals may be 65314  
granted. The holder of a temporary limited continuing education 65315  
license may be disciplined by the board pursuant to section 65316  
4715.30 of the Revised Code. 65317

(D) The board shall act either to approve or to deny any 65318  
application for a limited license pursuant to division (A), (B), 65319  
or (C) of this section not later than sixty days of the date the 65320  
board receives the application. 65321

**Sec. 4715.21.** Each person who desires to practice as a dental 65322  
hygienist shall file with the secretary of the state dental board 65323  
a written application for a license, under oath, upon the form 65324  
prescribed. Such applicant shall furnish satisfactory proof of 65325  
being at least eighteen years of age and of good moral character. 65326  
An applicant shall present a diploma or certificate of graduation 65327  
from an accredited dental hygiene school and shall pay the 65328  
examination fee of ~~ninety-six~~ one hundred twenty dollars if the 65329  
license is issued in an odd-numbered year or one hundred 65330  
~~forty-seven~~ eighty-four dollars if issued in an even-numbered 65331  
year. Those passing such examination as the board prescribes 65332  
relating to dental hygiene shall receive a certificate of 65333  
registration entitling them to practice. If an applicant fails to 65334  
pass the first examination the applicant may apply for a 65335  
re-examination at the next regular or special examination meeting 65336  
of the board. 65337

No applicant shall be admitted to more than two examinations 65338

without first presenting satisfactory proof that the applicant has 65339  
successfully completed such refresher courses in an accredited 65340  
dental hygiene school as the state dental board may prescribe. 65341

An accredited dental hygiene school shall be one accredited 65342  
by the American dental association commission on dental 65343  
accreditation or whose educational standards are recognized by the 65344  
American dental association commission on dental accreditation and 65345  
approved by the state dental board. 65346

**Sec. 4715.24.** (A) Each person who is licensed to practice as 65347  
a dental hygienist in Ohio shall, on or before the first day of 65348  
January of each even-numbered year, register with the state dental 65349  
board, unless the person is temporarily retired pursuant to 65350  
section 4715.241 of the Revised Code. The registration shall be 65351  
made on a form prescribed by the board and furnished by the 65352  
secretary, shall include the licensee's name, address, license 65353  
number, and such other reasonable information as the board may 65354  
consider necessary, and shall include payment of a biennial 65355  
registration fee of one hundred ~~fifteen~~ forty-four dollars. This 65356  
fee shall be paid to the treasurer of state. All such 65357  
registrations shall be in effect for the two-year period beginning 65358  
on the first day of January of each even-numbered year and ending 65359  
on the last day of December of the following odd-numbered year, 65360  
and shall be renewed in accordance with the standard renewal 65361  
procedure of sections 4745.01 to 4745.03 of the Revised Code. The 65362  
failure of a licensee to renew registration in accordance with 65363  
this section shall result in the automatic suspension of the 65364  
licensee's license to practice as a dental hygienist, unless the 65365  
licensee is temporarily retired pursuant to section 4715.241 of 65366  
the Revised Code. 65367

(B) Any dental hygienist whose license has been automatically 65368  
suspended under this section may be reinstated on application to 65369

the board on a form prescribed by the board for licensure 65370  
reinstatement and payment of the biennial registration fee and in 65371  
addition thereto ~~thirty-one~~ thirty-nine dollars to cover the costs 65372  
of reinstatement. 65373

(C) The license of a dental hygienist shall be exhibited in a 65374  
conspicuous place in the room in which the dental hygienist 65375  
practices. Each dental hygienist licensed to practice, whether a 65376  
resident or not, shall notify the secretary in writing or 65377  
electronically of any change in the dental hygienist's office 65378  
address or employment within ten days after the change takes 65379  
place. 65380

(D) Ten dollars of each biennial registration fee collected 65381  
under division (A) or (B) of this section shall be paid to the 65382  
dental hygienist loan repayment fund established under section 65383  
3702.967 of the Revised Code. 65384

**Sec. 4715.27.** The state dental board may issue a license to 65385  
an applicant who furnishes satisfactory proof of being at least 65386  
eighteen years of age, of good moral character and who 65387  
demonstrates, to the satisfaction of the board, knowledge of the 65388  
laws, regulations, and rules governing the practice of a dental 65389  
hygienist; who proves, to the satisfaction of the board, intent to 65390  
practice as a dental hygienist in this state; who is a graduate 65391  
from an accredited school of dental hygiene and who holds a 65392  
license by examination from a similar dental board, and who passes 65393  
an examination as prescribed by the board relating to dental 65394  
hygiene. 65395

Upon payment of ~~fifty-eight~~ seventy-three dollars and upon 65396  
application endorsed by an accredited dental hygiene school in 65397  
this state, the state dental board may without examination issue a 65398  
teacher's certificate to a dental hygienist, authorized to 65399  
practice in another state or country. A teacher's certificate 65400

shall be subject to annual renewal in accordance with the standard 65401  
renewal procedure of sections 4745.01 to 4745.03 of the Revised 65402  
Code, and shall not be construed as authorizing anything other 65403  
than teaching or demonstrating the skills of a dental hygienist in 65404  
the educational programs of the accredited dental hygiene school 65405  
which endorsed the application. 65406

**Sec. 4715.362.** A dentist who desires to participate in the 65407  
oral health access supervision program shall apply to the state 65408  
dental board for an oral health access supervision permit. The 65409  
application shall be under oath, on a form prescribed by the board 65410  
in rules adopted under section 4715.372 of the Revised Code, and 65411  
accompanied by an application fee of ~~twenty~~ twenty-five dollars. 65412  
To be eligible to receive the permit, an applicant shall meet the 65413  
requirements established by the board in rules adopted under 65414  
section 4715.372 of the Revised Code. 65415

The state dental board shall issue an oral health access 65416  
supervision permit to a dentist who is in good standing with the 65417  
board and satisfies all of the requirements of this section. 65418

**Sec. 4715.363.** (A) A dental hygienist who desires to 65419  
participate in the oral health access supervision program shall 65420  
apply to the state dental board for a permit to practice under the 65421  
oral health access supervision of a dentist. The application shall 65422  
be under oath, on a form prescribed by the board in rules adopted 65423  
under section 4715.372 of the Revised Code, and accompanied by an 65424  
application fee of ~~twenty~~ twenty-five dollars, which may be paid 65425  
by ~~personal check or~~ credit card. 65426

(B) The applicant shall provide evidence satisfactory to the 65427  
board that the applicant has done all of the following: 65428

(1) Completed at least one year and attained a minimum of one 65429  
thousand five hundred hours of experience in the practice of 65430

dental hygiene; 65431

(2) Completed at least twenty-four hours of continuing dental 65432  
hygiene education during the two years prior to submission of the 65433  
application; 65434

(3) Completed a course pertaining to the practice of dental 65435  
hygiene under the oral health access supervision of a dentist that 65436  
meets standards established in rules adopted under section 65437  
4715.372 of the Revised Code; 65438

(4) Completed, during the two years prior to submission of 65439  
the application, a course pertaining to the identification and 65440  
prevention of potential medical emergencies that is the same as 65441  
the course described in division (C)(2) of section 4715.22 of the 65442  
Revised Code. 65443

(C) The state dental board shall issue a permit to practice 65444  
under the oral health access supervision of a dentist to a dental 65445  
hygienist who is in good standing with the board and meets all of 65446  
the requirements of divisions (A) and (B) of this section. 65447

**Sec. 4715.369.** (A) An oral health access supervision permit 65448  
issued under section 4715.362 of the Revised Code expires on the 65449  
thirty-first day of December of the odd-numbered year that occurs 65450  
after the permit's issuance. A dentist who desires to renew a 65451  
permit shall apply, under oath, to the state dental board on a 65452  
form prescribed by the board in rules adopted under section 65453  
4715.372 of the Revised Code. At the time of application, the 65454  
dentist shall pay a renewal fee of ~~twenty~~ twenty-five dollars. 65455

(B) The board shall renew an oral health access supervision 65456  
permit for a two-year period if the dentist submitted a complete 65457  
application, paid the renewal fee, is in good standing with the 65458  
board, and verified with the board all of the following: 65459

(1) The locations at which dental hygienists have, under the 65460

dentist's authorization, provided services during the two years 65461  
prior to submission of the renewal application; 65462

(2) The number of patients treated, during the two years 65463  
prior to submission of the renewal application, by each dental 65464  
hygienist providing dental hygiene services under the dentist's 65465  
authorization; 65466

(3) For each number of patients provided under division 65467  
(B)(2) of this section, the number of patients whom the dentist 65468  
clinically evaluated following the provision of dental hygiene 65469  
services by a dental hygienist. 65470

**Sec. 4715.37.** (A) A permit to practice under the oral health 65471  
access supervision of a dentist issued under section 4715.363 of 65472  
the Revised Code expires on the thirty-first day of December of 65473  
the odd-numbered year that occurs after the permit's issuance. A 65474  
dental hygienist who desires to renew a permit to practice under 65475  
the oral health access supervision of a dentist shall apply, under 65476  
oath, to the state dental board on a form prescribed by the board 65477  
in rules adopted under section 4715.372 of the Revised Code. At 65478  
the time of application, the dental hygienist shall pay a renewal 65479  
fee of ~~twenty~~ twenty-five dollars. 65480

(B) The state dental board shall renew a permit for a 65481  
two-year period if the dental hygienist submitted a complete 65482  
application, paid the renewal fee, is in good standing with the 65483  
board, and has verified with the board both of the following: 65484

(1) The locations at which the hygienist has provided dental 65485  
hygiene services under a permit to practice under the oral health 65486  
access supervision of a dentist; 65487

(2) The number of patients that the hygienist has treated 65488  
under a permit during the two years prior to submission of the 65489  
renewal application. 65490

Sec. 4715.53. (A) Each individual seeking a certificate to 65491  
practice as a dental x-ray machine operator shall apply to the 65492  
state dental board on a form the board shall prescribe and 65493  
provide. The application shall be accompanied by an application 65494  
fee of ~~twenty-five~~ thirty-two dollars. 65495

(B) The board shall review all applications received and 65496  
issue a dental x-ray machine operator certificate to each 65497  
applicant who submits evidence satisfactory to the board of one of 65498  
the following: 65499

(1) The applicant holds certification from the dental 65500  
assisting national board or the Ohio commission on dental 65501  
assistant certification. 65502

(2) The applicant holds a license, certificate, permit, 65503  
registration, or other credential issued by another state that the 65504  
board determines uses standards for dental x-ray machine operators 65505  
that are at least equal to those established under this chapter. 65506

(3) The applicant has successfully completed an educational 65507  
program consisting of at least seven hours of instruction in 65508  
dental x-ray machine operation that meets either of the following 65509  
requirements: 65510

(a) Has been approved by the board in accordance with section 65511  
4715.57 of the Revised Code; 65512

(b) Is conducted by an institution accredited by the American 65513  
dental association commission on dental accreditation. 65514

(C) A certificate issued under this section expires two years 65515  
after it is issued and may be renewed if the certificate holder 65516  
does both of the following: 65517

(1) Certifies to the board that the certificate holder has 65518  
completed at least two hours of instruction in dental x-ray 65519  
machine operation approved by the board in accordance with section 65520



4715.57 of the Revised Code during the two-year period preceding 65521  
the date the renewal application is received by the board. 65522

(2) Submits a renewal fee of ~~twenty-five~~ thirty-two dollars 65523  
to the board. 65524

Renewals shall be made in accordance with the standard 65525  
renewal procedure established under Chapter 4745. of the Revised 65526  
Code. 65527

**Sec. 4715.62.** (A) Each individual seeking to register with 65528  
the state dental board as an expanded function dental auxiliary 65529  
shall file with the secretary of the board a written application 65530  
for registration, under oath, on a form the board shall prescribe 65531  
and provide. An applicant shall include with the completed 65532  
application all of the following: 65533

(1) An application fee of ~~twenty~~ twenty-five dollars; 65534

(2) Proof satisfactory to the board that the applicant has 65535  
successfully completed, at an educational institution accredited 65536  
by the commission on dental accreditation of the American dental 65537  
association or the higher learning commission of the north central 65538  
association of colleges and schools, the education or training 65539  
specified by the board in rules adopted under section 4715.66 of 65540  
the Revised Code as the education or training that is necessary to 65541  
obtain registration under this chapter to practice as an expanded 65542  
function dental auxiliary, as evidenced by a diploma or other 65543  
certificate of graduation or completion that has been signed by an 65544  
appropriate official of the accredited institution that provided 65545  
education or training; 65546

(3) Proof satisfactory to the board that the applicant has 65547  
passed an examination that meets the standards established by the 65548  
board in rules adopted under section 4715.66 of the Revised Code 65549  
to be accepted by the board as an examination of competency to 65550

practice as an expanded function dental auxiliary; 65551

(4) Proof that the applicant holds current certification to 65552  
perform basic life-support procedures, evidenced by documentation 65553  
showing the successful completion of a basic life-support training 65554  
course certified by the American red cross, the American heart 65555  
association, or the American safety and health institute. 65556

(B) If an applicant complies with division (A) of this 65557  
section, the board shall register the applicant as an expanded 65558  
function dental auxiliary. 65559

**Sec. 4715.63.** (A) Registration under section 4715.62 of the 65560  
Revised Code expires on the thirty-first day of December of the 65561  
year following the year in which the registration occurs. An 65562  
individual may renew a registration for subsequent two-year 65563  
periods by submitting both of the following to the secretary of 65564  
the state dental board each time the individual seeks to renew a 65565  
registration: 65566

(1) A completed application for renewal, under oath, on a 65567  
form the board shall prescribe and provide; 65568

(2) A renewal fee of ~~twenty~~ twenty-five dollars. 65569

(B) If an individual complies with division (A) of this 65570  
section and is not in violation of any section of this chapter or 65571  
rule adopted under it, the board shall renew the individual's 65572  
registration for a two-year period that expires on the 65573  
thirty-first day of December of the year following the year in 65574  
which the registration was renewed. 65575

(C) Registration renewals shall be made in accordance with 65576  
the standard renewal procedure established under Chapter 4745. of 65577  
the Revised Code. 65578

**Sec. 4715.70.** Any person applying for issuance of or renewing 65579

a certificate, license, permit, or registration under this chapter 65580  
shall pay, in addition to any fee associated with the certificate, 65581  
license, permit, or registration, a five dollar financial services 65582  
fee. 65583

**Sec. 4717.01.** As used in this chapter: 65584

(A) "Embalming" means the ~~preservation and disinfection, or~~ 65585  
~~attempted preservation and disinfection,~~ process of chemically 65586  
treating the dead human body by ~~application~~ any of chemicals 65587  
~~externally, internally, or both~~ the following to reduce the 65588  
presence and growth of microorganisms, to temporarily slow organic 65589  
decomposition, and to restore acceptable physical appearance: 65590

(1) Arterial injection; 65591

(2) Cavity treatment; 65592

(3) Hypodermic tissue injection. 65593

(B) "Funeral business" means a sole proprietorship, 65594  
partnership, corporation, limited liability company, or other 65595  
business entity that is engaged in funeral directing for profit or 65596  
for free from one or more funeral homes licensed under this 65597  
chapter. 65598

(C) "Funeral directing" means the business or profession of 65599  
directing or supervising funerals for profit from one or more 65600  
funeral homes licensed under this chapter, the arrangement or sale 65601  
of funeral services, the filling out or execution of a funeral 65602  
service contract, the business or profession of preparing dead 65603  
human bodies for burial by means other than embalming, the 65604  
disposition of dead human bodies, the provision or maintenance of 65605  
a place for the preparation, the care, or disposition of dead 65606  
human bodies, the use in connection with a business of the term 65607  
"funeral director," "undertaker," "mortician," or any other term 65608  
from which can be implied the business of funeral directing, or 65609

the holding out to the public that one is a funeral director or a 65610  
disposer of dead human bodies. 65611

(D) "Funeral home" means a fixed place for the care, 65612  
preparation for burial, or disposition of dead human bodies or the 65613  
conducting of funerals. Each business location is a funeral home, 65614  
regardless of common ownership or management. 65615

(E) "Embalmer" means a person who engages, in whole or in 65616  
part, in embalming and who is licensed under this chapter. 65617

(F) "Funeral director" means a person who engages, in whole 65618  
or in part, in funeral directing and who is licensed under this 65619  
chapter. 65620

(G) "Final disposition" has the same meaning as in division 65621  
(J) of section 3705.01 of the Revised Code. 65622

(H) "Supervision" means the operation of all phases of the 65623  
business of funeral directing or embalming under the specific 65624  
direction of a licensed funeral director or licensed embalmer. 65625

(I) "Direct supervision" means the physical presence of a 65626  
licensed funeral director or licensed embalmer while the specific 65627  
functions of the funeral or embalming are being carried out. 65628

(J) "Embalming facility" means a fixed location, separate 65629  
from the funeral home, that is licensed under this chapter whose 65630  
only function is the embalming and preparation of dead human 65631  
bodies. 65632

(K) "Crematory facility" means the physical location at which 65633  
a cremation chamber is located and the cremation process takes 65634  
place. "Crematory facility" does not include an infectious waste 65635  
incineration facility for which a license is held under division 65636  
(B) of section 3734.05 of the Revised Code, or a solid waste 65637  
incineration facility for which a license is held under division 65638  
(A) of that section that includes a notation pursuant to division 65639

(B)(3) of that section authorizing the facility to also treat 65640  
infectious wastes, in connection with the incineration of body 65641  
parts other than dead human bodies that were donated to science 65642  
for purposes of medical education or research. 65643

(L) "Crematory" means the building or portion of a building 65644  
that houses the holding facility and the cremation chamber. 65645

(M) "Cremation" means the technical process of using heat and 65646  
flame to reduce human or animal remains to bone fragments or ashes 65647  
or any combination thereof. "Cremation" includes processing and 65648  
may include the pulverization of bone fragments. 65649

(N) "Cremation chamber" means the enclosed space within which 65650  
cremation takes place. 65651

(O) "Cremated remains" means all human or animal remains 65652  
recovered after the completion of the cremation process, which may 65653  
include the residue of any foreign matter such as casket material, 65654  
dental work, or eyeglasses that were cremated with the human or 65655  
animal remains. 65656

(P) "Lapsed license" means a license issued under this 65657  
chapter that has become invalid because of the failure of the 65658  
licensee to renew the license within the time limits prescribed 65659  
under this chapter. 65660

(Q) "~~Operator of a crematory facility~~ Crematory operator" 65661  
means the ~~sole proprietorship, partnership, corporation, limited~~ 65662  
~~liability company, or other business entity responsible for the~~ 65663  
~~overall operation of~~ person who engages, in whole or in part, in 65664  
cremation from one or more crematories licensed under this chapter 65665  
and who has been issued a crematory facility operator permit under 65666  
this chapter. 65667

(R) "Processing" means the reduction of identifiable bone 65668  
fragments to unidentifiable bone fragments through manual or 65669  
mechanical means after the completion of the cremation process. 65670

(S) "Pulverization" means the reduction of identifiable bone 65671  
fragments to granulated particles by manual or mechanical means 65672  
after the completion of the cremation process. 65673

(T) "Preneed funeral contract" means a written agreement, 65674  
contract, or series of contracts to sell or otherwise provide any 65675  
funeral services, funeral goods, or any combination thereof to be 65676  
used in connection with the funeral or final disposition of a dead 65677  
human body, where payment for the goods or services is made either 65678  
outright or on an installment basis, prior to the death of the 65679  
person purchasing the goods or services or for whom the goods or 65680  
services are purchased. "Preneed funeral contract" does not 65681  
include any preneed cemetery merchandise and services contract or 65682  
any agreement, contract, or series of contracts pertaining to the 65683  
sale of any burial lot, burial or interment right, entombment 65684  
right, or columbarium right with respect to which an endowment 65685  
care fund is established or is exempt from establishment pursuant 65686  
to section 1721.21 of the Revised Code. 65687

For the purposes of division (T) of this section, "funeral 65688  
goods" includes caskets. 65689

(U) "Purchaser" means the individual who has purchased and 65690  
financed a preneed funeral contract, and who may or may not be the 65691  
contract beneficiary. 65692

(V) "Contract beneficiary" means the individual for whom 65693  
funeral goods and funeral services are provided pursuant to a 65694  
preneed funeral contract. 65695

(W) "Seller" means any person that enters into a preneed 65696  
funeral contract with a purchaser for the provision of funeral 65697  
goods, funeral services, or both. 65698

(X) "Felony" means a criminal act classified as a felony by 65699  
this state, any other state, or federal law. 65700

Sec. 4717.02. (A) There is hereby created the board of 65701  
embalmers and funeral directors consisting of seven members to be 65702  
appointed by the governor with the advice and consent of the 65703  
senate. Five members shall be licensed ~~embalmers and~~ practicing 65704  
funeral directors, ~~each with~~ four of which shall also be licensed 65705  
embalmers. Each of the funeral director members shall have at 65706  
least ten consecutive years of experience in this state 65707  
immediately preceding the date of the person's appointment. In 65708  
addition, one of these the funeral director members shall hold a 65709  
crematory operator permit and be knowledgeable and experienced in 65710  
operating a crematory. Two members shall represent the public; at 65711  
least one of these members shall be at least sixty years of age. 65712

(B) Terms of office are for five years, commencing on the 65713  
first day of July and ending on the last day of June. Each member 65714  
shall hold office from the date of the member's appointment until 65715  
the end of the term for which the member was appointed. Before 65716  
entering upon the duties of the office, each member shall take and 65717  
file with the secretary of state an oath of office as required by 65718  
Section 7 of Article XV, Ohio Constitution. 65719

(C) The governor may remove a member of the board for neglect 65720  
of duty, incompetency, or immoral conduct. Vacancies shall be 65721  
filled in the manner provided for original appointments. Any 65722  
member appointed to fill a vacancy occurring prior to the 65723  
expiration date of the term for which the member's predecessor was 65724  
appointed shall hold office as a member for the remainder of that 65725  
term. A member shall continue in office subsequent to the 65726  
expiration date of the member's term until the member's successor 65727  
takes office, or until a period of sixty days has elapsed, 65728  
whichever occurs first. 65729

(D) Each member of the board shall receive an amount fixed 65730  
under division (J) of section 124.15 of the Revised Code for each 65731

day, not to exceed sixty days per year, employed in the discharge 65732  
of the member's duties as a board member, together with any 65733  
necessary expenses incurred in the performance of those duties. 65734

**Sec. 4717.03.** (A) Members of the board of embalmers and 65735  
funeral directors shall annually in July, or within thirty days 65736  
after the senate's confirmation of the new members appointed in 65737  
that year, meet and organize by selecting from among its members a 65738  
president, vice-president, and secretary-treasurer. The board may 65739  
hold other meetings as it determines necessary. A quorum of the 65740  
board consists of four members, of whom at least three shall be 65741  
members who are embalmers and funeral directors. The concurrence 65742  
of at least four members is necessary for the board to take any 65743  
action. The president and secretary-treasurer shall sign all 65744  
licenses issued under this chapter and affix the board's seal to 65745  
each license. 65746

(B) The board may appoint an individual who is not a member 65747  
of the board to serve as executive director of the board. The 65748  
executive director serves at the pleasure of the board and shall 65749  
do all of the following: 65750

(1) Serve as the board's chief administrative officer; 65751

(2) Act as custodian of the board's records; 65752

(3) Execute all of the board's orders; 65753

(4) Employ staff who are not members of the board and who 65754  
serve at the pleasure of the executive director to provide any 65755  
assistance that the board considers necessary. 65756

(C) In executing the board's orders as required by division 65757  
(B)(3) of this section, the executive director may enter the 65758  
premises, establishment, office, or place of business of any 65759  
embalmer, funeral director, or ~~operator of a crematory facility~~ 65760  
operator in this state. The executive director may serve and 65761



execute any process issued by any court under this chapter. 65762

(D) The executive director may employ necessary inspectors, 65763  
who shall be licensed embalmers and funeral directors. An 65764  
inspector employed by the executive director may enter the 65765  
premises, establishment, office, or place of business of any 65766  
embalmer, funeral director, or crematory operator ~~of a, embalming~~ 65767  
facility, funeral home, or crematory facility in this state, for 65768  
the purposes of inspecting the facility and premises; the license, 65769  
permit, and registration of embalmers ~~and,~~ funeral directors, and 65770  
crematory operators operating in the facility; and the license of 65771  
the funeral home, embalming facility, or crematory facility and 65772  
perform any other duties delegated to the inspector by the board 65773  
or assigned to the inspector by the executive director. The 65774  
executive director may enter the facility or premises of a funeral 65775  
home, embalming facility, or crematory for the purpose of an 65776  
inspection if accompanied by an inspector or, if an inspector is 65777  
not available, when a situation presents a danger of immediate and 65778  
serious harm to the public. 65779

(E) The president of the board shall designate three of the 65780  
board's members to serve on the crematory review board, which is 65781  
hereby created, for such time as the president finds appropriate 65782  
to carry out the provisions of this chapter. Those members of the 65783  
crematory review board designated by the president to serve and 65784  
three members designated by the cemetery dispute resolution 65785  
commission shall designate, by a majority vote, one person who 65786  
holds a crematory operator permit, who is experienced in the 65787  
operation of a crematory facility, and who is not affiliated with 65788  
a cemetery or a funeral home to serve on the crematory review 65789  
board for such time as the crematory review board finds 65790  
appropriate. Members serving on the crematory review board shall 65791  
not receive any additional compensation for serving on the board, 65792  
but may be reimbursed for their actual and necessary expenses 65793

incurred in the performance of official duties as members of the 65794  
board. Members of the crematory review board shall designate one 65795  
from among its members to serve as a chairperson for such time as 65796  
the board finds appropriate. Costs associated with conducting an 65797  
adjudicatory hearing in accordance with division (F) of this 65798  
section shall be paid from funds available to the board of 65799  
embalmers and funeral directors. 65800

(F) Upon receiving written notice from the board of embalmers 65801  
and funeral directors of any of the following, the crematory 65802  
review board shall conduct an adjudicatory hearing on the matter 65803  
in accordance with Chapter 119. of the Revised Code, except as 65804  
otherwise provided in this section or division (C) of section 65805  
4717.14 of the Revised Code: 65806

(1) Notice provided under division (I) of this section of an 65807  
alleged violation of any provision of this chapter or any rules 65808  
adopted under this chapter governing or in connection with 65809  
crematory operators, crematory facilities, or cremation; 65810

(2) Notice provided under division (B) of section 4717.14 of 65811  
the Revised Code that the board of embalmers and funeral directors 65812  
proposes to refuse to grant or renew, or to suspend or revoke, a 65813  
license to operate a crematory facility; 65814

(3) Notice provided under division (C) of section 4717.14 of 65815  
the Revised Code that the board of embalmers and funeral directors 65816  
has issued an order summarily suspending a crematory operator 65817  
permit or a license to operate a crematory facility; 65818

(4) Notice provided under division (B) of section 4717.15 of 65819  
the Revised Code that the board of embalmers and funeral directors 65820  
proposes to issue a notice of violation and order requiring 65821  
payment of a forfeiture for any violation described in divisions 65822  
(A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in 65823  
connection with a crematory operator, crematory facility, or 65824

cremation. 65825

Nothing in division (F) of this section precludes the 65826  
crematory review board from appointing an independent examiner in 65827  
accordance with section 119.09 of the Revised Code to conduct any 65828  
adjudication hearing required under division (F) of this section. 65829

The crematory review board shall submit a written report of 65830  
findings and advisory recommendations, and a written transcript of 65831  
its proceedings, to the board of embalmers and funeral directors. 65832  
The board of embalmers and funeral directors shall serve a copy of 65833  
the written report of the crematory review board's findings and 65834  
advisory recommendations on the party to the adjudication or the 65835  
party's attorney, by certified mail, within five days after 65836  
receiving the report and advisory recommendations. A party may 65837  
file objections to the written report with the board of embalmers 65838  
and funeral directors within ten days after receiving the report. 65839  
No written report is final or appealable until it is issued as a 65840  
final order by the board of embalmers and funeral directors and 65841  
entered on the record of the proceedings. The board of embalmers 65842  
and funeral directors shall consider objections filed by the party 65843  
prior to issuing a final order. After reviewing the findings and 65844  
advisory recommendations of the crematory review board, the 65845  
written transcript of the crematory review board's proceedings, 65846  
and any objections filed by a party, the board of embalmers and 65847  
funeral directors shall issue a final order in the matter. Any 65848  
party may appeal the final order issued by the board of embalmers 65849  
and funeral directors in a matter described in divisions (F)(1) to 65850  
(4) of this section in accordance with section 119.12 of the 65851  
Revised Code, except that the appeal may be made to the court of 65852  
common pleas in the county in which is located the crematory 65853  
facility to which the final order pertains, or in the county in 65854  
which the party resides. 65855

(G) On its own initiative or on receiving a written complaint 65856

from any person whose identity is made known to the board of 65857  
embalmers and funeral directors, the board shall investigate the 65858  
acts or practices of any person holding or claiming to hold a 65859  
license, permit, or registration under this chapter that, if 65860  
proven to have occurred, would violate this chapter or any rules 65861  
adopted under it. The board may compel witnesses by subpoena to 65862  
appear and testify in relation to investigations conducted under 65863  
this chapter and may require by subpoena duces tecum the 65864  
production of any book, paper, or document pertaining to an 65865  
investigation. If a person does not comply with a subpoena or 65866  
subpoena duces tecum, the board may apply to the court of common 65867  
pleas of any county in this state for an order compelling the 65868  
person to comply with the subpoena or subpoena duces tecum, or for 65869  
failure to do so, to be held in contempt of court. 65870

(H) If, as a result of its investigation conducted under 65871  
division (G) of this section, the board of embalmers and funeral 65872  
directors has reasonable cause to believe that the person 65873  
investigated is violating any provision of this chapter or any 65874  
rules adopted under this chapter governing or in connection with 65875  
embalming, funeral directing, cremation, funeral homes, embalming 65876  
facilities, or cremation facilities, or the operation of funeral 65877  
homes ~~or~~, embalming facilities, or crematory facilities, it may, 65878  
after providing the opportunity for an adjudicatory hearing, issue 65879  
an order directing the person to cease the acts or practices that 65880  
constitute the violation. The board shall conduct the adjudicatory 65881  
hearing in accordance with Chapter 119. of the Revised Code except 65882  
that, notwithstanding the provisions of that chapter, the 65883  
following shall apply: 65884

(1) The board shall send the notice informing the person of 65885  
the person's right to a hearing by certified mail. 65886

(2) The person is entitled to a hearing only if the person 65887  
requests a hearing and if the board receives the request within 65888

thirty days after the mailing of the notice described in division 65889  
(H)(1) of this section. 65890

(3) A stenographic record shall be taken, in the manner 65891  
prescribed in section 119.09 of the Revised Code, at every 65892  
adjudicatory hearing held under this section, regardless of 65893  
whether the record may be the basis of an appeal to a court. 65894

(I) If, as a result of its investigation conducted under 65895  
division (G) of this section, the board of embalmers and funeral 65896  
directors has reasonable cause to believe that the person 65897  
investigated is violating any provision of this chapter or any 65898  
rules adopted under this chapter governing or in connection with 65899  
crematory operators, crematory facilities, or cremation, the board 65900  
shall send written notice of the alleged violation to the 65901  
crematory review board. If, after the conclusion of the 65902  
adjudicatory hearing in the matter conducted under division (F) of 65903  
this section, the board of embalmers and funeral directors finds 65904  
that a person is in violation of any provision of this chapter or 65905  
any rules adopted under this chapter governing or in connection 65906  
with crematory operators, crematory facilities, or cremation, the 65907  
board may issue a final order under that division directing the 65908  
person to cease the acts or practices that constitute the 65909  
violation. 65910

(J) The board of embalmers and funeral directors may bring a 65911  
civil action to enjoin any violation or threatened violation of 65912  
sections 4717.01 to 4717.15 of the Revised Code or a rule adopted 65913  
under any of those sections; division (A) or (B) of section 65914  
4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or 65915  
(F)(1) or (2), or divisions (H) to (K) of section 4717.26; 65916  
division (D)(1) of section 4717.27; divisions (A) to (C) of 65917  
section 4717.28, or division (D) or (E) of section 4717.31 of the 65918  
Revised Code. The action shall be brought in the county where the 65919  
violation occurred or the threatened violation is expected to 65920

occur. At the request of the board, the attorney general shall 65921  
represent the board in any matter arising under this chapter. 65922

(K) The board of embalmers and funeral directors and the 65923  
crematory review board may issue subpoenas for ~~funeral directors~~ 65924  
~~and embalmers or persons holding themselves out as such, for~~ 65925  
~~operators of crematory facilities~~ any person holding a license or 65926  
permit under this chapter or persons holding themselves out as 65927  
such, or for any other person whose testimony, in the opinion of 65928  
either board, is necessary. The subpoena shall require the person 65929  
to appear before the appropriate board or any designated member of 65930  
either board, upon any hearing conducted under this chapter. The 65931  
penalty for disobedience to the command of such a subpoena is the 65932  
same as for refusal to answer such a process issued under 65933  
authority of the court of common pleas. 65934

(L) ~~All~~ Except as provided in section 4717.41 of the Revised 65935  
Code, all moneys received by the board of embalmers and funeral 65936  
directors from any source shall be deposited in the state treasury 65937  
to the credit of the occupational licensing and regulatory fund 65938  
created in section 4743.05 of the Revised Code. 65939

(M) The board of embalmers and funeral directors shall submit 65940  
a written report to the governor on or before the first Monday of 65941  
July of each year. This report shall contain a detailed statement 65942  
of the nature and amount of the board's receipts and the amount 65943  
and manner of its expenditures. 65944

**Sec. 4717.04.** (A) The board of embalmers and funeral 65945  
directors shall adopt rules in accordance with Chapter 119. of the 65946  
Revised Code for the government, transaction of the business, and 65947  
the management of the affairs of the board of embalmers and 65948  
funeral directors and the crematory review board, and for the 65949  
administration and enforcement of this chapter. These rules shall 65950  
include all of the following: 65951

(1) The nature, scope, content, and form of the application 65952  
that must be completed and license examination that must be passed 65953  
in order to receive an embalmer's license or a funeral director's 65954  
license under section 4717.05 of the Revised Code. The rules shall 65955  
ensure both of the following: 65956

(a) That the embalmer's license examination tests the 65957  
applicant's knowledge through at least a comprehensive section and 65958  
an Ohio laws section; 65959

(b) That the funeral director's license examination tests the 65960  
applicant's knowledge through at least a comprehensive section, an 65961  
Ohio laws section, and a sanitation section. 65962

(2) The minimum license examination score necessary to be 65963  
licensed under section 4717.05 of the Revised Code as an embalmer 65964  
or as a funeral director; 65965

(3) Procedures for determining the dates of the embalmer's 65966  
and funeral director's license examinations, which shall be 65967  
administered at least once each year, the time and place of each 65968  
examination, and the supervision required for each examination; 65969

(4) Procedures for determining whether the board shall accept 65970  
an applicant's compliance with the licensure, registration, or 65971  
certification requirements of another state as grounds for 65972  
granting the applicant a license under this chapter; 65973

(5) A determination of whether completion of a nationally 65974  
recognized embalmer's or funeral director's examination 65975  
sufficiently meets the license requirements for the comprehensive 65976  
section of either the embalmer's or the funeral director's license 65977  
examination administered under this chapter; 65978

(6) Continuing education requirements for licensed embalmers 65979  
and funeral directors; 65980

(7) Requirements for the licensing and operation of funeral 65981

homes;	65982
(8) Requirements for the licensing and operation of embalming facilities;	65983 65984
(9) A schedule that lists, and specifies a forfeiture commensurate with, each of the following types of conduct which, for the purposes of division (A)(9) of this section and section 4717.15 of the Revised Code, are violations of this chapter:	65985 65986 65987 65988
(a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license;	65989 65990 65991
(b) Purposely violating any provision of sections 4717.01 to 4717.15 of the Revised Code or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code;	65992 65993 65994 65995 65996 65997
(c) Committing unprofessional conduct;	65998
(d) Knowingly permitting an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the licensee's supervision;	65999 66000 66001 66002
(e) Refusing to promptly submit the custody of a dead human body <u>or cremated remains</u> upon the express order of the person legally entitled to the body;	66003 66004 66005
(f) Transferring a license to operate a funeral home, embalming facility, or crematory facility from one owner or operator to another, or from one location to another, without notifying the board;	66006 66007 66008 66009
(g) Misleading the public using false or deceptive advertising;	66010 66011



(h) Failing to forward to the board on or before its due date 66012  
the annual report of preneed funeral sales required by division 66013  
(J) of section 4717.31 of the Revised Code. If the annual report 66014  
is sent to the board by United States mail, it shall be postmarked 66015  
on or before the due date for the submission of the annual report 66016  
in order to be timely filed with the board. Mail that is not 66017  
postmarked shall be considered filed on the date it is received by 66018  
the board. 66019

Each instance of the commission of any of the types of 66020  
conduct described in ~~divisions~~ division (A)(9)(a), (b), (c), (d), 66021  
(e), (f), and (g) of this section is a separate violation. The 66022  
rules adopted under division (A)(9) of this section shall 66023  
establish the amount of the forfeiture for a violation of each of 66024  
those divisions. The forfeiture for a first violation shall not 66025  
exceed five thousand dollars, and the forfeiture for a second or 66026  
subsequent violation shall not exceed ten thousand dollars. The 66027  
amount of the forfeiture may differ among the types of violations 66028  
according to what the board considers the seriousness of each 66029  
violation. 66030

(10) Requirements for the licensing and operation of 66031  
crematory facilities; 66032

(11) Procedures for the board to take possession of and to 66033  
arrange the lawful disposition of unclaimed cremated remains that 66034  
were held or stored at a funeral home or crematory that has been 66035  
closed; 66036

(12) Procedures for the issuance of duplicate licenses; 66037

~~(12)~~(13) Requirements for criminal records checks of 66038  
applicants under section 4776.03 of the Revised Code; 66039

~~(13)~~(14) The amount and content of corrective action courses 66040  
required by the board under section 4717.14 of the Revised Code. 66041

(B) The board may adopt rules governing the educational 66042

standards for licensure as an embalmer or funeral director, or 66043  
obtaining a permit to be a crematory operator, and the standards 66044  
of service and practice to be followed in embalming ~~and,~~ funeral 66045  
directing, and cremation, and in the operation of funeral homes, 66046  
embalming facilities, and crematory facilities in this state. 66047

(C) Nothing in this chapter authorizes the board of embalmers 66048  
and funeral directors to regulate cemeteries, except that the 66049  
board shall license and regulate ~~crematories~~ funeral homes, 66050  
embalming facilities, and crematory facilities located at 66051  
cemeteries in accordance with this chapter. 66052

**Sec. 4717.05.** (A) Any person who desires to be licensed as an 66053  
embalmer shall apply to the board of embalmers and funeral 66054  
directors on a form provided by the board. The applicant shall 66055  
include with the application an initial license fee as set forth 66056  
in section 4717.07 of the Revised Code and evidence, verified by 66057  
oath and satisfactory to the board, that the applicant meets all 66058  
of the following requirements: 66059

(1) The applicant is at least eighteen years of age and of 66060  
good moral character. 66061

(2) If the applicant has pleaded guilty to, has been found by 66062  
a judge or jury to be guilty of, or has had a judicial finding of 66063  
eligibility for treatment in lieu of conviction entered against 66064  
the applicant in this state for aggravated murder, murder, 66065  
voluntary manslaughter, felonious assault, kidnapping, rape, 66066  
sexual battery, gross sexual imposition, aggravated arson, 66067  
aggravated robbery, or aggravated burglary, or has pleaded guilty 66068  
to, has been found by a judge or jury to be guilty of, or has had 66069  
a judicial finding of eligibility for treatment in lieu of 66070  
conviction entered against the applicant in another jurisdiction 66071  
for a substantially equivalent offense, at least five years has 66072  
elapsed since the applicant was released from incarceration, a 66073

community control sanction, a post-release control sanction, 66074  
parole, or treatment in connection with the offense. 66075

(3) The applicant holds at least a bachelor's degree from a 66076  
college or university authorized to confer degrees by the ~~Ohio~~ 66077  
~~board~~ department of regents higher education or the comparable 66078  
legal agency of another state in which the college or university 66079  
is located and submits an official transcript from that college or 66080  
university with the application. 66081

(4) The applicant has satisfactorily completed at least 66082  
twelve months of instruction in a prescribed course in mortuary 66083  
science as approved by the board and has presented to the board a 66084  
certificate showing successful completion of the course. The 66085  
course of mortuary science college training may be completed 66086  
either before or after the completion of the educational standard 66087  
set forth in division (A)(3) of this section. 66088

(5) The applicant has registered with the board prior to 66089  
beginning an embalmer apprenticeship. 66090

(6) The applicant has satisfactorily completed at least one 66091  
year of apprenticeship under an embalmer licensed in this state 66092  
and has ~~assisted that person~~ participated in embalming at least 66093  
twenty-five dead human bodies. 66094

(7) The applicant, upon meeting the educational standards 66095  
provided for in divisions (A)(3) and (4) of this section and 66096  
completing the apprenticeship required in division (A)(6) of this 66097  
section, has completed the examination for an embalmer's license 66098  
required by the board. 66099

(B) Upon receiving satisfactory evidence verified by oath 66100  
that the applicant meets all the requirements of division (A) of 66101  
this section, the board shall issue the applicant an embalmer's 66102  
license. 66103

(C) Any person who desires to be licensed as a funeral 66104

director shall apply to the board on a form ~~provided~~ prescribed by 66105  
the board. The application shall include an initial license fee as 66106  
set forth in section 4717.07 of the Revised Code and evidence, 66107  
verified by oath and satisfactory to the board, that the applicant 66108  
meets all of the following requirements: 66109

(1) Except as otherwise provided in division (D) of this 66110  
section, the applicant has satisfactorily met all the requirements 66111  
for an embalmer's license as described in divisions (A)(1) to (4) 66112  
of this section. 66113

(2) The applicant has registered with the board prior to 66114  
beginning a funeral director apprenticeship. 66115

(3) The applicant, following mortuary science college 66116  
training described in division (A)(4) of this section, has 66117  
satisfactorily completed a one-year apprenticeship under a 66118  
licensed funeral director in this state and has ~~assisted that~~ 66119  
~~person~~ participated in directing at least twenty-five funerals. 66120

(4) The applicant has satisfactorily completed the 66121  
examination for a funeral director's license as required by the 66122  
board. 66123

(D) In lieu of mortuary science college training required for 66124  
a funeral director's license under division (C)(1) of this 66125  
section, the applicant may substitute a satisfactorily completed 66126  
two-year apprenticeship under a licensed funeral director in this 66127  
state assisting that person in directing at least fifty funerals. 66128

(E) Upon receiving satisfactory evidence that the applicant 66129  
meets all the requirements of division (C) of this section, the 66130  
board shall issue to the applicant a funeral director's license. 66131

(F) A funeral director or embalmer may request the funeral 66132  
director's or embalmer's license be placed on inactive status by 66133  
submitting to the board a form prescribed by the board and such 66134  
other information as the board may request. A funeral director or 66135

embalmer may not place the funeral director's or embalmer's 66136  
license on inactive status unless the funeral director or embalmer 66137  
is in good standing with the board and is in compliance with 66138  
applicable continuing education requirements. A funeral director 66139  
or embalmer who is granted inactive status is prohibited from 66140  
participating in any activity for which a funeral director's or 66141  
embalmer's license is required in this state. A funeral director 66142  
or embalmer who has been granted inactive status is exempt from 66143  
the continuing education requirements under section 4717.09 of the 66144  
Revised Code during the period of the inactive status. 66145

(G) A funeral director or embalmer who has been granted 66146  
inactive status may not return to active status for at least two 66147  
years following the date that the inactive status was granted. 66148  
Following a period of at least two years of inactive status, the 66149  
funeral director or embalmer may apply to return to active status 66150  
upon completion of all of the following conditions: 66151

(1) The funeral director or embalmer files with the board a 66152  
form prescribed by the board seeking active status and provides 66153  
any other information as the board may request; 66154

(2) The funeral director or embalmer takes and passes the 66155  
Ohio laws examination for each license being activated; 66156

(3) The funeral director or embalmer pays a reactivation fee 66157  
to the board in the amount of one hundred forty dollars for each 66158  
license being reactivated. 66159

(H) As used in this section: 66160

(1) "Community control sanction" has the same meaning as in 66161  
section 2929.01 of the Revised Code. 66162

(2) "Post-release control sanction" has the same meaning as 66163  
in section 2967.01 of the Revised Code. 66164

**Sec. 4717.051.** (A) Any person who desires to obtain a permit 66165

as a crematory operator shall apply to the board of embalmers and funeral directors on a form prescribed by the board. The applicant shall include with the application the initial permit fee set forth in section 4717.07 of the Revised Code and evidence, verified under oath and satisfactory to the board, that the applicant satisfies all of the following requirements:

(1) The applicant is at least eighteen years of age and of good moral character.

(2) If the applicant has pleaded guilty to, or has been found by a judge or jury to be guilty of, or has had judicial finding of eligibility for treatment in lieu of conviction entered against the applicant in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had judicial finding of eligibility for treatment in lieu of conviction entered against the applicant in another jurisdiction for a substantially equivalent offense, at least five years has elapsed since the applicant was released from incarceration, a community control sanction, a post-release control sanction, parole, or treatment in connection with the offense.

(3) The applicant has satisfactorily completed a crematory operation certification program approved by the board and has presented to the board a certificate showing completion of the program.

(B) If the board of embalmers and funeral directors, upon receiving satisfactory evidence, determines that the applicant satisfies all of the requirements of division (A) of this section, the board shall issue to the applicant a permit as a crematory operator.

(C) The board of embalmers and funeral directors may revoke 66197  
or suspend a crematory operator permit or subject a crematory 66198  
operator permit holder to discipline in accordance with the laws, 66199  
rules, and procedures applicable to licensees under this chapter. 66200

**Sec. 4717.06.** (A)(1) ~~Any person~~ A licensed funeral director 66201  
who desires to obtain a license to operate a funeral home, a 66202  
licensed embalmer who desires to obtain a license to operate an 66203  
embalming facility, or a holder of a crematory operator permit who 66204  
desires to obtain a license to operate a crematory facility shall 66205  
apply to the board of embalmers and funeral directors on a form 66206  
~~provided~~ prescribed by the board. The application shall include 66207  
the initial license application fee set forth in section 4717.07 66208  
of the Revised Code and proof satisfactory to the board that the 66209  
funeral home, embalming facility, or crematory facility is in 66210  
compliance with rules adopted by the board under section 4717.04 66211  
of the Revised Code, rules adopted by the board of building 66212  
standards under Chapter 3781. of the Revised Code, and all other 66213  
federal, state, and local requirements relating to the safety of 66214  
the premises. 66215

(2) If the funeral home, embalming facility, or crematory 66216  
facility to which the license application pertains is owned by a 66217  
corporation or limited liability company, the application shall 66218  
include the name and address of the corporation's or limited 66219  
liability company's statutory agent appointed under section 66220  
1701.07 or 1705.06 of the Revised Code or, in the case of a 66221  
foreign corporation, the corporation's designated agent appointed 66222  
under section 1703.041 of the Revised Code. If the funeral home, 66223  
embalming facility, or crematory facility to which the application 66224  
pertains is owned by a partnership, the application shall include 66225  
the name and address of each of the partners. If, at any time 66226  
after the submission of a license application or issuance of a 66227  
license, the statutory or designated agent of a corporation or 66228

limited liability company owning a funeral home, embalming 66229  
facility, or crematory facility or the address of the statutory or 66230  
designated agent changes or, in the case of a partnership, any of 66231  
the partners of the funeral home, embalming facility, or crematory 66232  
facility or the address of any of the partners changes, the 66233  
applicant for or holder of the license to operate the funeral 66234  
home, embalming facility, or crematory facility shall submit 66235  
written notice to the board, within thirty days after the change, 66236  
informing the board of the change and of any name or address of a 66237  
statutory or designated agent or partner that has changed from 66238  
that contained in the application for the license or the most 66239  
recent notice submitted under division (A)(2) of this section. 66240

(B)(1) The board of embalmers and funeral directors shall 66241  
issue a license to operate a funeral home only to a licensed 66242  
funeral director who is named in the application as the funeral 66243  
director actually in charge and ultimately responsible for the 66244  
funeral home. The board shall issue the license only for the 66245  
address at which the funeral home is physically located and 66246  
operated. The funeral home license and licenses of the embalmers 66247  
and funeral directors employed by the funeral home shall be 66248  
displayed in a conspicuous place within the funeral home. The name 66249  
of the funeral director to whom the funeral home license has been 66250  
issued shall be conspicuously displayed immediately on the outside 66251  
or the inside of the primary entrance to the funeral home that is 66252  
used by the public. 66253

(2) The funeral home shall have on the premises one of the 66254  
following: 66255

(a) If embalming will take place at the funeral home, an 66256  
embalming room that is adequately equipped and maintained. The 66257  
embalming room shall be kept in a clean and sanitary manner and 66258  
used only for the embalming, preparation, or holding of dead human 66259  
bodies. The embalming room shall contain only the articles, 66260



facilities, and instruments necessary for those purposes. 66261

(b) If embalming will not take place at the funeral home, a 66262  
holding room that is adequately equipped and maintained. The 66263  
holding room shall be kept in a clean and sanitary manner and used 66264  
only for the preparation, other than embalming, and holding of 66265  
dead human bodies. The holding room shall contain only the 66266  
articles and facilities necessary for those purposes. 66267

~~(3) Except as provided in division (B) of section 4717.11 of 66268  
the Revised Code, a funeral home shall be established and operated 66269  
only under the name of a holder of a funeral director's license 66270  
issued by the board who is actually in charge of and ultimately 66271  
responsible for the funeral home, and a funeral home license shall 66272  
not include directional or geographical references in the name of 66273  
the funeral home. The holder of the funeral home license shall be 66274  
a funeral director licensed under this chapter who is actually in 66275  
charge of and ultimately responsible for the funeral home. Nothing 66276  
in division (B)(3) of this section prohibits the holder of a 66277  
funeral home license from including directional or geographical 66278  
references in promotional or advertising materials identifying the 66279  
location of the funeral home. 66280~~

~~(4) Each funeral home shall be directly supervised by a 66281  
funeral director licensed under this chapter, who may supervise 66282  
more than one funeral home. 66283~~

(C)(1) The board shall issue a license to operate an 66284  
embalming facility only to a licensed embalmer who is actually in 66285  
charge of and ultimately responsible for the embalming facility. 66286  
The board shall issue the license only for the address at which 66287  
the embalming facility is physically located and operated. The 66288  
license shall be displayed in a conspicuous place within the 66289  
facility. The name of the embalmer to whom the embalming facility 66290  
license has been issued shall be conspicuously displayed on the 66291  
outside or inside of the primary entrance to the embalming 66292

facility. 66293

(2) The embalming facility shall be adequately equipped and 66294  
maintained in a sanitary manner. The embalming room at such a 66295  
facility shall contain only the articles, facilities, and 66296  
instruments necessary for its stated purpose. The embalming room 66297  
shall be kept in a clean and sanitary condition and used only for 66298  
the care and preparation of dead human bodies. 66299

~~(3) An embalming facility license shall be issued only to an 66300  
embalmer licensed under division (B) of section 4717.05 of the 66301  
Revised Code, who is actually in charge of the facility. 66302~~

(D)(1) The board shall issue a license to operate a crematory 66303  
facility only to a crematory operator who is actually in charge 66304  
and ultimately responsible for the crematory facility. The board 66305  
shall issue the license only for the address at which the 66306  
crematory facility is physically located and operated. The license 66307  
shall be displayed in a conspicuous place within the crematory 66308  
facility. The name of the crematory operator to whom the crematory 66309  
facility license has been issued shall be conspicuously displayed 66310  
on the outside or inside of the primary entrance to the crematory 66311  
facility. 66312

(2) The crematory facility shall be adequately equipped and 66313  
maintained in a clean and sanitary manner. The crematory facility 66314  
may be located in a funeral home, embalming facility, cemetery 66315  
building, or other building in which the crematory facility may 66316  
lawfully operate. If a crematory facility engages in the cremation 66317  
of animals, the crematory facility shall cremate animals in a 66318  
cremation chamber that also is not used to cremate dead human 66319  
bodies or human body parts and shall not cremate animals in a 66320  
cremation chamber used for the cremation of dead human bodies and 66321  
human body parts. Cremation chambers that are used for the 66322  
cremation of dead human bodies or human body parts and cremation 66323  
chambers used for the cremation of animals may be located in the 66324

same area. Cremation chambers used for the cremation of animals 66325  
shall have conspicuously displayed on the unit a notice that the 66326  
unit is to be used for animals only. 66327

(3) A license to operate a crematory facility shall be issued 66328  
to the person actually in charge of the crematory facility. This 66329  
section does not require the individual who is actually in charge 66330  
of the crematory facility to be an embalmer or funeral director 66331  
licensed under this chapter. 66332

(4) Nothing in this section or rules adopted under section 66333  
4717.04 of the Revised Code precludes the establishment and 66334  
operation of a crematory facility on or adjacent to the property 66335  
on which a cemetery, funeral home, or embalming facility is 66336  
located. 66337

**Sec. 4717.07.** (A) The board of embalmers and funeral 66338  
directors shall charge and collect the following fees: 66339

(1) For ~~the~~ applying for an initial ~~issuance~~ or biennial 66340  
renewal of an embalmer's or funeral director's license, one 66341  
hundred fifty dollars; 66342

(2) For ~~the issuance of~~ applying for an embalmer or funeral 66343  
director registration, twenty-five dollars; 66344

(3) For filing an embalmer or funeral director certificate of 66345  
apprenticeship, ten dollars; 66346

(4) For the application to take the examination for a license 66347  
to practice as an embalmer or funeral director, or to retake a 66348  
section of the examination, thirty-five dollars; 66349

(5) For ~~the~~ applying for an initial ~~issuance of a~~ license to 66350  
operate a funeral home, three hundred fifty dollars and biennial 66351  
renewal of a license to operate a funeral home, three hundred 66352  
fifty dollars; 66353

(6) For the reinstatement of a lapsed embalmer's or funeral 66354

director's license, the renewal fee prescribed in division (A)(1) 66355  
of this section plus fifty dollars for each month or portion of a 66356  
month the license is lapsed, but not more than one thousand 66357  
dollars; 66358

(7) For the reinstatement of a lapsed license to operate a 66359  
funeral home, the renewal fee prescribed in division (A)(5) of 66360  
this section plus fifty dollars for each month or portion of a 66361  
month the license is lapsed until reinstatement, but not more than 66362  
one thousand dollars; 66363

(8) For ~~the initial issuance of~~ applying for a license to 66364  
operate an embalming facility, three hundred fifty dollars and 66365  
biennial renewal of a license to operate an embalming facility, 66366  
three hundred fifty dollars; 66367

(9) For the reinstatement of a lapsed license to operate an 66368  
embalming facility, the renewal fee prescribed in division (A)(8) 66369  
of this section plus fifty dollars for each month or portion of a 66370  
month the license is lapsed until reinstatement, but not more than 66371  
one thousand dollars; 66372

(10) For ~~the initial issuance of~~ applying for a license to 66373  
operate a crematory facility, three hundred fifty dollars and 66374  
biennial renewal of a license to operate a crematory facility, 66375  
three hundred fifty dollars; 66376

(11) For the reinstatement of a lapsed license to operate a 66377  
crematory facility, the renewal fee prescribed in division (A)(10) 66378  
of this section plus fifty dollars for each month or portion of a 66379  
month the license is lapsed until reinstatement, but not more than 66380  
five hundred dollars; 66381

(12) For applying for the initial or biennial renewal of a 66382  
crematory operator permit, one hundred dollars; 66383

(13) For the reinstatement of a lapsed crematory operator 66384  
permit, the renewal fee prescribed in division (A)(12) of this 66385

<u>section plus fifty dollars for each month or portion of a month</u>	66386
<u>the permit is lapsed, but not more than five hundred dollars;</u>	66387
<u>(14) For the issuance of a duplicate of a license issued</u>	66388
<u>under this chapter, ten dollars;</u>	66389
<u>(15) For each preneed funeral contract sold in the state</u>	66390
<u>other than those funded by the assignment of an existing insurance</u>	66391
<u>policy, ten dollars.</u>	66392
(B) In addition to the fees set forth in division (A) of this	66393
section, an applicant shall pay the examination fee assessed by	66394
any examining agency the board uses for any section of an	66395
examination required under this chapter.	66396
(C) Subject to the approval of the controlling board, the	66397
board of embalmers and funeral directors may establish fees in	66398
excess of the amounts set forth in this section, provided that	66399
these fees do not exceed the amounts set forth in this section by	66400
more than fifty per cent.	66401
<b>Sec. 4717.08.</b> (A) Every license <u>and permit</u> issued under this	66402
chapter expires on the last day of December of each even-numbered	66403
year and shall be renewed on or before that date according to the	66404
standard license renewal procedure set forth in Chapter 4745. of	66405
the Revised Code. Licenses <u>and permits</u> not renewed by the last day	66406
of December of each even-numbered year are lapsed.	66407
(B) A holder of a lapsed license to operate a funeral home,	66408
license to operate an embalming facility, or license to operate a	66409
crematory facility <u>or a crematory operator permit</u> may reinstate	66410
the license <u>or permit</u> with the board by paying the lapsed license	66411
fee established under section 4717.07 of the Revised Code.	66412
(C) A holder of a lapsed embalmer's or funeral director's	66413
license may reinstate the license with the board by paying the	66414
lapsed license fee established under section 4717.07 of the	66415

Revised Code, except that if the license is lapsed for more than 66416  
one hundred eighty days after its expiration date, the holder also 66417  
shall take and pass the Ohio laws examination for each license as 66418  
a condition for reinstatement. 66419

**Sec. 4717.09.** (A) Every two years, licensed embalmers and 66420  
funeral directors shall attend between twelve and thirty hours of 66421  
educational programs as a condition for renewal of their licenses. 66422  
The board of embalmers and funeral directors shall adopt rules 66423  
governing the administration and enforcement of the continuing 66424  
education requirements of this section. The board may contract 66425  
with a professional organization or association or other third 66426  
party to assist it in performing functions necessary to administer 66427  
and enforce the continuing education requirements of this section. 66428  
A professional organization or association or other third party 66429  
with whom the board so contracts may charge a reasonable fee for 66430  
performing these functions to licensees or to the persons who 66431  
provide continuing education programs. 66432

(B) A person holding both an embalmer's license and a funeral 66433  
director's license need meet only the continuing education 66434  
requirements established by the board for one or the other of 66435  
those licenses in order to satisfy the requirement of division (A) 66436  
of this section. 66437

(C) A person holding a courtesy card permit issued under 66438  
section 4717.10 of the Revised Code is not required to satisfy the 66439  
continuing education requirements specified in division (A) of 66440  
this section as a condition of renewal of the permit. 66441

(D) A crematory operator shall maintain an active 66442  
certification from a crematory operator certification program as a 66443  
condition for renewal of the permit. 66444

(E) The board shall not renew the license of a licensee who 66445  
fails to meet the continuing education requirements of this 66446

section and who has not been granted a ~~waiver or~~ an exemption 66447  
under division ~~(D)~~(F) or ~~(E)~~(G) of this section. 66448

~~(D)~~(F) Any licensee who fails to meet the continuing 66449  
education requirements of this section because of undue hardship 66450  
or disability, or who is not actively engaged in the practice of 66451  
funeral directing or embalming in this state, may apply to the 66452  
board for a ~~waiver or~~ an exemption. 66453

~~(E)~~ A (G) Any licensee who has been an embalmer or a funeral 66454  
director for not less than fifty years and who is not ~~actually~~ 66455  
actively in charge ~~of an embalming facility or a manager or~~ 66456  
~~actually in charge of~~ and ultimately responsible for a funeral 66457  
home or embalming facility in this state may apply to the board 66458  
for an exemption. 66459

~~(F)~~ ~~The board shall determine, by rule, the procedures for~~ 66460  
~~applying for a waiver or an exemption~~ from the continuing 66461  
education requirements ~~under~~ specified in division (A) of this 66462  
section ~~and under what conditions a waiver or an exemption may be~~ 66463  
~~granted.~~ 66464

(H) The board shall not renew the crematory operator permit 66465  
of an individual who fails to satisfy the certification 66466  
requirement of division (D) of this section. 66467

**Sec. 4717.10.** (A) The board of embalmers and funeral 66468  
directors may recognize licenses issued to embalmers and funeral 66469  
directors by other states, and upon presentation of such licenses, 66470  
may issue to the holder an embalmer's or funeral director's 66471  
license under this chapter. The board shall charge the same fee as 66472  
prescribed in section 4717.07 of the Revised Code to issue or 66473  
renew such an embalmer's or funeral director's license. Such 66474  
licenses shall be renewed biennially as provided in section 66475  
4717.08 of the Revised Code. The board shall not issue a license 66476  
to any person under division (A) of this section unless the 66477

applicant proves that the applicant, in the state in which the 66478  
applicant is licensed, has complied with requirements 66479  
substantially equal to those established in section 4717.05 of the 66480  
Revised Code. 66481

(B) The board of embalmers and funeral directors may issue 66482  
courtesy card permits. A courtesy card permit holder shall be 66483  
authorized to undertake both the following acts in this state: 66484

(1) Prepare and complete those sections of a death 66485  
certificate and other permits needed for disposition of deceased 66486  
human remains in this state and sign and file such death 66487  
certificates and permits; 66488

(2) Supervise and conduct funeral ceremonies, interments, and 66489  
entombments in this state. 66490

(C) The board of embalmers and funeral directors may 66491  
determine under what conditions a courtesy card permit may be 66492  
issued to funeral directors in bordering states after taking into 66493  
account whether and under what conditions and fees such border 66494  
states issue similar courtesy card permits to funeral directors 66495  
licensed in this state. A courtesy card permit holder shall comply 66496  
with all applicable laws and rules of this state while engaged in 66497  
any acts of funeral directing in this state. The board may revoke 66498  
or suspend a courtesy card permit or subject a courtesy card 66499  
permit holder to discipline in accordance with the laws, rules, 66500  
and procedures applicable to funeral ~~director-licensees~~ directors 66501  
under this chapter. Applicants for courtesy card permits shall 66502  
apply on forms prescribed by the board, pay a biennial fee set by 66503  
the board for initial applications and renewals, and adhere to 66504  
such other requirements imposed by the board on courtesy card 66505  
permit holders. 66506

(D) No courtesy card permit holder shall be authorized to 66507  
undertake any of the following activities in this state: 66508



(1) Arranging funerals or disposition services with members of the public in this state;	66509 66510
(2) Be employed by or under contract to a funeral home licensed in this state to perform funeral services in this state;	66511 66512
(3) Advertise funeral or disposition services in this state;	66513
(4) Enter into or execute funeral or disposition contracts in this state;	66514 66515
(5) Prepare or embalm deceased human remains in this state;	66516
(6) Arrange for or carry out the disinterment of human remains in this state.	66517 66518
(E) As used in this section, "courtesy card permit" means a special permit that may be issued to a funeral director licensed in a state that borders this state and who does not hold a funeral director's license under this chapter.	66519 66520 66521 66522
<b>Sec. 4717.11.</b> (A) <del>(1)</del> A person who is licensed to operate a funeral home shall <del>obtain a new</del> <u>surrender that person's license upon any to operate a funeral home within thirty days after a change in any of the following:</u>	66523 66524 66525 66526
<u>(a) The location of the funeral home</u> <del>or any change in ownership of the funeral;</del>	66527 66528
<u>(b) The person who is actually in charge and ultimately responsible for the funeral home;</u>	66529 66530
<u>(c) Ownership of the funeral home</u> business that owns the funeral home that results in a majority of the ownership of the funeral business being held by one or more persons who solely or in combination with others did not own a majority of the funeral business immediately prior to the change in ownership. <del>The person licensed to operate the funeral home shall surrender the current license to the board within</del>	66531 66532 66533 66534 66535 66536 66537

~~(2) Within thirty days after any such a change described in~~ 66538  
~~division (A)(1) of this section occurs. If a funeral home is sold,~~ 66539  
the new funeral director who will be actually in charge and 66540  
ultimately responsible for the funeral home after the change shall 66541  
apply for a license within thirty days after the date of the 66542  
closing of the purchase of the new funeral home license. Upon the 66543  
filing of an application for a funeral home license by a licensed 66544  
funeral director, the funeral home may continue to operate until 66545  
the board denies the funeral home's application. 66546

~~(B) When the funeral director who is licensed to operate a~~ 66547  
~~funeral home ceases to operate the home because of death,~~ 66548  
~~resignation, employment termination, sale of the funeral home, or~~ 66549  
~~any other reason, the funeral home may continue to operate under~~ 66550  
~~that person's name, provided that the name of the new person~~ 66551  
~~licensed to operate the funeral home is added to the license~~ 66552  
~~within twenty four months after the previous license holder dies~~ 66553  
~~or otherwise ceases to operate the funeral home. The new licensee~~ 66554  
~~shall meet the requirements of section 4717.06 of the Revised~~ 66555  
~~Code.~~ 66556

~~(C) A person who is licensed to operate an embalming facility~~ 66557  
~~shall obtain a new license upon any change in~~ 66558  
(1) A person who is 66559  
licensed to operate an embalming facility shall surrender that 66559  
person's license to operate an embalming facility within thirty 66560  
days after a change in any of the following: 66561

(a) The location of the embalming facility or any change in 66562  
ownership; 66563

(b) The person who is actually in charge and ultimately 66564  
responsible for the embalming facility; 66565

(c) Ownership of the business entity that owns the embalming 66566  
facility that results in a majority of the ownership of the 66567  
business entity being held by one or more persons who solely or in 66568

combination with others did not own a majority of the business 66569  
entity immediately prior to the change in ownership. ~~The person~~ 66570  
~~licensed to operate the facility shall surrender the current~~ 66571  
~~license to the board within thirty days after any such change~~ 66572  
~~occurs.~~ 66573

~~(D) A person who is licensed to operate a crematory facility 66574  
shall obtain a new license upon any change in location of the 66575  
crematory facility or any change in ownership of the business 66576  
entity operating the facility that results in a majority of the 66577  
ownership of the business entity being held by one or more persons 66578  
who solely or in combination with others did not own a majority of 66579  
the business entity immediately prior to the change in ownership. 66580  
The person licensed to operate the crematory facility shall 66581  
surrender the current license to the board within thirty days 66582  
after any such change occurs.~~ 66583

(2) Within thirty days after a change described in division 66584  
(B)(1) of this section occurs, the person who will be actually in 66585  
charge and ultimately responsible for the embalming facility after 66586  
the change shall apply for a new license to operate the embalming 66587  
facility. Upon filing of an application for a license to operate 66588  
an embalming facility by a licensed embalmer, the embalming 66589  
facility may continue to operate until the board denies the 66590  
embalming facility's application. 66591

(C)(1) A person who is licensed to operate a crematory 66592  
facility shall surrender that person's license to operate a 66593  
crematory facility within thirty days after a change in any of the 66594  
following: 66595

(a) The location of the crematory facility; 66596

(b) The person who is actually in charge and ultimately 66597  
responsible for the crematory facility; 66598

(c) Ownership of the business entity that owns the crematory 66599

facility that results in a majority of the ownership of the 66600  
business entity being held by one or more persons who alone or in 66601  
combination with others did not own a majority of the business 66602  
entity immediately prior to the change in ownership. 66603

(2) Within thirty days after a change described in division 66604  
(C)(1) of this section occurs, the person who will be actually in 66605  
charge and ultimately responsible for the crematory facility after 66606  
the change shall apply for a new license to operate the crematory 66607  
facility. Upon the filing of an application for a license to 66608  
operate a crematory facility by a person holding a crematory 66609  
operator permit, the crematory facility may continue to operate 66610  
until the board denies the crematory facility's application. 66611

(D)(1) The board of embalmers and funeral directors shall 66612  
review applications for new licenses under section 4717.06 of the 66613  
Revised Code. 66614

(2) If the board, upon receiving satisfactory evidence, 66615  
determines that the applicant satisfies all of the requirements of 66616  
division (A), (B), (C), or (D) of section 4717.06 of the Revised 66617  
Code with respect to a particular funeral home, embalming 66618  
facility, or crematory facility, the board shall issue to the 66619  
applicant a new license to operate that funeral home, embalming 66620  
facility, or crematory facility. 66621

**Sec. 4717.13.** (A) No person shall do any of the following: 66622

(1) Engage in the business or profession of funeral directing 66623  
unless the person is licensed as a funeral director under this 66624  
chapter, is certified as an apprentice funeral director in 66625  
accordance with rules adopted under section 4717.04 of the Revised 66626  
Code and ~~is assisting~~ under the supervision of a funeral director 66627  
licensed under this chapter, or is a student in a college of 66628  
mortuary sciences approved by the board of embalmers and funeral 66629  
directors and is under the direct supervision of a funeral 66630

director licensed by the board; 66631

(2) Engage in embalming unless the person is licensed as an 66632  
embalmer under this chapter, is certified as an apprentice 66633  
embalmer in accordance with rules adopted under section 4717.04 of 66634  
the Revised Code and is ~~assisting~~ under the supervision of an 66635  
embalmer licensed under this chapter, or is a student in a college 66636  
of mortuary science approved by the board and is under the direct 66637  
supervision of an embalmer licensed by the board; 66638

(3) Advertise or otherwise offer to provide or convey the 66639  
impression that the person provides funeral directing services 66640  
unless the person is licensed as a funeral director under this 66641  
chapter and is employed by or under contract to a licensed funeral 66642  
home and performs funeral directing services for that funeral home 66643  
in a manner consistent with the advertisement, offering, or 66644  
conveyance; 66645

(4) Advertise or otherwise offer to provide or convey the 66646  
impression that the person provides embalming services unless the 66647  
person is licensed as an embalmer under this chapter and is 66648  
employed by or under contract to a licensed funeral home or a 66649  
licensed embalming facility and performs embalming services for 66650  
the funeral home or embalming facility in a manner consistent with 66651  
the advertisement, offering, or conveyance; 66652

(5) Operate a funeral home without a license to operate the 66653  
funeral home issued by the board under this chapter; 66654

(6) Practice the business or profession of funeral directing 66655  
from any place except from a funeral home that a person is 66656  
licensed to operate under this chapter; 66657

(7) Practice embalming from any place except from a funeral 66658  
home or embalming facility that a person is licensed to operate 66659  
under this chapter; 66660

(8) Operate a crematory or perform cremation without a 66661

license to operate the crematory issued under this chapter; 66662

(9) Cremate animals in a cremation chamber in which dead 66663  
human bodies or body parts are cremated or cremate dead human 66664  
bodies or human body parts in a cremation chamber in which animals 66665  
are cremated; i 66666

(10) Hold a dead human body, before final disposition, for 66667  
more than forty-eight hours after the time of death unless the 66668  
dead human body is embalmed or placed into refrigeration and 66669  
maintained at a constant temperature of less than forty degrees; i 66670

(11) Knowingly refuse to promptly submit the custody of a 66671  
dead human body or cremated remains upon the oral or written order 66672  
of the person legally entitled to the body or cremated remains; 66673

(12) Except as ordered by the person holding the right of 66674  
disposition under section 2108.70 or 2108.81 of the Revised Code, 66675  
knowingly fail to carry out the final disposition of a dead human 66676  
body within thirty days after taking custody of the body. 66677

(B) No funeral director or other person in charge of the 66678  
final disposition of a dead human body shall fail to do one of the 66679  
following prior to the interment of the body: 66680

(1) Affix to the ankle or wrist of the deceased a tag encased 66681  
in a durable and long-lasting material that contains the name, 66682  
date of birth, date of death, and social security number of the 66683  
deceased; 66684

(2) Place in the casket a capsule containing a tag bearing 66685  
the information described in division (B)(1) of this section; 66686

(3) If the body was cremated, place in the vessel containing 66687  
the cremated remains a tag bearing the information described in 66688  
division (B)(1) of this section. 66689

(C) No person who holds a funeral home license for a funeral 66690  
home that is closed, or that is owned by a funeral business in 66691

which changes in the ownership of the funeral business result in a 66692  
majority of the ownership of the funeral business being held by 66693  
one or more persons who solely or in combination with others did 66694  
not own a majority of the funeral business immediately prior to 66695  
the change in ownership, shall fail to submit to the board within 66696  
thirty days after the closing or such a change ~~in~~ of ownership of 66697  
the funeral business owning the funeral home, a clearly enumerated 66698  
account of all of the following from which the licensee, at the 66699  
time of the closing or change ~~in~~ of ownership of the funeral 66700  
business and in connection with the funeral home, was to receive 66701  
payment for providing the funeral services, funeral goods, or any 66702  
combination of those in connection with the funeral or final 66703  
disposition of a dead human body: 66704

(1) Preneed funeral contracts governed by sections 4717.31 to 66705  
4717.38 of the Revised Code; 66706

(2) Life insurance policies or annuities the benefits of 66707  
which are payable to the provider of funeral or burial goods or 66708  
services; 66709

(3) Accounts at banks or savings banks insured by the federal 66710  
deposit insurance corporation, savings and loan associations 66711  
insured by the federal savings and loan insurance corporation or 66712  
the Ohio deposit guarantee fund, or credit unions insured by the 66713  
national credit union administration or a credit union share 66714  
guaranty corporation organized under Chapter 1761. of the Revised 66715  
Code that are payable upon the death of the person for whose 66716  
benefit deposits into the accounts were made. 66717

(D)(1) No person who holds a funeral home license for a 66718  
funeral home that is closed shall negligently fail to send written 66719  
notice to the purchaser of every preneed funeral contract to which 66720  
the funeral business is a party via first class United States 66721  
mail. Such notice shall be addressed to the purchaser's last known 66722  
address and shall explain that the funeral business is being 66723

closed and the name of any funeral business that has been 66724  
designated to assume the obligations of the preneed contract. 66725

(2) Within thirty days of the closing of a funeral home, no 66726  
person who held the funeral home license for the closed funeral 66727  
home shall negligently fail to transfer all preneed contracts to 66728  
the funeral home or funeral homes that have been designated to 66729  
assume the obligation of the preneed contracts. If the person who 66730  
holds a funeral home license for a funeral home that is closed 66731  
fails to designate a successor funeral home or funeral homes to 66732  
assume the obligations of the preneed funeral contracts, the board 66733  
shall make such designations and order the transfer of the preneed 66734  
funeral contracts to the designated funeral home or funeral homes. 66735

**Sec. 4717.14.** (A) The board of embalmers and funeral 66736  
directors may refuse to grant or renew, or may suspend or revoke, 66737  
any license or permit issued under this chapter or may require the 66738  
holder of a license or permit to take corrective action courses 66739  
for any of the following reasons: 66740

(1) The holder of a license ~~was~~ or permit obtained the 66741  
license or permit by fraud or misrepresentation either in the 66742  
application or in passing the examination. 66743

(2) The applicant ~~or~~, licensee, or permit holder has been 66744  
convicted of or has pleaded guilty to a felony or of any crime 66745  
involving moral turpitude. 66746

(3) The applicant ~~or~~, licensee, or permit holder has 66747  
purposely violated any provision of sections 4717.01 to 4717.15 or 66748  
a rule adopted under any of those sections; division (A) or (B) of 66749  
section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), 66750  
or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; 66751  
division (D)(1) of section 4717.27; or divisions (A) to (C) of 66752  
section 4717.28 of the Revised Code; or any provisions of sections 66753  
4717.31 to 4717.38 of the Revised Code; any rule or order of the 66754



department of health or a board of health of a health district 66755  
governing the disposition of dead human bodies; or any other rule 66756  
or order applicable to the applicant or licensee. 66757

(4) The applicant ~~or~~, licensee, or permit holder has 66758  
committed immoral or unprofessional conduct. 66759

(5) The applicant or licensee knowingly permitted an 66760  
unlicensed person, other than a person serving an apprenticeship, 66761  
to engage in the profession or business of embalming or funeral 66762  
directing under the applicant's or licensee's supervision. 66763

(6) The applicant ~~or~~, licensee, or permit holder has been 66764  
habitually intoxicated, or is addicted to the use of morphine, 66765  
cocaine, or other habit-forming or illegal drugs. 66766

(7) The applicant ~~or~~, licensee, or permit holder has refused 66767  
to promptly submit the custody of a dead human body or cremated 66768  
remains upon the express order of the person legally entitled to 66769  
the body or cremated remains. 66770

(8) The licensee or permit holder loaned the licensee's own 66771  
license or the permit holder's own permit, or the applicant ~~or~~, 66772  
licensee, or permit holder borrowed or used the license or permit 66773  
of another person, or knowingly aided or abetted the granting of 66774  
an improper license or permit. 66775

(9) The applicant ~~or~~, licensee ~~transferred a license to~~ 66776  
~~operate a funeral home, embalming facility, or crematory from one~~ 66777  
~~owner or operator to another, or from one location to another,~~ 66778  
~~without notifying the board.~~ 66779

~~(10) The applicant or licensee, or permit holder~~ misled the 66780  
public by using false or deceptive advertising. As used in this 66781  
division, "false and deceptive advertising" includes, but is not 66782  
limited to, any of the following: 66783

(a) Using the names of persons who are not licensed to 66784

practice funeral directing in a way that leads the public to 66785  
believe that such persons are engaging in funeral directing; 66786

(b) Using any name for the funeral home other than the name 66787  
under which the funeral home is licensed; 66788

(c) Using in the funeral home's name the surname of an 66789  
individual who is not directly, actively, or presently associated 66790  
with the funeral home, unless such surname has been previously and 66791  
continuously used by the funeral home. 66792

(B)(1) The board of embalmers and funeral directors shall 66793  
refuse to grant or renew, or shall suspend or revoke, ~~an~~ 66794  
~~embalmer's, funeral director's, funeral home, or embalming~~ 66795  
~~facility~~ a license or permit only in accordance with Chapter 119. 66796  
of the Revised Code. 66797

(2) The board shall send to the crematory review board 66798  
written notice that it proposes to refuse to issue or renew, or 66799  
proposes to suspend or revoke, a license to operate a crematory 66800  
facility. If, after the conclusion of the adjudicatory hearing on 66801  
the matter conducted under division (F) of section 4717.03 of the 66802  
Revised Code, the board of embalmers and funeral directors finds 66803  
that any of the circumstances described in divisions (A)(1) to 66804  
~~(10)~~(9) of this section apply to the person named in its proposed 66805  
action, the board may issue a final order under division (F) of 66806  
section 4717.03 of the Revised Code refusing to issue or renew, or 66807  
suspending or revoking, the person's license to operate a 66808  
crematory facility. 66809

(C) If the board of embalmers and funeral directors 66810  
determines that there is clear and convincing evidence that any of 66811  
the circumstances described in divisions (A)(1) to ~~(10)~~(9) of this 66812  
section apply to the holder of a license or permit issued under 66813  
this chapter and that the licensee's or permit holder's continued 66814  
practice presents a danger of immediate and serious harm to the 66815

public, the board may suspend the licensee's license or permit 66816  
holder's permit without a prior adjudicatory hearing. The 66817  
executive director of the board shall prepare written allegations 66818  
for consideration by the board. 66819

The board, after reviewing the written allegations, may 66820  
suspend a license or permit without a prior hearing. 66821

The board shall issue a written order of suspension by a 66822  
delivery system or in person in accordance with section 119.07 of 66823  
the Revised Code. Such an order is not subject to suspension by 66824  
the court during the pendency of any appeal filed under section 66825  
119.12 of the Revised Code. If the licensee or permit holder ~~of an~~ 66826  
~~embalmer's, funeral director's, funeral home, or embalming~~ 66827  
~~facility~~ license requests an adjudicatory hearing by the board, 66828  
the date set for the hearing shall be within fifteen days, but not 66829  
earlier than seven days, after the licensee or permit holder has 66830  
requested a hearing, unless the board and the licensee or permit 66831  
holder agree to a different time for holding the hearing. 66832

Upon issuing a written order of suspension to the holder of a 66833  
license to operate a crematory facility, the board of embalmers 66834  
and funeral directors shall send written notice of the issuance of 66835  
the order to the crematory review board. The crematory review 66836  
board shall hold an adjudicatory hearing on the order under 66837  
division (F) of section 4717.03 of the Revised Code within fifteen 66838  
days, but not earlier than seven days, after the issuance of the 66839  
order, unless the crematory review board and the licensee agree to 66840  
a different time for holding the adjudicatory hearing. 66841

Any summary suspension imposed under this division shall 66842  
remain in effect, unless reversed on appeal, until a final 66843  
adjudicatory order issued by the board of embalmers and funeral 66844  
directors pursuant to this division and Chapter 119. of the 66845  
Revised Code, or division (F) of section 4717.03 of the Revised 66846  
Code, as applicable, becomes effective. The board of embalmers and 66847

funeral directors shall issue its final adjudicatory order within 66848  
sixty days after the completion of its hearing or, in the case of 66849  
the summary suspension of a license to operate a crematory 66850  
facility, within sixty days after completion of the adjudicatory 66851  
hearing by the crematory review board. A failure to issue the 66852  
order within that time results in the dissolution of the summary 66853  
suspension order, but does not invalidate any subsequent final 66854  
adjudicatory order. 66855

(D) If the board of embalmers and funeral directors suspends 66856  
or revokes a funeral director's license ~~held by a funeral director~~ 66857  
or a license to operate a funeral home for any reason identified 66858  
in division (A) of this section, the board may file a complaint 66859  
with the court of common pleas in the county where the violation 66860  
occurred requesting appointment of a receiver and the 66861  
sequestration of the assets of the funeral home that held the 66862  
suspended or revoked license or the licensed funeral home that 66863  
employs the funeral director that held the suspended or revoked 66864  
license. If the court of common pleas is satisfied with the 66865  
application for a receivership, the court may appoint a receiver. 66866

The board or a receiver may employ and procure whatever 66867  
assistance or advice is necessary in the receivership or 66868  
liquidation and distribution of the assets of the funeral home, 66869  
and, for that purpose, may retain officers or employees of the 66870  
funeral home as needed. All expenses of the receivership or 66871  
liquidation shall be paid from the assets of the funeral home and 66872  
shall be a lien on those assets, and that lien shall be a priority 66873  
to any other lien. 66874

(E) Any holder of a license or permit issued under this 66875  
chapter who has pleaded guilty to, has been found by a judge or 66876  
jury to be guilty of, or has had a judicial finding of eligibility 66877  
for treatment in lieu of conviction entered against the individual 66878  
in this state for aggravated murder, murder, voluntary 66879

manslaughter, felonious assault, kidnapping, rape, sexual battery, 66880  
gross sexual imposition, aggravated arson, aggravated robbery, or 66881  
aggravated burglary, or who has pleaded guilty to, has been found 66882  
by a judge or jury to be guilty of, or has had a judicial finding 66883  
of eligibility for treatment in lieu of conviction entered against 66884  
the individual in another jurisdiction for any substantially 66885  
equivalent criminal offense, is hereby suspended from practice 66886  
under this chapter by operation of law, and any license or permit 66887  
issued to the individual under this chapter is hereby suspended by 66888  
operation of law as of the date of the guilty plea, verdict or 66889  
finding of guilt, or judicial finding of eligibility for treatment 66890  
in lieu of conviction, regardless of whether the proceedings are 66891  
brought in this state or another jurisdiction. The board shall 66892  
notify the suspended individual of the suspension of the 66893  
individual's license or permit by the operation of this division 66894  
by a delivery system or in person in accordance with section 66895  
119.07 of the Revised Code. If an individual whose license or 66896  
permit is suspended under this division fails to make a timely 66897  
request for an adjudicatory hearing, the board shall enter a final 66898  
order revoking the license. 66899

(F) No person whose license or permit has been suspended or 66900  
revoked under or by the operation of this section shall knowingly 66901  
practice embalming ~~or~~, funeral directing, or cremation, or operate 66902  
a funeral home, embalming facility, or crematory facility until 66903  
the board has reinstated the person's license or permit. 66904

**Sec. 4717.15.** (A) The board of embalmers and funeral 66905  
directors, without the necessity for conducting a prior 66906  
adjudication hearing, may issue a notice of violation to the 66907  
holder of an embalmer's, funeral director's, funeral home, or 66908  
embalming facility, or crematory facility license, or a crematory 66909  
operator permit or a courtesy card permit issued under this 66910  
chapter who the board finds has committed any of the violations 66911

described in ~~divisions~~ division (A)(9)(a) to (g) of section 66912  
4717.04 of the Revised Code. The notice shall set forth the 66913  
specific violation committed by the licensee or permit holder and 66914  
shall be sent by certified mail. The notice shall be accompanied 66915  
by an order requiring the payment of the appropriate forfeiture 66916  
prescribed in rules adopted under division (A)(9) of section 66917  
4717.04 of the Revised Code and by a notice informing the licensee 66918  
or permit holder that the licensee is entitled to an adjudicatory 66919  
hearing on the notice of violation and order if the licensee or 66920  
permit holder requests a hearing and if the board receives the 66921  
request within thirty days after the mailing of the notice of 66922  
violation and order. The board shall conduct any such adjudicatory 66923  
hearing in accordance with Chapter 119. of the Revised Code, 66924  
except as otherwise provided in this division. 66925

A licensee or permit holder who receives a notice of 66926  
violation and order under this division shall pay to the executive 66927  
director of the board the full amount of the forfeiture by 66928  
certified check within thirty days after the notice of violation 66929  
and order were mailed to the licensee or permit holder unless, 66930  
within that time, the licensee or permit holder submits a request 66931  
for an adjudicatory hearing on the notice of violation and order. 66932  
If such a request for an adjudicatory hearing is timely filed, the 66933  
licensee or permit holder need not pay the forfeiture to the 66934  
executive director until after a final, nonappealable 66935  
administrative or judicial decision is rendered on the order 66936  
requiring payment of the forfeiture. If a final nonappealable 66937  
administrative or judicial decision is rendered affirming the 66938  
board's order, the licensee or permit holder shall pay to the 66939  
executive director of the board the full amount of the forfeiture 66940  
by certified check within thirty days after notice of the decision 66941  
was sent to the licensee. A forfeiture is considered to be paid 66942  
when the licensee's or permit holder's certified check is received 66943  
by the executive director in Columbus. If the licensee or permit 66944

holder fails to so pay the full amount of the forfeiture to the executive director within that time, the board shall issue an order suspending or revoking the individual's license or permit, as the board considers appropriate.

(B) The board shall send to the crematory review board written notice that it proposes to issue to the holder of a license to operate a crematory facility issued under this chapter a notice of violation and order requiring payment of a forfeiture specified in rules adopted under division (A)(9) of section 4717.04 of the Revised Code. If, after the conclusion of the adjudicatory hearing on the matter conducted under division (F) of section 4717.03 of the Revised Code, the board of embalmers and funeral directors finds that the licensee has committed any of the violations described in ~~divisions~~ division (A)(9)(~~a~~) to (~~g~~) of section 4717.04 of the Revised Code in connection with the operation of a crematory facility or cremation, the board of embalmers and funeral directors may issue a final order under division (F) of section 4717.03 of the Revised Code requiring payment of the appropriate forfeiture specified in rules adopted under division (A)(9) of section 4717.04 of the Revised Code. A licensee who receives such an order shall pay the full amount of the forfeiture to the executive director by certified check within thirty days after the order was sent to the licensee unless, within that time, the licensee files a notice of appeal in accordance with division (F) of section 4717.03 and section 119.12 of the Revised Code. If such a notice of appeal is timely filed, the licensee or permit holder need not pay the forfeiture to the executive director until after a final, nonappealable judicial decision is rendered in the appeal. If a final, nonappealable judicial decision is rendered affirming the board's order, the licensee or permit holder shall pay to the executive director the full amount of the forfeiture by certified check within thirty days after notice of the decision was sent to the licensee or

permit holder. A forfeiture is considered paid when the licensee's 66978  
or permit holder's certified check is received by the executive 66979  
director in Columbus. If the licensee or permit holder fails to so 66980  
pay the full amount of the forfeiture to the executive director 66981  
within that time, the board shall issue an order suspending or 66982  
revoking the individual's license, as the board considers 66983  
appropriate. 66984

**Sec. 4717.16.** On receipt of a notice pursuant to section 66985  
3123.43 of the Revised Code, the board of embalmers and funeral 66986  
directors shall comply with sections 3123.41 to 3123.50 of the 66987  
Revised Code and any applicable rules adopted under section 66988  
3123.63 of the Revised Code with respect to a license or permit 66989  
issued pursuant to this chapter. 66990

**Sec. 4717.21.** (A) Any person, on an antemortem basis, may 66991  
serve as the person's own authorizing agent, authorize the 66992  
person's own cremation, and specify the arrangements for the final 66993  
disposition of the person's own cremated remains by executing an 66994  
antemortem cremation authorization form. A guardian, custodian, or 66995  
other personal representative who is authorized by law or contract 66996  
to do so on behalf of a person, on an antemortem basis, may 66997  
authorize the cremation of the person and specify the arrangements 66998  
for the final disposition of the person's cremated remains by 66999  
executing an antemortem cremation authorization form on the 67000  
person's behalf. Any such antemortem cremation authorization form 67001  
also shall be signed by one witness. The original copy of the 67002  
executed authorization form shall be sent to the ~~operator of the~~ 67003  
crematory facility being authorized to conduct the cremation, and 67004  
a copy shall be retained by the person who executed the 67005  
authorization form. The person who executed an antemortem 67006  
cremation authorization form may revoke the authorization at any 67007  
time by providing written notice of the revocation to ~~the operator~~ 67008



~~of~~ the crematory facility named in the authorization form. The  
person who executed the authorization form may transfer the  
authorization to another crematory facility by providing written  
notice to the ~~operator of the~~ crematory facility named in the  
original authorization of the revocation of the authorization and,  
in accordance with this division, executing a new antemortem  
cremation authorization form authorizing ~~the operator of~~ another  
crematory facility to conduct the cremation.

(B)(1) Each antemortem cremation authorization form shall  
specify the final disposition that is to be made of the cremated  
remains.

(2) Every antemortem cremation authorization form entered  
into on or after ~~the effective date of this amendment~~ October 12,  
2006, shall specify the final disposition that is to be made of  
the remains and shall include a provision in substantially the  
following form:

NOTICE: Upon the death of the person who is the subject of  
this antemortem cremation authorization, the person holding the  
right of disposition under section 2108.70 or 2108.81 of the  
Revised Code may cancel the cremation arrangements, modify the  
arrangements for the final disposition of the cremated remains, or  
make alternative arrangements for the final disposition of the  
decedent's body. However, the person executing this antemortem  
cremation authorization is encouraged to state his or her  
preferences as to the manner of final disposition in a declaration  
of the right of disposition pursuant to section 2108.72 of the  
Revised Code, including that the arrangements set forth in this  
form shall be followed.

(C)(1) Except as provided in division (C)(2) of this section,  
when the ~~operator of a~~ crematory facility is in possession of a  
cremation authorization form that has been executed on an  
antemortem basis in accordance with this section, the other

conditions set forth in division (A) of section 4717.23 of the Revised Code have been met, the crematory facility has possession of the decedent to which the antemortem authorization pertains, and the crematory facility has received payment for the cremation of the decedent and the final disposition of the cremated remains of the decedent or is otherwise assured of payment for those services, the crematory facility shall cremate the decedent as directed and dispose of the cremated remains in accordance with the instructions contained in the antemortem cremation authorization form.

(2) A person with the right of disposition for a decedent under section 2108.70 or 2108.81 of the Revised Code who is not disqualified under section 2108.75 of the Revised Code may cancel the arrangements for the decedent's cremation, modify the arrangements for the final disposition of the decedent's cremated remains, or make alternative arrangements for the final disposition of the decedent's body. If a person with the right takes any such action, the ~~operator~~ crematory facility shall disregard the instructions contained in the antemortem cremation authorization form and follow the instructions of the person with the right.

(D) An antemortem cremation authorization form executed under division (A) of this section does not constitute a contract for conducting the cremation of the person named in the authorization form or for the final disposition of the person's cremated remains. Despite the existence of such an antemortem cremation authorization, a person with the right of disposition for a decedent under section 2108.70 or 2108.81 of the Revised Code may modify, in writing, the arrangements for the final disposition of the cremated remains of the decedent set forth in the authorization form or may cancel the cremation and claim the decedent's body for purposes of making alternative arrangements

for the final disposition of the decedent's body. The revocation 67073  
of an antemortem cremation authorization form executed under 67074  
division (A) of this section, or the cancellation of the cremation 67075  
of the person named in the antemortem authorization or 67076  
modification of the arrangements for the final disposition of the 67077  
person's cremated remains as authorized by this division, does not 67078  
affect the validity or enforceability of any contract entered into 67079  
for the cremation of the person named in the antemortem 67080  
authorization or for the final disposition of the person's 67081  
cremated remains. 67082

(E) Nothing in this section applies to any antemortem 67083  
cremation authorization form executed prior to ~~the effective date~~ 67084  
~~of this section~~ August 5, 1998. Any cemetery, funeral home, 67085  
crematory facility, or other party may specify, with the written 67086  
approval of the person who executed the antemortem authorization, 67087  
that such an antemortem authorization is subject to sections 67088  
4717.21 to 4717.30 of the Revised Code. 67089

**Sec. 4717.23.** (A) No crematory operator ~~of a~~ or crematory 67090  
facility shall cremate or allow the cremation ~~at a crematory~~ 67091  
~~facility the operator is licensed to operate under this chapter~~ of 67092  
a dead human body, other than one that was donated to science for 67093  
purposes of medical education or research, until all of the 67094  
following have occurred: 67095

(1) A period of at least twenty-four hours has elapsed since 67096  
the decedent's death as indicated on a complete, nonprovisional 67097  
death certificate filed under section 3705.16 of the Revised Code 67098  
or under the laws of another state that are substantially 67099  
equivalent to that section, unless, if the decedent died from a 67100  
virulent communicable disease, the department of health or board 67101  
of health having territorial jurisdiction where the death of the 67102  
decedent occurred requires by rule or order the cremation to occur 67103

prior to the end of that period; 67104

(2) The ~~operator~~ crematory facility has received a burial or 67105  
burial-transit permit that authorizes the cremation of the 67106  
decedent; 67107

(3) The ~~operator~~ crematory facility has received a completed 67108  
cremation authorization form executed pursuant to section 4717.21 67109  
or 4717.24 of the Revised Code, as applicable, that authorizes the 67110  
cremation of the decedent. A blank cremation authorization form 67111  
shall be provided by the ~~operator~~ crematory facility and shall 67112  
comply with section 4717.24 of the Revised Code and, if 67113  
applicable, section 4717.21 of the Revised Code. 67114

(4) The ~~operator~~ crematory facility has received any other 67115  
documentation required by this state or a political subdivision of 67116  
this state. 67117

(B) No crematory operator ~~of a~~ or crematory facility shall 67118  
cremate or allow the cremation of any body parts, including, 67119  
without limitation, dead human bodies that were donated to science 67120  
for purposes of medical research or education, at a crematory 67121  
facility ~~the operator is~~ licensed to operate in this state until 67122  
both of the following have occurred: 67123

(1) The ~~operator~~ crematory facility has received a completed 67124  
cremation authorization form executed pursuant to section 4717.25 67125  
of the Revised Code or, if the decedent has executed an antemortem 67126  
cremation authorization form in accordance with section 4717.21 of 67127  
the Revised Code and has donated the decedent's body to science 67128  
for purposes of medical education or research, such an antemortem 67129  
cremation authorization form; 67130

(2) The ~~operator~~ crematory facility has received any other 67131  
documentation required by this state or a political subdivision of 67132  
this state. 67133

**Sec. 4717.24.** (A) A cremation authorization form authorizing 67134  
the cremation of a dead human body, other than one that was 67135  
donated to science for purposes of medical education or research, 67136  
shall include at least all of the following information and 67137  
statements: 67138

(1) A statement that the decedent has been identified in 67139  
accordance with division (B) of this section; 67140

(2) The name of the funeral director or other individual who 67141  
obtained the burial or burial-transit permit authorizing the 67142  
cremation of the decedent; 67143

(3) The name of the authorizing agent and the relationship of 67144  
the authorizing agent to the decedent; 67145

(4) A statement that the authorizing agent in fact has the 67146  
right to authorize cremation of the decedent and that the 67147  
authorizing agent does not have actual knowledge of the existence 67148  
of any living person who has a superior priority right to act as 67149  
the authorizing agent under section 4717.22 of the Revised Code. 67150  
If the person executing the cremation authorization form knows of 67151  
another living person who has such a superior priority right, the 67152  
authorization form shall include a statement indicating that the 67153  
person executing the authorization form has made reasonable 67154  
efforts to contact the person having the superior priority right 67155  
and has been unable to do so and that the person executing the 67156  
authorization form has no reason to believe that the person having 67157  
the superior priority right would object to the cremation of the 67158  
decedent. 67159

(5) A statement of whether the authorizing agent has actual 67160  
knowledge of the presence in the decedent of a pacemaker, 67161  
defibrillator, or any other mechanical or radioactive device or 67162  
implant that poses a hazard to the health or safety of personnel 67163  
performing the cremation; 67164

(6) A statement indicating the crematory facility is to cremate the casket or alternative container in which the decedent was delivered to or accepted by the crematory facility;

(7) A statement of whether the crematory facility is authorized to simultaneously cremate the decedent in the same cremation chamber with one or more other decedents who were related to the decedent named in the cremation authorization form by consanguinity or affinity or who, at any time during the one-year period preceding the decedent's death, lived with the decedent in a common law marital relationship or otherwise cohabited with the decedent. A cremation authorization form executed under this section shall not authorize the simultaneous cremation of a decedent in the same cremation chamber with one or more other decedents except under the circumstances described in the immediately preceding sentence.

(8) The names of any persons designated by the authorizing agent to be present in the holding facility or cremation room prior to or during the cremation of the decedent or during the removal of the cremated remains from the cremation chamber;

(9) The authorization for the crematory facility to cremate the decedent and to process or pulverize the cremated remains as is the practice at the particular crematory facility;

(10) A statement of whether it is the crematory facility's practice to return all of the residue removed from the cremation chamber following the cremation or to separate and remove foreign matter from the residue before returning the cremated remains to the authorizing agent or the person designated on the authorization form to receive the cremated remains pursuant to division (A)(11) of this section;

(11) The name of the person who is to receive the cremated remains of the decedent from the crematory facility;

(12) The manner in which the final disposition of the cremated remains of the decedent is to occur, if known. If the cremation authorization form does not specify the manner of the final disposition of the cremated remains, it shall indicate that the cremated remains will be held by the crematory facility for thirty days after the cremation, unless, prior to the end of that period, they are picked up from the crematory facility by the person designated on the cremation authorization form to receive them, the authorizing agent, or, if applicable, the funeral director who obtained the burial or burial-transit permit for the decedent, or are delivered or shipped by the ~~operator of the~~ crematory facility to one of those persons. The authorization form shall indicate that if no instructions for the final disposition are provided on the authorization form and that if no arrangements for final disposition have been made within the thirty-day period, the crematory facility may return the cremated remains to the authorizing agent. The authorization form shall further indicate that if no arrangements for the final disposition of the cremated remains have been made within sixty days after the completion of the cremation and if the authorizing agent has not picked them up or caused them to be picked up within that period, the crematory operator or crematory facility may dispose of them in accordance with division (C) of section 4717.27 of the Revised Code.

(13) A listing of the items of value to be delivered to the crematory facility along with the dead human body, if any, and instructions regarding how those items are to be handled;

(14) A statement of whether the authorizing agent has made arrangements for any type of viewing of the decedent or for a service with the decedent present prior to the cremation and, if so, the date, time, and place of the service;

(15) A statement of whether the crematory facility may proceed with the cremation at any time after the conditions set

forth in division (A) of section 4717.23 of the Revised Code have 67228  
been met and the decedent has been received at the facility; 67229

(16) The certification of the authorizing agent to the effect 67230  
that all of the information and statements contained in the 67231  
authorization form are accurate; 67232

(17) The signature of the authorizing agent and the signature 67233  
of at least one witness who observed the authorizing agent execute 67234  
the cremation authorization form. 67235

(B) In making the identification of the decedent required by 67236  
division (A)(1) of this section, the funeral home arranging the 67237  
cremation shall require the authorizing agent or the agent's 67238  
appointed representative to visually identify the decedent's 67239  
remains or a photograph or other visual image of the remains. If 67240  
identification is by photograph or other visual image, the 67241  
authorizing agent or representative shall sign the photograph or 67242  
other visual image. If visual identification is not feasible, 67243  
other positive identification of the decedent may be used 67244  
including, but not limited to, reliance upon an identification 67245  
made through the coroner's office or identification of photographs 67246  
or other visual images of scars, tattoos, or physical deformities 67247  
taken from the decedent's remains. 67248

(C) An authorizing agent who is not available to execute a 67249  
cremation authorization form in person may designate another 67250  
individual to serve as the authorizing agent by providing to the 67251  
~~operator of the crematory facility where the cremation is to occur~~ 67252  
a written designation, acknowledged before a notary public or 67253  
other person authorized to administer oaths, authorizing that 67254  
other individual to serve as the authorizing agent, ~~or by sending~~ 67255  
~~to the operator a facsimile transmission of the written~~ 67256  
~~designation that has been so acknowledged.~~ Any such written 67257  
designation shall contain the name of the decedent, the name and 67258  
address of the authorizing agent, the relationship of the 67259



authorizing agent to the decedent, and the name and address of the 67260  
individual who is being designated to serve as the authorizing 67261  
agent. Upon receiving ~~such a written designation or a facsimile~~ 67262  
~~transmission of~~ such a written designation, the operator shall 67263  
permit the individual named in the written designation to serve as 67264  
the authorizing agent and to execute the cremation authorization 67265  
form authorizing the cremation of the decedent named in the 67266  
written designation. 67267

(D) An authorizing agent who signs a cremation authorization 67268  
form under this section is hereby deemed to warrant the accuracy 67269  
of the information and statements contained in such authorization 67270  
form, including the identification of the decedent and the agent's 67271  
authority to authorize the cremation. A funeral home and its 67272  
employees are not responsible for verifying the accuracy of any 67273  
information or statements the authorizing agent made on the 67274  
authorization form, unless the funeral home or its employees have 67275  
actual knowledge to the contrary regarding any such information or 67276  
statement. When delivering the decedent's remains to a crematory 67277  
facility or in carrying out the disposition in its own facility, 67278  
the funeral home is responsible for having the decedent identified 67279  
pursuant to division (B) of this section and carrying out the 67280  
obligations imposed on the funeral home by division (B) of section 67281  
4717.29 of the Revised Code. 67282

(E) At any time after executing a cremation authorization 67283  
form and prior to the beginning of the cremation process, the 67284  
authorizing agent who executed the cremation authorization form 67285  
under division (A) or (C) of this section may, in writing, modify 67286  
the arrangements for the final disposition of the cremated remains 67287  
of the decedent set forth in the authorization form or may, in 67288  
writing, revoke the authorization, cancel the cremation, and claim 67289  
the decedent's body for purposes of making alternative 67290  
arrangements for the final disposition of the decedent's body. The 67291

~~operator of a~~ crematory facility shall cancel the cremation if the 67292  
~~operator~~ crematory facility receives such a revocation before 67293  
beginning the cremation. 67294

(F) A cremation authorization form executed under this 67295  
section does not constitute a contract for conducting the 67296  
cremation of the decedent named in the authorization form or for 67297  
the final disposition of the cremated remains of the decedent. The 67298  
revocation of a cremation authorization form or modification of 67299  
the arrangements for the final disposition of the cremated remains 67300  
of the decedent pursuant to division (E) of this section does not 67301  
affect the validity or enforceability of any contract for the 67302  
cremation of the decedent named in the authorization form or for 67303  
the final disposition of the cremated remains of the decedent. 67304

**Sec. 4717.25.** (A) A cremation authorization form authorizing 67305  
the cremation of any body parts, including, without limitation, 67306  
dead human bodies that were donated to science for purposes of 67307  
medical education or research shall include at least all of the 67308  
following information and statements, as applicable: 67309

(1) The identity of the decedent whose body was donated to 67310  
science for purposes of medical education or research or the 67311  
identity of the living person or such a decedent from whom the 67312  
body parts were removed; 67313

(2) The name of the authorizing agent and the relationship of 67314  
the authorizing agent to the decedent or the living person from 67315  
whom the body parts were removed; 67316

(3) A statement that the authorizing agent in fact has the 67317  
right to authorize the cremation of the decedent or the body parts 67318  
removed from the decedent or living person and a description of 67319  
the basis of the person's right to execute the cremation 67320  
authorization form; 67321

(4) A statement of whether the crematory facility is 67322  
authorized to simultaneously cremate the decedent or body parts 67323  
removed from the decedent or living person with one or more other 67324  
decedents whose bodies were donated to science for purposes of 67325  
medical education or research or with body parts removed from one 67326  
or more other decedents or living persons; 67327

(5) The authorization for the crematory facility to cremate 67328  
the decedent or body parts removed from the decedent or living 67329  
person and to process or pulverize the cremated remains as is the 67330  
practice at the particular crematory facility; 67331

(6) A statement of whether it is the crematory facility's 67332  
practice to return all of the residue removed from the cremation 67333  
chamber following the cremation or to separate and remove foreign 67334  
matter from the residue before returning the cremated remains to 67335  
the authorizing agent or the authorizing agent's designee; 67336

(7) The name of the person who is to receive the cremated 67337  
remains from the crematory facility; 67338

(8) The manner in which the final disposition of the cremated 67339  
remains is to occur, if known. If the cremation authorization form 67340  
does not specify the manner of the final disposition of the 67341  
cremated remains, it shall indicate that the cremated remains will 67342  
be held by the crematory facility for thirty days after the 67343  
cremation, unless, prior to the end of that period, they are 67344  
picked up from the crematory facility by the person designated on 67345  
the authorization form to receive them or by the authorizing 67346  
agent, or are delivered or shipped by the ~~operator of the~~ 67347  
crematory facility to one of those persons. The authorization form 67348  
shall indicate that if no instructions for the final disposition 67349  
of the cremated remains are provided on the authorization form and 67350  
that if no arrangements for final disposition have been made 67351  
within the thirty-day period, the crematory facility may return 67352  
the cremated remains to the authorizing agent. The authorization 67353

form shall further indicate that if no arrangements for the final 67354  
disposition of the cremated remains have been made within sixty 67355  
days after the cremation and if the authorizing agent or person 67356  
designated on the authorization form to receive the cremated 67357  
remains has not picked them up or caused them to be picked up 67358  
within that period, the crematory operator or the crematory 67359  
facility may dispose of them in accordance with division (C)(1) or 67360  
(2) of section 4717.27 of the Revised Code. 67361

(9) The certification of the authorizing agent to the effect 67362  
that all of the information and statements contained in the 67363  
authorization form are accurate. 67364

(B) An authorizing agent who signs a cremation authorization 67365  
form under this section is hereby deemed to warrant the accuracy 67366  
of the information and statements contained in the authorization 67367  
form, including the person's authority to authorize the cremation. 67368

(C) At any time after executing a cremation authorization 67369  
form and prior to the beginning of the cremation process, an 67370  
authorizing agent who executed a cremation authorization form 67371  
under this section may, in writing, revoke the authorization, 67372  
cancel the cremation, and claim the decedent's body or the body 67373  
parts for purposes of making alternative arrangements for the 67374  
final disposition of the decedent's body or the body parts. The 67375  
~~operator of a crematory facility~~ shall cancel the cremation if the 67376  
~~operator~~ crematory facility receives such a revocation before 67377  
beginning the cremation. 67378

(D) A cremation authorization form executed under this 67379  
section does not constitute a contract for conducting the 67380  
cremation of the decedent named in the authorization form or body 67381  
parts removed from the decedent or living person named in the form 67382  
or for the final disposition of the cremated remains of the 67383  
decedent or body parts. The revocation of a cremation 67384  
authorization form or modification of the arrangements for the 67385

final disposition of the cremated remains of the decedent or the 67386  
body parts pursuant to division (C) of this section does not 67387  
affect the validity or enforceability of any contract for the 67388  
cremation of the decedent named in the authorization form, the 67389  
cremation of body parts from the decedent or living person named 67390  
in the authorization form, or the final disposition of the 67391  
cremated remains of the decedent or body parts. 67392

**Sec. 4717.26.** (A) The ~~operator of a~~ crematory facility may 67393  
schedule the time for the cremation of a dead human body to occur 67394  
at the ~~operator's~~ crematory facility's own convenience at any time 67395  
after the conditions set forth in division (A) or (B) of section 67396  
4717.23 of the Revised Code, as applicable, have been met and the 67397  
decedent or body parts have been delivered to the facility, 67398  
unless, in the case of a dead human body, the ~~operator~~ crematory 67399  
facility has received specific instructions to the contrary on the 67400  
cremation authorization form authorizing the cremation of the 67401  
decedent executed under section 4717.21, 4717.24, or 4717.25 of 67402  
the Revised Code. The ~~operator of a~~ crematory facility becomes 67403  
responsible for a dead human body or body parts when the body or 67404  
body parts have been delivered to or accepted by the facility or 67405  
an employee or agent of the facility. 67406

(B) No crematory operator ~~of a~~ or crematory facility shall 67407  
fail to do either of the following: 67408

(1) Upon receipt at the crematory facility of any dead human 67409  
body that has not been embalmed, and subject to the prohibition 67410  
set forth in division (C)(1) of this section, place the body in a 67411  
holding or refrigerated facility at the crematory facility and 67412  
keep the body in the holding or refrigerated facility until near 67413  
the time the cremation process commences or until the body is held 67414  
at the facility for eight hours or longer. If the body is held for 67415  
eight hours or longer, place the body in a refrigerated facility 67416

at the crematory facility and keep the body in the refrigerated 67417  
facility until near the time the cremation process commences; 67418

(2) Upon receipt of any dead human body that has been 67419  
embalmed, place the body in a holding facility at the crematory 67420  
facility and keep the body in the holding facility until the 67421  
cremation process commences. 67422

(C) No crematory operator ~~of a~~ or crematory facility shall do 67423  
either of the following, unless the instructions contained in the 67424  
cremation authorization form authorizing the cremation of the 67425  
decedent executed under section 4717.21, 4717.24, or 4717.25 of 67426  
the Revised Code specifically provide otherwise: 67427

(1) Remove any dead human body from the casket or alternative 67428  
container in which the body was delivered to or accepted by the 67429  
crematory facility; 67430

(2) Fail to cremate the casket or alternative container in 67431  
which the body was delivered or accepted, in its entirety with the 67432  
body. 67433

(D) No ~~operator of a~~ crematory facility shall simultaneously 67434  
cremate more than one decedent or body parts removed from more 67435  
than one decedent or living person in the same cremation chamber 67436  
unless the cremation authorization forms executed under section 67437  
4717.21, 4717.24, or 4717.25 of the Revised Code authorizing the 67438  
cremation of each of the decedents or body parts removed from each 67439  
decedent or living person specifically authorize such a 67440  
simultaneous cremation. This division does not prohibit the use of 67441  
cremation equipment that contains more than one cremation chamber. 67442

(E) No ~~operator of a~~ crematory facility shall permit any 67443  
persons other than employees of the crematory facility, the 67444  
authorizing agent for the cremation of the decedent who is to be, 67445  
is being, or was cremated, persons designated to be present at the 67446  
cremation of the decedent on the cremation authorization form 67447

executed under section 4717.21 or 4717.24 of the Revised Code, and 67448  
persons authorized by the individual who is actually in charge of 67449  
the crematory facility, to be present in the holding facility or 67450  
cremation room while any dead human bodies or body parts are being 67451  
held there prior to cremation or are being cremated or while any 67452  
cremated remains are being removed from the cremation chamber. 67453

(F)(1) ~~No operator of a~~ crematory facility shall remove any 67454  
dental gold, body parts, organs, or other items of value from a 67455  
dead human body prior to the cremation or from the cremated 67456  
remains after cremation unless the cremation authorization form 67457  
authorizing the cremation of the decedent executed under section 67458  
4717.21 or 4717.24 of the Revised Code specifically authorizes the 67459  
removal thereof. 67460

(2) No ~~operator of a~~ crematory facility that removes any 67461  
dental gold, body parts, organs, or other items from a dead human 67462  
body or assists in such removal shall charge a fee for doing so 67463  
that exceeds the actual cost to the crematory facility for 67464  
performing or assisting in the removal. 67465

(G) Upon the completion of each cremation, the ~~operator of a~~ 67466  
crematory facility shall remove from the cremation chamber all of 67467  
the cremation residue that is practicably recoverable. If the 67468  
cremation authorization form executed under section 4717.21, 67469  
4717.24, or 4717.25 of the Revised Code specifies that the 67470  
cremated remains are to be placed in an urn, the ~~operator~~ 67471  
crematory facility shall place them in the type of urn specified 67472  
on the authorization form. If the authorization form does not 67473  
specify that the cremated remains are to be placed in an urn, the 67474  
~~operator~~ crematory facility shall place them in a temporary 67475  
container. If not all of the recovered cremated remains will fit 67476  
in the urn selected or the temporary container, the ~~operator~~ 67477  
crematory facility shall place the remainder in a separate 67478  
temporary container, and the cremated remains placed in the 67479

separate temporary container shall be delivered, released, or 67480  
disposed of along with those in the urn or other temporary 67481  
container. Nothing in this section requires ~~an operator of~~ a 67482  
crematory facility to recover any specified quantity or quality of 67483  
cremated remains upon the completion of a cremation, but only 67484  
requires ~~an operator~~ a crematory facility to recover from the 67485  
cremation chamber all of the cremation residue that is ~~practically~~ 67486  
practicably recoverable. 67487

(H) No ~~operator of~~ a crematory facility shall knowingly 67488  
represent to an authorizing agent or a designee of an authorizing 67489  
agent that an urn or temporary container contains the recovered 67490  
cremated remains of a specific decedent or of body parts removed 67491  
from a specific decedent or living person when it does not. This 67492  
division does not prohibit the making of such a representation 67493  
because of the presence in the recovered cremated remains of de 67494  
minimus amounts of the cremated remains of another decedent or of 67495  
body parts removed from another decedent or living person that 67496  
were not practicably recoverable and that remained in the 67497  
cremation chamber after the cremated remains from previous 67498  
cremations were removed. 67499

(I) No ~~operator of~~ a crematory facility or funeral director 67500  
shall ship or cause to be shipped any cremated remains by a class 67501  
or method of mail, common carrier service, or delivery service 67502  
that does not have an internal system for tracing the location of 67503  
the cremated remains during shipment and that does not require a 67504  
signed receipt from the person accepting delivery of the cremated 67505  
remains. 67506

(J) No ~~operator of~~ a crematory facility shall fail to 67507  
establish and maintain a system for accurately identifying each 67508  
dead human body in the facility's possession, and for identifying 67509  
each decedent or living person from which body parts in the 67510  
facility's possession were removed, throughout all phases of the 67511



holding and cremation process. 67512

(K) No ~~operator of a~~ crematory facility shall knowingly use 67513  
or allow the use of the same cremation chamber for the cremation 67514  
of dead human bodies, or human body parts, and animals. 67515

**Sec. 4717.27.** (A) The authorizing agent who executed the 67516  
cremation authorization form authorizing the cremation of a 67517  
decedent under section 4717.24 of the Revised Code or the 67518  
cremation of body parts under section 4717.25 of the Revised Code 67519  
is ultimately responsible for the final disposition of the 67520  
cremated remains of the decedent or body parts. 67521

(B) If the cremation authorization form does not contain 67522  
instructions for the final disposition of the cremated remains of 67523  
the decedent or body parts, if no arrangements for the disposition 67524  
of the cremated remains are made within thirty days after the 67525  
completion of the cremation, and if the cremated remains have not 67526  
been picked up within that thirty-day period by the person 67527  
designated to receive them on the authorization form or, in the 67528  
absence of such a designated person, by the authorizing agent, the 67529  
~~operator of the~~ crematory facility or the funeral home holding the 67530  
unclaimed cremated remains, at the end of that thirty-day period, 67531  
may release or deliver them in person to, or cause their delivery 67532  
by a method described in division (I) of section 4717.26 of the 67533  
Revised Code that is acceptable under that division to, the person 67534  
designated to receive them on the cremation authorization form or, 67535  
if no person has been so designated, to the authorizing agent. 67536

(C)(1) If the cremation authorization form does not contain 67537  
instructions for the final disposition of the cremated remains of 67538  
the decedent or body parts, if no arrangements for the final 67539  
disposition of the cremated remains are made within sixty days 67540  
after the completion of the cremation, and if the cremated remains 67541  
have not been picked up by the person designated on the 67542

authorization form to receive them or, in the absence of such a 67543  
designated person, by the authorizing agent, the ~~operator of the~~ 67544  
crematory facility or the funeral home holding the unclaimed 67545  
cremated remains may dispose of the cremated remains in a grave, 67546  
crypt, or niche, by scattering them in any dignified manner, 67547  
including in a memorial garden, at sea, by air, or at any 67548  
scattering grounds described in section 1721.21 of the Revised 67549  
Code, or in any other lawful manner, at any time after the end of 67550  
that sixty-day period. 67551

(2) If the cremation authorization form specifies the manner 67552  
of the final disposition of the cremated remains, or if within 67553  
sixty days after the completion of the cremation the authorizing 67554  
agent makes arrangements for the final disposition of the cremated 67555  
remains, and if either the arrangements have not been carried out 67556  
within that sixty-day period because of the inaction of a party 67557  
other than the operator of the crematory facility or the funeral 67558  
home holding the unclaimed cremated remains, or the authorizing 67559  
agent fails to pick up the cremated remains within that sixty-day 67560  
period, the ~~operator of the~~ crematory facility or the funeral home 67561  
holding the unclaimed cremated remains may dispose of the cremated 67562  
remains in a grave, crypt, or niche, by scattering them in any 67563  
dignified manner, including in a memorial garden, at sea, by air, 67564  
or at any scattering grounds described in section 1721.21 of the 67565  
Revised Code, or in any other lawful manner, at any time after the 67566  
end of that period. 67567

(3) If cremated remains of a decedent who was eighteen years 67568  
or older at the time of death are unclaimed under divisions (C)(1) 67569  
and (2) of this section, the ~~operator of the~~ crematory facility or 67570  
the funeral home holding the cremated remains shall, before 67571  
disposing of the unclaimed cremated remains, notify the secretary 67572  
of the United States department of veterans affairs of the name 67573  
of, and other identifying information related to, the decedent. 67574

If, within sixty days of the notification, the secretary of the department of veterans affairs notifies the crematory facility or funeral home that the decedent was a veteran who is eligible for burial in a national cemetery under the control of the national cemetery administration and that the secretary agrees to provide for the cost of the transportation and burial of the unclaimed cremated remains in a national cemetery, the crematory facility or funeral home shall follow the directions of the secretary and arrange for the burial of the unclaimed remains in the national cemetery at the secretary's expense. If the secretary does not assume the right to direct the burial of the unclaimed remains within sixty days of the notification by the crematory facility or funeral home, the crematory facility or funeral home may carry out the disposition of the unclaimed remains under divisions (C)(1) and (2) of this section.

(4) When cremated remains are disposed of in accordance with division (C)(1) or (2) of this section, the authorizing agent who executed the cremation authorization form authorizing the cremation of the decedent or body parts under section 4717.24 or 4717.25 of the Revised Code is liable to the ~~operator of the~~ crematory facility or the funeral home for the cost of the final disposition, which cost shall not exceed the reasonable cost for disposing of the cremated remains in a common grave or crypt in the county where the cremated remains were buried or placed in a grave, crypt or niche, or scattered.

(D)(1) Except as provided in division (D)(2) of this section, no person shall do either of the following:

(a) Dispose of the cremated remains of a dead human body or body parts in such a manner or in such a location that the cremated remains are commingled with those of another decedent or body parts removed from another decedent or living person;

(b) Place the cremated remains of more than one decedent or

of body parts removed from more than one decedent or living person 67607  
in the same urn or temporary container. 67608

(2) Division (D)(1) of this section does not prohibit any of 67609  
the following: 67610

(a) The scattering of cremated remains at sea or by air or in 67611  
a dedicated area at a cemetery used exclusively for the scattering 67612  
on the ground of the cremated remains of dead human bodies or body 67613  
parts. 67614

(b) The commingling of the cremated remains of more than one 67615  
decedent or of body parts removed from more than one decedent or 67616  
living person or the placement in the same urn or temporary 67617  
container of the cremated remains of more than one decedent or of 67618  
body parts removed from more than one decedent or living person 67619  
when each authorizing agent who executed the cremation 67620  
authorization form authorizing the cremation of each of the 67621  
decedents or body parts removed from each of the decedents or 67622  
living persons under section 4717.21, 4717.24, or 4717.25 of the 67623  
Revised Code authorized the commingling of the cremated remains or 67624  
the placement of the cremated remains in the same urn or temporary 67625  
container on the authorization form. 67626

(c) The commingling, by the individual designated on the 67627  
cremation authorization form authorizing the cremation of the 67628  
decedent or body parts to receive the cremated remains, other than 67629  
a funeral director or employee of a cemetery, or by the 67630  
authorizing agent who executed the cremation authorization form, 67631  
after receipt of the cremated remains, of the cremated remains 67632  
with those of another decedent or of body parts removed from 67633  
another decedent or living person or the placing of them by any 67634  
such person in the same urn or temporary container with those of 67635  
another decedent or of body parts removed from another decedent or 67636  
living person. 67637

**Sec. 4717.28.** (A) No ~~operator of a~~ crematory facility shall 67638  
fail to ensure that a written receipt is provided to the person 67639  
who delivers a dead human body or body parts to the facility for 67640  
cremation. If the dead human body is other than one that was 67641  
donated to science for purposes of medical education or research, 67642  
the receipt shall be signed by both a representative of the 67643  
crematory facility and the person who delivered the decedent to 67644  
the crematory facility and shall indicate the name of the 67645  
decedent; the date and time of delivery; the type of casket or 67646  
alternative container in which the decedent was delivered to the 67647  
facility; the name of the person who delivered the decedent to the 67648  
facility; if applicable, the name of the funeral home or other 67649  
establishment with whom the delivery person is affiliated; and the 67650  
name of the person who received the decedent on behalf of the 67651  
facility. If the dead human body was donated to science for 67652  
purposes of medical education or research, the receipt shall 67653  
consist of a copy of the cremation authorization form executed 67654  
under section 4717.21, 4717.24, or 4717.25 of the Revised Code 67655  
that authorizes the cremation of the decedent or body parts that 67656  
has been signed by both a representative of the crematory facility 67657  
and the person who delivered the decedent or body parts to the 67658  
crematory facility and that indicates the date and time of the 67659  
delivery. The operator may provide the copy of the receipt to the 67660  
person who delivered the decedent or body parts to the facility 67661  
either in person or by certified mail, return receipt requested. 67662

(B) No ~~operator of a~~ crematory facility shall fail to ensure 67663  
at the time of releasing cremated remains that a written receipt 67664  
signed by both a representative of the crematory facility and the 67665  
person who received the cremated remains is provided to the person 67666  
who received the cremated remains. Unless the cremated remains are 67667  
those of a dead human body that was donated to science for 67668  
purposes of medical education or research or are those of body 67669

parts, the receipt shall indicate the name of the decedent; the 67670  
date and time of the release; the name of the person to whom the 67671  
cremated remains were released; if applicable, the name of the 67672  
funeral home, cemetery, or other entity to whom the cremated 67673  
remains were released; and the name of the person who released the 67674  
cremated remains on behalf of the crematory facility. If the 67675  
cremated remains are those of a dead human body that was donated 67676  
to science for purposes of medical education or research or are 67677  
those of body parts, the receipt shall consist of a copy of the 67678  
cremation authorization form executed under section 4717.21, 67679  
4717.24, or 4717.25 of the Revised Code that authorizes the 67680  
cremation of the decedent or body parts that has been signed by 67681  
both a representative of the crematory facility and the person who 67682  
received the cremated remains and that indicates the date and time 67683  
of the release. If the cremated remains were delivered to the 67684  
authorizing agent or other individual designated on the cremation 67685  
authorization form by a method described in division (I) of 67686  
section 4717.26 of the Revised Code that is acceptable under that 67687  
division, the receipt required by this division shall accompany 67688  
the cremated remains, and the signature of the authorizing agent 67689  
or other designated individual on the delivery receipt meets the 67690  
requirement of this division that the person receiving the 67691  
cremated remains sign the receipt provided by the crematory 67692  
facility. 67693

(C) No ~~operator of a~~ crematory facility shall fail to make or 67694  
keep on file during the time that the ~~operator~~ crematory facility 67695  
remains engaged in the business of cremating dead human bodies or 67696  
body parts, all of the following records and documents: 67697

(1) A copy of each receipt issued upon acceptance by or 67698  
delivery to the crematory facility of a dead human body under 67699  
division (A) of this section; 67700

(2) A record of each cremation conducted at the facility, 67701

containing at least the name of the decedent or, in the case of 67702  
body parts, the name of the decedent or living person from whom 67703  
the body parts were removed, the date and time of the cremation, 67704  
and the final disposition made of the cremated remains; 67705

(3) A copy of each delivery receipt issued under division (B) 67706  
of this section; 67707

(4) A separate record of the cremated remains of each 67708  
decedent or the body parts removed from each decedent or living 67709  
person that were disposed of in accordance with division (C)(1) or 67710  
(2) of section 4717.27 of the Revised Code, containing at least 67711  
the name of the decedent, the date and time of the cremation, and 67712  
the location, date, and manner of final disposition of the 67713  
cremated remains. 67714

(D) All records required to be maintained under sections 67715  
4717.21 to 4717.30 of the Revised Code are subject to inspection 67716  
by the board of embalmers and funeral directors or an authorized 67717  
representative of the board, upon reasonable notice, at any 67718  
reasonable time. 67719

**Sec. 4717.30.** (A) ~~The A crematory operator of a~~ crematory 67720  
facility ~~or a~~ funeral director, or funeral home is not liable in 67721  
damages in a civil action for any of the following actions or 67722  
omissions, unless the actions or omissions were made with 67723  
malicious purpose, in bad faith, or in a wanton or reckless manner 67724  
or unless any of the conditions set forth in divisions (B)(1) to 67725  
(3) of this section apply: 67726

(1)(a) For having arranged or performed the cremation of the 67727  
decedent, or having released or disposed of the cremated remains, 67728  
in accordance with the instructions set forth in the cremation 67729  
authorization form executed by the decedent on an antemortem basis 67730  
under section 4717.21 of the Revised Code; 67731

(b) For having arranged or performed the cremation of the 67732  
decedent or body parts removed from the decedent or living person 67733  
or having released or disposed of the cremated remains in 67734  
accordance with the instructions set forth in a cremation 67735  
authorization form executed by the person authorized to serve as 67736  
the authorizing agent for the cremation of the decedent or for the 67737  
cremation of body parts of the decedent or living person, named in 67738  
the cremation authorization form executed under section 4717.24 or 67739  
4717.25 of the Revised Code. 67740

(2) For having arranged or performed the cremation of the 67741  
decedent, or having released or disposed of the cremated remains, 67742  
in accordance with the instructions set forth in the cremation 67743  
authorization form executed by a designated agent under division 67744  
(C) of section 4717.24 of the Revised Code. 67745

(B) The crematory operator of a, crematory facility, funeral 67746  
director, or funeral home is not liable in damages in a civil 67747  
action for refusing to accept a dead human body or body parts or 67748  
to perform a cremation under any of the following circumstances, 67749  
unless the refusal was made with malicious purpose, in bad faith, 67750  
or in a wanton or reckless manner: 67751

(1) The crematory operator, crematory facility, funeral 67752  
director, or funeral home has actual knowledge that there is a 67753  
dispute regarding the cremation of the decedent or body parts, 67754  
until such time as the crematory operator, crematory facility, 67755  
funeral director, or funeral home receives an order of the probate 67756  
court having jurisdiction ordering the cremation of the decedent 67757  
or body parts or until the crematory operator, crematory facility, 67758  
funeral director, or funeral home receives from the parties to the 67759  
dispute a copy of a written agreement resolving the dispute and 67760  
authorizing the cremation to be performed. 67761

(2) The crematory operator, crematory facility, funeral 67762  
director, or funeral home has a reasonable basis for questioning 67763



the accuracy of any of the information or statements contained in 67764  
a cremation authorization form executed under section 4717.21, 67765  
4717.24, or 4717.25 of the Revised Code, as applicable, that 67766  
authorizes the cremation of the decedent or body parts. 67767

(3) The crematory operator, crematory facility, funeral 67768  
director, or funeral home has any other lawful reason for refusing 67769  
to accept the dead human body or body parts or to perform the 67770  
cremation. 67771

(C) ~~The~~ A crematory operator of a, crematory facility or a, 67772  
funeral director, or funeral home is not liable in damages in a 67773  
civil action for refusing to release or dispose of the cremated 67774  
remains of a decedent or body parts when the crematory operator 67775  
~~or, crematory facility, funeral director, or funeral home~~ has 67776  
actual knowledge that there is a dispute regarding the release or 67777  
final disposition of the cremated remains in connection with any 67778  
damages sustained, prior to the time the crematory operator, 67779  
crematory facility, funeral home, or funeral director receives an 67780  
order of the probate court having jurisdiction ordering the 67781  
release or final disposition of the cremated remains, or prior to 67782  
the time the crematory operator or, crematory facility, funeral 67783  
director, or funeral home receives from the parties to the dispute 67784  
a copy of a written agreement resolving the dispute and 67785  
authorizing the cremation to be performed. 67786

(D) ~~The~~ A crematory operator of a, crematory facility, 67787  
funeral director, or funeral home is not liable in damages in a 67788  
civil action in connection with the cremation of, or disposition 67789  
of the cremated remains of, any dental gold, jewelry, or other 67790  
items of value delivered to the crematory facility or funeral home 67791  
with a dead human body or body parts, unless either or both of the 67792  
following apply: 67793

(1) The cremation authorization form authorizing the 67794  
cremation of the decedent or body parts executed under section 67795

4717.21, 4717.24, or 4717.25 of the Revised Code, as applicable, 67796  
contains specific instructions for the removal or recovery and 67797  
disposition of any such dental gold, jewelry, or other items of 67798  
value prior to the cremation, and the crematory operator, 67799  
crematory facility, funeral director, or funeral home has failed 67800  
to comply with the written instructions. 67801

(2) The actions or omissions of the crematory operator, 67802  
crematory facility, funeral director, or funeral home were made 67803  
with malicious purpose, in bad faith, or in a wanton or reckless 67804  
manner. 67805

(E)(1) This section does not create a new cause of action 67806  
against or substantive legal right against ~~the operator of a~~ 67807  
crematory operator, crematory facility or a, funeral director, or 67808  
funeral home. 67809

(2) This section does not affect any immunities from civil 67810  
liability or defenses established by another section of the 67811  
Revised Code or available at common law to which ~~the operator of a~~ 67812  
crematory ~~or a~~ operator, crematory facility, funeral director, or 67813  
funeral home may be entitled under circumstances not covered by 67814  
this section. 67815

**Sec. 4717.32.** (A) Any preneed funeral contract that involves 67816  
the payment of money or the purchase or assignment of an insurance 67817  
policy or annuity shall be in writing and shall include all of the 67818  
following information: 67819

(1) The name, address, and phone number of the seller and the 67820  
name and address of the purchaser of the contract, and, if the 67821  
contract beneficiary is someone other than the purchaser of the 67822  
contract, the name and address of the contract beneficiary, and if 67823  
the contract involves the payment of money but not the purchase or 67824  
assignment of an insurance policy or annuity, the social security 67825  
number of the purchaser of the contract or if the contract 67826

beneficiary is someone other than the purchaser, the social 67827  
security number of the contract beneficiary; 67828

(2) A statement of the funeral goods and funeral services 67829  
purchased, which disclosure may be made by attaching a copy of the 67830  
completed statement of funeral goods and services selected to the 67831  
preneed funeral contract; 67832

(3) A disclosure informing the purchaser whether the contract 67833  
is either a guaranteed preneed funeral contract or a nonguaranteed 67834  
preneed funeral contract, and, if the contract is guaranteed only 67835  
in part, a disclosure specifying the funeral goods or funeral 67836  
services included in the guarantee; 67837

(4) If the preneed funeral contract is a guaranteed contract, 67838  
a disclosure that the seller, in exchange for all of the proceeds 67839  
of the trust, insurance policy, or annuity, shall provide the 67840  
funeral goods and funeral services set forth in the preneed 67841  
funeral contract without regard to the actual cost of such funeral 67842  
goods and funeral services prevailing at the time of performance 67843  
and that the seller may receive any excess funds remaining after 67844  
all expenses for the funeral have been paid. 67845

(5) If the preneed funeral contract is a nonguaranteed 67846  
contract, a disclosure that the proceeds of the trust, insurance 67847  
policy, or annuity shall be applied to the retail prices in effect 67848  
at the time of the funeral for the funeral goods and funeral 67849  
services set forth in the contract, that any excess funds 67850  
remaining after all expenses for the funeral have been paid shall 67851  
be paid to the estate of the decedent or the beneficiary named in 67852  
the life insurance policy if the preneed funeral contract is 67853  
funded by a life insurance policy, and that, in the event of an 67854  
insufficiency in funds, the seller shall not be required to 67855  
perform until payment arrangements satisfactory to the seller have 67856  
been made. 67857

(6) A disclosure that the purchaser has the right to make the contract irrevocable and that if the preneed funeral contract is irrevocable, the purchaser does not have a right to revoke the contract;

(7) A disclosure informing the purchaser of the initial right to cancel the preneed funeral contract within seven days as provided in division (A) of section 4717.34 of the Revised Code and the right to revoke a revocable preneed funeral contract in accordance with section 4717.35 or division ~~(F)~~(G) of section 4717.36 of the Revised Code, as applicable;

(8) A disclosure that the seller may substitute funeral goods or funeral services of equal quality, value, and workmanship if those specified in the preneed funeral contract are unavailable at the time of need;

(9) A disclosure that any purchaser of funeral goods and funeral services is entitled to receive price information prior to making that purchase in accordance with the federal trade commission's funeral industry practices revised rule, 16 C.F.R. part 453;

(10) The following notice in boldface print and in substantially the following form:

"NOTICE: Under Ohio law, the person holding the right of disposition of the remains of the individual contract beneficiary pursuant to section 2108.70 or 2108.81 of the Revised Code will have the right to make funeral arrangements inconsistent with the arrangements set forth in this contract. However, the individual contract beneficiary is encouraged to state his or her preferences as to funeral arrangements in a declaration of the right of disposition pursuant to section 2108.72 of the Revised Code, including that the arrangements set forth in this contract shall be followed."

(11) The notice described in division (A) of section 4717.34 67889  
of the Revised Code; 67890

(12) A disclosure that any purchaser of funeral goods or 67891  
funeral services funded in whole or in part in advance of death 67892  
under a preneed funeral contract sold by a licensee under this 67893  
chapter may be eligible for reimbursement of financial loses 67894  
suffered as a result of malfeasance, misfeasance, default, 67895  
failure, or insolvency of the licensee. 67896

(B) If a preneed funeral contract is funded by any means 67897  
other than an insurance policy or policies, or an annuity or 67898  
annuities, the preneed funeral contract shall include all of the 67899  
following information in addition to the information required to 67900  
be included under division (A) of this section: 67901

(1) Disclosures ~~identifying that identify~~ the name and 67902  
address of the trustee of the preneed funeral contract trust 67903  
established pursuant to section 4717.36 of the Revised Code, 67904  
~~indicating that direct that any payments made by the purchaser of~~ 67905  
the preneed funeral contract shall be made directly to the trustee 67906  
identified in the preneed funeral contract, that indicate whether 67907  
fees, expenses, ~~or~~ and taxes will be deducted from the trust, and 67908  
~~a statement of who~~ that identify whether the trust or the 67909  
purchaser will be responsible for the taxes owed on the trust 67910  
earnings; 67911

(2) A disclosure explaining the form in which the purchase 67912  
price must be paid and, if the price is to be paid in 67913  
installments, a disclosure to the purchaser regarding what 67914  
constitutes a default under the preneed funeral contract and the 67915  
consequences of the default; 67916

(3) The following notice in boldface print and in 67917  
substantially the following form: 67918

"NOTICE: You, as the purchaser of this contract, will be 67919

notified in writing when the trustee of this contract has received 67920  
a deposit of the funds you paid the seller under this contract. If 67921  
you do not receive that notice within sixty days after the date 67922  
you paid the funds to the seller, you should contact the trustee 67923  
identified in the contract." 67924

(4) A disclosure that ~~a purchaser of~~ if a preneed funeral 67925  
contract ~~that is irrevocable and that~~ stipulates a ~~firm or~~ fixed 67926  
or firm or guaranteed price for the funeral goods and services and 67927  
~~goods to be provided under the preneed funeral contract may be~~ 67928  
~~charged a~~ whether the seller will charge any initial service fee 67929  
as permitted by division (B) of section 4717.36 and a cancellation 67930  
or transfer fee as specified in division (F) permitted by division 67931  
(G)(2), (H), or (J) of section 4717.36 of the Revised Code if the 67932  
~~purchaser wishes to transfer the contract to another seller.~~ 67933

(C) If a preneed funeral contract is funded by the purchase 67934  
or assignment of one or more insurance policies or annuities, the 67935  
preneed funeral contract shall include all of the following 67936  
information in addition to the information required to be included 67937  
under division (A) of this section: 67938

(1) The name and address of each applicable insurance company 67939  
and any right the purchaser has regarding canceling or 67940  
transferring the applicable insurance policies or annuities; 67941

(2) A directive that any payment made by the purchaser of the 67942  
preneed funeral contract shall be made directly to the insurance 67943  
company and, if premiums are being paid in installments, a 67944  
description of the terms of payment for any remaining payments due 67945  
~~if the funding is to be paid in installments;~~ 67946

(3) A list of actions that constitute default under a preneed 67947  
funeral contract and the consequences of a default; 67948

(4) The following notice in boldface print and in 67949  
substantially the following form: 67950

"NOTICE: You, as the purchaser of this contract, will be notified in writing by the insurance company identified in this contract when the insurance policy or policies, or annuity or annuities, that will fund this contract have been issued. If you do not receive the notice within sixty days after the date you paid the funds to the seller, you should contact the insurance company identified in the contract."

(D) The seller of a preneed funeral contract that is funded by the purchase or assignment of one or more insurance policies or annuities does not need to include in the contract the information described in divisions (C)(2) and (3) of this section if those disclosures are provided in the application for a life insurance policy or annuity or in the life insurance policy or annuity.

**Sec. 4717.33.** (A) If a preneed funeral contract is funded by any means other than an insurance policy or policies, or an annuity or annuities, the trustee of the trust created pursuant to section 4717.36 of the Revised Code shall notify the purchaser of the preneed funeral contract in writing, within fifteen days after the trustee receives any payment to be deposited into the trust, that the trustee has received payment. The notice shall include all of the following information:

(1) The amount the trustee received;

(2) The name and address of the institution described in division ~~(B)~~(D) of section 4717.36 of the Revised Code where the trust is being held;

(3) The name of the beneficiary of that trust.

(B) If a preneed funeral contract is funded by the purchase or assignment of one or more insurance policies or annuities, the insurance company shall notify the purchaser of the preneed funeral contract in writing within sixty days after the insurance

company receives an initial premium payment applicable to that 67981  
preneed funeral contract. The notice shall include all of the 67982  
following information that is pertinent to that preneed funeral 67983  
contract: 67984

(1) The amount the insurance company received; 67985

(2) The name and address of the insurance company; 67986

(3) The name of the insured; 67987

(4) The amount of the death benefit; 67988

(5) The policy or contract number of the insurance policy, 67989  
annuity, or contract. 67990

(C) For purposes of division (B) of this section, delivery of 67991  
an insurance policy, certificate, annuity, or contract to the 67992  
purchaser shall satisfy the notice requirement specified in that 67993  
division. 67994

**Sec. 4717.35.** If a preneed funeral contract contains a 67995  
provision stating that the preneed funeral contract will be funded 67996  
by the purchase of an insurance policy, the insurance agent who 67997  
sold the policy that will fund that preneed funeral contract shall 67998  
require that any payment made by the purchaser be made in the form 67999  
of a check, cashier's check, money order, or debit or credit card, 68000  
payable only to the insurance company. The insurance agent shall 68001  
remit the application for insurance and the premium paid to the 68002  
insurance company designated in the preneed funeral contract 68003  
within the time period specified in division (B)(15) of section 68004  
3905.14 of the Revised Code, unless the purchaser rescinds the 68005  
preneed funeral contract in accordance with division (A) of 68006  
section 4717.34 of the Revised Code. 68007

If the purchaser of a preneed funeral contract that is 68008  
revocable and that is funded by an insurance policy or annuity 68009  
elects to cancel the preneed funeral contract, the purchaser shall 68010



provide a written notice to the seller and the insurance company 68011  
designated in the contract stating that the purchaser intends to 68012  
cancel that contract. Fifteen days after the purchaser provides 68013  
the notice to the seller of the contract and the insurance 68014  
company, the purchaser may cancel the preneed funeral contract and 68015  
change the beneficiary of the insurance policy or annuity or 68016  
reassign the benefits under the policy or annuity. 68017

The purchaser of a preneed funeral contract that is 68018  
irrevocable and that is funded by an insurance policy or annuity 68019  
may transfer the preneed funeral contract to a successor seller by 68020  
notifying the original seller of the designation of a successor 68021  
seller. Within fifteen days after receiving the written notice of 68022  
the designation of the successor seller from the purchaser, the 68023  
original seller shall assign the seller's rights to the proceeds 68024  
of the policy to the successor seller. The insurance company shall 68025  
confirm the change of assignment by providing written notice to 68026  
the policyholder. 68027

**Sec. 4717.36.** (A) This section applies only to preneed 68028  
funeral contracts that are funded by any means other than an 68029  
insurance policy or policies, or an annuity or annuities. 68030

~~One hundred per cent of all payments for funeral goods and 68031  
funeral services made under a preneed funeral contract shall 68032  
remain intact and held in trust in accordance with this section 68033  
for the benefit of the contract beneficiary. No money in a preneed 68034  
funeral contract trust shall be distributed from the trust except 68035  
as provided in this section. Within thirty days after the provider 68036  
of the funeral goods or funeral services receives any payment 68037  
under a preneed funeral contract, the seller of the preneed 68038  
funeral contract shall deliver the moneys received for that 68039  
preneed funeral contract that have not been returned to the 68040  
purchaser as provided in division (A) of section 4717.34 of the 68041~~

~~Revised Code to the trustee designated in the preneed funeral  
contract. No money in a preneed funeral contract trust shall be  
distributed from the trust except as provided in this section.~~ 68042  
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(B) A seller of a preneed funeral contract that stipulates a  
fixed or firm or guaranteed price for the funeral services and  
goods to be provided under the preneed funeral contract may charge  
an initial service fee not to exceed ten per cent of the total  
amount of all payments to be made under the preneed funeral  
contract. If the amount to be paid by the purchaser is to be paid  
in installments, not more than one-half of any payment may be  
applied to the initial service fee. If the preneed funeral  
contract is revoked by the purchaser, any portion of the initial  
service fee that has not been paid under the preneed funeral  
contract is no longer due and payable to the seller. 68045  
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(C) All payments made by the purchaser of a preneed funeral  
contract, except for the initial service fee permitted by division  
(B) of this section and any applicable sales tax, shall be made in  
the form of a check, cashier's check, money order, or debit or  
credit card, payable only to the trustee of the preneed funeral  
contract trust. Within thirty days of the seller receiving any  
form of payment made payable to the trustee, the seller shall  
remit the payment to the trustee unless the purchaser rescinds the  
preneed funeral contract in accordance with division (A) of  
section 4717.34 of the Revised Code. The funds deposited with the  
trustee shall remain intact and held in trust for the contract  
beneficiary. 68056  
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(D) The seller shall establish a preneed funeral contract 68068  
trust at one of the following types of institutions and shall 68069  
designate that institution as the trustee of the preneed funeral 68070  
contract trust: 68071

(1) A trust company licensed under Chapter 1111. of the 68072  
Revised Code; 68073

(2) A national bank, federal savings bank, or federal savings association that pledges securities in accordance with section 1111.04 of the Revised Code; 68074  
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(3) A credit union authorized to conduct business in this state pursuant to Chapter 1733. of the Revised Code. 68077  
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~~(C)~~(E) Moneys deposited in a preneed funeral contract trust fund shall be held and invested in the manner in which trust funds are permitted to be held and invested pursuant to Chapter 1111. of the Revised Code. 68079  
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~~(D)~~(F) The seller shall establish a separate preneed funeral contract trust for the moneys paid under each preneed funeral contract, unless the purchaser or purchasers of a preneed funeral contract or contracts authorize the seller to place the moneys paid for that contract or those contracts in a combined preneed funeral contract trust. The trustee of a combined preneed funeral contract trust shall keep exact records of the corpus, income, expenses, and disbursements with regard to each purchaser and contract beneficiary for whom moneys are held in the trust. The terms of a preneed funeral contract trust are governed by this section and the payments from that trust are governed by Chapter 1111. of the Revised Code, except as otherwise provided in this section. 68083  
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A trustee of a preneed funeral contract trust may pay taxes and expenses for a preneed funeral contract trust and may charge a fee for managing a preneed funeral contract trust. The fee shall not exceed the amount regularly or usually charged for similar services rendered by the institutions described in division ~~(B)~~(D) of this section when serving as a trustee. ~~The taxes, expenses, and fees shall be paid only from the accumulated income on that trust.~~ 68096  
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~~(E)~~(G) If the purchaser of a preneed funeral contract that is 68104

revocable elects to cancel the contract, the purchaser shall 68105  
provide a written notice to the seller of the contract and the 68106  
trustee of the preneed funeral contract trust stating that the 68107  
purchaser intends to cancel the contract. Fifteen days after the 68108  
purchaser provides that notice to the seller and trustee, the 68109  
purchaser may cancel the contract. Upon canceling a preneed 68110  
funeral contract pursuant to this division, one of the following 68111  
shall occur, as applicable: 68112

(1) If the preneed funeral contract does not stipulate a firm 68113  
or fixed or guaranteed price for funeral goods and funeral 68114  
services to be provided under the preneed funeral contract, the 68115  
trustee shall give to the purchaser all of the assets of the trust 68116  
that exist at the time of cancellation, less any fees charged, 68117  
distributions paid, and expenses incurred by the trustee pursuant 68118  
to division ~~(D)~~(F) of this section. 68119

(2) If the preneed funeral contract does stipulate a firm or 68120  
fixed or guaranteed price for funeral goods and funeral services 68121  
to be provided under the contract, the purchaser may request and 68122  
receive from the trustee all of the assets of the trust at the 68123  
time of cancellation, less a cancellation fee that the original 68124  
seller may collect from the trustee that is equal to or less than 68125  
ten per cent of the value of the assets of the trust on the date 68126  
the trust is cancelled, provided, however, that to the extent the 68127  
original seller took an initial service fee as permitted by 68128  
division (B) of this section, the aggregate amount of the 68129  
cancellation fee and less the initial service fee may not exceed 68130  
ten per cent of the value of those assets. In addition to any 68131  
cancellation fee, there may also be deducted any fees charged, 68132  
distributions paid, and expenses incurred by the trustee pursuant 68133  
to division ~~(D)~~(F) of this section. 68134

If more than one purchaser enters into the contract, all of 68135  
those purchasers must request cancellation of the contract for it 68136

to be effective under this division, and the trustee shall refund 68137  
to each purchaser only those funds that purchaser has paid under 68138  
the contract and any income earned on those funds in an amount 68139  
that is in direct proportion to the amount of funds that purchaser 68140  
paid relative to the total amount of payments deposited in that 68141  
trust, less any fees charged, distributions paid, and expenses 68142  
incurred by the trustee pursuant to division ~~(D)~~(F) of this 68143  
section, the amount of which are in direct proportion to the 68144  
amount of funds that purchaser paid relative to the total amount 68145  
of payments deposited in that trust. 68146

~~(F)~~(H) The purchaser of a preneed funeral contract that is 68147  
irrevocable may transfer the preneed funeral contract to a 68148  
successor seller. A purchaser who elects to make such a transfer 68149  
shall provide a written notice of the designation of a successor 68150  
seller to the trustee and the original seller. Within fifteen days 68151  
after receiving the written notice of the new designation from the 68152  
purchaser, the trustee shall list the successor seller as the 68153  
seller of the preneed funeral contract and the original seller 68154  
shall relinquish and transfer all rights under the preneed funeral 68155  
contract to the successor seller. The trustee shall confirm the 68156  
transfer by providing written notice of the transfer to the 68157  
original seller, the successor seller, and the purchaser. If the 68158  
preneed funeral contract stipulates a firm or fixed or guaranteed 68159  
price for the funeral goods and funeral services to be provided 68160  
under the preneed funeral contract, the original seller may 68161  
collect from the trustee a transfer fee from the trust that equals 68162  
up to ten per cent of the value of the assets of the trust on the 68163  
date the trust is transferred, provided, however, that to the 68164  
extent the original seller took an initial service fee as 68165  
permitted by division (B) of this section, the aggregate amount of 68166  
the transfer fee and the initial service fee may not exceed ten 68167  
per cent of the value of those assets. If the preneed funeral 68168  
contract does not stipulate a firm or fixed or guaranteed price 68169

for funeral goods and funeral services to be provided under the 68170  
preneed funeral contract, no transfer fee shall be collected by 68171  
the original seller. 68172

~~(G)~~(I) If a seller of a preneed funeral contract elects to 68173  
transfer a preneed funeral contract trust from an institution 68174  
listed in divisions ~~(B)~~(D)(1) to (3) of this section to a 68175  
different institution, the trustee of the original trust shall 68176  
notify the purchaser of the preneed funeral contract of that 68177  
transfer in writing within thirty days after the transfer occurred 68178  
and shall provide the purchaser with the name of and the contact 68179  
information for the institution where the new trust is maintained. 68180  
Upon receipt of the trust, the trustee of the transferred trust 68181  
shall notify the purchaser of the receipt of the trusts in 68182  
accordance with division (A) of section 4717.33 of the Revised 68183  
Code. 68184

~~(H)~~(J) If a seller receives a notice that the contract 68185  
beneficiary has died and that funeral goods and funeral services 68186  
have been provided by a provider other than the seller, except as 68187  
otherwise specified in this section, the seller shall direct the 68188  
trustee, within thirty days after receiving that notice, to pay to 68189  
the provider that provided the funeral goods and services, if 68190  
still unpaid, or the estate of the contract beneficiary all funds 68191  
held by the trustee, less any fees charged, distributions paid, 68192  
and expenses incurred by the trustee pursuant to division ~~(D)~~(F) 68193  
of this section. In the event the preneed funeral contract 68194  
stipulates a firm or fixed or guaranteed price for funeral goods 68195  
and funeral services that were to be provided under the preneed 68196  
funeral contract, the seller may collect from the trustee a 68197  
cancellation fee not exceeding ten per cent of the value of the 68198  
assets of the trust on the date the trust is transferred, 68199  
provided, however, that to the extent the original seller took an 68200  
initial service fee as permitted by division (B) of this section, 68201

the aggregate amount of the transfer fee and the initial service fee shall not exceed ten per cent of the value of those assets. If the preneed funeral trust does not stipulate a firm or fixed or guaranteed price for funeral goods and funeral services to be provided under the preneed funeral contract, no cancellation fees shall be collected by the original seller.

~~(I)~~(K) A certified copy of the certificate of death or other evidence of death satisfactory to the trustee shall be furnished to the trustee as evidence of death, and the trustee shall promptly pay the accumulated payments and income, if any, according to the preneed funeral contract. Such payment of the accumulated payments and income pursuant to this section and, when applicable, the preneed funeral contract, relieves the trustee of any further liability on the accumulated payments and income.

**Sec. 4717.41.** (A) There is hereby created the preneed recovery fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. All fees collected under division (A)(15) of section 4717.07 of the Revised Code shall be deposited into the fund. The fund shall be used to reimburse purchasers of preneed funeral contracts who have suffered financial loss as a result of the malfeasance, misfeasance, default, failure, or insolvency in connection with the sale of a preneed funeral contract by any licensee under this chapter, regardless of whether the sale of such contract occurred before or after the establishment of the fund. The fund, and all investment earnings thereon, shall only be used for the purposes set forth in this section and shall not be used for any other purposes. The fund shall be administered by the board of embalmers and funeral directors.

(B) All fees collected under division (A)(15) of section 4717.07 of the Revised Code shall be deposited into the fund.

Deposits to and disbursements from the fund account shall be 68233  
subject to rules established by the board. 68234

(C) If at the end of any fiscal year for this state, the 68235  
balance in the fund exceeds two million dollars, the fee required 68236  
by division (A)(15) of section 4717.07 of the Revised Code for the 68237  
upcoming fiscal year shall be reduced by fifty per cent. If the 68238  
balance in the fund at the end of a fiscal year exceeds three 68239  
million dollars, the payment of the fee required by division 68240  
(A)(15) of section 4717.07 of the Revised Code shall be suspended 68241  
for the upcoming fiscal year. 68242

(D) The board shall adopt rules governing management of the 68243  
fund, the presentation and processing of applications for 68244  
reimbursement, subrogation, or assignment of the rights of any 68245  
reimbursed applicant. 68246

(E) The board may expend moneys in the fund for the following 68247  
purposes: 68248

(1) To make reimbursements on approved applications; 68249

(2) To purchase insurance to cover losses as considered 68250  
appropriate by the board and not inconsistent with the purposes of 68251  
the fund; 68252

(3) To invest such portions of the fund as are not currently 68253  
needed to reimburse losses and maintain adequate reserves, as are 68254  
permitted to be made by fiduciaries under the laws of this state; 68255

(4) To pay the expenses of the board for administering the 68256  
fund, including employment of local counsel to prosecute 68257  
subrogation claims. 68258

(F) Reimbursements from the fund shall be made only to the 68259  
extent to which those losses are not bonded or otherwise covered, 68260  
protected, or reimbursed and only after the applicant has complied 68261  
with all applicable rules of the board. 68262



(G) The board shall investigate all applications made and may reject or allow such claims in whole or in part to the extent that moneys are available in the fund. The board shall have complete discretion to determine the order and manner of payment of approved applications. All payments shall be a matter of privilege and not of right, and no person shall have any right in the fund as a third-party beneficiary or otherwise. No attorney may be compensated by the board for prosecuting an application for reimbursement. 68263  
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(H) If reimbursement is made to an applicant under this section, the board shall be subrogated in the reimbursement amount and may bring any action it considers advisable against any person. The board may enforce any claims it may have for restitution or otherwise and may employ and compensate consultants, agents, legal counsel, accountants, and other persons it considers appropriate. 68272  
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**Sec. 4723.05.** The board of nursing shall appoint an executive director, ~~who shall be a registered nurse of this state with at least five years experience in the practice of nursing as a registered nurse,~~ shall be a resident of this state during the term of appointment, and shall not be a member of the board at the time of appointment or during the term of appointment. The board shall meet at such times and places as it may direct and provide in its rules. The president may call special meetings, and the executive director shall call special meetings upon the written request of two or more board members. The board shall provide itself with a seal. The president and executive director may administer oaths. The executive director is the chief administrative officer of the board and shall serve as a full time employee of the board and shall be entitled to attend all meetings of the board except meetings concerning the appointment and terms of employment of the executive director. 68279  
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The term of the executive director shall be one year 68295  
commencing on the first day of January. The executive director 68296  
shall receive necessary expenses in addition to salary. The 68297  
executive director shall give a surety bond to the state in such 68298  
sum as the board requires, and conditioned upon the faithful 68299  
performance of the duties of executive director. 68300

The executive director is an appointing authority as defined 68301  
in section 124.01 of the Revised Code, and may appoint such 68302  
nursing education consultants, nursing practice consultants, 68303  
investigative personnel, and any additional employees for 68304  
professional, clerical, and special work necessary to carry out 68305  
the board's functions and with the board's approval, may establish 68306  
standards for the conduct of employees. 68307

**Sec. 4723.32.** This chapter does not prohibit any of the 68308  
following: 68309

(A) The practice of nursing by a student currently enrolled 68310  
in and actively pursuing completion of a prelicensure nursing 68311  
education program, if all of the following are the case: 68312

(1) The student is participating in a program located in this 68313  
state and approved by the board of nursing or participating in 68314  
this state in a component of a program located in another 68315  
jurisdiction and approved by a board that is a member of the 68316  
national council of state boards of nursing; 68317

(2) The student's practice is under the auspices of the 68318  
program; 68319

(3) The student acts under the supervision of a registered 68320  
nurse serving for the program as a faculty member or teaching 68321  
assistant. 68322

(B) The rendering of medical assistance to a licensed 68323  
physician, licensed dentist, or licensed podiatrist by a person 68324

under the direction, supervision, and control of such licensed	68325
physician, dentist, or podiatrist;	68326
(C) The activities of persons employed as nursing aides,	68327
attendants, orderlies, or other auxiliary workers in patient	68328
homes, nurseries, nursing homes, hospitals, home health agencies,	68329
or other similar institutions;	68330
(D) The provision of nursing services to family members or in	68331
emergency situations;	68332
(E) The care of the sick when done in connection with the	68333
practice of religious tenets of any church and by or for its	68334
members;	68335
(F) The practice of nursing as an advanced practice	68336
registered nurse by a student currently enrolled in and actively	68337
pursuing completion of a program of study leading to initial	68338
authorization by the board of nursing to practice nursing as an	68339
advanced practice registered nurse in a designated specialty, if	68340
all of the following are the case:	68341
(1) The program qualifies the student to sit for the	68342
examination of a national certifying organization approved by the	68343
board under section 4723.46 of the Revised Code or the program	68344
prepares the student to receive a master's or doctoral degree in	68345
accordance with division (A)(2) of section 4723.41 of the Revised	68346
Code;	68347
(2) The student's practice is under the auspices of the	68348
program;	68349
(3) The student acts under the supervision of an advanced	68350
practice registered nurse serving for the program as a faculty	68351
member, teaching assistant, or preceptor.	68352
(G) The activities of an individual who currently holds a	68353
license to practice nursing or equivalent authorization from	68354

another jurisdiction, if the individual's authority to practice 68355  
has not been revoked, the individual is not currently under 68356  
suspension or on probation, the individual does not represent the 68357  
individual as being licensed under this chapter, and one of the 68358  
following is the case: 68359

(1) The individual is engaging in the practice of nursing by 68360  
discharging official duties while employed by or under contract 68361  
with the United States government or any agency thereof; 68362

(2) The individual is engaging in the practice of nursing as 68363  
an employee of an individual, agency, or corporation located in 68364  
the other jurisdiction in a position with employment 68365  
responsibilities that include transporting patients into, out of, 68366  
or through this state, as long as each trip in this state does not 68367  
exceed seventy-two hours; 68368

(3) The individual is consulting with an individual licensed 68369  
in this state to practice any health-related profession; 68370

(4) The individual is engaging in activities associated with 68371  
teaching in this state as a guest lecturer at or for a nursing 68372  
education program, continuing nursing education program, or 68373  
in-service presentation; 68374

(5) The individual is conducting evaluations of nursing care 68375  
that are undertaken on behalf of an accrediting organization, 68376  
including the national league for nursing accrediting committee, 68377  
the joint commission on accreditation of healthcare organizations, 68378  
or any other nationally recognized accrediting organization; 68379

(6) The individual is providing nursing care to an individual 68380  
who is in this state on a temporary basis, not to exceed six 68381  
months in any one calendar year, if the nurse is directly employed 68382  
by or under contract with the individual or a guardian or other 68383  
person acting on the individual's behalf; 68384

(7) The individual is providing nursing care during any 68385

disaster, natural or otherwise, that has been officially declared 68386  
to be a disaster by a public announcement issued by an appropriate 68387  
federal, state, county, or municipal official; 68388

(8) The individual is providing nursing care at a 68389  
free-of-charge camp accredited by the SeriousFun children's 68390  
network that specializes in providing therapeutic recreation, as 68391  
defined in section 2305.231 of the Revised Code, for individuals 68392  
with chronic diseases, if all of the following are the case: 68393

(a) The individual provides documentation to the medical 68394  
director of the camp that the individual holds a current, valid 68395  
license to practice nursing or equivalent authorization from 68396  
another jurisdiction. 68397

(b) The individual provides nursing care only at the camp or 68398  
in connection with camp events or activities that occur off the 68399  
grounds of the camp. 68400

(c) The individual is not compensated for the individual's 68401  
services. 68402

(d) The individual provides nursing care within this state 68403  
for not more than thirty days per calendar year. 68404

(e) The camp has a medical director who holds an unrestricted 68405  
license to practice medicine issued in accordance with Chapter 68406  
4731. of the Revised Code. 68407

(H) The administration of medication by an individual who 68408  
holds a valid medication aide certificate issued under this 68409  
chapter, if the medication is administered to a resident of a 68410  
nursing home, residential care facility, or ICF/IID authorized by 68411  
section 4723.64 of the Revised Code to use a certified medication 68412  
aide and the medication is administered in accordance with section 68413  
4723.67 of the Revised Code. 68414

**Sec. 4723.50.** (A) As used in this section: 68415

(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 68416  
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(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 68418  
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(B) In accordance with Chapter 119. of the Revised Code, the board of nursing shall adopt rules as necessary to implement the provisions of this chapter pertaining to the authority of advanced practice registered nurses who are designated as clinical nurse specialists, certified nurse-midwives, and certified nurse practitioners to prescribe and furnish drugs and therapeutic devices. 68420  
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The board shall adopt rules that are consistent with a recommended exclusionary formulary the board receives from the committee on prescriptive governance pursuant to section 4723.492 of the Revised Code. After reviewing a formulary submitted by the committee, the board may either adopt the formulary as a rule or ask the committee to reconsider and resubmit the formulary. The board shall not adopt any rule that does not conform to a formulary developed by the committee. 68427  
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The exclusionary formulary shall permit, in a manner consistent with section 4723.481 of the Revised Code, the prescribing of controlled substances, ~~as defined in section 3719.01 of the Revised Code, in a manner consistent with section 4723.481 of the Revised Code~~ including drugs that contain buprenorphine used in medication-assisted treatment and both oral and long-acting opioid antagonists. The formulary shall not permit the prescribing or furnishing of any of the following: 68435  
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(1) A drug or device to perform or induce an abortion; 68443

(2) A drug or device prohibited by federal or state law. 68444

~~(B)~~(C) In addition to the rules described in division ~~(A)~~(B) of this section, the board shall adopt rules under this section 68445  
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that do the following: 68447

(1) Establish standards for board approval of the course of 68448  
study in advanced pharmacology and related topics required by 68449  
section 4723.482 of the Revised Code; 68450

(2) Establish requirements for board approval of the two-hour 68451  
course of instruction in the laws of this state as required under 68452  
division (C)(1) of section 4723.482 of the Revised Code and 68453  
division (B)(2) of section 4723.484 of the Revised Code; 68454

(3) Establish criteria for the components of the standard 68455  
care arrangements described in section 4723.431 of the Revised 68456  
Code that apply to the authority to prescribe, including the 68457  
components that apply to the authority to prescribe schedule II 68458  
controlled substances. The rules shall be consistent with that 68459  
section and include all of the following: 68460

(a) Quality assurance standards; 68461

(b) Standards for periodic review by a collaborating 68462  
physician or podiatrist of the records of patients treated by the 68463  
clinical nurse specialist, certified nurse-midwife, or certified 68464  
nurse practitioner; 68465

(c) Acceptable travel time between the location at which the 68466  
clinical nurse specialist, certified nurse-midwife, or certified 68467  
nurse practitioner is engaging in the prescribing components of 68468  
the nurse's practice and the location of the nurse's collaborating 68469  
physician or podiatrist; 68470

(d) Any other criteria recommended by the committee on 68471  
prescriptive governance. 68472

**Sec. 4723.51.** (A) As used in this section: 68473

(1) "Controlled substance," "schedule III," "schedule IV," 68474  
and "schedule V" have the same meanings as in section 3719.01 of 68475  
the Revised Code. 68476

(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 68477  
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(B) The board of nursing shall adopt rules establishing standards and procedures to be followed by advanced practice registered nurses in the use of all drugs approved by the United States food and drug administration for use in medication-assisted treatment, including controlled substances in schedule III, IV, or V. The rules shall address detoxification, relapse prevention, patient assessment, individual treatment planning, counseling and recovery supports, diversion control, and other topics selected by the board after considering best practices in medication-assisted treatment. 68479  
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The board may apply the rules to all circumstances in which an advanced practice registered nurse prescribes drugs for use in medication-assisted treatment or limit the application of the rules to prescriptions for medication-assisted treatment issued for patients being treated in office-based practices or other practice types or locations specified by the board. 68489  
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(C) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. The rules shall be consistent with rules adopted under sections 4730.55 and 4731.056 of the Revised Code. 68495  
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**Sec. 4723.52.** (A) As used in this section: 68499

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 68500  
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(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 68502  
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(B) An advanced practice registered nurse shall comply with section 3715.08 of the Revised Code and rules adopted under section 4723.51 of the Revised Code when treating a patient for 68504  
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addiction with medication-assisted treatment or proposing to 68507  
initiate such treatment. 68508

(C) An advanced practice registered nurse who fails to comply 68509  
with this section shall treat not more than thirty patients at any 68510  
one time with medication-assisted treatment even if the facility 68511  
or location at which the treatment is provided is either of the 68512  
following: 68513

(1) Exempted by divisions (B)(2)(a) to (d) of section 68514  
4729.553 of the Revised Code from being required to possess a 68515  
category III terminal distributor of dangerous drugs license with 68516  
an office-based opioid treatment classification; 68517

(2) A community addiction services provider that provides 68518  
alcohol and drug addiction services that are certified by the 68519  
department of mental health and addiction services under section 68520  
5119.36 of the Revised Code. 68521

**Sec. 4729.01.** As used in this chapter: 68522

(A) "Pharmacy," except when used in a context that refers to 68523  
the practice of pharmacy, means any area, room, rooms, place of 68524  
business, department, or portion of any of the foregoing where the 68525  
practice of pharmacy is conducted. 68526

(B) "Practice of pharmacy" means providing pharmacist care 68527  
requiring specialized knowledge, judgment, and skill derived from 68528  
the principles of biological, chemical, behavioral, social, 68529  
pharmaceutical, and clinical sciences. As used in this division, 68530  
"pharmacist care" includes the following: 68531

(1) Interpreting prescriptions; 68532

(2) Dispensing drugs and drug therapy related devices; 68533

(3) Compounding drugs; 68534

(4) Counseling individuals with regard to their drug therapy, 68535

recommending drug therapy related devices, and assisting in the 68536  
selection of drugs and appliances for treatment of common diseases 68537  
and injuries and providing instruction in the proper use of the 68538  
drugs and appliances; 68539

(5) Performing drug regimen reviews with individuals by 68540  
discussing all of the drugs that the individual is taking and 68541  
explaining the interactions of the drugs; 68542

(6) Performing drug utilization reviews with licensed health 68543  
professionals authorized to prescribe drugs when the pharmacist 68544  
determines that an individual with a prescription has a drug 68545  
regimen that warrants additional discussion with the prescriber; 68546

(7) Advising an individual and the health care professionals 68547  
treating an individual with regard to the individual's drug 68548  
therapy; 68549

(8) Acting pursuant to a consult agreement with one or more 68550  
physicians authorized under Chapter 4731. of the Revised Code to 68551  
practice medicine and surgery or osteopathic medicine and surgery, 68552  
if an agreement has been established; 68553

(9) Engaging in the administration of immunizations to the 68554  
extent authorized by section 4729.41 of the Revised Code; 68555

(10) Engaging in the administration of drugs to the extent 68556  
authorized by section 4729.45 of the Revised Code. 68557

(C) "Compounding" means the preparation, mixing, assembling, 68558  
packaging, and labeling of one or more drugs in any of the 68559  
following circumstances: 68560

(1) Pursuant to a prescription issued by a licensed health 68561  
professional authorized to prescribe drugs; 68562

(2) Pursuant to the modification of a prescription made in 68563  
accordance with a consult agreement; 68564

(3) As an incident to research, teaching activities, or 68565

chemical analysis; 68566

(4) In anticipation of orders for drugs pursuant to 68567  
prescriptions, based on routine, regularly observed dispensing 68568  
patterns; 68569

(5) Pursuant to a request made by a licensed health 68570  
professional authorized to prescribe drugs for a drug that is to 68571  
be used by the professional for the purpose of direct 68572  
administration to patients in the course of the professional's 68573  
practice, if all of the following apply: 68574

(a) At the time the request is made, the drug is not 68575  
commercially available regardless of the reason that the drug is 68576  
not available, including the absence of a manufacturer for the 68577  
drug or the lack of a readily available supply of the drug from a 68578  
manufacturer. 68579

(b) A limited quantity of the drug is compounded and provided 68580  
to the professional. 68581

(c) The drug is compounded and provided to the professional 68582  
as an occasional exception to the normal practice of dispensing 68583  
drugs pursuant to patient-specific prescriptions. 68584

(D) "Consult agreement" means an agreement that has been 68585  
entered into under section 4729.39 of the Revised Code. 68586

(E) "Drug" means: 68587

(1) Any article recognized in the United States pharmacopoeia 68588  
and national formulary, or any supplement to them, intended for 68589  
use in the diagnosis, cure, mitigation, treatment, or prevention 68590  
of disease in humans or animals; 68591

(2) Any other article intended for use in the diagnosis, 68592  
cure, mitigation, treatment, or prevention of disease in humans or 68593  
animals; 68594

(3) Any article, other than food, intended to affect the 68595

structure or any function of the body of humans or animals; 68596

(4) Any article intended for use as a component of any 68597  
article specified in division (E)(1), (2), or (3) of this section; 68598  
but does not include devices or their components, parts, or 68599  
accessories. 68600

(F) "Dangerous drug" means any of the following: 68601

(1) Any drug to which either of the following applies: 68602

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 68603  
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 68604  
required to bear a label containing the legend "Caution: Federal 68605  
law prohibits dispensing without prescription" or "Caution: 68606  
Federal law restricts this drug to use by or on the order of a 68607  
licensed veterinarian" or any similar restrictive statement, or 68608  
the drug may be dispensed only upon a prescription; 68609

(b) Under Chapter 3715. or 3719. of the Revised Code, the 68610  
drug may be dispensed only upon a prescription. 68611

(2) Any drug that contains a schedule V controlled substance 68612  
and that is exempt from Chapter 3719. of the Revised Code or to 68613  
which that chapter does not apply; 68614

(3) Any drug intended for administration by injection into 68615  
the human body other than through a natural orifice of the human 68616  
body; 68617

(4) Any drug that is a biological product, as defined in 68618  
section 3715.01 of the Revised Code. 68619

(G) "Federal drug abuse control laws" has the same meaning as 68620  
in section 3719.01 of the Revised Code. 68621

(H) "Prescription" means all of the following: 68622

(1) A written, electronic, or oral order for drugs or 68623  
combinations or mixtures of drugs to be used by a particular 68624  
individual or for treating a particular animal, issued by a 68625

licensed health professional authorized to prescribe drugs; 68626

(2) For purposes of sections 2925.61, 4723.488, 4729.44, 68627  
4730.431, and 4731.94 of the Revised Code, a written, electronic, 68628  
or oral order for naloxone issued to and in the name of a family 68629  
member, friend, or other individual in a position to assist an 68630  
individual who there is reason to believe is at risk of 68631  
experiencing an opioid-related overdose. 68632

(3) For purposes of sections 4723.4810, 4729.282, 4730.432, 68633  
and 4731.93 of the Revised Code, a written, electronic, or oral 68634  
order for a drug to treat chlamydia, gonorrhea, or trichomoniasis 68635  
issued to and in the name of a patient who is not the intended 68636  
user of the drug but is the sexual partner of the intended user; 68637

(4) For purposes of sections 3313.7110, 3313.7111, 3314.143, 68638  
3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and 68639  
5101.76 of the Revised Code, a written, electronic, or oral order 68640  
for an epinephrine autoinjector issued to and in the name of a 68641  
school, school district, or camp; 68642

(5) For purposes of Chapter 3728. and sections 4723.483, 68643  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 68644  
electronic, or oral order for an epinephrine autoinjector issued 68645  
to and in the name of a qualified entity, as defined in section 68646  
3728.01 of the Revised Code. 68647

(I) "Licensed health professional authorized to prescribe 68648  
drugs" or "prescriber" means an individual who is authorized by 68649  
law to prescribe drugs or dangerous drugs or drug therapy related 68650  
devices in the course of the individual's professional practice, 68651  
including only the following: 68652

(1) A dentist licensed under Chapter 4715. of the Revised 68653  
Code; 68654

(2) A clinical nurse specialist, certified nurse-midwife, or 68655  
certified nurse practitioner who holds a current, valid license to 68656

practice nursing as an advanced practice registered nurse issued 68657  
under Chapter 4723. of the Revised Code; 68658

(3) An optometrist licensed under Chapter 4725. of the 68659  
Revised Code to practice optometry under a therapeutic 68660  
pharmaceutical agents certificate; 68661

(4) A physician authorized under Chapter 4731. of the Revised 68662  
Code to practice medicine and surgery, osteopathic medicine and 68663  
surgery, or podiatric medicine and surgery; 68664

(5) A physician assistant who holds a license to practice as 68665  
a physician assistant issued under Chapter 4730. of the Revised 68666  
Code, holds a valid prescriber number issued by the state medical 68667  
board, and has been granted physician-delegated prescriptive 68668  
authority; 68669

(6) A veterinarian licensed under Chapter 4741. of the 68670  
Revised Code. 68671

(J) "~~Sale and or "sell" include delivery, transfer, barter,~~ 68672  
~~exchange, or gift, or offer therefor, and each such includes any~~ 68673  
transaction made by any person, whether as principal proprietor, 68674  
agent, or employee, to do or offer to do any of the following: 68675  
deliver, distribute, broker, exchange, gift or otherwise give 68676  
away, or transfer, whether the transfer is by passage of title, 68677  
physical movement, or both. 68678

(K) "Wholesale sale" and "sale at wholesale" mean any sale in 68679  
which the purpose of the purchaser is to resell the article 68680  
purchased or received by the purchaser. 68681

(L) "Retail sale" and "sale at retail" mean any sale other 68682  
than a wholesale sale or sale at wholesale. 68683

(M) "Retail seller" means any person that sells any dangerous 68684  
drug to consumers without assuming control over and responsibility 68685  
for its administration. Mere advice or instructions regarding 68686

administration do not constitute control or establish 68687  
responsibility. 68688

(N) "Price information" means the price charged for a 68689  
prescription for a particular drug product and, in an easily 68690  
understandable manner, all of the following: 68691

(1) The proprietary name of the drug product; 68692

(2) The established (generic) name of the drug product; 68693

(3) The strength of the drug product if the product contains 68694  
a single active ingredient or if the drug product contains more 68695  
than one active ingredient and a relevant strength can be 68696  
associated with the product without indicating each active 68697  
ingredient. The established name and quantity of each active 68698  
ingredient are required if such a relevant strength cannot be so 68699  
associated with a drug product containing more than one 68700  
ingredient. 68701

(4) The dosage form; 68702

(5) The price charged for a specific quantity of the drug 68703  
product. The stated price shall include all charges to the 68704  
consumer, including, but not limited to, the cost of the drug 68705  
product, professional fees, handling fees, if any, and a statement 68706  
identifying professional services routinely furnished by the 68707  
pharmacy. Any mailing fees and delivery fees may be stated 68708  
separately without repetition. The information shall not be false 68709  
or misleading. 68710

(O) "Wholesale distributor of dangerous drugs" or "wholesale 68711  
distributor" means a person engaged in the sale of dangerous drugs 68712  
at wholesale and includes any agent or employee of such a person 68713  
authorized by the person to engage in the sale of dangerous drugs 68714  
at wholesale. 68715

(P) "Manufacturer of dangerous drugs" or "manufacturer" means 68716

a person, other than a pharmacist or prescriber, who manufactures 68717  
dangerous drugs and who is engaged in the sale of those dangerous 68718  
drugs ~~within this state~~. 68719

(Q) "Terminal distributor of dangerous drugs" or "terminal 68720  
distributor" means a person who is engaged in the sale of 68721  
dangerous drugs at retail, or any person, other than a 68722  
manufacturer, repackager, outsourcing facility, third-party 68723  
logistics provider, wholesale distributor, or a pharmacist, who 68724  
has possession, custody, or control of dangerous drugs for any 68725  
purpose other than for that person's own use and consumption, ~~and~~, 68726  
"Terminal distributor" includes pharmacies, hospitals, nursing 68727  
homes, and laboratories and all other persons who procure 68728  
dangerous drugs for sale or other distribution by or under the 68729  
supervision of a pharmacist or licensed health professional 68730  
authorized to prescribe drugs. 68731

(R) "Promote to the public" means disseminating a 68732  
representation to the public in any manner or by any means, other 68733  
than by labeling, for the purpose of inducing, or that is likely 68734  
to induce, directly or indirectly, the purchase of a dangerous 68735  
drug at retail. 68736

(S) "Person" includes any individual, partnership, 68737  
association, limited liability company, or corporation, the state, 68738  
any political subdivision of the state, and any district, 68739  
department, or agency of the state or its political subdivisions. 68740

(T) "Animal shelter" means a facility operated by a humane 68741  
society or any society organized under Chapter 1717. of the 68742  
Revised Code or a dog pound operated pursuant to Chapter 955. of 68743  
the Revised Code. 68744

(U) "Food" has the same meaning as in section 3715.01 of the 68745  
Revised Code. 68746

(V) "Pain management clinic" has the same meaning as in 68747



section 4731.054 of the Revised Code. 68748

(W) "Investigational drug or product" means a drug or product 68749  
that has successfully completed phase one of the United States 68750  
food and drug administration clinical trials and remains under 68751  
clinical trial, but has not been approved for general use by the 68752  
United States food and drug administration. "Investigational drug 68753  
or product" does not include controlled substances in schedule I, 68754  
as established pursuant to section 3719.41 of the Revised Code, 68755  
and as amended. 68756

(X) "Product," when used in reference to an investigational 68757  
drug or product, means a biological product, other than a drug, 68758  
that is made from a natural human, animal, or microorganism source 68759  
and is intended to treat a disease or medical condition. 68760

(Y) "Third-party logistics provider" means a person that 68761  
provides or coordinates warehousing or other logistics services 68762  
pertaining to dangerous drugs including distribution, on behalf of 68763  
a manufacturer, wholesale distributor, or terminal distributor of 68764  
dangerous drugs, but does not take ownership of the drugs or have 68765  
responsibility to direct the sale or disposition of the drugs. 68766

(Z) "Repackager of dangerous drugs" or "repackager" means a 68767  
person that repacks and relabels dangerous drugs for sale or 68768  
distribution. 68769

(AA) "Outsourcing facility" means a facility that is engaged 68770  
in the compounding and sale of sterile drugs and is registered as 68771  
an outsourcing facility with the United States food and drug 68772  
administration. 68773

**Sec. 4729.06.** The state board of pharmacy shall keep a record 68774  
of its proceedings and a register of all ~~identification cards,~~ 68775  
licenses, and registrations that have been granted, together with 68776  
each renewal and suspension or revocation of ~~an identification~~ 68777

~~card, a license, or registration.~~ The books and registers of the board shall be prima-facie evidence of the matters therein recorded. The books and registers may be in electronic format.

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The president and executive director of the board may administer oaths.

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A statement signed by the executive director to which is affixed the official seal of the board to the effect that it appears from the records of the board that the board has not issued ~~an identification card,~~ a license, or registration to the person specified in the statement, or that ~~an identification card,~~ a license, or registration, if issued, has been revoked or suspended, or the holder has been subjected to disciplinary action by the board shall be received as prima-facie evidence of the record of the board in any court or before any officer of this state.

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**Sec. 4729.08.** Every applicant for examination and licensure as a pharmacist shall:

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(A) Be at least eighteen years of age;

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(B) Be of good moral character ~~and habits,~~ as defined in rules adopted by the state board of pharmacy under section 4729.26 of the Revised Code;

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(C) Have obtained a degree in pharmacy from a program that has been recognized and approved by the state board of pharmacy, except that graduates of schools or colleges of pharmacy that are located outside the United States and have not demonstrated that the standards of their programs are at least equivalent to programs recognized and approved by the board shall be required to pass an equivalency examination recognized and approved by the board and to establish written and oral proficiency in English.

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(D) Have satisfactorily completed at least the minimum requirements for pharmacy internship as outlined by the board.

If the board is satisfied that the applicant meets the foregoing requirements and if the applicant passes the examination required under section 4729.07 of the Revised Code, the board shall issue to the applicant a license ~~and an identification card~~ authorizing the individual to practice pharmacy.

**Sec. 4729.09.** The state board of pharmacy may license an individual as a pharmacist without examination ~~and issue an identification card to the pharmacist~~ if the individual:

(A) Holds a license in good standing to practice pharmacy under the laws of another state, has successfully completed an examination for licensure in the other state, and in the opinion of the board, the examination was at least as thorough as that required by the board at the time the individual took the examination;

(B) Is of good moral character ~~and habit, as defined in rules adopted by the board under section 4729.26 of the Revised Code;~~

(C) Has filed with the licensing body of the other state at least the credentials or the equivalent that were required by this state at the time the other state licensed the individual ~~was licensed as~~ a pharmacist.

The board shall not issue ~~any identification card or a license to practice pharmacy~~ to an individual licensed in another state if the state in which the individual is licensed does not reciprocate by granting licenses to practice pharmacy to ~~persons~~ individuals holding valid licenses received through examination by the state board of pharmacy.

**Sec. 4729.11.** The state board of pharmacy shall establish a pharmacy internship program for the purpose of providing the

practical experience necessary to practice as a pharmacist. Any 68838  
individual who desires to become a pharmacy intern shall apply for 68839  
licensure to the board. An application filed under this section 68840  
may not be withdrawn without the approval of the board. 68841

Each applicant shall be issued ~~an identification card and a~~ 68842  
license as a pharmacy intern if ~~in the opinion of~~ the board 68843  
determines that the applicant is actively pursuing an educational 68844  
program in preparation for licensure as a pharmacist and meets the 68845  
other requirements as determined by the board. ~~An identification~~ 68846  
~~card and~~ A license shall be valid until the next ~~annual~~ renewal 68847  
date and shall be renewed only if the intern is meeting the 68848  
requirements and rules of the board. 68849

~~The state board of pharmacy may appoint a director of~~ 68850  
~~pharmacy internship who is a licensed pharmacist and who is not~~ 68851  
~~directly or indirectly connected with a school or college of~~ 68852  
~~pharmacy or department of pharmacy of a university. The director~~ 68853  
~~of pharmacy internship shall be responsible to the board for the~~ 68854  
~~operation and direction of the pharmacy internship program~~ 68855  
~~established by the board under this section, and for such other~~ 68856  
~~duties as the board may assign.~~ 68857

**Sec. 4729.12.** ~~An identification card~~ A license issued by the 68858  
state board of pharmacy under section 4729.08 or 4729.11 of the 68859  
Revised Code entitles the individual to whom it is issued to 68860  
practice as a pharmacist or as a pharmacy intern in this state 68861  
until the next ~~annual~~ renewal date. 68862

~~Identification cards~~ Licenses shall be renewed ~~annually on~~ 68863  
~~the fifteenth day of September,~~ according to the standard renewal 68864  
procedure of Chapter 4745. of the Revised Code and rules adopted 68865  
by the board under section 4729.26 of the Revised Code. Licenses 68866  
are valid for the period specified in the rules, unless earlier 68867  
revoked or suspended by the board. The period shall not exceed 68868

twenty-four months unless the board extends the period in the 68869  
rules to adjust license renewal schedules. 68870

~~Each pharmacist and pharmacy intern shall carry the~~ 68871  
~~identification card or renewal identification card while engaged~~ 68872  
~~in the practice of pharmacy. The license shall be conspicuously~~ 68873  
~~exposed at the principal place where the pharmacist or pharmacy~~ 68874  
~~intern practices pharmacy.~~ 68875

A pharmacist or pharmacy intern who desires to continue in 68876  
the practice of pharmacy shall file with the board an application 68877  
in such form and containing such data as the board may require for 68878  
renewal of ~~an identification card~~ a license. In the case of a 68879  
pharmacist who dispenses or plans to dispense controlled 68880  
substances in this state, the pharmacist shall certify, as part of 68881  
the application, that the pharmacist has been granted access to 68882  
the drug database established and maintained by the board pursuant 68883  
to section 4729.75 of the Revised Code, unless the board has 68884  
restricted the pharmacist from obtaining further information from 68885  
the database or the board no longer maintains the database. If the 68886  
pharmacist certifies to the board that the applicant has been 68887  
granted access to the drug database and the board finds through an 68888  
audit or other means that the pharmacist has not been granted 68889  
access, the board may take action under section 4729.16 of the 68890  
Revised Code. 68891

An application filed under this section for renewal of ~~an~~ 68892  
~~identification card~~ a license may not be withdrawn without the 68893  
approval of the board. 68894

If the board finds that an applicant's ~~identification card~~ 68895  
license has not been revoked or placed under suspension and that 68896  
the applicant has paid the renewal fee, has continued pharmacy 68897  
education in accordance with the rules of the board, and is 68898  
entitled to continue in the practice of pharmacy, the board shall 68899  
~~issue a renewal identification card to the applicant~~ renew the 68900

applicant's license. 68901

When an ~~identification card~~ a license has lapsed for more 68902  
~~than sixty days~~ expired but an application is made within three 68903  
years after the expiration of the ~~card~~ license, the ~~applicant~~ 68904  
applicant's license shall be ~~issued a renewal identification card~~ 68905  
renewed without further examination if the applicant meets the 68906  
requirements of this section and pays the fee designated under 68907  
division (A)(5) of section 4729.15 of the Revised Code. 68908

A pharmacist or pharmacy intern who fails to renew the 68909  
pharmacist's or intern's license by the renewal date prescribed by 68910  
the board shall not engage in the practice of pharmacy until a 68911  
valid license is issued by the board. 68912

**Sec. 4729.13.** A pharmacist who fails to make application to 68913  
the state board of pharmacy for a ~~renewal identification card~~ 68914  
license renewal within a period of three years from the expiration 68915  
of the ~~identification card~~ license must pass an examination for 68916  
registration licensure and comply with sections 4776.01 to 4776.04 68917  
of the Revised Code; except that a pharmacist whose ~~registration~~ 68918  
license has expired, but who has continually practiced pharmacy in 68919  
another state under a license issued by the authority of that 68920  
state, may obtain a ~~renewal identification card~~ renewed license 68921  
upon payment to the executive director of the board the fee 68922  
designated under division (A)(6) of section 4729.15 of the Revised 68923  
Code. 68924

**Sec. 4729.15.** (A) Except as provided in division (B) of this 68925  
section, the state board of pharmacy shall charge the following 68926  
fees: 68927

(1) For applying for a license to practice as a pharmacist, 68928  
an amount adequate to cover all ~~rentals, compensation for~~ 68929  
~~proctors, and other~~ expenses of the board related to examination 68930

except the expenses of procuring and grading the examination, 68931  
which fee shall not be returned if the applicant fails to pass the 68932  
examination; 68933

(2) For the examination of an applicant for licensure as a 68934  
pharmacist, an amount adequate to cover any expenses to the board 68935  
of procuring and grading the examination or any part thereof, 68936  
which fee shall not be returned if the applicant fails to pass the 68937  
examination; 68938

(3) For issuing a license ~~and an identification card~~ to an 68939  
individual who passes the examination described in section 4729.07 68940  
of the Revised Code, an amount that is adequate to cover the 68941  
expense; 68942

(4) For a pharmacist applying for renewal of ~~an~~ 68943  
~~identification card within sixty days after a license before~~ the 68944  
expiration date, ~~ninety-seven~~ two hundred fifty dollars ~~and fifty~~ 68945  
~~cents~~, which fee shall not be returned if the applicant fails to 68946  
qualify for renewal; 68947

(5) For a pharmacist applying for renewal of ~~an~~ 68948  
~~identification card a license~~ that has ~~lapsed~~ been expired for 68949  
~~more than sixty days, but for~~ less than three years, ~~one hundred~~ 68950  
~~thirty-five dollars~~ the renewal fee identified in division (A)(4) 68951  
of this section plus a penalty of thirty-seven dollars and fifty 68952  
cents, which fee shall not be returned if the applicant fails to 68953  
qualify for renewal; 68954

(6) For a pharmacist applying for renewal of ~~an~~ 68955  
~~identification card a license~~ that has ~~lapsed~~ been expired for 68956  
more than three years, three hundred thirty-seven dollars and 68957  
fifty cents, which fee shall not be returned if the applicant 68958  
fails to qualify for renewal; 68959

(7) For a pharmacist applying for a license ~~and~~ 68960  
~~identification card~~, on presentation of a pharmacist license 68961

granted by another state, three hundred thirty-seven dollars and 68962  
fifty cents, which fee shall not be returned if the applicant 68963  
fails to qualify for licensure. 68964

(8) For a license ~~and identification card~~ to practice as a 68965  
pharmacy intern, ~~twenty two~~ forty-five dollars ~~and fifty cents~~, 68966  
which fee shall not be returned if the applicant fails to qualify 68967  
for licensure; 68968

(9) For the renewal of a pharmacy intern ~~identification card~~ 68969  
license, ~~twenty two~~ forty-five dollars ~~and fifty cents~~, which fee 68970  
shall not be returned if the applicant fails to qualify for 68971  
renewal; 68972

(10) ~~For issuing a replacement license to a pharmacist,~~ 68973  
~~twenty two dollars and fifty cents;~~ 68974

~~(11) For issuing a replacement license to a pharmacy intern,~~ 68975  
~~seven dollars and fifty cents;~~ 68976

~~(12) For issuing a replacement identification card to a~~ 68977  
~~pharmacist, thirty seven dollars and fifty cents, or pharmacy~~ 68978  
~~intern, seven dollars and fifty cents;~~ 68979

~~(13)~~ For certifying licensure and grades for reciprocal 68980  
licensure, ~~ten~~ thirty-five dollars; 68981

~~(14)~~(11) For making copies of any application, affidavit, or 68982  
other document filed in the state board of pharmacy office, an 68983  
amount fixed by the board that is adequate to cover the expense, 68984  
except that for copies required by federal or state agencies or 68985  
law enforcement officers for official purposes, no charge need be 68986  
made; 68987

~~(15)~~(12) For certifying and affixing the seal of the board, 68988  
an amount fixed by the board that is adequate to cover the 68989  
expense, except that for certifying and affixing the seal of the 68990  
board to a document required by federal or state agencies or law 68991



enforcement officers for official purposes, no charge need be 68992  
made; 68993

~~(16)~~(13) For each copy of a book or pamphlet that includes 68994  
laws administered by the state board of pharmacy, rules adopted by 68995  
the board, and chapters of the Revised Code with which the board 68996  
is required to comply, an amount fixed by the board that is 68997  
adequate to cover the expense of publishing and furnishing the 68998  
book or pamphlet. 68999

(B)(1) Subject to division (B)(2) of this section, the fees 69000  
described in divisions (A)(1) to ~~(13)~~(10) of this section do not 69001  
apply to an individual who is on active duty in the armed forces 69002  
of the United States, as defined in section 5903.01 of the Revised 69003  
Code, to the spouse of an individual who is on active duty in the 69004  
armed forces of the United States, or to an individual who served 69005  
in the armed forces of the United States and presents ~~a valid copy~~ 69006  
~~of the individual's DD 214 form or an equivalent document issued~~ 69007  
~~by the United States department of defense indicating that the~~ 69008  
~~individual is an honorably discharged veteran~~ documentation that 69009  
the individual has been discharged under honorable conditions from 69010  
the armed forces or has been transferred to the reserve with 69011  
evidence of satisfactory service. 69012

(2) The state board of pharmacy may establish limits with 69013  
respect to the individuals for whom fees are not applicable under 69014  
division (B)(1) of this section. 69015

**Sec. 4729.16.** (A)(1) The state board of pharmacy, after 69016  
notice and hearing in accordance with Chapter 119. of the Revised 69017  
Code, may impose any one or more of the following sanctions on a 69018  
pharmacist or pharmacy intern if the board finds the individual 69019  
engaged in any of the conduct set forth in division (A)(2) of this 69020  
section: 69021

(a) Revoke, suspend, restrict, limit, or refuse to grant or 69022

renew a license;	69023
(b) Reprimand or place the license holder on probation;	69024
(c) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not more than five hundred dollars.	69025 69026 69027 69028 69029
(2) The board may impose the sanctions listed in division (A)(1) of this section if the board finds a pharmacist or pharmacy intern:	69030 69031 69032
(a) Has been convicted of a felony, or a crime of moral turpitude, as defined in section 4776.10 of the Revised Code;	69033 69034
(b) Engaged in dishonesty or unprofessional conduct in the practice of pharmacy;	69035 69036
(c) Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;	69037 69038 69039
(d) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;	69040 69041
(e) Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;	69042 69043 69044 69045 69046
(f) Permitted someone other than a pharmacist or pharmacy intern to practice pharmacy;	69047 69048
(g) Knowingly lent the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or had a professional connection with an illegal practitioner of pharmacy;	69049 69050 69051
(h) Divided or agreed to divide remuneration made in the	69052

practice of pharmacy with any other individual, including, but not 69053  
limited to, any licensed health professional authorized to 69054  
prescribe drugs or any owner, manager, or employee of a health 69055  
care facility, residential care facility, or nursing home; 69056

(i) Violated the terms of a consult agreement entered into 69057  
pursuant to section 4729.39 of the Revised Code; 69058

(j) Committed fraud, misrepresentation, or deception in 69059  
applying for or securing a license ~~or identification card~~ issued 69060  
by the board under this chapter or under Chapter 3715. or 3719. of 69061  
the Revised Code; 69062

(k) Failed to comply with an order of the board or a 69063  
settlement agreement; 69064

(l) Engaged in any other conduct for which the board may 69065  
impose discipline as set forth in rules adopted under section 69066  
4729.26 of the Revised Code. 69067

(B) Any individual whose ~~identification card~~ or license is 69068  
revoked, suspended, or refused, shall return the ~~identification~~ 69069  
~~card and~~ license to the offices of the state board of pharmacy 69070  
within ten days after receipt of notice of such action. 69071

(C) As used in this section: 69072

"Unprofessional conduct in the practice of pharmacy" includes 69073  
any of the following: 69074

(1) Advertising or displaying signs that promote dangerous 69075  
drugs to the public in a manner that is false or misleading; 69076

(2) Except as provided in section 4729.281 or 4729.44 of the 69077  
Revised Code, the dispensing or sale of any drug for which a 69078  
prescription is required, without having received a prescription 69079  
for the drug; 69080

(3) Knowingly dispensing medication pursuant to false or 69081  
forged prescriptions; 69082

(4) Knowingly failing to maintain complete and accurate records of all dangerous drugs received or dispensed in compliance with federal laws and regulations and state laws and rules; (69083-69085)

(5) Obtaining any remuneration by fraud, misrepresentation, or deception; (69086-69087)

(6) Failing to conform to prevailing standards of care of similar pharmacists or pharmacy interns under the same or similar circumstances, whether or not actual injury to a patient is established; (69088-69091)

(7) Engaging in any other conduct that the board specifies as unprofessional conduct in the practice of pharmacy in rules adopted under section 4729.26 of the Revised Code. (69092-69094)

(D) The board may suspend a license ~~or identification card~~ under division (B) of section 3719.121 of the Revised Code by utilizing a telephone conference call to review the allegations and take a vote. (69095-69098)

(E) For purposes of this division, an individual authorized to practice as a pharmacist or pharmacy intern accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a license to practice as a pharmacist or pharmacy intern, an individual gives consent to submit to a mental or physical examination when ordered to do so by the board in writing and waives all objections to the admissibility of testimony or examination reports that constitute privileged communications. (69099-69107)

If the board has reasonable cause to believe that an individual who is a pharmacist or pharmacy intern is physically or mentally impaired, the board may require the individual to submit to a physical or mental examination, or both. The expense of the examination is the responsibility of the individual required to be examined. (69108-69113)

Failure of an individual who is a pharmacist or pharmacy intern to submit to a physical or mental examination ordered by the board, unless the failure is due to circumstances beyond the individual's control, constitutes an admission of the allegations and a suspension order shall be entered without the taking of testimony or presentation of evidence. Any subsequent adjudication hearing under Chapter 119. of the Revised Code concerning failure to submit to an examination is limited to consideration of whether the failure was beyond the individual's control.

If, based on the results of an examination ordered under this division, the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license to practice, to submit to a physical or mental examination and treatment.

An order of suspension issued under this division shall not be subject to suspension by a court during pendency of any appeal filed under section 119.12 of the Revised Code.

(F) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant or licensee does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section.

(G) Notwithstanding the provision of division (C)(2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed under that section the proceedings in the case must be deemed not to have occurred, sealing of the following records on which the board has based an

action under this section shall have no effect on the board's 69146  
action or any sanction imposed by the board under this section: 69147  
records of any conviction, guilty plea, judicial finding of guilt 69148  
resulting from a plea of no contest, or a judicial finding of 69149  
eligibility for a pretrial diversion program or intervention in 69150  
lieu of conviction. The board shall not be required to seal, 69151  
destroy, redact, or otherwise modify its records to reflect the 69152  
court's sealing of conviction records. 69153

(H) No pharmacist or pharmacy intern shall knowingly engage 69154  
in any conduct described in divisions (A)(2)(b) or (A)(2)(e) to 69155  
(1) of this section. 69156

Sec. 4729.23. (A) Except as provided in division (B) of this 69157  
section, information received by the state board of pharmacy 69158  
pursuant to an investigation is confidential and is not subject to 69159  
discovery in any civil action. Any record that identifies a 69160  
patient, confidential informant, or individual who files a 69161  
complaint with the board or may reasonably lead to the 69162  
identification of the patient, informant, or complainant is not a 69163  
public record for purposes of section 149.43 of the Revised Code 69164  
and is not subject to inspection or copying under section 1347.08 69165  
of the Revised Code. 69166

(B) The board shall conduct all investigations or inspections 69167  
and proceedings in a manner that protects the confidentiality of 69168  
patients, confidential informants, and individuals who file 69169  
complaints with the board. The board shall not make public the 69170  
names or any other identifying information of patients, 69171  
confidential informants, or complainants unless proper consent is 69172  
given or, in the case of a patient, a waiver of the patient 69173  
privilege exists under division (B) of section 2317.02 of the 69174  
Revised Code. The consent or waiver is not required if the board 69175  
possesses reliable and substantial evidence that no bona fide 69176

physician-patient relationship exists. 69177

On request, the board may share any information it receives 69178  
pursuant to an investigation or inspection, including patient 69179  
records and patient record information, with law enforcement 69180  
agencies, other licensing boards, and other state or federal 69181  
governmental agencies that are prosecuting, adjudicating, or 69182  
investigating alleged violations of statutes or administrative 69183  
rules. An agency or board that receives the information shall 69184  
comply with the same requirements regarding confidentiality as 69185  
those with which the state board of pharmacy must comply, 69186  
notwithstanding any conflicting provision of the Revised Code or 69187  
agency procedure that applies when the agency is dealing with 69188  
other information in its possession. 69189

Any information the board receives from a state or federal 69190  
agency is subject to the same confidentiality requirements as the 69191  
agency from which it was received and shall not be released by the 69192  
board without prior authorization from that agency. 69193

The board may, for good cause shown, disclose or authorize 69194  
disclosure of information gathered pursuant to an investigation. 69195

(C) Any board activity that involves continued monitoring of 69196  
an individual for treatment or recovery purposes as part of or 69197  
following any disciplinary action taken under section 4729.16, 69198  
4729.56, or 4729.57 of the Revised Code shall be conducted in a 69199  
manner that maintains an individual's confidentiality with respect 69200  
to the individual's treatment or recovery program. Information 69201  
received or maintained by the board with respect to the board's 69202  
monitoring activities is not subject to discovery in any civil 69203  
action and is confidential, except that the board may disclose 69204  
information to law enforcement officers and government entities 69205  
for purposes of an investigation of a license or certificate 69206  
holder. 69207

Sec. 4729.24. (A) Subject to division (B) of this section, in addition to the actions the state board of pharmacy may take under Chapter 119. of the Revised Code, the board may order the taking of depositions; examine and copy any books, accounts, papers, records, documents, and other tangible objects; issue subpoenas; and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and other tangible objects.

On failure of a person to comply with a subpoena issued by the board and after reasonable notice to that person, the board may apply to the court of common pleas of Franklin county for an order compelling the production of persons or records pursuant to the Ohio Rules of Civil Procedure.

A subpoena issued by the board may be served by a sheriff, sheriff's deputy, or board employee designated by the board. Service of a subpoena may be made by delivering a copy of the subpoena to the person named in the subpoena or by leaving it at the person's usual place of residence.

(B) A subpoena for patient record information may be issued only on approval by the board's executive director and the president or another board member designated by the president, in consultation with the office of the attorney general. Before issuing the subpoena, the executive director and the office of the attorney general shall determine whether probable cause exists to believe that the complaint filed alleges, or an investigation has revealed, a violation of this chapter or Chapters 2925., 3715., 3719., or 3796. of the Revised Code or any rule adopted by the board, that the records sought are relevant to the alleged violation and material to the investigation, and that the records cover a reasonable period of time surrounding the alleged violation.

(C) The board may adopt rules in accordance with Chapter 119.



of the Revised Code establishing procedures to be followed in 69239  
taking the actions authorized by this section, including 69240  
procedures regarding payment for and service of subpoenas. 69241

**Sec. 4729.51.** (A) No person other than a ~~registered~~ licensed 69242  
manufacturer of dangerous drugs, outsourcing facility, third-party 69243  
logistics provider, repackager of dangerous drugs, or 69244  
wholesale distributor of dangerous drugs shall possess for sale, sell, 69245  
distribute, or deliver, at wholesale, dangerous drugs or 69246  
investigational drugs or products, except as follows: 69247

(1) A licensed terminal distributor of dangerous drugs that 69248  
is a pharmacy may make occasional sales of dangerous drugs or 69249  
investigational drugs or products at wholesale. 69250

(2) A licensed terminal distributor of dangerous drugs having 69251  
more than one licensed location may transfer or deliver dangerous 69252  
drugs from one licensed location to another licensed location 69253  
owned by the terminal distributor if the license issued for each 69254  
location is in effect at the time of the transfer or delivery. 69255

(3) A licensed terminal distributor of dangerous drugs that 69256  
is not a pharmacy may make occasional sales of naloxone at 69257  
wholesale. 69258

(B) No ~~registered~~ licensed manufacturer, outsourcing 69259  
facility, third-party logistics provider, repackager, or 69260  
~~distributor of dangerous drugs~~ shall possess for sale, sell, or 69261  
distribute, at wholesale, dangerous drugs or investigational drugs 69262  
or products to any person other than the following: 69263

(1) Subject to division (D) of this section, a licensed 69264  
terminal distributor of dangerous drugs; 69265

(2) Subject to division (C) of this section, any person 69266  
exempt from licensure as a terminal distributor of dangerous drugs 69267  
under section 4729.541 of the Revised Code; 69268

(3) A ~~registered~~ licensed manufacturer, outsourcing facility, 69269  
third-party logistics provider, repackager, or 69270  
wholesale distributor of dangerous drugs; 69271

(4) A terminal distributor, manufacturer, outsourcing 69272  
facility, third-party logistics provider, repackager, or 69273  
wholesale distributor of dangerous drugs that is located in another state, 69274  
is not engaged in the sale of dangerous drugs within this state, 69275  
and is actively licensed to engage in the sale of dangerous drugs 69276  
by the state in which the distributor conducts business. 69277

(C) No ~~registered~~ licensed manufacturer, outsourcing 69278  
facility, third-party logistics provider, repackager, or 69279  
wholesale distributor of dangerous drugs shall possess for sale, sell, or 69280  
distribute, at wholesale, dangerous drugs or investigational drugs 69281  
or products to either of the following: 69282

(1) A prescriber who is employed by either of the following: 69283

(a) A pain management clinic that is not licensed as a 69284  
terminal distributor of dangerous drugs with a pain management 69285  
clinic classification issued under section 4729.552 of the Revised 69286  
Code; 69287

(b) A facility, clinic, or other location that provides 69288  
office-based opioid treatment but is not licensed as a terminal 69289  
distributor of dangerous drugs with an office-based opioid 69290  
treatment classification issued under section 4729.553 of the 69291  
Revised Code if such a license is required by that section. 69292

(2) A business entity described in division (A)(2) or (3) of 69293  
section 4729.541 of the Revised Code that is, or is operating, 69294  
either of the following: 69295

(a) A pain management clinic without a license as a terminal 69296  
distributor of dangerous drugs with a pain management clinic 69297  
classification issued under section 4729.552 of the Revised Code; 69298

(b) A facility, clinic, or other location that provides office-based opioid treatment without a license as a terminal distributor of dangerous drugs with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section.

(D) No ~~registered~~ licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor ~~of dangerous drugs~~ shall possess dangerous drugs or investigational drugs or products for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows:

~~(1) In the case of a terminal distributor with a category I license, only dangerous drugs described in category I, as defined in division (A)(1) of section 4729.54 of the Revised Code;~~

~~(2)~~ In the case of a terminal distributor with a category II license, only dangerous drugs ~~described in category I and~~ category II, as defined in ~~divisions~~ division (A)(1) ~~and (2)~~ of section 4729.54 of the Revised Code;

~~(3)~~(2) In the case of a terminal distributor with a category III license, dangerous drugs ~~described in category I,~~ category II, and category III, as defined in divisions (A)(1), and (2), ~~and (3)~~ of section 4729.54 of the Revised Code;

~~(4)~~(3) In the case of a terminal distributor with a limited category ~~I,~~ II, or III license, only the dangerous drugs specified in the ~~certificate furnished by the terminal distributor in accordance with section 4729.60 of the Revised Code~~ license.

(E)(1) Except as provided in division (E)(2) of this section, no person shall do any of the following:

(a) Sell or distribute, at retail, dangerous drugs;

(b) Possess for sale, at retail, dangerous drugs;

(c) Possess dangerous drugs. 69329

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section do 69330  
not apply to any of the following: 69331

(i) A licensed terminal distributor of dangerous drugs; 69332

(ii) A person who possesses, or possesses for sale or sells, 69333  
at retail, a dangerous drug in accordance with Chapters 3719., 69334  
4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised 69335  
Code; 69336

(iii) Any of the persons identified in divisions (A)(1) to 69337  
(5) and (13) of section 4729.541 of the Revised Code, but only to 69338  
the extent specified in that section. 69339

(b) Division (E)(1)(c) of this section does not apply to any 69340  
of the following: 69341

(i) A ~~registered~~ licensed manufacturer, outsourcing facility, 69342  
third-party logistics provider, repackager, or wholesale 69343  
distributor ~~of dangerous drugs~~; 69344

(ii) Any of the persons identified in divisions (A)(6) to 69345  
(12) of section 4729.541 of the Revised Code, but only to the 69346  
extent specified in that section. 69347

(F) No licensed terminal distributor of dangerous drugs or 69348  
person that is exempt from licensure under section 4729.541 of the 69349  
Revised Code shall purchase dangerous drugs or investigational 69350  
drugs or products from any person other than a ~~registered~~ licensed 69351  
manufacturer, outsourcing facility, third-party logistics 69352  
provider, repackager, or wholesale distributor ~~of dangerous drugs~~, 69353  
except as follows: 69354

(1) A licensed terminal distributor of dangerous drugs or 69355  
person that is exempt from licensure under section 4729.541 of the 69356  
Revised Code may make occasional purchases of dangerous drugs or 69357  
investigational drugs or products that are sold in accordance with 69358

division (A)(1) or (3) of this section. 69359

(2) A licensed terminal distributor of dangerous drugs having 69360  
more than one licensed location may transfer or deliver dangerous 69361  
drugs or investigational drugs or products from one licensed 69362  
location to another licensed location if the license issued for 69363  
each location is in effect at the time of the transfer or 69364  
delivery. 69365

(G) No licensed terminal distributor of dangerous drugs shall 69366  
engage in the retail sale or other distribution of dangerous drugs 69367  
or investigational drugs or products or maintain possession, 69368  
custody, or control of dangerous drugs or investigational drugs or 69369  
products for any purpose other than the distributor's personal use 69370  
or consumption, at any establishment or place other than that or 69371  
those described in the license issued by the state board of 69372  
pharmacy to such terminal distributor. 69373

(H) Nothing in this section shall be construed to interfere 69374  
with the performance of official duties by any law enforcement 69375  
official authorized by municipal, county, state, or federal law to 69376  
collect samples of any drug, regardless of its nature or in whose 69377  
possession it may be. 69378

(I) Notwithstanding anything to the contrary in this section, 69379  
the board of education of a city, local, exempted village, or 69380  
joint vocational school district may distribute epinephrine 69381  
autoinjectors for use in accordance with section 3313.7110 of the 69382  
Revised Code and may distribute inhalers for use in accordance 69383  
with section 3313.7113 of the Revised Code. 69384

**Sec. 4729.52.** (A) As used in this section: 69385

(1) "Category II" means any dangerous drug that is not 69386  
included in category III. 69387

(2) "Category III" means any controlled substance that is 69388

contained in schedule I, II, III, IV, or V. 69389

(3) "Schedule I, schedule II, schedule III, schedule IV, and  
schedule V" mean controlled substance schedules I, II, III, IV,  
and V, respectively, as established pursuant to section 3719.41 of  
the Revised Code and as amended. 69390  
69391  
69392  
69393

(B)(1)(a) The state board of pharmacy shall license the  
following persons: 69394  
69395

(i) Wholesale distributors of dangerous drugs; 69396

(ii) Manufacturers of dangerous drugs; 69397

(iii) Outsourcing facilities; 69398

(iv) Third-party logistics providers; 69399

(v) Repackagers of dangerous drugs. 69400

(b) There shall be two categories for the licenses identified  
in division (B)(1)(a) of this section. The categories are as  
follows: 69401  
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69403

(i) Category II license. A person who obtains this license  
may possess, have custody or control of, and distribute, only the  
dangerous drugs described in category II. 69404  
69405  
69406

(ii) Category III license. A person who obtains this license  
may possess, have custody or control of, and distribute, the  
dangerous drugs described in category II and category III. 69407  
69408  
69409

(c) The board may adopt rules under section 4729.26 of the  
Revised Code to create classification types of any license issued  
pursuant to this section. Persons who meet the definitions of the  
classification types shall comply with all requirements for the  
specific license classification specified in rule. 69410  
69411  
69412  
69413  
69414

(C) A person ~~desiring to be registered as a wholesale  
distributor of dangerous drugs~~ seeking a license identified in  
division (B)(1)(a) of this section shall file with the executive 69415  
69416  
69417

director of the ~~state board of pharmacy~~ a verified application 69418  
containing such information as the board requires of the applicant 69419  
relative to the licensure qualifications ~~to be registered as a~~ 69420  
~~wholesale distributor of dangerous drugs~~ set forth in section 69421  
4729.53 of the Revised Code and the rules adopted under that 69422  
section. The 69423

The board shall ~~register~~ license as a category II or category 69424  
III manufacturer, outsourcing facility, third-party logistics 69425  
provider, repackager, or wholesale distributor ~~of dangerous drugs~~ 69426  
each applicant who has paid the required ~~registration~~ license fee, 69427  
if the board determines that the applicant meets the licensure 69428  
qualifications ~~to be registered as a wholesale distributor of~~ 69429  
~~dangerous drugs~~ set forth in section 4729.53 of the Revised Code 69430  
and the rules adopted under that section. 69431

~~(B)(D)~~ The board may ~~register and~~ issue to a person who does 69432  
not reside in this state a ~~registration certificate as a wholesale~~ 69433  
~~distributor of dangerous drugs~~ license identified in division 69434  
(B)(1)(a) of this section if the person ~~possesses~~ pays the 69435  
required licensure fee and meets either of the following: 69436

(1) Possesses a current and valid manufacturer, outsourcing 69437  
facility, third-party logistics provider, repackager, or wholesale 69438  
~~distributor of dangerous drugs registration certificate or~~ 69439  
license, or its equivalent, issued by another state that in which 69440  
that person is physically located, but only if that state has 69441  
qualifications for licensure ~~or registration~~ comparable to the 69442  
~~registration~~ licensure requirements in this state ~~and pays the~~ 69443  
~~required registration fee;~~ 69444

(2) Meets the requirements set forth by the board for 69445  
issuance of a license identified in division (B)(1)(a) of this 69446  
section, as verified by a state, federal, or other entity 69447  
recognized by the board to perform such verification. 69448

~~(C)~~(E) All ~~registration certificates~~ licenses issued or 69449  
renewed pursuant to this section are effective for a period of 69450  
~~twelve months from the first day of July of each year~~ specified by 69451  
the board in rules adopted under section 4729.26 of the Revised 69452  
Code. The effective period for an initial or renewed license shall 69453  
not exceed twenty-four months unless the board extends the period 69454  
in rules to adjust license renewal schedules. A ~~registration~~ 69455  
~~certificate~~ license shall be renewed annually by the board for a 69456  
~~like period,~~ pursuant to this section ~~and,~~ the standard renewal 69457  
procedure of Chapter 4745. of the Revised Code, and rules adopted 69458  
by the board under section 4729.26 of the Revised Code. A person 69459  
~~desiring~~ seeking to renew a ~~registration certificate~~ license shall 69460  
submit an application for renewal and pay the required renewal fee 69461  
before the ~~first day of July each year~~ date specified in the rules 69462  
adopted by the board. 69463

~~(D)~~(F) Each ~~registration certificate and its application~~ 69464  
license issued under this section shall describe not more than one 69465  
establishment or place where the ~~registrant or applicant~~ license 69466  
holder may engage in the ~~sale of dangerous drugs at wholesale~~ 69467  
activities authorized by the license. No ~~registration certificate~~ 69468  
license shall authorize or permit the ~~wholesale distributor of~~ 69469  
~~dangerous drugs~~ person named therein to engage in the sale or 69470  
distribution of drugs at wholesale or to maintain possession, 69471  
custody, or control of dangerous drugs for any purpose other than 69472  
for the ~~registrant's~~ licensee's own use and consumption at any 69473  
establishment or place other than that described in the 69474  
~~certificate~~ license. 69475

~~(E)~~(G)(1)(a) The ~~registration~~ category II license fee is 69476  
~~seven hundred fifty one thousand nine hundred~~ dollars and shall 69477  
accompany each application for ~~registration~~ licensure. The 69478  
~~registration~~ license renewal fee is ~~seven hundred fifty one~~ 69479  
thousand nine hundred dollars and shall accompany each renewal 69480



application. 69481

(b) The category III license fee is two thousand dollars and shall accompany each application for licensure. The license renewal fee is two thousand dollars and shall accompany each renewal application. 69482  
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~~A registration certificate~~ (c)(i) Subject to division (G)(1)(c)(ii) of this section, a license issued pursuant to this section that has not been renewed in any year by the first day of August by the date specified in rules adopted by the board may be reinstated upon payment of the renewal fee and a penalty of one three hundred fifty dollars. 69486  
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(ii) If a complete application for renewal has not been submitted by the sixty-first day after the renewal date specified in rules adopted by the board, the license is considered void and cannot be renewed, but the license holder may reapply for licensure. 69492  
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(2) Renewal fees and penalties assessed under division ~~(E)~~(G)(1) of this section shall not be returned if the applicant fails to qualify for renewal. 69497  
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(3) A person licensed pursuant to this section that fails to renew licensure in accordance with this section and rules adopted by the board is prohibited from engaging in manufacturing, repackaging, compounding, or distributing as a third-party logistics provider or wholesale distributor until a valid license is issued by the board. 69500  
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~~(F) The registration of any person as a wholesale distributor of dangerous drugs~~ (H) Holding a license issued pursuant to this section subjects the person holder and the person's holder's agents and employees to the jurisdiction of the board and to the laws of this state for the purpose of the enforcement of this chapter and the rules of the board. However, the filing of an 69506  
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application for ~~registration as a wholesale distributor of~~ 69512  
~~dangerous drugs licensure under this section by,~~ or on behalf of, 69513  
any person, or the registration issuance of a license pursuant to 69514  
this section to or on behalf of any person as a wholesale 69515  
distributor of dangerous drugs, shall not, of itself, constitute 69516  
evidence that the person is doing business within this state. 69517

(I) The board may enter into agreements with other states, 69518  
federal agencies, and other entities to exchange information 69519  
concerning licensing and inspection of any manufacturer, 69520  
outsourcing facility, third-party logistics provider, repackager, 69521  
or wholesale distributor located within or outside this state and 69522  
to investigate alleged violations of the laws and rules governing 69523  
distribution of drugs by such persons. Any information received 69524  
pursuant to such an agreement is subject to the same 69525  
confidentiality requirements applicable to the agency or entity 69526  
from which it was received and shall not be released without prior 69527  
authorization from that agency or entity. Any information received 69528  
is also subject to section 4729.23 of the Revised Code. 69529

**Sec. 4729.53.** (A) The state board of pharmacy shall not 69530  
~~register~~ license any person as a manufacturer of dangerous drugs, 69531  
outsourcing facility, third-party logistics provider, repackager 69532  
of dangerous drugs, or wholesale distributor of dangerous drugs 69533  
unless the applicant for ~~registration~~ licensure furnishes 69534  
satisfactory proof to the board that the applicant meets all of 69535  
the following: 69536

(1) If the applicant has ~~been convicted of a violation of~~ 69537  
committed acts that the board finds violate any federal, state, or 69538  
local law, regulation, or rule relating to drug samples, 69539  
manufacturing, compounding, repackaging, wholesale or retail drug 69540  
distribution, or distribution of dangerous drugs, including 69541  
controlled substances, ~~or of~~ constitute a felony, or if a federal, 69542

state, or local governmental entity has suspended or revoked any 69543  
current or prior license ~~or registration~~ of the applicant for the 69544  
manufacture, compounding, repackaging, distribution, or sale of 69545  
any dangerous drugs, including controlled substances, the 69546  
applicant, to the satisfaction of the board, assures that the 69547  
applicant has in place adequate safeguards to prevent the 69548  
recurrence of any such violations. 69549

(2) The applicant's past experience in the manufacture, 69550  
compounding, repackaging, or distribution of dangerous drugs, 69551  
including controlled substances, is acceptable to the board. 69552

(3) The applicant is properly equipped as to land, buildings, 69553  
equipment, and personnel to properly carry on ~~the~~ its business ~~of~~ 69554  
~~a wholesale distributor of dangerous drugs,~~ including providing 69555  
adequate security for and proper storage conditions and handling 69556  
for dangerous drugs, and is complying with the requirements under 69557  
this chapter and the rules adopted pursuant thereto for 69558  
maintaining and making available records to properly identified 69559  
board officials and federal, state, and local law enforcement 69560  
agencies. 69561

(4) Personnel employed by the applicant have the appropriate 69562  
education or experience, as determined by the board, to assume 69563  
responsibility for positions related to compliance with this 69564  
chapter and the rules adopted pursuant thereto. 69565

(5) The applicant has designated the name and address of a 69566  
person to whom communications from the board may be directed and 69567  
upon whom the notices and citations provided for in section 69568  
4729.56 of the Revised Code may be served. 69569

(6) Adequate safeguards are assured to prevent the sale of 69570  
dangerous drugs ~~to any person other than those named in division~~ 69571  
~~(B) of~~ in accordance with section 4729.51 of the Revised Code. 69572

(7) Any other requirement or qualification the board, by rule 69573

adopted in accordance with Chapter 119. of the Revised Code, 69574  
considers relevant to and consistent with the public safety and 69575  
health. 69576

(B) In addition to the causes described in section 4729.56 of 69577  
the Revised Code for refusing to grant or renew a ~~registration~~ 69578  
~~certificate~~ license, the board may refuse to ~~register~~ grant or 69579  
renew ~~the registration certificate of any person~~ a license if the 69580  
board determines that the granting of the ~~registration certificate~~ 69581  
license or its renewal is not in the public interest. 69582

**Sec. 4729.54.** (A) As used in this section: 69583

(1) "~~Category I~~" means ~~single dose injections of intravenous~~ 69584  
~~fluids, including saline, Ringer's lactate, five per cent dextrose~~ 69585  
~~and distilled water, and other intravenous fluids or parenteral~~ 69586  
~~solutions included in this category by rule of the state board of~~ 69587  
~~pharmacy, that have a volume of one hundred milliliters or more~~ 69588  
~~and that contain no added substances, or single dose injections of~~ 69589  
~~epinephrine to be administered pursuant to sections 4765.38 and~~ 69590  
~~4765.39 of the Revised Code.~~ 69591

~~(2)~~ "Category II" means any dangerous drug that is not 69592  
included in category ~~I or~~ III. 69593

~~(3)~~(2) "Category III" means any controlled substance that is 69594  
contained in schedule I, II, III, IV, or V. 69595

~~(4)~~(3) "Emergency medical service organization" has the same 69596  
meaning as in section 4765.01 of the Revised Code. 69597

~~(5)~~(4) "Person" includes an emergency medical service 69598  
organization. 69599

~~(6)~~(5) "Schedule I, schedule II, schedule III, schedule IV, 69600  
and schedule V" mean controlled substance schedules I, II, III, 69601  
IV, and V, respectively, as established pursuant to section 69602  
3719.41 of the Revised Code and as amended. 69603

(B)(1) A person ~~who desires~~ seeking to be licensed as a 69604  
terminal distributor of dangerous drugs shall file with the 69605  
executive director of the state board of pharmacy a verified 69606  
application. After it is filed, the application may not be 69607  
withdrawn without approval of the board. 69608

(2) An application shall contain all the following that apply 69609  
in the applicant's case: 69610

(a) Information that the board requires relative to the 69611  
qualifications of a terminal distributor of dangerous drugs set 69612  
forth in section 4729.55 of the Revised Code; 69613

(b) A statement ~~that as to whether~~ the person ~~wishes is~~ 69614  
seeking to be licensed as a ~~category I,~~ category II, category III, 69615  
~~limited category I,~~ limited category II, or limited category III 69616  
terminal distributor of dangerous drugs; 69617

(c) If the person ~~wishes is seeking~~ to be licensed as a 69618  
~~limited category I,~~ limited category II, or limited category III 69619  
terminal distributor of dangerous drugs, a ~~notarized~~ list of the 69620  
dangerous drugs that the person ~~wishes is seeking~~ to possess, have 69621  
custody or control of, and distribute, which list shall also 69622  
specify the purpose for which those drugs will be used and their 69623  
source; 69624

(d) If the person is an emergency medical service 69625  
organization, the information that is specified in division (C)(1) 69626  
of this section; 69627

(e) Except for an emergency medical service organization, the 69628  
identity of the one establishment or place at which the person 69629  
intends to engage in the sale or other distribution of dangerous 69630  
drugs at retail, and maintain possession, custody, or control of 69631  
dangerous drugs for purposes other than the person's own use or 69632  
consumption; 69633

(f) If the application pertains to a pain management clinic, 69634

information that demonstrates, to the satisfaction of the board, 69635  
compliance with division (A) of section 4729.552 of the Revised 69636  
Code; 69637

(g) If the application pertains to a facility, clinic, or 69638  
other location described in division (B) of section 4729.553 of 69639  
the Revised Code that must hold a category III terminal 69640  
distributor of dangerous drugs license with an office-based opioid 69641  
treatment classification, information that demonstrates, to the 69642  
satisfaction of the board, compliance with division (C) of that 69643  
section. 69644

(C)(1) An emergency medical service organization ~~that wishes~~ 69645  
seeking to be licensed as a terminal distributor of dangerous 69646  
drugs shall list in its application for licensure the following 69647  
additional information: 69648

(a) The units under its control that the organization 69649  
determines will possess dangerous drugs for the purpose of 69650  
administering emergency medical services in accordance with 69651  
Chapter 4765. of the Revised Code; 69652

(b) With respect to each such unit, whether the dangerous 69653  
drugs that the organization determines the unit will possess are 69654  
in category ~~I~~ II~~7~~ or III. 69655

(2) An emergency medical service organization that is 69656  
licensed as a terminal distributor of dangerous drugs shall file a 69657  
new application for such licensure if there is any change in the 69658  
number, or location of, any of its units or any change in the 69659  
category of the dangerous drugs that any unit will possess. 69660

(3) A unit listed in an application for licensure pursuant to 69661  
division (C)(1) of this section may obtain the dangerous drugs it 69662  
is authorized to possess from its emergency medical service 69663  
organization or, on a replacement basis, from a hospital pharmacy. 69664  
If units will obtain dangerous drugs from a hospital pharmacy, the 69665

organization shall file, and maintain in current form, the 69666  
following items with the pharmacist who is responsible for the 69667  
hospital's terminal distributor of dangerous drugs license: 69668

(a) A copy of its standing orders or protocol; 69669

(b) A list of the personnel employed or used by the 69670  
organization to provide emergency medical services in accordance 69671  
with Chapter 4765. of the Revised Code, who are authorized to 69672  
possess the drugs, which list also shall indicate the personnel 69673  
who are authorized to administer the drugs. 69674

(D) Each emergency medical service organization that applies 69675  
for a terminal distributor of dangerous drugs license shall submit 69676  
with its application the following: 69677

(1) A ~~notarized~~ copy of its standing orders or protocol, 69678  
which orders or protocol shall be signed by a physician ~~and~~ 69679  
~~specify;~~ 69680

(2) A list of the dangerous drugs that its units may carry, 69681  
expressed in standard dose units, which shall be signed by a 69682  
physician; 69683

~~(2)~~(3) A list of the personnel employed or used by the 69684  
organization to provide emergency medical services in accordance 69685  
with Chapter 4765. of the Revised Code. 69686

~~An~~ In accordance with Chapter 119. of the Revised Code, the 69687  
board shall adopt rules specifying when an emergency medical 69688  
service organization that is licensed as a terminal distributor 69689  
~~shall~~ must notify the board ~~immediately~~ of any changes in its 69690  
~~standing orders or protocol~~ documentation submitted pursuant to 69691  
division (D) of this section. 69692

(E) There shall be ~~six~~ four categories of terminal 69693  
distributor of dangerous drugs licenses, ~~which.~~ The categories 69694  
~~shall be~~ are as follows: 69695

(1) ~~Category I license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I.~~ 69696  
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~~(2) Limited category I license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I that were listed in the application for licensure.~~ 69699  
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~~(3) Category II license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I and category II.~~ 69703  
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~~(4)~~(2) Limited category II license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in ~~category I or~~ category II that were listed in the application for licensure. 69706  
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~~(5)~~(3) Category III license, which may include a pain management clinic classification issued under section 4729.552 of the Revised Code. A person who obtains this license may possess, have custody or control of, and distribute the dangerous drugs described in ~~category I,~~ category II, and category III. If the license includes a pain management clinic classification, the person may operate a pain management clinic. 69710  
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~~(6)~~(4) Limited category III license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in ~~category I,~~ category II, or category III that were listed in the application for licensure. 69717  
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(F) Except for an application made on behalf of an animal shelter, if an applicant for ~~licensure as a limited category I,~~ II, license or limited category III terminal distributor of dangerous drugs license intends to administer dangerous drugs to a person or animal, the applicant shall submit, with the 69722  
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application, a ~~notarized~~ copy of its protocol or standing orders, 69727  
~~which.~~ The protocol or orders shall be signed by a licensed health 69728  
professional authorized to prescribe drugs, specify the dangerous 69729  
drugs to be administered, and list personnel who are authorized to 69730  
administer the dangerous drugs in accordance with federal law or 69731  
the law of this state. An application made on behalf of an animal 69732  
shelter shall include a ~~notarized~~ list of the dangerous drugs to 69733  
be administered to animals and the personnel who are authorized to 69734  
administer the drugs to animals in accordance with section 69735  
4729.532 of the Revised Code. ~~After obtaining a terminal 69736~~  
~~distributor license,~~ 69737

In accordance with Chapter 119. of the Revised Code, the 69738  
board shall adopt rules specifying when a licensee shall must 69739  
notify the board ~~immediately~~ of any changes in its ~~protocol or 69740~~  
~~standing orders, or in such personnel documentation submitted 69741~~  
pursuant to this division. 69742

(G)(1) Except as provided in division (G)(2) of this section, 69743  
each applicant for licensure as a terminal distributor of 69744  
dangerous drugs shall submit, with the application, a license fee 69745  
determined as follows: 69746

(a) ~~For a category I or limited category I license,~~ 69747  
~~forty five dollars;~~ 69748

~~(b)~~ For a category II or limited category II license, ~~one the 69749~~  
fee is three hundred twelve twenty dollars and fifty cents;. 69750

~~(c)~~(b) For a category III license, including a license with a 69751  
pain management clinic classification issued under section 69752  
4729.552 of the Revised Code, or a limited category III license, 69753  
~~one four hundred fifty forty~~ dollars. 69754

(2)(a) Except as provided in division (G)(2)(b) of this 69755  
section, for a person who is required to hold a license as a 69756  
terminal distributor of dangerous drugs pursuant to division (D) 69757

of section 4729.541 of the Revised Code, the fee ~~shall be sixty~~ is 69758  
one hundred twenty dollars. 69759

(b) For a professional association, corporation, partnership, 69760  
or limited liability company organized for the purpose of 69761  
practicing veterinary medicine, the fee ~~shall be forty~~ is one 69762  
hundred twenty dollars. 69763

(3) Fees assessed under divisions (G)(1) and (2) of this 69764  
section shall not be returned if the applicant fails to qualify 69765  
for ~~registration~~ the license. 69766

(H)(1) The board shall issue a terminal distributor of 69767  
dangerous drugs license to each person who submits an application 69768  
for such licensure in accordance with this section, pays the 69769  
required license fee, is determined by the board to meet the 69770  
requirements set forth in section 4729.55 of the Revised Code, and 69771  
satisfies any other applicable requirements of this section. 69772

(2) The license of a person other than an emergency medical 69773  
service organization shall describe the one establishment or place 69774  
at which the licensee may engage in the sale or other distribution 69775  
of dangerous drugs at retail and maintain possession, custody, or 69776  
control of dangerous drugs for purposes other than the licensee's 69777  
own use or consumption. The one establishment or place shall be 69778  
that which is ~~described~~ identified in the application for 69779  
licensure. 69780

No such license shall authorize or permit the terminal 69781  
distributor of dangerous drugs named in it to engage in the sale 69782  
or other distribution of dangerous drugs at retail or to maintain 69783  
possession, custody, or control of dangerous drugs for any purpose 69784  
other than the distributor's own use or consumption, at any 69785  
establishment or place other than that described in the license, 69786  
except that an agent or employee of an animal shelter may possess 69787  
and use dangerous drugs in the course of business as provided in 69788

division (D) of section 4729.532 of the Revised Code. 69789

(3) The license of an emergency medical service organization 69790  
shall cover and describe all the units of the organization listed 69791  
in its application for licensure. 69792

~~(4) The license of every terminal distributor of dangerous 69793  
drugs shall indicate, on its face, the category of licensure. If 69794  
the license is a limited category I, II, or III license, it shall 69795  
specify, and shall authorize the licensee to possess, have custody 69796  
or control of, and distribute only, the dangerous drugs that were 69797  
listed in the application for licensure. 69798~~

(I)(1) All licenses issued or renewed pursuant to this 69799  
section shall be effective for a period ~~of twelve months from the~~ 69800  
~~first day of April of each year~~ specified by the board in rules 69801  
adopted under section 4729.26 of the Revised Code. The effective 69802  
period for an initial or renewed license shall not exceed 69803  
twenty-four months unless the board extends the period in rules to 69804  
adjust license renewal schedules. A license shall be renewed by 69805  
the board ~~for a like period, annually,~~ according to the provisions 69806  
of this section, ~~and the standard renewal procedure of Chapter~~ 69807  
4745. of the Revised Code, and rules adopted by the board under 69808  
section 4729.26 of the Revised Code. A person ~~who desires~~ seeking 69809  
to renew a license shall submit an application for renewal and pay 69810  
the required fee on or before the ~~thirty first day of March each~~ 69811  
~~year~~ date specified in the rules adopted by the board. The fee 69812  
required for the renewal of a license shall be the same as the 69813  
license fee paid ~~for the license being renewed, and shall~~ 69814  
~~accompany the application for renewal~~ under division (G) of this 69815  
section. 69816

A (2)(a) Subject to division (I)(2)(b) of this section, a 69817  
license that has not been renewed ~~during March in any year and by~~ 69818  
~~the first day of May of the same year~~ by the date specified in 69819  
rules adopted by the board may be reinstated only upon payment of 69820

the required renewal fee and a penalty fee of ~~fifty-five~~ one 69821  
hundred ten dollars. 69822

(b) If an application for renewal has not been submitted by 69823  
the sixty-first day after the renewal date specified in rules 69824  
adopted by the board, the license is considered void and cannot be 69825  
renewed, but the license holder may reapply for licensure. 69826

(3) A terminal distributor of dangerous drugs that fails to 69827  
renew licensure in accordance with this section and rules adopted 69828  
by the board is prohibited from engaging in the retail sale, 69829  
possession, or distribution of dangerous drugs until a valid 69830  
license is issued by the board. 69831

(J)(1) No emergency medical service organization that is 69832  
licensed as a terminal distributor of dangerous drugs shall fail 69833  
to comply with division (C)(2) or (3) of this section. 69834

(2) No emergency medical service organization that is 69835  
licensed as a terminal distributor of dangerous drugs shall fail 69836  
to comply with division (D) of this section. 69837

(3) No licensed terminal distributor of dangerous drugs shall 69838  
possess, have custody or control of, or distribute dangerous drugs 69839  
that the terminal distributor is not entitled to possess, have 69840  
custody or control of, or distribute by virtue of its category of 69841  
licensure. 69842

(4) No licensee that is required by division (F) of this 69843  
section to notify the board of changes in its protocol or standing 69844  
orders, or in personnel, shall fail to comply with that division. 69845

(K) The board may enter into agreements with other states, 69846  
federal agencies, and other entities to exchange information 69847  
concerning licensing and inspection of terminal distributors of 69848  
dangerous drugs located within or outside this state and to 69849  
investigate alleged violations of the laws and rules governing 69850  
distribution of drugs by terminal distributors. Any information 69851

received pursuant to such an agreement is subject to the same 69852  
confidentiality requirements applicable to the agency or entity 69853  
from which it was received and shall not be released without prior 69854  
authorization from that agency or entity. 69855

**Sec. 4729.552.** (A) To be eligible to receive a license as a 69856  
category III terminal distributor of dangerous drugs with a pain 69857  
management clinic classification, an applicant shall submit 69858  
evidence satisfactory to the state board of pharmacy that the 69859  
applicant's pain management clinic will be operated in accordance 69860  
with the requirements specified in division (B) of this section 69861  
and that the applicant meets any other applicable requirements of 69862  
this chapter. 69863

If the board determines that an applicant meets all of the 69864  
requirements, the board shall issue to the applicant a license as 69865  
a category III terminal distributor of dangerous drugs and specify 69866  
on the license that the terminal distributor is classified as a 69867  
pain management clinic. 69868

(B) The holder of a terminal distributor license with a pain 69869  
management clinic classification shall do all of the following: 69870

(1) Be in control of a facility that is owned and operated 69871  
solely by one or more physicians authorized under Chapter 4731. of 69872  
the Revised Code to practice medicine and surgery or osteopathic 69873  
medicine and surgery; 69874

(2) Comply with the requirements for the operation of a pain 69875  
management clinic, as established by the state medical board in 69876  
rules adopted under section 4731.054 of the Revised Code; 69877

(3) Ensure that any person employed by the facility complies 69878  
with the requirements for the operation of a pain management 69879  
clinic established by the state medical board in rules adopted 69880  
under section 4731.054 of the Revised Code; 69881

(4) Require any person with ownership of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and send the results of the criminal records check directly to the state board of pharmacy for review and decision under section 4729.071 of the Revised Code;

(5) Require all employees of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and ensure that no person is employed who has previously been convicted of, or pleaded guilty to, either of the following:

(a) A theft offense, described in division (K)(3) of section 2913.01 of the Revised Code, that would constitute a felony under the laws of this state, any other state, or the United States;

(b) A felony drug abuse offense, as defined in section 2925.01 of the Revised Code.

(6) Maintain a list of each person with ownership of the facility and notify the state board of pharmacy of any change to that list.

(C) No person shall operate a facility that under this chapter is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification without obtaining and maintaining the license with the classification.

No person who holds a category III license with a pain management clinic classification shall fail to remain in compliance with the requirements of division (B) of this section and any other applicable requirements of this chapter.

(D) The state board of pharmacy may impose a fine of not more than five thousand dollars on a ~~terminal distributor of dangerous drugs license holder~~ person who violates division (C) of this section. A separate fine may be imposed for each day the violation

continues. In imposing the fine, the board's actions shall be 69913  
taken in accordance with Chapter 119. of the Revised Code. 69914

(E) The state board of pharmacy shall adopt rules as it 69915  
considers necessary to implement and administer this section. The 69916  
rules shall be adopted in accordance with Chapter 119. of the 69917  
Revised Code. 69918

**Sec. 4729.56.** (A) ~~In (1)~~ The state board of pharmacy, in 69919  
accordance with Chapter 119. of the Revised Code, ~~the board of~~ 69920  
~~pharmacy may suspend~~ impose any one or more of the following 69921  
sanctions on a person licensed under division (B)(1)(a) of section 69922  
4729.52 of the Revised Code for any of the causes set forth in 69923  
division (A)(2) of this section: 69924

(a) Suspend, revoke, restrict, limit, or refuse to grant or 69925  
renew any registration certificate issued to a wholesale 69926  
distributor of dangerous drugs pursuant to section 4729.52 of the 69927  
Revised Code or may impose a license; 69928

(b) Reprimand or place the license holder on probation; 69929

(c) Impose a monetary penalty or forfeiture not to exceed in 69930  
severity any fine designated under the Revised Code for a similar 69931  
offense or ~~one~~ two thousand five hundred dollars if the acts 69932  
committed are not classified as an offense by the Revised Code ~~for~~ 69933  
any of the following causes: 69934

(2) The board may impose the sanctions set forth in division 69935  
(A)(1) of this section for any of the following: 69936

~~(1)~~(a) Making any false material statements in an application 69937  
for registration as a wholesale distributor of dangerous drugs 69938  
licensure under section 4729.52 of the Revised Code; 69939

~~(2)~~(b) Violating any federal, state, or local drug law; any 69940  
provision of this chapter or Chapter 2925., 3715., or 3719. of the 69941  
Revised Code; or any rule of the board; 69942

~~(3)(c)~~ A conviction of a felony; 69943

~~(4)(d)~~ Failing to satisfy the qualifications for ~~registration~~ 69944  
licensure under section 4729.53 of the Revised Code or the rules 69945  
of the board or ceasing to satisfy the qualifications after the 69946  
registration is granted or renewed; 69947

(e) Falsely or fraudulently promoting to the public a 69948  
dangerous drug, except that nothing in this division prohibits a 69949  
manufacturer, outsourcing facility, third-party logistics 69950  
provider, repackager, or wholesale distributor of dangerous drugs 69951  
from furnishing information concerning a dangerous drug to a 69952  
health care provider or licensed terminal distributor; 69953

(f) Violating any provision of the "Federal Food, Drug, and 69954  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or Chapter 69955  
3715. of the Revised Code; 69956

(g) Any other cause for which the board may impose sanctions 69957  
as set forth in rules adopted under section 4729.26 of the Revised 69958  
Code. 69959

(B) Upon the suspension or revocation of ~~the registration~~ 69960  
~~certificate of any wholesale distributor of dangerous drugs~~ any 69961  
license identified in division (B)(1)(a) of section 4729.52 of the 69962  
Revised Code, the ~~distributor~~ licensee shall immediately surrender 69963  
the ~~distributor's registration certificate~~ license to the board. 69964  
69965

(C) If the board suspends, revokes, or refuses to renew any 69966  
~~registration certificate issued to a wholesale distributor of~~ 69967  
~~dangerous drugs~~ license identified in division (B)(1)(a) of 69968  
section 4729.52 of the Revised Code and determines that there is 69969  
clear and convincing evidence of a danger of immediate and serious 69970  
harm to any person, the board may place under seal all dangerous 69971  
drugs owned by or in the possession, custody, or control of the 69972  
affected ~~wholesale distributor of dangerous drugs~~ licensee. Except 69973



as provided in this division, the board shall not dispose of the 69974  
dangerous drugs sealed under this division until the ~~wholesale~~ 69975  
~~distributor of dangerous drugs licensee~~ exhausts all of the 69976  
~~distributor's licensee's~~ appeal rights under Chapter 119. of the 69977  
Revised Code. The court involved in such an appeal may order the 69978  
board, during the pendency of the appeal, to sell sealed dangerous 69979  
drugs that are perishable. The board shall deposit the proceeds of 69980  
the sale with the court. 69981

(D) If the board is required under Chapter 119. of the 69982  
Revised Code to give notice of an opportunity for a hearing and 69983  
the license holder does not make a timely request for a hearing in 69984  
accordance with section 119.07 of the Revised Code, the board is 69985  
not required to hold a hearing, but may adopt a final order that 69986  
contains the board's findings. In the final order, the board may 69987  
impose any of the sanctions listed in division (A) of this 69988  
section. 69989

(E) Notwithstanding division (C)(2) of section 2953.32 of the 69990  
Revised Code specifying that if records pertaining to a criminal 69991  
case are sealed under that section the proceedings in the case 69992  
must be deemed not to have occurred, sealing of the following 69993  
records on which the board has based an action under this section 69994  
shall have no effect on the board's action or any sanction imposed 69995  
by the board under this section: records of any conviction, guilty 69996  
plea, judicial finding of guilt resulting from a plea of no 69997  
contest, or a judicial finding of eligibility for a pretrial 69998  
diversion program or intervention in lieu of conviction. The board 69999  
is not required to seal, destroy, redact, or otherwise modify its 70000  
records to reflect the court's sealing of conviction records. 70001

**Sec. 4729.561.** If the state board of pharmacy determines that 70002  
there is clear and convincing evidence that the method used by a 70003  
~~registered~~ licensed manufacturer of dangerous drugs, outsourcing 70004

facility, third-party logistics provider, repackager of dangerous 70005  
drugs, or wholesale distributor of dangerous drugs to possess or 70006  
distribute dangerous drugs presents a danger of immediate and 70007  
serious harm to others, the board may suspend without a hearing 70008  
the ~~wholesaler distributor's registration certificate~~ license 70009  
issued pursuant to section 4729.52 of the Revised Code. The board 70010  
shall follow the procedure for suspension without a prior hearing 70011  
in section 119.07 of the Revised Code. The suspension shall remain 70012  
in effect, unless removed by the board, until the board's final 70013  
adjudication order becomes effective, except that if the board 70014  
does not issue its final adjudication order within ~~ninety one~~ 70015  
hundred twenty days after the ~~hearing~~ suspension, the suspension 70016  
shall be void on the ~~ninety-first~~ one hundred twenty-first day 70017  
after the suspension. 70018

**Sec. 4729.57.** (A) The state board of pharmacy may ~~suspend~~ 70019  
after notice and a hearing in accordance with Chapter 119. of the 70020  
Revised Code, impose any one or more of the following sanctions on 70021  
a terminal distributor of dangerous drugs for any of the causes 70022  
set forth in division (B) of this section: 70023

(1) Suspend, revoke, restrict, limit, or refuse to grant or 70024  
renew any license ~~as a terminal distributor of dangerous drugs, or~~ 70025  
~~may impose;~~ 70026

(2) Reprimand or place the license holder on probation; 70027

(3) Impose a monetary penalty or forfeiture not to exceed in 70028  
severity any fine designated under the Revised Code for a similar 70029  
offense or one thousand dollars if the acts committed have not 70030  
been classified as an offense by the Revised Code, ~~for any of the~~ 70031  
~~following causes:~~ 70032

(B) The board may impose the sanctions listed in division (A) 70033  
of this section for any of the following: 70034

(1) Making any false material statements in an application for a license as a terminal distributor of dangerous drugs;	70035 70036
(2) Violating any rule of the board;	70037
(3) Violating any provision of this chapter;	70038
(4) Except as provided in section 4729.89 of the Revised Code, violating any provision of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 3715. of the Revised Code;	70039 70040 70041 70042
(5) Violating any provision of the federal drug abuse control laws or Chapter 2925. or 3719. of the Revised Code;	70043 70044
(6) Falsely or fraudulently promoting to the public a dangerous drug, except that nothing in this division prohibits a terminal distributor of dangerous drugs from furnishing information concerning a dangerous drug to a health care provider or another licensed terminal distributor;	70045 70046 70047 70048 70049
(7) Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code;	70050 70051 70052
(8) Except as provided in division <del>(B)</del> <u>(C)</u> of this section:	70053
(a) Waiving the payment of all or any part of a deductible or copayment that an individual, pursuant to a health insurance or health care policy, contract, or plan that covers the services provided by a terminal distributor of dangerous drugs, would otherwise be required to pay for the services if the waiver is used as an enticement to a patient or group of patients to receive pharmacy services from that terminal distributor;	70054 70055 70056 70057 70058 70059 70060
(b) Advertising that the terminal distributor will waive the payment of all or any part of a deductible or copayment that an individual, pursuant to a health insurance or health care policy, contract, or plan that covers the pharmaceutical services, would	70061 70062 70063 70064

otherwise be required to pay for the services. 70065

(9) Conviction of a felony; 70066

(10) Any other cause for which the board may impose 70067  
discipline as set forth in rules adopted under section 4729.26 of 70068  
the Revised Code. 70069

~~(B)~~(C) Sanctions shall not be imposed under division 70070  
~~(A)~~(B)(8) of this section against any terminal distributor of 70071  
dangerous drugs that waives deductibles and copayments as follows: 70072

(1) In compliance with a health benefit plan that expressly 70073  
allows such a practice. Waiver of the deductibles or copayments 70074  
shall be made only with the full knowledge and consent of the plan 70075  
purchaser, payer, and third-party administrator. Documentation of 70076  
the consent shall be made available to the board on request. 70077

(2) For professional services rendered to any other person 70078  
licensed pursuant to this chapter to the extent allowed by this 70079  
chapter and the rules of the board. 70080

~~(C)~~(D)(1) Upon the suspension or revocation of a license 70081  
issued to a terminal distributor of dangerous drugs or the refusal 70082  
by the board to renew such a license, the distributor shall 70083  
immediately surrender the license to the board. 70084

(2)(a) The board may place under seal all dangerous drugs 70085  
that are owned by or in the possession, custody, or control of a 70086  
terminal distributor at the time the license is suspended or 70087  
revoked or at the time the board refuses to renew the license. 70088  
Except as ~~otherwise~~ provided in ~~this~~ division (D)(2)(b) of this 70089  
section, dangerous drugs so sealed shall not be disposed of until 70090  
appeal rights under Chapter 119. of the Revised Code have expired 70091  
or an appeal filed pursuant to that chapter has been determined. 70092

(b) The court involved in an appeal filed pursuant to Chapter 70093  
119. of the Revised Code may order the board, during the pendency 70094

of the appeal, to sell sealed dangerous drugs that are perishable. 70095  
The proceeds of such a sale shall be deposited with that court. 70096

(E) If the board is required under Chapter 119. of the 70097  
Revised Code to give notice of an opportunity for a hearing and 70098  
the license holder does not make a timely request for a hearing in 70099  
accordance with section 119.07 of the Revised Code, the board is 70100  
not required to hold a hearing, but may adopt a final order that 70101  
contains the board's findings. In the final order, the board may 70102  
impose any of the sanctions listed in division (A) of this 70103  
section. 70104

(F) Notwithstanding division (C)(2) of section 2953.32 of the 70105  
Revised Code specifying that if records pertaining to a criminal 70106  
case are sealed under that section the proceedings in the case 70107  
must be deemed not to have occurred, sealing of the following 70108  
records on which the board has based an action under this section 70109  
shall have no effect on the board's action or any sanction imposed 70110  
by the board under this section: records of any conviction, guilty 70111  
plea, judicial finding of guilt resulting from a plea of no 70112  
contest, or a judicial finding of eligibility for a pretrial 70113  
diversion program or intervention in lieu of conviction. The board 70114  
is not required to seal, destroy, redact, or otherwise modify its 70115  
records to reflect the court's sealing of conviction records. 70116

**Sec. 4729.571.** ~~If the (A) The~~ state board of pharmacy 70117  
~~determines that there is clear and convincing evidence that the~~ 70118  
~~method used by~~ may suspend without a hearing the license of a 70119  
~~terminal distributor of dangerous drugs to distribute or prescribe~~ 70120  
~~dangerous drugs presents~~ if the board determines that there is 70121  
clear and convincing evidence of a danger of immediate and serious 70122  
~~harm to others, the board may suspend the terminal distributor's~~ 70123  
~~license without a hearing~~ due to either of the following: 70124

(1) The method used by the terminal distributor to possess or 70125

distribute dangerous drugs; 70126

(2) The method of prescribing dangerous drugs used by a 70127  
licensed health professional authorized to prescribe drugs who 70128  
holds a terminal distributor license or practices in the employ of 70129  
or under contract with a terminal distributor. The 70130

(B) The board shall follow the procedure for suspension 70131  
without a prior hearing in section 119.07 of the Revised Code. The 70132  
suspension shall remain in effect, unless removed by the board, 70133  
until the board's final adjudication order becomes effective, 70134  
except that if the board does not issue its final adjudication 70135  
order within ~~ninety~~ one hundred twenty days after the ~~hearing~~ 70136  
suspension, the suspension shall be void on the ~~ninety-first~~ one 70137  
hundred twenty-first day after the suspension. 70138

If the terminal distributor holds a license with a pain 70139  
management clinic classification issued under section 4729.552 of 70140  
the Revised Code or a license with an office-based opioid 70141  
treatment classification issued under section 4729.553 of the 70142  
Revised Code and the person holding the license also holds a 70143  
certificate issued under Chapter 4731. of the Revised Code to 70144  
practice medicine and surgery or osteopathic medicine and surgery, 70145  
prior to suspending the license without a hearing, the board shall 70146  
consult with the secretary of the state medical board or, if the 70147  
secretary is unavailable, another physician member of the board. 70148

**Sec. 4729.58.** The state board of pharmacy, within thirty days 70149  
after receipt of ~~an~~ a complete application filed in the form and 70150  
manner set forth in section 4729.52 or 4729.54 of the Revised Code 70151  
for the issuance of a ~~new~~ license ~~or registration certificate~~ or 70152  
the renewal of a license ~~or registration certificate~~ ~~previously~~ 70153  
~~issued~~, shall notify the applicant therefor whether or not such 70154  
license ~~or registration certificate~~ will be issued or renewed. If 70155  
the board determines that such license ~~or registration certificate~~ 70156

will not be issued or renewed, such notice to the applicant shall 70157  
set forth, in a manner determined by the board, the reason or 70158  
reasons that such license ~~or registration certificate~~ will not be 70159  
issued or renewed. 70160

**Sec. 4729.59.** The executive director of the state board of 70161  
pharmacy shall maintain a register of the names, addresses, and 70162  
the date of ~~registration~~ licensure of those persons to whom a 70163  
~~registration certificate~~ has licenses have been issued pursuant to 70164  
~~section sections~~ 4729.52 of the Revised Code and those persons to 70165  
~~whom a license has been issued pursuant to section~~ and 4729.54 of 70166  
the Revised Code. ~~The register shall be the property of the board~~ 70167  
~~and shall be open for public examination and inspection at all~~ 70168  
~~reasonable times, as the board may direct.~~ 70169

The board shall ~~publish or~~ make available to ~~registered~~ 70170  
~~wholesale distributors and licensed terminal distributors of~~ 70171  
~~dangerous drugs, annually, and at such other times and in such~~ 70172  
~~manner as the board shall prescribe,~~ a roster ~~setting forth the~~ 70173  
~~names and addresses~~ of those persons ~~who have been registered by~~ 70174  
~~the board pursuant to section 4729.52 of the Revised Code and~~ 70175  
~~those persons who have been licensed pursuant to section 4729.54~~ 70176  
~~of the Revised Code,~~. The roster shall indicate those persons 70177  
whose licenses ~~or registration certificates~~ have been suspended, 70178  
revoked, or surrendered, and those persons whose licenses ~~or~~ 70179  
~~registration certificates~~ have not been renewed. 70180

A written statement signed and verified by the executive 70181  
director of the board or the director's designee in which it is 70182  
stated that after diligent search of the register no record or 70183  
entry of the issuance of a license ~~or registration certificate~~ to 70184  
a person is found is admissible in evidence and constitutes 70185  
presumptive evidence of the fact that the person is not a licensed 70186  
~~terminal distributor or is not a registered wholesale distributor~~ 70187

~~of dangerous drugs pursuant to section 4729.52 or 4729.54 of the~~ 70188  
~~Revised Code.~~ 70189

**Sec. 4729.60.** (A)(1) Before a ~~registered wholesale~~ 70190  
~~distributor of dangerous drugs licensee identified in division~~ 70191  
~~(B)(1)(a) of section 4729.52 of the Revised Code~~ may sell or 70192  
~~distribute~~ dangerous drugs at wholesale to any person, except as 70193  
provided in division (A)(2) of this section, the ~~wholesale~~ 70194  
~~distributor licensee~~ shall obtain from the purchaser and the 70195  
~~purchaser shall furnish to the wholesale distributor a certificate~~ 70196  
~~indicating that~~ query the roster established pursuant to section 70197  
4729.59 of the Revised Code to determine whether the purchaser is 70198  
a licensed terminal distributor of dangerous drugs. The 70199  
~~certificate shall be in the form that the state board of pharmacy~~ 70200  
~~shall prescribe, and shall set forth the name of the licensee, the~~ 70201  
~~number of the license, a description of the place or establishment~~ 70202  
~~or each place or establishment for which the license was issued,~~ 70203  
~~the category of licensure, and, if the license is a limited~~ 70204  
~~category I, II, or III license, the dangerous drugs that the~~ 70205  
~~licensee is authorized to possess, have custody or control of, and~~ 70206  
~~distribute.~~ 70207

If no ~~certificate is obtained or furnished~~ documented query 70208  
is conducted before a sale is made, it shall be presumed that the 70209  
sale of dangerous drugs by the ~~wholesale distributor licensee~~ is 70210  
in violation of division (B) of section 4729.51 of the Revised 70211  
Code and the purchase of dangerous drugs by the purchaser is in 70212  
violation of division (E) of section 4729.51 of the Revised Code. 70213  
If a ~~registered wholesale distributor of dangerous drugs obtains~~ 70214  
~~or is furnished a certificate from a terminal distributor of~~ 70215  
~~dangerous drugs licensee conducts a documented query~~ and relies on 70216  
the ~~certificate~~ results of the query in selling or distributing 70217  
dangerous drugs at wholesale to the terminal distributor of 70218  
dangerous drugs, the ~~wholesale distributor of dangerous drugs~~ 70219



licensee shall be deemed not to have violated division (B) of 70220  
section 4729.51 of the Revised Code in making the sale. 70221

(2) Division (A)(1) of this section does not apply when a 70222  
~~wholesale distributor~~ licensee identified in division (B)(1)(a) of 70223  
section 4729.52 of the Revised Code sells or distributes dangerous 70224  
drugs at wholesale to any of the following: 70225

(a) A person specified in division (B)(4) of section 4729.51 70226  
of the Revised Code; 70227

(b) Any of the persons described in divisions (A)(1) to (13) 70228  
of section 4729.541 of the Revised Code, but only if the purchaser 70229  
is not required to obtain licensure as provided in divisions (B) 70230  
to (D) of that section. 70231

(B) Before a licensed terminal distributor of dangerous drugs 70232  
may purchase dangerous drugs at wholesale, the terminal 70233  
distributor shall ~~obtain from the seller and the seller shall~~ 70234  
~~furnish to the terminal distributor the number of~~ query the roster 70235  
established pursuant to section 4729.59 of the Revised Code to 70236  
confirm the seller's registration certificate seller is licensed 70237  
to engage in the sale or distribution of dangerous drugs at 70238  
wholesale. 70239

If no ~~registration number is obtained or furnished~~ documented 70240  
query is conducted before a purchase is made, it shall be presumed 70241  
that the purchase of dangerous drugs by the terminal distributor 70242  
is in violation of division (F) of section 4729.51 of the Revised 70243  
Code and the sale of dangerous drugs by the seller is in violation 70244  
of division (A) of section 4729.51 of the Revised Code. If a 70245  
licensed terminal distributor of dangerous drugs ~~obtains or is~~ 70246  
~~furnished a registration number from a wholesale distributor of~~ 70247  
~~dangerous drugs~~ conducts a documented query at least annually and 70248  
relies on the ~~registration number~~ results of the query in 70249  
purchasing dangerous drugs at wholesale ~~from the wholesale~~ 70250

~~distributor of dangerous drugs~~, the terminal distributor shall be 70251  
deemed not to have violated division (F) of section 4729.51 of the 70252  
Revised Code in making the purchase. 70253

**Sec. 4729.61.** ~~(A) No person shall make or cause to be made,~~ 70254  
~~or furnish or cause to be furnished to a wholesale distributor of~~ 70255  
~~dangerous drugs, a false certificate required to be furnished to a~~ 70256  
~~wholesale distributor of dangerous drugs by section 4729.60 of the~~ 70257  
Revised Code for the purchase of dangerous drugs at wholesale. 70258

~~(B) No person shall make or cause to be made a false~~ 70259  
~~registration certificate of a wholesale distributor of dangerous~~ 70260  
~~drugs or a false or fraudulent license of a terminal distributor~~ 70261  
of dangerous drugs or a manufacturer, outsourcing facility, 70262  
third-party logistics provider, repackager, or wholesale 70263  
distributor of dangerous drugs. 70264

**Sec. 4729.62.** If a ~~wholesale distributor of dangerous drugs~~ 70265  
~~who has been registered ceases to engage in the sale of dangerous~~ 70266  
~~drugs at wholesale, or if a terminal distributor of dangerous~~ 70267  
~~drugs to whom a license has been issued ceases to engage in the~~ 70268  
sale of dangerous drugs at retail, such terminal or wholesale 70269  
~~distributor of dangerous drugs~~ person licensed under section 70270  
4729.52 or 4729.54 of the Revised Code ceases to engage in the 70271  
activities for which the license was issued, the person shall 70272  
notify the state board of pharmacy of such fact and shall 70273  
surrender such license ~~or registration certificate~~ to the board 70274  
within a time frame specified by the board in rules adopted under 70275  
section 4729.26 of the Revised Code; provided, that on dissolution 70276  
of a partnership by death, the surviving partner may operate under 70277  
a license ~~or registration certificate~~ issued to the partnership 70278  
until expiration, revocation, or suspension of such license ~~or~~ 70279  
~~registration certificate~~, and the heirs or legal representatives 70280  
of deceased persons, and receivers and trustees in bankruptcy 70281

appointed by any competent authority, may operate under the 70282  
license ~~or registration certificate~~ issued to the persons 70283  
succeeded in possession by such heir, representative, receiver, or 70284  
trustee in bankruptcy until expiration, revocation, or suspension 70285  
of such license ~~or registration certificate~~. 70286

**Sec. 4729.67.** On receipt of a notice pursuant to section 70287  
3123.43 of the Revised Code, the state board of pharmacy shall 70288  
comply with sections 3123.41 to 3123.50 of the Revised Code and 70289  
any applicable rules adopted under section 3123.63 of the Revised 70290  
Code with respect to a license, ~~identification card~~, or 70291  
certificate of registration issued pursuant to this chapter. 70292

**Sec. 4729.75.** The state board of pharmacy may establish and 70293  
maintain a drug database. The board shall use the drug database to 70294  
monitor the misuse and diversion of the following: controlled 70295  
substances, as defined in section 3719.01 of the Revised Code; 70296  
medical marijuana, as authorized under Chapter 3796. of the 70297  
Revised Code; and other dangerous drugs the board includes in the 70298  
database pursuant to rules adopted under section 4729.84 of the 70299  
Revised Code. In establishing and maintaining the database, the 70300  
board shall electronically collect information pursuant to 70301  
sections 4729.77, 4729.771, 4729.772, 4729.78, and 4729.79 of the 70302  
Revised Code and shall disseminate information as authorized or 70303  
required by sections 4729.80 and 4729.81 of the Revised Code. The 70304  
board's collection and dissemination of information shall be 70305  
conducted in accordance with rules adopted under section 4729.84 70306  
of the Revised Code. 70307

**Sec. 4729.77.** (A) If the state board of pharmacy establishes 70308  
and maintains a drug database pursuant to section 4729.75 of the 70309  
Revised Code, each pharmacy licensed as a terminal distributor of 70310  
dangerous drugs that dispenses drugs to patients in this state and 70311

is included in the types of pharmacies specified in rules adopted 70312  
under section 4729.84 of the Revised Code shall submit to the 70313  
board the following prescription information: 70314

- (1) Terminal distributor identification; 70315
- (2) Patient identification; 70316
- (3) Prescriber identification; 70317
- (4) Date prescription was issued by prescriber; 70318
- (5) Date drug was dispensed; 70319
- (6) Indication of whether the drug dispensed is new or a 70320  
refill; 70321
- (7) Name, strength, and national drug code of the drug 70322  
dispensed; 70323
- (8) Quantity of drug dispensed; 70324
- (9) Number of days' supply of drug dispensed; 70325
- (10) Serial or prescription number assigned by the terminal 70326  
distributor; 70327
- (11) Source of payment for the drug dispensed; 70328
- (12) Any other data fields recognized by the American society 70329  
for automation in pharmacy and specified in rules adopted under 70330  
section 4729.84 of the Revised Code. 70331

(B)(1) The information shall be transmitted as specified by 70332  
the board in rules adopted under section 4729.84 of the Revised 70333  
Code. 70334

- (2) The information shall be submitted electronically in the 70335  
format specified by the board, except that the board may grant a 70336  
waiver allowing the distributor to submit the information in 70337  
another format. 70338
- (3) The information shall be submitted in accordance with any 70339

time limits specified by the board, except that the board may 70340  
grant an extension if either of the following occurs: 70341

(a) The distributor suffers a mechanical or electronic 70342  
failure, or cannot meet the deadline for other reasons beyond the 70343  
distributor's control. 70344

(b) The board is unable to receive electronic submissions. 70345

(c) This section does not apply to a prescriber personally 70346  
furnishing or administering dangerous drugs to the prescriber's 70347  
patient. 70348

Sec. 4729.772. (A) If the state board of pharmacy establishes 70349  
and maintains a drug database pursuant to section 4729.75 of the 70350  
Revised Code, in addition to the information required to be 70351  
submitted under sections 4729.77, 4729.771, 4729.78, and 4729.79 70352  
of the Revised Code, the board may accept information from other 70353  
sources, including other state agencies, to the extent the 70354  
information is related to monitoring the misuse and diversion of 70355  
drugs as set forth in section 4729.75 of the Revised Code. 70356  
70357

(B) Any information submitted pursuant to this section shall 70358  
be transmitted as specified by the board in rules adopted under 70359  
section 4729.84 of the Revised Code. 70360

**Sec. 4729.78.** (A) If the state board of pharmacy establishes 70361  
and maintains a drug database pursuant to section 4729.75 of the 70362  
Revised Code, each manufacturer of dangerous drugs, outsourcing 70363  
facility, repackager of dangerous drugs, or wholesale distributor 70364  
of dangerous drugs that delivers drugs ~~in this state~~ to 70365  
prescribers or terminal distributors of dangerous drugs shall 70366  
submit to the board the following purchase information: 70367

(1) Purchaser identification; 70368

(2) Identification of the drug sold;	70369
(3) Quantity of the drug sold;	70370
(4) Date of sale;	70371
(5) The <del>wholesale distributor's</del> license number issued by the board.	70372 70373
(B)(1) The information shall be transmitted as specified by the board in rules adopted under section 4729.84 of the Revised Code.	70374 70375 70376
(2) The information shall be submitted electronically in the format specified by the board, except that the board may grant a waiver allowing <del>the distributor to submit</del> <u>submission of</u> the information in another format.	70377 70378 70379 70380
(3) The information shall be submitted in accordance with any time limits specified by the board, except that the board may grant an extension if either of the following occurs:	70381 70382 70383
(a) The <u>manufacturer, outsourcing facility, repackager, or wholesale</u> distributor suffers a mechanical or electronic failure, or cannot meet the deadline for other reasons beyond the <del>distributor's</del> <u>person's</u> control.	70384 70385 70386 70387
(b) The board is unable to receive electronic submissions.	70388
<b>Sec. 4729.80.</b> (A) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board is authorized or required to provide information from the database <del>in accordance with the following</del> <u>only as follows</u> :	70389 70390 70391 70392 70393
(1) On receipt of a request from a designated representative of a government entity responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs, the board may provide to	70394 70395 70396 70397

the representative information from the database relating to the 70398  
professional who is the subject of an active investigation being 70399  
conducted by the government entity or relating to a professional 70400  
who is acting as an expert witness for the government entity in 70401  
such an investigation. 70402

(2) On receipt of a request from a federal officer, or a 70403  
state or local officer of this or any other state, whose duties 70404  
include enforcing laws relating to drugs, the board shall provide 70405  
to the officer information from the database relating to the 70406  
person who is the subject of an active investigation of a drug 70407  
abuse offense, as defined in section 2925.01 of the Revised Code, 70408  
being conducted by the officer's employing government entity. 70409

(3) Pursuant to a subpoena issued by a grand jury, the board 70410  
shall provide to the grand jury information from the database 70411  
relating to the person who is the subject of an investigation 70412  
being conducted by the grand jury. 70413

(4) Pursuant to a subpoena, search warrant, or court order in 70414  
connection with the investigation or prosecution of a possible or 70415  
alleged criminal offense, the board shall provide information from 70416  
the database as necessary to comply with the subpoena, search 70417  
warrant, or court order. 70418

(5) On receipt of a request from a prescriber or the 70419  
prescriber's delegate approved by the board, the board shall 70420  
provide to the prescriber a report of information from the 70421  
database relating to a patient who is either a current patient of 70422  
the prescriber or a potential patient of the prescriber based on a 70423  
referral of the patient to the prescriber, if all of the following 70424  
conditions are met: 70425

(a) The prescriber certifies in a form specified by the board 70426  
that it is for the purpose of providing medical treatment to the 70427  
patient who is the subject of the request; 70428

(b) The prescriber has not been denied access to the database 70429  
by the board. 70430

(6) On receipt of a request from a pharmacist or the 70431  
pharmacist's delegate approved by the board, the board shall 70432  
provide to the pharmacist information from the database relating 70433  
to a current patient of the pharmacist, if the pharmacist 70434  
certifies in a form specified by the board that it is for the 70435  
purpose of the pharmacist's practice of pharmacy involving the 70436  
patient who is the subject of the request and the pharmacist has 70437  
not been denied access to the database by the board. 70438

(7) On receipt of a request from an individual seeking the 70439  
individual's own database information in accordance with the 70440  
procedure established in rules adopted under section 4729.84 of 70441  
the Revised Code, the board may provide to the individual the 70442  
individual's own ~~database information~~ prescription history. 70443

(8) On receipt of a request from a medical director or a 70444  
pharmacy director of a managed care organization that has entered 70445  
into a contract with the department of medicaid under section 70446  
5167.10 of the Revised Code and a data security agreement with the 70447  
board required by section 5167.14 of the Revised Code, the board 70448  
shall provide to the medical director or the pharmacy director 70449  
information from the database relating to a medicaid recipient 70450  
enrolled in the managed care organization, including information 70451  
in the database related to prescriptions for the recipient that 70452  
were not covered or reimbursed under a program administered by the 70453  
department of medicaid. 70454

(9) On receipt of a request from the medicaid director, the 70455  
board shall provide to the director information from the database 70456  
relating to a recipient of a program administered by the 70457  
department of medicaid, including information in the database 70458  
related to prescriptions for the recipient that were not covered 70459  
or paid by a program administered by the department. 70460



(10) On receipt of a request from a medical director of a managed care organization that has entered into a contract with the administrator of workers' compensation under division (B)(4) of section 4121.44 of the Revised Code and a data security agreement with the board required by section 4121.447 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code assigned to the managed care organization, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, if the administrator of workers' compensation confirms, upon request from the board, that the claimant is assigned to the managed care organization.

(11) On receipt of a request from the administrator of workers' compensation, the board shall provide to the administrator information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code.

(12) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber information from the database relating to a patient's mother, if the prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to a newborn or infant patient diagnosed as opioid dependent and the prescriber has not been denied access to the database by the board.

(13) On receipt of a request from the director of health, the board shall provide to the director information from the database relating to the duties of the director or the department of health

in implementing the Ohio violent death reporting system 70493  
established under section 3701.93 of the Revised Code. 70494

(14) On receipt of a request from a requestor described in 70495  
division (A)(1), (2), (5), or (6) of this section who is from or 70496  
participating with another state's prescription monitoring 70497  
program, the board may provide to the requestor information from 70498  
the database, but only if there is a written agreement under which 70499  
the information is to be used and disseminated according to the 70500  
laws of this state. 70501

(15) On receipt of a request from a delegate of a retail 70502  
dispensary licensed under Chapter 3796. of the Revised Code who is 70503  
approved by the board to serve as the dispensary's delegate, the 70504  
board shall provide to the delegate a report of information from 70505  
the database pertaining only to a patient's use of medical 70506  
marijuana, if both of the following conditions are met: 70507

(a) The delegate certifies in a form specified by the board 70508  
that it is for the purpose of dispensing medical marijuana for use 70509  
in accordance with Chapter 3796. of the Revised Code. 70510

(b) The retail dispensary or delegate has not been denied 70511  
access to the database by the board. 70512

(16) On receipt of a request from a judge of a program 70513  
certified by the Ohio supreme court as a specialized docket 70514  
program for drugs, the board shall provide to the judge, or an 70515  
employee of the program who is designated by the judge to receive 70516  
the information, information from the database that relates 70517  
specifically to a current or prospective program participant. 70518

(17) On receipt of a request from a coroner, deputy coroner, 70519  
or coroner's delegate approved by the board, the board shall 70520  
provide to the requestor information from the database relating to 70521  
a deceased person about whom the coroner is conducting or has 70522  
conducted an autopsy or investigation. 70523

(18) On receipt of a request from a prescriber, the board may provide to the prescriber a summary of the prescriber's prescribing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter. 70524  
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(19)(a) On receipt of a request from a pharmacy's responsible person, the board may provide to the responsible person a summary of the pharmacy's dispensing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter. 70529  
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(b) As used in division (A)(19)(a) of this section, "responsible person" has the same meaning as in rules adopted by the board under section 4729.26 of the Revised Code. 70534  
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(20) The board may provide information from the database without request to a prescriber or pharmacist who is authorized to use the database pursuant to this chapter. 70537  
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(21) On receipt of a request from a peer review committee, as defined in section 2305.25 of the Revised Code, the board shall provide to the committee information from the database relating to a health care professional who is subject to the committee's evaluation, supervision, or discipline if the information is to be used for one of those purposes. 70540  
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(22) Any personal health information submitted to the board pursuant to section 4729.772 of the Revised Code may be provided by the board only as authorized by the submitter of the information and in accordance with rules adopted under section 4729.84 of the Revised Code. 70546  
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(B) The state board of pharmacy shall maintain a record of each individual or entity that requests information from the database pursuant to this section. In accordance with rules adopted under section 4729.84 of the Revised Code, the board may 70551  
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use the records to document and report statistics and law enforcement outcomes.

The board may provide records of an individual's requests for database information only to the following:

(1) A designated representative of a government entity that is responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs who is involved in an active criminal or disciplinary investigation being conducted by the government entity of the individual who submitted the requests for database information;

(2) A federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs and who is involved in an active investigation being conducted by the officer's employing government entity of the individual who submitted the requests for database information;

(3) A designated representative of the department of medicaid regarding a prescriber who is treating or has treated a recipient of a program administered by the department and who submitted the requests for database information.

(C) Information contained in the database and any information obtained from it is confidential and is not a public record. Information contained in the records of requests for information from the database is confidential and is not a public record. Information contained in the database that does not identify a person, including any licensee or registrant of the board or other entity, may be released in summary, statistical, or aggregate form.

~~(D) Information contained in the database may be provided only as expressly permitted in law, including any information contained in the database that relates to any person, including~~

~~any licensee or registrant of the board or other entity.~~ 70586

~~(E)~~ A pharmacist or prescriber shall not be held liable in 70587  
damages to any person in any civil action for injury, death, or 70588  
loss to person or property on the basis that the pharmacist or 70589  
prescriber did or did not seek or obtain information from the 70590  
database. 70591

**Sec. 4729.82.** (A) If the state board of pharmacy establishes 70592  
a drug database pursuant to section 4729.75 of the Revised Code, 70593  
the information collected for the database shall be retained in 70594  
the database and accessible to persons listed in division (A) of 70595  
section 4729.80 of the Revised Code for at least ~~three~~ five years. 70596  
Any 70597

(B) Except as provided in division (C) of this section, any 70598  
information that identifies a patient shall be destroyed after it 70599  
has been retained for ~~three~~ five years unless a law enforcement 70600  
agency or a government entity responsible for the licensure, 70601  
regulation, or discipline of licensed health professionals 70602  
authorized to prescribe drugs has submitted a written request to 70603  
the board for retention of the information in accordance with 70604  
rules adopted by the board under section 4729.84 of the Revised 70605  
Code. 70606

(C) The board may retain information that identifies a 70607  
patient for a period in excess of five years if the board 70608  
considers retention of the information necessary to serve an 70609  
investigatory or public health purpose. 70610

**Sec. 4729.83.** (A) If the state board of pharmacy establishes 70611  
and maintains a drug database pursuant to section 4729.75 of the 70612  
Revised Code, the board may use, for the purpose of establishing 70613  
or maintaining the database, any portion of the licensure or 70614  
registration fees collected under ~~section 4729.15, 4729.52, or~~ 70615

~~4729.54 of the Revised Code for the licensing or registration of~~ 70616  
~~pharmacists, pharmacy interns, wholesale distributors of dangerous~~ 70617  
~~drugs, or terminal distributors of dangerous drugs this chapter.~~ 70618  
The board shall not increase the amount of any of those fees 70619  
solely for the purpose of establishing or maintaining the 70620  
database. 70621

The board shall not impose any charge on a prescriber for the 70622  
establishment or maintenance of the database. The board shall not 70623  
charge any fees for the transmission of data to the database or 70624  
for the receipt of information from the database, except that the 70625  
board may charge a fee in accordance with rules adopted under 70626  
section 4729.84 of the Revised Code to an individual who requests 70627  
the individual's own database information under section 4729.80 of 70628  
the Revised Code. 70629

(B) The board may accept grants, gifts, or donations for 70630  
purposes of the drug database. Any money received shall be 70631  
deposited into the state treasury to the credit of the drug 70632  
database fund, which is hereby created. Money in the fund shall be 70633  
used solely for purposes of the drug database. 70634

**Sec. 4729.84.** For purposes of establishing and maintaining a 70635  
drug database pursuant to section 4729.75 of the Revised Code, the 70636  
state board of pharmacy shall adopt rules in accordance with 70637  
Chapter 119. of the Revised Code to carry out and enforce sections 70638  
4729.75 to 4729.83 of the Revised Code. The rules shall specify 70639  
all of the following: 70640

(A) A means of identifying each patient, each terminal 70641  
distributor of dangerous drugs, each purchase at wholesale of 70642  
dangerous drugs, and each retail dispensary licensed under Chapter 70643  
3796. of the Revised Code about which information is entered into 70644  
the drug database; 70645

(B) Requirements for the transmission of information from 70646

terminal distributors of dangerous drugs, manufacturers of 70647  
dangerous drugs, outsourcing facilities, repackagers of dangerous 70648  
drugs, wholesale distributors of dangerous drugs, prescribers, and 70649  
retail dispensaries; 70650

(C) An electronic format for the submission of information 70651  
from ~~terminal distributors, wholesale distributors, prescribers,~~ 70652  
~~and retail dispensaries~~ persons identified in division (B) of this 70653  
section; 70654

(D) A procedure whereby a ~~terminal distributor, wholesale~~ 70655  
~~distributor, prescriber, or retail dispensary~~ person unable to 70656  
submit information electronically may obtain a waiver to submit 70657  
information in another format; 70658

(E) A procedure whereby the board may grant a request from a 70659  
law enforcement agency or a government entity responsible for the 70660  
licensure, regulation, or discipline of licensed health 70661  
professionals authorized to prescribe drugs that information that 70662  
has been stored for three years be retained when the information 70663  
pertains to an open investigation being conducted by the agency or 70664  
entity; 70665

(F) A procedure whereby a ~~terminal distributor, wholesale~~ 70666  
~~distributor, prescriber, or retail dispensary~~ person identified in 70667  
division (B) of this section may apply for an extension to the 70668  
time by which information must be transmitted to the board; 70669

(G) A procedure whereby a person or government entity to 70670  
which the board is authorized to provide information may submit a 70671  
request to the board for the information and the board may verify 70672  
the identity of the requestor; 70673

(H) A procedure whereby the board can use the database 70674  
request records required by division (B) of section 4729.80 of the 70675  
Revised Code to document and report statistics and law enforcement 70676  
outcomes; 70677

(I) A procedure whereby an individual may request the individual's own database information and the board may verify the identity of the requestor;

(J) A reasonable fee that the board may charge under section 4729.83 of the Revised Code for providing an individual with the individual's own database information pursuant to section 4729.80 of the Revised Code;

(K) The other specific dangerous drugs that, in addition to controlled substances, must be included in the database;

(L) The types of pharmacies licensed as terminal distributors of dangerous drugs that are required to submit prescription information to the board pursuant to section 4729.77 of the Revised Code;

(M) Additional data fields, recognized by the American society for automation in pharmacy, that licensed terminal distributors of dangerous drugs must submit to the board pursuant to section 4729.77 of the Revised Code;

(N) The information regarding medical marijuana dispensed to a patient that a retail dispensary is required to submit to the board pursuant to section 4729.771 of the Revised Code;

(O) Requirements for the transmission of information pursuant to section 4729.772 of the Revised Code and requirements for the release of such information by the board.

**Sec. 4729.86.** If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply:

(A)(1) No person identified in divisions (A)(1) to (13) ~~or~~ (15) to (22), or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another



person access to the information that the person receives from the 70708  
database, except as follows: 70709

(a) When necessary in the investigation or prosecution of a 70710  
possible or alleged criminal offense; 70711

(b) When a person provides the information to the prescriber, 70712  
pharmacist, or retail dispensary licensed under Chapter 3796. of 70713  
the Revised Code for whom the person is approved by the board to 70714  
serve as a delegate of the prescriber, pharmacist, or retail 70715  
dispensary for purposes of requesting and receiving information 70716  
from the drug database under division (A)(5), (6), or (15) of 70717  
section 4729.80 of the Revised Code; 70718

(c) When a prescriber, pharmacist, or retail dispensary 70719  
licensed under Chapter 3796. of the Revised Code provides the 70720  
information to a person who is approved by the board to serve as 70721  
such a delegate of the prescriber, pharmacist, or retail 70722  
dispensary; 70723

(d) When a prescriber or pharmacist includes the information 70724  
in a medical record, as defined in section 3701.74 of the Revised 70725  
Code. 70726

(2) No person shall provide false information to the state 70727  
board of pharmacy with the intent to obtain or alter information 70728  
contained in the drug database. 70729

(3) No person shall obtain drug database information by any 70730  
means except as provided under section 4729.80 or 4729.81 of the 70731  
Revised Code. 70732

(B) A person shall not use information obtained pursuant to 70733  
division (A) of section 4729.80 of the Revised Code as evidence in 70734  
any civil or administrative proceeding. 70735

(C)(1) Except as provided in division (C)(2) of this section, 70736  
after providing notice and affording an opportunity for a hearing 70737

in accordance with Chapter 119. of the Revised Code, the board may 70738  
restrict a person from obtaining further information from the drug 70739  
database if any of the following is the case: 70740

(a) The person violates division (A)(1), (2), or (3) of this 70741  
section; 70742

(b) The person is a requestor identified in division (A)(14) 70743  
of section 4729.80 of the Revised Code and the board determines 70744  
that the person's actions in another state would have constituted 70745  
a violation of division (A)(1), (2), or (3) of this section; 70746

(c) The person fails to comply with division (B) of this 70747  
section, regardless of the jurisdiction in which the failure to 70748  
comply occurred; 70749

(d) The person creates, by clear and convincing evidence, a 70750  
threat to the security of information contained in the database. 70751

(2) If the board determines that allegations regarding a 70752  
person's actions warrant restricting the person from obtaining 70753  
further information from the drug database without a prior 70754  
hearing, the board may summarily impose the restriction. A 70755  
telephone conference call may be used for reviewing the 70756  
allegations and taking a vote on the summary restriction. The 70757  
summary restriction shall remain in effect, unless removed by the 70758  
board, until the board's final adjudication order becomes 70759  
effective. 70760

(3) The board shall determine the extent to which the person 70761  
is restricted from obtaining further information from the 70762  
database. 70763

**Sec. 4730.05.** (A) There is hereby created the physician 70764  
assistant policy committee of the state medical board. The 70765  
president of the board shall appoint the members of the committee. 70766  
The committee shall consist of the seven members specified in 70767

divisions (A)(1) to (3) of this section. When the committee is 70768  
developing or revising policy and procedures for 70769  
physician-delegated prescriptive authority for physician 70770  
assistants, the committee shall include the two additional members 70771  
specified in division (A)(4) of this section. 70772

(1) Three members of the committee shall be physicians. Of 70773  
the physician members, one shall be a member of the state medical 70774  
board, one shall be appointed from a list of five physicians 70775  
recommended by the Ohio state medical association, and one shall 70776  
be appointed from a list of five physicians recommended by the 70777  
Ohio osteopathic association. At all times, the physician 70778  
membership of the committee shall include at least one physician 70779  
who is a supervising physician of a physician assistant, 70780  
preferably with at least two years' experience as a supervising 70781  
physician. 70782

(2) Three members shall be physician assistants appointed 70783  
from a list of five individuals recommended by the Ohio 70784  
association of physician assistants. 70785

(3) One member, who is not affiliated with any health care 70786  
profession, shall be appointed to represent the interests of 70787  
consumers. 70788

(4) The two additional members, appointed to serve only when 70789  
the committee is developing or revising policy and procedures for 70790  
physician-delegated prescriptive authority for physician 70791  
assistants, shall be pharmacists. Of these members, one shall be 70792  
appointed from a list of five clinical pharmacists recommended by 70793  
the Ohio pharmacists association and one shall be appointed from 70794  
the pharmacist members of the state board of pharmacy, preferably 70795  
from among the members who are clinical pharmacists. 70796

The pharmacist members shall have voting privileges only for 70797  
purposes of developing or revising policy and procedures for 70798

physician-delegated prescriptive authority for physician 70799  
assistants. Presence of the pharmacist members shall not be 70800  
required for the transaction of any other business. 70801

(B) Terms of office shall be for two years, with each term 70802  
ending on the same day of the same month as did the term that it 70803  
succeeds. Each member shall hold office from the date of being 70804  
appointed until the end of the term for which the member was 70805  
appointed. Members may be reappointed, except that a member may 70806  
not be appointed to serve more than three consecutive terms. As 70807  
vacancies occur, a successor shall be appointed who has the 70808  
qualifications the vacancy requires. A member appointed to fill a 70809  
vacancy occurring prior to the expiration of the term for which a 70810  
predecessor was appointed shall hold office as a member for the 70811  
remainder of that term. A member shall continue in office 70812  
subsequent to the expiration date of the member's term until a 70813  
successor takes office or until a period of sixty days has 70814  
elapsed, whichever occurs first. 70815

(C) Each member of the committee shall receive ~~an amount~~ 70816  
~~fixed pursuant to division (J) of section 124.15 of the Revised~~ 70817  
~~Code for each day employed in the discharge of official duties as~~ 70818  
~~a member, and shall also receive~~ the member's necessary and actual 70819  
expenses incurred in the performance of official duties as a 70820  
member. 70821

(D) The committee members specified in divisions (A)(1) to 70822  
(3) of this section by a majority vote shall elect a chairperson 70823  
from among those members. The members may elect a new chairperson 70824  
at any time. 70825

(E) The state medical board may appoint assistants, clerical 70826  
staff, or other employees as necessary for the committee to 70827  
perform its duties adequately. 70828

(F) The committee shall meet at least four times a year and 70829

at such other times as may be necessary to carry out its 70830  
responsibilities. 70831

**Sec. 4730.40.** (A) ~~Subject to division (B)~~ As used in this 70832  
section, "medication-assisted treatment" has the same meaning as 70833  
in section 340.01 of the Revised Code. 70834

(B) Except as provided in divisions (C) and (D) of this 70835  
section, the physician assistant formulary adopted by the state 70836  
medical board under section 4730.39 of the Revised Code may 70837  
include any or all of the following drugs: 70838

(1) Schedule II, III, IV, and V controlled substances; 70839

(2) Drugs that under state or federal law may be dispensed 70840  
only pursuant to a prescription by a licensed health professional 70841  
authorized to prescribe drugs, as defined in section 4729.01 of 70842  
the Revised Code; 70843

(3) Any drug that is not a dangerous drug, as defined in 70844  
section 4729.01 of the Revised Code. 70845

~~(B)~~(C) The formulary adopted by the board shall include both 70846  
of the following for use in medication-assisted treatment: 70847

(1) Drugs that contain buprenorphine; 70848

(2) Opioid antagonists, including oral and long-acting forms. 70849

(D) The formulary adopted by the board shall not include, and 70850  
shall specify that it does not include, any drug or device used to 70851  
perform or induce an abortion. 70852

**Sec. 4730.55.** (A) As used in this section: 70853

(1) "Controlled substance," "schedule III," "schedule IV," 70854  
and "schedule V" have the same meanings as in section 3719.01 of 70855  
the Revised Code. 70856

(2) "Medication-assisted treatment" has the same meaning as 70857

in section 340.01 of the Revised Code. 70858

(B) The state medical board shall adopt rules that establish standards and procedures to be followed by physician assistants in the use of all drugs approved by the United States food and drug administration for use in medication-assisted treatment, including controlled substances in schedule III, IV, or V. The rules shall address detoxification, relapse prevention, patient assessment, individual treatment planning, counseling and recovery supports, diversion control, and other topics selected by the board after considering best practices in medication-assisted treatment. 70859  
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The board may apply the rules to all circumstances in which a physician assistant prescribes drugs for use in medication-assisted treatment or limit the application of the rules to prescriptions for medication-assisted treatment issued for patients being treated in office-based practices or other practice types or locations specified by the board. 70868  
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(C) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. The rules shall be consistent with rules adopted under sections 4723.51 and 4731.056 of the Revised Code. 70874  
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**Sec. 4730.56.** (A) As used in this section: 70878

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 70879  
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(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 70881  
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(B) A physician assistant shall comply with section 3715.08 of the Revised Code and rules adopted under section 4730.55 of the Revised Code when treating a patient with medication-assisted treatment or proposing to initiate such treatment. 70883  
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(C) A physician assistant who fails to comply with this 70887

section shall treat not more than thirty patients at any one time 70888  
with medication-assisted treatment even if the facility or 70889  
location at which the treatment is provided is either of the 70890  
following: 70891

(1) Exempted by divisions (B)(2)(a) to (d) of section 70892  
4729.553 of the Revised Code from being required to possess a 70893  
category III terminal distributor of dangerous drugs license with 70894  
an office-based opioid treatment classification; 70895

(2) A community addiction services provider that provides 70896  
alcohol and drug addiction services that are certified by the 70897  
department of mental health and addiction services under section 70898  
5119.36 of the Revised Code. 70899

**Sec. 4731.04.** As used in this chapter: 70900

(A) "Cosmetic therapy" means the permanent removal of hair 70901  
from the human body through the use of electric modalities 70902  
approved by the state medical board for use in cosmetic therapy 70903  
and may include the systematic friction, stroking, slapping, and 70904  
kneading or tapping of the face, neck, scalp, or shoulders. 70905

(B) "Fifth pathway training" means supervised clinical 70906  
training obtained in the United States as a substitute for the 70907  
internship or social service requirements of a foreign medical 70908  
school. 70909

(C) "Graduate medical education" means education received 70910  
through any of the following: 70911

(1) An internship or residency program conducted in the 70912  
United States and accredited by either the accreditation council 70913  
for graduate medical education of the American medical association 70914  
or the American osteopathic association; 70915

(2) A clinical fellowship program conducted in the United 70916  
States at an institution with a residency program accredited by 70917

either the accreditation council for graduate medical education of 70918  
the American medical association or the American osteopathic 70919  
association that is in a clinical field the same as or related to 70920  
the clinical field of the fellowship program; 70921

(3) An internship program conducted in Canada and accredited 70922  
by the committee on accreditation of preregistration physician 70923  
training programs of the federation of provincial medical 70924  
licensing authorities of Canada; 70925

(4) A residency program conducted in Canada and accredited by 70926  
either the royal college of physicians and surgeons of Canada or 70927  
the college of family physicians of Canada. 70928

(D) "Massage therapy" means the treatment of disorders of the 70929  
human body by the manipulation of soft tissue through the 70930  
systematic external application of massage techniques including 70931  
touch, stroking, friction, vibration, percussion, kneading, 70932  
stretching, compression, and joint movements within the normal 70933  
physiologic range of motion; and adjunctive thereto, the external 70934  
application of water, heat, cold, topical preparations, and 70935  
mechanical devices. 70936

**Sec. 4731.056.** (A) As used in this section: 70937

(1) "Controlled substance," "schedule III," "schedule IV," 70938  
and "schedule V" have the same meanings as in section 3719.01 of 70939  
the Revised Code. 70940

(2) "Medication-assisted treatment" has the same meaning as 70941  
in section 340.01 of the Revised Code. 70942

(3) "Physician" means an individual authorized by this 70943  
chapter to practice medicine and surgery or osteopathic medicine 70944  
and surgery. 70945

(B) The state medical board shall adopt rules ~~in accordance~~ 70946  
~~with Chapter 119. of the Revised Code~~ that establish standards and 70947



procedures to be followed by physicians in the use of all drugs 70948  
approved by the United States food and drug administration for use 70949  
in medication-assisted treatment, including controlled substances 70950  
in schedule III, IV, or V ~~to treat opioid dependence or addiction.~~ 70951  
The rules shall address detoxification, relapse prevention, 70952  
patient assessment, individual treatment planning, counseling and 70953  
recovery supports, diversion control, and other topics selected by 70954  
the board after considering best practices in medication-assisted 70955  
treatment. The 70956

The board may limit the application of ~~apply~~ the rules to 70957  
~~treatment provided through an~~ all circumstances in which a 70958  
physician prescribes drugs for use in medication-assisted 70959  
treatment or limit the application of the rules to prescriptions 70960  
for medication-assisted treatment for patients being treated in 70961  
office-based ~~practice~~ practices or other practice ~~type~~ types or 70962  
~~location~~ locations specified by the board. 70963

(C) All rules adopted under this section shall be adopted in 70964  
accordance with Chapter 119. of the Revised Code. The rules shall 70965  
be consistent with rules adopted under sections 4723.51 and 70966  
4730.55 of the Revised Code. 70967

**Sec. 4731.07.** (A) The state medical board shall keep a record 70968  
of its proceedings. The minutes of a meeting of the board shall, 70969  
on approval by the board, constitute an official record of its 70970  
proceedings. 70971

(B) The board shall keep a register of applicants for 70972  
certificates ~~to practice~~ issued under this chapter and Chapters 70973  
4760., 4762., and 4774. of the Revised Code and licenses issued 70974  
under this chapter and Chapters 4730. and 4778. of the Revised 70975  
Code. The register shall show the name of the applicant and 70976  
whether the applicant was granted or refused a certificate or 70977  
license. With respect to applicants to practice medicine and 70978

surgery or osteopathic medicine and surgery, the register shall 70979  
show the name of the institution that granted the applicant the 70980  
degree of doctor of medicine or osteopathic medicine. The books 70981  
and records of the board shall be prima-facie evidence of matters 70982  
therein contained. 70983

**Sec. ~~4731.081~~ 4731.08.** In addition to any other eligibility 70984  
requirement set forth in this chapter, each applicant for a 70985  
~~certificate~~ license to practice medicine and surgery or 70986  
osteopathic medicine and surgery shall comply with sections 70987  
4776.01 to 4776.04 of the Revised Code. The state medical board 70988  
shall not grant to an applicant a ~~certificate~~ license to practice 70989  
medicine and surgery or osteopathic medicine and surgery unless 70990  
the board, in its discretion, decides that the results of the 70991  
criminal records check do not make the applicant ineligible for a 70992  
~~certificate~~ license issued pursuant to section 4731.14 of the 70993  
Revised Code. 70994

**Sec. ~~4731.091~~ 4731.09.** (A) ~~As used in this section and in~~ 70995  
~~section 4731.092 of the Revised Code:~~ 70996

~~(1) "Graduate medical education" means education received~~ 70997  
~~through any of the following:~~ 70998

~~(a) An internship or residency program conducted in the~~ 70999  
~~United States and accredited by either the accreditation council~~ 71000  
~~for graduate medical education of the American medical association~~ 71001  
~~or the American osteopathic association;~~ 71002

~~(b) A clinical fellowship program conducted in the United~~ 71003  
~~States at an institution with a residency program accredited by~~ 71004  
~~either the accreditation council for graduate medical education of~~ 71005  
~~the American medical association or the American osteopathic~~ 71006  
~~association that is in a clinical field the same as or related to~~ 71007  
~~the clinical field of the fellowship program;~~ 71008

~~(c) An internship program conducted in Canada and accredited by the committee on accreditation of preregistration physician training programs of the federation of provincial medical licensing authorities of Canada;~~ 71009  
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~~(d) A residency program conducted in Canada and accredited by either the royal college of physicians and surgeons of Canada or the college of family physicians of Canada.~~ 71013  
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~~(2) "Fifth pathway training" means supervised clinical training obtained in the United States as a substitute for the internship or social service requirements of a foreign medical school.~~ 71016  
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~~(B) To be eligible for admission to the examination conducted by the state medical board under section 4731.13 of the Revised Code, an applicant must meet the medical education and graduate medical education requirements specified in any one of the following and any additional requirements of division (C) of this section An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery must meet all of the following requirements:~~ 71020  
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~~(1) Be at least eighteen years of age and of good moral character;~~ 71028  
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~~(2) Possess a high school diploma or a certificate of high school equivalence or have obtained the equivalent of such education as determined by the state medical board;~~ 71030  
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~~(3) Have completed two years of undergraduate work in a college of arts and sciences or the equivalent of such education as determined by the board;~~ 71033  
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~~(4) Meet one of the following medical education and graduate medical education requirements:~~ 71036  
71037

~~(a) Hold a diploma from a medical school or osteopathic~~ 71038

medical school that, at the time the diploma was issued, was a 71039  
medical school accredited by the liaison committee on medical 71040  
education or an osteopathic medical school accredited by the 71041  
American osteopathic association and have successfully completed 71042  
not less than ~~nine~~ twelve months of graduate medical education 71043  
through the first-year level of graduate medical education or its 71044  
equivalent as determined by the board; 71045

~~(2)~~(b) Hold certification from the educational commission for 71046  
foreign medical graduates and have successfully completed not less 71047  
than ~~nine~~ twenty-four months of graduate medical education through 71048  
the ~~first-year~~ second-year level of graduate medical education or 71049  
its equivalent as determined by the board; 71050

~~(3)~~(c) Be a qualified graduate of a fifth pathway training 71051  
program as recognized by the board under section ~~4731.092~~ 4731.091 71052  
of the Revised Code and have successfully completed, subsequent to 71053  
completing fifth pathway training, not less than ~~nine~~ twelve 71054  
months of graduate medical education or its equivalent as 71055  
determined by the board. 71056

(5) Have successfully passed an examination prescribed in 71057  
rules adopted by the board to determine competency to practice 71058  
medicine and surgery or osteopathic medicine and surgery; 71059

(6) Comply with section 4731.08 of the Revised Code; 71060

(7) Meet the requirements of section 4731.142 of the Revised 71061  
Code if eligibility for the license applied for is based in part 71062  
on certification from the educational commission for foreign 71063  
medical graduates and the undergraduate education requirements 71064  
established by this section were fulfilled at an institution 71065  
outside of the United States. 71066

~~(C) If an applicant holding certification from the~~ 71067  
~~educational commission for foreign medical graduates received the~~ 71068  
~~core clinical instruction segment of the applicant's medical~~ 71069

~~education at an institution in the United States, the board may~~ 71070  
~~require that to be eligible for admission to its examination, the~~ 71071  
~~applicant must have received the instruction at either of the~~ 71072  
~~following:~~ 71073

~~(1) An institution that, at the time of the instruction, was~~ 71074  
~~a formal part of or had formal affiliation with a medical school~~ 71075  
~~accredited by the liaison committee on medical education or an~~ 71076  
~~osteopathic medical school accredited by the American osteopathic~~ 71077  
~~association.~~ 71078

~~(2) An institution with, at the time of the instruction, a~~ 71079  
~~graduate medical education program accredited by either the~~ 71080  
~~accreditation council for graduate medical education of the~~ 71081  
~~American medical association or the American osteopathic~~ 71082  
~~association that is in a field the same as or related to the core~~ 71083  
~~clinical instruction~~ (B) An applicant for a license to practice 71084  
medicine and surgery or osteopathic medicine and surgery shall 71085  
submit to the board an application in the form and manner 71086  
prescribed by the board. The application must include all of the 71087  
following: 71088

(1) Evidence satisfactory to the board to demonstrate that 71089  
the applicant meets all of the requirements of division (A) of 71090  
this section; 71091

(2) An affidavit from the applicant attesting to the accuracy 71092  
and truthfulness of the information submitted under this section; 71093

(3) Consent to the release of the applicant's information; 71094

(4) Any other information the board requires. 71095

(C) An applicant for a license to practice medicine and 71096  
surgery or osteopathic medicine and surgery shall include with the 71097  
application a fee of three hundred five dollars, no part of which 71098  
may be returned. An application is not considered submitted until 71099  
the board receives the fee. 71100

(D) The board may conduct an investigation related to the application materials received pursuant to this section and may contact any individual, agency, or organization for recommendations or other information about the applicant. 71101  
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(E) The board shall conclude any investigation of an applicant conducted under section 4731.22 of the Revised Code not later than ninety days after receipt of a complete application unless the applicant agrees in writing to an extension or the board determines that there is a substantial question of a violation of this chapter or the rules adopted under it and notifies the applicant in writing of the reasons for continuation of the investigation. If the board determines that the applicant is not in violation of this chapter or the rules adopted under it, the board shall issue a license not later than forty-five days after making that determination. 71105  
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**Sec. ~~4731.092~~ 4731.091.** To be recognized by the state medical board as a qualified graduate of a fifth pathway training program, an applicant shall submit evidence satisfactory to the board that ~~he~~ the applicant has done all of the following: 71116  
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(A) Studied medicine in a foreign medical school acknowledged by the world health organization and verified by a member state of that organization as operating within the state's jurisdiction at the time ~~he~~ the applicant studied medicine; 71120  
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(B) Successfully completed all the formal requirements of the foreign medical school except internship or social service requirements; 71124  
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(C) Prior to entrance into the fifth pathway training program, attained on a screening examination acceptable to the board a score satisfactory to a medical school accredited by the liaison committee on medical education; 71127  
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(D) Successfully completed one academic year of fifth pathway 71131  
training at a hospital affiliated with a medical school accredited 71132  
by the liaison committee on medical education. 71133

**Sec. 4731.10.** Upon the request of a person who holds a 71134  
~~license or certificate to practice in this state pursuant to~~ 71135  
~~Chapter 4731. of the Revised Code issued under this chapter~~ and is 71136  
seeking licensure in another state, the state medical board shall 71137  
provide verification of the person's license or certificate to 71138  
practice the person's profession in this state. The fee for such 71139  
verification ~~shall be~~ is fifty dollars. 71140

**Sec. 4731.14.** (A) ~~As used in this section, "graduate medical~~ 71141  
~~education" has the same meaning as in section 4731.091 of the~~ 71142  
~~Revised Code~~ The state medical board shall review all applications 71143  
submitted under section 4731.09 or 4731.296 of the Revised Code 71144  
and determine whether each applicant meets the requirements for a 71145  
license to practice medicine and surgery or osteopathic medicine 71146  
and surgery. An affirmative vote of not fewer than six members of 71147  
the board is necessary for the board to determine that an 71148  
applicant meets the requirements for a license. 71149

(B) ~~The state medical board shall issue its certificate to~~ 71150  
~~practice medicine and surgery or osteopathic medicine and surgery~~ 71151  
~~as follows:~~ 71152

~~(1) The board shall issue its certificate to each individual~~ 71153  
~~who was admitted to the board's examination by meeting the~~ 71154  
~~educational requirements specified in division (B)(1) or (3) of~~ 71155  
~~section 4731.091 of the Revised Code if the individual passes the~~ 71156  
~~examination, pays a certificate issuance fee of three hundred~~ 71157  
~~dollars, and submits evidence satisfactory to the board that the~~ 71158  
~~individual has successfully completed not less than twelve months~~ 71159  
~~of graduate medical education or its equivalent as determined by~~ 71160

~~the board.~~ 71161

~~(2) Except as provided in section 4731.142 of the Revised Code, the board shall issue its certificate to each individual who was admitted to the board's examination by meeting the educational requirements specified in division (B)(2) of section 4731.091 of the Revised Code if the individual passes the examination, pays a certificate issuance fee of three hundred dollars, submits evidence satisfactory to the board that the individual has successfully completed not less than twenty four months of graduate medical education through the second year level of graduate medical education or its equivalent as determined by the board, and, if the individual passed the examination prior to completing twenty four months of graduate medical education or its equivalent, the individual continues to meet the moral character requirements for admission to the board's examination.~~ 71162  
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~~(C) If the board determines that the evidence submitted with an application is satisfactory and the applicant meets the requirements for a license, the board shall issue to the applicant a license to practice medicine and surgery or osteopathic medicine and surgery, as applicable. If the applicant holds a medical degree other than the degree of doctor of medicine or doctor of osteopathic medicine, the license shall indicate that the applicant is authorized to practice medicine and surgery pursuant to the laws of this state. Each certificate license issued by the board shall be signed by its president and secretary, and attested by its seal. The certificate shall be on a form prescribed by the board and shall indicate the medical degree held by the individual to whom the certificate is issued. If the individual holds the degree of doctor of medicine, the certificate shall state that the individual is authorized to practice medicine and surgery pursuant to the laws of this state. If the individual holds the degree of doctor of osteopathic medicine, the certificate shall state that~~ 71176  
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~~the individual is authorized to practice osteopathic medicine and 71193  
surgery pursuant to the laws of this state. If the individual 71194  
holds a medical degree other than the degree of doctor of medicine 71195  
or doctor of osteopathic medicine, the certificate shall indicate 71196  
the diploma, degree, or other document issued by the medical 71197  
school or institution the individual attended and shall state that 71198  
the individual is authorized to practice medicine and surgery 71199  
pursuant to the laws of this state. 71200~~

(C) The holder of a license to practice medicine and surgery 71201  
issued under this chapter may use the titles "Dr.," "doctor," 71202  
"M.D.," or "physician." The holder of a license to practice 71203  
osteopathic medicine and surgery issued under this chapter may use 71204  
the titles "Dr.," "doctor," "D.O.," or "physician." 71205

~~(D) The certificate shall be prominently displayed in the 71206  
certificate holder's office or place where a major portion of the 71207  
certificate holder's practice is conducted and shall entitle the 71208  
holder to practice either medicine and surgery or osteopathic 71209  
medicine and surgery provided the certificate holder maintains 71210  
current registration as required by section 4731.281 of the 71211  
Revised Code and provided further that such certificate has not 71212  
been revoked, suspended, or limited by action of the state medical 71213  
board pursuant to this chapter holder of a license issued under 71214  
this section shall either provide verification of licensure status 71215  
from the board's internet web site on request or prominently 71216  
display a wall certificate in the license holder's office or place 71217  
where the majority of the holder's practice is conducted. 71218~~

~~(E) An affirmative vote of not less than six members of the 71219  
board is required for the issuance of a certificate. 71220~~

**Sec. 4731.142.** (A) Except as provided in division (B) of this 71221  
section, an individual must demonstrate proficiency in spoken 71222  
English, by passing an examination specified by the state medical 71223

board, to receive a ~~certificate~~ license to practice issued under 71224  
section 4731.14 of the Revised Code if the individual's 71225  
eligibility for the ~~certificate~~ license is based in part on 71226  
certification from the educational commission for foreign medical 71227  
graduates and fulfillment of the undergraduate requirements 71228  
established by section 4731.09 of the Revised Code at an 71229  
institution outside the United States. The board shall adopt rules 71230  
specifying an acceptable examination and establishing the minimum 71231  
score that demonstrates proficiency in spoken English. 71232

(B) An individual is not required to demonstrate proficiency 71233  
in spoken English in accordance with division (A) of this section 71234  
if any of the following apply: 71235

(1) The individual was required to demonstrate such 71236  
proficiency as a condition of certification from the educational 71237  
commission for foreign medical graduates; 71238

(2) For the five years immediately preceding the date on 71239  
which the applicant submitted to the board an application as 71240  
described in section 4731.09 of the Revised Code, the applicant 71241  
held an unrestricted license issued by another state to practice 71242  
medicine and surgery or osteopathic medicine and surgery and was 71243  
actively engaged in such practice in the United States; 71244

(3) At the beginning of the five-year period preceding the 71245  
date on which the applicant submitted to the board an application 71246  
as described in section 4731.09 of the Revised Code, the applicant 71247  
was receiving graduate medical education and, upon completion of 71248  
that education, held an unrestricted license issued by another 71249  
state to practice medicine and surgery or osteopathic medicine and 71250  
surgery and was actively engaged in such practice in the United 71251  
States. 71252

**Sec. 4731.143.** (A) Each person holding a valid ~~certificate~~ 71253  
license issued under this chapter authorizing the ~~certificate~~ 71254

license holder to practice medicine and surgery, osteopathic 71255  
medicine and surgery, or podiatric medicine and surgery, who is 71256  
not covered by medical malpractice insurance shall provide a 71257  
patient with written notice of the ~~certificate~~ license holder's 71258  
lack of that insurance coverage prior to providing nonemergency 71259  
professional services to the patient. The notice shall be provided 71260  
alone on its own page. The notice shall provide space for the 71261  
patient to acknowledge receipt of the notice, and shall be in the 71262  
following form: 71263

"N O T I C E: 71264

Dr. .... (here state the full name of the 71265  
~~certificate~~ license holder) is not covered by medical malpractice 71266  
insurance. 71267

The undersigned acknowledges the receipt of this notice. 71268

..... 71269

(Patient's Signature) 71270

..... 71271

(Date)" 71272

The ~~certificate~~ license holder shall obtain the patient's 71273  
signature, acknowledging the patient's receipt of the notice, 71274  
prior to providing nonemergency professional services to the 71275  
patient. The ~~certificate~~ license holder shall maintain the signed 71276  
notice in the patient's ~~file~~ medical record. 71277

(B) This section does not apply to any officer or employee of 71278  
the state, as those terms are defined in section 9.85 of the 71279  
Revised Code, who is immune from civil liability under section 71280  
9.86 of the Revised Code or is entitled to indemnification 71281  
pursuant to section 9.87 of the Revised Code, to the extent that 71282  
the person is acting within the scope of the person's employment 71283  
or official responsibilities. 71284

This section does not apply to a person who complies with 71285  
division (B)(2) of section 2305.234 of the Revised Code. 71286

(C) As used in this section, "medical malpractice insurance" 71287  
means insurance coverage against the legal liability of the 71288  
insured and against loss, damage, or expense incident to a claim 71289  
arising out of the death, disease, or injury of any person as the 71290  
result of negligence or malpractice in rendering professional 71291  
service by any licensed physician, podiatrist, or hospital, as 71292  
those terms are defined in section 2305.113 of the Revised Code. 71293

**Sec. 4731.15.** (A)~~(1)~~ The state medical board also shall 71294  
regulate the following limited branches of medicine: massage 71295  
therapy and cosmetic therapy, and to the extent specified in 71296  
section 4731.151 of the Revised Code, naprapathy and 71297  
mechanotherapy. The board shall adopt rules governing the limited 71298  
branches of medicine under its jurisdiction. The rules shall be 71299  
adopted in accordance with Chapter 119. of the Revised Code. 71300

~~(2) As used in this chapter:~~ 71301

~~(a) "Cosmetic therapy" means the permanent removal of hair 71302  
from the human body through the use of electric modalities 71303  
approved by the board for use in cosmetic therapy, and 71304  
additionally may include the systematic friction, stroking, 71305  
slapping, and kneading or tapping of the face, neck, scalp, or 71306  
shoulders.~~ 71307

~~(b) "Massage therapy" means the treatment of disorders of the 71308  
human body by the manipulation of soft tissue through the 71309  
systematic external application of massage techniques including 71310  
touch, stroking, friction, vibration, percussion, kneading, 71311  
stretching, compression, and joint movements within the normal 71312  
physiologic range of motion; and adjunctive thereto, the external 71313  
application of water, heat, cold, topical preparations, and 71314  
mechanical devices.~~ 71315

(B) A certificate to practice a limited branch of medicine 71316  
issued by the state medical board is valid for a two-year period, 71317  
except when an initial certificate is issued for a shorter period 71318  
or when division (C)(2) of this section is applicable. The 71319  
certificate may be renewed in accordance with division (C) of this 71320  
section. 71321

(C)(1) Except as provided in division (C)(2) of this section, 71322  
~~all~~ both of the following apply with respect to the renewal of 71323  
certificates to practice a limited branch of medicine: 71324

(a) Each person seeking to renew a certificate to practice a 71325  
limited branch of medicine shall apply for biennial renewal with 71326  
the state medical board in a manner prescribed by the board. An 71327  
applicant for renewal shall pay a biennial renewal fee of one 71328  
hundred dollars. 71329

(b) At least ~~six months~~ one month before a certificate 71330  
expires, the board shall provide a renewal notice to the 71331  
certificate holder. 71332

~~(c) At least three months before a certificate expires, the 71333  
certificate holder shall submit the renewal application and 71334  
biennial renewal fee to the board. 71335~~

(2) The board shall implement a staggered renewal system that 71336  
is substantially similar to the staggered renewal system the board 71337  
uses under division (A) of section 4731.281 of the Revised Code. 71338

(D) All persons who hold a certificate to practice a limited 71339  
branch of medicine issued by the state medical board shall provide 71340  
the board notice of any change of address. The notice shall be 71341  
submitted to the board not later than thirty days after the change 71342  
of address. 71343

(E) A certificate to practice a limited branch of medicine 71344  
shall be automatically suspended if the certificate holder fails 71345  
to renew the certificate in accordance with division (C) of this 71346

section. Continued practice after the suspension of the 71347  
certificate to practice shall be considered as practicing in 71348  
violation of sections 4731.34 and 4731.41 of the Revised Code. 71349

If a certificate to practice has been suspended pursuant to 71350  
this division for two years or less, it may be reinstated. The 71351  
board shall reinstate the certificate upon an applicant's 71352  
submission of a renewal application and payment of ~~the biennial~~ 71353  
~~renewal~~ a reinstatement fee and the applicable monetary penalty of 71354  
one hundred twenty-five dollars. With regard to reinstatement of a 71355  
certificate to practice cosmetic therapy, the applicant also shall 71356  
submit with the application a certification that the number of 71357  
hours of continuing education necessary to have a suspended 71358  
certificate reinstated have been completed, as specified in rules 71359  
the board shall adopt in accordance with Chapter 119. of the 71360  
Revised Code. ~~The penalty for reinstatement shall be twenty five~~ 71361  
~~dollars.~~ 71362

If a certificate has been suspended pursuant to this division 71363  
for more than two years, it may be restored. Subject to section 71364  
4731.222 of the Revised Code, the board may restore the 71365  
certificate upon an applicant's submission of a restoration 71366  
application, ~~the biennial renewal fee, and the applicable monetary~~ 71367  
~~penalty~~ a restoration fee of one hundred fifty dollars and 71368  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 71369  
The board shall not restore to an applicant a certificate to 71370  
practice unless the board, in its discretion, decides that the 71371  
results of the criminal records check do not make the applicant 71372  
ineligible for a certificate issued pursuant to section 4731.17 of 71373  
the Revised Code. ~~The penalty for restoration is fifty dollars.~~ 71374

**Sec. 4731.22.** (A) The state medical board, by an affirmative 71375  
vote of not fewer than six of its members, may limit, revoke, or 71376  
suspend ~~an individual's~~ a license or certificate to practice or 71377

certificate to recommend, refuse to grant a license or certificate 71378  
~~to an individual~~, refuse to renew a license or certificate, refuse 71379  
to reinstate a license or certificate, or reprimand or place on 71380  
probation the holder of a license or certificate if the individual 71381  
applying for or holding the license or certificate ~~holder~~ is found 71382  
by the board to have committed fraud during the administration of 71383  
the examination for a license or certificate to practice or to 71384  
have committed fraud, misrepresentation, or deception in applying 71385  
for, renewing, or securing any license or certificate to practice 71386  
or certificate to recommend issued by the board. 71387

(B) The board, by an affirmative vote of not fewer than six 71388  
members, shall, to the extent permitted by law, limit, revoke, or 71389  
suspend ~~an individual's~~ a license or certificate to practice or 71390  
certificate to recommend, refuse to issue a license or certificate 71391  
~~to an individual~~, refuse to renew a license or certificate, refuse 71392  
to reinstate a license or certificate, or reprimand or place on 71393  
probation the holder of a license or certificate for one or more 71394  
of the following reasons: 71395

(1) Permitting one's name or one's license or certificate to 71396  
practice to be used by a person, group, or corporation when the 71397  
individual concerned is not actually directing the treatment 71398  
given; 71399

(2) Failure to maintain minimal standards applicable to the 71400  
selection or administration of drugs, or failure to employ 71401  
acceptable scientific methods in the selection of drugs or other 71402  
modalities for treatment of disease; 71403

(3) Except as provided in section 4731.97 of the Revised 71404  
Code, selling, giving away, personally furnishing, prescribing, or 71405  
administering drugs for other than legal and legitimate 71406  
therapeutic purposes or a plea of guilty to, a judicial finding of 71407  
guilt of, or a judicial finding of eligibility for intervention in 71408

lieu of conviction of, a violation of any federal or state law 71409  
regulating the possession, distribution, or use of any drug; 71410

(4) Willfully betraying a professional confidence. 71411

For purposes of this division, "willfully betraying a 71412  
professional confidence" does not include providing any 71413  
information, documents, or reports under sections 307.621 to 71414  
307.629 of the Revised Code to a child fatality review board; does 71415  
not include providing any information, documents, or reports to 71416  
the director of health pursuant to guidelines established under 71417  
section 3701.70 of the Revised Code; does not include written 71418  
notice to a mental health professional under section 4731.62 of 71419  
the Revised Code; and does not include the making of a report of 71420  
an employee's use of a drug of abuse, or a report of a condition 71421  
of an employee other than one involving the use of a drug of 71422  
abuse, to the employer of the employee as described in division 71423  
(B) of section 2305.33 of the Revised Code. Nothing in this 71424  
division affects the immunity from civil liability conferred by 71425  
section 2305.33 or 4731.62 of the Revised Code upon a physician 71426  
who makes a report in accordance with section 2305.33 or notifies 71427  
a mental health professional in accordance with section 4731.62 of 71428  
the Revised Code. As used in this division, "employee," 71429  
"employer," and "physician" have the same meanings as in section 71430  
2305.33 of the Revised Code. 71431

(5) Making a false, fraudulent, deceptive, or misleading 71432  
statement in the solicitation of or advertising for patients; in 71433  
relation to the practice of medicine and surgery, osteopathic 71434  
medicine and surgery, podiatric medicine and surgery, or a limited 71435  
branch of medicine; or in securing or attempting to secure any 71436  
license or certificate to practice issued by the board. 71437

As used in this division, "false, fraudulent, deceptive, or 71438  
misleading statement" means a statement that includes a 71439  
misrepresentation of fact, is likely to mislead or deceive because 71440



of a failure to disclose material facts, is intended or is likely 71441  
to create false or unjustified expectations of favorable results, 71442  
or includes representations or implications that in reasonable 71443  
probability will cause an ordinarily prudent person to 71444  
misunderstand or be deceived. 71445

(6) A departure from, or the failure to conform to, minimal 71446  
standards of care of similar practitioners under the same or 71447  
similar circumstances, whether or not actual injury to a patient 71448  
is established; 71449

(7) Representing, with the purpose of obtaining compensation 71450  
or other advantage as personal gain or for any other person, that 71451  
an incurable disease or injury, or other incurable condition, can 71452  
be permanently cured; 71453

(8) The obtaining of, or attempting to obtain, money or 71454  
anything of value by fraudulent misrepresentations in the course 71455  
of practice; 71456

(9) A plea of guilty to, a judicial finding of guilt of, or a 71457  
judicial finding of eligibility for intervention in lieu of 71458  
conviction for, a felony; 71459

(10) Commission of an act that constitutes a felony in this 71460  
state, regardless of the jurisdiction in which the act was 71461  
committed; 71462

(11) A plea of guilty to, a judicial finding of guilt of, or 71463  
a judicial finding of eligibility for intervention in lieu of 71464  
conviction for, a misdemeanor committed in the course of practice; 71465

(12) Commission of an act in the course of practice that 71466  
constitutes a misdemeanor in this state, regardless of the 71467  
jurisdiction in which the act was committed; 71468

(13) A plea of guilty to, a judicial finding of guilt of, or 71469  
a judicial finding of eligibility for intervention in lieu of 71470

conviction for, a misdemeanor involving moral turpitude; 71471

(14) Commission of an act involving moral turpitude that 71472  
constitutes a misdemeanor in this state, regardless of the 71473  
jurisdiction in which the act was committed; 71474

(15) Violation of the conditions of limitation placed by the 71475  
board upon a license or certificate to practice; 71476

(16) Failure to pay license renewal fees specified in this 71477  
chapter; 71478

(17) Except as authorized in section 4731.31 of the Revised 71479  
Code, engaging in the division of fees for referral of patients, 71480  
or the receiving of a thing of value in return for a specific 71481  
referral of a patient to utilize a particular service or business; 71482

(18) Subject to section 4731.226 of the Revised Code, 71483  
violation of any provision of a code of ethics of the American 71484  
medical association, the American osteopathic association, the 71485  
American podiatric medical association, or any other national 71486  
professional organizations that the board specifies by rule. The 71487  
state medical board shall obtain and keep on file current copies 71488  
of the codes of ethics of the various national professional 71489  
organizations. The individual whose license or certificate is 71490  
being suspended or revoked shall not be found to have violated any 71491  
provision of a code of ethics of an organization not appropriate 71492  
to the individual's profession. 71493

For purposes of this division, a "provision of a code of 71494  
ethics of a national professional organization" does not include 71495  
any provision that would preclude the making of a report by a 71496  
physician of an employee's use of a drug of abuse, or of a 71497  
condition of an employee other than one involving the use of a 71498  
drug of abuse, to the employer of the employee as described in 71499  
division (B) of section 2305.33 of the Revised Code. Nothing in 71500  
this division affects the immunity from civil liability conferred 71501

by that section upon a physician who makes either type of report 71502  
in accordance with division (B) of that section. As used in this 71503  
division, "employee," "employer," and "physician" have the same 71504  
meanings as in section 2305.33 of the Revised Code. 71505

(19) Inability to practice according to acceptable and 71506  
prevailing standards of care by reason of mental illness or 71507  
physical illness, including, but not limited to, physical 71508  
deterioration that adversely affects cognitive, motor, or 71509  
perceptive skills. 71510

In enforcing this division, the board, upon a showing of a 71511  
possible violation, may compel any individual authorized to 71512  
practice by this chapter or who has submitted an application 71513  
pursuant to this chapter to submit to a mental examination, 71514  
physical examination, including an HIV test, or both a mental and 71515  
a physical examination. The expense of the examination is the 71516  
responsibility of the individual compelled to be examined. Failure 71517  
to submit to a mental or physical examination or consent to an HIV 71518  
test ordered by the board constitutes an admission of the 71519  
allegations against the individual unless the failure is due to 71520  
circumstances beyond the individual's control, and a default and 71521  
final order may be entered without the taking of testimony or 71522  
presentation of evidence. If the board finds an individual unable 71523  
to practice because of the reasons set forth in this division, the 71524  
board shall require the individual to submit to care, counseling, 71525  
or treatment by physicians approved or designated by the board, as 71526  
a condition for initial, continued, reinstated, or renewed 71527  
authority to practice. An individual affected under this division 71528  
shall be afforded an opportunity to demonstrate to the board the 71529  
ability to resume practice in compliance with acceptable and 71530  
prevailing standards under the provisions of the individual's 71531  
license or certificate. For the purpose of this division, any 71532  
individual who applies for or receives a license or certificate to 71533

practice under this chapter accepts the privilege of practicing in 71534  
this state and, by so doing, shall be deemed to have given consent 71535  
to submit to a mental or physical examination when directed to do 71536  
so in writing by the board, and to have waived all objections to 71537  
the admissibility of testimony or examination reports that 71538  
constitute a privileged communication. 71539

(20) Except as provided in division (F)(1)(b) of section 71540  
4731.282 of the Revised Code or when civil penalties are imposed 71541  
under section 4731.225 ~~or 4731.282~~ of the Revised Code, and 71542  
subject to section 4731.226 of the Revised Code, violating or 71543  
attempting to violate, directly or indirectly, or assisting in or 71544  
abetting the violation of, or conspiring to violate, any 71545  
provisions of this chapter or any rule promulgated by the board. 71546

This division does not apply to a violation or attempted 71547  
violation of, assisting in or abetting the violation of, or a 71548  
conspiracy to violate, any provision of this chapter or any rule 71549  
adopted by the board that would preclude the making of a report by 71550  
a physician of an employee's use of a drug of abuse, or of a 71551  
condition of an employee other than one involving the use of a 71552  
drug of abuse, to the employer of the employee as described in 71553  
division (B) of section 2305.33 of the Revised Code. Nothing in 71554  
this division affects the immunity from civil liability conferred 71555  
by that section upon a physician who makes either type of report 71556  
in accordance with division (B) of that section. As used in this 71557  
division, "employee," "employer," and "physician" have the same 71558  
meanings as in section 2305.33 of the Revised Code. 71559

(21) The violation of section 3701.79 of the Revised Code or 71560  
of any abortion rule adopted by the director of health pursuant to 71561  
section 3701.341 of the Revised Code; 71562

(22) Any of the following actions taken by an agency 71563  
responsible for authorizing, certifying, or regulating an 71564  
individual to practice a health care occupation or provide health 71565

care services in this state or another jurisdiction, for any 71566  
reason other than the nonpayment of fees: the limitation, 71567  
revocation, or suspension of an individual's license to practice; 71568  
acceptance of an individual's license surrender; denial of a 71569  
license; refusal to renew or reinstate a license; imposition of 71570  
probation; or issuance of an order of censure or other reprimand; 71571

(23) The violation of section 2919.12 of the Revised Code or 71572  
the performance or inducement of an abortion upon a pregnant woman 71573  
with actual knowledge that the conditions specified in division 71574  
(B) of section 2317.56 of the Revised Code have not been satisfied 71575  
or with a heedless indifference as to whether those conditions 71576  
have been satisfied, unless an affirmative defense as specified in 71577  
division (H)(2) of that section would apply in a civil action 71578  
authorized by division (H)(1) of that section; 71579

(24) The revocation, suspension, restriction, reduction, or 71580  
termination of clinical privileges by the United States department 71581  
of defense or department of veterans affairs or the termination or 71582  
suspension of a certificate of registration to prescribe drugs by 71583  
the drug enforcement administration of the United States 71584  
department of justice; 71585

(25) Termination or suspension from participation in the 71586  
medicare or medicaid programs by the department of health and 71587  
human services or other responsible agency for any act or acts 71588  
that also would constitute a violation of division (B)(2), (3), 71589  
(6), (8), or (19) of this section; 71590

(26) Impairment of ability to practice according to 71591  
acceptable and prevailing standards of care because of habitual or 71592  
excessive use or abuse of drugs, alcohol, or other substances that 71593  
impair ability to practice. 71594

For the purposes of this division, any individual authorized 71595  
to practice by this chapter accepts the privilege of practicing in 71596

this state subject to supervision by the board. By filing an 71597  
application for or holding a license or certificate to practice 71598  
under this chapter, an individual shall be deemed to have given 71599  
consent to submit to a mental or physical examination when ordered 71600  
to do so by the board in writing, and to have waived all 71601  
objections to the admissibility of testimony or examination 71602  
reports that constitute privileged communications. 71603

If it has reason to believe that any individual authorized to 71604  
practice by this chapter or any applicant for licensure or 71605  
certification to practice suffers such impairment, the board may 71606  
compel the individual to submit to a mental or physical 71607  
examination, or both. The expense of the examination is the 71608  
responsibility of the individual compelled to be examined. Any 71609  
mental or physical examination required under this division shall 71610  
be undertaken by a treatment provider or physician who is 71611  
qualified to conduct the examination and who is chosen by the 71612  
board. 71613

Failure to submit to a mental or physical examination ordered 71614  
by the board constitutes an admission of the allegations against 71615  
the individual unless the failure is due to circumstances beyond 71616  
the individual's control, and a default and final order may be 71617  
entered without the taking of testimony or presentation of 71618  
evidence. If the board determines that the individual's ability to 71619  
practice is impaired, the board shall suspend the individual's 71620  
license or certificate or deny the individual's application and 71621  
shall require the individual, as a condition for initial, 71622  
continued, reinstated, or renewed licensure or certification to 71623  
practice, to submit to treatment. 71624

Before being eligible to apply for reinstatement of a license 71625  
or certificate suspended under this division, the impaired 71626  
practitioner shall demonstrate to the board the ability to resume 71627  
practice in compliance with acceptable and prevailing standards of 71628

care under the provisions of the practitioner's license or 71629  
certificate. The demonstration shall include, but shall not be 71630  
limited to, the following: 71631

(a) Certification from a treatment provider approved under 71632  
section 4731.25 of the Revised Code that the individual has 71633  
successfully completed any required inpatient treatment; 71634

(b) Evidence of continuing full compliance with an aftercare 71635  
contract or consent agreement; 71636

(c) Two written reports indicating that the individual's 71637  
ability to practice has been assessed and that the individual has 71638  
been found capable of practicing according to acceptable and 71639  
prevailing standards of care. The reports shall be made by 71640  
individuals or providers approved by the board for making the 71641  
assessments and shall describe the basis for their determination. 71642

The board may reinstate a license or certificate suspended 71643  
under this division after that demonstration and after the 71644  
individual has entered into a written consent agreement. 71645

When the impaired practitioner resumes practice, the board 71646  
shall require continued monitoring of the individual. The 71647  
monitoring shall include, but not be limited to, compliance with 71648  
the written consent agreement entered into before reinstatement or 71649  
with conditions imposed by board order after a hearing, and, upon 71650  
termination of the consent agreement, submission to the board for 71651  
at least two years of annual written progress reports made under 71652  
penalty of perjury stating whether the individual has maintained 71653  
sobriety. 71654

(27) A second or subsequent violation of section 4731.66 or 71655  
4731.69 of the Revised Code; 71656

(28) Except as provided in division (N) of this section: 71657

(a) Waiving the payment of all or any part of a deductible or 71658

copayment that a patient, pursuant to a health insurance or health 71659  
care policy, contract, or plan that covers the individual's 71660  
services, otherwise would be required to pay if the waiver is used 71661  
as an enticement to a patient or group of patients to receive 71662  
health care services from that individual; 71663

(b) Advertising that the individual will waive the payment of 71664  
all or any part of a deductible or copayment that a patient, 71665  
pursuant to a health insurance or health care policy, contract, or 71666  
plan that covers the individual's services, otherwise would be 71667  
required to pay. 71668

(29) Failure to use universal blood and body fluid 71669  
precautions established by rules adopted under section 4731.051 of 71670  
the Revised Code; 71671

(30) Failure to provide notice to, and receive acknowledgment 71672  
of the notice from, a patient when required by section 4731.143 of 71673  
the Revised Code prior to providing nonemergency professional 71674  
services, or failure to maintain that notice in the patient's ~~file~~ 71675  
medical record; 71676

(31) Failure of a physician supervising a physician assistant 71677  
to maintain supervision in accordance with the requirements of 71678  
Chapter 4730. of the Revised Code and the rules adopted under that 71679  
chapter; 71680

(32) Failure of a physician or podiatrist to enter into a 71681  
standard care arrangement with a clinical nurse specialist, 71682  
certified nurse-midwife, or certified nurse practitioner with whom 71683  
the physician or podiatrist is in collaboration pursuant to 71684  
section 4731.27 of the Revised Code or failure to fulfill the 71685  
responsibilities of collaboration after entering into a standard 71686  
care arrangement; 71687

(33) Failure to comply with the terms of a consult agreement 71688  
entered into with a pharmacist pursuant to section 4729.39 of the 71689



Revised Code;	71690
(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	71691 71692 71693 71694 71695 71696 71697 71698 71699 71700
(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	71701 71702 71703
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	71704 71705 71706
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	71707 71708
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	71709 71710
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	71711 71712 71713
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	71714 71715 71716
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management	71717 71718 71719

clinic;	71720
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	71721 71722 71723 71724
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	71725 71726 71727 71728
(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	71729 71730 71731 71732 71733
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	71734 71735 71736 71737 71738
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	71739 71740 71741 71742
(47) Failure to comply with the requirement regarding maintaining notes described in division (B) of section 2919.191 of the Revised Code or failure to satisfy the requirements of section 2919.191 of the Revised Code prior to performing or inducing an abortion upon a pregnant woman;	71743 71744 71745 71746 71747
(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section	71748 71749 71750

3719.01 of the Revised Code; 71751

(49) Failure to comply with the requirements of section 71752  
4731.30 of the Revised Code or rules adopted under section 71753  
4731.301 of the Revised Code when recommending treatment with 71754  
medical marijuana; 71755

(50) Practicing at a facility, clinic, or other location that 71756  
is subject to licensure as a category III terminal distributor of 71757  
dangerous drugs with an office-based opioid treatment 71758  
classification unless the person operating that place has obtained 71759  
and maintains the license with the classification; 71760

(51) Owning a facility, clinic, or other location that is 71761  
subject to licensure as a category III terminal distributor of 71762  
dangerous drugs with an office-based opioid treatment 71763  
classification unless that place is licensed with the 71764  
classification. 71765

(C) Disciplinary actions taken by the board under divisions 71766  
(A) and (B) of this section shall be taken pursuant to an 71767  
adjudication under Chapter 119. of the Revised Code, except that 71768  
in lieu of an adjudication, the board may enter into a consent 71769  
agreement with an individual to resolve an allegation of a 71770  
violation of this chapter or any rule adopted under it. A consent 71771  
agreement, when ratified by an affirmative vote of not fewer than 71772  
six members of the board, shall constitute the findings and order 71773  
of the board with respect to the matter addressed in the 71774  
agreement. If the board refuses to ratify a consent agreement, the 71775  
admissions and findings contained in the consent agreement shall 71776  
be of no force or effect. 71777

A telephone conference call may be utilized for ratification 71778  
of a consent agreement that revokes or suspends an individual's 71779  
license or certificate to practice or certificate to recommend. 71780  
The telephone conference call shall be considered a special 71781

meeting under division (F) of section 121.22 of the Revised Code. 71782

If the board takes disciplinary action against an individual 71783  
under division (B) of this section for a second or subsequent plea 71784  
of guilty to, or judicial finding of guilt of, a violation of 71785  
section 2919.123 of the Revised Code, the disciplinary action 71786  
shall consist of a suspension of the individual's license or 71787  
certificate to practice for a period of at least one year or, if 71788  
determined appropriate by the board, a more serious sanction 71789  
involving the individual's license or certificate to practice. Any 71790  
consent agreement entered into under this division with an 71791  
individual that pertains to a second or subsequent plea of guilty 71792  
to, or judicial finding of guilt of, a violation of that section 71793  
shall provide for a suspension of the individual's license or 71794  
certificate to practice for a period of at least one year or, if 71795  
determined appropriate by the board, a more serious sanction 71796  
involving the individual's license or certificate to practice. 71797

(D) For purposes of divisions (B)(10), (12), and (14) of this 71798  
section, the commission of the act may be established by a finding 71799  
by the board, pursuant to an adjudication under Chapter 119. of 71800  
the Revised Code, that the individual committed the act. The board 71801  
does not have jurisdiction under those divisions if the trial 71802  
court renders a final judgment in the individual's favor and that 71803  
judgment is based upon an adjudication on the merits. The board 71804  
has jurisdiction under those divisions if the trial court issues 71805  
an order of dismissal upon technical or procedural grounds. 71806

(E) The sealing of conviction records by any court shall have 71807  
no effect upon a prior board order entered under this section or 71808  
upon the board's jurisdiction to take action under this section 71809  
if, based upon a plea of guilty, a judicial finding of guilt, or a 71810  
judicial finding of eligibility for intervention in lieu of 71811  
conviction, the board issued a notice of opportunity for a hearing 71812  
prior to the court's order to seal the records. The board shall 71813

not be required to seal, destroy, redact, or otherwise modify its 71814  
records to reflect the court's sealing of conviction records. 71815

(F)(1) The board shall investigate evidence that appears to 71816  
show that a person has violated any provision of this chapter or 71817  
any rule adopted under it. Any person may report to the board in a 71818  
signed writing any information that the person may have that 71819  
appears to show a violation of any provision of this chapter or 71820  
any rule adopted under it. In the absence of bad faith, any person 71821  
who reports information of that nature or who testifies before the 71822  
board in any adjudication conducted under Chapter 119. of the 71823  
Revised Code shall not be liable in damages in a civil action as a 71824  
result of the report or testimony. Each complaint or allegation of 71825  
a violation received by the board shall be assigned a case number 71826  
and shall be recorded by the board. 71827

(2) Investigations of alleged violations of this chapter or 71828  
any rule adopted under it shall be supervised by the supervising 71829  
member elected by the board in accordance with section 4731.02 of 71830  
the Revised Code and by the secretary as provided in section 71831  
4731.39 of the Revised Code. The president may designate another 71832  
member of the board to supervise the investigation in place of the 71833  
supervising member. No member of the board who supervises the 71834  
investigation of a case shall participate in further adjudication 71835  
of the case. 71836

(3) In investigating a possible violation of this chapter or 71837  
any rule adopted under this chapter, or in conducting an 71838  
inspection under division (E) of section 4731.054 of the Revised 71839  
Code, the board may question witnesses, conduct interviews, 71840  
administer oaths, order the taking of depositions, inspect and 71841  
copy any books, accounts, papers, records, or documents, issue 71842  
subpoenas, and compel the attendance of witnesses and production 71843  
of books, accounts, papers, records, documents, and testimony, 71844  
except that a subpoena for patient record information shall not be 71845

issued without consultation with the attorney general's office and 71846  
approval of the secretary and supervising member of the board. 71847

(a) Before issuance of a subpoena for patient record 71848  
information, the secretary and supervising member shall determine 71849  
whether there is probable cause to believe that the complaint 71850  
filed alleges a violation of this chapter or any rule adopted 71851  
under it and that the records sought are relevant to the alleged 71852  
violation and material to the investigation. The subpoena may 71853  
apply only to records that cover a reasonable period of time 71854  
surrounding the alleged violation. 71855

(b) On failure to comply with any subpoena issued by the 71856  
board and after reasonable notice to the person being subpoenaed, 71857  
the board may move for an order compelling the production of 71858  
persons or records pursuant to the Rules of Civil Procedure. 71859

(c) A subpoena issued by the board may be served by a 71860  
sheriff, the sheriff's deputy, or a board employee designated by 71861  
the board. Service of a subpoena issued by the board may be made 71862  
by delivering a copy of the subpoena to the person named therein, 71863  
reading it to the person, or leaving it at the person's usual 71864  
place of residence, usual place of business, or address on file 71865  
with the board. When serving a subpoena to an applicant for or the 71866  
holder of a license or certificate issued under this chapter, 71867  
service of the subpoena may be made by certified mail, return 71868  
receipt requested, and the subpoena shall be deemed served on the 71869  
date delivery is made or the date the person refuses to accept 71870  
delivery. If the person being served refuses to accept the 71871  
subpoena or is not located, service may be made to an attorney who 71872  
notifies the board that the attorney is representing the person. 71873

(d) A sheriff's deputy who serves a subpoena shall receive 71874  
the same fees as a sheriff. Each witness who appears before the 71875  
board in obedience to a subpoena shall receive the fees and 71876  
mileage provided for under section 119.094 of the Revised Code. 71877

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given or, in the case of a patient, a waiver of the patient privilege exists under division (B) of section 2317.02 of the Revised Code, except that consent or a waiver of that nature is not required if the board possesses reliable and substantial evidence that no bona fide physician-patient relationship exists.

The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality

is maintained with respect to any part of the information that 71910  
contains names or other identifying information about patients or 71911  
complainants whose confidentiality was protected by the state 71912  
medical board when the information was in the board's possession. 71913  
Measures to ensure confidentiality that may be taken by the court 71914  
include sealing its records or deleting specific information from 71915  
its records. 71916

(6) On a quarterly basis, the board shall prepare a report 71917  
that documents the disposition of all cases during the preceding 71918  
three months. The report shall contain the following information 71919  
for each case with which the board has completed its activities: 71920

(a) The case number assigned to the complaint or alleged 71921  
violation; 71922

(b) The type of license or certificate to practice, if any, 71923  
held by the individual against whom the complaint is directed; 71924

(c) A description of the allegations contained in the 71925  
complaint; 71926

(d) The disposition of the case. 71927

The report shall state how many cases are still pending and 71928  
shall be prepared in a manner that protects the identity of each 71929  
person involved in each case. The report shall be a public record 71930  
under section 149.43 of the Revised Code. 71931

(G) If the secretary and supervising member determine both of 71932  
the following, they may recommend that the board suspend an 71933  
individual's license or certificate to practice or certificate to 71934  
recommend without a prior hearing: 71935

(1) That there is clear and convincing evidence that an 71936  
individual has violated division (B) of this section; 71937

(2) That the individual's continued practice presents a 71938  
danger of immediate and serious harm to the public. 71939



Written allegations shall be prepared for consideration by 71940  
the board. The board, upon review of those allegations and by an 71941  
affirmative vote of not fewer than six of its members, excluding 71942  
the secretary and supervising member, may suspend a license or 71943  
certificate without a prior hearing. A telephone conference call 71944  
may be utilized for reviewing the allegations and taking the vote 71945  
on the summary suspension. 71946

The board shall issue a written order of suspension by 71947  
certified mail or in person in accordance with section 119.07 of 71948  
the Revised Code. The order shall not be subject to suspension by 71949  
the court during pendency of any appeal filed under section 119.12 71950  
of the Revised Code. If the individual subject to the summary 71951  
suspension requests an adjudicatory hearing by the board, the date 71952  
set for the hearing shall be within fifteen days, but not earlier 71953  
than seven days, after the individual requests the hearing, unless 71954  
otherwise agreed to by both the board and the individual. 71955

Any summary suspension imposed under this division shall 71956  
remain in effect, unless reversed on appeal, until a final 71957  
adjudicative order issued by the board pursuant to this section 71958  
and Chapter 119. of the Revised Code becomes effective. The board 71959  
shall issue its final adjudicative order within seventy-five days 71960  
after completion of its hearing. A failure to issue the order 71961  
within seventy-five days shall result in dissolution of the 71962  
summary suspension order but shall not invalidate any subsequent, 71963  
final adjudicative order. 71964

(H) If the board takes action under division (B)(9), (11), or 71965  
(13) of this section and the judicial finding of guilt, guilty 71966  
plea, or judicial finding of eligibility for intervention in lieu 71967  
of conviction is overturned on appeal, upon exhaustion of the 71968  
criminal appeal, a petition for reconsideration of the order may 71969  
be filed with the board along with appropriate court documents. 71970  
Upon receipt of a petition of that nature and supporting court 71971

documents, the board shall reinstate the individual's license or 71972  
certificate to practice. The board may then hold an adjudication 71973  
under Chapter 119. of the Revised Code to determine whether the 71974  
individual committed the act in question. Notice of an opportunity 71975  
for a hearing shall be given in accordance with Chapter 119. of 71976  
the Revised Code. If the board finds, pursuant to an adjudication 71977  
held under this division, that the individual committed the act or 71978  
if no hearing is requested, the board may order any of the 71979  
sanctions identified under division (B) of this section. 71980

(I) The license or certificate to practice issued to an 71981  
individual under this chapter and the individual's practice in 71982  
this state are automatically suspended as of the date of the 71983  
individual's second or subsequent plea of guilty to, or judicial 71984  
finding of guilt of, a violation of section 2919.123 of the 71985  
Revised Code. In addition, the license or certificate to practice 71986  
or certificate to recommend issued to an individual under this 71987  
chapter and the individual's practice in this state are 71988  
automatically suspended as of the date the individual pleads 71989  
guilty to, is found by a judge or jury to be guilty of, or is 71990  
subject to a judicial finding of eligibility for intervention in 71991  
lieu of conviction in this state or treatment or intervention in 71992  
lieu of conviction in another jurisdiction for any of the 71993  
following criminal offenses in this state or a substantially 71994  
equivalent criminal offense in another jurisdiction: aggravated 71995  
murder, murder, voluntary manslaughter, felonious assault, 71996  
kidnapping, rape, sexual battery, gross sexual imposition, 71997  
aggravated arson, aggravated robbery, or aggravated burglary. 71998  
Continued practice after suspension shall be considered practicing 71999  
without a license or certificate. 72000

The board shall notify the individual subject to the 72001  
suspension by certified mail or in person in accordance with 72002  
section 119.07 of the Revised Code. If an individual whose license 72003

or certificate is automatically suspended under this division 72004  
fails to make a timely request for an adjudication under Chapter 72005  
119. of the Revised Code, the board shall do whichever of the 72006  
following is applicable: 72007

(1) If the automatic suspension under this division is for a 72008  
second or subsequent plea of guilty to, or judicial finding of 72009  
guilt of, a violation of section 2919.123 of the Revised Code, the 72010  
board shall enter an order suspending the individual's license or 72011  
certificate to practice for a period of at least one year or, if 72012  
determined appropriate by the board, imposing a more serious 72013  
sanction involving the individual's license or certificate to 72014  
practice. 72015

(2) In all circumstances in which division (I)(1) of this 72016  
section does not apply, enter a final order permanently revoking 72017  
the individual's license or certificate to practice. 72018

(J) If the board is required by Chapter 119. of the Revised 72019  
Code to give notice of an opportunity for a hearing and if the 72020  
individual subject to the notice does not timely request a hearing 72021  
in accordance with section 119.07 of the Revised Code, the board 72022  
is not required to hold a hearing, but may adopt, by an 72023  
affirmative vote of not fewer than six of its members, a final 72024  
order that contains the board's findings. In that final order, the 72025  
board may order any of the sanctions identified under division (A) 72026  
or (B) of this section. 72027

(K) Any action taken by the board under division (B) of this 72028  
section resulting in a suspension from practice shall be 72029  
accompanied by a written statement of the conditions under which 72030  
the individual's license or certificate to practice may be 72031  
reinstated. The board shall adopt rules governing conditions to be 72032  
imposed for reinstatement. Reinstatement of a license or 72033  
certificate suspended pursuant to division (B) of this section 72034  
requires an affirmative vote of not fewer than six members of the 72035

board. 72036

(L) When the board refuses to grant or issue a license or 72037  
certificate to practice to an applicant, revokes an individual's 72038  
license or certificate to practice, refuses to renew an 72039  
individual's license or certificate to practice, or refuses to 72040  
reinstate an individual's license or certificate to practice, the 72041  
board may specify that its action is permanent. An individual 72042  
subject to a permanent action taken by the board is forever 72043  
thereafter ineligible to hold a license or certificate to practice 72044  
and the board shall not accept an application for reinstatement of 72045  
the license or certificate or for issuance of a new license or 72046  
certificate. 72047

(M) Notwithstanding any other provision of the Revised Code, 72048  
all of the following apply: 72049

(1) The surrender of a license or certificate issued under 72050  
this chapter shall not be effective unless or until accepted by 72051  
the board. A telephone conference call may be utilized for 72052  
acceptance of the surrender of an individual's license or 72053  
certificate to practice. The telephone conference call shall be 72054  
considered a special meeting under division (F) of section 121.22 72055  
of the Revised Code. Reinstatement of a license or certificate 72056  
surrendered to the board requires an affirmative vote of not fewer 72057  
than six members of the board. 72058

(2) An application for a license or certificate made under 72059  
the provisions of this chapter may not be withdrawn without 72060  
approval of the board. 72061

(3) Failure by an individual to renew a license or 72062  
certificate to practice in accordance with this chapter or a 72063  
certificate to recommend in accordance with rules adopted under 72064  
section 4731.301 of the Revised Code shall not remove or limit the 72065  
board's jurisdiction to take any disciplinary action under this 72066

section against the individual. 72067

(4) At the request of the board, a license or certificate 72068  
holder shall immediately surrender to the board a license or 72069  
certificate that the board has suspended, revoked, or permanently 72070  
revoked. 72071

(N) Sanctions shall not be imposed under division (B)(28) of 72072  
this section against any person who waives deductibles and 72073  
copayments as follows: 72074

(1) In compliance with the health benefit plan that expressly 72075  
allows such a practice. Waiver of the deductibles or copayments 72076  
shall be made only with the full knowledge and consent of the plan 72077  
purchaser, payer, and third-party administrator. Documentation of 72078  
the consent shall be made available to the board upon request. 72079

(2) For professional services rendered to any other person 72080  
authorized to practice pursuant to this chapter, to the extent 72081  
allowed by this chapter and rules adopted by the board. 72082

(O) Under the board's investigative duties described in this 72083  
section and subject to division (F) of this section, the board 72084  
shall develop and implement a quality intervention program 72085  
designed to improve through remedial education the clinical and 72086  
communication skills of individuals authorized under this chapter 72087  
to practice medicine and surgery, osteopathic medicine and 72088  
surgery, and podiatric medicine and surgery. In developing and 72089  
implementing the quality intervention program, the board may do 72090  
all of the following: 72091

(1) Offer in appropriate cases as determined by the board an 72092  
educational and assessment program pursuant to an investigation 72093  
the board conducts under this section; 72094

(2) Select providers of educational and assessment services, 72095  
including a quality intervention program panel of case reviewers; 72096

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.

**Sec. 4731.221.** If the state medical board has reason to believe that any person who has been granted a license or certificate under this chapter is mentally ill or mentally incompetent, it may file in the probate court of the county in which such person has a legal residence an affidavit in the form prescribed in section 5122.11 of the Revised Code and signed by the board secretary or a member of the board secretary's staff, whereupon the same proceedings shall be had as provided in Chapter 5122. of the Revised Code. The attorney general may represent the board in any proceeding commenced under this section.

If any person who has been granted a license or certificate under this chapter is adjudged by a probate court to be mentally ill or mentally incompetent, the person's license or certificate shall be automatically suspended until such person has filed with the state medical board a certified copy of an adjudication by a probate court of the person's subsequent restoration to competency

or has submitted to such board proof, satisfactory to the board, 72128  
that the person has been discharged as having a restoration to 72129  
competency in the manner and form provided in section 5122.38 of 72130  
the Revised Code. The judge of such court shall forthwith notify 72131  
the state medical board of an adjudication of mental illness or 72132  
mental incompetence, and shall note any suspension of a license or 72133  
certificate in the margin of the court's record of such license or 72134  
certificate. 72135

**Sec. 4731.222.** (A) This section applies to both of the 72136  
following: 72137

(1) An applicant seeking restoration of a license or 72138  
certificate issued under this chapter that has been in a suspended 72139  
or inactive state for any cause for more than two years; 72140

(2) An applicant seeking issuance of a license or certificate 72141  
pursuant to section 4731.17, ~~4731.29~~, or 4731.295, ~~4731.57~~, or 72142  
~~4731.571~~ of the Revised Code who for more than two years has not 72143  
been engaged in the practice of medicine and surgery, osteopathic 72144  
medicine and surgery, ~~podiatric medicine and surgery~~, or a limited 72145  
branch of medicine as any of the following: 72146

(a) An active practitioner; 72147

(b) A participant in a program of graduate medical education, 72148  
as defined in section ~~4731.091~~ 4731.04 of the Revised Code; 72149

(c) A student in a college of podiatry determined by the 72150  
state medical board to be in good standing; 72151

(d) A student in a school, college, or institution giving 72152  
instruction in a limited branch of medicine determined by the 72153  
board to be in good standing under section 4731.16 of the Revised 72154  
Code. 72155

(B) Before restoring a license or certificate to good 72156  
standing for or issuing a license or certificate to an applicant 72157

subject to this section, the state medical board may impose terms 72158  
and conditions including any one or more of the following: 72159

(1) Requiring the applicant to pass an oral or written 72160  
examination, or both, to determine the applicant's present fitness 72161  
to resume practice; 72162

(2) Requiring the applicant to obtain additional training and 72163  
to pass an examination upon completion of such training; 72164

(3) Requiring an assessment of the applicant's physical 72165  
skills for purposes of determining whether the applicant's 72166  
coordination, fine motor skills, and dexterity are sufficient for 72167  
performing medical evaluations and procedures in a manner that 72168  
meets the minimal standards of care; 72169

(4) Requiring an assessment of the applicant's skills in 72170  
recognizing and understanding diseases and conditions; 72171

(5) Requiring the applicant to undergo a comprehensive 72172  
physical examination, which may include an assessment of physical 72173  
abilities, evaluation of sensory capabilities, or screening for 72174  
the presence of neurological disorders; 72175

(6) Restricting or limiting the extent, scope, or type of 72176  
practice of the applicant. 72177

The board shall consider the moral background and the 72178  
activities of the applicant during the period of suspension or 72179  
inactivity, in accordance with section ~~4731.08~~ 4731.09, 4731.19, 72180  
or 4731.52 of the Revised Code. The board shall not restore a 72181  
license or certificate under this section unless the applicant 72182  
complies with sections 4776.01 to 4776.04 of the Revised Code. 72183

**Sec. 4731.223.** (A) As used in this section, "prosecutor" has 72184  
the same meaning as in section 2935.01 of the Revised Code. 72185

(B) Whenever any person holding a valid license or 72186  
certificate issued pursuant to this chapter pleads guilty to, is 72187



subject to a judicial finding of guilt of, or is subject to a 72188  
judicial finding of eligibility for intervention in lieu of 72189  
conviction for a violation of Chapter 2907., 2925., or 3719. of 72190  
the Revised Code or of any substantively comparable ordinance of a 72191  
municipal corporation in connection with the person's practice, or 72192  
for a second or subsequent time pleads guilty to, or is subject to 72193  
a judicial finding of guilt of, a violation of section 2919.123 of 72194  
the Revised Code, the prosecutor in the case, on forms prescribed 72195  
and provided by the state medical board, shall promptly notify the 72196  
board of the conviction or guilty plea. Within thirty days of 72197  
receipt of that information, the board shall initiate action in 72198  
accordance with Chapter 119. of the Revised Code to determine 72199  
whether to suspend or revoke the license or certificate under 72200  
section 4731.22 of the Revised Code. 72201

(C) The prosecutor in any case against any person holding a 72202  
valid license or certificate issued pursuant to this chapter, on 72203  
forms prescribed and provided by the state medical board, shall 72204  
notify the board of any of the following: 72205

(1) A plea of guilty to, a finding of guilt by a jury or 72206  
court of, or judicial finding of eligibility for intervention in 72207  
lieu of conviction for a felony, or a case in which the trial 72208  
court issues an order of dismissal upon technical or procedural 72209  
grounds of a felony charge; 72210

(2) A plea of guilty to, a finding of guilt by a jury or 72211  
court of, or judicial finding of eligibility for intervention in 72212  
lieu of conviction for a misdemeanor committed in the course of 72213  
practice, or a case in which the trial court issues an order of 72214  
dismissal upon technical or procedural grounds of a charge of a 72215  
misdemeanor, if the alleged act was committed in the course of 72216  
practice; 72217

(3) A plea of guilty to, a finding of guilt by a jury or 72218  
court of, or judicial finding of eligibility for intervention in 72219

lieu of conviction for a misdemeanor involving moral turpitude, or 72220  
a case in which the trial court issues an order of dismissal upon 72221  
technical or procedural grounds of a charge of a misdemeanor 72222  
involving moral turpitude. 72223

The report shall include the name and address of the license 72224  
or certificate holder, the nature of the offense for which the 72225  
action was taken, and the certified court documents recording the 72226  
action. 72227

**Sec. 4731.224.** (A) Within sixty days after the imposition of 72228  
any formal disciplinary action taken by any health care facility, 72229  
including a hospital, health care facility operated by a health 72230  
insuring corporation, ambulatory surgical center, or similar 72231  
facility, against any individual holding a valid license or 72232  
certificate to practice issued pursuant to this chapter, the chief 72233  
administrator or executive officer of the facility shall report to 72234  
the state medical board the name of the individual, the action 72235  
taken by the facility, and a summary of the underlying facts 72236  
leading to the action taken. Upon request, the board shall be 72237  
provided certified copies of the patient records that were the 72238  
basis for the facility's action. Prior to release to the board, 72239  
the summary shall be approved by the peer review committee that 72240  
reviewed the case or by the governing board of the facility. As 72241  
used in this division, "formal disciplinary action" means any 72242  
action resulting in the revocation, restriction, reduction, or 72243  
termination of clinical privileges for violations of professional 72244  
ethics, or for reasons of medical incompetence, medical 72245  
malpractice, or drug or alcohol abuse. "Formal disciplinary 72246  
action" includes a summary action, an action that takes effect 72247  
notwithstanding any appeal rights that may exist, and an action 72248  
that results in an individual surrendering clinical privileges 72249  
while under investigation and during proceedings regarding the 72250  
action being taken or in return for not being investigated or 72251

having proceedings held. "Formal disciplinary action" does not 72252  
include any action taken for the sole reason of failure to 72253  
maintain records on a timely basis or failure to attend staff or 72254  
section meetings. 72255

The filing or nonfiling of a report with the board, 72256  
investigation by the board, or any disciplinary action taken by 72257  
the board, shall not preclude any action by a health care facility 72258  
to suspend, restrict, or revoke the individual's clinical 72259  
privileges. 72260

In the absence of fraud or bad faith, no individual or entity 72261  
that provides patient records to the board shall be liable in 72262  
damages to any person as a result of providing the records. 72263

(B) If any individual authorized to practice under this 72264  
chapter or any professional association or society of such 72265  
individuals believes that a violation of any provision of this 72266  
chapter, Chapter 4730., 4760., 4762., 4774., or 4778. of the 72267  
Revised Code, or any rule of the board has occurred, the 72268  
individual, association, or society shall report to the board the 72269  
information upon which the belief is based. This division does not 72270  
require any treatment provider approved by the board under section 72271  
4731.25 of the Revised Code or any employee, agent, or 72272  
representative of such a provider to make reports with respect to 72273  
an impaired practitioner participating in treatment or aftercare 72274  
for substance abuse as long as the practitioner maintains 72275  
participation in accordance with the requirements of section 72276  
4731.25 of the Revised Code, and as long as the treatment provider 72277  
or employee, agent, or representative of the provider has no 72278  
reason to believe that the practitioner has violated any provision 72279  
of this chapter or any rule adopted under it, other than the 72280  
provisions of division (B)(26) of section 4731.22 of the Revised 72281  
Code. This division does not require reporting by any member of an 72282

impaired practitioner committee established by a health care 72283  
facility or by any representative or agent of a committee or 72284  
program sponsored by a professional association or society of 72285  
individuals authorized to practice under this chapter to provide 72286  
peer assistance to practitioners with substance abuse problems 72287  
with respect to a practitioner who has been referred for 72288  
examination to a treatment program approved by the board under 72289  
section 4731.25 of the Revised Code if the practitioner cooperates 72290  
with the referral for examination and with any determination that 72291  
the practitioner should enter treatment and as long as the 72292  
committee member, representative, or agent has no reason to 72293  
believe that the practitioner has ceased to participate in the 72294  
treatment program in accordance with section 4731.25 of the 72295  
Revised Code or has violated any provision of this chapter or any 72296  
rule adopted under it, other than the provisions of division 72297  
(B)(26) of section 4731.22 of the Revised Code. 72298

(C) Any professional association or society composed 72299  
primarily of doctors of medicine and surgery, doctors of 72300  
osteopathic medicine and surgery, doctors of podiatric medicine 72301  
and surgery, or practitioners of limited branches of medicine that 72302  
suspends or revokes an individual's membership for violations of 72303  
professional ethics, or for reasons of professional incompetence 72304  
or professional malpractice, within sixty days after a final 72305  
decision shall report to the board, on forms prescribed and 72306  
provided by the board, the name of the individual, the action 72307  
taken by the professional organization, and a summary of the 72308  
underlying facts leading to the action taken. 72309

The filing of a report with the board or decision not to file 72310  
a report, investigation by the board, or any disciplinary action 72311  
taken by the board, does not preclude a professional organization 72312  
from taking disciplinary action against an individual. 72313

(D) Any insurer providing professional liability insurance to 72314

an individual authorized to practice under this chapter, or any 72315  
other entity that seeks to indemnify the professional liability of 72316  
such an individual, shall notify the board within thirty days 72317  
after the final disposition of any written claim for damages where 72318  
such disposition results in a payment exceeding twenty-five 72319  
thousand dollars. The notice shall contain the following 72320  
information: 72321

(1) The name and address of the person submitting the 72322  
notification; 72323

(2) The name and address of the insured who is the subject of 72324  
the claim; 72325

(3) The name of the person filing the written claim; 72326

(4) The date of final disposition; 72327

(5) If applicable, the identity of the court in which the 72328  
final disposition of the claim took place. 72329

(E) The board may investigate possible violations of this 72330  
chapter or the rules adopted under it that are brought to its 72331  
attention as a result of the reporting requirements of this 72332  
section, except that the board shall conduct an investigation if a 72333  
possible violation involves repeated malpractice. As used in this 72334  
division, "repeated malpractice" means three or more claims for 72335  
medical malpractice within the previous five-year period, each 72336  
resulting in a judgment or settlement in excess of twenty-five 72337  
thousand dollars in favor of the claimant, and each involving 72338  
negligent conduct by the practicing individual. 72339

(F) All summaries, reports, and records received and 72340  
maintained by the board pursuant to this section shall be held in 72341  
confidence and shall not be subject to discovery or introduction 72342  
in evidence in any federal or state civil action involving a 72343  
health care professional or facility arising out of matters that 72344  
are the subject of the reporting required by this section. The 72345

board may use the information obtained only as the basis for an 72346  
investigation, as evidence in a disciplinary hearing against an 72347  
individual whose practice is regulated under this chapter, or in 72348  
any subsequent trial or appeal of a board action or order. 72349

The board may disclose the summaries and reports it receives 72350  
under this section only to health care facility committees within 72351  
or outside this state that are involved in credentialing or 72352  
recredentialing the individual or in reviewing the individual's 72353  
clinical privileges. The board shall indicate whether or not the 72354  
information has been verified. Information transmitted by the 72355  
board shall be subject to the same confidentiality provisions as 72356  
when maintained by the board. 72357

(G) Except for reports filed by an individual pursuant to 72358  
division (B) of this section, the board shall send a copy of any 72359  
reports or summaries it receives pursuant to this section to the 72360  
individual who is the subject of the reports or summaries. The 72361  
individual shall have the right to file a statement with the board 72362  
concerning the correctness or relevance of the information. The 72363  
statement shall at all times accompany that part of the record in 72364  
contention. 72365

(H) An individual or entity that, pursuant to this section, 72366  
reports to the board or refers an impaired practitioner to a 72367  
treatment provider approved by the board under section 4731.25 of 72368  
the Revised Code shall not be subject to suit for civil damages as 72369  
a result of the report, referral, or provision of the information. 72370

(I) In the absence of fraud or bad faith, no professional 72371  
association or society of individuals authorized to practice under 72372  
this chapter that sponsors a committee or program to provide peer 72373  
assistance to practitioners with substance abuse problems, no 72374  
representative or agent of such a committee or program, and no 72375  
member of the state medical board shall be held liable in damages 72376  
to any person by reason of actions taken to refer a practitioner 72377

to a treatment provider approved under section 4731.25 of the Revised Code for examination or treatment.

**Sec. 4731.225.** (A) If the holder of a license or certificate issued under this chapter violates division (A), (B), or (C) of section 4731.66 or section 4731.69 of the Revised Code, or if any other person violates division (B) or (C) of section 4731.66 or section 4731.69 of the Revised Code, the state medical board, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, shall:

(1) For a first violation, impose a civil penalty of not more than five thousand dollars;

(2) For each subsequent violation, impose a civil penalty of not more than twenty thousand dollars and, if the violator is a license or certificate holder, proceed under division (B)(27) of section 4731.22 of the Revised Code.

(B)(1) If the holder of a license or certificate issued under this chapter violates any section of this chapter other than section 4731.281 or 4731.282 of the Revised Code or the sections specified in division (A) of this section, or violates any rule adopted under this chapter, the board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, impose a civil penalty. The amount of the civil penalty shall be determined by the board in accordance with the guidelines adopted under division (B)(2) of this section. The civil penalty may be in addition to any other action the board may take under section 4731.22 of the Revised Code.

(2) The board shall adopt and may amend guidelines regarding the amounts of civil penalties to be imposed under this section. Adoption or amendment of the guidelines requires the approval of

not fewer than six board members. 72409

Under the guidelines, no civil penalty amount shall exceed 72410  
twenty thousand dollars. 72411

(C) Amounts received from payment of civil penalties imposed 72412  
under this section shall be deposited by the board in accordance 72413  
with section 4731.24 of the Revised Code. Amounts received from 72414  
payment of civil penalties imposed for violations of division 72415  
(B)(26) of section 4731.22 of the Revised Code shall be used by 72416  
the board solely for investigations, enforcement, and compliance 72417  
monitoring. 72418

**Sec. 4731.23.** (A)(1)(a) The state medical board shall 72419  
designate one or more attorneys at law who have been admitted to 72420  
the practice of law, and who are classified as either 72421  
administrative law attorney examiners or as administrative law 72422  
attorney examiner administrators under the state job 72423  
classification plan adopted under section 124.14 of the Revised 72424  
Code, as hearing examiners, subject to Chapter 119. of the Revised 72425  
Code, to conduct any hearing which the medical board is empowered 72426  
to hold or undertake pursuant to Chapter 119. of the Revised Code. 72427

(b) Notwithstanding the requirement of division (A)(1)(a) of 72428  
this section that the board designate as a hearing examiner an 72429  
attorney who is classified as either an administrative law 72430  
attorney examiner or an administrative law attorney examiner 72431  
administrator, the board may, subject to section 127.16 of the 72432  
Revised Code, enter into a personal service contract with an 72433  
attorney admitted to the practice of law in this state to serve on 72434  
a temporary basis as a hearing examiner. 72435

(2) The hearing examiner shall hear and consider the oral and 72436  
documented evidence introduced by the parties and issue in writing 72437  
proposed findings of fact and conclusions of law to the board for 72438  
their consideration within thirty days following the close of the 72439



hearing. 72440

(B) The board shall be given copies of the transcript of the 72441  
record hearing and all exhibits and documents presented by the 72442  
parties at the hearing. 72443

(C) The board shall, upon the favorable vote of three 72444  
members, allow the parties or their counsel the opportunity to 72445  
present oral arguments on the proposed findings of fact and 72446  
conclusions of law of the hearing examiner prior to the board's 72447  
final action. 72448

(D) The board shall render a decision and take action within 72449  
sixty days following the receipt of the hearing examiner's 72450  
proposed findings of fact and conclusions of law or within any 72451  
longer period mutually agreed upon by the board and the license or 72452  
certificate holder. 72453

(E) The final decision of the board in any hearing which the 72454  
board is empowered to undertake shall be in writing and contain 72455  
findings of fact and conclusions of law. Copies of the decision 72456  
shall be delivered to the parties personally or by certified mail. 72457  
The decision shall be final upon delivery or mailing, except that 72458  
the license or certificate holder may appeal in the manner 72459  
provided by Chapter 119. of the Revised Code. 72460

**Sec. 4731.26.** Upon application by the holder of a license or 72461  
certificate to practice issued under this chapter, the state 72462  
medical board shall issue a duplicate license or certificate to 72463  
replace one missing or damaged, to reflect a name change, or for 72464  
any other reasonable cause. The fee for a duplicate license or 72465  
certificate to practice shall be thirty-five dollars. 72466

**Sec. 4731.281.** (A)(1) Each person holding a ~~certificate~~ 72467  
license issued under this chapter to practice medicine and 72468  
surgery, osteopathic medicine and surgery, or podiatric medicine 72469

and surgery wishing to renew that ~~certificate~~ license shall apply 72470  
to the board for renewal. Applications shall be submitted to the 72471  
board in a manner prescribed by the board. Each application shall 72472  
be accompanied by a biennial renewal fee of three hundred five 72473  
dollars. Applications shall be submitted according to the 72474  
following schedule: 72475

(a) Persons whose last name begins with the letters "A" 72476  
through "B," on or before ~~April 1, 2001,~~ and the first day of 72477  
~~April~~ July of every odd-numbered year ~~thereafter;~~ 72478

(b) Persons whose last name begins with the letters "C" 72479  
through "D," on or before ~~January 1, 2001,~~ and the first day of 72480  
~~January~~ April of every odd-numbered year ~~thereafter;~~ 72481

(c) Persons whose last name begins with the letters "E" 72482  
through "G," on or before ~~October 1, 2000,~~ and the first day of 72483  
~~October~~ January of every ~~even-numbered~~ odd-numbered year 72484  
~~thereafter;~~ 72485

(d) Persons whose last name begins with the letters "H" 72486  
through "K," on or before ~~July 1, 2000,~~ and the first day of ~~July~~ 72487  
October of every even-numbered year ~~thereafter;~~ 72488

(e) Persons whose last name begins with the letters "L" 72489  
through "M," on or before ~~April 1, 2000,~~ and the first day of 72490  
~~April~~ July of every even-numbered year ~~thereafter;~~ 72491

(f) Persons whose last name begins with the letters "N" 72492  
through "R," on or before ~~January 1, 2000,~~ and the first day of 72493  
~~January~~ April of every even-numbered year ~~thereafter;~~ 72494

(g) Persons whose last name begins with the letter "S," on or 72495  
before ~~October 1, 1999,~~ and the first day of ~~October~~ January of 72496  
every ~~odd-numbered~~ even-numbered year ~~thereafter;~~ 72497

(h) Persons whose last name begins with the letters "T" 72498  
through "Z," on or before ~~July 1, 1999,~~ and the first day of ~~July~~ 72499

October of every odd-numbered year ~~thereafter.~~ 72500

The board shall deposit the fee in accordance with section 72501  
4731.24 of the Revised Code, except that the board shall deposit 72502  
twenty dollars of the fee into the state treasury to the credit of 72503  
the physician loan repayment fund created by section 3702.78 of 72504  
the Revised Code. 72505

(2) The board shall provide to every person holding a 72506  
~~certificate~~ license to practice medicine and surgery, osteopathic 72507  
medicine and surgery, or podiatric medicine and surgery, a renewal 72508  
notice or may provide the notice to the person through the 72509  
secretary of any recognized medical, osteopathic, or podiatric 72510  
society, ~~according to the following schedule:~~ 72511

~~(a) To persons whose last name begins with the letters "A" 72512  
through "B," on or before January 1, 2001, and the first day of 72513  
January of every odd numbered year thereafter;~~ 72514

~~(b) To persons whose last name begins with the letters "C" 72515  
through "D," on or before October 1, 2000, and the first day of 72516  
October of every even numbered year thereafter;~~ 72517

~~(c) To persons whose last name begins with the letters "E" 72518  
through "G," on or before July 1, 2000, and the first day of July 72519  
of every even numbered year thereafter;~~ 72520

~~(d) To persons whose last name begins with the letters "H" 72521  
through "K," on or before April 1, 2000, and the first day of 72522  
April of every even numbered year thereafter;~~ 72523

~~(e) To persons whose last name begins with the letters "L" 72524  
through "M," on or before January 1, 2000, and the first day of 72525  
January of every even numbered year thereafter;~~ 72526

~~(f) To persons whose last name begins with the letters "N" 72527  
through "R," on or before October 1, 1999, and the first day of 72528  
October of every odd numbered year thereafter;~~ 72529

~~(g) To persons whose last name begins with the letter "S," on or before July 1, 1999, and the first day of July of every odd numbered year thereafter;~~ 72530  
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~~(h) To persons whose last name begins with the letters "T" through "Z," on or before April 1, 1999, and the first day of April of every odd numbered year thereafter. The notice shall be provided to the person at least one month prior to the date on which the person's license expires.~~ 72533  
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(3) Failure of any person to receive a notice of renewal from the board shall not excuse the person from the requirements contained in this section. 72538  
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(4) The board's notice shall inform the applicant of the renewal procedure. The board shall provide the application for renewal in a form determined by the board. 72541  
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(5) The applicant shall provide in the application the applicant's full name; the applicant's residence address, business address, and electronic mail address; the number of the applicant's ~~certificate~~ license to practice; and any other information required by the board. 72544  
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(6)(a) Except as provided in division (A)(6)(b) of this section, in the case of an applicant who prescribes or personally furnishes opioid analgesics or benzodiazepines, as defined in section 3719.01 of the Revised Code, the applicant shall certify to the board whether the applicant has been granted access to the drug database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code. 72549  
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(b) The requirement in division (A)(6)(a) of this section does not apply if any of the following is the case: 72556  
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(i) The state board of pharmacy notifies the state medical board pursuant to section 4729.861 of the Revised Code that the applicant has been restricted from obtaining further information 72558  
72559  
72560

from the drug database. 72561

(ii) The state board of pharmacy no longer maintains the drug 72562  
database. 72563

(iii) The applicant does not practice medicine and surgery, 72564  
osteopathic medicine and surgery, or podiatric medicine and 72565  
surgery in this state. 72566

(c) If an applicant certifies to the state medical board that 72567  
the applicant has been granted access to the drug database and the 72568  
board finds through an audit or other means that the applicant has 72569  
not been granted access, the board may take action under section 72570  
4731.22 of the Revised Code. 72571

(7) The applicant shall ~~include with the application a list~~ 72572  
~~of the names and addresses of~~ indicate whether the applicant 72573  
currently collaborates, as that term is defined in section 4723.01 72574  
of the Revised Code, with any clinical nurse specialists, 72575  
certified nurse-midwives, or certified nurse practitioners ~~with~~ 72576  
~~whom the applicant is currently collaborating, as defined in~~ 72577  
~~section 4723.01 of the Revised Code.~~ 72578

(8) The applicant shall report any criminal offense to which 72579  
the applicant has pleaded guilty, of which the applicant has been 72580  
found guilty, or for which the applicant has been found eligible 72581  
for intervention in lieu of conviction, since last ~~filing~~ 72582  
submitting an application for a certificate license to practice or 72583  
renewal of a certificate license. 72584

(9) The applicant shall execute and deliver the application 72585  
to the board in a manner prescribed by the board. 72586

(B) The board shall renew a certificate license under this 72587  
chapter to practice medicine and surgery, osteopathic medicine and 72588  
surgery, or podiatric medicine and surgery upon application and 72589  
qualification therefor in accordance with this section. A renewal 72590  
shall be valid for a two-year period. 72591

(C) Failure of any ~~certificate~~ license holder to renew and 72592  
comply with this section shall operate automatically to suspend 72593  
the holder's ~~certificate~~ license to practice and if applicable, 72594  
the holder's certificate to recommend issued under section 4731.30 72595  
of the Revised Code. Continued practice after the suspension shall 72596  
be considered as practicing in violation of section 4731.41, 72597  
4731.43, or 4731.60 of the Revised Code. ~~If~~ 72598

If the ~~certificate~~ license has been suspended pursuant to 72599  
this division for two years or less, it may be reinstated. The 72600  
board shall reinstate a ~~certificate~~ license to practice suspended 72601  
for failure to renew upon an applicant's submission of a renewal 72602  
application, ~~the biennial renewal fee, and the applicable monetary~~ 72603  
~~penalty. The penalty for reinstatement shall be one~~ payment of a 72604  
reinstatement fee of four hundred five dollars. ~~If~~ 72605

If the ~~certificate~~ license has been suspended pursuant to 72606  
this division for more than two years, it may be restored. Subject 72607  
to section 4731.222 of the Revised Code, the board may restore a 72608  
~~certificate~~ license to practice suspended for failure to renew 72609  
upon an applicant's submission of a restoration application, ~~the~~ 72610  
~~biennial renewal fee, and the applicable monetary penalty~~ payment 72611  
of a restoration fee of five hundred five dollars, and compliance 72612  
with sections 4776.01 to 4776.04 of the Revised Code. The board 72613  
shall not restore to an applicant a ~~certificate~~ license to 72614  
practice unless the board, in its discretion, decides that the 72615  
results of the criminal records check do not make the applicant 72616  
ineligible for a ~~certificate~~ license issued pursuant to section 72617  
4731.14, or 4731.56, ~~or 4731.57~~ of the Revised Code. ~~The penalty~~ 72618  
~~for restoration shall be two hundred dollars. The board shall~~ 72619  
~~deposit the penalties in accordance with section 4731.24 of the~~ 72620  
~~Revised Code. Any renewal reinstatement or restoration of a~~ 72621  
~~certificate~~ license to practice under this section shall operate 72622  
automatically to renew the holder's certificate to recommend. 72623

~~(D) If an individual certifies completion of the number of hours and type of continuing medical education required to renew or reinstate a certificate to practice, and the board finds through the random samples it conducts under this section or through any other means that the individual did not complete the requisite continuing medical education, the board may impose a civil penalty of not more than five thousand dollars. The board's finding shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six members.~~

~~A civil penalty imposed under this division may be in addition to or in lieu of any other action the board may take under section 4731.22 of the Revised Code. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.~~

~~(E)~~ The state medical board may obtain information not protected by statutory or common law privilege from courts and other sources concerning malpractice claims against any person holding a certificate license to practice under this chapter or practicing as provided in section 4731.36 of the Revised Code.

~~(F)~~(E) Each mailing sent by the board under division (A)(2) of this section to a person holding a certificate license to practice medicine and surgery or osteopathic medicine and surgery shall inform the applicant of the reporting requirement established by division (H) of section 3701.79 of the Revised Code. At the discretion of the board, the information may be included on the application for renewal or on an accompanying page.

~~(G)~~(F) Each person holding a certificate license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery shall give notice to the board of any of the following changes a change in the license holder's

residence address, business address, or electronic mail address 72656  
not later than thirty days after the change occurs+ 72657

~~(1) A change in the certificate holder's residence address,~~ 72658  
~~business address, or electronic mail address;~~ 72659

~~(2) A change in the list provided under division (B)(7) of~~ 72660  
~~this section of names and addresses of the nurses with whom the~~ 72661  
~~certificate holder is collaborating.~~ 72662

**Sec. 4731.282.** (A)(1) Except as provided in division (D) of 72663  
this section, each person holding a certificate license to 72664  
practice medicine and surgery, osteopathic medicine and surgery, 72665  
or podiatric medicine and surgery issued by the state medical 72666  
board shall complete biennially not less than one hundred hours of 72667  
continuing medical education that has been approved by the board. 72668

(2) Each person holding a certificate license to practice 72669  
shall be given sufficient choice of continuing education programs 72670  
to ensure that the person has had a reasonable opportunity to 72671  
participate in continuing education programs that are relevant to 72672  
the person's medical practice in terms of subject matter and 72673  
level. 72674

(B) In determining whether a course, program, or activity 72675  
qualifies for credit as continuing medical education, the board 72676  
shall approve all of the following: 72677

(1) Continuing medical education completed by holders of 72678  
~~certificates~~ licenses to practice medicine and surgery that is 72679  
certified by the Ohio state medical association; 72680

(2) Continuing medical education completed by holders of 72681  
~~certificates~~ licenses to practice osteopathic medicine and surgery 72682  
that is certified by the Ohio osteopathic association; 72683

(3) Continuing medical education completed by holders of 72684  
~~certificates~~ licenses to practice podiatric medicine and surgery 72685



that is certified by the Ohio podiatric medical association. 72686

(C) The board shall approve one or more continuing medical 72687  
education courses of study included within the programs certified 72688  
by the Ohio state medical association and the Ohio osteopathic 72689  
association under divisions (B)(1) and (2) of this section that 72690  
assist doctors of medicine and doctors of osteopathic medicine in 72691  
both of the following: 72692

(1) Recognizing the signs of domestic violence and its 72693  
relationship to child abuse; 72694

(2) Diagnosing and treating chronic pain, as defined in 72695  
section 4731.052 of the Revised Code. 72696

(D) The board shall adopt rules providing for pro rata 72697  
reductions by month of the number of hours of continuing education 72698  
that must be completed for ~~certificate~~ license holders who are in 72699  
their first renewal period, have been disabled by illness or 72700  
accident, or have been absent from the country. The board shall 72701  
adopt the rules in accordance with Chapter 119. of the Revised 72702  
Code. 72703

(E) The board may require a random sample of holders of 72704  
~~certificates~~ licenses to practice medicine and surgery, 72705  
osteopathic medicine and surgery, or podiatric medicine and 72706  
surgery to submit materials documenting completion of the required 72707  
number of hours of continuing medical education. This division 72708  
does not limit the board's authority to conduct investigations 72709  
pursuant to section 4731.22 of the Revised Code. 72710

(F) ~~The board may impose a civil penalty of not more than~~ 72711  
~~five thousand dollars if (1) If,~~ through a random sample conducted 72712  
under division (E) of this section or any other means, ~~it~~ the 72713  
board finds that an individual ~~falsely~~ who certified ~~that the~~ 72714  
~~individual completed~~ completion of the number of hours and type of 72715  
continuing medical education required ~~for renewal of~~ to renew, 72716

~~reinstate, or restore a certificate license to practice. If the~~ 72717  
~~civil penalty is imposed in addition to any other action the board~~ 72718  
~~takes did not complete the requisite continuing medical education,~~ 72719  
~~the board may do either of the following:~~ 72720

~~(a) Take disciplinary action against the individual under~~ 72721  
~~section 4731.22 of the Revised Code, ~~the,~~ impose a civil penalty,~~ 72722  
~~or both;~~ 72723

~~(b) Permit the individual to agree in writing to complete the~~ 72724  
~~continuing medical education and pay a civil penalty.~~ 72725

~~(2) The board's finding in any disciplinary action taken~~ 72726  
~~under division (F)(1)(a) of this section shall be made pursuant to~~ 72727  
~~an adjudication under Chapter 119. of the Revised Code and by an~~ 72728  
~~affirmative vote of not fewer than six of its members.~~ 72729

~~(3) A civil penalty ~~imposed under this division may be in~~~~ 72730  
~~addition to or in lieu of any other action the board takes under~~ 72731  
~~section 4731.22 of the Revised Code. paid under division (F)(1)(b)~~ 72732  
~~of this section or imposed under division (F)(1)(a) of this~~ 72733  
~~section shall be in an amount specified by the board of not more~~ 72734  
~~than five thousand dollars. The board shall deposit civil~~ 72735  
~~penalties in accordance with section 4731.24 of the Revised Code.~~ 72736

**Sec. 4731.291.** (A) An individual seeking to pursue an 72737  
internship, residency, or clinical fellowship program in this 72738  
state, who does not hold a ~~certificate license~~ to practice 72739  
medicine and surgery or osteopathic medicine or surgery issued 72740  
under this chapter, shall apply to the state medical board for a 72741  
training certificate. The application shall be made on forms that 72742  
the board shall furnish and shall be accompanied by an application 72743  
fee of seventy-five dollars. 72744

An applicant for a training certificate shall furnish to the 72745  
board ~~of~~ all of the following: 72746

(1) Evidence satisfactory to the board that the applicant is at least eighteen years of age and is of good moral character. 72747  
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(2) Evidence satisfactory to the board that the applicant has been accepted or appointed to participate in this state in one of the following: 72749  
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(a) An internship or residency program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association; 72752  
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(b) A clinical fellowship program at an institution with a residency program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association that is in a clinical field the same as or related to the clinical field of the fellowship program; 72756  
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(3) Information identifying the beginning and ending dates of the period for which the applicant has been accepted or appointed to participate in the internship, residency, or clinical fellowship program; 72762  
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(4) Any other information that the board requires. 72766

(B) If no grounds for denying a license or certificate under section 4731.22 of the Revised Code apply, and the applicant meets the requirements of division (A) of this section, the board shall issue a training certificate to the applicant. The board shall not require an examination as a condition of receiving a training certificate. 72767  
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A training certificate issued pursuant to this section shall be valid only for the period of ~~one year~~ three years, but may in the discretion of the board and upon application duly made, be renewed annually ~~for a maximum of five~~ thereafter for up to two additional years. The fee for renewal of a training certificate 72773  
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shall be thirty-five dollars. 72778

The board shall maintain a register of all individuals who 72779  
hold training certificates. 72780

(C) The holder of a valid training certificate shall be 72781  
entitled to perform such acts as may be prescribed by or 72782  
incidental to the holder's internship, residency, or clinical 72783  
fellowship program, but the holder shall not be entitled otherwise 72784  
to engage in the practice of medicine and surgery or osteopathic 72785  
medicine and surgery in this state. The holder shall limit 72786  
activities under the certificate to the programs of the hospitals 72787  
or facilities for which the training certificate is issued. The 72788  
holder shall train only under the supervision of the physicians 72789  
responsible for supervision as part of the internship, residency, 72790  
or clinical fellowship program. A 72791

A training certificate may be revoked by the board upon 72792  
proof, satisfactory to the board, that the holder thereof has 72793  
engaged in practice in this state outside the scope of the 72794  
internship, residency, or clinical fellowship program for which 72795  
the training certificate has been issued, or upon proof, 72796  
satisfactory to the board, that the holder thereof has engaged in 72797  
unethical conduct or that there are grounds for action against the 72798  
holder under section 4731.22 of the Revised Code. 72799

(D) The board may adopt rules as the board finds necessary to 72800  
effect the purpose of this section. 72801

**Sec. 4731.292.** The state medical board may register, without 72802  
examination, persons who are not citizens of the United States, 72803  
but who hold the degree of doctor of medicine or the degree of 72804  
doctor of osteopathic medicine and surgery, for the purpose of 72805  
permitting such persons to practice in hospitals operated by the 72806  
state. Registration pursuant to this section permits practice of 72807  
medicine or osteopathic medicine and surgery in state operated 72808

institutions under the supervision of the medical staff of such 72809  
institution until the next scheduled examination ~~conducted~~ 72810  
~~prescribed~~ by the state medical board ~~under section 4731.13 of the~~ 72811  
~~Revised Code~~ in its rules. 72812

An applicant for a limited certificate to practice medicine 72813  
or osteopathic medicine and surgery shall furnish proof, 72814  
satisfactory to the board, that: 72815

(A) ~~He~~ The applicant has filed an application for 72816  
naturalization and that such application has not been rejected or 72817  
withdrawn, or if not yet eligible to file an application for 72818  
naturalization, ~~he~~ the applicant has filed a declaration of 72819  
intention to become a citizen of the United States in an 72820  
appropriate court of record. 72821

(B) ~~He~~ The applicant has successfully passed the educational 72822  
council for foreign medical graduates test. 72823

(C) ~~He~~ The applicant is at least eighteen years of age and of 72824  
good moral character. 72825

(D) ~~He~~ The applicant is a graduate of a medical or 72826  
osteopathic school or college which is reputable and in good 72827  
standing in the judgment of the board. 72828

(E) ~~He~~ The applicant will limit ~~his~~ the applicant's practice 72829  
and training within the physical confines of the institution for 72830  
which the limited certificate to practice is granted. 72831

(F) The medical staff of the institution for which the 72832  
limited certificate to practice is granted has approved in writing 72833  
~~his~~ the applicant's application for such certificate. 72834

(G) ~~He~~ The applicant will practice medicine or osteopathic 72835  
medicine and surgery only under the supervision of the attending 72836  
medical staff of the institution for which the limited certificate 72837  
is granted. 72838

(H) ~~He~~ The applicant has made application to take the state 72839  
medical board examination as provided by this section. 72840

Registration pursuant to this section shall be valid until 72841  
such time as the applicant takes the state medical board 72842  
examination. If the applicant passes the examination, ~~he~~ the 72843  
applicant shall then be granted a limited certificate to practice 72844  
medicine or osteopathic medicine and surgery. A holder of a 72845  
limited certificate to practice, upon completion of the requisite 72846  
training and upon receipt of ~~his~~ United States citizenship, shall 72847  
be entitled to receive an unlimited ~~certificate~~ license to 72848  
practice. 72849

A limited certificate to practice issued pursuant to this 72850  
section shall be valid for a period of one year only, but may be 72851  
renewed, in the discretion of the board and upon application duly 72852  
made, annually, with the written approval of the medical staff of 72853  
the institution for which the limited certificate to practice has 72854  
been issued, but no limited certificate shall be renewed more than 72855  
four times. The fee to be paid to the board for the issuances of 72856  
the pre-examination registration permit to engage in limited 72857  
practice shall be one hundred dollars; the fee to be paid for each 72858  
renewal of a limited certificate shall be ten dollars. 72859

An applicant for a limited certificate to practice must take 72860  
~~the an examination conducted under section 4731.13 of the Revised~~ 72861  
~~Code~~ prescribed by the board in its rules at the first reasonable 72862  
opportunity. Failure to take the examination at the first 72863  
reasonable opportunity authorizes the termination of the 72864  
pre-examination registration permit to engage in a limited 72865  
practice as defined in this section. 72866

The holder of a valid limited certificate to practice may 72867  
engage in the practice of medicine and surgery or osteopathic 72868  
medicine and surgery only under the supervision of a member of the 72869  
medical staff of the institution for which the limited certificate 72870

to practice has been issued, and only within physical confines of 72871  
the institution so named. A limited certificate to practice may be 72872  
revoked by the board upon proof, satisfactory to the board, that 72873  
the holder thereof has engaged in the practice of medicine and 72874  
surgery or osteopathic medicine and surgery in this state outside 72875  
the scope of ~~his~~ the holder's certificate, or upon proof that the 72876  
holder thereof has engaged in unethical conduct or has violated 72877  
section 4731.22 of the Revised Code. 72878

The board may promulgate such additional rules and 72879  
regulations as the board finds necessary to effect the purpose of 72880  
this section. 72881

**Sec. 4731.293.** (A) The state medical board may issue, without 72882  
examination, a clinical research faculty certificate to practice 72883  
medicine and surgery, osteopathic medicine and surgery, or 72884  
podiatric medicine and surgery to any person who applies for the 72885  
certificate and provides to the board all of the following: 72886

(1) Evidence satisfactory to the board of all of the 72887  
following: 72888

(a) That the applicant holds a current, unrestricted license 72889  
to practice medicine and surgery ~~or~~, osteopathic medicine and 72890  
surgery, or podiatric medicine and surgery issued by another state 72891  
or country; 72892

(b) That the applicant has been appointed to serve in this 72893  
state on the academic staff of a medical school accredited by the 72894  
liaison committee on medical education ~~or~~, an osteopathic medical 72895  
school accredited by the American osteopathic association, or a 72896  
college of podiatric medicine and surgery in good standing with 72897  
the board; 72898

(c) That the applicant is an international medical graduate 72899  
who holds a medical degree from an educational institution listed 72900

in the international medical education directory. 72901

(2) An affidavit and supporting documentation from the dean 72902  
of the ~~medical~~ school or college, or the department director or 72903  
chairperson of a teaching hospital affiliated with the school or 72904  
college, that the applicant is qualified to perform teaching and 72905  
research activities and will be permitted to work only under the 72906  
authority of the department director or chairperson of a teaching 72907  
hospital affiliated with the ~~medical~~ school or college where the 72908  
applicant's teaching and research activities will occur; 72909

(3) A description from the ~~medical~~ school, college, or 72910  
teaching hospital of the scope of practice in which the applicant 72911  
will be involved, including the types of teaching, research, and 72912  
procedures in which the applicant will be engaged; 72913

(4) A description from the ~~medical~~ school, college, or 72914  
teaching hospital of the type and amount of patient contact that 72915  
will occur in connection with the applicant's teaching and 72916  
research activities. 72917

(B) An applicant for an initial clinical research faculty 72918  
certificate shall pay a fee of three hundred seventy-five dollars. 72919

(C) The holder of a clinical research faculty certificate may 72920  
~~practice~~ do one of the following, as applicable: 72921

(1) Practice medicine and surgery or osteopathic medicine and 72922  
surgery only as is incidental to the certificate holder's teaching 72923  
or research duties at the medical school or a teaching hospital 72924  
affiliated with the school; 72925

(2) Practice podiatric medicine and surgery only as is 72926  
incidental to the certificate holder's teaching or research duties 72927  
at the college of podiatric medicine and surgery or a teaching 72928  
hospital affiliated with the college. The 72929

(D) The board may revoke a certificate on receiving proof 72930



satisfactory to the board that the certificate holder has engaged 72931  
in practice in this state outside the scope of the certificate or 72932  
that there are grounds for action against the certificate holder 72933  
under section 4731.22 of the Revised Code. 72934

~~(D)~~(E) A clinical research faculty certificate is valid for 72935  
three years, except that the certificate ceases to be valid if the 72936  
holder's academic staff appointment ~~to the academic staff of the~~ 72937  
~~school~~ described in division (A)(1)(b) of this section is no 72938  
longer valid or the certificate is revoked pursuant to division 72939  
~~(C)~~(D) of this section. 72940

~~(E)~~(F)(1) ~~Three months before a clinical research faculty~~ 72941  
~~certificate expires, the~~ The board shall ~~mail or cause to be~~ 72942  
~~mailed~~ provide a renewal notice to the certificate holder ~~a notice~~ 72943  
~~of renewal addressed to the certificate holder's last known~~ 72944  
~~address~~ at least one month before the certificate expires. Failure 72945  
of a certificate holder to receive a notice of renewal from the 72946  
board shall not excuse the certificate holder from the 72947  
requirements contained in this section. The notice shall inform 72948  
the certificate holder of the renewal procedure. The notice also 72949  
shall inform the certificate holder of the reporting requirement 72950  
established by division (H) of section 3701.79 of the Revised 72951  
Code. At the discretion of the board, the information may be 72952  
included on the application for renewal or on an accompanying 72953  
page. 72954

(2) A clinical research faculty certificate may be renewed 72955  
for an additional three-year period. There is no limit on the 72956  
number of times a certificate may be renewed. A person seeking 72957  
renewal of a certificate shall apply to the board. The board shall 72958  
provide the application for renewal in a form determined by the 72959  
board. 72960

(3) An applicant is eligible for renewal if the applicant 72961  
does all of the following: 72962

- (a) Pays a renewal fee of three hundred seventy-five dollars; 72963
- (b) Reports any criminal offense to which the applicant has 72964  
pleaded guilty, of which the applicant has been found guilty, or 72965  
for which the applicant has been found eligible for intervention 72966  
in lieu of conviction, since last filing an application for a 72967  
clinical research faculty certificate; 72968
- (c) Provides to the board an affidavit and supporting 72969  
documentation from the dean of the ~~medical~~ school or college, or 72970  
the department director or chairperson of a teaching hospital 72971  
affiliated with the school or college, that the applicant is in 72972  
compliance with the applicant's current clinical research faculty 72973  
certificate; 72974
- (d) Provides evidence satisfactory to the board of all of the 72975  
following: 72976
- (i) That the applicant continues to maintain a current, 72977  
unrestricted license to practice medicine and surgery ~~or~~, 72978  
osteopathic medicine and surgery, or podiatric medicine and 72979  
surgery issued by another state or country; 72980
- (ii) That the applicant's initial appointment to serve in 72981  
this state on the academic staff of a ~~medical~~ school or college is 72982  
still valid or has been renewed; 72983
- (iii) That the applicant has completed one hundred fifty 72984  
hours of continuing medical education that meet the requirements 72985  
set forth in section 4731.282 of the Revised Code. 72986
- (4) Regardless of whether the certificate has expired, a 72987  
person who was granted a visiting medical faculty certificate 72988  
under this section as it existed immediately prior to June 6, 72989  
2012, may apply for a clinical research faculty certificate as a 72990  
renewal. The board may issue the clinical research faculty 72991  
certificate if the applicant meets the requirements of division 72992  
~~(E)~~(F)(3) of this section. The board may not issue a clinical 72993

research faculty certificate if the visiting medical faculty certificate was revoked. 72994  
72995

~~(F)~~(G) The board shall maintain a register of all persons who hold clinical research faculty certificates. 72996  
72997

~~(G)~~(H) The board may adopt any rules it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 72998  
72999  
73000

**Sec. 4731.294.** (A) The state medical board may issue, without examination, a special activity certificate to any person seeking to practice medicine and surgery or osteopathic medicine and surgery in conjunction with a special activity, program, or event taking place in this state. 73001  
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73005

(B) An applicant for a special activity certificate shall hold a telemedicine certificate issued under section 4731.296 of the Revised Code or submit evidence satisfactory to the board of all of the following: 73006  
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73008  
73009

(1) The applicant holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state or country and that within the two-year period immediately preceding application, the applicant has done one of the following: 73010  
73011  
73012  
73013  
73014

(a) Actively practiced medicine and surgery or osteopathic medicine and surgery in the United States; 73015  
73016

(b) Participated in a graduate medical education program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association; 73017  
73018  
73019  
73020

(c) Successfully passed the federation licensing examination established by the federation of state medical boards, a special examination established by the federation of state medical boards, 73021  
73022  
73023

or all parts of a standard medical licensing examination 73024  
established for purposes of determining the competence of 73025  
individuals to practice medicine and surgery or osteopathic 73026  
medicine and surgery in the United States. 73027

(2) The applicant meets the same educational requirements 73028  
that individuals must meet under sections 4731.09, ~~4731.091~~, and 73029  
4731.14 of the Revised Code. 73030

(3) The applicant's practice in conjunction with the special 73031  
activity, program, or event will be in the public interest. 73032

(C) The applicant shall pay a fee of one hundred twenty-five 73033  
dollars unless the applicant holds a telemedicine certificate 73034  
issued under section 4731.296 of the Revised Code. If the 73035  
applicant holds a telemedicine certificate, the board shall not 73036  
charge a fee for issuing a certificate under this section. The 73037  
board shall maintain a register of all persons who hold a special 73038  
activity certificate. 73039

(D) The holder of a special activity certificate may practice 73040  
medicine and surgery or osteopathic medicine and surgery only in 73041  
conjunction with the special activity, event, or program for which 73042  
the certificate is issued. The board may revoke a certificate on 73043  
receiving proof satisfactory to the board that the holder of the 73044  
certificate has engaged in practice in this state outside the 73045  
scope of the certificate or that there are grounds for action 73046  
against the certificate holder under section 4731.22 of the 73047  
Revised Code. 73048

(E) A special activity certificate is valid for the shorter 73049  
of thirty days or the duration of the special activity, program, 73050  
or event. The certificate may not be renewed. 73051

(F) The state medical board shall adopt rules in accordance 73052  
with Chapter 119. of the Revised Code that specify how often an 73053  
applicant may be granted a certificate under this section. 73054

**Sec. 4731.295.** (A)(1) As used in this section: 73055

(a) "Free clinic" has the same meaning as in section 3701.071 73056  
of the Revised Code. 73057

(b) "Indigent and uninsured person" and "operation" have the 73058  
same meanings as in section 2305.234 of the Revised Code. 73059

(2) For the purposes of this section, a person shall be 73060  
considered retired from practice if the person's license ~~or~~ 73061  
~~certificate~~ has expired with the person's intention of ceasing to 73062  
practice medicine and surgery or osteopathic medicine and surgery 73063  
for remuneration. 73064

(B) The state medical board may issue, without examination, a 73065  
volunteer's certificate to a person who is retired from practice 73066  
so that the person may provide medical services to indigent and 73067  
uninsured persons at any location, including a free clinic. The 73068  
board shall deny issuance of a volunteer's certificate to a person 73069  
who is not qualified under this section to hold a volunteer's 73070  
certificate. 73071

(C) An application for a volunteer's certificate shall 73072  
include all of the following: 73073

(1) A copy of the applicant's degree of medicine or 73074  
osteopathic medicine. 73075

(2) One of the following, as applicable: 73076

(a) A copy of the applicant's most recent license ~~or~~ 73077  
~~certificate~~ authorizing the practice of medicine and surgery or 73078  
osteopathic medicine and surgery issued by a jurisdiction in the 73079  
United States that licenses persons to practice medicine and 73080  
surgery or osteopathic medicine and surgery. 73081

(b) A copy of the applicant's most recent license equivalent 73082  
to a license to practice medicine and surgery or osteopathic 73083  
medicine and surgery in one or more branches of the United States 73084

armed services that the United States government issued. 73085

(3) Evidence of one of the following, as applicable: 73086

(a) That the applicant has maintained for at least ten years 73087  
prior to retirement full licensure in good standing in any 73088  
jurisdiction in the United States that licenses persons to 73089  
practice medicine and surgery or osteopathic medicine and surgery. 73090

(b) That the applicant has practiced for at least ten years 73091  
prior to retirement in good standing as a doctor of medicine and 73092  
surgery or osteopathic medicine and surgery in one or more of the 73093  
branches of the United States armed services. 73094

(4) A notarized statement from the applicant, on a form 73095  
prescribed by the board, that the applicant will not accept any 73096  
form of remuneration for any medical services rendered while in 73097  
possession of a volunteer's certificate. 73098

(D) The holder of a volunteer's certificate may provide 73099  
medical services only to indigent and uninsured persons, but may 73100  
do so at any location, including a free clinic. The holder shall 73101  
not accept any form of remuneration for providing medical services 73102  
while in possession of the certificate. Except in a medical 73103  
emergency, the holder shall not perform any operation or deliver 73104  
babies. The board may revoke a volunteer's certificate on 73105  
receiving proof satisfactory to the board that the holder has 73106  
engaged in practice in this state outside the scope of the 73107  
certificate. 73108

(E)(1) A volunteer's certificate shall be valid for a period 73109  
of three years, unless earlier revoked under division (D) of this 73110  
section or pursuant to section 4731.22 of the Revised Code. A 73111  
volunteer's certificate may be renewed upon the application of the 73112  
holder. The board shall maintain a register of all persons who 73113  
hold volunteer's certificates. The board shall not charge a fee 73114  
for issuing or renewing a certificate pursuant to this section. 73115

(2) To be eligible for renewal of a volunteer's certificate 73116  
the holder of the certificate shall certify to the board 73117  
completion of one hundred fifty hours of continuing medical 73118  
education that meets the requirements of section 4731.282 of the 73119  
Revised Code regarding certification by private associations and 73120  
approval by the board. The board may not renew a certificate if 73121  
the holder has not complied with the continuing medical education 73122  
requirements. Any entity for which the holder provides medical 73123  
services may pay for or reimburse the holder for any costs 73124  
incurred in obtaining the required continuing medical education 73125  
credits. 73126

(3) The board shall issue a volunteer's certificate to each 73127  
person who qualifies under this section for the certificate. The 73128  
certificate shall state that the certificate holder is authorized 73129  
to provide medical services pursuant to the laws of this state. 73130  
The holder shall display the certificate prominently at the 73131  
location where the holder primarily practices. 73132

(4) The holder of a volunteer's certificate issued pursuant 73133  
to this section is subject to the immunity provisions regarding 73134  
the provision of services to indigent and uninsured persons in 73135  
section 2305.234 of the Revised Code. 73136

(F) The board shall adopt rules in accordance with Chapter 73137  
119. of the Revised Code to administer and enforce this section. 73138

**Sec. 4731.296.** (A) For the purposes of this section, "the 73139  
practice of telemedicine" means the practice of medicine in this 73140  
state through the use of any communication, including oral, 73141  
written, or electronic communication, by a physician located 73142  
outside this state. 73143

(B) A person who wishes to practice telemedicine in this 73144  
state shall file an application with the state medical board, 73145  
together with a fee ~~in the amount of the fee described in division~~ 73146

~~(D) of section 4731.29 of the Revised Code~~ three hundred five 73147  
dollars and shall comply with sections 4776.01 to 4776.04 of the 73148  
Revised Code. If the board, in its discretion, decides that the 73149  
results of the criminal records check do not make the person 73150  
ineligible for a telemedicine certificate, the board may issue, 73151  
without examination, a telemedicine certificate to a person who 73152  
meets all of the following requirements: 73153

(1) The person holds a current, unrestricted license to 73154  
practice medicine and surgery or osteopathic medicine and surgery 73155  
issued by another state that requires license holders to complete 73156  
at least fifty hours of continuing medical education every two 73157  
years. 73158

(2) The person's principal place of practice is in that 73159  
state. 73160

(3) The person does not hold a ~~certificate~~ license issued 73161  
under this chapter authorizing the practice of medicine and 73162  
surgery or osteopathic medicine and surgery in this state. 73163

(4) The person meets the same age, moral character, and 73164  
educational requirements individuals must meet under sections 73165  
~~4731.08, 4731.09, 4731.091,~~ and 4731.14 of the Revised Code and, 73166  
if applicable, demonstrates proficiency in spoken English in 73167  
accordance with ~~division (E) of section 4731.29~~ 4731.142 of the 73168  
Revised Code. 73169

(C) The holder of a telemedicine certificate may engage in 73170  
the practice of telemedicine in this state. A person holding a 73171  
telemedicine certificate shall not practice medicine in person in 73172  
this state without obtaining a special activity certificate under 73173  
section 4731.294 of the Revised Code. 73174

(D) The board may revoke a certificate issued under this 73175  
section or take other disciplinary action against a certificate 73176  
holder pursuant to section 4731.22 of the Revised Code on 73177



receiving proof satisfactory to the board that the certificate 73178  
holder has engaged in practice in this state outside the scope of 73179  
the certificate or that there are grounds for action against the 73180  
holder under section 4731.22 of the Revised Code. 73181

(E) A telemedicine certificate shall be valid for a period 73182  
specified by the board, and the initial renewal shall be in 73183  
accordance with a schedule established by the board. Thereafter, 73184  
the certificate shall be valid for two years. A certificate may be 73185  
renewed on application of the holder. 73186

To be eligible for renewal, the holder of the certificate 73187  
shall do both of the following: 73188

(1) Pay a fee in the amount of the fee described in division 73189  
(A)(1) of section 4731.281 of the Revised Code; 73190

(2) Certify to the board compliance with the continuing 73191  
medical education requirements of the state in which the holder's 73192  
principal place of practice is located. 73193

The board may require a random sample of persons holding a 73194  
telemedicine certificate to submit materials documenting 73195  
completion of the continuing medical education requirements 73196  
described in this division. 73197

(F) The board shall convert a telemedicine certificate to a 73198  
~~certificate~~ license issued under section ~~4731.29~~ 4731.14 of the 73199  
Revised Code on receipt of a written request from the certificate 73200  
holder. Once the telemedicine certificate is converted, the holder 73201  
is subject to all requirements and privileges attendant to a 73202  
~~certificate~~ license issued under section ~~4731.29~~ 4731.14 of the 73203  
Revised Code, including continuing medical education requirements. 73204

**Sec. 4731.298.** (A) The state medical board shall issue, 73205  
without examination, to an applicant who meets the requirements of 73206  
this section a visiting clinical professional development 73207

certificate authorizing the practice of medicine and surgery or 73208  
osteopathic medicine and surgery as part of the applicant's 73209  
participation in a clinical professional development program. 73210

(B) To be eligible for a visiting clinical professional 73211  
development certificate, an applicant shall provide to the board 73212  
both of the following: 73213

(1) Documentation satisfactory to the board of all of the 73214  
following: 73215

(a) Verification from the school or hospital conducting the 73216  
program that the applicant has sufficient financial resources to 73217  
support the applicant and any dependents based on the cost of 73218  
living in the geographic area of the school or hospital conducting 73219  
the program, including room, board, transportation, and related 73220  
living expenses; 73221

(b) Valid health and evacuation insurance for the duration of 73222  
the applicant's stay in the United States; 73223

(c) Professional liability insurance provided by the program 73224  
or the school or hospital conducting the program for the duration 73225  
of the applicant's participation in the program; 73226

(d) Proficiency in spoken English as demonstrated by passing 73227  
the examination described in section 4731.142 of the Revised Code; 73228

(e) A description from the school or hospital conducting the 73229  
program of the scope of medical or surgical activities permitted 73230  
during the applicant's participation in the program that includes 73231  
all of the following: 73232

(i) The type of practice in which the applicant will be 73233  
involved; 73234

(ii) The type of patient contact that will occur; 73235

(iii) The type of supervision the applicant will experience; 73236

(iv) A list of procedures the applicant will learn; 73237

(v) A list of any patient-based research projects in which the applicant will be involved;	73238 73239
(vi) Whether the applicant will act as a consultant to a person who holds a <del>certificate</del> <u>license</u> to practice medicine and surgery or osteopathic medicine and surgery issued under this chapter;	73240 73241 73242 73243
(vii) Any other details of the applicant's participation in the program.	73244 73245
(f) A statement from the school or hospital conducting the program regarding why the applicant needs advanced training and the benefits to the applicant's home country of the applicant receiving the training.	73246 73247 73248 73249
(2) Evidence satisfactory to the board that the applicant meets all of the following requirements:	73250 73251
(a) Has been accepted for participation in a clinical professional development program of a medical school or osteopathic medical school in this state that is accredited by the liaison committee on medical education or the American osteopathic association or of a teaching hospital affiliated with such a medical school;	73252 73253 73254 73255 73256 73257
(b) Is an international medical graduate who holds a medical degree from an educational institution listed in the international medical education directory;	73258 73259 73260
(c) Has practiced medicine and surgery or osteopathic medicine and surgery for at least five years after completing graduate medical education, including postgraduate residency and advanced training;	73261 73262 73263 73264
(d) Has credentials that are primary-source verified by the educational commission for foreign medical graduates or the federation credentials verification service;	73265 73266 73267

(e) Holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued in another country;	73268 73269 73270
(f) Agrees to comply with all state and federal laws regarding health, health care, and patient privacy;	73271 73272
(g) Agrees to return to the applicant's home state or country at the conclusion of the clinical professional development program.	73273 73274 73275
(C) The applicant shall pay a fee of three hundred seventy-five dollars. The board shall maintain a register of all persons who hold visiting clinical professional development certificates.	73276 73277 73278 73279
(D) The holder of a visiting clinical professional development certificate may practice medicine and surgery or osteopathic medicine and surgery only as part of the clinical professional development program in which the certificate holder participates. The certificate holder's practice must be under the direct supervision of a qualified faculty member of the medical school, osteopathic medical school, or teaching hospital conducting the program who holds a <del>certificate</del> <u>license</u> to practice medicine and surgery or osteopathic medicine and surgery issued under this chapter.	73280 73281 73282 73283 73284 73285 73286 73287 73288 73289
The program in which the certificate holder participates shall ensure that the certificate holder does not do any of the following:	73290 73291 73292
(1) Write orders or prescribe medication;	73293
(2) Bill for services performed;	73294
(3) Occupy a residency or fellowship position approved by the accreditation council for graduate medical education;	73295 73296
(4) Attempt to have participation in a clinical professional	73297

development program pursuant to this section counted toward 73298  
meeting the graduate medical education requirements specified in 73299  
section ~~4731.091~~ 4731.09 of the Revised Code. 73300

(E) The board may revoke a certificate issued under this 73301  
section on receiving proof satisfactory to the board that the 73302  
certificate holder has engaged in practice in this state outside 73303  
the scope of the certificate or that there are grounds for action 73304  
against the certificate holder under section 4731.22 of the 73305  
Revised Code. 73306

(F) A visiting clinical professional development certificate 73307  
is valid for the shorter of one year or the duration of the 73308  
program in which the holder is participating. The certificate 73309  
ceases to be valid if the holder resigns or is otherwise 73310  
terminated from the program. The certificate may not be extended. 73311

(G) The program in which a certificate holder participates 73312  
shall obtain from each patient or patient's parent or legal 73313  
guardian written consent to any medical or surgical procedure or 73314  
course of procedures in which the certificate holder participates. 73315

(H) The board may adopt any rules it considers necessary to 73316  
implement this section. The rules shall be adopted in accordance 73317  
with Chapter 119. of the Revised Code. 73318

**Sec. 4731.299.** (A) The state medical board may issue, without 73319  
examination, to an applicant who meets all of the requirements of 73320  
this section an expedited ~~certificate~~ license to practice medicine 73321  
and surgery or osteopathic medicine and surgery by endorsement. 73322

(B) An individual who seeks an expedited ~~certificate to~~ 73324  
~~practice medicine and surgery or osteopathic medicine and surgery~~ 73325  
license by endorsement shall file with the board a written 73326  
application on a form prescribed and supplied by the board. The 73327

application shall include all of the information the board 73328  
considers necessary to process it. 73329

(C) To be eligible to receive an expedited ~~certificate~~ 73330  
license by endorsement, an applicant shall do both of the 73331  
following: 73332

(1) Provide evidence satisfactory to the board that the 73333  
applicant meets all of the following requirements: 73334

(a) Has passed one of the following: 73335

(i) Steps one, two, and three of the United States medical 73336  
licensing examination; 73337

(ii) Levels one, two, and three of the comprehensive 73338  
osteopathic medical licensing examination of the United States; 73339

(iii) Any other medical licensing examination recognized by 73340  
the board. 73341

(b) For at least five years immediately preceding the date of 73342  
application, has held a current, unrestricted license to practice 73343  
medicine and surgery or osteopathic medicine and surgery issued by 73344  
the licensing authority of another state or a Canadian province; 73345

(c) For at least two years immediately preceding the date of 73346  
application, has actively practiced medicine and surgery or 73347  
osteopathic medicine and surgery in a clinical setting; 73348

(d) Is in compliance with the medical education and training 73349  
requirements in sections ~~4731.091~~ 4731.09 and 4731.14 of the 73350  
Revised Code. 73351

(2) Certify to the board that all of the following are the 73352  
case: 73353

(a) Not more than two malpractice claims have been filed 73354  
against the applicant within a period of ten years and no 73355  
malpractice claim against the applicant has resulted in total 73356  
payment of more than five hundred thousand dollars. 73357

(b) The applicant does not have a criminal record according 73358  
to the criminal records check required by section ~~4731.081~~ 4731.08 73359  
of the Revised Code. 73360

(c) The applicant does not have a medical condition that 73361  
could affect the applicant's ability to practice according to 73362  
acceptable and prevailing standards of care. 73363

(d) No adverse action has been taken against the applicant by 73364  
a health care institution. 73365

(e) To the applicant's knowledge, no federal agency, medical 73366  
society, medical association, or branch of the United States 73367  
military has investigated or taken action against the applicant. 73368

(f) No professional licensing or regulatory authority has 73369  
filed a complaint against, investigated, or taken action against 73370  
the applicant and the applicant has not withdrawn a professional 73371  
license application. 73372

(g) The applicant has not been suspended or expelled from any 73373  
institution of higher education or school, including a medical 73374  
school. 73375

(D) An applicant for an expedited ~~certificate~~ license by 73376  
endorsement shall comply with section ~~4731.081~~ 4731.08 of the 73377  
Revised Code. 73378

(E) At the time of application, the applicant shall pay to 73379  
the board a fee of one thousand dollars, no part of which shall be 73380  
returned. No application shall be considered filed until the board 73381  
receives the fee. 73382

(F) The secretary and supervising member of the board shall 73383  
review all applications received under this section. 73384

If the secretary and supervising member determine that an 73385  
applicant meets the requirements for an expedited ~~certificate to~~ 73386  
~~practice medicine and surgery or osteopathic medicine and surgery~~ 73387

license by endorsement, the board shall issue the ~~certificate~~ 73388  
license to the applicant. 73389

If the secretary and supervising member determine that an 73390  
applicant does not meet the requirements for an expedited 73391  
~~certificate to practice medicine and surgery or osteopathic~~ 73392  
~~medicine and surgery~~ license by endorsement, the application shall 73393  
be treated as an application under section ~~4731.08~~ 4731.09 of the 73394  
Revised Code. 73395

(G) Each ~~certificate~~ license issued by the board under this 73396  
section shall be signed by the president and secretary of the 73397  
board and attested by the board's seal. 73398

(H) Within sixty days after September 29, 2013, the board 73399  
shall approve acceptable means of demonstrating compliance with 73400  
sections ~~4731.091~~ 4731.09 and 4731.14 of the Revised Code as 73401  
required by division (C)(1)(d) of this section. 73402

**Sec. 4731.341.** (A) The practice of medicine in all of its 73403  
branches or the treatment of human ailments without the use of 73404  
drugs or medicines and without operative surgery by any person not 73405  
at that time holding a valid and current license or certificate as 73406  
provided by Chapter 4723., 4725., or 4731. of the Revised Code is 73407  
hereby declared to be inimical to the public welfare and to 73408  
constitute a public nuisance. 73409

(B) The attorney general, the prosecuting attorney of any 73410  
county in which the offense was committed or the offender resides, 73411  
the state medical board, or any other person having knowledge of a 73412  
person who either directly or by complicity is in violation of 73413  
division (A) of this section, may on or after January 1, 1969, in 73414  
accord with provisions of the Revised Code governing injunctions, 73415  
maintain an action in the name of the state to enjoin any person 73416  
from engaging either directly or by complicity in the unlawful 73417  
activity by applying for an injunction in the Franklin county 73418



court of common pleas or any other court of competent jurisdiction. 73419  
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Prior to application for such injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful activity by registered mail that the secretary has received information indicating that this person is so engaged. Said person shall answer the secretary within thirty days showing either that the person is ~~either~~ properly licensed or certified for the stated activity or that the person is not in violation of Chapter 4723. or 4731. of the Revised Code. If the answer is not forthcoming within thirty days after notice by the secretary, the secretary shall request that the attorney general, the prosecuting attorney of the county in which the offense was committed or the offender resides, or the state medical board proceed as authorized in this section. 73421  
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Upon the filing of a verified petition in court, the court shall conduct a hearing on the petition and shall give the same preference to this proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the calendar of the court. 73435  
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Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in Chapters 4723. and 4731. of the Revised Code. 73440  
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**Sec. 4731.36.** (A) Sections 4731.01 to 4731.47 of the Revised Code shall not prohibit service in case of emergency, domestic administration of family remedies, or provision of assistance to another individual who is self-administering drugs. 73443  
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Sections 4731.01 to 4731.47 of the Revised Code shall not apply to any of the following: 73447  
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(1) A commissioned medical officer of the armed forces of the United States or an employee of the veterans administration of the United States or the United States public health service in the discharge of the officer's or employee's professional duties;

(2) A dentist authorized under Chapter 4715. of the Revised Code to practice dentistry when engaged exclusively in the practice of dentistry or when administering anesthetics in the practice of dentistry;

(3) A physician or surgeon in another state or territory who is a legal practitioner of medicine or surgery therein when providing consultation to an individual holding a ~~certificate~~ license to practice issued under this chapter who is responsible for the examination, diagnosis, and treatment of the patient who is the subject of the consultation, if one of the following applies:

(a) The physician or surgeon does not provide consultation in this state on a regular or frequent basis.

(b) The physician or surgeon provides the consultation without compensation of any kind, direct or indirect, for the consultation.

(c) The consultation is part of the curriculum of a medical school or osteopathic medical school of this state or a program described in division (A)(2) of section 4731.291 of the Revised Code.

(4) A physician or surgeon in another state or territory who is a legal practitioner of medicine or surgery therein and provided services to a patient in that state or territory, when providing, not later than one year after the last date services were provided in another state or territory, follow-up services in person or through the use of any communication, including oral, written, or electronic communication, in this state to the patient

for the same condition; 73480

(5) A physician or surgeon residing on the border of a 73481  
contiguous state and authorized under the laws thereof to practice 73482  
medicine and surgery therein, whose practice extends within the 73483  
limits of this state. Such practitioner shall not either in person 73484  
or through the use of any communication, including oral, written, 73485  
or electronic communication, open an office or appoint a place to 73486  
see patients or receive calls within the limits of this state. 73487

(6) A board, committee, or corporation engaged in the conduct 73488  
described in division (A) of section 2305.251 of the Revised Code 73489  
when acting within the scope of the functions of the board, 73490  
committee, or corporation; 73491

(7) The conduct of an independent review organization 73492  
accredited by the superintendent of insurance under section 73493  
3922.13 of the Revised Code for the purpose of external reviews 73494  
conducted under Chapter 3922. of the Revised Code. 73495

As used in division (A)(1) of this section, "armed forces of 73496  
the United States" means the army, air force, navy, marine corps, 73497  
coast guard, and any other military service branch that is 73498  
designated by congress as a part of the armed forces of the United 73499  
States. 73500

(B)(1) Subject to division (B)(2) of this section, this 73501  
chapter does not apply to a person who holds a current, 73502  
unrestricted license to practice medicine and surgery or 73503  
osteopathic medicine and surgery in another state when the person, 73504  
pursuant to a written agreement with an athletic team located in 73505  
the state in which the person holds the license, provides medical 73506  
services to any of the following while the team is traveling to or 73507  
from or participating in a sporting event in this state: 73508

(a) A member of the athletic team; 73509

(b) A member of the athletic team's coaching, communications, 73510

equipment, or sports medicine staff; 73511

(c) A member of a band or cheerleading squad accompanying the athletic team; 73512  
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(d) The athletic team's mascot. 73514

(2) In providing medical services pursuant to division (B)(1) of this section, the person shall not provide medical services at a health care facility, including a hospital, an ambulatory surgical facility, or any other facility in which medical care, diagnosis, or treatment is provided on an inpatient or outpatient basis. 73515  
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(C) Sections 4731.51 to 4731.61 of the Revised Code do not apply to any graduate of a podiatric school or college while performing those acts that may be prescribed by or incidental to participation in an accredited podiatric internship, residency, or fellowship program situated in this state approved by the state medical board. 73521  
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(D) This chapter does not apply to an oriental medicine practitioner or acupuncturist who complies with Chapter 4762. of the Revised Code. 73527  
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(E) This chapter does not prohibit the administration of drugs by any of the following: 73530  
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(1) An individual who is licensed or otherwise specifically authorized by the Revised Code to administer drugs; 73532  
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(2) An individual who is not licensed or otherwise specifically authorized by the Revised Code to administer drugs, but is acting pursuant to the rules for delegation of medical tasks adopted under section 4731.053 of the Revised Code; 73534  
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(3) An individual specifically authorized to administer drugs pursuant to a rule adopted under the Revised Code that is in effect on April 10, 2001, as long as the rule remains in effect, 73538  
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specifically authorizing an individual to administer drugs. 73541

(F) The exemptions described in divisions (A)(3), (4), and 73542  
(5) of this section do not apply to a physician or surgeon whose 73543  
~~certificate~~ license to practice issued under this chapter is under 73544  
suspension or has been revoked or permanently revoked by action of 73545  
the state medical board. 73546

**Sec. 4731.41.** (A) No person shall practice medicine and 73547  
surgery, or any of its branches, without the appropriate license 73548  
or certificate from the state medical board to engage in the 73549  
practice. No person shall advertise or claim to the public to be a 73550  
practitioner of medicine and surgery, or any of its branches, 73551  
without a license or certificate from the board. No person shall 73552  
open or conduct an office or other place for such practice without 73553  
a license or certificate from the board. No person shall conduct 73554  
an office in the name of some person who has a license or 73555  
certificate to practice medicine and surgery, or any of its 73556  
branches. No person shall practice medicine and surgery, or any of 73557  
its branches, after the person's license or certificate has been 73558  
revoked, or, if suspended, during the time of such suspension. 73559

A license or certificate signed by the secretary of the board 73560  
to which is affixed the official seal of the board to the effect 73561  
that it appears from the records of the board that no such license 73562  
or certificate to practice medicine and surgery, or any of its 73563  
branches, in this state has been issued to the person specified 73564  
therein, or that a license or certificate to practice, if issued, 73565  
has been revoked or suspended, shall be received as prima-facie 73566  
evidence of the record of the board in any court or before any 73567  
officer of the state. 73568

(B) No license or certificate from the state medical board is 73569  
required by a physician who comes into this state to practice 73570  
medicine at a free-of-charge camp accredited by the SeriousFun 73571

children's network that specializes in providing therapeutic 73572  
recreation, as defined in section 2305.231 of the Revised Code, 73573  
for individuals with chronic illnesses as long as all of the 73574  
following apply: 73575

(1) The physician provides documentation to the medical 73576  
director of the camp that the physician is licensed and in good 73577  
standing to practice medicine in another state; 73578

(2) The physician provides services only at the camp or in 73579  
connection with camp events or camp activities that occur off the 73580  
grounds of the camp; 73581

(3) The physician receives no compensation for the services; 73582

(4) The physician provides those services within this state 73583  
for not more than thirty days per calendar year; 73584

(5) The camp has a medical director who holds an unrestricted 73585  
license to practice medicine issued in accordance with division 73586  
(A) of this section. 73587

**Sec. 4731.43.** No person shall announce or advertise ~~himself~~ 73588  
that person as an osteopathic physician and surgeon, or shall 73589  
practice as such, without a ~~certificate~~ license from the state 73590  
medical board or without complying with all the provisions of law 73591  
relating to such practice, or shall practice after such 73592  
~~certificate~~ license has been revoked, or if suspended, during the 73593  
time of such suspension. 73594

A ~~certificate~~ license certified by the secretary, under the 73595  
official seal of the said board to the effect that it appears from 73596  
the records of the board that no ~~certificate~~ license to practice 73597  
osteopathic medicine and surgery has been issued to any person 73598  
specified therein, or that a ~~certificate~~ license, if issued, has 73599  
been revoked or suspended shall be received as prima-facie 73600  
evidence of the record in any court or before any officer of the 73601

state. 73602

**Sec. 4731.51.** The practice of podiatric medicine and surgery 73603  
consists of the medical, mechanical, and surgical treatment of 73604  
ailments of the foot, the muscles and tendons of the leg governing 73605  
the functions of the foot; and superficial lesions of the hand 73606  
other than those associated with trauma. Podiatrists are permitted 73607  
the use of such preparations, medicines, and drugs as may be 73608  
necessary for the treatment of such ailments. A podiatrist may 73609  
treat the local manifestations of systemic diseases as they appear 73610  
in the hand and foot, but the patient shall be concurrently 73611  
referred to a doctor of medicine or a doctor of osteopathic 73612  
medicine and surgery for the treatment of the systemic disease 73613  
itself. General anaesthetics may be used under this section only 73614  
in colleges of podiatric medicine and surgery ~~approved by~~ in good 73615  
standing with the state medical board ~~pursuant to section 4731.53~~ 73616  
~~of the Revised Code~~ and in hospitals approved by the joint 73617  
commission or the American osteopathic association. 73618

Hyperbaric oxygen therapy may be ordered by a podiatrist to 73619  
treat ailments within the scope of practice of podiatry as set 73620  
forth in this section and, in accordance with section 4731.511 of 73621  
the Revised Code, the podiatrist may supervise hyperbaric oxygen 73622  
therapy for the treatment of such ailments. 73623

The use of x-ray or radium for therapeutic purposes is not 73624  
permitted. 73625

**Sec. 4731.52.** ~~Each (A) A person who desires~~ seeking a license 73626  
to practice podiatric medicine and surgery ~~and is not now~~ 73627  
~~authorized to do so~~ shall file with the ~~secretary of the state~~ 73628  
medical board ~~a written~~ an application, ~~under oath, on a form in~~ 73629  
the form and manner prescribed by the board ~~and furnish~~ 73630  
~~satisfactory proof that the applicant is more than eighteen years~~ 73631

of age and of good moral character. The application must include 73632  
all of the following: 73633

(1) Evidence satisfactory to the board to demonstrate that 73634  
the applicant meets all of the following requirements: 73635

(a) Is at least eighteen years of age and of good moral 73636  
character; 73637

(b) Possesses a high school diploma or a certificate of high 73638  
school equivalence or has obtained the equivalent of such 73639  
education as determined by the board; 73640

(c) Has completed at least two years of undergraduate work in 73641  
a college of arts and sciences or the equivalent of such education 73642  
as determined by the board; 73643

(d) Holds a degree from a college of podiatric medicine and 73644  
surgery that was in good standing with the board at the time the 73645  
degree was granted, as determined by the board; 73646

(e) Has completed one year of postgraduate training in a 73647  
podiatric internship, residency, or clinical fellowship program 73648  
accredited by the council on podiatric medicine or the American 73649  
podiatric medical association; 73650

(f) Has successfully passed an examination prescribed in 73651  
rules adopted by the board to determine competency to practice 73652  
podiatric medicine and surgery; 73653

(g) Has complied with section 4731.531 of the Revised Code. 73654

(2) An affidavit signed by the applicant attesting to the 73655  
accuracy and truthfulness of the information submitted under this 73656  
section; 73657

(3) Consent to the release of the applicant's information; 73658

(4) Any other information the board requires. 73659

(B) An applicant for a license to practice podiatric medicine 73660



and surgery shall include with the application a fee of three 73661  
hundred five dollars, no part of which may be returned. An 73662  
application is not considered submitted until the board receives 73663  
the fee. 73664

(C) The board may conduct an investigation related to the 73665  
application materials received pursuant to this section and may 73666  
contact any individual, agency, or organization for 73667  
recommendations or other information about the applicant. 73668

(D) The board shall conclude any investigation of an 73669  
applicant conducted under section 4731.22 of the Revised Code not 73670  
later than ninety days after receipt of a complete application 73671  
unless the applicant agrees in writing to an extension or the 73672  
board determines that there is a substantial question of a 73673  
violation of this chapter or the rules adopted under it and 73674  
notifies the applicant in writing of the reasons for continuation 73675  
of the investigation. If the board determines that the applicant 73676  
is not in violation of this chapter or the rules adopted under it, 73677  
the board shall issue a license not later than forty-five days 73678  
after making that determination. 73679

**Sec. 4731.531.** In addition to any other eligibility 73680  
requirement set forth in this chapter, each applicant for a 73681  
~~certificate~~ license to practice podiatric medicine and surgery 73682  
shall comply with sections 4776.01 to 4776.04 of the Revised Code. 73683  
The state medical board shall not grant to an applicant a 73684  
~~certificate~~ license to practice podiatric medicine and surgery 73685  
unless the board, in its discretion, decides that the results of 73686  
the criminal records check do not make the applicant ineligible 73687  
for a ~~certificate~~ license issued pursuant to section 4731.56 ~~or~~ 73688  
~~4731.57~~ of the Revised Code. 73689

**Sec. 4731.56. (A)** The state medical board shall ~~issue its~~ 73690

~~certificate to practice podiatric medicine and surgery to each~~ 73691  
~~applicant who passes the examination conducted under section~~ 73692  
~~4731.55 of the Revised Code and has paid the treasurer of the~~ 73693  
~~state medical board a certificate issuance fee of three hundred~~ 73694  
~~dollars. Each certificate shall be signed by the board's president~~ 73695  
~~and secretary and attested by its seal~~ review all applications 73696  
received under section 4731.52 of the Revised Code. The board 73697  
shall determine whether an applicant meets the requirements for a 73698  
license to practice podiatric medicine and surgery. An affirmative 73699  
vote of not less fewer than six members of the state medical board 73700  
is required to determine that an applicant meets the requirements 73701  
for issuance of a certificate license. 73702

(B) If the board determines that the applicant meets the 73703  
requirements for a license and that the documentation provided is 73704  
satisfactory to the board, the board shall issue to the applicant 73705  
a license to practice podiatric medicine and surgery. Each license 73706  
shall be signed by the president and secretary of the board and 73707  
attested by its seal. 73708

(C) A certificate authorizing the person who holds a license 73709  
to practice of podiatric medicine and surgery permits the holder 73710  
the issued under this section may use of the title "Dr.," 73711  
"doctor," "D.P.M.," "physician," or the use of the title "surgeon" 73712  
when the title is qualified by letters or words showing that the 73713  
holder of the certificate is a practitioner of podiatric medicine 73714  
and surgery. The certificate "surgeon." 73715

(D) The holder of a license issued under this section shall 73716  
be either provide verification of licensure status from the 73717  
board's internet web site on request or prominently displayed 73718  
display a wall certificate in the certificate license holder's 73719  
office or the place where a major portion of the certificate 73720  
license holder's practice is conducted. 73721

**Sec. 4731.573.** (A) An individual seeking to pursue an 73722  
internship, residency, or clinical fellowship program in podiatric 73723  
medicine and surgery in this state, who does not hold a 73724  
~~certificate~~ license to practice podiatric medicine and surgery 73725  
issued under this chapter, shall apply to the state medical board 73726  
for a training certificate. The application shall be made on forms 73727  
that the board shall furnish and shall be accompanied by an 73728  
application fee of seventy-five dollars. 73729

An applicant for a training certificate shall furnish to the 73730  
board all of the following: 73731

(1) Evidence satisfactory to the board that the applicant is 73732  
at least eighteen years of age and is of good moral character; 73733

(2) Evidence satisfactory to the board that the applicant has 73734  
been accepted or appointed to participate in this state in one of 73735  
the following: 73736

(a) An internship or residency program accredited by either 73737  
the council on podiatric medical education or the American 73738  
podiatric medical association; 73739

(b) A clinical fellowship program at an institution with a 73740  
residency program accredited by either the council on podiatric 73741  
medical education or the American podiatric medical association 73742  
that is in a clinical field the same as or related to the clinical 73743  
field of the fellowship program. 73744

(3) Information identifying the beginning and ending dates of 73745  
the period for which the applicant has been accepted or appointed 73746  
to participate in the internship, residency, or clinical 73747  
fellowship program; 73748

(4) Any other information that the board requires. 73749

(B) If no grounds for denying a license or certificate under 73750  
section 4731.22 of the Revised Code apply and the applicant meets 73751

the requirements of division (A) of this section, the board shall 73752  
issue a training certificate to the applicant. The board shall not 73753  
require an examination as a condition of receiving a training 73754  
certificate. 73755

A training certificate issued pursuant to this section shall 73756  
be valid only for the period of one year, but may in the 73757  
discretion of the board and upon application duly made, be renewed 73758  
annually for a maximum of five years. The fee for renewal of a 73759  
training certificate shall be thirty-five dollars. 73760

The board shall maintain a register of all individuals who 73761  
hold training certificates. 73762

(C) The holder of a valid training certificate shall be 73763  
entitled to perform such acts as may be prescribed by or 73764  
incidental to the holder's internship, residency, or clinical 73765  
fellowship program, but the holder shall not be entitled otherwise 73766  
to engage in the practice of podiatric medicine and surgery in 73767  
this state. The holder shall limit activities under the 73768  
certificate to the programs of the hospitals or facilities for 73769  
which the training certificate is issued. The holder shall train 73770  
only under the supervision of the podiatrists responsible for 73771  
supervision as part of the internship, residency, or clinical 73772  
fellowship program. A training certificate may be revoked by the 73773  
board upon proof, satisfactory to the board, that the holder 73774  
thereof has engaged in practice in this state outside the scope of 73775  
the internship, residency, or clinical fellowship program for 73776  
which the training certificate has been issued, or upon proof, 73777  
satisfactory to the board, that the holder thereof has engaged in 73778  
unethical conduct or that there are grounds for action against the 73779  
holder under section 4731.22 of the Revised Code. 73780

(D) The board may adopt rules as the board finds necessary to 73781  
effect the purpose of this section. 73782

**Sec. 4731.60.** ~~(A)(1)~~ No person shall engage in the practice 73783  
of podiatric medicine and surgery without a certificate from 73784  
current, valid license to practice podiatric medicine and surgery 73785  
issued by the state medical board; no. 73786

~~(2)~~ No person shall advertise or ~~announce as a practitioner~~ 73787  
~~of~~ claim to be authorized to practice podiatric medicine and 73788  
surgery ~~without~~ unless the person holds a certificate from 73789  
current, valid license to practice podiatric medicine and surgery 73790  
issued by the board; no person shall open or conduct an office or 73791  
other place for such practice without a certificate from the 73792  
board; no person shall conduct an office in the name of some 73793  
person who has a certificate to practice podiatric medicine and 73794  
surgery; and no under this chapter. 73795

~~(3)~~ No person shall practice podiatric medicine and surgery 73796  
after ~~a certificate~~ the person's license has been revoked, or if 73797  
suspended, during the time of such suspension. 73798

~~(B)~~ A ~~certificate~~ document that is signed by the president 73799  
and secretary to which is of the board and has affixed the 73800  
official seal of the board to the effect that it appears from the 73801  
records of the board that ~~no such certificate~~ a license to 73802  
practice podiatric medicine and surgery, ~~in the~~ this state has not 73803  
been issued to ~~any such a particular~~ person specified therein, or 73804  
that a ~~certificate~~ license, if issued, has been revoked or 73805  
suspended, shall be received as prima-facie evidence of the record 73806  
of ~~such~~ the board in any court or before any officer of this 73807  
state. 73808

**Sec. 4731.61.** The ~~certificate of a podiatrist may be revoked,~~ 73809  
~~limited, or suspended; the holder of~~ state medical board, by an 73810  
affirmative vote of not fewer than six members, may limit, 73811  
suspend, or revoke a ~~certificate may be placed~~ license to practice 73812

~~podiatric medicine and surgery, refuse to issue a license to an applicant, refuse to reinstate a license, or reprimand or place on probation or reprimanded; or an applicant may be refused registration or reinstatement~~ the holder of a license for violations of section 4731.22 or sections 4731.51 to 4731.60 of the Revised Code ~~by an affirmative vote of not less than six members of the state medical board.~~

This section does not preclude the application to, or limit the operation or effect upon, podiatrists of other sections of ~~Chapter 4731. of the Revised Code~~ this chapter.

**Sec. 4731.65.** As used in sections 4731.65 to 4731.71 of the Revised Code:

(A)(1) "Clinical laboratory services" means either of the following:

(a) Any examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment or for the assessment of health;

(b) Procedures to determine, measure, or otherwise describe the presence or absence of various substances or organisms in the body.

(2) "Clinical laboratory services" does not include the mere collection or preparation of specimens.

(B) "Designated health services" means any of the following:

(1) Clinical laboratory services;

(2) Home health care services;

(3) Outpatient prescription drugs.

(C) "Fair market value" means the value in arms-length transactions, consistent with general market value and:

(1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use;

(2) With respect to a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor if the lessor is a potential source of referrals to the lessee.

(D) "Governmental health care program" means any program providing health care benefits that is administered by the federal government, this state, or a political subdivision of this state, including the medicare program, health care coverage for public employees, health care benefits administered by the bureau of workers' compensation, and the medicaid program.

(E)(1) "Group practice" means a group of two or more holders of licenses or certificates under this chapter legally organized as a partnership, professional corporation or association, limited liability company, foundation, nonprofit corporation, faculty practice plan, or similar group practice entity, including an organization comprised of a nonprofit medical clinic that contracts with a professional corporation or association of physicians to provide medical services exclusively to patients of the clinic in order to comply with section 1701.03 of the Revised Code and including a corporation, limited liability company, partnership, or professional association described in division (B) of section 4731.226 of the Revised Code formed for the purpose of providing a combination of the professional services of optometrists who are licensed, certificated, or otherwise legally authorized to practice optometry under Chapter 4725. of the Revised Code, chiropractors who are licensed, certificated, or otherwise legally authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code, psychologists who are licensed, certificated, or otherwise legally authorized to

practice psychology under Chapter 4732. of the Revised Code, 73874  
registered or licensed practical nurses who are licensed, 73875  
certificated, or otherwise legally authorized to practice nursing 73876  
under Chapter 4723. of the Revised Code, pharmacists who are 73877  
licensed, certificated, or otherwise legally authorized to 73878  
practice pharmacy under Chapter 4729. of the Revised Code, 73879  
physical therapists who are licensed, certificated, or otherwise 73880  
legally authorized to practice physical therapy under sections 73881  
4755.40 to 4755.56 of the Revised Code, occupational therapists 73882  
who are licensed, certificated, or otherwise legally authorized to 73883  
practice occupational therapy under sections 4755.04 to 4755.13 of 73884  
the Revised Code, mechanotherapists who are licensed, 73885  
certificated, or otherwise legally authorized to practice 73886  
mechanotherapy under section 4731.151 of the Revised Code, and 73887  
doctors of medicine and surgery, osteopathic medicine and surgery, 73888  
or podiatric medicine and surgery who are licensed, certificated, 73889  
or otherwise legally authorized for their respective practices 73890  
under this chapter, and licensed professional clinical counselors, 73891  
licensed professional counselors, independent social workers, 73892  
social workers, independent marriage and family therapists, or 73893  
marriage and family therapists who are licensed, certificated, or 73894  
otherwise legally authorized for their respective practices under 73895  
Chapter 4757. of the Revised Code to which all of the following 73896  
apply: 73897

(a) Each physician who is a member of the group practice 73898  
provides substantially the full range of services that the 73899  
physician routinely provides, including medical care, 73900  
consultation, diagnosis, or treatment, through the joint use of 73901  
shared office space, facilities, equipment, and personnel. 73902

(b) Substantially all of the services of the members of the 73903  
group are provided through the group and are billed in the name of 73904  
the group and amounts so received are treated as receipts of the 73905



group. 73906

(c) The overhead expenses of and the income from the practice 73907  
are distributed in accordance with methods previously determined 73908  
by members of the group. 73909

(d) The group practice meets any other requirements that the 73910  
state medical board applies in rules adopted under section 4731.70 73911  
of the Revised Code. 73912

(2) In the case of a faculty practice plan associated with a 73913  
hospital with a medical residency training program in which 73914  
physician members may provide a variety of specialty services and 73915  
provide professional services both within and outside the group, 73916  
as well as perform other tasks such as research, the criteria in 73917  
division (E)(1) of this section apply only with respect to 73918  
services rendered within the faculty practice plan. 73919

(F) "Home health care services" and "immediate family" have 73920  
the same meanings as in the rules adopted under section 4731.70 of 73921  
the Revised Code. 73922

(G) "Hospital" has the same meaning as in section 3727.01 of 73923  
the Revised Code. 73924

(H) A "referral" includes both of the following: 73925

(1) A request by a holder of a license or certificate under 73926  
this chapter for an item or service, including a request for a 73927  
consultation with another physician and any test or procedure 73928  
ordered by or to be performed by or under the supervision of the 73929  
other physician; 73930

(2) A request for or establishment of a plan of care by a 73931  
license or certificate holder that includes the provision of 73932  
designated health services. 73933

(I) "Third-party payer" has the same meaning as in section 73934  
3901.38 of the Revised Code. 73935

**Sec. 4731.66.** (A) Except as provided in sections 4731.67 and 73936  
4731.68 of the Revised Code, no holder of a ~~certificate~~ license 73937  
under this chapter to practice medicine and surgery, osteopathic 73938  
medicine and surgery, or podiatric medicine and surgery shall 73939  
refer a patient to a person for a designated health service if the 73940  
~~certificate~~ license holder, or a member of the ~~certificate~~ license 73941  
holder's immediate family, has either of the following financial 73942  
relationships with the person: 73943

(1) An ownership or investment interest in the person whether 73944  
through debt, equity, or other means; 73945

(2) Any compensation arrangement involving any remuneration, 73946  
directly or indirectly, overtly or covertly, in cash or in kind. 73947

(B) No person to which a ~~certificate~~ license holder has 73948  
referred a patient in violation of division (A) of this section 73949  
shall bill the patient, any third-party payer, any governmental 73950  
health care program, or any other person or governmental entity 73951  
for the designated health service rendered pursuant to the 73952  
referral. 73953

(C) No person shall knowingly enter into an arrangement or 73954  
scheme, including a cross-referral arrangement, that has a 73955  
principal purpose of assuring referrals by a ~~certificate~~ license 73956  
holder to a particular person that, if the ~~certificate~~ license 73957  
holder directly made referrals to such person, would violate 73958  
division (A) of this section. 73959

**Sec. 4731.67.** Section 4731.66 of the Revised Code does not 73960  
apply to any of the following referrals by the holder of a 73961  
~~certificate~~ license under this chapter: 73962

(A) Referrals for physicians' services that are performed by 73963  
or under the personal supervision of a physician in the same group 73964  
practice as the referring physician; 73965

(B) Referrals for clinical laboratory services by a  
eertificate license holder specializing in the practice of  
pathology if those services are provided by or under the  
supervision of the pathologist pursuant to a consultation  
requested by another physician;

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(C) Referrals for in-office ancillary services to which all  
of the following apply:

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(1) The services are furnished by the referring physician, a  
physician in the same group practice as the referring physician,  
or individuals who are employed by the referring physician or the  
group practice and who are supervised by the referring physician  
or a physician in the group practice, and are furnished either:

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(a) In a building in which the referring physician, or  
another physician in the same group practice as the referring  
physician, furnishes physicians' services unrelated to the  
furnishing of designated health services;

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(b) In another building used by the referring physician's  
group practice for the centralized provision of the group's  
designated health services.

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(2) The services are billed by the physician performing or  
supervising the services, the physician's group practice, or an  
entity wholly owned by the group practice.

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(3) The physician's ownership or investment interest in the  
services described in this division meets any other requirements  
that the state medical board applies in rules adopted under  
section 4731.70 of the Revised Code.

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(D) Referrals for in-office ancillary services if the  
third-party payer is aware of and has agreed in writing to  
reimburse the services notwithstanding the financial arrangement  
between the physician and the provider of such ancillary services.

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(E) Referrals for services furnished by a health insuring corporation to an enrollee of the corporation;	73996 73997
(F) Referrals to a hospital for designated health services, if all of the following apply:	73998 73999
(1) The financial arrangement between the referring physician or immediate family member and the hospital consists of an ownership or investment interest described in division (A)(1) of section 4731.66 of the Revised Code and not a compensation arrangement described in division (A)(2) of that section.	74000 74001 74002 74003 74004
(2) The referring physician is authorized to perform services at the hospital.	74005 74006
(3) The ownership or investment interest is in the hospital itself and not merely in a subdivision of the hospital.	74007 74008
(G) Referrals to a hospital with which the <del>certificate</del> <u>license</u> holder's or immediate family member's financial relationship does not relate to the provision of designated health services;	74009 74010 74011 74012
(H) Referrals to a laboratory located in a rural area as defined in section 1886(d)(2)(D) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1395ww(d)(2)(D), as amended, if the financial relationship consists of an ownership or investment interest described in division (A)(1) of section 4731.66 of the Revised Code, and not a compensation arrangement described in division (A)(2) of that section;	74013 74014 74015 74016 74017 74018 74019
(I) Any other referrals in which the financial relationship between the <del>certificate</del> <u>license</u> holder or immediate family member and the person furnishing services has been specified in rules adopted by the state medical board under section 4731.70 of the Revised Code.	74020 74021 74022 74023 74024
<b>Sec. 4731.68.</b> (A) Ownership of investment securities in a	74025

corporation, including bonds, debentures, notes, other debt 74026  
instruments, or shares, shall not be considered an ownership or 74027  
investment interest described in division (A)(1) of section 74028  
4731.66 of the Revised Code if all of the following apply: 74029

(1) The securities were purchased on terms generally 74030  
available to the public. 74031

(2) The corporation is listed for trading on the New York 74032  
stock exchange or the American stock exchange or is a national 74033  
market system security traded under an automated interdealer 74034  
quotation system operated by the national association of 74035  
securities dealers. 74036

(3) The corporation had, at the end of its most recent fiscal 74037  
year, total assets exceeding one hundred million dollars. 74038

(B) Payments for the rental or lease of office space shall 74039  
not be considered a compensation arrangement described in division 74040  
(A)(2) of section 4731.66 of the Revised Code if all of the 74041  
following apply: 74042

(1) There is a written agreement signed by the parties for 74043  
the rental or lease of the space that does all of the following: 74044

(a) Specifies the space covered by the agreement and 74045  
dedicated for the use of the lessee; 74046

(b) Provides for a term of rental or lease of at least one 74047  
year; 74048

(c) Provides for payment on a periodic basis of an amount 74049  
that is consistent with fair market value; 74050

(d) Provides for an amount of aggregate payments that does 74051  
not directly or indirectly vary based on the volume or value of 74052  
any referrals of business between the parties; 74053

(e) Would be commercially reasonable even if no referrals 74054  
were made between the parties. 74055

(2) In the case of a rental or lease arrangement between a holder of a ~~certificate~~ license under this chapter or member of the ~~certificate~~ license holder's immediate family and another person in which the ~~certificate~~ license holder or family member also has an ownership or investment interest described in division (A)(1) of section 4731.66 of the Revised Code, the office space is in the same building as the building in which the ~~certificate~~ license holder or the ~~certificate~~ license holder's group practice has a practice.

(3) The arrangement meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(C) An arrangement between a hospital and a ~~certificate~~ license holder or a member of the ~~certificate~~ license holder's immediate family for the employment of the ~~certificate~~ license holder or family member or for the provision of administrative services shall not be considered a compensation arrangement described in division (A)(2) of section 4731.66 of the Revised Code if all of the following apply:

(1) The arrangement is for identifiable services.

(2) The amount of the remuneration under the arrangement is consistent with the fair market value of the services and is not determined in a manner that directly or indirectly takes into account the volume or value of any referrals by the ~~certificate~~ license holder.

(3) The remuneration is provided pursuant to an agreement that would be commercially reasonable even if the ~~certificate~~ license holder made no referrals to the hospital.

(4) The arrangement meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(D) Remuneration by a hospital of a ~~certificate~~ license holder to induce the ~~certificate~~ license holder to relocate to the geographic area served by the hospital in order to be a member of the hospital's medical staff shall not be considered a compensation arrangement described in division (A)(2) of section 4731.66 of the Revised Code if all of the following apply:

(1) The ~~certificate~~ license holder is not required to refer patients to the hospital.

(2) The amount of the remuneration is not determined in a manner that directly or indirectly takes into account the volume or value of any referrals by the ~~certificate~~ license holder to the hospital.

(3) The arrangement meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(E) Remuneration of a ~~certificate~~ license holder or member of the ~~certificate~~ license holder's immediate family by a person other than a hospital shall not be considered a compensation arrangement described in division (A)(2) of section 4731.66 of the Revised Code if all of the following apply:

(1) The remuneration is for any of the following:

(a) Specific, identifiable services as the medical director or a member of a medical advisory board of the person;

(b) Specific, identifiable physicians' services furnished to an individual in a hospice if the physicians' services are payable by the individual's third-party payer only to the hospice;

(c) Specific, identifiable physicians' services furnished to a nonprofit blood center;

(d) Specific, identifiable administrative services other than direct patient care services in circumstances specified in rules

adopted by the state medical board under section 4731.70 of the Revised Code. 74117  
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(2) The amount of the remuneration under the arrangement is 74119  
consistent with the fair market value of the services and is not 74120  
determined in a manner that directly or indirectly takes into 74121  
account the volume or value of any referrals by the ~~certificate~~ 74122  
license holder. 74123

(3) The remuneration is provided pursuant to an agreement 74124  
that would be commercially reasonable even if the ~~certificate~~ 74125  
license holder made no referrals to the person. 74126

(4) The arrangement meets any other requirements that the 74127  
state medical board applies in rules adopted under section 4731.70 74128  
of the Revised Code. 74129

(F) Isolated financial transactions, including a one-time 74130  
sale of property, shall not be considered a compensation 74131  
arrangement described in division (A)(2) of section 4731.66 of the 74132  
Revised Code if all of the following apply: 74133

(1) The amount of the remuneration under the arrangement is 74134  
consistent with fair market value and is not determined in a 74135  
manner that directly or indirectly takes into account the volume 74136  
or value of any referrals by the ~~certificate~~ license holder. 74137

(2) The remuneration is provided pursuant to an agreement 74138  
that would be commercially reasonable even if the ~~certificate~~ 74139  
license holder made no referrals to the other parties to the 74140  
transaction. 74141

(3) The transaction meets any other requirements that the 74142  
state medical board applies in rules adopted under section 4731.70 74143  
of the Revised Code. 74144

(G) Payment of the salary of a ~~certificate~~ license holder by 74145  
the ~~certificate~~ license holder's group practice shall not be 74146



considered a compensation arrangement described in division (A)(2) 74147  
of section 4731.66 of the Revised Code. 74148

**Sec. 4731.76.** On receipt of a notice pursuant to section 74149  
3123.43 of the Revised Code, the state medical board shall comply 74150  
with sections 3123.41 to 3123.50 of the Revised Code and any 74151  
applicable rules adopted under section 3123.63 of the Revised Code 74152  
with respect to a license or certificate issued pursuant to this 74153  
chapter. 74154

**Sec. 4731.82.** (A) As used in this section: 74155

(1) "Fetal death" has the same meaning as in section 3705.01 74156  
of the Revised Code, except that it does not include either of the 74157  
following: 74158

(a) The product of human conception of at least twenty weeks 74159  
of gestation; 74160

(b) The purposeful termination of a pregnancy, as described 74161  
in section 2919.11 of the Revised Code. 74162

(2) "Physician" means an individual holding a ~~certificate~~ 74163  
license issued under this chapter to practice medicine and surgery 74164  
or osteopathic medicine and surgery ~~pursuant to this chapter.~~ 74165

(B) If a woman in the process of experiencing a fetal death 74166  
or with the product of human conception as a result of a fetal 74167  
death presents herself to a physician and is not referred to a 74168  
hospital, the attending physician shall provide the woman with all 74169  
of the following: 74170

(1) A written statement, not longer than one page in length, 74171  
that confirms that the woman was pregnant and that she 74172  
subsequently suffered a miscarriage that resulted in a fetal 74173  
death; 74174

(2) Notice of the right of the woman to apply for a fetal 74175

death certificate pursuant to section 3705.20 of the Revised Code; 74176

(3) A short, general description of the attending physician's 74177  
procedures for disposing of the product of a fetal death. 74178

The attending physician may present the notice and 74179  
description required by divisions (B)(2) and (B)(3) of this 74180  
section through oral or written means. The physician shall 74181  
document in the woman's medical record that all of the items 74182  
required by this division were provided to the woman and shall 74183  
place in the record a copy of the statement required by division 74184  
(B)(1) of this section. 74185

(C) A physician is immune from civil or criminal liability or 74186  
professional disciplinary action with regard to any action taken 74187  
in good faith compliance with this section. 74188

Sec. 4731.83. (A) As used in this section: 74189

(1) "Medication-assisted treatment" has the same meaning as 74190  
in section 340.01 of the Revised Code. 74191

(2) "Physician" means an individual authorized by this 74192  
chapter to practice medicine and surgery or osteopathic medicine 74193  
and surgery. 74194

(B) A physician shall comply with section 3715.08 of the 74195  
Revised Code and rules adopted under section 4731.056 of the 74196  
Revised Code when treating a patient with medication-assisted 74197  
treatment or proposing to initiate such treatment. 74198

(C) A physician who fails to comply with this section shall 74199  
treat not more than thirty patients at any one time with 74200  
medication-assisted treatment even if the facility or location at 74201  
which the treatment is provided is either of the following: 74202

(1) Exempted by divisions (B)(2)(a) to (d) of section 74203  
4729.553 of the Revised Code from being required to possess a 74204  
category III terminal distributor of dangerous drugs license with 74205

an office-based opioid treatment classification; 74206

(2) A community addiction services provider that provides 74207  
alcohol and drug addiction services that are certified by the 74208  
department of mental health and addiction services under section 74209  
5119.36 of the Revised Code. 74210

**Sec. 4731.85.** The department of health shall establish a 74211  
procedure to provide special recognition annually to one or more 74212  
persons issued a ~~certificate~~ license under this chapter to 74213  
practice medicine and surgery, osteopathic medicine and surgery, 74214  
or podiatric medicine and surgery who volunteer medical services 74215  
to medically underserved areas of this state or to charitable 74216  
shelters or clinics. Any person may nominate a ~~certificate~~ license 74217  
holder for consideration by the department. The department shall 74218  
annually submit to newspapers of general circulation and other 74219  
publications selected by the department a request for nominations. 74220  
The request shall describe the required form and content of 74221  
nominations and indicate a deadline for submitting nominations. 74222

The department may adopt criteria and guidelines for 74223  
selecting nominees for recognition. The department shall publicize 74224  
the names, professional accomplishments, and service contributions 74225  
of the ~~certificate~~ license holders that it recognizes under this 74226  
section. The department may purchase recognition awards and take 74227  
other actions to honor such volunteers. 74228

**Sec. 4735.01.** As used in this chapter: 74229

(A) "Real estate broker" includes any person, partnership, 74230  
association, limited liability company, limited liability 74231  
partnership, or corporation, foreign or domestic, who for another, 74232  
whether pursuant to a power of attorney or otherwise, and who for 74233  
a fee, commission, or other valuable consideration, or with the 74234  
intention, or in the expectation, or upon the promise of receiving 74235

or collecting a fee, commission, or other valuable consideration	74236
does any of the following:	74237
(1) Sells, exchanges, purchases, rents, or leases, or	74238
negotiates the sale, exchange, purchase, rental, or leasing of any	74239
real estate;	74240
(2) Offers, attempts, or agrees to negotiate the sale,	74241
exchange, purchase, rental, or leasing of any real estate;	74242
(3) Lists, or offers, attempts, or agrees to list, or	74243
auctions, or offers, attempts, or agrees to auction, any real	74244
estate;	74245
(4) Buys or offers to buy, sells or offers to sell, or	74246
otherwise deals in options on real estate;	74247
(5) Operates, manages, or rents, or offers or attempts to	74248
operate, manage, or rent, other than as custodian, caretaker, or	74249
janitor, any building or portions of buildings to the public as	74250
tenants;	74251
(6) Advertises or holds self out as engaged in the business	74252
of selling, exchanging, purchasing, renting, or leasing real	74253
estate;	74254
(7) Directs or assists in the procuring of prospects or the	74255
negotiation of any transaction, other than mortgage financing,	74256
which does or is calculated to result in the sale, exchange,	74257
leasing, or renting of any real estate;	74258
(8) Is engaged in the business of charging an advance fee or	74259
contracting for collection of a fee in connection with any	74260
contract whereby the broker undertakes primarily to promote the	74261
sale, exchange, purchase, rental, or leasing of real estate	74262
through its listing in a publication issued primarily for such	74263
purpose, or for referral of information concerning such real	74264
estate to brokers, or both, except that this division does not	74265

apply to a publisher of listings or compilations of sales of real estate by their owners; 74266  
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(9) Collects rental information for purposes of referring prospective tenants to rental units or locations of such units and charges the prospective tenants a fee. 74268  
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(B) "Real estate" includes leaseholds as well as any and every interest or estate in land situated in this state, whether corporeal or incorporeal, whether freehold or nonfreehold, and the improvements on the land, but does not include cemetery interment rights. 74271  
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(C) "Real estate salesperson" means any person associated with a licensed real estate broker to do or to deal in any acts or transactions set out or comprehended by the definition of a real estate broker, for compensation or otherwise. 74276  
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(D) "Institution of higher education" includes all of the following: 74280  
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(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code; 74282  
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(2) A nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code; 74284  
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(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code. 74286  
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(4) An institution with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code that is approved to offer degree programs in accordance with section 3332.05 of the Revised Code. 74289  
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(E) "Foreign real estate" means real estate not situated in this state and any interest in real estate not situated in this state. 74293  
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(F) "Foreign real estate dealer" includes any person, 74296  
partnership, association, limited liability company, limited 74297  
liability partnership, or corporation, foreign or domestic, who 74298  
for another, whether pursuant to a power of attorney or otherwise, 74299  
and who for a fee, commission, or other valuable consideration, or 74300  
with the intention, or in the expectation, or upon the promise of 74301  
receiving or collecting a fee, commission, or other valuable 74302  
consideration, does or deals in any act or transaction specified 74303  
or comprehended in division (A) of this section with respect to 74304  
foreign real estate. 74305

(G) "Foreign real estate salesperson" means any person 74306  
associated with a licensed foreign real estate dealer to do or 74307  
deal in any act or transaction specified or comprehended in 74308  
division (A) of this section with respect to foreign real estate, 74309  
for compensation or otherwise. 74310

(H) Any person, partnership, association, limited liability 74311  
company, limited liability partnership, or corporation, who, for 74312  
another, in consideration of compensation, by fee, commission, 74313  
salary, or otherwise, or with the intention, in the expectation, 74314  
or upon the promise of receiving or collecting a fee, does, or 74315  
offers, attempts, or agrees to engage in, any single act or 74316  
transaction contained in the definition of a real estate broker, 74317  
whether an act is an incidental part of a transaction, or the 74318  
entire transaction, shall be constituted a real estate broker or 74319  
real estate salesperson under this chapter. 74320

(I)(1) The terms "real estate broker," "real estate 74321  
salesperson," "foreign real estate dealer," and "foreign real 74322  
estate salesperson" do not include a person, partnership, 74323  
association, limited liability company, limited liability 74324  
partnership, or corporation, or the regular employees thereof, who 74325  
perform any of the acts or transactions specified or comprehended 74326  
in division (A) of this section, whether or not for, or with the 74327

intention, in expectation, or upon the promise of receiving or 74328  
collecting a fee, commission, or other valuable consideration: 74329

(a) With reference to real estate situated in this state 74330  
owned by such person, partnership, association, limited liability 74331  
company, limited liability partnership, or corporation, or 74332  
acquired on its own account in the regular course of, or as an 74333  
incident to the management of the property and the investment in 74334  
it; 74335

(b) As receiver or trustee in bankruptcy, as guardian, 74336  
executor, administrator, trustee, assignee, commissioner, or any 74337  
person doing the things mentioned in this section, under authority 74338  
or appointment of, or incident to a proceeding in, any court, or 74339  
as a bona fide public officer, or as executor, trustee, or other 74340  
bona fide fiduciary under any trust agreement, deed of trust, 74341  
will, or other instrument that has been executed in good faith 74342  
creating a like bona fide fiduciary obligation; 74343

(c) As a public officer while performing the officer's 74344  
official duties; 74345

(d) As an attorney at law in the performance of the 74346  
attorney's duties; 74347

(e) As a person who engages in the brokering of the sale of 74348  
business assets, not including the sale, lease, exchange, or 74349  
assignment of any interest in real estate; 74350

(f) As a person who engages in the sale of manufactured homes 74351  
as defined in division (C)(4) of section 3781.06 of the Revised 74352  
Code, or of mobile homes as defined in division (O) of section 74353  
4501.01 of the Revised Code, provided the sale does not include 74354  
the negotiation, sale, lease, exchange, or assignment of any 74355  
interest in real estate; 74356

(g) As an oil and gas land professional when engaging in the 74357  
activities set forth in the definition of oil and gas land 74358

professional in division (H)(H) of this section, provided the land 74359  
professional is a member in good standing of a national or 74360  
regional professional organization that has been in existence for 74361  
at least three years and has, as part of its mission, developed a 74362  
set of standards of performance and ethics for land professionals. 74363

(h) As a person who engages in the sale of commercial real 74364  
estate pursuant to the requirements of section 4735.022 of the 74365  
Revised Code. 74366

(2) A person, partnership, association, limited liability 74367  
company, limited liability partnership, or corporation exempt 74368  
under division (I)(1)(a) of this section shall be limited by the 74369  
legal interest in the real estate held by that person or entity to 74370  
performing any of the acts or transactions specified in or 74371  
comprehended by division (A) of this section. 74372

(J) "Disabled licensee" means a person licensed pursuant to 74373  
this chapter who is under a severe disability which is of such a 74374  
nature as to prevent the person from being able to attend any 74375  
instruction lasting at least three hours in duration. 74376

(K) "Division of real estate" may be used interchangeably 74377  
with, and for all purposes has the same meaning as, "division of 74378  
real estate and professional licensing." 74379

(L) "Superintendent" or "superintendent of real estate" means 74380  
the superintendent of the division of real estate and professional 74381  
licensing of this state. Whenever the division or superintendent 74382  
of real estate is referred to or designated in any statute, rule, 74383  
contract, or other document, the reference or designation shall be 74384  
deemed to refer to the division or superintendent of real estate 74385  
and professional licensing, as the case may be. 74386

(M) "Inactive license" means the license status in which a 74387  
salesperson's license is in the possession of the division, 74388  
renewed as required under this chapter or rules adopted under this 74389



chapter, and not associated with a real estate broker. 74390

(N) "Broker's license on deposit" means the license status in 74391  
which a broker's license is in the possession of the division of 74392  
real estate and professional licensing and renewed as required 74393  
under this chapter or rules adopted under this chapter. 74394

(O) "Suspended license" means the license status that 74395  
prohibits a licensee from providing services that require a 74396  
license under this chapter for a specified interval of time. 74397

(P) "Reactivate" means the process prescribed by the 74398  
superintendent of real estate and professional licensing to remove 74399  
a license from an inactive, suspended, or broker's license on 74400  
deposit status to allow a licensee to provide services that 74401  
require a license under this chapter. 74402

(Q) "Revoked" means the license status in which the license 74403  
is void and not eligible for reactivation. 74404

(R) "Commercial real estate" means any parcel of real estate 74405  
in this state other than real estate containing one to four 74406  
residential units. "Commercial real estate" does not include 74407  
single-family residential units such as condominiums, townhouses, 74408  
manufactured homes, or homes in a subdivision when sold, leased, 74409  
or otherwise conveyed on a unit-by-unit basis, even when those 74410  
units are a part of a larger building or parcel of real estate 74411  
containing more than four residential units. 74412

(S) "Out-of-state commercial broker" includes any person, 74413  
partnership, association, limited liability company, limited 74414  
liability partnership, or corporation that is licensed to do 74415  
business as a real estate broker in a jurisdiction other than 74416  
Ohio. 74417

(T) "Out-of-state commercial salesperson" includes any person 74418  
affiliated with an out-of-state commercial broker who is not 74419  
licensed as a real estate salesperson in Ohio. 74420

(U) "Exclusive right to sell or lease listing agreement" 74421  
means an agency agreement between a seller and broker that meets 74422  
the requirements of section 4735.55 of the Revised Code and does 74423  
both of the following: 74424

(1) Grants the broker the exclusive right to represent the 74425  
seller in the sale or lease of the seller's property; 74426

(2) Provides the broker will be compensated if the broker, 74427  
the seller, or any other person or entity produces a purchaser or 74428  
tenant in accordance with the terms specified in the listing 74429  
agreement or if the property is sold or leased during the term of 74430  
the listing agreement to anyone other than to specifically 74431  
exempted persons or entities. 74432

(V) "Exclusive agency agreement" means an agency agreement 74433  
between a seller and broker that meets the requirements of section 74434  
4735.55 of the Revised Code and does both of the following: 74435

(1) Grants the broker the exclusive right to represent the 74436  
seller in the sale or lease of the seller's property; 74437

(2) Provides the broker will be compensated if the broker or 74438  
any other person or entity produces a purchaser or tenant in 74439  
accordance with the terms specified in the listing agreement or if 74440  
the property is sold or leased during the term of the listing 74441  
agreement, unless the property is sold or leased solely through 74442  
the efforts of the seller or to the specifically exempted persons 74443  
or entities. 74444

(W) "Exclusive purchaser agency agreement" means an agency 74445  
agreement between a purchaser and broker that meets the 74446  
requirements of section 4735.55 of the Revised Code and does both 74447  
of the following: 74448

(1) Grants the broker the exclusive right to represent the 74449  
purchaser in the purchase or lease of property; 74450

(2) Provides the broker will be compensated in accordance 74451  
with the terms specified in the exclusive agency agreement or if a 74452  
property is purchased or leased by the purchaser during the term 74453  
of the agency agreement unless the property is specifically 74454  
exempted in the agency agreement. 74455

The agreement may authorize the broker to receive 74456  
compensation from the seller or the seller's agent and may provide 74457  
that the purchaser is not obligated to compensate the broker if 74458  
the property is purchased or leased solely through the efforts of 74459  
the purchaser. 74460

(X) "Seller" means a party in a real estate transaction who 74461  
is the potential transferor of property. "Seller" includes an 74462  
owner of property who is seeking to sell the property and a 74463  
landlord who is seeking to rent or lease property to another 74464  
person. 74465

(Y) "Resigned" means the license status in which a license 74466  
has been voluntarily and permanently surrendered to or is 74467  
otherwise in the possession of the division of real estate and 74468  
professional licensing, may not be renewed or reactivated in 74469  
accordance with the requirements specified in this chapter or the 74470  
rules adopted pursuant to it, and is not associated with a real 74471  
estate broker. 74472

(Z) "Bona fide" means made in good faith or without purpose 74473  
of circumventing license law. 74474

(AA) "Associate broker" means an individual licensed as a 74475  
real estate broker under this chapter who does not function as the 74476  
principal broker or a management level licensee. 74477

(BB) "Brokerage" means a corporation, partnership, limited 74478  
partnership, association, limited liability company, limited 74479  
liability partnership, or sole proprietorship, foreign or 74480  
domestic, that has been issued a broker's license. "Brokerage" 74481

includes the affiliated licensees who have been assigned 74482  
management duties that include supervision of licensees whose 74483  
duties may conflict with those of other affiliated licensees. 74484

(CC) "Credit-eligible course" means a credit or 74485  
noncredit-bearing course that is both of the following: 74486

(1) The course is offered by an institution of higher 74487  
education. 74488

(2) The course is eligible for academic credit that may be 74489  
applied toward the requirements for a degree at the institution of 74490  
higher education. 74491

(DD) "Distance education" means courses required by divisions 74492  
(B)(6) and (G) of section 4735.07, divisions (F)(6) and (J) of 74493  
section 4735.09, and division (A) of section 4735.141 of the 74494  
Revised Code in which instruction is accomplished through use of 74495  
interactive, electronic media and where the teacher and student 74496  
are separated by distance or time, or both. 74497

(EE) "Licensee" means any individual licensed as a real 74498  
estate broker or salesperson by the Ohio real estate commission 74499  
pursuant to this chapter. 74500

(FF) "Management level licensee" means a licensee who is 74501  
employed by or affiliated with a real estate broker and who has 74502  
supervisory responsibility over other licensees employed by or 74503  
affiliated with that real estate broker. 74504

(GG) "Principal broker" means an individual licensed as a 74505  
real estate broker under this chapter who oversees and directs the 74506  
operations of the brokerage. 74507

(HH) "Oil and gas land professional" means a person who is 74508  
engaged primarily, directly, and regularly in either of the 74509  
following activities: 74510

(1) Negotiating the acquisition or divestiture of oil and gas 74511

mineral interests for the purpose of extracting oil or gas 74512  
products, but shall not include the buying and selling of oil and 74513  
gas mineral interests by deed; or 74514

(2) The negotiation and preparation of agreements and other 74515  
instruments associated with the exploration and development of oil 74516  
and gas mineral interests. 74517

**Sec. 4736.01.** As used in this chapter: 74518

(A) "Environmental health science" means the aspect of public 74519  
health science that includes, but is not limited to, the following 74520  
bodies of knowledge: air quality, food quality and protection, 74521  
hazardous and toxic substances, consumer product safety, housing, 74522  
institutional health and safety, community noise control, 74523  
radiation protection, recreational facilities, solid and liquid 74524  
waste management, vector control, drinking water quality, milk 74525  
sanitation, and rabies control. 74526

(B) "Sanitarian" means a person who performs for compensation 74527  
educational, investigational, technical, or administrative duties 74528  
requiring specialized knowledge and skills in the field of 74529  
environmental health science. 74530

(C) "Registered sanitarian" means a person who is registered 74531  
as a sanitarian in accordance with this chapter. 74532

(D) "Sanitarian-in-training" means a person who is registered 74533  
as a sanitarian-in-training in accordance with this chapter. 74534

(E) "Practice of environmental health" means consultation, 74535  
instruction, investigation, inspection, or evaluation by an 74536  
employee of a city health district, a general health district, the 74537  
environmental protection agency, the department of health, or the 74538  
department of agriculture requiring specialized knowledge, 74539  
training, and experience in the field of environmental health 74540  
science, with the primary purpose of improving or conducting 74541

administration or enforcement under any of the following: 74542

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or 74543  
3733. of the Revised Code; 74544

(2) Chapter 3734. of the Revised Code as it pertains to solid 74545  
waste; 74546

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 74547  
3707.38 to 3707.99, or section 3715.21 of the Revised Code; 74548

(4) Rules adopted under former section 3701.34 of the Revised 74549  
Code pertaining to rabies control or swimming pools; 74550

(5) Rules adopted under section 3701.935 of the Revised Code 74551  
for school health and safety network inspections and rules adopted 74552  
under section 3707.26 of the Revised Code for sanitary 74553  
inspections. 74554

"Practice of environmental health" does not include sampling, 74555  
testing, controlling of vectors, reporting of observations, or 74556  
other duties that do not require application of specialized 74557  
knowledge and skills in environmental health science performed 74558  
under the supervision of a registered sanitarian. 74559

The ~~state board~~ director of ~~sanitarian registration~~ health 74560  
may further define environmental health science in relation to 74561  
specific functions in the practice of environmental health through 74562  
rules adopted by the ~~board~~ director under Chapter 119. of the 74563  
Revised Code. 74564

**Sec. 4736.02.** (A) There is hereby created the ~~state board of~~ 74565  
~~sanitarian registration. The board shall consist~~ advisory board 74566  
consisting of seven members appointed by the director of health ~~or~~ 74567  
~~his designated representative, the director of environmental~~ 74568  
~~protection or his designated representative, and five members~~ 74569  
~~appointed by the governor~~ with the advice and consent of the 74570  
senate for terms established in accordance with rules adopted by 74571

the director under section 4736.03 of the Revised Code. The 74572  
advisory board shall advise the director regarding the 74573  
registration of sanitarians-in-training and sanitarians, 74574  
continuing education requirements for sanitarians, the 74575  
administration of examinations prescribed by section 4736.09 of 74576  
the Revised Code, the education criteria required under section 74577  
4736.08 of the Revised Code, and any other matters as may be of 74578  
assistance to the director in the regulation of sanitarians and 74579  
sanitarians-in-training. Each 74580

Each member appointed by the ~~governor~~ director shall be a 74581  
registered sanitarian; ~~however, the initial five members appointed~~ 74582  
~~by the governor shall be persons who meet~~ meets the education and 74583  
experience requirements of section 4736.08 of the Revised Code for 74584  
registration as ~~sanitarians~~ a sanitarian. ~~Of the five members~~ 74585  
~~appointed by the governor, at~~ At least one and not more than two 74586  
~~of the members~~ shall be employees of a general health district; at 74587  
least one and not more than two shall be employees of a city 74588  
health district; and at least one and not more than two shall be 74589  
employed in private industry. Not more than one member may be 74590  
employed by a university and not more than one member may be 74591  
employed by an agency or department of the state. 74592

Within ninety days of the effective date of this ~~section~~ 74593  
amendment, the ~~governor~~ director shall make initial appointments 74594  
to the advisory board. ~~Of the initial appointments, two shall be~~ 74595  
~~for terms ending one year after the effective date of this~~ 74596  
~~section; two shall be for terms ending two years after that~~ 74597  
~~effective date; and one shall be for a term ending three years~~ 74598  
~~after that effective date. Thereafter, terms of office shall be~~ 74599  
~~for three years, each term ending on the same day of the same~~ 74600  
~~month of the year as did the term which it succeeds. Each member~~ 74601  
~~shall hold office from the date of his appointment until the end~~ 74602  
~~of the term for which he was appointed. Any member appointed to~~ 74603

~~fill a vacancy occurring prior to the expiration of the term for 74604  
which his the member's predecessor was appointed shall hold office 74605  
for the remainder of such term. Any member shall continue in 74606  
office subsequent to the expiration date of his the member's term 74607  
until his the member's successor takes office, or until a period 74608  
of sixty days has elapsed, whichever occurs first. 74609~~

~~The governor may remove any member of the board for 74610  
malfeasance, misfeasance, or nonfeasance after an adjudication 74611  
hearing in accordance with Chapter 119. of the Revised Code. 74612~~

~~**Sec. 4736.03.** The state board of sanitarian registration 74613  
shall organize within thirty days after its initial members have 74614  
been appointed by the governor. The board shall annually elect a 74615  
chairman and a vice chairman from its members and shall elect a 74616  
secretary to serve at the pleasure of the board. The chairman and 74617  
the secretary may administer oaths. A majority of the board 74618  
constitutes a quorum. Members shall be compensated for their 74619  
necessary expenses incurred in the performance of their official 74620  
duties. 74621~~

~~The board director of health shall adopt and may amend or 74622  
rescind rules in accordance with Chapter 119. of the Revised Code 74623  
governing the administration of the examinations prescribed by 74624  
section 4736.09 of the Revised Code, prescribing the form for 74625  
application, establishing criteria for determining what courses 74626  
may be included toward fulfillment of the science course 74627  
requirements of section 4736.08 of the Revised Code, determining 74628  
the continuing education program requirements of section 4736.11 74629  
of the Revised Code, and for the administration and enforcement of 74630  
this chapter. 74631~~

~~The director shall adopt, in accordance with Chapter 119. of 74632  
the Revised Code, rules establishing terms of office for members 74633  
of the sanitarian advisory board created in section 4736.02 of the 74634~~



Revised Code. 74635

**Sec. 4736.05.** The ~~state board~~ director of sanitarian 74636  
registration health shall ~~hold at least one meeting annually to~~ 74637  
review and evaluate applications for registration as sanitarians 74638  
and sanitarians-in-training, conduct examinations, review and 74639  
approve expenses, prepare and approve reports, and transact all 74640  
other business as may be necessary to administer and enforce 74641  
Chapter 4736. of the Revised Code. ~~Special meetings shall be~~ 74642  
~~called by the secretary upon written request of any three members~~ 74643  
~~of the board or upon the written request of ten registered~~ 74644  
~~sanitarians.~~ 74645

**Sec. 4736.06.** (A) All receipts of the ~~state board~~ department 74646  
of sanitarian registration health that are associated with 74647  
sanitarian and sanitarian-in-training registration and renewal 74648  
fees shall be deposited in the state treasury to the credit of the 74649  
occupational licensing and regulatory general operations fund 74650  
created in section 3701.83 of the Revised Code. 74651

~~All vouchers of the board shall be approved by the~~ 74652  
~~chairperson of the board or secretary, or both, as authorized by~~ 74653  
~~the board.~~ 74654

~~(B) The board may employ such persons as are necessary to~~ 74655  
~~administer and enforce this chapter.~~ 74656

**Sec. 4736.07.** The ~~state board~~ director of sanitarian 74657  
registration health shall keep a record ~~of its proceedings and a~~ 74658  
~~record~~ of all applications for registration, which shall include: 74659

(A) The name and address of each applicant; 74660

(B) The name and address of the employer or business 74661  
connection of each applicant; 74662

(C) The date of the application; 74663

(D) The educational and experience qualifications of each applicant; 74664  
74665

(E) The date on which the ~~board~~ director reviewed and acted upon each application; 74666  
74667

(F) The action taken by the ~~board~~ director on each application; 74668  
74669

(G) A serial number of each certificate of registration issued by the ~~board~~ director. 74670  
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The ~~board~~ director shall prepare annually a list of the names and addresses of every person registered by it and a list of every person whose registration has been suspended or revoked within the previous year. 74672  
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**Sec. 4736.08.** An application for registration as a sanitarian shall be made to the ~~state board~~ director of ~~sanitarian registration health~~ on a form prescribed by the ~~board~~ director and accompanied by the application fee prescribed in section 4736.12 of the Revised Code. The ~~board~~ director shall register an applicant if the applicant ~~meets the requirements of section 4736.16 of the Revised Code or~~ is of good moral character, passes an examination conducted by the ~~board~~ director in accordance with section 4736.09 of the Revised Code, and meets the education and experience requirements of division (A), (B), or (C) of this section: 74676  
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(A) Graduated from an accredited college or university with at least a baccalaureate degree, including at least forty-five quarter units or thirty semester units of science courses approved by the ~~board~~ director; and completed at least two years of full-time employment as a sanitarian; 74687  
74688  
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(B) Graduated from an accredited college or university with at least a baccalaureate degree, completed a major in 74692  
74693

environmental health science which included an internship program 74694  
approved by the ~~board~~ director; and completed at least one year of 74695  
full-time employment as a sanitarian; 74696

(C) Graduated from an accredited college or university with a 74697  
degree higher than a baccalaureate degree, including at least 74698  
forty-five quarter units or thirty semester units of science 74699  
courses approved by the ~~board~~ director; and completed at least one 74700  
year of full-time employment as a sanitarian. 74701

**Sec. 4736.09.** Examinations required by section 4736.08 of the 74702  
Revised Code shall be conducted not less than once each calendar 74703  
year at such times and places as the ~~state-board~~ director of 74704  
~~sanitarian registration~~ health prescribes. Such examinations shall 74705  
be written and shall include applicable subjects in the field of 74706  
environmental health science and such other subjects as the ~~board~~ 74707  
director may prescribe. The examination shall be objective and 74708  
practical. Any examination papers shall not disclose the name of 74709  
the applicant, but shall be identified by a number assigned by the 74710  
~~secretary of the board~~ director. The preparation of the 74711  
examination shall be the responsibility of the ~~board~~ director; 74712  
however, the ~~board~~ director may use material prepared by 74713  
recognized examination agencies. 74714

No person shall be registered if ~~he~~ the person fails to meet 74715  
the minimum grade requirements for the examination specified by 74716  
the ~~board~~ director. An applicant who fails to meet such minimum 74717  
grade requirements in ~~his~~ the applicant's first examination may be 74718  
reexamined at any time and place specified by the ~~board~~ director, 74719  
upon resubmission of ~~his~~ an application and payment of the fee 74720  
prescribed in section 4736.12 of the Revised Code. 74721

**Sec. 4736.10.** Any person who meets the educational 74722  
qualifications of division (A), (B), or (C) of section 4736.08 of 74723

the Revised Code, but does not meet the experience requirement of 74724  
such division may make application to the ~~state board~~ director of 74725  
~~sanitarian registration~~ health on a form prescribed by the ~~board~~ 74726  
director for registration as a sanitarian-in-training. The ~~board~~ 74727  
director shall register such person as a sanitarian-in-training 74728  
upon payment of the fee required by section 4736.12 of the Revised 74729  
Code, if ~~he~~ the person passes any examination which the ~~board~~ 74730  
director may require for registration as a sanitarian-in-training. 74731  
Any such examination shall be conducted in the same manner as the 74732  
examination required for registration as a sanitarian under 74733  
section 4736.09 of the Revised Code. 74734

A sanitarian-in-training shall apply for registration as a 74735  
sanitarian within three years ~~of his~~ after registration as a 74736  
sanitarian-in-training. The ~~board~~ director may extend the 74737  
registration of any sanitarian-in-training who furnishes, in 74738  
writing, sufficient cause for not applying for registration as a 74739  
sanitarian within the three-year period. 74740

**Sec. 4736.11.** The ~~state board~~ director of ~~sanitarian~~ 74741  
~~registration~~ health shall issue a certificate of registration to 74742  
any applicant whom it registers as a sanitarian or a 74743  
sanitarian-in-training. Such certificate shall bear: 74744

(A) The name of the person; 74745

(B) The date of issue; 74746

(C) A serial number, designated by the ~~board~~ director; 74747

(D) The ~~seal of the board and~~ signature of the ~~chairperson of~~ 74748  
~~the board~~ director; 74749

(E) The designation "registered sanitarian" or 74750  
"sanitarian-in-training." 74751

Certificates of registration shall expire annually on the 74752  
date fixed by the ~~board~~ director and become invalid on that date 74753

unless renewed pursuant to this section. All registered 74754  
sanitarians shall be required annually to complete a continuing 74755  
education program in subjects relating to practices of the 74756  
profession as a sanitarian to the end that the utilization and 74757  
application of new techniques, scientific advancements, and 74758  
research findings will assure comprehensive service to the public. 74759  
The ~~board~~ director shall prescribe by rule a continuing education 74760  
program for registered sanitarians to meet this requirement. The 74761  
length of study for this program shall be determined by the ~~board~~ 74762  
director but shall be not less than six nor more than twenty-five 74763  
hours during the calendar year. At least once annually the ~~board~~ 74764  
director shall provide to each registered sanitarian a list of 74765  
courses approved by the ~~board~~ director as satisfying the program 74766  
prescribed by rule. Upon the request of a registered sanitarian, 74767  
the ~~secretary~~ director shall supply a list of applicable courses 74768  
that the ~~board~~ director has approved. A certificate may be renewed 74769  
for a period of one year at any time prior to the date of 74770  
expiration upon payment of the renewal fee prescribed by section 74771  
4736.12 of the Revised Code and upon showing proof of having 74772  
complied with the continuing education requirements of this 74773  
section. The ~~state board of sanitarian registration~~ director may 74774  
waive the continuing education requirement in cases of certified 74775  
illness or disability which prevents the attendance at any 74776  
qualified educational seminars during the twelve months 74777  
immediately preceding the annual certificate of registration 74778  
renewal date. Certificates which expire may be reinstated under 74779  
rules adopted by the ~~board~~ director. 74780

**Sec. 4736.12.** (A) The ~~state board~~ director of ~~sanitarian~~ 74781  
~~registration~~ health shall charge the following fees: 74782

(1) To apply as a sanitarian-in-training, ~~eighty~~ sixty 74783  
dollars; 74784

(2) For sanitarians-in-training to apply for registration as sanitarians, ~~eighty~~ sixty dollars. The applicant shall pay this fee only once regardless of the number of times the applicant takes an examination required under section 4736.08 of the Revised Code.

(3) For persons other than sanitarians-in-training to apply for registration as sanitarians, ~~including persons meeting the requirements of section 4736.16 of the Revised Code,~~ one hundred ~~sixty~~ twenty dollars. The applicant shall pay this fee only once regardless of the number of times the applicant takes an examination required under section 4736.08 of the Revised Code.

(4) The renewal fee for registered sanitarians shall be ~~ninety~~ sixty-seven dollars and fifty cents.

(5) The renewal fee for sanitarians-in-training shall be ~~ninety~~ sixty-seven dollars and fifty cents.

(6) For late application for renewal, an additional ~~seventy-five~~ fifty-six dollars and twenty-five cents.

The ~~board of sanitarian registration~~ director, with the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that such fees do not exceed the amounts permitted by this section by more than fifty per cent.

(B) The ~~board of sanitarian registration~~ director shall charge separate fees for examinations as required by section 4736.08 of the Revised Code, provided that the fees are not in excess of the actual cost to the ~~board~~ department of health of conducting the examinations.

(C) The ~~board of sanitarian registration~~ director may adopt rules establishing fees for all of the following:

(1) Application for the registration of a training agency

approved under rules adopted by the ~~board~~ director pursuant to 74815  
section 4736.11 of the Revised Code and for the annual 74816  
registration renewal of an approved training agency; 74817

(2) Application for the review of continuing education hours 74818  
submitted for the ~~board's~~ director's approval by approved training 74819  
agencies or by registered sanitarians or sanitarians-in-training; 74820

(3) Additional copies of pocket identification cards and wall 74821  
certificates. 74822

**Sec. 4736.13.** The ~~state-board~~ director of ~~sanitarian~~ 74823  
~~registration~~ health may deny, refuse to renew, revoke, or suspend 74824  
a certificate of registration in accordance with Chapter 119. of 74825  
the Revised Code for unprofessional conduct, the practice of fraud 74826  
or deceit in obtaining a certificate of registration, dereliction 74827  
of duty, incompetence in the practice of environmental health 74828  
science, or for other good and sufficient cause. 74829

**Sec. 4736.14.** The ~~state-board~~ director of ~~sanitarian~~ 74830  
~~registration~~ health may, upon application and proof of valid 74831  
registration, issue a certificate of registration to any person 74832  
who is or has been registered as a sanitarian by any other state, 74833  
if the requirements of that state at the time of such registration 74834  
are determined by the ~~board~~ director to be at least equivalent to 74835  
the requirements of this chapter. 74836

**Sec. 4736.15.** No person shall engage in, or offer to engage 74837  
in, the practice of environmental health without being registered 74838  
in accordance with sections 4736.01 to ~~4736.16~~ 4736.15 of the 74839  
Revised Code. A sanitarian-in-training may engage in the practice 74840  
of environmental health for a period not to exceed five years, 74841  
provided ~~he~~ the sanitarian-in-training is supervised by a 74842  
registered sanitarian. No person except a registered sanitarian 74843  
shall use the title "registered sanitarian" or the abbreviation 74844

"R.S." after ~~his~~ the person's name, or represent ~~himself~~ self as a registered sanitarian. Whoever violates this section is guilty of a misdemeanor of the fourth degree.

**Sec. 4736.17.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the ~~state board~~ director of ~~sanitarian registration~~ health shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a certificate issued pursuant to this chapter.

**Sec. 4736.18.** The ~~state board~~ director of ~~sanitarian registration~~ health shall comply with section 4776.20 of the Revised Code.

**Sec. 4745.01.** (A) "Standard renewal procedure," as used in Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 3748., 3769., 3783., 3921., 3951., 4104., 4105., ~~4143.~~, 4169., 4561., 4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 4728., 4729., 4731., 4733., 4734., ~~4735.~~, 4739., 4741., 4747., 4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 4773., and 4775. of the Revised Code, means the license renewal procedures specified in this chapter.

(B) "Licensing agency," as used in this chapter, means any department, division, board, section of a board, or other state governmental unit subject to the standard renewal procedure, as defined in this section, and authorized by the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specified equipment, machinery, or premises.

(C) "License," as used in this chapter, means a license, certificate, permit, card, or other authority issued or conferred



by a licensing agency by authority of which the licensee has or 74875  
claims the privilege to engage in the profession, occupation, or 74876  
occupational activity, or to have control of and operate certain 74877  
specific equipment, machinery, or premises, over which the 74878  
licensing agency has jurisdiction. 74879

(D) "Licensee," as used in this chapter, means either the 74880  
person to whom the license is issued or renewed by a licensing 74881  
agency, or the person, partnership, or corporation at whose 74882  
request the license is issued or renewed. 74883

(E) "Renewal" and "renewed," as used in this chapter and in 74884  
the chapters of the Revised Code specified in division (A) of this 74885  
section, includes the continuing licensing procedure provided in 74886  
Chapter 3748. of the Revised Code and rules adopted under it and 74887  
in sections 1321.05 and 3921.33 of the Revised Code, and as 74888  
applied to those continuing licenses any reference in this chapter 74889  
to the date of expiration of any license shall be construed to 74890  
mean the due date of the annual or other fee for the continuing 74891  
license. 74892

**Sec. 4749.031.** (A) The department of public safety shall be a 74893  
participating public office for purposes of the retained applicant 74894  
fingerprint database established under section 109.5721 of the 74895  
Revised Code. The department shall elect to participate in the 74896  
continuous record monitoring service for all persons licensed or 74897  
registered under this chapter. When the superintendent of the 74898  
bureau of criminal identification and investigation, under section 74899  
109.57 of the Revised Code, indicates that an individual in the 74900  
retained applicant fingerprint database has been arrested for, 74901  
convicted of, or pleaded guilty to any offense, the superintendent 74902  
promptly shall notify the department either electronically or by 74903  
mail that additional arrest or conviction information is 74904  
available. 74905

(B) In addition to any other fees charged by the department 74906  
under this chapter, an applicant for a license under section 74907  
4749.03 of the Revised Code, at the time of making an initial or 74908  
renewal application, shall pay any initial or annual fee charged 74909  
by the superintendent pursuant to rules adopted under division 74910  
(~~F~~)(H) of section 109.5721 of the Revised Code. 74911

**Sec. 4751.03.** (A) There is hereby established in the 74912  
department of aging a board of executives of long-term services 74913  
and supports, which board shall be composed of the following 74914  
eleven members: 74915

(1) Four members who are nursing home administrators, owners 74916  
of nursing homes, or officers of corporations owning nursing 74917  
homes, and who shall have an understanding of person-centered 74918  
care, and experience with a range of long-term services and 74919  
supports settings; 74920

(2)(a) Three members who work in long-term services and 74921  
supports settings that are not nursing homes, and who shall have 74922  
an understanding of person-centered care, and experience with a 74923  
range of long-term services and supports settings; 74924

(b) At least one of the members described in division 74925  
(A)(2)(a) of this section shall be a home health administrator, an 74926  
owner of a home health agency, or an officer of a home health 74927  
agency. 74928

(3) One member who is a member of the academic community; 74929

(4) One member who is a consumer of services offered in a 74930  
long-term services and supports setting; 74931

(5) One nonvoting member who is a representative of the 74932  
department of health, designated by the director of health, who is 74933  
involved in the nursing home survey and certification process, who 74934  
shall serve in an advisory capacity only; 74935

(6) One nonvoting member who is a representative of the office of the state long-term care ombudsman, designated by the state long-term care ombudsman, who shall serve in an advisory capacity only.

All members of the board shall be citizens of the United States and residents of this state. No member of the board who is appointed under divisions (A)(3) to (6) of this section may have or acquire any direct financial interest in a nursing home or long-term services and supports settings.

(B) The term of office for each appointed member of the board shall be for three years, commencing on the twenty-eighth day of May and ending on the twenty-seventh day of May. Each member shall serve from the date of appointment until the end of the term for which appointed. No member shall serve more than two consecutive full terms.

(C) Appointments to the board shall be made by the governor. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any appointed member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(D) The governor may remove any member of the board for misconduct, incapacity, incompetence, or neglect of duty after the member so charged has been served with a written statement of charges and has been given an opportunity to be heard.

(E) Each member of the board, except the member designated by the director of health and the member designated by the ombudsman, shall be paid in accordance with section 124.15 of the Revised Code and each member shall be reimbursed for the member's actual

and necessary expenses incurred in the discharge of such duties. 74967

(F) The board shall elect annually from its membership a 74968  
chairperson and a vice-chairperson. 74969

(G) The board shall hold and conduct meetings quarterly and 74970  
at such other times as its business requires. A majority of the 74971  
voting members of the board shall constitute a quorum. The 74972  
affirmative vote of a majority of the voting members of the board 74973  
is necessary for the board to act. 74974

(H) The board shall appoint a secretary who has no financial 74975  
interest in a long-term services and supports setting, and may 74976  
employ and prescribe the powers and duties of such employees and 74977  
consultants as are necessary to carry out this chapter and the 74978  
rules adopted under it. 74979

**Sec. 4751.04.** (A) The board of executives of long-term 74980  
services and supports shall: 74981

(1) Develop, adopt, impose, and enforce regulations 74982  
prescribing standards which must be met by individuals in order to 74983  
receive a license as a nursing home administrator, which standards 74984  
shall be designed to ensure that nursing home administrators are 74985  
of good character and are otherwise suitable, and who, by training 74986  
and experience, are qualified to serve as nursing home 74987  
administrators; 74988

(2) Develop and apply appropriate techniques, including 74989  
examinations and investigations, for determining whether an 74990  
individual meets such standards; 74991

(3) Issue licenses and registrations to individuals 74992  
determined, after application of such techniques, to meet such 74993  
standards, ~~and revoke;~~ 74994

(4) Revoke or suspend licenses or registrations previously 74995  
issued by the board or impose a civil penalty, fine, or any other 74996

sanction authorized by the board on an individual holding a 74997  
license or registration, in any case where the individual ~~holding~~ 74998  
~~such license or registration~~ is determined to have failed 74999  
substantially to conform to the requirements of such standards; 75000

~~(4)~~(5) Develop, adopt, impose, and enforce regulations and 75001  
procedures designed to ensure that individuals holding a temporary 75002  
license, or licensed as nursing home administrators will, during 75003  
any period that they serve as such, comply with Chapter 4751. of 75004  
the Revised Code and the regulations adopted thereunder; 75005

~~(5)~~(6) Receive, investigate, and take appropriate action with 75006  
respect to any charge or complaint filed with the board to the 75007  
effect that any individual licensed as a nursing home 75008  
administrator has failed to comply with Chapter 4751. of the 75009  
Revised Code and the regulations adopted thereunder; 75010

~~(6)~~(7) Take such other actions as may be necessary to enable 75011  
the state to meet the requirements set forth in the "Social 75012  
Security Amendments of 1967," 81 Stat. 908 (1968), 42 U.S.C. 1396 75013  
g; 75014

~~(7)~~(8) Pay all license and registration fees, civil 75015  
penalties, and fines collected under Chapter 4751. of the Revised 75016  
Code into the board of executives of long-term services and 75017  
supports fund created by section 4751.14 of the Revised Code to be 75018  
used in administering and enforcing this chapter and the rules 75019  
adopted under it; 75020

~~(8)~~(9) Administer, or contract with a government or private 75021  
entity to administer, examinations for licensure as a nursing home 75022  
administrator. If the board contracts with a government or private 75023  
entity to administer the examinations, the contract may authorize 75024  
the entity to collect and keep, as all or part of the entity's 75025  
compensation under the contract, any fee an applicant for 75026  
licensure pays to take an examination. The entity is not required 75027

to deposit the fee into the state treasury; 75028

~~(9)~~(10) Enter into a contract with the department of aging as 75029  
required under section 4751.042 of the Revised Code; 75030

~~(10)~~(11) Create opportunities for the education, training, 75031  
and credentialing of nursing home administrators ~~and others,~~ 75032  
persons in leadership positions who practice in long-term services 75033  
and supports settings or who direct the practices of others in 75034  
those settings, and persons interested in serving in those roles. 75035  
In carrying out this function, the board shall do the following: 75036

(a) Identify core competencies and areas of knowledge that 75037  
are appropriate for nursing home administrators, credentialed 75038  
individuals, and others working within the long-term services and 75039  
supports settings system, with an emphasis on all of the 75040  
following: 75041

(i) Leadership; 75042

(ii) Person-centered care; 75043

(iii) Principles of management within both the business and 75044  
regulatory environments; 75045

(iv) An understanding of all post-acute settings, including 75046  
transitions from acute settings and between post-acute settings. 75047

(b) Assist in the development of a strong, competitive market 75048  
in Ohio for training, continuing education, and degree programs in 75049  
long-term services and supports settings administration. 75050

(B) In the administration and enforcement of Chapter 4751. of 75051  
the Revised Code, and the regulations adopted thereunder, the 75052  
board is subject to Chapter 119. of the Revised Code and sections 75053  
4743.01 and 4743.02 of the Revised Code except that a notice of 75054  
appeal of an order of the board adopting, amending, or rescinding 75055  
a rule or regulation does not operate as a stay of the effective 75056  
date of such order as provided in section 119.11 of the Revised 75057

Code. The court, at its discretion, may grant a stay of any 75058  
regulation in its application against the person filing the notice 75059  
of appeal. 75060

Sec. 4751.043. (A) Training and education programs developed 75061  
by the board of executives of long-term services and supports 75062  
pursuant to division (A)(10) of section 4751.04 of the Revised 75063  
Code may be conducted in person or through electronic media. The 75064  
board may establish and charge a fee for the education and 75065  
training programs. 75066

(B) The board may enter into a contract with a government or 75067  
private entity to perform the board's duties under division 75068  
(A)(10) of section 4751.04 of the Revised Code to develop and 75069  
conduct education and training programs. If the board enters into 75070  
such a contract, the contract may authorize the entity to pay any 75071  
or all costs associated with the education or training programs 75072  
and to collect and keep, as all or part of the entity's 75073  
compensation under the contract, any fee an applicant for 75074  
education or training pays to enroll in the education or training 75075  
program. 75076

Sec. 4751.044. The board of executives of long-term services 75077  
and supports shall approve continuing education courses for 75078  
nursing home administrators. The board may establish a fee for 75079  
approval of such courses that is adequate to cover any expense the 75080  
board incurs in the approval process. 75081

Sec. 4751.10. The license or registration, or both, or the 75082  
temporary license of any person practicing or offering to practice 75083  
nursing home administration, shall be revoked or suspended by the 75084  
board of executives of long-term services and supports if such 75085  
licensee or temporary licensee: 75086

(A) Is unfit or incompetent by reason of negligence, habits, 75087

or other causes; 75088

(B) Has willfully or repeatedly violated any of the 75089  
provisions of Chapter 4751. of the Revised Code or the regulations 75090  
adopted thereunder; or willfully or repeatedly acted in a manner 75091  
inconsistent with the health and safety of the patients of the 75092  
nursing home in which the licensee or temporary licensee is the 75093  
administrator; 75094

(C) Is guilty of fraud or deceit in the practice of nursing 75095  
home administration or in the licensee's or temporary licensee's 75096  
admission to such practice; 75097

(D) Has been convicted in a court of competent jurisdiction, 75098  
either within or without this state, of a felony. 75099

~~Proceedings under this section shall be instituted by the 75100  
board or shall be begun by filing with the board charges in 75101  
writing and under oath. 75102~~

**Sec. 4751.14.** There is hereby created in the state treasury 75103  
the board of executives of long-term services and supports fund. 75104  
The fund shall consist of the amounts the board collects under 75105  
this chapter as license and registration fees collected under this 75106  
chapter, other fees, civil penalties, and fines. Money in the fund 75107  
shall be used by the board of executives of long-term services and 75108  
supports to administer and enforce this chapter and the rules 75109  
adopted under it. Investment earnings of the fund shall be 75110  
credited to the fund. 75111

**Sec. 4751.99.** Whoever violates section 4751.02 or 4751.09 of 75112  
the Revised Code ~~shall~~ may be fined not ~~less than fifty nor~~ more 75113  
than five hundred dollars for the first offense; for each 75114  
subsequent offense such person ~~shall~~ may be fined not ~~less than~~ 75115  
~~one hundred nor~~ more than five hundred dollars or imprisoned for 75116  
not more than ninety days, or both. 75117



The imposition of fines pursuant to this section does not 75118  
preclude the imposition of any civil penalties or fines authorized 75119  
under section 4751.04 or any other section of the Revised Code. 75120

**Sec. 4762.14.** (A) The state medical board shall investigate 75121  
evidence that appears to show that any person has violated this 75122  
chapter or the rules adopted under it. Any person may report to 75123  
the board in a signed writing any information the person has that 75124  
appears to show a violation of any provision of this chapter or 75125  
the rules adopted under it. In the absence of bad faith, a person 75126  
who reports such information or testifies before the board in an 75127  
adjudication conducted under Chapter 119. of the Revised Code 75128  
shall not be liable for civil damages as a result of reporting the 75129  
information or providing testimony. Each complaint or allegation 75130  
of a violation received by the board shall be assigned a case 75131  
number and be recorded by the board. 75132

(B) Investigations of alleged violations of this chapter or 75133  
rules adopted under it shall be supervised by the supervising 75134  
member elected by the board in accordance with section 4731.02 of 75135  
the Revised Code and by the secretary as provided in section 75136  
~~4762.15~~ 4762.17 of the Revised Code. The board's president may 75137  
designate another member of the board to supervise the 75138  
investigation in place of the supervising member. A member of the 75139  
board who supervises the investigation of a case shall not 75140  
participate in further adjudication of the case. 75141

(C) In investigating a possible violation of this chapter or 75142  
the rules adopted under it, the board may administer oaths, order 75143  
the taking of depositions, issue subpoenas, and compel the 75144  
attendance of witnesses and production of books, accounts, papers, 75145  
records, documents, and testimony, except that a subpoena for 75146  
patient record information shall not be issued without 75147  
consultation with the attorney general's office and approval of 75148

the secretary and supervising member of the board. Before issuance 75149  
of a subpoena for patient record information, the secretary and 75150  
supervising member shall determine whether there is probable cause 75151  
to believe that the complaint filed alleges a violation of this 75152  
chapter or the rules adopted under it and that the records sought 75153  
are relevant to the alleged violation and material to the 75154  
investigation. The subpoena may apply only to records that cover a 75155  
reasonable period of time surrounding the alleged violation. 75156

On failure to comply with any subpoena issued by the board 75157  
and after reasonable notice to the person being subpoenaed, the 75158  
board may move for an order compelling the production of persons 75159  
or records pursuant to the Rules of Civil Procedure. 75160

A subpoena issued by the board may be served by a sheriff, 75161  
the sheriff's deputy, or a board employee designated by the board. 75162  
Service of a subpoena issued by the board may be made by 75163  
delivering a copy of the subpoena to the person named therein, 75164  
reading it to the person, or leaving it at the person's usual 75165  
place of residence. When the person being served is an oriental 75166  
medicine practitioner or acupuncturist, service of the subpoena 75167  
may be made by certified mail, restricted delivery, return receipt 75168  
requested, and the subpoena shall be deemed served on the date 75169  
delivery is made or the date the person refuses to accept 75170  
delivery. 75171

A sheriff's deputy who serves a subpoena shall receive the 75172  
same fees as a sheriff. Each witness who appears before the board 75173  
in obedience to a subpoena shall receive the fees and mileage 75174  
provided for under section 119.094 of the Revised Code. 75175

(D) All hearings and investigations of the board shall be 75176  
considered civil actions for the purposes of section 2305.252 of 75177  
the Revised Code. 75178

(E) Information received by the board pursuant to an 75179

investigation is confidential and not subject to discovery in any 75180  
civil action. 75181

The board shall conduct all investigations and proceedings in 75182  
a manner that protects the confidentiality of patients and persons 75183  
who file complaints with the board. The board shall not make 75184  
public the names or any other identifying information about 75185  
patients or complainants unless proper consent is given. 75186

The board may share any information it receives pursuant to 75187  
an investigation, including patient records and patient record 75188  
information, with law enforcement agencies, other licensing 75189  
boards, and other governmental agencies that are prosecuting, 75190  
adjudicating, or investigating alleged violations of statutes or 75191  
administrative rules. An agency or board that receives the 75192  
information shall comply with the same requirements regarding 75193  
confidentiality as those with which the state medical board must 75194  
comply, notwithstanding any conflicting provision of the Revised 75195  
Code or procedure of the agency or board that applies when it is 75196  
dealing with other information in its possession. In a judicial 75197  
proceeding, the information may be admitted into evidence only in 75198  
accordance with the Rules of Evidence, but the court shall require 75199  
that appropriate measures are taken to ensure that confidentiality 75200  
is maintained with respect to any part of the information that 75201  
contains names or other identifying information about patients or 75202  
complainants whose confidentiality was protected by the state 75203  
medical board when the information was in the board's possession. 75204  
Measures to ensure confidentiality that may be taken by the court 75205  
include sealing its records or deleting specific information from 75206  
its records. 75207

(F) The state medical board shall develop requirements for 75208  
and provide appropriate initial training and continuing education 75209  
for investigators employed by the board to carry out its duties 75210  
under this chapter. The training and continuing education may 75211

include enrollment in courses operated or approved by the Ohio  
peace officer training council that the board considers  
appropriate under conditions set forth in section 109.79 of the  
Revised Code.

(G) On a quarterly basis, the board shall prepare a report  
that documents the disposition of all cases during the preceding  
three months. The report shall contain the following information  
for each case with which the board has completed its activities:

(1) The case number assigned to the complaint or alleged  
violation;

(2) The type of certificate to practice, if any, held by the  
individual against whom the complaint is directed;

(3) A description of the allegations contained in the  
complaint;

(4) The disposition of the case.

The report shall state how many cases are still pending, and  
shall be prepared in a manner that protects the identity of each  
person involved in each case. The report is a public record for  
purposes of section 149.43 of the Revised Code.

**Sec. 4765.01.** As used in this chapter:

(A) "First responder" means an individual who holds a  
current, valid certificate issued under section 4765.30 of the  
Revised Code to practice as a first responder.

(B) "Emergency medical technician-basic" or "EMT-basic" means  
an individual who holds a current, valid certificate issued under  
section 4765.30 of the Revised Code to practice as an emergency  
medical technician-basic.

(C) "Emergency medical technician-intermediate" or "EMT-I"  
means an individual who holds a current, valid certificate issued

under section 4765.30 of the Revised Code to practice as an 75241  
emergency medical technician-intermediate. 75242

(D) "Emergency medical technician-paramedic" or "paramedic" 75243  
means an individual who holds a current, valid certificate issued 75244  
under section 4765.30 of the Revised Code to practice as an 75245  
emergency medical technician-paramedic. 75246

(E) "Ambulance" means any motor vehicle that is used, or is 75247  
intended to be used, for the purpose of responding to emergency 75248  
medical situations, transporting emergency patients, and 75249  
administering emergency medical service to patients before, 75250  
during, or after transportation. 75251

(F) "Cardiac monitoring" means a procedure used for the 75252  
purpose of observing and documenting the rate and rhythm of a 75253  
patient's heart by attaching electrical leads from an 75254  
electrocardiograph monitor to certain points on the patient's body 75255  
surface. 75256

(G) "Emergency medical service" means any of the services 75257  
described in sections 4765.35, 4765.37, 4765.38, and 4765.39 of 75258  
the Revised Code that are performed by first responders, emergency 75259  
medical technicians-basic, emergency medical 75260  
technicians-intermediate, and paramedics. "Emergency medical 75261  
service" includes such services performed before or during any 75262  
transport of a patient, including transports between hospitals and 75263  
transports to and from helicopters. 75264

(H) "Emergency medical service organization" means a public 75265  
or private organization using first responders, EMTs-basic, 75266  
EMTs-I, or paramedics, or a combination of first responders, 75267  
EMTs-basic, EMTs-I, and paramedics, to provide emergency medical 75268  
services. 75269

(I) "Physician" means an individual who holds a current, 75270  
valid ~~certificate~~ license issued under Chapter 4731. of the 75271

Revised Code authorizing the practice of medicine and surgery or 75272  
osteopathic medicine and surgery. 75273

(J) "Registered nurse" means an individual who holds a 75274  
current, valid license issued under Chapter 4723. of the Revised 75275  
Code authorizing the practice of nursing as a registered nurse. 75276

(K) "Volunteer" means a person who provides services either 75277  
for no compensation or for compensation that does not exceed the 75278  
actual expenses incurred in providing the services or in training 75279  
to provide the services. 75280

(L) "Emergency medical service personnel" means first 75281  
responders, emergency medical technicians-basic, emergency medical 75282  
technicians-intermediate, emergency medical technicians-paramedic, 75283  
and persons who provide medical direction to such persons. 75284

(M) "Hospital" has the same meaning as in section 3727.01 of 75285  
the Revised Code. 75286

(N) "Trauma" or "traumatic injury" means severe damage to or 75287  
destruction of tissue that satisfies both of the following 75288  
conditions: 75289

(1) It creates a significant risk of any of the following: 75290

(a) Loss of life; 75291

(b) Loss of a limb; 75292

(c) Significant, permanent disfigurement; 75293

(d) Significant, permanent disability. 75294

(2) It is caused by any of the following: 75295

(a) Blunt or penetrating injury; 75296

(b) Exposure to electromagnetic, chemical, or radioactive 75297  
energy; 75298

(c) Drowning, suffocation, or strangulation; 75299

(d) A deficit or excess of heat.	75300
(O) "Trauma victim" or "trauma patient" means a person who has sustained a traumatic injury.	75301 75302
(P) "Trauma care" means the assessment, diagnosis, transportation, treatment, or rehabilitation of a trauma victim by emergency medical service personnel or by a physician, nurse, physician assistant, respiratory therapist, physical therapist, chiropractor, occupational therapist, speech-language pathologist, audiologist, or psychologist licensed to practice as such in this state or another jurisdiction.	75303 75304 75305 75306 75307 75308 75309
(Q) "Trauma center" means all of the following:	75310
(1) Any hospital that is verified by the American college of surgeons as an adult or pediatric trauma center;	75311 75312
(2) Any hospital that is operating as an adult or pediatric trauma center under provisional status pursuant to section 3727.101 of the Revised Code;	75313 75314 75315
(3) Until December 31, 2004, any hospital in this state that is designated by the director of health as a level II pediatric trauma center under section 3727.081 of the Revised Code;	75316 75317 75318
(4) Any hospital in another state that is licensed or designated under the laws of that state as capable of providing specialized trauma care appropriate to the medical needs of the trauma patient.	75319 75320 75321 75322
(R) "Pediatric" means involving a patient who is less than sixteen years of age.	75323 75324
(S) "Adult" means involving a patient who is not a pediatric patient.	75325 75326
(T) "Geriatric" means involving a patient who is at least seventy years old or exhibits significant anatomical or physiological characteristics associated with advanced aging.	75327 75328 75329

(U) "Air medical organization" means an organization that provides emergency medical services, or transports emergency victims, by means of fixed or rotary wing aircraft.

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(V) "Emergency care" and "emergency facility" have the same meanings as in section 3727.01 of the Revised Code.

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(W) "Stabilize," except as it is used in division (B) of section 4765.35 of the Revised Code with respect to the manual stabilization of fractures, has the same meaning as in section 1753.28 of the Revised Code.

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(X) "Transfer" has the same meaning as in section 1753.28 of the Revised Code.

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(Y) "Firefighter" means any member of a fire department as defined in section 742.01 of the Revised Code.

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(Z) "Volunteer firefighter" has the same meaning as in section 146.01 of the Revised Code.

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(AA) "Part-time paid firefighter" means a person who provides firefighting services on less than a full-time basis, is routinely scheduled to be present on site at a fire station or other designated location for purposes of responding to a fire or other emergency, and receives more than nominal compensation for the provision of firefighting services.

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(BB) "Physician assistant" means an individual who holds a valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code.

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**Sec. 4765.02.** (A)(1) There is hereby created the state board of emergency medical, fire, and transportation services within the division of emergency medical services of the department of public safety. The board shall consist of the members specified in this section who are residents of this state. The governor, with the advice and consent of the senate, shall appoint all members of the

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board, except the employee of the department of public safety 75360  
designated by the director of public safety under this section to 75361  
be a member of the board. In making the appointments, the governor 75362  
shall appoint only members with background or experience in 75363  
emergency medical services or trauma care and shall attempt to 75364  
include members representing urban and rural areas, various 75365  
geographical regions of the state, and various schools of 75366  
training. 75367

(2) One member of the board shall be a physician certified by 75368  
the American board of emergency medicine or the American 75369  
osteopathic board of emergency medicine who is active in the 75370  
practice of emergency medicine and is actively involved with an 75371  
emergency medical service organization. The governor shall appoint 75372  
this member from among three persons nominated by the Ohio chapter 75373  
of the American college of emergency physicians and three persons 75374  
nominated by the Ohio osteopathic association. One member shall be 75375  
a physician certified by the American board of surgery or the 75376  
American osteopathic board of surgery who is active in the 75377  
practice of trauma surgery and is actively involved with emergency 75378  
medical services. The governor shall appoint this member from 75379  
among three persons nominated by the Ohio chapter of the American 75380  
college of surgeons and three persons nominated by the Ohio 75381  
osteopathic association. One member shall be a physician certified 75382  
by the American academy of pediatrics or American osteopathic 75383  
board of pediatrics who is active in the practice of pediatric 75384  
emergency medicine and actively involved with an emergency medical 75385  
service organization. The governor shall appoint this member from 75386  
among three persons nominated by the Ohio chapter of the American 75387  
academy of pediatrics and three persons nominated by the Ohio 75388  
osteopathic association. One member shall be the administrator of 75389  
a hospital located in this state. The governor shall appoint this 75390  
member from among three persons nominated by OHA: the association 75391  
for hospitals and health systems, three persons nominated by the 75392

Ohio osteopathic association, and three persons nominated by the 75393  
association of Ohio children's hospitals. One member shall be an 75394  
adult or pediatric trauma program manager or trauma program 75395  
director who is involved in the daily management of a verified 75396  
trauma center. The governor shall appoint this member from among 75397  
three persons nominated by the Ohio nurses association, three 75398  
persons nominated by the Ohio society of trauma nurse leaders, and 75399  
three persons nominated by the Ohio state council of the emergency 75400  
nurses association. One member shall be the chief of a fire 75401  
department that is also an emergency medical service organization 75402  
in which more than fifty per cent of the persons who provide 75403  
emergency medical services are full-time paid employees. The 75404  
governor shall appoint this member from among three persons 75405  
nominated by the Ohio fire chiefs' association. One member shall 75406  
be the chief of a fire department that is also an emergency 75407  
medical service organization in which more than fifty per cent of 75408  
the persons who provide emergency medical services are volunteers. 75409  
The governor shall appoint this member from among three persons 75410  
nominated by the Ohio fire chiefs' association. One member shall 75411  
be a person who is certified to teach under section 4765.23 of the 75412  
Revised Code and holds a valid certificate to practice as an EMT, 75413  
AEMT, or paramedic. The governor shall appoint this member from 75414  
among three persons nominated by the Ohio emergency medical 75415  
technician instructors association and the Ohio 75416  
instructor/coordinators' society. One member shall be an EMT, 75417  
AEMT, or paramedic, and one member shall be a paramedic. The 75418  
governor shall appoint these members from among three EMTs or 75419  
AEMTs and three paramedics nominated by the Ohio association of 75420  
professional fire fighters and three EMTs, three AEMTs, and three 75421  
paramedics nominated by the northern Ohio fire fighters. One 75422  
member shall be an EMT, AEMT, or paramedic, and one member shall 75423  
be a paramedic. The governor shall appoint these members from 75424  
among three EMTs or AEMTs and three paramedics nominated by the 75425

Ohio state firefighter's association. One member shall be a person 75426  
whom the governor shall appoint from among an EMT, AEMT, or a 75427  
paramedic nominated by the Ohio association of emergency medical 75428  
services or the Ohio ambulance and medical transportation 75429  
association. One member shall be an EMT, AEMT, or a paramedic, 75430  
whom the governor shall appoint from among three persons nominated 75431  
by the Ohio ambulance and medical transportation association. One 75432  
member shall be a paramedic, whom the governor shall appoint from 75433  
among three persons nominated by the Ohio ambulance and medical 75434  
transportation association. One member shall be the owner or 75435  
operator of a private emergency medical service organization whom 75436  
the governor shall appoint from among three persons nominated by 75437  
the Ohio ambulance and medical transportation association. One 75438  
member shall be a member of a third-service emergency medical 75439  
service agency or organization whom the governor shall appoint 75440  
from among three persons nominated by the Ohio EMS chiefs 75441  
association. One member shall be a provider of mobile intensive 75442  
care unit transportation in this state whom the governor shall 75443  
appoint from among three persons nominated by the Ohio association 75444  
of critical care transport. One member shall be a provider of 75445  
air-medical transportation in this state whom the governor shall 75446  
appoint from among three persons nominated by the Ohio association 75447  
of critical care transport. One member shall be the owner or 75448  
operator of a nonemergency medical service organization in this 75449  
state that provides ambulette services whom the governor shall 75450  
appoint from among three persons nominated by the Ohio ambulance 75451  
and medical transportation association. 75452

The governor may refuse to appoint any of the persons 75453  
nominated by one or more organizations under division (A)(2) of 75454  
this section, except the employee of the department of public 75455  
safety designated by the director of public safety under this 75456  
section to be a member of the board. In that event, the 75457  
organization or organizations shall continue to nominate the 75458

required number of persons until the governor appoints to the 75459  
board one or more of the persons nominated by the organization or 75460  
organizations. 75461

The director of public safety shall designate an employee of 75462  
the department of public safety to serve as a member of the board 75463  
at the director's pleasure. This member shall serve as a liaison 75464  
between the department and the division of emergency medical 75465  
services in cooperation with the executive director of the board. 75466

(B) Terms of office of all members appointed by the governor 75467  
shall be for three years, each term ending on the same day of the 75468  
same month as did the term it succeeds. Each member shall hold 75469  
office from the date of appointment until the end of the term for 75470  
which the member was appointed. A member shall continue in office 75471  
subsequent to the expiration date of the member's term until the 75472  
member's successor takes office, or until a period of sixty days 75473  
has elapsed, whichever occurs first. 75474

Each vacancy shall be filled in the same manner as the 75475  
original appointment. A member appointed to fill a vacancy 75476  
occurring prior to the expiration of the term for which the 75477  
member's predecessor was appointed shall hold office for the 75478  
remainder of the unexpired term. 75479

The term of a member shall expire if the member ceases to 75480  
meet any of the requirements to be appointed as that member. The 75481  
governor may remove any member from office for neglect of duty, 75482  
malfeasance, misfeasance, or nonfeasance, after an adjudication 75483  
hearing held in accordance with Chapter 119. of the Revised Code. 75484

(C) The members of the board shall serve without compensation 75485  
but shall be reimbursed for their actual and necessary expenses 75486  
incurred in carrying out their duties as board members. 75487

(D) The board shall organize by annually selecting a chair 75488  
and vice-chair from among its members. The board may adopt bylaws 75489

to regulate its affairs. A majority of all members of the board 75490  
shall constitute a quorum. No action shall be taken without the 75491  
concurrence of a majority of all members of the board. The board 75492  
shall meet at least four times annually and at the call of the 75493  
chair. The chair shall call a meeting on the request of the 75494  
executive director or the medical director of the board or on the 75495  
written request of five members. The board shall maintain written 75496  
or electronic records of its meetings. 75497

(E) Upon twenty-four hours' notice from a member of the 75498  
board, the member's employer shall release the member from the 75499  
member's employment duties to attend meetings of the full board. 75500  
Nothing in this division requires the employer of a member of the 75501  
board to compensate the member for time the member is released 75502  
from employment duties under this paragraph, but any civil 75503  
immunity, workers' compensation, disability, or similar coverage 75504  
that applies to a member of the board as a result of the member's 75505  
employment shall continue to apply while the member is released 75506  
from employment duties under this paragraph. 75507

**Sec. 4776.01.** As used in this chapter: 75508

(A) "License" means an authorization evidenced by a license, 75509  
certificate, registration, permit, card, or other authority that 75510  
is issued or conferred by a licensing agency to a licensee or to 75511  
an applicant for an initial license by which the licensee or 75512  
initial license applicant has or claims the privilege to engage in 75513  
a profession, occupation, or occupational activity, or, except in 75514  
the case of the state dental board, to have control of and operate 75515  
certain specific equipment, machinery, or premises, over which the 75516  
licensing agency has jurisdiction. 75517

(B) Except as provided in section 4776.20 of the Revised 75518  
Code, "licensee" means the person to whom the license is issued by 75519  
a licensing agency. 75520

(C) Except as provided in section 4776.20 of the Revised Code, "licensing agency" means any of the following:

(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 4779., and 4783. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain ~~specified~~ specific equipment, machinery, or premises.

(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code;

(3) The department of commerce or state board of pharmacy, relative to its authority to issue a license to a person or entity pursuant to Chapter 3796. of the Revised Code or any rules adopted under that chapter.

(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license by reciprocity, endorsement, or similar manner of a license issued in another state.

(E) "Applicant for a restored license" includes persons seeking restoration of a certificate under section 4730.14, 4731.281, 4760.06, or 4762.06 of the Revised Code.

(F) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

**Sec. 4776.02.** (A) An applicant for an initial license or restored license from a licensing agency, a person seeking to satisfy the requirements to be an employee of a pain management clinic as specified in section 4729.552 of the Revised Code, a person seeking to satisfy the requirements to be an employee of a

facility, clinic, or other location that is subject to licensure 75551  
as a category III terminal distributor of dangerous drugs with an 75552  
office-based opioid treatment classification under section 75553  
4729.553 of the Revised Code, or a person seeking employment with 75554  
an entity holding a license issued under Chapter 3796. of the 75555  
Revised Code shall submit a request to the bureau of criminal 75556  
identification and investigation for a criminal records check of 75557  
the applicant or person. The request shall be accompanied by a 75558  
completed copy of the form prescribed under division (C)(1) of 75559  
section 109.572 of the Revised Code, a set of fingerprint 75560  
impressions obtained as described in division (C)(2) of that 75561  
section, and the fee prescribed under division (C)(3) of that 75562  
section. The applicant or person shall ask the superintendent of 75563  
the bureau of criminal identification and investigation in the 75564  
request to obtain from the federal bureau of investigation any 75565  
information it has pertaining to the applicant or person. 75566

An applicant or person requesting a criminal records check 75567  
shall provide the bureau of criminal identification and 75568  
investigation with the applicant's or person's name and address 75569  
and, regarding an applicant, with the licensing agency's name and 75570  
address. ~~If the person requesting the criminal records check is a 75571  
person seeking employment with an entity holding a license under 75572  
Chapter 3796. of the Revised Code, the person also shall provide 75573  
the bureau with the name and address of the entity holding the 75574  
license.~~ 75575

(B) Upon receipt of the completed form, the set of 75576  
fingerprint impressions, and the fee provided for in division (A) 75577  
of this section, the superintendent of the bureau of criminal 75578  
identification and investigation shall conduct a criminal records 75579  
check of the applicant or person under division (B) of section 75580  
109.572 of the Revised Code. Upon completion of the criminal 75581  
records check, the superintendent shall do whichever of the 75582

following is applicable: 75583

(1) If the request was submitted by an applicant for an 75584  
initial license or restored license, report the results of the 75585  
criminal records check and any information the federal bureau of 75586  
investigation provides to the licensing agency identified in the 75587  
request for a criminal records check; 75588

(2) If the request was submitted by a person seeking to 75589  
satisfy the requirements to be an employee of a pain management 75590  
clinic or a person seeking to satisfy the requirements to be an 75591  
employee of a facility, clinic, or other location that is subject 75592  
to licensure as a category III terminal distributor of dangerous 75593  
drugs with an office-based opioid treatment classification, do 75594  
both of the following: 75595

(a) Report the results of the criminal records check and any 75596  
information the federal bureau of investigation provides to the 75597  
person who submitted the request; 75598

(b) Report the results of the portion of the criminal records 75599  
check performed by the bureau of criminal identification and 75600  
investigation under division (B)(1) of section 109.572 of the 75601  
Revised Code to the employer or potential employer specified in 75602  
the request of the person who submitted the request and send a 75603  
letter to that employer or potential employer regarding the 75604  
information provided by the federal bureau of investigation that 75605  
states whichever of the following is applicable: 75606

(i) That based on that information there is no record of any 75607  
conviction; 75608

(ii) That based on that information the person who submitted 75609  
the request may not meet the criteria that are specified in 75610  
section 4729.552 or 4729.553 of the Revised Code, whichever is 75611  
applicable. 75612

~~(3) If the request was submitted by a person seeking 75613~~



~~employment with an entity holding a license issued under Chapter 75614  
3796. of the Revised Code, report the results of the criminal 75615  
records check, including any information the federal bureau of 75616  
investigation provides as part of the criminal records check, to 75617  
both of the following: 75618~~

~~(a) The person who submitted the request; 75619~~

~~(b) The entity holding a license issued under Chapter 3796. 75620  
of the Revised Code from which the person who submitted the 75621  
request is seeking employment. 75622~~

**Sec. 4776.04.** The results of any criminal records check 75623  
conducted pursuant to a request made under this chapter and any 75624  
report containing those results, including any information the 75625  
federal bureau of investigation provides, are not public records 75626  
for purposes of section 149.43 of the Revised Code and shall not 75627  
be made available to any person or for any purpose other than as 75628  
follows: 75629

(A) If the request for the criminal records check was 75630  
submitted by an applicant for an initial license or restored 75631  
license, as follows: 75632

(1) The superintendent of the bureau of criminal 75633  
identification and investigation shall make the results available 75634  
to the licensing agency for use in determining, under the agency's 75635  
authorizing chapter of the Revised Code, whether the applicant who 75636  
is the subject of the criminal records check should be granted a 75637  
license under that chapter. 75638

(2) The licensing agency shall make the results available to 75639  
the applicant who is the subject of the criminal records check. 75640

(B) If the request for the criminal records check was 75641  
submitted by a person seeking to satisfy the requirements to be an 75642  
employee of a pain management clinic as specified in section 75643

4729.552 of the Revised Code or a person seeking to satisfy the requirements to be an employee of a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification, the superintendent of the bureau of criminal identification and investigation shall make the results available in accordance with the following:

(1) The superintendent shall make the results of the criminal records check, including any information the federal bureau of investigation provides, available to the person who submitted the request and is the subject of the criminal records check.

(2) The superintendent shall make the results of the portion of the criminal records check performed by the bureau of criminal identification and investigation under division (B)(1) of section 109.572 of the Revised Code available to the employer or potential employer specified in the request of the person who submitted the request and shall send a letter of the type described in division (B)(2) of section 4776.02 of the Revised Code to that employer or potential employer regarding the information provided by the federal bureau of investigation that contains one of the types of statements described in that division.

(C) If the request for the criminal records check was submitted by an applicant for a trainee license under section 4776.021 of the Revised Code, as follows:

(1) The superintendent of the bureau of criminal identification and investigation shall make the results available to the licensing agency or other agency identified in division (B) of section 4776.021 of the Revised Code for use in determining, under the agency's authorizing chapter of the Revised Code and division (D) of section 4776.021 of the Revised Code, whether the applicant who is the subject of the criminal records check should be granted a trainee license under that chapter and that division.

(2) The licensing agency or other agency identified in 75676  
division (B) of section 4776.021 of the Revised Code shall make 75677  
the results available to the applicant who is the subject of the 75678  
criminal records check. 75679

~~(D) If the request for the criminal records check was 75680  
submitted by a person seeking employment with an entity holding a 75681  
license issued under Chapter 3796. of the Revised Code, the 75682  
superintendent shall make the results available in accordance with 75683  
division (B)(3) of section 4776.02 of the Revised Code. 75684~~

**Sec. 4776.20.** (A) As used in this section: 75685

(1) "Licensing agency" means, in addition to each board 75686  
identified in division (C) of section 4776.01 of the Revised Code, 75687  
the board or other government entity authorized to issue a license 75688  
under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 75689  
4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 75690  
4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 4765., 75691  
4766., 4771., 4773., ~~4774., 4778.,~~ and 4781. of the Revised Code. 75692  
"Licensing agency" includes an administrative officer that has 75693  
authority to issue a license. 75694

(2) "Licensee" means, in addition to a licensee as described 75695  
in division (B) of section 4776.01 of the Revised Code, the person 75696  
to whom a license is issued by the board or other government 75697  
entity authorized to issue a license under Chapters 4703., 4707., 75698  
4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 75699  
4736., 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 75700  
4753., 4758., 4759., 4763., 4765., 4766., 4771., 4773., ~~4774.,~~ 75701  
~~4778.,~~ and 4781. of the Revised Code. 75702

(3) "Prosecutor" has the same meaning as in section 2935.01 75703  
of the Revised Code. 75704

(B) On a licensee's conviction of, plea of guilty to, 75705

judicial finding of guilt of, or judicial finding of guilt 75706  
resulting from a plea of no contest to the offense of trafficking 75707  
in persons in violation of section 2905.32 of the Revised Code, 75708  
the prosecutor in the case shall promptly notify the licensing 75709  
agency of the conviction, plea, or finding and provide the 75710  
licensee's name and residential address. On receipt of this 75711  
notification, the licensing agency shall immediately suspend the 75712  
licensee's license. 75713

(C) If there is a conviction of, plea of guilty to, judicial 75714  
finding of guilt of, or judicial finding of guilt resulting from a 75715  
plea of no contest to the offense of trafficking in persons in 75716  
violation of section 2905.32 of the Revised Code and all or part 75717  
of the violation occurred on the premises of a facility that is 75718  
licensed by a licensing agency, the prosecutor in the case shall 75719  
promptly notify the licensing agency of the conviction, plea, or 75720  
finding and provide the facility's name and address and the 75721  
offender's name and residential address. On receipt of this 75722  
notification, the licensing agency shall immediately suspend the 75723  
facility's license. 75724

(D) Notwithstanding any provision of the Revised Code to the 75725  
contrary, the suspension of a license under division (B) or (C) of 75726  
this section shall be implemented by a licensing agency without a 75727  
prior hearing. After the suspension, the licensing agency shall 75728  
give written notice to the subject of the suspension of the right 75729  
to request a hearing under Chapter 119. of the Revised Code. After 75730  
a hearing is held, the licensing agency shall either revoke or 75731  
permanently revoke the ~~license~~ license of the subject of the 75732  
suspension, unless it determines that the license holder has not 75733  
been convicted of, pleaded guilty to, been found guilty of, or 75734  
been found guilty based on a plea of no contest to the offense of 75735  
trafficking in persons in violation of section 2905.32 of the 75736  
Revised Code. 75737

**Sec. 4781.04.** (A) The manufactured homes commission shall 75738  
adopt rules pursuant to Chapter 119. of the Revised Code to do all 75739  
of the following: 75740

(1) Establish uniform standards that govern the installation 75741  
of manufactured housing. ~~Not later than one hundred eighty days~~ 75742  
~~after the secretary of the United States department of housing and~~ 75743  
~~urban development adopts model standards for the installation of~~ 75744  
~~manufactured housing or amends those standards, the commission~~ 75745  
~~shall amend its standards as necessary to be that are consistent~~ 75746  
with, and not less stringent than, the model standards for the 75747  
design and installation of manufactured housing the secretary of 75748  
the United States department of housing and urban development 75749  
adopts ~~or any manufacturers' standards that the secretary~~ 75750  
~~determines are equal to or not less stringent than the model~~ 75751  
~~standards.~~*i* 75752

(2) Govern the inspection of the installation of manufactured 75753  
housing. The rules shall specify that the commission, any building 75754  
department or personnel of any department, or any private third 75755  
party, certified pursuant to section 4781.07 of the Revised Code 75756  
shall conduct all inspections of the installation of manufactured 75757  
housing located in manufactured home parks to determine compliance 75758  
with the uniform installation standards the commission establishes 75759  
pursuant to this section. 75760

(3) Govern the design, construction, installation, approval, 75761  
and inspection of foundations and the base support systems for 75762  
manufactured housing. The rules shall specify that the commission, 75763  
any building department or personnel of any department, or any 75764  
private third party, certified pursuant to section 4781.07 of the 75765  
Revised Code shall conduct all inspections of the installation, 75766  
foundations, and base support systems of manufactured housing 75767  
located in manufactured home parks to determine compliance with 75768

the uniform installation standards and foundation and base support system design the commission establishes pursuant to this section. 75769  
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(4) Govern the training, experience, and education requirements for manufactured housing installers, manufactured housing dealers, manufactured housing brokers, and manufactured housing salespersons; 75771  
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(5) Establish a code of ethics for manufactured housing installers; 75775  
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(6) Govern the issuance, revocation, and suspension of licenses to manufactured housing installers; 75777  
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(7) Establish fees for the issuance and renewal of licenses, for conducting inspections to determine an applicant's compliance with this chapter and the rules adopted pursuant to it, and for the commission's expenses incurred in implementing this chapter; 75779  
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(8) Establish conditions under which a licensee may enter into contracts to fulfill the licensee's responsibilities; 75783  
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(9) Govern the investigation of complaints concerning any violation of this chapter or the rules adopted pursuant to it or complaints involving the conduct of any licensed manufactured housing installer or person installing manufactured housing without a license, licensed manufactured housing dealer, licensed manufactured housing broker, or manufactured housing salesperson; 75785  
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(10) Establish a dispute resolution program for the timely resolution of warranty issues involving new manufactured homes, disputes regarding responsibility for the correction or repair of defects in manufactured housing, and the installation of manufactured housing. The rules shall provide for the timely resolution of disputes between manufacturers, manufactured housing dealers, and installers regarding the correction or repair of defects in manufactured housing that are reported by the purchaser of the home during the one-year period beginning on the date of 75791  
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installation of the home. The rules also shall provide that 75800  
decisions made regarding the dispute under the program are not 75801  
binding upon the purchaser of the home or the other parties 75802  
involved in the dispute unless the purchaser so agrees in a 75803  
written acknowledgement that the purchaser signs and delivers to 75804  
the program within ten business days after the decision is issued. 75805

(11) Establish the requirements and procedures for the 75806  
certification of building departments and building department 75807  
personnel pursuant to section 4781.07 of the Revised Code; 75808

(12) Establish fees to be charged to building departments and 75809  
building department personnel applying for certification and 75810  
renewal of certification pursuant to section 4781.07 of the 75811  
Revised Code; 75812

(13) Develop a policy regarding the maintenance of records 75813  
for any inspection authorized or conducted pursuant to this 75814  
chapter. Any record maintained under division (A)(13) of this 75815  
section shall be a public record under section 149.43 of the 75816  
Revised Code. 75817

(14) Carry out any other provision of this chapter. 75818

(B) The manufactured homes commission shall do all of the 75819  
following: 75820

(1) Prepare and administer a licensure examination to 75821  
determine an applicant's knowledge of manufactured housing 75822  
installation and other aspects of installation the commission 75823  
determines appropriate; 75824

(2) Select, provide, or procure appropriate examination 75825  
questions and answers for the licensure examination and establish 75826  
the criteria for successful completion of the examination; 75827

(3) Prepare and distribute any application form this chapter 75828  
requires; 75829

- (4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants; 75830  
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- (5) Establish procedures for processing, approving, and disapproving applications for licensure; 75832  
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- (6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application; 75834  
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- (7) Review the design and plans for manufactured housing installations, foundations, and support systems; 75837  
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- (8) Inspect a sample of homes at a percentage the commission determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the commission adopts; 75839  
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- (9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer, manufactured housing dealer, manufactured housing broker, or manufactured housing salesperson; 75844  
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- (10) Determine appropriate disciplinary actions for violations of this chapter; 75848  
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- (11) Conduct audits and inquiries of manufactured housing installers, manufactured housing dealers, and manufactured housing brokers as appropriate for the enforcement of this chapter. The commission, or any person the commission employs for the purpose, may review and audit the business records of any manufactured housing installer, dealer, or broker during normal business hours. 75850  
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- (12) Approve an installation training course, which may be offered by the Ohio manufactured homes association or other entity; 75856  
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75858
- (13) Perform any function or duty necessary to administer 75859



this chapter and the rules adopted pursuant to it. 75860

(C) Nothing in this section, or in any rule adopted by the 75861  
manufactured homes commission, shall be construed to limit the 75862  
authority of a board of health to enforce section 3701.344 or 75863  
Chapters 3703., 3718., and 3781. of the Revised Code or limit the 75864  
authority of the department of administrative services to lease 75865  
space for the use of a state agency and to group together state 75866  
offices in any city in the state as provided in section 123.01 of 75867  
the Revised Code. 75868

**Sec. 4781.07.** (A) Pursuant to rules the manufactured homes 75869  
commission adopts, the commission may certify municipal, township, 75870  
and county building departments and the personnel of those 75871  
departments, or any private third party, to exercise the 75872  
commission's enforcement authority, accept and approve plans and 75873  
specifications for foundations, support systems and installations, 75874  
and inspect manufactured housing foundations, support systems, and 75875  
manufactured housing installations. Any certification is effective 75876  
for three years. 75877

(B) Following an investigation and finding of facts that 75878  
support its action, the commission may revoke or suspend 75879  
certification. The commission may initiate an investigation on its 75880  
own motion or the petition of a person affected by the enforcement 75881  
or approval of plans. 75882

(C)(1) If a township, municipal corporation, or county does 75883  
not have a building department that is certified pursuant to this 75884  
section, it may designate by resolution or ordinance another 75885  
building department that has been certified pursuant to this 75886  
section to exercise the commission's enforcement authority, accept 75887  
and approve plans and specifications for foundations, support 75888  
systems and installations, and inspect manufactured housing 75889  
foundations, support systems, and manufactured housing 75890

installations. The designation is effective upon acceptance by the 75891  
designee. 75892

(2) An owner of a manufactured home or an operator of a 75893  
manufactured home park may request an inspection and obtain an 75894  
approval described in division (C)(1) of this section from any 75895  
building department certified pursuant to this section designated 75896  
by the township, municipal corporation, or county in which the 75897  
owner's manufactured home or operator's manufactured home park is 75898  
located. 75899

**Sec. 4781.121.** (A) The manufactured homes commission, 75900  
pursuant to section 4781.04 of the Revised Code, may investigate 75901  
any person who allegedly has committed a violation. If, after an 75902  
investigation the commission determines that reasonable evidence 75903  
exists that a person has committed a violation, within seven days 75904  
after that determination, the commission shall send a written 75905  
notice to that person in the same manner as prescribed in section 75906  
119.07 of the Revised Code for licensees, except that the notice 75907  
shall specify that a hearing will be held and specify the date, 75908  
time, and place of the hearing. 75909

(B) The commission shall hold a hearing regarding the alleged 75910  
violation in the same manner prescribed for an adjudication 75911  
hearing under section 119.09 of the Revised Code. If the 75912  
commission, after the hearing, determines that a violation has 75913  
occurred, the commission, upon an affirmative vote of five of its 75914  
members, may impose a fine not exceeding one thousand dollars per 75915  
violation per day. The commission's determination is an order that 75916  
the person may appeal in accordance with section 119.12 of the 75917  
Revised Code. 75918

(C) If the person who allegedly committed a violation fails 75919  
to appear for a hearing, the commission may request the court of 75920  
common pleas of the county where the alleged violation occurred to 75921

compel the person to appear before the commission for a hearing. 75922

(D) If the commission assesses a person a civil penalty for a 75923  
violation and the person fails to pay that civil penalty within 75924  
the time period prescribed by the commission pursuant to section 75925  
131.02 of the Revised Code, the commission shall forward to the 75926  
attorney general the name of the person and the amount of the 75927  
civil penalty for the purpose of collecting that civil penalty. In 75928  
addition to the civil penalty assessed pursuant to this section, 75929  
the person also shall pay any fee assessed by the attorney general 75930  
for collection of the civil penalty. 75931

(E) The authority provided to the commission pursuant to this 75932  
section, and any fine imposed under this section, shall be in 75933  
addition to, and not in lieu of, all penalties and other remedies 75934  
provided in this chapter. Any fines collected pursuant to this 75935  
section shall be used solely to administer and enforce this 75936  
chapter and rules adopted under it. Any fees collected pursuant to 75937  
this section shall be transmitted to the treasurer of state and 75938  
shall be credited to the manufactured homes commission regulatory 75939  
fund created in section 4781.54 of the Revised Code and the rules 75940  
adopted thereunder. The fees shall be used only for the purpose of 75941  
administering and enforcing sections 4781.26 to 4781.35 of the 75942  
Revised Code and the rules adopted thereunder. 75943

(F) As used in this section, "violation" means a violation of 75944  
section 4781.11, 4781.16, ~~or~~ 4781.27, or 4781.57 or any rule 75945  
adopted pursuant to section 4781.04~~7~~ of the Revised Code. 75946

**Sec. 4781.281.** (A) The manufactured homes commission may 75947  
charge a fee for inspector certification. The fees shall include 75948  
all of the following: 75949

(1) The nonrefundable certification fee for inspectors shall 75950  
not be greater than fifty dollars for each three-year 75951  
certification period. 75952

(2) The nonrefundable certification renewal fee for 75953  
inspectors shall not be greater than fifty dollars. 75954

(3) The nonrefundable late fee for certification renewal 75955  
shall not be greater than twenty-five dollars in addition to the 75956  
renewal fee. 75957

(B) The commission may adopt rules pursuant to Chapter 119. 75958  
of the Revised Code establishing fees less than those described in 75959  
division (A) of this section. 75960

**Sec. 4781.56.** (A) The manufactured homes commission may 75961  
contract with the board of health of a city or general health 75962  
district to permit the commission to abate and remove, in 75963  
accordance with sections 3707.01 to 3707.021 of the Revised Code, 75964  
any abandoned or unoccupied manufactured home, mobile home, or 75965  
recreational vehicle that constitutes a nuisance and that is 75966  
located in a manufactured home park within the board of health's 75967  
jurisdiction. Under the contract, the commission may receive 75968  
complaints of abandoned or unoccupied manufactured homes, mobile 75969  
homes, or recreational vehicles that constitute a nuisance and 75970  
may, by order, compel the park operator to abate and remove the 75971  
nuisance. The park operator shall pay any costs for the removal. 75972

(B) The sheriff, police officer, constable, or bailiff shall 75973  
not be liable pursuant to the abatement or removal of any 75974  
abandoned or unoccupied manufactured home, mobile home, or 75975  
recreational vehicle pursuant to this section. 75976

**Sec. 4781.57.** The park operator of a manufactured home park 75977  
shall ensure that all manufactured home park buildings, lots, 75978  
streets, walkways, manufactured homes, mobile homes, and other 75979  
facilities located in the manufactured home park shall be 75980  
maintained in a condition satisfactory to the commission at all 75981  
times. 75982

Sec. 4901.041. The chairperson of the public utilities 75983  
commission shall not be a member of the governor's cabinet. 75984

**Sec. 4905.02.** (A) As used in this chapter, "public utility" 75985  
includes every corporation, company, copartnership, person, or 75986  
association, the lessees, trustees, or receivers of the foregoing, 75987  
defined in section 4905.03 of the Revised Code, including any 75988  
public utility that operates its utility not for profit, except 75989  
the following: 75990

(1) An electric light company that operates its utility not 75991  
for profit; 75992

(2) A public utility, other than a telephone company, that is 75993  
owned and operated exclusively by and solely for the utility's 75994  
customers, including any consumer or group of consumers 75995  
purchasing, delivering, storing, or transporting, or seeking to 75996  
purchase, deliver, store, or transport, natural gas exclusively by 75997  
and solely for the consumer's or consumers' own intended use as 75998  
the end user or end users and not for profit; 75999

(3) A public utility that is owned or operated by any 76000  
municipal corporation; 76001

(4) A railroad as defined in sections 4907.02 and 4907.03 of 76002  
the Revised Code; 76003

(5) Any provider, including a telephone company, with respect 76004  
to its provision of any of the following: 76005

(a) Advanced services as defined in 47 C.F.R. 51.5; 76006

(b) Broadband service, however defined or classified by the 76007  
federal communications commission; 76008

(c) Information service as defined in the "Telecommunications 76009  
Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20); 76010

(d) Subject to division (A) of section 4927.03 of the Revised 76011

Code, internet protocol-enabled services as defined in section 76012  
4927.01 of the Revised Code; 76013

(e) Subject to division (A) of section 4927.03 of the Revised 76014  
Code, any telecommunications service as defined in section 4927.01 76015  
of the Revised Code to which both of the following apply: 76016

(i) The service was not commercially available on September 76017  
13, 2010, the effective date of the amendment of this section by 76018  
S.B. 162 of the 128th general assembly. 76019

(ii) The service employs technology that became available for 76020  
commercial use only after September 13, 2010, the effective date 76021  
of the amendment of this section by S.B. 162 of the 128th general 76022  
assembly. 76023

(B)(1) "Public utility" includes a for-hire motor carrier 76024  
even if the carrier is operated in connection with an entity 76025  
described in division (A)(1), (2), (4), or (5) of this section. 76026

(2) Division (A) of this section shall not be construed to 76027  
relieve a private motor carrier, operated in connection with an 76028  
entity described in division (A)(1), (2), (4), or (5) of this 76029  
section, from compliance with ~~any~~ either of the following: 76030

(a) Chapter 4923. of the Revised Code; 76031

(b) ~~Hazardous material regulation under section 4921.15 of~~ 76032  
~~the Revised Code and division (H) of section 4921.19 of the~~ 76033  
~~Revised Code, or rules adopted thereunder;~~ 76034

~~(c)~~ Rules governing unified carrier registration adopted 76035  
under section 4921.11 of the Revised Code. 76036

**Sec. 4906.01.** As used in Chapter 4906. of the Revised Code: 76037

(A) "Person" means an individual, corporation, business 76038  
trust, association, estate, trust, or partnership or any officer, 76039  
board, commission, department, division, or bureau of the state or 76040

a political subdivision of the state, or any other entity. 76041

(B)(1) "Major utility facility" means: 76042

(a) Electric generating plant and associated facilities 76043  
designed for, or capable of, operation at a capacity of fifty 76044  
megawatts or more; 76045

(b) An electric transmission line and associated facilities 76046  
of a design capacity of one hundred ~~twenty-five~~ kilovolts or more; 76047

(c) A gas pipeline that is greater than five hundred feet in 76048  
length, and its associated facilities, is more than nine inches in 76049  
outside diameter and is designed for transporting gas at a maximum 76050  
allowable operating pressure in excess of one hundred twenty-five 76051  
pounds per square inch. 76052

(2) "Major utility facility" does not include any of the 76053  
following: 76054

(a) Gas transmission lines over which an agency of the United 76055  
States has exclusive jurisdiction; 76056

(b) Any solid waste facilities as defined in section 6123.01 76057  
of the Revised Code; 76058

(c) Electric distributing lines and associated facilities as 76059  
defined by the power siting board; 76060

(d) Any manufacturing facility that creates byproducts that 76061  
may be used in the generation of electricity as defined by the 76062  
power siting board; 76063

(e) Gathering lines, gas gathering pipelines, and processing 76064  
plant gas stub pipelines as those terms are defined in section 76065  
4905.90 of the Revised Code and associated facilities; 76066

(f) Any gas processing plant as defined in section 4905.90 of 76067  
the Revised Code; 76068

(g) Natural gas liquids finished product pipelines; 76069

(h) Pipelines from a gas processing plant as defined in section 4905.90 of the Revised Code to a natural gas liquids fractionation plant, including a raw natural gas liquids pipeline, or to an interstate or intrastate gas pipeline; 76070  
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(i) Any natural gas liquids fractionation plant; 76074

(j) A production operation as defined in section 1509.01 of the Revised Code, including all pipelines upstream of any gathering lines; 76075  
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(k) Any compressor stations used by the following: 76078

(i) A gathering line, a gas gathering pipeline, a processing plant gas stub pipeline, or a gas processing plant as those terms are defined in section 4905.90 of the Revised Code; 76079  
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(ii) A natural gas liquids finished product pipeline, a natural gas liquids fractionation plant, or any pipeline upstream of a natural gas liquids fractionation plant; or 76082  
76083  
76084

(iii) A production operation as defined in section 1509.01 of the Revised Code. 76085  
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(C) "Commence to construct" means any clearing of land, excavation, or other action that would adversely affect the natural environment of the site or route of a major utility facility, but does not include surveying changes needed for temporary use of sites or routes for nonutility purposes, or uses in securing geological data, including necessary borings to ascertain foundation conditions. 76087  
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(D) "Certificate" means a certificate of environmental compatibility and public need issued by the power siting board under section 4906.10 of the Revised Code or a construction certificate issued by the board under rules adopted under division (E) or (F) of section 4906.03 of the Revised Code. 76094  
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(E) "Gas" means natural gas, flammable gas, or gas that is 76099



toxic or corrosive. 76100

(F) "Natural gas liquids finished product pipeline" means a 76101  
pipeline that carries finished product natural gas liquids to the 76102  
inlet of an interstate or intrastate finished product natural gas 76103  
liquid transmission pipeline, rail loading facility, or other 76104  
petrochemical or refinery facility. 76105

(G) "Natural gas liquids fractionation plant" means a 76106  
facility that takes a feed of raw natural gas liquids and produces 76107  
finished product natural gas liquids. 76108

(H) "Raw natural gas" means hydrocarbons that are produced in 76109  
a gaseous state from gas wells and that generally include methane, 76110  
ethane, propane, butanes, pentanes, hexanes, heptanes, octanes, 76111  
nonanes, and decanes, plus other naturally occurring impurities 76112  
like water, carbon dioxide, hydrogen sulfide, nitrogen, oxygen, 76113  
and helium. 76114

(I) "Raw natural gas liquids" means naturally occurring 76115  
hydrocarbons contained in raw natural gas that are extracted in a 76116  
gas processing plant and liquefied and generally include mixtures 76117  
of ethane, propane, butanes, and natural gasoline. 76118

(J) "Finished product natural gas liquids" means an 76119  
individual finished product produced by a natural gas liquids 76120  
fractionation plant as a liquid that meets the specifications for 76121  
commercial products as defined by the gas processors association. 76122  
Those products include ethane, propane, iso-butane, normal butane, 76123  
and natural gasoline. 76124

**Sec. 4906.10.** (A) The power siting board shall render a 76125  
decision upon the record either granting or denying the 76126  
application as filed, or granting it upon such terms, conditions, 76127  
or modifications of the construction, operation, or maintenance of 76128  
the major utility facility as the board considers appropriate. The 76129

certificate shall be conditioned upon the facility being in 76130  
compliance with standards and rules adopted under sections 76131  
1501.33, 1501.34, and 4561.32 and Chapters 3704., 3734., and 6111. 76132  
of the Revised Code. An applicant may withdraw an application if 76133  
the board grants a certificate on terms, conditions, or 76134  
modifications other than those proposed by the applicant in the 76135  
application. ~~The period of initial operation under a certificate 76136  
shall expire two years after the date on which electric power is 76137  
first generated by the facility. During the period of initial 76138  
operation, the facility shall be subject to the enforcement and 76139  
monitoring powers of the director of environmental protection 76140  
under Chapters 3704., 3734., and 6111. of the Revised Code and to 76141  
the emergency provisions under those chapters. If a major utility 76142  
facility constructed in accordance with the terms and conditions 76143  
of its certificate is unable to operate in compliance with all 76144  
applicable requirements of state laws, rules, and standards 76145  
pertaining to air pollution, the facility may apply to the 76146  
director of environmental protection for a conditional operating 76147  
permit under division (G) of section 3704.03 of the Revised Code 76148  
and the rules adopted thereunder. The operation of a major utility 76149  
facility in compliance with a conditional operating permit is not 76150  
in violation of its certificate. After the expiration of the 76151  
period of initial operation of a major utility facility, the 76152  
facility shall be under the jurisdiction of the environmental 76153  
protection agency and shall comply with all laws, rules, and 76154  
standards pertaining to air pollution, water pollution, and solid 76155  
and hazardous waste disposal.~~ 76156

The board shall not grant a certificate for the construction, 76157  
operation, and maintenance of a major utility facility, either as 76158  
proposed or as modified by the board, unless it finds and 76159  
determines all of the following: 76160

(1) The basis of the need for the facility if the facility is 76161

an electric transmission line or gas pipeline; 76162

(2) The nature of the probable environmental impact; 76163

(3) That the facility represents the minimum adverse 76164  
environmental impact, considering the state of available 76165  
technology and the nature and economics of the various 76166  
alternatives, and other pertinent considerations; 76167

(4) In the case of an electric transmission line or 76168  
generating facility, that the facility is consistent with regional 76169  
plans for expansion of the electric power grid of the electric 76170  
systems serving this state and interconnected utility systems and 76171  
that the facility will serve the interests of electric system 76172  
economy and reliability; 76173

(5) That the facility will comply with Chapters 3704., 3734., 76174  
and 6111. of the Revised Code and all rules and standards adopted 76175  
under those chapters and under sections 1501.33, 1501.34, and 76176  
4561.32 of the Revised Code. In determining whether the facility 76177  
will comply with all rules and standards adopted under section 76178  
4561.32 of the Revised Code, the board shall consult with the 76179  
office of aviation of the division of multi-modal planning and 76180  
programs of the department of transportation under section 76181  
4561.341 of the Revised Code. 76182

(6) That the facility will serve the public interest, 76183  
convenience, and necessity; 76184

(7) In addition to the provisions contained in divisions 76185  
(A)(1) to (6) of this section and rules adopted under those 76186  
divisions, what its impact will be on the viability as 76187  
agricultural land of any land in an existing agricultural district 76188  
established under Chapter 929. of the Revised Code that is located 76189  
within the site and alternative site of the proposed major utility 76190  
facility. Rules adopted to evaluate impact under division (A)(7) 76191  
of this section shall not require the compilation, creation, 76192

submission, or production of any information, document, or other 76193  
data pertaining to land not located within the site and 76194  
alternative site. 76195

(8) That the facility incorporates maximum feasible water 76196  
conservation practices as determined by the board, considering 76197  
available technology and the nature and economics of the various 76198  
alternatives. 76199

(B) If the board determines that the location of all or a 76200  
part of the proposed facility should be modified, it may condition 76201  
its certificate upon that modification, provided that the 76202  
municipal corporations and counties, and persons residing therein, 76203  
affected by the modification shall have been given reasonable 76204  
notice thereof. 76205

(C) A copy of the decision and any opinion issued therewith 76206  
shall be served upon each party. 76207

**Sec. 4906.13.** (A) As used in this section and sections 76208  
4906.20 and 4906.98 of the Revised Code, "economically significant 76209  
wind farm" means wind turbines and associated facilities with a 76210  
single interconnection to the electrical grid and designed for, or 76211  
capable of, operation at an aggregate capacity of five or more 76212  
megawatts but less than fifty megawatts. The term excludes any 76213  
such wind farm in operation on ~~the effective date of this section~~ 76214  
June 24, 2008. 76215

(B) No public agency or political subdivision of this state 76216  
may require any approval, consent, permit, certificate, or other 76217  
condition for the construction or ~~initial~~ operation of a major 76218  
utility facility or economically significant wind farm authorized 76219  
by a certificate issued pursuant to Chapter 4906. of the Revised 76220  
Code. Nothing herein shall prevent the application of state laws 76221  
for the protection of employees engaged in the construction of 76222  
such facility or wind farm nor of municipal regulations that do 76223

not pertain to the location or design of, or pollution control and 76224  
abatement standards for, a major utility facility or economically 76225  
significant wind farm for which a certificate has been granted 76226  
under this chapter. 76227

**Sec. 4911.021.** The consumers' counsel shall not operate a 76228  
telephone call center for consumer complaints. ~~Any~~ However, for 76229  
any calls received by the consumers' counsel concerning consumer 76230  
complaints ~~shall be forwarded,~~ the consumers' counsel may assist 76231  
consumers with their complaints or forward the calls to the public 76232  
utilities commission's call center. 76233

**Sec. 4921.01.** As used in this chapter: 76234

(A) "Ambulance" has the same meaning as in section 4766.01 of 76235  
the Revised Code. 76236

(B) "For-hire motor carrier" means a person engaged in the 76237  
business of transporting persons or property by motor vehicle for 76238  
compensation, except when engaged in any of the following in 76239  
intrastate commerce: 76240

(1) The transportation of persons in taxicabs in the usual 76241  
taxicab service; 76242

(2) The transportation of pupils in school ~~busses~~ buses 76243  
operating to or from school sessions or school events; 76244

(3) The transportation of farm supplies to the farm or farm 76245  
products from farm to market or to food fabricating plants; 76246

(4) The distribution of newspapers; 76247

(5) The transportation of crude petroleum incidental to 76248  
gathering from wells and delivery to destination by ~~pipe line~~ 76249  
pipeline; 76250

(6) The transportation of injured, ill, or deceased persons 76251  
by hearse or ambulance; 76252

(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch; 76253  
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(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose; 76255  
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(9) The operation of motor vehicles for contractors on public road work. 76259  
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"For-hire motor carrier" includes the carrier's agents, officers, and representatives, as well as employees responsible for hiring, supervising, training, assigning, or dispatching drivers and employees concerned with the installation, inspection, and maintenance of motor-vehicle equipment and accessories. 76261  
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Divisions (B)(1) to (9) of this section shall not be construed to relieve a person from compliance with ~~hazardous material regulation under section 4921.15 of the Revised Code and division (H) of section 4921.19 of the Revised Code, or rules adopted thereunder, or from compliance with~~ rules governing unified carrier registration adopted under section 4921.11 of the Revised Code. 76266  
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(C) "Household goods" means personal effects and property used or to be used in a dwelling, excluding property moving from a factory or store. 76273  
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(D) "Interstate commerce" means trade, traffic, or transportation in the United States that is any of the following: 76276  
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(1) Between a place in a state and a place outside of that state (including a place outside of the United States); 76278  
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(2) Between two places in a state through another state or a place outside of the United States; 76280  
76281

(3) Between two places in a state as part of trade, traffic, 76282

or transportation originating or terminating outside the state or 76283  
the United States. 76284

(E) "Intrastate commerce" means any trade, traffic, or 76285  
transportation in any state which is not described in the term 76286  
"interstate commerce." 76287

(F) "Motor vehicle" means any vehicle, machine, tractor, 76288  
trailer, or semitrailer propelled or drawn by mechanical power and 76289  
used upon the highways in the transportation of persons or 76290  
property, or any combination thereof, but does not include any 76291  
vehicle, locomotive, or car operated exclusively on a rail or 76292  
rails, or a trolley bus operated by electric power derived from a 76293  
fixed overhead wire, furnishing local passenger transportation 76294  
similar to street-railway service. 76295

(G) "Public highway" means any public street, road, or 76296  
highway in this state, whether within or without the corporate 76297  
limits of a municipal corporation. 76298

(H) "Ridesharing arrangement" means the transportation of 76299  
persons in a motor vehicle where such transportation is incidental 76300  
to another purpose of a volunteer driver, and includes ridesharing 76301  
arrangements known as carpools, vanpools, and buspools. 76302

(I) "School bus" has the same meaning as in section 4511.01 76303  
of the Revised Code. 76304

(J) "Trailer" means any vehicle without motive power designed 76305  
or used for carrying persons or property and for being drawn by a 76306  
separate motor vehicle, including any vehicle of the trailer type, 76307  
whether designed or used for carrying persons or property wholly 76308  
on its own structure, or so designed or used that a part of its 76309  
own weight or the weight of its load rests upon and is carried by 76310  
such motor vehicle. 76311

**Sec. 4921.19.** (A) Every for-hire motor carrier operating in 76312

this state shall, at the time of the issuance of a certificate of public convenience and necessity under section 4921.03 of the Revised Code, pay to the public utilities commission, for and on behalf of the treasurer of state, the following taxes:

(1) For each motor vehicle used for transporting persons, thirty dollars;

(2) For each commercial tractor, as defined in section 4501.01 of the Revised Code, used for transporting property, thirty dollars;

(3) For each other motor vehicle transporting property, twenty dollars.

(B) Every for-hire motor carrier operating in this state solely in intrastate commerce shall, annually between the first day of May and the thirtieth day of June, pay to the commission, for and on behalf of the treasurer of state, the following taxes:

(1) For each motor vehicle used for transporting persons, thirty dollars;

(2) For each commercial tractor, as defined in section 4501.01 of the Revised Code, used for transporting property, thirty dollars;

(3) For each other motor vehicle transporting property, twenty dollars.

(C) After a for-hire motor carrier has paid the applicable taxes under division (A) or (B) of this section and met all applicable requirements under section 4921.03 or division (C) of section 4921.13 of the Revised Code, the commission shall issue the carrier a tax receipt for each motor vehicle for which a tax has been paid under this section. The carrier shall keep the appropriate tax receipt in each motor vehicle operated by the carrier. The carrier shall maintain tax receipt records that



specify to which motor vehicle each tax receipt is assigned. 76343

(D) A trailer used by a for-hire motor carrier shall not be 76344  
taxed under this section. 76345

(E) The annual tax levied by division (B) of this section 76346  
does not apply in those cases where the commission finds that the 76347  
movement of agricultural commodities or foodstuffs produced 76348  
therefrom requires a temporary and seasonal use of vehicular 76349  
equipment for a period of not more than ninety days. In such 76350  
event, the tax on the vehicular equipment shall be twenty-five per 76351  
cent of the annual tax levied by division (B) of this section. If 76352  
any vehicular equipment is used in excess of the ninety-day 76353  
period, the annual tax levied by this section shall be paid. 76354

(F) All taxes levied by division (B) of this section shall be 76355  
reckoned as from the beginning of the quarter in which the tax 76356  
receipt is issued or as from when the use of equipment under any 76357  
existing tax receipt began. 76358

(G) The fees for unified carrier registration pursuant to 76359  
section 4921.11 of the Revised Code shall be identical to those 76360  
established by the unified carrier registration act board as 76361  
approved by the federal motor carrier safety administration for 76362  
each year. 76363

~~(H)(1) The fees for uniform registration and a uniform permit 76364  
as a carrier of hazardous materials pursuant to section 4921.15 of 76365  
the Revised Code shall consist of the following: 76366~~

~~(a) A processing fee of fifty dollars; 76367~~

~~(b) An apportioned per truck registration fee, which shall be 76368  
calculated by multiplying the percentage of a registrant's 76369  
activity in this state times the percentage of the registrant's 76370  
business that is hazardous materials related, times the number of 76371  
vehicles owned or operated by the registrant, times a per truck 76372  
fee determined by order of the commission following public notice 76373~~

~~and an opportunity for comment.~~ 76374

~~(i) The percentage of a registrant's activity in this state shall be calculated by dividing the number of miles that the registrant travels in this state under the international registration plan, pursuant to section 4503.61 of the Revised Code, by the number of miles that the registrant travels nationwide under the international registration plan. Registrants that operate solely within this state shall use one hundred percent as their percentage of activity. Registrants that do not register their vehicles through the international registration plan shall calculate activity in the state in the same manner as that required by the international registration plan.~~ 76375  
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~~(ii) The percentage of a registrant's business that is hazardous materials related shall be calculated, for less than truckload shipments, by dividing the weight of all the registrant's hazardous materials shipments by the total weight of all shipments in the previous year. The percentage of a registrant's business that is hazardous materials related shall be calculated, for truckload shipments, by dividing the number of shipments for which placarding, marking of the vehicle, or manifesting, as appropriate, was required by regulations adopted under sections 4 to 6 of the "Hazardous Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C. App. 1804, by the total number of the registrant's shipments that transported any kind of goods in the previous year. A registrant that transports both less than truckload and truckload shipments of hazardous materials shall calculate the percentage of business that is hazardous materials related on a proportional basis.~~ 76386  
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~~(iii) A registrant may utilize fiscal year, or calendar year, or other current company accounting data, or other publicly available information, in calculating the percentages required by divisions (H)(1)(b)(i) and (ii) of this section.~~ 76402  
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~~(2) The commission, after notice and opportunity for a hearing, may assess each carrier a fee for any background investigation required for the issuance, for the purpose of section 3734.15 of the Revised Code, of a uniform permit as a carrier of hazardous wastes and fees related to investigations and proceedings for the denial, suspension, or revocation of a uniform permit as a carrier of hazardous materials. The fees shall not exceed the reasonable costs of the investigations and proceedings. The fee for a background investigation for a uniform permit as a carrier of hazardous wastes shall be six hundred dollars plus the costs of obtaining any necessary information not included in the permit application, to be calculated at the rate of thirty dollars per hour, not exceeding six hundred dollars, plus any fees payable to obtain necessary information.~~

~~(I) The application fee for a certificate for the transportation of household goods issued pursuant to sections 4921.30 to 4921.38 of the Revised Code shall be based on the certificate holder's gross revenue, in the prior year, for the intrastate transportation of household goods. The commission shall establish, by order, ranges of gross revenue and the fee for each range. The fees shall be set in amounts sufficient to carry out the purposes of sections 4921.30 to 4921.38 and 4923.99 of the Revised Code and, to the extent necessary, the commission shall make changes to the fee structure to ensure that neither over nor under collection of the fees occurs. The fees shall also take into consideration the revenue generated from the assessment of forfeitures under section 4923.99 of the Revised Code regarding the consumer protection provisions applicable to for hire motor carriers engaged in the transportation of household goods.~~

~~(J)(I) The fees and taxes provided under this section shall be in addition to taxes, fees, and charges fixed and exacted by other sections of the Revised Code, except the assessments~~

required by section 4905.10 of the Revised Code, but all fees, 76438  
license fees, annual payments, license taxes, or taxes or other 76439  
money exactions, except the general property tax, assessed, 76440  
charged, fixed, or exacted by local authorities such as municipal 76441  
corporations, townships, counties, or other local boards, or the 76442  
officers of such subdivisions are illegal and, are superseded by 76443  
sections 4503.04 and 4905.03 and Chapter 4921. of the Revised 76444  
Code. On compliance with sections 4503.04 and 4905.03 and Chapter 76445  
4921. of the Revised Code, all local ordinances, resolutions, 76446  
bylaws, and rules in force shall cease to be operative as to the 76447  
persons in compliance, except that such local subdivisions may 76448  
make reasonable local police regulations within their respective 76449  
boundaries not inconsistent with sections 4503.04 and 4905.03 and 76450  
Chapter 4921. of the Revised Code. 76451

**Sec. 4921.21.** (A) As used in this section, "adjusted credit 76452  
amount" means the aggregate amount credited to the public 76453  
utilities transportation safety fund, less the sum of ~~all~~ both of 76454  
the following: 76455

(1) The fees collected by the public utilities commission, in 76456  
accordance with the unified carrier registration plan under 76457  
section 4921.11 of the Revised Code, that exceed the federal 76458  
certification of revenue for each year of the plan; 76459

~~(2) The fees collected by the commission on behalf of other 76460  
states under division (C) of section 4921.15 of the Revised Code;~~ 76461

~~(3) The forfeitures collected by the commission under section 76462  
4923.99 of the Revised Code for violations of rules adopted under 76463  
division (A)(2) of section 4923.04 of the Revised Code. 76464~~

(B)(1) There is hereby created in the state treasury the 76465  
public utilities transportation safety fund. The fees collected in 76466  
accordance with the unified carrier registration plan under 76467  
section 4921.11 of the Revised Code, ~~the fees collected under~~ 76468

~~section 4921.15 of the Revised Code, the taxes and fees remitted~~ 76469  
~~under section 4921.19 of the Revised Code, the forfeitures imposed~~ 76470  
~~under section 4923.99 of the Revised Code, except as provided in~~ 76471  
~~division (B)(2) of this section, and the fines collected under~~ 76472  
~~section 4163.07 of the Revised Code shall be deposited into the~~ 76473  
~~state treasury to the credit of the public utilities~~ 76474  
~~transportation safety fund, until the adjusted credit amount in a~~ 76475  
~~fiscal year is equal to the total amount appropriated from the~~ 76476  
~~fund for the fiscal year. Once this point of parity is reached,~~ 76477  
~~any additional fees, taxes, forfeitures, or fines received during~~ 76478  
~~the fiscal year shall be credited to the general revenue fund,~~ 76479  
~~except as provided in division (B)(2) of this section, and except~~ 76480  
~~for both of the following:~~ 76481

~~(a) The fees collected in accordance with the unified carrier~~ 76482  
~~registration plan under section 4921.11 of the Revised Code, that~~ 76483  
~~exceed the federal certification of revenue for each year of the~~ 76484  
~~plan:~~ 76485

~~(b) The fees collected on behalf of other states under~~ 76486  
~~division (C) of section 4921.15 of the Revised Code.~~ 76487

(2) The first eight hundred thousand dollars of forfeitures 76488  
collected under section 4923.99 of the Revised Code, for 76489  
violations of rules adopted under division (A)(2) of section 76490  
4923.04 of the Revised Code, during each fiscal year shall be 76491  
credited to the public utilities transportation safety fund. Any 76492  
forfeitures in excess of that amount shall be deposited into the 76493  
general revenue fund. In each fiscal year, the commission shall 76494  
distribute moneys from these forfeitures credited to the public 76495  
utilities transportation safety fund for the purposes of emergency 76496  
response planning and the training of safety, enforcement, and 76497  
emergency services personnel in proper techniques for the 76498  
management of hazardous materials releases that occur during 76499  
transportation or otherwise. For these purposes, fifty per cent of 76500

all such moneys credited to the public utilities transportation 76501  
safety fund shall be distributed to Cleveland state university, 76502  
forty-five per cent shall be distributed to other educational 76503  
institutions, state agencies, regional planning commissions, and 76504  
political subdivisions, and five per cent shall be retained by the 76505  
commission for the administration of this section and for training 76506  
employees. However, if, in any such period, moneys from these 76507  
forfeitures credited to the public utilities transportation safety 76508  
fund equal an amount less than four hundred thousand dollars, the 76509  
commission shall distribute, to the extent of the aggregate amount 76510  
of those moneys, two hundred thousand dollars to Cleveland state 76511  
university and the remainder to other educational institutions, 76512  
state agencies, regional planning commissions, and political 76513  
subdivisions. 76514

(C) The purpose of the public utilities transportation safety 76515  
fund shall be for defraying all expenses incident to maintaining 76516  
the nonrailroad transportation activities of the commission. 76517

(D) There is hereby created in the state treasury the federal 76518  
commercial vehicle transportation systems fund. The fund shall 76519  
consist of money received from the United States department of 76520  
transportation's commercial vehicle intelligent transportation 76521  
systems infrastructure deployment program. The public utilities 76522  
commission shall use the fund to deploy the Ohio commercial 76523  
vehicle information systems networks project and to improve safety 76524  
of motor carrier operations through electronic exchange of data. 76525

(E) There is hereby created in the state treasury the motor 76526  
carrier safety fund. The fund shall consist of money received from 76527  
the United States department of transportation for motor carrier 76528  
safety. The commission shall use the fund to administer the 76529  
state's motor carrier safety assistance program and associated 76530  
grants, including the motor carrier safety assistance program 76531  
basic grant, the incentive grant, the high priority grants, the 76532

new entrant safety assurance grant, the safety data improvement 76533  
grant, or their equivalents. 76534

(F) If the director of budget and management determines there 76535  
is not sufficient money in the public utilities transportation 76536  
safety fund, the director shall transfer money from the general 76537  
revenue fund to the public utilities transportation safety fund in 76538  
an amount up to the difference between the balance of the public 76539  
utilities transportation safety fund and the appropriations from 76540  
that fund. If the director subsequently determines during the 76541  
fiscal year that the balance of the public utilities 76542  
transportation safety fund exceeds the amount needed to support 76543  
the appropriations from the fund, the director shall transfer the 76544  
excess money, up to the amount of the original transfer, to the 76545  
general revenue fund. 76546

**Sec. 4923.02.** (A) As used in this chapter, "private motor 76547  
carrier" does not include a person when engaged in any of the 76548  
following in intrastate commerce: 76549

(1) The transportation of persons in taxicabs in the usual 76550  
taxicab service; 76551

(2) The transportation of pupils in school busses operating 76552  
to or from school sessions or school events; 76553

(3) The transportation of farm supplies to the farm or farm 76554  
products from farm to market or to food fabricating plants; 76555

(4) The distribution of newspapers; 76556

(5) The transportation of crude petroleum incidental to 76557  
gathering from wells and delivery to destination by pipe line; 76558

(6) The transportation of injured, ill, or deceased persons 76559  
by hearse or ambulance; 76560

(7) The transportation of compost (a combination of manure 76561  
and sand or shredded bark mulch) or shredded bark mulch; 76562

(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose; 76563  
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(9) The operation of motor vehicles for contractors on public road work. 76567  
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(B) The public utilities commission may grant a motor carrier operating in intrastate commerce a temporary exemption from some or all of the provisions of this chapter and the rules adopted under it, when either of the following applies: 76569  
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(1) The governor of this state has declared an emergency. 76573

(2) The chairperson of the commission or the chairperson's designee has declared a transportation-specific emergency. 76574  
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(C) The commission may adopt rules not incompatible with the requirements of the United States department of transportation to provide exemptions to motor carriers operating in intrastate commerce not otherwise identified in divisions (A) and (B) of this section. 76576  
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(D) Divisions (A) to (C) of this section shall not be construed to relieve a person from compliance with the following: 76581  
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(1) Rules adopted under division (A)(2) of section 4923.04 of the Revised Code, division (E) of section 4923.06 of the Revised Code, division (B) of section 4923.07 of the Revised Code, and section 4923.11 of the Revised Code; 76583  
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(2) Rules regarding commercial driver's licenses adopted under division (A)(1) of section 4923.04 of the Revised Code; 76587  
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~~(3) Rules adopted under section 4921.15 of the Revised Code regarding uniform registration and permitting of carriers of hazardous materials and other applicable provisions of that section and division (H) of section 4921.19 of the Revised Code.~~ 76589  
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**Sec. 4923.99.** (A)(1) Whoever violates Chapter 4921. or 4923. 76593  
of the Revised Code, or rules adopted thereunder, is liable to the 76594  
state for a forfeiture of not more than twenty-five thousand 76595  
dollars for each day of each violation. The public utilities 76596  
commission, after providing reasonable notice and the opportunity 76597  
for a hearing in accordance with the procedural rules adopted 76598  
under section 4901.13 of the Revised Code, shall assess, by order, 76599  
a forfeiture upon a person whom the commission determines, by a 76600  
preponderance of the evidence, committed the violation. In 76601  
determining the amount of the forfeiture for a violation 76602  
discovered during a driver or motor-vehicle inspection under 76603  
section 4923.06 of the Revised Code, or discovered during a 76604  
compliance review under section 4923.07 of the Revised Code, the 76605  
commission shall, ~~to the extent practicable~~, not act in a manner 76606  
incompatible with the applicable requirements of the United States 76607  
department of transportation, ~~and, to the extent practicable~~, 76608  
~~shall utilize a system comparable to the recommended civil penalty~~ 76609  
~~procedure adopted by the commercial vehicle safety alliance. In~~ 76610  
~~determining the amount of the forfeiture for a violation~~ 76611  
~~discovered during a compliance review of a motor carrier under~~ 76612  
~~section 4923.07 of the Revised Code, the commission shall, to the~~ 76613  
~~extent practicable, not act in a manner incompatible with the~~ 76614  
~~civil penalty guidelines of the United States department of~~ 76615  
~~transportation.~~ 76616

The attorney general, upon the written request of the 76617  
commission, shall bring a civil action in the court of common 76618  
pleas of Franklin county to collect a forfeiture assessed under 76619  
this section. The commission shall account for the forfeitures 76620  
collected under this section and pay them to the treasurer of 76621  
state under section 4921.21 of the Revised Code. 76622

(2) The attorney general, upon the written request of the 76623  
commission, shall bring an action for injunctive relief in the 76624

court of common pleas of Franklin county against any person who 76625  
has violated or is violating any order issued by the commission to 76626  
secure compliance with any provision of Chapter 4921. or 4923. of 76627  
the Revised Code. The court of common pleas of Franklin county has 76628  
jurisdiction to and may grant preliminary and permanent injunctive 76629  
relief upon a showing that the person against whom the action is 76630  
brought has violated or is violating any such order. The court 76631  
shall give precedence to such an action over all other cases. 76632

(B) The amount of any forfeiture may be compromised at any 76633  
time prior to collection of the forfeiture. The commission shall 76634  
adopt rules governing the manner in which the amount of a 76635  
forfeiture may be established by agreement prior to the hearing on 76636  
the forfeiture before the commission. 76637

(C) The proceedings of the commission specified in division 76638  
(A) of this section are subject to and governed by Chapter 4903. 76639  
of the Revised Code, except as otherwise specifically provided in 76640  
this section. The court of appeals of Franklin county has 76641  
exclusive, original jurisdiction to review, modify, or vacate an 76642  
order of the commission issued to secure compliance with any 76643  
provision of Chapter 4921. or 4923. of the Revised Code. The court 76644  
of appeals shall hear and determine those appeals in the same 76645  
manner, and under the same standards, as the supreme court hears 76646  
and determines appeals under Chapter 4903. of the Revised Code. 76647  
The judgment of the court of appeals is final and conclusive 76648  
unless reversed, vacated, or modified on appeal. Such appeals may 76649  
be taken either by the commission or the person to whom the 76650  
compliance order or forfeiture assessment was issued and shall 76651  
proceed as in the case of appeals in civil actions as provided in 76652  
the rules of appellate procedure and Chapter 2505. of the Revised 76653  
Code. 76654

(D) Section 4903.11 of the Revised Code does not apply to an 76655  
appeal of an order issued to secure compliance with Chapter 4921. 76656

or 4923. of the Revised Code or an order issued under division 76657  
(A)(1) of this section assessing a forfeiture. Any person to whom 76658  
any such order is issued who wishes to contest a compliance order, 76659  
the fact of the violation, or the amount of the forfeiture shall 76660  
file a notice of appeal, setting forth the order appealed from and 76661  
the errors complained of, within sixty days after the entry of the 76662  
order upon the journal of the commission. The notice of appeal 76663  
shall be served, unless waived, upon the chairperson of the 76664  
commission or, in the event of the chairperson's absence, upon any 76665  
public utilities commissioner, or by leaving a copy at the office 76666  
of the commission at Columbus. An order issued by the commission 76667  
to secure compliance with Chapter 4921. or 4923. of the Revised 76668  
Code or an order issued under division (A)(1) of this section 76669  
assessing a forfeiture shall be reversed, vacated, or modified on 76670  
appeal if, upon consideration of the record, the court is of the 76671  
opinion that the order was unlawful or unreasonable. 76672

(E) Only for such violations that constitute violations of 76673  
the "Hazardous Materials Transportation Uniform Safety Act of 76674  
1990," 104 Stat. 3244, 49 U.S.C.A. App. 1804 and 1805, or 76675  
regulations adopted under the act, the commission, in determining 76676  
liability, shall use the same standard of culpability for civil 76677  
forfeitures under this section as that set forth for civil 76678  
penalties under section 12 of the "Hazardous Materials 76679  
Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 76680  
U.S.C.A. App. 1809. The commission shall consider the assessment 76681  
considerations for civil penalties specified in regulations 76682  
adopted under the "Hazardous Materials Transportation Act," 88 76683  
Stat. 2156 (1975), 49 U.S.C. 1801. 76684

**Sec. 4927.13.** (A) An incumbent local exchange carrier that is 76685  
an eligible telecommunications carrier under 47 C.F.R. 54.201 76686  
shall implement lifeline service throughout the carrier's 76687  
traditional service area for its eligible residential customers. 76688

(1) Lifeline service shall consist of all of the following: 76689

(a) ~~Flat rate, monthly, primary~~ Monthly access line service 76690  
~~with touch tone service,~~ at a recurring discount to the monthly 76691  
basic local exchange service rate that provides for the maximum 76692  
contribution of federally available assistance; 76693

(b) Not more than once per customer at a single address in a 76694  
twelve-month period, a waiver of all nonrecurring service order 76695  
charges for establishing service; 76696

(c) Free blocking of toll service, 900 service, and 976 76697  
service. 76698

The carrier may offer to lifeline service customers any other 76699  
services and bundles or packages of services at the prevailing 76700  
prices, less the lifeline discount. 76701

(2) The carrier also shall offer special payment arrangements 76702  
to lifeline service customers that have past due bills for 76703  
regulated local service charges, with the initial payment not to 76704  
exceed twenty-five dollars before service is installed, and the 76705  
balance for regulated local service charges to be paid over six, 76706  
equal, monthly payments. Lifeline service customers with past due 76707  
bills for toll service charges shall have toll restricted service 76708  
until the past due toll service charges have been paid or until 76709  
the customer establishes service with another toll service 76710  
provider. 76711

(3)(a) Every incumbent local exchange carrier required to 76712  
implement lifeline service under division (A) of this section 76713  
shall establish an annual marketing budget for promoting lifeline 76714  
service and performing outreach regarding lifeline service. All 76715  
funds allocated to this budget shall be spent for the promotion 76716  
and marketing of lifeline service and outreach regarding lifeline 76717  
service and only for those purposes and not for any administrative 76718  
costs of implementing lifeline service. All activities relating to 76719

the promotion of, marketing of, and outreach regarding lifeline 76720  
service shall be coordinated through a single advisory board 76721  
composed of staff of the public utilities commission, the office 76722  
of the consumers' counsel, consumer groups representing low-income 76723  
constituents, two representatives from the Ohio association of 76724  
community action agencies, and, except as provided in division 76725  
(A)(3)(b) of this section, every incumbent local exchange carrier 76726  
required to implement lifeline service under division (A) of this 76727  
section. The public utilities commission may review and approve 76728  
decisions of the advisory board in accordance with commission 76729  
rules, including decisions on how the lifeline marketing, 76730  
promotion, and outreach activities are implemented. 76731

(b) Division (A)(3)(a) of this section does not apply to an 76732  
incumbent local exchange carrier with fewer than fifty thousand 76733  
access lines. 76734

(4) All other aspects of the carrier's state-specific 76735  
lifeline service shall be consistent with federal requirements. 76736

(B) The rates, terms, and conditions for the carrier's 76737  
lifeline service shall be tariffed in the manner prescribed by 76738  
rule adopted by the public utilities commission. 76739

(C)(1) Eligibility for lifeline service under division (A) of 76740  
this section shall be based on either of the following criteria: 76741

(a) An individual's verifiable participation in any federal 76742  
or state low-income assistance program, specified in rules adopted 76743  
by the commission, that limits assistance based on household 76744  
income; 76745

(b) Other verification that an individual's household income 76746  
is ~~at or below one hundred fifty per cent of the federal poverty~~ 76747  
level consistent with the income eligibility threshold in 47 76748  
C.F.R. 54.409(a)(1). 76749

The public utilities commission shall adopt rules 76750

establishing requirements for the implementation of automatic 76751  
enrollment of eligible individuals for lifeline assistance. The 76752  
public utilities commission shall work with the appropriate state 76753  
agencies that administer federal or state low-income assistance 76754  
programs and with carriers to negotiate and acquire information 76755  
necessary to verify an individual's eligibility and the data 76756  
necessary to automatically enroll eligible individuals for 76757  
lifeline service. Every incumbent local exchange carrier required 76758  
to implement lifeline service under division (A) of this section 76759  
shall implement automatic enrollment in accordance with the 76760  
applicable rules of the public utilities commission and to the 76761  
extent that appropriate state agencies are able to accommodate the 76762  
automatic enrollment. 76763

(2) The carrier shall provide written notification if the 76764  
carrier determines that an individual is not eligible for lifeline 76765  
service and shall provide the individual an additional thirty days 76766  
to prove eligibility. 76767

(3) The carrier shall provide written customer notification 76768  
if a customer's lifeline service is to be terminated due to 76769  
failure to submit acceptable documentation for continued 76770  
eligibility for that assistance and shall provide the customer an 76771  
additional ~~sixty~~ thirty days to submit acceptable documentation of 76772  
continued eligibility or dispute the carrier's findings regarding 76773  
termination of the lifeline service. 76774

(D) An incumbent local exchange carrier required to implement 76775  
lifeline service under division (A) of this section may recover 76776  
from end users of the carrier's telecommunications service other 76777  
than lifeline service customers, by a method approved by the 76778  
public utilities commission, any lifeline service discounts and 76779  
any other lifeline service expenses that the public utilities 76780  
commission prescribes by rule and that are not recovered through 76781  
federal or state funding, except for expenses incurred under 76782

division (A)(3)(a) of this section. A carrier seeking recovery of discounts or expenses shall, in accordance with rules adopted by the public utilities commission, apply to the public utilities commission for approval of the method of recovery. If the method of recovery includes a customer billing surcharge, the public utilities commission shall prescribe by rule how the surcharge is to be identified on customer bills.

(E) Every incumbent local exchange carrier required to implement lifeline service under division (A) of this section shall annually file with the public utilities commission a report that identifies the number of its customers who receive, at the time of the filing of the report, lifeline service.

Sec. 5101.074. If the department of job and family services receives money from a refund or reconciliation related to the medicaid program, the department shall transfer the money to the department of medicaid for deposit into the refunds and reconciliation fund created under section 5162.65 of the Revised Code.

**Sec. 5101.09.** (A) When the director of job and family services is authorized by the Revised Code to adopt a rule, the director shall adopt the rule in accordance with the following:

(1) Chapter 119. of the Revised Code if any of the following apply:

(a) The rule concerns the administration or enforcement of Chapter 4141. of the Revised Code;

(b) The rule concerns a program administered by the department of job and family services, unless the statute authorizing the rule requires that it be adopted in accordance with section 111.15 of the Revised Code;

(c) The statute authorizing the rule requires that the rule

be adopted in accordance with Chapter 119. of the Revised Code. 76813

(2) Section 111.15 of the Revised Code, excluding division 76814  
(D) of that section, if either of the following apply: 76815

(a) The rule concerns the day-to-day staff procedures and 76816  
operations of the department or financial and operational matters 76817  
between the department and another government entity or a private 76818  
entity receiving a grant from the department, unless the statute 76819  
authorizing the rule requires that it be adopted in accordance 76820  
with Chapter 119. of the Revised Code; 76821

(b) The statute authorizing the rule requires that the rule 76822  
be adopted in accordance with section 111.15 of the Revised Code 76823  
and, by the terms of division (D) of that section, division (D) of 76824  
that section does not apply to the rule. 76825

(3) Section 111.15 of the Revised Code, including division 76826  
(D) of that section, if the statute authorizing the rule requires 76827  
that the rule be adopted in accordance with that section and the 76828  
rule is not exempt from the application of division (D) of that 76829  
section. 76830

(B) Except as otherwise required by the Revised Code, the 76831  
adoption of a rule in accordance with Chapter 119. of the Revised 76832  
Code does not make the department of job and family services, a 76833  
county family services agency, or a ~~workforce development agency~~ 76834  
local board subject to the notice, hearing, or other requirements 76835  
of sections 119.06 to 119.13 of the Revised Code. As used in this 76836  
division, "~~workforce development agency~~ local board" has the same 76837  
meaning as in section 6301.01 of the Revised Code. 76838

**Sec. 5101.16.** (A) As used in this section and sections 76839  
5101.161 and 5101.162 of the Revised Code: 76840

(1) "Disability financial assistance" means the financial 76841  
assistance program established under former Chapter 5115. of the 76842



Revised Code.	76843
(2) "Supplemental nutrition assistance program" means the program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code.	76844 76845 76846
(3) "Ohio works first" means the program established by Chapter 5107. of the Revised Code.	76847 76848
(4) "Prevention, retention, and contingency" means the program established by Chapter 5108. of the Revised Code.	76849 76850
(5) "Public assistance expenditures" means expenditures for all of the following:	76851 76852
(a) Ohio works first;	76853
(b) County administration of Ohio works first;	76854
(c) Prevention, retention, and contingency;	76855
(d) County administration of prevention, retention, and contingency;	76856 76857
(e) Disability financial assistance;	76858
(f) County administration of disability financial assistance;	76859
(g) County administration of the supplemental nutrition assistance program;	76860 76861
(h) County administration of medicaid, excluding administrative expenditures for transportation services covered by the medicaid program.	76862 76863 76864
<del>(7)</del> (6) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code.	76865 76866
(B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal	76867 76868 76869 76870 76871

year 1998 and each state fiscal year thereafter: 76872

(1) The amount that is twenty-five per cent of the county's 76873  
total expenditures for disability financial assistance and county 76874  
administration of that program during the state fiscal year ending 76875  
in the previous calendar year that the department of job and 76876  
family services determines are allowable. 76877

(2) The amount that is ten per cent, or other percentage 76878  
determined under division (D) of this section, of the county's 76879  
total expenditures for county administration of the supplemental 76880  
nutrition assistance program and medicaid (excluding 76881  
administrative expenditures for transportation services covered by 76882  
the medicaid program) during the state fiscal year ending in the 76883  
previous calendar year that the department determines are 76884  
allowable, less the amount of federal reimbursement credited to 76885  
the county under division (E) of this section for the state fiscal 76886  
year ending in the previous calendar year; 76887

(3) A percentage of the actual amount of the county share of 76888  
program and administrative expenditures during federal fiscal year 76889  
1994 for assistance and services, other than child care, provided 76890  
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 76891  
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 76892  
enactment of the "Personal Responsibility and Work Opportunity 76893  
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 76894  
and family services shall determine the actual amount of the 76895  
county share from expenditure reports submitted to the United 76896  
States department of health and human services. The percentage 76897  
shall be the percentage established in rules adopted under 76898  
division (F) of this section. 76899

(C)(1) If a county's share of public assistance expenditures 76900  
determined under division (B) of this section for a state fiscal 76901  
year exceeds one hundred five per cent of the county's share for 76902  
those expenditures for the immediately preceding state fiscal 76903

year, the department of job and family services shall reduce the 76904  
county's share for expenditures under divisions (B)(1) and (2) of 76905  
this section so that the total of the county's share for 76906  
expenditures under division (B) of this section equals one hundred 76907  
five per cent of the county's share of those expenditures for the 76908  
immediately preceding state fiscal year. 76909

(2) A county's share of public assistance expenditures 76910  
determined under division (B) of this section may be increased 76911  
pursuant to section 5101.163 of the Revised Code and a sanction 76912  
under section 5101.24 of the Revised Code. An increase made 76913  
pursuant to section 5101.163 of the Revised Code may cause the 76914  
county's share to exceed the limit established by division (C)(1) 76915  
of this section. 76916

(D)(1) If the per capita tax duplicate of a county is less 76917  
than the per capita tax duplicate of the state as a whole and 76918  
division (D)(2) of this section does not apply to the county, the 76919  
percentage to be used for the purpose of division (B)(2) of this 76920  
section is the product of ten multiplied by a fraction of which 76921  
the numerator is the per capita tax duplicate of the county and 76922  
the denominator is the per capita tax duplicate of the state as a 76923  
whole. The department of job and family services shall compute the 76924  
per capita tax duplicate for the state and for each county by 76925  
dividing the tax duplicate for the most recent available year by 76926  
the current estimate of population prepared by the development 76927  
services agency. 76928

(2) If the percentage of families in a county with an annual 76929  
income of less than three thousand dollars is greater than the 76930  
percentage of such families in the state and division (D)(1) of 76931  
this section does not apply to the county, the percentage to be 76932  
used for the purpose of division (B)(2) of this section is the 76933  
product of ten multiplied by a fraction of which the numerator is 76934  
the percentage of families in the state with an annual income of 76935

less than three thousand dollars a year and the denominator is the percentage of such families in the county. The department of job and family services shall compute the percentage of families with an annual income of less than three thousand dollars for the state and for each county by multiplying the most recent estimate of such families published by the development services agency, by a fraction, the numerator of which is the estimate of average annual personal income published by the bureau of economic analysis of the United States department of commerce for the year on which the census estimate is based and the denominator of which is the most recent such estimate published by the bureau.

(3) If the per capita tax duplicate of a county is less than the per capita tax duplicate of the state as a whole and the percentage of families in the county with an annual income of less than three thousand dollars is greater than the percentage of such families in the state, the percentage to be used for the purpose of division (B)(2) of this section shall be determined as follows:

(a) Multiply ten by the fraction determined under division (D)(1) of this section;

(b) Multiply the product determined under division (D)(3)(a) of this section by the fraction determined under division (D)(2) of this section.

(4) The department of job and family services shall determine, for each county, the percentage to be used for the purpose of division (B)(2) of this section not later than the first day of July of the year preceding the state fiscal year for which the percentage is used.

(E) The department of job and family services shall credit to a county the amount of federal reimbursement the department receives from the United States departments of agriculture and health and human services for the county's expenditures for

administration of the supplemental nutrition assistance program 76967  
and medicaid (excluding administrative expenditures for 76968  
transportation services covered by the medicaid program) that the 76969  
department determines are allowable administrative expenditures. 76970

(F)(1) The director of job and family services shall adopt 76971  
rules in accordance with section 111.15 of the Revised Code to 76972  
establish all of the following: 76973

(a) The method the department is to use to change a county's 76974  
share of public assistance expenditures determined under division 76975  
(B) of this section as provided in division (C) of this section; 76976

(b) The allocation methodology and formula the department 76977  
will use to determine the amount of funds to credit to a county 76978  
under this section; 76979

(c) The method the department will use to change the payment 76980  
of the county share of public assistance expenditures from a 76981  
calendar-year basis to a state fiscal year basis; 76982

(d) The percentage to be used for the purpose of division 76983  
(B)(3) of this section, which shall, except as provided in section 76984  
5101.163 of the Revised Code, meet both of the following 76985  
requirements: 76986

(i) The percentage shall not be less than seventy-five per 76987  
cent nor more than eighty-two per cent; 76988

(ii) The percentage shall not exceed the percentage that the 76989  
state's qualified state expenditures is of the state's historic 76990  
state expenditures as those terms are defined in 42 U.S.C. 76991  
609(a)(7). 76992

(e) Other procedures and requirements necessary to implement 76993  
this section. 76994

(2) The director of job and family services may amend the 76995  
rule adopted under division (F)(1)(d) of this section to modify 76996

the percentage on determination that the amount the general 76997  
assembly appropriates for Title IV-A programs makes the 76998  
modification necessary. The rule shall be adopted and amended as 76999  
if an internal management rule and in consultation with the 77000  
director of budget and management. 77001

**Sec. 5101.17.** In determining the need of any person under 77002  
Chapter 5107. ~~or 5115.~~ of the Revised Code, the first eighty-five 77003  
dollars plus one-half of the excess over eighty-five dollars of 77004  
payments made to or in behalf of any person for or with respect to 77005  
any month under Title I or II of the "Economic Opportunity Act of 77006  
1964," 78 Stat. 508, 42 U.S.C.A. 2701, as amended, shall not be 77007  
regarded as income or resources. No payments made under such 77008  
titles shall be regarded as income or resources of another 77009  
individual except to the extent that they are made available to 77010  
the other individual. No grant made to any family under Title III 77011  
of such act shall be regarded as income or resources in 77012  
determining the need of any member of such family under Chapter 77013  
5107. ~~or 5115.~~ of the Revised Code. 77014

**Sec. 5101.18.** When the director of job and family services 77015  
adopts rules under section 5107.05 of the Revised Code regarding 77016  
income requirements for the Ohio works first program ~~and under~~ 77017  
~~section 5115.03 of the Revised Code regarding income and resource~~ 77018  
~~requirements for the disability financial assistance program,~~ the 77019  
director shall determine what payments shall be regarded or 77020  
disregarded. In making this determination, the director shall 77021  
consider: 77022

- (A) The source of the payment; 77023
- (B) The amount of the payment; 77024
- (C) The purpose for which the payment was made; 77025
- (D) Whether regarding the payment as income would be in the 77026

public interest; 77027

(E) Whether treating the payment as income would be 77028  
detrimental to any of the programs administered in whole or in 77029  
part by the department of job and family services and whether such 77030  
determination would jeopardize the receipt of any federal grant or 77031  
payment by the state or any receipt of aid under Chapter 5107. of 77032  
the Revised Code. 77033

**Sec. 5101.181.** (A) As used in this section and section 77034  
5101.182 of the Revised Code, "public assistance" means any or all 77035  
of the following: 77036

(1) Ohio works first; 77037

(2) Prevention, retention, and contingency; 77038

(3) Disability financial assistance provided prior to 77039  
December 31, 2017, under former Chapter 5115. of the Revised Code; 77040

(4) General assistance provided prior to July 17, 1995, under 77041  
former Chapter 5113. of the Revised Code. 77042

(B) As part of the procedure for the determination of 77043  
overpayment to a recipient of public assistance under Chapter 77044  
5107. or 5108., or former Chapter 5115. of the Revised Code, the 77045  
director of job and family services may furnish quarterly the name 77046  
and social security number of each individual who receives public 77047  
assistance to the director of administrative services, the 77048  
administrator of the bureau of workers' compensation, and each of 77049  
the state's retirement boards. Within fourteen days after 77050  
receiving the name and social security number of an individual who 77051  
receives public assistance, the director of administrative 77052  
services, administrator, or board shall inform the auditor of 77053  
state as to whether such individual is receiving wages or 77054  
benefits, the amount of any wages or benefits being received, the 77055  
social security number, and the address of the individual. The 77056

director of administrative services, administrator, boards, and 77057  
any agent or employee of those officials and boards shall comply 77058  
with the rules of the director of job and family services 77059  
restricting the disclosure of information regarding recipients of 77060  
public assistance. Any person who violates this provision shall 77061  
thereafter be disqualified from acting as an agent or employee or 77062  
in any other capacity under appointment or employment of any state 77063  
board, commission, or agency. 77064

(C) The auditor of state may enter into a reciprocal 77065  
agreement with the director of job and family services or 77066  
comparable officer of any other state for the exchange of names, 77067  
current or most recent addresses, or social security numbers of 77068  
persons receiving public assistance under Title IV-A of the 77069  
"Social Security Act," 42 U.S.C. 601 et seq. 77070

(D) The auditor of state shall retain, for not less than two 77071  
years, at least one copy of all information received under this 77072  
section and sections 145.27, 742.41, 3307.20, 3309.22, 4123.27, 77073  
5101.182, and 5505.04 of the Revised Code. 77074

(E) The auditor shall review the information described in 77075  
division (D) of this section to determine whether overpayments 77076  
were made to recipients of public assistance under Chapters 5107.7 77077  
or 5108.7 and former Chapter 5115. of the Revised Code. The 77078  
auditor of state shall initiate action leading to prosecution, 77079  
where warranted, of recipients who received overpayments by 77080  
forwarding the name of each recipient who received overpayment, 77081  
together with other pertinent information, to the director of job 77082  
and family services, the attorney general, and the county director 77083  
of job and family services and county prosecutor of the county 77084  
through which public assistance was received. 77085

(F) The auditor of state and the attorney general or their 77086  
designees may examine any records, whether in computer or printed 77087  
format, in the possession of the director of job and family 77088



services or any county director of job and family services. They 77089  
shall provide safeguards which restrict access to such records to 77090  
purposes directly connected with an audit or investigation, 77091  
prosecution, or criminal or civil proceeding conducted in 77092  
connection with the administration of the programs and shall 77093  
comply with section 5101.27 of the Revised Code and rules adopted 77094  
by the director of job and family services restricting the 77095  
disclosure of information regarding recipients of public 77096  
assistance. Any person who violates this provision shall 77097  
thereafter be disqualified from acting as an agent or employee or 77098  
in any other capacity under appointment or employment of any state 77099  
board, commission, or agency. 77100

(G) Costs incurred by the auditor of state in carrying out 77101  
the auditor of state's duties under this section shall be borne by 77102  
the auditor of state. 77103

**Sec. 5101.184.** (A) The director of job and family services 77104  
shall work with the tax commissioner to collect overpayments of 77105  
assistance under Chapter 5107. ~~or, former Chapter~~ 5115., former 77106  
Chapter 5113., or section 5101.54 of the Revised Code from refunds 77107  
of state income taxes for taxable year 1992 and thereafter that 77108  
are payable to the recipients of such overpayments. 77109

Any overpayment of assistance, whether obtained by fraud or 77110  
misrepresentation, as the result of an error by the recipient or 77111  
by the agency making the payment, or in any other manner, may be 77112  
collected under this section. Any reduction under section 5747.12 77113  
or 5747.121 of the Revised Code to an income tax refund shall be 77114  
made before a reduction under this section. No reduction shall be 77115  
made under this section if the amount of the refund is less than 77116  
twenty-five dollars after any reduction under section 5747.12 of 77117  
the Revised Code. A reduction under this section shall be made 77118  
before any part of the refund is contributed under section 77119

5747.113 of the Revised Code, or is credited under section 5747.12 77120  
of the Revised Code against tax due in any subsequent year. 77121

The director and the tax commissioner, by rules adopted in 77122  
accordance with Chapter 119. of the Revised Code, shall establish 77123  
procedures to implement this division. The procedures shall 77124  
provide for notice to a recipient of assistance and an opportunity 77125  
for the recipient to be heard before the recipient's income tax 77126  
refund is reduced. 77127

(B) The director of job and family services may enter into 77128  
agreements with the federal government to collect overpayments of 77129  
assistance from refunds of federal income taxes that are payable 77130  
to recipients of the overpayments. 77131

**Sec. 5101.20.** (A) As used in this section of the Revised 77132  
Code: 77133

(1) "Local area" has the same meaning as in section ~~101 of~~ 77134  
~~the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.~~ 77135  
~~2801, as amended, and division (A) of section~~ 6301.01 of the 77136  
Revised Code~~+~~. 77137

(2) "Chief elected official" has the same meaning as ~~in~~ 77138  
~~section 101 of the "Workforce Investment Act of 1998," 112 Stat.~~ 77139  
~~936, 29 U.S.C. 2801, as amended, and division (F) of~~ "chief 77140  
elected official or officials" as defined in section 6301.01 of 77141  
the Revised Code~~+~~. 77142

(3) "Grantee" means the chief elected officials of a local 77143  
area. 77144

(4) "Local board" has the same meaning as in section 6301.01 77145  
of the Revised Code. 77146

(5) "Planning region" has the same meaning as in section 77147  
6301.01 of the Revised Code. 77148

(B) The director of job and family services shall enter into 77149

one or more written grant agreements with each local area under 77150  
which ~~financial assistance is allocated~~ funds are awarded for 77151  
workforce development activities included in the agreements. A 77152  
grant agreement shall establish the terms and conditions governing 77153  
the accountability for and use of grants provided by the 77154  
department of job and family services to the grantee for the 77155  
administration of workforce development activities funded under 77156  
the "~~Workforce Investment Act of 1998,~~" 112 Stat. 936, 29 U.S.C. 77157  
~~2801, as amended~~ "Workforce Innovation and Opportunity Act," 29 77158  
U.S.C. 3101 et seq. 77159

(C) The director may award grants to local areas only through 77160  
grant agreements entered into under this section. 77161

(D) In the case of a local area comprised of multiple 77162  
political subdivisions, nothing in this section shall preclude the 77163  
chief elected officials of a local area from entering into an 77164  
agreement among themselves to distribute any liability for 77165  
activities of the local area, but such an agreement shall not be 77166  
binding on the department of job and family services. 77167

~~(D)~~(E) The written grant agreement entered into under 77168  
division (B) of this section shall comply with all applicable 77169  
federal and state laws governing workforce development activities 77170  
and related funding. All Each local area is subject to all federal 77171  
conditions and restrictions that apply to the use of ~~grants~~ 77172  
~~received by~~ funds allotted to the department of job and family 77173  
services ~~shall apply to the use of the grants received by the~~ and 77174  
allocated to local areas ~~from the department for workforce~~ 77175  
development activities. 77176

~~(E)~~(F) A written grant agreement entered into under division 77177  
(B) of this section shall: 77178

(1) Identify as parties to the agreement the ~~chief elected~~ 77179  
~~officials~~ representatives for the local area, including the chief 77180

elected official or officials, the local board, and the fiscal agent; 77181  
77182

(2) Provide for the incorporation of the planning region and 77183  
local workforce development plan; 77184

(3) Include the chief elected official's or officials' 77185  
assurance that the local area and any subgrantee or contractor of 77186  
the local area will do all of the following: 77187

(a) Ensure that the ~~financial assistance awarded funds~~ 77188  
allocated under the grant agreement ~~is~~ are used, and the workforce 77189  
development duties included in the agreement are performed, in 77190  
accordance with ~~requirements established by the department or any~~ 77191  
~~of the following:~~ federal ~~or~~ and state law, the state plan for 77192  
receipt of federal financial participation, grant agreements 77193  
between the department and a federal agency, ~~or~~ executive orders, ~~and~~ 77194  
and policies and guidance issued by the department; 77195

(b) Ensure ~~that the chief elected officials and any~~ 77196  
~~subgrantee or contractor of the local area utilize~~ that the 77197  
implementation and use of a financial management system and other 77198  
accountability mechanisms ~~that~~ meet the requirements of federal 77199  
and state law and are in accordance with the policies and 77200  
procedures that the department establishes; 77201

(c) Require the chief elected officials and any subgrantee or 77202  
contractor of the local area to do both of the following: 77203

(i) Monitor all private and government entities that receive 77204  
~~a payment from financial assistance awarded funds allocated~~ under 77205  
the grant agreement to ensure that ~~each entity uses the payment~~ 77206  
funds are utilized in accordance with ~~requirements for the~~ 77207  
~~workforce development duties included in the~~ all applicable 77208  
federal and state laws, policies, and guidance, and with the terms 77209  
and conditions of the grant agreement; 77210

(ii) Take action to recover ~~payments that are not used in~~ 77211

~~accordance with the requirements for the workforce development~~ 77212  
~~duties that are included in the funds for expenditures that are~~ 77213  
~~unallowable under federal or state law or under the terms of the~~ 77214  
~~grant agreement.~~ 77215

~~(d) Require the chief elected officials of a local area to~~ 77216  
~~promptly reimburse the department the amount that represents the~~ 77217  
~~amount a local area is responsible for of funds the department~~ 77218  
~~pays to any entity Promptly remit funds to the department that are~~ 77219  
~~payable to the state or federal government because of an adverse~~ 77220  
~~audit finding, adverse quality control finding, final disallowance~~ 77221  
~~of federal financial participation, or other sanction or penalty;~~ 77222

~~(e) Require chief elected officials of a local area to take~~ 77223  
~~Take prompt corrective action if the department, auditor of state,~~ 77224  
~~federal agency, or other entity authorized by federal or state law~~ 77225  
~~to determine compliance with requirements for a workforce~~ 77226  
~~development duty included in the agreement state or a federal~~ 77227  
~~agency determines ~~compliance has not been achieved;~~ noncompliance~~ 77228  
~~with state or federal law.~~ 77229

~~(4) Provide that the award of financial assistance allocation~~ 77230  
~~is subject to the availability of federal funds and appropriations~~ 77231  
~~made by the general assembly;~~ 77232

~~(5) Provide for annual financial, administrative, or other~~ 77233  
~~incentive awards, if any, to be provided in accordance with~~ 77234  
~~section 5101.23 of the Revised Code.~~ 77235

~~(6) Establish the ~~method of~~ terms and conditions for amending~~ 77236  
~~or terminating the grant agreement and an expedited process for~~ 77237  
~~correcting terms or conditions of the agreement that the director~~ 77238  
~~and the chief elected officials agree are erroneous.~~ 77239

~~(7) ~~Provide for~~ Permit the department of job and family~~ 77240  
~~services to ~~award financial assistance~~ allocate funds for the~~ 77241  
~~workforce development duties included in the agreement in~~ 77242

accordance with a methodology for determining the amount of the 77243  
award established by rules adopted under division ~~(F)~~(G) of this 77244  
section. 77245

(8) Determine the dates that the grant agreement begins and 77246  
ends. 77247

~~(F)~~(G)(1) The director shall adopt rules in accordance with 77248  
section 111.15 of the Revised Code governing grant agreements. The 77249  
director shall adopt the rules as if they were internal management 77250  
rules. The rules shall establish methodologies to be used to 77251  
determine the amount of ~~financial assistance~~ funds to be awarded 77252  
under the agreements and may do any of the following: 77253

(a) Govern the establishment of consolidated funding 77254  
allocations and other allocations; 77255

(b) Specify allowable uses of ~~financial assistance awarded~~ 77256  
funds allocated under the agreements; 77257

(c) Establish reporting, cash management, audit, and other 77258  
requirements the director determines are necessary to provide 77259  
accountability for the use of ~~financial assistance awarded~~ funds 77260  
allocated under the agreements and determine compliance with 77261  
requirements established by the department or any of the 77262  
following: a federal or state law, state plan for receipt of 77263  
federal financial participation, grant agreement between the 77264  
department and a federal entity, or executive order. 77265

(2) A requirement of a grant agreement established by a rule 77266  
adopted under this division is applicable to a grant agreement 77267  
without having to be restated in the grant agreement. 77268

**Sec. 5101.201.** ~~The~~ As the director of the state agency for 77269  
the implementation of several workforce programs, the director of 77270  
job and family services may enter into agreements with ~~one-step~~ 77271  
~~operators~~ local boards, as defined in section 6301.01 of the 77272

Revised Code, and ~~one-stop~~ other OhioMeansJobs center partners for 77273  
the purpose of implementing the requirements of section 121 of the 77274  
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801~~ 77275  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3151. 77276

**Sec. 5101.214.** The director of job and family services may 77277  
enter into a written agreement with one or more state agencies, as 77278  
defined in section 117.01 of the Revised Code, and state 77279  
universities and colleges to assist in the coordination, 77280  
provision, or enhancement of the family services duties of a 77281  
county family services agency or the workforce development 77282  
activities of a ~~workforce development agency~~ local board, as 77283  
defined in section 6301.01 of the Revised Code. The director also 77284  
may enter into written agreements or contracts with, or issue 77285  
grants to, private and government entities under which funds are 77286  
provided for the enhancement or innovation of family services 77287  
duties or workforce development activities on the state or local 77288  
level. 77289

The director may adopt internal management rules in 77290  
accordance with section 111.15 of the Revised Code to implement 77291  
this section. 77292

**Sec. 5101.23.** Subject to the availability of funds, the 77293  
department of job and family services may provide annual 77294  
financial, administrative, or other incentive awards to county 77295  
family services agencies and ~~workforce development agencies~~ local 77296  
areas as defined in section 6301.01 of the Revised Code. A county 77297  
family services agency or ~~workforce development agency~~ local area 77298  
may spend ~~funds provided as a financial~~ an incentive award awarded 77299  
under this section only for the purpose for which the funds are 77300  
appropriated. The department may adopt internal management rules 77301  
in accordance with section 111.15 of the Revised Code to establish 77302

the amounts of awards, methodology for distributing the awards, 77303  
types of awards, and standards for administration ~~by the~~ 77304  
~~department.~~ 77305

There is hereby created in the state treasury the social 77306  
services incentive fund. The director of job and family services 77307  
may request that the director of budget and management transfer 77308  
funds in the Title IV-A reserve fund created under section 5101.82 77309  
of the Revised Code and other funds appropriated for family 77310  
services duties or workforce investment activities into the fund. 77311  
If the director of budget and management determines that the funds 77312  
identified by the director of job and family services are 77313  
available and appropriate for transfer, the director of budget and 77314  
management shall make the transfer. Money in the fund shall be 77315  
used to provide incentive awards under this section. 77316

**Sec. 5101.241.** (A) As used in this section: 77317

(1) "Local area" and "chief elected official" have the same 77318  
meaning as in section 5101.20 of the Revised Code. 77319

(2) "Responsible entity" means the chief elected officials of 77320  
a local area. 77321

(B) The department of job and family services may take action 77322  
under division (C) of this section against the responsible entity, 77323  
regardless of who performs the workforce development activity, if 77324  
the department determines any of the following are the case: 77325

(1) ~~A requirement~~ An entity has failed to comply with the 77326  
terms and conditions of a grant agreement ~~entered into~~ executed 77327  
between the department and a local area under section 5101.20 of 77328  
the Revised Code ~~that includes the workforce development activity,~~ 77329  
~~including a requirement for grant agreements established by rules~~ 77330  
~~adopted under that section, is not complied with;.~~ 77331

(2) A performance standard for the workforce development 77332



activity established by the federal government or the department 77333  
is not met~~+~~. 77334

(3) ~~A~~ An entity has failed to comply with a workforce 77335  
development activity requirement ~~for the workforce development~~ 77336  
activity established by the department ~~or any of the following is~~ 77337  
~~not complied with~~+~~~~, a federal or state law, a state plan for 77338  
receipt of federal financial participation, a grant agreement 77339  
between the department and a federal agency, or an executive 77340  
order~~+~~. 77341

(4) The responsible entity is solely or partially 77342  
responsible, as determined by the director of job and family 77343  
services, for an adverse audit finding, adverse quality control 77344  
finding, final disallowance of federal financial participation, or 77345  
other sanction or penalty regarding the workforce development 77346  
activity. 77347

(C) The department may take one or more of the following 77348  
actions against the responsible entity when authorized by division 77349  
(B)(1), (2), (3), or (4) of this section: 77350

(1) Require the responsible entity to submit to and comply 77351  
with a corrective action plan, established or approved by the 77352  
department, pursuant to a time schedule specified by the 77353  
department; 77354

(2) Require the responsible entity to do one of the 77355  
following: 77356

(a) Share with the department a final disallowance of federal 77357  
financial participation or other sanction or penalty; 77358

(b) Reimburse the department the amount the department pays 77359  
to the federal government or another entity that represents the 77360  
amount the responsible entity is responsible for of an adverse 77361  
audit finding, adverse quality control finding, final disallowance 77362  
of federal financial participation, or other sanction or penalty 77363

issued by the federal government, auditor of state, or other 77364  
entity; 77365

(c) Pay the federal government or another entity the amount 77366  
that represents the amount the responsible entity is responsible 77367  
for of an adverse audit finding, adverse quality control finding, 77368  
final disallowance of federal financial participation, or other 77369  
sanction or penalty issued by the federal government, auditor of 77370  
state, or other entity; 77371

(d) Pay the department the amount that represents the amount 77372  
the responsible entity is responsible for of an adverse audit 77373  
finding, adverse quality control finding, or other sanction or 77374  
penalty issued by the department. 77375

(3) Impose a financial or administrative sanction or adverse 77376  
audit finding issued by the department against the responsible 77377  
entity, which may be increased with each subsequent action taken 77378  
against the responsible entity; 77379

(4) Perform or contract with a government or private entity 77380  
for the entity to perform the workforce development activity until 77381  
the department is satisfied that the responsible entity ensures 77382  
that the activity will be performed to the department's 77383  
satisfaction. If the department performs or contracts with an 77384  
entity to perform the workforce development activity under 77385  
division (C)(4) of this section, the department may withhold funds 77386  
allocated to or reimbursements due to the responsible entity for 77387  
the activity and use those funds to implement division (C)(4) of 77388  
this section. 77389

(5) Request the attorney general to bring mandamus 77390  
proceedings to compel the responsible entity to take or cease the 77391  
actions listed in division (B) of this section. The attorney 77392  
general shall bring any mandamus proceedings in the Franklin 77393  
county court of appeals at the department's request. 77394

(6) If the department takes action under this division 77395  
because of division (B)(3) of this section, withhold funds 77396  
allocated or reimbursement due to the responsible entity until the 77397  
department determines that the responsible entity is in compliance 77398  
with the requirement. The department shall release the funds when 77399  
the department determines that compliance has been achieved. 77400

(7) Issue a notice of intent to revoke approval of all or 77401  
part of the local plan effected that conflicts with state or 77402  
federal law and effectuate the revocation. 77403

(D) The department shall notify the responsible entity and 77404  
the appropriate county auditor ~~when the department proposes to~~ 77405  
~~take~~ before taking action under division (C) of this section. The 77406  
notice shall be in writing and specify the proposed action ~~the~~ 77407  
~~department proposes to take~~. The department shall send the notice 77408  
by regular United States mail. Except as provided in division (E) 77409  
of this section, the responsible entity may request an 77410  
administrative review of a proposed action in accordance with 77411  
administrative review procedures the department shall establish. 77412  
The administrative review procedures shall comply with all of the 77413  
following: 77414

(1) A request for an administrative review shall state 77415  
specifically all of the following: 77416

(a) The proposed action specified in the notice from the 77417  
department for which the review is requested; 77418

(b) The reason why the responsible entity believes the 77419  
proposed action is inappropriate; 77420

(c) All facts and legal arguments that the responsible entity 77421  
wants the department to consider; 77422

(d) The name of the person who will serve as the responsible 77423  
entity's representative in the review. 77424

(2) If the department's notice specifies more than one 77425  
proposed action and the responsible entity does not specify all of 77426  
the proposed actions in its request pursuant to division (D)(1)(a) 77427  
of this section, the proposed actions not specified in the request 77428  
shall not be subject to administrative review and the parts of the 77429  
notice regarding those proposed actions shall be final and binding 77430  
on the responsible entity. 77431

(3) The responsible entity shall have fifteen calendar days 77432  
after the department mails the notice to the responsible entity to 77433  
send a written request to the department for an administrative 77434  
review. The responsible entity and the department shall attempt to 77435  
resolve informally any dispute and may develop a written 77436  
resolution to the dispute at any time prior to submitting the 77437  
written report described in division (D)(7) of this section to the 77438  
director. 77439

(4) In the case of a proposed action under division (C)(2) of 77440  
this section, the responsible entity may not include in its 77441  
request disputes over a finding, final disallowance of federal 77442  
financial participation, or other sanction or penalty issued by 77443  
the federal government, auditor of state, or other entity other 77444  
than the department. 77445

(5) If the responsible entity fails to request an 77446  
administrative review within the required time, the responsible 77447  
entity loses the right to request an administrative review of the 77448  
proposed actions specified in the notice and the notice becomes 77449  
final and binding on the responsible entity. 77450

(6) The director of job and family services shall appoint an 77451  
administrative review panel to conduct the administrative review. 77452  
The review panel shall consist of department employees who are not 77453  
involved in the department's proposal to take action against the 77454  
responsible entity. The review panel shall review the responsible 77455  
entity's request. The review panel may require that the department 77456

or responsible entity submit additional information and schedule 77457  
and conduct an informal hearing to obtain testimony or additional 77458  
evidence. A review of a proposal to take action under division 77459  
(C)(2) of this section shall be limited solely to the issue of the 77460  
amount the responsible entity shall share with the department, 77461  
reimburse the department, or pay to the federal government, 77462  
department, or other entity under division (C)(2) of this section. 77463  
The review panel is not required to make a stenographic record of 77464  
its hearing or other proceedings. 77465

(7) After finishing an administrative review, an 77466  
administrative review panel appointed under division (D)(6) of 77467  
this section shall submit a written report to the director setting 77468  
forth its findings of fact, conclusions of law, and 77469  
recommendations for action. The director may approve, modify, or 77470  
disapprove the recommendations. 77471

(8) The director's approval, modification, or disapproval 77472  
under division (D)(7) of this section shall be final and binding 77473  
on the responsible entity and shall not be subject to further 77474  
review. 77475

(E) The responsible entity is not entitled to an 77476  
administrative review under division (D) of this section for any 77477  
of the following: 77478

(1) An action taken under division (C)(5) or (6) of this 77479  
section; 77480

(2) An action taken under section 5101.242 of the Revised 77481  
Code; 77482

(3) An action taken under division (C)(2) of this section if 77483  
the federal government, auditor of state, or entity other than the 77484  
department has identified the responsible entity as being solely 77485  
or partially responsible for an adverse audit finding, adverse 77486  
quality control finding, final disallowance of federal financial 77487

participation, or other sanction or penalty; 77488

(4) An adjustment to an allocation, cash draw, advance, or 77489  
reimbursement to the responsible entity's local area that the 77490  
department determines necessary for budgetary reasons; 77491

(5) Withholding of a cash draw or reimbursement due to 77492  
noncompliance with a reporting requirement established in rules 77493  
adopted under section 5101.243 of the Revised Code. 77494

(F) This section does not apply to other actions the 77495  
department takes against the responsible entity pursuant to 77496  
authority granted by another state law unless the other state law 77497  
requires the department to take the action in accordance with this 77498  
section. 77499

(G) The director of job and family services may adopt rules 77500  
in accordance with Chapter 119. of the Revised Code as necessary 77501  
to implement this section. 77502

(H) The governor may decertify a local ~~workforce development~~ 77503  
board for any of the following reasons in accordance with 77504  
~~subsection (e) of section 117 of the "Workforce Investment Act of~~ 77505  
~~1998" 112 Stat. 936, 29 U.S.C. 2801, as amended (c)(3) of section~~ 77506  
107 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 77507  
3122: 77508

(1) Fraud or abuse; 77509

(2) Failure to carry out the requirements of the federal 77510  
~~"Workforce Investment Act," 112 Stat. 936, 29 U.S.C. 2801, as~~ 77511  
~~amended, including failure to meet performance standards~~ 77512  
~~established by the federal government for two consecutive years~~ 77513  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 77514  
seq.; 77515

(3) Failure to meet local performance accountability measures 77516  
for the local area for two consecutive program years, as specified 77517

in subsection (c)(3)(B) of section 107 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3122. 77518  
77519

(I)(1) If the governor finds that access to basic "Workforce Investment Act" services is not being provided in a local area, the governor may declare an emergency and, in consultation with the chief elected officials of the local area affected, arrange for provision of these services through an alternative entity during the time period in which resolution of the problem preventing service delivery in the local area is pending determines that there has been a substantial violation of a specific provision of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et seq., and that corrective action has not been taken, the governor shall take one of the following actions: 77520  
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(a) Issue a notice of intent to revoke approval of all or part of a local plan affected by the violation; 77531  
77532

(b) Impose a reorganization plan. 77533

(2) A reorganization plan imposed under division (I)(1) of this section may include any of the following: 77534  
77535

(a) Decertifying the local board involved in the violation; 77536

(b) Prohibiting the use of eligible providers; 77537

(c) Selecting an alternate entity to administer the program for the local area involved in the violation; 77538  
77539

(d) Merging the local area with one or more other local areas; 77540  
77541

(e) Making other changes that the governor determines to be necessary to secure compliance with the specific provision. An 77542  
77543

An action taken by the governor pursuant to this section is not subject to appeal under this section may be appealed and shall not become effective until the time for appeal has expired or a final decision has been issued on the appeal. 77544  
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77546  
77547

Sec. 5101.26. As used in this section and in sections 5101.27 77548  
to 5101.30 of the Revised Code: 77549

(A) "County agency" means a county department of job and 77550  
family services or a public children services agency. 77551

(B) "Fugitive felon" means an individual who is fleeing to 77552  
avoid prosecution, or custody or confinement after conviction, 77553  
under the laws of the place from which the individual is fleeing, 77554  
for a crime or an attempt to commit a crime that is a felony under 77555  
the laws of the place from which the individual is fleeing or, in 77556  
the case of New Jersey, a high misdemeanor, regardless of whether 77557  
the individual has departed from the individual's usual place of 77558  
residence. 77559

(C) "Information" means records as defined in section 149.011 77560  
of the Revised Code, any other documents in any format, and data 77561  
derived from records and documents that are generated, acquired, 77562  
or maintained by the department of job and family services, a 77563  
county agency, or an entity performing duties on behalf of the 77564  
department or a county agency. 77565

(D) "Law enforcement agency" means the state highway patrol, 77566  
an agency that employs peace officers as defined in section 109.71 77567  
of the Revised Code, the adult parole authority, a county 77568  
department of probation, a prosecuting attorney, the attorney 77569  
general, similar agencies of other states, federal law enforcement 77570  
agencies, and postal inspectors. "Law enforcement agency" includes 77571  
the peace officers and other law enforcement officers employed by 77572  
the agency. 77573

(E) "Public assistance" means financial assistance or social 77574  
services that are provided under a program administered by the 77575  
department of job and family services or a county agency pursuant 77576  
to Chapter 329., 5101., 5104., 5107., or 5108., ~~or 5115.~~ of the 77577  
Revised Code or an executive order issued under section 107.17 of 77578



the Revised Code. "Public assistance" does not mean medical 77579  
assistance provided under a medical assistance program, as defined 77580  
in section 5160.01 of the Revised Code. 77581

(F) "Public assistance recipient" means an applicant for or 77582  
recipient or former recipient of public assistance. 77583

**Sec. 5101.27.** (A) Except as permitted by this section, 77584  
section 5101.273, 5101.28, or 5101.29 of the Revised Code, or 77585  
rules adopted under section 5101.30 of the Revised Code, or when 77586  
required by federal law, no person or government entity shall 77587  
solicit, disclose, receive, use, or knowingly permit, or 77588  
participate in the use of any information regarding a public 77589  
assistance recipient for any purpose not directly connected with 77590  
the administration of a public assistance program. 77591

(B) To the extent permitted by federal law, the department of 77592  
job and family services and county agencies shall do all of the 77593  
following: 77594

(1) Release information regarding a public assistance 77595  
recipient for purposes directly connected to the administration of 77596  
the program to a government entity responsible for administering 77597  
that public assistance program; 77598

(2) Provide information regarding a public assistance 77599  
recipient to a law enforcement agency for the purpose of any 77600  
investigation, prosecution, or criminal or civil proceeding 77601  
relating to the administration of that public assistance program; 77602

(3) Provide, for purposes directly connected to the 77603  
administration of a program that assists needy individuals with 77604  
the costs of public utility services, information regarding a 77605  
recipient of financial assistance provided under a program 77606  
administered by the department or a county agency pursuant to 77607  
Chapter 5107. or 5108. of the Revised Code ~~or sections 5115.01 to~~ 77608

~~5115.07 of the Revised Code~~ to an entity administering the public utility services program. 77609  
77610

(C) To the extent permitted by federal law and section 77611  
1347.08 of the Revised Code, the department and county agencies 77612  
shall provide access to information regarding a public assistance 77613  
recipient to all of the following: 77614

(1) The recipient; 77615

(2) The authorized representative; 77616

(3) The legal guardian of the recipient; 77617

(4) The attorney of the recipient, if the attorney has 77618  
written authorization that complies with section 5101.272 of the 77619  
Revised Code from the recipient. 77620

(D) To the extent permitted by federal law and subject to 77621  
division (E) of this section, the department and county agencies 77622  
may do both of the following: 77623

(1) Release information about a public assistance recipient 77624  
if the recipient gives voluntary, written authorization that 77625  
complies with section 5101.272 of the Revised Code; 77626

(2) Release information regarding a public assistance 77627  
recipient to a state, federal, or federally assisted program that 77628  
provides cash or in-kind assistance or services directly to 77629  
individuals based on need or for the purpose of protecting 77630  
children to a government entity responsible for administering a 77631  
children's protective services program. 77632

(E) Except when the release is required by division (B), (C), 77633  
or (D)(2) of this section, the department or county agency shall 77634  
release the information only in accordance with the authorization. 77635  
The department or county agency shall provide, at no cost, a copy 77636  
of each written authorization to the individual who signed it. 77637

(F) The department of job and family services may adopt rules 77638

defining "authorized representative" for purposes of division 77639  
(C)(2) of this section. 77640

**Sec. 5101.28.** (A)(1) On request of the department of job and 77641  
family services or a county agency, a law enforcement agency shall 77642  
provide information regarding public assistance recipients to 77643  
enable the department or county agency to determine, for 77644  
eligibility purposes, whether a recipient or a member of a 77645  
recipient's assistance group is a fugitive felon or violating a 77646  
condition of probation, a community control sanction, parole, or a 77647  
post-release control sanction imposed under state or federal law. 77648

(2) A county agency may enter into a written agreement with a 77649  
local law enforcement agency establishing procedures concerning 77650  
access to information and providing for compliance with division 77651  
(F) of this section. 77652

(B) To the extent permitted by federal law, the department 77653  
and county agencies shall provide information regarding recipients 77654  
of public assistance under a program administered by the state 77655  
department or a county agency pursuant to Chapter 5107. ~~or~~ or 5108. ~~or~~ 77656  
~~5115.~~ of the Revised Code to law enforcement agencies on 77657  
request for the purposes of investigations, prosecutions, and 77658  
criminal and civil proceedings that are within the scope of the 77659  
law enforcement agencies' official duties. 77660

(C) Information about a public assistance recipient shall be 77661  
exchanged, obtained, or shared only if the department, county 77662  
agency, or law enforcement agency requesting the information gives 77663  
sufficient information to specifically identify the recipient. In 77664  
addition to the recipient's name, identifying information may 77665  
include the recipient's current or last known address, social 77666  
security number, other identifying number, age, gender, physical 77667  
characteristics, any information specified in an agreement entered 77668  
into under division (A) of this section, or any information 77669

considered appropriate by the department or agency. 77670

(D)(1) The department and its officers and employees are not 77671  
liable in damages in a civil action for any injury, death, or loss 77672  
to person or property that allegedly arises from the release of 77673  
information in accordance with divisions (A), (B), and (C) of this 77674  
section. This section does not affect any immunity or defense that 77675  
the department and its officers and employees may be entitled to 77676  
under another section of the Revised Code or the common law of 77677  
this state, including section 9.86 of the Revised Code. 77678

(2) The county agencies and their employees are not liable in 77679  
damages in a civil action for any injury, death, or loss to person 77680  
or property that allegedly arises from the release of information 77681  
in accordance with divisions (A), (B), and (C) of this section. 77682  
"Employee" has the same meaning as in division (B) of section 77683  
2744.01 of the Revised Code. This section does not affect any 77684  
immunity or defense that the county agencies and their employees 77685  
may be entitled to under another section of the Revised Code or 77686  
the common law of this state, including section 2744.02 and 77687  
division (A)(6) of section 2744.03 of the Revised Code. 77688

(E) To the extent permitted by federal law, the department 77689  
and county agencies shall provide access to information to the 77690  
auditor of state acting pursuant to Chapter 117. or sections 77691  
5101.181 and 5101.182 of the Revised Code and to any other 77692  
government entity authorized by federal law to conduct an audit 77693  
of, or similar activity involving, a public assistance program. 77694

(F) The auditor of state shall prepare an annual report on 77695  
the outcome of the agreements required under division (A) of this 77696  
section. The report shall include the number of fugitive felons, 77697  
probation and parole violators, and violators of community control 77698  
sanctions and post-release control sanctions apprehended during 77699  
the immediately preceding year as a result of the exchange of 77700  
information pursuant to that division. The auditor of state shall 77701

file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The state department, county agencies, and law enforcement agencies shall cooperate with the auditor of state's office in gathering the information required under this division.

(G) To the extent permitted by federal law, the department of job and family services, county departments of job and family services, and employees of the departments may report to a public children services agency or other appropriate agency information on known or suspected physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment, of a child receiving public assistance, if circumstances indicate that the child's health or welfare is threatened.

(H) As used in this section:

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

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

**Sec. 5101.32.** (A) The department of job and family services shall work with the superintendent of the bureau of criminal identification and investigation to develop procedures and formats necessary to produce the notices described in division ~~(C)~~(D) of section 109.5721 of the Revised Code in a format that is acceptable for use by the department. The department may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, necessary for such collaboration.

(B) The department of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code necessary for

utilizing the information received pursuant to section 109.5721 of 77732  
the Revised Code, with a final effective date that is not later 77733  
than December 31, 2008. 77734

**Sec. 5101.33.** (A) As used in this section, "benefits" means 77735  
any of the following: 77736

(1) Cash assistance paid under Chapter 5107. ~~or 5115.~~ of the 77737  
Revised Code; 77738

(2) Supplemental nutrition assistance program benefits 77739  
provided under section 5101.54 of the Revised Code; 77740

(3) Any other program administered by the department of job 77741  
and family services under which assistance is provided or service 77742  
rendered; 77743

(4) Any other program, service, or assistance administered by 77744  
a person or government entity that the department determines may 77745  
be delivered through the medium of electronic benefit transfer. 77746

(B) The department of job and family services may make any 77747  
payment or delivery of benefits to eligible individuals through 77748  
the medium of electronic benefit transfer by doing all of the 77749  
following: 77750

(1) Contracting with an agent to supply debit cards to the 77751  
department of job and family services for use by such individuals 77752  
in accessing their benefits and to credit such cards 77753  
electronically with the amounts specified by the director of job 77754  
and family services pursuant to law; 77755

(2) Informing such individuals about the use of the 77756  
electronic benefit transfer system and furnishing them with debit 77757  
cards and information that will enable them to access their 77758  
benefits through the system; 77759

(3) Arranging with specific financial institutions or 77760  
vendors, county departments of job and family services, or persons 77761

or government entities for individuals to have their cards 77762  
credited electronically with the proper amounts at their 77763  
facilities; 77764

(4) Periodically preparing vouchers for the payment of such 77765  
benefits by electronic benefit transfer; 77766

(5) Satisfying any applicable requirements of federal and 77767  
state law. 77768

(C) The department may enter into a written agreement with 77769  
any person or government entity to provide benefits administered 77770  
by that person or entity through the medium of electronic benefit 77771  
transfer. A written agreement may require the person or government 77772  
entity to pay to the department either or both of the following: 77773

(1) A charge that reimburses the department for all costs the 77774  
department incurs in having the benefits administered by the 77775  
person or entity provided through the electronic benefit transfer 77776  
system; 77777

(2) A fee for having the benefits provided through the 77778  
electronic benefit transfer system. 77779

(D) The department may designate which counties will 77780  
participate in the medium of electronic benefit transfer, specify 77781  
the date a designated county will begin participation, and specify 77782  
which benefits will be provided through the medium of electronic 77783  
benefit transfer in a designated county. 77784

(E) The department may adopt rules in accordance with Chapter 77785  
119. of the Revised Code for the efficient administration of this 77786  
section. 77787

**Sec. 5101.35.** (A) As used in this section: 77788

(1)(a) "Agency" means the following entities that administer 77789  
a family services program: 77790

(i) The department of job and family services; 77791

(ii) A county department of job and family services; 77792

(iii) A public children services agency; 77793

(iv) A private or government entity administering, in whole 77794  
or in part, a family services program for or on behalf of the 77795  
department of job and family services or a county department of 77796  
job and family services or public children services agency. 77797

(b) If the department of medicaid contracts with the 77798  
department of job and family services to hear appeals authorized 77799  
by section 5160.31 of the Revised Code regarding medical 77800  
assistance programs, "agency" includes the department of medicaid. 77801

(2) "Appellant" means an applicant, participant, former 77802  
participant, recipient, or former recipient of a family services 77803  
program who is entitled by federal or state law to a hearing 77804  
regarding a decision or order of the agency that administers the 77805  
program. 77806

(3)(a) "Family services program" means all of the following: 77807

(i) A Title IV-A program as defined in section 5101.80 of the 77808  
Revised Code; 77809

(ii) Programs that provide assistance under Chapter 5104. ~~or~~ 77810  
~~5115.~~ of the Revised Code; 77811

(iii) Programs that provide assistance under section 77812  
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the 77813  
Revised Code; 77814

(iv) Title XX social services provided under section 5101.46 77815  
of the Revised Code, other than such services provided by the 77816  
department of mental health and addiction services, the department 77817  
of developmental disabilities, a board of alcohol, drug addiction, 77818  
and mental health services, or a county board of developmental 77819  
disabilities. 77820



(b) If the department of medicaid contracts with the 77821  
department of job and family services to hear appeals authorized 77822  
by section 5160.31 of the Revised Code regarding medical 77823  
assistance programs, "family services program" includes medical 77824  
assistance programs. 77825

(4) "Medical assistance program" has the same meaning as in 77826  
section 5160.01 of the Revised Code. 77827

(B) Except as provided by divisions (G) and (H) of this 77828  
section, an appellant who appeals under federal or state law a 77829  
decision or order of an agency administering a family services 77830  
program shall, at the appellant's request, be granted a state 77831  
hearing by the department of job and family services. This state 77832  
hearing shall be conducted in accordance with rules adopted under 77833  
this section. The state hearing shall be recorded, but neither the 77834  
recording nor a transcript of the recording shall be part of the 77835  
official record of the proceeding. Except as provided in section 77836  
5160.31 of the Revised Code, a state hearing decision is binding 77837  
upon the agency and department, unless it is reversed or modified 77838  
on appeal to the director of job and family services or a court of 77839  
common pleas. 77840

(C) Except as provided by division (G) of this section, an 77841  
appellant who disagrees with a state hearing decision may make an 77842  
administrative appeal to the director of job and family services 77843  
in accordance with rules adopted under this section. This 77844  
administrative appeal does not require a hearing, but the director 77845  
or the director's designee shall review the state hearing decision 77846  
and previous administrative action and may affirm, modify, remand, 77847  
or reverse the state hearing decision. An administrative appeal 77848  
decision is the final decision of the department and, except as 77849  
provided in section 5160.31 of the Revised Code, is binding upon 77850  
the department and agency, unless it is reversed or modified on 77851  
appeal to the court of common pleas. 77852

(D) An agency shall comply with a decision issued pursuant to 77853  
division (B) or (C) of this section within the time limits 77854  
established by rules adopted under this section. If a county 77855  
department of job and family services or a public children 77856  
services agency fails to comply within these time limits, the 77857  
department may take action pursuant to section 5101.24 of the 77858  
Revised Code. If another agency, other than the department of 77859  
medicaid, fails to comply within the time limits, the department 77860  
may force compliance by withholding funds due the agency or 77861  
imposing another sanction established by rules adopted under this 77862  
section. 77863

(E) An appellant who disagrees with an administrative appeal 77864  
decision of the director of job and family services or the 77865  
director's designee issued under division (C) of this section may 77866  
appeal from the decision to the court of common pleas pursuant to 77867  
section 119.12 of the Revised Code. The appeal shall be governed 77868  
by section 119.12 of the Revised Code except that: 77869

(1) The person may appeal to the court of common pleas of the 77870  
county in which the person resides, or to the court of common 77871  
pleas of Franklin county if the person does not reside in this 77872  
state. 77873

(2) The person may apply to the court for designation as an 77874  
indigent and, if the court grants this application, the appellant 77875  
shall not be required to furnish the costs of the appeal. 77876

(3) The appellant shall mail the notice of appeal to the 77877  
department of job and family services and file notice of appeal 77878  
with the court within thirty days after the department mails the 77879  
administrative appeal decision to the appellant. For good cause 77880  
shown, the court may extend the time for mailing and filing notice 77881  
of appeal, but such time shall not exceed six months from the date 77882  
the department mails the administrative appeal decision. Filing 77883  
notice of appeal with the court shall be the only act necessary to 77884

vest jurisdiction in the court. 77885

(4) The department shall be required to file a transcript of 77886  
the testimony of the state hearing with the court only if the 77887  
court orders the department to file the transcript. The court 77888  
shall make such an order only if it finds that the department and 77889  
the appellant are unable to stipulate to the facts of the case and 77890  
that the transcript is essential to a determination of the appeal. 77891  
The department shall file the transcript not later than thirty 77892  
days after the day such an order is issued. 77893

(F) The department of job and family services shall adopt 77894  
rules in accordance with Chapter 119. of the Revised Code to 77895  
implement this section, including rules governing the following: 77896

(1) State hearings under division (B) of this section. The 77897  
rules shall include provisions regarding notice of eligibility 77898  
termination and the opportunity of an appellant appealing a 77899  
decision or order of a county department of job and family 77900  
services to request a county conference with the county department 77901  
before the state hearing is held. 77902

(2) Administrative appeals under division (C) of this 77903  
section; 77904

(3) Time limits for complying with a decision issued under 77905  
division (B) or (C) of this section; 77906

(4) Sanctions that may be applied against an agency under 77907  
division (D) of this section. 77908

(G) The department of job and family services may adopt rules 77909  
in accordance with Chapter 119. of the Revised Code establishing 77910  
an appeals process for an appellant who appeals a decision or 77911  
order regarding a Title IV-A program identified under division 77912  
(A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised 77913  
Code that is different from the appeals process established by 77914  
this section. The different appeals process may include having a 77915

state agency that administers the Title IV-A program pursuant to 77916  
an interagency agreement entered into under section 5101.801 of 77917  
the Revised Code administer the appeals process. 77918

(H) If an appellant receiving medicaid through a health 77919  
insuring corporation that holds a certificate of authority under 77920  
Chapter 1751. of the Revised Code is appealing a denial of 77921  
medicaid services based on lack of medical necessity or other 77922  
clinical issues regarding coverage by the health insuring 77923  
corporation, the person hearing the appeal may order an 77924  
independent medical review if that person determines that a review 77925  
is necessary. The review shall be performed by a health care 77926  
professional with appropriate clinical expertise in treating the 77927  
recipient's condition or disease. The department shall pay the 77928  
costs associated with the review. 77929

A review ordered under this division shall be part of the 77930  
record of the hearing and shall be given appropriate evidentiary 77931  
consideration by the person hearing the appeal. 77932

(I) The requirements of Chapter 119. of the Revised Code 77933  
apply to a state hearing or administrative appeal under this 77934  
section only to the extent, if any, specifically provided by rules 77935  
adopted under this section. 77936

**Sec. 5101.36.** Any application for public assistance gives a 77937  
right of subrogation to the department of job and family services 77938  
for any workers' compensation benefits payable to a person who is 77939  
subject to a support order, as defined in section 3119.01 of the 77940  
Revised Code, on behalf of the applicant, to the extent of any 77941  
public assistance payments made on the applicant's behalf. If the 77942  
director of job and family services, in consultation with a child 77943  
support enforcement agency and the administrator of the bureau of 77944  
workers' compensation, determines that a person responsible for 77945  
support payments to a recipient of public assistance is receiving 77946

workers' compensation, the director shall notify the administrator 77947  
of the amount of the benefit to be paid to the department of job 77948  
and family services. 77949

For purposes of this section, "public assistance" means Ohio 77950  
works first provided under Chapter 5107. of the Revised Code; or 77951  
prevention, retention, and contingency benefits and services 77952  
provided under Chapter 5108. of the Revised Code; ~~or disability~~ 77953  
~~financial assistance provided under Chapter 5115. of the Revised~~ 77954  
~~Code.~~ 77955

**Sec. 5101.61.** (A) As used in this section: 77956

(1) "Senior service provider" means any person who provides 77957  
care or services to a person who is an adult as defined in 77958  
division (B) of section 5101.60 of the Revised Code. 77959

(2) "Ambulatory health facility" means a nonprofit, public or 77960  
proprietary freestanding organization or a unit of such an agency 77961  
or organization that: 77962

(a) Provides preventive, diagnostic, therapeutic, 77963  
rehabilitative, or palliative items or services furnished to an 77964  
outpatient or ambulatory patient, by or under the direction of a 77965  
physician or dentist in a facility which is not a part of a 77966  
hospital, but which is organized and operated to provide medical 77967  
care to outpatients; 77968

(b) Has health and medical care policies which are developed 77969  
with the advice of, and with the provision of review of such 77970  
policies, an advisory committee of professional personnel, 77971  
including one or more physicians, one or more dentists, if dental 77972  
care is provided, and one or more registered nurses; 77973

(c) Has a medical director, a dental director, if dental care 77974  
is provided, and a nursing director responsible for the execution 77975  
of such policies, and has physicians, dentists, nursing, and 77976

ancillary staff appropriate to the scope of services provided; 77977

(d) Requires that the health care and medical care of every 77978  
patient be under the supervision of a physician, provides for 77979  
medical care in a case of emergency, has in effect a written 77980  
agreement with one or more hospitals and other centers or clinics, 77981  
and has an established patient referral system to other resources, 77982  
and a utilization review plan and program; 77983

(e) Maintains clinical records on all patients; 77984

(f) Provides nursing services and other therapeutic services 77985  
in accordance with programs and policies, with such services 77986  
supervised by a registered professional nurse, and has a 77987  
registered professional nurse on duty at all times of clinical 77988  
operations; 77989

(g) Provides approved methods and procedures for the 77990  
dispensing and administration of drugs and biologicals; 77991

(h) Has established an accounting and record keeping system 77992  
to determine reasonable and allowable costs; 77993

(i) "Ambulatory health facilities" also includes an 77994  
alcoholism treatment facility approved by the joint commission on 77995  
accreditation of healthcare organizations as an alcoholism 77996  
treatment facility or certified by the department of mental health 77997  
and addiction services, and such facility shall comply with other 77998  
provisions of this division not inconsistent with such 77999  
accreditation or certification. 78000

(3) "Community mental health facility" means a facility which 78001  
provides community mental health services and is included in the 78002  
comprehensive mental health plan for the alcohol, drug addiction, 78003  
and mental health service district in which it is located. 78004

(4) "Community mental health service" means services, other 78005  
than inpatient services, provided by a community mental health 78006

facility. 78007

(5) "Home health agency" means an institution or a distinct 78008  
part of an institution operated in this state which: 78009

(a) Is primarily engaged in providing home health services; 78010

(b) Has home health policies which are established by a group 78011  
of professional personnel, including one or more duly licensed 78012  
doctors of medicine or osteopathy and one or more registered 78013  
professional nurses, to govern the home health services it 78014  
provides and which includes a requirement that every patient must 78015  
be under the care of a duly licensed doctor of medicine or 78016  
osteopathy; 78017

(c) Is under the supervision of a duly licensed doctor of 78018  
medicine or doctor of osteopathy or a registered professional 78019  
nurse who is responsible for the execution of such home health 78020  
policies; 78021

(d) Maintains comprehensive records on all patients; 78022

(e) Is operated by the state, a political subdivision, or an 78023  
agency of either, or is operated not for profit in this state and 78024  
is licensed or registered, if required, pursuant to law by the 78025  
appropriate department of the state, county, or municipality in 78026  
which it furnishes services; or is operated for profit in this 78027  
state, meets all the requirements specified in divisions (A)(5)(a) 78028  
to (d) of this section, and is certified under Title XVIII of the 78029  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 78030  
amended. 78031

(6) "Home health service" means the following items and 78032  
services, provided, except as provided in division (A)(6)(g) of 78033  
this section, on a visiting basis in a place of residence used as 78034  
the patient's home: 78035

(a) Nursing care provided by or under the supervision of a 78036

registered professional nurse;	78037
(b) Physical, occupational, or speech therapy ordered by the patient's attending physician;	78038 78039
(c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;	78040 78041 78042
(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;	78043 78044 78045
(e) Medical supplies and the use of medical appliances;	78046
(f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;	78047 78048 78049 78050
(g) Any of the foregoing items and services which:	78051
(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;	78052 78053 78054
(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment.	78055 78056 78057 78058 78059
<u>(7) "Representative of the office of the state long-term care program" has the same meaning as in section 173.14 of the Revised Code.</u>	78060 78061 78062
Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory	78063 78064 78065 78066



health facility, any employee of a home health agency, any 78067  
employee of a residential facility licensed under section 5119.34 78068  
of the Revised Code that provides accommodations, supervision, and 78069  
personal care services for three to sixteen unrelated adults, any 78070  
employee of a nursing home, residential care facility, or home for 78071  
the aging, as defined in section 3721.01 of the Revised Code, any 78072  
senior service provider other than a representative of the office 78073  
of the state long-term care program, any peace officer, coroner, 78074  
member of the clergy, any employee of a community mental health 78075  
facility, and any person engaged in professional counseling, 78076  
social work, or marriage and family therapy having reasonable 78077  
cause to believe that an adult is being abused, neglected, or 78078  
exploited, or is in a condition which is the result of abuse, 78079  
neglect, or exploitation shall immediately report such belief to 78080  
the county department of job and family services. ~~This~~ 78081

This section does not apply to employees of any hospital or 78082  
public hospital as defined in section 5122.01 of the Revised Code. 78083

(B) Any person having reasonable cause to believe that an 78084  
adult has suffered abuse, neglect, or exploitation may report, or 78085  
cause reports to be made of such belief to the department. 78086

This division applies to a representative of the office of 78087  
the state long-term care program only to the extent permitted by 78088  
federal law. 78089

(C) The reports made under this section shall be made orally 78090  
or in writing except that oral reports shall be followed by a 78091  
written report if a written report is requested by the department. 78092  
Written reports shall include: 78093

(1) The name, address, and approximate age of the adult who 78094  
is the subject of the report; 78095

(2) The name and address of the individual responsible for 78096  
the adult's care, if any individual is, and if the individual is 78097

known; 78098

(3) The nature and extent of the alleged abuse, neglect, or 78099  
exploitation of the adult; 78100

(4) The basis of the reporter's belief that the adult has 78101  
been abused, neglected, or exploited. 78102

(D) Any person with reasonable cause to believe that an adult 78103  
is suffering abuse, neglect, or exploitation who makes a report 78104  
pursuant to this section or who testifies in any administrative or 78105  
judicial proceeding arising from such a report, or any employee of 78106  
the state or any of its subdivisions who is discharging 78107  
responsibilities under section 5101.62 of the Revised Code shall 78108  
be immune from civil or criminal liability on account of such 78109  
investigation, report, or testimony, except liability for perjury, 78110  
unless the person has acted in bad faith or with malicious 78111  
purpose. 78112

(E) No employer or any other person with the authority to do 78113  
so shall discharge, demote, transfer, prepare a negative work 78114  
performance evaluation, or reduce benefits, pay, or work 78115  
privileges, or take any other action detrimental to an employee or 78116  
in any way retaliate against an employee as a result of the 78117  
employee's having filed a report under this section. 78118

(F) The written or oral report provided for in this section 78119  
and the investigatory report provided for in section 5101.62 of 78120  
the Revised Code are confidential and are not public records, as 78121  
defined in section 149.43 of the Revised Code. In accordance with 78122  
rules adopted by the department of job and family services, 78123  
information contained in the report shall upon request be made 78124  
available to the adult who is the subject of the report and to 78125  
legal counsel for the adult. 78126

(G) The county department of job and family services shall be 78127  
available to receive the written or oral report provided for in 78128

this section twenty-four hours a day and seven days a week. 78129

**Sec. 5101.802.** (A) As used in this section: 78130

(1) "Custodian," "guardian," and "minor child" have the same 78131  
meanings as in section 5107.02 of the Revised Code. 78132

(2) "Federal poverty guidelines" has the same meaning as in 78133  
section 5101.46 of the Revised Code. 78134

(3) "Kinship caregiver" has the same meaning as in section 78135  
5101.85 of the Revised Code. 78136

(B) Subject to division (E) of section 5101.801 of the 78137  
Revised Code, there is hereby created the kinship permanency 78138  
incentive program to promote permanency for a minor child in the 78139  
legal and physical custody of a kinship caregiver. The program 78140  
shall provide an initial one-time incentive payment to the kinship 78141  
caregiver to defray the costs of initial placement of the minor 78142  
child in the kinship caregiver's home. The program may provide 78143  
additional permanency incentive payments for the minor child at 78144  
six month intervals ~~for a total period not to exceed forty eight~~ 78145  
~~months~~, based on the availability of funds. An eligible caregiver 78146  
may receive a maximum of eight incentive payments per minor child. 78147

(C) A kinship caregiver may participate in the program if all 78148  
of the following requirements are met: 78149

(1) The kinship caregiver applies to a public children 78150  
services agency in accordance with the application process 78151  
established in rules authorized by division (E) of this section; 78152

(2) Not earlier than July 1, 2005, a juvenile court issues an 78153  
order granting legal custody to the kinship caregiver, or a 78154  
probate court grants guardianship to the kinship caregiver, except 78155  
that a temporary court order is not sufficient to meet this 78156  
requirement; 78157

(3) The kinship caregiver is either the minor child's 78158

custodian or guardian; 78159

(4) The minor child resides with the kinship caregiver 78160  
pursuant to a placement approval process established in rules 78161  
authorized by division (E) of this section; 78162

(5) Excluding any income excluded under rules adopted under 78163  
division (E) of this section, the gross income of the kinship 78164  
caregiver's family, including the minor child, does not exceed 78165  
three hundred per cent of the federal poverty guidelines. 78166

(D) Public children services agencies shall make initial and 78167  
ongoing eligibility determinations for the kinship permanency 78168  
incentive program in accordance with rules authorized by division 78169  
(E) of this section. The director of job and family services shall 78170  
supervise public children services agencies' duties under this 78171  
section. 78172

(E) The director of job and family services shall adopt rules 78173  
under division (C) of section 5101.801 of the Revised Code as 78174  
necessary to implement the kinship permanency incentive program. 78175  
The rules shall establish all of the following: 78176

(1) The application process for the program; 78177

(2) The placement approval process through which a minor 78178  
child is placed with a kinship caregiver for the kinship caregiver 78179  
to be eligible for the program; 78180

(3) The initial and ongoing eligibility determination process 78181  
for the program, including the computation of income eligibility; 78182

(4) The amount of the incentive payments provided under the 78183  
program; 78184

(5) The method by which the incentive payments are provided 78185  
to a kinship caregiver. 78186

(F) The amendments made to this section by Am. Sub. H.B. 119 78187  
of the 127th general assembly shall not affect the eligibility of 78188

any kinship caregiver whose eligibility was established before 78189  
June 30, 2007. 78190

**Sec. 5107.05.** The director of job and family services shall 78191  
adopt rules to implement this chapter. The rules shall be 78192  
consistent with Title IV-A, Title IV-D, federal regulations, state 78193  
law, the Title IV-A state plan submitted to the United States 78194  
secretary of health and human services under section 5101.80 of 78195  
the Revised Code, amendments to the plan, and waivers granted by 78196  
the United States secretary. Rules governing eligibility, program 78197  
participation, and other applicant and participant requirements 78198  
shall be adopted in accordance with Chapter 119. of the Revised 78199  
Code. Rules governing financial and other administrative 78200  
requirements applicable to the department of job and family 78201  
services and county departments of job and family services shall 78202  
be adopted in accordance with section 111.15 of the Revised Code. 78203

(A) The rules shall specify, establish, or govern all of the 78204  
following: 78205

(1) A payment standard for Ohio works first based on federal 78206  
and state appropriations that is increased in accordance with 78207  
section 5107.04 of the Revised Code; 78208

(2) For the purpose of section 5107.04 of the Revised Code, 78209  
the method of determining the amount of cash assistance an 78210  
assistance group receives under Ohio works first; 78211

(3) Requirements for initial and continued eligibility for 78212  
Ohio works first, including requirements regarding income, 78213  
citizenship, age, residence, and assistance group composition; 78214

(4) For the purpose of section 5107.12 of the Revised Code, 78215  
application and verification procedures, including the minimum 78216  
information an application must contain; 78217

(5) The extent to which a participant of Ohio works first 78218

must notify, pursuant to section 5107.12 of the Revised Code, a 78219  
county department of job and family services of additional income 78220  
not previously reported to the county department; 78221

(6) For the purpose of section 5107.16 of the Revised Code, 78222  
both of the following: 78223

(a) Standards for the determination of good cause for failure 78224  
or refusal to comply in full with a provision of a 78225  
self-sufficiency contract; 78226

(b) The compliance activities a member of an assistance group 78227  
must complete for the member to be considered to have ceased to 78228  
fail or refuse to comply in full with a provision of a 78229  
self-sufficiency contract. 78230

(7) The department of job and family services providing 78231  
written notice of a sanction under section 5107.161 of the Revised 78232  
Code; 78233

(8) For the purpose of division (B) of section 5107.17 of the 78234  
Revised Code, the circumstances under which the adult member of an 78235  
assistance group or an assistance group's minor head of household 78236  
whose failure or refusal, without good cause, to comply in full 78237  
with a provision of a self-sufficiency contract causes a sanction 78238  
under section 5107.16 of the Revised Code must enter into a new, 78239  
or amend an existing, self-sufficiency contract before the 78240  
assistance group may resume participation in Ohio works first 78241  
following the sanction; 78242

(9) Requirements for the collection and distribution of 78243  
support payments owed participants of Ohio works first pursuant to 78244  
section 5107.20 of the Revised Code; 78245

(10) For the purpose of section 5107.22 of the Revised Code, 78246  
what constitutes cooperating in establishing a minor child's 78247  
paternity or establishing, modifying, or enforcing a child support 78248  
order and good cause for failure or refusal to cooperate; 78249

(11) The requirements governing the LEAP program, including 78250  
the definitions of "equivalent of a high school diploma" and "good 78251  
cause," and the incentives provided under the LEAP program; 78252

(12) If the director implements section 5107.301 of the 78253  
Revised Code, the requirements governing the award provided under 78254  
that section, including the form that the award is to take and 78255  
requirements an individual must satisfy to receive the award; 78256

(13) Circumstances under which a county department of job and 78257  
family services may exempt a minor head of household or adult from 78258  
participating in a work activity or developmental activity for all 78259  
or some of the weekly hours otherwise required by section 5107.43 78260  
of the Revised Code. 78261

(14) The maximum amount of time the department will subsidize 78262  
positions created by state agencies and political subdivisions 78263  
under division (C) of section 5107.52 of the Revised Code; 78264

(15) The implementation of sections 5107.71 to 5107.717 of 78265  
the Revised Code by county departments of job and family services; 78266

(16) A domestic violence screening process to be used for the 78267  
purpose of division (A) of section 5107.71 of the Revised Code; 78268

(17) The minimum frequency with which county departments of 78269  
job and family services must redetermine a member of an assistance 78270  
group's need for a waiver issued under section 5107.714 of the 78271  
Revised Code; 78272

(18) Requirements for work activities, developmental 78273  
activities, and alternative work activities for Ohio works first 78274  
participants. 78275

(B) The rules adopted under division (A)(3) of this section 78276  
regarding income shall specify what is countable income, gross 78277  
earned income, and gross unearned income for the purpose of 78278  
section 5107.10 of the Revised Code. The rules also shall specify 78279

the amount of an assistance group's gross earned income that is to 78280  
be disregarded for the purpose of division (D)(3) of section 78281  
5107.10 of the Revised Code. 78282

The rules adopted under division (A)(10) of this section 78283  
shall be consistent with 42 U.S.C. 654(29). 78284

The rules adopted under division (A)(13) of this section 78285  
shall specify that the circumstances include that a school or 78286  
place of work is closed due to a holiday or weather or other 78287  
emergency and that an employer grants the minor head of household 78288  
or adult leave for illness or earned vacation. 78289

(C) The rules may provide that a county department of job and 78290  
family services is not required to take action under section 78291  
5107.76 of the Revised Code to recover an erroneous payment under 78292  
circumstances the rules specify. 78293

**Sec. 5107.10.** (A) As used in this section: 78294

(1) "Countable income," "gross earned income," and "gross 78295  
unearned income" have the meanings established in rules adopted 78296  
under section 5107.05 of the Revised Code. 78297

(2) "Federal poverty guidelines" has the same meaning as in 78298  
section 5101.46 of the Revised Code, except that references to a 78299  
person's family in the definition shall be deemed to be references 78300  
to the person's assistance group. 78301

(3) "Gross income" means gross earned income and gross 78302  
unearned income. 78303

(4) "Strike" means continuous concerted action in failing to 78304  
report to duty; willful absence from one's position; or stoppage 78305  
of work in whole from the full, faithful, and proper performance 78306  
of the duties of employment, for the purpose of inducing, 78307  
influencing, or coercing a change in wages, hours, terms, and 78308  
other conditions of employment. "Strike" does not include a 78309



stoppage of work by employees in good faith because of dangerous 78310  
or unhealthful working conditions at the place of employment that 78311  
are abnormal to the place of employment. 78312

(B) Under the Ohio works first program, an assistance group 78313  
shall receive, except as otherwise provided by this chapter, 78314  
time-limited cash assistance. In the case of an assistance group 78315  
that includes a minor head of household or adult, assistance shall 78316  
be provided in accordance with the self-sufficiency contract 78317  
entered into under section 5107.14 of the Revised Code. 78318

(C)(1) To be eligible to participate in Ohio works first, an 78319  
assistance group must meet all of the following requirements: 78320

~~(1)~~(a) The assistance group, except as provided in division 78321  
(E) of this section, must include at least one of the following: 78322

~~(a)~~(i) A minor child who, except as provided in section 78323  
5107.24 of the Revised Code, resides with a parent, or specified 78324  
relative caring for the child, or, to the extent permitted by 78325  
Title IV-A and federal regulations adopted until Title IV-A, 78326  
resides with a guardian or custodian caring for the child; 78327

~~(b)~~(ii) A parent residing with and caring for the parent's 78328  
minor child who receives supplemental security income under Title 78329  
XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 78330  
U.S.C.A. 1383, as amended, or federal, state, or local adoption 78331  
assistance; 78332

~~(c)~~(iii) A specified relative residing with and caring for a 78333  
minor child who is related to the specified relative in a manner 78334  
that makes the specified relative a specified relative and 78335  
receives supplemental security income or federal, state, or local 78336  
foster care or adoption assistance; 78337

~~(d)~~(iv) A woman at least six months pregnant. 78338

~~(2)~~(b) The assistance group must meet the income requirements 78339

established by division (D) of this section. 78340

~~(3)(c)~~ No member of the assistance group may be involved in a strike. 78341  
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~~(4)(d)~~ The assistance group must satisfy the requirements for Ohio works first established by this chapter and section 5101.83 of the Revised Code. 78343  
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~~(5)(e)~~ The assistance group must meet requirements for Ohio works first established by rules adopted under section 5107.05 of the Revised Code. 78346  
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(2) In addition to meeting the requirements specified in division (C)(1) of this section, a member of an assistance group who is required by section 5116.10 of the Revised Code to participate in the comprehensive case management and employment program must participate in that program to be eligible to participate in Ohio works first. 78349  
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(D)(1) Except as provided in division (D)(4) of this section, to determine whether an assistance group is initially eligible to participate in Ohio works first, a county department of job and family services shall do the following: 78355  
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(a) Determine whether the assistance group's gross income exceeds fifty per cent of the federal poverty guidelines. In making this determination, the county department shall disregard amounts that federal statutes or regulations and sections 5101.17 and 5117.10 of the Revised Code require be disregarded. The assistance group is ineligible to participate in Ohio works first if the assistance group's gross income, less the amounts disregarded, exceeds fifty per cent of the federal poverty guidelines. 78359  
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(b) If the assistance group's gross income, less the amounts disregarded pursuant to division (D)(1)(a) of this section, does not exceed fifty per cent of the federal poverty guidelines, 78368  
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determine whether the assistance group's countable income is less than the payment standard. The assistance group is ineligible to participate in Ohio works first if the assistance group's countable income equals or exceeds the payment standard.

(2) For the purpose of determining whether an assistance group meets the income requirement established by division (D)(1)(a) of this section, the annual revision that the United States department of health and human services makes to the federal poverty guidelines shall go into effect on the first day of July of the year for which the revision is made.

(3) To determine whether an assistance group participating in Ohio works first continues to be eligible to participate, a county department of job and family services shall determine whether the assistance group's countable income continues to be less than the payment standard. In making this determination, the county department shall disregard ~~the first two hundred fifty dollars~~ an amount specified in rules adopted under section 5107.05 of the Revised Code and fifty per cent of the remainder of the assistance group's gross earned income. No amounts shall be disregarded from the assistance group's gross unearned income. The assistance group ceases to be eligible to participate in Ohio works first if its countable income, less the amounts disregarded, equals or exceeds the payment standard.

(4) If an assistance group reapplies to participate in Ohio works first not more than four months after ceasing to participate, a county department of job and family services shall use the income requirement established by division (D)(3) of this section to determine eligibility for resumed participation rather than the income requirement established by division (D)(1) of this section.

(E)(1) An assistance group may continue to participate in Ohio works first even though a public children services agency

removes the assistance group's minor children from the assistance 78403  
group's home due to abuse, neglect, or dependency if the agency 78404  
does both of the following: 78405

(a) Notifies the county department of job and family services 78406  
at the time the agency removes the children that it believes the 78407  
children will be able to return to the assistance group within six 78408  
months; 78409

(b) Informs the county department at the end of each of the 78410  
first five months after the agency removes the children that the 78411  
parent, guardian, custodian, or specified relative of the children 78412  
is cooperating with the case plans prepared for the children under 78413  
section 2151.412 of the Revised Code and that the agency is making 78414  
reasonable efforts to return the children to the assistance group. 78415

(2) An assistance group may continue to participate in Ohio 78416  
works first pursuant to division (E)(1) of this section for not 78417  
more than six payment months. This division does not affect the 78418  
eligibility of an assistance group that includes a woman at least 78419  
six months pregnant. 78420

**Sec. 5108.01.** As used in this chapter: 78421

(A) "County family services planning committee" means the 78422  
county family services planning committee established under 78423  
section 329.06 of the Revised Code ~~or the board created by~~ 78424  
~~consolidation under division (C) of section 6301.06 of the Revised~~ 78425  
~~Code.~~ 78426

(B) "Prevention, retention, and contingency program" means 78427  
the program established by this chapter and funded in part with 78428  
federal funds provided under Title IV-A. 78429

(C) "Title IV-A" means Title IV-A of the "Social Security 78430  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 78431

<u>Sec. 5116.01. As used in this chapter:</u>	78432
<u>(A) "Certificate of high school equivalence" has the same meaning as in section 5107.40 of the Revised Code.</u>	78433 78434
<u>(B) "Fiscal biennial period" means a two-year period beginning on the first day of July of an odd-numbered year and ending on the last day of June of the next odd-numbered year.</u>	78435 78436 78437
<u>(C) "In-school youth" has the same meaning as in section 129(a)(1)(C) of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3164(a)(1)(C).</u>	78438 78439 78440
<u>(D) "Lead agency" means the local participating agency designated under section 5116.22 of the Revised Code to serve for a fiscal biennial period, or part thereof, as a county's lead agency for the purpose of the comprehensive case management and employment program.</u>	78441 78442 78443 78444 78445
<u>(E) "Local participating agencies" means the county department of job and family services and workforce development agency that serve the same county.</u>	78446 78447 78448
<u>(F) "Local workforce development board" means a local workforce development board established under section 107 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3122.</u>	78449 78450 78451
<u>(G) "Ohio works first" has the same meaning as in section 5107.02 of the Revised Code.</u>	78452 78453
<u>(H) "Out-of-school youth" has the same meaning as in section 129(a)(1)(B) of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3164(a)(1)(B).</u>	78454 78455 78456
<u>(I) "Prevention, retention, and contingency program" has the same meaning as in section 5108.01 of the Revised Code.</u>	78457 78458
<u>(J) "Subcontractor" means an entity with which a local participating agency contracts to perform, on behalf of the local</u>	78459 78460

participating agency, one or more of the local participating 78461  
agency's duties regarding the comprehensive case management and 78462  
employment program. 78463

(K) "TANF block grant" means the temporary assistance for 78464  
needy families block grant established by Title IV-A of the 78465  
"Social Security Act," 42 U.S.C. 601 et seq. 78466

(L) "Work-eligible individual" has the same meaning as in 45 78467  
C.F.R. 261.2(n). 78468

(M) "Workforce development activity" has the same meaning as 78469  
in section 6301.01 of the Revised Code. 78470

(N) "Workforce development agency" means a public or private 78471  
entity designated or certified by a local workforce development 78472  
board to coordinate the delivery of workforce services for a 78473  
county. 78474

(O) "Workforce Innovation and Opportunity Act" means Public 78475  
Law 113-128, 29 U.S.C. 3101 et seq. 78476

(P) "Youth workforce investment activity funds" means funds 78477  
allocated or granted under Title I, Subtitle B, Chapter 2 of the 78478  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 1361 et 78479  
seq., for youth workforce investment activities. 78480

**Sec. 5116.02.** There is hereby established the comprehensive 78481  
case management and employment program. The department of job and 78482  
family services shall coordinate and supervise the administration 78483  
of the program to the extent funds are available for this purpose 78484  
under the TANF block grant or the Workforce Innovation and 78485  
Opportunity Act. 78486

**Sec. 5116.03.** The comprehensive case management and 78487  
employment program is all of the following: 78488

(A) A Title IV-A program for the purpose of division 78489

(A)(4)(c) of section 5101.80 of the Revised Code and, therefore, subject to all statutes applicable to such a program, including sections 5101.16, 5101.35, 5101.80, and 5101.801 of the Revised Code; 78490  
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(B) A workforce development activity and, therefore, subject to all statutes applicable to workforce development activities, including sections 5101.20, 5101.214, 5101.241, and 5101.243 of the Revised Code and Chapter 6301. of the Revised Code; 78494  
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(C) A family services duty, notwithstanding the second sentence of division (A)(1)(b) of section 307.981 of the Revised Code, and, therefore, subject to all statutes applicable to family services duties, including sections 5101.183, 5101.21, 5101.212, 5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, and 5101.243 of the Revised Code. 78498  
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**Sec. 5116.06.** (A) The director of job and family services shall adopt rules that are necessary to implement the comprehensive case management and employment program, including rules that do all of the following: 78504  
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(1) Provide for the program to do both of the following: 78508

(a) Help a work-eligible individual satisfy the work requirements of section 407 of the "Social Security Act," 42 U.S.C. 607; 78509  
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(b) Help an Ohio works first participant who participates in the program do both of the following: 78512  
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(i) Satisfy other Ohio works first requirements, including requirements included in the participant's self-sufficiency contract entered into under section 5107.14 of the Revised Code; 78514  
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(ii) Obtain assistance or services the participant needs according to an assessment conducted under section 5107.70 of the Revised Code. 78517  
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<u>(2) For the purpose of section 5116.11 of the Revised Code,</u>	78520
<u>establish procedures for both of the following:</u>	78521
<u>(a) Assessing the employment and training needs of</u>	78522
<u>individuals participating in the comprehensive case management and</u>	78523
<u>employment program;</u>	78524
<u>(b) Creating, reviewing, revising, and terminating individual</u>	78525
<u>opportunity plans.</u>	78526
<u>(3) For the purpose of section 5116.20 of the Revised Code,</u>	78527
<u>establish procedures, including procedures regarding timing, for a</u>	78528
<u>local workforce development board to decide whether to authorize</u>	78529
<u>the use of its youth workforce investment activity funds for the</u>	78530
<u>comprehensive case management and employment program;</u>	78531
<u>(4) Establish requirements for the plans required by division</u>	78532
<u>(A)(1) of section 5116.23 of the Revised Code;</u>	78533
<u>(5) For the purpose of division (A)(3) of section 5116.23 of</u>	78534
<u>the Revised Code, establish procedures for a lead agency to</u>	78535
<u>partner with the other local participating agency and</u>	78536
<u>subcontractors.</u>	78537
<u>(B) For the purposes of divisions (C) and (F) of section</u>	78538
<u>5116.10 of the Revised Code, the rules adopted under this section</u>	78539
<u>may do either or both of the following:</u>	78540
<u>(1) Specify one or more additional mandatory participation</u>	78541
<u>groups that are required to participate in the comprehensive case</u>	78542
<u>management and employment program;</u>	78543
<u>(2) Specify one or more additional voluntary participation</u>	78544
<u>groups that may volunteer to participate in the program.</u>	78545
<u>(C) The rules adopted under this section shall be consistent</u>	78546
<u>with all of the following:</u>	78547
<u>(1) The Title IV-A state plan prepared under section 5101.80</u>	78548
<u>of the Revised Code, amendments to the plan, and any waivers</u>	78549



regarding the plan granted by the United States secretary of 78550  
health and human services; 78551

(2) The combined state plan authorized by section 103 of the 78552  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3113, 78553  
amendments to the plan, and any waivers regarding the plan granted 78554  
by the United States secretary of labor. 78555

(D) The rules adopted under division (A)(1)(a) of this 78556  
section may deviate from Chapter 5107. of the Revised Code. 78557

**Sec. 5116.10.** (A) Each work-eligible individual shall 78558  
participate in the comprehensive case management and employment 78559  
program as a condition of participating in Ohio works first if the 78560  
individual is at least fourteen but not more than twenty-four 78561  
years of age. 78562

(B) Each individual who is an in-school youth or 78563  
out-of-school youth shall participate in the comprehensive case 78564  
management and employment program as a condition of enrollment in 78565  
workforce development activities funded by the Workforce 78566  
Innovation and Opportunity Act. 78567

(C) Each individual who is a member of a group, if any, 78568  
specified in rules adopted under section 5116.06 of the Revised 78569  
Code as an additional mandatory participation group shall 78570  
participate in the comprehensive case management and employment 78571  
program if funds are available for the group under the TANF block 78572  
grant or the Workforce Innovation and Opportunity Act. 78573

(D) Any Ohio works first participant who is not a 78574  
work-eligible individual may volunteer to participate in the 78575  
comprehensive case management and employment program if the 78576  
participant is at least fourteen but not more than twenty-four 78577  
years of age. 78578

(E) Any individual receiving benefits and services under the 78579

prevention, retention, and contingency program may volunteer to 78580  
participate in the comprehensive case management and employment 78581  
program if the individual is at least fourteen but not more than 78582  
twenty-four years of age. 78583

(F) Any individual who is a member of a group, if any, 78584  
specified in rules adopted under section 5116.06 of the Revised 78585  
Code as a voluntary participation group may volunteer to 78586  
participate in the comprehensive case management and employment 78587  
program if funds are available for the group under the TANF block 78588  
grant or the Workforce Innovation and Opportunity Act. 78589

Sec. 5116.11. In accordance with rules adopted under section 78590  
5116.06 of the Revised Code, a lead agency shall provide for all 78591  
of the following to occur: 78592

(A) An individual participating in the comprehensive case 78593  
management and employment program undergoing an assessment of the 78594  
individual's employment and training needs; 78595

(B) An individual opportunity plan being created for the 78596  
individual as part of the assessment; 78597

(C) The individual opportunity plan being reviewed, revised, 78598  
and terminated as appropriate. 78599

Sec. 5116.12. (A) An individual opportunity plan created 78600  
under section 5116.11 of the Revised Code shall specify which of 78601  
the following services, if any, an individual participating in the 78602  
comprehensive case management and employment program needs: 78603

(1) Support for the individual to obtain a high school 78604  
diploma or a certificate of high school equivalence; 78605

(2) Job placement; 78606

(3) Job retention support; 78607

(4) Other services that aid the individual in achieving the 78608

plan's goals. 78609

(B) The services an individual receives in accordance with an individual opportunity plan are inalienable by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other similar processes. 78610  
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Sec. 5116.20. In accordance with rules adopted under section 5116.06 of the Revised Code, each local workforce development board shall decide whether to authorize the use of its youth workforce investment activity funds for the comprehensive case management and employment program. The decision shall be made for each fiscal biennial period. A board's decision applies to all of the counties the board serves. 78614  
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Sec. 5116.21. If a local workforce development board decides under section 5116.20 of the Revised Code not to authorize the use of its youth workforce investment activity funds for the comprehensive case management and employment program for a fiscal biennial period, all of the following shall apply to that fiscal biennial period: 78621  
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(A) The board shall use its youth workforce investment activity funds in accordance with Section 129 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3164. 78627  
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(B) No TANF block grant funds shall be made available to the board or any county the board serves for the comprehensive case management and employment program. 78630  
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(C) The department of job and family services shall use available TANF block grant funds to administer, or to contract with a government or private entity to administer, the comprehensive case management and employment program in the counties the board serves. 78633  
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Sec. 5116.22. (A) If a local workforce development board 78638  
decides under section 5116.20 of the Revised Code to authorize the 78639  
use of its youth workforce investment activity funds for the 78640  
comprehensive case management and employment program for a fiscal 78641  
biennial period, all of the following shall apply to that fiscal 78642  
biennial period: 78643

(1) Before the beginning of the fiscal biennial period, the 78644  
board shall enter into a written agreement with department of job 78645  
and family services that, to the extent permitted by federal law, 78646  
requires the board and the counties the board serves to operate 78647  
the comprehensive case management and employment program in 78648  
accordance with the program's requirements, including the 78649  
requirements established by this chapter, rules adopted under 78650  
section 5116.06 of the Revised Code, and any other rules 78651  
applicable to the program. 78652

(2) Before the beginning of the fiscal biennial period, the 78653  
board of county commissioners of each of the counties the local 78654  
workforce development board serves shall designate either of the 78655  
local participating agencies to serve as the county's lead agency 78656  
for the purpose of the comprehensive case management and 78657  
employment program. 78658

(B) After a board of county commissioners designates a local 78659  
participating agency to serve as the county's lead agency for a 78660  
fiscal biennial period, the board may designate the other local 78661  
participating agency to take over as the county's lead agency for 78662  
the remainder of the fiscal biennial period. 78663

(C) A board of county commissioners shall inform the 78664  
department of job and family services of its designation of the 78665  
lead agency under division (A)(2) of this section before the 78666  
beginning of the fiscal biennial period for which the designation 78667  
is made. A board shall notify the department of any redesignation 78668

of a lead agency under division (B) of this section not later than 78669  
sixty days after the redesignation takes effect. 78670

Sec. 5116.23. (A) Each lead agency, in consultation with the 78671  
local workforce development board that serves the same county for 78672  
which the lead agency has been designated to serve as lead agency, 78673  
shall, in accordance with rules adopted under section 5116.06 of 78674  
the Revised Code, do all of the following for the fiscal biennial 78675  
period, or part thereof, for which it is so designated: 78676

(1) Prepare and submit to the department of job and family 78677  
services a plan containing standing procedures for determining and 78678  
maintaining individuals' eligibility to participate in the 78679  
comprehensive case management and employment program; 78680

(2) Administer the program in the county for which it is 78681  
designated to serve as lead agency; 78682

(3) Partner with the other local participating agency and 78683  
subcontractors to do both of the following: 78684

(a) Actively coordinate activities regarding the program with 78685  
the other local participating agency and any subcontractors; 78686

(b) Help both local participating agencies and any 78687  
subcontractors to use their expertise in administering the 78688  
program. 78689

(B) If a board of county commissioners redesignates the lead 78690  
agency under division (B) of section 5116.22 of the Revised Code 78691  
during a fiscal biennial period, the new lead agency shall prepare 78692  
and submit to the department of job and family services a new plan 78693  
under division (A)(1) of this section not later than sixty days 78694  
after the redesignation takes effect. 78695

(C) Each local workforce development board shall ensure that 78696  
the plans prepared under division (A)(1) of this section by the 78697  
lead agencies serving the same counties the board serves are 78698

included in the board's workforce development plan prepared under 78699  
section 6301.07 of the Revised Code. 78700

Sec. 5116.24. A lead agency is responsible for all of the 78701  
funds received for the comprehensive case management and 78702  
employment program by the county for which the lead agency is 78703  
designated to be the lead agency and shall use the funds in a 78704  
manner consistent with federal and state law. The lead agency 78705  
shall coordinate this responsibility with any entity that has been 78706  
designated to serve as a local grant subrecipient or a local 78707  
fiscal agent under section 107(d)(12)(B)(i)(II) of the "Workforce 78708  
Innovation and Opportunity Act," 29 U.S.C. 3122(d)(12)(B)(i)(II). 78709

Sec. 5116.25. If a lead agency fails to enroll in the 78710  
comprehensive case management and employment program an individual 78711  
who is required by section 5116.10 of the Revised Code to 78712  
participate in the program and to take corrective action that the 78713  
department of job and family services requires the lead agency to 78714  
take as a consequence of that failure, the department may take the 78715  
action authorized by division (C)(5) of section 5101.24 of the 78716  
Revised Code, including withholding and spending TANF block grant 78717  
funds. 78718

Sec. 5117.10. (A) On or before the fifteenth day of January, 78719  
the director of development services shall pay each applicant 78720  
determined eligible for a payment under divisions (A) and (B) of 78721  
section 5117.07 of the Revised Code one hundred twenty-five 78722  
dollars. 78723

(B) The director may withhold from any payment to which a 78724  
person would otherwise be entitled under division (A) of this 78725  
section any amount that the director determines was erroneously 78726  
received by such person in a preceding year under this or the 78727  
program established under Am. Sub. H.B. 230, as amended by Am. 78728

H.B. 937, Am. Sub. H.B. 1073, Am. Sub. S.B. 493, and Am. Sub. S.B. 523 of the 112th general assembly, provided the director has employed all other legal methods reasonably available to obtain reimbursement for the erroneous payment or credit prior to the commencement of the current program year.

(C) Payments made under this section and credits granted under section 5117.09 of the Revised Code shall not be considered income for the purpose of determining eligibility or the level of benefits or assistance under section 329.042 or ~~Chapters~~ Chapter 5107. ~~and 5115.~~ of the Revised Code; the medicaid program; supplemental security income payments under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended; or any other program under which eligibility or the level of benefits or assistance is based upon need measured by income.

**Sec. 5119.01.** (A) As used in this chapter:

(1) "Addiction" means the chronic and habitual use of alcoholic beverages, the use of a drug of abuse as defined in section 3719.011 of the Revised Code, or the use of gambling by an individual to the extent that the individual no longer can control the individual's use of alcohol, the individual becomes physically or psychologically dependent on the drug, the individual's use of alcohol or drugs endangers the health, safety, or welfare of the individual or others, or the individual's gambling causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(2) "Addiction services" means services, including intervention, for the treatment of persons with alcohol, drug, or gambling addictions, and for the prevention of such addictions.

(3) "Alcohol and drug addiction services" means services, including intervention, for the treatment of alcoholics or persons

who abuse drugs of abuse and for the prevention of alcoholism and 78760  
drug addiction. 78761

(4) "Alcoholic" means a person suffering from alcoholism. 78762

(5) "Alcoholism" means the chronic and habitual use of 78763  
alcoholic beverages by an individual to the extent that the 78764  
individual no longer can control the individual's use of alcohol 78765  
or endangers the health, safety, or welfare of the individual or 78766  
others. 78767

(6) "Certifiable services and supports" means all of the 78768  
following: 78769

(a) Alcohol and drug addiction services; 78770

(b) Mental health services; 78771

(c) The types of recovery supports that are specified in 78772  
rules adopted under section 5119.36 of the Revised Code as 78773  
requiring certification under that section. 78774

(7) "Community addiction services provider" means an agency, 78775  
association, corporation, individual, or program that provides one 78776  
or more of the following: 78777

(a) Alcohol and drug addiction services that are certified by 78778  
the department of mental health and addiction services under 78779  
section 5119.36 of the Revised Code; 78780

(b) Gambling addiction services; 78781

(c) Recovery supports that are related to alcohol and drug 78782  
addiction services or gambling addiction services and paid for 78783  
with federal, state, or local funds administered by the department 78784  
of mental health and addiction services or a board of alcohol, 78785  
drug addiction, and mental health services. 78786

(8) "Community mental health services provider" means an 78787  
agency, association, corporation, individual, or program that 78788  
provides either of the following: 78789



(a) Mental health services that are certified by the 78790  
department of mental health and addiction services under section 78791  
5119.36 of the Revised Code; 78792

(b) Recovery supports that are related to mental health 78793  
services and paid for with federal, state, or local funds 78794  
administered by the department of mental health and addiction 78795  
services or a board of alcohol, drug addiction, and mental health 78796  
services. 78797

(9) "Drug addiction" means the use of a drug of abuse, as 78798  
defined in section 3719.011 of the Revised Code, by an individual 78799  
to the extent that the individual becomes physically or 78800  
psychologically dependent on the drug or endangers the health, 78801  
safety, or welfare of the individual or others. 78802

(10) "Gambling addiction" means the use of gambling by an 78803  
individual to the extent that it causes psychological, financial, 78804  
emotional, marital, legal, or other difficulties endangering the 78805  
health, safety, or welfare of the individual or others. 78806

(11) "Gambling addiction services" means services for the 78807  
treatment of persons who have a gambling addiction and for the 78808  
prevention of gambling addiction. 78809

(12) "Hospital" means a hospital or inpatient unit licensed 78810  
by the department of mental health and addiction services under 78811  
section 5119.33 of the Revised Code, and any institution, 78812  
hospital, or other place established, controlled, or supervised by 78813  
the department under Chapter 5119. of the Revised Code. 78814

(13) "Included opioid and co-occurring drug addiction 78815  
services and recovery supports" means the addiction services and 78816  
recovery supports that, pursuant to section 340.033 of the Revised 78817  
Code, are included in the array of services and recovery supports 78818  
for all levels of opioid and co-occurring drug addiction required, 78819  
~~except as otherwise authorized by a time limited waiver issued~~ 78820

~~under division (A)(1) of section 5119.221 of the Revised Code, to~~ 78821  
be included in the community-based continuum of care established 78822  
under section 340.032 of the Revised Code. 78823

(14) "Mental illness" means a substantial disorder of 78824  
thought, mood, perception, orientation, or memory that grossly 78825  
impairs judgment, behavior, capacity to recognize reality, or 78826  
ability to meet the ordinary demands of life. 78827

(15) "Mental health services" means services for the 78828  
assessment, care, or treatment of persons who have a mental 78829  
illness and for the prevention of mental illness. 78830

(16) "Recovery supports" means assistance that is intended to 78831  
help an individual who is an alcoholic or has a drug addiction or 78832  
mental illness, or a member of such an individual's family, 78833  
initiate and sustain the individual's recovery from alcoholism, 78834  
drug addiction, or mental illness. "Recovery supports" does not 78835  
mean alcohol and drug addiction services or mental health 78836  
services. 78837

(17)(a) "Residence" means a person's physical presence in a 78838  
county with intent to remain there, except in either of the 78839  
following circumstances: 78840

(i) If a person is receiving a mental health treatment 78841  
service at a facility that includes nighttime sleeping 78842  
accommodations, "residence" means that county in which the person 78843  
maintained the person's primary place of residence at the time the 78844  
person entered the facility; 78845

(ii) If a person is committed pursuant to section 2945.38, 78846  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 78847  
"residence" means the county where the criminal charges were 78848  
filed. 78849

(b) When the residence of a person is disputed, the matter of 78850  
residence shall be referred to the department of mental health and 78851

addiction services for investigation and determination. Residence 78852  
shall not be a basis for a board of alcohol, drug addiction, and 78853  
mental health services to deny services to any person present in 78854  
the board's service district, and the board shall provide services 78855  
for a person whose residence is in dispute while residence is 78856  
being determined and for a person in an emergency situation. 78857

(B) Any reference in this chapter to a board of alcohol, drug 78858  
addiction, and mental health services also refers to an alcohol 78859  
and drug addiction services board or a community mental health 78860  
board in a service district in which an alcohol and drug addiction 78861  
services board or a community mental health board has been 78862  
established under section 340.021 or former section 340.02 of the 78863  
Revised Code. 78864

Sec. 5119.011. (A) Whenever the term "department of mental 78865  
health," the term "Ohio department of mental health," the term 78866  
"department of alcohol and drug addiction services," or the term 78867  
"Ohio department of alcohol and drug addiction services" is used, 78868  
referred to, or designated in any statute, rule, contract, grant, 78869  
or other document, the use, reference, or designation shall be 78870  
construed to mean the department of mental health and addiction 78871  
services. 78872

(B) Whenever the term "director of mental health" or the term 78873  
"director of alcohol and drug addiction services" is used, 78874  
referred to, or designated in any statute, rule, contract, grant, 78875  
or other document, the use, reference, or designation shall be 78876  
construed to mean the director of mental health and addiction 78877  
services. 78878

Sec. 5119.19. (A)(1) As used in this section, "psychotropic 78879  
drug" means, except as provided in division (A)(2) of this 78880  
section, a drug that has the capability of changing or controlling 78881

mental functioning or behavior through direct pharmacological 78882  
action. "Psychotropic drug" includes all of the following: 78883

- (a) A first generation atypical antipsychotic; 78884
- (b) A first generation typical antipsychotic; 78885
- (c) A second generation atypical antipsychotic; 78886
- (d) A second generation typical antipsychotic; 78887
- (e) An antidepressant, including any selective serotonin 78888  
re-uptake inhibitor; 78889
- (f) An anti-anxiety drug; 78890
- (g) A mood stabilizer. 78891

(2) "Psychotropic drug" excludes a stimulant prescribed for 78892  
the treatment of attention deficit hyperactivity disorder. 78893

(B) There is hereby created the psychotropic drug 78894  
reimbursement program. The program shall be administered by the 78895  
department of mental health and addiction services. The purpose of 78896  
the program is to provide state reimbursement to counties for the 78897  
cost of psychotropic drugs that are dispensed to inmates of county 78898  
jails in this state. 78899

(C) Not later than the thirty-first day of January and the 78900  
thirty-first day of July of each year beginning July 31, 2017, 78901  
each sheriff shall submit to the board of alcohol, drug addiction, 78902  
and mental health services serving the county in which the sheriff 78903  
is employed an itemized list of psychotropic drugs dispensed to 78904  
inmates of the relevant county jail during the immediately 78905  
preceding six-month period beginning the first day of January and 78906  
the first day of July. The list shall specify each drug's national 78907  
drug code and the total cost the county spent on procuring the 78908  
drug through a terminal distributor of dangerous drugs, as defined 78909  
in section 4729.01 of the Revised Code. The list shall be a public 78910

record under section 149.43 of the Revised Code, but information 78911  
used to compile the list that could be used to identify an 78912  
individual inmate is not a public record and shall not be 78913  
disclosed to any person or government entity. A list submitted 78914  
under this division shall constitute the sheriff's request for 78915  
reimbursement from the psychotropic drug reimbursement program. 78916

(D) Not later than the fifteenth day of February and the 78917  
fifteenth day of August of each year beginning August 15, 2017, 78918  
each board of alcohol, drug addiction, and mental health services 78919  
shall submit to the department of mental health and addiction 78920  
services each request for reimbursement received under division 78921  
(B) of this section. 78922

(E) Not later than the fifteenth day of March and the 78923  
fifteenth day of September of each year beginning September 15, 78924  
2017, the department of mental health and addiction services shall 78925  
transfer to each county treasurer the amount of funds necessary to 78926  
provide full reimbursement for each request for reimbursement 78927  
submitted under division (B) of this section. The county treasurer 78928  
shall deposit the funds received in the county's general fund. 78929

**Sec. 5119.22.** The director of mental health and addiction 78930  
services, with respect to all mental health and addiction 78931  
facilities, addiction services, mental health services, and 78932  
recovery supports established and operated or provided under 78933  
Chapter 340. of the Revised Code, shall do all of the following: 78934

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 78935  
that may be necessary to carry out the purposes of this chapter 78936  
and Chapters 340. and 5122. of the Revised Code. 78937

(B) Review and evaluate the community-based continuum of care 78938  
required by section 340.032 of the Revised Code to be established 78939  
in each service district, taking into account the findings and 78940  
recommendations of the board of alcohol, drug addiction, and 78941

mental health services of the district submitted under division 78942  
(A)(4) of section 340.03 of the Revised Code and the priorities 78943  
and plans of the department of mental health and addiction 78944  
services, including the needs of residents of the district 78945  
currently receiving services in state-operated hospitals, and make 78946  
recommendations for needed improvements to boards of alcohol, drug 78947  
addiction, and mental health services; 78948

(C) At the director's discretion, provide to boards of 78949  
alcohol, drug addiction, and mental health services state or 78950  
federal funds, in addition to those allocated under section 78951  
5119.23 of the Revised Code, for special programs or projects the 78952  
director considers necessary but for which local funds are not 78953  
available; 78954

(D) Establish criteria by which each board of alcohol, drug 78955  
addiction, and mental health services reviews and evaluates the 78956  
quality, effectiveness, and efficiency of the facility services, 78957  
addiction services, mental health services, and recovery supports 78958  
for which it contracts under section 340.036 of the Revised Code. 78959  
The criteria shall include requirements ensuring appropriate 78960  
utilization of the services and supports. The department shall 78961  
assess each board's evaluation of the services and supports and 78962  
the compliance of each board with this section, Chapter 340. of 78963  
the Revised Code, and other state or federal law and regulations. 78964  
The department, in cooperation with the board, periodically shall 78965  
review and evaluate the quality, effectiveness, and efficiency of 78966  
the facility services, addiction services, mental health services, 78967  
and recovery supports for which each board contracts under section 78968  
340.036 of the Revised Code and the facilities, addiction 78969  
services, and mental health services that each board operates or 78970  
provides under section 340.037 of the Revised Code. The department 78971  
shall collect information that is necessary to perform these 78972  
functions. 78973

(E) To the extent the director determines necessary and after consulting with boards of alcohol, drug addiction, and mental health services, community addiction services providers, and community mental health services providers, develop and operate, or contract for the operation of, a community behavioral health information system or systems. The department shall specify the information that must be provided by the boards and providers for inclusion in the system or systems.

Boards of alcohol, drug addiction, and mental health services, community addiction services providers, and community mental health services providers shall submit information requested by the department in the form and manner and in accordance with time frames prescribed by the department. Information collected by the department may include all of the following:

(1) Information on addiction services, mental health services, and recovery supports provided;

(2) Financial information regarding expenditures of federal, state, or local funds;

(3) Information about persons served.

The department shall not collect any personal information from the boards or providers except as required or permitted by state or federal law for purposes related to payment, health care operations, program and service evaluation, reporting activities, research, system administration, and oversight.

(F) In consultation with representatives of boards of alcohol, drug addiction, and mental health services and after consideration of recommendations made by the medical director appointed under section 5119.11 of the Revised Code, establish all of the following:

(1) Guidelines, including a timetable, for the boards'

development and submission of proposed community addiction and 79005  
mental health plans, budgets, and lists of addiction services, 79006  
mental health services, and recovery supports under sections 79007  
340.03 and 340.08 of the Revised Code; 79008

(2) Procedures, including a timetable, for the director's 79009  
review and approval or disapproval of the plans, budgets, and 79010  
lists; 79011

(3) Procedures for corrective action regarding the plans, 79012  
budgets, and lists, including submission of revised or new plans, 79013  
budgets, and lists; 79014

(4) Procedures for the director to follow in offering 79015  
technical assistance to boards to assist them in making the plans, 79016  
budgets, and lists acceptable or in making proposed amendments to 79017  
approved plans, budgets, and lists meet criteria for approval; 79018

(5) Procedures for issuing time-limited waivers under 79019  
~~division (A)(1) of section 5119.221 of the Revised Code and~~ 79020  
~~wavers under division (A)(2) of that section.~~ 79021

(G) Review each board's proposed community addiction and 79022  
mental health plan, budget, and list of addiction services, mental 79023  
health services, and recovery supports submitted pursuant to 79024  
sections 340.03 and 340.08 of the Revised Code and approve or 79025  
disapprove the plan, the budget, and the list in whole or in part. 79026  
~~Except as otherwise authorized by a time limited waiver issued~~ 79027  
~~under division (A)(1) of section 5119.221 of the Revised Code, the~~ 79028  
The director shall disapprove a board's proposed budget in whole 79029  
or in part if the proposed budget would not make available in the 79030  
board's service district the essential elements of the 79031  
community-based continuum of care required by section 340.032 of 79032  
the Revised Code, including, except as otherwise authorized by a 79033  
time-limited waiver issued under section 5119.221 of the Revised 79034  
Code, an array of addiction services and recovery supports for all 79035



levels of opioid and co-occurring drug addiction. 79036

Prior to a final decision to disapprove a plan, budget, or 79037  
list in whole or in part, a representative of the director shall 79038  
meet with the board and discuss the reason for the action the 79039  
director proposes to take and any corrective action that should be 79040  
taken to make the plan, budget, or list acceptable to the 79041  
director. In addition, the director shall offer technical 79042  
assistance to the board to assist it to make the plan, budget, or 79043  
list acceptable. The director shall give the board a reasonable 79044  
time in which to revise the plan, budget, or list. The board 79045  
thereafter shall submit a revised plan, budget, or list or a new 79046  
plan, budget, or list. 79047

(H) Approve or disapprove all or part of proposed amendments 79048  
that a board of alcohol, drug addiction, or mental health services 79049  
submits under section 340.03 or 340.08 of the Revised Code to an 79050  
approved community addiction and mental health plan, budget, or 79051  
list of addiction services, mental health services, and recovery 79052  
supports. 79053

If the director disapproves of all or part of any proposed 79054  
amendment, the director shall provide the board an opportunity to 79055  
present its position. The director shall inform the board of the 79056  
reasons for the disapproval and of the criteria that must be met 79057  
before the proposed amendment may be approved. The director shall 79058  
give the board a reasonable time within which to meet the criteria 79059  
and shall offer technical assistance to the board to help it meet 79060  
the criteria. 79061

**Sec. 5119.221.** (A) The director of mental health and 79062  
addiction services, in accordance with procedures established 79063  
under division (F)(5) of section 5119.22 of the Revised Code, may 79064  
~~do either or both of the following:~~ 79065

~~(1) Subject to division (B) of this section, issue to a board~~ 79066

of alcohol, drug addiction, and mental health services a 79067  
time-limited waiver of the requirement of section 340.032 of the 79068  
~~Revised Code that a community based continuum of care include all~~ 79069  
~~of the essential elements specified in that section;~~ 79070

~~(2) Subject to division (C) of this section, issue to a board 79071  
a waiver of the requirement of section 340.033 of the Revised Code 79072  
that ambulatory detoxification and medication-assisted treatment 79073  
be included in the array of addiction services and recovery 79074  
supports for all levels of opioid and co-occurring drug addiction.~~ 79075

~~(B) The director may not issue a time limited waiver under 79076  
division (A)(1) of this section unless the director determines 79077  
that the board seeking the waiver has made reasonable efforts to 79078  
include in the community based continuum of care the essential 79079  
elements being waived. The waiver shall specify the amount of time 79080  
for which it is issued and which of the essential elements are 79081  
waived.~~ 79082

~~(C) The director may not issue a waiver under division (A)(2) 79083  
of this section unless made available within the borders of the 79084  
board's service district if the director determines that both of 79085  
the following apply: 79086~~

~~(1) The board seeking the waiver has made reasonable efforts 79087  
to make ambulatory detoxification and medication-assisted 79088  
treatment available within the borders of the board's service 79089  
district; 79090~~

~~(2) Ambulatory detoxification and medication-assisted 79091  
treatment can be made available through one or more contracts 79092  
between the board seeking the waiver and community addiction 79093  
services providers that are located not more than thirty miles 79094  
beyond the borders of the board's service district ~~the board~~ 79095  
~~serves;~~ 79096~~

~~(2) The amount of time it takes for residents of the service 79097~~

~~district the board serves to travel to a community addiction 79098  
services provider that provides ambulatory detoxification and 79099  
medication assisted treatment does not impose a significant 79100  
barrier to successful treatment. 79101~~

(B) Each waiver issued under this section shall specify the 79102  
amount of time for which it is in effect and whether it applies to 79103  
ambulatory detoxification, medication-assisted treatment, or both. 79104

**Sec. 5119.34.** (A) As used in this section and sections 79105  
5119.341 and 5119.342 of the Revised Code: 79106

(1) "Accommodations" means housing, daily meal preparation, 79107  
laundry, housekeeping, arranging for transportation, social and 79108  
recreational activities, maintenance, security, and other services 79109  
that do not constitute personal care services or skilled nursing 79110  
care. 79111

(2) "ADAMHS board" means a board of alcohol, drug addiction, 79112  
and mental health services. 79113

(3) "Adult" means a person who is eighteen years of age or 79114  
older, other than a person described in division (A)(4) of this 79115  
section who is between eighteen and twenty-one years of age. 79116

(4) "Child" means a person who is under eighteen years of age 79117  
or a person with a mental disability who is under twenty-one years 79118  
of age. 79119

(5) "Community mental health services provider" means a 79120  
community mental health services provider as defined in section 79121  
5119.01 of the Revised Code. 79122

(6) "Community mental health services" means any mental 79123  
health services certified by the department pursuant to section 79124  
5119.36 of the Revised Code. 79125

(7) "Operator" means the person or persons, firm, 79126  
partnership, agency, governing body, association, corporation, or 79127

other entity that is responsible for the administration and 79128  
management of a residential facility and that is the applicant for 79129  
a residential facility license. 79130

(8) "Personal care services" means services including, but 79131  
not limited to, the following: 79132

(a) Assisting residents with activities of daily living; 79133

(b) Assisting residents with self-administration of 79134  
medication in accordance with rules adopted under this section; 79135

(c) Preparing special diets, other than complex therapeutic 79136  
diets, for residents pursuant to the instructions of a physician 79137  
or a licensed dietitian, in accordance with rules adopted under 79138  
this section. 79139

"Personal care services" does not include "skilled nursing 79140  
care" as defined in section 3721.01 of the Revised Code. A 79141  
facility need not provide more than one of the services listed in 79142  
division (A)(8) of this section to be considered to be providing 79143  
personal care services. 79144

(9) "Room and board" means the provision of sleeping and 79145  
living space, meals or meal preparation, laundry services, 79146  
housekeeping services, or any combination thereof. 79147

(10) "Residential state supplement program" means the program 79148  
~~administered~~ established under section 5119.41 of the Revised Code 79149  
~~and related provisions of the Administrative Code under which the~~ 79150  
~~state supplements the supplemental security income payments~~ 79151  
~~received by aged, blind, or disabled adults under Title XVI of the~~ 79152  
~~Social Security Act. Residential state supplement payments are~~ 79153  
~~used for the provision of accommodations, supervision, and~~ 79154  
~~personal care services to supplemental security income recipients~~ 79155  
~~the department of mental health and addition services determines~~ 79156  
~~are at risk of needing institutional care.~~ 79157

- (11) "Supervision" means any of the following: 79158
- (a) Observing a resident to ensure the resident's health, 79159  
safety, and welfare while the resident engages in activities of 79160  
daily living or other activities; 79161
- (b) Reminding a resident to perform or complete an activity, 79162  
such as reminding a resident to engage in personal hygiene or 79163  
other self-care activities; 79164
- (c) Assisting a resident in making or keeping an appointment. 79165
- (12) "Unrelated" means that a resident is not related to the 79166  
owner or operator of a residential facility or to the owner's or 79167  
operator's spouse as a parent, grandparent, child, stepchild, 79168  
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 79169  
the child of an aunt or uncle. 79170
- (B)(1) A "residential facility" is a publicly or privately 79171  
operated home or facility that falls into one of the following 79172  
categories: 79173
- (a) Class one facilities provide accommodations, supervision, 79174  
personal care services, and mental health services for one or more 79175  
unrelated adults with mental illness or one or more unrelated 79176  
children or adolescents with severe emotional disturbances; 79177
- (b) Class two facilities provide accommodations, supervision, 79178  
and personal care services to any of the following: 79179
- (i) One or two unrelated persons with mental illness; 79180
- (ii) One or two unrelated adults who are receiving payments 79181  
under the residential state supplement ~~payments~~ program; 79182
- (iii) Three to sixteen unrelated adults. 79183
- (c) Class three facilities provide room and board for five or 79184  
more unrelated adults with mental illness. 79185
- (2) "Residential facility" does not include any of the 79186

following:	79187
(a) A hospital subject to licensure under section 5119.33 of the Revised Code or an institution maintained, operated, managed, and governed by the department of mental health and addiction services for the hospitalization of mentally ill persons pursuant to section 5119.14 of the Revised Code;	79188 79189 79190 79191 79192
(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;	79193 79194 79195
(c) An institution or association subject to certification under section 5103.03 of the Revised Code;	79196 79197
(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;	79198 79199 79200
(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code;	79201 79202
(f) A facility licensed to provide methadone treatment under section 5119.391 of the Revised Code;	79203 79204
(g) Any facility that receives funding for operating costs from the development services agency under any program established to provide emergency shelter housing or transitional housing for the homeless;	79205 79206 79207 79208
(h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;	79209 79210 79211
(i) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans;	79212 79213 79214 79215
(j) The residence of a relative or guardian of a person with	79216

mental illness. 79217

(C) Nothing in division (B) of this section shall be 79218  
construed to permit personal care services to be imposed on a 79219  
resident who is capable of performing the activity in question 79220  
without assistance. 79221

(D) Except in the case of a residential facility described in 79222  
division (B)(1)(a) of this section, members of the staff of a 79223  
residential facility shall not administer medication to the 79224  
facility's residents, but may do any of the following: 79225

(1) Remind a resident when to take medication and watch to 79226  
ensure that the resident follows the directions on the container; 79227

(2) Assist a resident in the self-administration of 79228  
medication by taking the medication from the locked area where it 79229  
is stored, in accordance with rules adopted pursuant to this 79230  
section, and handing it to the resident. If the resident is 79231  
physically unable to open the container, a staff member may open 79232  
the container for the resident. 79233

(3) Assist a physically impaired but mentally alert resident, 79234  
such as a resident with arthritis, cerebral palsy, or Parkinson's 79235  
disease, in removing oral or topical medication from containers 79236  
and in consuming or applying the medication, upon request by or 79237  
with the consent of the resident. If a resident is physically 79238  
unable to place a dose of medicine to the resident's mouth without 79239  
spilling it, a staff member may place the dose in a container and 79240  
place the container to the mouth of the resident. 79241

(E)(1) Except as provided in division (E)(2) of this section, 79242  
a person operating or seeking to operate a residential facility 79243  
shall apply for licensure of the facility to the department of 79244  
mental health and addiction services. The application shall be 79245  
submitted by the operator. When applying for the license, the 79246  
applicant shall pay to the department the application fee 79247

specified in rules adopted under division (L) of this section. The 79248  
fee is nonrefundable. 79249

The department shall send a copy of an application to the 79250  
ADAMHS board serving the county in which the person operates or 79251  
seeks to operate the facility. The ADAMHS board shall review the 79252  
application and provide to the department any information about 79253  
the applicant or the facility that the board would like the 79254  
department to consider in reviewing the application. 79255

(2) A person may not apply for a license to operate a 79256  
residential facility if the person is or has been the owner, 79257  
operator, or manager of a residential facility for which a license 79258  
to operate was revoked or for which renewal of a license was 79259  
refused for any reason other than nonpayment of the license 79260  
renewal fee, unless both of the following conditions are met: 79261

(a) A period of not less than two years has elapsed since the 79262  
date the director of mental health and addiction services issued 79263  
the order revoking or refusing to renew the facility's license. 79264

(b) The director's revocation or refusal to renew the license 79265  
was not based on an act or omission at the facility that violated 79266  
a resident's right to be free from abuse, neglect, or 79267  
exploitation. 79268

(F)(1) The department of mental health and addiction services 79269  
shall inspect and license the operation of residential facilities. 79270  
The department shall consider the past record of the facility and 79271  
the applicant or licensee in arriving at its licensure decision. 79272

The department may issue full, probationary, and interim 79273  
licenses. A full license shall expire up to three years after the 79274  
date of issuance, a probationary license shall expire in a shorter 79275  
period of time as specified in rules adopted by the director of 79276  
mental health and addiction services under division (L) of this 79277  
section, and an interim license shall expire ninety days after the 79278



date of issuance. A license may be renewed in accordance with 79279  
rules adopted by the director under division (L) of this section. 79280  
The renewal application shall be submitted by the operator. When 79281  
applying for renewal of a license, the applicant shall pay to the 79282  
department the renewal fee specified in rules adopted under 79283  
division (L) of this section. The fee is nonrefundable. 79284

(2) The department may issue an order suspending the 79285  
admission of residents to the facility or refuse to issue or renew 79286  
and may revoke a license if it finds any of the following: 79287

(a) The facility is not in compliance with rules adopted by 79288  
the director pursuant to division (L) of this section; 79289

(b) Any facility operated by the applicant or licensee has 79290  
been cited for a pattern of serious noncompliance or repeated 79291  
violations of statutes or rules during the period of current or 79292  
previous licenses; 79293

(c) The applicant or licensee submits false or misleading 79294  
information as part of a license application, renewal, or 79295  
investigation. 79296

Proceedings initiated to deny applications for full or 79297  
probationary licenses or to revoke such licenses are governed by 79298  
Chapter 119. of the Revised Code. An order issued pursuant to this 79299  
division remains in effect during the pendency of those 79300  
proceedings. 79301

(G) The department may issue an interim license to operate a 79302  
residential facility if both of the following conditions are met: 79303

(1) The department determines that the closing of or the need 79304  
to remove residents from another residential facility has created 79305  
an emergency situation requiring immediate removal of residents 79306  
and an insufficient number of licensed beds are available. 79307

(2) The residential facility applying for an interim license 79308

meets standards established for interim licenses in rules adopted 79309  
by the director under division (L) of this section. 79310

An interim license shall be valid for ninety days and may be 79311  
renewed by the director no more than twice. Proceedings initiated 79312  
to deny applications for or to revoke interim licenses under this 79313  
division are not subject to Chapter 119. of the Revised Code. 79314

(H)(1) The department of mental health and addiction services 79315  
may conduct an inspection of a residential facility as follows: 79316

(a) Prior to issuance of a license for the facility; 79317

(b) Prior to renewal of the license; 79318

(c) To determine whether the facility has completed a plan of 79319  
correction required pursuant to division (H)(2) of this section 79320  
and corrected deficiencies to the satisfaction of the department 79321  
and in compliance with this section and rules adopted pursuant to 79322  
it; 79323

(d) Upon complaint by any individual or agency; 79324

(e) At any time the director considers an inspection to be 79325  
necessary in order to determine whether the facility is in 79326  
compliance with this section and rules adopted pursuant to this 79327  
section. 79328

(2) In conducting inspections the department may conduct an 79329  
on-site examination and evaluation of the residential facility and 79330  
its personnel, activities, and services. The department shall have 79331  
access to examine and copy all records, accounts, and any other 79332  
documents relating to the operation of the residential facility, 79333  
including records pertaining to residents, and shall have access 79334  
to the facility in order to conduct interviews with the operator, 79335  
staff, and residents. Following each inspection and review, the 79336  
department shall complete a report listing any deficiencies, and 79337  
including, when appropriate, a time table within which the 79338

operator shall correct the deficiencies. The department may 79339  
require the operator to submit a plan of correction describing how 79340  
the deficiencies will be corrected. 79341

(I) No person shall do any of the following: 79342

(1) Operate a residential facility unless the facility holds 79343  
a valid license; 79344

(2) Violate any of the conditions of licensure after having 79345  
been granted a license; 79346

(3) Interfere with a state or local official's inspection or 79347  
investigation of a residential facility; 79348

(4) Violate any of the provisions of this section or any 79349  
rules adopted pursuant to this section. 79350

(J) The following may enter a residential facility at any 79351  
time: 79352

(1) Employees designated by the director of mental health and 79353  
addiction services; 79354

(2) Employees of an ADAMHS board under either of the 79355  
following circumstances: 79356

(a) When a resident of the facility is receiving services 79357  
from a community mental health services provider under contract 79358  
with that ADAMHS board or another ADAMHS board; 79359

(b) When authorized by section 340.05 of the Revised Code. 79360

(3) Employees of a community mental health services provider 79361  
under either of the following circumstances: 79362

(a) When the provider has a person receiving services 79363  
residing in the facility; 79364

(b) When the provider is acting as an agent of an ADAMHS 79365  
board other than the board with which it is under contract. 79366

(4) Representatives of the state long-term care ombudsman 79367

program when the facility provides accommodations, supervision, 79368  
and personal care services for three to sixteen unrelated adults 79369  
or to one or two unrelated adults who are ~~recipients~~ receiving 79370  
payments under the residential state supplement program. 79371

The persons specified in division (J) of this section shall 79372  
be afforded access to examine and copy all records, accounts, and 79373  
any other documents relating to the operation of the residential 79374  
facility, including records pertaining to residents. 79375

(K) Employees of the department of mental health and 79376  
addiction services may enter, for the purpose of investigation, 79377  
any institution, residence, facility, or other structure which has 79378  
been reported to the department as, or that the department has 79379  
reasonable cause to believe is, operating as a residential 79380  
facility without a valid license. 79381

(L) The director shall adopt and may amend and rescind rules 79382  
pursuant to Chapter 119. of the Revised Code governing the 79383  
licensing and operation of residential facilities. The rules shall 79384  
establish all of the following: 79385

(1) Minimum standards for the health, safety, adequacy, and 79386  
cultural competency of treatment of and services for persons in 79387  
residential facilities; 79388

(2) Procedures for the issuance, renewal, or revocation of 79389  
the licenses of residential facilities; 79390

(3) Procedures for conducting background investigations for 79391  
prospective or current operators, employees, volunteers, and other 79392  
non-resident occupants who may have direct access to facility 79393  
residents; 79394

(4) The fee to be paid when applying for a new residential 79395  
facility license or renewing the license; 79396

(5) Procedures for the operator of a residential facility to 79397

follow when notifying the ADAMHS board serving the county in which 79398  
the facility is located when the facility is serving residents 79399  
with mental illness or severe mental disability, including the 79400  
circumstances under which the operator is required to make such a 79401  
notification; 79402

(6) Procedures for the issuance and termination of orders of 79403  
suspension of admission of residents to a residential facility; 79404

(7) Measures to be taken by residential facilities relative 79405  
to residents' medication; 79406

(8) Requirements relating to preparation of special diets; 79407

(9) The maximum number of residents who may be served in a 79408  
residential facility; 79409

(10) The rights of residents of residential facilities and 79410  
procedures to protect such rights; 79411

(11) Standards and procedures under which the director may 79412  
waive the requirements of any of the rules adopted. 79413

(M)(1) The department may withhold the source of any 79414  
complaint reported as a violation of this section when the 79415  
department determines that disclosure could be detrimental to the 79416  
department's purposes or could jeopardize the investigation. The 79417  
department may disclose the source of any complaint if the 79418  
complainant agrees in writing to such disclosure and shall 79419  
disclose the source upon order by a court of competent 79420  
jurisdiction. 79421

(2) Any person who makes a complaint under division (M)(1) of 79422  
this section, or any person who participates in an administrative 79423  
or judicial proceeding resulting from such a complaint, is immune 79424  
from civil liability and is not subject to criminal prosecution, 79425  
other than for perjury, unless the person has acted in bad faith 79426  
or with malicious purpose. 79427

(N)(1) The director of mental health and addiction services 79428  
may petition the court of common pleas of the county in which a 79429  
residential facility is located for an order enjoining any person 79430  
from operating a residential facility without a license or from 79431  
operating a licensed facility when, in the director's judgment, 79432  
there is a present danger to the health or safety of any of the 79433  
occupants of the facility. The court shall have jurisdiction to 79434  
grant such injunctive relief upon a showing that the respondent 79435  
named in the petition is operating a facility without a license or 79436  
there is a present danger to the health or safety of any residents 79437  
of the facility. 79438

(2) When the court grants injunctive relief in the case of a 79439  
facility operating without a license, the court shall issue, at a 79440  
minimum, an order enjoining the facility from admitting new 79441  
residents to the facility and an order requiring the facility to 79442  
assist with the safe and orderly relocation of the facility's 79443  
residents. 79444

(3) If injunctive relief is granted against a facility for 79445  
operating without a license and the facility continues to operate 79446  
without a license, the director shall refer the case to the 79447  
attorney general for further action. 79448

(O) The director may fine a person for violating division (I) 79449  
of this section. The fine shall be five hundred dollars for a 79450  
first offense; for each subsequent offense, the fine shall be one 79451  
thousand dollars. The director's actions in imposing a fine shall 79452  
be taken in accordance with Chapter 119. of the Revised Code. 79453

**Sec. 5119.41.** (A) ~~As used in this section:~~ 79454

~~(1) "Nursing facility" has the same meaning as in section 79455  
5165.01 of the Revised Code. 79456~~

~~(2) "Residential state supplement administrative agency" 79457~~

~~means the department of mental health and addiction services or, 79458  
if the department designates an entity under division (C) of this 79459  
section for a particular area, the designated entity. 79460~~

~~(3) "Residential state supplement program" means the program 79461  
administered pursuant to this section. 79462~~

~~(B) The department of mental health and addiction services 79463  
shall implement the residential state supplement program under 79464  
which the state supplements the amounts received by aged, blind, 79465  
or disabled adults as supplemental security income payments 79466  
~~received by aged, blind, or disabled adults~~ under Title XVI of the 79467  
"Social Security Act," 42 U.S.C. 1381 et seq., or as social 79468  
security benefits or social security disability insurance benefits 79469  
under Title II of the "Social Security Act," 42 U.S.C. 401 et seq. 79470  
Residential state supplement payments shall be used for the 79471  
provision of accommodations, supervision, and personal care 79472  
services to ~~social security,~~ recipients of supplemental security 79473  
income payments, social security benefits, and social security 79474  
disability insurance ~~recipients~~ benefits who the department 79475  
determines are at risk of needing institutional care. 79476~~

~~(C) In implementing the program, the department may designate 79477  
one or more entities to be responsible for providing 79478  
administrative services regarding the program. The department may 79479  
designate an entity ~~to be a residential state supplement~~ 79480  
~~administrative agency under this division~~ either by entering into 79481  
a contract with the entity to ~~serve in that capacity~~ provided the 79482  
services or by otherwise delegating to the entity the 79483  
responsibility to ~~serve in that capacity~~ provide the services. 79484~~

~~(D) For an individual to (B) To be eligible for residential 79485  
state supplement payments, all of the following must be the case: 79486~~

~~(1) Except as provided by division (C) of this section, the 79487  
individual must reside in one of the following living 79488~~

arrangements: 79489

~~(a) A residential care facility licensed by the department of health under Chapter 3721. of the Revised Code or an assisted living program as defined in section 173.51 of the Revised Code:~~ 79490  
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~~(b) A class two residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code.~~ 79493  
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~~(2) If a residential state supplement administrative agency is aware that an individual enrolled in the program has mental health needs, the agency shall refer the individual for an assessment pursuant to division (A) of section 340.091 of the Revised Code.~~ 79496  
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~~(3) The an individual satisfies must satisfy all eligibility requirements established by rules adopted under ~~division (E)~~ of this section.~~ 79501  
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~~(4) An individual residing in a living arrangement housing more than sixteen individuals shall not be eligible for inclusion in the program unless the director of mental health and addiction services specifically waives this size limitation with respect to that individual in that living arrangement. An individual with such a waiver as of October 1, 2015, shall remain eligible for the program as long as the individual remains in that living arrangement.~~ 79504  
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~~(E)(C)~~ The director of mental health and addiction services and the medicaid director shall adopt rules ~~in accordance with Chapter 119. of the Revised Code~~ as necessary to implement the residential state supplement program, including the requirements that an individual must satisfy to be eligible for payments under the program. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 79512  
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The rules adopted by the director of mental health and 79519



addiction services may establish the method to be used to 79520  
determine the payment an eligible individual will receive under 79521  
the program. The amount the general assembly appropriates for the 79522  
program may be a factor included in the method that director 79523  
establishes. 79524

To the extent permitted by Title XVI of the "Social Security 79525  
Act," and any other provision of federal law, the rules adopted by 79526  
the medicaid director may ~~adopt rules establishing~~ establish 79527  
standards for adjusting the eligibility requirements concerning 79528  
the level of impairment ~~a person~~ an individual must have so that 79529  
the amount appropriated for the program by the general assembly is 79530  
adequate for the number of eligible individuals. The rules shall 79531  
not limit the eligibility of individuals who are disabled persons 79532  
solely on a basis classifying disabilities as physical or mental. 79533  
~~The medicaid director also may adopt rules that establish~~ 79534  
~~eligibility standards for aged, blind, or disabled individuals who~~ 79535  
~~reside in one of the homes or facilities specified in division~~ 79536  
~~(D)(1) of this section but who, because of their income, do not~~ 79537  
~~receive supplemental security income payments. The rules may~~ 79538  
~~provide that these individuals may include individuals who receive~~ 79539  
~~other types of benefits, including, social security payments or~~ 79540  
~~social security disability insurance benefits provided under Title~~ 79541  
~~II of the "Social Security Act," 42 U.S.C. 401, et seq.~~ 79542  
~~Notwithstanding division (B) of this section, such payments may be~~ 79543  
~~made if funds are available for them.~~ 79544

~~The director of mental health and addiction services may~~ 79545  
~~adopt rules establishing the method to be used to determine the~~ 79546  
~~amount an eligible individual will receive under the program. The~~ 79547  
~~amount the general assembly appropriates for the program may be a~~ 79548  
~~factor included in the method that director establishes.~~ 79549

~~(F)(D)~~ The county department of job and family services of 79550  
the county in which an applicant for the residential state 79551

supplement program resides or the department of medicaid shall 79552  
determine whether the applicant meets income and resource 79553  
requirements for the program. 79554

The county department of job and family services or the 79555  
department of medicaid shall notify each individual who is denied 79556  
approval for payments under the program of the individual's right 79557  
to a hearing. On request, the hearing shall be provided in 79558  
accordance with section 5101.35 of the Revised Code. 79559

~~(G)~~(E) An individual in a licensed or certified living 79560  
arrangement receiving state supplementation on November 15, 1990, 79561  
under former section 5101.531 of the Revised Code shall not become 79562  
ineligible for payments under this ~~section~~ program solely by 79563  
reason of the individual's living arrangement as long as the 79564  
individual remains in the living arrangement in which the 79565  
individual resided on November 15, 1990. 79566

~~(H) The county department of job and family services from 79567  
which the person is receiving benefits or the department of 79568  
medicaid shall notify each person denied approval for payments 79569  
under this section of the person's right to a hearing. On request, 79570  
the hearing shall be provided in accordance with section 5101.35 79571  
of the Revised Code. 79572~~

Sec. 5119.48. (A) The department of mental health and 79573  
addiction services shall create the all roads lead to home 79574  
program. The program shall include both of the following 79575  
initiatives: 79576

(1) A mass media campaign. The mass media campaign shall 79577  
begin on January 1, 2018, and shall be conducted twice annually, 79578  
once between January and March of each year, and once in September 79579  
of each year as part of national recovery month. 79580

(2) An interactive web site as described in division (C) of 79581

this section. 79582

(B) The mass media campaign described in division (A)(1) of this section shall do all of the following: 79583  
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(1) Include messages to reduce the stigma associated with seeking help for drug addiction; 79585  
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(2) Provide directions for people who are in need of drug addiction assistance to a web-based location that includes all of the following: 79587  
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(a) Information on where to find help for drug addiction; 79590

(b) Easily accessible intervention and referral options; 79591

(c) Contact information for county board drug addiction assistance authorities. 79592  
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(3) Promote affordable options available for people to get help with drug addiction; 79594  
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(4) Prioritize its efforts in media markets that have the highest rates of drug overdose deaths in this state; 79596  
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(5) Utilize television and radio advertisements, as well as internet advertising models such as low-cost social media outlets. 79598  
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(C) Before January 1, 2018, the department shall create an interactive web site as described in division (A)(2) of this section that offers all of the following components: 79600  
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(1) An evidence-based self-reporting screening tool approved by the department's medical director; 79603  
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(2) Confidential and live assistance programs administered by trained professionals supervised by a medical or clinical director; 79605  
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(3) Community detoxification and withdrawal management options and community treatment options that best meet the needs of the patient; 79608  
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(4) A searchable database of certified substance abuse providers organized by zip code; 79611  
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(5) An option for follow-up on recovery progress; 79613

(6) Clinical information regarding what a person may expect during detoxification, withdrawal, and treatment. 79614  
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(D) The department may contract with private vendors for the creation and maintenance of the interactive web site described in division (C) of this section and the live assistance program described in division (C)(2) of this section. 79616  
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**Sec. 5119.89.** The director of mental health and addiction services shall consult with the superintendent of insurance as required by section 3901.90 of the Revised Code to develop consumer and payer education on mental health and addiction services insurance parity and establish and promote a consumer hotline to collect information and help consumers understand and access their insurance benefits. 79620  
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The department of mental health and addiction services and the department of insurance shall jointly report annually on the departments' efforts, which shall include information on consumer and payer outreach activities and identification of trends and barriers to access and coverage in this state. The departments shall submit the report to the general assembly, the joint medicaid oversight committee, and the governor, not later than the thirtieth day of January of each year. 79627  
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**Sec. 5120.035.** (A) As used in this section: 79635

(1) "Community treatment provider" means a program that provides substance use disorder assessment and treatment for persons and that satisfies all of the following: 79636  
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(a) It is located outside of a state correctional 79639

institution. 79640

(b) It shall provide the assessment and treatment for 79641  
qualified prisoners referred and transferred to it under this 79642  
section in a suitable facility that is licensed pursuant to 79643  
division (C) of section 2967.14 of the Revised Code. 79644

(c) All qualified prisoners referred and transferred to it 79645  
under this section shall reside initially in the suitable facility 79646  
specified in division (A)(1)(b) of this section while undergoing 79647  
the assessment and treatment. 79648

(2) "Electronic monitoring device" has the same meaning as in 79649  
section 2929.01 of the Revised Code. 79650

(3) "State correctional institution" has the same meaning as 79651  
in section 2967.01 of the Revised Code. 79652

(4) "Qualified prisoner" means a person who satisfies all of 79653  
the following: 79654

(a) The person is confined in a state correctional 79655  
institution under a prison term imposed for a felony of the fourth 79656  
or fifth degree that is not an offense of violence. 79657

(b) The person has not previously been convicted of or 79658  
pleaded guilty to ~~an~~ a felony offense of violence and, within the 79659  
preceding five years, has not been convicted of or pleaded guilty 79660  
to a misdemeanor offense of violence. 79661

(c) The department of rehabilitation and correction 79662  
determines, using a standardized assessment tool, that the person 79663  
has a substance use disorder. 79664

(d) The person has not more than twelve months remaining to 79665  
be served under the prison term described in division (A)(4)(a) of 79666  
this section. 79667

(e) The person is not serving any prison term other than the 79668  
term described in division (A)(4)(a) of this section. 79669

(f) The person is eighteen years of age or older. 79670

(g) The person does not show signs of drug or alcohol withdrawal and does not require medical detoxification. 79671  
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(h) As determined by the department of rehabilitation and correction, the person is physically and mentally capable of uninterrupted participation in the substance use disorder treatment program established under division (B) of this section. 79673  
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(B) The department of rehabilitation and correction shall establish and operate a program for community-based substance use disorder treatment for qualified prisoners. The purpose of the program shall be to provide substance use disorder assessment and treatment through community treatment providers to help reduce substance use relapses and recidivism for qualified prisoners while preparing them for reentry into the community and improving public safety. 79677  
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(C)(1) The department shall determine which qualified prisoners in its custody should be placed in the substance use disorder treatment program established under division (B) of this section. The department has full discretion in making that determination. If the department determines that a qualified prisoner should be placed in the program, the department may refer the prisoner to a community treatment provider the department has approved under division (E) of this section for participation in the program and transfer the prisoner from the state correctional institution to the provider's approved and licensed facility. Except as otherwise provided in division (C)(3) of this section, no prisoner shall be placed under the program in any facility other than a facility of a community treatment provider that has been so approved. If the department places a prisoner in the program, the prisoner shall receive credit against the prisoner's prison term for all time served in the provider's approved and licensed facility and may earn days of credit under section 79685  
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2967.193 of the Revised Code, but otherwise neither the placement 79702  
nor the prisoner's participation in or completion of the program 79703  
shall result in any reduction of the prisoner's prison term. 79704

(2) If the department places a prisoner in the substance use 79705  
disorder treatment program, the prisoner does not satisfactorily 79706  
participate in the program, and the prisoner has not served the 79707  
prisoner's entire prison term, the department may remove the 79708  
prisoner from the program and return the prisoner to a state 79709  
correctional institution. 79710

(3) If the department places a prisoner in the substance use 79711  
disorder treatment program and the prisoner is satisfactorily 79712  
participating in the program, the department may permit the 79713  
prisoner to reside at a residence approved by the department if 79714  
the department determines, with input from the community treatment 79715  
provider, that residing at the approved residence will help the 79716  
prisoner prepare for reentry into the community and will help 79717  
reduce substance use relapses and recidivism for the prisoner. If 79718  
a prisoner is permitted under this division to reside at a 79719  
residence approved by the department, the prisoner shall be 79720  
monitored during the period of that residence by an electronic 79721  
monitoring device. 79722

(D)(1) When a prisoner has been placed in the substance use 79723  
disorder treatment program established under division (B) of this 79724  
section, before the prisoner is released from custody of the 79725  
department upon completion of the prisoner's prison term, the 79726  
department shall conduct and prepare an evaluation of the 79727  
prisoner, the prisoner's participation in the program, and the 79728  
prisoner's needs regarding substance use disorder treatment upon 79729  
release. Before the prisoner is released from custody of the 79730  
department upon completion of the prisoner's prison term, the 79731  
parole board or the court acting pursuant to an agreement under 79732  
section 2967.29 of the Revised Code shall consider the evaluation, 79733

in addition to all other information and materials considered, as follows: 79734  
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(a) If the prisoner is a prisoner for whom post-release control is mandatory under section 2967.28 of the Revised Code, the board or court shall consider it in determining which post-release control sanction or sanctions to impose upon the prisoner under that section. 79736  
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(b) If the prisoner is a prisoner for whom post-release control is not mandatory under section 2967.28 of the Revised Code, the board or court shall consider it in determining whether a post-release control sanction is necessary and, if so, which post-release control sanction or sanctions to impose upon the prisoner under that section. 79741  
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(2) If the department determines that a prisoner it placed in the substance use disorder treatment program successfully completed the program and successfully completed a term of post-release control, if applicable, and if the prisoner submits an application under section 2953.32 of the Revised Code for sealing the record of the conviction, the director may issue a letter to the court in support of the application. 79747  
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(E)(1) The department shall accept applications from community treatment providers that satisfy the requirement specified in division (E)(2) of this section and that wish to participate in the substance use disorder treatment program established under division (B) of this section, and shall approve for participation in the program at least four and not more than eight of the providers that apply. To the extent feasible, the department shall approve one or more providers from each geographical quadrant of the state. 79754  
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(2) Each community treatment provider that applies under division (E)(1) of this section to participate in the program 79763  
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shall have the provider's alcohol and drug addiction services that 79765  
provide substance use disorder treatment certified by the 79766  
department of mental health and addiction services under section 79767  
5119.36 of the Revised Code. A community treatment provider is not 79768  
required to have the provider's halfway house or residential 79769  
treatment certified by the department of mental health and 79770  
addiction services. 79771

(F) The department of rehabilitation and correction shall 79772  
adopt rules for the operation of the substance use disorder 79773  
treatment program it establishes under division (B) of this 79774  
section and shall operate the program in accordance with this 79775  
section and those rules. The rules shall establish, at a minimum, 79776  
all of the following: 79777

(1) Criteria that establish which qualified prisoners are 79778  
eligible for the program; 79779

(2) Criteria that must be satisfied to transfer a qualified 79780  
prisoner to a residence pursuant to division (C)(3) of this 79781  
section; 79782

(3) Criteria for the removal of a prisoner from the program 79783  
pursuant to division (C)(2) of this section; 79784

(4) Criteria for determining when an offender has 79785  
successfully completed the program for purposes of division (D)(2) 79786  
of this section; 79787

(5) Criteria for community treatment providers to provide 79788  
assessment and treatment, including minimum standards for 79789  
treatment. 79790

**Sec. 5120.22.** (A) The division of business administration 79791  
shall examine the conditions of all buildings, grounds, and other 79792  
property connected with the institutions under the control of the 79793  
department of rehabilitation and correction, the methods of 79794

bookkeeping and storekeeping, and all matters relating to the 79795  
management of such property. The division shall study and become 79796  
familiar with the advantages and disadvantages of each as to 79797  
location, freight rates, and efficiency of farm and equipment, for 79798  
the purpose of aiding in the determination of the local and 79799  
general requirements both for maintenance and improvements. 79800

(B) The division, with respect to the various types of 79801  
state-owned housing under jurisdiction of the department, shall 79802  
adopt, in accordance with section 111.15 of the Revised Code, 79803  
rules governing maintenance of the housing and its usage by 79804  
department personnel. The rules shall include a procedure for 79805  
determining charges for rent and utilities, which the division 79806  
shall assess against and collect from department personnel using 79807  
the housing. All money collected for rent and utilities pursuant 79808  
to the rules shall be deposited into the property receipts fund, 79809  
which is hereby created in the state treasury. Money in the fund 79810  
shall be used for any expenses necessary to provide housing of 79811  
department employees, including but not limited to expenses for 79812  
the acquisition, construction, operation, maintenance, repair, 79813  
reconstruction, or demolition of land and buildings. 79814

(C) The division may enter into a lease or agreement with a 79815  
state agency, political subdivision of the state, or private 79816  
entity to use facilities or other property under the jurisdiction 79817  
of the department that is not being utilized by the department. 79818  
All money collected for leasing and services performed in 79819  
accordance with the lease or agreement shall be deposited into the 79820  
property receipts fund created under division (B) of this section. 79821  
Money in the fund shall be used for any expenses resulting from 79822  
the lease or agreement, including, but not limited to, expenses 79823  
for services performed, construction, maintenance, repair, 79824  
reconstruction, or demolition of the facilities or other property. 79825

(D) If, after meeting the expenditure obligations required by 79826

divisions (B) and (C) of this section, the division determines 79827  
that the property receipts fund has excess funds, the division may 79828  
use money in the fund for services performed, construction, 79829  
maintenance, repair, reconstruction, or demolition of any other 79830  
facilities or property owned by the department. 79831

**Sec. 5120.55.** (A) As used in this section, "licensed health 79832  
professional" means any or all of the following: 79833

(1) A dentist who holds a current, valid license issued under 79834  
Chapter 4715. of the Revised Code to practice dentistry; 79835

(2) A licensed practical nurse who holds a current, valid 79836  
license issued under Chapter 4723. of the Revised Code that 79837  
authorizes the practice of nursing as a licensed practical nurse; 79838

(3) An optometrist who holds a current, valid certificate of 79839  
licensure issued under Chapter 4725. of the Revised Code that 79840  
authorizes the holder to engage in the practice of optometry; 79841

(4) A physician who is authorized under Chapter 4731. of the 79842  
Revised Code to practice medicine and surgery, osteopathic 79843  
medicine and surgery, or podiatric medicine and surgery; 79844

(5) A psychologist who holds a current, valid license issued 79845  
under Chapter 4732. of the Revised Code that authorizes the 79846  
practice of psychology as a licensed psychologist; 79847

(6) A registered nurse who holds a current, valid license 79848  
issued under Chapter 4723. of the Revised Code that authorizes the 79849  
practice of nursing as a registered nurse, including such a nurse 79850  
who is also licensed to practice as an advanced practice 79851  
registered nurse as defined in section 4723.01 of the Revised 79852  
Code. 79853

(B)(1) The department of rehabilitation and correction may 79854  
establish a recruitment program under which the department, by 79855  
means of a contract entered into under division (C) of this 79856

section, agrees to repay all or part of the principal and interest 79857  
of a government or other educational loan incurred by a licensed 79858  
health professional who agrees to provide services to inmates of 79859  
correctional institutions under the department's administration. 79860

(2)(a) For a physician to be eligible to participate in the 79861  
program, the physician must have attended a school that was, 79862  
during the time of attendance, a medical school or osteopathic 79863  
medical school in this country accredited by the liaison committee 79864  
on medical education or the American osteopathic association, a 79865  
college of podiatry in this country ~~recognized as being~~ in good 79866  
standing ~~under section 4731.53 of the Revised Code~~ with the state 79867  
medical board, or a medical school, osteopathic medical school, or 79868  
college of podiatry located outside this country that was 79869  
acknowledged by the world health organization and verified by a 79870  
member state of that organization as operating within that state's 79871  
jurisdiction. 79872

(b) For a nurse to be eligible to participate in the program, 79873  
the nurse must have attended a school that was, during the time of 79874  
attendance, a nursing school in this country accredited by the 79875  
commission on collegiate nursing education or the national league 79876  
for nursing accrediting commission or a nursing school located 79877  
outside this country that was acknowledged by the world health 79878  
organization and verified by a member state of that organization 79879  
as operating within that state's jurisdiction. 79880

(c) For a dentist to be eligible to participate in the 79881  
program, the dentist must have attended a school that was, during 79882  
the time of attendance, a dental college that enabled the dentist 79883  
to meet the requirements specified in section 4715.10 of the 79884  
Revised Code to be granted a license to practice dentistry. 79885

(d) For an optometrist to be eligible to participate in the 79886  
program, the optometrist must have attended a school of optometry 79887  
that was, during the time of attendance, approved by the state 79888

board of optometry. 79889

(e) For a psychologist to be eligible to participate in the 79890  
program, the psychologist must have attended an educational 79891  
institution that, during the time of attendance, maintained a 79892  
specific degree program recognized by the state board of 79893  
psychology as acceptable for fulfilling the requirement of 79894  
division (B)(3) of section 4732.10 of the Revised Code. 79895

(C) The department shall enter into a contract with each 79896  
licensed health professional it recruits under this section. Each 79897  
contract shall include at least the following terms: 79898

(1) The licensed health professional agrees to provide a 79899  
specified scope of medical, osteopathic medical, podiatric, 79900  
optometric, psychological, nursing, or dental services to inmates 79901  
of one or more specified state correctional institutions for a 79902  
specified number of hours per week for a specified number of 79903  
years. 79904

(2) The department agrees to repay all or a specified portion 79905  
of the principal and interest of a government or other educational 79906  
loan taken by the licensed health professional for the following 79907  
expenses to attend, for up to a maximum of four years, a school 79908  
that qualifies the licensed health professional to participate in 79909  
the program: 79910

(a) Tuition; 79911

(b) Other educational expenses for specific purposes, 79912  
including fees, books, and laboratory expenses, in amounts 79913  
determined to be reasonable in accordance with rules adopted under 79914  
division (D) of this section; 79915

(c) Room and board, in an amount determined to be reasonable 79916  
in accordance with rules adopted under division (D) of this 79917  
section. 79918

(3) The licensed health professional agrees to pay the department a specified amount, which shall be no less than the amount already paid by the department pursuant to its agreement, as damages if the licensed health professional fails to complete the service obligation agreed to or fails to comply with other specified terms of the contract. The contract may vary the amount of damages based on the portion of the service obligation that remains uncompleted.

(4) Other terms agreed upon by the parties.

The licensed health professional's lending institution or the ~~Ohio board~~ department of regents, higher education may be a party to the contract. The contract may include an assignment to the department of rehabilitation and correction of the licensed health professional's duty to repay the principal and interest of the loan.

(D) If the department of rehabilitation and correction elects to implement the recruitment program, it shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:

(1) Criteria for designating institutions for which licensed health professionals will be recruited;

(2) Criteria for selecting licensed health professionals for participation in the program;

(3) Criteria for determining the portion of a loan which the department will agree to repay;

(4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section;

(5) Procedures for monitoring compliance by a licensed health professional with the terms of the contract the licensed health professional enters into under this section;

(6) Any other criteria or procedures necessary to implement the program. 79949  
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Sec. 5120.68. (A) When a prisoner becomes eligible for parole under section 2967.13 of the Revised Code, the warden of the institution in which the prisoner is incarcerated shall prepare a report containing all of the following information: 79951  
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(1) Information concerning the prisoner's participation in programs during the prisoner's time at the institution; 79955  
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(2) Information concerning the prisoner's compliance or noncompliance with rules while at the institution; 79957  
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(3) Information concerning the ability of the prisoner to seek and obtain employment upon release from incarceration. 79959  
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(B) The warden shall submit the report created under division (A) of this section to the parole board prior to any hearing to determine whether or not the prisoner should be paroled. 79961  
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**Sec. 5122.32. (A) As used in this section:** 79964

(1) "Quality assurance committee" means a committee that is appointed in the central office of the department of mental health and addiction services by the director of mental health and addiction services, a committee of a hospital or community setting program, or a duly authorized subcommittee of a committee of that nature and that is designated to carry out quality assurance program activities. 79965  
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(2) "Quality assurance program" means a comprehensive program within the department of mental health and addiction services to systematically review and improve the quality of medical and mental health services within the department and its hospitals and community setting programs, the safety and security of persons receiving or administering medical and mental health services 79972  
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within the department and its hospitals and community setting 79978  
programs, and the efficiency and effectiveness of the utilization 79979  
of staff and resources in the delivery of medical and mental 79980  
health services within the department and its hospitals and 79981  
community setting programs. "Quality assurance program" includes 79982  
the central office quality assurance committees, morbidity and 79983  
mortality review committees, quality assurance programs of 79984  
community setting programs, quality assurance committees of 79985  
hospitals operated by the department of mental health and 79986  
addiction services, and the office of licensure and certification 79987  
of the department. 79988

(3) "Quality assurance program activities" include collecting 79989  
or compiling information and reports required by a quality 79990  
assurance committee, receiving, reviewing, or implementing the 79991  
recommendations made by a quality assurance committee, and 79992  
credentialing, privileging, infection control, tissue review, peer 79993  
review, utilization review including access to patient care 79994  
records, patient care assessment records, and medical and mental 79995  
health records, medical and mental health resource management, 79996  
mortality and morbidity review, and identification and prevention 79997  
of medical or mental health incidents and risks, whether performed 79998  
by a quality assurance committee or by persons who are directed by 79999  
a quality assurance committee. 80000

(4) "Quality assurance records" means the proceedings, 80001  
discussion, records, findings, recommendations, evaluations, 80002  
opinions, minutes, reports, and other documents or actions that 80003  
emanate from quality assurance committees, quality assurance 80004  
programs, or quality assurance program activities. "Quality 80005  
assurance records" does not include aggregate statistical 80006  
information that does not disclose the identity of persons 80007  
receiving or providing medical or mental health services in 80008  
department of mental health and addiction services hospitals or 80009



community setting programs. 80010

(B)(1) Except as provided in division (E) of this section, 80011  
quality assurance records are confidential and are not public 80012  
records under section 149.43 of the Revised Code, and shall be 80013  
used only in the course of the proper functions of a quality 80014  
assurance program. 80015

(2) Except as provided in division (E) of this section, no 80016  
person who possesses or has access to quality assurance records 80017  
and who knows that the records are quality assurance records shall 80018  
willfully disclose the contents of the records to any person or 80019  
entity. 80020

(C)(1) Except as provided in division (E) of this section, no 80021  
quality assurance record shall be subject to discovery, and is not 80022  
admissible in evidence, in any judicial or administrative 80023  
proceeding. 80024

(2) Except as provided in division (E) of this section, no 80025  
member of a quality assurance committee or a person who is 80026  
performing a function that is part of a quality assurance program 80027  
shall be permitted or required to testify in a judicial or 80028  
administrative proceeding with respect to quality assurance 80029  
records or with respect to any finding, recommendation, 80030  
evaluation, opinion, or other action taken by the committee, 80031  
member, or person. 80032

(3) Information, documents, or records otherwise available 80033  
from original sources are not to be construed as being unavailable 80034  
for discovery or admission in evidence in a judicial or 80035  
administrative proceeding merely because they were presented to a 80036  
quality assurance committee. No person testifying before a quality 80037  
assurance committee or person who is a member of a quality 80038  
assurance committee shall be prevented from testifying as to 80039  
matters within the person's knowledge, but the witness cannot be 80040

asked about the witness' testimony before the quality assurance 80041  
committee or about an opinion formed by the person as a result of 80042  
the quality assurance committee proceedings. 80043

(D)(1) A person who, without malice and in the reasonable 80044  
belief that the information is warranted by the facts known to the 80045  
person, provides information to a person engaged in quality 80046  
assurance program activities is not liable for damages in a civil 80047  
action for injury, death, or loss to person or property to any 80048  
person as a result of providing the information. 80049

(2) A member of a quality assurance committee, a person 80050  
engaged in quality assurance program activities, and an employee 80051  
of the department of mental health and addiction services shall 80052  
not be liable in damages in a civil action for injury, death, or 80053  
loss to person or property to any person for any acts, omissions, 80054  
decisions, or other conduct within the scope of the functions of 80055  
the quality assurance program. 80056

(3) Nothing in this section shall relieve any institution or 80057  
individual from liability arising from the treatment of a patient. 80058

(E) Quality assurance records may be disclosed, and testimony 80059  
may be provided concerning quality assurance records, only to the 80060  
following persons or entities: 80061

(1) Persons who are employed or retained by the department of 80062  
mental health and addiction services and who have authority to 80063  
evaluate or implement the recommendations of a state-operated 80064  
hospital, community setting program, or central office quality 80065  
assurance committee; 80066

(2) Public or private agencies or organizations if needed to 80067  
perform a licensing or accreditation function related to 80068  
department of mental health and addiction services hospitals or 80069  
community setting programs, or to perform monitoring of a hospital 80070  
or program of that nature as required by law. 80071

(F) A disclosure of quality assurance records pursuant to 80072  
division (E) of this section does not otherwise waive the 80073  
confidential and privileged status of the disclosed quality 80074  
assurance records. 80075

(G) Nothing in this section shall limit the access of the 80076  
Ohio protection and advocacy system to records or personnel as 80077  
required under section 5123.601 of the Revised Code. Nothing in 80078  
this section shall limit the admissibility of documentary or 80079  
testimonial evidence in an action brought by the Ohio protection 80080  
and advocacy system in its own name or on behalf of a client. 80081

**Sec. 5123.01.** As used in this chapter: 80082

(A) "Chief medical officer" means the licensed physician 80083  
appointed by the managing officer of an institution for persons 80084  
with intellectual disabilities with the approval of the director 80085  
of developmental disabilities to provide medical treatment for 80086  
residents of the institution. 80087

(B) "Chief program director" means a person with special 80088  
training and experience in the diagnosis and management of persons 80089  
with developmental disabilities, certified according to division 80090  
(C) of this section in at least one of the designated fields, and 80091  
appointed by the managing officer of an institution for persons 80092  
with intellectual disabilities with the approval of the director 80093  
to provide habilitation and care for residents of the institution. 80094

(C) "Comprehensive evaluation" means a study, including a 80095  
sequence of observations and examinations, of a person leading to 80096  
conclusions and recommendations formulated jointly, with 80097  
dissenting opinions if any, by a group of persons with special 80098  
training and experience in the diagnosis and management of persons 80099  
with developmental disabilities, which group shall include 80100  
individuals who are professionally qualified in the fields of 80101  
medicine, psychology, and social work, together with such other 80102

specialists as the individual case may require. 80103

(D) "Education" means the process of formal training and 80104  
instruction to facilitate the intellectual and emotional 80105  
development of residents. 80106

(E) "Habilitation" means the process by which the staff of 80107  
the institution assists the resident in acquiring and maintaining 80108  
those life skills that enable the resident to cope more 80109  
effectively with the demands of the resident's own person and of 80110  
the resident's environment and in raising the level of the 80111  
resident's physical, mental, social, and vocational efficiency. 80112  
Habilitation includes but is not limited to programs of formal, 80113  
structured education and training. 80114

(F) "Health officer" means any public health physician, 80115  
public health nurse, or other person authorized or designated by a 80116  
city or general health district. 80117

(G) "Home and community-based services" means medicaid-funded 80118  
home and community-based services specified in division (A)(1) of 80119  
section 5166.20 of the Revised Code provided under the medicaid 80120  
waiver components the department of developmental disabilities 80121  
administers pursuant to section 5166.21 of the Revised Code. 80122  
Except as provided in section 5123.0412 of the Revised Code, home 80123  
and community-based services provided under the medicaid waiver 80124  
component known as the transitions developmental disabilities 80125  
waiver are to be considered to be home and community-based 80126  
services for the purposes of this chapter, and Chapters 5124. and 80127  
5126. of the Revised Code, only to the extent, if any, provided by 80128  
the contract required by section 5166.21 of the Revised Code 80129  
regarding the waiver. 80130

(H) "ICF/IID" has the same meaning as in section 5124.01 of 80131  
the Revised Code. 80132

(I) "Indigent person" means a person who is unable, without 80133

substantial financial hardship, to provide for the payment of an attorney and for other necessary expenses of legal representation, including expert testimony.

(J) "Institution" means a public or private facility, or a part of a public or private facility, that is licensed by the appropriate state department and is equipped to provide residential habilitation, care, and treatment for persons with intellectual disabilities.

(K) "Licensed physician" means a person who holds a valid certificate issued under Chapter 4731. of the Revised Code authorizing the person to practice medicine and surgery or osteopathic medicine and surgery, or a medical officer of the government of the United States while in the performance of the officer's official duties.

(L) "Managing officer" means a person who is appointed by the director of developmental disabilities to be in executive control of an institution under the jurisdiction of the department of developmental disabilities.

(M) "Medicaid case management services" means case management services provided to an individual with a developmental disability that the state medicaid plan requires.

(N) "Intellectual disability" means a disability characterized by having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.

(O) "Person with an intellectual disability subject to institutionalization by court order" means a person eighteen years of age or older with at least a moderate level of intellectual disability and in relation to whom, because of the person's disability, either of the following conditions exists:

(1) The person represents a very substantial risk of physical

impairment or injury to self as manifested by evidence that the 80165  
person is unable to provide for and is not providing for the 80166  
person's most basic physical needs and that provision for those 80167  
needs is not available in the community; 80168

(2) The person needs and is susceptible to significant 80169  
habilitation in an institution. 80170

(P) "Moderate level of intellectual disability" means the 80171  
condition in which a person, following a comprehensive evaluation, 80172  
is found to have at least moderate deficits in overall 80173  
intellectual functioning, as indicated by a full-scale 80174  
intelligence quotient test score of fifty-five or below, and at 80175  
least moderate deficits in adaptive behavior, as determined in 80176  
accordance with the criteria established in the fifth edition of 80177  
the diagnostic and statistical manual of mental disorders 80178  
published by the American psychiatric association. 80179

(Q) "Developmental disability" means a severe, chronic 80180  
disability that is characterized by all of the following: 80181

(1) It is attributable to a mental or physical impairment or 80182  
a combination of mental and physical impairments, other than a 80183  
mental or physical impairment solely caused by mental illness, as 80184  
defined in division (A) of section 5122.01 of the Revised Code. 80185

(2) It is manifested before age twenty-two. 80186

(3) It is likely to continue indefinitely. 80187

(4) It results in one of the following: 80188

(a) In the case of a person under three years of age, at 80189  
least one developmental delay, as defined in rules adopted under 80190  
section 5123.011 of the Revised Code, or a diagnosed physical or 80191  
mental condition that has a high probability of resulting in a 80192  
developmental delay, as defined in those rules; 80193

(b) In the case of a person at least three years of age but 80194

under six years of age, at least two developmental delays, as 80195  
defined in rules adopted under section 5123.011 of the Revised 80196  
Code; 80197

(c) In the case of a person six years of age or older, a 80198  
substantial functional limitation in at least three of the 80199  
following areas of major life activity, as appropriate for the 80200  
person's age: self-care, receptive and expressive language, 80201  
learning, mobility, self-direction, capacity for independent 80202  
living, and, if the person is at least sixteen years of age, 80203  
capacity for economic self-sufficiency. 80204

(5) It causes the person to need a combination and sequence 80205  
of special, interdisciplinary, or other type of care, treatment, 80206  
or provision of services for an extended period of time that is 80207  
individually planned and coordinated for the person. 80208

"Developmental disability" includes intellectual disability. 80209

(R) "State institution" means an institution that is 80210  
tax-supported and under the jurisdiction of the department of 80211  
developmental disabilities. 80212

(S) "Residence" and "legal residence" have the same meaning 80213  
as "legal settlement," which is acquired by residing in Ohio for a 80214  
period of one year without receiving general assistance prior to 80215  
July 17, 1995, under former Chapter 5113. of the Revised Code, 80216  
without receiving financial assistance prior to December 31, 2017, 80217  
under former Chapter 5115. of the Revised Code, or assistance from 80218  
a private agency that maintains records of assistance given. A 80219  
person having a legal settlement in the state shall be considered 80220  
as having legal settlement in the assistance area in which the 80221  
person resides. No adult person coming into this state and having 80222  
a spouse or minor children residing in another state shall obtain 80223  
a legal settlement in this state as long as the spouse or minor 80224  
children are receiving public assistance, care, or support at the 80225

expense of the other state or its subdivisions. For the purpose of 80226  
determining the legal settlement of a person who is living in a 80227  
public or private institution or in a home subject to licensing by 80228  
the department of job and family services, the department of 80229  
mental health and addiction services, or the department of 80230  
developmental disabilities, the residence of the person shall be 80231  
considered as though the person were residing in the county in 80232  
which the person was living prior to the person's entrance into 80233  
the institution or home. Settlement once acquired shall continue 80234  
until a person has been continuously absent from Ohio for a period 80235  
of one year or has acquired a legal residence in another state. A 80236  
woman who marries a man with legal settlement in any county 80237  
immediately acquires the settlement of her husband. The legal 80238  
settlement of a minor is that of the parents, surviving parent, 80239  
sole parent, parent who is designated the residential parent and 80240  
legal custodian by a court, other adult having permanent custody 80241  
awarded by a court, or guardian of the person of the minor, 80242  
provided that: 80243

(1) A minor female who marries shall be considered to have 80244  
the legal settlement of her husband and, in the case of death of 80245  
her husband or divorce, she shall not thereby lose her legal 80246  
settlement obtained by the marriage. 80247

(2) A minor male who marries, establishes a home, and who has 80248  
resided in this state for one year without receiving general 80249  
assistance prior to July 17, 1995, under former Chapter 5113. of 80250  
the Revised Code, ~~financial assistance under Chapter 5115. of the~~ 80251  
~~Revised Code,~~ or assistance from a private agency that maintains 80252  
records of assistance given shall be considered to have obtained a 80253  
legal settlement in this state. 80254

(3) The legal settlement of a child under eighteen years of 80255  
age who is in the care or custody of a public or private child 80256  
caring agency shall not change if the legal settlement of the 80257



parent changes until after the child has been in the home of the 80258  
parent for a period of one year. 80259

No person, adult or minor, may establish a legal settlement 80260  
in this state for the purpose of gaining admission to any state 80261  
institution. 80262

(T)(1) "Resident" means, subject to division (T)(2) of this 80263  
section, a person who is admitted either voluntarily or 80264  
involuntarily to an institution or other facility pursuant to 80265  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 80266  
Code subsequent to a finding of not guilty by reason of insanity 80267  
or incompetence to stand trial or under this chapter who is under 80268  
observation or receiving habilitation and care in an institution. 80269

(2) "Resident" does not include a person admitted to an 80270  
institution or other facility under section 2945.39, 2945.40, 80271  
2945.401, or 2945.402 of the Revised Code to the extent that the 80272  
reference in this chapter to resident, or the context in which the 80273  
reference occurs, is in conflict with any provision of sections 80274  
2945.37 to 2945.402 of the Revised Code. 80275

(U) "Respondent" means the person whose detention, 80276  
commitment, or continued commitment is being sought in any 80277  
proceeding under this chapter. 80278

(V) "Working day" and "court day" mean Monday, Tuesday, 80279  
Wednesday, Thursday, and Friday, except when such day is a legal 80280  
holiday. 80281

(W) "Prosecutor" means the prosecuting attorney, village 80282  
solicitor, city director of law, or similar chief legal officer 80283  
who prosecuted a criminal case in which a person was found not 80284  
guilty by reason of insanity, who would have had the authority to 80285  
prosecute a criminal case against a person if the person had not 80286  
been found incompetent to stand trial, or who prosecuted a case in 80287  
which a person was found guilty. 80288

(X) "Court" means the probate division of the court of common pleas. 80289  
80290

(Y) "Supported living" and "residential services" have the same meanings as in section 5126.01 of the Revised Code. 80291  
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**Sec. 5123.377.** (A) As used in this section: 80293

(1) "Adult services" has the same meaning as in section 5126.01 of the Revised Code. 80294  
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(2) "Community adult facility" means a facility in which adult services are provided or a facility associated with the provision of adult services. 80296  
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(3) "Renovation" means work done to a building to restore it to an acceptable condition and to make it functional for use by individuals with developmental disabilities. "Renovation" includes architectural and structural changes and the modernization of mechanical and electrical systems. "Renovation" does not include work that consists primarily of maintenance repairs and replacements necessary due to normal use, wear and tear, or deterioration. 80299  
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(B) The director of developmental disabilities may change the terms of an agreement entered into with a county board of developmental disabilities or a board of county commissioners pursuant to section 5123.36 of the Revised Code or other statutory authority in effect before July 1, 1980, regarding the construction, acquisition, or renovation of a community adult facility if all of the following apply: 80307  
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(1) The agreement was entered into ~~during the period beginning January 1, 1976, and ending on or before~~ December 31, 1999. 80314  
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(2) The agreement requires the county board or board of county commissioners to use the community adult facility for at 80317  
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least forty years. 80319

(3) The county board or board of county commissioners submits 80320  
to the director an application for a change in the agreement's 80321  
terms that includes all of the following: 80322

(a) A statement of intent to close the facility and the 80323  
anticipated date of closure; 80324

(b) The number of individuals with developmental disabilities 80325  
served in the facility at the time of application; 80326

(c) Identification of alternative providers of services to be 80327  
offered to those individuals; 80328

(d) A commitment and demonstration that those individuals 80329  
will receive services from the alternative providers; 80330

(e) A resolution from the county board or board of county 80331  
commissioners authorizing the application, including a commitment 80332  
that if the facility is sold, the county board or board of county 80333  
commissioners will do either of the following: 80334

(i) Reimburse the department of developmental disabilities 80335  
the proceeds of the sale up to the outstanding balance owed under 80336  
the agreement; 80337

(ii) Use the proceeds of the sale for the acquisition, 80338  
renovation, or accessibility modification of housing for 80339  
individuals with developmental disabilities that complies with the 80340  
requirements established by the director. 80341

(4) The director may establish a deadline by which the county 80342  
board or board of county commissioners shall use the proceeds of a 80343  
sale pursuant to division (B)(3)(e)(ii) of this section. The 80344  
director may extend the deadline as many times as the director 80345  
determines necessary. 80346

(C) Agreement terms that may be changed pursuant to division 80347  
(B) of this section include terms regarding the length of time the 80348

facility must be used as a community adult facility. 80349

**Sec. 5123.378.** (A) As used in this section: 80350

(1) "Community early childhood facility" means a facility in 80351  
which early childhood services are provided. 80352

(2) "Early childhood services" has the same meaning as in 80353  
section 5126.01 of the Revised Code. 80354

(3) "Renovation" means work done to a building to restore it 80355  
to an acceptable condition and to make it functional for use by 80356  
individuals with developmental disabilities. "Renovation" includes 80357  
architectural and structural changes and the modernization of 80358  
mechanical and electrical systems. "Renovation" does not include 80359  
work that consists primarily of maintenance repairs and 80360  
replacements necessary due to normal use, wear and tear, or 80361  
deterioration. 80362

(B) The director of developmental disabilities may change the 80363  
terms of an agreement entered into with a county board of 80364  
developmental disabilities or a board of county commissioners 80365  
pursuant to section 5123.36 of the Revised Code or other statutory 80366  
authority in effect before July 1, 1980, regarding the 80367  
construction, acquisition, or renovation of a community early 80368  
childhood facility if all of the following apply: 80369

(1) The agreement was entered into ~~during the period~~ 80370  
~~beginning January 1, 1976, and ending on or before~~ December 31, 80371  
1999. 80372

(2) The agreement requires the county board or board of 80373  
county commissioners to use the community early childhood facility 80374  
for at least fifteen years. 80375

(3) The county board or board of county commissioners submits 80376  
to the director an application for a change in the agreement's 80377  
terms that includes all of the following: 80378

(a) A statement of intent to close the facility and the anticipated date of closure; 80379  
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(b) The number of individuals with developmental disabilities served in the facility at the time of application; 80381  
80382

(c) A commitment and demonstration that those individuals will continue to receive services; 80383  
80384

(d) A resolution from the county board or board of county commissioners authorizing the application, including a commitment that if the facility is sold, the county board or board of county commissioners will do either of the following: 80385  
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(i) Reimburse the department of developmental disabilities the proceeds of the sale up to the outstanding balance owed under the agreement; 80389  
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(ii) Use the proceeds of the sale for the acquisition, renovation, or accessibility modification of housing for individuals with developmental disabilities that complies with the requirements established by the director. 80392  
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(4) The director may establish a deadline by which the county board or board of county commissioners shall use the proceeds of a sale pursuant to division (B)(3)(d)(ii) of this section. The director may extend the deadline as many times as the director determines necessary. 80396  
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(C) Agreement terms that may be changed pursuant to division (B) of this section include terms regarding the length of time the facility must be used as a community early childhood facility. 80401  
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**Sec. 5123.38.** (A) Except as provided in division (B) of this section, if an individual ~~receiving supported living or home and community based services funded by a county board of developmental disabilities~~ is committed to a state-operated ICF/IID pursuant to sections 5123.71 to 5123.76 of the Revised Code, the county board 80404  
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of developmental disabilities of the county from which the 80409  
individual was ordered institutionalized is responsible for the 80410  
nonfederal share of medicaid expenditures for the individual's 80411  
care in the state-operated ICF/IID. The department of 80412  
developmental disabilities shall collect the amount of the 80413  
nonfederal share from the county board by either withholding that 80414  
amount from funds the department has otherwise allocated to the 80415  
county board or submitting an invoice for payment of that amount 80416  
to the county board. 80417

(B) Division (A) of this section does not apply under ~~any~~ 80418  
either of the following circumstances: 80419

(1) ~~The county board, not~~ Not later than ~~ninety one hundred~~ 80420  
~~eighty~~ days after the date of the commitment of ~~a person receiving~~ 80421  
~~supported living an individual, commences funding of supported~~ 80422  
~~living for an individual who resides in a state operated ICF/IID~~ 80423  
~~on the date of the commitment or another eligible individual~~ 80424  
~~designated by the department~~ the county board arranges for the 80425  
provision of alternative services for the individual, and the 80426  
individual is discharged from the ICF/IID. 80427

(2) ~~The county board, not later than ninety days after the~~ 80428  
~~date of the commitment of a person receiving home and~~ 80429  
~~community based services, commences funding of home and~~ 80430  
~~community based services for an individual who resides in a~~ 80431  
~~state operated ICF/IID on the date of the commitment or another~~ 80432  
~~eligible individual designated by the department.~~ 80433

~~(3)~~ The director of developmental disabilities, after 80434  
determining that circumstances warrant granting a waiver in an 80435  
individual's case, grants the county board a waiver that exempts 80436  
the county board from responsibility for the nonfederal share for 80437  
that case. 80438

**Sec. 5123.47.** (A) As used in this section: 80439

(1) "In-home care" means the supportive services provided 80440  
within the home of an individual with a developmental disability 80441  
who receives funding for the services through a county board of 80442  
developmental disabilities, including any recipient of residential 80443  
services funded as home and community-based services, family 80444  
support services provided under section 5126.11 of the Revised 80445  
Code, or supported living provided in accordance with sections 80446  
5126.41 to 5126.47 of the Revised Code. "In-home care" includes 80447  
care that is provided outside an individual's home in places 80448  
incidental to the home, and while traveling to places incidental 80449  
to the home, except that "in-home care" does not include care 80450  
provided in the facilities of a county board of developmental 80451  
disabilities or care provided in schools. 80452

(2) "Parent" means either parent of a child, including an 80453  
adoptive parent but not a foster parent. 80454

(3) "Unlicensed in-home care worker" means an individual who 80455  
provides in-home care but is not a health care professional. 80456

(4) "Family member" means a parent, sibling, spouse, son, 80457  
daughter, grandparent, aunt, uncle, cousin, or guardian of the 80458  
individual with a developmental disability if the individual with 80459  
a developmental disability lives with the person and is dependent 80460  
on the person to the extent that, if the supports were withdrawn, 80461  
another living arrangement would have to be found. 80462

(5) "Health care professional" means any of the following: 80463

(a) A dentist who holds a valid license issued under Chapter 80464  
4715. of the Revised Code; 80465

(b) A registered or licensed practical nurse who holds a 80466  
valid license issued under Chapter 4723. of the Revised Code; 80467

(c) An optometrist who holds a valid license issued under 80468  
Chapter 4725. of the Revised Code; 80469

(d) A pharmacist who holds a valid license issued under Chapter 4729. of the Revised Code;	80470 80471
(e) A person who holds a valid <u>license or</u> certificate issued under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited brand of medicine;	80472 80473 80474 80475
(f) A physician assistant who holds a valid license issued under Chapter 4730. of the Revised Code;	80476 80477
(g) An occupational therapist or occupational therapy assistant or a physical therapist or physical therapist assistant who holds a valid license issued under Chapter 4755. of the Revised Code;	80478 80479 80480 80481
(h) A respiratory care professional who holds a valid license issued under Chapter 4761. of the Revised Code.	80482 80483
(6) "Health care task" means a task that is prescribed, ordered, delegated, or otherwise directed by a health care professional acting within the scope of the professional's practice. "Health care task" includes the administration of oral and topical prescribed medications; administration of nutrition and medications through gastrostomy and jejunostomy tubes that are stable and labeled; administration of oxygen and metered dose inhaled medications; administration of insulin through subcutaneous injections, inhalation, and insulin pumps; and administration of prescribed medications for the treatment of metabolic glycemc disorders through subcutaneous injections.	80484 80485 80486 80487 80488 80489 80490 80491 80492 80493 80494
(B) Except as provided in division (E) of this section, a family member of an individual with a developmental disability may authorize an unlicensed in-home care worker to perform health care tasks as part of the in-home care the worker provides to the individual, if all of the following apply:	80495 80496 80497 80498 80499
(1) The family member is the primary supervisor of the care.	80500



(2) The unlicensed in-home care worker has been selected by 80501  
the family member or the individual receiving care and is under 80502  
the direct supervision of the family member. 80503

(3) The unlicensed in-home care worker is providing the care 80504  
through an employment or other arrangement entered into directly 80505  
with the family member and is not otherwise employed by or under 80506  
contract with a person or government entity to provide services to 80507  
individuals with developmental disabilities. 80508

(4) The health care task is completed in accordance with 80509  
standard, written instructions. 80510

(5) Performance of the health care task requires no judgment 80511  
based on specialized health care knowledge or expertise. 80512

(6) The outcome of the health care task is reasonably 80513  
predictable. 80514

(7) Performance of the health care task requires no complex 80515  
observation of the individual receiving the care. 80516

(8) Improper performance of the health care task will result 80517  
in only minimal complications that are not life-threatening. 80518

(C) A family member shall obtain a prescription, if 80519  
applicable, and written instructions from a health care 80520  
professional for the care to be provided to the individual. The 80521  
family member shall authorize the unlicensed in-home care worker 80522  
to provide the care by preparing a written document granting the 80523  
authority. The family member shall provide the unlicensed in-home 80524  
care worker with appropriate training and written instructions in 80525  
accordance with the instructions obtained from the health care 80526  
professional. The family member or a health care professional 80527  
shall be available to communicate with the unlicensed in-home care 80528  
worker either in person or by telecommunication while the in-home 80529  
care worker performs a health care task. 80530

(D) A family member who authorizes an unlicensed in-home care worker to administer oral and topical prescribed medications or perform other health care tasks retains full responsibility for the health and safety of the individual receiving the care and for ensuring that the worker provides the care appropriately and safely. No entity that funds or monitors the provision of in-home care may be held liable for the results of the care provided under this section by an unlicensed in-home care worker, including such entities as the county board of developmental disabilities and the department of developmental disabilities.

An unlicensed in-home care worker who is authorized under this section by a family member to provide care to an individual may not be held liable for any injury caused in providing the care, unless the worker provides the care in a manner that is not in accordance with the training and instructions received or the worker acts in a manner that constitutes willful or wanton misconduct.

(E) A county board of developmental disabilities may evaluate the authority granted by a family member under this section to an unlicensed in-home care worker at any time it considers necessary and shall evaluate the authority on receipt of a complaint. If the board determines that a family member has acted in a manner that is inappropriate for the health and safety of the individual receiving the care, the authorization granted by the family member to an unlicensed in-home care worker is void, and the family member may not authorize other unlicensed in-home care workers to provide the care. In making such a determination, the board shall use appropriately licensed health care professionals and shall provide the family member an opportunity to file a complaint under section 5126.06 of the Revised Code.

**Sec. 5123.60.** (A) As used in this section and section 80561

5123.601 of the Revised Code, "Ohio protection and advocacy system" means the nonprofit entity designated by the governor in accordance with Am. Sub. H.B. 153 of the 129th general assembly to serve as the state's protection and advocacy system and client assistance program.

(B) The Ohio protection and advocacy system shall provide both of the following:

(1) Advocacy services for people with disabilities, as provided under section 101 of the "Developmental Disabilities Assistance and Bill of Rights Act of 2000," 114 Stat. 1678 (2000), 42 U.S.C. 15001;

(2) A client assistance program, as provided under section 112 of the ~~"Workforce Investment Act of 1998," 112 Stat. 1163 (1998), 29 U.S.C. 732, as amended~~ "Rehabilitation Act of 1973," 29 U.S.C. 732.

(C) The Ohio protection and advocacy system may establish any guidelines necessary for its operation.

**Sec. 5126.0221.** (A) As used in this section, "specialized services" has the same meaning as in section 5123.081 of the Revised Code.

(B) Except as provided in division (C) of section 5126.033 of the Revised Code, none of the following individuals may be employed by a county board of developmental disabilities:

(1) An employee of an agency contracting with the county board;

(2) An immediate family member of an employee of an agency contracting with the county board unless the county board adopts a resolution authorizing the immediate family member's employment with the county board or the employment is consistent with a

policy adopted by the board establishing parameters for such 80591  
employment and the policy is consistent with Chapter 102. and 80592  
sections 2921.42, 2921.421, and 2921.43 of the Revised Code; 80593

~~(3) An individual with an immediate family member who serves~~ 80594  
~~as~~ Except for an individual employed by a county board before 80595  
October 31, 1980, the spouse, son, or daughter of a county 80596  
commissioner of ~~any of the counties~~ county served by the county 80597  
board ~~unless the individual was an employee of the county board~~ 80598  
~~before October 31, 1980;.~~ 80599

(4) An individual who is employed by, has an ownership 80600  
interest in, performs or provides administrative duties for, or is 80601  
a member of the governing board of an entity that provides 80602  
specialized services, regardless of whether the entity contracts 80603  
with the county board to provide specialized services. 80604

**Sec. 5126.042.** (A) As used in this section, "emergency 80605  
status" means ~~a status that an individual with developmental~~ 80606  
~~disabilities has when the individual is at risk of substantial~~ 80607  
~~self harm or substantial harm to others if action is not taken~~ 80608  
~~within thirty days. An "emergency status" may include a status~~ 80609  
~~resulting from one or more of the following situations:~~ 80610

~~(1) Loss of present residence for any reason, including legal~~ 80611  
~~action;~~ 80612

~~(2) Loss of present caretaker for any reason, including~~ 80613  
~~serious illness of the caretaker, change in the caretaker's~~ 80614  
~~status, or inability of the caretaker to perform effectively for~~ 80615  
~~the individual;~~ 80616

~~(3) Abuse, neglect, or exploitation of the individual;~~ 80617

~~(4) Health and safety conditions that pose a serious risk to~~ 80618  
~~the individual or others of immediate harm or death;~~ 80619

~~(5) Change in the emotional or physical condition of the~~ 80620

~~individual that necessitates substantial accommodation that cannot~~ 80621  
~~be reasonably provided by the individual's existing caretaker~~ 80622  
"Department of developmental disabilities-administered medicaid 80623  
waiver component" means a medicaid waiver component administered 80624  
by the department of developmental disabilities pursuant to 80625  
section 5166.21 of the Revised Code. 80626

(B) If a county board of developmental disabilities 80627  
determines that available resources are not sufficient to meet the 80628  
needs of all individuals who request non-medicaid programs or 80629  
services, it shall establish one or more waiting lists for the 80630  
non-medicaid programs or services in accordance with its plan 80631  
developed under section 5126.04 of the Revised Code. The board may 80632  
establish priorities for making placements on its waiting lists 80633  
established under this division. Any such priorities shall be 80634  
consistent with the board's plan and applicable law. 80635

(C) If a county board determines that available resources are 80636  
insufficient to ~~meet the needs of~~ enroll in department of 80637  
developmental disabilities-administered medicaid waiver components 80638  
all individuals who ~~request~~ are assessed as needing home and 80639  
community-based services, it shall establish a waiting list for 80640  
the services in accordance with rules adopted under this section. 80641  
~~An individual's date of placement on the waiting list shall be the~~ 80642  
~~date a request is made to the board for the individual to receive~~ 80643  
~~the home and community based services. The board shall provide for~~ 80644  
~~an individual who has an emergency status to receive priority~~ 80645  
~~status on the waiting list. The board shall also provide for an~~ 80646  
~~individual to whom any of the following apply to receive priority~~ 80647  
~~status on the waiting list in accordance with rules adopted under~~ 80648  
~~division (E) of this section:~~ 80649

~~(1) The individual is receiving supported living, family~~ 80650  
~~support services, or adult services for which no federal financial~~ 80651  
~~participation is received under the medicaid program;~~ 80652

~~(2) The individual's primary caregiver is at least sixty years of age;~~ 80653  
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~~(3) The individual has intensive needs as determined in accordance with rules adopted under division (E) of this section;~~ 80655  
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~~(4) The individual resides in an ICF/IID, as defined in section 5124.01 of the Revised Code;~~ 80657  
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~~(5) The individual resides in a nursing facility, as defined in section 5165.01 of the Revised Code.~~ 80659  
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~~(D) If two or more individuals on a waiting list established under division (C) of this section have priority for the services pursuant to that division, a county board shall use criteria specified in rules adopted under division (E) of this section in determining the order in which the individuals with priority will be offered the services. An individual who has priority for home and community based services because the individual has an emergency status has priority for the services over all other individuals on the waiting list who do not have emergency status.~~ 80661  
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~~(E) The department director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing a county board's waiting lists list established under division (C) of this section. ~~The, including~~ rules shall include procedures to be followed to that establish all of the following:~~ 80670  
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(1) Procedures a county board is to follow to transition individuals from a waiting list the county board established under division (C) of this section before the effective date of this amendment to the waiting list the county board establishes under that division after that date; 80676  
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(2) Procedures by which a county board is to ensure that the due process rights of individuals placed on the county board's waiting lists list are not violated. As part of the rules adopted 80681  
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~~under this division, the department shall adopt rules establishing~~ 80684  
~~criteria a county board shall use under division (D) of this~~ 80685  
~~section in determining the order in which individuals with~~ 80686  
~~priority for home and community-based services pursuant to~~ 80687  
~~division (C) of this section will be offered the services~~ 80688  
~~observed;~~ 80689

(3) Criteria a county board is to use to determine all of the 80690  
following: 80691

(a) An individual's eligibility to be placed on the county 80692  
board's waiting list; 80693

(b) The date an individual was assessed as needing home and 80694  
community-based services; 80695

(c) The order in which individuals on the county board's 80696  
waiting list are to be offered enrollment in a department of 80697  
developmental disabilities-administered medicaid waiver component; 80698

(d) The department of developmental disabilities-administered 80699  
medicaid waiver component in which an individual on the county 80700  
board's waiting list is to be offered enrollment. 80701

(4) Grounds for removing an individual from the county 80702  
board's waiting list. 80703

(E) The director shall consult with all of the following when 80704  
adopting rules under division (D) of this section: 80705

(1) Individuals with developmental disabilities; 80706

(2) Associations representing individuals with developmental 80707  
disabilities and the families of such individuals; 80708

(3) Associations representing providers of services to 80709  
individuals with developmental disabilities; 80710

(4) The Ohio association of county boards serving people with 80711  
developmental disabilities. 80712

(F) The following shall take precedence over the applicable provisions of this section:

(1) Medicaid rules and regulations;

(2) Any specific requirements that may be contained within a medicaid state plan amendment or department of disabilities-administered medicaid waiver ~~program that a county board has authority to administer or component~~ with respect to which ~~it~~ a county board has authority to provide services, programs, or supports.

**Sec. 5126.054.** (A) Each county board of developmental disabilities shall, by resolution, develop a three-calendar year plan that includes the following three components:

(1) An assessment component that includes all of the following:

(a) The number of individuals with developmental disabilities residing in the county who need the level of care provided by an ICF/IID, may seek home and community-based services, and are ~~given priority placed~~ on a the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code; the service needs of those individuals; and the projected annualized cost for services;

(b) The source of funds available to the county board to pay the nonfederal share of medicaid expenditures that the county board is required by sections 5126.059 and 5126.0510 of the Revised Code to pay;

(c) Any other applicable information or conditions that the department of developmental disabilities requires as a condition of approving the component under section 5123.046 of the Revised Code.

(2) A preliminary implementation component that specifies the



number of individuals to be provided, during the first year that 80743  
the plan is in effect, home and community-based services pursuant 80744  
to their placement on the county board's waiting list ~~priority~~ 80745  
~~given to them under~~ established for the services pursuant to 80746  
section 5126.042 of the Revised Code and the types of home and 80747  
community-based services the individuals are to receive; 80748

(3) A component that provides for the implementation of 80749  
medicaid case management services and home and community-based 80750  
services for individuals who begin to receive the services on or 80751  
after the date the plan is approved under section 5123.046 of the 80752  
Revised Code. A county board shall include all of the following in 80753  
the component: 80754

(a) If the department of developmental disabilities or 80755  
department of medicaid requires, an agreement to pay the 80756  
nonfederal share of medicaid expenditures that the county board is 80757  
required by sections 5126.059 and 5126.0510 of the Revised Code to 80758  
pay; 80759

(b) How the services are to be phased in over the period the 80760  
plan covers, including how the county board will serve individuals 80761  
~~who have priority placed on a~~ the county board's waiting list 80762  
~~established under~~ for the services pursuant to section 5126.042 of 80763  
the Revised Code; 80764

(c) Any agreement or commitment regarding the county board's 80765  
funding of home and community-based services that the county board 80766  
has with the department at the time the county board develops the 80767  
component; 80768

(d) Assurances adequate to the department that the county 80769  
board will comply with all of the following requirements: 80770

(i) To provide the types of home and community-based services 80771  
specified in the preliminary implementation component required by 80772  
division (A)(2) of this section to at least the number of 80773

individuals specified in that component; 80774

(ii) To use any additional funds the county board receives 80775  
for the services to improve the county board's resource 80776  
capabilities for supporting such services available in the county 80777  
at the time the component is developed and to expand the services 80778  
to accommodate the unmet need for those services in the county; 80779

(iii) To employ or contract with a business manager or enter 80780  
into an agreement with another county board of developmental 80781  
disabilities that employs or contracts with a business manager to 80782  
have the business manager serve both county boards. No 80783  
superintendent of a county board may serve as the county board's 80784  
business manager. 80785

(iv) To employ or contract with a medicaid services manager 80786  
or enter into an agreement with another county board of 80787  
developmental disabilities that employs or contracts with a 80788  
medicaid services manager to have the medicaid services manager 80789  
serve both county boards. No superintendent of a county board may 80790  
serve as the county board's medicaid services manager. 80791

(e) Programmatic and financial accountability measures and 80792  
projected outcomes expected from the implementation of the plan; 80793

(f) Any other applicable information or conditions that the 80794  
department requires as a condition of approving the component 80795  
under section 5123.046 of the Revised Code. 80796

(B) A county board whose plan developed under division (A) of 80797  
this section is approved by the department under section 5123.046 80798  
of the Revised Code shall update and renew the plan in accordance 80799  
with a schedule the department shall develop. 80800

**Sec. 5149.10.** (A)(1) The parole board shall consist of up to 80801  
twelve members, one of whom shall be designated as chairperson by 80802  
the director of the department of rehabilitation and correction 80803

and who shall continue as chairperson until a successor is 80804  
designated, and any other personnel that are necessary for the 80805  
orderly performance of the duties of the board. In addition to the 80806  
rules authorized by section 5149.02 of the Revised Code, the chief 80807  
of the adult parole authority, subject to the approval of the 80808  
chief of the division of parole and community services and subject 80809  
to this section, shall adopt rules governing the proceedings of 80810  
the parole board. The rules shall provide for all of the 80811  
following: 80812

(a) The convening of full board hearings,~~the~~; 80813

(b) The procedures to be followed in full board hearings,~~and~~ 80814  
~~general~~; 80815

(c) General procedures to be followed in other hearings of 80816  
the board and by the board's hearing officers.~~The rules also~~ 80817  
~~shall require agreement by~~; 80818

(d) A requirement that a majority of all the board members 80819  
must agree to any recommendation of clemency transmitted to the 80820  
governor~~;~~ 80821

(e) For parole hearings, procedures for considering the 80822  
report of the warden of the institution in which the eligible 80823  
prisoner is incarcerated, submitted under section 5120.68 of the 80824  
Revised Code. 80825

(2) When the board members sit as a full board, the 80826  
chairperson shall preside. The chairperson shall also allocate the 80827  
work of the parole board among the board members. The full board 80828  
shall meet at least once each month. In the case of a tie vote on 80829  
the full board, the chief of the adult parole authority shall cast 80830  
the deciding vote. The chairperson may designate a person to serve 80831  
in the chairperson's place. 80832

(3) Except for the chairperson and the member appointed under 80833  
division (B) of this section, a member appointed to the parole 80834

board on or after ~~the effective date of this amendment~~ September 80835  
30, 2011, shall be appointed to a six-year term. A member 80836  
appointed as described in this division shall hold office from the 80837  
date of appointment until the end of the term for which the member 80838  
was appointed. A member appointed as described in this division is 80839  
eligible for reappointment for another six-year term that may or 80840  
may not be consecutive to the first six-year term. A member 80841  
appointed as described in this division is not eligible for 80842  
reappointment after serving two six-year terms whether or not 80843  
served consecutively. Vacancies shall be filled in the same manner 80844  
provided for original appointments. Any member appointed as 80845  
described in this division to fill a vacancy occurring prior to 80846  
the expiration date of the term for which the member's predecessor 80847  
was appointed shall begin that member's first six-year term upon 80848  
appointment, regardless of the time remaining in the term of the 80849  
member's predecessor. A member appointed as described in this 80850  
division shall continue in office subsequent to the expiration 80851  
date of the member's term until the member's successor takes 80852  
office or until a period of sixty days has elapsed, whichever 80853  
occurs first. 80854

(4) Except as otherwise provided in division (B) of this 80855  
section, no person shall be appointed a member of the board who is 80856  
not qualified by education or experience in correctional work, 80857  
including law enforcement, prosecution of offenses, advocating for 80858  
the rights of victims of crime, probation, or parole, in law, in 80859  
social work, or in a combination of the three categories. 80860

(B) The director of rehabilitation and correction, in 80861  
consultation with the governor, shall appoint one member of the 80862  
board, who shall be a person who has been a victim of crime or who 80863  
is a member of a victim's family or who represents an organization 80864  
that advocates for the rights of victims of crime. After 80865  
appointment, this member shall be an unclassified employee of the 80866

department of rehabilitation and correction. 80867

The initial appointment shall be for a term ending four years 80868  
after July 1, 1996. Thereafter, the term of office of the member 80869  
appointed under this division shall be for four years, with each 80870  
term ending on the same day of the same month as did the term that 80871  
it succeeds. The member shall hold office from the date of 80872  
appointment until the end of the term for which the member was 80873  
appointed and may be reappointed. Vacancies shall be filled in the 80874  
manner provided for original appointments. Any member appointed 80875  
under this division to fill a vacancy occurring prior to the 80876  
expiration date of the term for which the member's predecessor was 80877  
appointed shall hold office as a member for the remainder of that 80878  
term. The member appointed under this division shall continue in 80879  
office subsequent to the expiration date of the member's term 80880  
until the member's successor takes office or until a period of 80881  
sixty days has elapsed, whichever occurs first. 80882

The member appointed under this division shall be compensated 80883  
in the same manner as other board members and shall be reimbursed 80884  
for actual and necessary expenses incurred in the performance of 80885  
the member's duties. The member may vote on all cases heard by the 80886  
full board under section 5149.101 of the Revised Code, has such 80887  
duties as are assigned by the chairperson of the board, and shall 80888  
coordinate the member's activities with the office of victims' 80889  
services created under section 5120.60 of the Revised Code. 80890

As used in this division, "crime," "member of the victim's 80891  
family," and "victim" have the meanings given in section 2930.01 80892  
of the Revised Code. 80893

(C) The chairperson shall submit all recommendations for or 80894  
against clemency directly to the governor. 80895

(D) The chairperson shall transmit to the chief of the adult 80896  
parole authority all determinations for or against parole made by 80897

the board. Parole determinations are final and are not subject to review or change by the chief.

(E) In addition to its duties pertaining to parole and clemency, if an offender is sentenced to a prison term pursuant to division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code, the parole board shall have control over the offender's service of the prison term during the entire term unless the board terminates its control in accordance with section 2971.04 of the Revised Code. The parole board may terminate its control over the offender's service of the prison term only in accordance with section 2971.04 of the Revised Code.

**Sec. 5149.311.** (A) The department of rehabilitation and correction shall establish and administer the probation improvement grant and the probation incentive grant for common pleas, municipal, and county court probation departments and community-based correctional facilities that supervise offenders sentenced by courts of common pleas ~~or~~, municipal courts, or county courts.

(B)(1) The probation improvement grant shall provide funding to common pleas, municipal, and county court probation departments and community-based correctional facilities to adopt policies and practices based on the latest research on how to reduce the number of offenders on probation supervision who violate the conditions of their supervision.

(2) The department shall adopt rules for the distribution of the probation improvement grant, including the both of the following:

(a) The formula for the allocation of the subsidy based on the number of offenders placed on probation annually in each jurisdiction;

(b) The allocation of funds for the purpose of offsetting costs incurred by political subdivisions in relation to offenders who are prohibited from serving the term of imprisonment in an institution under the control of the department of rehabilitation and correction pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. 80929  
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(C)(1) The probation incentive grant shall provide a performance-based level of funding to common pleas, municipal, and county court probation departments and community-based correctional facilities that are successful in reducing the number of offenders on probation supervision whose terms of supervision are revoked. 80935  
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(2) The department shall calculate annually any cost savings realized by the state from a reduction in the percentage of people who are incarcerated because their terms of supervised probation were revoked. The cost savings estimate shall be calculated for each jurisdiction served by the probation department or community-based correctional facility eligible for a grant under this section and be based on the difference from ~~fiscal year 2010~~ the average of such commitments from the five calendar years immediately preceding the calendar year in which application for the grant was made and the fiscal year under examination. 80941  
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(3) The department shall adopt rules that specify the subsidy amount to be appropriated to common pleas, municipal, and county court probation departments and community-based correctional facilities that successfully reduce the percentage of people on probation who are incarcerated because their terms of supervision are revoked. 80951  
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(D) The following stipulations apply to both the probation improvement grant and the probation incentive grant: 80957  
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(1) In order to be eligible for the probation improvement 80959

grant and the probation incentive grant, common pleas, municipal, 80960  
and county courts must satisfy all requirements under sections 80961  
2301.27 and 2301.30 of the Revised Code. Except for sentencing 80962  
decisions made by a court when use of the risk assessment tool is 80963  
discretionary, in order to be eligible for the probation 80964  
improvement grant and the probation incentive grant, a court or 80965  
community-based correctional facility must utilize the single 80966  
validated risk assessment tool selected by the department of 80967  
rehabilitation and correction under section 5120.114 of the 80968  
Revised Code. 80969

(2) The department may deny a subsidy under this section to 80970  
any applicant if the applicant fails to comply with the terms of 80971  
any agreement entered into pursuant to any of the provisions of 80972  
this section. 80973

(3) The department shall evaluate or provide for the 80974  
evaluation of the policies, practices, and programs the common 80975  
pleas, municipal, or county court probation departments or 80976  
community-based correctional facilities utilize with the programs 80977  
of subsidies established under this section and establish means of 80978  
measuring their effectiveness. 80979

(4) The department shall specify the policies, practices, and 80980  
programs for which common pleas, municipal, or county court 80981  
probation departments or community-based correctional facilities 80982  
may use the program subsidy and shall establish minimum standards 80983  
of quality and efficiency that recipients of the subsidy must 80984  
follow. The department shall give priority to supporting 80985  
evidence-based policies and practices, as defined by the 80986  
department. 80987

**Sec. 5149.36.** Subject to appropriations by the general 80988  
assembly, the department of rehabilitation and correction shall 80989  
award subsidies to eligible municipal corporations, counties, and 80990



groups of counties pursuant to the subsidy programs described in 80991  
division (A)(1) of section 5149.31 of the Revised Code only in 80992  
accordance with criteria that the department shall specify in 80993  
rules adopted pursuant to Chapter 119. of the Revised Code. The 80994  
criteria shall be designed to provide for subsidy awards only on 80995  
the basis of demonstrated need and the satisfaction of specified 80996  
priorities. The criteria shall ~~be consistent with the following:~~ 80997

~~(A) First require that priority shall be given to the 80998  
continued funding of existing community corrections programs that 80999  
satisfy the standards adopted pursuant to division (A)(2) of 81000  
section 5149.31 of the Revised Code and that are designed to 81001  
reduce the number of persons committed to state correctional 81002  
institutions.~~ 81003

~~(B) Second priority shall be given to new community 81004  
corrections programs that are designed to reduce the number of 81005  
persons committed to state correctional institutions or the number 81006  
of persons committed to county, multicounty, municipal, 81007  
municipal-county, or multicounty-municipal jails or workhouses. 81008~~

Sec. 5149.38. (A) In each target county and in each voluntary 81009  
county, subject to division (B) of this section and not later than 81010  
thirty days after the effective date of this section, a county 81011  
commissioner representing the board of county commissioners of the 81012  
county, the administrative judge of the general division of the 81013  
court of common pleas of the county, the sheriff of the county, 81014  
and an official from any municipality operating a local 81015  
correctional facility in the county to which courts of the county 81016  
sentence offenders shall agree to, sign, and submit to the 81017  
department of rehabilitation and correction for its approval a 81018  
memorandum of understanding that does both of the following: 81019

(1) Sets forth the plans by which the county will use grant 81020  
money provided to the county in state fiscal year 2018 and 81021

succeeding state fiscal years under the targeting community 81022  
alternatives to prison (T-CAP) program. 81023

(2) Specifies the manner in which the county will address a 81024  
per diem reimbursement of local correctional facilities for 81025  
prisoners who serve a prison term in the facility pursuant to 81026  
division (B)(3)(c) of section 2929.34 of the Revised Code. The per 81027  
diem reimbursement rate shall be the rate determined in division 81028  
(F)(1) of this section and shall be specified in the memorandum. 81029

(B) Two or more target counties or voluntary counties may 81030  
join together to jointly establish a memorandum of understanding 81031  
of the type described in division (A) of this section. Not later 81032  
than thirty days after the effective date of this section, a 81033  
county commissioner from each of the affiliating target counties 81034  
or voluntary counties representing the county's board of county 81035  
commissioners, the administrative judge of the general division of 81036  
the court of common pleas of each affiliating target county or 81037  
voluntary county, the sheriff of each affiliating target county or 81038  
voluntary county, and an official from any municipality operating 81039  
a local correctional facility in the affiliating target counties 81040  
and voluntary counties to which courts of the counties sentence 81041  
offenders shall agree to, sign, and submit to the department of 81042  
rehabilitation and correction for its approval the memorandum of 81043  
understanding. The memorandum of understanding shall set forth the 81044  
plans by which, and specify the manner in which, the affiliating 81045  
counties will complete the tasks identified in divisions (A)(1) 81046  
and (2) of this section. 81047

(C) The department of rehabilitation and correction shall 81048  
adopt rules establishing standards for approval of memorandums of 81049  
understanding submitted to it under division (A) or (B) of this 81050  
section. The department shall review the memorandums of 81051  
understanding submitted to it and may require the county or 81052  
counties that submit a memorandum to modify the memorandum. The 81053

director of rehabilitation and correction shall approve 81054  
memorandums of understanding submitted to it under division (A) or 81055  
(B) of this section that the director determines satisfy the 81056  
standards adopted by the department within thirty days after 81057  
receiving each memorandum submitted. 81058

(D) Any person responsible for agreeing to, signing, and 81059  
submitting a memorandum of understanding under division (A) or (B) 81060  
of this section may delegate the person's authority to do so to an 81061  
employee of the agency, entity, or office served by the person. 81062

(E) The persons signing a memorandum of understanding under 81063  
division (A) or (B) of this section, or their successors in 81064  
office, may revise the memorandum as they determine necessary. Any 81065  
revision of the memorandum shall be signed by the parties 81066  
specified in division (A) or (B) of this section and submitted to 81067  
the department of rehabilitation and correction for its approval 81068  
under division (C) of this section within thirty days after the 81069  
beginning of the state fiscal year. 81070

(F)(1) In each county, the sheriff shall determine the per 81071  
diem costs for local correctional facilities in the county for the 81072  
housing of prisoners who serve a term in the facility pursuant to 81073  
division (B)(3)(c) of that section, as follows: 81074

(a) In calendar year 2017, not later than the date on which 81075  
the appropriate representatives of the county enter into a 81076  
contract with the department of rehabilitation and correction 81077  
under the targeting community alternatives to prison (T-CAP) 81078  
program, the sheriff shall determine the per diem costs for each 81079  
of the facilities for the housing in the facility of prisoners 81080  
serving a prison term for a felony in calendar year 2016. The per 81081  
diem cost so determined shall apply in calendar year 2017. 81082

(b) Commencing in calendar year 2018, on or before the first 81083  
day of February of each calendar year the sheriff shall determine 81084

the per diem costs for the preceding calendar year for each of the facilities for the housing in the facility of prisoners who serve a term in it pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem cost so determined shall apply in the calendar year in which the determination is made. 81085  
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(2) For each county, the per diem cost determined under division (F)(1) of this section that applies with respect to a facility in a specified calendar year shall be the per diem rate of reimbursement in that calendar year, under the targeting community alternatives to prison (T-CAP) program, for prisoners who serve a term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. 81090  
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(3) The per diem costs of housing determined under division (F)(1) of this section for a facility shall be the actual costs of housing the specified prisoners in the facility, on a per diem basis. 81097  
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(G) As used in this section: 81101

(1) "Local correctional facility" means a facility of a type described in division (C) or (D) of section 2929.34 of the Revised Code. 81102  
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(2) "Target county" and "voluntary county" have the same meanings as in section 2929.34 of the Revised Code. 81105  
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**Sec. 5153.113.** (A)(1) As used in this section, "applicant" has the same meaning as in section 5153.111 of the Revised Code, and includes an intern applicant or a volunteer applicant. 81107  
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(2) "Intern applicant" means a trainee seeking practical educational and career experience who is under consideration for a position with a public children services agency to work, with or without monetary gain or compensation, as a person responsible for the care, custody, or control of a child; 81110  
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(3) "Volunteer applicant" means a person who is under consideration for a position with a public children services agency to perform services within the agency voluntarily, without monetary gain or compensation, as a person responsible for the care, custody, or control of a child. 81115  
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(B) Notwithstanding division (I)(1) of section 2151.421, section 5153.17, and any other section of the Revised Code pertaining to confidentiality, before a public children services agency employs an applicant, the executive director of the agency, or the executive director's designee within the agency, shall review promptly any information the agency determines to be relevant for the purpose of evaluating the fitness of the applicant, including, but not limited to, the following: 81120  
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(1) Abuse and neglect reports made pursuant to section 2151.421 of the Revised Code of which the applicant is the subject where it has been determined that abuse or neglect occurred; 81128  
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(2) The final disposition of investigations of the abuse and neglect reports, or if the investigations have not been completed, the status of the investigations; 81131  
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(3) Any underlying documentation concerning the reports. 81134

(C) The information reviewed under division (B) of this section shall not include the name of the person or entity that made the report or participated in the making of the report of child abuse or neglect. 81135  
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(D) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section. 81139  
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**Sec. 5160.052.** The department of medicaid shall collaborate with the superintendent of the bureau of criminal identification and investigation to develop procedures and formats necessary to 81142  
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produce the notices described in division ~~(C)~~(D) of section 81145  
109.5721 of the Revised Code in a format that is acceptable for 81146  
use by the department. The medicaid director may adopt rules under 81147  
section 5160.02 of the Revised Code necessary for such 81148  
collaboration. Any such rules shall be adopted in accordance with 81149  
section 111.15 of the Revised Code as if they were internal 81150  
management rules. 81151

The medicaid director may adopt rules under section 5160.02 81152  
of the Revised Code necessary for utilizing the information 81153  
received pursuant to section 109.5721 of the Revised Code. The 81154  
rules shall be adopted in accordance with Chapter 119. of the 81155  
Revised Code. 81156

**Sec. 5160.37.** (A) A medical assistance recipient's enrollment 81157  
in a medical assistance program gives an automatic right of 81158  
recovery to the department of medicaid and a county department of 81159  
job and family services against the liability of a third party for 81160  
the cost of medical assistance paid on behalf of the recipient. 81161  
When an action or claim is brought against a third party by a 81162  
medical assistance recipient, any payment, settlement or 81163  
compromise of the action or claim, or any court award or judgment, 81164  
is subject to the recovery right of the department of medicaid or 81165  
county department. Except in the case of a medical assistance 81166  
recipient who receives medical assistance through a medicaid 81167  
managed care organization, the department's or county department's 81168  
claim shall not exceed the amount of medical assistance paid by 81169  
the department or county department on behalf of the recipient. A 81170  
payment, settlement, compromise, judgment, or award that excludes 81171  
the cost of medical assistance paid for by the department or 81172  
county department shall not preclude a department from enforcing 81173  
its rights under this section. 81174

(B)(1) In the case of a medical assistance recipient who 81175

receives medical assistance through a medicaid managed care organization that has a capitation agreement with a provider, the amount of the department's or county department's claim shall be the amount the medicaid managed care organization would have paid in the absence of a capitation agreement.

(2) In the case of a medical assistance recipient who receives medical assistance through a medicaid managed care organization that does not have a capitation agreement with a provider, the amount of the department's or county department's claim shall be the amount the medicaid managed care organization pays for medical assistance rendered to the recipient, even if that amount is more than the amount the department or county department pays to the medicaid managed care organization for the recipient's medical assistance.

(C) A medical assistance recipient, and the recipient's attorney, if any, shall cooperate with the departments. In furtherance of this requirement, the medical assistance recipient, or the recipient's attorney, if any, shall, not later than thirty days after initiating informal recovery activity or filing a legal recovery action against a third party, provide written notice of the activity or action to the department of medicaid or county department if it has paid for medical assistance under a medical assistance program.

(D) The written notice that must be given under division (C) of this section shall disclose the identity and address of any third party against whom the medical assistance recipient has or may have a right of recovery.

(E) No settlement, compromise, judgment, or award or any recovery in any action or claim by a medical assistance recipient where the department or county department has a right of recovery shall be made final without first giving the department or county department written notice as described in division (C) of this

section and a reasonable opportunity to perfect its rights of 81208  
recovery. If the department or county department is not given the 81209  
appropriate written notice, the medical assistance recipient and, 81210  
if there is one, the recipient's attorney, are liable to reimburse 81211  
the department or county department for the recovery received to 81212  
the extent of medical assistance payments made by the department 81213  
or county department. 81214

(F) The department or county department shall be permitted to 81215  
enforce its recovery rights against the third party even though it 81216  
accepted prior payments in discharge of its rights under this 81217  
section if, at the time the department or county department 81218  
received such payments, it was not aware that additional medical 81219  
expenses had been incurred but had not yet been paid by the 81220  
department or county department. The third party becomes liable to 81221  
the department or county department as soon as the third party is 81222  
notified in writing of the valid claims for recovery under this 81223  
section. 81224

(G)(1) Subject to division (G)(2) of this section, the right 81225  
of recovery of the department or county department does not apply 81226  
to that portion of any judgment, award, settlement, or compromise 81227  
of a claim, to the extent of attorneys' fees, costs, or other 81228  
expenses incurred by a medical assistance recipient in securing 81229  
the judgment, award, settlement, or compromise, or to the extent 81230  
of medical, surgical, and hospital expenses paid by such recipient 81231  
from the recipient's own resources. 81232

(2) Reasonable attorneys' fees, not to exceed one-third of 81233  
the total judgment, award, settlement, or compromise, plus costs 81234  
and other expenses incurred by the medical assistance recipient in 81235  
securing the judgment, award, settlement, or compromise, shall 81236  
first be deducted from the total judgment, award, settlement, or 81237  
compromise. After fees, costs, and other expenses are deducted 81238  
from the total judgment, award, settlement, or compromise, there 81239



shall be a rebuttable presumption that the department of medicaid 81240  
or county department shall receive no less than one-half of the 81241  
remaining amount, or the actual amount of medical assistance paid, 81242  
whichever is less. A party may rebut the presumption in accordance 81243  
with division (L)(1) or (2) of this section, as applicable. 81244

(H) A right of recovery created by this section may be 81245  
enforced separately or jointly by the department of medicaid or 81246  
county department. To enforce its recovery rights, the department 81247  
or county department may do any of the following: 81248

(1) Intervene or join in any action or proceeding brought by 81249  
the medical assistance recipient or on the recipient's behalf 81250  
against any third party who may be liable for the cost of medical 81251  
assistance paid; 81252

(2) Institute and pursue legal proceedings against any third 81253  
party who may be liable for the cost of medical assistance paid; 81254

(3) Initiate legal proceedings in conjunction with any 81255  
injured, diseased, or disabled medical assistance recipient or the 81256  
recipient's attorney or representative. 81257

(I) A medical assistance recipient shall not assess attorney 81258  
fees, costs, or other expenses against the department of medicaid 81259  
or a county department when the department or county department 81260  
enforces its right of recovery created by this section. 81261

(J) The right of recovery given to the department under this 81262  
section includes payments made by a third party under contract 81263  
with a person having a duty to support. 81264

(K) The department of medicaid may assign to a medical 81265  
assistance provider the right of recovery given to the department 81266  
under this section with respect to any claim for which the 81267  
department has notified the provider that the department intends 81268  
to recoup the department's prior payment for the claim. 81269

(L)(1) Prior to any payment to the department or a county department pursuant to the department's or county department's right of recovery under this section, a party that desires to rebut the presumption in division (G) of this section shall submit to the department or county department a request for a hearing in accordance with the procedure the department establishes in rules required by division (O) of this section. The amount sought by the department or county department shall be held in escrow or in an interest on lawyers' trust account until the hearing examiner renders a decision or the case is otherwise concluded. A party successfully rebuts the presumption by a showing of clear and convincing evidence that a different allocation is warranted.

(2) A medical assistance recipient who has repaid money, on or after September 29, 2007, to the department or a county department pursuant to the department's or county department's right of recovery under this section, section 5160.38 of the Revised Code, or former section 5101.58 or 5101.59 of the Revised Code may request a hearing to rebut the presumption in division (G) of this section. The request shall be made in accordance with the procedure the department establishes for this purpose in rules required by division (O) of this section. It must be made not later than one hundred eighty days after ~~the effective date of this amendment~~ September 29, 2015, or ninety days after the payment is made, whichever is later. A party successfully rebuts the presumption by a showing of clear and convincing evidence that a different allocation is warranted.

(3) With respect to a hearing requested under division (L)(1) or (2) of this section, all of the following are the case:

(a) The hearing examiner may consider, but is not bound by the allocation of, medical expenses specified in a settlement agreement between the medical assistance recipient and the relevant third party;

(b) The department or county department may raise affirmative defenses during the hearing, including the existence of a prior settlement with the medical assistance recipient, the doctrine of accord and satisfaction, or the common law principle of res judicata;

(c) If the parties agree, live testimony shall not be presented at the hearing;

(d) The hearing may be governed by rules adopted under section 5160.02 of the Revised Code. If such rules are adopted, Chapter 119. of the Revised Code applies to the hearing only to the extent specified in those rules;

(e) The hearing examiner's decision is binding on the department or county department and the medical assistance recipient unless the decision is reversed or modified on appeal to the medicaid director as described in division (M) of this section.

(M)(1) A medical assistance recipient who disagrees with a hearing examiner's decision under division (L) of this section may file an administrative appeal with the medicaid director in accordance with the procedure the department establishes for this purpose in rules required by division (O) of this section. A hearing is not required during the administrative appeal, but the director or the director's designee shall review the hearing examiner's decision and any prior relevant administrative action. After the review, the director or the director's designee shall affirm, modify, remand, or reverse the hearing decision. A decision made under this division is final and binding on the department or county department and the medical assistance recipient unless it is reversed or modified on appeal to a court of common pleas as described in division (N) of this section.

(2) An administrative appeal may be governed by rules adopted

under section 5160.02 of the Revised Code. If such rules are 81333  
adopted, Chapter 119. of the Revised Code applies to an 81334  
administrative appeal only to the extent specified in those rules. 81335

(N) A party to an administrative appeal described in division 81336  
(M) of this section may file an appeal with a court of common 81337  
pleas in accordance with section 119.12 of the Revised Code. 81338

(O) The medicaid director shall adopt rules under section 81339  
5160.02 of the Revised Code as necessary to implement this 81340  
section, including rules establishing procedures a party may use 81341  
to request a hearing under division (L)(1) or (2) of this section 81342  
or an administrative appeal under division (M)(1) of this section. 81343  
The rules shall be adopted in accordance with Chapter 119. of the 81344  
Revised Code. 81345

(P) Divisions (L) to (N) of this section are remedial in 81346  
nature and shall be liberally construed by the courts of this 81347  
state in accordance with section 1.11 of the Revised Code. Those 81348  
divisions specify the sole remedy available to a party who claims 81349  
the department or a county department has received or is to 81350  
receive more money than entitled to receive under this section, 81351  
section 5160.38 of the Revised Code, or former section 5101.58 or 81352  
5101.59 of the Revised Code. 81353

**Sec. 5160.40.** (A) As used in this section, "business day" 81354  
means any day of the week excluding Saturday, Sunday, and a legal 81355  
holiday, as defined in section 1.14 of the Revised Code. 81356

(B) Subject to divisions ~~(B)~~(C) and ~~(C)~~(D) of this section, a 81357  
third party shall do all of the following: 81358

(1) Accept the department of medicaid's right of recovery 81359  
under section 5160.37 of the Revised Code and the assignment of 81360  
rights to the department that are described in section 5160.38 of 81361  
the Revised Code; 81362

(2) Respond to an inquiry by the department regarding a claim 81363  
for payment of a medical item or service that was submitted to the 81364  
third party not later than six years after the date of the 81365  
provision of such medical item or service; 81366

(3) Respond to the department's request for payment of a 81367  
claim described in division (B)(2) of this section not later than 81368  
ninety business days after receipt of written proof of the claim, 81369  
either by paying the claim or issuing a written denial to the 81370  
department; 81371

(4) Not charge a fee to do either of the following for a 81372  
claim described in division ~~(A)~~(B)(2) of this section: 81373

(a) Determine whether the claim should be paid; 81374

(b) Process the claim. 81375

~~(4)~~(5) Pay a claim described in division ~~(A)~~(B)(2) of this 81376  
section; 81377

~~(5)~~(6) Not deny a claim submitted by the department solely on 81378  
the basis of the date of submission of the claim, type or format 81379  
of the claim form, or a failure by the medical assistance 81380  
recipient who is the subject of the claim to present proper 81381  
documentation of coverage at the time of service, if both of the 81382  
following have occurred: 81383

(a) The claim was submitted by the department not later than 81384  
six years after the date of the provision of the medical item or 81385  
service. 81386

(b) An action by the department to enforce its right of 81387  
recovery under section 5160.37 of the Revised Code on the claim 81388  
was commenced not later than six years after the department's 81389  
submission of the claim. 81390

~~(6)~~(7) Consider the department's payment of a claim for a 81391  
medical item or service to be the equivalent of the medical 81392

assistance recipient having obtained prior authorization for the 81393  
item or service from the third party; 81394

~~(7)~~(8) Not deny a claim described in division ~~(A)~~(6)~~(B)~~(7) of 81395  
this section that is submitted by the department solely on the 81396  
basis of the medical assistance recipient's failure to obtain 81397  
prior authorization for the medical item or service. 81398

~~(B)~~(C) For purposes of the requirements in division ~~(A)~~(B) of 81399  
this section, a third party shall treat a medicaid managed care 81400  
organization as the department for a claim if the individual who 81401  
is the subject of the claim received a medical item or service 81402  
through a medicaid managed care organization and the department 81403  
has assigned its right of recovery for the claim to the medicaid 81404  
managed care organization. Even if the department assigned its 81405  
right of recovery to a medicaid managed care organization, the 81406  
department may, beginning one year from the date the organization 81407  
paid the claim, recoup from a third party an amount that was 81408  
assigned to the organization but not collected. 81409

~~(C)~~(D) If the department of medicaid, as permitted by 81410  
division (K) of section 5160.37 of the Revised Code, assigns to a 81411  
medical assistance provider the department's right of recovery for 81412  
a claim for which it has notified the provider that it intends to 81413  
recoup its prior payment for a claim, a third party shall treat 81414  
the provider as the department and shall pay the provider the 81415  
greater of the following: 81416

(1) The amount the department intends to recoup from the 81417  
provider for the claim. 81418

(2) If the third party and the provider have an agreement 81419  
that requires the third party to pay the provider at the time the 81420  
provider presents the claim to the third party, the amount that is 81421  
to be paid under that agreement. 81422

~~(D)~~(E) The time limitations associated with the requirements 81423

in divisions ~~(A)~~(B)(2) and ~~(5)~~(6) of this section apply only to 81424  
submissions of claims to, and payments of claims by, a health 81425  
insurer to which the "Social Security Act," section 81426  
1902(a)(25)(I), 42 U.S.C. 1396a(a)(25)(I), applies. 81427

**Sec. 5160.401.** (A) A payment made by a third party under 81428  
division ~~(A)~~(4)(B)(5) of section 5160.40 of the Revised Code on a 81429  
claim for payment of a medical item or service provided to a 81430  
medical assistance recipient is final on the date that is two 81431  
years after the payment was made to the department of medicaid or 81432  
the applicable medicaid managed care organization. After a claim 81433  
is final, the claim is subject to adjustment only if an action for 81434  
recovery of an overpayment was commenced under division (B) of 81435  
this section before the date the claim became final and the 81436  
recovery is agreed to by the department or medicaid managed care 81437  
organization under division (C) of this section. 81438

(B) If a third party determines that it overpaid a claim for 81439  
payment, the third party may seek to recover all or part of the 81440  
overpayment by filing a notice of its intent to seek recovery with 81441  
the department or medicaid managed care organization, as 81442  
applicable. The notice of recovery must be filed in writing before 81443  
the date the payment is final. The notice must specify all of the 81444  
following: 81445

(1) The full name of the medical assistance recipient who 81446  
received the medical item or service that is the subject of the 81447  
claim; 81448

(2) The date or dates on which the medical item or service 81449  
was provided; 81450

(3) The amount allegedly overpaid and the amount the third 81451  
party seeks to recover; 81452

(4) The claim number and any other number the department or 81453

medicaid managed care organization has assigned to the claim;	81454
(5) The third party's rationale for seeking recovery;	81455
(6) The date the third party made the payment and the method of payment used;	81456 81457
(7) If payment was made by check, the check number;	81458
(8) Whether the third party would prefer to receive the amount being sought by obtaining a payment from the department or medicaid managed care organization, either by check or electronic means, or by offsetting the amount from a future payment to be made to the department or medicaid managed care organization.	81459 81460 81461 81462 81463
(C) If the department or appropriate medicaid managed care organization determines that a notice of recovery was filed before the claim for payment is final and agrees to the amount sought by the third party, the department or medicaid managed care organization, as applicable, shall notify the third party in writing of its determination and agreement. Recovery of the amount shall proceed in accordance with the method specified by the third party pursuant to division (B)(8) of this section.	81464 81465 81466 81467 81468 81469 81470 81471
<b>Sec. 5162.021.</b> The medicaid director shall adopt rules under sections 5160.02, 5162.02, <del>5163.03</del> <u>5163.02</u> , <del>5164.04</del> <u>5164.02</u> , <del>5165.05</del> <u>5165.02</u> , 5166.02, and 5167.02 of the Revised Code as necessary to authorize the directors of other state agencies to adopt rules regarding medicaid components, or aspects of medicaid components, the other state agencies administer pursuant to contracts entered into under section 5162.35 of the Revised Code.	81472 81473 81474 81475 81476 81477 81478
<b>Sec. 5162.12.</b> (A) The medicaid director shall enter into a contract with one or more persons to receive and process, on the director's behalf, requests for medicaid recipient or claims payment data, data from reports of audits conducted under section 5165.109 of the Revised Code, or extracts or analyses of any of	81479 81480 81481 81482 81483



the foregoing data made by persons who intend to use the items 81484  
prepared pursuant to the requests for commercial or academic 81485  
purposes. 81486

(B) At a minimum, a contract entered into under this section 81487  
shall do both of the following: 81488

(1) Authorize the contracting person to engage in the 81489  
activities described in division (A) of this section for 81490  
compensation, which must be stated as a percentage of the fees 81491  
paid by persons who are provided the items; 81492

(2) Require the contracting person to charge for an item 81493  
prepared pursuant to a request a fee in an amount equal to one 81494  
hundred two per cent of the cost the department of medicaid incurs 81495  
in making the data used to prepare the item available to the 81496  
contracting person. 81497

(C) Except as required by federal or state law and subject to 81498  
division (E) of this section, both of the following conditions 81499  
apply with respect to a request for data described in division (A) 81500  
of this section: 81501

(1) The request shall be made through a person who has 81502  
entered into a contract with the medicaid director under this 81503  
section. 81504

(2) An item prepared pursuant to the request may be provided 81505  
to the department of medicaid and is confidential and not subject 81506  
to disclosure under section 149.43 or 1347.08 of the Revised Code. 81507

(D) The medicaid director shall use fees the director 81508  
receives pursuant to a contract entered into under this section to 81509  
pay obligations specified in contracts entered under this section. 81510  
Any money remaining after the obligations are paid shall be 81511  
deposited in the health ~~care services administration~~ care/medicaid 81512  
support and recoveries fund created under section ~~5162.54~~ 5162.52 81513

of the Revised Code. 81514

(E) This section does not apply to requests for medicaid 81515  
recipient or claims payment data, data from reports of audits 81516  
conducted under section 5165.109 of the Revised Code, or extracts 81517  
or analyses of any of the foregoing data that are for any of the 81518  
following purposes: 81519

(1) Treatment of medicaid recipients; 81520

(2) Payment of medicaid claims; 81521

(3) Establishment or management of medicaid third party 81522  
liability pursuant to sections 5160.35 to 5160.43 of the Revised 81523  
Code; 81524

(4) Compliance with the terms of an agreement the medicaid 81525  
director enters into for purposes of administering the medicaid 81526  
program; 81527

(5) Compliance with an operating protocol the executive 81528  
director of the office of health transformation or the executive 81529  
director's designee adopts under division (D) of section 191.06 of 81530  
the Revised Code. 81531

Sec. 5162.16. A government entity that administers one or 81532  
more components of the medicaid program and has reasonable cause 81533  
to believe that an instance of fraud, waste, or abuse has occurred 81534  
in the medicaid program shall inform the department of medicaid. 81535  
The department shall collect the information in the medicaid data 81536  
warehouse system established under section 5162.11 of the Revised 81537  
Code. 81538

~~Sec. 5162.40. (A)(1) Except as provided in division (B) of 81539  
this section, if If a state agency or political subdivision 81540  
administers one or more components of the medicaid program that 81541  
the United States department of health and human services 81542~~

~~approved, and for which federal financial participation was~~ 81543  
~~initially obtained, prior to January 1, 2002,~~ or administers one 81544  
or more aspects of such a component, the department of medicaid 81545  
may retain or collect not more than ten per cent of the federal 81546  
financial participation the state agency or political subdivision 81547  
obtains through an approved, administrative claim regarding the 81548  
component or aspect of the component. If the department retains or 81549  
collects a percentage of such federal financial participation, the 81550  
percentage the department retains or collects shall be specified 81551  
in a contract the department enters into with the state agency or 81552  
political subdivision under section 5162.35 of the Revised Code. 81553

~~(2) Except as provided in division (B) of this section, if a~~ 81554  
~~state agency or political subdivision administers one or more~~ 81555  
~~components of the medicaid program that the United States~~ 81556  
~~department of health and human services approved on or after~~ 81557  
~~January 1, 2002, or administers one or more aspects of such a~~ 81558  
~~component, the department of medicaid shall retain or collect not~~ 81559  
~~less than three and not more than ten per cent of the federal~~ 81560  
~~financial participation the state agency or political subdivision~~ 81561  
~~obtains through an approved, administrative claim regarding the~~ 81562  
~~component or aspect of the component. The percentage the~~ 81563  
~~department retains or collects shall be specified in a contract~~ 81564  
~~the department enters into with the state agency or political~~ 81565  
~~subdivision under section 5162.35 of the Revised Code.~~ 81566

(B) All amounts the department retains or collects under this 81567  
section shall be deposited into the health ~~care services~~ 81568  
~~administration~~ care/medicaid support and recoveries fund created 81569  
under section ~~5162.54~~ 5162.52 of the Revised Code. 81570

**Sec. 5162.41.** The department of medicaid may retain or 81571  
collect a percentage of the federal financial participation 81572  
included in a supplemental medicaid payment to one or more 81573

medicaid providers owned or operated by a state agency or 81574  
political subdivision that brings the payment to such provider or 81575  
providers to the upper payment limit established by 42 C.F.R. 81576  
447.272. If the department retains or collects a percentage of 81577  
that federal financial participation, the medicaid director shall 81578  
adopt a rule under section 5162.02 of the Revised Code specifying 81579  
the percentage the department is to retain or collect. All amounts 81580  
the department retains or collects under this section shall be 81581  
deposited into the health ~~care services administration~~ 81582  
care/medicaid support and recoveries fund created under section 81583  
~~5162.54~~ 5162.52 of the Revised Code. 81584

**Sec. 5162.52.** (A) The health care/medicaid support and 81585  
recoveries fund is hereby created in the state treasury. All of 81586  
the following shall be credited to the fund: 81587

(1) Except as otherwise provided by statute or as authorized 81588  
by the controlling board, the nonfederal share of all 81589  
medicaid-related revenues, collections, and recoveries; 81590

(2) Federal reimbursement received for payment adjustments 81591  
made pursuant to the "Social Security Act," section 1923, 42 81592  
U.S.C. 1396r-4, under the medicaid program to state mental health 81593  
hospitals maintained and operated by the department of mental 81594  
health and addiction services under division (A) of section 81595  
5119.14 of the Revised Code; 81596

(3) Revenues the department of medicaid receives from another 81597  
state agency for medicaid services pursuant to an interagency 81598  
agreement, ~~other than such revenues required to be deposited into~~ 81599  
~~the health care services administration fund created under section~~ 81600  
~~5162.54 of the Revised Code;~~ 81601

(4) The ~~first seven hundred fifty thousand dollars~~ money the 81602  
department of medicaid receives in a fiscal year for performing 81603

eligibility verification services necessary for compliance with 81604  
the independent, certified audit requirement of 42 C.F.R. 455.304; 81605

(5) The nonfederal share of all rebates paid by drug 81606  
manufacturers to the department of medicaid in accordance with a 81607  
rebate agreement required by the "Social Security Act," section 81608  
1927, 42 U.S.C. 1396r-8; 81609

(6) The nonfederal share of all supplemental rebates paid by 81610  
drug manufacturers to the department of medicaid in accordance 81611  
with the supplemental drug rebate program established under 81612  
section 5164.755 of the Revised Code; 81613

(7) Amounts deposited into the fund pursuant to sections 81614  
5162.12, 5162.40, and 5162.41 of the Revised Code; 81615

(8) The application fees charged to providers under section 81616  
5164.31 of the Revised Code; 81617

(9) The fines collected under section 5165.1010 of the 81618  
Revised Code; 81619

(10) Amounts from assessments on hospitals under section 81620  
5168.06 of the Revised Code and intergovernmental transfers by 81621  
governmental hospitals under section 5168.07 of the Revised Code 81622  
that are deposited into the fund in accordance with the law. 81623

(B) The department of medicaid shall use money credited to 81624  
the health care/medicaid support and recoveries fund to pay for 81625  
medicaid services and ~~contracts~~ costs associated with the 81626  
administration of the medicaid program. 81627

Sec. 5162.65. There is hereby created in the state treasury 81628  
the refunds and reconciliation fund. 81629

Money the department of medicaid receives from a refund or 81630  
reconciliation shall be deposited into the refunds and 81631  
reconciliation fund if the department does not know the 81632  
appropriate fund for the money at the time the department receives 81633

the money or if the money is to go to another government entity. 81634  
Money transferred from the department of job and family services 81635  
under section 5101.074 of the Revised Code also shall be deposited 81636  
into the refunds and reconciliation fund. 81637

Money in the refunds and reconciliation fund, including money 81638  
transferred from the department of job and family services, shall 81639  
be transferred to the appropriate fund once the appropriate fund 81640  
is identified or shall be transferred to another government 81641  
entity, as appropriate. 81642

~~Sec. 5162.66. As used in this section, "deficiency" has the~~ 81643  
~~same meaning as in section 5165.60 of the Revised Code.~~ 81644

~~The (A) There is hereby created in the state treasury the~~ 81645  
~~residents protection fund. All of the following shall be deposited~~ 81646  
~~into the fund:~~ 81647

~~(1) The proceeds of all fines, including interest, collected~~ 81648  
~~under sections 5165.60 to 5165.89 of the Revised Code shall be~~ 81649  
~~deposited in the state treasury to the credit of the residents~~ 81650  
~~protection fund, which is hereby created. The;~~ 81651

~~(2) The proceeds of all fines, including interest, collected~~ 81652  
~~under section 173.42 of the Revised Code shall be deposited in the~~ 81653  
~~state treasury to the credit of the residents protection fund;~~ 81654

~~(3) The portions of civil money penalties and corresponding~~ 81655  
~~interest that are disbursed on or after July 1, 2017, to the~~ 81656  
~~department of medicaid pursuant to 42 C.F.R. 488.845.~~ 81657

~~Money in the fund (B)(1) Money deposited into the fund~~ 81658  
~~pursuant to divisions (A)(1) and (2) of this section shall be used~~ 81659  
~~for the protection all of the following:~~ 81660

~~(a) Protection of the health or property of residents of~~ 81661  
~~nursing facilities in which the department of health finds~~ 81662  
~~deficiencies, including payment for the costs of relocation of~~ 81663

residents to other facilities, ~~maintenance;~~ 81664

(b) Maintenance of operation of a facility pending correction 81665  
of deficiencies or closure, ~~and reimbursement;~~ 81666

(c) Reimbursement of residents for the loss of money managed 81667  
by the facility under section 3721.15 of the Revised Code. ~~Money~~ 81668  
~~in the fund may also be used to make payments;~~ 81669

(d) Provision of funds for costs incurred by a temporary 81670  
resident safety assurance manager appointed under section 5165.78 81671  
of the Revised Code. 81672

(2) Subject to 42 C.F.R. 488.845(g)(2), money deposited into 81673  
the fund pursuant to division (A)(3) of this section shall be used 81674  
to improve the quality of medicaid services provided by 81675  
medicare-certified home health agencies. 81676

(C) The fund shall be maintained and administered by the 81677  
department of medicaid under rules developed in consultation with 81678  
the departments of health and aging and adopted under section 81679  
5162.02 of the Revised Code. The rules shall be adopted in 81680  
accordance with Chapter 119. of the Revised Code. 81681

**Sec. 5162.70.** (A) As used in this section: 81682

(1) "CPI" means the consumer price index for all urban 81683  
consumers as published by the United States bureau of labor 81684  
statistics. 81685

(2) "CPI medical inflation rate" means the inflation rate for 81686  
medical care, or the successor term for medical care, for the 81687  
midwest region as specified in the CPI. 81688

(3) "JMOC projected medical inflation rate" means the 81689  
following: 81690

(a) The projected medical inflation rate for a fiscal 81691  
biennium determined by the actuary with which the joint medicaid 81692

oversight committee contracts under section 103.414 of the Revised Code if the committee agrees with the actuary's projected medical inflation rate for that fiscal biennium;

(b) The different projected medical inflation rate for a fiscal biennium determined by the joint medicaid oversight committee under section 103.414 of the Revised Code if the committee disagrees with the projected medical inflation rate determined for that fiscal biennium by the actuary with which the committee contracts under that section.

(4) "Successor term" means a term that the United States bureau of labor statistics uses in place of another term in revisions to the CPI.

(B) The medicaid director shall implement reforms to the medicaid program that do all of the following:

(1) Limit the growth in the per recipient per month cost of the medicaid program, as determined on an aggregate basis for all eligibility groups, for a fiscal biennium to not more than the lesser of the following:

(a) The average annual increase in the CPI medical inflation rate for the most recent three-year period for which the necessary data is available as of the first day of the fiscal biennium, weighted by the most recent year of the three years;

(b) The JMOC projected medical inflation rate for the fiscal biennium.

(2) Achieve the limit in the growth of the per recipient per month cost of the medicaid program under division (B)(1) of this section by doing all of the following:

(a) Improving the physical and mental health of medicaid recipients;

(b) Providing for medicaid recipients to receive medicaid



services in the most cost-effective and sustainable manner;	81723
(c) Removing barriers that impede medicaid recipients' ability to transfer to lower cost, and more appropriate, medicaid services, including home and community-based services;	81724 81725 81726
(d) Establishing medicaid payment rates that encourage value over volume and result in medicaid services being provided in the most efficient and effective manner possible;	81727 81728 81729
(e) Implementing fraud and abuse prevention and cost avoidance mechanisms to the fullest extent possible;	81730 81731
<del>    (f) Integrating in the care management system established under section 5167.03 of the Revised Code the delivery of physical health, behavioral health, nursing facility, and home and community based services covered by medicaid.</del>	81732 81733 81734 81735
(3) Reduce the prevalence of comorbid health conditions among, and the mortality rates of, medicaid recipients;	81736 81737
(4) Reduce infant mortality rates among medicaid recipients.	81738
(C) The medicaid director shall implement the reforms under this section in accordance with evidence-based strategies that include measurable goals.	81739 81740 81741
(D) The reforms implemented under this section shall, without making the medicaid program's eligibility requirements more restrictive, reduce the relative number of individuals enrolled in the medicaid program who have the greatest potential to obtain the income and resources that would enable them to cease enrollment in medicaid and instead obtain health care coverage through employer-sponsored health insurance or an exchange.	81742 81743 81744 81745 81746 81747 81748
<b>Sec. 5163.03.</b> (A) Subject to section 5163.05 of the Revised Code, the medicaid program shall cover all mandatory eligibility groups.	81749 81750 81751

(B) The medicaid program shall cover all of the optional 81752  
eligibility groups that state statutes require the medicaid 81753  
program to cover. 81754

(C) The medicaid program may cover any of the optional 81755  
eligibility groups to which either of the following applies: 81756

(1) State statutes expressly permit the medicaid program to 81757  
cover the optional eligibility group. 81758

(2) ~~State statutes do not address whether the~~ The medicaid 81759  
~~program may cover~~ covers the optional eligibility group on the 81760  
effective date of this amendment. 81761

(D) The medicaid program shall not cover ~~any~~ an optional 81762  
eligibility group ~~that state~~ to which either of the following 81763  
applies: 81764

(1) State statutes prohibit the medicaid program from 81765  
covering the optional eligibility group. 81766

(2) Except as provided in divisions (B) and (C)(1) of this 81767  
section, the medicaid program does not cover the optional 81768  
eligibility group on the effective date of this amendment. 81769

**Sec. 5164.01.** As used in this chapter: 81770

(A) "Adjudication" has the same meaning as in section 119.01 81771  
of the Revised Code. 81772

(B) "Early and periodic screening, diagnostic, and treatment 81773  
services" has the same meaning as in the "Social Security Act," 81774  
section 1905(r), 42 U.S.C. 1396d(r). 81775

(C) "Federal financial participation" has the same meaning as 81776  
in section 5160.01 of the Revised Code. 81777

(D) "Federal poverty line" has the same meaning as in section 81778  
5162.01 of the Revised Code. 81779

(E) "Healthcheck" means the component of the medicaid program 81780

that provides early and periodic screening, diagnostic, and 81781  
treatment services. 81782

~~(E)~~(F) "Home and community-based services medicaid waiver 81783  
component" has the same meaning as in section 5166.01 of the 81784  
Revised Code. 81785

~~(F)~~(G) "Hospital" has the same meaning as in section 3727.01 81786  
of the Revised Code. 81787

~~(G)~~(H) "ICDS participant" means a dual eligible individual 81788  
who participates in the integrated care delivery system. 81789

~~(H)~~(I) "ICF/IID" has the same meaning as in section 5124.01 81790  
of the Revised Code. 81791

~~(I)~~(J) "Integrated care delivery system" and "ICDS" mean the 81792  
demonstration project authorized by section 5164.91 of the Revised 81793  
Code. 81794

~~(J)~~(K) "Mandatory services" means the health care services 81795  
and items that must be covered by the medicaid state plan as a 81796  
condition of the state receiving federal financial participation 81797  
for the medicaid program. 81798

~~(K)~~(L) "Medicaid managed care organization" has the same 81799  
meaning as in section 5167.01 of the Revised Code. 81800

~~(L)~~(M) "Medicaid provider" means a person or government 81801  
entity with a valid provider agreement to provide medicaid 81802  
services to medicaid recipients. To the extent appropriate in the 81803  
context, "medicaid provider" includes a person or government 81804  
entity applying for a provider agreement, a former medicaid 81805  
provider, or both. 81806

~~(M)~~(N) "Medicaid services" means either or both of the 81807  
following: 81808

(1) Mandatory services; 81809

(2) Optional services that the medicaid program covers. 81810

~~(N)~~(O) "Nursing facility" has the same meaning as in section 81811  
5165.01 of the Revised Code. 81812

~~(O)~~(P) "Optional services" means the health care services and 81813  
items that may be covered by the medicaid state plan or a federal 81814  
medicaid waiver and for which the medicaid program receives 81815  
federal financial participation. 81816

~~(P)~~(Q) "Prescribed drug" has the same meaning as in 42 C.F.R. 81817  
440.120. 81818

~~(Q)~~(R) "Provider agreement" means an agreement to which all 81819  
of the following apply: 81820

(1) It is between a medicaid provider and the department of 81821  
medicaid; 81822

(2) It provides for the medicaid provider to provide medicaid 81823  
services to medicaid recipients; 81824

(3) It complies with 42 C.F.R. 431.107(b). 81825

~~(R)~~(S) "State plan home and community-based services" means 81826  
home and community-based services that, as authorized by section 81827  
1915(i) of the "Social Security Act," 42 U.S.C. 1396n(i), may be 81828  
covered by the medicaid program pursuant to an amendment to the 81829  
medicaid state plan. 81830

(T) "Terminal distributor of dangerous drugs" has the same 81831  
meaning as in section 4729.01 of the Revised Code. 81832

**Sec. 5164.10.** The medicaid program may cover one or more 81833  
state plan home and community-based services that the department 81834  
of medicaid selects for coverage. A medicaid recipient of any age 81835  
may receive a state plan home and community-based service if the 81836  
recipient has countable income not exceeding two hundred 81837  
twenty-five per cent of the federal poverty line, has a medical 81838  
need for the service, and meets all other eligibility requirements 81839  
for the service specified in rules adopted under section 5164.02 81840

of the Revised Code. The rules may not require a medicaid 81841  
recipient to undergo a level of care determination to be eligible 81842  
for a state plan home and community-based service. 81843

**Sec. 5164.29.** Not later than December 31, 2018, the 81844  
department of medicaid shall develop and implement revisions to 81845  
the system by which persons and government entities become and 81846  
remain medicaid providers so that there is a single system of 81847  
records for the system and the persons and government entities do 81848  
not have to submit duplicate data to the state to become or remain 81849  
medicaid providers for any component or aspect of a component of 81850  
the medicaid program, including a component or aspect of a 81851  
component administered by another state agency or political 81852  
subdivision pursuant to a contract entered into under section 81853  
5162.35 of the Revised Code. The departments of aging, 81854  
developmental disabilities, and mental health and addiction 81855  
services shall participate in the development of the revisions and 81856  
shall utilize the revised system. 81857

**Sec. 5164.31.** (A) For the purpose of raising funds necessary 81858  
to pay the expenses of implementing the provider screening 81859  
requirements of subpart E of 42 C.F.R. Part 455 and except as 81860  
provided in division (B) of this section, the department of 81861  
medicaid shall collect an application fee from a medicaid provider 81862  
before doing any of the following: 81863

(1) Entering into a provider agreement with a medicaid 81864  
provider that seeks initial enrollment as a provider; 81865

(2) Entering into a provider agreement with a former medicaid 81866  
provider that seeks re-enrollment as a provider; 81867

(3) Revalidating a medicaid provider's continued enrollment 81868  
as a provider. 81869

(B) The department is not to collect an application fee from a medicaid provider that is exempt from paying the fee under 42 C.F.R. 455.460(a). 81870  
81871  
81872

(C) The application fees shall be deposited into the health ~~care services administration~~ care/medicaid support and recoveries fund created under section ~~5162.54~~ 5162.52 of the Revised Code. 81873  
81874  
Application fees are nonrefundable when collected in accordance 81875  
with 42 C.F.R. 455.460(a). 81876  
81877

(D) The medicaid director shall adopt rules under section 81878  
5164.02 of the Revised Code as necessary to implement this 81879  
section, including a rule establishing the amount of the 81880  
application fee to be collected under this section. The amount of 81881  
the application fee shall not be set at an amount that is more 81882  
than necessary to pay for the expenses of implementing the 81883  
provider screening requirements. 81884

**Sec. 5164.34.** (A) As used in this section: 81885

(1) "Criminal records check" has the same meaning as in 81886  
section 109.572 of the Revised Code. 81887

(2) "Disqualifying offense" means any of the offenses listed 81888  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 81889  
the Revised Code. 81890

(3) "Owner" means a person who has an ownership interest in a 81891  
medicaid provider in an amount designated in rules authorized by 81892  
this section. 81893

(4) "Person subject to the criminal records check 81894  
requirement" means the following: 81895

(a) A medicaid provider who is notified under division (E)(1) 81896  
of this section that the provider is subject to a criminal records 81897  
check; 81898

(b) An owner or prospective owner, officer or prospective 81899

officer, or board member or prospective board member of a medicaid 81900  
provider if, pursuant to division (E)(1)(a) of this section, the 81901  
owner or prospective owner, officer or prospective officer, or 81902  
board member or prospective board member is specified in 81903  
information given to the provider under division (E)(1) of this 81904  
section; 81905

(c) An employee or prospective employee of a medicaid 81906  
provider if both of the following apply: 81907

(i) The employee or prospective employee is specified, 81908  
pursuant to division (E)(1)(b) of this section, in information 81909  
given to the provider under division (E)(1) of this section. 81910

(ii) The provider is not prohibited by division (D)(3)(b) of 81911  
this section from employing the employee or prospective employee. 81912

(5) "Responsible entity" means the following: 81913

(a) With respect to a criminal records check required under 81914  
this section for a medicaid provider, the department of medicaid 81915  
or the department's designee; 81916

(b) With respect to a criminal records check required under 81917  
this section for an owner or prospective owner, officer or 81918  
prospective officer, board member or prospective board member, or 81919  
employee or prospective employee of a medicaid provider, the 81920  
provider. 81921

(B) This section does not apply to any of the following: 81922

(1) An individual who is subject to a criminal records check 81923  
under section 3712.09, 3721.121, 5123.081, or 5123.169, ~~or~~ 81924  
~~5164.341~~ of the Revised Code ~~or any~~ 81925

(2) An individual who is subject to a database review or 81926  
criminal records check under section 173.38, 173.381, 3701.881, or 81927  
5164.342 of the Revised Code; 81928

(3) An individual who is an applicant or independent 81929

provider, both as defined in section 5164.341 of the Revised Code. 81930

(C) The department of medicaid may do any of the following: 81931

(1) Require that any medicaid provider submit to a criminal 81932  
records check as a condition of obtaining or maintaining a 81933  
provider agreement; 81934

(2) Require that any medicaid provider require an owner or 81935  
prospective owner, officer or prospective officer, or board member 81936  
or prospective board member of the provider submit to a criminal 81937  
records check as a condition of being an owner, officer, or board 81938  
member of the provider; 81939

(3) Require that any medicaid provider do the following: 81940

(a) If so required by rules authorized by this section, 81941  
determine pursuant to a database review conducted under division 81942  
(F)(1)(a) of this section whether any employee or prospective 81943  
employee of the provider is included in a database; 81944

(b) Unless the provider is prohibited by division (D)(3)(b) 81945  
of this section from employing the employee or prospective 81946  
employee, require the employee or prospective employee to submit 81947  
to a criminal records check as a condition of being an employee of 81948  
the provider. 81949

(D)(1) The department or the department's designee shall deny 81950  
or terminate a medicaid provider's provider agreement if the 81951  
provider is a person subject to the criminal records check 81952  
requirement and either of the following applies: 81953

(a) The provider fails to obtain the criminal records check 81954  
after being given the information specified in division (G)(1) of 81955  
this section. 81956

(b) Except as provided in rules authorized by this section, 81957  
the provider is found by the criminal records check to have been 81958  
convicted of or have pleaded guilty to a disqualifying offense, 81959



regardless of the date of the conviction or the date of entry of 81960  
the guilty plea. 81961

(2) No medicaid provider shall permit a person to be an 81962  
owner, officer, or board member of the provider if the person is a 81963  
person subject to the criminal records check requirement and 81964  
either of the following applies: 81965

(a) The person fails to obtain the criminal records check 81966  
after being given the information specified in division (G)(1) of 81967  
this section. 81968

(b) Except as provided in rules authorized by this section, 81969  
the person is found by the criminal records check to have been 81970  
convicted of or have pleaded guilty to a disqualifying offense, 81971  
regardless of the date of the conviction or the date of entry of 81972  
the guilty plea. 81973

(3) No medicaid provider shall employ a person if any of the 81974  
following apply: 81975

(a) The person has been excluded from being a medicaid 81976  
provider, a medicare provider, or provider for any other federal 81977  
health care program. 81978

(b) If the person is subject to a database review conducted 81979  
under division (F)(1)(a) of this section, the person is found by 81980  
the database review to be included in a database and the rules 81981  
authorized by this section regarding the database review prohibit 81982  
the provider from employing a person included in the database. 81983

(c) If the person is a person subject to the criminal records 81984  
check requirement, either of the following applies: 81985

(i) The person fails to obtain the criminal records check 81986  
after being given the information specified in division (G)(1) of 81987  
this section. 81988

(ii) Except as provided in rules authorized by this section, 81989

the person is found by the criminal records check to have been 81990  
convicted of or have pleaded guilty to a disqualifying offense, 81991  
regardless of the date of the conviction or the date of entry of 81992  
the guilty plea. 81993

(E)(1) The department or the department's designee shall 81994  
inform each medicaid provider whether the provider is subject to a 81995  
criminal records check. For providers with valid provider 81996  
agreements, the information shall be given at times designated in 81997  
rules authorized by this section. For providers applying to be 81998  
medicaid providers, the information shall be given at the time of 81999  
initial application. When the information is given, the department 82000  
or the department's designee shall specify the following: 82001

(a) Which of the provider's owners or prospective owners, 82002  
officers or prospective officers, or board members or prospective 82003  
board members are subject to a criminal records check; 82004

(b) Which of the provider's employees or prospective 82005  
employees are subject to division (C)(3) of this section. 82006

(2) At times designated in rules authorized by this section, 82007  
a medicaid provider that is a person subject to the criminal 82008  
records check requirement shall do the following: 82009

(a) Inform each person specified under division (E)(1)(a) of 82010  
this section that the person is required to submit to a criminal 82011  
records check as a condition of being an owner, officer, or board 82012  
member of the provider; 82013

(b) Inform each person specified under division (E)(1)(b) of 82014  
this section that the person is subject to division (C)(3) of this 82015  
section. 82016

(F)(1) If a medicaid provider is a person subject to the 82017  
criminal records check requirement, the department or the 82018  
department's designee shall require the conduct of a criminal 82019  
records check by the superintendent of the bureau of criminal 82020

identification and investigation. A medicaid provider shall 82021  
require the conduct of a criminal records check by the 82022  
superintendent with respect to each of the persons specified under 82023  
division (E)(1)(a) of this section. With respect to each employee 82024  
and prospective employee specified under division (E)(1)(b) of 82025  
this section, a medicaid provider shall do the following: 82026

(a) If rules authorized by this section require the provider 82027  
to conduct a database review to determine whether the employee or 82028  
prospective employee is included in a database, conduct the 82029  
database review in accordance with the rules; 82030

(b) Unless the provider is prohibited by division (D)(3)(b) 82031  
of this section from employing the employee or prospective 82032  
employee, require the conduct of a criminal records check of the 82033  
employee or prospective employee by the superintendent. 82034

(2) If a person subject to the criminal records check 82035  
requirement does not present proof of having been a resident of 82036  
this state for the five-year period immediately prior to the date 82037  
the criminal records check is requested or provide evidence that 82038  
within that five-year period the superintendent has requested 82039  
information about the person from the federal bureau of 82040  
investigation in a criminal records check, the responsible entity 82041  
shall require the person to request that the superintendent obtain 82042  
information from the federal bureau of investigation as part of 82043  
the criminal records check of the person. Even if the person 82044  
presents proof of having been a resident of this state for the 82045  
five-year period, the responsible entity may require that the 82046  
person request that the superintendent obtain information from the 82047  
federal bureau of investigation and include it in the criminal 82048  
records check of the person. 82049

(G) Criminal records checks required by this section shall be 82050  
obtained as follows: 82051

(1) The responsible entity shall provide each person subject to the criminal records check requirement information about accessing and completing the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section.

(2) The person subject to the criminal records check requirement shall submit the required form and one complete set of the person's fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The person shall pay all fees associated with obtaining the criminal records check.

(3) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The person subject to the criminal records check requirement shall instruct the superintendent to submit the report of the criminal records check directly to the responsible entity. If the department or the department's designee is not the responsible entity, the department or designee may require the responsible entity to submit the report to the department or designee.

(H)(1) A medicaid provider may employ conditionally a person for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The provider is not prohibited by division (D)(3)(b) of this section from employing the person.

(b) The person submits a request for the criminal records check not later than five business days after the person begins conditional employment.

(2) A medicaid provider that employs a person conditionally

under division (H)(1) of this section shall terminate the person's 82083  
employment if the results of the criminal records check request 82084  
are not obtained within the period ending sixty days after the 82085  
date the request is made. Regardless of when the results of the 82086  
criminal records check are obtained, if the results indicate that 82087  
the person has been convicted of or has pleaded guilty to a 82088  
disqualifying offense, the provider shall terminate the person's 82089  
employment unless circumstances specified in rules authorized by 82090  
this section exist that permit the provider to employ the person 82091  
and the provider chooses to employ the person. 82092

(I) The report of a criminal records check conducted pursuant 82093  
to this section is not a public record for the purposes of section 82094  
149.43 of the Revised Code and shall not be made available to any 82095  
person other than the following: 82096

(1) The person who is the subject of the criminal records 82097  
check or the person's representative; 82098

(2) The medicaid director and the staff of the department who 82099  
are involved in the administration of the medicaid program; 82100

(3) The department's designee; 82101

(4) The medicaid provider who required the person who is the 82102  
subject of the criminal records check to submit to the criminal 82103  
records check; 82104

(5) An individual receiving or deciding whether to receive, 82105  
from the subject of the criminal records check, home and 82106  
community-based services available under the medicaid state plan; 82107

(6) A court, hearing officer, or other necessary individual 82108  
involved in a case dealing with any of the following: 82109

(a) The denial or termination of a provider agreement; 82110

(b) A person's denial of employment, termination of 82111  
employment, or employment or unemployment benefits; 82112

(c) A civil or criminal action regarding the medicaid program.	82113 82114
(J) The medicaid director may adopt rules under section 5164.02 of the Revised Code to implement this section. If the director adopts such rules, the rules shall designate the times at which a criminal records check must be conducted under this section. The rules may do any of the following:	82115 82116 82117 82118 82119
(1) Designate the categories of persons who are subject to a criminal records check under this section;	82120 82121
(2) Specify circumstances under which the department or the department's designee may continue a provider agreement or issue a provider agreement when the medicaid provider is found by a criminal records check to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;	82122 82123 82124 82125 82126 82127
(3) Specify circumstances under which a medicaid provider may permit a person to be an employee, owner, officer, or board member of the provider when the person is found by a criminal records check conducted pursuant to this section to have been convicted of or have pleaded guilty to a disqualifying offense;	82128 82129 82130 82131 82132
(4) Specify all of the following:	82133
(a) The circumstances under which a database review must be conducted under division (F)(1)(a) of this section to determine whether an employee or prospective employee of a medicaid provider is included in a database;	82134 82135 82136 82137
(b) The procedures for conducting the database review;	82138
(c) The databases that are to be checked;	82139
(d) The circumstances under which a medicaid provider is prohibited from employing a person who is found by the database review to be included in a database.	82140 82141 82142

**Sec. 5164.341.** (A) As used in this section: 82143

"Anniversary date" means the later of the effective date of 82144  
the provider agreement relating to the independent provider or 82145  
sixty days after September 26, 2003. 82146

"Applicant" means a person who has applied for a provider 82147  
agreement to provide home and community-based services as an 82148  
independent provider under a home and community-based medicaid 82149  
waiver component administered by the department of medicaid. 82150

"Criminal records check" has the same meaning as in section 82151  
109.572 of the Revised Code. 82152

"Disqualifying offense" means any of the offenses listed or 82153  
described in divisions (A)(3)(a) to (e) of section 109.572 of the 82154  
Revised Code. 82155

"Independent provider" means a person who has a provider 82156  
agreement to provide home and community-based services as an 82157  
independent provider in a home and community-based services 82158  
medicaid waiver component administered by the department of 82159  
medicaid. 82160

(B) The department of medicaid or the department's designee 82161  
shall deny an applicant's application for a provider agreement and 82162  
shall terminate an independent provider's provider agreement if 82163  
either of the following applies: 82164

(1) After the applicant or independent provider is given the 82165  
information and notification required by divisions (D)(2)(a) and 82166  
(b) of this section, the applicant or independent provider fails 82167  
to do either of the following: 82168

(a) Access, complete, or forward to the superintendent of the 82169  
bureau of criminal identification and investigation the form 82170  
prescribed pursuant to division (C)(1) of section 109.572 of the 82171  
Revised Code or the standard impression sheet prescribed pursuant 82172

to division (C)(2) of that section; 82173

(b) Instruct the superintendent to submit the completed 82174  
report of the criminal records check required by this section 82175  
directly to the department or the department's designee. 82176

(2) Except as provided in rules authorized by this section, 82177  
the applicant or independent provider is found by ~~a criminal~~ 82178  
~~records check required by this section~~ either of the following to 82179  
have been convicted of or have pleaded guilty to a disqualifying 82180  
offense, regardless of the date of the conviction or the date of 82181  
entry of the guilty plea: 82182

(a) A criminal records check required by this section; 82183

(b) In the case of an independent provider, a notice provided 82184  
by the bureau of criminal identification and investigation under 82185  
division (D) of section 109.5721 of the Revised Code. 82186

(C)(1) The department or the department's designee shall 82187  
inform each applicant, at the time of initial application for a 82188  
provider agreement, that the applicant is required to provide a 82189  
set of the applicant's fingerprint impressions and that a criminal 82190  
records check is required to be conducted as a condition of the 82191  
department's approving the application. 82192

(2) ~~Beginning on September 26, 2003~~ Unless the department 82193  
elects to receive notices about independent providers from the 82194  
bureau of criminal identification and investigation pursuant to 82195  
division (D) of section 109.5721 of the Revised Code, the 82196  
department or the department's designee shall inform each 82197  
independent provider on or before the time of the anniversary date 82198  
of the provider agreement that the independent provider is 82199  
required to provide a set of the independent provider's 82200  
fingerprint impressions and that a criminal records check is 82201  
required to be conducted. 82202

(D)(1) The department or the department's designee shall 82203



require an applicant to complete a criminal records check prior to 82204  
entering into a provider agreement with the applicant. The 82205  
department or the department's designee shall require an 82206  
independent provider to complete a criminal records check at least 82207  
annually unless the department elects to receive notices about 82208  
independent providers from the bureau of criminal identification 82209  
and investigation pursuant to division (D) of section 109.5721 of 82210  
the Revised Code. If an applicant or independent provider for whom 82211  
a criminal records check is required by this section does not 82212  
present proof of having been a resident of this state for the 82213  
five-year period immediately prior to the date the criminal 82214  
records check is requested or provide evidence that within that 82215  
five-year period the superintendent of the bureau of criminal 82216  
identification and investigation has requested information about 82217  
the applicant or independent provider from the federal bureau of 82218  
investigation in a criminal records check, the department or the 82219  
department's designee shall request that the applicant or 82220  
independent provider obtain through the superintendent a criminal 82221  
records request from the federal bureau of investigation as part 82222  
of the criminal records check of the applicant or independent 82223  
provider. Even if an applicant or independent provider for whom a 82224  
criminal records check request is required by this section 82225  
presents proof of having been a resident of this state for the 82226  
five-year period, the department or the department's designee may 82227  
request that the applicant or independent provider obtain 82228  
information through the superintendent from the federal bureau of 82229  
investigation in the criminal records check. 82230

(2) The department or the department's designee shall provide 82231  
the following to each applicant and independent provider for whom 82232  
a criminal records check is required by this section: 82233

(a) Information about accessing, completing, and forwarding 82234  
to the superintendent of the bureau of criminal identification and 82235

investigation the form prescribed pursuant to division (C)(1) of 82236  
section 109.572 of the Revised Code and the standard impression 82237  
sheet prescribed pursuant to division (C)(2) of that section; 82238

(b) Written notification that the applicant or independent 82239  
provider is to instruct the superintendent to submit the completed 82240  
report of the criminal records check directly to the department or 82241  
the department's designee. 82242

(3) Each applicant and independent provider for whom a 82243  
criminal records check is required by this section shall pay to 82244  
the bureau of criminal identification and investigation the fee 82245  
prescribed pursuant to division (C)(3) of section 109.572 of the 82246  
Revised Code for the criminal records check conducted of the 82247  
applicant or independent provider. 82248

(E) ~~The~~ Neither the report of any criminal records check 82249  
conducted by the bureau of criminal identification and 82250  
investigation in accordance with section 109.572 of the Revised 82251  
Code and pursuant to a request made under this section nor a 82252  
notice provided by the bureau under division (D) of section 82253  
109.5721 of the Revised Code is ~~not~~ a public record for the 82254  
purposes of section 149.43 of the Revised Code and. Such a report 82255  
or notice shall not be made available to any person other than the 82256  
following: 82257

(1) The person who is the subject of the criminal records 82258  
check or the person's representative; 82259

(2) The medicaid director and the staff of the department who 82260  
are involved in the administration of the medicaid program; 82261

(3) The department's designee; 82262

(4) An individual receiving or deciding whether to receive 82263  
home and community-based services from the person who is the 82264  
subject of the criminal records check or notice from the bureau; 82265

(5) A court, hearing officer, or other necessary individual involved in a case dealing with either of the following:	82266 82267
(a) A denial or termination of a provider agreement related to the criminal records check <u>or notice from the bureau;</u>	82268 82269
(b) A civil or criminal action regarding the medicaid program.	82270 82271
(F) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section. The rules shall specify circumstances under which the department or the department's designee may either approve an applicant's application or allow an independent provider to maintain an existing provider agreement even though the applicant or independent provider is found by a <del>criminal records check required by this section</del> <u>either of the following</u> to have been convicted of or have pleaded guilty to a disqualifying offense:	82272 82273 82274 82275 82276 82277 82278 82279
(1) <u>A criminal records check required by this section;</u>	82280 82281
(2) <u>In the case of an independent provider, a notice provided by the bureau of criminal identification and investigation under division (D) of section 109.5721 of the Revised Code.</u>	82282 82283 82284
<b>Sec. 5164.342.</b> (A) As used in this section:	82285
"Applicant" means a person who is under final consideration for employment with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.	82286 82287 82288 82289
"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code.	82290 82291
"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.	82292 82293
"Criminal records check" has the same meaning as in section	82294

109.572 of the Revised Code. 82295

"Disqualifying offense" means any of the offenses listed or 82296  
described in divisions (A)(3)(a) to (e) of section 109.572 of the 82297  
Revised Code. 82298

"Employee" means a person employed by a waiver agency in a 82299  
full-time, part-time, or temporary position that involves 82300  
providing home and community-based services. 82301

"Waiver agency" means a person or government entity that 82302  
provides home and community-based services under a home and 82303  
community-based services medicaid waiver component administered by 82304  
the department of medicaid, other than such a person or government 82305  
entity that is certified under the medicare program. "Waiver 82306  
agency" does not mean an independent provider as defined in 82307  
section 5164.341 of the Revised Code. 82308

(B) This section does not apply to any individual who is 82309  
subject to a database review or criminal records check under 82310  
section 3701.881 of the Revised Code. If a waiver agency also is a 82311  
community-based long-term care provider or community-based 82312  
long-term care subcontractor, the waiver agency may provide for 82313  
applicants and employees to undergo database reviews and criminal 82314  
records checks in accordance with section 173.38 of the Revised 82315  
Code rather than this section. 82316

(C) No waiver agency shall employ an applicant or continue to 82317  
employ an employee in a position that involves providing home and 82318  
community-based services if any of the following apply: 82319

(1) A review of the databases listed in division (E) of this 82320  
section reveals any of the following: 82321

(a) That the applicant or employee is included in one or more 82322  
of the databases listed in divisions (E)(1) to (5) of this 82323  
section; 82324

(b) That there is in the state nurse aide registry 82325  
established under section 3721.32 of the Revised Code a statement 82326  
detailing findings by the director of health that the applicant or 82327  
employee abused, neglected, or ~~abused~~ exploited a long-term care 82328  
facility or residential care facility resident or misappropriated 82329  
property of such a resident; 82330

(c) That the applicant or employee is included in one or more 82331  
of the databases, if any, specified in rules authorized by this 82332  
section and the rules prohibit the waiver agency from employing an 82333  
applicant or continuing to employ an employee included in such a 82334  
database in a position that involves providing home and 82335  
community-based services. 82336

(2) After the applicant or employee is given the information 82337  
and notification required by divisions (F)(2)(a) and (b) of this 82338  
section, the applicant or employee fails to do either of the 82339  
following: 82340

(a) Access, complete, or forward to the superintendent of the 82341  
bureau of criminal identification and investigation the form 82342  
prescribed to division (C)(1) of section 109.572 of the Revised 82343  
Code or the standard impression sheet prescribed pursuant to 82344  
division (C)(2) of that section; 82345

(b) Instruct the superintendent to submit the completed 82346  
report of the criminal records check required by this section 82347  
directly to the chief administrator of the waiver agency. 82348

(3) Except as provided in rules authorized by this section, 82349  
the applicant or employee is found by a criminal records check 82350  
required by this section to have been convicted of or have pleaded 82351  
guilty to a disqualifying offense, regardless of the date of the 82352  
conviction or date of entry of the guilty plea. 82353

(D) At the time of each applicant's initial application for 82354  
employment in a position that involves providing home and 82355

community-based services, the chief administrator of a waiver agency shall inform the applicant of both of the following: 82356  
82357

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the waiver agency is prohibited by division (C)(1) of this section from employing the applicant in the position; 82358  
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(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check. 82362  
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(E) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall conduct a database review of the applicant in accordance with rules authorized by this section. If rules authorized by this section so require, the chief administrator of a waiver agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. A database review shall determine whether the applicant or employee is included in any of the following: 82367  
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(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management; 82378  
82379  
82380  
82381

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 82382  
82383  
82384  
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(3) The registry of developmental disabilities employees 82386

established under section 5123.52 of the Revised Code; 82387

(4) The internet-based sex offender and child-victim offender 82388  
database established under division (A)(11) of section 2950.13 of 82389  
the Revised Code; 82390

(5) The internet-based database of inmates established under 82391  
section 5120.66 of the Revised Code; 82392

(6) The state nurse aide registry established under section 82393  
3721.32 of the Revised Code; 82394

(7) Any other database, if any, specified in rules authorized 82395  
by this section. 82396

(F)(1) As a condition of employing any applicant in a 82397  
position that involves providing home and community-based 82398  
services, the chief administrator of a waiver agency shall require 82399  
the applicant to request that the superintendent of the bureau of 82400  
criminal identification and investigation conduct a criminal 82401  
records check of the applicant. If rules authorized by this 82402  
section so require, the chief administrator of a waiver agency 82403  
shall require an employee to request that the superintendent 82404  
conduct a criminal records check of the employee at times 82405  
specified in the rules as a condition of continuing to employ the 82406  
employee in a position that involves providing home and 82407  
community-based services. However, a criminal records check is not 82408  
required for an applicant or employee if the waiver agency is 82409  
prohibited by division (C)(1) of this section from employing the 82410  
applicant or continuing to employ the employee in a position that 82411  
involves providing home and community-based services. If an 82412  
applicant or employee for whom a criminal records check request is 82413  
required by this section does not present proof of having been a 82414  
resident of this state for the five-year period immediately prior 82415  
to the date the criminal records check is requested or provide 82416  
evidence that within that five-year period the superintendent has 82417

requested information about the applicant or employee from the 82418  
federal bureau of investigation in a criminal records check, the 82419  
chief administrator shall require the applicant or employee to 82420  
request that the superintendent obtain information from the 82421  
federal bureau of investigation as part of the criminal records 82422  
check. Even if an applicant or employee for whom a criminal 82423  
records check request is required by this section presents proof 82424  
of having been a resident of this state for the five-year period, 82425  
the chief administrator may require the applicant or employee to 82426  
request that the superintendent include information from the 82427  
federal bureau of investigation in the criminal records check. 82428

(2) The chief administrator shall provide the following to 82429  
each applicant and employee for whom a criminal records check is 82430  
required by this section: 82431

(a) Information about accessing, completing, and forwarding 82432  
to the superintendent of the bureau of criminal identification and 82433  
investigation the form prescribed pursuant to division (C)(1) of 82434  
section 109.572 of the Revised Code and the standard impression 82435  
sheet prescribed pursuant to division (C)(2) of that section; 82436

(b) Written notification that the applicant or employee is to 82437  
instruct the superintendent to submit the completed report of the 82438  
criminal records check directly to the chief administrator. 82439

(3) A waiver agency shall pay to the bureau of criminal 82440  
identification and investigation the fee prescribed pursuant to 82441  
division (C)(3) of section 109.572 of the Revised Code for any 82442  
criminal records check required by this section. However, a waiver 82443  
agency may require an applicant to pay to the bureau the fee for a 82444  
criminal records check of the applicant. If the waiver agency pays 82445  
the fee for an applicant, it may charge the applicant a fee not 82446  
exceeding the amount the waiver agency pays to the bureau under 82447  
this section if the waiver agency notifies the applicant at the 82448  
time of initial application for employment of the amount of the 82449



fee and that, unless the fee is paid, the applicant will not be 82450  
considered for employment. 82451

(G)(1) A waiver agency may employ conditionally an applicant 82452  
for whom a criminal records check is required by this section 82453  
prior to obtaining the results of the criminal records check if 82454  
both of the following apply: 82455

(a) The waiver agency is not prohibited by division (C)(1) of 82456  
this section from employing the applicant in a position that 82457  
involves providing home and community-based services. 82458

(b) The chief administrator of the waiver agency requires the 82459  
applicant to request a criminal records check regarding the 82460  
applicant in accordance with division (F)(1) of this section not 82461  
later than five business days after the applicant begins 82462  
conditional employment. 82463

(2) A waiver agency that employs an applicant conditionally 82464  
under division (G)(1) of this section shall terminate the 82465  
applicant's employment if the results of the criminal records 82466  
check, other than the results of any request for information from 82467  
the federal bureau of investigation, are not obtained within the 82468  
period ending sixty days after the date the request for the 82469  
criminal records check is made. Regardless of when the results of 82470  
the criminal records check are obtained, if the results indicate 82471  
that the applicant has been convicted of or has pleaded guilty to 82472  
a disqualifying offense, the waiver agency shall terminate the 82473  
applicant's employment unless circumstances specified in rules 82474  
authorized by this section exist that permit the waiver agency to 82475  
employ the applicant and the waiver agency chooses to employ the 82476  
applicant. 82477

(H) The report of any criminal records check conducted 82478  
pursuant to a request made under this section is not a public 82479  
record for the purposes of section 149.43 of the Revised Code and 82480

shall not be made available to any person other than the	82481
following:	82482
(1) The applicant or employee who is the subject of the	82483
criminal records check or the representative of the applicant or	82484
employee;	82485
(2) The chief administrator of the waiver agency that	82486
requires the applicant or employee to request the criminal records	82487
check or the administrator's representative;	82488
(3) The medicaid director and the staff of the department who	82489
are involved in the administration of the medicaid program;	82490
(4) The director of aging or the director's designee if the	82491
waiver agency also is a community-based long-term care provider or	82492
community-based long-term care subcontractor;	82493
(5) An individual receiving or deciding whether to receive	82494
home and community-based services from the subject of the criminal	82495
records check;	82496
(6) A court, hearing officer, or other necessary individual	82497
involved in a case dealing with any of the following:	82498
(a) A denial of employment of the applicant or employee;	82499
(b) Employment or unemployment benefits of the applicant or	82500
employee;	82501
(c) A civil or criminal action regarding the medicaid	82502
program.	82503
(I) The medicaid director shall adopt rules under section	82504
5164.02 of the Revised Code to implement this section.	82505
(1) The rules may do the following:	82506
(a) Require employees to undergo database reviews and	82507
criminal records checks under this section;	82508
(b) If the rules require employees to undergo database	82509

reviews and criminal records checks under this section, exempt one 82510  
or more classes of employees from the requirements; 82511

(c) For the purpose of division (E)(7) of this section, 82512  
specify other databases that are to be checked as part of a 82513  
database review conducted under this section. 82514

(2) The rules shall specify all of the following: 82515

(a) The procedures for conducting a database review under 82516  
this section; 82517

(b) If the rules require employees to undergo database 82518  
reviews and criminal records checks under this section, the times 82519  
at which the database reviews and criminal records checks are to 82520  
be conducted; 82521

(c) If the rules specify other databases to be checked as 82522  
part of a database review, the circumstances under which a waiver 82523  
agency is prohibited from employing an applicant or continuing to 82524  
employ an employee who is found by the database review to be 82525  
included in one or more of those databases; 82526

(d) The circumstances under which a waiver agency may employ 82527  
an applicant or employee who is found by a criminal records check 82528  
required by this section to have been convicted of or have pleaded 82529  
guilty to a disqualifying offense. 82530

(J) The amendments made by H.B. 487 of the 129th general 82531  
assembly to this section do not preclude the department of 82532  
medicaid from taking action against a person for failure to comply 82533  
with former division (H) of this section as that division existed 82534  
on the day preceding January 1, 2013. 82535

**Sec. 5164.37.** (A) As used in this section: 82536

(1) "Independent provider" has the same meaning as in section 82537  
5164.341 of the Revised Code. 82538

(2) "Noninstitutional medicaid provider" means any person or 82539  
entity with a provider agreement other than a hospital, nursing 82540  
facility, or ICF/IID. 82541

(3) "Owner" means any person having at least five per cent 82542  
ownership in a noninstitutional medicaid provider. 82543

(B) Notwithstanding any provision of this chapter to the 82544  
contrary, the department of medicaid shall take action under this 82545  
section against a noninstitutional medicaid provider or its owner, 82546  
officer, authorized agent, associate, manager, or employee. 82547

(C) Except as provided in division (D) of this section and in 82548  
rules authorized by this section, on receiving notice and a copy 82549  
of an indictment that is issued on or after September 29, 2007, 82550  
and charges a noninstitutional medicaid provider or its owner, 82551  
officer, authorized agent, associate, manager, or employee with 82552  
committing an offense specified in division (E) of this section, 82553  
the department shall suspend the provider agreement held by the 82554  
noninstitutional medicaid provider. Subject to division (D) of 82555  
this section, the department shall also terminate medicaid 82556  
payments to the provider for medicaid services rendered. 82557

The suspension shall continue in effect until the proceedings 82558  
in the criminal case are completed through dismissal of the 82559  
indictment or through conviction, entry of a guilty plea, or 82560  
finding of not guilty. If the department commences a process to 82561  
terminate the suspended provider agreement, the suspension shall 82562  
also continue in effect until the termination process is 82563  
concluded. 82564

When subject to a suspension under this division, a provider, 82565  
owner, officer, authorized agent, associate, manager, or employee 82566  
shall not own or provide medicaid services to any other medicaid 82567  
provider or risk contractor or arrange for, render, or order 82568  
medicaid services for medicaid recipients during the period of 82569

suspension. During the period of suspension, the provider, owner, 82570  
officer, authorized agent, associate, manager, or employee shall 82571  
not receive direct payments under the medicaid program or indirect 82572  
payments of medicaid funds in the form of salary, shared fees, 82573  
contracts, kickbacks, or rebates from or through any other 82574  
medicaid provider or risk contractor. 82575

(D)(1) The department shall not suspend a provider agreement 82576  
or terminate medicaid payments under division (C) of this section 82577  
if the provider or owner can demonstrate through the submission of 82578  
written evidence that the provider or owner did not directly or 82579  
indirectly sanction the action of its authorized agent, associate, 82580  
manager, or employee that resulted in the indictment. 82581

(2) The termination of medicaid payments applies only to 82582  
payments for medicaid services rendered subsequent to the date on 82583  
which the notice required under division (F) of this section is 82584  
sent. Claims for payment for medicaid services rendered by the 82585  
provider prior to the issuance of the notice may be subject to 82586  
prepayment review procedures whereby the department reviews claims 82587  
to determine whether they are supported by sufficient 82588  
documentation, are in compliance with state and federal statutes 82589  
and rules, and are otherwise complete. 82590

(E)(1) In the case of a noninstitutional medicaid provider 82591  
that is not an independent provider, the suspension of a provider 82592  
agreement under division (C) of this section applies when an 82593  
indictment charges a person with committing an act that would be a 82594  
felony or misdemeanor under the laws of this state and the act 82595  
relates to or results from either of the following: 82596

(a) Furnishing or billing for medicaid services under the 82597  
medicaid program; 82598

(b) Participating in the performance of management or 82599  
administrative services relating to furnishing medicaid services 82600

under the medicaid program. 82601

(2) In the case of a noninstitutional medicaid provider that 82602  
is an independent provider, the suspension of a provider agreement 82603  
under division (C) of this section applies when an indictment 82604  
charges a person with committing an act that would constitute a 82605  
disqualifying offense as defined in section ~~5164.34~~ 5164.341 of 82606  
the Revised Code. 82607

(F) Not later than five days after suspending a provider 82608  
agreement under division (C) of this section, the department shall 82609  
send notice of the suspension to the affected provider or owner. 82610  
In providing the notice, the department shall do all of the 82611  
following: 82612

(1) Describe the indictment that was the cause of the 82613  
suspension, without necessarily disclosing specific information 82614  
concerning any ongoing civil or criminal investigation; 82615

(2) State that the suspension will continue in effect until 82616  
the proceedings in the criminal case are completed through 82617  
dismissal of the indictment or through conviction, entry of a 82618  
guilty plea, or finding of not guilty and, if the department 82619  
commences a process to terminate the suspended provider agreement, 82620  
until the termination process is concluded; 82621

(3) Inform the provider or owner of the opportunity to submit 82622  
to the department, not later than thirty days after receiving the 82623  
notice, a request for a reconsideration pursuant to division (G) 82624  
of this section. 82625

(G)(1) Pursuant to the procedure specified in division (G)(2) 82626  
of this section, a noninstitutional medicaid provider or owner 82627  
subject to a suspension under this section may request a 82628  
reconsideration. The request shall be made not later than thirty 82629  
days after receipt of the notice provided under division (F) of 82630  
this section. The reconsideration is not subject to an 82631

adjudication hearing pursuant to Chapter 119. of the Revised Code. 82632

(2) In requesting a reconsideration, the provider or owner 82633  
shall submit written information and documents to the department. 82634  
The information and documents may pertain to any of the following 82635  
issues: 82636

(a) Whether the determination to suspend the provider 82637  
agreement was based on a mistake of fact, other than the validity 82638  
of the indictment; 82639

(b) Whether any offense charged in the indictment resulted 82640  
from an offense specified in division (E) of this section; 82641

(c) Whether the provider or owner can demonstrate that the 82642  
provider or owner did not directly or indirectly sanction the 82643  
action of its authorized agent, associate, manager, or employee 82644  
that resulted in the indictment. 82645

(3) The department shall review the information and documents 82646  
submitted in a request for reconsideration. After the review, the 82647  
suspension may be affirmed, reversed, or modified, in whole or in 82648  
part. The department shall notify the affected provider or owner 82649  
of the results of the review. The review and notification of its 82650  
results shall be completed not later than forty-five days after 82651  
receiving the information and documents submitted in a request for 82652  
reconsideration. 82653

(H) Rules adopted under section 5164.02 of the Revised Code 82654  
may specify circumstances under which the department would not 82655  
suspend a provider agreement pursuant to this section. 82656

**Sec. 5164.57.** (A)(1) Except as provided in ~~division~~ divisions 82657  
(A)(2) and (3) of this section, the department of medicaid may 82658  
recover a medicaid payment or portion of a payment made to a 82659  
medicaid provider to which the provider is not entitled if the 82660  
department notifies the provider of the overpayment during the 82661

five-year period immediately following the end of the state fiscal year in which the overpayment was made. 82662  
82663

(2) In the case of a hospital medicaid provider, if the department determines as a result of a medicare or medicaid cost report settlement that the provider received an amount under the medicaid program to which the provider is not entitled, the department may recover the overpayment if the department notifies the provider of the overpayment during the later of the following: 82664  
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(a) The five-year period immediately following the end of the state fiscal year in which the overpayment was made; 82670  
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(b) The one-year period immediately following the date the department receives from the United States centers for medicare and medicaid services a completed, audited, medicare cost report for the provider that applies to the state fiscal year in which the overpayment was made. 82672  
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(3) In the case of a nursing facility provider or ICF/IID provider, if the department determines, from data in the possession of the department or another state agency at the time the department makes the determination, that the provider received an amount under the medicaid program to which the provider is not entitled, the department may recover the overpayment if the department notifies the provider of the overpayment during the three-year period immediately following the end of the state fiscal year in which the overpayment is made. 82677  
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(B) Among the overpayments that may be recovered under this section are the following: 82686  
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(1) Payment for a medicaid service, or a day of service, not rendered; 82688  
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(2) Payment for a day of service at a full per diem rate that should have been paid at a percentage of the full per diem rate; 82690  
82691



(3) Payment for a medicaid service, or day of service, that 82692  
was paid by, or partially paid by, a third party, as defined in 82693  
section 5160.35 of the Revised Code, and the third party's payment 82694  
or partial payment was not offset against the amount paid by the 82695  
medicaid program to reduce or eliminate the amount that was paid 82696  
by the medicaid program; 82697

(4) Payment when a medicaid recipient's responsibility for 82698  
payment was understated and resulted in an overpayment to the 82699  
provider. 82700

(C) The department may recover an overpayment under this 82701  
section prior to or after any of the following: 82702

(1) Adjudication of a final fiscal audit that section 5164.38 82703  
of the Revised Code requires to be conducted in accordance with 82704  
Chapter 119. of the Revised Code; 82705

(2) Adjudication of a finding under any other provision of 82706  
state statutes governing the medicaid program or the rules adopted 82707  
under those statutes; 82708

(3) Expiration of the time to issue a final fiscal audit that 82709  
section 5164.38 of the Revised Code requires to be conducted in 82710  
accordance with Chapter 119. of the Revised Code; 82711

(4) Expiration of the time to issue a finding under any other 82712  
provision of state statutes governing the medicaid program or the 82713  
rules adopted under those statutes. 82714

(D)(1) Subject to division (D)(2) of this section, the 82715  
recovery of an overpayment under this section does not preclude 82716  
the department from subsequently doing the following: 82717

(a) Issuing a final fiscal audit in accordance with Chapter 82718  
119. of the Revised Code, as required under section 5164.38 of the 82719  
Revised Code; 82720

(b) Issuing a finding under any other provision of state 82721

statutes governing the medicaid program or the rules adopted under those statutes.

(2) A final fiscal audit or finding issued subsequent to the recovery of an overpayment under this section shall be reduced by the amount of the prior recovery, as appropriate.

(E) Nothing in this section limits the department's authority to recover overpayments pursuant to any other provision of the Revised Code.

**Sec. 5164.70.** Except as otherwise required by federal statute or regulation, no medicaid payment for any medicaid service provided by a hospital, nursing facility, or ICF/IID shall exceed ~~the following:~~

~~(A) If the medicaid provider is a hospital, nursing facility, or ICF/IID,~~ the limits established under Subpart C of 42 C.F.R. Part 447:

~~(B) If the medicaid provider is other than a provider described in division (A) of this section, the authorized payment limits for the same service under the medicare program.~~

**Sec. 5164.752.** In July of every even-numbered year, the department of medicaid shall initiate a confidential survey of the cost of dispensing drugs incurred by terminal distributors of dangerous drugs in this state. The survey shall be used ~~as the basis for establishing~~ when adjusting the medicaid program's dispensing fee for terminal distributors in accordance with section 5164.753 of the Revised Code. The survey shall be completed and its results published not later than the last day of ~~October~~ November of the year in which it is conducted.

Each terminal distributor that is a provider of drugs under the medicaid program shall participate in the survey. Except as necessary to publish the survey's results, a terminal

distributor's responses to the survey are confidential and not a public record under section 149.43 of the Revised Code. 82752  
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The survey shall be conducted in conformance with the requirements set forth in 42 C.F.R. 447.500 to 447.518. The survey shall include operational data and direct prescription expenses, professional services and personnel costs, and usual and customary overhead expenses of the terminal distributors surveyed. The survey shall compute and report the cost of dispensing ~~on a basis of the usual and customary charges~~ by terminal distributors ~~to their customers for dispensing drugs~~. 82754  
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**Sec. 5164.753.** ~~In December of every even numbered year~~ Beginning July 1, 2017, the ~~medicaid director shall establish a~~ dispensing fee, ~~effective the following July, for paid by the~~ medicaid program to terminal distributors of dangerous drugs that are providers of drugs under the medicaid program is ten dollars and forty-nine cents for each prescription that is filled or refilled. ~~In establishing~~ By July 1 of every subsequent odd-numbered year, the director shall adjust the dispensing fee, ~~the director shall take into consideration the results of to~~ reflect the average cost of dispensing as determined by the survey conducted under section 5164.752 of the Revised Code. 82762  
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**Sec. 5164.78.** (A) The medicaid payment rates for the following neonatal and newborn services shall equal seventy-five per cent of the medicare payment rates for the services in effect on the date the services are provided to medicaid recipients eligible for the services: 82773  
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(1) Initial care for normal newborns; 82778

(2) Subsequent day, hospital care for normal newborns; 82779

(3) Same day, initial history and physical examination and discharge for normal newborns; 82780  
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<u>(4) Initial neonatal critical care for children not more than twenty-eight days old;</u>	82782
	82783
<u>(5) Subsequent day, neonatal critical care for children not more than twenty-eight days old;</u>	82784
	82785
<u>(6) Subsequent day, pediatric critical care for children at least twenty-nine days but less than two years old;</u>	82786
	82787
<u>(7) Initial neonatal intensive care;</u>	82788
<u>(8) Subsequent day, neonatal intensive noncritical care for children weighing less than one thousand five hundred grams;</u>	82789
	82790
<u>(9) Subsequent day, neonatal intensive noncritical care for children weighing at least one thousand five hundred grams but not more than two thousand five hundred grams;</u>	82791
	82792
	82793
<u>(10) Subsequent day, neonatal noncritical care for children weighing more than two thousand five hundred grams but not more than five thousand grams.</u>	82794
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<u>(B) The medicaid payment rates for other medicaid services selected by the medicaid director shall be less than the amount of the rates in effect on the effective date of this section so that the cost of the rates set pursuant to division (A) of this section do not increase medicaid expenditures. The director may not select any medicaid service for which the medicaid payment rate is determined in accordance with state statutes.</u>	82797
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<b>Sec. 5165.01.</b> As used in this chapter:	82804
(A) "Affiliated operator" means an operator affiliated with either of the following:	82805
	82806
(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator	82807
	82808
	82809
	82810

owes; 82811

(2) The entering operator involved in the change of operator 82812  
with the exiting operator specified in division (A)(1) of this 82813  
section. 82814

(B) "Allowable costs" are a nursing facility's costs that the 82815  
department of medicaid determines are reasonable. Fines paid under 82816  
sections 5165.60 to 5165.89 and section 5165.99 of the Revised 82817  
Code are not allowable costs. 82818

(C) "Ancillary and support costs" means all reasonable costs 82819  
incurred by a nursing facility other than direct care costs, tax 82820  
costs, or capital costs. "Ancillary and support costs" includes, 82821  
but is not limited to, costs of activities, social services, 82822  
pharmacy consultants, habilitation supervisors, qualified 82823  
intellectual disability professionals, program directors, medical 82824  
and habilitation records, program supplies, incontinence supplies, 82825  
food, enterals, dietary supplies and personnel, laundry, 82826  
housekeeping, security, administration, medical equipment, 82827  
utilities, liability insurance, bookkeeping, purchasing 82828  
department, human resources, communications, travel, dues, license 82829  
fees, subscriptions, home office costs not otherwise allocated, 82830  
legal services, accounting services, minor equipment, maintenance 82831  
and repairs, help-wanted advertising, informational advertising, 82832  
start-up costs, organizational expenses, other interest, property 82833  
insurance, employee training and staff development, employee 82834  
benefits, payroll taxes, and workers' compensation premiums or 82835  
costs for self-insurance claims and related costs as specified in 82836  
rules adopted under section 5165.02 of the Revised Code, for 82837  
personnel listed in this division. "Ancillary and support costs" 82838  
also means the cost of equipment, including vehicles, acquired by 82839  
operating lease executed before December 1, 1992, if the costs are 82840  
reported as administrative and general costs on the nursing 82841  
facility's cost report for the cost reporting period ending 82842

December 31, 1992.	82843
(D) <u>"Applicable calendar year" means the calendar year immediately preceding the calendar year that precedes the first of the state fiscal years for which a rebasing is conducted.</u>	82844 82845 82846
(E) <u>"Budget reduction adjustment factor" means the factor specified pursuant to or in section 5165.361 of the Revised Code for a state fiscal year.</u>	82847 82848 82849
(F)(1) "Capital costs" means the actual expense incurred by a nursing facility for all of the following:	82850 82851
(a) Depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:	82852 82853
(i) Buildings;	82854
(ii) Building improvements;	82855
(iii) Except as provided in division (C) of this section, equipment;	82856 82857
(iv) Transportation equipment.	82858
(b) Amortization and interest on land improvements and leasehold improvements;	82859 82860
(c) Amortization of financing costs;	82861
(d) Lease and rent of land, buildings, and equipment.	82862
(2) The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.	82863 82864 82865
<del>(E)</del> (G) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.	82866 82867 82868
<del>(F)</del> (H) "Case-mix score" means a measure determined under section 5165.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a nursing	82869 82870 82871

facility resident. 82872

~~(G)~~(I) "Change of operator" means an entering operator 82873  
becoming the operator of a nursing facility in the place of the 82874  
exiting operator. 82875

(1) Actions that constitute a change of operator include the 82876  
following: 82877

(a) A change in an exiting operator's form of legal 82878  
organization, including the formation of a partnership or 82879  
corporation from a sole proprietorship; 82880

(b) A transfer of all the exiting operator's ownership 82881  
interest in the operation of the nursing facility to the entering 82882  
operator, regardless of whether ownership of any or all of the 82883  
real property or personal property associated with the nursing 82884  
facility is also transferred; 82885

(c) A lease of the nursing facility to the entering operator 82886  
or the exiting operator's termination of the exiting operator's 82887  
lease; 82888

(d) If the exiting operator is a partnership, dissolution of 82889  
the partnership; 82890

(e) If the exiting operator is a partnership, a change in 82891  
composition of the partnership unless both of the following apply: 82892

(i) The change in composition does not cause the 82893  
partnership's dissolution under state law. 82894

(ii) The partners agree that the change in composition does 82895  
not constitute a change in operator. 82896

(f) If the operator is a corporation, dissolution of the 82897  
corporation, a merger of the corporation into another corporation 82898  
that is the survivor of the merger, or a consolidation of one or 82899  
more other corporations to form a new corporation. 82900

(2) The following, alone, do not constitute a change of 82901

operator:	82902
(a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions;	82903 82904 82905
(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility if an entering operator does not become the operator in place of an exiting operator;	82906 82907 82908 82909
(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.	82910 82911 82912 82913
<del>(H)</del> <u>(J)</u> "Cost center" means the following:	82914
(1) Ancillary and support costs;	82915
(2) Capital costs;	82916
(3) Direct care costs;	82917
(4) Tax costs.	82918
<del>(I)</del> <u>(K)</u> "Custom wheelchair" means a wheelchair to which both of the following apply:	82919 82920
(1) It has been measured, fitted, or adapted in consideration of either of the following:	82921 82922
(a) The body size or disability of the individual who is to use the wheelchair;	82923 82924
(b) The individual's period of need for, or intended use of, the wheelchair.	82925 82926
(2) It has customized features, modifications, or components, such as adaptive seating and positioning systems, that the supplier who assembled the wheelchair, or the manufacturer from which the wheelchair was ordered, added or made in accordance with	82927 82928 82929 82930



the instructions of the physician of the individual who is to use the wheelchair. 82931  
82932

~~(J)~~(L)(1) "Date of licensure" means the following: 82933

(a) In the case of a nursing facility that was required by law to be licensed as a nursing home under Chapter 3721. of the Revised Code when it originally began to be operated as a nursing home, the date the nursing facility was originally so licensed; 82934  
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82936  
82937

(b) In the case of a nursing facility that was not required by law to be licensed as a nursing home when it originally began to be operated as a nursing home, the date it first began to be operated as a nursing home, regardless of the date the nursing facility was first licensed as a nursing home. 82938  
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(2) If, after a nursing facility's original date of licensure, more nursing home beds are added to the nursing facility, the nursing facility has a different date of licensure for the additional beds. This does not apply, however, to additional beds when both of the following apply: 82943  
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82945  
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(a) The additional beds are located in a part of the nursing facility that was constructed at the same time as the continuing beds already located in that part of the nursing facility; 82948  
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82950

(b) The part of the nursing facility in which the additional beds are located was constructed as part of the nursing facility at a time when the nursing facility was not required by law to be licensed as a nursing home. 82951  
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82954

(3) The definition of "date of licensure" in this section applies in determinations of nursing facilities' medicaid payment rates but does not apply in determinations of nursing facilities' franchise permit fees. 82955  
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82957  
82958

~~(K)~~(M) "Desk-reviewed" means that a nursing facility's costs as reported on a cost report submitted under section 5165.10 of 82959  
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the Revised Code have been subjected to a desk review under 82961  
section 5165.108 of the Revised Code and preliminarily determined 82962  
to be allowable costs. 82963

~~(L)~~(N) "Direct care costs" means all of the following costs 82964  
incurred by a nursing facility: 82965

(1) Costs for registered nurses, licensed practical nurses, 82966  
and nurse aides employed by the nursing facility; 82967

(2) Costs for direct care staff, administrative nursing 82968  
staff, medical directors, respiratory therapists, and except as 82969  
provided in division ~~(L)~~(N)(8) of this section, other persons 82970  
holding degrees qualifying them to provide therapy; 82971

(3) Costs of purchased nursing services; 82972

(4) Costs of quality assurance; 82973

(5) Costs of training and staff development, employee 82974  
benefits, payroll taxes, and workers' compensation premiums or 82975  
costs for self-insurance claims and related costs as specified in 82976  
rules adopted under section 5165.02 of the Revised Code, for 82977  
personnel listed in divisions ~~(L)~~(N)(1), (2), (4), and (8) of this 82978  
section; 82979

(6) Costs of consulting and management fees related to direct 82980  
care; 82981

(7) Allocated direct care home office costs; 82982

(8) Costs of habilitation staff (other than habilitation 82983  
supervisors), medical supplies, emergency oxygen, over-the-counter 82984  
pharmacy products, physical therapists, physical therapy 82985  
assistants, occupational therapists, occupational therapy 82986  
assistants, speech therapists, audiologists, habilitation 82987  
supplies, and universal precautions supplies; 82988

(9) ~~Until January 1, 2014, costs of oxygen, wheelchairs, and 82989  
resident transportation;~~ 82990

<del>(10)</del> Beginning January 1, 2014, costs of both of the following:	82991
	82992
<del>(a)</del> Emergency oxygen:	82993
<del>(b)</del> Wheelchairs <u>Costs of wheelchairs</u> other than the following:	82994
	82995
<del>(i)</del> <u>(a)</u> Custom wheelchairs;	82996
<del>(ii)</del> <u>(b)</u> Repairs to and replacements of custom wheelchairs and parts that are made in accordance with the instructions of the physician of the individual who uses the custom wheelchair.	82997
	82998
	82999
<del>(11)</del> <u>(10)</u> Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5165.02 of the Revised Code.	83000
	83001
	83002
<del>(M)</del> <u>(O)</u> "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.	83003
	83004
<del>(N)</del> <u>(P)</u> "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility.	83005
	83006
	83007
<del>(O)</del> <u>(Q)</u> "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility resides in the nursing facility.	83008
	83009
	83010
<del>(P)</del> <u>(R)</u> "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the nursing facility.	83011
	83012
	83013
<del>(Q)</del> <u>(S)</u> "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid residents other than the individuals who reside in the nursing facility on the day before the effective date of the voluntary withdrawal of participation.	83014
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	83018
<del>(R)</del> <u>(T)</u> "Entering operator" means the person or government entity that will become the operator of a nursing facility when a	83019
	83020

change of operator occurs or following an involuntary termination. 83021

~~(S)~~(U) "Exiting operator" means any of the following: 83022

(1) An operator that will cease to be the operator of a 83023  
nursing facility on the effective date of a change of operator; 83024

(2) An operator that will cease to be the operator of a 83025  
nursing facility on the effective date of a facility closure; 83026

(3) An operator of a nursing facility that is undergoing or 83027  
has undergone a voluntary withdrawal of participation; 83028

(4) An operator of a nursing facility that is undergoing or 83029  
has undergone an involuntary termination. 83030

~~(T)~~(V)(1) Subject to divisions ~~(T)~~(V)(2) and (3) of this 83031  
section, "facility closure" means either of the following: 83032

(a) Discontinuance of the use of the building, or part of the 83033  
building, that houses the facility as a nursing facility that 83034  
results in the relocation of all of the nursing facility's 83035  
residents; 83036

(b) Conversion of the building, or part of the building, that 83037  
houses a nursing facility to a different use with any necessary 83038  
license or other approval needed for that use being obtained and 83039  
one or more of the nursing facility's residents remaining in the 83040  
building, or part of the building, to receive services under the 83041  
new use. 83042

(2) A facility closure occurs regardless of any of the 83043  
following: 83044

(a) The operator completely or partially replacing the 83045  
nursing facility by constructing a new nursing facility or 83046  
transferring the nursing facility's license to another nursing 83047  
facility; 83048

(b) The nursing facility's residents relocating to another of 83049  
the operator's nursing facilities; 83050

(c) Any action the department of health takes regarding the 83051  
nursing facility's medicaid certification that may result in the 83052  
transfer of part of the nursing facility's survey findings to 83053  
another of the operator's nursing facilities; 83054

(d) Any action the department of health takes regarding the 83055  
nursing facility's license under Chapter 3721. of the Revised 83056  
Code. 83057

(3) A facility closure does not occur if all of the nursing 83058  
facility's residents are relocated due to an emergency evacuation 83059  
and one or more of the residents return to a medicaid-certified 83060  
bed in the nursing facility not later than thirty days after the 83061  
evacuation occurs. 83062

~~(U)~~ "Fiscal year" means the fiscal year of this state, as 83063  
~~specified in section 9.34 of the Revised Code.~~ 83064

~~(V)~~(W) "Franchise permit fee" means the fee imposed by 83065  
sections 5168.40 to 5168.56 of the Revised Code. 83066

~~(W)~~(X) "Inpatient days" means both of the following: 83067

(1) All days during which a resident, regardless of payment 83068  
source, occupies a bed in a nursing facility that is included in 83069  
the nursing facility's medicaid-certified capacity; 83070

(2) Fifty per cent of the days for which payment is made 83071  
under section 5165.34 of the Revised Code. 83072

~~(X)~~(Y) "Involuntary termination" means the department of 83073  
medicaid's termination of the operator's provider agreement for 83074  
the nursing facility when the termination is not taken at the 83075  
operator's request. 83076

~~(Y)~~(Z) "Low resource utilization resident" means a medicaid 83077  
recipient residing in a nursing facility who, for purposes of 83078  
calculating the nursing facility's medicaid payment rate for 83079  
direct care costs, is placed in either of the two lowest resource 83080

utilization groups, excluding any resource utilization group that 83081  
is a default group used for residents with incomplete assessment 83082  
data. 83083

~~(Z)~~(AA) "Maintenance and repair expenses" means a nursing 83084  
facility's expenditures that are necessary and proper to maintain 83085  
an asset in a normally efficient working condition and that do not 83086  
extend the useful life of the asset two years or more. 83087  
"Maintenance and repair expenses" includes but is not limited to 83088  
the costs of ordinary repairs such as painting and wallpapering. 83089

~~(AA)~~(BB) "Medicaid-certified capacity" means the number of a 83090  
nursing facility's beds that are certified for participation in 83091  
medicaid as nursing facility beds. 83092

~~(BB)~~(CC) "Medicaid days" means both of the following: 83093

(1) All days during which a resident who is a medicaid 83094  
recipient eligible for nursing facility services occupies a bed in 83095  
a nursing facility that is included in the nursing facility's 83096  
medicaid-certified capacity; 83097

(2) Fifty per cent of the days for which payment is made 83098  
under section 5165.34 of the Revised Code. 83099

~~(CC)~~(DD) "Medicare skilled nursing facility market basket 83100  
index" means the index established by the United States secretary 83101  
of health and human services under section 1888(e)(5) of the 83102  
"Social Security Act," 42 U.S.C. 1395yy(e)(5). 83103

(EE)(1) "New nursing facility" means a nursing facility for 83104  
which the provider obtains an initial provider agreement following 83105  
medicaid certification of the nursing facility by the director of 83106  
health, including such a nursing facility that replaces one or 83107  
more nursing facilities for which a provider previously held a 83108  
provider agreement. 83109

(2) "New nursing facility" does not mean a nursing facility 83110

for which the entering operator seeks a provider agreement 83111  
pursuant to section 5165.511 or 5165.512 or (pursuant to section 83112  
5165.515) section 5165.07 of the Revised Code. 83113

~~(DD)~~(FF) "Nursing facility" has the same meaning as in the 83114  
"Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 83115

~~(EE)~~(GG) "Nursing facility services" has the same meaning as 83116  
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 83117

~~(FF)~~(HH) "Nursing home" has the same meaning as in section 83118  
3721.01 of the Revised Code. 83119

~~(GG)~~(II) "Operator" means the person or government entity 83120  
responsible for the daily operating and management decisions for a 83121  
nursing facility. 83122

~~(HH)~~(JJ)(1) "Owner" means any person or government entity 83123  
that has at least five per cent ownership or interest, either 83124  
directly, indirectly, or in any combination, in any of the 83125  
following regarding a nursing facility: 83126

(a) The land on which the nursing facility is located; 83127

(b) The structure in which the nursing facility is located; 83128

(c) Any mortgage, contract for deed, or other obligation 83129  
secured in whole or in part by the land or structure on or in 83130  
which the nursing facility is located; 83131

(d) Any lease or sublease of the land or structure on or in 83132  
which the nursing facility is located. 83133

(2) "Owner" does not mean a holder of a debenture or bond 83134  
related to the nursing facility and purchased at public issue or a 83135  
regulated lender that has made a loan related to the nursing 83136  
facility unless the holder or lender operates the nursing facility 83137  
directly or through a subsidiary. 83138

~~(II)~~(KK) "Per diem" means a nursing facility's actual, 83139  
allowable costs in a given cost center in a cost reporting period, 83140

divided by the nursing facility's inpatient days for that cost reporting period.

~~(JJ)~~(LL) "Provider" means an operator with a provider agreement.

~~(KK)~~(MM) "Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of a nursing facility for the provision of nursing facility services under the medicaid program.

~~(LL)~~(NN) "Purchased nursing services" means services that are provided in a nursing facility by registered nurses, licensed practical nurses, or nurse aides who are not employees of the nursing facility.

~~(MM)~~(OO) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of patient care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider.

~~(NN)~~(PP) "Rebasing" means a redetermination of each of the following using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous rebasing:

(1) Each peer group's rate for ancillary and support costs as determined pursuant to division (C) of section 5165.16 of the Revised Code;

(2) Each peer group's rate for capital costs as determined pursuant to division (C) of section 5165.17 of the Revised Code;

(3) Each peer group's cost per case-mix unit as determined



<u>pursuant to division (C) of section 5165.19 of the Revised Code;</u>	83171
<u>(4) Each nursing facility's rate for tax costs as determined</u>	83172
<u>pursuant to section 5165.21 of the Revised Code.</u>	83173
<u>(OO) "Related party" means an individual or organization</u>	83174
that, to a significant extent, has common ownership with, is	83175
associated or affiliated with, has control of, or is controlled	83176
by, the provider.	83177
(1) An individual who is a relative of an owner is a related	83178
party.	83179
(2) Common ownership exists when an individual or individuals	83180
possess significant ownership or equity in both the provider and	83181
the other organization. Significant ownership or equity exists	83182
when an individual or individuals possess five per cent ownership	83183
or equity in both the provider and a supplier. Significant	83184
ownership or equity is presumed to exist when an individual or	83185
individuals possess ten per cent ownership or equity in both the	83186
provider and another organization from which the provider	83187
purchases or leases real property.	83188
(3) Control exists when an individual or organization has the	83189
power, directly or indirectly, to significantly influence or	83190
direct the actions or policies of an organization.	83191
(4) An individual or organization that supplies goods or	83192
services to a provider shall not be considered a related party if	83193
all of the following conditions are met:	83194
(a) The supplier is a separate bona fide organization.	83195
(b) A substantial part of the supplier's business activity of	83196
the type carried on with the provider is transacted with others	83197
than the provider and there is an open, competitive market for the	83198
types of goods or services the supplier furnishes.	83199
(c) The types of goods or services are commonly obtained by	83200

other nursing facilities from outside organizations and are not a 83201  
basic element of patient care ordinarily furnished directly to 83202  
patients by nursing facilities. 83203

(d) The charge to the provider is in line with the charge for 83204  
the goods or services in the open market and no more than the 83205  
charge made under comparable circumstances to others by the 83206  
supplier. 83207

~~(OO)~~(RR) "Relative of owner" means an individual who is 83208  
related to an owner of a nursing facility by one of the following 83209  
relationships: 83210

(1) Spouse; 83211

(2) Natural parent, child, or sibling; 83212

(3) Adopted parent, child, or sibling; 83213

(4) Stepparent, stepchild, stepbrother, or stepsister; 83214

(5) Father-in-law, mother-in-law, son-in-law, 83215  
daughter-in-law, brother-in-law, or sister-in-law; 83216

(6) Grandparent or grandchild; 83217

(7) Foster caregiver, foster child, foster brother, or foster 83218  
sister. 83219

~~(PP)~~(SS) "Residents' rights advocate" has the same meaning as 83220  
in section 3721.10 of the Revised Code. 83221

~~(QQ)~~(TT) "Skilled nursing facility" has the same meaning as 83222  
in the "Social Security Act," section 1819(a), 42 U.S.C. 83223  
1395i-3(a). 83224

~~(RR)~~(UU) "State fiscal year" means the fiscal year of this 83225  
state, as specified in section 9.34 of the Revised Code. 83226

(VV) "Sponsor" has the same meaning as in section 3721.10 of 83227  
the Revised Code. 83228

~~(SS)~~(WW) "Tax costs" means the costs of taxes imposed under 83229

Chapter 5751. of the Revised Code, real estate taxes, personal 83230  
property taxes, and corporate franchise taxes. 83231

~~(TT)~~(XX) "Title XIX" means Title XIX of the "Social Security 83232  
Act," 42 U.S.C. 1396 et seq. 83233

~~(UU)~~(YY) "Title XVIII" means Title XVIII of the "Social 83234  
Security Act," 42 U.S.C. 1395 et seq. 83235

~~(VV)~~(ZZ) "Voluntary withdrawal of participation" means an 83236  
operator's voluntary election to terminate the participation of a 83237  
nursing facility in the medicaid program but to continue to 83238  
provide service of the type provided by a nursing facility. 83239

**Sec. 5165.106.** If a nursing facility provider required by 83240  
section 5165.10 of the Revised Code to file a cost report for the 83241  
nursing facility fails to file the cost report by the date it is 83242  
due or the date, if any, to which the due date is extended 83243  
pursuant to division (D) of that section, or files an incomplete 83244  
or inadequate report for the nursing facility under that section, 83245  
the department of medicaid shall provide immediate written notice 83246  
to the provider that the provider agreement for the nursing 83247  
facility will be terminated in thirty days unless the provider 83248  
submits a complete and adequate cost report for the nursing 83249  
facility within thirty days. During the thirty-day termination 83250  
period or any additional time allowed for an appeal of the 83251  
proposed termination of a provider agreement, the provider shall 83252  
be paid the nursing facility's then current per medicaid day 83253  
payment rate, minus the dollar amount by which nursing facility's 83254  
per medicaid day payment rates are reduced during state fiscal 83255  
year 2013 in accordance with division (A)(2) of section 5111.26 of 83256  
the Revised Code (renumbered as section 5165.10 of the Revised 83257  
Code by H.B. 59 of the 130th general assembly) as that section 83258  
existed on the day immediately preceding September 29, 2013. On 83259  
the first day of each July, the department shall adjust the amount 83260

of the reduction in effect during the previous twelve months to 83261  
reflect the rate of inflation during the preceding twelve months, 83262  
as shown in the consumer price index for all items for all urban 83263  
consumers for the north central region, published by the United 83264  
States bureau of labor statistics. 83265

**Sec. 5165.1010.** (A) Subject to division (D) of this section, 83266  
the department of medicaid shall fine the provider of a nursing 83267  
facility if the report of an audit conducted under section 83268  
5165.109 of the Revised Code regarding a cost report for the 83269  
nursing facility includes either of the following: 83270

(1) Adverse findings that exceed three per cent of the total 83271  
amount of medicaid-allowable costs reported in the cost report; 83272

(2) Adverse findings that exceed twenty per cent of 83273  
medicaid-allowable costs for a particular cost center reported in 83274  
the cost report. 83275

(B) A fine issued under this section shall equal the greatest 83276  
of the following: 83277

(1) If the adverse findings exceed three per cent but do not 83278  
exceed ten per cent of the total amount of medicaid-allowable 83279  
costs reported in the cost report, the greater of three per cent 83280  
of those reported costs or ten thousand dollars; 83281

(2) If the adverse findings exceed ten per cent but do not 83282  
exceed twenty per cent of the total amount of medicaid-allowable 83283  
costs reported in the cost report, the greater of six per cent of 83284  
those reported costs or twenty-five thousand dollars; 83285

(3) If the adverse findings exceed twenty per cent of the 83286  
total amount of medicaid-allowable costs reported in the cost 83287  
report, the greater of ten per cent of those reported costs or 83288  
fifty thousand dollars; 83289

(4) If the adverse findings exceed twenty per cent but do not exceed twenty-five per cent of medicaid-allowable costs for a particular cost center reported in the cost report, the greater of three per cent of the total amount of medicaid-allowable costs reported in the cost report or ten thousand dollars;

(5) If the adverse findings exceed twenty-five per cent but do not exceed thirty per cent of medicaid-allowable costs for a particular cost center reported in the cost report, the greater of six per cent of the total amount of medicaid-allowable costs reported in the cost report or twenty-five thousand dollars;

(6) If the adverse findings exceed thirty per cent of medicaid-allowable costs for a particular cost center reported in the cost report, the greater of ten per cent of the total amount of medicaid-allowable costs reported in the cost report or fifty thousand dollars.

(C) Fines paid under this section shall be deposited into the health ~~care services administration~~ care/medicaid support and recoveries fund created under section ~~5162.54~~ 5162.52 of the Revised Code.

(D) The department may not collect a fine under this section until all appeal rights relating to the audit report that is the basis for the fine are exhausted.

**Sec. 5165.15.** Except as otherwise provided by sections 5165.151 to 5165.157 and 5165.34 of the Revised Code, the total per medicaid day payment rate that the department of medicaid shall pay a nursing facility provider for nursing facility services the provider's nursing facility provides during a state fiscal year shall be determined as follows:

(A) Determine the sum of all of the following:

(1) The per medicaid day payment rate for ancillary and

support costs determined for the nursing facility under section 83320  
5165.16 of the Revised Code; 83321

(2) The per medicaid day payment rate for capital costs 83322  
determined for the nursing facility under section 5165.17 of the 83323  
Revised Code; 83324

(3) The per medicaid day payment rate for direct care costs 83325  
determined for the nursing facility under section 5165.19 of the 83326  
Revised Code; 83327

(4) The per medicaid day payment rate for tax costs 83328  
determined for the nursing facility under section 5165.21 of the 83329  
Revised Code; 83330

(5) If the nursing facility qualifies as a critical access 83331  
nursing facility, the nursing facility's critical access incentive 83332  
payment paid under section 5165.23 of the Revised Code; 83333

~~(6) Sixteen~~ (B) To the sum determined under division (A) of 83334  
this section, add the following: 83335

(1) For state fiscal years 2018 and 2019, sixteen dollars and 83336  
forty-four cents; 83337

(2) For state fiscal year 2020 and, except as provided in 83338  
division (B)(3) of this section, each state fiscal year 83339  
thereafter, the sum of the following: 83340

(a) The amount specified or determined for the purpose of 83341  
division (B) of this section for the immediately preceding state 83342  
fiscal year; 83343

(b) The difference between the following: 83344

(i) The medicare skilled nursing facility market basket index 83345  
determined for the federal fiscal year that begins during the 83346  
state fiscal year immediately preceding the state fiscal year for 83347  
which the determination is being made under division (B) of this 83348  
section; 83349

(ii) The budget reduction adjustment factor for the state 83350  
fiscal year for which the determination is being made under 83351  
division (B) of this section. 83352

(3) For the first state fiscal year in a group of consecutive 83353  
state fiscal years for which a rebasing is conducted after state 83354  
fiscal year 2020, the amount specified or determined for the 83355  
purpose of division (B) of this section for the immediately 83356  
preceding state fiscal year. 83357

~~(B)~~(C) From the sum determined under division ~~(A)~~(B) of this 83358  
section, subtract one dollar and seventy-nine cents. 83359

~~(C)~~(D) To the difference determined under division ~~(B)~~(C) of 83360  
this section, add the per medicaid day quality payment rate 83361  
determined for the nursing facility under section 5165.25 of the 83362  
Revised Code. 83363

**Sec. 5165.151.** (A) The total per medicaid day payment rate 83364  
determined under section 5165.15 of the Revised Code shall not be 83365  
the initial rate for nursing facility services provided by a new 83366  
nursing facility. Instead, the initial total per medicaid day 83367  
payment rate for nursing facility services provided by a new 83368  
nursing facility shall be determined in the following manner: 83369

(1) The initial rate for ancillary and support costs shall be 83370  
the rate for the new nursing facility's peer group determined 83371  
under division ~~(D)~~(C) of section 5165.16 of the Revised Code. 83372

(2) The initial rate for capital costs shall be the rate for 83373  
the new nursing facility's peer group determined under division 83374  
~~(D)~~(C) of section 5165.17 of the Revised Code; 83375

(3) The initial rate for direct care costs shall be the 83376  
product of the cost per case-mix unit determined under division 83377  
~~(D)~~(C) of section 5165.19 of the Revised Code for the new nursing 83378  
facility's peer group and the new nursing facility's case-mix 83379

score determined under division (B) of this section. 83380

(4) The initial rate for tax costs shall be the following: 83381

(a) If the provider of the new nursing facility submits to 83382  
the department of medicaid the nursing facility's projected tax 83383  
costs for the calendar year in which the provider obtains an 83384  
initial provider agreement for the new nursing facility, an amount 83385  
determined by dividing those projected tax costs by the number of 83386  
inpatient days the nursing facility would have for that calendar 83387  
year if its occupancy rate were one hundred per cent; 83388

(b) If division (A)(4)(a) of this section does not apply, the 83389  
median rate for tax costs for the new nursing facility's peer 83390  
group in which the nursing facility is placed under division 83391  
~~(C)~~(B) of section 5165.16 of the Revised Code. 83392

(5) The quality payment shall be the mean quality payment 83393  
rate determined for nursing facilities under section 5165.25 of 83394  
the Revised Code. 83395

(6) Fourteen dollars and sixty-five cents shall be added to 83396  
the sum of the rates and payment specified in divisions (A)(1) to 83397  
(5) of this section. 83398

(B) For the purpose of division (A)(3) of this section, a new 83399  
nursing facility's case-mix score shall be the following: 83400

(1) Unless the new nursing facility replaces an existing 83401  
nursing facility that participated in the medicaid program 83402  
immediately before the new nursing facility begins participating 83403  
in the medicaid program, the median annual average case-mix score 83404  
for the new nursing facility's peer group; 83405

(2) If the nursing facility replaces an existing nursing 83406  
facility that participated in the medicaid program immediately 83407  
before the new nursing facility begins participating in the 83408  
medicaid program, the semiannual case-mix score most recently 83409



determined under section 5165.192 of the Revised Code for the 83410  
replaced nursing facility as adjusted, if necessary, to reflect 83411  
any difference in the number of beds in the replaced and new 83412  
nursing facilities. 83413

(C) Subject to division (D) of this section, the department 83414  
of medicaid shall adjust the rates established under division (A) 83415  
of this section effective the first day of July, to reflect new 83416  
rate calculations for all nursing facilities under this chapter. 83417

(D) If a rate for direct care costs is determined under this 83418  
section for a new nursing facility using the median annual average 83419  
case-mix score for the new nursing facility's peer group, the rate 83420  
shall be redetermined to reflect the new nursing facility's actual 83421  
semiannual average case-mix score determined under section 83422  
5165.192 of the Revised Code after the new nursing facility 83423  
submits its first two quarterly assessment data that qualify for 83424  
use in calculating a case-mix score in accordance with rules 83425  
authorized by section 5165.192 of the Revised Code. If the new 83426  
nursing facility's quarterly submissions do not qualify for use in 83427  
calculating a case-mix score, the department shall continue to use 83428  
the median annual average case-mix score for the new nursing 83429  
facility's peer group in lieu of the new nursing facility's 83430  
semiannual case-mix score until the new nursing facility submits 83431  
two consecutive quarterly assessment data that qualify for use in 83432  
calculating a case-mix score. 83433

**Sec. 5165.153.** (A) The total per medicaid day payment rate 83434  
determined under section 5165.15 of the Revised Code shall not be 83435  
paid for nursing facility services provided by a nursing facility, 83436  
or discrete unit of a nursing facility, designated by the 83437  
department of medicaid as an outlier nursing facility or unit. 83438  
Instead, the provider of a designated outlier nursing facility or 83439  
unit shall be paid each state fiscal year a total per medicaid day 83440

payment rate that the department shall prospectively determine in 83441  
accordance with a methodology established in rules authorized by 83442  
this section. 83443

(B) The department may designate a nursing facility, or 83444  
discrete unit of a nursing facility, as an outlier nursing 83445  
facility or unit if the nursing facility or unit serves residents 83446  
who have either of the following: 83447

(1) Diagnoses or special care needs that require direct care 83448  
resources that are not measured adequately by the resident 83449  
assessment instrument specified in rules authorized by section 83450  
5165.191 of the Revised Code; 83451

(2) Diagnoses or special care needs specified in rules 83452  
authorized by this section as otherwise qualifying for 83453  
consideration under this section. 83454

(C) Notwithstanding any other provision of this chapter 83455  
(except section 5165.156 of the Revised Code), the costs incurred 83456  
by a designated outlier nursing facility or unit shall not be 83457  
considered in establishing medicaid payment rates for other 83458  
nursing facilities or units. 83459

(D) The medicaid director shall adopt rules under section 83460  
5165.02 of the Revised Code as necessary to implement this 83461  
section. 83462

(1)(a) The rules shall do both of the following: 83463

(i) Specify the criteria and procedures the department will 83464  
apply when designating a nursing facility, or discrete unit of a 83465  
nursing facility, as an outlier nursing facility or unit; 83466

(ii) Establish a methodology for prospectively determining 83467  
the total per medicaid day payment rate that will be paid each 83468  
state fiscal year for nursing facility services provided by a 83469  
designated outlier nursing facility or unit. 83470

(b) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier nursing facilities and units shall do both of the following:

(i) Provide for consideration of whether all of the allowable costs of a nursing facility, or discrete unit of a nursing facility, would be paid by a rate determined under section 5165.15 of the Revised Code;

(ii) Specify the minimum number of nursing facility beds that a nursing facility, or discrete unit of a nursing facility, must have to be designated an outlier nursing facility or unit, which may vary based on the diagnoses or special care needs of the residents served by the nursing facility or unit.

(c) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier nursing facilities and units shall not limit the designation to nursing facilities, or discrete units of nursing facilities, located in large cities.

(d) The rules authorized by division (D)(1)(a)(ii) of this section regarding the methodology for prospectively determining the rates of designated outlier nursing facilities and units shall provide for the methodology to consider the historical costs of providing nursing facility services to the residents of designated outlier nursing facilities and units.

(2)(a) The rules may do both of the following:

(i) Include for designation as an outlier nursing facility or unit, a nursing facility, or discrete unit of a nursing facility, that serves medically fragile pediatric residents; residents who are dependent on ventilators; residents who have severe traumatic brain injury, end-stage Alzheimer's disease, or end-stage acquired immunodeficiency syndrome; or residents with other diagnoses or special care needs specified in the rules;

(ii) Require that a designated outlier nursing facility 83502  
receive authorization from the department before admitting or 83503  
retaining a resident. 83504

(b) If the director adopts rules authorized by division 83505  
(D)(2)(a)(ii) of this section regarding the authorization of a 83506  
designated outlier nursing facility or unit to admit or retain a 83507  
resident, the rules shall specify the criteria and procedures the 83508  
department will apply when granting that authorization. 83509

**Sec. 5165.154.** (A) To the extent, if any, provided for in 83510  
rules authorized by this section, the total per medicaid day 83511  
payment rate determined under section 5165.15 of the Revised Code 83512  
shall not be paid for nursing facility services that a nursing 83513  
facility not designated as an outlier nursing facility or unit 83514  
provides to a resident who meets the criteria for admission to a 83515  
designated outlier nursing facility or unit, as specified in rules 83516  
authorized by section 5165.153 of the Revised Code. Instead, the 83517  
provider of a nursing facility providing nursing facility services 83518  
to such a resident shall be paid each state fiscal year a total 83519  
per medicaid day payment rate that the department of medicaid 83520  
shall prospectively determine in accordance with a methodology 83521  
established in rules authorized by this section. 83522

(B) The medicaid director may adopt rules under section 83523  
5165.02 of the Revised Code to implement this section. The rules 83524  
may require that a nursing facility receive authorization from the 83525  
department before admitting or retaining a resident who meets the 83526  
criteria for admission to a designated outlier nursing facility or 83527  
unit. If the director adopts such rules, the rules shall specify 83528  
the criteria and procedures the department will apply when 83529  
granting the authorization. 83530

**Sec. 5165.157.** (A) The medicaid director shall establish an 83531

alternative purchasing model for nursing facility services 83532  
provided by designated discrete units of nursing facilities to 83533  
medicaid recipients with specialized health care needs. The 83534  
director shall do all of the following with regard to the model: 83535

(1) Establish criteria that a discrete unit of a nursing 83536  
facility must meet to be designated as a unit that, under the 83537  
alternative purchasing model, may admit and provide nursing 83538  
facility services to medicaid recipients with specialized health 83539  
care needs; 83540

(2) Specify the health care conditions that medicaid 83541  
recipients must have to have specialized health care needs, which 83542  
may include dependency on a ventilator, severe traumatic brain 83543  
injury, the need to be admitted to a long-term acute care hospital 83544  
or rehabilitation hospital if not for nursing facility services, 83545  
and other serious health care conditions; 83546

(3) For each fiscal year, set the total per medicaid day 83547  
payment rate for nursing facility services provided by designated 83548  
discrete units of nursing facilities under the alternative 83549  
purchasing model at either of the following: 83550

(a) ~~Sixty~~ Thirty per cent of the statewide average of the 83551  
total per medicaid day payment rate for long-term acute care 83552  
hospital services as of the first day of the fiscal year; 83553

(b) Another amount determined in accordance with an 83554  
alternative methodology that includes improved health outcomes as 83555  
a factor in determining the payment rate; 83556

(4) Require, to the extent the director considers necessary, 83557  
a medicaid recipient to obtain prior authorization for admission 83558  
to a long-term acute care hospital or rehabilitation hospital as a 83559  
condition of medicaid payment for long-term acute care hospital or 83560  
rehabilitation hospital services. 83561

(B) The criteria established under division (A)(1) of this section shall provide for a discrete unit of a nursing facility to be excluded from the alternative purchasing model if the unit is paid for nursing facility services in accordance with section 5165.153, 5165.154, or 5165.156 of the Revised Code. The criteria may require the provider of a nursing facility that has a discrete unit designated for participation in the alternative purchasing model to report health outcome measurement data to the department of medicaid.

(C) A discrete unit of a nursing facility that provides nursing facility services to medicaid recipients with specialized health care needs under the alternative purchasing model shall be paid for those services in accordance with division (A)(3) of this section instead of the total per medicaid day payment rate determined under section 5165.15, 5165.153, 5165.154, or 5165.156 of the Revised Code.

**Sec. 5165.16.** (A) ~~As used in this section:~~

~~(1) "Applicable calendar year" means the following:~~

~~(a) For the purpose of the department of medicaid's initial determination under division (D) of this section of each peer group's rate for ancillary and support costs, calendar year 2003:~~

~~(b) For the purpose of the department's rebasings, the calendar year the department selects.~~

~~(2) "Rebasing" means a redetermination under division (D) of this section of each peer group's rate for ancillary and support costs using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such rates.~~

~~(B)~~ The department of medicaid shall determine each nursing facility's per medicaid day payment rate for ancillary and support

costs. A nursing facility's rate shall be the rate determined 83592  
under division ~~(D)~~(C) of this section for the nursing facility's 83593  
peer group. ~~However, for the period beginning October 1, 2013, and~~ 83594  
~~ending on the first day of the first rebasing, the rate for a~~ 83595  
~~nursing facility located in Mahoning or Stark county shall be the~~ 83596  
~~rate determined for the following:~~ 83597

~~(1) If the nursing facility has fewer than one hundred beds,~~ 83598  
~~the nursing facilities in peer group three;~~ 83599

~~(2) If the nursing facility has one hundred or more beds, the~~ 83600  
~~nursing facilities in peer group four.~~ 83601

~~(C)~~(B) For the purpose of determining nursing facilities' 83602  
rates for ancillary and support costs, the department shall 83603  
establish six peer groups- 83604

~~(1) Until the first rebasing occurs, the peer groups shall be~~ 83605  
~~composed as follows:~~ 83606

~~(a)~~(1) Each nursing facility located in any of the following 83607  
counties shall be placed in peer group one or two: Brown, Butler, 83608  
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 83609  
located in any of those counties that has fewer than one hundred 83610  
beds shall be placed in peer group one. Each nursing facility 83611  
located in any of those counties that has one hundred or more beds 83612  
shall be placed in peer group two. 83613

~~(b)~~(2) Each nursing facility located in any of the following 83614  
counties shall be placed in peer group three or four: Allen, 83615  
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 83616  
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 83617  
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 83618  
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 83619  
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 83620  
nursing facility located in any of those counties that has fewer 83621  
than one hundred beds shall be placed in peer group three. Each 83622

nursing facility located in any of those counties that has one 83623  
hundred or more beds shall be placed in peer group four. 83624

~~(e)~~(3) Each nursing facility located in any of the following 83625  
counties shall be placed in peer group five or six: Adams, ~~Allen,~~ 83626  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 83627  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 83628  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 83629  
Jefferson, Lawrence, Logan, ~~Mahoning,~~ Meigs, Mercer, Monroe, 83630  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 83631  
Scioto, Shelby, ~~Stark, Trumbull,~~ Tuscarawas, Van Wert, Vinton, 83632  
Washington, Wayne, Williams, and Wyandot. Each nursing facility 83633  
located in any of those counties that has fewer than one hundred 83634  
beds shall be placed in peer group five. Each nursing facility 83635  
located in any of those counties that has one hundred or more beds 83636  
shall be placed in peer group six. 83637

~~(2) Beginning with the first rebasing, the peer groups shall 83638  
be composed as they are under division (C)(1) of this section 83639  
except as follows: 83640~~

~~(a) Each nursing facility that has fewer than one hundred 83641  
beds and is located in Allen, Mahoning, Stark, or Trumbull county 83642  
shall be placed in peer group three rather than peer group five. 83643~~

~~(b) Each nursing facility that has one hundred or more beds 83644  
and is located in Allen, Mahoning, Stark, or Trumbull county shall 83645  
be placed in peer group four rather than peer group six. 83646~~

~~(D)~~(C)(1) The department shall determine the rate for 83647  
ancillary and support costs for each peer group established under 83648  
division ~~(C)~~(B) of this section. The department is not required to 83649  
conduct a rebasing more than once every ten years. Except as 83650  
necessary to implement the amendments made to this section by Am. 83651  
Sub. H.B. 153 and Sub. H.B. 303, both of the 129th general 83652  
assembly, the rate for ancillary and support costs determined 83653



under this division for a peer group shall be used for subsequent 83654  
years until the department conducts a rebasing. To determine a 83655  
peer group's rate for ancillary and support costs, the department 83656  
shall do all of the following: 83657

(a) Subject to division ~~(D)~~(C)(2) of this section, determine 83658  
the rate for ancillary and support costs for each nursing facility 83659  
in the peer group for the applicable calendar year by using the 83660  
greater of the nursing facility's actual inpatient days for the 83661  
applicable calendar year or the inpatient days the nursing 83662  
facility would have had for the applicable calendar year if its 83663  
occupancy rate had been ninety per cent; 83664

(b) Subject to division ~~(D)~~(C)(3) of this section, identify 83665  
which nursing facility in the peer group is at the twenty-fifth 83666  
percentile of the rate for ancillary and support costs for the 83667  
applicable calendar year determined under division ~~(D)~~(C)(1)(a) of 83668  
this section; 83669

(c) Multiply the rate for ancillary and support costs 83670  
determined under division ~~(D)~~(C)(1)(a) of this section for the 83671  
nursing facility identified under division ~~(D)~~(C)(1)(b) of this 83672  
section by the rate of inflation for the eighteen-month period 83673  
beginning on the first day of July of the applicable calendar year 83674  
and ending the last day of December of the calendar year 83675  
immediately following the applicable calendar year using the 83676  
following: 83677

~~(i) Until the first rebasing occurs, the consumer price index 83678  
for all items for all urban consumers for the north central 83679  
region, published by the United States bureau of labor statistics, 83680  
as that index existed on July 1, 2005; 83681~~

~~(ii) Effective with the first rebasing and except Except as 83682  
provided in division ~~(D)~~(C)(1)(c)~~(iii)~~(ii) of this section, the 83683  
consumer price index for all items for all urban consumers for the 83684~~

midwest region, published by the United States bureau of labor 83685  
statistics; 83686

~~(iii)~~(ii) If the United States bureau of labor statistics 83687  
ceases to publish the index specified in division 83688  
~~(D)~~(C)(1)(c)~~(ii)~~(i) of this section, the index the bureau 83689  
subsequently publishes that covers urban consumers' prices for 83690  
items for the region that includes this state. 83691

(d) ~~Until the first rebasing occurs, increase~~ For state 83692  
fiscal year 2020 and each state fiscal year thereafter (other than 83693  
the first state fiscal year in a group of consecutive state fiscal 83694  
years for which a rebasing is conducted), adjust the amount 83695  
calculated under division ~~(D)~~(C)(1)(c) of this section ~~by five and~~ 83696  
~~eight hundredths per cent~~ using the difference between the 83697  
following: 83698

(i) The medicare skilled nursing facility market basket index 83699  
determined for the federal fiscal year that begins during the 83700  
state fiscal year immediately preceding the state fiscal year for 83701  
which the adjustment is being made under division (C)(1)(d) of 83702  
this section; 83703

(ii) The budget reduction adjustment factor for the state 83704  
fiscal year for which the adjustment is being made under division 83705  
(C)(1)(d) of this section. 83706

(2) For the purpose of determining a nursing facility's 83707  
occupancy rate under division ~~(D)~~(C)(1)(a) of this section, the 83708  
department shall include any beds that the nursing facility 83709  
removes from its medicaid-certified capacity unless the nursing 83710  
facility also removes the beds from its licensed bed capacity. 83711

(3) In making the identification under division ~~(D)~~(C)(1)(b) 83712  
of this section, the department shall exclude both of the 83713  
following: 83714

(a) Nursing facilities that participated in the medicaid 83715

program under the same provider for less than twelve months in the applicable calendar year; 83716  
83717

(b) Nursing facilities whose ancillary and support costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem ancillary and support cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year. 83718  
83719  
83720  
83721  
83722

(4) The department shall not redetermine a peer group's rate for ancillary and support costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for ancillary and support costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination. 83723  
83724  
83725  
83726  
83727  
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**Sec. 5165.17.** (A) ~~As used in this section:~~ 83730

~~(1) "Applicable calendar year" means the following:~~ 83731

~~(a) For the purpose of the department of medicaid's initial determination under division (D) of this section of each peer group's rate for capital costs, calendar year 2003;~~ 83732  
83733  
83734

~~(b) For the purpose of the department's rebasings, the calendar year the department selects.~~ 83735  
83736

~~(2) "Rebasing" means a redetermination under division (D) of this section of each peer group's rate for capital costs using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such rates.~~ 83737  
83738  
83739  
83740  
83741

~~(B)~~ The department of medicaid shall determine each nursing facility's per medicaid day payment rate for capital costs. A nursing facility's rate shall be the rate determined under division ~~(D)~~(C) of this section. ~~However, for the period beginning~~ 83742  
83743  
83744  
83745

~~October 1, 2013, and ending on the first day of the first 83746  
rebasings, the rate for a nursing facility located in Mahoning or 83747  
Stark county shall be the rate determined for the following: 83748~~

~~(1) If the nursing facility has fewer than one hundred beds, 83749  
the nursing facilities in peer group three; 83750~~

~~(2) If the nursing facility has one hundred or more beds, the 83751  
nursing facilities in peer group four. 83752~~

~~(C)~~(B) For the purpose of determining nursing facilities' 83753  
rates for capital costs, the department shall establish six peer 83754  
groups. 83755

~~(1) Until the first rebasing occurs, the peer groups shall be 83756  
composed as follows: 83757~~

~~(a)~~ Each nursing facility located in any of the following 83758  
counties shall be placed in peer group one or two: Brown, Butler, 83759  
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 83760  
located in any of those counties that has fewer than one hundred 83761  
beds shall be placed in peer group one. Each nursing facility 83762  
located in any of those counties that has one hundred or more beds 83763  
shall be placed in peer group two. 83764

~~(b)~~(2) Each nursing facility located in any of the following 83765  
counties shall be placed in peer group three or four: Allen, 83766  
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 83767  
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 83768  
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 83769  
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 83770  
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 83771  
nursing facility located in any of those counties that has fewer 83772  
than one hundred beds shall be placed in peer group three. Each 83773  
nursing facility located in any of those counties that has one 83774  
hundred or more beds shall be placed in peer group four. 83775

~~(e)~~(3) Each nursing facility located in any of the following 83776

counties shall be placed in peer group five or six: Adams, ~~Allen,~~ 83777  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 83778  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 83779  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 83780  
Jefferson, Lawrence, Logan, ~~Mahoning,~~ Meigs, Mercer, Monroe, 83781  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 83782  
Scioto, Shelby, ~~Stark, Trumbull,~~ Tuscarawas, Van Wert, Vinton, 83783  
Washington, Wayne, Williams, and Wyandot. Each nursing facility 83784  
located in any of those counties that has fewer than one hundred 83785  
beds shall be placed in peer group five. Each nursing facility 83786  
located in any of those counties that has one hundred or more beds 83787  
shall be placed in peer group six. 83788

~~(2) Beginning with the first rebasing, the peer groups shall 83789  
be composed as they are under division (C)(1) of this section 83790  
except as follows: 83791~~

~~(a) Each nursing facility that has fewer than one hundred 83792  
beds and is located in Allen, Mahoning, Stark, or Trumbull county 83793  
shall be placed in peer group three rather than peer group five. 83794~~

~~(b) Each nursing facility that has one hundred or more beds 83795  
and is located in Allen, Mahoning, Stark, or Trumbull county shall 83796  
be placed in peer group four rather than peer group six. 83797~~

~~(D)(C)(1) The department shall determine the rate for capital 83798  
costs for each peer group established under division (C)(B) of 83799  
this section. The department is not required to conduct a rebasing 83800  
more than once every ten years. Except as necessary to implement 83801  
the amendments made to this section by Am. Sub. H.B. 153 and Sub. 83802  
H.B. 303, both of the 129th general assembly, the rate for capital 83803  
costs determined under this division for a peer group shall be 83804  
used for subsequent years until the department conducts a 83805  
rebasing. To determine a peer group's rate for capital costs, the 83806  
department shall do both of the following: 83807~~

(a) Determine the rate for capital costs for the nursing facility in the peer group that is at the twenty-fifth percentile of the rate for capital costs for the applicable calendar year;

(b) ~~Until the first rebasing occurs, increase~~ For state fiscal year 2020 and each state fiscal year thereafter (other than the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted), adjust the amount calculated under division ~~(D)~~(C)(1)(a) of this section ~~by five and eight hundredths per cent using the difference between the~~ following:

(i) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the adjustment is being made under division (C)(1)(a) of this section;

(ii) The budget reduction adjustment factor for the state fiscal year for which the adjustment is being made under division (C)(1)(a) of this section.

(2) To identify the nursing facility in a peer group that is at the twenty-fifth percentile of the rate for capital costs for the applicable calendar year, the department shall do both of the following:

(a) Subject to division ~~(D)~~(C)(3) of this section, use the greater of each nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been one hundred per cent;

(b) Exclude both of the following:

(i) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(ii) Nursing facilities whose capital costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem capital cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

(3) For the purpose of determining a nursing facility's occupancy rate under division ~~(D)~~(C)(2)(a) of this section, the department shall include any beds that the nursing facility removes from its medicaid-certified capacity after June 30, 2005, unless the nursing facility also removes the beds from its licensed bed capacity.

(4) The department shall not redetermine a peer group's rate for capital costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for capital costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination.

~~(E)~~(D) Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. Components and equipment shall be depreciated using the straight-line method over a period designated in rules adopted under section 5165.02 of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department. Any rules authorized by this division that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993. Depreciation for costs paid or reimbursed by any government agency shall not be included in capital costs unless that part of the payment under this chapter is used to reimburse the government agency.

~~(F)~~(E) The capital cost basis of nursing facility assets shall be determined in the following manner:

(1) Except as provided in division ~~(F)~~(E)(3) of this section, 83871  
for purposes of calculating the rates to be paid for facilities 83872  
with dates of licensure on or before June 30, 1993, the capital 83873  
cost basis of each asset shall be equal to the desk-reviewed, 83874  
actual, allowable, capital cost basis that is listed on the 83875  
facility's cost report for the calendar year preceding the state 83876  
fiscal year during which the rate will be paid. 83877

(2) For facilities with dates of licensure after June 30, 83878  
1993, the capital cost basis shall be determined in accordance 83879  
with the principles of the medicare program, except as otherwise 83880  
provided in this chapter. 83881

(3) Except as provided in division ~~(F)~~(E)(4) of this section, 83882  
if a provider transfers an interest in a facility to another 83883  
provider after June 30, 1993, there shall be no increase in the 83884  
capital cost basis of the asset if the providers are related 83885  
parties or the provider to which the interest is transferred 83886  
authorizes the provider that transferred the interest to continue 83887  
to operate the facility under a lease, management agreement, or 83888  
other arrangement. If the previous sentence does not prohibit the 83889  
adjustment of the capital cost basis under this division, the 83890  
basis of the asset shall be adjusted by one-half of the change in 83891  
the consumer price index for all items for all urban consumers, as 83892  
published by the United States bureau of labor statistics, during 83893  
the time that the transferor held the asset. 83894

(4) If a provider transfers an interest in a facility to 83895  
another provider who is a related party, the capital cost basis of 83896  
the asset shall be adjusted as specified in division ~~(F)~~(E)(3) of 83897  
this section if all of the following conditions are met: 83898

(a) The related party is a relative of owner; 83899

(b) Except as provided in division ~~(F)~~(E)(4)(c)(ii) of this 83900  
section, the provider making the transfer retains no ownership 83901



interest in the facility; 83902

(c) The department determines that the transfer is an arm's 83903  
length transaction pursuant to rules adopted under section 5165.02 83904  
of the Revised Code. The rules shall provide that a transfer is an 83905  
arm's length transaction if all of the following apply: 83906

(i) Once the transfer goes into effect, the provider that 83907  
made the transfer has no direct or indirect interest in the 83908  
provider that acquires the facility or the facility itself, 83909  
including interest as an owner, officer, director, employee, 83910  
independent contractor, or consultant, but excluding interest as a 83911  
creditor. 83912

(ii) The provider that made the transfer does not reacquire 83913  
an interest in the facility except through the exercise of a 83914  
creditor's rights in the event of a default. If the provider 83915  
reacquires an interest in the facility in this manner, the 83916  
department shall treat the facility as if the transfer never 83917  
occurred when the department calculates its reimbursement rates 83918  
for capital costs. 83919

(iii) The transfer satisfies any other criteria specified in 83920  
the rules. 83921

(d) Except in the case of hardship caused by a catastrophic 83922  
event, as determined by the department, or in the case of a 83923  
provider making the transfer who is at least sixty-five years of 83924  
age, not less than twenty years have elapsed since, for the same 83925  
facility, the capital cost basis was adjusted most recently under 83926  
division ~~(F)~~(E)(4) of this section or actual, allowable capital 83927  
costs was determined most recently under division ~~(G)~~(F)(9) of 83928  
this section. 83929

~~(G)~~(F) As used in this division: 83930

"Imputed interest" means the lesser of the prime rate plus 83931  
two per cent or ten per cent. 83932

"Lease expense" means lease payments in the case of an operating lease and depreciation expense and interest expense in the case of a capital lease.

"New lease" means a lease, to a different lessee, of a nursing facility that previously was operated under a lease.

(1) Subject to division ~~(B)~~(A) of this section, for a lease of a facility that was effective on May 27, 1992, the entire lease expense is an actual, allowable capital cost during the term of the existing lease. The entire lease expense also is an actual, allowable capital cost if a lease in existence on May 27, 1992, is renewed under either of the following circumstances:

(a) The renewal is pursuant to a renewal option that was in existence on May 27, 1992;

(b) The renewal is for the same lease payment amount and between the same parties as the lease in existence on May 27, 1992.

(2) Subject to division ~~(B)~~(A) of this section, for a lease of a facility that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis, adjusted by one-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease.

(3) Subject to division ~~(B)~~(A) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that is initially operated under a lease, actual, allowable capital costs shall include the annual lease expense if there was

a substantial commitment of money for construction of the facility 83964  
after December 22, 1992, and before July 1, 1993. If there was not 83965  
a substantial commitment of money after December 22, 1992, and 83966  
before July 1, 1993, actual, allowable capital costs shall include 83967  
the lesser of the annual lease expense or the sum of the 83968  
following: 83969

(a) The annual depreciation expense that would be calculated 83970  
at the inception of the lease using the lessor's entire historical 83971  
capital asset cost basis; 83972

(b) The greater of the lessor's actual annual amortization of 83973  
financing costs and interest expense at the inception of the lease 83974  
or the imputed interest expense calculated at the inception of the 83975  
lease using seventy per cent of the lessor's historical capital 83976  
asset cost basis. 83977

(4) Subject to division ~~(B)~~(A) of this section, for a lease 83978  
of a facility with a date of licensure on or after May 27, 1992, 83979  
that was not initially operated under a lease and has been in 83980  
existence for ten years, actual, allowable capital costs shall 83981  
include the lesser of the annual lease expense or the annual 83982  
depreciation expense and imputed interest expense that would be 83983  
calculated at the inception of the lease using the entire 83984  
historical capital asset cost basis of one-half of the change in 83985  
the consumer price index for all items for all urban consumers, as 83986  
published by the United States bureau of labor statistics, during 83987  
the time the lessor held each asset until the beginning of the 83988  
lease. 83989

(5) Subject to division ~~(B)~~(A) of this section, for a new 83990  
lease of a facility that was operated under a lease on May 27, 83991  
1992, actual, allowable capital costs shall include the lesser of 83992  
the annual new lease expense or the annual old lease payment. If 83993  
the old lease was in effect for ten years or longer, the old lease 83994  
payment from the beginning of the old lease shall be adjusted by 83995

one-half of the change in the consumer price index for all items 83996  
for all urban consumers, as published by the United States bureau 83997  
of labor statistics, from the beginning of the old lease to the 83998  
beginning of the new lease. 83999

(6) Subject to division ~~(B)~~(A) of this section, for a new 84000  
lease of a facility that was not in existence or that was in 84001  
existence but not operated under a lease on May 27, 1992, actual, 84002  
allowable capital costs shall include the lesser of annual new 84003  
lease expense or the annual amount calculated for the old lease 84004  
under division ~~(G)~~(F)(2), (3), (4), or (6) of this section, as 84005  
applicable. If the old lease was in effect for ten years or 84006  
longer, the lessor's historical capital asset cost basis shall be, 84007  
for purposes of calculating the annual amount under division 84008  
~~(G)~~(F)(2), (3), (4), or (6) of this section, adjusted by one-half 84009  
of the change in the consumer price index for all items for all 84010  
urban consumers, as published by the United States bureau of labor 84011  
statistics, from the beginning of the old lease to the beginning 84012  
of the new lease. 84013

In the case of a lease under division ~~(G)~~(F)(3) of this 84014  
section of a facility for which a substantial commitment of money 84015  
was made after December 22, 1992, and before July 1, 1993, the old 84016  
lease payment shall be adjusted for the purpose of determining the 84017  
annual amount. 84018

(7) For any revision of a lease described in division 84019  
~~(G)~~(F)(1), (2), (3), (4), (5), or (6) of this section, or for any 84020  
subsequent lease of a facility operated under such a lease, other 84021  
than execution of a new lease, the portion of actual, allowable 84022  
capital costs attributable to the lease shall be the same as 84023  
before the revision or subsequent lease. 84024

(8) Except as provided in division ~~(G)~~(F)(9) of this section, 84025  
if a provider leases an interest in a facility to another provider 84026  
who is a related party or previously operated the facility, the 84027

related party's or previous operator's actual, allowable capital 84028  
costs shall include the lesser of the annual lease expense or the 84029  
reasonable cost to the lessor. 84030

(9) If a provider leases an interest in a facility to another 84031  
provider who is a related party, regardless of the date of the 84032  
lease, the related party's actual, allowable capital costs shall 84033  
include the annual lease expense, subject to the limitations 84034  
specified in divisions ~~(G)~~(F)(1) to (7) of this section, if all of 84035  
the following conditions are met: 84036

(a) The related party is a relative of owner; 84037

(b) If the lessor retains an ownership interest, it is, 84038  
except as provided in division ~~(G)~~(F)(9)(c)(ii) of this section, 84039  
in only the real property and any improvements on the real 84040  
property; 84041

(c) The department determines that the lease is an arm's 84042  
length transaction pursuant to rules adopted under section 5165.02 84043  
of the Revised Code. The rules shall provide that a lease is an 84044  
arm's length transaction if all of the following apply: 84045

(i) Once the lease goes into effect, the lessor has no direct 84046  
or indirect interest in the lessee or, except as provided in 84047  
division ~~(G)~~(F)(9)(b) of this section, the facility itself, 84048  
including interest as an owner, officer, director, employee, 84049  
independent contractor, or consultant, but excluding interest as a 84050  
lessor. 84051

(ii) The lessor does not reacquire an interest in the 84052  
facility except through the exercise of a lessor's rights in the 84053  
event of a default. If the lessor reacquires an interest in the 84054  
facility in this manner, the department shall treat the facility 84055  
as if the lease never occurred when the department calculates its 84056  
reimbursement rates for capital costs. 84057

(iii) The lease satisfies any other criteria specified in the 84058

rules. 84059

(d) Except in the case of hardship caused by a catastrophic 84060  
event, as determined by the department, or in the case of a lessor 84061  
who is at least sixty-five years of age, not less than twenty 84062  
years have elapsed since, for the same facility, the capital cost 84063  
basis was adjusted most recently under division ~~(F)~~(E)(4) of this 84064  
section or actual, allowable capital costs were determined most 84065  
recently under division ~~(G)~~(F)(9) of this section. 84066

(10) This division does not apply to leases of specific items 84067  
of equipment. 84068

**Sec. 5165.19.** (A) ~~As used in this section:~~ 84069

~~(1) "Applicable calendar year" means the following:~~ 84070

~~(a) For the purpose of the department of medicaid's initial 84071  
determination under division (D) of this section of each peer 84072  
group's cost per case mix unit, calendar year 2003;~~ 84073

~~(b) For the purpose of the department's rebasings, the 84074  
calendar year the department selects.~~ 84075

~~(2) "Rebasing" means a redetermination under division (D) of 84076  
this section of each peer group's cost per case mix unit using 84077  
information from cost reports for an applicable calendar year that 84078  
is later than the applicable calendar year used for the previous 84079  
determination of such costs.~~ 84080

~~(B) Semiannually, the department of medicaid shall determine 84081  
each nursing facility's per medicaid day payment rate for direct 84082  
care costs by multiplying the facility's semiannual case-mix score 84083  
determined under section 5165.192 of the Revised Code by the cost 84084  
per case-mix unit determined under division ~~(D)~~(C) of this section 84085  
for the facility's peer group. ~~However, for the period beginning 84086  
October 1, 2013, and ending on the first day of the first 84087  
rebasings, the rate for a nursing facility located in Mahoning or 84088~~~~

~~Stark county shall be determined semiannually by multiplying the facility's semiannual case mix score determined under section 5165.192 of the Revised Code by the cost per case mix unit determined under division (D) of this section for the nursing facilities in peer group two.~~

~~(C)(B)~~ For the purpose of determining nursing facilities' rates for direct care costs, the department shall establish three peer groups.

~~(1) Until the first rebasing occurs, the peer groups shall be composed as follows:~~

~~(a)~~ Each nursing facility located in any of the following counties shall be placed in peer group one: Brown, Butler, Clermont, Clinton, Hamilton, and Warren.

~~(b)(2)~~ Each nursing facility located in any of the following counties shall be placed in peer group two: Allen, Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood.

~~(c)(3)~~ Each nursing facility located in any of the following counties shall be placed in peer group three: Adams, ~~Allen~~, Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Lawrence, Logan, ~~Mahoning~~, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, ~~Stark~~, ~~Trumbull~~, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and Wyandot.

~~(2) Beginning with the first rebasing, the peer groups shall be composed as they are under division (C)(1) of this section~~

~~except that each nursing facility located in Allen, Mahoning,  
Stark, or Trumbull county shall be placed in peer group two rather  
than peer group three.~~

~~(D)(C)(1) The department shall determine a cost per case-mix  
unit for each peer group established under division (C)(B) of this  
section. The department is not required to conduct a rebasing more  
than once every ten years. Except as necessary to implement the  
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B.  
303, both of the 129th general assembly, and H.B. 59 of the 130th  
general assembly, the cost per case-mix unit determined under this  
division for a peer group shall be used for subsequent years until  
the department conducts a rebasing. To determine a peer group's  
cost per case-mix unit, the department shall do all of the  
following:~~

(a) Determine the cost per case-mix unit for each nursing  
facility in the peer group for the applicable calendar year by  
dividing each facility's desk-reviewed, actual, allowable, per  
diem direct care costs for the applicable calendar year by the  
facility's annual average case-mix score determined under section  
5165.192 of the Revised Code for the applicable calendar year;

(b) Subject to division ~~(D)(C)~~(2) of this section, identify  
which nursing facility in the peer group is at the twenty-fifth  
percentile of the cost per case-mix units determined under  
division ~~(D)(C)~~(1)(a) of this section;

(c) Calculate the amount that is two per cent above the cost  
per case-mix unit determined under division ~~(D)(C)~~(1)(a) of this  
section for the nursing facility identified under division  
~~(D)(C)~~(1)(b) of this section;

(d) Using the index specified in division ~~(D)(C)~~(3) of this  
section, multiply the rate of inflation for the eighteen-month  
period beginning on the first day of July of the applicable



calendar year and ending the last day of December of the calendar 84151  
year immediately following the applicable calendar year by the 84152  
amount calculated under division ~~(D)~~(C)(1)(c) of this section; 84153

~~(e) Add the following to the amount calculated under division~~ 84154  
~~(D)(1)(d) of this section:~~ 84155

~~(i) Until the earlier of January 1, 2014, or when the first~~ 84156  
~~rebasing occurs, one dollar and eighty eight cents;~~ 84157

~~(ii) Unless the first rebasing occurs before January 1, 2014,~~ 84158  
~~beginning January 1, 2014, and until the first rebasing occurs,~~ 84159  
~~eighty six cents.~~ 84160

~~(f) Until the first rebasing occurs, increase~~ For state 84161  
fiscal year 2020 and each state fiscal year thereafter (other than 84162  
the first state fiscal year in a group of consecutive state fiscal 84163  
years for which a rebasing is conducted), adjust the amount 84164  
calculated under division ~~(D)~~(C)(1)~~(e)~~(d) of this section ~~by five~~ 84165  
~~and eight hundredths per cent~~ using the difference between the 84166  
following: 84167

(i) The medicare skilled nursing facility market basket index 84168  
determined for the federal fiscal year that begins during the 84169  
state fiscal year immediately preceding the state fiscal year for 84170  
which the adjustment is being made under division (C)(1)(e) of 84171  
this section; 84172

(ii) The budget reduction adjustment factor for the state 84173  
fiscal year for which the adjustment is being made under division 84174  
(C)(1)(e) of this section. 84175

(2) In making the identification under division ~~(D)~~(C)(1)(b) 84176  
of this section, the department shall exclude both of the 84177  
following: 84178

(a) Nursing facilities that participated in the medicaid 84179  
program under the same provider for less than twelve months in the 84180

applicable calendar year; 84181

(b) Nursing facilities whose cost per case-mix unit is more 84182  
than one standard deviation from the mean cost per case-mix unit 84183  
for all nursing facilities in the nursing facility's peer group 84184  
for the applicable calendar year. 84185

(3) The following index shall be used for the purpose of the 84186  
calculation made under division ~~(D)~~(C)(1)(d) of this section: 84187

~~(a) Until the first rebasing occurs, the employment cost 84188  
index for total compensation, health services component, published 84189  
by the United States bureau of labor statistics, as the index 84190  
existed on July 1, 2005; 84191~~

~~(b) Effective with the first rebasing and except Except as 84192  
provided in division ~~(D)~~(C)(3)~~(e)~~(b) of this section, the 84193  
employment cost index for total compensation, nursing and 84194  
residential care facilities occupational group, published by the 84195  
United States bureau of labor statistics; 84196~~

~~(e)(b) If the United States bureau of labor statistics ceases 84197  
to publish the index specified in division ~~(D)~~(C)(3)~~(b)~~(a) of this 84198  
section, the index the bureau subsequently publishes that covers 84199  
nursing facilities' staff costs. 84200~~

(4) The department shall not redetermine a peer group's cost 84201  
per case-mix unit under this division based on additional 84202  
information that it receives after the peer group's per case-mix 84203  
unit is determined. The department shall redetermine a peer 84204  
group's cost per case-mix unit only if it made an error in 84205  
determining the peer group's cost per case-mix unit based on 84206  
information available to the department at the time of the 84207  
original determination. 84208

**Sec. 5165.192.** (A)(1) Except as provided in division (B) of 84209  
this section and in accordance with the process specified in rules 84210

authorized by this section, the department of medicaid shall do 84211  
all of the following: 84212

(a) Every quarter, determine the following two case-mix 84213  
scores for each nursing facility: 84214

(i) A quarterly case-mix score that includes each resident 84215  
who is a medicaid recipient and is not a low resource utilization 84216  
resident; 84217

(ii) A quarterly case-mix score that includes each resident 84218  
regardless of payment source. 84219

(b) Every six months, determine a semiannual average case-mix 84220  
score for each nursing facility by using the quarterly case-mix 84221  
scores determined for the nursing facility pursuant to division 84222  
(A)(1)(a)(i) of this section; 84223

(c) After the end of each calendar year, determine an annual 84224  
average case-mix score for each nursing facility by using the 84225  
quarterly case-mix scores determined for the nursing facility 84226  
pursuant to division (A)(1)(a)(ii) of this section. 84227

(2) When determining case-mix scores under division (A)(1) of 84228  
this section, the department shall use all of the following: 84229

(a) Data from a resident assessment instrument specified in 84230  
rules authorized by section 5165.191 of the Revised Code; 84231

(b) Except as provided in rules authorized by this section, 84232  
the case-mix values established by the United States department of 84233  
health and human services; 84234

(c) Except as modified in rules authorized by this section, 84235  
the grouper methodology used on June 30, 1999, by the United 84236  
States department of health and human services for prospective 84237  
payment of skilled nursing facilities under the medicare program. 84238

(B)(1) Subject to division (B)(2) of this section, the 84239  
department, for one or more months of a calendar quarter, may 84240

assign to a nursing facility a case-mix score that is five per 84241  
cent less than the nursing facility's case-mix score for the 84242  
immediately preceding calendar quarter if any of the following 84243  
apply: 84244

(a) The provider does not timely submit complete and accurate 84245  
resident assessment data necessary to determine the nursing 84246  
facility's case-mix score for the calendar quarter; 84247

(b) The nursing facility was subject to an exception review 84248  
under section 5165.193 of the Revised Code for the immediately 84249  
preceding calendar quarter; 84250

(c) The nursing facility was assigned a case-mix score for 84251  
the immediately preceding calendar quarter. 84252

(2) Before assigning a case-mix score to a nursing facility 84253  
due to the submission of incorrect resident assessment data, the 84254  
department shall permit the provider to correct the data. The 84255  
department may assign the case-mix score if the provider fails to 84256  
submit the corrected resident assessment data not later than the 84257  
earlier of the forty-fifth day after the end of the calendar 84258  
quarter to which the data pertains or the deadline for submission 84259  
of such corrections established by regulations adopted by the 84260  
United States department of health and human services under Title 84261  
XVIII and Title XIX. 84262

(3) If, for more than six months in a calendar year, a 84263  
provider is paid a rate determined for a nursing facility using a 84264  
case-mix score assigned to the nursing facility under division 84265  
(B)(1) of this section, the department may assign the nursing 84266  
facility a cost per case-mix unit that is five per cent less than 84267  
the nursing facility's actual or assigned cost per case-mix unit 84268  
for the immediately preceding calendar year. The department may 84269  
use the assigned cost per case-mix unit, instead of determining 84270  
the nursing facility's actual cost per case-mix unit in accordance 84271

with section 5165.19 of the Revised Code, to establish the nursing 84272  
facility's rate for direct care costs for the fiscal year 84273  
immediately following the calendar year for which the cost per 84274  
case-mix unit is assigned. 84275

(4) The department shall take action under division (B)(1), 84276  
(2), or (3) of this section only in accordance with rules 84277  
authorized by this section. The department shall not take an 84278  
action that affects rates for prior payment periods except in 84279  
accordance with sections 5165.41 and 5165.42 of the Revised Code. 84280

(C) The medicaid director shall adopt rules under section 84281  
5165.02 of the Revised Code as necessary to implement this 84282  
section. 84283

(1) The rules shall do all of the following: 84284

(a) Specify the process for determining the semiannual and 84285  
annual average case-mix scores for nursing facilities; 84286

(b) Adjust the case-mix values specified in division 84287  
(A)(2)(b) of this section to reflect changes in relative wage 84288  
differentials that are specific to this state; 84289

(c) Express all of those case-mix values in numeric terms 84290  
that are different from the terms specified by the United States 84291  
department of health and human services but that do not alter the 84292  
relationship of the case-mix values to one another; 84293

(d) Modify the grouper methodology specified in division 84294  
(A)(2)(c) of this section as follows: 84295

(i) Establish a different hierarchy for assigning residents 84296  
to case-mix categories under the methodology; 84297

(ii) ~~Prohibit~~ Allow the use of the index maximizer element of 84298  
the methodology; 84299

(iii) Incorporate changes to the methodology the United 84300  
States department of health and human services makes after June 84301

30, 1999; 84302

(iv) Make other changes the department determines are 84303  
necessary. 84304

(e) Establish procedures under which resident assessment data 84305  
shall be reviewed for accuracy and providers shall be notified of 84306  
any data that requires correction; 84307

(f) Establish procedures for providers to correct resident 84308  
assessment data and specify a reasonable period of time by which 84309  
providers shall submit the corrections. The procedures may limit 84310  
the content of corrections in the manner required by regulations 84311  
adopted by the United States department of health and human 84312  
services under Title XVIII and Title XIX. 84313

(g) Specify when and how the department will assign case-mix 84314  
scores or costs per case-mix unit to a nursing facility under 84315  
division (B) of this section if information necessary to calculate 84316  
the nursing facility's case-mix score is not provided or corrected 84317  
in accordance with the procedures established by the rules. 84318

(2) Notwithstanding any other provision of this chapter, the 84319  
rules may provide for the exclusion of case-mix scores assigned to 84320  
a nursing facility under division (B) of this section from the 84321  
determination of the nursing facility's semiannual or annual 84322  
average case-mix score and the cost per case-mix unit for the 84323  
nursing facility's peer group. 84324

**Sec. 5165.21. ~~(A) As used in this section:~~** 84325

~~(1) "Applicable calendar year" means the following:~~ 84326

~~(a) For the purpose of the department of medicaid's initial 84327  
determination under this section of nursing facilities' rate for 84328  
tax costs, calendar year 2003;~~ 84329

~~(b) For the purpose of the department's rebasings, the 84330  
calendar year the department selects.~~ 84331

~~(2) "Rebasing" means a redetermination under division (B) of this section of each nursing facility's rate for tax costs using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such rates.~~ 84332  
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~~(B) The department of medicaid shall determine each nursing facility's per medicaid day payment rate for tax costs. The department is not required to conduct a rebasing more than once every ten years. Except as necessary to implement the amendments made to this section by Sub. H.B. 303 of the 129th general assembly, the rate for tax costs determined under this division for a nursing facility shall be used for subsequent years until the department conducts a rebasing. To determine a nursing facility's rate for tax costs and except as provided in division (C) of this section, the department shall do both of the following:~~ 84337  
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~~(1)(A) Divide the nursing facility's desk-reviewed, actual, allowable tax costs paid for the applicable calendar year by the number of inpatient days the nursing facility would have had if its occupancy rate had been one hundred per cent during the applicable calendar year;~~ 84348  
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~~(2) Until the first rebasing occurs, increase (B) For state fiscal year 2020 and each state fiscal year thereafter (other than the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted), adjust the amount calculated under division (B)(1)(A) of this section by five and eight hundredths per cent using the difference between the following:~~ 84353  
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~~(1) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the adjustment is being made under division (B) of this~~ 84360  
84361  
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section; 84364

(2) The budget reduction adjustment factor for the state 84365  
fiscal year for which the adjustment is being made under division 84366  
(B) of this section. 84367

~~(C) If a nursing facility had a credit regarding its real~~ 84368  
~~estate taxes reflected on its cost report for calendar year 2003,~~ 84369  
~~the department shall determine, as follows, its rate for tax costs~~ 84370  
~~for the period beginning on July 1, 2010, and ending on the first~~ 84371  
~~day of the fiscal year for which the department first conducts a~~ 84372  
~~rebasin~~g. 84373

~~(1) Divide the nursing facility's desk reviewed, actual,~~ 84374  
~~allowable tax costs paid for calendar year 2004 by the number of~~ 84375  
~~inpatient days the nursing facility would have had if its~~ 84376  
~~occupancy rate had been one hundred per cent during calendar year~~ 84377  
~~2004.~~ 84378

~~(2) Until the first rebasing occurs, increase the amount~~ 84379  
~~calculated under division (C)(1) of this section by five and eight~~ 84380  
~~hundredths per cent.~~ 84381

**Sec. 5165.23.** (A) Each state fiscal year, the department of 84382  
medicaid shall determine the critical access incentive payment for 84383  
each nursing facility that qualifies as a critical access nursing 84384  
facility. To qualify as a critical access nursing facility for a 84385  
state fiscal year, a nursing facility must meet all of the 84386  
following requirements: 84387

(1) The nursing facility must be located in an area that, on 84388  
December 31, 2011, was designated an empowerment zone under the 84389  
"Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391. 84390

(2) The nursing facility must have an occupancy rate of at 84391  
least eighty-five per cent as of the last day of the calendar year 84392  
immediately preceding the state fiscal year. 84393



(3) The nursing facility must have a medicaid utilization rate of at least sixty-five per cent as of the last day of the calendar year immediately preceding the state fiscal year.

~~(4) The nursing facility must have been awarded at least five points for meeting accountability measures under section 5165.25 of the Revised Code for the fiscal year and at least one of the five points must have been awarded for meeting the accountability measures identified in divisions (C)(9), (10), (11), (12), and (14) of section 5165.25 of the Revised Code.~~

(B) A critical access nursing facility's critical access incentive payment for a state fiscal year shall equal five per cent of the portion of the nursing facility's total per medicaid day payment rate for the state fiscal year that is the sum of the rates ~~and payment~~ identified in divisions (A)(1) to (4) ~~and (6)~~ of section 5165.15 of the Revised Code.

**Sec. 5165.25.** (A) As used in this section:

(1) "Long-stay resident" means an individual who has resided in a nursing facility for at least one hundred one days.

(2) "Measurement period" means the following:

(a) For state fiscal year 2017, the period beginning July 1, 2015, and ending December 31, 2015;

(b) For each subsequent state fiscal year, the calendar year immediately preceding the calendar year in which the state fiscal year begins.

(3) "Nurse aide" has the same meaning as in section 3721.21 of the Revised Code.

(4) "Short-stay resident" means a nursing facility resident who is not a long-stay resident.

(B)(1) Using all of the funds made available for a state

fiscal year by the rate reductions under division ~~(B)~~(C) of 84423  
section 5165.15 of the Revised Code, the department of medicaid 84424  
shall determine a per medicaid day quality payment rate to be paid 84425  
for that state fiscal year to each nursing facility that meets at 84426  
least one of the quality indicators specified in division (B)(2) 84427  
of this section for the measurement period. The largest quality 84428  
payment rate for a state fiscal year shall be paid to nursing 84429  
facilities that meet all of the quality indicators for the 84430  
measurement period. 84431

(2) The following are the quality indicators to be used for 84432  
the purpose of division (B)(1) of this section: 84433

(a) Not more than the target percentage of the nursing 84434  
facility's short-stay residents had new or worsened pressure 84435  
ulcers ~~and not~~. 84436

(b) Not more than the target percentage of long-stay 84437  
residents at high risk for pressure ulcers had pressure ulcers. 84438

~~(b)~~(c) Not more than the target percentage of the nursing 84439  
facility's short-stay residents newly received an antipsychotic 84440  
medication ~~and not~~. 84441

(d) Not more than the target percentage of the nursing 84442  
facility's long-stay residents received an antipsychotic 84443  
medication. 84444

~~(e)~~ The number of the nursing facility's residents who had 84445  
avoidable inpatient hospital admissions did not exceed the target 84446  
rate. 84447

~~(d)~~(e) Not more than the target percentage of the nursing 84448  
facility's long-stay residents had an unplanned weight loss. 84449

(f) The nursing facility's employee retention rate is at 84450  
least the target rate. 84451

~~(e)~~(g) The nursing facility utilized the nursing home version 84452

of the preferences for everyday living inventory for all of its residents. 84453  
84454

(3) The department shall specify the target percentage for 84455  
the purpose of divisions (B)(2)(a) ~~and (b)~~ to (e) of this section 84456  
at the fortieth percentile of nursing facilities that have data 84457  
for the quality indicators. The amount specified for division 84458  
(B)(2)(a) of this section may differ from the amount specified for 84459  
division (B)(2)(b) of this section and the amount specified for 84460  
short stay residents may differ from the amount specified for 84461  
long stay residents. The department also shall specify the target 84462  
rate for the purpose of division (B)(2)(~~e~~)(f) of this section and 84463  
the target rate for the purpose of division (B)(2)(d) of this 84464  
section. In determining whether a nursing facility meets the 84465  
quality indicators specified in divisions (B)(2)(c) and (d) of 84466  
this section, the department shall exclude from consideration the 84467  
following: 84468

(a) In the case of the quality indicator specified in 84469  
division (B)(2)(c) of this section, all of the nursing facility's 84470  
short-stay residents who newly received an antipsychotic 84471  
medication in conjunction with hospice care; 84472

(b) In the case of the quality indicator specified in 84473  
division (B)(2)(d) of this section, all of the nursing facility's 84474  
long-stay residents who received antipsychotic medication in 84475  
conjunction with hospice care. 84476

(C) If a nursing facility undergoes a change of operator 84477  
during a state fiscal year, the per medicaid day quality payment 84478  
rate to be paid to the entering operator for nursing facility 84479  
services that the nursing facility provides during the period 84480  
beginning on the effective date of the change of operator and 84481  
ending on the last day of the state fiscal year shall be the same 84482  
amount as the per medicaid day quality payment rate that was in 84483  
effect on the day immediately preceding the effective date of the 84484

change of operator and paid to the nursing facility's exiting 84485  
operator. For the immediately following state fiscal year, the per 84486  
medicaid day quality payment rate shall be the following: 84487

(1) If the effective date of the change of operator is on or 84488  
before the first day of October of the calendar year immediately 84489  
preceding the state fiscal year, the amount determined for the 84490  
nursing facility in accordance with division (B) of this section 84491  
for the state fiscal year; 84492

(2) If the effective date of the change of operator is after 84493  
the first day of October of the calendar year immediately 84494  
preceding the state fiscal year, the mean per medicaid day quality 84495  
payment rate for all nursing facilities for the state fiscal year. 84496

**Sec. 5165.34.** (A) The department of medicaid may make 84497  
medicaid payments to a nursing facility provider under this 84498  
chapter to reserve a bed for a recipient during a temporary 84499  
absence under conditions prescribed by the department, to include 84500  
hospitalization for an acute condition, visits with relatives and 84501  
friends, and participation in therapeutic programs outside the 84502  
facility, when the resident's plan of care provides for such 84503  
absence and federal financial participation for the payments is 84504  
available. 84505

(B) The maximum period for which payments may be made to 84506  
reserve a bed in a nursing facility shall not exceed thirty days 84507  
in a calendar year. 84508

(C) The department shall establish the per medicaid day 84509  
payment rates for reserving beds under this section. In 84510  
establishing the per medicaid day payment rates, the department 84511  
shall set the per medicaid day payment rate at an amount equal to 84512  
the following: 84513

(1) In the case of a nursing facility that had an occupancy 84514

rate exceeding ninety-five per cent, an amount not exceeding fifty 84515  
per cent of the per medicaid day payment rate the provider would 84516  
be paid if the recipient were not absent from the nursing facility 84517  
that day; 84518

(2) In the case of a nursing facility that had an occupancy 84519  
rate not exceeding ninety-five per cent, an amount not exceeding 84520  
eighteen per cent of the per medicaid day payment rate the 84521  
provider would be paid if the recipient were not absent from the 84522  
nursing facility that day. 84523

(D) For the purpose of setting a nursing facility's per 84524  
medicaid day payment rate to reserve a bed for a day during the 84525  
period beginning on ~~the effective date of this amendment~~ September 84526  
29, 2013, and ending December 31, 2013, the department shall 84527  
determine the nursing facility's occupancy rate by using 84528  
information reported on the nursing facility's cost report for 84529  
calendar year 2012. For the purpose of setting a nursing 84530  
facility's per medicaid day payment rate to reserve a bed for 84531  
January 1, 2014, or thereafter, the department shall determine the 84532  
nursing facility's occupancy rate by using information reported on 84533  
the nursing facility's cost report for the calendar year preceding 84534  
the state fiscal year in which the reservation falls. 84535

Sec. 5165.36. The department of medicaid shall conduct a 84536  
rebasings at least once every five state fiscal years. When the 84537  
department conducts a rebasing for a state fiscal year, it shall 84538  
conduct the rebasing for each cost center. 84539

Sec. 5165.361. It is the general assembly's intent to specify 84540  
in statute the factor to be used for state fiscal year 2020 and 84541  
each state fiscal year thereafter (other than the first state 84542  
fiscal year in a group of consecutive state fiscal years for which 84543  
a rebasing is conducted) as the budget reduction adjustment factor 84544

for the purpose of sections 5165.15, 5165.16, 5165.17, 5165.19, and 5165.21 of the Revised Code. The budget reduction adjustment factor to be used for a state fiscal year shall not exceed the medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the budget reduction adjustment factor is being used. If the general assembly fails to specify in statute the factor to be used for a state fiscal year as the budget reduction adjustment factor, the budget reduction adjustment factor shall be zero.

**Sec. 5165.37.** The department of medicaid shall make its best efforts each year to calculate nursing facilities' medicaid payment rates under this chapter in time to pay the rates by the fifteenth day of August of each state fiscal year. If the department is unable to calculate the rates so that they can be paid by that date, the department shall pay each provider the rate calculated for the provider's nursing facilities under this chapter at the end of the previous state fiscal year. If the department also is unable to calculate the rates to pay the rates by the fifteenth day of September and the fifteenth day of October, the department shall pay the previous state fiscal year's rate to make those payments. The department may increase by five per cent the previous state fiscal year's rate paid for any nursing facility pursuant to this section at the request of the provider. The department shall use rates calculated for the current state fiscal year to make the payments due by the fifteenth day of November.

If the rate paid to a provider for a nursing facility pursuant to this section is lower than the rate calculated for the nursing facility for the current state fiscal year, the department shall pay the provider the difference between the two rates for

the number of days for which the provider was paid for the nursing 84576  
facility pursuant to this section. If the rate paid for a nursing 84577  
facility pursuant to this section is higher than the rate 84578  
calculated for it for the current state fiscal year, the provider 84579  
shall refund to the department the difference between the two 84580  
rates for the number of days for which the provider was paid for 84581  
the nursing facility pursuant to this section. 84582

**Sec. 5165.41.** (A) The department of medicaid shall 84583  
redetermine a provider's medicaid payment rate for a nursing 84584  
facility using revised information if any of the following results 84585  
in a determination that the provider received a higher medicaid 84586  
payment rate for the nursing facility than the provider was 84587  
entitled to receive: 84588

(1) The provider properly amends a cost report for the 84589  
nursing facility under section 5165.107 of the Revised Code; 84590

(2) The department makes a finding based on an audit under 84591  
section 5165.109 of the Revised Code; 84592

(3) The department makes a finding based on an exception 84593  
review of resident assessment data conducted under section 84594  
5165.193 of the Revised Code after the effective date of the 84595  
nursing facility's rate for direct care costs that is based on the 84596  
resident assessment data; 84597

(4) The department makes a finding based on a post-payment 84598  
review conducted under section 5165.49 of the Revised Code. 84599

(B) The department shall apply the redetermined rate to the 84600  
periods when the provider received the incorrect rate to determine 84601  
the amount of the overpayment. The provider shall refund the 84602  
amount of the overpayment. The department may charge the provider 84603  
the following amount of interest from the time the overpayment was 84604  
made: 84605

(1) If the overpayment resulted from costs reported for 84606  
calendar year 1993, the interest shall be no greater than one and 84607  
one-half times the current average bank prime rate. 84608

(2) If the overpayment resulted from costs reported for a 84609  
subsequent calendar year: 84610

(a) The interest shall be no greater than two times the 84611  
current average bank prime rate if the overpayment was no more 84612  
than one per cent of the total medicaid payments to the provider 84613  
for the state fiscal year for which the overpayment was made. 84614

(b) The interest shall be no greater than two and one-half 84615  
times the current average bank prime rate if the overpayment was 84616  
more than one per cent of the total medicaid payments to the 84617  
provider for the state fiscal year for which the overpayment was 84618  
made. 84619

**Sec. 5165.42.** In addition to the other penalties authorized 84620  
by this chapter, the department of medicaid may impose the 84621  
following penalties on a nursing facility provider: 84622

(A) If the provider does not furnish invoices or other 84623  
documentation that the department requests during an audit within 84624  
sixty days after the request, a fine of no more than the greater 84625  
of the following: 84626

(1) One thousand dollars per audit; 84627

(2) Twenty-five per cent of the cumulative amount by which 84628  
the costs for which documentation was not furnished increased the 84629  
total medicaid payments to the provider during the state fiscal 84630  
year for which the costs were used to determine a rate. 84631

(B) If an exiting operator or owner fails to provide notice 84632  
of a facility closure or voluntary withdrawal of participation in 84633  
the medicaid program as required by section 5165.50 of the Revised 84634  
Code, or an exiting operator or owner and entering operator fail 84635



to provide notice of a change of operator as required by section 84636  
5165.51 of the Revised Code, a fine of not more than the current 84637  
average bank prime rate plus four per cent of the last two monthly 84638  
payments. 84639

**Sec. 5165.52.** (A) On receipt of a written notice under 84640  
section 5165.50 of the Revised Code of a facility closure or 84641  
voluntary withdrawal of participation, on receipt of a written 84642  
notice under section 5165.51 of the Revised Code of a change of 84643  
operator, or on the effective date of an involuntary termination, 84644  
the department of medicaid shall estimate the amount of any 84645  
overpayments made under the medicaid program to the exiting 84646  
operator, including overpayments the exiting operator disputes, 84647  
and other actual and potential debts the exiting operator owes or 84648  
may owe to the department and United States centers for medicare 84649  
and medicaid services under the medicaid program, including a 84650  
franchise permit fee. 84651

(B) In estimating the exiting operator's other actual and 84652  
potential debts to the department and the United States centers 84653  
for medicare and medicaid services under the medicaid program, the 84654  
department shall use a debt estimation methodology the medicaid 84655  
director shall establish in rules authorized by section 5165.53 of 84656  
the Revised Code. The methodology shall provide for estimating all 84657  
of the following that the department determines are applicable: 84658

(1) Refunds due the department under section 5165.41 of the 84659  
Revised Code; 84660

(2) Interest owed to the department and United States centers 84661  
for medicare and medicaid services; 84662

(3) Final civil monetary and other penalties for which all 84663  
right of appeal has been exhausted; 84664

(4) Money owed the department and United States centers for 84665

medicare and medicaid services from any outstanding final fiscal 84666  
audit, including a final fiscal audit for the last state fiscal 84667  
year or portion thereof in which the exiting operator participated 84668  
in the medicaid program; 84669

(5) Other amounts the department determines are applicable. 84670

(C) The department shall provide the exiting operator written 84671  
notice of the department's estimate under division (A) of this 84672  
section not later than thirty days after the department receives 84673  
the notice under section 5165.50 of the Revised Code of the 84674  
facility closure or voluntary withdrawal of participation; the 84675  
department receives the notice under section 5165.51 of the 84676  
Revised Code of the change of operator; or the effective date of 84677  
the involuntary termination. The department's written notice shall 84678  
include the basis for the estimate. 84679

**Sec. 5166.01.** As used in this chapter: 84680

"209(b) option" means the option described in section 1902(f) 84681  
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 84682  
medicaid program's eligibility requirements for aged, blind, and 84683  
disabled individuals are more restrictive than the eligibility 84684  
requirements for the supplemental security income program. 84685

"Administrative agency" means, with respect to a home and 84686  
community-based services medicaid waiver component, the department 84687  
of medicaid or, if a state agency or political subdivision 84688  
contracts with the department under section 5162.35 of the Revised 84689  
Code to administer the component, that state agency or political 84690  
subdivision. 84691

"Care management system" means the system established under 84692  
section 5167.03 of the Revised Code. 84693

"Dual eligible individual" has the same meaning as in section 84694  
5160.01 of the Revised Code. 84695

"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.	84696 84697
"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.	84698 84699 84700 84701
"Hospital" has the same meaning as in section 3727.01 of the Revised Code.	84702 84703
"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code.	84704 84705
"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.	84706 84707
"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.	84708 84709
"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code.	84710 84711
"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component.	84712 84713 84714 84715 84716 84717
"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code.	84718 84719
"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.	84720 84721
"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.	84722 84723
"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States	84724 84725

department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include a care management system established under section 5167.03 of the Revised Code.

"Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is considered blind or disabled under section 1614(a)(2) or (3) of the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3).

"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.

"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.

~~"Ohio transitions II aging carve out program" means the home and community based services medicaid waiver component that is known as Ohio transitions II aging carve out and was created pursuant to section 5166.11 of the Revised Code.~~

"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.

"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code. 84756  
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**Sec. 5166.121.** (A) Unless the Ohio home care waiver program is terminated pursuant to section 5165.12 of the Revised Code, the department of medicaid shall establish a home first component for the Ohio home care waiver program. An individual is eligible for the Ohio home care waiver program's home first component if the individual has been determined to be eligible for the Ohio home care waiver program and at least one of the following applies: 84759  
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(1) If the individual is under twenty-one years of age, the individual received inpatient hospital services for at least fourteen consecutive days, or had at least three inpatient hospital stays during the twelve months, immediately preceding the date the individual applies for the Ohio home care waiver program. 84766  
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(2) If the individual is at least twenty-one but less than sixty years of age, the individual received inpatient hospital services for at least fourteen consecutive days immediately preceding the date the individual applies for the Ohio home care waiver program. 84771  
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(3) The individual received private duty nursing services under the medicaid program for at least twelve consecutive months immediately preceding the date the individual applies for the Ohio home care waiver program. 84776  
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(4) The individual does not reside in a nursing facility or hospital long-term care unit at the time the individual applies for the Ohio home care waiver program but is at risk of imminent admission to a nursing facility or hospital long-term care unit due to a documented loss of a primary caregiver. 84780  
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(5) The individual resides in a nursing facility at the time 84785

the individual applies for the Ohio home care waiver program. 84786

~~(6) At the time the individual applies for the Ohio home care waiver program, the individual participates in the money follows the person demonstration project authorized by section 6071 of the "Deficit Reduction Act of 2005," Pub. L. No. 109-171, as amended, and either resides in a residential treatment facility or inpatient hospital setting.~~ 84787  
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(B) An individual determined to be eligible for the home first component of the Ohio home care waiver program shall be enrolled in the program in accordance with rules adopted under section 5166.02 of the Revised Code. 84793  
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**Sec. 5166.16.** (A) As used in this section and section 5166.161 of the Revised Code, "ODA or MCD medicaid waiver component" means all of the following: 84797  
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(1) The medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code; 84800  
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~~(2) The choices program, unless it is terminated pursuant to division (B) of section 173.53 of the Revised Code;~~ 84803  
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~~(3) The medicaid-funded component of the assisted living program, unless it is terminated pursuant to division (C) of section 173.54 of the Revised Code;~~ 84805  
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~~(4)(3) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code;~~ 84808  
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~~(5) The Ohio transitions II aging carve out program, unless it is terminated pursuant to section 5166.13 of the Revised Code.~~ 84810  
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(B) The medicaid director may create a home and community-based services medicaid waiver component as part of the integrated care delivery system. If the ICDS medicaid waiver component is created, both of the following apply: 84812  
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(1) The department of medicaid shall administer it; 84816

(2) When it begins to accept enrollments, no ICDS participant 84817  
who is eligible for the ICDS medicaid waiver component shall be 84818  
enrolled in an ODA or MCD medicaid waiver component regardless of 84819  
whether the participant prefers to remain or be enrolled in an ODA 84820  
or MCD medicaid waiver component. 84821

(C) A dual eligible individual who is eligible for an ODA or 84822  
MCD medicaid waiver component may enroll in the component before 84823  
the individual becomes an ICDS participant. The dual eligible 84824  
individual shall disenroll from the ODA or MCD medicaid waiver 84825  
component and enroll in the ICDS medicaid waiver component once 84826  
the individual becomes an ICDS participant and it is possible to 84827  
enroll the individual in the ICDS medicaid waiver component. The 84828  
disenrollment from the ODA or MCD medicaid waiver component and 84829  
enrollment into the ICDS medicaid waiver component shall occur 84830  
regardless of whether the individual prefers to remain enrolled in 84831  
the ODA or MCD medicaid waiver component. 84832

(D) An ICDS participant's disenrollment from an ODA or MCD 84833  
medicaid waiver component and enrollment in the ICDS medicaid 84834  
waiver component resulting from division (B)(2) or (C) of this 84835  
section shall be accomplished without a disruption in the 84836  
participant's services under the components. 84837

**Sec. 5166.22.** (A) Subject to division (B) of this section, 84838  
when the department of developmental disabilities allocates 84839  
enrollment numbers to a county board of developmental disabilities 84840  
for home and community-based services specified in division (A)(1) 84841  
of section 5166.20 of the Revised Code and provided under any of 84842  
the medicaid waiver components that the department administers 84843  
under section 5166.21 of the Revised Code, the department shall 84844  
consider all of the following: 84845

(1) The number of individuals with developmental disabilities 84846

~~who are on a~~ placed on the county board's waiting list ~~the county~~ 84847  
~~board establishes under~~ established for the services pursuant to 84848  
section 5126.042 of the Revised Code ~~for those services and are~~ 84849  
~~given priority on the waiting list;~~ 84850

(2) The implementation component required by division (A)(3) 84851  
of section 5126.054 of the Revised Code of the county board's plan 84852  
approved under section 5123.046 of the Revised Code; 84853

(3) Anything else the department considers necessary to 84854  
enable the county boards board to provide ~~those~~ the services to 84855  
individuals ~~in accordance with the priority requirements for~~ 84856  
placed on the county board's waiting lists list established ~~under~~ 84857  
for the services pursuant to section 5126.042 of the Revised Code 84858  
~~for those services.~~ 84859

(B) Division (A) of this section applies to home and 84860  
community-based services provided under the medicaid waiver 84861  
component known as the transitions developmental disabilities 84862  
waiver only to the extent, if any, provided by the contract 84863  
required by section 5166.21 of the Revised Code regarding the 84864  
component. 84865

**Sec. 5166.30.** (A) As used in sections 5166.30 to 5166.3010 of 84866  
the Revised Code: 84867

(1) "Adult" means an individual at least eighteen years of 84868  
age. 84869

(2) "Appropriate director" means the following: 84870

(a) The medicaid director in the context of ~~all~~ both of the 84871  
following: 84872

(i) The Ohio home care waiver program, unless it is 84873  
terminated pursuant to section 5166.12 of the Revised Code; 84874

(ii) ~~The Ohio transitions II aging carve out program, unless~~ 84875  
~~it is terminated pursuant to section 5166.13 of the Revised Code;~~ 84876



~~(iii)~~ The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code. 84877  
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(b) The director of aging in the context of the medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code. 84879  
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(3) "Authorized representative" means the following: 84883

(a) In the case of a consumer who is a minor, the consumer's parent, custodian, or guardian; 84884  
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(b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section 5166.3010 of the Revised Code to act on the consumer's behalf for purposes regarding home care attendant services. 84886  
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(4) "Authorizing health care professional" means a health care professional who, pursuant to section 5166.307 of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both. 84890  
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(5) "Consumer" means an individual to whom all of the following apply: 84894  
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(a) The individual is enrolled in a participating medicaid waiver component. 84896  
84897

(b) The individual has a medically determinable physical impairment to which both of the following apply: 84898  
84899

(i) It is expected to last for a continuous period of not less than twelve months. 84900  
84901

(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both. 84902  
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(c) In the case of an individual who is an adult, the 84906

individual is mentally alert and is, or has an authorized  
representative who is, capable of selecting, directing the actions  
of, and dismissing a home care attendant.

(d) In the case of an individual who is a minor, the  
individual has an authorized representative who is capable of  
selecting, directing the actions of, and dismissing a home care  
attendant.

(6) "Controlled substance" has the same meaning as in section  
3719.01 of the Revised Code.

(7) "Custodian" has the same meaning as in section 2151.011  
of the Revised Code.

(8) "Gastrostomy tube" means a percutaneously inserted  
catheter that terminates in the stomach.

(9) "Guardian" has the same meaning as in section 2111.01 of  
the Revised Code.

(10) "Health care professional" means a physician or  
registered nurse.

(11) "Home care attendant" means an individual holding a  
valid provider agreement in accordance with section 5166.301 of  
the Revised Code that authorizes the individual to provide home  
care attendant services to consumers.

(12) "Home care attendant services" means all of the  
following as provided by a home care attendant:

(a) Personal care aide services;

(b) Assistance with the self-administration of medication;

(c) Assistance with nursing tasks.

(13) "Jejunostomy tube" means a percutaneously inserted  
catheter that terminates in the jejunum.

(14) "Medication" means a drug as defined in section 4729.01

of the Revised Code.	84936
(15) "Minor" means an individual under eighteen years of age.	84937
(16) "Participating medicaid waiver component" means all of the following:	84938 84939
(a) The medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code;	84940 84941 84942
(b) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code;	84943 84944
<del>(c) The Ohio transitions II aging carve out program, unless it is terminated pursuant to section 5166.13 of the Revised Code;</del>	84945 84946
<del>(d) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code.</del>	84947 84948
(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	84949 84950 84951
(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. "Registered nurse" includes an advanced practice registered nurse, as defined in section 4723.01 of the Revised Code.	84952 84953 84954 84955 84956
(19) "Schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code.	84957 84958 84959
(B) Participating medicaid waiver components may cover home care attendant services in accordance with sections 5166.30 to 5166.3010 of the Revised Code and rules adopted under section 5166.02 of the Revised Code.	84960 84961 84962 84963
<u>Sec. 5166.37. The medicaid director shall establish a</u>	84964

medicaid waiver component under which an individual included in 84965  
the eligibility group described in section 1902(a)(10)(A)(i)(VIII) 84966  
of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII), 84967  
must satisfy at least one of the following requirements to be able 84968  
to enroll in medicaid as part of the eligibility group: 84969

(A) Be at least fifty-five years of age; 84970

(B) Be employed; 84971

(C) Be enrolled in school or an occupational training 84972  
program; 84973

(D) Be participating in an alcohol and drug addiction 84974  
treatment program; 84975

(E) Have intensive health care needs. 84976

**Sec. 5166.38.** As used in this section, "institution for 84977  
mental diseases" has the same meaning as in 42 C.F.R. 435.1010. 84978

The department of medicaid shall create and administer a 84979  
medicaid waiver component under which services are provided to 84980  
eligible individuals at least twenty-one years of age but less 84981  
than sixty-five years of age who are in need of care at an 84982  
institution for mental diseases. 84983

Before creating the waiver component, the department shall do 84984  
all of the following to determine where, when, and how services 84985  
are to be provided under the waiver component: 84986

(A) Participate in the centers for medicare and medicaid 84987  
services' innovation accelerator program; 84988

(B) With the assistance of the innovation accelerator program 84989  
and using data obtained from the certification of services under 84990  
section 5119.36 of the Revised Code and from claims for payment 84991  
for the provision of services, conduct an inventory of the 84992  
treatment capacity of mental health and substance use disorder 84993

<u>treatment providers;</u>	84994
<u>(C) With the assistance of the innovation accelerator</u>	84995
<u>program, assess the community-based continuum of care established</u>	84996
<u>by each board of alcohol, drug addiction, and mental health</u>	84997
<u>services under section 340.032 of the Revised Code, including an</u>	84998
<u>assessment of the ability of patients who are discharged from</u>	84999
<u>institutions for mental diseases to be integrated into the</u>	85000
<u>continuum of care.</u>	85001
<b>Sec. 5166.40.</b> (A) As used in sections 5166.40 to 5166.409 of	85002
the Revised Code:	85003
(1) "Adult" means an individual who is at least eighteen	85004
years of age.	85005
(2) "Buckeye account" means a modified health savings account	85006
established under section 5166.402 of the Revised Code.	85007
(3) "Contribution" means the amounts that an individual	85008
contributes to the individual's buckeye account and are	85009
contributed to the account on the individual's behalf under	85010
divisions (C) and (D) of section 5166.402 of the Revised Code.	85011
"Contribution" does not mean the portion of an individual's	85012
buckeye account that consists of medicaid funds deposited under	85013
division (B) of section 5166.402 of the Revised Code or section	85014
5166.404 of the Revised Code.	85015
(4) "Core portion" means the portion of a healthy Ohio	85016
program participant's buckeye account that consists of the	85017
following:	85018
(a) The amount of contributions to the account;	85019
(b) The amounts awarded to the account under divisions (C)	85020
and (D) of section 5166.404 of the Revised Code.	85021
(5) "Eligible employer-sponsored health plan" has the same	85022
meaning as in section 5000A(f)(2) of the "Internal Revenue Code of	85023

1986," 26 U.S.C. 5000A(f)(2). 85024

(6) "Healthy Ohio program" means the medicaid waiver 85025  
component established under sections 5166.40 to 5166.409 of the 85026  
Revised Code under which medicaid recipients specified in division 85027  
(B) of this section enroll in comprehensive health plans and 85028  
contribute to buckeye accounts. 85029

(7) "Healthy Ohio program debit swipe card" means a debit 85030  
swipe card issued by a managed care organization to a healthy Ohio 85031  
program participant under section 5166.403 of the Revised Code. 85032

(8) "Not-for-profit organization" means an organization that 85033  
is exempt from federal income taxation under section 501(a) and 85034  
(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(a) 85035  
and (c)(3). 85036

(9) "Ward of the state" means ~~both of the following:~~ an 85037  
individual who is a ward, as defined in section 2111.01 of the 85038  
Revised Code. 85039

(10) "Workforce development activity" and "~~workforce~~ 85040  
~~development agency~~ local board" have the same meanings as in 85041  
section 6301.01 of the Revised Code. 85042

(B) The medicaid director shall establish a medicaid waiver 85043  
component to be known as the healthy Ohio program. Each adult 85044  
medicaid recipient, other than a ward of the state, determined to 85045  
be eligible for medicaid on the basis of either of the following 85046  
shall participate in the healthy Ohio program: 85047

(1) On the basis of being included in the category identified 85048  
by the department of medicaid as covered families and children; 85049

(2) On the basis of being included in the eligibility group 85050  
described in section 1902(a)(10)(A)(i)(VIII) of the "Social 85051  
Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII). 85052

(C) Except as provided in section 5166.406 of the Revised 85053

Code, a healthy Ohio program participant shall not receive 85054  
medicaid services under the fee-for-service component of medicaid 85055  
or participate in the care management system. 85056

**Sec. 5166.408.** Each county department of job and family 85057  
services shall offer to refer to a ~~workforce development agency~~ 85058  
local board each healthy Ohio program participant who resides in 85059  
the county served by the county department and is either 85060  
unemployed or employed for less than an average of twenty hours 85061  
per week. The referral shall include information about the 85062  
workforce development activities available from the ~~workforce~~ 85063  
~~development agency~~ local board. A participant may refuse to accept 85064  
the referral and to participate in the workforce development 85065  
activities without any affect on the participant's eligibility 85066  
for, or participation in, the healthy Ohio program. 85067

**Sec. 5167.01.** As used in this chapter: 85068

(A) "Controlled substance" has the same meaning as in section 85069  
3719.01 of the Revised Code. 85070

(B) "Dual eligible individual" has the same meaning as in 85071  
section 5160.01 of the Revised Code. 85072

(C) "Emergency services" has the same meaning as in the 85073  
"Social Security Act," section 1932(b)(2), 42 U.S.C. 85074  
1396u-2(b)(2). 85075

(D) "~~Home and community based services medicaid waiver~~ 85076  
~~component~~" "ICDS participant" has the same meaning as in section 85077  
~~5166.01~~ 5164.01 of the Revised Code. 85078

(E) "Medicaid managed care organization" means a managed care 85079  
organization under contract with the department of medicaid 85080  
pursuant to section 5167.10 of the Revised Code. 85081

(F) "Medicaid waiver component" has the same meaning as in 85082

section 5166.01 of the Revised Code. 85083

(G) "Nursing facility services" has the same meaning as in 85084  
section 5165.01 of the Revised Code. 85085

(H) "Prescribed drug" has the same meaning as in section 85086  
5164.01 of the Revised Code. 85087

(I) "Provider" means any person or government entity that 85088  
furnishes services to a medicaid recipient enrolled in a medicaid 85089  
managed care organization, regardless of whether the person or 85090  
entity has a provider agreement. 85091

(J) "Provider agreement" has the same meaning as in section 85092  
5164.01 of the Revised Code. 85093

**Sec. 5167.03.** As part of the medicaid program, the department 85094  
of medicaid shall establish a care management system. The 85095  
department shall implement the system in some or all counties. 85096

~~The department shall designate the Only medicaid recipients~~ 85097  
~~who are eligibility groups that are required or permitted to~~ 85098  
~~participate in the care management system on the effective date of~~ 85099  
~~this amendment shall be required or permitted to participate in~~ 85100  
the care management system. Those who shall be required to 85101  
participate in the system include medicaid recipients who receive 85102  
cognitive behavioral therapy as described in division (A)(2) of 85103  
section 5167.16 of the Revised Code. Except as provided in section 85104  
5166.406 of the Revised Code, no medicaid recipient participating 85105  
in the healthy Ohio program established under section 5166.40 of 85106  
the Revised Code shall participate in the ~~care management~~ system. 85107

Neither home and community-based services available under a 85108  
medicaid waiver component nor nursing facility services shall be 85109  
included in the care management system before January 1, 2021, 85110  
except that ICDS participants may be required or permitted to 85111  
obtain such services under the care management system. Medicaid 85112



recipients who receive such services may be designated for 85113  
voluntary or mandatory participation in the care management system 85114  
in order to receive other health care services included in the 85115  
system. 85116

The department may require or permit participants in the care 85117  
management system to obtain health care services from providers 85118  
designated by the department. The department may require or permit 85119  
participants to obtain health care services through medicaid 85120  
managed care organizations. 85121

**Sec. 5167.04.** ~~(A) Subject to division (B) of this section,~~ 85122  
~~the~~ The department of medicaid shall include alcohol, drug 85123  
addiction, and mental health services covered by medicaid in the 85124  
care management system established under section 5167.03 of the 85125  
Revised Code. 85126

~~(B) All of the following apply to the manner in which~~ 85127  
~~division (A) of this section is implemented.~~ 85128

~~(1) The department shall begin to include the services in the~~ 85129  
~~system not later than January~~ Code. The services shall not be 85130  
included in the system before July 1, 2018. 85131

~~(2) Before January 1, 2018, any proposal by the department to~~ 85132  
~~include all or part of the services in all or part of the system~~ 85133  
~~is subject to review by the joint medicaid oversight committee~~ 85134  
~~under division (B) of section 103.42 of the Revised Code. The~~ 85135  
~~department may implement the proposal only if the committee~~ 85136  
~~approves the proposal.~~ 85137

~~(3) On and after January 1, 2018, any proposal by the~~ 85138  
~~department to include all or part of the services in all or part~~ 85139  
~~of the system is subject to monitoring by the committee under~~ 85140  
~~division (A) or (C) of section 103.42 of the Revised Code, but~~ 85141  
~~approval by the committee is no longer required before the~~ 85142

~~proposal may be implemented.~~ 85143

Sec. 5167.121. (A) If the department of medicaid requires a 85144  
medicaid managed care organization to submit to the department 85145  
pharmacy claims that the organization or its designee pays for 85146  
pharmacy services provided to medicaid recipients enrolled in the 85147  
organization, the organization shall include both of the following 85148  
with each pharmacy claim submitted to the department on or after 85149  
January 1, 2018: 85150

(1) The amount that was charged to the organization for the 85151  
pharmacy service; 85152

(2) The amount the organization or its designee paid to the 85153  
pharmacy provider or the pharmacy provider's designee for the 85154  
pharmacy service. 85155

(B) The department shall penalize a medicaid managed care 85156  
organization that fails to comply with division (A) of this 85157  
section. The department shall specify the penalty in rules adopted 85158  
under section 5167.02 of the Revised Code or in the contract that 85159  
the department enters into with the organization under section 85160  
5167.10 of the Revised Code. 85161

(C) The information a medicaid managed care organization 85162  
submits to the department under division (A) of this section is 85163  
not a public record under section 149.43 of the Revised Code. 85164

Sec. 5167.18. Each contract the department of medicaid enters 85165  
into with a managed care organization under section 5167.10 of the 85166  
Revised Code shall require the managed care organization to comply 85167  
with federal and state efforts to identify fraud, waste, and abuse 85168  
in the medicaid program. 85169

Sec. 5167.30. (A)(1) The department of medicaid shall 85170  
establish a managed care performance payment program. Under the 85171

program, the department may provide payments to medicaid managed 85172  
care organizations that meet performance standards established by 85173  
the department. 85174

(2) In establishing performance standards, the department may 85175  
consult any of the following: 85176

(a) Any quality measurements developed under the pediatric 85177  
quality measures program established pursuant to the "Social 85178  
Security Act," section 1139A, 42 U.S.C. 1320b-9a; 85179

(b) Any core set of adult health quality measures for 85180  
medicaid eligible adults used for purposes of the "Social Security 85181  
Act," section 1139A, 42 U.S.C. 1320b-9b, and any adult health 85182  
quality used for purposes of the medicaid quality measurement 85183  
program when the program is established under that section of the 85184  
"Social Security Act"; 85185

(c) The most recent healthcare effectiveness data and 85186  
information set and quality measurement tool established by the 85187  
national committee for quality assurance. 85188

(3) The standards that must be met to receive the payments 85189  
may be specified in the contract the department enters into with a 85190  
medicaid managed care organization. 85191

(4) If a medicaid managed care organization meets the 85192  
performance standards established by the department, the 85193  
department shall make one or more performance payments to the 85194  
organization. The amount of each performance payment, the number 85195  
of payments, and the schedule for making the payments shall be 85196  
established by the department. The payments shall be discontinued 85197  
if the department determines that the organization no longer meets 85198  
the performance standards. The department shall not make or 85199  
discontinue payments based on any performance standard that has 85200  
been in effect as part of the organization's contract for less 85201

than six months. 85202

(B) For purposes of the program, the department shall 85203  
establish an amount that is to be withheld each time a premium 85204  
payment is made to a medicaid managed care organization. The 85205  
amount shall be established as a percentage of each premium 85206  
payment. The percentage shall be the same for all medicaid managed 85207  
care organizations. The sum of all withholdings under this 85208  
division shall not exceed ~~two~~ five per cent of the total of all 85209  
premium payments made to all medicaid managed care organizations. 85210

Each medicaid managed care organization shall agree to the 85211  
withholding as a condition of receiving or maintaining its 85212  
provider agreement with the department. 85213

When the amount is established and each time the amount is 85214  
modified thereafter, the department shall certify the amount to 85215  
the director of budget and management and begin withholding the 85216  
amount from each premium the department pays to a medicaid managed 85217  
care organization. 85218

Sec. 5167.34. A medicaid managed care organization, its 85219  
officers, employees, or other persons associated with the managed 85220  
care organization are not liable in a civil action for damages or 85221  
other relief for furnishing information to the department of 85222  
medicaid regarding potential fraud, waste, or abuse in the 85223  
medicaid program. 85224

**Sec. 5168.01.** As used in sections 5168.01 to 5168.14 of the 85225  
Revised Code: 85226

(A) "Bad debt," "charity care," "courtesy care," and 85227  
"contractual allowances" have the same meanings given these terms 85228  
in regulations adopted under Title XVIII of the "Social Security 85229  
Act," 42 U.S.C. 1395 et seq. 85230

(B) "Cost reporting period" means the twelve-month period 85231

used by a hospital in reporting costs for purposes of Title XVIII 85232  
of the "Social Security Act," 42 U.S.C. 1395 et seq. 85233

(C) "Disproportionate share hospital" means a hospital that 85234  
meets the definition of a disproportionate share hospital in rules 85235  
adopted under section 5168.02 of the Revised Code. 85236

(D) "Federal poverty line" means the official poverty line 85237  
defined by the United States office of management and budget based 85238  
on the most recent data available from the United States bureau of 85239  
the census and revised by the United States secretary of health 85240  
and human services pursuant to the "Omnibus Budget Reconciliation 85241  
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 85242

(E) "Governmental hospital" means a county hospital with more 85243  
than five hundred registered beds or a state-owned and -operated 85244  
hospital with more than five hundred registered beds. 85245

(F)(1) "Hospital" means a nonfederal hospital to which either 85246  
of the following applies: 85247

(a) The hospital is registered under section 3701.07 of the 85248  
Revised Code as a general medical and surgical hospital or a 85249  
pediatric general hospital, and provides inpatient hospital 85250  
services, as defined in 42 C.F.R. 440.10; 85251

(b) The hospital is recognized under the medicare program as 85252  
a cancer hospital and is exempt from the medicare prospective 85253  
payment system. 85254

(2) "Hospital" does not include a hospital operated by a 85255  
health insuring corporation that has been issued a certificate of 85256  
authority under section 1751.05 of the Revised Code or a hospital 85257  
that does not charge patients for services. 85258

(G) "Indigent care pool" means the sum of the following: 85259

(1) The total of assessments to be paid in a program year by 85260  
all hospitals under section 5168.06 of the Revised Code, less the 85261

assessments deposited into the health ~~care services administration~~ 85262  
care/medicaid support and recoveries fund created under section 85263  
~~5162.54~~ 5162.52 of the Revised Code; 85264

(2) The total amount of intergovernmental transfers required 85265  
to be made in the same program year by governmental hospitals 85266  
under section 5168.07 of the Revised Code, less the amount of 85267  
transfers deposited into the health ~~care services administration~~ 85268  
care/medicaid support and recoveries fund created under section 85269  
~~5162.54~~ 5162.52 of the Revised Code; 85270

(3) The total amount of federal matching funds that will be 85271  
made available in the same program year as a result of funds 85272  
distributed by the department of medicaid to hospitals under 85273  
section 5168.09 of the Revised Code. 85274

(H) "Intergovernmental transfer" means any transfer of money 85275  
by a governmental hospital under section 5168.07 of the Revised 85276  
Code. 85277

(I) "Medicaid services" has the same meaning as in section 85278  
5164.01 of the Revised Code. 85279

(J) "Program year" means a period beginning the first day of 85280  
October, or a later date designated in rules adopted under section 85281  
5168.02 of the Revised Code, and ending the thirtieth day of 85282  
September, or an earlier date designated in rules adopted under 85283  
that section. 85284

(K) "Registered beds" means the total number of hospital beds 85285  
registered with the department of health, as reported in the most 85286  
recent "directory of registered hospitals" published by the 85287  
department of health. 85288

(L) "Third-party payer" means any person or government entity 85289  
that may be liable by law or contract to make payment to or on 85290  
behalf of an individual for health care services. "Third-party 85291  
payer" does not include a hospital. 85292

(M) "Total facility costs" means the total costs for all 85293  
services rendered to all patients, including the direct, indirect, 85294  
and overhead cost to the hospital of all services, supplies, 85295  
equipment, and capital related to the care of patients, regardless 85296  
of whether patients are enrolled in a health insuring corporation, 85297  
excluding costs associated with providing skilled nursing services 85298  
in distinct-part nursing facility units, as shown on the 85299  
hospital's cost report filed under section 5168.05 of the Revised 85300  
Code. Effective October 1, 1993, if rules adopted under section 85301  
5168.02 of the Revised Code so provide, "total facility costs" may 85302  
exclude costs associated with providing care to recipients of any 85303  
of the governmental programs listed in division (B) of that 85304  
section. 85305

(N) "Uncompensated care" means bad debt and charity care. 85306

**Sec. 5168.02.** (A) The medicaid director shall adopt rules in 85307  
accordance with Chapter 119. of the Revised Code for the purpose 85308  
of administering sections 5168.01 to 5168.14 of the Revised Code, 85309  
including rules that do all of the following: 85310

(1) Define as a "disproportionate share hospital" any 85311  
hospital included under the "Social Security Act," section 85312  
1923(b), 42 U.S.C. 1396r-4(b), and any other hospital the director 85313  
determines appropriate; 85314

(2) Prescribe the form for submission of cost reports under 85315  
section 5168.05 of the Revised Code; 85316

(3) Establish, in accordance with division (A) of section 85317  
5168.06 of the Revised Code, the assessment rate or rates to be 85318  
applied to hospitals under that section; 85319

(4) Establish schedules for hospitals to pay installments on 85320  
their assessments under section 5168.06 of the Revised Code and 85321  
for governmental hospitals to pay installments on their 85322

intergovernmental transfers under section 5168.07 of the Revised Code; 85323  
85324

(5) Establish procedures to notify hospitals of adjustments made under division (B)(2)(b) of section 5168.06 of the Revised Code in the amount of installments on their assessment; 85325  
85326  
85327

(6) Establish procedures to notify hospitals of adjustments made under division (D) of section 5168.08 of the Revised Code in the total amount of their assessment and to adjust for the remainder of the program year the amount of the installments on the assessments; 85328  
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85330  
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(7) Establish, in accordance with section 5168.09 of the Revised Code, the methodology for paying hospitals under that section. 85333  
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The director shall consult with hospitals when adopting the rules required by divisions (A)(4) and (5) of this section in order to minimize hospitals' cash flow difficulties. 85336  
85337  
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(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following: 85339  
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85341

(1) Medicaid recipients; 85342

(2) ~~Recipients of disability financial assistance provided under Chapter 5115. of the Revised Code;~~ 85343  
85344

~~(3)~~ Recipients of the program for medically handicapped children established under section 3701.023 of the Revised Code; 85345  
85346

~~(4)~~(3) Medicare beneficiaries; 85347

~~(5)~~(4) Recipients of Title V of the "Social Security Act," 42 U.S.C. 701 et seq.; 85348  
85349

~~(6)~~(5) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., and the rules adopted under that 85350  
85351  
85352



title. 85353

**Sec. 5168.06.** (A) For the purpose of distributing funds to 85354  
hospitals under the medicaid program pursuant to sections 5168.01 85355  
to 5168.14 of the Revised Code and depositing funds into the 85356  
health ~~care services administration~~ care/medicaid support and 85357  
recoveries fund created under section ~~5162.54~~ 5162.52 of the 85358  
Revised Code, there is hereby imposed an assessment on all 85359  
hospitals. Each hospital's assessment shall be based on total 85360  
facility costs. All hospitals shall be assessed according to the 85361  
rate or rates established each program year in rules adopted under 85362  
section 5168.02 of the Revised Code. The department shall assess 85363  
all hospitals uniformly and in a manner consistent with federal 85364  
statutes and regulations. During any program year, the department 85365  
shall not assess any hospital more than two per cent of the 85366  
hospital's total facility costs. 85367

The department shall establish an assessment rate or rates 85368  
each program year that will do both of the following: 85369

(1) Yield funds that, when combined with intergovernmental 85370  
transfers and federal matching funds, will produce a program of 85371  
sufficient size to pay a substantial portion of the indigent care 85372  
provided by hospitals; 85373

(2) Yield funds that, when combined with intergovernmental 85374  
transfers and federal matching funds, will produce amounts for 85375  
distribution to disproportionate share hospitals that do not 85376  
exceed, in the aggregate, the limits prescribed by the United 85377  
States health care financing administration under the "Social 85378  
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 85379

(B)(1) Except as provided in division (B)(3) of this section, 85380  
each hospital shall pay its assessment in periodic installments in 85381  
accordance with a schedule established in rules adopted under 85382  
section 5168.02 of the Revised Code. 85383

(2) The installments shall be equal in amount, unless either 85384  
of the following applies: 85385

(a) The department makes adjustments during a program year 85386  
under division (D) of section 5168.08 of the Revised Code in the 85387  
total amount of hospitals' assessments; 85388

(b) The medicaid director determines that adjustments in the 85389  
amounts of installments are necessary for the administration of 85390  
sections 5168.01 to 5168.14 of the Revised Code and that unequal 85391  
installments will not create cash flow difficulties for hospitals. 85392

(3) The director may adopt rules under section 5168.02 of the 85393  
Revised Code establishing alternate schedules for hospitals to pay 85394  
assessments under this section in order to reduce hospitals' cash 85395  
flow difficulties. 85396

**Sec. 5168.07.** (A) The department of medicaid may require 85397  
governmental hospitals to make intergovernmental transfers each 85398  
program year for the purpose of distributing funds to hospitals 85399  
under the medicaid program pursuant to sections 5168.01 to 5168.14 85400  
of the Revised Code and depositing funds into the health ~~care~~ 85401  
~~services administration~~ care/medicaid support and recoveries fund 85402  
created under section ~~5162.54~~ 5162.52 of the Revised Code. The 85403  
department shall not require transfers in an amount that, when 85404  
combined with hospital assessments paid under section 5168.06 of 85405  
the Revised Code and federal matching funds, produce amounts for 85406  
distribution to disproportionate share hospitals that, in the 85407  
aggregate, exceed limits prescribed by the United States health 85408  
care financing administration under the "Social Security Act," 85409  
section 1923(f), 42 U.S.C. 1396r-4(f). 85410

(B) Before or during each program year, the department shall 85411  
notify each governmental hospital of the amount of the 85412  
intergovernmental transfer it is required to make during the 85413  
program year. Each governmental hospital shall make 85414

intergovernmental transfers as required by the department under 85415  
this section in periodic installments, executed by electronic fund 85416  
transfer, in accordance with a schedule established in rules 85417  
adopted under section 5168.02 of the Revised Code. 85418

**Sec. 5168.09.** The medicaid director shall adopt rules under 85419  
section 5168.02 of the Revised Code establishing a methodology to 85420  
pay hospitals that is sufficient to expend all money in the 85421  
indigent care pool. Under the rules: 85422

(A) The department of medicaid may classify similar hospitals 85423  
into groups and allocate funds for distribution within each group. 85424

(B) The department shall establish a method of allocating 85425  
funds to hospitals, taking into consideration the relative amount 85426  
of indigent care provided by each hospital or group of hospitals. 85427  
The amount to be allocated shall be based on any combination of 85428  
the following indicators of indigent care that the director 85429  
considers appropriate: 85430

(1) Total costs, volume, or proportion of services to 85431  
recipients of the medical assistance program, including recipients 85432  
enrolled in health insuring corporations; 85433

(2) Total costs, volume, or proportion of services to 85434  
low-income patients in addition to medicaid recipients, which may 85435  
include recipients of Title V of the "Social Security Act," 42 85436  
U.S.C. 701 et seq., ~~and recipients of disability financial~~ 85437  
~~assistance provided under Chapter 5115. of the Revised Code;~~ 85438

(3) The amount of uncompensated care provided by the hospital 85439  
or group of hospitals; 85440

(4) Other factors that the director considers to be 85441  
appropriate indicators of indigent care. 85442

(C) The department shall distribute funds to each hospital or 85443  
group of hospitals in a manner that first may provide for an 85444

additional distribution to individual hospitals that provide a 85445  
high proportion of indigent care in relation to the total care 85446  
provided by the hospital or in relation to other hospitals. The 85447  
department shall establish a formula to distribute the remainder 85448  
of the funds. The formula shall be consistent with the "Social 85449  
Security Act," section 1923, 42 U.S.C. 1396r-4, and shall be based 85450  
on any combination of the indicators of indigent care listed in 85451  
division (B) of this section that the director considers 85452  
appropriate. 85453

(D) The department shall distribute funds to each hospital in 85454  
installments not later than ten working days after the deadline 85455  
established in rules for each hospital to pay an installment on 85456  
its assessment under section 5168.06 of the Revised Code. In the 85457  
case of a governmental hospital that makes intergovernmental 85458  
transfers, the department shall pay an installment under this 85459  
section not later than ten working days after the earlier of that 85460  
deadline or the deadline established in rules for the governmental 85461  
hospital to pay an installment on its intergovernmental transfer. 85462  
If the amount in the hospital care assurance program fund created 85463  
under section 5168.11 of the Revised Code and the portion of the 85464  
health care - federal fund created under section 5162.50 of the 85465  
Revised Code that is credited to that fund pursuant to division 85466  
(B) of section 5168.11 of the Revised Code are insufficient to 85467  
make the total distributions for which hospitals are eligible to 85468  
receive in any period, the department shall reduce the amount of 85469  
each distribution by the percentage by which the amount and 85470  
portion are insufficient. The department shall distribute to 85471  
hospitals any amounts not distributed in the period in which they 85472  
are due as soon as moneys are available in the funds. 85473

**Sec. 5168.10.** Except for moneys deposited into the health 85474  
~~care services administration~~ care/medicaid support and recoveries 85475  
fund created under section ~~5162.54~~ 5162.52 of the Revised Code, 85476

the department of medicaid shall not use money paid to the 85477  
department under sections 5168.06 and 5168.07 of the Revised Code 85478  
or money that the department pays to hospitals under section 85479  
5168.09 of the Revised Code to replace any funds appropriated by 85480  
the general assembly for the medicaid program. 85481

**Sec. 5168.11.** (A) Except as provided in section ~~5162.54~~ 85482  
5162.52 of the Revised Code, all payments of assessments by 85483  
hospitals under section 5168.06 of the Revised Code and all 85484  
intergovernmental transfers under section 5168.07 of the Revised 85485  
Code shall be deposited in the state treasury to the credit of the 85486  
hospital care assurance program fund, hereby created. All 85487  
investment earnings of the hospital care assurance program fund 85488  
shall be credited to the fund. The department of medicaid shall 85489  
maintain records that show the amount of money in the hospital 85490  
care assurance program fund at any time that has been paid by each 85491  
hospital and the amount of any investment earnings on that amount. 85492  
All moneys credited to the hospital care assurance program fund 85493  
shall be used solely to make payments to hospitals under division 85494  
(D) of this section and section 5168.09 of the Revised Code. 85495

(B) All federal matching funds received as a result of the 85496  
department distributing funds from the hospital care assurance 85497  
program fund to hospitals under section 5168.09 of the Revised 85498  
Code shall be credited to the health care - federal fund created 85499  
under section 5162.50 of the Revised Code. 85500

(C) All distributions of funds to hospitals under section 85501  
5168.09 of the Revised Code are conditional on: 85502

(1) Expiration of the time for appeals under section 5168.08 85503  
of the Revised Code without the filing of an appeal, or on court 85504  
determinations, in the event of appeals, that the hospital is 85505  
entitled to the funds; 85506

(2) The sum of the following being sufficient to distribute 85507

the funds after the final determination of any appeals: 85508

(a) The available money in the hospital care assurance 85509  
program fund; 85510

(b) The available portion of the money in the health care - 85511  
federal fund that is credited to that fund pursuant to division 85512  
(B) of this section. 85513

(3) The hospital's compliance with section 5168.14 of the 85514  
Revised Code. 85515

(D) If an audit conducted by the department of the amounts of 85516  
payments made and funds received by hospitals under sections 85517  
5168.06, 5168.07, and 5168.09 of the Revised Code identifies 85518  
amounts that, due to errors by the department, a hospital should 85519  
not have been required to pay but did pay, should have been 85520  
required to pay but did not pay, should not have received but did 85521  
receive, or should have received but did not receive, the 85522  
department shall: 85523

(1) Make payments to any hospital that the audit reveals paid 85524  
amounts it should not have been required to pay or did not receive 85525  
amounts it should have received; 85526

(2) Take action to recover from a hospital any amounts that 85527  
the audit reveals it should have been required to pay but did not 85528  
pay or that it should not have received but did receive. 85529

Payments made under division (D)(1) of this section shall be 85530  
made from the hospital care assurance program fund. Amounts 85531  
recovered under division (D)(2) of this section shall be deposited 85532  
to the credit of that fund. Any hospital may appeal the amount the 85533  
hospital is to be paid under division (D)(1) or the amount that is 85534  
to be recovered from the hospital under division (D)(2) of this 85535  
section to the court of common pleas of Franklin county. 85536

**Sec. 5168.14.** (A) Each hospital that receives funds 85537

distributed under sections 5168.01 to 5168.14 of the Revised Code 85538  
shall provide, without charge to the individual, basic, medically 85539  
necessary hospital-level services to individuals who are residents 85540  
of this state, are not medicaid recipients, and whose income is at 85541  
or below the federal poverty line. ~~Recipients of disability~~ 85542  
~~financial assistance provided under Chapter 5115. of the Revised~~ 85543  
~~Code qualify for services under this section.~~ The medicaid 85544  
director shall adopt rules under section 5168.02 of the Revised 85545  
Code specifying the hospital services to be provided under this 85546  
section. 85547

(B) Nothing in this section shall be construed to prevent a 85548  
hospital from requiring an individual to apply for the medicaid 85549  
program before the hospital processes an application under this 85550  
section. Hospitals may bill any third-party payer for services 85551  
rendered under this section. Hospitals may bill the medicaid 85552  
program, in accordance with state statutes governing the medicaid 85553  
program and rules adopted under those statutes, for medicaid 85554  
services rendered under this section if the individual becomes a 85555  
medicaid recipient. Hospitals may bill individuals for services 85556  
under this section if all of the following apply: 85557

(1) The hospital has an established post-billing procedure 85558  
for determining the individual's income and canceling the charges 85559  
if the individual is found to qualify for services under this 85560  
section. 85561

(2) The initial bill, and at least the first follow-up bill, 85562  
is accompanied by a written statement that does all of the 85563  
following: 85564

(a) Explains that individuals with income at or below the 85565  
federal poverty line are eligible for services without charge; 85566

(b) Specifies the federal poverty line for individuals and 85567  
families of various sizes at the time the bill is sent; 85568

(c) Describes the procedure required by division (C)(1) of this section. 85569  
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(3) The hospital complies with any additional rules adopted under section 5168.02 of the Revised Code. 85571  
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Notwithstanding division (B) of this section, a hospital providing care to an individual under this section is subrogated to the rights of any individual to receive compensation or benefits from any person or governmental entity for the hospital goods and services rendered. 85573  
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(C) Each hospital shall collect and report to the department of medicaid, in the form and manner prescribed by the department, information on the number and identity of patients served pursuant to this section. 85578  
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(D) This section applies beginning May 22, 1992, regardless of whether rules specifying the services to be provided have been adopted. Nothing in this section alters the scope or limits the obligation of any governmental entity or program, including the program awarding reparations to victims of crime under sections 2743.51 to 2743.72 of the Revised Code and the program for medically handicapped children established under section 3701.023 of the Revised Code, to pay for hospital services in accordance with state or local law. 85582  
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**Sec. 5168.26.** (A) The medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement sections 5168.20 to 5168.28 of the Revised Code, including rules that specify the percentage of hospitals' total facility costs to be used in calculating hospitals' assessments under section 5168.21 of the Revised Code. 85591  
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(B) The rules adopted under this section may do the following: 85597  
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(1) Provide that a hospital's total facility costs for the purpose of the assessment under section 5168.21 of the Revised Code exclude any of the following:

(a) A hospital's costs associated with providing care to recipients of any of the following:

(i) The medicaid program;

(ii) The medicare program;

~~(iii) The disability financial assistance program established under Chapter 5115. of the Revised Code;~~

~~(iv)~~ The program for medically handicapped children established under section 3701.023 of the Revised Code;

~~(v)~~(iv) Services provided under the maternal and child health services block grant established under Title V of the "Social Security Act," 42 U.S.C. 701 et seq.

(b) Any other category of hospital costs the director deems appropriate under federal law and regulations governing the medicaid program.

(2) Subject to division (C) of this section, provide for the percentage of hospitals' total facility costs used in calculating hospitals' assessments to vary for different hospitals.

(C) Before adopting rules authorized by division (B)(2) of this section that establish varied percentages to be used in calculating hospitals' assessments, the director shall obtain a waiver from the United States secretary of health and human services under the "Social Security Act," section 1903(w)(3)(E), 42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause the assessments to not be imposed uniformly.

Sec. 5168.75. As used in sections 5168.75 to 5168.86 of the Revised Code:

<u>(A) "Basic health care services" means all of the services</u>	85628
<u>listed in division (A)(1) of section 1751.01 of the Revised Code.</u>	85629
<u>(B) "Care management system" means the system established</u>	85630
<u>under section 5167.03 of the Revised Code.</u>	85631
<u>(C) "Dual eligible individual" has the same meaning as in</u>	85632
<u>section 5160.01 of the Revised Code.</u>	85633
<u>(D) "Franchise fee" means the fee imposed on health insuring</u>	85634
<u>corporation plans under section 5168.76 of the Revised Code.</u>	85635
<u>(E) "Health insuring corporation" has the same meaning as in</u>	85636
<u>section 1751.01 of the Revised Code, except it does not mean a</u>	85637
<u>corporation that, pursuant to a policy, contract, certificate, or</u>	85638
<u>agreement, pays for, reimburses, or provides, delivers, arranges</u>	85639
<u>for, or otherwise makes available, only supplemental health care</u>	85640
<u>services or only specialty health care services.</u>	85641
<u>(F) "Health insuring corporation plan" means a policy,</u>	85642
<u>contract, certificate, or agreement of a health insuring</u>	85643
<u>corporation under which the corporation pays for, reimburses,</u>	85644
<u>provides, delivers, arranges for, or otherwise makes available</u>	85645
<u>basic health care services. "Health insuring corporation plan"</u>	85646
<u>does not mean any of the following:</u>	85647
<u>(1) A policy, contract, certificate, or agreement under which</u>	85648
<u>a health insuring corporation pays for, reimburses, provides,</u>	85649
<u>delivers, arranges for, or otherwise makes available only</u>	85650
<u>supplemental health care services or only specialty health care</u>	85651
<u>services;</u>	85652
<u>(2) An approved health benefits plan described in 5 U.S.C.</u>	85653
<u>8903 or 8903a, if imposing the franchise fee on the plan would</u>	85654
<u>violate 5 U.S.C. 8909(f);</u>	85655
<u>(3) A medicare advantage plan authorized by Part C of Title</u>	85656
<u>XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq.</u>	85657

(G) "Indirect guarantee percentage" means the percentage specified in section 1903(w)(4)(C)(ii) of the "Social Security Act," 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a health care class is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following: 85658  
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(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change; 85666  
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(2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage. 85668  
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(H) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 85670  
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(I) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 85672  
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(J) "Ohio medicaid member month" means a month in which a medicaid recipient residing in this state is enrolled in a health insuring corporation plan. 85674  
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(K) "Other Ohio member month" means a month in which a resident of this state who is not a medicaid recipient is enrolled in a health insuring corporation plan. 85677  
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(L) "Rate year" means the fiscal year for which a franchise fee is imposed. 85680  
85681

**Sec. 5168.76.** (A) For the purposes specified in section 5168.85 of the Revised Code and subject to sections 5168.82, 5168.83, and 5168.84 of the Revised Code, a franchise fee is hereby imposed each month beginning with July 2017 on each health insuring corporation plan. The franchise fee shall have a component based on Ohio medicaid member months and another 85682  
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component based on other Ohio member months. 85688

(B) The department of medicaid shall determine the amount of 85689  
the monthly franchise fee to be imposed on a health insuring 85690  
corporation plan under the component based on Ohio medicaid member 85691  
months. The determination shall be made as part of the process of 85692  
determining the annual capitated payment rates to be paid to 85693  
medicaid managed care organizations under the care management 85694  
system. The following rates shall be used as part of the 85695  
determination: 85696

<u>CUMULATIVE TOTAL NUMBER OF OHIO</u>	<u>APPLICABLE RATE</u>	85697
<u>MEDICAID MEMBER MONTHS</u>		
<u>For the first 250,000</u>	<u>\$56</u>	85698
<u>For 250,001 to 500,000</u>	<u>\$45</u>	85699
<u>For 500,001 and above</u>	<u>\$26</u>	85700

(C) The amount of the monthly franchise fee to be imposed on 85701  
a health insuring corporation plan under the component based on 85702  
other Ohio member months shall be determined by multiplying the 85703  
number of other Ohio member months that the health insuring 85704  
corporation plan had for the month by the applicable rate or 85705  
rates. The applicable rate or rates to be used in the calculation 85706  
for a health insuring corporation plan for a month shall depend on 85707  
the cumulative total number of other Ohio member months the health 85708  
insuring corporation plan had for all of a rate year's months that 85709  
ended before the beginning of the month in which the franchise fee 85710  
is due. 85711

The following table shows the applicable rate or rates: 85712

<u>CUMULATIVE TOTAL NUMBER OF OTHER OHIO</u>	<u>APPLICABLE RATE</u>	85713
<u>MEMBER MONTHS</u>		
<u>For the first 150,000</u>	<u>\$2</u>	85714
<u>For 150,001 and above</u>	<u>\$1</u>	85715

Sec. 5168.77. The component of the monthly franchise fee 85717  
based on Ohio medicaid member months is due not later than the 85718  
fifth business day of the month immediately following the month 85719  
for which it is imposed. The component of the monthly franchise 85720  
fee based on other Ohio member months is due not later than the 85721  
last day of September of the calendar year in which the rate year 85722  
ends, and the total amount due under that component for all of the 85723  
months of the rate year shall be paid in one payment. 85724

If a health insuring corporation administers multiple health 85725  
insuring corporation plans, the corporation shall pay the total 85726  
amount due for all of the plans under the component of the 85727  
franchise fee based on Ohio medicaid member months in one payment 85728  
and pay the total amount due for all of the plans under the 85729  
component of the franchise fee based on other Ohio member months 85730  
in one payment. 85731

Sec. 5168.78. The department of medicaid may request that a 85732  
health insuring corporation provide the department documentation 85733  
the department needs to verify the amount of the franchise fees 85734  
imposed on the health insuring corporation plans administered by 85735  
the corporation and to ensure the corporation's compliance with 85736  
sections 5168.75 to 5168.86 of the Revised Code. On receipt of the 85737  
request, the health insuring corporation shall provide the 85738  
department the requested documentation. The department also may 85739  
review relevant documentation possessed by other entities for the 85740  
purpose of making such verifications. 85741

Sec. 5168.79. If the department of medicaid determines that 85742  
the amount of a franchise fee that a health insuring corporation 85743  
paid is less than the amount it should have paid, the department 85744  
shall notify the health insuring corporation. Except as otherwise 85745  
provided by the results of a reconsideration conducted under 85746

section 5168.80 of the Revised Code, the health insuring corporation shall pay the amount due. 85747  
85748

Sec. 5168.80. A health insuring corporation may request a reconsideration of a determination made by the department of medicaid under section 5168.79 of the Revised Code. A reconsideration may be requested solely on the grounds that the department made a material error in making the determination. A request for a reconsideration must be received by the department not later than fifteen days after the date the department notifies the health insuring corporation of the department's determination and must include written materials setting forth the basis for the reconsideration. If a health insuring corporation requests a reconsideration within the time required, the department shall reconsider the determination and issue a final decision not later than thirty days after the date the department receives the request. 85749  
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Sec. 5168.81. If a health insuring corporation fails to pay the full amount of a component of a franchise fee when due, the department of medicaid may assess a ten per cent penalty on the amount due for each month or fraction thereof that the component of the franchise fee is overdue. 85763  
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Sec. 5168.82. The franchise fee shall not be imposed on any health insuring corporation plan unless there is in effect a waiver authorizing the franchise fee issued by the United States secretary of health and human services pursuant to section 1903(w)(3)(E) of the "Social Security Act," 42 U.S.C. 1396b(w)(3)(E). 85768  
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Sec. 5168.83. If the total amount of franchise fees imposed on all health insuring corporation plans under section 5168.76 of 85774  
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the Revised Code during a fiscal year exceeds the indirect 85776  
guarantee percentage of the net patient revenue for all health 85777  
insuring corporations for that fiscal year and seventy-five per 85778  
cent or more of all health insuring corporations receive enhanced 85779  
medicaid payments or other state payments equal to seventy-five 85780  
per cent or more of the total franchise fees imposed on their 85781  
health insuring corporation plans, the department of medicaid 85782  
shall refund the excess amount of the franchise fees to the health 85783  
insuring corporations. 85784

**Sec. 5168.84.** If the United States centers for medicare and 85785  
medicaid services determines that the franchise fee is an 85786  
impermissible health care-related tax under the section 1903(w) of 85787  
the "Social Security Act," 42 U.S.C. 1396b(w), the department of 85788  
medicaid shall do either of the following as appropriate: 85789

(A) Modify the imposition of the franchise fee, including (if 85790  
necessary) the amount of the franchise fee, in a manner needed for 85791  
the United States centers to reverse its determination; 85792

(B) Take all necessary actions to cease the imposition of the 85793  
franchise fee until the determination is reversed. 85794

**Sec. 5168.85.** (A) There is hereby created in the state 85795  
treasury the health insuring corporation franchise fee fund. All 85796  
payments and penalties paid by health insuring corporations under 85797  
sections 5168.77, 5168.79, and 5168.81 of the Revised Code shall 85798  
be deposited into the fund. Money in the fund shall be used to 85799  
make medicaid payments to medicaid providers and medicaid managed 85800  
care organizations. 85801

(B) Any interest or other investment proceeds earned on money 85802  
in the fund shall be credited to the fund and used to make 85803  
medicaid payments in accordance with division (A) of this section. 85804

Sec. 5168.86. The medicaid director may adopt rules in 85805  
accordance with Chapter 119. as necessary to implement sections 85806  
5168.75 to 5168.86 of the Revised Code. 85807

**Sec. 5168.99.** (A) The medicaid director shall impose a 85808  
penalty for each day that a hospital fails to report the 85809  
information required under section 5168.05 of the Revised Code on 85810  
or before the dates specified in that section. The amount of the 85811  
penalty shall be established by the director in rules adopted 85812  
under section 5168.02 of the Revised Code. 85813

(B) In addition to any other remedy available to the 85814  
department of medicaid under law to collect unpaid assessments and 85815  
transfers under sections 5168.01 to 5168.14 of the Revised Code, 85816  
the director shall impose a penalty of ten per cent of the amount 85817  
due on any hospital that fails to pay assessments or make 85818  
intergovernmental transfers by the dates required by rules adopted 85819  
under section 5168.02 of the Revised Code. 85820

(C) In addition to any other remedy available to the 85821  
department of medicaid under law to collect unpaid assessments 85822  
imposed under section 5168.21 of the Revised Code, the director 85823  
shall impose a penalty of ten per cent of the amount due on any 85824  
hospital that fails to pay the assessment by the date it is due. 85825

(D) The director shall waive the penalties provided for in 85826  
this section for good cause shown by the hospital. 85827

(E) All penalties imposed under this section shall be 85828  
deposited into the health ~~care administration~~ care/medicaid 85829  
support and recoveries fund created by section ~~5162.54~~ 5162.52 of 85830  
the Revised Code. 85831

**Sec. 5501.91.** (A) As used in this section, "port authority" 85832  
means a port authority created under Chapter 4582. of the Revised 85833



Code. 85834

(B) There is hereby established the Ohio maritime assistance 85835  
program, which the department of transportation shall administer. 85836  
Under the program, a municipal corporation or port authority may 85837  
apply to the department for a grant to be used as prescribed in 85838  
division (D) of this section. In order to be eligible for a grant 85839  
under this section, a municipal corporation or port authority is 85840  
required to meet either of the following requirements: 85841

(1) At the time of application for a grant, the municipal 85842  
corporation or port authority has an active marine cargo terminal 85843  
located on the shore of Lake Erie or the Ohio river or on a Lake 85844  
Erie tributary. 85845

(2) The grant application is for the planning and 85846  
construction of a new marine cargo terminal located on the shore 85847  
of Lake Erie or the Ohio river or on a Lake Erie tributary. 85848

(C)(1) Every applicant for a grant shall submit with its 85849  
application a written business justification for the investment 85850  
that indicates the operational and market need for the project in 85851  
a form the director of transportation shall prescribe. 85852

(2) The department shall evaluate all grant applications 85853  
according to the following criteria: 85854

(a) The degree to which the proposed project will increase 85855  
the efficiency or capacity of maritime cargo terminal operations; 85856

(b) Whether the project will result in the handling of new 85857  
types of cargo or an increase in cargo volume; 85858

(c) Whether the project will meet an identified supply chain 85859  
need or benefit Ohio firms that export goods to foreign markets, 85860  
or import goods to Ohio for use in manufacturing or for 85861  
value-added distribution; 85862

(d) Any other criteria the director determines to be 85863

appropriate. 85864

(3) If a grant application does not meet the criteria specified in divisions (C)(2)(b) and (c) of this section, an applicant is not eligible for a grant under this section. 85865  
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(D) A municipal corporation or port authority shall use a grant awarded under this section only for any of the following purposes: 85868  
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(1) Land acquisition and site development for marine cargo terminal and associated uses, including demolition and environmental remediation; 85871  
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(2) Construction of wharves, quay walls, bulkheads, jetties, revetments, breakwaters, shipping channels, dredge disposal facilities, projects for the beneficial use of dredge material, and other structures and improvements directly related to maritime commerce and harbor infrastructure; 85874  
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(3) Construction and repair of warehouses, transit sheds, railroad tracks, roadways, gates and gatehouses, fencing, bridges, offices, ship yards, and other improvements needed for marine cargo terminal and associated uses, including ship yards; 85879  
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(4) Acquisition of cargo handling equipment, including mobile shore cranes, stationary cranes, tow motors, fork lifts, yard tractors, craneways, conveyor and bulk material handling equipment, and all types of ship loading and unloading equipment; 85883  
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(5) Operating funds for marine cargo terminal operations and associated uses. 85887  
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(E) A municipal corporation or port authority shall pay a matching amount not to exceed one dollar for each grant dollar received for the proposed project. 85889  
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(F) The director of transportation, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing the 85892  
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program established under this section, including the grant 85894  
application, evaluation, award processes, and how the grant money 85895  
may be spent by a municipal corporation or port authority. 85896

**Sec. 5502.01.** (A) The department of public safety shall 85897  
administer and enforce the laws relating to the registration, 85898  
licensing, sale, and operation of motor vehicles and the laws 85899  
pertaining to the licensing of drivers of motor vehicles. 85900

The department shall compile, analyze, and publish statistics 85901  
relative to motor vehicle accidents and the causes of them, 85902  
prepare and conduct educational programs for the purpose of 85903  
promoting safety in the operation of motor vehicles on the 85904  
highways, and conduct research and studies for the purpose of 85905  
promoting safety on the highways of this state. 85906

(B) The department shall administer the laws and rules 85907  
relative to trauma and emergency medical services specified in 85908  
Chapter 4765. of the Revised Code and any laws and rules relative 85909  
to medical transportation services specified in Chapter 4766. of 85910  
the Revised Code. 85911

(C) The department shall administer and enforce the laws 85912  
contained in Chapters 4301. and 4303. of the Revised Code and 85913  
enforce the rules and orders of the liquor control commission 85914  
pertaining to retail liquor permit holders. 85915

(D) The department shall administer the laws governing the 85916  
state emergency management agency and shall enforce all additional 85917  
duties and responsibilities as prescribed in the Revised Code 85918  
related to emergency management services. 85919

(E) The department shall conduct investigations pursuant to 85920  
Chapter 5101. of the Revised Code in support of the duty of the 85921  
department of job and family services to administer the 85922  
supplemental nutrition assistance program throughout this state. 85923

The department of public safety shall conduct investigations 85924  
necessary to protect the state's property rights and interests in 85925  
the supplemental nutrition assistance program. 85926

(F) The department of public safety shall enforce compliance 85927  
with orders and rules of the public utilities commission and 85928  
applicable laws in accordance with Chapters 4905., 4921., and 85929  
4923. of the Revised Code regarding commercial motor vehicle 85930  
transportation safety, economic, and hazardous materials 85931  
requirements. 85932

(G) Notwithstanding Chapter 4117. of the Revised Code, the 85933  
department of public safety may establish requirements for its 85934  
enforcement personnel, including its enforcement agents described 85935  
in section 5502.14 of the Revised Code, that include standards of 85936  
conduct, work rules and procedures, and criteria for eligibility 85937  
as law enforcement personnel. 85938

(H) The department shall administer, maintain, and operate 85939  
the Ohio criminal justice network. The Ohio criminal justice 85940  
network shall be a computer network that supports state and local 85941  
criminal justice activities. The network shall be an electronic 85942  
repository for various data, which may include arrest warrants, 85943  
notices of persons wanted by law enforcement agencies, criminal 85944  
records, prison inmate records, stolen vehicle records, vehicle 85945  
operator's licenses, and vehicle registrations and titles. 85946

(I) The department shall coordinate all homeland security 85947  
activities of all state agencies and shall be a liaison between 85948  
state agencies and local entities for those activities and related 85949  
purposes. 85950

(J) Beginning July 1, 2004, the department shall administer 85951  
and enforce the laws relative to private investigators and 85952  
security service providers specified in Chapter 4749. of the 85953  
Revised Code. 85954

(K) The department shall administer criminal justice services 85955  
in accordance with sections 5502.61 to 5502.66 of the Revised 85956  
Code. 85957

(L) The department shall coordinate security measures and 85958  
operations, and may direct the department of administrative 85959  
services to implement any security measures and operations the 85960  
department of public safety requires, at the Vern Riffe Center and 85961  
the James A. Rhodes state office tower. 85962

**Sec. 5502.13.** The department of public safety shall maintain 85963  
an investigative unit in order to conduct investigations and other 85964  
enforcement activity authorized by Chapters 4301., 4303., 5101., 85965  
5107., and 5108., and ~~5115.~~ and sections 2903.12, 2903.13, 85966  
2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 2921.31, 2921.32, 85967  
2921.33, 2923.12, 2923.121, 2925.11, 2925.13, 2927.02, and 4507.30 85968  
of the Revised Code. The director of public safety shall appoint 85969  
the employees of the unit who are necessary, designate the 85970  
activities to be performed by those employees, and prescribe their 85971  
titles and duties. 85972

**Sec. 5502.1321.** (A) There is hereby created the Ohio 85973  
investigative unit contingency fund, which shall be in the custody 85974  
of the treasurer of state but shall not be part of the state 85975  
treasury. All money seized during investigations or other 85976  
enforcement activities of the investigative unit of the department 85977  
of public safety prior to January 1, 2017 shall be deposited into 85978  
the fund. The director of public safety shall transfer money upon 85979  
resolution of all legal proceedings in accordance with Chapter 85980  
2981. of the Revised Code. 85981

(B) There is hereby created the Ohio investigative unit 85982  
custodial fund, which shall be in the custody of the treasurer of 85983  
state, but shall not be part of the state treasury. All money 85984

seized during investigations or other enforcement activities of 85985  
the investigative unit of the department of public safety on and 85986  
after January 1, 2017, shall be deposited into the fund. The 85987  
director of public safety shall transfer money upon resolution of 85988  
all legal proceedings in accordance with Chapter 2981. of the 85989  
Revised Code. 85990

**Sec. 5502.68.** (A) There is hereby created in the state 85991  
treasury the drug law enforcement fund. Ninety-seven per cent of 85992  
three dollars and fifty cents out of each ten-dollar court cost 85993  
imposed pursuant to section 2949.094 of the Revised Code shall be 85994  
credited to the fund. Money in the fund shall be used only in 85995  
accordance with this section to award grants to counties, 85996  
municipal corporations, townships, township police districts, and 85997  
joint police districts to defray the expenses that a drug task 85998  
force organized in the county, or in the county in which the 85999  
municipal corporation, township, or district is located, incurs in 86000  
performing its functions related to the enforcement of the state's 86001  
drug laws and other state laws related to illegal drug activity. 86002

The division of criminal justice services shall administer 86003  
all money deposited into the drug law enforcement fund and, by 86004  
rule adopted under Chapter 119. of the Revised Code, shall 86005  
establish procedures for a county, municipal corporation, 86006  
township, township police district, or joint police district to 86007  
apply for money from the fund to defray the expenses that a drug 86008  
task force organized in the county, or in the county in which the 86009  
municipal corporation, township, or district is located, incurs in 86010  
performing its functions related to the enforcement of the state's 86011  
drug laws and other state laws related to illegal drug activity, 86012  
procedures and criteria for determining eligibility of applicants 86013  
to be provided money from the fund, and procedures and criteria 86014  
for determining the amount of money to be provided out of the fund 86015  
to eligible applicants. 86016

(B) The procedures and criteria established under division 86017  
(A) of this section for applying for money from the fund shall 86018  
include, but shall not be limited to, a provision requiring a 86019  
county, municipal corporation, township, township police district, 86020  
or joint police district that applies for money from the fund to 86021  
specify in its application the amount of money desired from the 86022  
fund, provided that the cumulative amount requested in all 86023  
applications submitted for any single drug task force may not 86024  
exceed more than two hundred fifty thousand dollars in any 86025  
calendar year for that task force. 86026

(C) The procedures and criteria established under division 86027  
(A) of this section for determining eligibility of applicants to 86028  
be provided money from the fund and for determining the amount of 86029  
money to be provided out of the fund to eligible applicants shall 86030  
include, but not be limited to, all of the following: 86031

(1) Provisions requiring that, in order to be eligible to be 86032  
provided money from the fund, a drug task force that applies for 86033  
money from the fund must provide evidence that the drug task force 86034  
will receive a local funding match of at least twenty-five per 86035  
cent of the task force's projected operating costs in the period 86036  
of time covered by the grant; 86037

(2) Provisions requiring that money from the fund be 86038  
allocated and provided to drug task forces that apply for money 86039  
from the fund in accordance with the following priorities: 86040

(a) Drug task forces that apply, that are in existence on the 86041  
date of the application, and that are determined to be eligible 86042  
applicants, and to which either of the following applies shall be 86043  
given first priority to be provided money from the fund: 86044

(i) Drug task forces that received funding through the 86045  
division of criminal justice services in calendar year 2007; 86046

(ii) Drug task forces in a county that has a population that 86047

exceeds seven hundred fifty thousand. 86048

(b) If any moneys remain in the fund after all drug task 86049  
forces that apply, that are in existence on the date of the 86050  
application, that are determined to be eligible applicants, and 86051  
that satisfy the criteria set forth in division (C)(2)(a)(i) or 86052  
(ii) of this section are provided money from the fund as described 86053  
in division (C)(2)(a) of this section, the following categories of 86054  
drug task forces that apply and that are determined to be eligible 86055  
applicants shall be given priority to be provided money from the 86056  
fund in the order in which they apply for money from the fund: 86057

(i) Drug task forces that are not in existence on the date of 86058  
the application; 86059

(ii) Drug task forces that are in existence on the date of 86060  
the application but that do not satisfy the criteria set forth in 86061  
division (C)(2)(a)(i) or (ii) of this section. 86062

(D) The procedures and criteria established under division 86063  
(A) of this section for determining the amount of money to be 86064  
provided out of the fund to eligible applicants shall include, but 86065  
shall not be limited to, a provision specifying that the 86066  
cumulative amount provided to any single drug task force may not 86067  
exceed more than two hundred fifty thousand dollars in any 86068  
calendar year. 86069

(E) Any drug task force for which a grant is awarded by the 86070  
division of criminal justice services under this section shall 86071  
comply with all grant requirements established by the division, 86072  
including a requirement that the drug task force report its 86073  
activities through the El Paso intelligence center information 86074  
technology systems. 86075

(F) As used in this section, "drug task force" means a drug 86076  
task force organized in any county by the sheriff of the county, 86077  
the prosecuting attorney of the county, the chief of police of the 86078



organized police department of any municipal corporation or 86079  
township in the county, and the chief of police of the police 86080  
force of any township police district or joint police district in 86081  
the county to perform functions related to the enforcement of 86082  
state drug laws and other state laws related to illegal drug 86083  
activity. 86084

**Sec. 5503.02.** (A) The state highway patrol shall enforce the 86085  
laws of the state relating to the titling, registration, and 86086  
licensing of motor vehicles; enforce on all roads and highways, 86087  
notwithstanding section 4513.39 of the Revised Code, the laws 86088  
relating to the operation and use of vehicles on the highways; 86089  
enforce and prevent the violation of the laws relating to the 86090  
size, weight, and speed of commercial motor vehicles and all laws 86091  
designed for the protection of the highway pavements and 86092  
structures on the highways; investigate and enforce rules and laws 86093  
of the public utilities commission governing the transportation of 86094  
persons and property by motor carriers and report violations of 86095  
such rules and laws to the commission; enforce against any motor 86096  
carrier as defined in section 4923.01 of the Revised Code those 86097  
rules and laws that, if violated, may result in a forfeiture as 86098  
provided in section 4923.99 of the Revised Code; investigate and 86099  
report violations of all laws relating to the collection of excise 86100  
taxes on motor vehicle fuels; and regulate the movement of traffic 86101  
on the roads and highways of the state, notwithstanding section 86102  
4513.39 of the Revised Code. 86103

The patrol, whenever possible, shall determine the identity 86104  
of the persons who are causing or who are responsible for the 86105  
breaking, damaging, or destruction of any improved surfaced 86106  
roadway, structure, sign, marker, guardrail, or other appurtenance 86107  
constructed or maintained by the department of transportation and 86108  
shall arrest the persons who are responsible for the breaking, 86109  
damaging, or destruction and bring them before the proper 86110

officials for prosecution. 86111

State highway patrol troopers shall investigate and report 86112  
all motor vehicle accidents on all roads and highways outside of 86113  
municipal corporations. The superintendent of the patrol or any 86114  
state highway patrol trooper may arrest, without a warrant, any 86115  
person, who is the driver of or a passenger in any vehicle 86116  
operated or standing on a state highway, whom the superintendent 86117  
or trooper has reasonable cause to believe is guilty of a felony, 86118  
under the same circumstances and with the same power that any 86119  
peace officer may make such an arrest. 86120

The superintendent or any state highway patrol trooper may 86121  
enforce the criminal laws on all state properties and state 86122  
institutions, owned or leased by the state, and, when so ordered 86123  
by the governor in the event of riot, civil disorder, or 86124  
insurrection, may, pursuant to sections 2935.03 to 2935.05 of the 86125  
Revised Code, arrest offenders against the criminal laws wherever 86126  
they may be found within the state if the violations occurred 86127  
upon, or resulted in injury to person or property on, state 86128  
properties or state institutions, or under the conditions 86129  
described in division (B) of this section. This authority of the 86130  
superintendent and any state highway patrol trooper to enforce the 86131  
criminal laws shall extend to the Lake Erie Correctional 86132  
Institution, to the same extent as if that prison were owned by 86133  
this state. 86134

(B) In the event of riot, civil disorder, or insurrection, or 86135  
the reasonable threat of riot, civil disorder, or insurrection, 86136  
and upon request, as provided in this section, of the sheriff of a 86137  
county or the mayor or other chief executive of a municipal 86138  
corporation, the governor may order the state highway patrol to 86139  
enforce the criminal laws within the area threatened by riot, 86140  
civil disorder, or insurrection, as designated by the governor, 86141  
upon finding that law enforcement agencies within the counties 86142

involved will not be reasonably capable of controlling the riot, 86143  
civil disorder, or insurrection and that additional assistance is 86144  
necessary. In cities in which the sheriff is under contract to 86145  
provide exclusive police services pursuant to section 311.29 of 86146  
the Revised Code, in villages, and in the unincorporated areas of 86147  
the county, the sheriff has exclusive authority to request the use 86148  
of the patrol. In cities in which the sheriff does not exclusively 86149  
provide police services, the mayor, or other chief executive 86150  
performing the duties of mayor, has exclusive authority to request 86151  
the use of the patrol. 86152

The superintendent or any state highway patrol trooper may 86153  
enforce the criminal laws within the area designated by the 86154  
governor during the emergency arising out of the riot, civil 86155  
disorder, or insurrection until released by the governor upon 86156  
consultation with the requesting authority. State highway patrol 86157  
troopers shall never be used as peace officers in connection with 86158  
any strike or labor dispute. 86159

When a request for the use of the patrol is made pursuant to 86160  
this division, the requesting authority shall notify the law 86161  
enforcement authorities in contiguous communities and the sheriff 86162  
of each county within which the threatened area, or any part of 86163  
the threatened area, lies of the request, but the failure to 86164  
notify the authorities or a sheriff shall not affect the validity 86165  
of the request. 86166

(C) Any person who is arrested by the superintendent or a 86167  
state highway patrol trooper shall be taken before any court or 86168  
magistrate having jurisdiction of the offense with which the 86169  
person is charged. Any person who is arrested or apprehended 86170  
within the limits of a municipal corporation shall be brought 86171  
before the municipal court or other tribunal of the municipal 86172  
corporation. 86173

(D)(1) State highway patrol troopers have the same right and 86174

power of search and seizure as other peace officers. 86175

No state official shall command, order, or direct any state 86176  
highway patrol trooper to perform any duty or service that is not 86177  
authorized by law. The powers and duties conferred on the patrol 86178  
are supplementary to, and in no way a limitation on, the powers 86179  
and duties of sheriffs or other peace officers of the state. 86180

(2)(a) A state highway patrol trooper, pursuant to the policy 86181  
established by the superintendent of the state highway patrol 86182  
under division (D)(2)(b) of this section, may render emergency 86183  
assistance to any other peace officer who has arrest authority 86184  
under section 2935.03 of the Revised Code, if both of the 86185  
following apply: 86186

(i) There is a threat of imminent physical danger to the 86187  
peace officer, a threat of physical harm to another person, or any 86188  
other serious emergency situation; 86189

(ii) Either the peace officer requests emergency assistance, 86190  
or it appears that the peace officer is unable to request 86191  
emergency assistance and the circumstances observed by the state 86192  
highway patrol trooper reasonably indicate that emergency 86193  
assistance is appropriate, or the peace officer requests emergency 86194  
assistance and in the request the peace officer specifies a 86195  
particular location and the state highway patrol trooper arrives 86196  
at that location prior to the time that the peace officer arrives 86197  
at that location and the circumstances observed by the state 86198  
highway patrol trooper reasonably indicate that emergency 86199  
assistance is appropriate. 86200

(b) The superintendent of the state highway patrol shall 86201  
establish, within sixty days of August 8, 1991, a policy that sets 86202  
forth the manner and procedures by which a state highway patrol 86203  
trooper may render emergency assistance to any other peace officer 86204  
under division (D)(2)(a) of this section. The policy shall include 86205

a provision that a state highway patrol trooper never be used as a peace officer in connection with any strike or labor dispute.

(3)(a) A state highway patrol trooper who renders emergency assistance to any other peace officer under the policy established by the superintendent pursuant to division (D)(2)(b) of this section shall be considered to be performing regular employment for the purposes of compensation, pension, indemnity fund rights, workers' compensation, and other rights or benefits to which the trooper may be entitled as incident to regular employment.

(b) A state highway patrol trooper who renders emergency assistance to any other peace officer under the policy established by the superintendent pursuant to division (D)(2)(b) of this section retains personal immunity from liability as specified in section 9.86 of the Revised Code.

(c) A state highway patrol trooper who renders emergency assistance under the policy established by the superintendent pursuant to division (D)(2)(b) of this section has the same authority as the peace officer for or with whom the state highway patrol trooper is providing emergency assistance.

(E)(1) Subject to the availability of funds specifically appropriated by the general assembly for security detail purposes, the state highway patrol shall provide security as follows:

(a) For the governor;

(b) At the direction of the governor, for other officials of the state government of this state; officials of the state governments of other states who are visiting this state; officials of the United States government who are visiting this state; officials of the governments of foreign countries or their political subdivisions who are visiting this state; or other officials or dignitaries who are visiting this state, including, but not limited to, members of trade missions;

(c) For the capitol square, as defined in section 105.41 of the Revised Code; 86237  
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(d) For the Vern Riffe center and the James A. Rhodes state office tower, as directed by the department of public safety; 86239  
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(e) For other state property. 86241

(2) To carry out the security responsibilities of the patrol listed in division (E)(1) of this section, the superintendent may assign state highway patrol troopers to a separate unit that is responsible for security details. The number of troopers assigned to particular security details shall be determined by the superintendent. 86242  
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(3) The superintendent and any state highway patrol trooper, when providing security pursuant to division (E)(1)(a) or (b) of this section, have the same arrest powers as other peace officers to apprehend offenders against the criminal laws who endanger or threaten the security of any person being protected, no matter where the offense occurs. 86248  
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The superintendent, any state highway patrol trooper, and any special police officer designated under section 5503.09 of the Revised Code, ~~when~~ if providing security pursuant to division (E)(1)(c) of this section, shall enforce any rules governing capitol square adopted by the capitol square review and advisory board. 86254  
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(F) The governor may order the state highway patrol to undertake major criminal investigations that involve state property interests. If an investigation undertaken pursuant to this division results in either the issuance of a no bill or the filing of an indictment, the superintendent shall file a complete and accurate report of the investigation with the president of the senate, the speaker of the house of representatives, the minority leader of the senate, and the minority leader of the house of 86260  
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representatives within fifteen days after the issuance of the no 86268  
bill or the filing of an indictment. If the investigation does not 86269  
have as its result any prosecutorial action, the superintendent 86270  
shall, upon reporting this fact to the governor, file a complete 86271  
and accurate report of the investigation with the president of the 86272  
senate, the speaker of the house of representatives, the minority 86273  
leader of the senate, and the minority leader of the house of 86274  
representatives. 86275

(G) The superintendent may purchase or lease real property 86276  
and buildings needed by the patrol, negotiate the sale of real 86277  
property owned by the patrol, rent or lease real property owned or 86278  
leased by the patrol, and make or cause to be made repairs to all 86279  
property owned or under the control of the patrol. Any instrument 86280  
by which real property is acquired pursuant to this division shall 86281  
identify the agency of the state that has the use and benefit of 86282  
the real property as specified in section 5301.012 of the Revised 86283  
Code. 86284

Sections 123.01 and 125.02 of the Revised Code do not limit 86285  
the powers granted to the superintendent by this division. 86286

Sec. 5511.11. The department of transportation shall design 86287  
and erect suitable markers that indicate the existence and 86288  
location of Urbana university located in the municipal corporation 86289  
of Urbana along the eastbound and westbound lanes of interstate 86290  
route number seventy at each of the following exit ramps: 86291

(A) State route number twenty-nine in Madison county; 86292

(B) State route number sixty-eight in Clark county. 86293

**Sec. 5515.07.** (A) The director of transportation, in 86294  
accordance with Chapter 119. of the Revised Code, shall adopt 86295  
rules consistent with the safety of the traveling public and 86296  
consistent with the national policy to govern the use and control 86297

of rest areas within the limits of the right-of-way of interstate 86298  
highways and other state highways and in other areas within the 86299  
limits of the right-of-way of interstate highways. 86300

(B)(1) Except as provided in division ~~(C)~~(B)(2) of this 86301  
section or as otherwise authorized by applicable federal law or 86302  
federal regulations, no person shall engage in selling or offering 86303  
for sale or exhibiting for purposes of sale, goods, products, 86304  
merchandise, or services within the bounds of rest areas within 86305  
the limits of the right-of-way of interstate highways and other 86306  
state highways, or in other areas within the limits of the 86307  
right-of-way of interstate highways, unless the director issues a 86308  
permit in accordance with section 5515.01 of the Revised Code. 86309  
Notwithstanding any rules adopted by the director to the contrary 86310  
or any other policy changes proposed by the director, each 86311  
district deputy director of the department of transportation shall 86312  
continue to implement any program allowing organizations to 86313  
dispense free coffee or similar items after obtaining a permit 86314  
that operated within the district prior to January 1, 1997. Each 86315  
district deputy director shall operate such program within the 86316  
district in the same manner as the program was operated prior to 86317  
that date. 86318

~~(C)~~(2) In accordance with rules adopted under division (A) of 86319  
this section, the director may cause vending machines to be placed 86320  
within each rest area that is able to accommodate the machines. 86321  
The vending machines shall dispense food, drink, and other 86322  
appropriate articles. 86323

~~(D)~~ This (3) The prohibition under division (B)(1) of this 86324  
section does not apply to the sale of goods, products, 86325  
merchandise, or services required for the emergency repair of 86326  
motor vehicles or emergency medical treatment, or to the 86327  
department of transportation as provided in section 5515.08 of the 86328  
Revised Code. 86329



(C) The director shall not close any rest area that is 86330  
located within the limits of the right-of-way of a scenic byway 86331  
designated under section 5516.05 of the Revised Code. 86332

Sec. 5516.20. A sign may be displayed adjacent to an 86333  
interstate highway system that uses light-emitting diode lighting 86334  
if the sign is located within the boundaries of a tourism 86335  
development district designated by a township under section 503.56 86336  
of the Revised Code or a municipal corporation under section 86337  
715.014 of the Revised Code except to the extent limited or 86338  
prohibited by this chapter, any rule adopted under this chapter, 86339  
or any zoning regulation adopted by a county, municipal 86340  
corporation, or other local zoning authority with jurisdiction. 86341

Sec. 5575.02. After the board of township trustees has 86342  
decided to proceed with a road improvement, it shall advertise for 86343  
bids once, not later than two weeks prior to the date fixed for 86344  
the letting of contracts, in a newspaper of general circulation 86345  
within the township. Such notice shall state that copies of the 86346  
surveys, plans, profiles, cross sections, ~~estimates~~, and 86347  
specifications for such improvement are on file with the board, 86348  
and the time within which bids will be received. The board may let 86349  
the work as a whole or in convenient sections, as it determines. 86350  
The contract shall be awarded to the lowest and best bidder who 86351  
meets the requirements of section 153.54 of the Revised Code, and 86352  
shall be let upon the basis of lump sum bids, unless the board 86353  
orders that it be let upon the basis of unit price bids, in which 86354  
event it shall be let upon such basis. 86355

The board is not required to provide notice of the project 86356  
cost estimate when advertising for bids under this section. 86357

Sec. 5575.03. No contract for any road improvement shall be 86358  
awarded at a price more than ten per cent in excess of the 86359

estimated cost. The bids received shall be opened at the time 86360  
stated in the notice. If no bids are made that equal one hundred 86361  
ten per cent of the estimate or less, the board of township 86362  
trustees shall either readvertise ~~at~~ based upon the original 86363  
estimate, or request an amended estimate from the county engineer, 86364  
who shall proceed to make such an estimate as provided in section 86365  
5575.01 of the Revised Code, ~~or obtain such an amended estimate~~ 86366  
and proceed to advertise ~~at~~ based upon the amended estimate. ~~No~~ 86367  
The board is not required to provide notice of the estimate or 86368  
amended estimate when readvertising under this section. 86369

No contract shall be awarded for any road improvement without 86370  
the certification as to funding required under section 5705.41 of 86371  
the Revised Code. The board may reject all bids. 86372

**Sec. 5577.081.** (A) Except when transferring unfinished 86373  
aggregate material between facilities that are under the control 86374  
of the same owner or operator that is subject to Chapter 1514. of 86375  
the Revised Code or when unloading or loading finished aggregate 86376  
product within a ten-mile radius of a surface mining operation 86377  
that is permitted and regulated under that chapter, all vehicles 86378  
entering or leaving such an operation that have a gross vehicle 86379  
weight as defined in division (JJ) of section 4501.01 of the 86380  
Revised Code that is in excess of sixty-six thousand pounds shall 86381  
use the specific roads designated pursuant to sections 303.14 and 86382  
303.141 or 519.14 and 519.141 of the Revised Code as the primary 86383  
means of ingress to and egress from the facilities or operation. 86384

(B) The owner or operator of a surface mining operation that 86385  
is permitted under Chapter 1514. of the Revised Code and that is 86386  
subject to the use of specific roads as the primary means of 86387  
ingress to and egress from the operation pursuant to sections 86388  
303.14 and 303.141 or 519.14 and 519.141 of the Revised Code shall 86389  
post a sign in a conspicuous location to inform the drivers of 86390

trucks entering and leaving the operation of the roads to use as 86391  
the primary means of ingress to and egress from the operation. 86392

(C)(1) Whoever violates this section shall receive a written 86393  
warning in such a manner that it becomes a part of the person's 86394  
permanent record that is maintained by the bureau of motor 86395  
vehicles and assists in monitoring violations of this section. 86396

(2) A person who commits a second offense within one year 86397  
after committing the first offense is guilty of a minor 86398  
misdemeanor. 86399

(3) A person who commits a third or subsequent offense within 86400  
one year after committing the first offense is guilty of a 86401  
misdemeanor of the fourth degree. 86402

(D) Fine money that is collected under division (C) of this 86403  
section shall be deposited in the state treasury to the credit of 86404  
the ~~surface~~ mining regulation and safety fund created in section 86405  
~~1514.06~~ 1513.30 of the Revised Code. 86406

**Sec. 5595.03.** (A) A resolution of a board of county 86407  
commissioners undertaking a regional transportation improvement 86408  
project must include a cooperative agreement containing all of the 86409  
following: 86410

(1) A description or analysis of the deficiencies of the 86411  
existing transportation system in the counties participating in 86412  
the project and of projected needs or deficiencies of the system 86413  
in ensuing years under reasonable assumptions about development, 86414  
population trends, and other factors affecting transportation 86415  
infrastructure in the counties; 86416

(2) A comprehensive list of the transportation improvements 86417  
to be completed as part of the project, including a general 86418  
description of each improvement, schedules of the projected 86419  
beginning and end of each improvement, and the estimated cost of 86420

each improvement; 86421

(3) Directives regarding the operations and reporting 86422  
requirements of the governing board; 86423

(4) ~~The number of years~~ Subject to division (E) of this 86424  
section, the period for which the agreement is to be in effect; 86425

(5) Any other terms the board of county commissioners 86426  
considers necessary or conducive to communicate the intentions of 86427  
the cooperative agreement and to ensure its effective 86428  
implementation by the governing board. 86429

(B) A board of county commissioners that intends to undertake 86430  
a regional transportation improvement project shall hold at least 86431  
one public hearing on the proposed cooperative agreement before 86432  
adopting a resolution approving the agreement. The board of county 86433  
commissioners shall provide at least thirty days' public notice of 86434  
the time and place of the public hearing in a newspaper of general 86435  
circulation in the county. During the thirty-day period before the 86436  
public hearing, the proposed cooperative agreement shall be made 86437  
available for public inspection at the offices of each county that 86438  
will be a party to the agreement. 86439

(C) If the cooperative agreement is approved by each county 86440  
that will be a party to the agreement, one of the participating 86441  
counties shall send a copy of the agreement to the director of 86442  
transportation. The director shall evaluate the agreement and 86443  
determine if the transportation improvements specified in the 86444  
agreement are in the best interest of the transportation 86445  
facilities of this state, as defined in section 5501.01 of the 86446  
Revised Code. If the director approves the agreement, the director 86447  
shall send notice of approval to each county that is a party to 86448  
the agreement. Unless otherwise provided in the cooperative 86449  
agreement, the agreement is effective immediately upon approval by 86450  
the director. If the director does not approve the agreement, the 86451

director shall send notice of denial to each county that is a party to the agreement. The notice of denial shall include the reason or reasons for the denial and recommendations for ways in which the agreement may be changed to meet the approval of the director. If the director does not make a determination within ninety days after receiving a cooperative agreement under this section, the director is deemed to have approved the agreement and, unless otherwise provided in the agreement, the agreement is effective immediately. No cooperative agreement is effective without actual or constructive approval by the director under this section.

(D) The cooperative agreement governing a regional transportation improvement project may be amended at any time by majority vote of the governing board and of the boards of county commissioners of each of the participating counties and with the approval of the director of transportation obtained in the same manner as approval of the original agreement.

(E) The period for which a cooperative agreement adopted or amended under this section is in effect shall not exceed fifteen years following the effective date of the original agreement or, if the agreement authorizes the governing board to issue securities, twenty years following the first issuance of securities by the governing board.

**Sec. 5595.06.** (A) The governing board of a regional transportation improvement project, pursuant to the cooperative agreement, may request and receive pledges of revenue from the state, the counties that are parties to the agreement, and any political subdivision or taxing unit located within any of those counties. Except as provided in division (B) of this section, the pledged revenues shall be used solely for the purpose of funding the transportation improvements prescribed by the cooperative

agreement, the debt charges on any securities issued by the 86483  
governing board under section 5595.05 of the Revised Code, and the 86484  
expenses of the governing board. The state, the counties, and any 86485  
political subdivision or taxing unit located within such a county 86486  
may pledge revenue to the governing board from any of the 86487  
following sources: 86488

(1) The general revenue fund of the state; 86489

(2) License tax revenue derived from an annual motor vehicle 86490  
license tax imposed pursuant to section 4504.22 of the Revised 86491  
Code; 86492

(3) Payments in lieu of taxes derived under section 5709.42, 86493  
5709.45, 5709.48, 5709.74, or 5709.79 of the Revised Code if the 86494  
real property for which such payments are made will benefit from 86495  
the proposed transportation improvements; 86496

(4) Income tax revenue derived from a joint economic 86497  
development district or joint economic development zone 86498  
established pursuant to section 715.69, 715.691, 715.70, 715.71, 86499  
or 715.72 of the Revised Code if the district or zone will benefit 86500  
from the proposed transportation improvements; 86501

(5) Revenue derived from special assessments levied in a 86502  
special improvement district created under Chapter 1710. of the 86503  
Revised Code if the district will benefit from the proposed 86504  
transportation improvements; 86505

(6) Revenue from an income source of a new community district 86506  
established pursuant to section 349.03 of the Revised Code if the 86507  
district will benefit from the proposed transportation 86508  
improvements; 86509

(7) Income tax revenue derived from a tax levied by a 86510  
municipal corporation in accordance with Chapter 718. of the 86511  
Revised Code if the municipal corporation will benefit from the 86512

proposed transportation improvements and revenue from the tax may 86513  
lawfully be applied to that purpose under the ordinance or 86514  
resolution levying the tax; 86515

(8) Sales and use tax revenue derived from a tax levied under 86516  
section 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, or 86517  
5741.023 of the Revised Code if the county or transit authority 86518  
will benefit from the proposed transportation improvements and 86519  
revenue from the tax may lawfully be applied to that purpose under 86520  
the resolution levying the tax. 86521

(B) The governing board shall use license tax revenue pledged 86522  
to the project under division (A)(2) of this section for the 86523  
purpose of funding transportation improvements described in the 86524  
cooperative agreement and any other supplemental transportation 86525  
improvements necessary to complete the project. If the board 86526  
intends to use any of the license tax revenue for supplemental 86527  
improvements not described in the agreement, the board, before 86528  
submitting a request for license tax revenue to a board of county 86529  
commissioners under section 4504.22 of the Revised Code, shall 86530  
adopt a resolution allocating the revenue among the improvements 86531  
described in the agreement and such supplemental improvements not 86532  
described in the agreement. The amount used for supplemental 86533  
improvements may not exceed five dollars for each motor vehicle on 86534  
which the motor vehicle license tax is collected. If the motor 86535  
vehicle license tax is approved, the governing board shall 86536  
allocate the revenue only in accordance with the resolution. The 86537  
allocation may not be changed unless a proposition to change the 86538  
allocation is approved by the majority of electors voting on the 86539  
proposition in each county that is a party to the cooperative 86540  
agreement. Such a proposition may be proposed by resolution of the 86541  
governing board certified to the board of county commissioners of 86542  
each county, and, upon receiving such a certified resolution, each 86543  
board of county commissioners shall certify identical resolutions 86544

to the respective county board of elections for placement on the 86545  
questions and issues ballot at the next succeeding election 86546  
occurring at least ninety days after the resolution is certified 86547  
to the board of elections. 86548

(C) Pledges of revenue under division (A) of this section may 86549  
take any form and may be made subject to any terms that are 86550  
mutually agreeable between the revenue contributor and the 86551  
governing board. Pledges may be effectuated through periodic or 86552  
one-time fixed payments, in variable installments based on 86553  
estimated increases in tax revenue attributable to the activities 86554  
of the regional transportation improvement project, or through any 86555  
other means negotiated by the revenue contributor and the 86556  
government board. 86557

As used in this division, "revenue contributor" means the 86558  
state, the counties that are parties to the cooperative agreement, 86559  
or any political subdivision or taxing unit located within any of 86560  
those participating counties, that pledges revenue to a regional 86561  
transportation improvement project under division (A) of this 86562  
section. 86563

**Sec. 5595.13.** ~~Upon completion of the transportation~~ 86564  
~~improvements listed in the cooperative agreement, fulfillment of~~ 86565  
~~all contractual duties assumed by the governing board, and~~ 86566  
~~repayment of all bonds issued by the governing board, the A~~ 86567  
regional transportation improvement project and ~~the~~ its governing 86568  
board ~~shall dissolve~~ are dissolved by operation of law on the date 86569  
specified in the cooperative agreement. The governing board shall 86570  
fulfill all contractual duties assumed by the board and repay all 86571  
bonds issued by the board before that date. Upon dissolution of 86572  
the regional transportation improvement project, the boards of 86573  
county commissioners that created the regional transportation 86574  
improvement project shall assume title to all real and personal 86575



property acquired by the board in the fulfillment of its duties 86576  
under this chapter. The property shall be divided and distributed 86577  
in accordance with the cooperative agreement. Unless otherwise 86578  
provided by contract, pledges of revenue to the governing board 86579  
from the state or a political subdivision or taxing unit shall 86580  
terminate by operation of law upon the dissolution of the regional 86581  
transportation improvement project. Unless otherwise provided in 86582  
the cooperative agreement, unencumbered funds held by the 86583  
governing board on the date the regional transportation 86584  
improvement district is dissolved shall be proportionally 86585  
distributed to the state and each political subdivision and taxing 86586  
unit that pledged revenue to the project based on the ratio that 86587  
the amount contributed by the state, political subdivision, or 86588  
taxing unit bears to the total amount contributed by the state and 86589  
all political subdivisions and taxing units over the full duration 86590  
of the project. 86591

**Sec. 5703.052.** (A) There is hereby created in the state 86592  
treasury the tax refund fund, from which refunds shall be paid for 86593  
taxes illegally or erroneously assessed or collected, or for any 86594  
other reason overpaid, that are levied by Chapter 4301., 4305., 86595  
5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 5741., 86596  
5743., 5747., 5748., 5749., 5751., or 5753. and sections 3737.71, 86597  
3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 86598  
5727.81, and 5727.811 of the Revised Code. Refunds for fees or 86599  
wireless 9-1-1 charges illegally or erroneously assessed or 86600  
collected, or for any other reason overpaid, that are levied by 86601  
sections 128.42 or 3734.90 to 3734.9014 of the Revised Code also 86602  
shall be paid from the fund. Refunds for amounts illegally or 86603  
erroneously assessed or collected by the tax commissioner, or for 86604  
any other reason overpaid, that are due under section 1509.50 of 86605  
the Revised Code shall be paid from the fund. Refunds for amounts 86606

illegally or erroneously assessed or collected by the 86607  
commissioner, or for any other reason overpaid to the 86608  
commissioner, under sections 718.80 to 718.95 of the Revised Code 86609  
shall be paid from the fund. However, refunds for taxes levied 86610  
under section 5739.101 of the Revised Code shall not be paid from 86611  
the tax refund fund, but shall be paid as provided in section 86612  
5739.104 of the Revised Code. 86613

(B)(1) Upon certification by the tax commissioner to the 86614  
treasurer of state of a tax refund, a wireless 9-1-1 charge 86615  
refund, or another amount refunded, or by the superintendent of 86616  
insurance of a domestic or foreign insurance tax refund, the 86617  
treasurer of state shall place the amount certified to the credit 86618  
of the fund. The certified amount transferred shall be derived 86619  
from the receipts of the same tax, fee, wireless 9-1-1 charge, or 86620  
other amount from which the refund arose. 86621

(2) When a refund is for a tax, fee, wireless 9-1-1 charge, 86622  
or other amount that is not levied by the state or that was 86623  
illegally or erroneously distributed to a taxing jurisdiction, the 86624  
tax commissioner shall recover the amount of that refund from the 86625  
next distribution of that tax, fee, wireless 9-1-1 charge, or 86626  
other amount that otherwise would be made to the taxing 86627  
jurisdiction. If the amount to be recovered would exceed 86628  
twenty-five per cent of the next distribution of that tax, fee, 86629  
wireless 9-1-1 charge, or other amount, the commissioner may 86630  
spread the recovery over more than one future distribution, taking 86631  
into account the amount to be recovered and the amount of the 86632  
anticipated future distributions. In no event may the commissioner 86633  
spread the recovery over a period to exceed thirty-six months. 86634

**Sec. 5703.053.** As used in this section, "postal service" 86635  
means the United States postal service. 86636

An application to the tax commissioner for a tax refund under section 4307.05, 4307.07, 718.91, 5726.30, 5727.28, 5727.91, 5728.061, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5736.08, 5739.07, 5741.10, 5743.05, 5743.53, 5745.11, 5749.08, or 5751.08 of the Revised Code or division (B) of section 5703.05 of the Revised Code, or a fee refunded under section 3734.905 of the Revised Code, that is received after the last day for filing under such section shall be considered to have been filed in a timely manner if:

(A) The application is delivered by the postal service and the earliest postal service postmark on the cover in which the application is enclosed is not later than the last day for filing the application;

(B) The application is delivered by the postal service, the only postmark on the cover in which the application is enclosed was affixed by a private postal meter, the date of that postmark is not later than the last day for filing the application, and the application is received within seven days of such last day; or

(C) The application is delivered by the postal service, no postmark date was affixed to the cover in which the application is enclosed or the date of the postmark so affixed is not legible, and the application is received within seven days of the last day for making the application.

**Sec. 5703.054.** The tax commissioner shall prescribe the form that the signature and declaration, if any, shall take on any document required to be filed with the commissioner and on any document required under Chapter 718., 3734., 3769., 4303., or 4305. or Title LVII of the Revised Code to be filed with the treasurer of state. The commissioner may authorize an electronic or other alternative form of filing of any document required to be filed with the commissioner or the treasurer of state under

Chapter 3734., 3769., 4303., or 4305. or Title LVII of the Revised Code. 86668  
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**Sec. 5703.056.** (A) As used in any section of the Revised Code 86670  
that requires the tax commissioner to use certified mail or 86671  
personal service or that requires or permits a payment to be made 86672  
or a document to be submitted to the tax commissioner or the board 86673  
of tax appeals by mail or personal service, and as used in any 86674  
section of Chapter 718., 3734., 3769., 4303., or 4305. or Title 86675  
LVII of the Revised Code that requires or permits a payment to be 86676  
made or a document to be submitted to the treasurer of state by 86677  
mail: 86678

(1) "Certified mail," "express mail," "United States mail," 86679  
"United States postal service," and similar terms include any 86680  
delivery service authorized pursuant to division (B) of this 86681  
section. 86682

(2) "Postmark date," "date of postmark," and similar terms 86683  
include the date recorded and marked in the manner described in 86684  
division (B)(3) of this section. 86685

(B) The tax commissioner may authorize the use of a delivery 86686  
service for the delivery of any payment or document described in 86687  
division (A) of this section if the commissioner finds that the 86688  
delivery service: 86689

(1) Is available to the general public; 86690

(2) Is at least as timely and reliable on a regular basis as 86691  
the United States postal service; 86692

(3) Records electronically to a database kept in the regular 86693  
course of its business, and marks on the cover in which the 86694  
payment or document is enclosed, the date on which the payment or 86695  
document was given to the delivery service for delivery; 86696

(4) Records electronically to a database kept in the regular 86697

course of its business the date on which the payment or document 86698  
was given by the delivery service to the person who signed the 86699  
receipt of delivery and the name of the person who signed the 86700  
receipt; and 86701

(5) Meets any other criteria that the tax commissioner may by 86702  
rule prescribe. 86703

(C) In any section of the Revised Code referring to the date 86704  
any payment or document is received by the tax commissioner by 86705  
mail, personal service, or electronically or by a person receiving 86706  
a document or payment from the tax commissioner by mail, the 86707  
payment or document shall be considered to be received on one of 86708  
the following dates, as applicable, except as provided in section 86709  
5703.053 or 5703.37 of the Revised Code: 86710

(1) For a document or payment sent by certified mail, express 86711  
mail, United States mail, foreign mail, or a delivery service 86712  
authorized for use under division (B) of this section, the date of 86713  
the postmark placed by the postal or delivery service on the 86714  
sender's receipt or, if the sender was not issued a postmarked 86715  
sender's receipt, the date of the postmark placed by the postal or 86716  
delivery service on the package containing the payment or 86717  
document. 86718

(2) For personal service to the tax commissioner, the date 86719  
the payment or document is received in any of the tax 86720  
commissioner's offices during business hours. 86721

(3) For a document filed or sent electronically or a payment 86722  
made electronically, the date on the timestamp assigned by the 86723  
first electronic system receiving that payment or document. 86724

(D) As used in divisions (A) and (C) of this section 86725  
"electronically" includes by facsimile, if applicable. 86726

**Sec. 5703.0510.** (A) Notwithstanding any other provision of 86727

the Revised Code that requires a taxpayer to provide a tax credit certificate to the tax commissioner upon the commissioner's request, any person claiming a credit against a tax or fee administered by the commissioner shall provide a copy of any accompanying certificate issued by the director of development services or by another state agency, if applicable, demonstrating the person's eligibility for the credit claimed. 86728  
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(B) If the commissioner prescribes a form for the purpose of tracking the credits claimed by a person against any tax or fee administered by the commissioner, the person shall provide the completed form and a copy of any certificate described in division (A) of this section on or before the due date of the return, report, or schedule for the tax or fee against which the credit is claimed. 86735  
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(C) If a person fails to provide a certificate or form as required under this section, the commissioner shall deny the credit claimed by the person until such certificate or form is provided to the commissioner. Any amount denied under this section may be assessed in the same manner as the underlying tax or fee. 86742  
86743  
86744  
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86746

**Sec. 5703.19.** (A) To carry out the purposes of the laws that the tax commissioner is required to administer, the commissioner or any person employed by the commissioner for that purpose, upon demand, may inspect books, accounts, records, and memoranda of any person or public utility subject to those laws, and may examine under oath any officer, agent, or employee of that person or public utility. Any person other than the commissioner who makes a demand pursuant to this section shall produce the person's authority to make the inspection. 86747  
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(B) If a person or public utility receives at least ten days' written notice of a demand made under division (A) of this section 86756  
86757

and refuses to comply with that demand, a penalty of five hundred 86758  
dollars shall be imposed upon the person or public utility for 86759  
each day the person or public utility refuses to comply with the 86760  
demand. Penalties imposed under this division may be assessed and 86761  
collected in the same manner as assessments made under Chapter 86762  
3769., 4305., 5727., 5728., 5733., 5735., 5736., 5739., 5743., 86763  
5745., 5747., 5749., 5751., or 5753., or sections 718.90, 3734.90 86764  
to 3734.9014, of the Revised Code. 86765

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) 86766  
of this section, no agent of the department of taxation, except in 86767  
the agent's report to the department or when called on to testify 86768  
in any court or proceeding, shall divulge any information acquired 86769  
by the agent as to the transactions, property, or business of any 86770  
person while acting or claiming to act under orders of the 86771  
department. Whoever violates this provision shall thereafter be 86772  
disqualified from acting as an officer or employee or in any other 86773  
capacity under appointment or employment of the department. 86774  
86775

(B)(1) For purposes of an audit pursuant to section 117.15 of 86776  
the Revised Code, or an audit of the department pursuant to 86777  
Chapter 117. of the Revised Code, or an audit, pursuant to that 86778  
chapter, the objective of which is to express an opinion on a 86779  
financial report or statement prepared or issued pursuant to 86780  
division (A)(7) or (9) of section 126.21 of the Revised Code, the 86781  
officers and employees of the auditor of state charged with 86782  
conducting the audit shall have access to and the right to examine 86783  
any state tax returns and state tax return information in the 86784  
possession of the department to the extent that the access and 86785  
examination are necessary for purposes of the audit. Any 86786  
information acquired as the result of that access and examination 86787  
shall not be divulged for any purpose other than as required for 86788  
the audit or unless the officers and employees are required to 86789

testify in a court or proceeding under compulsion of legal 86790  
process. Whoever violates this provision shall thereafter be 86791  
disqualified from acting as an officer or employee or in any other 86792  
capacity under appointment or employment of the auditor of state. 86793

(2) For purposes of an internal audit pursuant to section 86794  
126.45 of the Revised Code, the officers and employees of the 86795  
office of internal audit in the office of budget and management 86796  
charged with directing the internal audit shall have access to and 86797  
the right to examine any state tax returns and state tax return 86798  
information in the possession of the department to the extent that 86799  
the access and examination are necessary for purposes of the 86800  
internal audit. Any information acquired as the result of that 86801  
access and examination shall not be divulged for any purpose other 86802  
than as required for the internal audit or unless the officers and 86803  
employees are required to testify in a court or proceeding under 86804  
compulsion of legal process. Whoever violates this provision shall 86805  
thereafter be disqualified from acting as an officer or employee 86806  
or in any other capacity under appointment or employment of the 86807  
office of internal audit. 86808

(3) As provided by section 6103(d)(2) of the Internal Revenue 86809  
Code, any federal tax returns or federal tax information that the 86810  
department has acquired from the internal revenue service, through 86811  
federal and state statutory authority, may be disclosed to the 86812  
auditor of state or the office of internal audit solely for 86813  
purposes of an audit of the department. 86814

(4) For purposes of Chapter 3739. of the Revised Code, an 86815  
agent of the department of taxation may share information with the 86816  
division of state fire marshal that the agent finds during the 86817  
course of an investigation. 86818

(C) Division (A) of this section does not prohibit any of the 86819  
following: 86820



- (1) Divulging information contained in applications, 86821  
complaints, and related documents filed with the department under 86822  
section 5715.27 of the Revised Code or in applications filed with 86823  
the department under section 5715.39 of the Revised Code; 86824
- (2) Providing information to the office of child support 86825  
within the department of job and family services pursuant to 86826  
section 3125.43 of the Revised Code; 86827
- (3) Disclosing to the motor vehicle repair board any 86828  
information in the possession of the department that is necessary 86829  
for the board to verify the existence of an applicant's valid 86830  
vendor's license and current state tax identification number under 86831  
section 4775.07 of the Revised Code; 86832
- (4) Providing information to the administrator of workers' 86833  
compensation pursuant to sections 4123.271 and 4123.591 of the 86834  
Revised Code; 86835
- (5) Providing to the attorney general information the 86836  
department obtains under division (J) of section 1346.01 of the 86837  
Revised Code; 86838
- (6) Permitting properly authorized officers, employees, or 86839  
agents of a municipal corporation from inspecting reports or 86840  
information pursuant to section 718.84 of the Revised Code or 86841  
rules adopted under section 5745.16 of the Revised Code; 86842
- (7) Providing information regarding the name, account number, 86843  
or business address of a holder of a vendor's license issued 86844  
pursuant to section 5739.17 of the Revised Code, a holder of a 86845  
direct payment permit issued pursuant to section 5739.031 of the 86846  
Revised Code, or a seller having a use tax account maintained 86847  
pursuant to section 5741.17 of the Revised Code, or information 86848  
regarding the active or inactive status of a vendor's license, 86849  
direct payment permit, or seller's use tax account; 86850
- (8) Releasing invoices or invoice information furnished under 86851

section 4301.433 of the Revised Code pursuant to that section; 86852

(9) Providing to a county auditor notices or documents 86853  
concerning or affecting the taxable value of property in the 86854  
county auditor's county. Unless authorized by law to disclose 86855  
documents so provided, the county auditor shall not disclose such 86856  
documents; 86857

(10) Providing to a county auditor sales or use tax return or 86858  
audit information under section 333.06 of the Revised Code; 86859

(11) Subject to section 4301.441 of the Revised Code, 86860  
disclosing to the appropriate state agency information in the 86861  
possession of the department of taxation that is necessary to 86862  
verify a permit holder's gallonage or noncompliance with taxes 86863  
levied under Chapter 4301. or 4305. of the Revised Code; 86864

(12) Disclosing to the department of natural resources 86865  
information in the possession of the department of taxation that 86866  
is necessary for the department of taxation to verify the 86867  
taxpayer's compliance with section 5749.02 of the Revised Code or 86868  
to allow the department of natural resources to enforce Chapter 86869  
1509. of the Revised Code; 86870

(13) Disclosing to the department of job and family services, 86871  
industrial commission, and bureau of workers' compensation 86872  
information in the possession of the department of taxation solely 86873  
for the purpose of identifying employers that misclassify 86874  
employees as independent contractors or that fail to properly 86875  
report and pay employer tax liabilities. The department of 86876  
taxation shall disclose only such information that is necessary to 86877  
verify employer compliance with law administered by those 86878  
agencies. 86879

(14) Disclosing to the Ohio casino control commission 86880  
information in the possession of the department of taxation that 86881  
is necessary to verify a casino operator's compliance with section 86882

5747.063 or 5753.02 of the Revised Code and sections related 86883  
thereto; 86884

(15) Disclosing to the state lottery commission information 86885  
in the possession of the department of taxation that is necessary 86886  
to verify a lottery sales agent's compliance with section 5747.064 86887  
of the Revised Code. 86888

(16) Disclosing to the development services agency 86889  
information in the possession of the department of taxation that 86890  
is necessary to ensure compliance with the laws of this state 86891  
governing taxation and to verify information reported to the 86892  
development services agency for the purpose of evaluating 86893  
potential tax credits, grants, or loans. Such information shall 86894  
not include information received from the internal revenue service 86895  
the disclosure of which is prohibited by section 6103 of the 86896  
Internal Revenue Code. No officer, employee, or agent of the 86897  
development services agency shall disclose any information 86898  
provided to the development services agency by the department of 86899  
taxation under division (C)(16) of this section except when 86900  
disclosure of the information is necessary for, and made solely 86901  
for the purpose of facilitating, the evaluation of potential tax 86902  
credits, grants, or loans. 86903

(17) Disclosing to the department of insurance information in 86904  
the possession of the department of taxation that is necessary to 86905  
ensure a taxpayer's compliance with the requirements with any tax 86906  
credit administered by the development services agency and claimed 86907  
by the taxpayer against any tax administered by the superintendent 86908  
of insurance. No officer, employee, or agent of the department of 86909  
insurance shall disclose any information provided to the 86910  
department of insurance by the department of taxation under 86911  
division (C)(17) of this section. 86912

(18) Disclosing to the division of liquor control information 86913  
in the possession of the department of taxation that is necessary 86914

for the division and department to comply with the requirements of 86915  
sections 4303.26 and 4303.271 of the Revised Code. 86916

**Sec. 5703.26.** No person shall knowingly make, present, aid, 86917  
or assist in the preparation or presentation of a false or 86918  
fraudulent report, return, schedule, statement, claim, or document 86919  
authorized or required by law to be filed with the department of 86920  
taxation, the treasurer of state, a county auditor, a county 86921  
treasurer, or a county clerk of courts, or knowingly procure, 86922  
counsel, or advise the preparation or presentation of such report, 86923  
return, schedule, statement, claim, or document, or knowingly 86924  
change, alter, or amend, or knowingly procure, counsel, or advise 86925  
such change, alteration, or amendment of the records upon which 86926  
such report, return, schedule, statement, claim, or document is 86927  
based with intent to defraud the state or any of its subdivisions. 86928

If the report, return, schedule, statement, claim, or 86929  
document involves the application for or renewal of a license, 86930  
such acts or conduct may result in the denial or revocation of the 86931  
license. 86932

With respect to such acts or conduct, no conviction shall be 86933  
had under any other section of the Revised Code. 86934

**Sec. 5703.371.** For purposes of sections 718.80 to 718.95 and 86935  
Title LVII of the Revised Code, any foreign corporation, owning or 86936  
using a part or all of its capital or property in this state, 86937  
which is not authorized by the secretary of state to transact 86938  
business in this state, shall be conclusively presumed to have 86939  
designated the secretary of state as its agent for the service of 86940  
process in any action against such corporation to recover taxes 86941  
which the tax commissioner is by law required to administer. 86942  
Pursuant to such service, suit may be brought in Franklin county, 86943  
or in any county in which such corporation owns or uses its 86944

capital or property. Such service shall be made upon the secretary 86945  
of state by leaving with ~~him~~ the secretary of state, or with an 86946  
assistant secretary of state, triplicate copies of such process, 86947  
together with an affidavit of the tax commissioner, showing the 86948  
last known address of such corporation. Upon receipt of such 86949  
process and affidavit the secretary of state shall forthwith give 86950  
notice by certified mail to the corporation at the address 86951  
specified in the affidavit and forward together therewith a copy 86952  
of such process. The secretary of state shall retain a copy of 86953  
such process in ~~his~~ the secretary of state's files, keep a record 86954  
of any such process served upon ~~him~~ the secretary of state, and 86955  
record therein the time of such service and ~~his~~ the secretary of 86956  
state's action thereafter with respect thereto. 86957

The provisions of this section do not affect any right to 86958  
serve process upon a foreign corporation in any other manner 86959  
permitted by law. 86960

**Sec. 5703.50.** As used in sections 5703.50 to 5703.53 of the 86961  
Revised Code: 86962

(A) "Tax" includes only those taxes imposed on tangible 86963  
personal property listed in accordance with Chapter 5711. of the 86964  
Revised Code ~~and~~, taxes imposed under Chapters 5733., 5736., 86965  
5739., 5741., 5747., and 5751. of the Revised Code, and the tax 86966  
administered under sections 718.80 to 718.95 of the Revised Code. 86967

(B) "Taxpayer" means a person subject to or potentially 86968  
subject to a tax including an employer required to deduct and 86969  
withhold any amount under section 5747.06 of the Revised Code. 86970

(C) "Audit" means the examination of a taxpayer or the 86971  
inspection of the books, records, memoranda, or accounts of a 86972  
taxpayer for the purpose of determining liability for a tax. 86973

(D) "Assessment" means a notice of underpayment or nonpayment 86974

of a tax issued pursuant to section 718.90, 5711.26, 5711.32, 86975  
5733.11, 5736.09, 5739.13, 5741.11, 5741.13, 5747.13, or 5751.09 86976  
of the Revised Code. 86977

(E) "County auditor" means the auditor of the county in which 86978  
the tangible personal property subject to a tax is located. 86979

**Sec. 5703.57.** (A) As used in this section, "Ohio business 86980  
gateway" has the same meaning as in section 718.01 of the Revised 86981  
Code. 86982

(B) There is hereby created the Ohio business gateway 86983  
steering committee to direct the continuing development of the 86984  
Ohio business gateway and to oversee its operations. The committee 86985  
shall provide general oversight regarding operation of the Ohio 86986  
business gateway and shall recommend to the department of 86987  
administrative services enhancements that will improve the Ohio 86988  
business gateway. The committee shall consider all banking, 86989  
technological, administrative, and other issues associated with 86990  
the Ohio business gateway and shall make recommendations regarding 86991  
the type of reporting forms or other tax documents to be filed 86992  
through the Ohio business gateway. 86993

(C) The committee shall consist of: 86994

(1) The following members, appointed by the governor with the 86995  
advice and consent of the senate: 86996

(a) Not more than four representatives of the business 86997  
community; 86998

(b) Not more than ~~three representatives~~ one representative of 86999  
municipal tax administrators, as defined in section 718.01 of the 87000  
Revised Code, selected from a list of candidates provided by the 87001  
Ohio municipal league; and 87002

(c) Not more than two tax practitioners. 87003

(2) The following ex officio members: 87004

(a) The director or other highest officer of each state agency that has tax reporting forms or other tax documents filed with it through the Ohio business gateway or the director's designee;	87005 87006 87007 87008
(b) The secretary of state or the secretary of state's designee;	87009 87010
(c) The treasurer of state or the treasurer of state's designee;	87011 87012
(d) The director of budget and management or the director's designee;	87013 87014
(e) The state chief information officer or the officer's designee;	87015 87016
(f) The tax commissioner or the tax commissioner's designee;	87017
<del>and</del>	87018
(g) The director of development or the director's designee;	87019
(h) The governor or the governor's designee.	87020
An appointed member shall serve until the member resigns or is removed by the governor. Vacancies shall be filled in the same manner as original appointments.	87021 87022 87023
(D) A vacancy on the committee does not impair the right of the other members to exercise all the functions of the committee. The presence of a majority of the members of the committee constitutes a quorum for the conduct of business of the committee. The concurrence of at least a majority of the members of the committee is necessary for any action to be taken by the committee. On request, each member of the committee shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member's duties.	87024 87025 87026 87027 87028 87029 87030 87031 87032
(E) The committee is a part of the department of taxation for administrative purposes.	87033 87034

(F) Each year, the governor shall select a member of the committee to serve as chairperson. The chairperson shall appoint an official or employee of the department of taxation to act as the committee's secretary. The secretary shall keep minutes of the committee's meetings and a journal of all meetings, proceedings, findings, and determinations of the committee.

(G) The committee may hire professional, technical, and clerical staff needed to support its activities.

(H) The committee shall meet as often as necessary to perform its duties.

**Sec. 5703.70.** (A) On the filing of an application for refund under section 718.91, 3734.905, 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, or 5753.06 of the Revised Code, or an application for compensation under section 5739.061 of the Revised Code, if the tax commissioner determines that the amount of the refund or compensation to which the applicant is entitled is less than the amount claimed in the application, the commissioner shall give the applicant written notice by ordinary mail of the amount. The notice shall be sent to the address shown on the application unless the applicant notifies the commissioner of a different address. The applicant shall have sixty days from the date the commissioner mails the notice to provide additional information to the commissioner or request a hearing, or both.

(B) If the applicant neither requests a hearing nor provides additional information to the tax commissioner within the time prescribed by division (A) of this section, the commissioner shall take no further action, and the refund or compensation amount denied becomes final.



(C)(1) If the applicant requests a hearing within the time 87066  
prescribed by division (A) of this section, the tax commissioner 87067  
shall assign a time and place for the hearing and notify the 87068  
applicant of such time and place, but the commissioner may 87069  
continue the hearing from time to time as necessary. After the 87070  
hearing, the commissioner may make such adjustments to the refund 87071  
or compensation as the commissioner finds proper, and shall issue 87072  
a final determination thereon. 87073

(2) If the applicant does not request a hearing, but provides 87074  
additional information, within the time prescribed by division (A) 87075  
of this section, the commissioner shall review the information, 87076  
make such adjustments to the refund or compensation as the 87077  
commissioner finds proper, and issue a final determination 87078  
thereon. 87079

(3) The commissioner shall serve a copy of the final 87080  
determination made under division (C)(1) or (2) of this section on 87081  
the applicant in the manner provided in section 5703.37 of the 87082  
Revised Code, and the decision is final, subject to appeal under 87083  
section 5717.02 of the Revised Code. 87084

(D) The tax commissioner shall certify to the director of 87085  
budget and management and treasurer of state for payment from the 87086  
tax refund fund created by section 5703.052 of the Revised Code, 87087  
the amount of the refund to be refunded under division (B) or (C) 87088  
of this section. The commissioner also shall certify to the 87089  
director and treasurer of state for payment from the general 87090  
revenue fund the amount of compensation to be paid under division 87091  
(B) or (C) of this section. 87092

**Sec. 5703.75.** This section applies to any tax, fee, or charge 87093  
payable to the state and administered by the tax commissioner, 87094  
except the tax administered under sections 718.80 to 718.95 of the 87095  
Revised Code. If the total amount of any such tax, fee, or charge 87096

shown to be due on a return, amended return, or notice does not 87097  
exceed one dollar, the taxpayer or person liable for the tax, fee, 87098  
or charge shall not be required to remit the amount due. If the 87099  
total amount of ~~a taxpayer's~~ an overpayment of any such tax, fee, 87100  
or charge does not exceed one dollar, the tax commissioner shall 87101  
not be required to refund the overpayment. 87102

**Sec. 5705.03.** (A) The taxing authority of each subdivision 87103  
may levy taxes annually, subject to the limitations of sections 87104  
5705.01 to 5705.47 of the Revised Code, on the real and personal 87105  
property within the subdivision for the purpose of paying the 87106  
current operating expenses of the subdivision and acquiring or 87107  
constructing permanent improvements. The taxing authority of each 87108  
subdivision and taxing unit shall, subject to the limitations of 87109  
such sections, levy such taxes annually as are necessary to pay 87110  
the interest and sinking fund on and retire at maturity the bonds, 87111  
notes, and certificates of indebtedness of such subdivision and 87112  
taxing unit, including levies in anticipation of which the 87113  
subdivision or taxing unit has incurred indebtedness. 87114

(B)(1) When a taxing authority determines that it is 87115  
necessary to levy a tax outside the ten-mill limitation for any 87116  
purpose authorized by the Revised Code, the taxing authority shall 87117  
certify to the county auditor a resolution or ordinance requesting 87118  
that the county auditor certify to the taxing authority the total 87119  
current tax valuation of the subdivision, and the number of mills 87120  
required to generate a specified amount of revenue, or the dollar 87121  
amount of revenue that would be generated by a specified number of 87122  
mills. The resolution or ordinance shall state ~~the~~ all of the 87123  
following: 87124

(a) The purpose of the tax, ~~whether;~~ 87125

(b) Whether the tax is an additional levy ~~or,~~ a renewal or a 87126

replacement of an existing tax, ~~and the~~ or a renewal or 87127  
replacement of an existing tax with an increase or a decrease; 87128

(c) The section of the Revised Code authorizing submission of 87129  
the question of the tax; 87130

(d) The term of years of the tax or if the tax is for a 87131  
continuing period of time; 87132

(e) That the tax is to be levied upon the entire territory of 87133  
the subdivision or, if authorized by the Revised Code, a 87134  
description of the portion of the territory of the subdivision in 87135  
which the tax is to be levied; 87136

(f) The date of the election at which the question of the tax 87137  
shall appear on the ballot; 87138

(g) That the ballot measure shall be submitted to the entire 87139  
territory of the subdivision or, if authorized by the Revised 87140  
Code, a description of the portion of the territory of the 87141  
subdivision to which the ballot measure shall be submitted; 87142

(h) The tax year in which the tax will first be levied and 87143  
the calendar year in which the tax will first be collected; 87144

(i) Each such county in which the subdivision has territory. 87145  
~~if~~ 87146

If a subdivision is located in more than one county, the 87147  
county auditor shall obtain from the county auditor of each other 87148  
county in which the subdivision is located the current tax 87149  
valuation for the portion of the subdivision in that county. The 87150  
county auditor shall issue the certification to the taxing 87151  
authority within ten days after receiving the taxing authority's 87152  
resolution or ordinance requesting it. 87153

(2) When considering the tangible personal property component 87154  
of the tax valuation of the subdivision, the county auditor shall 87155  
take into account the assessment percentages prescribed in section 87156

5711.22 of the Revised Code. The tax commissioner may issue rules, 87157  
orders, or instructions directing how the assessment percentages 87158  
must be utilized. 87159

(3) ~~If, upon~~ Upon receiving the certification from the county 87160  
auditor, the taxing authority ~~proceeds~~ may adopt a resolution or 87161  
ordinance stating the rate of the tax levy, expressed in mills for 87162  
each one dollar in tax valuation as estimated by the county 87163  
auditor, and that the taxing authority will proceed with the 87164  
submission of the question of the tax to electors, ~~the.~~ The taxing 87165  
authority shall certify ~~its~~ this resolution or ordinance, 87166  
~~accompanied by~~ a copy of the county auditor's certification, and 87167  
the resolution or ordinance the taxing authority adopted under 87168  
division (B)(1) of this section to the county auditor and to the 87169  
proper county board of elections in the manner and within the time 87170  
prescribed by the section of the Revised Code governing submission 87171  
of the question, ~~and shall include with its certification the rate~~ 87172  
~~of the tax levy, expressed in mills for each one dollar in tax~~ 87173  
~~valuation as estimated by the county auditor.~~ The county board of 87174  
elections shall not submit the question of the tax to electors 87175  
unless a copy of the county auditor's certification accompanies 87176  
the ~~resolution~~ resolutions or ~~ordinance~~ ordinances the taxing 87177  
authority certifies to the board. Before requesting a taxing 87178  
authority to submit a tax levy, any agency or authority authorized 87179  
to make that request shall first request the certification from 87180  
the county auditor provided under this section. 87181

(4) This division is supplemental to, and not in derogation 87182  
of, any similar requirement governing the certification by the 87183  
county auditor of the tax valuation of a subdivision or necessary 87184  
tax rates for the purposes of the submission of the question of a 87185  
tax in excess of the ten-mill limitation, including sections 87186  
133.18 and 5705.195 of the Revised Code. 87187

(C) All taxes levied on property shall be extended on the tax 87188

list and duplicate by the county auditor of the county in which 87189  
the property is located, and shall be collected by the county 87190  
treasurer of such county in the same manner and under the same 87191  
laws and rules as are prescribed for the assessment and collection 87192  
of county taxes. The proceeds of any tax levied by or for any 87193  
subdivision when received by its fiscal officer shall be deposited 87194  
in its treasury to the credit of the appropriate fund. 87195

**Sec. 5705.16.** A resolution of the taxing authority of any 87196  
political subdivision shall be passed by a majority of all the 87197  
members thereof, declaring the necessity for the transfer of funds 87198  
authorized by section 5705.15 of the Revised Code, and such taxing 87199  
authority shall ~~prepare~~ submit to the tax commissioner a petition 87200  
~~addressed to the court of common pleas of the county in which the~~ 87201  
~~funds are held. The petition shall set forth~~ that includes the 87202  
name and amount of the fund, the fund to which it is desired to be 87203  
transferred, a copy of such resolution with a full statement of 87204  
the proceedings pertaining to its passage, and the reason or 87205  
necessity for the transfer. ~~A duplicate copy of said petition~~ 87206  
~~shall be forwarded to the tax commissioner for the commissioner's~~ 87207  
~~examination and approval~~ The commissioner shall approve the 87208  
transfer of such funds upon determining each of the following: 87209

(A) The petition states sufficient facts; 87210

(B) That there are good reasons, or that a necessity exists, 87211  
for the transfer; 87212

(C) No injury will result from the transfer of such funds. 87213

If the petition is disapproved by the commissioner, it shall 87214  
be returned within ten days of its receipt to the officers who 87215  
submitted it, with a memorandum of the commissioner's objections, 87216  
and the taxing authority shall not transfer the funds as requested 87217  
by the petition. This disapproval shall not prejudice a later 87218  
application for approval. If the petition is approved by the 87219

commissioner, it shall be ~~forwarded~~ returned within ten days of 87220  
its receipt to the ~~clerk of the court of common pleas of the~~ 87221  
~~county to whose court of common pleas the petition is addressed,~~ 87222  
~~marked with the approval of the commissioner. If the commissioner~~ 87223  
~~approves the petition, the commissioner shall notify immediately~~ 87224  
~~the officers who submitted the petition, who then may file the~~ 87225  
~~petition in the court to which it is addressed, and the taxing~~ 87226  
authority may transfer the funds as requested by the petition. 87227

~~The petitioner shall give notice of the filing, object, and~~ 87228  
~~prayer of the petition, and of the time when it will be heard. The~~ 87229  
~~notice shall be given by one publication in a newspaper of general~~ 87230  
~~circulation in the territory to be affected by such transfer of~~ 87231  
~~funds. If there is no such newspaper, the notice shall be posted~~ 87232  
~~in ten conspicuous places within the territory for a period of~~ 87233  
~~four weeks.~~ 87234

~~The petition may be heard at the time stated in the notice,~~ 87235  
~~or as soon thereafter as convenient for the court. Any person who~~ 87236  
~~objects to the prayer of such petition shall file the person's~~ 87237  
~~objections in such cause on or before the time fixed in the notice~~ 87238  
~~for hearing, and that person shall be entitled to be heard.~~ 87239

~~If, upon hearing, the court finds that the notice has been~~ 87240  
~~given as required by this section, that the petition states~~ 87241  
~~sufficient facts, that there are good reasons, or that a necessity~~ 87242  
~~exists, for the transfer, and that no injury will result~~ 87243  
~~therefrom, it shall grant the prayer of the petition and order the~~ 87244  
~~petitioners to make such transfer.~~ 87245

~~A copy of the findings, orders, and judgments of the court~~ 87246  
~~shall be certified by the clerk and entered on the records of the~~ 87247  
~~petitioning officers or board, and thereupon the petitioners may~~ 87248  
~~make the transfer of funds as directed by the court. All costs of~~ 87249  
~~such proceedings shall be paid by the petitioners, except that if~~ 87250  
~~objections are filed the court may order such objectors to pay all~~ 87251

~~or a portion of the costs.~~ 87252

Sec. 5705.233. (A) As used in this section, "criminal justice facility" means any facility located within the county in which a tax is levied under this section and for which the board of commissioners of such county may make an appropriation under section 307.45 of the Revised Code. 87253  
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(B) The board of county commissioners of any county, at any time, may declare by resolution that it may be necessary for the county to issue general obligation bonds for permanent improvements to a criminal justice facility, including the acquisition, construction, enlargement, renovation, or maintenance of such a facility. The resolution shall state all of the following: 87258  
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(1) The necessity and purpose of the bond issue; 87265

(2) The date of the general or special election at which the question shall be submitted to the electors; 87266  
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(3) The amount, approximate date, estimated rate of interest, and maximum number of years over which the principal of the bonds may be paid; 87268  
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(4) The necessity of levying a tax outside the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities. 87271  
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On adoption of the resolution, the board of county commissioners shall certify a copy of it to the county auditor. The county auditor promptly shall estimate and certify to the board the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as under division (C) of section 133.18 of the Revised Code. Division (B) of section 5705.03 of the Revised Code does not apply to tax levy proceedings initiated under this 87274  
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section. 87282

(C) After receiving the county auditor's certification under 87283  
division (B) of this section, the board of county commissioners 87284  
may declare by resolution that the amount of taxes that can be 87285  
raised within the ten-mill limitation will be insufficient to 87286  
provide an adequate amount for the present and future criminal 87287  
justice requirements of the county; that it is necessary to issue 87288  
general obligation bonds of the county for permanent improvements 87289  
to a criminal justice facility and to levy an additional tax in 87290  
excess of the ten-mill limitation to pay debt charges on the bonds 87291  
and any anticipatory securities; that it is necessary for a 87292  
specified number of years or for a continuing period of time to 87293  
levy additional taxes in excess of the ten-mill limitation to 87294  
provide funds for the acquisition, construction, enlargement, 87295  
renovation, maintenance, and financing of permanent improvements 87296  
to such a criminal justice facility or to pay for operating 87297  
expenses of the facility and other criminal justice services for 87298  
which the board may make an appropriation under section 307.45 of 87299  
the Revised Code, or both; and that the question of the bonds and 87300  
taxes shall be submitted to the electors of the county at a 87301  
general or special election, which shall not be earlier than 87302  
ninety days after certification of the resolution to the board of 87303  
elections, and the date of which shall be consistent with section 87304  
3501.01 of the Revised Code. The resolution shall specify all of 87305  
the following: 87306

(1) The county auditor's estimate of the average annual 87307  
property tax rate required throughout the stated maturity of the 87308  
bonds to pay debt charges on the bonds; 87309

(2) The proposed rate of the tax, if any, for operating 87310  
expenses and criminal justice services, the first year the tax 87311  
will be levied, and the number of years it will be levied, or that 87312  
it will be levied for a continuing period of time; 87313



(3) The proposed rate of the tax, if any, for permanent improvements to a criminal justice facility, the first year the tax will be levied, and the number of years it will be levied, or that it will be levied for a continuing period of time. 87314  
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The resolution shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of county commissioners shall certify a copy of the resolution, along with copies of the auditor's estimate and its resolution under division (B) of this section, to the board of elections immediately after its adoption. 87318  
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(D) The board of elections shall make the arrangements for the submission of the question proposed under division (C) of this section to the electors of the county, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the county for the election of county officers. The resolution shall be put before the electors as one ballot question, with a favorable vote indicating approval of the bond issue, the levy to pay debt charges on the bonds and any anticipatory securities, the operating expenses and criminal justice services levy, and the permanent improvements levy, as those levies may be proposed. The board of elections shall publish notice of the election in a newspaper of general circulation in the county once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, before the election. If a board of elections operates and maintains a web site, that board also shall post notice of the election on its web site for thirty days before the election. The notice of election shall state all of the following: 87325  
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(1) The principal amount of the proposed bond issue; 87343

(2) The permanent improvements for which the bonds are to be issued; 87344  
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<u>(3) The maximum number of years over which the principal of the bonds may be paid;</u>	87346
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<u>(4) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor;</u>	87348
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<u>(5) The proposed rate of the additional tax, if any, for operating expenses and criminal justice services;</u>	87351
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<u>(6) The number of years the operating expenses or criminal justice services tax will be in effect, or that it will be in effect for a continuing period of time;</u>	87353
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<u>(7) The proposed rate of the additional tax, if any, for permanent improvements;</u>	87356
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<u>(8) The number of years the permanent improvements tax will be in effect, or that it will be in effect for a continuing period of time;</u>	87358
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<u>(9) The time and place of the election.</u>	87361
<u>(E) The form of the ballot for an election under this section is as follows:</u>	87362
	87363
<u>"Shall ..... be authorized to do the following:</u>	87364
<u>(1) Issue bonds for the purpose of ..... in the principal amount of \$....., to be repaid annually over a maximum period of ..... years, and levy a property tax outside the ten-mill limitation, estimated by the county auditor to average over the bond repayment period ..... mills for each one dollar of tax valuation, which amounts to ..... (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of tax valuation, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?"</u>	87365
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	87374
<u>If either a levy for permanent improvements or a levy for</u>	87375

operating expenses and criminal justice services is proposed, or 87376  
both are proposed, the ballot also shall contain the following 87377  
language, as appropriate: 87378

"(2) Levy an additional property tax to provide funds for the 87379  
acquisition, construction, enlargement, renovation, maintenance, 87380  
and financing of permanent improvements to a criminal justice 87381  
facility at a rate not exceeding ..... mills for each one dollar 87382  
of tax valuation, which amounts to ..... (rate expressed in 87383  
cents or dollars and cents) for each \$100 of tax valuation, for 87384  
..... (number of years of the levy, or a continuing period of 87385  
time)? 87386

(3) Levy an additional property tax to pay operating expenses 87387  
of a criminal justice facility and provide other criminal justice 87388  
services at a rate not exceeding ..... mills for each one dollar 87389  
of tax valuation, which amounts to ..... (rate expressed in 87390  
cents or dollars and cents) for each \$100 of tax valuation, for 87391  
..... (number of years of the levy, or a continuing period of 87392  
time)? 87393

	<u>FOR THE BOND ISSUE AND LEVY (OR LEVIES)</u>		87394
	<u>AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)</u>	<u>"</u>	87395

(F) The board of elections promptly shall certify the results 87396  
of the election to the tax commissioner and the county auditor. If 87397  
a majority of the electors voting on the question vote for it, the 87398  
board of county commissioners may proceed with issuance of the 87399  
bonds and the levy and collection of the property tax for the debt 87400  
service on the bonds and any anticipatory securities in the same 87401  
manner and subject to the same limitations as for securities 87402  
issued under section 133.18 of the Revised Code, and with the levy 87403  
and collection of the property tax or taxes for operating expenses 87404  
and criminal justice services and for permanent improvements at 87405  
the additional rate or any lesser rate in excess of the ten-mill 87406  
limitation. Any securities issued by the board of commissioners 87407

under this section are Chapter 133. securities, as that term is 87408  
defined in section 133.01 of the Revised Code. 87409

(G)(1) After the approval of a tax for operating expenses and 87410  
criminal justice services under this section and before the time 87411  
the first collection and distribution from the levy can be made, 87412  
the board of county commissioners may anticipate a fraction of the 87413  
proceeds of the levy and issue anticipation notes in a principal 87414  
amount not exceeding fifty per cent of the total estimated 87415  
proceeds of the tax to be collected during the first year of the 87416  
levy. 87417

(2) After the approval of a tax under this section for 87418  
permanent improvements to a criminal justice facility, the board 87419  
of county commissioners may anticipate a fraction of the proceeds 87420  
of the tax and issue anticipation notes in a principal amount not 87421  
exceeding fifty per cent of the total estimated proceeds of the 87422  
tax remaining to be collected in each year over a period of five 87423  
years after issuance of the notes. 87424

Anticipation notes under this section shall be issued as 87425  
provided in section 133.24 of the Revised Code. Notes issued under 87426  
division (G) of this section shall have principal payments during 87427  
each year after the year of their issuance over a period not to 87428  
exceed five years, and may have a principal payment in the year of 87429  
their issuance. 87430

(H) A tax for operating expenses and criminal justice 87431  
services or for permanent improvements levied under this section 87432  
for a specified number of years may be renewed or replaced in the 87433  
same manner as a tax for current operating expenses or permanent 87434  
improvements levied under section 5705.19 of the Revised Code. A 87435  
tax levied under this section for a continuing period of time may 87436  
be decreased in accordance with section 5705.261 of the Revised 87437  
Code. 87438

**Sec. 5709.12.** (A) As used in this section, "independent living facilities" means any residential housing facilities and related property that are not a nursing home, residential care facility, or residential facility as defined in division (A) of section 5701.13 of the Revised Code.

(B) Lands, houses, and other buildings belonging to a county, township, or municipal corporation and used exclusively for the accommodation or support of the poor, or leased to the state or any political subdivision for public purposes shall be exempt from taxation. Real and tangible personal property belonging to institutions that is used exclusively for charitable purposes shall be exempt from taxation, including real property belonging to an institution that is a nonprofit corporation that receives a grant under the Thomas Alva Edison grant program authorized by division (C) of section 122.33 of the Revised Code at any time during the tax year and being held for leasing or resale to others. If, at any time during a tax year for which such property is exempted from taxation, the corporation ceases to qualify for such a grant, the director of development shall notify the tax commissioner, and the tax commissioner shall cause the property to be restored to the tax list beginning with the following tax year. All property owned and used by a nonprofit organization exclusively for a home for the aged, as defined in section 5701.13 of the Revised Code, also shall be exempt from taxation.

(C)(1) If a home for the aged described in division (B)(1) of section 5701.13 of the Revised Code is operated in conjunction with or at the same site as independent living facilities, the exemption granted in division (B) of this section shall include kitchen, dining room, clinic, entry ways, maintenance and storage areas, and land necessary for access commonly used by both residents of the home for the aged and residents of the independent living facilities. Other facilities commonly used by

both residents of the home for the aged and residents of 87471  
independent living units shall be exempt from taxation only if the 87472  
other facilities are used primarily by the residents of the home 87473  
for the aged. Vacant land currently unused by the home, and 87474  
independent living facilities and the lands connected with them 87475  
are not exempt from taxation. Except as provided in division 87476  
(A)(1) of section 5709.121 of the Revised Code, property of a home 87477  
leased for nonresidential purposes is not exempt from taxation. 87478

(2) Independent living facilities are exempt from taxation if 87479  
they are operated in conjunction with or at the same site as a 87480  
home for the aged described in division (B)(2) of section 5701.13 87481  
of the Revised Code; operated by a corporation, association, or 87482  
trust described in division (B)(1)(b) of that section; operated 87483  
exclusively for the benefit of members of the corporation, 87484  
association, or trust who are retired, aged, or infirm; and 87485  
provided to those members without charge in consideration of their 87486  
service, without compensation, to a charitable, religious, 87487  
fraternal, or educational institution. For the purposes of 87488  
division (C)(2) of this section, "compensation" does not include 87489  
furnishing room and board, clothing, health care, or other 87490  
necessities, or stipends or other de minimis payments to defray 87491  
the cost thereof. 87492

(D)(1) A private corporation established under federal law, 87493  
as defined in 36 U.S.C. 1101, Pub. L. No. 102-199, 105 Stat. 1629, 87494  
as amended, the objects of which include encouraging the 87495  
advancement of science generally, or of a particular branch of 87496  
science, the promotion of scientific research, the improvement of 87497  
the qualifications and usefulness of scientists, or the increase 87498  
and diffusion of scientific knowledge is conclusively presumed to 87499  
be a charitable or educational institution. A private corporation 87500  
established as a nonprofit corporation under the laws of a state 87501  
that is exempt from federal income taxation under section 87502

501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 87503  
U.S.C.A. 1, as amended, and that has as its principal purpose one 87504  
or more of the foregoing objects also is conclusively presumed to 87505  
be a charitable or educational institution. 87506

The fact that an organization described in this division 87507  
operates in a manner that results in an excess of revenues over 87508  
expenses shall not be used to deny the exemption granted by this 87509  
section, provided such excess is used, or is held for use, for 87510  
exempt purposes or to establish a reserve against future 87511  
contingencies; and, provided further, that such excess may not be 87512  
distributed to individual persons or to entities that would not be 87513  
entitled to the tax exemptions provided by this chapter. Nor shall 87514  
the fact that any scientific information diffused by the 87515  
organization is of particular interest or benefit to any of its 87516  
individual members be used to deny the exemption granted by this 87517  
section, provided that such scientific information is available to 87518  
the public for purchase or otherwise. 87519

(2) Division (D)(2) of this section does not apply to real 87520  
property exempted from taxation under this section and division 87521  
(A)(3) of section 5709.121 of the Revised Code and belonging to a 87522  
nonprofit corporation described in division (D)(1) of this section 87523  
that has received a grant under the Thomas Alva Edison grant 87524  
program authorized by division (C) of section 122.33 of the 87525  
Revised Code during any of the tax years the property was exempted 87526  
from taxation. 87527

When a private corporation described in division (D)(1) of 87528  
this section sells all or any portion of a tract, lot, or parcel 87529  
of real estate that has been exempt from taxation under this 87530  
section and section 5709.121 of the Revised Code, the portion sold 87531  
shall be restored to the tax list for the year following the year 87532  
of the sale and, except in connection with a sale and transfer of 87533  
such a tract, lot, or parcel to a county land reutilization 87534

corporation organized under Chapter 1724. of the Revised Code, a 87535  
charge shall be levied against the sold property in an amount 87536  
equal to the tax savings on such property during the four tax 87537  
years preceding the year the property is placed on the tax list. 87538  
The tax savings equals the amount of the additional taxes that 87539  
would have been levied if such property had not been exempt from 87540  
taxation. 87541

The charge constitutes a lien of the state upon such property 87542  
as of the first day of January of the tax year in which the charge 87543  
is levied and continues until discharged as provided by law. The 87544  
charge may also be remitted for all or any portion of such 87545  
property that the tax commissioner determines is entitled to 87546  
exemption from real property taxation for the year such property 87547  
is restored to the tax list under any provision of the Revised 87548  
Code, other than sections 725.02, 1728.10, 3735.67, 5709.40, 87549  
5709.41, 5709.45, 5709.62, 5709.63, 5709.71, 5709.73, 5709.78, and 87550  
5709.84, upon an application for exemption covering the year such 87551  
property is restored to the tax list filed under section 5715.27 87552  
of the Revised Code. 87553

(E)(1) Real property held by an organization organized and 87554  
operated exclusively for charitable purposes as described under 87555  
section 501(c)(3) of the Internal Revenue Code and exempt from 87556  
federal taxation under section 501(a) of the Internal Revenue 87557  
Code, 26 U.S.C.A. 501(a) and (c)(3), as amended, for the purpose 87558  
of constructing or rehabilitating residences for eventual transfer 87559  
to qualified low-income families through sale, lease, or land 87560  
installment contract, shall be exempt from taxation. 87561

The exemption shall commence on the day title to the property 87562  
is transferred to the organization and shall continue to the end 87563  
of the tax year in which the organization transfers title to the 87564  
property to a qualified low-income family. In no case shall the 87565  
exemption extend beyond the second succeeding tax year following 87566



the year in which the title was transferred to the organization. 87567  
If the title is transferred to the organization and from the 87568  
organization to a qualified low-income family in the same tax 87569  
year, the exemption shall continue to the end of that tax year. 87570  
The proportionate amount of taxes that are a lien but not yet 87571  
determined, assessed, and levied for the tax year in which title 87572  
is transferred to the organization shall be remitted by the county 87573  
auditor for each day of the year that title is held by the 87574  
organization. 87575

Upon transferring the title to another person, the 87576  
organization shall file with the county auditor an affidavit 87577  
affirming that the title was transferred to a qualified low-income 87578  
family or that the title was not transferred to a qualified 87579  
low-income family, as the case may be; if the title was 87580  
transferred to a qualified low-income family, the affidavit shall 87581  
identify the transferee by name. If the organization transfers 87582  
title to the property to anyone other than a qualified low-income 87583  
family, the exemption, if it has not previously expired, shall 87584  
terminate, and the property shall be restored to the tax list for 87585  
the year following the year of the transfer and a charge shall be 87586  
levied against the property in an amount equal to the amount of 87587  
additional taxes that would have been levied if such property had 87588  
not been exempt from taxation. The charge constitutes a lien of 87589  
the state upon such property as of the first day of January of the 87590  
tax year in which the charge is levied and continues until 87591  
discharged as provided by law. 87592

The application for exemption shall be filed as otherwise 87593  
required under section 5715.27 of the Revised Code, except that 87594  
the organization holding the property shall file with its 87595  
application documentation substantiating its status as an 87596  
organization organized and operated exclusively for charitable 87597  
purposes under section 501(c)(3) of the Internal Revenue Code and 87598

its qualification for exemption from federal taxation under 87599  
section 501(a) of the Internal Revenue Code, and affirming its 87600  
intention to construct or rehabilitate the property for the 87601  
eventual transfer to qualified low-income families. 87602

As used in this division, "qualified low-income family" means 87603  
a family whose income does not exceed two hundred per cent of the 87604  
official federal poverty guidelines as revised annually in 87605  
accordance with section 673(2) of the "Omnibus Budget 87606  
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as 87607  
amended, for a family size equal to the size of the family whose 87608  
income is being determined. 87609

(2) Real property constituting a retail store, including the 87610  
land on which the retail store is located, that is owned and 87611  
operated by an organization described in division (E)(1) of this 87612  
section shall be exempt from taxation if the retail store sells 87613  
primarily donated items suitable for residential housing purposes 87614  
and if the proceeds of such sales are used solely for the purposes 87615  
of the organization. 87616

(F)(1) Real property that is acquired and held by a county 87617  
land reutilization corporation organized under Chapter 1724. of 87618  
the Revised Code and that is not exempt from taxation under 87619  
Chapter 5722. of the Revised Code shall be deemed real property 87620  
used for a public purpose and shall be exempt from taxation until 87621  
sold or transferred by the corporation. Notwithstanding section 87622  
5715.27 of the Revised Code, a county land reutilization 87623  
corporation is not required to apply to any county or state agency 87624  
in order to qualify for the exemption. 87625

(2) Real property that is acquired and held by an electing 87626  
subdivision other than a county land reutilization corporation on 87627  
or after April 9, 2009, for the public purpose of implementing an 87628  
effective land reutilization program or for a related public 87629  
purpose, and that is not exempt from taxation under Chapter 5722. 87630

of the Revised Code, shall be exempt from taxation until sold or 87631  
transferred by the electing subdivision. Notwithstanding section 87632  
5715.27 of the Revised Code, an electing subdivision is not 87633  
required to apply to any county or state agency in order to 87634  
qualify for an exemption with respect to property acquired or held 87635  
for such purposes on or after such date, regardless of how the 87636  
electing subdivision acquires the property. 87637

As used in this section, "electing subdivision" and "land 87638  
reutilization program" have the same meanings as in section 87639  
5722.01 of the Revised Code, and "county land reutilization 87640  
corporation" means a county land reutilization corporation 87641  
organized under Chapter 1724. of the Revised Code and any 87642  
subsidiary wholly owned by such a county land reutilization 87643  
corporation that is identified as "a wholly owned subsidiary of a 87644  
county land reutilization corporation" in the deed of conveyance 87645  
transferring title to the subsidiary. 87646

In lieu of the application for exemption otherwise required 87647  
to be filed as required under section 5715.27 of the Revised Code, 87648  
a county land reutilization corporation holding the property 87649  
shall, upon the request of any county or state agency, submit its 87650  
articles of incorporation substantiating its status as a county 87651  
land reutilization corporation. 87652

(G) Real property that is owned by an organization described 87653  
under section 501(c)(3) of the Internal Revenue Code and exempt 87654  
from federal income taxation under section 501(a) of the Internal 87655  
Revenue Code and that is used by that organization exclusively for 87656  
receiving, processing, or distributing human blood, tissues, eyes, 87657  
or organs or for research and development thereof shall be exempt 87658  
from taxation. 87659

(H) Real property that is owned by an organization described 87660  
under section 501(c)(3) of the Internal Revenue Code and exempt 87661  
from federal income taxation under section 501(a) of the Internal 87662

Revenue Code and that received a loan from the federal small 87663  
business administration as a participating intermediary in the 87664  
federal microloan program under 15 U.S.C. 636(m) shall be exempt 87665  
from taxation if the property is used by that organization 87666  
primarily for small business lending, economic development, job 87667  
training, entrepreneur education, or associated administrative 87668  
purposes as such a participating intermediary. 87669

**Sec. 5709.17.** The following property shall be exempted from 87670  
taxation: 87671

(A) Real estate held or occupied by an association or 87672  
corporation, organized or incorporated under the laws of this 87673  
state relative to soldiers' memorial associations, or monumental 87674  
building associations, ~~or cemetery associations or corporations,~~ 87675  
~~which and that,~~ in the opinion of the trustees, directors, or 87676  
managers thereof, is necessary and proper to carry out the object 87677  
intended for such association or corporation; 87678

(B) Real estate and tangible personal property held or 87679  
occupied by a veterans' organization that qualifies for exemption 87680  
from taxation under section 501(c)(19) or 501(c)(23) of the 87681  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 87682  
amended, and is incorporated under the laws of this state or the 87683  
United States, except real estate held by such an organization for 87684  
the production of rental income in excess of thirty-six thousand 87685  
dollars in a tax year, before accounting for any cost or expense 87686  
incurred in the production of such income. For the purposes of 87687  
this division, rental income includes only income arising directly 87688  
from renting the real estate to others for consideration. 87689

(C) Tangible personal property held by a corporation 87690  
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 87691  
section 501(c)(3) of the Internal Revenue Code, and exempt from 87692  
taxation under section 501(a) of the Internal Revenue Code shall 87693

be exempt from taxation if it is property obtained as described in 87694  
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 87695

(D) Real estate held or occupied by a fraternal organization 87696  
and used primarily for meetings of and the administration of the 87697  
fraternal organization or for providing, on a not-for-profit 87698  
basis, educational or health services, except real estate held by 87699  
such an organization for the production of rental income in excess 87700  
of thirty-six thousand dollars in a tax year before accounting for 87701  
any cost or expense incurred in the production of such income. As 87702  
used in this division, "rental income" has the same meaning as in 87703  
division (B) of this section, and "fraternal organization" means a 87704  
domestic fraternal society, order, or association operating under 87705  
the lodge, council, or grange system that qualifies for exemption 87706  
from taxation under section 501(c)(5), 501(c)(8), or 501(c)(10) of 87707  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 87708  
as amended; that provides financial support for charitable 87709  
purposes, as defined in division (B)(12) of section 5739.02 of the 87710  
Revised Code; and that operates under a state governing body that 87711  
has been operating in this state for at least eighty-five years. 87712

**Sec. 5709.212.** (A) With every application for an exempt 87713  
facility certificate filed pursuant to section 5709.21 of the 87714  
Revised Code, the applicant shall pay a fee equal to one-half of 87715  
one per cent of the total exempt facility project cost, not to 87716  
exceed two thousand dollars. ~~One half of the fee received with~~ 87717  
~~applications for exempt facility certificates shall be credited to~~ 87718  
~~the exempt facility administrative fund, which is hereby created~~ 87719  
~~in the state treasury, for appropriation to the department of~~ 87720  
~~taxation for use in administering sections 5709.20 to 5709.27 of~~ 87721  
~~the Revised Code.~~ If the director of environmental protection is 87722  
required to provide the opinion for an application, ~~one half of~~ 87723  
the fee shall be credited to the non-Title V clean air fund 87724  
created in section 3704.035 of the Revised Code for use in 87725

administering section 5709.211 of the Revised Code, unless the 87726  
application is for an industrial water pollution control facility. 87727  
If the application is for an industrial water pollution control 87728  
facility, ~~one-half of~~ the fee shall be credited to the surface 87729  
water protection fund created in section 6111.038 of the Revised 87730  
Code for use in administering section 5709.211 of the Revised 87731  
Code. If the director of development is required to provide the 87732  
opinion for an application, ~~one-half of~~ the fee for each exempt 87733  
facility application shall be credited to the exempt facility 87734  
inspection fund, which is hereby created in the state treasury, 87735  
for appropriation to the ~~department of development~~ services agency 87736  
for use in administering section 5709.211 of the Revised Code. 87737

An applicant is not entitled to any tax exemption under 87738  
section 5709.25 of the Revised Code until the fee required by this 87739  
section is paid. The fee required by this section is not 87740  
refundable, and is due with the application for an exempt facility 87741  
certificate even if an exempt facility certificate ultimately is 87742  
not issued or is withdrawn. Any application submitted without 87743  
payment of the fee shall be deemed incomplete until the fee is 87744  
paid. 87745

(B) The application fee imposed under division (A) of this 87746  
section for a jointly owned facility shall be equal to one-half of 87747  
one per cent of the total exempt facility project cost, not to 87748  
exceed two thousand dollars for each facility that is the subject 87749  
of the application. 87750

**Sec. 5709.45.** (A) As used in sections 5709.45 to 5709.47 of 87751  
the Revised Code: 87752

(1) "Downtown redevelopment district" or "district" means an 87753  
area not more than ten acres enclosed by a continuous boundary in 87754  
which at least one historic building is being, or will be, 87755

rehabilitated. 87756

(2) "Historic building" and "rehabilitation" have the same 87757  
meanings as in section 149.311 of the Revised Code. 87758

(3) "Public infrastructure improvement" has the same meaning 87759  
as in section 5709.40 of the Revised Code. 87760

(4) "Improvement" means the increase in the assessed value of 87761  
real property that would first appear on the tax list after the 87762  
effective date of an ordinance adopted under this section were it 87763  
not for the exemption granted by the ordinance. 87764

(5) "Innovation district" means an area located entirely 87765  
within a downtown redevelopment district, enclosed by a continuous 87766  
boundary, and equipped with a high-speed broadband network capable 87767  
of download speeds of at least one hundred gigabits per second. 87768

(6) "Qualified business" means a business primarily engaged, 87769  
or primarily organized to engage, in a trade or business that 87770  
involves research and development, technology transfer, 87771  
bio-technology, information technology, or the application of new 87772  
technology developed through research and development or acquired 87773  
through technology transfer. 87774

(7) "Information technology" means the branch of technology 87775  
devoted to the study and application of data and the processing 87776  
thereof; the automatic acquisition, storage, manipulation or 87777  
transformation, management, movement, control, display, switching, 87778  
interchange, transmission or reception of data, and the 87779  
development or use of hardware, software, firmware, and procedures 87780  
associated with this processing. "Information technology" includes 87781  
matters concerned with the furtherance of computer science and 87782  
technology, design, development, installation, and implementation 87783  
of information systems and applications that in turn will be 87784  
licensed or sold to a specific target market. "Information 87785  
technology" does not include the creation of a distribution method 87786

for existing products and services. 87787

(8) "Research and development" means designing, creating, or 87788  
formulating new or enhanced products, equipment, or processes, and 87789  
conducting scientific or technological inquiry and experimentation 87790  
in the physical sciences with the goal of increasing scientific 87791  
knowledge that may reveal the bases for new or enhanced products, 87792  
equipment, or processes. 87793

(9) "Technology transfer" means the transfer of technology 87794  
from one sector of the economy to another, including the transfer 87795  
of military technology to civilian applications, civilian 87796  
technology to military applications, or technology from public or 87797  
private research laboratories to military or civilian 87798  
applications. 87799

(B) For the purposes of promoting rehabilitation of historic 87800  
buildings, creating jobs, and encouraging economic development in 87801  
commercial and mixed-use commercial and residential areas, and for 87802  
the purpose of funding transportation improvements that will 87803  
benefit such areas, the legislative authority of a municipal 87804  
corporation may adopt an ordinance creating a downtown 87805  
redevelopment district and declaring improvements to parcels 87806  
within the district to be a public purpose and exempt from 87807  
taxation. Downtown redevelopment districts shall not be created in 87808  
areas used exclusively for residential purposes and shall not be 87809  
utilized for development or redevelopment of residential areas. 87810

The ordinance shall specify all of the following: 87811

(1) The boundary of the district; 87812

(2) The county treasurer's permanent parcel number associated 87813  
with each parcel included in the district; 87814

(3) The parcel or parcels within the district that include a 87815  
historic building that is being or will be rehabilitated; 87816



(4) The proposed life of the district;	87817
(5) An economic development plan for the district that includes all of the following:	87818 87819
(a) A statement describing the principal purposes and goals to be served by creating the district;	87820 87821
(b) An explanation of how the municipal corporation will collaborate with businesses and property owners within the district to develop strategies for achieving such purposes and goals;	87822 87823 87824 87825
(c) A plan for using the service payments provided for in section 5709.46 of the Revised Code to promote economic development and job creation within the district.	87826 87827 87828
Not more than seventy per cent of improvements to parcels within a downtown redevelopment district may be exempted from taxation under this section. A district may not include a parcel that is exempted from taxation under this section or section 5709.40 or 5709.41 of the Revised Code on the effective date of the ordinance. Except as provided in division (F) of this section, the life of a downtown redevelopment district shall not exceed ten years.	87829 87830 87831 87832 87833 87834 87835 87836
A municipal corporation may adopt more than one ordinance under division (B) of this section. A single such ordinance may create more than one downtown redevelopment district.	87837 87838 87839
(C) For the purposes of attracting and facilitating growth of qualified businesses and supporting the economic development efforts of business incubators and accelerators, the legislative authority of a municipal corporation may designate an innovation district within a proposed or existing downtown redevelopment district. The life of the innovation district shall be identical to the downtown redevelopment district in which the innovation district is located. In addition to the requirements in division	87840 87841 87842 87843 87844 87845 87846 87847

(B) of this section, an ordinance creating a downtown  
redevelopment district that includes an innovation district shall  
specify all of the following:

(1) The boundary of the innovation district;

(2) The permanent parcel number associated with each parcel  
included in the innovation district;

(3) An economic development plan for the innovation district  
that meets the criteria prescribed by division (B)(5) of this  
section.

(D) At least thirty days before adopting an ordinance under  
division (B) of this section, the legislative authority of the  
municipal corporation shall conduct a public hearing on the  
proposed ordinance and the accompanying economic development plan.  
At least thirty days before the public hearing, the legislative  
authority shall give notice of the public hearing and the proposed  
ordinance by first class mail to every real property owner whose  
property is located within the boundaries of the proposed district  
that is the subject of the proposed ordinance.

(E) Revenue derived from downtown redevelopment district  
service payments may be used by the municipal corporation for any  
of the following purposes:

(1) To finance or support loans, deferred loans, or grants to  
owners of historic buildings within the downtown redevelopment  
district. Such loans or grants shall be awarded upon the condition  
that the loan or grant amount may be used by the owner only to  
rehabilitate the historic building. A municipal corporation that  
awards a loan or grant under this division shall develop a plan  
for tracking the loan or grant recipient's use of the loan or  
grant and monitoring the progress of the recipient's  
rehabilitation project.

(2) To make contributions to a special improvement district

for use under section 1710.14 of the Revised Code, to a community 87879  
improvement corporation for use under section 1724.12 of the 87880  
Revised Code, or to a nonprofit corporation, as defined in section 87881  
1702.01 of the Revised Code, the primary purpose of which is 87882  
redeveloping historic buildings and historic districts for use by 87883  
the corporation to rehabilitate a historic building within the 87884  
downtown redevelopment district or to otherwise promote or enhance 87885  
the district. Amounts contributed under division (E)(2) of this 87886  
section shall not exceed the property tax revenue that would have 87887  
been generated by twenty per cent of the assessed value of the 87888  
exempted improvements within the downtown redevelopment district. 87889

(3) To finance or support loans to owners of one or more 87890  
buildings located within the district that do not qualify as 87891  
historic buildings. Such loans shall be awarded upon the condition 87892  
that the loan amount may be used by the owner only to make repairs 87893  
and improvements to the building or buildings. A municipal 87894  
corporation that awards a loan under this division shall develop a 87895  
plan for tracking the loan recipient's use of the loan and 87896  
monitoring the progress of the recipient's repairs or 87897  
improvements. 87898

(4) To finance public infrastructure improvements within the 87899  
downtown redevelopment district. If revenue generated by the 87900  
downtown redevelopment district will be used to finance public 87901  
infrastructure improvements, the economic development plan 87902  
described by division (B)(5) of this section shall identify 87903  
specific projects that are being or will be undertaken within the 87904  
district and describe how such infrastructure improvements will 87905  
accommodate additional demands on the existing infrastructure 87906  
within the district. A municipal corporation shall not use service 87907  
payments derived from a downtown redevelopment district to repair 87908  
or replace police or fire equipment. 87909

(5) To finance or support loans, deferred loans, or grants to 87910

qualified businesses or to incubators and accelerators that 87911  
provide services and capital to qualified businesses within an 87912  
innovation district. Such loans or grants shall be awarded upon 87913  
the condition that the loan or grant shall be used by the 87914  
recipient to start or develop one or more qualified businesses 87915  
within the innovation district. A municipal corporation that 87916  
awards a loan or grant under this division shall develop a plan 87917  
for tracking the loan or grant recipient's use of the loan or 87918  
grant and monitoring the establishment and growth of the qualified 87919  
business. 87920

(F) Notwithstanding division (B) of this section, 87921  
improvements to parcels located within a downtown redevelopment 87922  
district may be exempted from taxation under this section for up 87923  
to thirty years if either of the following apply: 87924

(1) The ordinance creating the redevelopment district 87925  
specifies that payments in lieu of taxes shall be paid to the 87926  
city, local, or exempted village, and joint vocational school 87927  
district or districts in which the redevelopment district is 87928  
located in the amount of the taxes that would have been payable to 87929  
the school district or districts if the improvements had not been 87930  
exempted from taxation. 87931

(2) The municipal corporation creating the district obtains 87932  
the approval under division (G) of this section of the board of 87933  
education of each city, local, and exempted village school 87934  
district within which the district will be located. 87935

(G)(1) The legislative authority of a municipal corporation 87936  
seeking the approval of a school district for the purpose of 87937  
division (G)(2) of this section shall send notice of the proposed 87938  
ordinance to the school district not later than forty-five 87939  
business days before it intends to adopt the ordinance. The notice 87940  
shall include a copy of the proposed ordinance and shall indicate 87941  
the date on which the legislative authority intends to adopt the 87942

ordinance. The board of education of the school district, by 87943  
resolution adopted by a majority of the board, may do any of the 87944  
following: 87945

(a) Approve the exemption for the number of years specified 87946  
in the proposed ordinance; 87947

(b) Disapprove the exemption for the number of years in 87948  
excess of ten; 87949

(c) Approve the exemption on the condition that the 87950  
legislative authority and the board negotiate an agreement 87951  
providing for compensation to the school district equal in value 87952  
to a percentage of the amount of taxes exempted in the eleventh 87953  
and subsequent years of the exemption period or other mutually 87954  
agreeable compensation. If an agreement is negotiated under this 87955  
division, the legislative authority shall compensate all joint 87956  
vocational school districts within which the downtown 87957  
redevelopment district is located at the same rate and under the 87958  
same terms received by the city, local, or exempted village school 87959  
district. 87960

(2) The board of education shall certify a resolution adopted 87961  
under division (G)(1) of this section to the legislative authority 87962  
of the municipal corporation not later than fourteen days before 87963  
the date the legislative authority intends to adopt the ordinance 87964  
as indicated in the notice. If the board of education approves the 87965  
ordinance or negotiates a mutually acceptable compensation 87966  
agreement with the legislative authority, the legislative 87967  
authority may enact the ordinance in its current form. If the 87968  
board disapproves of the ordinance and fails to negotiate a 87969  
mutually acceptable compensation agreement with the legislative 87970  
authority, the legislative authority may exempt improvements to 87971  
parcels within the downtown redevelopment district for not more 87972  
than ten years. If the board fails to certify a resolution to the 87973  
legislative authority within the time prescribed by this division, 87974

the legislative authority may adopt the ordinance and may exempt 87975  
improvements to parcels within the downtown redevelopment district 87976  
for the period of time specified in the notice delivered to the 87977  
board of education. The legislative authority may adopt the 87978  
ordinance at any time after the board of education certifies its 87979  
resolution approving the exemption to the legislative authority 87980  
or, if the board approves the exemption on the condition that a 87981  
mutually acceptable compensation agreement be negotiated, at any 87982  
time after the compensation agreement is agreed to by the board 87983  
and the legislative authority. 87984

(3) If a board of education has adopted a resolution waiving 87985  
its right to approve exemptions from taxation under this section 87986  
and the resolution remains in effect, approval of exemptions by 87987  
the board is not required under division (G) of this section. If a 87988  
board of education has adopted a resolution allowing a legislative 87989  
authority to deliver the notice required under division (G)(1) of 87990  
this section fewer than forty-five business days before the 87991  
legislative authority's adoption of the ordinance, the legislative 87992  
authority shall deliver the notice to the board not later than the 87993  
number of days before such adoption as prescribed by the board in 87994  
its resolution. If a board of education adopts a resolution 87995  
waiving its right to approve agreements or shortening the 87996  
notification period, the board shall certify a copy of the 87997  
resolution to the legislative authority. If the board of education 87998  
rescinds such a resolution, it shall certify notice of the 87999  
rescission to the legislative authority. 88000

(4) If the legislative authority is not required by division 88001  
(G) of this section to notify the board of education of the 88002  
legislative authority's intent to create a downtown redevelopment 88003  
district, the legislative authority shall comply with the notice 88004  
requirements imposed under section 5709.83 of the Revised Code, 88005  
unless the board has adopted a resolution under that section 88006

waiving its right to receive such a notice. 88007

(H) Service payments in lieu of taxes that are attributable 88008  
to any amount by which the effective tax rate of either a renewal 88009  
levy with an increase or a replacement levy exceeds the effective 88010  
tax rate of the levy renewed or replaced, or that are attributable 88011  
to an additional levy, for a levy authorized by the voters for any 88012  
of the following purposes on or after January 1, 2006, and which 88013  
are provided pursuant to an ordinance creating a downtown 88014  
redevelopment district under division (B) of this section shall be 88015  
distributed to the appropriate taxing authority as required under 88016  
division (C) of section 5709.46 of the Revised Code in an amount 88017  
equal to the amount of taxes from that additional levy or from the 88018  
increase in the effective tax rate of such renewal or replacement 88019  
levy that would have been payable to that taxing authority from 88020  
the following levies were it not for the exemption authorized 88021  
under division (B) of this section: 88022

(1) A tax levied under division (L) of section 5705.19 or 88023  
section 5705.191 of the Revised Code for community mental 88024  
retardation and developmental disabilities programs and services 88025  
pursuant to Chapter 5126. of the Revised Code; 88026

(2) A tax levied under division (Y) of section 5705.19 of the 88027  
Revised Code for providing or maintaining senior citizens services 88028  
or facilities; 88029

(3) A tax levied under section 5705.22 of the Revised Code 88030  
for county hospitals; 88031

(4) A tax levied by a joint-county district or by a county 88032  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 88033  
for alcohol, drug addiction, and mental health services or 88034  
facilities; 88035

(5) A tax levied under section 5705.23 of the Revised Code 88036  
for library purposes; 88037

(6) A tax levied under section 5705.24 of the Revised Code 88038  
for the support of children services and the placement and care of 88039  
children; 88040

(7) A tax levied under division (Z) of section 5705.19 of the 88041  
Revised Code for the provision and maintenance of zoological park 88042  
services and facilities under section 307.76 of the Revised Code; 88043

(8) A tax levied under section 511.27 or division (H) of 88044  
section 5705.19 of the Revised Code for the support of township 88045  
park districts; 88046

(9) A tax levied under division (A), (F), or (H) of section 88047  
5705.19 of the Revised Code for parks and recreational purposes of 88048  
a joint recreation district organized pursuant to division (B) of 88049  
section 755.14 of the Revised Code; 88050

(10) A tax levied under section 1545.20 or 1545.21 of the 88051  
Revised Code for park district purposes; 88052

(11) A tax levied under section 5705.191 of the Revised Code 88053  
for the purpose of making appropriations for public assistance; 88054  
human or social services; public relief; public welfare; public 88055  
health and hospitalization; and support of general hospitals; 88056

(12) A tax levied under section 3709.29 of the Revised Code 88057  
for a general health district program. 88058

(I) An exemption from taxation granted under this section 88059  
commences with the tax year specified in the ordinance so long as 88060  
the year specified in the ordinance commences after the effective 88061  
date of the ordinance. If the ordinance specifies a year 88062  
commencing before the effective date of the ordinance or specifies 88063  
no year whatsoever, the exemption commences with the tax year in 88064  
which an exempted improvement first appears on the tax list and 88065  
that commences after the effective date of the ordinance. In lieu 88066  
of stating a specific year, the ordinance may provide that the 88067  
exemption commences in the tax year in which the value of an 88068



improvement exceeds a specified amount or in which the 88069  
construction of one or more improvements is completed, provided 88070  
that such tax year commences after the effective date of the 88071  
ordinance. 88072

Except as otherwise provided in this division, the exemption 88073  
ends on the date specified in the ordinance as the date the 88074  
improvement ceases to be a public purpose or the downtown 88075  
redevelopment district expires, whichever occurs first. The 88076  
exemption of an improvement within a downtown redevelopment 88077  
district may end on a later date, as specified in the ordinance, 88078  
if the legislative authority and the board of education of the 88079  
city, local, or exempted village school district within which the 88080  
parcel or district is located have entered into a compensation 88081  
agreement under section 5709.82 of the Revised Code with respect 88082  
to the improvement, and the board of education has approved the 88083  
term of the exemption under division (G) of this section, but in 88084  
no case shall the improvement be exempted from taxation for more 88085  
than thirty years. Exemptions shall be claimed and allowed in the 88086  
same manner as in the case of other real property exemptions. If 88087  
an exemption status changes during a year, the procedure for the 88088  
apportionment of the taxes for that year is the same as in the 88089  
case of other changes in tax exemption status during the year. 88090

(J) Additional municipal financing of the projects and 88091  
services described in division (E) of this section may be provided 88092  
by any methods that the municipal corporation may otherwise use 88093  
for financing such projects and services. If the municipal 88094  
corporation issues bonds or notes to finance such projects and 88095  
services and pledges money from the municipal downtown 88096  
redevelopment district fund to pay the interest on and principal 88097  
of the bonds or notes, the bonds or notes are not subject to 88098  
Chapter 133. of the Revised Code. 88099

(K) The municipal corporation, not later than fifteen days 88100

after the adoption of an ordinance under this section, shall 88101  
submit to the director of development services a copy of the 88102  
ordinance. On or before the thirty-first day of March of each 88103  
year, the municipal corporation shall submit a status report to 88104  
the director of development services. The report shall indicate, 88105  
in the manner prescribed by the director, the progress of the 88106  
projects and services during each year that an exemption remains 88107  
in effect, including a summary of the receipts from service 88108  
payments in lieu of taxes; expenditures of money from the funds 88109  
created under section 5709.47 of the Revised Code; a description 88110  
of the projects and services financed with such expenditures; and 88111  
a quantitative summary of changes in employment and private 88112  
investment resulting from each project and service. 88113

(L) Nothing in this section shall be construed to prohibit a 88114  
legislative authority from declaring to be a public purpose 88115  
improvements with respect to more than one parcel. 88116

(M)(1) The owner of real property located in a downtown 88117  
redevelopment district may enter into an agreement with the 88118  
municipal corporation that created the district to impose a 88119  
redevelopment charge on the property to cover all or part of the 88120  
cost of services, facilities, and improvements provided within the 88121  
district under division (E) of this section. The agreement shall 88122  
include the following: 88123

(a) The amount of the redevelopment charge. The redevelopment 88124  
charge may be a fixed dollar amount or an amount determined on the 88125  
basis of the assessed valuation of the property or all or part of 88126  
the profits, gross receipts, or other revenues of a business 88127  
operating on the property, including rentals received from leases 88128  
of the property. If the property is leased to one or more tenants, 88129  
the redevelopment charge may be itemized as part of the lease 88130  
rate. 88131

(b) The termination date of the redevelopment charge. The 88132

redevelopment charge shall not be charged after the expiration or 88133  
termination of the downtown redevelopment district. 88134

(c) The terms by which the municipal corporation shall 88135  
collect the redevelopment charge. 88136

(d) The purposes for which the redevelopment charge may be 88137  
used by the municipal corporation. The redevelopment charge shall 88138  
be used only for those purposes described by division (E) of this 88139  
section. The agreement may specify any or all of such purposes. 88140

(2) Redevelopment charges collected by a municipal 88141  
corporation under division (M) of this section shall be deposited 88142  
to the municipal downtown redevelopment district fund created 88143  
under section 5709.47 of the Revised Code. 88144

(3) An agreement by a property owner under division (M) of 88145  
this section is hereby deemed to be a covenant running with the 88146  
land. The covenant is fully binding on behalf of and enforceable 88147  
by the municipal corporation against any person acquiring an 88148  
interest in the land and all of that person's successors and 88149  
assigns. 88150

(4) No purchase agreement for real estate or any interest in 88151  
real estate upon which a redevelopment charge is levied shall be 88152  
enforceable by the seller or binding upon the purchaser unless the 88153  
purchase agreement specifically refers to the redevelopment 88154  
charge. If a conveyance of such real estate or interest in such 88155  
real estate is made pursuant to a purchase agreement that does not 88156  
make such reference, the redevelopment charge shall continue to be 88157  
a covenant running with the land fully binding on behalf of and 88158  
enforceable by the municipal corporation against the person 88159  
accepting the conveyance pursuant to the purchase agreement. 88160

(5) If a redevelopment charge is not paid when due, the 88161  
overdue amount shall be collected according to the terms of the 88162  
agreement. If the agreement does not specify a procedure for 88163

collecting overdue redevelopment charges, the municipal 88164  
corporation may certify the charge to the county auditor. The 88165  
county auditor shall enter the unpaid charge on the tax list and 88166  
duplicate of real property opposite the parcel against which it is 88167  
charged and certify the charge to the county treasurer. The unpaid 88168  
redevelopment charge is a lien on property against which it is 88169  
charged from the date the charge is entered on the tax list, and 88170  
shall be collected in the manner provided for the collection of 88171  
real property taxes. Once the charge is collected, it shall be 88172  
paid immediately to the municipal corporation. 88173

Sec. 5709.48. (A) As used in this section, "regional 88174  
transportation improvement project" has the same meaning as in 88175  
section 5595.01 of the Revised Code. 88176

(B) For the purposes described in division (A) of section 88177  
5595.06 of the Revised Code, the boards of county commissioners of 88178  
one or more counties that are participants in a regional 88179  
transportation improvement project may, by resolution, create a 88180  
transportation financing district and declare improvements to 88181  
parcels within the district to be a public purpose and exempt from 88182  
taxation. 88183

(C) A transportation financing district may include territory 88184  
in more than one county as long as each such county is a party to 88185  
the resolution creating the district and a participant in the 88186  
regional transportation improvement project funded by the 88187  
district. A district shall not include areas used exclusively for 88188  
residential purposes. A district shall not include any parcel that 88189  
is or has been exempted from taxation under this section or 88190  
section 5709.40, 5709.41, 5709.45, 5709.73, or 5709.77 of the 88191  
Revised Code. Counties may designate parcels within the boundaries 88192  
of a district that are not included in the district. Counties may 88193  
designate noncontiguous parcels located outside the boundaries of 88194

the district that are included in the district. 88195

Counties may adopt more than one resolution under division 88196  
(B) of this section. A single such resolution may create more than 88197  
one transportation financing district. 88198

(D) A resolution creating a transportation financing district 88199  
shall specify all of the following: 88200

(1) A description of the territory included in the district; 88201

(2) The county treasurer's permanent parcel number associated 88202  
with each parcel included in the district; 88203

(3) The percentage of improvements to be exempted from 88204  
taxation and the duration of the exemption, which shall not exceed 88205  
the remaining number of years the cooperative agreement for the 88206  
regional transportation improvement district, described under 88207  
section 5595.03 of the Revised Code, is in effect; 88208

(4) A plan for the district that describes the principal 88209  
purposes and goals to be served by the district and explains how 88210  
the use of service payments provided for by section 5709.49 of the 88211  
Revised Code will economically benefit owners of property within 88212  
the district. 88213

(E)(1) Before adopting a resolution under division (B) of 88214  
this section, the board or boards of county commissioners of the 88215  
participating counties shall notify and obtain the approval of 88216  
each subdivision and taxing unit that levies a property tax within 88217  
the territory of the proposed transportation financing district. A 88218  
subdivision or taxing unit's approval or disapproval of the 88219  
proposed district shall be in the form of an ordinance or 88220  
resolution. The board or boards may negotiate an agreement with a 88221  
subdivision or taxing unit providing for compensation equal in 88222  
value to a percentage of the amount of taxes exempted or some 88223  
other mutually agreeable compensation. 88224

(2) A subdivision or taxing unit may adopt an ordinance or resolution waiving its right to approve or receive notice of transportation financing districts proposed under this section. If a subdivision or taxing unit has adopted such an ordinance or resolution, the terms of that ordinance or resolution supersede the requirements of division (E)(1) of this section. One or more boards of county commissioners may negotiate an agreement with a subdivision or taxing unit providing for some mutually agreeable compensation in exchange for the subdivision or taxing unit adopting such an ordinance or resolution. If a subdivision or taxing unit has adopted such an ordinance or resolution, it shall certify a copy to the board of county commissioners of the county or counties in which the subdivision or taxing unit is located. If the subdivision or taxing unit rescinds such an ordinance or resolution, it shall certify notice of the rescission to the same board or boards.

(F) After notifying and obtaining the approval of each subdivision and taxing unit that levies a property tax within the territory of the proposed transportation financing district as required under division (E) of this section, the boards of county commissioners of the participating counties shall notify and obtain the approval of every real property owner whose property is included in the proposed district.

(G)(1) If the resolution creating the transportation financing district is approved by the board of county commissioners of each county in which the district is located, one of the counties shall send a copy of the resolution and documentation sufficient to prove that the requirements of divisions (E) and (F) of this section have been met to the director of development services. The director shall evaluate the resolution and documentation to determine if the counties have fully complied with the requirements of this section. If the

director approves the resolution, the director shall send notice 88257  
of approval to each county that is a party to the resolution. If 88258  
the director does not approve the resolution, the director shall 88259  
send notice of denial to each county that is a party to the 88260  
resolution. The notice of denial shall include the reason or 88261  
reasons for the denial. If the director does not make a 88262  
determination within ninety days after receiving a resolution 88263  
under this section, the director is deemed to have approved the 88264  
resolution. No resolution creating a transportation financing 88265  
district is effective without actual or constructive approval by 88266  
the director under this section. 88267

(2) An exemption from taxation granted under this section 88268  
commences with the tax year specified in the resolution so long as 88269  
the year specified in the resolution commences after the effective 88270  
date of the resolution. If the resolution specifies a year 88271  
commencing before the effective date of the resolution or 88272  
specifies no year whatsoever, the exemption commences with the tax 88273  
year in which an exempted improvement first appears on the tax 88274  
list and that commences after the effective date of the 88275  
resolution. In lieu of stating a specific year, the resolution may 88276  
provide that the exemption commences in the tax year in which the 88277  
value of an improvement exceeds a specified amount or in which the 88278  
construction of one or more improvements is completed, provided 88279  
that such tax year commences after the effective date of the 88280  
resolution. 88281

(3) Except as otherwise provided in this division, the 88282  
exemption ends on the date specified in the resolution as the date 88283  
the improvement ceases to be a public purpose or the regional 88284  
transportation improvement project funded by the service payments 88285  
dissolves under section 5595.13 of the Revised Code, whichever 88286  
occurs first. Exemptions shall be claimed and allowed in the same 88287  
manner as in the case of other real property exemptions. If an 88288

exemption status changes during a year, the procedure for the 88289  
apportionment of the taxes for that year is the same as in the 88290  
case of other changes in tax exemption status during the year. 88291

(H) Service payments in lieu of taxes that are attributable 88292  
to any amount by which the effective tax rate of either a renewal 88293  
levy with an increase or a replacement levy exceeds the effective 88294  
tax rate of the levy renewed or replaced, or that are attributable 88295  
to an additional levy, for a levy authorized by the voters for any 88296  
of the following purposes on or after January 1, 2006, and which 88297  
are provided pursuant to a resolution creating a transportation 88298  
financing district under this section shall be distributed to the 88299  
appropriate taxing authority as required under division (C) of 88300  
section 5709.49 of the Revised Code in an amount equal to the 88301  
amount of taxes from that additional levy or from the increase in 88302  
the effective tax rate of such renewal or replacement levy that 88303  
would have been payable to that taxing authority from the 88304  
following levies were it not for the exemption authorized under 88305  
this section: 88306

(1) A tax levied under division (L) of section 5705.19 or 88307  
section 5705.191 of the Revised Code for community mental 88308  
retardation and developmental disabilities programs and services 88309  
pursuant to Chapter 5126. of the Revised Code; 88310

(2) A tax levied under division (Y) of section 5705.19 of the 88311  
Revised Code for providing or maintaining senior citizens services 88312  
or facilities; 88313

(3) A tax levied under section 5705.22 of the Revised Code 88314  
for county hospitals; 88315

(4) A tax levied by a joint-county district or by a county 88316  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 88317  
for alcohol, drug addiction, and mental health services or 88318  
facilities; 88319



<u>(5) A tax levied under section 5705.23 of the Revised Code for library purposes;</u>	88320
	88321
<u>(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;</u>	88322
	88323
	88324
<u>(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;</u>	88325
	88326
	88327
<u>(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;</u>	88328
	88329
	88330
<u>(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;</u>	88331
	88332
	88333
	88334
<u>(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;</u>	88335
	88336
<u>(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;</u>	88337
	88338
	88339
	88340
<u>(12) A tax levied under section 3709.29 of the Revised Code for a general health district program.</u>	88341
	88342
<u>(I) The resolution creating a transportation financing district may be amended at any time by majority vote of the boards of county commissioners of each county in which the district is located and with the approval of the director of development services obtained in the same manner as approval of the original resolution.</u>	88343
	88344
	88345
	88346
	88347
	88348
<b><u>Sec. 5709.49. (A) A county that has declared an improvement</u></b>	88349

to be a public purpose under section 5709.48 of the Revised Code 88350  
shall require the owner of any structure located on the parcel to 88351  
make annual service payments in lieu of taxes to the county 88352  
treasurer on or before the final dates for payment of real 88353  
property taxes. Each such payment shall be charged and collected 88354  
in the same manner and in the same amount as the real property 88355  
taxes that would have been charged and payable against the 88356  
improvement if it were not exempt from taxation. If any reduction 88357  
in the levies otherwise applicable to such exempt property is made 88358  
by the county budget commission under section 5705.31 of the 88359  
Revised Code, the amount of the service payment in lieu of taxes 88360  
shall be calculated as if such reduction in levies had not been 88361  
made. 88362

(B) Moneys collected as service payments in lieu of taxes 88363  
from a parcel shall be distributed at the same time and in the 88364  
same manner as real property tax payments. However, subject to 88365  
division (C) of this section or section 5709.913 of the Revised 88366  
Code, the entire amount so collected shall be distributed to the 88367  
county in which the parcel is located. If a resolution adopted 88368  
under section 5709.48 of the Revised Code specifies that service 88369  
payments shall be paid to another subdivision or taxing unit in 88370  
which the parcel is located, the county treasurer shall distribute 88371  
the portion of the service payments to that subdivision or taxing 88372  
unit in an amount equal to the property tax payments the 88373  
subdivision or taxing unit would have received from the portion of 88374  
the parcel's improvement exempted from taxation had the 88375  
improvement not been exempted, or some other amount as directed in 88376  
the resolution. The treasurer shall maintain a record of the 88377  
service payments in lieu of taxes made from property in each 88378  
transportation financing district. 88379

(C) If annual service payments in lieu of taxes are required 88380  
under this section, the county treasurer shall distribute to the 88381

appropriate taxing authorities the portion of the service payments 88382  
that represent payments required under division (H) of section 88383  
5709.48 of the Revised Code. 88384

(D) Nothing in this section or section 5709.48 of the Revised 88385  
Code affects the taxes levied against that portion of the value of 88386  
any parcel of property that is not exempt from taxation. 88387

**Sec. 5709.50.** (A) A county that grants a tax exemption under 88388  
section 5709.48 of the Revised Code shall establish a regional 88389  
transportation improvement project fund into which shall be 88390  
deposited service payments in lieu of taxes distributed to the 88391  
county under section 5709.49 of the Revised Code. Money in the 88392  
regional transportation improvement project fund shall be used to 88393  
compensate subdivisions and taxing units within which exempted 88394  
parcels are located pursuant to agreements entered into by the 88395  
county under division (E) of section 5709.48 of the Revised Code. 88396  
The remainder shall be dispensed to the governing board of the 88397  
regional transportation improvement project and used for the 88398  
purposes described in the resolution creating the transportation 88399  
financing district. 88400

(B) Any incidental surplus remaining in the regional 88401  
transportation improvement project fund or an account of that fund 88402  
upon dissolution of the fund or account shall be transferred to 88403  
the general fund of the county. 88404

**Sec. 5709.62.** (A) In any municipal corporation that is 88405  
defined by the United States office of management and budget as a 88406  
principal city of a metropolitan statistical area, the legislative 88407  
authority of the municipal corporation may designate one or more 88408  
areas within its municipal corporation as proposed enterprise 88409  
zones. Upon designating an area, the legislative authority shall 88410  
petition the director of development services for certification of 88411

the area as having the characteristics set forth in division 88412  
(A)(1) of section 5709.61 of the Revised Code as amended by 88413  
Substitute Senate Bill No. 19 of the 120th general assembly. 88414  
Except as otherwise provided in division (E) of this section, on 88415  
and after July 1, 1994, legislative authorities shall not enter 88416  
into agreements under this section unless the legislative 88417  
authority has petitioned the director and the director has 88418  
certified the zone under this section as amended by that act; 88419  
however, all agreements entered into under this section as it 88420  
existed prior to July 1, 1994, and the incentives granted under 88421  
those agreements shall remain in effect for the period agreed to 88422  
under those agreements. Within sixty days after receiving such a 88423  
petition, the director shall determine whether the area has the 88424  
characteristics set forth in division (A)(1) of section 5709.61 of 88425  
the Revised Code, and shall forward the findings to the 88426  
legislative authority of the municipal corporation. If the 88427  
director certifies the area as having those characteristics, and 88428  
thereby certifies it as a zone, the legislative authority may 88429  
enter into an agreement with an enterprise under division (C) of 88430  
this section. 88431

(B) Any enterprise that wishes to enter into an agreement 88432  
with a municipal corporation under division (C) of this section 88433  
shall submit a proposal to the legislative authority of the 88434  
municipal corporation on a form prescribed by the director of 88435  
development services, together with the application fee 88436  
established under section 5709.68 of the Revised Code. The form 88437  
shall require the following information: 88438

(1) An estimate of the number of new employees whom the 88439  
enterprise intends to hire, or of the number of employees whom the 88440  
enterprise intends to retain, within the zone at a facility that 88441  
is a project site, and an estimate of the amount of payroll of the 88442  
enterprise attributable to these employees; 88443

(2) An estimate of the amount to be invested by the enterprise to establish, expand, renovate, or occupy a facility, including investment in new buildings, additions or improvements to existing buildings, machinery, equipment, furniture, fixtures, and inventory;

(3) A listing of the enterprise's current investment, if any, in a facility as of the date of the proposal's submission.

The enterprise shall review and update the listings required under this division to reflect material changes, and any agreement entered into under division (C) of this section shall set forth final estimates and listings as of the time the agreement is entered into. The legislative authority may, on a separate form and at any time, require any additional information necessary to determine whether an enterprise is in compliance with an agreement and to collect the information required to be reported under section 5709.68 of the Revised Code.

(C) Upon receipt and investigation of a proposal under division (B) of this section, if the legislative authority finds that the enterprise submitting the proposal is qualified by financial responsibility and business experience to create and preserve employment opportunities in the zone and improve the economic climate of the municipal corporation, the legislative authority, ~~on or before October 15, 2017,~~ may do one of the following:

(1) Enter into an agreement with the enterprise under which the enterprise agrees to establish, expand, renovate, or occupy a facility and hire new employees, or preserve employment opportunities for existing employees, in return for one or more of the following incentives:

(a) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to seventy-five per cent, of

the assessed value of tangible personal property first used in 88475  
business at the project site as a result of the agreement. If an 88476  
exemption for inventory is specifically granted in the agreement 88477  
pursuant to this division, the exemption applies to inventory 88478  
required to be listed pursuant to sections 5711.15 and 5711.16 of 88479  
the Revised Code, except that, in the instance of an expansion or 88480  
other situations in which an enterprise was in business at the 88481  
facility prior to the establishment of the zone, the inventory 88482  
that is exempt is that amount or value of inventory in excess of 88483  
the amount or value of inventory required to be listed in the 88484  
personal property tax return of the enterprise in the return for 88485  
the tax year in which the agreement is entered into. 88486

(b) Exemption for a specified number of years, not to exceed 88487  
fifteen, of a specified portion, up to seventy-five per cent, of 88488  
the increase in the assessed valuation of real property 88489  
constituting the project site subsequent to formal approval of the 88490  
agreement by the legislative authority; 88491

(c) Provision for a specified number of years, not to exceed 88492  
fifteen, of any optional services or assistance that the municipal 88493  
corporation is authorized to provide with regard to the project 88494  
site. 88495

(2) Enter into an agreement under which the enterprise agrees 88496  
to remediate an environmentally contaminated facility, to spend an 88497  
amount equal to at least two hundred fifty per cent of the true 88498  
value in money of the real property of the facility prior to 88499  
remediation as determined for the purposes of property taxation to 88500  
establish, expand, renovate, or occupy the remediated facility, 88501  
and to hire new employees or preserve employment opportunities for 88502  
existing employees at the remediated facility, in return for one 88503  
or more of the following incentives: 88504

(a) Exemption for a specified number of years, not to exceed 88505  
fifteen, of a specified portion, not to exceed fifty per cent, of 88506

the assessed valuation of the real property of the facility prior 88507  
to remediation; 88508

(b) Exemption for a specified number of years, not to exceed 88509  
fifteen, of a specified portion, not to exceed one hundred per 88510  
cent, of the increase in the assessed valuation of the real 88511  
property of the facility during or after remediation; 88512

(c) The incentive under division (C)(1)(a) of this section, 88513  
except that the percentage of the assessed value of such property 88514  
exempted from taxation shall not exceed one hundred per cent; 88515

(d) The incentive under division (C)(1)(c) of this section. 88516

(3) Enter into an agreement with an enterprise that plans to 88517  
purchase and operate a large manufacturing facility that has 88518  
ceased operation or announced its intention to cease operation, in 88519  
return for exemption for a specified number of years, not to 88520  
exceed fifteen, of a specified portion, up to one hundred per 88521  
cent, of the assessed value of tangible personal property used in 88522  
business at the project site as a result of the agreement, or of 88523  
the assessed valuation of real property constituting the project 88524  
site, or both. 88525

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 88526  
section, the portion of the assessed value of tangible personal 88527  
property or of the increase in the assessed valuation of real 88528  
property exempted from taxation under those divisions may exceed 88529  
seventy-five per cent in any year for which that portion is 88530  
exempted if the average percentage exempted for all years in which 88531  
the agreement is in effect does not exceed sixty per cent, or if 88532  
the board of education of the city, local, or exempted village 88533  
school district within the territory of which the property is or 88534  
will be located approves a percentage in excess of seventy-five 88535  
per cent. 88536

(2) Notwithstanding any provision of the Revised Code to the 88537

contrary, the exemptions described in divisions (C)(1)(a), (b), 88538  
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 88539  
be for up to fifteen years if the board of education of the city, 88540  
local, or exempted village school district within the territory of 88541  
which the property is or will be located approves a number of 88542  
years in excess of ten. 88543

(3) For the purpose of obtaining the approval of a city, 88544  
local, or exempted village school district under division (D)(1) 88545  
or (2) of this section, the legislative authority shall deliver to 88546  
the board of education a notice not later than forty-five days 88547  
prior to approving the agreement, excluding Saturdays, Sundays, 88548  
and legal holidays as defined in section 1.14 of the Revised Code. 88549  
The notice shall state the percentage to be exempted, an estimate 88550  
of the true value of the property to be exempted, and the number 88551  
of years the property is to be exempted. The board of education, 88552  
by resolution adopted by a majority of the board, shall approve or 88553  
disapprove the agreement and certify a copy of the resolution to 88554  
the legislative authority not later than fourteen days prior to 88555  
the date stipulated by the legislative authority as the date upon 88556  
which approval of the agreement is to be formally considered by 88557  
the legislative authority. The board of education may include in 88558  
the resolution conditions under which the board would approve the 88559  
agreement, including the execution of an agreement to compensate 88560  
the school district under division (B) of section 5709.82 of the 88561  
Revised Code. The legislative authority may approve the agreement 88562  
at any time after the board of education certifies its resolution 88563  
approving the agreement to the legislative authority, or, if the 88564  
board approves the agreement conditionally, at any time after the 88565  
conditions are agreed to by the board and the legislative 88566  
authority. 88567

If a board of education has adopted a resolution waiving its 88568  
right to approve agreements and the resolution remains in effect, 88569



approval of an agreement by the board is not required under this 88570  
division. If a board of education has adopted a resolution 88571  
allowing a legislative authority to deliver the notice required 88572  
under this division fewer than forty-five business days prior to 88573  
the legislative authority's approval of the agreement, the 88574  
legislative authority shall deliver the notice to the board not 88575  
later than the number of days prior to such approval as prescribed 88576  
by the board in its resolution. If a board of education adopts a 88577  
resolution waiving its right to approve agreements or shortening 88578  
the notification period, the board shall certify a copy of the 88579  
resolution to the legislative authority. If the board of education 88580  
rescinds such a resolution, it shall certify notice of the 88581  
rescission to the legislative authority. 88582

(4) The legislative authority shall comply with section 88583  
5709.83 of the Revised Code unless the board of education has 88584  
adopted a resolution under that section waiving its right to 88585  
receive such notice. 88586

(E) This division applies to zones certified by the director 88587  
of development services under this section prior to July 22, 1994. 88588

~~On or before October 15, 2017, the~~ The legislative authority 88589  
that designated a zone to which this division applies may enter 88590  
into an agreement with an enterprise if the legislative authority 88591  
finds that the enterprise satisfies one of the criteria described 88592  
in divisions (E)(1) to (5) of this section: 88593

(1) The enterprise currently has no operations in this state 88594  
and, subject to approval of the agreement, intends to establish 88595  
operations in the zone; 88596

(2) The enterprise currently has operations in this state 88597  
and, subject to approval of the agreement, intends to establish 88598  
operations at a new location in the zone that would not result in 88599  
a reduction in the number of employee positions at any of the 88600

enterprise's other locations in this state; 88601

(3) The enterprise, subject to approval of the agreement, 88602  
intends to relocate operations, currently located in another 88603  
state, to the zone; 88604

(4) The enterprise, subject to approval of the agreement, 88605  
intends to expand operations at an existing site in the zone that 88606  
the enterprise currently operates; 88607

(5) The enterprise, subject to approval of the agreement, 88608  
intends to relocate operations, currently located in this state, 88609  
to the zone, and the director of development services has issued a 88610  
waiver for the enterprise under division (B) of section 5709.633 88611  
of the Revised Code. 88612

The agreement shall require the enterprise to agree to 88613  
establish, expand, renovate, or occupy a facility in the zone and 88614  
hire new employees, or preserve employment opportunities for 88615  
existing employees, in return for one or more of the incentives 88616  
described in division (C) of this section. 88617

(F) All agreements entered into under this section shall be 88618  
in the form prescribed under section 5709.631 of the Revised Code. 88619  
After an agreement is entered into under this section, if the 88620  
legislative authority revokes its designation of a zone, or if the 88621  
director of development services revokes a zone's certification, 88622  
any entitlements granted under the agreement shall continue for 88623  
the number of years specified in the agreement. 88624

(G) Except as otherwise provided in this division, an 88625  
agreement entered into under this section shall require that the 88626  
enterprise pay an annual fee equal to the greater of one per cent 88627  
of the dollar value of incentives offered under the agreement or 88628  
five hundred dollars; provided, however, that if the value of the 88629  
incentives exceeds two hundred fifty thousand dollars, the fee 88630  
shall not exceed two thousand five hundred dollars. The fee shall 88631

be payable to the legislative authority once per year for each 88632  
year the agreement is effective on the days and in the form 88633  
specified in the agreement. Fees paid shall be deposited in a 88634  
special fund created for such purpose by the legislative authority 88635  
and shall be used by the legislative authority exclusively for the 88636  
purpose of complying with section 5709.68 of the Revised Code and 88637  
by the tax incentive review council created under section 5709.85 88638  
of the Revised Code exclusively for the purposes of performing the 88639  
duties prescribed under that section. The legislative authority 88640  
may waive or reduce the amount of the fee charged against an 88641  
enterprise, but such a waiver or reduction does not affect the 88642  
obligations of the legislative authority or the tax incentive 88643  
review council to comply with section 5709.68 or 5709.85 of the 88644  
Revised Code. 88645

(H) When an agreement is entered into pursuant to this 88646  
section, the legislative authority authorizing the agreement shall 88647  
forward a copy of the agreement to the director of development 88648  
services and to the tax commissioner within fifteen days after the 88649  
agreement is entered into. If any agreement includes terms not 88650  
provided for in section 5709.631 of the Revised Code affecting the 88651  
revenue of a city, local, or exempted village school district or 88652  
causing revenue to be forgone by the district, including any 88653  
compensation to be paid to the school district pursuant to section 88654  
5709.82 of the Revised Code, those terms also shall be forwarded 88655  
in writing to the director of development services along with the 88656  
copy of the agreement forwarded under this division. 88657

(I) After an agreement is entered into, the enterprise shall 88658  
file with each personal property tax return required to be filed, 88659  
or annual report required to be filed under section 5727.08 of the 88660  
Revised Code, while the agreement is in effect, an informational 88661  
return, on a form prescribed by the tax commissioner for that 88662  
purpose, setting forth separately the property, and related costs 88663

and values, exempted from taxation under the agreement. 88664

(J) Enterprises may agree to give preference to residents of 88665  
the zone within which the agreement applies relative to residents 88666  
of this state who do not reside in the zone when hiring new 88667  
employees under the agreement. 88668

(K) An agreement entered into under this section may include 88669  
a provision requiring the enterprise to create one or more 88670  
temporary internship positions for students enrolled in a course 88671  
of study at a school or other educational institution in the 88672  
vicinity, and to create a scholarship or provide another form of 88673  
educational financial assistance for students holding such a 88674  
position in exchange for the student's commitment to work for the 88675  
enterprise at the completion of the internship. 88676

(L) The tax commissioner's authority in determining the 88677  
accuracy of any exemption granted by an agreement entered into 88678  
under this section is limited to divisions (C)(1)(a) and (b), 88679  
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 88680  
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 88681  
and, as authorized by law, to enforcing any modification to, or 88682  
revocation of, that agreement by the legislative authority of a 88683  
municipal corporation or the director of development services. 88684

**Sec. 5709.63.** (A) With the consent of the legislative 88685  
authority of each affected municipal corporation or of a board of 88686  
township trustees, a board of county commissioners may, in the 88687  
manner set forth in section 5709.62 of the Revised Code, designate 88688  
one or more areas in one or more municipal corporations or in 88689  
unincorporated areas of the county as proposed enterprise zones. A 88690  
board of county commissioners may designate no more than one area 88691  
within a township, or within adjacent townships, as a proposed 88692  
enterprise zone. The board shall petition the director of 88693  
development services for certification of the area as having the 88694

characteristics set forth in division (A)(1) or (2) of section 88695  
5709.61 of the Revised Code as amended by Substitute Senate Bill 88696  
No. 19 of the 120th general assembly. Except as otherwise provided 88697  
in division (D) of this section, on and after July 1, 1994, boards 88698  
of county commissioners shall not enter into agreements under this 88699  
section unless the board has petitioned the director and the 88700  
director has certified the zone under this section as amended by 88701  
that act; however, all agreements entered into under this section 88702  
as it existed prior to July 1, 1994, and the incentives granted 88703  
under those agreements shall remain in effect for the period 88704  
agreed to under those agreements. The director shall make the 88705  
determination in the manner provided under section 5709.62 of the 88706  
Revised Code. 88707

Any enterprise wishing to enter into an agreement with the 88708  
board under division (B) or (D) of this section shall submit a 88709  
proposal to the board on the form and accompanied by the 88710  
application fee prescribed under division (B) of section 5709.62 88711  
of the Revised Code. The enterprise shall review and update the 88712  
estimates and listings required by the form in the manner required 88713  
under that division. The board may, on a separate form and at any 88714  
time, require any additional information necessary to determine 88715  
whether an enterprise is in compliance with an agreement and to 88716  
collect the information required to be reported under section 88717  
5709.68 of the Revised Code. 88718

(B) If the board of county commissioners finds that an 88719  
enterprise submitting a proposal is qualified by financial 88720  
responsibility and business experience to create and preserve 88721  
employment opportunities in the zone and to improve the economic 88722  
climate of the municipal corporation or municipal corporations or 88723  
the unincorporated areas in which the zone is located and to which 88724  
the proposal applies, the board, ~~on or before October 15, 2017,~~ 88725  
~~and~~ with the consent of the legislative authority of each affected 88726

municipal corporation or of the board of township trustees, may do 88727  
either of the following: 88728

(1) Enter into an agreement with the enterprise under which 88729  
the enterprise agrees to establish, expand, renovate, or occupy a 88730  
facility in the zone and hire new employees, or preserve 88731  
employment opportunities for existing employees, in return for the 88732  
following incentives: 88733

(a) When the facility is located in a municipal corporation, 88734  
the board may enter into an agreement for one or more of the 88735  
incentives provided in division (C) of section 5709.62 of the 88736  
Revised Code, subject to division (D) of that section; 88737

(b) When the facility is located in an unincorporated area, 88738  
the board may enter into an agreement for one or more of the 88739  
following incentives: 88740

(i) Exemption for a specified number of years, not to exceed 88741  
fifteen, of a specified portion, up to sixty per cent, of the 88742  
assessed value of tangible personal property first used in 88743  
business at a project site as a result of the agreement. If an 88744  
exemption for inventory is specifically granted in the agreement 88745  
pursuant to this division, the exemption applies to inventory 88746  
required to be listed pursuant to sections 5711.15 and 5711.16 of 88747  
the Revised Code, except, in the instance of an expansion or other 88748  
situations in which an enterprise was in business at the facility 88749  
prior to the establishment of the zone, the inventory that is 88750  
exempt is that amount or value of inventory in excess of the 88751  
amount or value of inventory required to be listed in the personal 88752  
property tax return of the enterprise in the return for the tax 88753  
year in which the agreement is entered into. 88754

(ii) Exemption for a specified number of years, not to exceed 88755  
fifteen, of a specified portion, up to sixty per cent, of the 88756  
increase in the assessed valuation of real property constituting 88757

the project site subsequent to formal approval of the agreement by the board;

(iii) Provision for a specified number of years, not to exceed fifteen, of any optional services or assistance the board is authorized to provide with regard to the project site;

(iv) The incentive described in division (C)(2) of section 5709.62 of the Revised Code.

(2) Enter into an agreement with an enterprise that plans to purchase and operate a large manufacturing facility that has ceased operation or has announced its intention to cease operation, in return for exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to one hundred per cent, of tangible personal property used in business at the project site as a result of the agreement, or of real property constituting the project site, or both.

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of this section, the portion of the assessed value of tangible personal property or of the increase in the assessed valuation of real property exempted from taxation under those divisions may exceed sixty per cent in any year for which that portion is exempted if the average percentage exempted for all years in which the agreement is in effect does not exceed fifty per cent, or if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a percentage in excess of sixty per cent.

(b) Notwithstanding any provision of the Revised Code to the contrary, the exemptions described in divisions (B)(1)(b)(i), (ii), (iii), and (iv) and (B)(2) of this section may be for up to fifteen years if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a number of years in

excess of ten. 88789

(c) For the purpose of obtaining the approval of a city, 88790  
local, or exempted village school district under division 88791  
(C)(1)(a) or (b) of this section, the board of county 88792  
commissioners shall deliver to the board of education a notice not 88793  
later than forty-five days prior to approving the agreement, 88794  
excluding Saturdays, Sundays, and legal holidays as defined in 88795  
section 1.14 of the Revised Code. The notice shall state the 88796  
percentage to be exempted, an estimate of the true value of the 88797  
property to be exempted, and the number of years the property is 88798  
to be exempted. The board of education, by resolution adopted by a 88799  
majority of the board, shall approve or disapprove the agreement 88800  
and certify a copy of the resolution to the board of county 88801  
commissioners not later than fourteen days prior to the date 88802  
stipulated by the board of county commissioners as the date upon 88803  
which approval of the agreement is to be formally considered by 88804  
the board of county commissioners. The board of education may 88805  
include in the resolution conditions under which the board would 88806  
approve the agreement, including the execution of an agreement to 88807  
compensate the school district under division (B) of section 88808  
5709.82 of the Revised Code. The board of county commissioners may 88809  
approve the agreement at any time after the board of education 88810  
certifies its resolution approving the agreement to the board of 88811  
county commissioners, or, if the board of education approves the 88812  
agreement conditionally, at any time after the conditions are 88813  
agreed to by the board of education and the board of county 88814  
commissioners. 88815

If a board of education has adopted a resolution waiving its 88816  
right to approve agreements and the resolution remains in effect, 88817  
approval of an agreement by the board of education is not required 88818  
under division (C) of this section. If a board of education has 88819  
adopted a resolution allowing a board of county commissioners to 88820



deliver the notice required under this division fewer than 88821  
forty-five business days prior to approval of the agreement by the 88822  
board of county commissioners, the board of county commissioners 88823  
shall deliver the notice to the board of education not later than 88824  
the number of days prior to such approval as prescribed by the 88825  
board of education in its resolution. If a board of education 88826  
adopts a resolution waiving its right to approve agreements or 88827  
shortening the notification period, the board of education shall 88828  
certify a copy of the resolution to the board of county 88829  
commissioners. If the board of education rescinds such a 88830  
resolution, it shall certify notice of the rescission to the board 88831  
of county commissioners. 88832

(2) The board of county commissioners shall comply with 88833  
section 5709.83 of the Revised Code unless the board of education 88834  
has adopted a resolution under that section waiving its right to 88835  
receive such notice. 88836

(D) This division applies to zones certified by the director 88837  
of development services under this section prior to July 22, 1994. 88838

~~On or before October 15, 2017, and with~~ With the consent of 88839  
the legislative authority of each affected municipal corporation 88840  
or board of township trustees of each affected township, the board 88841  
of county commissioners that designated a zone to which this 88842  
division applies may enter into an agreement with an enterprise if 88843  
the board finds that the enterprise satisfies one of the criteria 88844  
described in divisions (D)(1) to (5) of this section: 88845

(1) The enterprise currently has no operations in this state 88846  
and, subject to approval of the agreement, intends to establish 88847  
operations in the zone; 88848

(2) The enterprise currently has operations in this state 88849  
and, subject to approval of the agreement, intends to establish 88850  
operations at a new location in the zone that would not result in 88851

a reduction in the number of employee positions at any of the 88852  
enterprise's other locations in this state; 88853

(3) The enterprise, subject to approval of the agreement, 88854  
intends to relocate operations, currently located in another 88855  
state, to the zone; 88856

(4) The enterprise, subject to approval of the agreement, 88857  
intends to expand operations at an existing site in the zone that 88858  
the enterprise currently operates; 88859

(5) The enterprise, subject to approval of the agreement, 88860  
intends to relocate operations, currently located in this state, 88861  
to the zone, and the director of development services has issued a 88862  
waiver for the enterprise under division (B) of section 5709.633 88863  
of the Revised Code. 88864

The agreement shall require the enterprise to agree to 88865  
establish, expand, renovate, or occupy a facility in the zone and 88866  
hire new employees, or preserve employment opportunities for 88867  
existing employees, in return for one or more of the incentives 88868  
described in division (B) of this section. 88869

(E) All agreements entered into under this section shall be 88870  
in the form prescribed under section 5709.631 of the Revised Code. 88871  
After an agreement under this section is entered into, if the 88872  
board of county commissioners revokes its designation of a zone, 88873  
or if the director of development services revokes a zone's 88874  
certification, any entitlements granted under the agreement shall 88875  
continue for the number of years specified in the agreement. 88876

(F) Except as otherwise provided in this division, an 88877  
agreement entered into under this section shall require that the 88878  
enterprise pay an annual fee equal to the greater of one per cent 88879  
of the dollar value of incentives offered under the agreement or 88880  
five hundred dollars; provided, however, that if the value of the 88881  
incentives exceeds two hundred fifty thousand dollars, the fee 88882

shall not exceed two thousand five hundred dollars. The fee shall 88883  
be payable to the board of county commissioners once per year for 88884  
each year the agreement is effective on the days and in the form 88885  
specified in the agreement. Fees paid shall be deposited in a 88886  
special fund created for such purpose by the board and shall be 88887  
used by the board exclusively for the purpose of complying with 88888  
section 5709.68 of the Revised Code and by the tax incentive 88889  
review council created under section 5709.85 of the Revised Code 88890  
exclusively for the purposes of performing the duties prescribed 88891  
under that section. The board may waive or reduce the amount of 88892  
the fee charged against an enterprise, but such waiver or 88893  
reduction does not affect the obligations of the board or the tax 88894  
incentive review council to comply with section 5709.68 or 5709.85 88895  
of the Revised Code, respectively. 88896

(G) With the approval of the legislative authority of a 88897  
municipal corporation or the board of township trustees of a 88898  
township in which a zone is designated under division (A) of this 88899  
section, the board of county commissioners may delegate to that 88900  
legislative authority or board any powers and duties of the board 88901  
of county commissioners to negotiate and administer agreements 88902  
with regard to that zone under this section. 88903

(H) When an agreement is entered into pursuant to this 88904  
section, the board of county commissioners authorizing the 88905  
agreement or the legislative authority or board of township 88906  
trustees that negotiates and administers the agreement shall 88907  
forward a copy of the agreement to the director of development 88908  
services and to the tax commissioner within fifteen days after the 88909  
agreement is entered into. If any agreement includes terms not 88910  
provided for in section 5709.631 of the Revised Code affecting the 88911  
revenue of a city, local, or exempted village school district or 88912  
causing revenue to be foregone by the district, including any 88913  
compensation to be paid to the school district pursuant to section 88914

5709.82 of the Revised Code, those terms also shall be forwarded 88915  
in writing to the director of development services along with the 88916  
copy of the agreement forwarded under this division. 88917

(I) After an agreement is entered into, the enterprise shall 88918  
file with each personal property tax return required to be filed, 88919  
or annual report that is required to be filed under section 88920  
5727.08 of the Revised Code, while the agreement is in effect, an 88921  
informational return, on a form prescribed by the tax commissioner 88922  
for that purpose, setting forth separately the property, and 88923  
related costs and values, exempted from taxation under the 88924  
agreement. 88925

(J) Enterprises may agree to give preference to residents of 88926  
the zone within which the agreement applies relative to residents 88927  
of this state who do not reside in the zone when hiring new 88928  
employees under the agreement. 88929

(K) An agreement entered into under this section may include 88930  
a provision requiring the enterprise to create one or more 88931  
temporary internship positions for students enrolled in a course 88932  
of study at a school or other educational institution in the 88933  
vicinity, and to create a scholarship or provide another form of 88934  
educational financial assistance for students holding such a 88935  
position in exchange for the student's commitment to work for the 88936  
enterprise at the completion of the internship. 88937

(L) The tax commissioner's authority in determining the 88938  
accuracy of any exemption granted by an agreement entered into 88939  
under this section is limited to divisions (B)(1)(b)(i) and (ii), 88940  
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 88941  
this section as it pertains to divisions (C)(2)(a), (b), and (c) 88942  
of section 5709.62 of the Revised Code, and divisions (B)(1) to 88943  
(10) of section 5709.631 of the Revised Code and, as authorized by 88944  
law, to enforcing any modification to, or revocation of, that 88945  
agreement by the board of county commissioners or the director of 88946

development services or, if the board's powers and duties are 88947  
delegated under division (G) of this section, by the legislative 88948  
authority of a municipal corporation or board of township 88949  
trustees. 88950

**Sec. 5709.632.** (A)(1) The legislative authority of a 88951  
municipal corporation defined by the United States office of 88952  
management and budget as a principal city of a metropolitan 88953  
statistical area may, in the manner set forth in section 5709.62 88954  
of the Revised Code, designate one or more areas in the municipal 88955  
corporation as a proposed enterprise zone. 88956

(2) With the consent of the legislative authority of each 88957  
affected municipal corporation or of a board of township trustees, 88958  
a board of county commissioners may, in the manner set forth in 88959  
section 5709.62 of the Revised Code, designate one or more areas 88960  
in one or more municipal corporations or in unincorporated areas 88961  
of the county as proposed urban jobs and enterprise zones, except 88962  
that a board of county commissioners may designate no more than 88963  
one area within a township, or within adjacent townships, as a 88964  
proposed urban jobs and enterprise zone. 88965

(3) The legislative authority or board of county 88966  
commissioners may petition the director of development services 88967  
for certification of the area as having the characteristics set 88968  
forth in division (A)(3) of section 5709.61 of the Revised Code. 88969  
Within sixty days after receiving such a petition, the director 88970  
shall determine whether the area has the characteristics set forth 88971  
in that division and forward the findings to the legislative 88972  
authority or board of county commissioners. If the director 88973  
certifies the area as having those characteristics and thereby 88974  
certifies it as a zone, the legislative authority or board may 88975  
enter into agreements with enterprises under division (B) of this 88976  
section. Any enterprise wishing to enter into an agreement with a 88977

legislative authority or board of county commissioners under this 88978  
section and satisfying one of the criteria described in divisions 88979  
(B)(1) to (5) of this section shall submit a proposal to the 88980  
legislative authority or board on the form prescribed under 88981  
division (B) of section 5709.62 of the Revised Code and shall 88982  
review and update the estimates and listings required by the form 88983  
in the manner required under that division. The legislative 88984  
authority or board may, on a separate form and at any time, 88985  
require any additional information necessary to determine whether 88986  
an enterprise is in compliance with an agreement and to collect 88987  
the information required to be reported under section 5709.68 of 88988  
the Revised Code. 88989

(B) Prior to entering into an agreement with an enterprise, 88990  
the legislative authority or board of county commissioners shall 88991  
determine whether the enterprise submitting the proposal is 88992  
qualified by financial responsibility and business experience to 88993  
create and preserve employment opportunities in the zone and to 88994  
improve the economic climate of the municipal corporation or 88995  
municipal corporations or the unincorporated areas in which the 88996  
zone is located and to which the proposal applies, and whether the 88997  
enterprise satisfies one of the following criteria: 88998

(1) The enterprise currently has no operations in this state 88999  
and, subject to approval of the agreement, intends to establish 89000  
operations in the zone; 89001

(2) The enterprise currently has operations in this state 89002  
and, subject to approval of the agreement, intends to establish 89003  
operations at a new location in the zone that would not result in 89004  
a reduction in the number of employee positions at any of the 89005  
enterprise's other locations in this state; 89006

(3) The enterprise, subject to approval of the agreement, 89007  
intends to relocate operations, currently located in another 89008  
state, to the zone; 89009

(4) The enterprise, subject to approval of the agreement, 89010  
intends to expand operations at an existing site in the zone that 89011  
the enterprise currently operates; 89012

(5) The enterprise, subject to approval of the agreement, 89013  
intends to relocate operations, currently located in this state, 89014  
to the zone, and the director of development services has issued a 89015  
waiver for the enterprise under division (B) of section 5709.633 89016  
of the Revised Code. 89017

(C) If the legislative authority or board determines that the 89018  
enterprise is so qualified and satisfies one of the criteria 89019  
described in divisions (B)(1) to (5) of this section, the 89020  
legislative authority or board may, after complying with section 89021  
5709.83 of the Revised Code ~~and on or before October 15, 2017,~~ 89022  
and, in the case of a board of commissioners, with the consent of 89023  
the legislative authority of each affected municipal corporation 89024  
or of the board of township trustees, enter into an agreement with 89025  
the enterprise under which the enterprise agrees to establish, 89026  
expand, renovate, or occupy a facility in the zone and hire new 89027  
employees, or preserve employment opportunities for existing 89028  
employees, in return for the following incentives: 89029

(1) When the facility is located in a municipal corporation, 89030  
a legislative authority or board of commissioners may enter into 89031  
an agreement for one or more of the incentives provided in 89032  
division (C) of section 5709.62 of the Revised Code, subject to 89033  
division (D) of that section; 89034

(2) When the facility is located in an unincorporated area, a 89035  
board of commissioners may enter into an agreement for one or more 89036  
of the incentives provided in divisions (B)(1)(b), (B)(2), and 89037  
(B)(3) of section 5709.63 of the Revised Code, subject to division 89038  
(C) of that section. 89039

(D) All agreements entered into under this section shall be 89040

in the form prescribed under section 5709.631 of the Revised Code. 89041  
After an agreement under this section is entered into, if the 89042  
legislative authority or board of county commissioners revokes its 89043  
designation of the zone, or if the director of development 89044  
services revokes the zone's certification, any entitlements 89045  
granted under the agreement shall continue for the number of years 89046  
specified in the agreement. 89047

(E) Except as otherwise provided in this division, an 89048  
agreement entered into under this section shall require that the 89049  
enterprise pay an annual fee equal to the greater of one per cent 89050  
of the dollar value of incentives offered under the agreement or 89051  
five hundred dollars; provided, however, that if the value of the 89052  
incentives exceeds two hundred fifty thousand dollars, the fee 89053  
shall not exceed two thousand five hundred dollars. The fee shall 89054  
be payable to the legislative authority or board of commissioners 89055  
once per year for each year the agreement is effective on the days 89056  
and in the form specified in the agreement. Fees paid shall be 89057  
deposited in a special fund created for such purpose by the 89058  
legislative authority or board and shall be used by the 89059  
legislative authority or board exclusively for the purpose of 89060  
complying with section 5709.68 of the Revised Code and by the tax 89061  
incentive review council created under section 5709.85 of the 89062  
Revised Code exclusively for the purposes of performing the duties 89063  
prescribed under that section. The legislative authority or board 89064  
may waive or reduce the amount of the fee charged against an 89065  
enterprise, but such waiver or reduction does not affect the 89066  
obligations of the legislative authority or board or the tax 89067  
incentive review council to comply with section 5709.68 or 5709.85 89068  
of the Revised Code, respectively. 89069

(F) With the approval of the legislative authority of a 89070  
municipal corporation or the board of township trustees of a 89071  
township in which a zone is designated under division (A)(2) of 89072



this section, the board of county commissioners may delegate to 89073  
that legislative authority or board any powers and duties of the 89074  
board to negotiate and administer agreements with regard to that 89075  
zone under this section. 89076

(G) When an agreement is entered into pursuant to this 89077  
section, the legislative authority or board of commissioners 89078  
authorizing the agreement shall forward a copy of the agreement to 89079  
the director of development services and to the tax commissioner 89080  
within fifteen days after the agreement is entered into. If any 89081  
agreement includes terms not provided for in section 5709.631 of 89082  
the Revised Code affecting the revenue of a city, local, or 89083  
exempted village school district or causing revenue to be forgone 89084  
by the district, including any compensation to be paid to the 89085  
school district pursuant to section 5709.82 of the Revised Code, 89086  
those terms also shall be forwarded in writing to the director of 89087  
development services along with the copy of the agreement 89088  
forwarded under this division. 89089

(H) After an agreement is entered into, the enterprise shall 89090  
file with each personal property tax return required to be filed 89091  
while the agreement is in effect, an informational return, on a 89092  
form prescribed by the tax commissioner for that purpose, setting 89093  
forth separately the property, and related costs and values, 89094  
exempted from taxation under the agreement. 89095

(I) An agreement entered into under this section may include 89096  
a provision requiring the enterprise to create one or more 89097  
temporary internship positions for students enrolled in a course 89098  
of study at a school or other educational institution in the 89099  
vicinity, and to create a scholarship or provide another form of 89100  
educational financial assistance for students holding such a 89101  
position in exchange for the student's commitment to work for the 89102  
enterprise at the completion of the internship. 89103

**Sec. 5709.64.** (A) If an enterprise has been granted an 89104  
incentive for the current calendar year under an agreement entered 89105  
pursuant to section 5709.62, 5709.63, or 5709.632 of the Revised 89106  
Code, it may apply, on or before the thirtieth day of April of 89107  
that year, to the director of development, on a form prescribed by 89108  
the director, for a tax incentive qualification certificate. The 89109  
enterprise qualifies for an initial certificate if, on or before 89110  
the last day of the calendar year immediately preceding that in 89111  
which application is made, it satisfies all of the following 89112  
requirements: 89113

(1) The enterprise has established, expanded, renovated, or 89114  
occupied a facility pursuant to the agreement under section 89115  
5709.62, 5709.63, or 5709.632 of the Revised Code. 89116

(2) The enterprise has hired new employees to fill nonretail 89117  
positions at the facility, at least twenty-five per cent of whom 89118  
at the time they were employed were at least one of the following: 89119

(a) Unemployed persons who had resided at least six months in 89120  
the county in which the enterprise's project site is located; 89121

(b) JPTA eligible employees who had resided at least six 89122  
months in the county in which the enterprise's project site is 89123  
located; 89124

(c) Participants of the Ohio works first program under 89125  
Chapter 5107. of the Revised Code or the prevention, retention, 89126  
and contingency program under Chapter 5108. of the Revised Code or 89127  
recipients of general assistance under former Chapter 5113. of the 89128  
Revised Code, financial assistance under former Chapter 5115. of 89129  
the Revised Code, or unemployment compensation benefits who had 89130  
resided at least six months in the county in which the 89131  
enterprise's project site is located; 89132

(d) ~~Handicapped persons~~ Eligible individuals with 89133

disabilities, as defined under division (A) of section 3304.11 of 89134  
the Revised Code, who had resided at least six months in the 89135  
county in which the enterprise's project site is located; 89136

(e) Residents for at least one year of a zone located in the 89137  
county in which the enterprise's project site is located. 89138

The director of development shall, by rule, establish 89139  
criteria for determining what constitutes a nonretail position at 89140  
a facility. 89141

(3) The average number of positions attributable to the 89142  
enterprise in the municipal corporation during the calendar year 89143  
immediately preceding the calendar year in which application is 89144  
made exceeds the maximum number of positions attributable to the 89145  
enterprise in the municipal corporation during the calendar year 89146  
immediately preceding the first year the enterprise satisfies the 89147  
requirements set forth in divisions (A)(1) and (2) of this 89148  
section. If the enterprise is engaged in a business which, because 89149  
of its seasonal nature, customarily enables the enterprise to 89150  
operate at full capacity only during regularly recurring periods 89151  
of the year, the average number of positions attributable to the 89152  
enterprise in the municipal corporation during each period of the 89153  
calendar year immediately preceding the calendar year in which 89154  
application is made must exceed only the maximum number of 89155  
positions attributable to the enterprise in each corresponding 89156  
period of the calendar year immediately preceding the first year 89157  
the enterprise satisfies the requirements of divisions (A)(1) and 89158  
(2) of this section. The director of development shall, by rule, 89159  
prescribe methods for determining whether an enterprise is engaged 89160  
in a seasonal business and for determining the length of the 89161  
corresponding periods to be compared. 89162

(4) The enterprise has not closed or reduced employment at 89163  
any place of business in the state for the primary purpose of 89164  
establishing, expanding, renovating, or occupying a facility. The 89165

legislative authority of any municipal corporation or the board of 89166  
county commissioners of any county that concludes that an 89167  
enterprise has closed or reduced employment at a place of business 89168  
in that municipal corporation or county for the primary purpose of 89169  
establishing, expanding, renovating, or occupying a facility in a 89170  
zone may appeal to the director to determine whether the 89171  
enterprise has done so. Upon receiving such an appeal, the 89172  
director shall investigate the allegations and make such a 89173  
determination before issuing an initial or renewal tax incentive 89174  
qualification certificate under this section. 89175

Within sixty days after receiving an application under this 89176  
division, the director shall review, investigate, and verify the 89177  
application and determine whether the enterprise qualifies for a 89178  
certificate. The application shall include an affidavit executed 89179  
by the applicant verifying that the enterprise satisfies the 89180  
requirements of division (A)(2) of this section, and shall contain 89181  
such information and documents as the director requires, by rule, 89182  
to ascertain whether the enterprise qualifies for a certificate. 89183  
If the director finds the enterprise qualified, the director shall 89184  
issue a tax incentive qualification certificate, which shall bear 89185  
as its date of issuance the thirtieth day of June of the year of 89186  
application, and shall state that the applicant is entitled to 89187  
receive, for the taxable year that includes the certificate's date 89188  
of issuance, the tax incentives provided under section 5709.65 of 89189  
the Revised Code with regard to the facility to which the 89190  
certificate applies. If an enterprise is issued an initial 89191  
certificate, it may apply, on or before the thirtieth day of April 89192  
of each succeeding calendar year for which it has been granted an 89193  
incentive under an agreement entered pursuant to section 5709.62, 89194  
5709.63, or 5709.632 of the Revised Code, for a renewal 89195  
certificate. Subsequent to its initial certification, the 89196  
enterprise qualifies for up to three successive renewal 89197  
certificates if, on or before the last day of the calendar year 89198

immediately preceding that in which the application is made, it 89199  
satisfies all the requirements of divisions (A)(1) to (4) of this 89200  
section, and neither the zone's designation nor the zone's 89201  
certification has been revoked prior to the fifteenth day of June 89202  
of the year in which the application is made. The application 89203  
shall include an affidavit executed by the applicant verifying 89204  
that the enterprise satisfies the requirements of division (A)(2) 89205  
of this section. An enterprise with ten or more supervisory 89206  
personnel at the facility to which a certificate applies qualifies 89207  
for any subsequent renewal certificates only if it meets all of 89208  
the foregoing requirements and, in addition, at least ten per cent 89209  
of those supervisory personnel are employees who, when first hired 89210  
by the enterprise, satisfied at least one of the criteria 89211  
specified in divisions (A)(2)(a) to (e) of this section. If the 89212  
enterprise qualifies, a renewal certificate shall be issued 89213  
bearing as its date of issuance the thirtieth day of June of the 89214  
year of application. The director shall send copies of the initial 89215  
certificate, and each renewal certificate, by certified mail, to 89216  
the enterprise, the tax commissioner, the board of county 89217  
commissioners, and the chief executive of the municipal 89218  
corporation in which the facility to which the certificate applies 89219  
is located. 89220

(B) If the director determines that an enterprise is not 89221  
qualified for an initial or renewal tax incentive qualification 89222  
certificate, the director shall send notice of this determination, 89223  
specifying the reasons for it, by certified mail, to the 89224  
applicant, the tax commissioner, the board of county 89225  
commissioners, and the chief executive of the municipal 89226  
corporation in which the facility to which the certificate would 89227  
have applied is located. Within thirty days after receiving such a 89228  
notice, an enterprise may request, in writing, a hearing before 89229  
the director for the purpose of reviewing the application and the 89230  
reasons for the determination. Within sixty days after receiving a 89231

request for a hearing, the director shall afford one and, within 89232  
thirty days after the hearing, shall issue a redetermination of 89233  
the enterprise's qualification for a certificate. If the 89234  
enterprise is found to be qualified, the director shall proceed in 89235  
the manner provided under division (A) of this section. If the 89236  
enterprise is found to be unqualified, the director shall send 89237  
notice of this finding, by certified mail, to the applicant, the 89238  
tax commissioner, the board of county commissioners, and the chief 89239  
executive of the municipal corporation in which the facility to 89240  
which the certificate would have applied is located. The 89241  
director's redetermination that an enterprise is unqualified may 89242  
be appealed to the board of tax appeals in the manner provided 89243  
under section 5717.02 of the Revised Code. 89244

**Sec. 5709.68.** (A) On or before the thirty-first day of March 89245  
each year, a municipal corporation or county that has entered into 89246  
an agreement with an enterprise under section 5709.62, 5709.63, or 89247  
5709.632 of the Revised Code shall submit to the director of 89248  
development services and the board of education of each school 89249  
district of which a municipal corporation or township to which 89250  
such an agreement applies is a part a report on all of those 89251  
agreements in effect during the preceding calendar year. The 89252  
report shall include all of the following information: 89253

(1) The designation, assigned by the director of development 89254  
services, of each urban jobs and enterprise zone within the 89255  
municipal corporation or county, the date each zone was certified, 89256  
the name of each municipal corporation or township within each 89257  
zone, and the total population of each zone according to the most 89258  
recent data available; 89259

(2) The number of enterprises that are subject to those 89260  
agreements and the number of full-time employees subject to those 89261  
agreements within each zone, each according to the most recent 89262

data available and identified and categorized by the appropriate 89263  
standard industrial code, and the rate of unemployment in the 89264  
municipal corporation or county in which the zone is located for 89265  
each year since each zone was certified; 89266

(3) The number of agreements approved and executed during the 89267  
calendar year for which the report is submitted, the total number 89268  
of agreements in effect on the thirty-first day of December of the 89269  
preceding calendar year, the number of agreements that expired 89270  
during the calendar year for which the report is submitted, and 89271  
the number of agreements scheduled to expire during the calendar 89272  
year in which the report is submitted. For each agreement that 89273  
expired during the calendar year for which the report is 89274  
submitted, the municipal corporation or county shall include the 89275  
amount of taxes exempted and the estimated dollar value of any 89276  
other incentives provided under the agreement. 89277

(4) The number of agreements receiving compliance reviews by 89278  
the tax incentive review council in the municipal corporation or 89279  
county during the calendar year for which the report is submitted, 89280  
including all of the following information: 89281

(a) The number of agreements the terms of which an enterprise 89282  
has complied with, indicating separately for each agreement the 89283  
value of the real and personal property exempted pursuant to the 89284  
agreement and a comparison of the stipulated and actual schedules 89285  
for hiring new employees, for retaining existing employees, for 89286  
the amount of payroll of the enterprise attributable to these 89287  
employees, and for investing in establishing, expanding, 89288  
renovating, or occupying a facility; 89289

(b) The number of agreements the terms of which an enterprise 89290  
has failed to comply with, indicating separately for each 89291  
agreement the value of the real and personal property exempted 89292  
pursuant to the agreement and a comparison of the stipulated and 89293  
actual schedules for hiring new employees, for retaining existing 89294

employees, for the amount of payroll of the enterprise	89295
attributable to these employees, and for investing in	89296
establishing, expanding, renovating, or occupying a facility;	89297
(c) The number of agreements about which the tax incentive	89298
review council made recommendations to the legislative authority	89299
of the municipal corporation or county, and the number of those	89300
recommendations that have not been followed;	89301
(d) The number of agreements rescinded during the calendar	89302
year for which the report is submitted.	89303
(5) The number of enterprises that are subject to agreements	89304
that expanded within each zone, including the number of new	89305
employees hired and existing employees retained by each	89306
enterprise, and the number of new enterprises that are subject to	89307
agreements and that established within each zone, including the	89308
number of new employees hired by each enterprise;	89309
(6)(a) The number of enterprises that are subject to	89310
agreements and that closed or reduced employment at any place of	89311
business within the state for the primary purpose of establishing,	89312
expanding, renovating, or occupying a facility, indicating	89313
separately for each enterprise the political subdivision in which	89314
the enterprise closed or reduced employment at a place of business	89315
and the number of full-time employees transferred and retained by	89316
each such place of business;	89317
(b) The number of enterprises that are subject to agreements	89318
and that closed or reduced employment at any place of business	89319
outside the state for the primary purpose of establishing,	89320
expanding, renovating, or occupying a facility.	89321
(7) For each agreement in effect during any part of the	89322
preceding year, the number of employees employed by the enterprise	89323
at the project site immediately prior to formal approval of the	89324
agreement, the number of employees employed by the enterprise at	89325



the project site on the thirty-first day of December of the 89326  
preceding year, the payroll of the enterprise for the preceding 89327  
year, the amount of taxes paid on tangible personal property 89328  
situated at the project site and the amount of those taxes that 89329  
were not paid because of the exemption granted under the 89330  
agreement, and the amount of taxes paid on real property 89331  
constituting the project site and the amount of those taxes that 89332  
were not paid because of the exemption granted under the 89333  
agreement. If an agreement was entered into under section 5709.632 89334  
of the Revised Code with an enterprise described in division 89335  
(B)(2) of that section, the report shall include the number of 89336  
employee positions at all of the enterprise's locations in this 89337  
state. If an agreement is conditioned on a waiver issued under 89338  
division (B) of section 5709.633 of the Revised Code on the basis 89339  
of the circumstance described in division (B)(3)(a) or (b) of that 89340  
section, the report shall include the number of employees at the 89341  
facilities referred to in division (B)(3)(a)(i) or (b)(i) of that 89342  
section, respectively. 89343

(B) Upon the failure of a municipal corporation or county to 89344  
comply with division (A) of this section: 89345

(1) Beginning on the first day of April of the calendar year 89346  
in which the municipal corporation or county fails to comply with 89347  
that division, the municipal corporation or county shall not enter 89348  
into any agreements with an enterprise under section 5709.62, 89349  
5709.63, or 5709.632 of the Revised Code until the municipal 89350  
corporation or county has complied with division (A) of this 89351  
section. 89352

(2) On the first day of each ensuing calendar month until the 89353  
municipal corporation or county complies with division (A) of this 89354  
section, the director of development services shall either order 89355  
the proper county auditor to deduct from the next succeeding 89356  
payment of taxes to the municipal corporation or county under 89357

section 321.31, 321.32, 321.33, or 321.34 of the Revised Code an 89358  
amount equal to one thousand dollars for each calendar month the 89359  
municipal corporation or county fails to comply with that 89360  
division, or order the county auditor to deduct that amount from 89361  
the next succeeding payment to the municipal corporation or county 89362  
from the undivided local government fund under section 5747.51 of 89363  
the Revised Code. At the time such a payment is made, the county 89364  
auditor shall comply with the director's order by issuing a 89365  
warrant, drawn on the fund from which the money would have been 89366  
paid, to the director of development services, who shall deposit 89367  
the warrant into the state enterprise zone program administration 89368  
fund created in division (C) of this section. 89369

(C) The director, by rule, shall establish the state's 89370  
application fee for applications submitted to a municipal 89371  
corporation or county to enter into an agreement under section 89372  
5709.62, 5709.63, or 5709.632 of the Revised Code. In establishing 89373  
the amount of the fee, the director shall consider the state's 89374  
cost of administering the enterprise zone program, including the 89375  
cost of reviewing the reports required under division (A) of this 89376  
section. The director may change the amount of the fee at the 89377  
times and in the increments the director considers necessary. Any 89378  
municipal corporation or county that receives an application shall 89379  
collect the application fee and remit the fee for deposit in the 89380  
state treasury to the credit of the ~~business assistance tax~~ 89381  
incentives operating fund created in section 122.174 of the 89382  
Revised Code. 89383

(D) On or before the thirtieth day of June each year, the 89384  
director of development services shall certify to the tax 89385  
commissioner the information described under division (A)(7) of 89386  
this section, derived from the reports submitted to the director 89387  
under this section. 89388

On the basis of the information certified under this 89389

division, the tax commissioner annually shall submit a report to 89390  
the governor, the speaker of the house of representatives, the 89391  
president of the senate, and the chairpersons of the ways and 89392  
means committees of the respective houses of the general assembly, 89393  
indicating for each enterprise zone the amount of state and local 89394  
taxes that were not required to be paid because of exemptions 89395  
granted under agreements entered into under section 5709.62, 89396  
5709.63, or 5709.632 of the Revised Code and the amount of 89397  
additional taxes paid from the payroll of new employees. 89398

**Sec. 5709.92.** (A) As used in this section: 89399

(1) "School district" means a city, local, or exempted 89400  
village school district. 89401

(2) "Joint vocational school district" means a joint 89402  
vocational school district created under section 3311.16 of the 89403  
Revised Code, and includes a cooperative education school district 89404  
created under section 3311.52 or 3311.521 of the Revised Code and 89405  
a county school financing district created under section 3311.50 89406  
of the Revised Code. 89407

(3) "Total resources" means, for purposes of calculating the 89408  
payments made to school districts under division (C)(1) of this 89409  
section, the sum of the amounts described in divisions (A)(3)(a) 89410  
to (g) of this section less any reduction required under division 89411  
(C)~~(3)~~(4)(a) of this section. 89412

(a) The state education aid for fiscal year 2015; 89413

(b) The sum of the payments received in fiscal year 2015 for 89414  
current expense levy losses under division (C)(3) of section 89415  
5727.85 and division (C)(12) of section 5751.21 of the Revised 89416  
Code, as they existed at that time, excluding the portion of such 89417  
payments attributable to levies for joint vocational school 89418  
district purposes; 89419

(c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2015 under division (F)(1) of section 5727.85 and division (E)(1) of section 5751.21 of the Revised Code, as they existed at that time, for fixed-sum levies charged and payable for a purpose other than paying debt charges;

(d) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2014, including taxes charged and payable from emergency levies charged and payable under sections 5705.194 to 5705.197 of the Revised Code, excluding taxes levied for joint vocational school district purposes or levied under section 5705.23 of the Revised Code;

(e) The amount certified for fiscal year 2015 under division (A)(2) of section 3317.08 of the Revised Code;

(f) Distributions received during calendar year 2014 from taxes levied under section 718.09 of the Revised Code;

(g) Distributions received during fiscal year 2015 from the gross casino revenue county student fund.

(4) "Total resources" means, for the purpose of calculating the payments to be made to school districts under division (C)(2) of this section, the sum of the amounts described in divisions (A)(4)(a) to (f) of this section less any reduction required under division (C)(4)(a) of this section.

(a) The state education aid for fiscal year 2017;

(b) The sum of the payments received by the district in fiscal year 2017 under divisions (C)(1) and (D) of this section;

(c) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2016, including taxes charged and payable from emergency levies charged and payable

under sections 5705.194 to 5705.197 of the Revised Code, excluding 89450  
taxes levied for joint vocational school district purposes or 89451  
levied under section 5705.23 of the Revised Code; 89452

(d) Revenue received during calendar year 2016 from an income 89453  
tax levied under Chapter 5748. of the Revised Code; 89454

(e) Distributions received during calendar year 2016 from 89455  
taxes levied under section 718.09 or 718.10 of the Revised Code; 89456

(f) Distributions received during fiscal year 2017 from the 89457  
gross casino revenue county student fund. 89458

(5) "Total resources" means, for the purpose of calculating 89459  
the payments to be made to joint vocational school districts under 89460  
division (C)(3) of this section, the sum of the amounts described 89461  
in divisions (A)(5)(a) to (d) of this section less any reduction 89462  
required under division (C)(4)(a) of this section. 89463

(a) The state education aid for fiscal year 2017; 89464

(b) The sum of the payments received by the district in 89465  
fiscal year 2017 under division (C)(1) of this section; 89466

(c) The district's taxes charged and payable against all 89467  
property on the tax list of real and public utility property for 89468  
current expense purposes for tax year 2016, including taxes 89469  
charged and payable from emergency levies charged and payable 89470  
under sections 5705.194 to 5705.197 of the Revised Code; 89471

(d) Distributions received during fiscal year 2017 from the 89472  
gross casino revenue county student fund. 89473

(6)(a) "State education aid" for a school district means the 89474  
sum of state amounts computed for the district under sections 89475  
3317.022 and 3317.0212 of the Revised Code after any amounts are 89476  
added or subtracted under Section ~~263.240~~ 263.230 of Am. Sub. H.B. 89477  
~~59~~ 64 of the ~~130th~~ 131st general assembly, entitled "TRANSITIONAL 89478  
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 89479

(b) "State education aid" for a joint vocational district 89480  
means the amount computed for the district under section 3317.16 89481  
of the Revised Code after any amounts are added or subtracted 89482  
under Section ~~263.250~~ 263.240 of Am. Sub. H.B. ~~59~~ 64 of the ~~130th~~ 89483  
131st general assembly, entitled "TRANSITIONAL AID FOR JOINT 89484  
VOCATIONAL SCHOOL DISTRICTS." 89485

~~(5)~~(7) "Taxes charged and payable" means taxes charged and 89486  
payable after the reduction required by section 319.301 of the 89487  
Revised Code but before the reductions required by sections 89488  
319.302 and 323.152 of the Revised Code. 89489

~~(6)~~(8) "Capacity quintile" means the capacity measure 89490  
quintiles determined under division (B) of this section. 89491

~~(7)~~(9) "Threshold per cent" means the following: 89492

(a) For a school district in the lowest capacity quintile, 89493  
one per cent for fiscal year 2016 and two per cent for fiscal year 89494  
2017. 89495

(b) For a school district in the second lowest capacity 89496  
quintile, one and one-fourth per cent for fiscal year 2016 and two 89497  
and one-half per cent for fiscal year 2017. 89498

(c) For a school district in the third lowest capacity 89499  
quintile, one and one-half per cent for fiscal year 2016 and three 89500  
per cent for fiscal year 2017. 89501

(d) For a school district in the second highest capacity 89502  
quintile, one and three-fourths per cent for fiscal year 2016 and 89503  
three and one-half per cent for fiscal year 2017. 89504

(e) For a school district in the highest capacity quintile, 89505  
two per cent for fiscal year 2016 and four per cent for fiscal 89506  
year 2017. 89507

(f) For a joint vocational school district, two per cent for 89508  
fiscal year 2016 and four per cent for fiscal year 2017. 89509

~~(8)~~(10) "Current expense allocation" means the sum of the 89510  
payments received by a school district or joint vocational school 89511  
district in fiscal year 2015 for current expense levy losses under 89512  
division (C)(3) of section 5727.85 and division (C)(12) of section 89513  
5751.21 of the Revised Code as they existed at that time, less any 89514  
reduction required under division (C)~~(3)~~(4)(b) of this section. 89515

~~(9)~~(11) "Non-current expense allocation" means the sum of the 89516  
payments received by a school district or joint vocational school 89517  
district in fiscal year 2015 for levy losses under division 89518  
(C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 89519  
5751.21 of the Revised Code, as they existed at that time, and 89520  
levy losses in fiscal year 2015 under division (H) of section 89521  
5727.84 of the Revised Code as that section existed at that time 89522  
attributable to levies for and payments received for losses on 89523  
levies intended to generate money for maintenance of classroom 89524  
facilities. 89525

~~(10)~~(12) "Operating TPP fixed-sum levy losses" means the sum 89526  
of payments received by a school district in fiscal year 2015 for 89527  
levy losses under division (E) of section 5751.21 of the Revised 89528  
Code, excluding levy losses for debt purposes. 89529

~~(11)~~(13) "Operating S.B. 3 fixed-sum levy losses" means the 89530  
sum of payments received by the school district in fiscal year 89531  
2015 for levy losses under division (H) of section 5727.84 of the 89532  
Revised Code, excluding levy losses for debt purposes. 89533

~~(12)~~(14) "TPP fixed-sum debt levy losses" means the sum of 89534  
payments received by a school district in fiscal year 2015 for 89535  
levy losses under division (E) of section 5751.21 of the Revised 89536  
Code for debt purposes. 89537

~~(13)~~(15) "S.B. 3 fixed-sum debt levy losses" means the sum of 89538  
payments received by the school district in fiscal year 2015 for 89539  
levy losses under division (H) of section 5727.84 of the Revised 89540

Code for debt purposes. 89541

~~(14)~~(16) "Qualifying levies" means qualifying levies 89542  
described in section 5751.20 of the Revised Code as that section 89543  
was in effect before July 1, 2015. 89544

~~(15)~~(17) "Total taxable value" has the same meaning as in 89545  
section 3317.02 of the Revised Code. 89546

(B) The department of education shall rank all school 89547  
districts in the order of districts' capacity measures determined 89548  
under former section 3317.018 of the Revised Code from lowest to 89549  
highest, and divide such ranking into quintiles, with the first 89550  
quintile containing the twenty per cent of school districts having 89551  
the lowest capacity measure and the fifth quintile containing the 89552  
twenty per cent of school districts having the highest capacity 89553  
measure. This calculation and ranking shall be performed once, in 89554  
fiscal year 2016. 89555

(C)(1) In fiscal year 2016, payments shall be made to school 89556  
districts and joint vocational school districts equal to the sum 89557  
of the amounts described in divisions (C)(1)(a) or (b) and 89558  
(C)(1)(c) of this section. In fiscal year 2017, payments shall be 89559  
made to school districts and joint vocational school districts 89560  
equal to the amount described in division (C)(1)(a) or (b) of this 89561  
section. 89562

(a) If the ratio of the current expense allocation to total 89563  
resources is equal to or less than the district's threshold per 89564  
cent, zero; 89565

(b) If the ratio of the current expense allocation to total 89566  
resources is greater than the district's threshold per cent, the 89567  
difference between the current expense allocation and the product 89568  
of the threshold percentage and total resources; 89569

(c) For fiscal year 2016, the product of the non-current 89570  
expense allocation multiplied by fifty per cent. 89571



(2) In fiscal year 2018 and subsequent fiscal years, payments shall be made to school districts ~~and other than~~ joint vocational school districts equal to the following amounts:

(a) For fiscal year 2018, the greater of the amounts described in division (C)(2)(a)(i) or (ii) of this section.

(i) The difference obtained by subtracting the amount described in division (C)(2)~~(b)~~(a)(i)(II) of this section from the amount described in division (C)(2)(a)(i)(I) of this section, provided that such amount is greater than zero.

~~(a)(I)~~ The sum of the payments received by the district under division (C)(1)(b) ~~or (C)(2)~~ of this section for ~~the immediately preceding~~ fiscal year 2017;

~~(b)(II)~~ One-sixteenth of one per cent of the average of the total taxable value of the district for tax years 2014, 2015, and 2016.

(ii) The difference obtained by subtracting the amount described in division (C)(2)(a)(ii)(II) of this section from the amount described in division (C)(2)(a)(ii)(I) of this section, provided that such amount is greater than zero.

(I) The sum of the payments received by the district in fiscal year 2017 under division (C)(1)(b) of this section and Section 263.325 of Am. Sub. H.B. 64 of the 131st general assembly, as amended by Sub. S.B. 208 of the 131st general assembly;

(II) Three and one-half per cent of the district's total resources.

(b) For fiscal year 2019, the difference obtained by subtracting the amount described in division (C)(2)(b)(ii) of this section from the amount described in division (C)(2)(b)(i) of this section, provided that such amount is greater than zero.

(i) The payments received by the district for fiscal year

2018 under division (C)(2)(a) of this section; 89602

(ii) One-sixteenth of one per cent of the average of the 89603  
total taxable value of the district for tax years 2015, 2016, and 89604  
2017. 89605

(c) For fiscal year 2020 and subsequent fiscal years, the 89606  
difference obtained by subtracting the amount described in 89607  
division (C)(2)(c)(ii) of this section from the amount described 89608  
in division (C)(2)(c)(i) of this section, provided that such 89609  
amount is greater than zero. 89610

(i) The payments received by the district under division 89611  
(C)(2) of this section for the immediately preceding fiscal year; 89612

(ii) One-fourth of one-tenth of one per cent of the average 89613  
of the total taxable value of the district for tax years 2016, 89614  
2017, and 2018. 89615

(3) In fiscal year 2018 and subsequent fiscal years, payments 89616  
shall be made to joint vocational school districts equal to the 89617  
difference obtained by subtracting the amount described in 89618  
division (C)(3)(b) of this section from the amount described in 89619  
division (C)(3)(a) of this section, provided that such amount is 89620  
greater than zero. 89621

(a) The sum of the payments received by the district under 89622  
division (C)(1)(b) or (3) of this section for the immediately 89623  
preceding fiscal year; 89624

(b) Three and one-half per cent of the district's total 89625  
resources. 89626

(4)(a) "Total resources" used to compute payments under 89627  
division (C)(1) of this section shall be reduced to the extent 89628  
that payments distributed in fiscal year 2015 were attributable to 89629  
levies no longer charged and payable for tax year 2014. "Total 89630  
resources" used to compute payments under divisions (C)(2) and (3) 89631

of this section shall be reduced to the extent that payments 89632  
distributed in fiscal year 2017 were attributable to levies no 89633  
longer charged and payable for tax year 2016. 89634

(b) "Current expense allocation" used to compute payments 89635  
under division (C)(1) of this section shall be reduced to the 89636  
extent that the payments distributed in fiscal year 2015 were 89637  
attributable to levies no longer charged and payable for tax year 89638  
2014. 89639

~~(4)~~(5) The department of education shall report to each 89640  
school district and joint vocational school district the 89641  
apportionment of the payments under division (C)(1) of this 89642  
section among the district's funds based on qualifying levies. 89643

(D)(1) Payments in the following amounts shall be made to 89644  
school districts and joint vocational school districts in tax 89645  
years 2016 through 2021: 89646

(a) In tax year 2016, the sum of the district's operating TPP 89647  
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 89648

(b) In tax year 2017, the sum of the district's operating TPP 89649  
fixed-sum levy losses and eighty per cent of operating S.B. 3 89650  
fixed-sum levy losses. 89651

(c) In tax year 2018, the sum of eighty per cent of the 89652  
district's operating TPP fixed-sum levy losses and sixty per cent 89653  
of its operating S.B. 3 fixed-sum levy losses. 89654

(d) In tax year 2019, the sum of sixty per cent of the 89655  
district's operating TPP fixed-sum levy losses and forty per cent 89656  
of its operating S.B. 3 fixed-sum levy losses. 89657

(e) In tax year 2020, the sum of forty per cent of the 89658  
district's operating TPP fixed-sum levy losses and twenty per cent 89659  
of its operating S.B. 3 fixed-sum levy losses. 89660

(f) In tax year 2021, twenty per cent of the district's 89661

operating TPP fixed-sum levy losses. 89662

No payment shall be made under division (D)(1) of this 89663  
section after tax year 2021. 89664

(2) Amounts are payable under division (D) of this section 89665  
for fixed-sum levy losses only to the extent of such losses for 89666  
qualifying levies that remain in effect for the current tax year. 89667  
For this purpose, a qualifying levy levied under section 5705.194 89668  
or 5705.213 of the Revised Code remains in effect for the current 89669  
tax year only if a tax levied under either of those sections is 89670  
charged and payable for the current tax year for an annual sum at 89671  
least equal to the annual sum levied by the board of education for 89672  
tax year 2004 under those sections less the amount of the payment 89673  
under this division. 89674

(E)(1) For fixed-sum levies for debt purposes, payments shall 89675  
be made to school districts and joint vocational school districts 89676  
equal to one hundred per cent of the district's fixed-sum levy 89677  
loss determined under division (E) of section 5751.20 and division 89678  
(H) of section 5727.84 of the Revised Code as in effect before 89679  
July 1, 2015, and paid in tax year 2014. No payment shall be made 89680  
for qualifying levies that are no longer charged and payable. 89681

(2) Beginning in 2016, by the thirty-first day of January of 89682  
each year, the tax commissioner shall review the calculation of 89683  
fixed-sum levy loss for debt purposes determined under division 89684  
(E) of section 5751.20 and division (H) of section 5727.84 of the 89685  
Revised Code as in effect before July 1, 2015. If the commissioner 89686  
determines that a fixed-sum levy that had been scheduled to be 89687  
reimbursed in the current year is no longer charged and payable, a 89688  
revised calculation for that year and all subsequent years shall 89689  
be made. 89690

(F)(1) For taxes levied within the ten-mill limitation for 89691  
debt purposes in tax year 1998 in the case of electric company tax 89692

value losses, and in tax year 1999 in the case of natural gas 89693  
company tax value losses, payments shall be made to school 89694  
districts and joint vocational school districts equal to one 89695  
hundred per cent of the loss computed under division (D) of 89696  
section 5727.85 of the Revised Code as in effect before July 1, 89697  
2015, as if the tax were a fixed-rate levy, but those payments 89698  
shall extend through fiscal year 2016. 89699

(2) For taxes levied within the ten-mill limitation for debt 89700  
purposes in tax year 2005, payments shall be made to school 89701  
districts and joint vocational school districts equal to one 89702  
hundred per cent of the loss computed under division (D) of 89703  
section 5751.21 of the Revised Code as in effect before July 1, 89704  
2015, as if the tax were a fixed-rate levy, but those payments 89705  
shall extend through fiscal year 2018. 89706

(G) If all the territory of a school district or joint 89707  
vocational school district is merged with another district, or if 89708  
a part of the territory of a school district or joint vocational 89709  
school district is transferred to an existing or newly created 89710  
district, the department of education, in consultation with the 89711  
tax commissioner, shall adjust the payments made under this 89712  
section as follows: 89713

(1) For a merger of two or more districts, fixed-sum levy 89714  
losses, total resources, current expense allocation, and 89715  
non-current expense allocation of the successor district shall be 89716  
the sum of such items for each of the districts involved in the 89717  
merger. 89718

(2) If property is transferred from one district to a 89719  
previously existing district, the amount of the total resources, 89720  
current expense allocation, and non-current expense allocation 89721  
that shall be transferred to the recipient district shall be an 89722  
amount equal to the total resources, current expense allocation, 89723  
and non-current expense allocation of the transferor district 89724

times a fraction, the numerator of which is the number of pupils 89725  
being transferred to the recipient district, measured, in the case 89726  
of a school district, by formula ADM as defined in section 3317.02 89727  
of the Revised Code or, in the case of a joint vocational school 89728  
district, by formula ADM as defined for a joint vocational school 89729  
district in that section, and the denominator of which is the 89730  
formula ADM of the transferor district. 89731

(3) After December 31, 2010, if property is transferred from 89732  
one or more districts to a district that is newly created out of 89733  
the transferred property, the newly created district shall be 89734  
deemed not to have any total resources, current expense 89735  
allocation, total allocation, or non-current expense allocation. 89736

(4) If the recipient district under division (G)(2) of this 89737  
section or the newly created district under division (G)(3) of 89738  
this section is assuming debt from one or more of the districts 89739  
from which the property was transferred and any of the districts 89740  
losing the property had fixed-sum levy losses, the department of 89741  
education, in consultation with the tax commissioner, shall make 89742  
an equitable division of the reimbursements for those losses. 89743

(H) The payments required by divisions (C), (D), (E), and (F) 89744  
of this section shall be distributed periodically to each school 89745  
and joint vocational school district by the department of 89746  
education unless otherwise provided for. Except as provided in 89747  
division (D) of this section, if a levy that is a qualifying levy 89748  
is not charged and payable in any year after 2014, payments to the 89749  
school district or joint vocational school district shall be 89750  
reduced to the extent that the payments distributed in fiscal year 89751  
2015 were attributable to the levy loss of that levy. 89752

**Sec. 5713.051.** (A) As used in this section: 89753

(1) "Oil" means all grades of crude oil. 89754

- (2) "Gas" means all forms of natural gas. 89755
- (3) "Well" means an oil or gas well or an oil and gas well. 89756
- (4) "M.C.F." means one thousand cubic feet. 89757
- (5) "Commonly metered wells" means two or more wells that 89758  
share the same meter. 89759
- (6) "Total production" means the total amount of oil, 89760  
measured in barrels, and the total amount of gas, measured in 89761  
M.C.F., of all oil and gas actually produced and sold from a 89762  
single well that is developed and producing on the tax lien date. 89763  
For commonly metered wells, "total production" means the total 89764  
amount of oil, measured in barrels, and the total amount of gas, 89765  
measured in M.C.F., of all oil and gas actually produced and sold 89766  
from the commonly metered wells divided by the number of the 89767  
commonly metered wells. 89768
- (7) "Flush production" means total production from a single 89769  
well during the first twelve calendar months during not more than 89770  
two consecutive calendar years after a well first begins to 89771  
produce. For commonly metered wells, "flush production" means 89772  
total production during the first twelve calendar months during 89773  
not more than two consecutive calendar years after a well first 89774  
begins to produce from all wells with flush production divided by 89775  
the number of those wells. 89776
- (8) "Production through secondary recovery methods" means 89777  
total production from a single well where mechanically induced 89778  
pressure, such as air, nitrogen, carbon dioxide, or water 89779  
pressure, is used to stimulate and maintain production in the oil 89780  
and gas reservoir, exclusive of any flush production. For commonly 89781  
metered wells, "production through secondary recovery methods" 89782  
means total production from all wells with production through 89783  
secondary recovery methods divided by the number of ~~the~~ those 89784  
wells. 89785

(9) "Stabilized production" means total production reduced, 89786  
if applicable, by the greater of forty-two and one-half per cent 89787  
of flush production or fifty per cent of production through 89788  
secondary recovery methods. 89789

(10) "Average daily production" means stabilized production 89790  
divided by three hundred sixty-five, provided the well was in 89791  
production at the beginning of the calendar year. If the well was 89792  
not in production at the beginning of the calendar year, "average 89793  
daily production" means stabilized production divided by the 89794  
number of days beginning with the day the well went into 89795  
production in the calendar year and ending with the thirty-first 89796  
day of December. 89797

(11) "Gross price" means the unweighted average price per 89798  
barrel of oil or the average price per M.C.F. of gas produced from 89799  
Ohio wells and first sold during the five-year period ending with 89800  
the calendar year immediately preceding the tax lien date, as 89801  
reported by the department of natural resources. 89802

(12) "Average annual decline rate" means the amount of yearly 89803  
decline in oil and gas production of a well after flush production 89804  
has ended. For the purposes of this section, the average annual 89805  
decline rate is thirteen per cent. 89806

(13) "Gross revenue" means the gross revenue from a well 89807  
during a ten-year discount period with production assumed to be 89808  
one barrel of oil or one M.C.F. of gas during the first year of 89809  
production and declining at the annual average annual decline rate 89810  
during the remaining nine years of the ten-year discount period, 89811  
as follows: 89812

(a) First year: one barrel or one M.C.F. multiplied by gross 89813  
price; 89814

(b) Second year: 0.870 barrel or 0.870 M.C.F. multiplied by 89815  
gross price; 89816



(c) Third year: 0.757 barrel or 0.757 M.C.F. multiplied by gross price;	89817 89818
(d) Fourth year: 0.659 barrel or 0.659 M.C.F. multiplied by gross price;	89819 89820
(e) Fifth year: 0.573 barrel or 0.573 M.C.F. multiplied by gross price;	89821 89822
(f) Sixth year: 0.498 barrel or 0.498 M.C.F. multiplied by gross price;	89823 89824
(g) Seventh year: 0.434 barrel or 0.434 M.C.F. multiplied by gross price;	89825 89826
(h) Eighth year: 0.377 barrel or 0.377 M.C.F. multiplied by gross price;	89827 89828
(i) Ninth year: 0.328 barrel or 0.328 M.C.F. multiplied by gross price;	89829 89830
(j) Tenth year: 0.286 barrel or 0.286 M.C.F. multiplied by gross price.	89831 89832
(14) "Average royalty expense" means the annual cost of royalties paid by all working interest owners in a well. For the purposes of this section, the average royalty expense is fifteen per cent of annual gross revenue.	89833 89834 89835 89836
(15) "Average operating expense" means the annual cost of operating and maintaining a producing well after it first begins production. For the purposes of this section, the average operating expense is forty per cent of annual gross revenue.	89837 89838 89839 89840
(16) "Average capital recovery expense" means the annual capitalized investment cost of a developed and producing well. For the purposes of this section, average capital recovery expense is thirty per cent of annual gross revenue.	89841 89842 89843 89844
(17) "Discount rate" means the rate used to determine the present net worth of one dollar during each year of the ten-year	89845 89846

discount period assuming the net income stream projected for each 89847  
year of the ten-year discount period is received at the half-year 89848  
point. For the purposes of this section, the discount rate equals 89849  
thirteen per cent plus the rate per annum prescribed by division 89850  
(B) of section 5703.47 of the Revised Code and determined by the 89851  
tax commissioner in October of the calendar year immediately 89852  
preceding the tax lien date. 89853

(B) The true value in money of oil reserves constituting real 89854  
property on tax lien dates January 1, 2007, and thereafter with 89855  
respect to a developed and producing well that has not been the 89856  
subject of a recent arm's length sale, exclusive of personal 89857  
property necessary to recover the oil, shall be determined under 89858  
division (B)(1) or (2) of this section. 89859

(1) For ~~wells~~ oil reserves for which average daily production 89860  
of oil from a well is one barrel or more in the calendar year 89861  
preceding the tax lien date, the true value in money equals the 89862  
average daily production of oil from the well multiplied by the 89863  
net present value of one barrel of oil, where: 89864

(a) Net present value of one barrel of oil = 365 x the sum of 89865  
[net income for each year of the discount period x discount rate 89866  
factor for that year] for all years in the discount period; and 89867

(b) Net income for a year of the discount period = gross 89868  
revenue for that year minus the sum of the following for that 89869  
year: average royalty expense, average operating expense, and 89870  
average capital recovery expense. 89871

(2) For ~~wells~~ oil reserves for which average daily production 89872  
of oil from a well is less than one barrel in the calendar year 89873  
preceding the tax lien date, the true value in money equals the 89874  
average daily production of the well, if any, in the calendar year 89875  
preceding the tax lien date multiplied by sixty per cent of the 89876  
net present value of one barrel of oil as computed under division 89877

(B)(1) of this section. 89878

(C) The true value in money of gas reserves constituting real 89879  
property on tax lien dates January 1, 2007, and thereafter with 89880  
respect to a developed and producing well that has not been the 89881  
subject of a recent arm's length sale, exclusive of personal 89882  
property necessary to recover the gas, shall be determined under 89883  
division (C)(1) or (2) of this section. 89884

(1) For ~~wells~~ gas reserves for which average daily production 89885  
of gas from a well is eight M.C.F. or more in the calendar year 89886  
preceding the tax lien date, the true value in money equals the 89887  
average daily production of gas from the well multiplied by the 89888  
net present value of one M.C.F. of gas, where: 89889

(a) Net present value of one M.C.F. of gas = 365 x the sum of 89890  
[net income for each year of the discount period x discount rate 89891  
factor for that year] for all years in the discount period; and 89892

(b) Net income for a year of the discount period = gross 89893  
revenue for that year minus the sum of the following for that 89894  
year: average royalty expense, average operating expense, and 89895  
average capital recovery expense. 89896

(2) For ~~wells~~ gas reserves for which average daily production 89897  
of gas from a well is less than eight M.C.F. in the calendar year 89898  
preceding the tax lien date, the true value in money equals the 89899  
average daily production of the well, if any, in the calendar year 89900  
preceding the tax lien date multiplied by fifty per cent of the 89901  
net present value of one M.C.F. as computed under division (C)(1) 89902  
of this section. 89903

(D) No method other than the method described in this section 89904  
shall be used to determine the true value in money of oil or gas 89905  
reserves for property tax purposes. 89906

**Sec. 5713.31.** At any time after the first Monday in January 89907

and prior to the first Monday in March of any year, an owner of 89908  
agricultural land may file an application with the county auditor 89909  
of the county in which such land is located, requesting the 89910  
auditor to value the land for real property tax purposes at the 89911  
current value such land has for agricultural use, in accordance 89912  
with section 5715.01 of the Revised Code and the rules adopted by 89913  
the commissioner for the valuation of such land. An owner's first 89914  
application with respect to the owner's land shall be in the form 89915  
of an initial application. Each application filed in ensuing 89916  
consecutive years after the initial application by that owner 89917  
shall be in the form of a renewal application. The commissioner 89918  
shall prescribe the form of the initial and the renewal 89919  
application, but the renewal application shall require no more 89920  
information than is necessary to establish the applicant's 89921  
continued eligibility to have the applicant's land valued for 89922  
agricultural use, for all lots, parcels, or tracts of land, or 89923  
portions thereof, within a county, that have been valued at the 89924  
current value of such land for agricultural use in the preceding 89925  
tax year. If, on the first day of January of the tax year, any 89926  
portion of the applicant's agricultural land is used for a 89927  
conservation practice or devoted to a land retirement or 89928  
conservation program under an agreement with an agency of the 89929  
federal government, the applicant shall so indicate on the initial 89930  
or renewal application. 89931

On or before the second Tuesday after the first Monday in 89932  
March, the auditor shall determine whether the current owner of 89933  
any lot, parcel, or tract of land or portion thereof contained in 89934  
the preceding tax year's agricultural land tax list failed to file 89935  
an initial or renewal application, as appropriate, for the current 89936  
tax year with respect to such lot, parcel, or tract or portion 89937  
thereof. The auditor shall forthwith notify, by certified mail, 89938  
each owner who failed to file an application that unless 89939  
application is filed with the auditor prior to the first Monday of 89940

April of the current year, the land will be valued for real 89941  
property tax purposes in the current tax year at its true value in 89942  
money and that the recoupment required by sections 5713.34 and 89943  
5713.35 of the Revised Code will be placed on the current year's 89944  
tax list and duplicate for collection. 89945

Each initial application shall be accompanied by a fee of 89946  
twenty-five dollars. Application fees shall be paid into the 89947  
county treasury to the credit of the real estate assessment fund 89948  
created under section 325.31 of the Revised Code. 89949

Upon receipt of an application and payment of the required 89950  
fee the auditor shall determine whether the information contained 89951  
therein is correct and the application complete. 89952

If the auditor determines the information is incorrect or the 89953  
application is incomplete, the auditor shall return the 89954  
application to the applicant by certified mail with an enumeration 89955  
of the items which are incorrect or incomplete. An applicant may 89956  
file an amended application, without charge, within fifteen days 89957  
of the receipt of the returned application. 89958

If the auditor determines the application or amended 89959  
application is complete and the information therein is correct, 89960  
the auditor shall, prior to the first Monday in August, view or 89961  
cause to be viewed the land described in the application and 89962  
determine whether the land is land devoted exclusively to 89963  
agricultural use. 89964

If the auditor determines, which determination shall be made 89965  
as of the first Monday of August, annually, that the land is land 89966  
devoted exclusively to agricultural use, the auditor shall 89967  
appraise it for real property tax purposes in accordance with 89968  
section 5715.01 of the Revised Code and the rules adopted by the 89969  
commissioner for the valuation of land devoted exclusively to 89970  
agricultural use and such appraised value shall be the value used 89971

by the auditor in determining the taxable value of such land for 89972  
the current tax year under section 5713.03 of the Revised Code and 89973  
as shown on the general tax list compiled under section 319.28 of 89974  
the Revised Code. 89975

The auditor shall enter on the real property record required 89976  
under section 5713.03 of the Revised Code for the tract, lot, or 89977  
parcel of land so appraised, in addition to the other information 89978  
required to be recorded thereon, its value as land devoted 89979  
exclusively to agricultural use based on the values determined by 89980  
the commissioner for each soil type present in the tract, lot, or 89981  
parcel. Subject to division (A)(1) of section 5713.34 of the 89982  
Revised Code, tracts, lots, or parcels of land or portions thereof 89983  
used for a conservation practice or devoted to a land retirement 89984  
or conservation program under an agreement with an agency of the 89985  
federal government on the first day of January of the tax year 89986  
shall be valued at the lowest valued of all soil types listed in 89987  
the commissioner's annual publication of the per-acre agricultural 89988  
use values for each soil type in the state. For the purposes of 89989  
this section and division (A)(1) of section 5713.34 of the Revised 89990  
Code, "conservation practice" shall not include the use of cover 89991  
crops. 89992

**Sec. 5713.33.** (A) The county auditor shall make and maintain 89993  
an "agricultural land tax list," on forms prescribed by the tax 89994  
commissioner, listing each tract, lot or parcel of land which has 89995  
been valued for tax purposes as land devoted exclusively to 89996  
agricultural use under section 5713.31 of the Revised Code, 89997  
showing: 89998

~~(A)~~(1) The name of the owner; 89999

~~(B)~~(2) A description of the land; 90000

~~(C)~~(3) The current agricultural use value and taxable value 90001  
of the land as land devoted exclusively to agricultural use, as 90002

provided by section 5713.31 of the Revised Code; 90003

~~(D)~~(4) The true value, and taxable value, of the land as 90004  
determined in accordance with Section 2, Article XII, of the Ohio 90005  
Constitution; 90006

~~(E)~~(5) The dollar amount of real property taxes levied 90007  
against such land under section 319.30 of the Revised Code for the 90008  
current tax year; 90009

~~(F)~~(6) The dollar amount of real property taxes which would 90010  
have been levied against such land for the current tax year under 90011  
section 319.30 of the Revised Code if it had been valued for tax 90012  
purposes in accordance with Section 2, Article XII, of the Ohio 90013  
Constitution; 90014

~~(G)~~(7) The dollar difference between the amounts shown in 90015  
divisions ~~(E)~~(A)(5) and ~~(F)~~(6) of this section. 90016

(B) Annually, upon determining the sums to be levied upon 90017  
each tract and lot of real property under section 319.30 of the 90018  
Revised Code, the county auditor shall enter upon the 90019  
"agricultural land tax list" for each tract, lot or parcel of land 90020  
valued under section 5713.31 of the Revised Code for the current 90021  
tax year the appropriate figures for the current tax year, as 90022  
required by this section. 90023

(C) Annually, the tax commissioner shall make available 90024  
electronically a report that aggregates, by taxing district, the 90025  
information described in divisions (A)(3) and (4) of this section 90026  
for all such land for the preceeding tax year. The report shall be 90027  
compiled in such a manner that the information can be indexed and 90028  
sorted by county and by school district. 90029

**Sec. 5713.34.** (A)(1) Upon the conversion of all or any 90030  
portion of a tract, lot, or parcel of land devoted exclusively to 90031  
agricultural use a portion of the tax savings upon such converted 90032

land shall be recouped as provided for by Section 36, Article II, 90033  
Ohio Constitution by levying a charge on such land in an amount 90034  
equal to the amount of the tax savings on the converted land 90035  
during the three tax years immediately preceding the year in which 90036  
the conversion occurs. If the auditor discovers that agricultural 90037  
land valued at the lowest valued soil type, pursuant to section 90038  
5713.31 of the Revised Code, because of its use for a conservation 90039  
practice or devotion to a land retirement or conservation program 90040  
ceases to be used or devoted to such purposes sooner than 90041  
thirty-six months after the initial certification, the auditor 90042  
shall levy a charge on such agricultural land in an amount equal 90043  
to the reduction in taxes resulting from the land's valuation at 90044  
the lowest valued soil type, rather than valuation at its actual 90045  
soil type, in all preceding years the land was so valued, not to 90046  
exceed the most recent three years. The charge charges levied 90047  
under this section shall constitute a lien of the state upon such 90048  
converted land as of the first day of January of the tax year in 90049  
which the charge is levied and shall continue until discharged as 90050  
provided by law. 90051

(2) Upon the conversion of an adequately described portion of 90052  
a tract, lot, or parcel of land, the county auditor shall divide 90053  
any numbered permanent parcel into economic units and value each 90054  
unit individually for the purpose of levying the charge under 90055  
division (A)(1) of this section against only the converted 90056  
portion. 90057

(3) A charge shall not be levied under this section for the 90058  
conversion of a portion of a tract, lot, or parcel of land devoted 90059  
exclusively to agricultural use if the conversion is incident to 90060  
the construction or installation of an energy facility, as defined 90061  
in section 5727.01 of the Revised Code, and if the remaining 90062  
portion of the tract, lot, or parcel continues to be devoted 90063  
exclusively to agricultural use. 90064



(B) Except as otherwise provided in division (C) or (D) of 90065  
this section, a public entity that acquires by any means and 90066  
converts land devoted exclusively to agricultural use and a 90067  
private entity granted the power of eminent domain that acquires 90068  
by any means and converts land devoted exclusively to agricultural 90069  
use shall pay the charge levied by division (A) of this section 90070  
and shall not, directly or indirectly, transfer the charge to the 90071  
person from whom the land is acquired. A person injured by a 90072  
violation of this division may recover, in a civil action, any 90073  
damages resulting from the violation. 90074

(C) The charge levied by division (A)(1) of this section does 90075  
not apply to the conversion of land acquired by a public entity by 90076  
means other than eminent domain and thereafter used exclusively 90077  
for a public purpose that leaves the land principally undeveloped 90078  
when either of the following conditions applies: 90079

(1) In the case of land so acquired and converted by a park 90080  
district created under Chapter 1545. of the Revised Code, the land 90081  
is located within the boundaries of the park district. 90082

(2) In the case of land so acquired and converted by a public 90083  
entity other than a park district created under Chapter 1545. of 90084  
the Revised Code, the land is located within the boundaries of any 90085  
city, local, exempted village, or joint vocational school district 90086  
that is wholly or partially located within the boundaries of the 90087  
public entity that so acquired and converted the land. 90088

If all or any portion of a tract, lot, or parcel of such land 90089  
is later developed or otherwise converted to a purpose other than 90090  
one of the purposes enumerated under division (E)(1) of this 90091  
section, the charge levied by division (A)(1) of this section 90092  
shall be levied against such developed or converted land as 90093  
otherwise required by that division. 90094

The county auditor of the county in which the land is located 90095

shall determine annually whether all or any portion of a tract, 90096  
lot, or parcel of land formerly converted to a purpose enumerated 90097  
under division (E)(1) of this section has been developed in such a 90098  
way or converted to such a purpose as to require the charge levied 90099  
by division (A)(1) of this section to be levied against the land 90100  
so developed or converted. 90101

(D) Division (B) of this section does not apply to a public 90102  
entity that acquires by means other than eminent domain and 90103  
converts land devoted exclusively to agricultural use to use for 90104  
public, active or passive, outdoor education, recreation, or 90105  
similar open space uses when either of the following conditions 90106  
applies: 90107

(1) In the case of land so acquired and converted by a park 90108  
district created under Chapter 1545. of the Revised Code, the land 90109  
is located outside the boundaries of the park district. 90110

(2) In the case of land so acquired and converted by a public 90111  
entity other than a park district created under Chapter 1545. of 90112  
the Revised Code, the land is located outside the boundaries of 90113  
any city, local, exempted village, or joint vocational school 90114  
district that is wholly or partially located within the boundaries 90115  
of the public entity that so acquired and converted the land. 90116

(E) As used in divisions (C) and (D) of this section: 90117

(1) "Principally undeveloped" means a parcel of real property 90118  
that is used for public, active or passive, outdoor education, 90119  
recreation, or similar open space uses and contains only the 90120  
structures, roadways, and other facilities that are necessary for 90121  
such uses. 90122

(2) "Public entity" means any political subdivision of this 90123  
state or any agency or instrumentality of a political subdivision. 90124

**Sec. 5715.01.** (A) The tax commissioner shall direct and 90125

supervise the assessment for taxation of all real property. The 90126  
commissioner shall adopt, prescribe, and promulgate rules for the 90127  
determination of true value and taxable value of real property by 90128  
uniform rule for such values and for the determination of the 90129  
current agricultural use value of land devoted exclusively to 90130  
agricultural use. ~~The~~ 90131

(1) The uniform rules shall prescribe methods of determining 90132  
the true value and taxable value of real property ~~and shall also~~ 90133  
~~prescribe the method for determining the current agricultural use~~ 90134  
~~value of land devoted exclusively to agricultural use, which~~ 90135  
~~method shall reflect standard and modern appraisal techniques that~~ 90136  
~~take into consideration: the productivity of the soil under normal~~ 90137  
~~management practices; the average price patterns of the crops and~~ 90138  
~~products produced to determine the income potential to be~~ 90139  
~~capitalized; the market value of the land for agricultural use;~~ 90140  
~~and other pertinent factors.~~ The rules shall provide that in 90141  
determining the true value of lands or improvements thereon for 90142  
tax purposes, all facts and circumstances relating to the value of 90143  
the property, its availability for the purposes for which it is 90144  
constructed or being used, its obsolete character, if any, the 90145  
income capacity of the property, if any, and any other factor that 90146  
tends to prove its true value shall be used. In determining the 90147  
true value of minerals or rights to minerals for the purpose of 90148  
real property taxation, the tax commissioner shall not include in 90149  
the value of the minerals or rights to minerals the value of any 90150  
tangible personal property used in the recovery of those minerals. 90151

(2) The uniform rules shall prescribe the method for 90152  
determining the current agricultural use value of land devoted 90153  
exclusively to agricultural use, which method shall reflect 90154  
standard and modern appraisal techniques that take into 90155  
consideration the productivity of the soil under normal management 90156  
practices, typical cropping and land use patterns, the average 90157

price patterns of the crops and products produced and the typical 90158  
production costs to determine the net income potential to be 90159  
capitalized, and other pertinent factors. 90160

In determining the agricultural land capitalization rate to 90161  
be applied to the net income potential from agricultural use, the 90162  
commissioner shall use standard and modern appraisal techniques. 90163  
In calculating the capitalization rate for any year, the 90164  
commissioner shall comply with both of the following requirements: 90165

(a) The commissioner shall use an equity yield rate equal to 90166  
the greater of (i) the average of the total rates of return on 90167  
farm equity for the twenty-five most recent years for which those 90168  
rates have been calculated and published by the United States 90169  
department of agriculture economic research service or (ii) the 90170  
loan interest rate the commissioner uses for that year to 90171  
calculate the capitalization rate; 90172

(b) The commissioner shall not use a method that includes in 90173  
the computation buildup of equity or appreciation with respect to 90174  
the agricultural land. 90175

The commissioner shall add to the overall capitalization rate 90176  
a tax additur. The sum of the overall capitalization rate and the 90177  
tax additur shall represent as nearly as possible the rate of 90178  
return a prudent investor would expect from an average or typical 90179  
farm in this state considering only agricultural factors. 90180

The commissioner shall annually determine and announce the 90181  
overall capitalization rate, tax additur, agricultural land 90182  
capitalization rate, and the individual components used in 90183  
computing such amounts in a determination, finding, computation, 90184  
or order of the commissioner published simultaneously with the 90185  
commissioner's annual publication of the per-acre agricultural use 90186  
values for each soil type. 90187

(B) The taxable value shall be that per cent of true value in 90188

money, or current agricultural use value in the case of land 90189  
valued in accordance with section 5713.31 of the Revised Code, the 90190  
commissioner by rule establishes, but it shall not exceed 90191  
thirty-five per cent. The uniform rules shall also prescribe 90192  
methods of making the appraisals set forth in section 5713.03 of 90193  
the Revised Code. The taxable value of each tract, lot, or parcel 90194  
of real property and improvements thereon, determined in 90195  
accordance with the uniform rules and methods prescribed thereby, 90196  
shall be the taxable value of the tract, lot, or parcel for all 90197  
purposes of sections 5713.01 to 5713.26, 5715.01 to 5715.51, and 90198  
5717.01 to 5717.06 of the Revised Code. County auditors shall, 90199  
under the direction and supervision of the commissioner, be the 90200  
chief assessing officers of their respective counties, and shall 90201  
list and value the real property within their respective counties 90202  
for taxation in accordance with this section and sections 5713.03 90203  
and 5713.31 of the Revised Code and with such rules of the 90204  
commissioner. There shall also be a board in each county, known as 90205  
the county board of revision, which shall hear complaints and 90206  
revise assessments of real property for taxation. 90207

(C) The commissioner shall neither adopt nor enforce any rule 90208  
that requires true value for any tax year to be any value other 90209  
than the true value in money on the tax lien date of such tax year 90210  
or that requires taxable value to be obtained in any way other 90211  
than by reducing the true value, or in the case of land valued in 90212  
accordance with section 5713.31 of the Revised Code, its current 90213  
agricultural use value, by a specified, uniform percentage. 90214

**Sec. 5715.19.** (A) As used in this section, "member" has the 90215  
same meaning as in section 1705.01 of the Revised Code. 90216

(1) Subject to division (A)(2) of this section, a complaint 90217  
against any of the following determinations for the current tax 90218  
year shall be filed with the county auditor on or before the 90219

thirty-first day of March of the ensuing tax year or the date of closing of the collection for the first half of real and public utility property taxes for the current tax year, whichever is later: 90220  
90221  
90222  
90223

(a) Any classification made under section 5713.041 of the Revised Code; 90224  
90225

(b) Any determination made under section 5713.32 or 5713.35 of the Revised Code; 90226  
90227

(c) Any recoupment charge levied under section 5713.35 of the Revised Code; 90228  
90229

(d) The determination of the total valuation or assessment of any parcel that appears on the tax list, except parcels assessed by the tax commissioner pursuant to section 5727.06 of the Revised Code; 90230  
90231  
90232  
90233

(e) The determination of the total valuation of any parcel that appears on the agricultural land tax list, except parcels assessed by the tax commissioner pursuant to section 5727.06 of the Revised Code; 90234  
90235  
90236  
90237

(f) Any determination made under division (A) of section 319.302 of the Revised Code. 90238  
90239

If such a complaint is filed by mail or certified mail, the date of the United States postmark placed on the envelope or sender's receipt by the postal service shall be treated as the date of filing. A private meter postmark on an envelope is not a valid postmark for purposes of establishing the filing date. 90240  
90241  
90242  
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90244

Any person owning taxable real property ~~in the county or in a taxing district with territory in the county~~; such a person's spouse; an individual who is retained by such a person and who holds a designation from a professional assessment organization, such as the institute for professionals in taxation, the national 90245  
90246  
90247  
90248  
90249

council of property taxation, or the international association of 90250  
assessing officers; a public accountant who holds a permit under 90251  
section 4701.10 of the Revised Code, a general or residential real 90252  
estate appraiser licensed or certified under Chapter 4763. of the 90253  
Revised Code, or a real estate broker licensed under Chapter 4735. 90254  
of the Revised Code, who is retained by such a person; if the 90255  
person is a firm, company, association, partnership, limited 90256  
liability company, or corporation, an officer, a salaried 90257  
employee, a partner, or a member of that person; if the person is 90258  
a trust, a trustee of the trust; may file such a complaint 90259  
regarding any such determination affecting real property owned by 90260  
the person. Subject to division (A)(5) of this section, the board 90261  
of county commissioners; the prosecuting attorney or treasurer of 90262  
the county; the board of township trustees of any township with 90263  
territory within the county; the board of education of any school 90264  
district with any territory in the county; or the mayor or 90265  
legislative authority of any municipal corporation with any 90266  
territory in the county may file such a complaint regarding any 90267  
such determination affecting any real property in the county, 90268  
~~except that a person owning taxable real property in another~~ 90269  
~~county may file such a complaint only with regard to any such~~ 90270  
~~determination affecting real property in the county that is~~ 90271  
~~located in the same taxing district as that person's real property~~ 90272  
~~is located.~~ The county auditor shall present to the county board 90273  
of revision all complaints filed with the auditor. 90274

(2) As used in division (A)(2) of this section, "interim 90275  
period" means, for each county, the tax year to which section 90276  
5715.24 of the Revised Code applies and each subsequent tax year 90277  
until the tax year in which that section applies again. 90278

No person, board, or officer shall file a complaint against 90279  
the valuation or assessment of any parcel that appears on the tax 90280  
list if it filed a complaint against the valuation or assessment 90281

of that parcel for any prior tax year in the same interim period, 90282  
unless the person, board, or officer alleges that the valuation or 90283  
assessment should be changed due to one or more of the following 90284  
circumstances that occurred after the tax lien date for the tax 90285  
year for which the prior complaint was filed and that the 90286  
circumstances were not taken into consideration with respect to 90287  
the prior complaint: 90288

(a) The property was sold in an arm's length transaction, as 90289  
described in section 5713.03 of the Revised Code; 90290

(b) The property lost value due to some casualty; 90291

(c) Substantial improvement was added to the property; 90292

(d) An increase or decrease of at least fifteen per cent in 90293  
the property's occupancy has had a substantial economic impact on 90294  
the property. 90295

(3) If a county board of revision, the board of tax appeals, 90296  
or any court dismisses a complaint filed under this section or 90297  
section 5715.13 of the Revised Code for the reason that the act of 90298  
filing the complaint was the unauthorized practice of law or the 90299  
person filing the complaint was engaged in the unauthorized 90300  
practice of law, the party affected by a decrease in valuation or 90301  
the party's agent, or the person owning the taxable real property 90302  
~~in the county or in a taxing district with territory in the~~ 90303  
~~county,~~ may refile the complaint, notwithstanding division (A)(2) 90304  
of this section. 90305

(4) Notwithstanding division (A)(2) of this section, a 90306  
person, board, or officer may file a complaint against the 90307  
valuation or assessment of any parcel that appears on the tax list 90308  
if it filed a complaint against the valuation or assessment of 90309  
that parcel for any prior tax year in the same interim period if 90310  
the person, board, or officer withdrew the complaint before the 90311  
complaint was heard by the board. 90312



(5) A board of county commissioners, a board of township trustees, the board of education of a school district, or the mayor or legislative authority of a municipal corporation may not file a complaint under division (A)(1) of this section against the valuation of property, whether or not owned by the subdivision, unless the board or legislative authority has adopted an ordinance or resolution describing circumstances under which the subdivision will file such complaints. Such circumstances may include that property be of a particular type or class or that the value of the property be above a minimum threshold. A county treasurer or prosecuting attorney may not file such a complaint against the valuation of property unless the board of county commissioners first adopts a resolution described in division (A)(5) of this section.

(B) Within thirty days after the last date such complaints may be filed, the auditor shall give notice of each complaint in which the stated amount of overvaluation, undervaluation, discriminatory valuation, illegal valuation, or incorrect determination is at least seventeen thousand five hundred dollars to each property owner whose property is the subject of the complaint, if the complaint was not filed by the owner or the owner's spouse, and to each board of education whose school district may be affected by the complaint. Within thirty days after receiving such notice, a board of education; a property owner; the owner's spouse; an individual who is retained by such an owner and who holds a designation from a professional assessment organization, such as the institute for professionals in taxation, the national council of property taxation, or the international association of assessing officers; a public accountant who holds a permit under section 4701.10 of the Revised Code, a general or residential real estate appraiser licensed or certified under Chapter 4763. of the Revised Code, or a real estate broker licensed under Chapter 4735. of the Revised Code,

who is retained by such a person; or, if the property owner is a 90346  
firm, company, association, partnership, limited liability 90347  
company, corporation, or trust, an officer, a salaried employee, a 90348  
partner, a member, or trustee of that property owner, may file a 90349  
complaint in support of or objecting to the amount of alleged 90350  
overvaluation, undervaluation, discriminatory valuation, illegal 90351  
valuation, or incorrect determination stated in a previously filed 90352  
complaint or objecting to the current valuation. Upon the filing 90353  
of a complaint under this division, the board of education or the 90354  
property owner shall be made a party to the action. 90355

(C) Each board of revision shall notify any complainant and 90356  
also the property owner, if the property owner's address is known, 90357  
when a complaint is filed by one other than the property owner, by 90358  
certified mail, not less than ten days prior to the hearing, of 90359  
the time and place the same will be heard. The board of revision 90360  
shall hear and render its decision on a complaint within ninety 90361  
days after the filing thereof with the board, except that if a 90362  
complaint is filed within thirty days after receiving notice from 90363  
the auditor as provided in division (B) of this section, the board 90364  
shall hear and render its decision within ninety days after such 90365  
filing. 90366

(D) The determination of any such complaint shall relate back 90367  
to the date when the lien for taxes or recoupment charges for the 90368  
current year attached or the date as of which liability for such 90369  
year was determined. Liability for taxes and recoupment charges 90370  
for such year and each succeeding year until the complaint is 90371  
finally determined and for any penalty and interest for nonpayment 90372  
thereof within the time required by law shall be based upon the 90373  
determination, valuation, or assessment as finally determined. 90374  
Each complaint shall state the amount of overvaluation, 90375  
undervaluation, discriminatory valuation, illegal valuation, or 90376  
incorrect classification or determination upon which the complaint 90377

is based. The treasurer shall accept any amount tendered as taxes 90378  
or recoupment charge upon property concerning which a complaint is 90379  
then pending, computed upon the claimed valuation as set forth in 90380  
the complaint. If a complaint filed under this section for the 90381  
current year is not determined by the board within the time 90382  
prescribed for such determination, the complaint and any 90383  
proceedings in relation thereto shall be continued by the board as 90384  
a valid complaint for any ensuing year until such complaint is 90385  
finally determined by the board or upon any appeal from a decision 90386  
of the board. In such case, the original complaint shall continue 90387  
in effect without further filing by the original taxpayer, the 90388  
original taxpayer's assignee, or any other person or entity 90389  
authorized to file a complaint under this section. 90390

(E) If a taxpayer files a complaint as to the classification, 90391  
valuation, assessment, or any determination ~~affecting the~~ 90392  
~~taxpayer's own property~~ and tenders less than the full amount of 90393  
taxes or recoupment charges as finally determined, an interest 90394  
charge shall accrue as follows: 90395

(1) If the amount finally determined is less than the amount 90396  
billed but more than the amount tendered, the taxpayer shall pay 90397  
interest at the rate per annum prescribed by section 5703.47 of 90398  
the Revised Code, computed from the date that the taxes were due 90399  
on the difference between the amount finally determined and the 90400  
amount tendered. This interest charge shall be in lieu of any 90401  
penalty or interest charge under section 323.121 of the Revised 90402  
Code unless the taxpayer failed to file a complaint and tender an 90403  
amount as taxes or recoupment charges within the time required by 90404  
this section, in which case section 323.121 of the Revised Code 90405  
applies. 90406

(2) If the amount of taxes finally determined is equal to or 90407  
greater than the amount billed and more than the amount tendered, 90408  
the taxpayer shall pay interest at the rate prescribed by section 90409

5703.47 of the Revised Code from the date the taxes were due on 90410  
the difference between the amount finally determined and the 90411  
amount tendered, such interest to be in lieu of any interest 90412  
charge but in addition to any penalty prescribed by section 90413  
323.121 of the Revised Code. 90414

(F) Upon request of a complainant, the tax commissioner shall 90415  
determine the common level of assessment of real property in the 90416  
county for the year stated in the request that is not valued under 90417  
section 5713.31 of the Revised Code, which common level of 90418  
assessment shall be expressed as a percentage of true value and 90419  
the common level of assessment of lands valued under such section, 90420  
which common level of assessment shall also be expressed as a 90421  
percentage of the current agricultural use value of such lands. 90422  
Such determination shall be made on the basis of the most recent 90423  
available sales ratio studies of the commissioner and such other 90424  
factual data as the commissioner deems pertinent. 90425

(G) A complainant shall provide to the board of revision all 90426  
information or evidence within the complainant's knowledge or 90427  
possession that affects the real property that is the subject of 90428  
the complaint. A complainant who fails to provide such information 90429  
or evidence is precluded from introducing it on appeal to the 90430  
board of tax appeals or the court of common pleas, except that the 90431  
board of tax appeals or court may admit and consider the evidence 90432  
if the complainant shows good cause for the complainant's failure 90433  
to provide the information or evidence to the board of revision. 90434

(H) In case of the pendency of any proceeding in court based 90435  
upon an alleged excessive, discriminatory, or illegal valuation or 90436  
incorrect classification or determination, the taxpayer may tender 90437  
to the treasurer an amount as taxes upon property computed upon 90438  
the claimed valuation as set forth in the complaint to the court. 90439  
The treasurer may accept the tender. If the tender is not 90440  
accepted, no penalty shall be assessed because of the nonpayment 90441

of the full taxes assessed. 90442

(I) An attorney may not appear on behalf of a party to an 90443  
action before the board of revision unless the attorney certifies 90444  
that the attorney is not compensated in whole or in part on a 90445  
contingency basis for that action. 90446

**Sec. 5715.20.** (A) Whenever a county board of revision renders 90447  
a decision on a complaint filed under section 5715.19 of the 90448  
Revised Code or on an application for remission under section 90449  
5715.39 of the Revised Code, it shall certify its action by 90450  
certified mail to the person in whose name the property is listed 90451  
or sought to be listed and ~~to the complainant~~, if the complainant 90452  
or applicant is not the person in whose name the property is 90453  
listed or sought to be listed, to the complainant or applicant. A 90454  
person's time to file an appeal under section 5717.01 of the 90455  
Revised Code commences with the mailing of notice of the decision 90456  
to that person as provided in this section. The tax commissioner's 90457  
time to file an appeal under section 5717.01 of the Revised Code 90458  
commences with the last mailing to a person required to be mailed 90459  
notice of the decision as provided in this division. 90460

(B) The tax commissioner may order the county auditor to send 90461  
to the commissioner the decisions of the board of revision 90462  
rendered on complaints filed under section 5715.19 of the Revised 90463  
Code or on applications for remission filed under section 5715.39 90464  
of the Revised Code in the manner and for the time period that the 90465  
commissioner prescribes. Nothing in this division extends the 90466  
commissioner's time to file an appeal under section 5717.01 of the 90467  
Revised Code. 90468

**Sec. 5715.27.** (A)(1) Except as provided in division (A)(2) of 90469  
this section and in section 3735.67 of the Revised Code, the 90470  
owner, a vendee in possession under a purchase agreement or a land 90471

contract, the beneficiary of a trust, or a lessee for an initial 90472  
term of not less than thirty years of any property may file an 90473  
application with the tax commissioner, on forms prescribed by the 90474  
commissioner, requesting that such property be exempted from 90475  
taxation and that taxes, interest, and penalties be remitted as 90476  
provided in division (C) of section 5713.08 of the Revised Code. 90477

(2) If the property that is the subject of the application 90478  
for exemption is any of the following, the application shall be 90479  
filed with the county auditor of the county in which the property 90480  
is listed for taxation: 90481

(a) A public road or highway; 90482

(b) Property belonging to the federal government of the 90483  
United States; 90484

(c) Additions or other improvements to an existing building 90485  
or structure that belongs to the state or a political subdivision, 90486  
as defined in section 5713.081 of the Revised Code, and that is 90487  
exempted from taxation as property used exclusively for a public 90488  
purpose; 90489

~~(d) Property of the boards of trustees and of the housing 90490  
commissions of the state universities, the northeastern Ohio 90491  
universities college of medicine, and of the state to be exempted 90492  
under section 3345.17 of the Revised Code. 90493~~

(B) The board of education of any school district may request 90494  
the tax commissioner or county auditor to provide it with 90495  
notification of applications for exemption from taxation for 90496  
property located within that district. If so requested, the 90497  
commissioner or auditor shall send to the board on a monthly basis 90498  
reports that contain sufficient information to enable the board to 90499  
identify each property that is the subject of an exemption 90500  
application, including, but not limited to, the name of the 90501  
property owner or applicant, the address of the property, and the 90502

auditor's parcel number. The commissioner or auditor shall mail 90503  
the reports by the fifteenth day of the month following the end of 90504  
the month in which the commissioner or auditor receives the 90505  
applications for exemption. 90506

(C) A board of education that has requested notification 90507  
under division (B) of this section may, with respect to any 90508  
application for exemption of property located in the district and 90509  
included in the commissioner's or auditor's most recent report 90510  
provided under that division, file a statement with the 90511  
commissioner or auditor and with the applicant indicating its 90512  
intent to submit evidence and participate in any hearing on the 90513  
application. The statements shall be filed prior to the first day 90514  
of the third month following the end of the month in which that 90515  
application was docketed by the commissioner or auditor. A 90516  
statement filed in compliance with this division entitles the 90517  
district to submit evidence and to participate in any hearing on 90518  
the property and makes the district a party for purposes of 90519  
sections 5717.02 to 5717.04 of the Revised Code in any appeal of 90520  
the commissioner's or auditor's decision to the board of tax 90521  
appeals. 90522

(D) The commissioner or auditor shall not hold a hearing on 90523  
or grant or deny an application for exemption of property in a 90524  
school district whose board of education has requested 90525  
notification under division (B) of this section until the end of 90526  
the period within which the board may submit a statement with 90527  
respect to that application under division (C) of this section. 90528  
The commissioner or auditor may act upon an application at any 90529  
time prior to that date upon receipt of a written waiver from each 90530  
such board of education, or, in the case of exemptions authorized 90531  
by section 725.02, 1728.10, 5709.40, 5709.41, 5709.411, 5709.45, 90532  
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 90533  
of the Revised Code, upon the request of the property owner. 90534

Failure of a board of education to receive the report required in 90535  
division (B) of this section shall not void an action of the 90536  
commissioner or auditor with respect to any application. The 90537  
commissioner or auditor may extend the time for filing a statement 90538  
under division (C) of this section. 90539

(E) A complaint may also be filed with the commissioner or 90540  
auditor by any person, board, or officer authorized by section 90541  
5715.19 of the Revised Code to file complaints with the county 90542  
board of revision against the continued exemption of any property 90543  
granted exemption by the commissioner or auditor under this 90544  
section. 90545

(F) An application for exemption and a complaint against 90546  
exemption shall be filed prior to the thirty-first day of December 90547  
of the tax year for which exemption is requested or for which the 90548  
liability of the property to taxation in that year is requested. 90549  
The commissioner or auditor shall consider such application or 90550  
complaint in accordance with procedures established by the 90551  
commissioner, determine whether the property is subject to 90552  
taxation or exempt therefrom, and, if the commissioner makes the 90553  
determination, certify the determination to the auditor. Upon 90554  
making the determination or receiving the commissioner's 90555  
determination, the auditor shall correct the tax list and 90556  
duplicate accordingly. If a tax certificate has been sold under 90557  
section 5721.32 or 5721.33 of the Revised Code with respect to 90558  
property for which an exemption has been requested, the tax 90559  
commissioner or auditor shall also certify the findings to the 90560  
county treasurer of the county in which the property is located. 90561

(G) Applications and complaints, and documents of any kind 90562  
related to applications and complaints, filed with the tax 90563  
commissioner or county auditor under this section are public 90564  
records within the meaning of section 149.43 of the Revised Code. 90565

(H) If the commissioner or auditor determines that the use of 90566



property or other facts relevant to the taxability of property 90567  
that is the subject of an application for exemption or a complaint 90568  
under this section has changed while the application or complaint 90569  
was pending, the commissioner or auditor may make the 90570  
determination under division (F) of this section separately for 90571  
each tax year beginning with the year in which the application or 90572  
complaint was filed or the year for which remission of taxes under 90573  
division (C) of section 5713.08 of the Revised Code was requested, 90574  
and including each subsequent tax year during which the 90575  
application or complaint is pending before the commissioner or 90576  
auditor. 90577

**Sec. 5715.39.** (A) The tax commissioner may remit real 90578  
property taxes, manufactured home taxes, penalties, and interest 90579  
found by the commissioner to have been illegally assessed. The 90580  
commissioner also may remit any penalty charged against any real 90581  
property or manufactured or mobile home that was the subject of an 90582  
application for exemption from taxation under section 5715.27 of 90583  
the Revised Code if the commissioner determines that the applicant 90584  
requested such exemption in good faith. The commissioner shall 90585  
include notice of the remission in the commissioner's 90586  
certification to the county auditor required under that section. 90587

(B) The county auditor, upon consultation with the county 90588  
treasurer, shall remit a penalty for late payment of any real 90589  
property taxes or manufactured home taxes when: 90590

(1) The taxpayer could not make timely payment of the tax 90591  
because of the negligence or error of the county auditor or county 90592  
treasurer in the performance of a statutory duty relating to the 90593  
levy or collection of such tax. 90594

(2) In cases other than those described in division (B)(1) of 90595  
this section, and except as provided in division (B)(5) of this 90596  
section, the taxpayer failed to receive a tax bill or a correct 90597

tax bill, and the taxpayer made a good faith effort to obtain such 90598  
bill within thirty days after the last day for payment of the tax. 90599

(3) The tax was not timely paid because of the death or 90600  
serious injury of the taxpayer, or the taxpayer's confinement in a 90601  
hospital within sixty days preceding the last day for payment of 90602  
the tax if, in any case, the tax was subsequently paid within 90603  
sixty days after the last day for payment of such tax. 90604

(4) The taxpayer demonstrates that the full payment was 90605  
properly deposited in the mail in sufficient time for the envelope 90606  
to be postmarked by the United States postal service on or before 90607  
the last day for payment of such tax. A private meter postmark on 90608  
an envelope is not a valid postmark for purposes of establishing 90609  
the date of payment of such tax. 90610

(5) With respect to the first payment due after a taxpayer 90611  
fully satisfies a mortgage against a parcel of real property, the 90612  
mortgagee failed to notify the treasurer of the satisfaction of 90613  
the mortgage, and the tax bill was not sent to the taxpayer. 90614

(C) If the auditor determines that remission is not required 90615  
under division (B) of this section, the auditor shall present the 90616  
application to the board of revision. The board of revision shall 90617  
review the auditor's determination and remit a penalty for late 90618  
payment of any real property taxes or manufactured homes taxes if, 90619  
~~in cases other than those described in division~~ the board 90620  
determines that any of divisions (B)(1) to (5) of this section, 90621  
applies or if it determines that the taxpayer's failure to make 90622  
timely payment of the tax is due to reasonable cause and not 90623  
willful neglect. 90624

(D) ~~The taxpayer, upon application within sixty days after~~ 90625  
~~the mailing of the county auditor's or board of revision's~~ 90626  
~~decision, may request the tax commissioner to review the denial of~~ 90627  
~~the remission of a penalty by the auditor or board. The~~ 90628

~~application may be filed in person or by certified mail. If the~~ 90629  
~~application is filed by certified mail, the date of the United~~ 90630  
~~States postmark placed on the sender's receipt by the postal~~ 90631  
~~service shall be treated as the date of filing. The commissioner~~ 90632  
~~shall consider the application, determine whether the penalty~~ 90633  
~~should be remitted, and certify the determination to the taxpayer,~~ 90634  
~~to the county treasurer, and to the county auditor, who shall~~ 90635  
~~correct the tax list and duplicate accordingly. The commissioner~~ 90636  
may issue orders and instructions for the uniform implementation 90637  
of this section by all county boards of revision, county auditors, 90638  
and county treasurers, and such orders and instructions shall be 90639  
followed by such officers and boards. 90640

(E) This section shall not provide to the taxpayer any remedy 90641  
with respect to any matter that the taxpayer may be authorized to 90642  
complain of under section 4503.06, 5715.19, 5717.02, or 5727.47 of 90643  
the Revised Code. 90644

~~(F) Applications for remission, and documents of any kind~~ 90645  
~~related to those applications, filed with the tax commissioner~~ 90646  
~~under this section are public records within the meaning of~~ 90647  
~~section 149.43 of the Revised Code unless otherwise excepted under~~ 90648  
~~that section.~~ 90649

**Sec. 5717.01.** An appeal from a decision of a county board of 90650  
revision may be taken to the board of tax appeals within thirty 90651  
days after notice of the decision of the county board of revision 90652  
is mailed as provided in division (A) of section 5715.20 of the 90653  
Revised Code. Such an appeal may be taken by the county auditor, 90654  
the tax commissioner, or any board, legislative authority, public 90655  
official, or taxpayer authorized by section 5715.19 of the Revised 90656  
Code to file complaints against valuations or assessments with the 90657  
auditor. Such appeal shall be taken by the filing of a notice of 90658  
appeal, in person or by certified mail, express mail, facsimile 90659

transmission, electronic transmission, or by authorized delivery 90660  
service, with the board of tax appeals and with the county board 90661  
of revision. If notice of appeal is filed by certified mail, 90662  
express mail, or authorized delivery service as provided in 90663  
section 5703.056 of the Revised Code, the date of the United 90664  
States postmark placed on the sender's receipt by the postal 90665  
service or the date of receipt recorded by the authorized delivery 90666  
service shall be treated as the date of filing. If notice of 90667  
appeal is filed by facsimile transmission or electronic 90668  
transmission, the date and time the notice is received by the 90669  
board shall be the date and time reflected on a timestamp provided 90670  
by the board's electronic system, and the appeal shall be 90671  
considered filed with the board on the date reflected on that 90672  
timestamp. Any timestamp provided by another computer system or 90673  
electronic submission device shall not affect the time and date 90674  
the notice is received by the board. Upon receipt of such notice 90675  
of appeal such county board of revision shall by certified mail 90676  
notify all persons thereof who were parties to the proceeding 90677  
before such county board of revision, and shall file proof of such 90678  
notice with the board of tax appeals. The county board of revision 90679  
shall thereupon certify to the board of tax appeals a transcript 90680  
of the record of the proceedings of the county board of revision 90681  
pertaining to the original complaint, and all evidence offered in 90682  
connection therewith. Such appeal may be heard by the board of tax 90683  
appeals at its offices in Columbus or in the county where the 90684  
property is listed for taxation, or the board of tax appeals may 90685  
cause its examiners to conduct such hearing and to report to it 90686  
their findings for affirmation or rejection. An appeal may proceed 90687  
pursuant to section 5703.021 of the Revised Code on the small 90688  
claims docket if the appeal qualifies under that section. 90689

The board of tax appeals may order the appeal to be heard on 90690  
the record and the evidence certified to it by the county board of 90691  
revision, or it may order the hearing of additional evidence, and 90692

it may make such investigation concerning the appeal as it deems 90693  
proper. 90694

An attorney may not appear on behalf of a party to an appeal 90695  
before the board of tax appeals under this section or division 90696  
(B)(1) of section 5703.021 of the Revised Code unless the attorney 90697  
certifies that the attorney is not compensated in whole or in part 90698  
on a contingency basis for that appeal. 90699

**Sec. 5725.33.** (A) Except as otherwise provided in this 90700  
section, terms used in this section have the same meaning as 90701  
section 45D of the Internal Revenue Code, any related proposed, 90702  
temporary, or final regulations promulgated under the Internal 90703  
Revenue Code, any rules or guidance of the internal revenue 90704  
service or the United States department of the treasury, and any 90705  
related rules or guidance issued by the community development 90706  
financial institutions fund of the United States department of the 90707  
treasury, as such law, regulations, rules, and guidance exist on 90708  
October 16, 2009. 90709

As used in this section: 90710

(1) "Adjusted purchase price" means the amount paid for the 90711  
portion of a qualified equity investment approved or certified by 90712  
the director of development services for a qualified community 90713  
development entity in accordance with rules adopted under division 90714  
(E) of this section. 90715

(2) "Applicable percentage" means zero per cent for each of 90716  
the first two credit allowance dates, seven per cent for the third 90717  
credit allowance date, and eight per cent for the four following 90718  
credit allowance dates. 90719

(3) "Credit allowance date" means the date, on or after 90720  
January 1, 2010, a qualified equity investment is made and each of 90721  
the six anniversary dates thereafter. For qualified equity 90722

investments made after October 16, 2009, but before January 1, 90723  
2010, the initial credit allowance date is January 1, 2010, and 90724  
each of the six anniversary dates thereafter is on the first day 90725  
of January of each year. 90726

(4) "Qualified community development entity" includes only 90727  
entities: 90728

(a) That have entered into an allocation agreement with the 90729  
community development financial institutions fund of the United 90730  
States department of the treasury with respect to credits 90731  
authorized by section 45D of the Internal Revenue Code; 90732

(b) Whose service area includes any portion of this state; 90733  
and 90734

(c) That will designate an equity investment in such entities 90735  
as a qualified equity investment for purposes of both section 45D 90736  
of the Internal Revenue Code and this section. 90737

(5) "Qualified equity investment" is limited to an equity 90738  
investment in a qualified community development entity that: 90739

(a) Is acquired after October 16, 2009, at its original 90740  
issuance solely in exchange for cash; 90741

(b) Has at least eighty-five per cent of its cash purchase 90742  
price used by the qualified community development entity to make 90743  
qualified low-income community investments in qualified active 90744  
low-income community businesses in this state, provided that in 90745  
the seventh year after a qualified equity investment is made, only 90746  
seventy-five per cent of such cash purchase price must be used by 90747  
the qualified community development entity to make qualified 90748  
low-income community investments in those businesses; and 90749

(c) Is designated by the issuer as a qualified equity 90750  
investment. 90751

"Qualified equity investment" includes any equity investment 90752

that would, but for division (A)(5)(a) of this section, be a 90753  
qualified equity investment in the hands of the taxpayer if such 90754  
investment was a qualified equity investment in the hands of a 90755  
prior holder. 90756

(B) There is hereby allowed a nonrefundable credit against 90757  
the tax imposed by section 5725.18 of the Revised Code for an 90758  
insurance company holding a qualified equity investment on the 90759  
credit allowance date occurring in the calendar year for which the 90760  
tax is due. The credit shall equal the applicable percentage of 90761  
the adjusted purchase price, subject to divisions (B)(1) and (2) 90762  
of this section: 90763

(1) For the purpose of calculating the amount of qualified 90764  
low-income community investments held by a qualified community 90765  
development entity, an investment shall be considered held by a 90766  
qualified community development entity even if the investment has 90767  
been sold or repaid, provided that, at any time before the seventh 90768  
anniversary of the issuance of the qualified equity investment, 90769  
the qualified community development entity reinvests an amount 90770  
equal to the capital returned to or received or recovered by the 90771  
qualified community development entity from the original 90772  
investment, exclusive of any profits realized and costs incurred 90773  
in the sale or repayment, in another qualified low-income 90774  
community investment in this state within twelve months of the 90775  
receipt of such capital. If the qualified low-income community 90776  
investment is sold or repaid after the sixth anniversary of the 90777  
issuance of the qualified equity investment, the qualified 90778  
low-income community investment shall be considered held by the 90779  
qualified community development entity through the seventh 90780  
anniversary of the qualified equity investment's issuance. 90781

(2) The qualified low-income community investment made in 90782  
this state shall equal the sum of the qualified low-income 90783  
community investments in each qualified active low-income 90784

community business in this state, not to exceed two million five 90785  
hundred sixty-four thousand dollars, in which the qualified 90786  
community development entity invests, including such investments 90787  
in any such businesses in this state related to that qualified 90788  
active low-income community business through majority ownership or 90789  
control. 90790

The credit shall be claimed in the order prescribed by 90791  
section 5725.98 of the Revised Code. If the amount of the credit 90792  
exceeds the amount of tax otherwise due after deducting all other 90793  
credits in that order, the excess may be carried forward and 90794  
applied to the tax due for not more than four ensuing years. 90795

By claiming a tax credit under this section, an insurance 90796  
company waives its rights under section 5725.222 of the Revised 90797  
Code with respect to the time limitation for the assessment of 90798  
taxes as it relates to credits claimed that later become subject 90799  
to recapture under division (E) of this section. 90800

~~(C) The amount of qualified equity investments on the basis 90801  
of which credits may be claimed under this section and sections 90802  
5726.54, 5729.16, and 5733.58 of the Revised Code shall not exceed 90803  
the amount, estimated by the director of development, that would 90804  
cause the total amount of credits allowed each fiscal year to 90805  
exceed ten million dollars, computed without regard to the 90806  
potential for taxpayers to carry tax credits forward to later 90807  
years~~ The aggregate amount of credit allocations made by the 90808  
director of development services under this section and sections 90809  
5726.54, 5729.16, and 5733.58 of the Revised Code each fiscal year 90810  
shall not exceed ten million dollars. 90811

(D) If any amount of the federal tax credit allowed for a 90812  
qualified equity investment for which a credit was received under 90813  
this section is recaptured under section 45D of the Internal 90814  
Revenue Code, or if the director of development services 90815  
determines that an investment for which a tax credit is claimed 90816



under this section is not a qualified equity investment or that 90817  
the proceeds of an investment for which a tax credit is claimed 90818  
under this section are used to make qualified low-income community 90819  
investments other than in a qualified active low-income community 90820  
business in this state, all or a portion of the credit received on 90821  
account of that investment shall be paid by the insurance company 90822  
that received the credit to the superintendent of insurance. The 90823  
amount to be recovered shall be determined by the director of 90824  
development services pursuant to rules adopted under division (E) 90825  
of this section. The director shall certify any amount due under 90826  
this division to the superintendent of insurance, and the 90827  
superintendent shall notify the treasurer of state of the amount 90828  
due. Upon notification, the treasurer shall invoice the insurance 90829  
company for the amount due. The amount due is payable not later 90830  
than thirty days after the date the treasurer invoices the 90831  
insurance company. The amount due shall be considered to be tax 90832  
due under section 5725.18 of the Revised Code, and may be 90833  
collected by assessment without regard to the time limitations 90834  
imposed under section 5725.222 of the Revised Code for the 90835  
assessment of taxes by the superintendent. All amounts collected 90836  
under this division shall be credited as revenue from the tax 90837  
levied under section 5725.18 of the Revised Code. 90838

(E) The tax credits authorized under this section and 90839  
sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall 90840  
be administered by the development services agency. The director 90841  
of development services, in consultation with the tax commissioner 90842  
and the superintendent of insurance, pursuant to Chapter 119. of 90843  
the Revised Code, shall adopt rules for the administration of this 90844  
section and sections 5726.54, 5729.16, and 5733.58 of the Revised 90845  
Code. The rules shall provide for determining the recovery of 90846  
credits under division (D) of this section and under sections 90847  
5726.54, 5729.16, and 5733.58 of the Revised Code, including 90848  
prorating the amount of the credit to be recovered on any 90849

reasonable basis, the manner in which credits may be allocated 90850  
among claimants, and the amount of any application or other fees 90851  
to be charged in connection with a recovery. 90852

(F) ~~There is hereby created in the state treasury the new 90853  
markets tax credit operating fund.~~ The director of development 90854  
services is authorized to charge reasonable application and other 90855  
fees in connection with the administration of tax credits 90856  
authorized by this section and sections 5726.54, 5729.16, and 90857  
5733.58 of the Revised Code. Any such fees collected shall be 90858  
credited to the tax incentives operating fund created in section 90859  
122.174 of the Revised Code. ~~The director of development services 90860  
shall use money in the fund to pay expenses related to the 90861  
administration of tax credits authorized under sections 5725.33, 90862  
5726.54, 5729.16, and 5733.58 of the Revised Code.~~ 90863

(G) Tax credits earned or allocated to a pass-through entity, 90864  
as that term is defined in section 5733.04 of the Revised Code, 90865  
under section 5725.33, 5726.54, 5729.16, or 5733.58 of the Revised 90866  
Code may be allocated to persons having a direct or indirect 90867  
ownership interest in the pass-through entity for such persons' 90868  
direct use in accordance with the provisions of any mutual 90869  
agreement between such persons. 90870

**Sec. 5725.98.** (A) To provide a uniform procedure for 90871  
calculating the amount of tax imposed by section 5725.18 of the 90872  
Revised Code that is due under this chapter, a taxpayer shall 90873  
claim any credits and offsets against tax liability to which it is 90874  
entitled in the following order: 90875

(1) The credit for an insurance company or insurance company 90876  
group under section 5729.031 of the Revised Code; 90877

(2) The credit for eligible employee training costs under 90878  
section 5725.31 of the Revised Code; 90879

(3) The credit for purchasers of qualified low-income community investments under section 5725.33 of the Revised Code; 90880  
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(4) The nonrefundable job retention credit under division (B) of section 122.171 of the Revised Code; 90882  
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(5) The nonrefundable credit for investments in rural business and high-growth industry funds under section 122.152 of the Revised Code; 90884  
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(6) The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code; 90887  
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~~(6)~~(7) The refundable credit for rehabilitating a historic building under section 5725.34 of the Revised Code. 90890  
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~~(7)~~(8) The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly; 90892  
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~~(8)~~(9) The refundable credit for Ohio job creation under section 5725.32 of the Revised Code; 90897  
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~~(9)~~(10) The refundable credit under section 5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code. 90899  
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(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or 90903  
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indirectly, a credit more than once for a taxable year. 90910

**Sec. 5726.98.** (A) To provide a uniform procedure for 90911  
calculating the amount of tax due under section 5726.02 of the 90912  
Revised Code, a taxpayer shall claim any credits to which the 90913  
taxpayer is entitled under this chapter in the following order: 90914

(1) The nonrefundable job retention credit under division (B) 90915  
of section 5726.50 of the Revised Code; 90916

(2) The nonrefundable credit for purchases of qualified 90917  
low-income community investments under section 5726.54 of the 90918  
Revised Code; 90919

(3) The nonrefundable credit for qualified research expenses 90920  
under section 5726.56 of the Revised Code; 90921

(4) The nonrefundable credit for qualifying dealer in 90922  
intangibles taxes under section 5726.57 of the Revised Code; 90923

(5) The refundable credit for rehabilitating an historic 90924  
building under section 5726.52 of the Revised Code; 90925

(6) The nonrefundable credit for investments in rural 90926  
business and high-growth industry funds under section 122.152 of 90927  
the Revised Code; 90928

(7) The refundable job retention or job creation credit under 90929  
division (A) of section 5726.50 of the Revised Code; 90930

~~(7)~~(8) The refundable credit under section 5726.53 of the 90931  
Revised Code for losses on loans made under the Ohio venture 90932  
capital program under sections 150.01 to 150.10 of the Revised 90933  
Code; 90934

~~(8)~~(9) The refundable motion picture production credit under 90935  
section 5726.55 of the Revised Code. 90936

(B) For any credit except the refundable credits enumerated 90937  
in this section, the amount of the credit for a taxable year shall 90938

not exceed the tax due after allowing for any other credit that 90939  
precedes it in the order required under this section. Any excess 90940  
amount of a particular credit may be carried forward if authorized 90941  
under the section creating that credit. Nothing in this chapter 90942  
shall be construed to allow a taxpayer to claim, directly or 90943  
indirectly, a credit more than once for a taxable year. 90944

**Sec. 5727.26.** (A) The tax commissioner may make an 90945  
assessment, based on any information in the commissioner's 90946  
possession, against any natural gas company or combined company 90947  
that fails to file a return or pay any tax, interest, or 90948  
additional charge as required by sections 5727.24 to 5727.29 of 90949  
the Revised Code. The commissioner shall give the company assessed 90950  
written notice of the assessment as provided in section 5703.37 of 90951  
the Revised Code. With the notice, the commissioner shall provide 90952  
instructions on how to petition for reassessment and request a 90953  
hearing on the petition. A penalty of up to fifteen per cent may 90954  
be added to all amounts assessed under this section. The tax 90955  
commissioner may adopt rules providing for the imposition and 90956  
remission of the penalty. 90957

(B) Unless the company assessed, within sixty days after 90958  
service of the notice of assessment, files with the tax 90959  
commissioner, either personally or by certified mail, a written 90960  
petition signed by the company's authorized agent having knowledge 90961  
of the facts, the assessment becomes final, and the amount of the 90962  
assessment is due and payable from the company assessed to the 90963  
~~treasurer of state~~ commissioner. The petition shall indicate the 90964  
objections of the company assessed, but additional objections may 90965  
be raised in writing if received by the commissioner prior to the 90966  
date shown on the final determination. 90967

If a petition for reassessment has been properly filed, the 90968  
commissioner shall proceed under section 5703.60 of the Revised 90969

Code. 90970

(C) After an assessment becomes final, if any portion of the 90971  
assessment, including accrued interest, remains unpaid, a 90972  
certified copy of the tax commissioner's entry making the 90973  
assessment final may be filed in the office of the clerk of the 90974  
court of common pleas in the county in which the natural gas 90975  
company's or combined company's principal place of business is 90976  
located, or in the office of the clerk of court of common pleas of 90977  
Franklin county. 90978

Immediately on the filing of the entry, the clerk shall enter 90979  
judgment for the state against the company assessed in the amount 90980  
shown on the entry. The judgment may be filed by the clerk in a 90981  
loose-leaf book entitled, "special judgments for the public 90982  
utility excise tax on natural gas and combined companies," and 90983  
shall have the same effect as other judgments. Execution shall 90984  
issue upon the judgment at the request of the tax commissioner, 90985  
and all laws applicable to sales on execution shall apply to sales 90986  
made under the judgment. 90987

If the assessment is not paid in its entirety within sixty 90988  
days after the day the assessment was issued, the portion of the 90989  
assessment consisting of tax due shall bear interest at the rate 90990  
per annum prescribed by section 5703.47 of the Revised Code from 90991  
the day the tax commissioner issues the assessment until it is 90992  
paid or until it is certified to the attorney general for 90993  
collection under section 131.02 of the Revised Code, whichever 90994  
comes first. If the unpaid portion of the assessment is certified 90995  
to the attorney general for collection, the entire unpaid portion 90996  
of the assessment shall bear interest at the rate per annum 90997  
prescribed by section 5703.47 of the Revised Code from the date of 90998  
certification until the date it is paid in its entirety. Interest 90999  
shall be paid in the same manner as the tax and may be collected 91000  
by the issuance of an assessment under this section. 91001

(D) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the company liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the company assessed or the company's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the company assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(E) The tax commissioner shall immediately forward to the treasurer of state all amounts that the tax commissioner receives under this section, and such amounts shall be considered revenue arising from the tax imposed by section 5727.24 of the Revised Code.

(F) No assessment shall be made or issued against a natural gas company or combined company for the tax imposed by section 5727.24 of the Revised Code more than four years after the return date for the period in which the tax was reported, or more than four years after the return for the period was filed, whichever is later.

**Sec. 5727.28.** (A) The ~~treasurer of state~~ tax commissioner shall refund to a natural gas company or combined company subject

to the tax imposed by section 5727.24 of the Revised Code, the 91033  
amount of tax paid illegally or erroneously, or paid on an illegal 91034  
or erroneous assessment. Applications for a refund shall be filed 91035  
with the tax commissioner, on a form prescribed by the 91036  
commissioner, within four years of the illegal or erroneous 91037  
payment of the tax. 91038

On the filing of the application, the commissioner shall 91039  
determine the amount of refund to which the applicant is entitled. 91040  
If the amount is not less than that claimed, the commissioner 91041  
shall ~~certify the amount to~~ notify the director of budget and 91042  
management and ~~treasurer of state for payment~~ issue the refund 91043  
from the tax refund fund under section 5703.052 of the Revised 91044  
Code. If the amount is less than that claimed, the commissioner 91045  
shall proceed in accordance with section 5703.70 of the Revised 91046  
Code. 91047

If the application for refund is for taxes paid on an illegal 91048  
or erroneous assessment, the commissioner shall include in the 91049  
certified amount interest calculated at the rate per annum 91050  
prescribed by section 5703.47 of the Revised Code from the date of 91051  
overpayment to the date of the commissioner's certification. 91052

(B) If a natural gas company or combined company entitled to 91053  
a refund of taxes under this section, or section 5703.70 of the 91054  
Revised Code, is indebted to the state for any tax or fee 91055  
administered by the tax commissioner that is paid to the state, or 91056  
any charge, penalty, or interest arising from such a tax or fee, 91057  
the amount refundable may be applied in satisfaction of that debt. 91058  
If the amount refundable is less than the amount of the debt, it 91059  
may be applied in partial satisfaction of the debt. If the amount 91060  
refundable is greater than the amount of the debt, the amount 91061  
remaining after satisfaction of the debt shall be refunded. 91062

(C) In lieu of granting a refund under division (A) or (B) of 91063  
this section, the tax commissioner may allow a natural gas company 91064



or combined company to claim a credit of the amount of the tax 91065  
refund on the return for the period during which the tax became 91066  
refundable. The commissioner may require the company to submit 91067  
information to support a claim for a credit under this division, 91068  
and the commissioner may disallow the credit if the information is 91069  
not provided. 91070

**Sec. 5727.31.** (A) Each public utility subject to the excise 91071  
tax imposed by section 5727.30 of the Revised Code, annually, on 91072  
or before the first day of August, shall file with the tax 91073  
commissioner a statement in such form as the commissioner 91074  
prescribes and shall pay any amount due. 91075

(B)(1) Annually, on or before the fifteenth day of October of 91076  
the current year, each public utility whose estimated excise taxes 91077  
for the current year as based upon the statement required to be 91078  
filed in that year by division (A) of this section are one 91079  
thousand dollars or more shall file with the ~~treasurer of state~~ 91080  
commissioner a report, in such form as the ~~tax~~ commissioner 91081  
prescribes, showing the amount of excise tax estimated to be 91082  
charged or levied pursuant to law for the current year upon the 91083  
basis of such annual statement, and shall remit a portion of the 91084  
estimated excise taxes shown to be due by the report. The portion 91085  
of the estimated excise taxes due at the time the report is filed 91086  
shall be one-third of its total excise taxes estimated to be 91087  
charged or levied for the current year based upon the annual 91088  
statement filed under division (A) of this section. 91089

(2) Annually, on or before the first day of March and June, 91090  
each public utility whose excise taxes as based upon its last 91091  
preceding annual statement filed under division (A) of this 91092  
section prior to the first day of January were one thousand 91093  
dollars or more shall file with the ~~treasurer of state~~ 91094  
commissioner a report, in such form as the ~~tax~~ commissioner 91095

prescribes, showing the amount of excise tax charged or levied 91096  
pursuant to law upon the basis of such annual statement, and shall 91097  
remit a portion of the excise taxes shown to be due by each such 91098  
report. The portion of the excise taxes due at the time each such 91099  
report is filed shall be one-third of its total excise taxes so 91100  
charged or levied based upon such annual statement. 91101

(C) Any public utility subject to the excise taxes imposed by 91102  
section 5727.30 of the Revised Code whose tax as certified under 91103  
section 5727.38 of the Revised Code in a year equals or exceeds 91104  
the amount specified for that year in section 5727.311 of the 91105  
Revised Code shall make the payments required under this section 91106  
in the second ensuing and each succeeding year in the manner 91107  
prescribed by section 5727.311 of the Revised Code, except as 91108  
otherwise prescribed by that section. 91109

(D)(1) For purposes of this section, a report required to be 91110  
filed under division (B) of this section is considered filed when 91111  
it is received by the ~~treasurer of state~~ tax commissioner. 91112

(2) For purposes of this section and sections 5727.311 and 91113  
5727.42 of the Revised Code, remittance of an excise tax required 91114  
to be made under this section is considered to be made when the 91115  
remittance is received by the treasurer of state or tax 91116  
commissioner, or when credited to an account designated by the 91117  
treasurer of state for the receipt of tax remittances. 91118

**Sec. 5727.311.** (A) Any public utility subject to an excise 91119  
tax imposed by section 5727.30 of the Revised Code whose tax ~~as~~ 91120  
~~certified by the tax commissioner under section 5727.38 of the~~ 91121  
~~Revised Code~~ equals or exceeds fifty thousand dollars shall make 91122  
each payment required under division (B) of section 5727.31 of the 91123  
Revised Code for the second ensuing and each succeeding year by 91124  
electronic funds transfer as prescribed by division (C) of this 91125  
section. 91126

If the tax ~~certified by the tax commissioner~~ in each of two 91127  
consecutive years is less than fifty thousand dollars, the public 91128  
utility is relieved of the requirement to remit taxes by 91129  
electronic funds transfer for the year that next follows the 91130  
second of the consecutive years in which the tax certified is less 91131  
than fifty thousand dollars, and is relieved of that requirement 91132  
for each succeeding year unless the tax ~~certified~~ in a subsequent 91133  
year equals or exceeds fifty thousand dollars. 91134

(B) The tax commissioner shall notify each public utility 91135  
required by this section or section 5727.25 of the Revised Code to 91136  
remit taxes by electronic funds transfer of the public utility's 91137  
obligation to do so, and shall maintain an updated list of those 91138  
public utilities, ~~and shall timely certify the list and any~~ 91139  
~~additions thereto or deletions therefrom to the treasurer of~~ 91140  
~~state.~~ Failure by the tax commissioner to notify a public utility 91141  
subject to this section to remit taxes by electronic funds 91142  
transfer does not relieve the public utility of its obligation to 91143  
remit taxes by electronic funds transfer. 91144

(C) Public utilities required by this section or section 91145  
5727.25 of the Revised Code to remit periodic payments by 91146  
electronic funds transfer shall remit such payments to the 91147  
treasurer of state in the manner prescribed by rules adopted by 91148  
the treasurer of state under section 113.061 of the Revised Code. 91149  
The payment of public utility excise taxes by electronic funds 91150  
transfer does not affect a public utility's obligation to file the 91151  
annual statement and periodic reports in the manner and at the 91152  
times prescribed by section 5727.31 of the Revised Code. 91153

A public utility required by this section or section 5727.25 91154  
of the Revised Code to remit taxes by electronic funds transfer 91155  
may apply to the ~~treasurer of state~~ tax commissioner in the manner 91156  
prescribed by the ~~treasurer of state~~ commissioner to be excused 91157  
from that requirement. The ~~treasurer of state~~ commissioner may 91158

excuse the public utility from remittance by electronic funds 91159  
transfer for good cause shown for the period of time requested by 91160  
the public utility or for a portion of that period. The ~~treasurer~~ 91161  
~~of state~~ commissioner shall notify the ~~tax commissioner~~ and the 91162  
public utility of the ~~treasurer of state's~~ commissioner's decision 91163  
as soon as is practicable. 91164

(D) If a public utility required by this section or section 91165  
5727.25 of the Revised Code to remit taxes by electronic funds 91166  
transfer remits those taxes by some means other than by electronic 91167  
funds transfer as prescribed by this section and the rules adopted 91168  
by the treasurer of state, and the ~~treasurer of state~~ tax 91169  
commissioner determines that the failure to remit taxes as 91170  
required was not due to reasonable cause or was due to willful 91171  
neglect, the ~~treasurer of state~~ commissioner may impose an 91172  
additional charge on the public utility equal to five per cent of 91173  
the amount of the taxes required to be paid by electronic funds 91174  
transfer, but not to exceed five thousand dollars. Any additional 91175  
charge imposed under this section is in addition to any other 91176  
penalty or charge imposed under this chapter, and shall be 91177  
considered as revenue arising from excise taxes imposed by this 91178  
chapter. 91179

No additional charge shall be assessed under this division 91180  
against a public utility that has been notified of its obligation 91181  
to remit taxes under this section and that remits its first two 91182  
tax payments after such notification by some means other than 91183  
electronic funds transfer. The additional charge may be assessed 91184  
upon the remittance of any subsequent tax payment that the public 91185  
utility remits by some means other than electronic funds transfer. 91186

**Sec. 5727.38.** On or before the first Monday of November, 91187  
annually, the tax commissioner ~~shall~~ may assess an excise tax 91188  
against ~~each~~ a public utility subject to the excise tax under 91189

section 5727.30 of the Revised Code. The tax shall be computed by 91190  
multiplying the taxable gross receipts as determined by the 91191  
commissioner under section 5727.33 of the Revised Code by six and 91192  
three-fourths per cent in the case of pipe-line companies, and 91193  
four and three-fourths per cent in the case of all other 91194  
companies. The minimum tax for any such company for owning 91195  
property or doing business in this state shall be fifty dollars. 91196  
The assessment shall be ~~certified~~ mailed to the taxpayer and 91197  
~~treasurer of state.~~ 91198

**Sec. 5727.42.** (A) The treasurer of state shall ~~maintain a~~ 91199  
~~list of all taxes levied and payments made pursuant to the annual~~ 91200  
notify the tax commissioner of any payment of the excise tax 91201  
imposed by section 5727.30 of the Revised Code. The ~~treasurer of~~ 91202  
state commissioner shall collect and the taxpayer shall pay all 91203  
taxes and any penalties thereon. Payments of the tax may be made 91204  
by mail, in person, by electronic funds transfer if required to do 91205  
so by section 5727.311 of the Revised Code, or by any other means 91206  
authorized by the ~~treasurer of state~~ commissioner. The ~~treasurer~~ 91207  
~~of state~~ commissioner may adopt rules concerning the methods and 91208  
timeliness of payment. 91209

(B) Each tax ~~bill~~ assessment issued pursuant to this section 91210  
shall separately reflect the taxes and any penalty due, ~~due date,~~ 91211  
and any other information considered necessary. ~~The last day on~~ 91212  
~~which payment may be made without penalty shall be at least twenty~~ 91213  
~~but not more than thirty days from the date of mailing the tax~~ 91214  
~~bill.~~ The ~~treasurer of state~~ commissioner shall mail the ~~tax bill~~ 91215  
assessment to the taxpayer, and the mailing of it shall be 91216  
prima-facie evidence of receipt thereof by the taxpayer. 91217

(C) The ~~treasurer of state~~ commissioner shall refund taxes 91218  
levied and payments made for the tax imposed by section 5727.30 of 91219  
the Revised Code as provided in this section, but no refund shall 91220

be made to a taxpayer having a delinquent claim certified pursuant 91221  
to this section that remains unpaid. The ~~treasurer of state~~ 91222  
commissioner may consult the attorney general regarding such 91223  
claims. 91224

(D) ~~Within twenty days after receipt of~~ After receiving any 91225  
excise tax ~~assessment certified to the treasurer of state~~ annual 91226  
statement for the tax imposed by section 5727.30 of the Revised 91227  
Code, the ~~treasurer of state~~ commissioner shall: 91228

(1) Ascertain the difference between the total taxes ~~shown on~~ 91229  
~~such assessment~~ owed and the sum of all ~~estimated~~ payments, 91230  
~~exclusive of any penalties thereon, previously~~ made for that year. 91231

(2) If the difference is a deficiency, the ~~treasurer of state~~ 91232  
commissioner shall issue a ~~tax bill~~ an assessment. 91233

(3) If the difference is an excess, the ~~treasurer of state~~ 91234  
commissioner shall ~~certify the name of the taxpayer and the amount~~ 91235  
~~to be refunded to~~ notify the director of budget and management ~~for~~ 91236  
~~payment and issue a refund of that amount~~ to the taxpayer. If the 91237  
amount of the refund is less than that claimed by the taxpayer, 91238  
the taxpayer, within sixty days of the issuance of the refund, may 91239  
provide to the commissioner additional information to support the 91240  
claim or may request a hearing. Upon receiving such information or 91241  
request within that time, the commissioner shall follow the same 91242  
procedures set forth in divisions (C) and (D) of section 5703.70 91243  
of the Revised Code for the determination of refund applications. 91244

If the taxpayer has a deficiency for one tax year and an 91245  
excess for another tax year, or any combination thereof for more 91246  
than two years, the ~~treasurer of state~~ commissioner may determine 91247  
the net result and, depending on such result, proceed to ~~mail a~~ 91248  
~~tax bill~~ issue an assessment or certify a refund. 91249

(E) If a taxpayer fails to pay all the amount of taxes ~~on or~~ 91250  
~~before the due date shown on the tax bill~~ required to be paid, or 91251

fails to make an estimated payment on or before the due date 91252  
prescribed in division (B) of section 5727.31 of the Revised Code, 91253  
~~but makes payment within ten calendar days of such date, the~~ 91254  
~~treasurer of state shall add a penalty equal to five per cent of~~ 91255  
~~the amount that should have been timely paid. If payment is not~~ 91256  
~~made within ten days of such date, the treasurer of state shall~~ 91257  
~~add a penalty equal to fifteen per cent of the amount that should~~ 91258  
~~have been timely paid. The treasurer of state shall prepare a~~ 91259  
~~delinquent claim for each tax bill on which penalties were added~~ 91260  
~~and certify such claims to the attorney general and tax~~ 91261  
~~commissioner. The the commissioner shall impose a penalty in the~~ 91262  
~~amount of fifteen per cent of the unpaid amount, and the~~ 91263  
~~commissioner shall issue an assessment for the unpaid amount and~~ 91264  
~~penalty. Unless a timely petition for reassessment is filed under~~ 91265  
~~section 5727.47 of the Revised Code, the~~ attorney general shall 91266  
proceed to collect the delinquent taxes and penalties thereon in 91267  
the manner prescribed by law and notify the ~~treasurer of state and~~ 91268  
~~tax~~ commissioner of all collections. 91269

**Sec. 5727.47.** (A) Notice of each assessment certified or 91270  
issued pursuant to section 5727.23 or 5727.38 of the Revised Code 91271  
shall be mailed to the public utility, and its mailing shall be 91272  
prima-facie evidence of its receipt by the public utility to which 91273  
it is addressed. With the notice, the tax commissioner shall 91274  
provide instructions on how to petition for reassessment and 91275  
request a hearing on the petition. If a public utility objects to 91276  
~~any such an~~ assessment ~~certified to it pursuant to such sections,~~ 91277  
it may file with the commissioner, either personally or by 91278  
certified mail, within sixty days after the mailing of the notice 91279  
of assessment a written petition for reassessment signed by the 91280  
utility's authorized agent having knowledge of the facts. The date 91281  
the commissioner receives the petition shall be considered the 91282  
date of filing. The petition shall indicate the utility's 91283

objections, but additional objections may be raised in writing if 91284  
received by the commissioner prior to the date shown on the final 91285  
determination. 91286

In the case of a petition seeking a reduction in taxable 91287  
value filed with respect to an assessment ~~issued~~ certified under 91288  
section 5727.23 of the Revised Code, the petitioner shall state in 91289  
the petition the total amount of reduction in taxable value sought 91290  
by the petitioner. If the petitioner objects to the percentage of 91291  
true value at which taxable property is assessed by the 91292  
commissioner, the petitioner shall state in the petition the total 91293  
amount of reduction in taxable value sought both with and without 91294  
regard to the objection pertaining to the percentage of true value 91295  
at which its taxable property is assessed. If a petitioner objects 91296  
to the commissioner's apportionment of the taxable value of the 91297  
petitioner's taxable property, the petitioner shall distinctly 91298  
state in the petition that the petitioner objects to the 91299  
commissioner's apportionment, and, within forty-five days after 91300  
filing the petition for reassessment, shall submit the 91301  
petitioner's proposed apportionment of the taxable value of its 91302  
taxable property among taxing districts. If a petitioner that 91303  
objects to the commissioner's apportionment fails to state its 91304  
objections to that apportionment in its petition for reassessment 91305  
or fails to submit its proposed apportionment within forty-five 91306  
days after filing the petition for reassessment, the commissioner 91307  
shall dismiss the petitioner's objection to the commissioner's 91308  
apportionment, and the taxable value of the petitioner's taxable 91309  
property, subject to any adjustment to taxable value pursuant to 91310  
the petition or appeal, shall be apportioned in the manner used by 91311  
the commissioner in the preliminary or amended preliminary 91312  
assessment ~~issued~~ certified under section 5727.23 of the Revised 91313  
Code. 91314

If an additional objection seeking a reduction in taxable 91315



value in excess of the reduction stated in the original petition 91316  
is properly and timely raised with respect to an assessment issued 91317  
under section 5727.23 of the Revised Code, the petitioner shall 91318  
state the total amount of the reduction in taxable value sought in 91319  
the additional objection both with and without regard to any 91320  
reduction in taxable value pertaining to the percentage of true 91321  
value at which taxable property is assessed. If a petitioner fails 91322  
to state the reduction in taxable value sought in the original 91323  
petition or in additional objections properly raised after the 91324  
petition is filed, the commissioner shall notify the petitioner of 91325  
the failure by certified mail. If the petitioner fails to notify 91326  
the commissioner in writing of the reduction in taxable value 91327  
sought in the petition or in an additional objection within thirty 91328  
days after receiving the commissioner's notice, the commissioner 91329  
shall dismiss the petition or the additional objection in which 91330  
that reduction is sought. 91331

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 91332  
public utility filing a petition for reassessment regarding an 91333  
assessment certified or issued under section 5727.23 or 5727.38 of 91334  
the Revised Code shall pay the tax with respect to the assessment 91335  
objected to as required by law. The acceptance of any tax payment 91336  
by the treasurer of state, tax commissioner, or any county 91337  
treasurer shall not prejudice any claim for taxes on final 91338  
determination by the commissioner or final decision by the board 91339  
of tax appeals or any court. 91340

(2) If a public utility properly and timely files a petition 91341  
for reassessment regarding an assessment ~~issued~~ certified under 91342  
section 5727.23 of the Revised Code, the petitioner shall pay the 91343  
tax as prescribed by divisions (B)(2)(a), (b), and (c) of this 91344  
section: 91345

(a) If the petitioner does not object to the commissioner's 91346  
apportionment of the taxable value of the petitioner's taxable 91347

property, the petitioner is not required to pay the part of the 91348  
tax otherwise due on the taxable value that the petitioner seeks 91349  
to have reduced, subject to division (B)(2)(c) of this section. 91350

(b) If the petitioner objects to the commissioner's 91351  
apportionment of the taxable value of the petitioner's taxable 91352  
property, the petitioner is not required to pay the tax otherwise 91353  
due on the part of the taxable value apportioned to any taxing 91354  
district that the petitioner objects to, subject to division 91355  
(B)(2)(c) of this section. If, pursuant to division (A) of this 91356  
section, the petitioner has, in a proper and timely manner, 91357  
apportioned taxable value to a taxing district to which the 91358  
commissioner did not apportion the petitioner's taxable value, the 91359  
petitioner shall pay the tax due on the taxable value that the 91360  
petitioner has apportioned to the taxing district, subject to 91361  
division (B)(2)(c) of this section. 91362

(c) If a petitioner objects to the percentage of true value 91363  
at which taxable property is assessed by the commissioner, the 91364  
petitioner shall pay the tax due on the basis of the percentage of 91365  
true value at which the public utility's taxable property is 91366  
assessed by the commissioner. In any case, the petitioner's 91367  
payment of tax shall not be less than the amount of tax due based 91368  
on the taxable value reflected on the last appeal notice issued by 91369  
the commissioner under division (C) of this section. Until the 91370  
county auditor receives notification under division (E) of this 91371  
section and proceeds under section 5727.471 of the Revised Code to 91372  
issue any refund that is found to be due, the county auditor shall 91373  
not issue a refund for any increase in the reduction in taxable 91374  
value that is sought by a petitioner later than forty-five days 91375  
after the petitioner files the original petition as required under 91376  
division (A) of this section. 91377

(3) Any part of the tax that, under division (B)(2)(a) or (b) 91378  
of this section, is not paid shall be collected upon receipt of 91379

the notification as provided in section 5727.471 of the Revised Code with interest thereon computed in the same manner as interest is computed under division (E) of section 5715.19 of the Revised Code, subject to any correction of the assessment by the commissioner under division (E) of this section or the final judgment of the board of tax appeals or a court to which the board's final judgment is appealed. The penalty imposed under section 323.121 of the Revised Code shall apply only to the unpaid portion of the tax if the petitioner's tax payment is less than the amount of tax due based on the taxable value reflected on the last appeal notice issued by the commissioner under division (C) of this section.

(C) Upon receipt of a properly filed petition for reassessment with respect to an assessment certified under section 5727.23 of the Revised Code, the tax commissioner shall notify the treasurer of state or the auditor of each county to which the assessment objected to has been certified. In the case of a petition with respect to an assessment ~~issued~~ certified under section 5727.23 of the Revised Code, the commissioner shall issue an appeal notice within thirty days after receiving the amount of the taxable value reduction and apportionment changes sought by the petitioner in the original petition or in any additional objections properly and timely raised by the petitioner. The appeal notice shall indicate the amount of the reduction in taxable value sought in the petition or in the additional objections and the extent to which the reduction in taxable value and any change in apportionment requested by the petitioner would affect the commissioner's apportionment of the taxable value among taxing districts in the county as shown in the assessment. If a petitioner is seeking a reduction in taxable value on the basis of a lower percentage of true value than the percentage at which the commissioner assessed the petitioner's taxable property, the appeal notice shall indicate the reduction in taxable value sought

by the petitioner without regard to the reduction sought on the 91413  
basis of the lower percentage and shall indicate that the 91414  
petitioner is required to pay tax on the reduced taxable value 91415  
determined without regard to the reduction sought on the basis of 91416  
a lower percentage of true value, as provided under division 91417  
(B)(2)(c) of this section. The appeal notice shall include a 91418  
statement that the reduced taxable value and the apportionment 91419  
indicated in the notice are not final and are subject to 91420  
adjustment by the commissioner or by the board of tax appeals or a 91421  
court on appeal. If the commissioner finds an error in the appeal 91422  
notice, the commissioner may amend the notice, but the notice is 91423  
only for informational and tax payment purposes; the notice is not 91424  
subject to appeal by any person. The commissioner also shall mail 91425  
a copy of the appeal notice to the petitioner. Upon the request of 91426  
a taxing authority, the county auditor may disclose to the taxing 91427  
authority the extent to which a reduction in taxable value sought 91428  
by a petitioner would affect the apportionment of taxable value to 91429  
the taxing district or districts under the taxing authority's 91430  
jurisdiction, but such a disclosure does not constitute a notice 91431  
required by law to be given for the purpose of section 5717.02 of 91432  
the Revised Code. 91433

(D) If the petitioner requests a hearing on the petition, the 91434  
tax commissioner shall assign a time and place for the hearing on 91435  
the petition and notify the petitioner of such time and place, but 91436  
the commissioner may continue the hearing from time to time as 91437  
necessary. 91438

(E) The tax commissioner may make corrections to the 91439  
assessment as the commissioner finds proper. The commissioner 91440  
shall serve a copy of the commissioner's final determination on 91441  
the petitioner in the manner provided in section 5703.37 of the 91442  
Revised Code. The commissioner's decision in the matter shall be 91443  
final, subject to appeal under section 5717.02 of the Revised 91444

Code. ~~The~~ With respect to a final determination issued for an 91445  
assessment certified under section 5727.23 of the Revised Code, 91446  
the commissioner also shall transmit a copy of the final 91447  
determination to the ~~treasurer of state or~~ applicable county 91448  
auditor. In the absence of any further appeal, or when a decision 91449  
of the board of tax appeals or of any court to which the decision 91450  
has been appealed becomes final, the commissioner shall notify the 91451  
public utility and, as appropriate, ~~the treasurer of state who~~ 91452  
shall proceed under section 5727.42 of the Revised Code, or notify 91453  
the applicable county auditor, who shall proceed under section 91454  
5727.471 of the Revised Code. 91455

The notification made under this division is not subject to 91456  
further appeal. 91457

(F) On appeal, no adjustment shall be made in the tax 91458  
commissioner's assessment ~~issued~~ certified under section 5727.23 91459  
of the Revised Code that reduces the taxable value of a 91460  
petitioner's taxable property by an amount that exceeds the 91461  
reduction sought by the petitioner in its petition for 91462  
reassessment or in any additional objections properly and timely 91463  
raised after the petition is filed with the commissioner. 91464

**Sec. 5727.48.** The tax commissioner, on application by a 91465  
public utility, may extend to the public utility a further 91466  
specified time, not to exceed ~~sixty~~ thirty days, within which to 91467  
file any report or statement required by this chapter to be filed 91468  
with the commissioner, except reports required by sections 5727.24 91469  
to 5727.29 of the Revised Code. A public utility must file such an 91470  
application, in writing, with the commissioner on or before the 91471  
date that the report or statement is otherwise required to be 91472  
filed. 91473

**Sec. 5727.53.** The taxes, fees, and penalties provided by this 91474

chapter that are remitted to the treasurer of state may be 91475  
recovered by an action brought in the name of the state in the 91476  
court of common pleas of Franklin county, or of any county in 91477  
which such public utility is doing business, or in which the line 91478  
of any railroad company is located, and such court of common pleas 91479  
shall have jurisdiction of the action regardless of the amount 91480  
involved. The attorney general, on request of the tax 91481  
commissioner, shall institute such action in the court of common 91482  
pleas of Franklin county or of any of such counties the 91483  
commissioner directs. ~~In any such action it shall be sufficient to~~ 91484  
~~allege that the tax, fee, or penalty sought to be recovered stands~~ 91485  
~~charged on the delinquent duplicate of the treasurer of state, and~~ 91486  
~~that the same has been unpaid for a period of thirty days after~~ 91487  
~~having been placed thereon.~~ Sums recovered in any such action 91488  
shall be paid into the state treasury in the same manner as the 91489  
tax. 91490

**Sec. 5727.60.** If a person fails to file a report within the 91491  
time prescribed by section 5727.08 or 5727.31 of the Revised Code, 91492  
including any extensions of time granted by the tax commissioner, 91493  
a penalty of fifty dollars per month, not to exceed five hundred 91494  
dollars, may be imposed for each month or fraction of a month 91495  
elapsing between the due date of the report, including any 91496  
extensions, and the date the report was filed. The penalty under 91497  
this section for failing to file a report required by section 91498  
5727.08 of the Revised Code shall be paid into the state general 91499  
revenue fund. ~~If the penalty is not paid within fifteen days after~~ 91500  
~~notice of the penalty is mailed to the person who failed to timely~~ 91501  
~~file the report, the tax commissioner shall certify the penalty as~~ 91502  
~~a claim to the attorney general for collection.~~ The penalty under 91503  
this section for failing to file the report required by section 91504  
5727.31 of the Revised Code shall be deposited into the state 91505  
treasury in the same manner as the tax, and the commissioner may 91506

collect the penalty by assessment pursuant to section 5727.38 of 91507  
the Revised Code. The tax commissioner may abate this penalty in 91508  
full or in part. 91509

**Sec. 5727.80.** As used in sections 5727.80 to 5727.95 of the 91510  
Revised Code: 91511

(A) "Electric distribution company" means either of the 91512  
following: 91513

(1) A person who distributes electricity through a meter of 91514  
an end user in this state or to an unmetered location in this 91515  
state; 91516

(2) The end user of electricity in this state, if the end 91517  
user obtains electricity that is not distributed or transmitted to 91518  
the end user by an electric distribution company that is required 91519  
to remit the tax imposed by section 5727.81 of the Revised Code. 91520

"Electric distribution company" does not include an end user 91521  
of electricity in this state who self-generates electricity that 91522  
is used directly by that end user on the same site that the 91523  
electricity is generated or a person that donates all of the 91524  
electricity the person generates to a political subdivision of the 91525  
state. Division (A)(2) of this section shall not apply to a 91526  
political subdivision in this state that is the end user of 91527  
electricity that is donated to the political subdivision. 91528

(B) "Kilowatt hour" means one thousand watt hours of 91529  
electricity. 91530

(C) For an electric distribution company, "meter of an end 91531  
user in this state" means the last meter used to measure the 91532  
kilowatt hours distributed by an electric distribution company to 91533  
a location in this state, or the last meter located outside of 91534  
this state that is used to measure the kilowatt hours consumed at 91535  
a location in this state. 91536

(D) "Person" has the same meaning as in section 5701.01 of the Revised Code, but also includes a political subdivision of the state. 91537  
91538  
91539

(E) "Municipal electric utility" means a municipal corporation that owns or operates a system for the distribution of electricity. 91540  
91541  
91542

(F) "Qualified end user" means an end user of electricity that satisfies either of the following criteria: 91543  
91544

(1) The end user uses more than three million kilowatt hours of electricity at one manufacturing location in this state for a calendar day for use in a qualifying manufacturing process. 91545  
91546  
91547

(2) The end user uses electricity distributed by an electric distribution company other than a municipal electric utility or a rural electric company at a manufacturing location in this state for use in a chlor-alkali manufacturing process. 91548  
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(G) "Qualified regeneration" means a process to convert electricity to a form of stored energy by means such as using electricity to compress air for storage or to pump water to an elevated storage reservoir, if such stored energy is subsequently used to generate electricity for sale to others primarily during periods when there is peak demand for electricity. 91552  
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(H) "Qualified regeneration meter" means the last meter used to measure electricity used in a qualified regeneration process. 91558  
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(I) "Qualifying manufacturing process" means ~~the performance of an electrochemical reaction in which electrons from direct current electricity remain a part of the product being manufactured~~ an electrochemical manufacturing process or a chlor-alkali manufacturing process. 91560  
91561  
91562  
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(J) "Self-assessing purchaser" means a purchaser that meets all the requirements of, and pays the excise tax in accordance 91565  
91566



with, division (C) of section 5727.81 of the Revised Code. 91567

(K) "Natural gas distribution company" means a natural gas 91568  
company or a combined company, as defined in section 5727.01 of 91569  
the Revised Code, that is subject to the excise tax imposed by 91570  
section 5727.24 of the Revised Code and that distributes natural 91571  
gas through a meter of an end user in this state or to an 91572  
unmetered location in this state. 91573

(L) "MCF" means one thousand cubic feet. 91574

(M) For a natural gas distribution company, "meter of an end 91575  
user in this state" means the last meter used to measure the MCF 91576  
of natural gas distributed by a natural gas distribution company 91577  
to a location in this state, or the last meter located outside of 91578  
this state that is used to measure the natural gas consumed at a 91579  
location in this state. 91580

(N) "Flex customer" means an industrial or a commercial 91581  
facility that has consumed more than one billion cubic feet of 91582  
natural gas a year at a single location during any of the previous 91583  
five years, or an industrial or a commercial end user of natural 91584  
gas that purchases natural gas distribution services from a 91585  
natural gas distribution company at discounted rates or charges 91586  
established in any of the following: 91587

(1) A special arrangement subject to review and regulation by 91588  
the public utilities commission under section 4905.31 of the 91589  
Revised Code; 91590

(2) A special arrangement with a natural gas distribution 91591  
company pursuant to a municipal ordinance; 91592

(3) A variable rate schedule that permits rates to vary 91593  
between defined amounts, provided that the schedule is on file 91594  
with the public utilities commission. 91595

An end user that meets this definition on January 1, 2000, or 91596

thereafter is a "flex customer" for purposes of determining the 91597  
rate of taxation under division (D) of section 5727.811 of the 91598  
Revised Code. 91599

(O) "Electrochemical manufacturing process" means the 91600  
performance of an electrochemical reaction in which electrons from 91601  
direct current electricity remain a part of the product being 91602  
manufactured. "Electrochemical manufacturing process" does not 91603  
include a chlor-alkali manufacturing process. 91604

(P) "Chlor-alkali manufacturing process" means a process that 91605  
uses electricity to produce chlorine and other chemicals through 91606  
the electrolysis of a salt solution. 91607

**Sec. 5727.81.** (A) For the purpose of raising revenue to fund 91608  
the needs of this state and its local governments, an excise tax 91609  
is hereby levied and imposed on an electric distribution company 91610  
for all electricity distributed by such company at the following 91611  
rates per kilowatt hour of electricity distributed in a thirty-day 91612  
period by the company through a meter of an end user in this 91613  
state: 91614

KILOWATT HOURS DISTRIBUTED	RATE PER	91615
TO AN END USER	KILOWATT HOUR	91616
For the first 2,000	\$.00465	91617
For the next 2,001 to 15,000	\$.00419	91618
For 15,001 and above	\$.00363	91619

If no meter is used to measure the kilowatt hours of 91620  
electricity distributed by the company, the rates shall apply to 91621  
the estimated kilowatt hours of electricity distributed to an 91622  
unmetered location in this state. 91623

The electric distribution company shall base the monthly tax 91624  
on the kilowatt hours of electricity distributed to an end user 91625  
through the meter of the end user that is not measured for a 91626  
thirty-day period by dividing the days in the measurement period 91627

into the total kilowatt hours measured during the measurement 91628  
period to obtain a daily average usage. The tax shall be 91629  
determined by obtaining the sum of divisions (A)(1), (2), and (3) 91630  
of this section and multiplying that amount by the number of days 91631  
in the measurement period: 91632

(1) Multiplying \$0.00465 per kilowatt hour for the first 91633  
sixty-seven kilowatt hours distributed using a daily average; 91634

(2) Multiplying \$0.00419 for the next sixty-eight to five 91635  
hundred kilowatt hours distributed using a daily average; 91636

(3) Multiplying \$0.00363 for the remaining kilowatt hours 91637  
distributed using a daily average. 91638

Except as provided in division (C) of this section, the 91639  
electric distribution company shall pay the tax to the tax 91640  
commissioner in accordance with section 5727.82 of the Revised 91641  
Code, unless required to remit each tax payment by electronic 91642  
funds transfer to the treasurer of state in accordance with 91643  
section 5727.83 of the Revised Code. 91644

Only the distribution of electricity through a meter of an 91645  
end user in this state shall be used by the electric distribution 91646  
company to compute the amount or estimated amount of tax due. In 91647  
the event a meter is not actually read for a measurement period, 91648  
the estimated kilowatt hours distributed by an electric 91649  
distribution company to bill for its distribution charges shall be 91650  
used. 91651

(B) Except as provided in division (C) of this section, each 91652  
electric distribution company shall pay the tax imposed by this 91653  
section in all of the following circumstances: 91654

(1) The electricity is distributed by the company through a 91655  
meter of an end user in this state; 91656

(2) The company is distributing electricity through a meter 91657

located in another state, but the electricity is consumed in this 91658  
state in the manner prescribed by the tax commissioner; 91659

(3) The company is distributing electricity in this state 91660  
without the use of a meter, but the electricity is consumed in 91661  
this state as estimated and in the manner prescribed by the tax 91662  
commissioner. 91663

(C)(1) As used in division (C) of this section: 91664

(a) "Total price of electricity" means the aggregate value in 91665  
money of anything paid or transferred, or promised to be paid or 91666  
transferred, to obtain electricity or electric service, including 91667  
but not limited to the value paid or promised to be paid for the 91668  
transmission or distribution of electricity and for transition 91669  
costs as described in Chapter 4928. of the Revised Code. 91670

(b) "Package" means the provision or the acquisition, at a 91671  
combined price, of electricity with other services or products, or 91672  
any combination thereof, such as natural gas or other fuels; 91673  
energy management products, software, and services; machinery and 91674  
equipment acquisition; and financing agreements. 91675

(c) "Single location" means a facility located on contiguous 91676  
property separated only by a roadway, railway, or waterway. 91677

(2) Division (C) of this section applies to any commercial or 91678  
industrial purchaser's receipt of electricity through a meter of 91679  
an end user in this state or through more than one meter at a 91680  
single location in this state in a quantity that exceeds 91681  
forty-five million kilowatt hours of electricity over the course 91682  
of the preceding calendar year, or any commercial or industrial 91683  
purchaser that will consume more than forty-five million kilowatt 91684  
hours of electricity over the course of the succeeding twelve 91685  
months as estimated by the tax commissioner. The tax commissioner 91686  
shall make such an estimate upon the written request by an 91687  
applicant for registration as a self-assessing purchaser under 91688

this division. For the meter reading period including July 1, 91689  
2008, through the meter reading period including December 31, 91690  
2010, such a purchaser may elect to self-assess the excise tax 91691  
imposed by this section at the rate of \$.00075 per kilowatt hour 91692  
on the first five hundred four million kilowatt hours distributed 91693  
to that meter or location during the registration year, and a 91694  
percentage of the total price of all electricity distributed to 91695  
that meter or location equal to three and one-half per cent. For 91696  
the meter reading period including January 1, 2011, and 91697  
thereafter, such a purchaser may elect to self-assess the excise 91698  
tax imposed by this section at the rate of \$.00257 per kilowatt 91699  
hour for the first five hundred million kilowatt hours, and 91700  
\$.001832 per kilowatt hour for each kilowatt hour in excess of 91701  
five hundred million kilowatt hours, distributed to that meter or 91702  
location during the registration year. 91703

A qualified end user that receives electricity through a 91704  
meter of an end user in this state or through more than one meter 91705  
at a single location in this state and that consumes, over the 91706  
course of the previous calendar year, more than forty-five million 91707  
kilowatt hours in other than its qualifying manufacturing process, 91708  
may elect to self-assess the tax as allowed by this division with 91709  
respect to the electricity used in other than its qualifying 91710  
manufacturing process. 91711

Payment of the tax shall be made directly to the tax 91712  
commissioner in accordance with divisions (A)(4) and (5) of 91713  
section 5727.82 of the Revised Code, or the treasurer of state in 91714  
accordance with section 5727.83 of the Revised Code. If the 91715  
electric distribution company serving the self-assessing purchaser 91716  
is a municipal electric utility and the purchaser is within the 91717  
municipal corporation's corporate limits, payment shall be made to 91718  
such municipal corporation's general fund and reports shall be 91719  
filed in accordance with divisions (A)(4) and (5) of section 91720

5727.82 of the Revised Code, except that "municipal corporation" 91721  
shall be substituted for "treasurer of state" and "tax 91722  
commissioner." A self-assessing purchaser that pays the excise tax 91723  
as provided in this division shall not be required to pay the tax 91724  
to the electric distribution company from which its electricity is 91725  
distributed. If a self-assessing purchaser's receipt of 91726  
electricity is not subject to the tax as measured under this 91727  
division, the tax on the receipt of such electricity shall be 91728  
measured and paid as provided in division (A) of this section. 91729

(3) In the case of the acquisition of a package, unless the 91730  
elements of the package are separately stated isolating the total 91731  
price of electricity from the price of the remaining elements of 91732  
the package, the tax imposed under this section applies to the 91733  
entire price of the package. If the elements of the package are 91734  
separately stated, the tax imposed under this section applies to 91735  
the total price of the electricity. 91736

(4) Any electric supplier that sells electricity as part of a 91737  
package shall separately state to the purchaser the total price of 91738  
the electricity and, upon request by the tax commissioner, the 91739  
total price of each of the other elements of the package. 91740

(5) The tax commissioner may adopt rules relating to the 91741  
computation of the total price of electricity with respect to 91742  
self-assessing purchasers, which may include rules to establish 91743  
the total price of electricity purchased as part of a package. 91744

(6) An annual application for registration as a 91745  
self-assessing purchaser shall be made for each qualifying meter 91746  
or location on a form prescribed by the tax commissioner. The 91747  
registration year begins on the first day of May and ends on the 91748  
following thirtieth day of April. Persons may apply after the 91749  
first day of May for the remainder of the registration year. In 91750  
the case of an applicant applying on the basis of an estimated 91751  
consumption of forty-five million kilowatt hours over the course 91752

of the succeeding twelve months, the applicant shall provide such 91753  
information as the tax commissioner considers to be necessary to 91754  
estimate such consumption. At the time of making the application 91755  
and by the first day of May of each year, a self-assessing 91756  
purchaser shall pay a fee of five hundred dollars to the tax 91757  
commissioner, or to the treasurer of state as provided in section 91758  
5727.83 of the Revised Code, for each qualifying meter or 91759  
location. The tax commissioner shall immediately pay to the 91760  
treasurer of state all amounts that the tax commissioner receives 91761  
under this section. The treasurer of state shall deposit such 91762  
amounts into the kilowatt hour excise tax administration fund, 91763  
which is hereby created in the state treasury. Money in the fund 91764  
shall be used to defray the tax commissioner's cost in 91765  
administering the tax owed under section 5727.81 of the Revised 91766  
Code by self-assessing purchasers. After the application is 91767  
approved by the tax commissioner, the registration shall remain in 91768  
effect for the current registration year, or until canceled by the 91769  
registrant upon written notification to the commissioner of the 91770  
election to pay the tax in accordance with division (A) of this 91771  
section, or until canceled by the tax commissioner for not paying 91772  
the tax or fee under division (C) of this section or for not 91773  
meeting the qualifications in division (C)(2) of this section. The 91774  
tax commissioner shall give written notice to the electric 91775  
distribution company from which electricity is delivered to a 91776  
self-assessing purchaser of the purchaser's self-assessing status, 91777  
and the electric distribution company is relieved of the 91778  
obligation to pay the tax imposed by division (A) of this section 91779  
for electricity distributed to that self-assessing purchaser until 91780  
it is notified by the tax commissioner that the self-assessing 91781  
purchaser's registration is canceled. Within fifteen days of 91782  
notification of the canceled registration, the electric 91783  
distribution company shall be responsible for payment of the tax 91784  
imposed by division (A) of this section on electricity distributed 91785

to a purchaser that is no longer registered as a self-assessing 91786  
purchaser. A self-assessing purchaser with a canceled registration 91787  
must file a report and remit the tax imposed by division (A) of 91788  
this section on all electricity it receives for any measurement 91789  
period prior to the tax being reported and paid by the electric 91790  
distribution company. A self-assessing purchaser whose 91791  
registration is canceled by the tax commissioner is not eligible 91792  
to register as a self-assessing purchaser for two years after the 91793  
registration is canceled. 91794

(7) If the tax commissioner cancels the self-assessing 91795  
registration of a purchaser registered on the basis of its 91796  
estimated consumption because the purchaser does not consume at 91797  
least forty-five million kilowatt hours of electricity over the 91798  
course of the twelve-month period for which the estimate was made, 91799  
the tax commissioner shall assess and collect from the purchaser 91800  
the difference between (a) the amount of tax that would have been 91801  
payable under division (A) of this section on the electricity 91802  
distributed to the purchaser during that period and (b) the amount 91803  
of tax paid by the purchaser on such electricity pursuant to 91804  
division (C)(2) of this section. The assessment shall be paid 91805  
within sixty days after the tax commissioner issues it, regardless 91806  
of whether the purchaser files a petition for reassessment under 91807  
section 5727.89 of the Revised Code covering that period. If the 91808  
purchaser does not pay the assessment within the time prescribed, 91809  
the amount assessed is subject to the additional charge and the 91810  
interest prescribed by divisions (B) and (C) of section 5727.82 of 91811  
the Revised Code, and is subject to assessment under section 91812  
5727.89 of the Revised Code. If the purchaser is a qualified end 91813  
user, division (C)(7) of this section applies only to electricity 91814  
it consumes in other than its qualifying manufacturing process. 91815

(D) The tax imposed by this section does not apply to the 91816  
distribution of any kilowatt hours of electricity to the federal 91817



government, to an end user located at a federal facility that uses 91818  
electricity for the enrichment of uranium, to a qualified 91819  
regeneration meter, or to an end user for any day the end user is 91820  
a qualified end user. The exemption under this division for a 91821  
qualified end user only applies to the manufacturing location 91822  
where the qualified end user uses electricity distributed by an 91823  
electric distribution company other than a municipal electric 91824  
utility or a rural electric company in a chlor-alkali 91825  
manufacturing process, or where the qualified end user uses more 91826  
than three million kilowatt hours per day in a ~~qualifying an~~ 91827  
electrochemical manufacturing process. 91828

(E) All revenue arising from the tax imposed by this section 91829  
shall be credited to the general revenue fund except as provided 91830  
by division (C) of this section and section 5727.82 of the Revised 91831  
Code. 91832

**Sec. 5729.98.** (A) To provide a uniform procedure for 91833  
calculating the amount of tax due under this chapter, a taxpayer 91834  
shall claim any credits and offsets against tax liability to which 91835  
it is entitled in the following order: 91836

(1) The credit for an insurance company or insurance company 91837  
group under section 5729.031 of the Revised Code; 91838

(2) The credit for eligible employee training costs under 91839  
section 5729.07 of the Revised Code; 91840

(3) The credit for purchases of qualified low-income 91841  
community investments under section 5729.16 of the Revised Code; 91842

(4) The nonrefundable job retention credit under division (B) 91843  
of section 122.171 of the Revised Code; 91844

(5) The nonrefundable credit for investments in rural 91845  
business and high-growth industry funds under section 122.152 of 91846  
the Revised Code; 91847

(6) The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code;

~~(6)~~(7) The refundable credit for rehabilitating a historic building under section 5729.17 of the Revised Code.

~~(7)~~(8) The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;

~~(8)~~(9) The refundable credit for Ohio job creation under section 5729.032 of the Revised Code;

~~(9)~~(10) The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

**Sec. 5731.46.** The county treasurer shall keep an account showing the amount of all taxes and interest received by ~~him~~ the treasurer under Chapter 5731. of the Revised Code. On the twenty-fifth day of February ~~and the twentieth day of August~~ of each year ~~he~~, the treasurer shall settle with the county auditor for all such taxes and interest so received ~~at the time of making~~

~~such settlement, in the preceding calendar year and~~ not included 91878  
in any ~~preceding~~ prior settlement, showing for what estate, by 91879  
whom, and when paid. At each such settlement the auditor shall 91880  
allow to the treasurer and ~~himself~~ to the auditor, on the money so 91881  
collected and accounted for by ~~him~~ the auditor, their respective 91882  
fees, ~~at the percentages allowed by law~~ under section 319.54 or 91883  
321.27 of the Revised Code. The correctness thereof, together with 91884  
a statement of the fees allowed at such settlement, and the fees 91885  
and expenses allowed to the officers ~~under such chapter~~ shall be 91886  
certified by the auditor. 91887

**Sec. 5731.49.** At each ~~semiannual~~ annual settlement provided 91888  
for by section 5731.46 of the Revised Code, the county auditor 91889  
shall certify to the county auditor of any other county in which 91890  
is located in whole or in part any municipal corporation or 91891  
township to which any of the taxes collected under this chapter 91892  
and not previously accounted for, is due, a statement of the 91893  
amount of such taxes due to each corporation or township in such 91894  
county entitled to share in the distribution thereof. The amount 91895  
due upon such settlement to each such municipal corporation or 91896  
township, and to each municipal corporation and township in the 91897  
county in which the taxes are collected, shall be paid upon the 91898  
warrant of the county auditor to the county treasurer or other 91899  
proper officer of such municipal corporation or township. The 91900  
amount of any refund chargeable against any such municipal 91901  
corporation or township at the time of making such settlement, 91902  
shall be adjusted in determining the amount due to such municipal 91903  
corporation or township at such settlement; provided that if the 91904  
municipal corporation or township against which such refund is 91905  
chargeable is not entitled to share in the fund to be distributed 91906  
at such settlement, the auditor shall draw a warrant for the 91907  
amount in favor of the treasurer payable from any undivided 91908  
general taxes in the possession of such treasurer, unless such 91909

municipal corporation or township is located in another county, in 91910  
which event the auditor shall issue a certificate for such amount 91911  
to the auditor of the proper county, who shall draw a like warrant 91912  
therefor payable from any undivided general taxes in the 91913  
possession of the treasurer of such county. In either case at the 91914  
next semiannual settlement of such undivided general taxes, the 91915  
amount of such warrant shall be deducted from the distribution of 91916  
taxes of such municipal corporation or township and charged 91917  
against the proceeds of levies for the general fund of such 91918  
municipal corporation or township, and a similar deduction shall 91919  
be made at each next semiannual settlement of such undivided 91920  
general taxes until such warrant has been satisfied in full. 91921

If it is discovered that an amount of taxes collected under 91922  
this chapter has been paid in error to a township or municipal 91923  
corporation to which the taxes are not due under this chapter, the 91924  
township or municipal corporation to which the amount was 91925  
erroneously paid, when repaying that amount to any subdivision to 91926  
which the taxes were due, shall not be required to pay interest on 91927  
that amount. 91928

**Sec. 5735.02.** (A) A motor fuel dealer shall not receive, use, 91929  
sell, or distribute any motor fuel or engage in business within 91930  
this state unless the motor fuel dealer holds an unrevoked license 91931  
issued by the tax commissioner to engage in such business. 91932

(B) To procure a motor fuel dealer's license, every motor 91933  
fuel dealer shall file with the commissioner an application 91934  
verified under oath by the applicant and in such form as the 91935  
commissioner prescribes, setting forth, in addition to such other 91936  
information required by the commissioner, the following: 91937

(1) The name under which the motor fuel dealer will transact 91938  
business within the state; 91939

(2) The location, including street number address, of its 91940

principal office or place of business within this state; 91941

(3) The name and address of the owner, or the names and 91942  
addresses of the partners if such motor fuel dealer is a 91943  
partnership, or the names and addresses of the principal officers 91944  
if such motor fuel dealer is a corporation or an association; 91945

(4) If such motor fuel dealer is a corporation organized 91946  
under the laws of another state, territory, or country, a 91947  
certified copy of the certificate or license issued by the Ohio 91948  
secretary of state showing that such corporation is authorized to 91949  
transact business in this state; 91950

(5) An agreement that the motor fuel dealer will assume the 91951  
liability and will pay the tax on any shipment of motor fuel made 91952  
into the state from any other state or foreign country and sold or 91953  
caused to be sold by such motor fuel dealer for delivery to a 91954  
person in this state who is not the holder of an unrevoked motor 91955  
fuel dealer's license. 91956

(C)(1) Except as provided in division (C)(2) of this section, 91957  
an application for a license shall be accompanied by a bond, of 91958  
the character stipulated and in the amount provided for in section 91959  
5735.03 of the Revised Code, which shall be filed with the 91960  
commissioner. 91961

(2) The ~~tax~~ commissioner may exempt a motor fuel dealer from 91962  
the requirements set forth in division (C)(1) of this section and 91963  
section 5735.03 of the Revised Code if the motor fuel dealer only 91964  
sells or distributes motor fuel upon which the motor fuel taxes 91965  
imposed under this chapter have been paid or are not required to 91966  
be paid by the motor fuel dealer. 91967

(D) If any application for a license to transact business as 91968  
a motor fuel dealer in the state is filed by any person who has 91969  
had any license previously canceled for cause by the tax 91970  
commissioner; if the commissioner believes that such application 91971

is not filed in good faith or that such application is filed as a 91972  
subterfuge by some person for the real person in interest who has 91973  
previously had any license canceled for cause by the tax 91974  
commissioner; ~~or~~ if the person has violated any provision of this 91975  
chapter; or if the person has failed to file any returns, submit 91976  
any information, or pay any outstanding taxes, charges, or fees as 91977  
required for any tax, charge, or fee administered by the 91978  
commissioner, to the extent the commissioner is aware of such 91979  
failure at the time of the application, then the tax commissioner, 91980  
after a hearing, of which the applicant shall be given five days' 91981  
notice in writing and at which said applicant shall have the right 91982  
to appear in person or by counsel and present testimony, may 91983  
refuse to issue to such person a license to transact business as a 91984  
motor fuel dealer in the state. 91985

(E) When the application in proper form has been accepted for 91986  
filing, and the bond accepted and approved, the commissioner shall 91987  
issue to such motor fuel dealer a license to transact business as 91988  
a motor fuel dealer in the state, subject to cancellation of such 91989  
license as provided by law. 91990

(F) No person shall make a false or fraudulent statement on 91991  
the application required by this section. 91992

**Sec. 5736.06.** (A) No person subject to the tax imposed by 91993  
section 5736.02 of the Revised Code shall distribute, import, or 91994  
cause the importation of motor fuel for consumption in this state 91995  
without holding a supplier's license issued by the tax 91996  
commissioner to engage in such activities. 91997

(B)(1) ~~A person~~ Within thirty days after first becoming 91998  
subject to the tax imposed by section 5736.02 of the Revised Code 91999  
~~shall, on or before March 1, 2014, or within thirty days of first~~ 92000  
~~becoming subject to the tax imposed by this chapter, whichever is~~ 92001  
~~earlier,~~ a person shall apply to the tax commissioner for a 92002

supplier's license on the form prescribed by the commissioner. 92003

(2) Each person issued a supplier's license under division 92004  
(B)(1) of this section shall apply to renew the license on or 92005  
before the first day of March of each year. 92006

(3) Each license issued or renewed under division (B)(1) or 92007  
(2) of this section shall be valid from the first day of March 92008  
through the last day of February or, in the case of a new license 92009  
issued after the first day of March, the date of issuance through 92010  
the last day of February. 92011

(4) With each license application submitted under division 92012  
(B)(1) or (2) of this section, the applicant shall pay an 92013  
application fee equal to one of the following amounts: 92014

(a) If the applicant solely imports or causes the importation 92015  
of motor fuel for sale, exchange, or transfer by the person in 92016  
this state, three hundred dollars; 92017

(b) If the applicant engages in activities in addition to 92018  
those described in division (B)~~(3)~~(4)(a) of this section, one 92019  
thousand dollars. 92020

If an applicant timely submits an application under division 92021  
(B)(1) of this section on or after the first day of September of 92022  
any year, the fee that would apply to the applicant under division 92023  
(B)~~(3)~~(4)(a) or (b) of this section shall be reduced by one-half. 92024

~~(4)~~(5) The failure to apply to the commissioner for a 92025  
supplier's license does not relieve a person from the requirement 92026  
to file returns and pay the tax imposed by this chapter. 92027

(C) The tax commissioner may refuse to issue a license to any 92028  
applicant under this section in the following circumstances: 92029

(1) The applicant has previously had any license canceled for 92030  
cause by the commissioner. 92031

(2) The commissioner believes that the application is not 92032

filed in good faith or is filed as a subterfuge in an attempt to 92033  
procure a license for another person. 92034

(3) The applicant has violated any provision of this chapter. 92035

(D) If the tax commissioner refuses to issue a license to an 92036  
applicant under this section, the applicant is entitled to a 92037  
refund of the application fee in accordance with section 5736.08 92038  
of the Revised Code. All application fees collected under this 92039  
section shall be deposited into the petroleum activity tax 92040  
administration fund created in section 5736.13 of the Revised 92041  
Code. 92042

(E) No person shall make a false or fraudulent statement on 92043  
an application required by this section. 92044

**Sec. 5739.01.** As used in this chapter: 92045

(A) "Person" includes individuals, receivers, assignees, 92046  
trustees in bankruptcy, estates, firms, partnerships, 92047  
associations, joint-stock companies, joint ventures, clubs, 92048  
societies, corporations, the state and its political subdivisions, 92049  
and combinations of individuals of any form. 92050

(B) "Sale" and "selling" include all of the following 92051  
transactions for a consideration in any manner, whether absolutely 92052  
or conditionally, whether for a price or rental, in money or by 92053  
exchange, and by any means whatsoever: 92054

(1) All transactions by which title or possession, or both, 92055  
of tangible personal property, is or is to be transferred, or a 92056  
license to use or consume tangible personal property is or is to 92057  
be granted; 92058

(2) All transactions by which lodging by a hotel is or is to 92059  
be furnished to transient guests; 92060

(3) All transactions by which: 92061



(a) An item of tangible personal property is or is to be 92062  
repaired, except property, the purchase of which would not be 92063  
subject to the tax imposed by section 5739.02 of the Revised Code; 92064

(b) An item of tangible personal property is or is to be 92065  
installed, except property, the purchase of which would not be 92066  
subject to the tax imposed by section 5739.02 of the Revised Code 92067  
or property that is or is to be incorporated into and will become 92068  
a part of a production, transmission, transportation, or 92069  
distribution system for the delivery of a public utility service; 92070

(c) The service of washing, cleaning, waxing, polishing, or 92071  
painting a motor vehicle is or is to be furnished; 92072

(d) Until August 1, 2003, industrial laundry cleaning 92073  
services are or are to be provided and, on and after August 1, 92074  
2003, laundry and dry cleaning services are or are to be provided; 92075

(e) Automatic data processing, computer services, electronic 92076  
publishing services, or electronic information services are or are 92077  
to be provided for use in business when the true object of the 92078  
transaction is the receipt by the consumer of automatic data 92079  
processing, computer services, electronic publishing services, or 92080  
electronic information services ~~rather than the receipt of~~ 92081  
~~personal or professional services to which.~~ When provided in 92082  
conjunction with one or more other services, the receipt by a 92083  
consumer of automatic data processing, computer services, 92084  
electronic publishing services, or electronic information services 92085  
~~are incidental or supplemental~~ is not the true object of the 92086  
transaction when the automatic data processing, computer service, 92087  
electronic publishing service, or electronic information service 92088  
is provided primarily for the delivery, receipt, or use of the 92089  
other service or services. Notwithstanding any other provision of 92090  
this chapter, ~~such transactions~~ sales of automatic data 92091  
processing, computer services, electronic publishing services, or 92092  
electronic information services that occur between members of an 92093

affiliated group are not sales. An "affiliated group" means two or 92094  
more persons related in such a way that one person owns or 92095  
controls the business operation of another member of the group. In 92096  
the case of corporations with stock, one corporation owns or 92097  
controls another if it owns more than fifty per cent of the other 92098  
corporation's common stock with voting rights. 92099

(f) Telecommunications service, including prepaid calling 92100  
service, prepaid wireless calling service, or ancillary service, 92101  
is or is to be provided, but not including coin-operated telephone 92102  
service; 92103

(g) Landscaping and lawn care service is or is to be 92104  
provided; 92105

(h) Private investigation and security service is or is to be 92106  
provided; 92107

(i) Information services or tangible personal property is 92108  
provided or ordered by means of a nine hundred telephone call; 92109

(j) Building maintenance and janitorial service is or is to 92110  
be provided; 92111

(k) Employment service is or is to be provided; 92112

(l) Employment placement service is or is to be provided; 92113

(m) Exterminating service is or is to be provided; 92114

(n) Physical fitness facility service is or is to be 92115  
provided; 92116

(o) Recreation and sports club service is or is to be 92117  
provided; 92118

(p) On and after August 1, 2003, satellite broadcasting 92119  
service is or is to be provided; 92120

(q) On and after August 1, 2003, personal care service is or 92121  
is to be provided to an individual. As used in this division, 92122

"personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.

(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;

(s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle.

(t) On and after August 1, 2003, snow removal service is or is to be provided. As used in this division, "snow removal service" means the removal of snow by any mechanized means, but does not include the providing of such service by a person that has less than five thousand dollars in sales of such service during the calendar year.

~~(u) Electronic publishing service is or is to be provided to a consumer for use in business, except that such transactions occurring between members of an affiliated group, as defined in division (B)(3)(e) of this section, are not sales.~~

(4) All transactions by which printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter

are or are to be furnished or transferred; 92154

(5) The production or fabrication of tangible personal 92155  
property for a consideration for consumers who furnish either 92156  
directly or indirectly the materials used in the production of 92157  
fabrication work; and include the furnishing, preparing, or 92158  
serving for a consideration of any tangible personal property 92159  
consumed on the premises of the person furnishing, preparing, or 92160  
serving such tangible personal property. Except as provided in 92161  
section 5739.03 of the Revised Code, a construction contract 92162  
pursuant to which tangible personal property is or is to be 92163  
incorporated into a structure or improvement on and becoming a 92164  
part of real property is not a sale of such tangible personal 92165  
property. The construction contractor is the consumer of such 92166  
tangible personal property, provided that the sale and 92167  
installation of carpeting, the sale and installation of 92168  
agricultural land tile, the sale and erection or installation of 92169  
portable grain bins, or the provision of landscaping and lawn care 92170  
service and the transfer of property as part of such service is 92171  
never a construction contract. 92172

As used in division (B)(5) of this section: 92173

(a) "Agricultural land tile" means fired clay or concrete 92174  
tile, or flexible or rigid perforated plastic pipe or tubing, 92175  
incorporated or to be incorporated into a subsurface drainage 92176  
system appurtenant to land used or to be used primarily in 92177  
production by farming, agriculture, horticulture, or floriculture. 92178  
The term does not include such materials when they are or are to 92179  
be incorporated into a drainage system appurtenant to a building 92180  
or structure even if the building or structure is used or to be 92181  
used in such production. 92182

(b) "Portable grain bin" means a structure that is used or to 92183  
be used by a person engaged in farming or agriculture to shelter 92184  
the person's grain and that is designed to be disassembled without 92185

significant damage to its component parts. 92186

(6) All transactions in which all of the shares of stock of a 92187  
closely held corporation are transferred, or an ownership interest 92188  
in a pass-through entity, as defined in section 5733.04 of the 92189  
Revised Code, is transferred, if the corporation or pass-through 92190  
entity is not engaging in business and its entire assets consist 92191  
of boats, planes, motor vehicles, or other tangible personal 92192  
property operated primarily for the use and enjoyment of the 92193  
shareholders or owners; 92194

(7) All transactions in which a warranty, maintenance or 92195  
service contract, or similar agreement by which the vendor of the 92196  
warranty, contract, or agreement agrees to repair or maintain the 92197  
tangible personal property of the consumer is or is to be 92198  
provided; 92199

(8) The transfer of copyrighted motion picture films used 92200  
solely for advertising purposes, except that the transfer of such 92201  
films for exhibition purposes is not a sale; 92202

(9) On and after August 1, 2003, all transactions by which 92203  
tangible personal property is or is to be stored, except such 92204  
property that the consumer of the storage holds for sale in the 92205  
regular course of business; 92206

(10) All transactions in which "guaranteed auto protection" 92207  
is provided whereby a person promises to pay to the consumer the 92208  
difference between the amount the consumer receives from motor 92209  
vehicle insurance and the amount the consumer owes to a person 92210  
holding title to or a lien on the consumer's motor vehicle in the 92211  
event the consumer's motor vehicle suffers a total loss under the 92212  
terms of the motor vehicle insurance policy or is stolen and not 92213  
recovered, if the protection and its price are included in the 92214  
purchase or lease agreement; 92215

(11)(a) Except as provided in division (B)(11)(b) of this 92216

section, on and after October 1, 2009, all transactions by which 92217  
health care services are paid for, reimbursed, provided, 92218  
delivered, arranged for, or otherwise made available by a medicaid 92219  
health insuring corporation pursuant to the corporation's contract 92220  
with the state. 92221

(b) If the centers for medicare and medicaid services of the 92222  
United States department of health and human services determines 92223  
that the taxation of transactions described in division (B)(11)(a) 92224  
of this section constitutes an impermissible health care-related 92225  
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 92226  
1396b(w), and regulations adopted thereunder, the medicaid 92227  
director shall notify the tax commissioner of that determination. 92228  
Beginning with the first day of the month following that 92229  
notification, the transactions described in division (B)(11)(a) of 92230  
this section are not sales for the purposes of this chapter or 92231  
Chapter 5741. of the Revised Code. The tax commissioner shall 92232  
order that the collection of taxes under sections 5739.02, 92233  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 92234  
5741.023 of the Revised Code shall cease for transactions 92235  
occurring on or after that date. 92236

(12) All transactions by which a specified digital product is 92237  
provided for permanent use or less than permanent use, regardless 92238  
of whether continued payment is required. 92239

Except as provided in this section, "sale" and "selling" do 92240  
not include transfers of interest in leased property where the 92241  
original lessee and the terms of the original lease agreement 92242  
remain unchanged, or professional, insurance, or personal service 92243  
transactions that involve the transfer of tangible personal 92244  
property as an inconsequential element, for which no separate 92245  
charges are made. 92246

(C) "Vendor" means the person providing the service or by 92247  
whom the transfer effected or license given by a sale is or is to 92248

be made or given and, for sales described in division (B)(3)(i) of 92249  
this section, the telecommunications service vendor that provides 92250  
the nine hundred telephone service; if two or more persons are 92251  
engaged in business at the same place of business under a single 92252  
trade name in which all collections on account of sales by each 92253  
are made, such persons shall constitute a single vendor. 92254

Physicians, dentists, hospitals, and veterinarians who are 92255  
engaged in selling tangible personal property as received from 92256  
others, such as ~~eyeglasses~~, mouthwashes, dentifrices, or similar 92257  
articles, are vendors. Before July 1, 2019, such tangible personal 92258  
property includes eyeglasses and similar articles. Veterinarians 92259  
who are engaged in transferring to others for a consideration 92260  
drugs, the dispensing of which does not require an order of a 92261  
licensed veterinarian or physician under federal law, are vendors. 92262

(D)(1) "Consumer" means the person for whom the service is 92263  
provided, to whom the transfer effected or license given by a sale 92264  
is or is to be made or given, to whom the service described in 92265  
division (B)(3)(f) or (i) of this section is charged, or to whom 92266  
the admission is granted. 92267

(2) Physicians, dentists, hospitals, and blood banks operated 92268  
by nonprofit institutions and persons licensed to practice 92269  
veterinary medicine, surgery, and dentistry are consumers of all 92270  
tangible personal property and services purchased by them in 92271  
connection with the practice of medicine, dentistry, the rendition 92272  
of hospital or blood bank service, or the practice of veterinary 92273  
medicine, surgery, and dentistry. In addition to being consumers 92274  
of drugs administered by them or by their assistants according to 92275  
their direction, veterinarians also are consumers of drugs that 92276  
under federal law may be dispensed only by or upon the order of a 92277  
licensed veterinarian or physician, when transferred by them to 92278  
others for a consideration to provide treatment to animals as 92279  
directed by the veterinarian. 92280

(3) A person who performs a facility management, or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E)~~(1)~~ of this section.

(4)(a) In the case of a person who purchases printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of that printed matter, and the purchase of that printed matter for that purpose is a sale.

(b) In the case of a person who produces, rather than purchases, printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of all tangible personal property and services purchased for use or consumption in the production of that printed matter. That person is not entitled to claim exemption under division (B)(42)(f) of section 5739.02 of the Revised Code for any material incorporated into the printed matter or any equipment, supplies, or services primarily used to produce the printed matter.

(c) The distribution of printed matter to the public or to a designated segment of the public, free of charge, is not a sale to the members of the public to whom the printed matter is distributed or to any persons who purchase space in the printed matter for advertising or other purposes.

(5) A person who makes sales of any of the services listed in division (B)(3) of this section is the consumer of any tangible personal property used in performing the service. The purchase of that property is not subject to the resale exception under division (E)~~(1)~~ of this section.



(6) A person who engages in highway transportation for hire 92313  
is the consumer of all packaging materials purchased by that 92314  
person and used in performing the service, except for packaging 92315  
materials sold by such person in a transaction separate from the 92316  
service. 92317

(7) In the case of a transaction for health care services 92318  
under division (B)(11) of this section, a medicaid health insuring 92319  
corporation is the consumer of such services. The purchase of such 92320  
services by a medicaid health insuring corporation is not subject 92321  
to the exception for resale under division (E)(~~1~~) of this section 92322  
or to the exemptions provided under divisions (B)(12), (18), (19), 92323  
and (22) of section 5739.02 of the Revised Code. 92324

(E) "Retail sale" and "sales at retail" include all sales, 92325  
except those in which the purpose of the consumer is to resell the 92326  
thing transferred or benefit of the service provided, by a person 92327  
engaging in business, in the form in which the same is, or is to 92328  
be, received by the person. 92329

(F) "Business" includes any activity engaged in by any person 92330  
with the object of gain, benefit, or advantage, either direct or 92331  
indirect. "Business" does not include the activity of a person in 92332  
managing and investing the person's own funds. 92333

(G) "Engaging in business" means commencing, conducting, or 92334  
continuing in business, and liquidating a business when the 92335  
liquidator thereof holds itself out to the public as conducting 92336  
such business. Making a casual sale is not engaging in business. 92337

(H)(1)(a) "Price," except as provided in divisions (H)(2), 92338  
(3), and (4) of this section, means the total amount of 92339  
consideration, including cash, credit, property, and services, for 92340  
which tangible personal property or services are sold, leased, or 92341  
rented, valued in money, whether received in money or otherwise, 92342  
without any deduction for any of the following: 92343

(i) The vendor's cost of the property sold;	92344
(ii) The cost of materials used, labor or service costs, interest, losses, all costs of transportation to the vendor, all taxes imposed on the vendor, including the tax imposed under Chapter 5751. of the Revised Code, and any other expense of the vendor;	92345 92346 92347 92348 92349
(iii) Charges by the vendor for any services necessary to complete the sale;	92350 92351
(iv) On and after August 1, 2003, delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing.	92352 92353 92354 92355 92356
(v) Installation charges;	92357
(vi) Credit for any trade-in.	92358
(b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the consideration is directly related to a price reduction or discount on the sale; the vendor has an obligation to pass the price reduction or discount through to the consumer; the amount of the consideration attributable to the sale is fixed and determinable by the vendor at the time of the sale of the item to the consumer; and one of the following criteria is met:	92359 92360 92361 92362 92363 92364 92365 92366 92367
(i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented;	92368 92369 92370 92371 92372 92373

(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization.

(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer.

(c) "Price" does not include any of the following:

(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;

(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation

from a third party to cover all or part of the gift card value. 92405  
For the purposes of this division, a gift card is not sold by a 92406  
vendor or purchased by a consumer if it is distributed pursuant to 92407  
an awards, loyalty, or promotional program. Past and present 92408  
purchases of tangible personal property or services by the 92409  
consumer shall not be treated as consideration exchanged for a 92410  
gift card. 92411

(2) In the case of a sale of any new motor vehicle by a new 92412  
motor vehicle dealer, as defined in section 4517.01 of the Revised 92413  
Code, in which another motor vehicle is accepted by the dealer as 92414  
part of the consideration received, "price" has the same meaning 92415  
as in division (H)(1) of this section, reduced by the credit 92416  
afforded the consumer by the dealer for the motor vehicle received 92417  
in trade. 92418

(3) In the case of a sale of any watercraft or outboard motor 92419  
by a watercraft dealer licensed in accordance with section 92420  
1547.543 of the Revised Code, in which another watercraft, 92421  
watercraft and trailer, or outboard motor is accepted by the 92422  
dealer as part of the consideration received, "price" has the same 92423  
meaning as in division (H)(1) of this section, reduced by the 92424  
credit afforded the consumer by the dealer for the watercraft, 92425  
watercraft and trailer, or outboard motor received in trade. As 92426  
used in this division, "watercraft" includes an outdrive unit 92427  
attached to the watercraft. 92428

(4) In the case of transactions for health care services 92429  
under division (B)(11) of this section, "price" means the amount 92430  
of managed care premiums received each month by a medicaid health 92431  
insuring corporation. 92432

(I) "Receipts" means the total amount of the prices of the 92433  
sales of vendors, provided that the dollar value of gift cards 92434  
distributed pursuant to an awards, loyalty, or promotional 92435  
program, and cash discounts allowed and taken on sales at the time 92436

they are consummated are not included, minus any amount deducted 92437  
as a bad debt pursuant to section 5739.121 of the Revised Code. 92438  
"Receipts" does not include the sale price of property returned or 92439  
services rejected by consumers when the full sale price and tax 92440  
are refunded either in cash or by credit. 92441

(J) "Place of business" means any location at which a person 92442  
engages in business. 92443

(K) "Premises" includes any real property or portion thereof 92444  
upon which any person engages in selling tangible personal 92445  
property at retail or making retail sales and also includes any 92446  
real property or portion thereof designated for, or devoted to, 92447  
use in conjunction with the business engaged in by such person. 92448

(L) "Casual sale" means a sale of an item of tangible 92449  
personal property that was obtained by the person making the sale, 92450  
through purchase or otherwise, for the person's own use and was 92451  
previously subject to any state's taxing jurisdiction on its sale 92452  
or use, and includes such items acquired for the seller's use that 92453  
are sold by an auctioneer employed directly by the person for such 92454  
purpose, provided the location of such sales is not the 92455  
auctioneer's permanent place of business. As used in this 92456  
division, "permanent place of business" includes any location 92457  
where such auctioneer has conducted more than two auctions during 92458  
the year. 92459

(M) "Hotel" means every establishment kept, used, maintained, 92460  
advertised, or held out to the public to be a place where sleeping 92461  
accommodations are offered to guests, in which five or more rooms 92462  
are used for the accommodation of such guests, whether the rooms 92463  
are in one or several structures, except as otherwise provided in 92464  
division (G) of section 5739.09 of the Revised Code. 92465

(N) "Transient guests" means persons occupying a room or 92466  
rooms for sleeping accommodations for less than thirty consecutive 92467

days. 92468

(O) "Making retail sales" means the effecting of transactions 92469  
wherein one party is obligated to pay the price and the other 92470  
party is obligated to provide a service or to transfer title to or 92471  
possession of the item sold. "Making retail sales" does not 92472  
include the preliminary acts of promoting or soliciting the retail 92473  
sales, other than the distribution of printed matter which 92474  
displays or describes and prices the item offered for sale, nor 92475  
does it include delivery of a predetermined quantity of tangible 92476  
personal property or transportation of property or personnel to or 92477  
from a place where a service is performed. 92478

(P) "Used directly in the rendition of a public utility 92479  
service" means that property that is to be incorporated into and 92480  
will become a part of the consumer's production, transmission, 92481  
transportation, or distribution system and that retains its 92482  
classification as tangible personal property after such 92483  
incorporation; fuel or power used in the production, transmission, 92484  
transportation, or distribution system; and tangible personal 92485  
property used in the repair and maintenance of the production, 92486  
transmission, transportation, or distribution system, including 92487  
only such motor vehicles as are specially designed and equipped 92488  
for such use. Tangible personal property and services used 92489  
primarily in providing highway transportation for hire are not 92490  
used directly in the rendition of a public utility service. In 92491  
this definition, "public utility" includes a citizen of the United 92492  
States holding, and required to hold, a certificate of public 92493  
convenience and necessity issued under 49 U.S.C. 41102. 92494

(Q) "Refining" means removing or separating a desirable 92495  
product from raw or contaminated materials by distillation or 92496  
physical, mechanical, or chemical processes. 92497

(R) "Assembly" and "assembling" mean attaching or fitting 92498  
together parts to form a product, but do not include packaging a 92499

product. 92500

(S) "Manufacturing operation" means a process in which 92501  
materials are changed, converted, or transformed into a different 92502  
state or form from which they previously existed and includes 92503  
refining materials, assembling parts, and preparing raw materials 92504  
and parts by mixing, measuring, blending, or otherwise committing 92505  
such materials or parts to the manufacturing process. 92506  
"Manufacturing operation" does not include packaging. 92507

(T) "Fiscal officer" means, with respect to a regional 92508  
transit authority, the secretary-treasurer thereof, and with 92509  
respect to a county that is a transit authority, the fiscal 92510  
officer of the county transit board if one is appointed pursuant 92511  
to section 306.03 of the Revised Code or the county auditor if the 92512  
board of county commissioners operates the county transit system. 92513

(U) "Transit authority" means a regional transit authority 92514  
created pursuant to section 306.31 of the Revised Code or a county 92515  
in which a county transit system is created pursuant to section 92516  
306.01 of the Revised Code. For the purposes of this chapter, a 92517  
transit authority must extend to at least the entire area of a 92518  
single county. A transit authority that includes territory in more 92519  
than one county must include all the area of the most populous 92520  
county that is a part of such transit authority. County population 92521  
shall be measured by the most recent census taken by the United 92522  
States census bureau. 92523

(V) "Legislative authority" means, with respect to a regional 92524  
transit authority, the board of trustees thereof, and with respect 92525  
to a county that is a transit authority, the board of county 92526  
commissioners. 92527

(W) "Territory of the transit authority" means all of the 92528  
area included within the territorial boundaries of a transit 92529  
authority as they from time to time exist. Such territorial 92530

boundaries must at all times include all the area of a single 92531  
county or all the area of the most populous county that is a part 92532  
of such transit authority. County population shall be measured by 92533  
the most recent census taken by the United States census bureau. 92534

(X) "Providing a service" means providing or furnishing 92535  
anything described in division (B)(3) of this section for 92536  
consideration. 92537

(Y)(1)(a) "Automatic data processing" means processing of 92538  
others' data, including keypunching or similar data entry services 92539  
together with verification thereof, or providing access to 92540  
computer equipment for the purpose of processing data. 92541

(b) "Computer services" means providing services consisting 92542  
of specifying computer hardware configurations and evaluating 92543  
technical processing characteristics, computer programming, and 92544  
training of computer programmers and operators, provided in 92545  
conjunction with and to support the sale, lease, or operation of 92546  
taxable computer equipment or systems. 92547

(c) "Electronic information services" means providing access 92548  
to computer equipment by means of telecommunications equipment for 92549  
the purpose of either of the following: 92550

(i) Examining or acquiring data stored in or accessible to 92551  
the computer equipment; 92552

(ii) Placing data into the computer equipment to be retrieved 92553  
by designated recipients with access to the computer equipment. 92554

For transactions occurring on or after the effective date of 92555  
the amendment of this section by H.B. 157 of the 127th general 92556  
assembly, December 21, 2007, "electronic information services" 92557  
does not include electronic publishing as defined in division 92558  
(LLL) of this section. 92559

(d) "Electronic publishing" and "electronic publishing" 92560



services" means providing access to one or more of the following 92561  
primarily for business customers, including the federal government 92562  
or a state government or a political subdivision thereof, to 92563  
conduct research: news; business, financial, legal, consumer, or 92564  
credit materials; editorials, columns, reader commentary, or 92565  
features; photos or images; archival or research material; legal 92566  
notices, identity verification, or public records; scientific, 92567  
educational, instructional, technical, professional, trade, or 92568  
other literary materials; or other similar information which has 92569  
been gathered and made available by the provider to the consumer 92570  
in an electronic format. Providing electronic publishing services 92571  
includes the functions necessary for the acquisition, formatting, 92572  
editing, storage, and dissemination of data or information that is 92573  
the subject of a sale. 92574

(e) "Automatic data processing, computer services, electronic 92575  
publishing services, or electronic information services" shall not 92576  
include personal or professional services. 92577

(2) As used in ~~divisions (B)(3)(e) and~~ division (Y)(1) of 92578  
this section, "personal and professional services" means all 92579  
services other than automatic data processing, computer services, 92580  
electronic publishing services, or electronic information 92581  
services, including but not limited to: 92582

(a) Accounting and legal services such as advice on tax 92583  
matters, asset management, budgetary matters, quality control, 92584  
information security, and auditing and any other situation where 92585  
the service provider receives data or information and studies, 92586  
alters, analyzes, interprets, or adjusts such material; 92587

(b) Analyzing business policies and procedures; 92588

(c) Identifying management information needs; 92589

(d) Feasibility studies, including economic and technical 92590  
analysis of existing or potential computer hardware or software 92591

needs and alternatives;	92592
(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	92593 92594 92595 92596
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	92597 92598 92599
(g) Testing of business procedures;	92600
(h) Training personnel in business procedure applications;	92601
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	92602 92603 92604 92605 92606 92607
(j) Providing debt collection services by any oral, written, graphic, or electronic means;	92608 92609
(k) Providing digital advertising services.	92610
The services listed in divisions (Y)(2)(a) to (k) of this section are not automatic data processing <del>or</del> computer services, <u>electronic publishing services, or electronic information services.</u>	92611 92612 92613 92614
(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:	92615 92616 92617
(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any	92618 92619 92620 92621

similar public thoroughfare; 92622

(2) A person who engages in the transportation of personal 92623  
property belonging to others for consideration over or on 92624  
highways, roadways, streets, or any similar public thoroughfare 92625  
but who could not have engaged in such transportation on December 92626  
11, 1985, unless the person was the holder of a permit or 92627  
certificate of the types described in division (Z)(1) of this 92628  
section; 92629

(3) A person who leases a motor vehicle to and operates it 92630  
for a person described by division (Z)(1) or (2) of this section. 92631

(AA)(1) "Telecommunications service" means the electronic 92632  
transmission, conveyance, or routing of voice, data, audio, video, 92633  
or any other information or signals to a point, or between or 92634  
among points. "Telecommunications service" includes such 92635  
transmission, conveyance, or routing in which computer processing 92636  
applications are used to act on the form, code, or protocol of the 92637  
content for purposes of transmission, conveyance, or routing 92638  
without regard to whether the service is referred to as voice-over 92639  
internet protocol service or is classified by the federal 92640  
communications commission as enhanced or value-added. 92641  
"Telecommunications service" does not include any of the 92642  
following: 92643

(a) Data processing and information services that allow data 92644  
to be generated, acquired, stored, processed, or retrieved and 92645  
delivered by an electronic transmission to a consumer where the 92646  
consumer's primary purpose for the underlying transaction is the 92647  
processed data or information; 92648

(b) Installation or maintenance of wiring or equipment on a 92649  
customer's premises; 92650

(c) Tangible personal property; 92651

(d) Advertising, including directory advertising; 92652

(e) Billing and collection services provided to third parties;	92653 92654
(f) Internet access service;	92655
(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;	92656 92657 92658 92659 92660 92661 92662 92663
(h) Ancillary service;	92664
(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.	92665 92666
(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:	92667 92668 92669 92670 92671
(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.	92672 92673 92674 92675 92676
(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.	92677 92678 92679
(c) "Directory assistance" means an ancillary service of providing telephone number or address information.	92680 92681
(d) "Vertical service" means an ancillary service that is	92682

offered in connection with one or more telecommunications 92683  
services, which offers advanced calling features that allow 92684  
customers to identify callers and manage multiple calls and call 92685  
connections, including conference bridging service. 92686

(e) "Voice mail service" means an ancillary service that 92687  
enables the customer to store, send, or receive recorded messages. 92688  
"Voice mail service" does not include any vertical services that 92689  
the customer may be required to have in order to utilize the voice 92690  
mail service. 92691

(3) "900 service" means an inbound toll telecommunications 92692  
service purchased by a subscriber that allows the subscriber's 92693  
customers to call in to the subscriber's prerecorded announcement 92694  
or live service, and which is typically marketed under the name 92695  
"900 service" and any subsequent numbers designated by the federal 92696  
communications commission. "900 service" does not include the 92697  
charge for collection services provided by the seller of the 92698  
telecommunications service to the subscriber, or services or 92699  
products sold by the subscriber to the subscriber's customer. 92700

(4) "Prepaid calling service" means the right to access 92701  
exclusively telecommunications services, which must be paid for in 92702  
advance and which enables the origination of calls using an access 92703  
number or authorization code, whether manually or electronically 92704  
dialed, and that is sold in predetermined units or dollars of 92705  
which the number declines with use in a known amount. 92706

(5) "Prepaid wireless calling service" means a 92707  
telecommunications service that provides the right to utilize 92708  
mobile telecommunications service as well as other 92709  
non-telecommunications services, including the download of digital 92710  
products delivered electronically, and content and ancillary 92711  
services, that must be paid for in advance and that is sold in 92712  
predetermined units or dollars of which the number declines with 92713  
use in a known amount. 92714

(6) "Value-added non-voice data service" means a 92715  
telecommunications service in which computer processing 92716  
applications are used to act on the form, content, code, or 92717  
protocol of the information or data primarily for a purpose other 92718  
than transmission, conveyance, or routing. 92719

(7) "Coin-operated telephone service" means a 92720  
telecommunications service paid for by inserting money into a 92721  
telephone accepting direct deposits of money to operate. 92722

(8) "Customer" has the same meaning as in section 5739.034 of 92723  
the Revised Code. 92724

(BB) "Laundry and dry cleaning services" means removing soil 92725  
or dirt from towels, linens, articles of clothing, or other fabric 92726  
items that belong to others and supplying towels, linens, articles 92727  
of clothing, or other fabric items. "Laundry and dry cleaning 92728  
services" does not include the provision of self-service 92729  
facilities for use by consumers to remove soil or dirt from 92730  
towels, linens, articles of clothing, or other fabric items. 92731

(CC) "Magazines distributed as controlled circulation 92732  
publications" means magazines containing at least twenty-four 92733  
pages, at least twenty-five per cent editorial content, issued at 92734  
regular intervals four or more times a year, and circulated 92735  
without charge to the recipient, provided that such magazines are 92736  
not owned or controlled by individuals or business concerns which 92737  
conduct such publications as an auxiliary to, and essentially for 92738  
the advancement of the main business or calling of, those who own 92739  
or control them. 92740

(DD) "Landscaping and lawn care service" means the services 92741  
of planting, seeding, sodding, removing, cutting, trimming, 92742  
pruning, mulching, aerating, applying chemicals, watering, 92743  
fertilizing, and providing similar services to establish, promote, 92744  
or control the growth of trees, shrubs, flowers, grass, ground 92745

cover, and other flora, or otherwise maintaining a lawn or 92746  
landscape grown or maintained by the owner for ornamentation or 92747  
other nonagricultural purpose. However, "landscaping and lawn care 92748  
service" does not include the providing of such services by a 92749  
person who has less than five thousand dollars in sales of such 92750  
services during the calendar year. 92751

(EE) "Private investigation and security service" means the 92752  
performance of any activity for which the provider of such service 92753  
is required to be licensed pursuant to Chapter 4749. of the 92754  
Revised Code, or would be required to be so licensed in performing 92755  
such services in this state, and also includes the services of 92756  
conducting polygraph examinations and of monitoring or overseeing 92757  
the activities on or in, or the condition of, the consumer's home, 92758  
business, or other facility by means of electronic or similar 92759  
monitoring devices. "Private investigation and security service" 92760  
does not include special duty services provided by off-duty police 92761  
officers, deputy sheriffs, and other peace officers regularly 92762  
employed by the state or a political subdivision. 92763

(FF) "Information services" means providing conversation, 92764  
giving consultation or advice, playing or making a voice or other 92765  
recording, making or keeping a record of the number of callers, 92766  
and any other service provided to a consumer by means of a nine 92767  
hundred telephone call, except when the nine hundred telephone 92768  
call is the means by which the consumer makes a contribution to a 92769  
recognized charity. 92770

(GG) "Research and development" means designing, creating, or 92771  
formulating new or enhanced products, equipment, or manufacturing 92772  
processes, and also means conducting scientific or technological 92773  
inquiry and experimentation in the physical sciences with the goal 92774  
of increasing scientific knowledge which may reveal the bases for 92775  
new or enhanced products, equipment, or manufacturing processes. 92776

(HH) "Qualified research and development equipment" means 92777

capitalized tangible personal property, and leased personal 92778  
property that would be capitalized if purchased, used by a person 92779  
primarily to perform research and development. Tangible personal 92780  
property primarily used in testing, as defined in division (A)(4) 92781  
of section 5739.011 of the Revised Code, or used for recording or 92782  
storing test results, is not qualified research and development 92783  
equipment unless such property is primarily used by the consumer 92784  
in testing the product, equipment, or manufacturing process being 92785  
created, designed, or formulated by the consumer in the research 92786  
and development activity or in recording or storing such test 92787  
results. 92788

(II) "Building maintenance and janitorial service" means 92789  
cleaning the interior or exterior of a building and any tangible 92790  
personal property located therein or thereon, including any 92791  
services incidental to such cleaning for which no separate charge 92792  
is made. However, "building maintenance and janitorial service" 92793  
does not include the providing of such service by a person who has 92794  
less than five thousand dollars in sales of such service during 92795  
the calendar year. As used in this division, "cleaning" does not 92796  
include sanitation services necessary for an establishment 92797  
described in 21 U.S.C. 608 to comply with rules and regulations 92798  
adopted pursuant to that section. 92799

(JJ) "Employment service" means providing or supplying 92800  
personnel, on a temporary or long-term basis, to perform work or 92801  
labor under the supervision or control of another, when the 92802  
personnel so provided or supplied receive their wages, salary, or 92803  
other compensation from the provider or supplier of the employment 92804  
service or from a third party that provided or supplied the 92805  
personnel to the provider or supplier. "Employment service" does 92806  
not include: 92807

(1) Acting as a contractor or subcontractor, where the 92808  
personnel performing the work are not under the direct control of 92809



the purchaser. 92810

(2) Medical and health care services. 92811

(3) Supplying personnel to a purchaser pursuant to a contract 92812  
of at least one year between the service provider and the 92813  
purchaser that specifies that each employee covered under the 92814  
contract is assigned to the purchaser on a permanent basis. 92815

(4) Transactions between members of an affiliated group, as 92816  
defined in division (B)(3)(e) of this section. 92817

(5) Transactions where the personnel so provided or supplied 92818  
by a provider or supplier to a purchaser of an employment service 92819  
are then provided or supplied by that purchaser to a third party 92820  
as an employment service, except "employment service" does include 92821  
the transaction between that purchaser and the third party. 92822

(KK) "Employment placement service" means locating or finding 92823  
employment for a person or finding or locating an employee to fill 92824  
an available position. 92825

(LL) "Exterminating service" means eradicating or attempting 92826  
to eradicate vermin infestations from a building or structure, or 92827  
the area surrounding a building or structure, and includes 92828  
activities to inspect, detect, or prevent vermin infestation of a 92829  
building or structure. 92830

(MM) "Physical fitness facility service" means all 92831  
transactions by which a membership is granted, maintained, or 92832  
renewed, including initiation fees, membership dues, renewal fees, 92833  
monthly minimum fees, and other similar fees and dues, by a 92834  
physical fitness facility such as an athletic club, health spa, or 92835  
gymnasium, which entitles the member to use the facility for 92836  
physical exercise. 92837

(NN) "Recreation and sports club service" means all 92838  
transactions by which a membership is granted, maintained, or 92839

renewed, including initiation fees, membership dues, renewal fees, 92840  
monthly minimum fees, and other similar fees and dues, by a 92841  
recreation and sports club, which entitles the member to use the 92842  
facilities of the organization. "Recreation and sports club" means 92843  
an organization that has ownership of, or controls or leases on a 92844  
continuing, long-term basis, the facilities used by its members 92845  
and includes an aviation club, gun or shooting club, yacht club, 92846  
card club, swimming club, tennis club, golf club, country club, 92847  
riding club, amateur sports club, or similar organization. 92848

(OO) "Livestock" means farm animals commonly raised for food, 92849  
food production, or other agricultural purposes, including, but 92850  
not limited to, cattle, sheep, goats, swine, poultry, and captive 92851  
deer. "Livestock" does not include invertebrates, amphibians, 92852  
reptiles, domestic pets, animals for use in laboratories or for 92853  
exhibition, or other animals not commonly raised for food or food 92854  
production. 92855

(PP) "Livestock structure" means a building or structure used 92856  
exclusively for the housing, raising, feeding, or sheltering of 92857  
livestock, and includes feed storage or handling structures and 92858  
structures for livestock waste handling. 92859

(QQ) "Horticulture" means the growing, cultivation, and 92860  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 92861  
and nursery stock. As used in this division, "nursery stock" has 92862  
the same meaning as in section 927.51 of the Revised Code. 92863

(RR) "Horticulture structure" means a building or structure 92864  
used exclusively for the commercial growing, raising, or 92865  
overwintering of horticultural products, and includes the area 92866  
used for stocking, storing, and packing horticultural products 92867  
when done in conjunction with the production of those products. 92868

(SS) "Newspaper" means an unbound publication bearing a title 92869  
or name that is regularly published, at least as frequently as 92870

biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a substantial amount of news matter of international, national, or local events of interest to the general public.

(TT) "Professional racing team" means a person that employs at least twenty full-time employees for the purpose of conducting a motor vehicle racing business for profit. The person must conduct the business with the purpose of racing one or more motor racing vehicles in at least ten competitive professional racing events each year that comprise all or part of a motor racing series sanctioned by one or more motor racing sanctioning organizations. A "motor racing vehicle" means a vehicle for which the chassis, engine, and parts are designed exclusively for motor racing, and does not include a stock or production model vehicle that may be modified for use in racing. For the purposes of this division:

(1) A "competitive professional racing event" is a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations, at which aggregate cash prizes in excess of eight hundred thousand dollars are awarded to the competitors.

(2) "Full-time employee" means an individual who is employed for consideration for thirty-five or more hours a week, or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment.

(UU)(1) "Lease" or "rental" means any transfer of the possession or control of tangible personal property for a fixed or indefinite term, for consideration. "Lease" or "rental" includes future options to purchase or extend, and agreements described in 26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon the sale or disposition of

the property. "Lease" or "rental" does not include: 92903

(a) A transfer of possession or control of tangible personal 92904  
property under a security agreement or a deferred payment plan 92905  
that requires the transfer of title upon completion of the 92906  
required payments; 92907

(b) A transfer of possession or control of tangible personal 92908  
property under an agreement that requires the transfer of title 92909  
upon completion of required payments and payment of an option 92910  
price that does not exceed the greater of one hundred dollars or 92911  
one per cent of the total required payments; 92912

(c) Providing tangible personal property along with an 92913  
operator for a fixed or indefinite period of time, if the operator 92914  
is necessary for the property to perform as designed. For purposes 92915  
of this division, the operator must do more than maintain, 92916  
inspect, or set up the tangible personal property. 92917

(2) "Lease" and "rental," as defined in division (UU) of this 92918  
section, shall not apply to leases or rentals that exist before 92919  
June 26, 2003. 92920

(3) "Lease" and "rental" have the same meaning as in division 92921  
(UU)(1) of this section regardless of whether a transaction is 92922  
characterized as a lease or rental under generally accepted 92923  
accounting principles, the Internal Revenue Code, Title XIII of 92924  
the Revised Code, or other federal, state, or local laws. 92925

(VV) "Mobile telecommunications service" has the same meaning 92926  
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 92927  
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 92928  
on and after August 1, 2003, includes related fees and ancillary 92929  
services, including universal service fees, detailed billing 92930  
service, directory assistance, service initiation, voice mail 92931  
service, and vertical services, such as caller ID and three-way 92932  
calling. 92933

(WW) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code. 92934  
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(XX) "Satellite broadcasting service" means the distribution or broadcasting of programming or services by satellite directly to the subscriber's receiving equipment without the use of ground receiving or distribution equipment, except the subscriber's receiving equipment or equipment used in the uplink process to the satellite, and includes all service and rental charges, premium channels or other special services, installation and repair service charges, and any other charges having any connection with the provision of the satellite broadcasting service. 92936  
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(YY) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. For purposes of this chapter and Chapter 5741. of the Revised Code, "tangible personal property" includes motor vehicles, electricity, water, gas, steam, and prewritten computer software. 92945  
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~~(ZZ) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the consumer or at the direction of the consumer when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the consumer to the direct mail vendor for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address~~ "Municipal gas utility" means a municipal corporation that owns or operates a system for the distribution of natural gas. 92951  
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(AAA) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions. 92963  
92964  
92965

(BBB) "Computer software" means a set of coded instructions 92966  
designed to cause a computer or automatic data processing 92967  
equipment to perform a task. 92968

(CCC) "Delivered electronically" means delivery of computer 92969  
software from the seller to the purchaser by means other than 92970  
tangible storage media. 92971

(DDD) "Prewritten computer software" means computer software, 92972  
including prewritten upgrades, that is not designed and developed 92973  
by the author or other creator to the specifications of a specific 92974  
purchaser. The combining of two or more prewritten computer 92975  
software programs or prewritten portions thereof does not cause 92976  
the combination to be other than prewritten computer software. 92977  
"Prewritten computer software" includes software designed and 92978  
developed by the author or other creator to the specifications of 92979  
a specific purchaser when it is sold to a person other than the 92980  
purchaser. If a person modifies or enhances computer software of 92981  
which the person is not the author or creator, the person shall be 92982  
deemed to be the author or creator only of such person's 92983  
modifications or enhancements. Prewritten computer software or a 92984  
prewritten portion thereof that is modified or enhanced to any 92985  
degree, where such modification or enhancement is designed and 92986  
developed to the specifications of a specific purchaser, remains 92987  
prewritten computer software; provided, however, that where there 92988  
is a reasonable, separately stated charge or an invoice or other 92989  
statement of the price given to the purchaser for the modification 92990  
or enhancement, the modification or enhancement shall not 92991  
constitute prewritten computer software. 92992

(EEE)(1) "Food" means substances, whether in liquid, 92993  
concentrated, solid, frozen, dried, or dehydrated form, that are 92994  
sold for ingestion or chewing by humans and are consumed for their 92995  
taste or nutritional value. "Food" does not include alcoholic 92996  
beverages, dietary supplements, soft drinks, or tobacco. 92997

(2) As used in division (EEE)(1) of this section:	92998
(a) "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one per cent or more of alcohol by volume.	92999 93000 93001
(b) "Dietary supplements" means any product, other than tobacco, that is intended to supplement the diet and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or, if not intended for ingestion in such a form, is not represented as conventional food for use as a sole item of a meal or of the diet; that is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label, as required by 21 C.F.R. 101.36; and that contains one or more of the following dietary ingredients:	93002 93003 93004 93005 93006 93007 93008 93009 93010
(i) A vitamin;	93011
(ii) A mineral;	93012
(iii) An herb or other botanical;	93013
(iv) An amino acid;	93014
(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;	93015 93016
(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (EEE)(2)(b)(i) to (v) of this section.	93017 93018 93019
(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.	93020 93021 93022 93023 93024
(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.	93025 93026
(FFF) "Drug" means a compound, substance, or preparation, and	93027

any component of a compound, substance, or preparation, other than 93028  
food, dietary supplements, or alcoholic beverages that is 93029  
recognized in the official United States pharmacopoeia, official 93030  
homeopathic pharmacopoeia of the United States, or official 93031  
national formulary, and supplements to them; is intended for use 93032  
in the diagnosis, cure, mitigation, treatment, or prevention of 93033  
disease; or is intended to affect the structure or any function of 93034  
the body. 93035

(GGG) "Prescription" means an order, formula, or recipe 93036  
issued in any form of oral, written, electronic, or other means of 93037  
transmission by a duly licensed practitioner authorized by the 93038  
laws of this state to issue a prescription. 93039

(HHH) "Durable medical equipment" means equipment, including 93040  
repair and replacement parts for such equipment, that can 93041  
withstand repeated use, is primarily and customarily used to serve 93042  
a medical purpose, generally is not useful to a person in the 93043  
absence of illness or injury, and is not worn in or on the body. 93044  
"Durable medical equipment" does not include mobility enhancing 93045  
equipment. 93046

(III) "Mobility enhancing equipment" means equipment, 93047  
including repair and replacement parts for such equipment, that is 93048  
primarily and customarily used to provide or increase the ability 93049  
to move from one place to another and is appropriate for use 93050  
either in a home or a motor vehicle, that is not generally used by 93051  
persons with normal mobility, and that does not include any motor 93052  
vehicle or equipment on a motor vehicle normally provided by a 93053  
motor vehicle manufacturer. "Mobility enhancing equipment" does 93054  
not include durable medical equipment. 93055

(JJJ) "Prosthetic device" means a replacement, corrective, or 93056  
supportive device, including repair and replacement parts for the 93057  
device, worn on or in the human body to artificially replace a 93058  
missing portion of the body, prevent or correct physical deformity 93059



or malfunction, or support a weak or deformed portion of the body. 93060  
As used in this division, "prosthetic device" does not include 93061  
corrective eyeglasses, contact lenses, or dental prosthesis. 93062

(KKK)(1) "Fractional aircraft ownership program" means a 93063  
program in which persons within an affiliated group sell and 93064  
manage fractional ownership program aircraft, provided that at 93065  
least one hundred airworthy aircraft are operated in the program 93066  
and the program meets all of the following criteria: 93067

(a) Management services are provided by at least one program 93068  
manager within an affiliated group on behalf of the fractional 93069  
owners. 93070

(b) Each program aircraft is owned or possessed by at least 93071  
one fractional owner. 93072

(c) Each fractional owner owns or possesses at least a 93073  
one-sixteenth interest in at least one fixed-wing program 93074  
aircraft. 93075

(d) A dry-lease aircraft interchange arrangement is in effect 93076  
among all of the fractional owners. 93077

(e) Multi-year program agreements are in effect regarding the 93078  
fractional ownership, management services, and dry-lease aircraft 93079  
interchange arrangement aspects of the program. 93080

(2) As used in division (KKK)(1) of this section: 93081

(a) "Affiliated group" has the same meaning as in division 93082  
(B)(3)(e) of this section. 93083

(b) "Fractional owner" means a person that owns or possesses 93084  
at least a one-sixteenth interest in a program aircraft and has 93085  
entered into the agreements described in division (KKK)(1)(e) of 93086  
this section. 93087

(c) "Fractional ownership program aircraft" or "program 93088  
aircraft" means a turbojet aircraft that is owned or possessed by 93089

a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.

(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (KKK)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record-keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional aircraft ownership program.

(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement under division (KKK)(1)(e) of this section.

~~(LLL) "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary materials; or other similar information which has been gathered and made available by the provider to the consumer in an~~

~~electronic format. Providing electronic publishing includes the~~ 93122  
~~functions necessary for the acquisition, formatting, editing,~~ 93123  
~~storage, and dissemination of data or information that is the~~ 93124  
~~subject of a sale.~~ 93125

~~(MMM)~~ "Medicaid health insuring corporation" means a health 93126  
insuring corporation that holds a certificate of authority under 93127  
Chapter 1751. of the Revised Code and is under contract with the 93128  
department of ~~job and family services~~ medicaid pursuant to section 93129  
~~5111.17~~ 5167.10 of the Revised Code. 93130

~~(NNN)~~(MMM) "Managed care premium" means any premium, 93131  
capitation, or other payment a medicaid health insuring 93132  
corporation receives for providing or arranging for the provision 93133  
of health care services to its members or enrollees residing in 93134  
this state. 93135

~~(OOO)~~(NNN) "Captive deer" means deer and other cervidae that 93136  
have been legally acquired, or their offspring, that are privately 93137  
owned for agricultural or farming purposes. 93138

~~(PPP)~~(OOO) "Gift card" means a document, card, certificate, 93139  
or other record, whether tangible or intangible, that may be 93140  
redeemed by a consumer for a dollar value when making a purchase 93141  
of tangible personal property or services. 93142

~~(OOO)~~(PPP) "Specified digital product" means an 93143  
electronically transferred digital audiovisual work, digital audio 93144  
work, or digital book. 93145

As used in division ~~(OOO)~~(PPP) of this section: 93146

(1) "Digital audiovisual work" means a series of related 93147  
images that, when shown in succession, impart an impression of 93148  
motion, together with accompanying sounds, if any. 93149

(2) "Digital audio work" means a work that results from the 93150  
fixation of a series of musical, spoken, or other sounds, 93151

including digitized sound files that are downloaded onto a device 93152  
and that may be used to alert the customer with respect to a 93153  
communication. 93154

(3) "Digital book" means a work that is generally recognized 93155  
in the ordinary and usual sense as a book. 93156

(4) "Electronically transferred" means obtained by the 93157  
purchaser by means other than tangible storage media. 93158

~~(RRR)~~(OOO) "Digital advertising services" means providing 93159  
access, by means of telecommunications equipment, to computer 93160  
equipment that is used to enter, upload, download, review, 93161  
manipulate, store, add, or delete data for the purpose of 93162  
electronically displaying, delivering, placing, or transferring 93163  
promotional advertisements to potential customers about products 93164  
or services or about industry or business brands. 93165

~~(SSS) "Municipal gas utility" means a municipal corporation 93166  
that owns or operates a system for the distribution of natural 93167  
gas. 93168~~

**Sec. 5739.02.** For the purpose of providing revenue with which 93169  
to meet the needs of the state, for the use of the general revenue 93170  
fund of the state, for the purpose of securing a thorough and 93171  
efficient system of common schools throughout the state, for the 93172  
purpose of affording revenues, in addition to those from general 93173  
property taxes, permitted under constitutional limitations, and 93174  
from other sources, for the support of local governmental 93175  
functions, and for the purpose of reimbursing the state for the 93176  
expense of administering this chapter, an excise tax is hereby 93177  
levied on each retail sale made in this state. 93178

(A)(1) The tax shall be collected as provided in section 93179  
5739.025 of the Revised Code. The rate of the tax shall be five 93180  
and three-fourths per cent. The tax applies and is collectible 93181

when the sale is made, regardless of the time when the price is 93182  
paid or delivered. 93183

(2) In the case of the lease or rental, with a fixed term of 93184  
more than thirty days or an indefinite term with a minimum period 93185  
of more than thirty days, of any motor vehicles designed by the 93186  
manufacturer to carry a load of not more than one ton, watercraft, 93187  
outboard motor, or aircraft, or of any tangible personal property, 93188  
other than motor vehicles designed by the manufacturer to carry a 93189  
load of more than one ton, to be used by the lessee or renter 93190  
primarily for business purposes, the tax shall be collected by the 93191  
vendor at the time the lease or rental is consummated and shall be 93192  
calculated by the vendor on the basis of the total amount to be 93193  
paid by the lessee or renter under the lease agreement. If the 93194  
total amount of the consideration for the lease or rental includes 93195  
amounts that are not calculated at the time the lease or rental is 93196  
executed, the tax shall be calculated and collected by the vendor 93197  
at the time such amounts are billed to the lessee or renter. In 93198  
the case of an open-end lease or rental, the tax shall be 93199  
calculated by the vendor on the basis of the total amount to be 93200  
paid during the initial fixed term of the lease or rental, and for 93201  
each subsequent renewal period as it comes due. As used in this 93202  
division, "motor vehicle" has the same meaning as in section 93203  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 93204  
unit attached to the watercraft. 93205

A lease with a renewal clause and a termination penalty or 93206  
similar provision that applies if the renewal clause is not 93207  
exercised is presumed to be a sham transaction. In such a case, 93208  
the tax shall be calculated and paid on the basis of the entire 93209  
length of the lease period, including any renewal periods, until 93210  
the termination penalty or similar provision no longer applies. 93211  
The taxpayer shall bear the burden, by a preponderance of the 93212  
evidence, that the transaction or series of transactions is not a 93213

sham transaction. 93214

(3) Except as provided in division (A)(2) of this section, in 93215  
the case of a sale, the price of which consists in whole or in 93216  
part of the lease or rental of tangible personal property, the tax 93217  
shall be measured by the installments of that lease or rental. 93218

(4) In the case of a sale of a physical fitness facility 93219  
service or recreation and sports club service, the price of which 93220  
consists in whole or in part of a membership for the receipt of 93221  
the benefit of the service, the tax applicable to the sale shall 93222  
be measured by the installments thereof. 93223

(B) The tax does not apply to the following: 93224

(1) Sales to the state or any of its political subdivisions, 93225  
or to any other state or its political subdivisions if the laws of 93226  
that state exempt from taxation sales made to this state and its 93227  
political subdivisions; 93228

(2) Sales of food for human consumption off the premises 93229  
where sold; 93230

(3) Sales of food sold to students only in a cafeteria, 93231  
dormitory, fraternity, or sorority maintained in a private, 93232  
public, or parochial school, college, or university; 93233

(4) Sales of newspapers and sales or transfers of magazines 93234  
distributed as controlled circulation publications; 93235

(5) The furnishing, preparing, or serving of meals without 93236  
charge by an employer to an employee provided the employer records 93237  
the meals as part compensation for services performed or work 93238  
done; 93239

(6) Sales of motor fuel upon receipt, use, distribution, or 93240  
sale of which in this state a tax is imposed by the law of this 93241  
state, but this exemption shall not apply to the sale of motor 93242  
fuel on which a refund of the tax is allowable under division (A) 93243

of section 5735.14 of the Revised Code; and the tax commissioner 93244  
may deduct the amount of tax levied by this section applicable to 93245  
the price of motor fuel when granting a refund of motor fuel tax 93246  
pursuant to division (A) of section 5735.14 of the Revised Code 93247  
and shall cause the amount deducted to be paid into the general 93248  
revenue fund of this state; 93249

(7) Sales of natural gas by a natural gas company or 93250  
municipal gas utility, of water by a water-works company, or of 93251  
steam by a heating company, if in each case the thing sold is 93252  
delivered to consumers through pipes or conduits, and all sales of 93253  
communications services by a telegraph company, all terms as 93254  
defined in section 5727.01 of the Revised Code, and sales of 93255  
electricity delivered through wires; 93256

(8) Casual sales by a person, or auctioneer employed directly 93257  
by the person to conduct such sales, except as to such sales of 93258  
motor vehicles, watercraft or outboard motors required to be 93259  
titled under section 1548.06 of the Revised Code, watercraft 93260  
documented with the United States coast guard, snowmobiles, and 93261  
all-purpose vehicles as defined in section 4519.01 of the Revised 93262  
Code; 93263

(9)(a) Sales of services or tangible personal property, other 93264  
than motor vehicles, mobile homes, and manufactured homes, by 93265  
churches, organizations exempt from taxation under section 93266  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 93267  
organizations operated exclusively for charitable purposes as 93268  
defined in division (B)(12) of this section, provided that the 93269  
number of days on which such tangible personal property or 93270  
services, other than items never subject to the tax, are sold does 93271  
not exceed six in any calendar year, except as otherwise provided 93272  
in division (B)(9)(b) of this section. If the number of days on 93273  
which such sales are made exceeds six in any calendar year, the 93274  
church or organization shall be considered to be engaged in 93275

business and all subsequent sales by it shall be subject to the 93276  
tax. In counting the number of days, all sales by groups within a 93277  
church or within an organization shall be considered to be sales 93278  
of that church or organization. 93279

(b) The limitation on the number of days on which tax-exempt 93280  
sales may be made by a church or organization under division 93281  
(B)(9)(a) of this section does not apply to sales made by student 93282  
clubs and other groups of students of a primary or secondary 93283  
school, or a parent-teacher association, booster group, or similar 93284  
organization that raises money to support or fund curricular or 93285  
extracurricular activities of a primary or secondary school. 93286

(c) Divisions (B)(9)(a) and (b) of this section do not apply 93287  
to sales by a noncommercial educational radio or television 93288  
broadcasting station. 93289

(10) Sales not within the taxing power of this state under 93290  
the Constitution or laws of the United States or the Constitution 93291  
of this state; 93292

(11) Except for transactions that are sales under division 93293  
(B)(3)(r) of section 5739.01 of the Revised Code, the 93294  
transportation of persons or property, unless the transportation 93295  
is by a private investigation and security service; 93296

(12) Sales of tangible personal property or services to 93297  
churches, to organizations exempt from taxation under section 93298  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 93299  
nonprofit organizations operated exclusively for charitable 93300  
purposes in this state, no part of the net income of which inures 93301  
to the benefit of any private shareholder or individual, and no 93302  
substantial part of the activities of which consists of carrying 93303  
on propaganda or otherwise attempting to influence legislation; 93304  
sales to offices administering one or more homes for the aged or 93305  
one or more hospital facilities exempt under section 140.08 of the 93306



Revised Code; and sales to organizations described in division (D) 93307  
of section 5709.12 of the Revised Code. 93308

"Charitable purposes" means the relief of poverty; the 93309  
improvement of health through the alleviation of illness, disease, 93310  
or injury; the operation of an organization exclusively for the 93311  
provision of professional, laundry, printing, and purchasing 93312  
services to hospitals or charitable institutions; the operation of 93313  
a home for the aged, as defined in section 5701.13 of the Revised 93314  
Code; the operation of a radio or television broadcasting station 93315  
that is licensed by the federal communications commission as a 93316  
noncommercial educational radio or television station; the 93317  
operation of a nonprofit animal adoption service or a county 93318  
humane society; the promotion of education by an institution of 93319  
learning that maintains a faculty of qualified instructors, 93320  
teaches regular continuous courses of study, and confers a 93321  
recognized diploma upon completion of a specific curriculum; the 93322  
operation of a parent-teacher association, booster group, or 93323  
similar organization primarily engaged in the promotion and 93324  
support of the curricular or extracurricular activities of a 93325  
primary or secondary school; the operation of a community or area 93326  
center in which presentations in music, dramatics, the arts, and 93327  
related fields are made in order to foster public interest and 93328  
education therein; the production of performances in music, 93329  
dramatics, and the arts; or the promotion of education by an 93330  
organization engaged in carrying on research in, or the 93331  
dissemination of, scientific and technological knowledge and 93332  
information primarily for the public. 93333

Nothing in this division shall be deemed to exempt sales to 93334  
any organization for use in the operation or carrying on of a 93335  
trade or business, or sales to a home for the aged for use in the 93336  
operation of independent living facilities as defined in division 93337  
(A) of section 5709.12 of the Revised Code. 93338

(13) Building and construction materials and services sold to 93339  
construction contractors for incorporation into a structure or 93340  
improvement to real property under a construction contract with 93341  
this state or a political subdivision of this state, or with the 93342  
United States government or any of its agencies; building and 93343  
construction materials and services sold to construction 93344  
contractors for incorporation into a structure or improvement to 93345  
real property that are accepted for ownership by this state or any 93346  
of its political subdivisions, or by the United States government 93347  
or any of its agencies at the time of completion of the structures 93348  
or improvements; building and construction materials sold to 93349  
construction contractors for incorporation into a horticulture 93350  
structure or livestock structure for a person engaged in the 93351  
business of horticulture or producing livestock; building 93352  
materials and services sold to a construction contractor for 93353  
incorporation into a house of public worship or religious 93354  
education, or a building used exclusively for charitable purposes 93355  
under a construction contract with an organization whose purpose 93356  
is as described in division (B)(12) of this section; building 93357  
materials and services sold to a construction contractor for 93358  
incorporation into a building under a construction contract with 93359  
an organization exempt from taxation under section 501(c)(3) of 93360  
the Internal Revenue Code of 1986 when the building is to be used 93361  
exclusively for the organization's exempt purposes; building and 93362  
construction materials sold for incorporation into the original 93363  
construction of a sports facility under section 307.696 of the 93364  
Revised Code; building and construction materials and services 93365  
sold to a construction contractor for incorporation into real 93366  
property outside this state if such materials and services, when 93367  
sold to a construction contractor in the state in which the real 93368  
property is located for incorporation into real property in that 93369  
state, would be exempt from a tax on sales levied by that state; 93370  
building and construction materials for incorporation into a 93371

transportation facility pursuant to a public-private agreement 93372  
entered into under sections 5501.70 to 5501.83 of the Revised 93373  
Code; and, until one calendar year after the construction of a 93374  
convention center that qualifies for property tax exemption under 93375  
section 5709.084 of the Revised Code is completed, building and 93376  
construction materials and services sold to a construction 93377  
contractor for incorporation into the real property comprising 93378  
that convention center; 93379

(14) Sales of ships or vessels or rail rolling stock used or 93380  
to be used principally in interstate or foreign commerce, and 93381  
repairs, alterations, fuel, and lubricants for such ships or 93382  
vessels or rail rolling stock; 93383

(15) Sales to persons primarily engaged in any of the 93384  
activities mentioned in division (B)(42)(a), (g), or (h) of this 93385  
section, to persons engaged in making retail sales, or to persons 93386  
who purchase for sale from a manufacturer tangible personal 93387  
property that was produced by the manufacturer in accordance with 93388  
specific designs provided by the purchaser, of packages, including 93389  
material, labels, and parts for packages, and of machinery, 93390  
equipment, and material for use primarily in packaging tangible 93391  
personal property produced for sale, including any machinery, 93392  
equipment, and supplies used to make labels or packages, to 93393  
prepare packages or products for labeling, or to label packages or 93394  
products, by or on the order of the person doing the packaging, or 93395  
sold at retail. "Packages" includes bags, baskets, cartons, 93396  
crates, boxes, cans, bottles, bindings, wrappings, and other 93397  
similar devices and containers, but does not include motor 93398  
vehicles or bulk tanks, trailers, or similar devices attached to 93399  
motor vehicles. "Packaging" means placing in a package. Division 93400  
(B)(15) of this section does not apply to persons engaged in 93401  
highway transportation for hire. 93402

(16) Sales of food to persons using supplemental nutrition 93403

assistance program benefits to purchase the food. As used in this 93404  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 93405  
federal regulations adopted pursuant to the Food and Nutrition Act 93406  
of 2008. 93407

(17) Sales to persons engaged in farming, agriculture, 93408  
horticulture, or floriculture, of tangible personal property for 93409  
use or consumption primarily in the production by farming, 93410  
agriculture, horticulture, or floriculture of other tangible 93411  
personal property for use or consumption primarily in the 93412  
production of tangible personal property for sale by farming, 93413  
agriculture, horticulture, or floriculture; or material and parts 93414  
for incorporation into any such tangible personal property for use 93415  
or consumption in production; and of tangible personal property 93416  
for such use or consumption in the conditioning or holding of 93417  
products produced by and for such use, consumption, or sale by 93418  
persons engaged in farming, agriculture, horticulture, or 93419  
floriculture, except where such property is incorporated into real 93420  
property; 93421

(18) Sales of drugs for a human being that may be dispensed 93422  
only pursuant to a prescription; insulin as recognized in the 93423  
official United States pharmacopoeia; urine and blood testing 93424  
materials when used by diabetics or persons with hypoglycemia to 93425  
test for glucose or acetone; hypodermic syringes and needles when 93426  
used by diabetics for insulin injections; epoetin alfa when 93427  
purchased for use in the treatment of persons with medical 93428  
disease; hospital beds when purchased by hospitals, nursing homes, 93429  
or other medical facilities; and medical oxygen and medical 93430  
oxygen-dispensing equipment when purchased by hospitals, nursing 93431  
homes, or other medical facilities; 93432

(19) Sales of prosthetic devices, durable medical equipment 93433  
for home use, or mobility enhancing equipment, when made pursuant 93434  
to a prescription and when such devices or equipment are for use 93435

by a human being. 93436

(20) Sales of emergency and fire protection vehicles and 93437  
equipment to nonprofit organizations for use solely in providing 93438  
fire protection and emergency services, including trauma care and 93439  
emergency medical services, for political subdivisions of the 93440  
state; 93441

(21) Sales of tangible personal property manufactured in this 93442  
state, if sold by the manufacturer in this state to a retailer for 93443  
use in the retail business of the retailer outside of this state 93444  
and if possession is taken from the manufacturer by the purchaser 93445  
within this state for the sole purpose of immediately removing the 93446  
same from this state in a vehicle owned by the purchaser; 93447

(22) Sales of services provided by the state or any of its 93448  
political subdivisions, agencies, instrumentalities, institutions, 93449  
or authorities, or by governmental entities of the state or any of 93450  
its political subdivisions, agencies, instrumentalities, 93451  
institutions, or authorities; 93452

(23) Sales of motor vehicles to nonresidents of this state 93453  
under the circumstances described in division (B) of section 93454  
5739.029 of the Revised Code; 93455

(24) Sales to persons engaged in the preparation of eggs for 93456  
sale of tangible personal property used or consumed directly in 93457  
such preparation, including such tangible personal property used 93458  
for cleaning, sanitizing, preserving, grading, sorting, and 93459  
classifying by size; packages, including material and parts for 93460  
packages, and machinery, equipment, and material for use in 93461  
packaging eggs for sale; and handling and transportation equipment 93462  
and parts therefor, except motor vehicles licensed to operate on 93463  
public highways, used in intraplant or interplant transfers or 93464  
shipment of eggs in the process of preparation for sale, when the 93465  
plant or plants within or between which such transfers or 93466

shipments occur are operated by the same person. "Packages" 93467  
includes containers, cases, baskets, flats, fillers, filler flats, 93468  
cartons, closure materials, labels, and labeling materials, and 93469  
"packaging" means placing therein. 93470

(25)(a) Sales of water to a consumer for residential use; 93471

(b) Sales of water by a nonprofit corporation engaged 93472  
exclusively in the treatment, distribution, and sale of water to 93473  
consumers, if such water is delivered to consumers through pipes 93474  
or tubing. 93475

(26) Fees charged for inspection or reinspection of motor 93476  
vehicles under section 3704.14 of the Revised Code; 93477

(27) Sales to persons licensed to conduct a food service 93478  
operation pursuant to section 3717.43 of the Revised Code, of 93479  
tangible personal property primarily used directly for the 93480  
following: 93481

(a) To prepare food for human consumption for sale; 93482

(b) To preserve food that has been or will be prepared for 93483  
human consumption for sale by the food service operator, not 93484  
including tangible personal property used to display food for 93485  
selection by the consumer; 93486

(c) To clean tangible personal property used to prepare or 93487  
serve food for human consumption for sale. 93488

(28) Sales of animals by nonprofit animal adoption services 93489  
or county humane societies; 93490

(29) Sales of services to a corporation described in division 93491  
(A) of section 5709.72 of the Revised Code, and sales of tangible 93492  
personal property that qualifies for exemption from taxation under 93493  
section 5709.72 of the Revised Code; 93494

(30) Sales and installation of agricultural land tile, as 93495  
defined in division (B)(5)(a) of section 5739.01 of the Revised 93496

Code;	93497
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	93498 93499 93500
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	93501 93502 93503 93504 93505 93506
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	93507 93508 93509 93510 93511
(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B)(42)(a) or (n) of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or satellite broadcasting service.	93512 93513 93514 93515 93516 93517 93518 93519 93520 93521 93522 93523 93524 93525 93526
(35)(a) Sales where the purpose of the consumer is to use or	93527

consume the things transferred in making retail sales and 93528  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 93529  
certificates, or other advertising material that prices and 93530  
describes tangible personal property offered for retail sale. 93531

(b) Sales to direct marketing vendors of preliminary 93532  
materials such as photographs, artwork, and typesetting that will 93533  
be used in printing advertising material; and of printed matter 93534  
that offers free merchandise or chances to win sweepstake prizes 93535  
and that is mailed to potential customers with advertising 93536  
material described in division (B)(35)(a) of this section; 93537

(c) Sales of equipment such as telephones, computers, 93538  
facsimile machines, and similar tangible personal property 93539  
primarily used to accept orders for direct marketing retail sales. 93540

(d) Sales of automatic food vending machines that preserve 93541  
food with a shelf life of forty-five days or less by refrigeration 93542  
and dispense it to the consumer. 93543

For purposes of division (B)(35) of this section, "direct 93544  
marketing" means the method of selling where consumers order 93545  
tangible personal property by United States mail, delivery 93546  
service, or telecommunication and the vendor delivers or ships the 93547  
tangible personal property sold to the consumer from a warehouse, 93548  
catalogue distribution center, or similar fulfillment facility by 93549  
means of the United States mail, delivery service, or common 93550  
carrier. 93551

(36) Sales to a person engaged in the business of 93552  
horticulture or producing livestock of materials to be 93553  
incorporated into a horticulture structure or livestock structure; 93554

(37) Sales of personal computers, computer monitors, computer 93555  
keyboards, modems, and other peripheral computer equipment to an 93556  
individual who is licensed or certified to teach in an elementary 93557  
or a secondary school in this state for use by that individual in 93558



preparation for teaching elementary or secondary school students; 93559

(38) Sales to a professional racing team of any of the 93560  
following: 93561

(a) Motor racing vehicles; 93562

(b) Repair services for motor racing vehicles; 93563

(c) Items of property that are attached to or incorporated in 93564  
motor racing vehicles, including engines, chassis, and all other 93565  
components of the vehicles, and all spare, replacement, and 93566  
rebuilt parts or components of the vehicles; except not including 93567  
tires, consumable fluids, paint, and accessories consisting of 93568  
instrumentation sensors and related items added to the vehicle to 93569  
collect and transmit data by means of telemetry and other forms of 93570  
communication. 93571

(39) Sales of used manufactured homes and used mobile homes, 93572  
as defined in section 5739.0210 of the Revised Code, made on or 93573  
after January 1, 2000; 93574

(40) Sales of tangible personal property and services to a 93575  
provider of electricity used or consumed directly and primarily in 93576  
generating, transmitting, or distributing electricity for use by 93577  
others, including property that is or is to be incorporated into 93578  
and will become a part of the consumer's production, transmission, 93579  
or distribution system and that retains its classification as 93580  
tangible personal property after incorporation; fuel or power used 93581  
in the production, transmission, or distribution of electricity; 93582  
energy conversion equipment as defined in section 5727.01 of the 93583  
Revised Code; and tangible personal property and services used in 93584  
the repair and maintenance of the production, transmission, or 93585  
distribution system, including only those motor vehicles as are 93586  
specially designed and equipped for such use. The exemption 93587  
provided in this division shall be in lieu of all other exemptions 93588  
in division (B)(42)(a) or (n) of this section to which a provider 93589

of electricity may otherwise be entitled based on the use of the 93590  
tangible personal property or service purchased in generating, 93591  
transmitting, or distributing electricity. 93592

(41) Sales to a person providing services under division 93593  
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 93594  
personal property and services used directly and primarily in 93595  
providing taxable services under that section. 93596

(42) Sales where the purpose of the purchaser is to do any of 93597  
the following: 93598

(a) To incorporate the thing transferred as a material or a 93599  
part into tangible personal property to be produced for sale by 93600  
manufacturing, assembling, processing, or refining; or to use or 93601  
consume the thing transferred directly in producing tangible 93602  
personal property for sale by mining, including, without 93603  
limitation, the extraction from the earth of all substances that 93604  
are classed geologically as minerals, production of crude oil and 93605  
natural gas, or directly in the rendition of a public utility 93606  
service, except that the sales tax levied by this section shall be 93607  
collected upon all meals, drinks, and food for human consumption 93608  
sold when transporting persons. Persons engaged in rendering 93609  
services in the exploration for, and production of, crude oil and 93610  
natural gas for others are deemed engaged directly in the 93611  
exploration for, and production of, crude oil and natural gas. 93612  
This paragraph does not exempt from "retail sale" or "sales at 93613  
retail" the sale of tangible personal property that is to be 93614  
incorporated into a structure or improvement to real property. 93615

(b) To hold the thing transferred as security for the 93616  
performance of an obligation of the vendor; 93617

(c) To resell, hold, use, or consume the thing transferred as 93618  
evidence of a contract of insurance; 93619

(d) To use or consume the thing directly in commercial 93620

fishing; 93621

(e) To incorporate the thing transferred as a material or a 93622  
part into, or to use or consume the thing transferred directly in 93623  
the production of, magazines distributed as controlled circulation 93624  
publications; 93625

(f) To use or consume the thing transferred in the production 93626  
and preparation in suitable condition for market and sale of 93627  
printed, imprinted, overprinted, lithographic, multilithic, 93628  
blueprinted, photostatic, or other productions or reproductions of 93629  
written or graphic matter; 93630

(g) To use the thing transferred, as described in section 93631  
5739.011 of the Revised Code, primarily in a manufacturing 93632  
operation to produce tangible personal property for sale; 93633

(h) To use the benefit of a warranty, maintenance or service 93634  
contract, or similar agreement, as described in division (B)(7) of 93635  
section 5739.01 of the Revised Code, to repair or maintain 93636  
tangible personal property, if all of the property that is the 93637  
subject of the warranty, contract, or agreement would not be 93638  
subject to the tax imposed by this section; 93639

(i) To use the thing transferred as qualified research and 93640  
development equipment; 93641

(j) To use or consume the thing transferred primarily in 93642  
storing, transporting, mailing, or otherwise handling purchased 93643  
sales inventory in a warehouse, distribution center, or similar 93644  
facility when the inventory is primarily distributed outside this 93645  
state to retail stores of the person who owns or controls the 93646  
warehouse, distribution center, or similar facility, to retail 93647  
stores of an affiliated group of which that person is a member, or 93648  
by means of direct marketing. This division does not apply to 93649  
motor vehicles registered for operation on the public highways. As 93650  
used in this division, "affiliated group" has the same meaning as 93651

in division (B)(3)(e) of section 5739.01 of the Revised Code and 93652  
"direct marketing" has the same meaning as in division (B)(35) of 93653  
this section. 93654

(k) To use or consume the thing transferred to fulfill a 93655  
contractual obligation incurred by a warrantor pursuant to a 93656  
warranty provided as a part of the price of the tangible personal 93657  
property sold or by a vendor of a warranty, maintenance or service 93658  
contract, or similar agreement the provision of which is defined 93659  
as a sale under division (B)(7) of section 5739.01 of the Revised 93660  
Code; 93661

(l) To use or consume the thing transferred in the production 93662  
of a newspaper for distribution to the public; 93663

(m) To use tangible personal property to perform a service 93664  
listed in division (B)(3) of section 5739.01 of the Revised Code, 93665  
if the property is or is to be permanently transferred to the 93666  
consumer of the service as an integral part of the performance of 93667  
the service; 93668

(n) To use or consume the thing transferred primarily in 93669  
producing tangible personal property for sale by farming, 93670  
agriculture, horticulture, or floriculture. Persons engaged in 93671  
rendering farming, agriculture, horticulture, or floriculture 93672  
services for others are deemed engaged primarily in farming, 93673  
agriculture, horticulture, or floriculture. This paragraph does 93674  
not exempt from "retail sale" or "sales at retail" the sale of 93675  
tangible personal property that is to be incorporated into a 93676  
structure or improvement to real property. 93677

(o) To use or consume the thing transferred in acquiring, 93678  
formatting, editing, storing, and disseminating data or 93679  
information by electronic publishing; 93680

(p) To provide the thing transferred to the owner or lessee 93681  
of a motor vehicle that is being repaired or serviced, if the 93682

thing transferred is a rented motor vehicle and the purchaser is 93683  
reimbursed for the cost of the rented motor vehicle by a 93684  
manufacturer, warrantor, or provider of a maintenance, service, or 93685  
other similar contract or agreement, with respect to the motor 93686  
vehicle that is being repaired or serviced. 93687

As used in division (B)(42) of this section, "thing" includes 93688  
all transactions included in divisions (B)(3)(a), (b), and (e) of 93689  
section 5739.01 of the Revised Code. 93690

(43) Sales conducted through a coin operated device that 93691  
activates vacuum equipment or equipment that dispenses water, 93692  
whether or not in combination with soap or other cleaning agents 93693  
or wax, to the consumer for the consumer's use on the premises in 93694  
washing, cleaning, or waxing a motor vehicle, provided no other 93695  
personal property or personal service is provided as part of the 93696  
transaction. 93697

(44) Sales of replacement and modification parts for engines, 93698  
airframes, instruments, and interiors in, and paint for, aircraft 93699  
used primarily in a fractional aircraft ownership program, and 93700  
sales of services for the repair, modification, and maintenance of 93701  
such aircraft, and machinery, equipment, and supplies primarily 93702  
used to provide those services. 93703

(45) Sales of telecommunications service that is used 93704  
directly and primarily to perform the functions of a call center. 93705  
As used in this division, "call center" means any physical 93706  
location where telephone calls are placed or received in high 93707  
volume for the purpose of making sales, marketing, customer 93708  
service, technical support, or other specialized business 93709  
activity, and that employs at least fifty individuals that engage 93710  
in call center activities on a full-time basis, or sufficient 93711  
individuals to fill fifty full-time equivalent positions. 93712

(46) Sales by a telecommunications service vendor of 900 93713

service to a subscriber. This division does not apply to 93714  
information services, as defined in division (FF) of section 93715  
5739.01 of the Revised Code. 93716

(47) Sales of value-added non-voice data service. This 93717  
division does not apply to any similar service that is not 93718  
otherwise a telecommunications service. 93719

(48)(a) Sales of machinery, equipment, and software to a 93720  
qualified direct selling entity for use in a warehouse or 93721  
distribution center primarily for storing, transporting, or 93722  
otherwise handling inventory that is held for sale to independent 93723  
salespersons who operate as direct sellers and that is held 93724  
primarily for distribution outside this state; 93725

(b) As used in division (B)(48)(a) of this section: 93726

(i) "Direct seller" means a person selling consumer products 93727  
to individuals for personal or household use and not from a fixed 93728  
retail location, including selling such product at in-home product 93729  
demonstrations, parties, and other one-on-one selling. 93730

(ii) "Qualified direct selling entity" means an entity 93731  
selling to direct sellers at the time the entity enters into a tax 93732  
credit agreement with the tax credit authority pursuant to section 93733  
122.17 of the Revised Code, provided that the agreement was 93734  
entered into on or after January 1, 2007. Neither contingencies 93735  
relevant to the granting of, nor later developments with respect 93736  
to, the tax credit shall impair the status of the qualified direct 93737  
selling entity under division (B)(48) of this section after 93738  
execution of the tax credit agreement by the tax credit authority. 93739

(c) Division (B)(48) of this section is limited to machinery, 93740  
equipment, and software first stored, used, or consumed in this 93741  
state within the period commencing June 24, 2008, and ending on 93742  
the date that is five years after that date. 93743

(49) Sales of materials, parts, equipment, or engines used in 93744

the repair or maintenance of aircraft or avionics systems of such 93745  
aircraft, and sales of repair, remodeling, replacement, or 93746  
maintenance services in this state performed on aircraft or on an 93747  
aircraft's avionics, engine, or component materials or parts. As 93748  
used in division (B)(49) of this section, "aircraft" means 93749  
aircraft of more than six thousand pounds maximum certified 93750  
takeoff weight or used exclusively in general aviation. 93751

(50) Sales of full flight simulators that are used for pilot 93752  
or flight-crew training, sales of repair or replacement parts or 93753  
components, and sales of repair or maintenance services for such 93754  
full flight simulators. "Full flight simulator" means a replica of 93755  
a specific type, or make, model, and series of aircraft cockpit. 93756  
It includes the assemblage of equipment and computer programs 93757  
necessary to represent aircraft operations in ground and flight 93758  
conditions, a visual system providing an out-of-the-cockpit view, 93759  
and a system that provides cues at least equivalent to those of a 93760  
three-degree-of-freedom motion system, and has the full range of 93761  
capabilities of the systems installed in the device as described 93762  
in appendices A and B of part 60 of chapter 1 of title 14 of the 93763  
Code of Federal Regulations. 93764

(51) Any transfer or lease of tangible personal property 93765  
between the state and JobsOhio in accordance with section 4313.02 93766  
of the Revised Code. 93767

(52)(a) Sales to a qualifying corporation. 93768

(b) As used in division (B)(52) of this section: 93769

(i) "Qualifying corporation" means a nonprofit corporation 93770  
organized in this state that leases from an eligible county land, 93771  
buildings, structures, fixtures, and improvements to the land that 93772  
are part of or used in a public recreational facility used by a 93773  
major league professional athletic team or a class A to class AAA 93774  
minor league affiliate of a major league professional athletic 93775

team for a significant portion of the team's home schedule, 93776  
provided the following apply: 93777

(I) The facility is leased from the eligible county pursuant 93778  
to a lease that requires substantially all of the revenue from the 93779  
operation of the business or activity conducted by the nonprofit 93780  
corporation at the facility in excess of operating costs, capital 93781  
expenditures, and reserves to be paid to the eligible county at 93782  
least once per calendar year. 93783

(II) Upon dissolution and liquidation of the nonprofit 93784  
corporation, all of its net assets are distributable to the board 93785  
of commissioners of the eligible county from which the corporation 93786  
leases the facility. 93787

(ii) "Eligible county" has the same meaning as in section 93788  
307.695 of the Revised Code. 93789

(53) Sales to or by a cable service provider, video service 93790  
provider, or radio or television broadcast station regulated by 93791  
the federal government of cable service or programming, video 93792  
service or programming, audio service or programming, or 93793  
electronically transferred digital audiovisual or audio work. As 93794  
used in division (B)(53) of this section, "cable service" and 93795  
"cable service provider" have the same meanings as in section 93796  
1332.01 of the Revised Code, and "video service," "video service 93797  
provider," and "video programming" have the same meanings as in 93798  
section 1332.21 of the Revised Code. 93799

(54) Sales of investment metal bullion and investment coins. 93800  
"Investment metal bullion" means any bullion described in section 93801  
408(m)(3)(B) of the Internal Revenue Code, regardless of whether 93802  
that bullion is in the physical possession of a trustee. 93803  
"Investment coin" means any coin composed primarily of gold, 93804  
silver, platinum, or palladium. 93805

(55)(a) On and after July 1, 2019, sales of optical aids or 93806



components thereof by a vendor licensed under Chapter 4725. or 93807  
4731. of the Revised Code or otherwise authorized to dispense 93808  
optical aids or components under the laws of another state, 93809  
country, or province. 93810

(b) As used in division (B)(55) of this section: 93811

(i) "Optical aid" means eyeglasses, contact lenses, or other 93812  
instruments or devices that may aid or correct human vision and 93813  
that have been prescribed by a physician or optometrist licensed 93814  
by any state, country, or province. 93815

(ii) "Eyeglasses" includes lenses and frames into which 93816  
lenses have been installed if the lenses have been prescribed by a 93817  
physician or optometrist licensed by any state, country, or 93818  
province. 93819

(56) Sales of a digital audio work electronically transferred 93820  
for delivery through use of a machine, such as a juke box, that 93821  
does all of the following: 93822

(a) Accepts direct payments to operate; 93823

(b) Automatically plays a selected digital audio work for a 93824  
single play upon receipt of a payment described in division 93825  
(B)(56)(a) of this section; 93826

(c) Operates exclusively for the purpose of playing digital 93827  
audio works in a commercial establishment. 93828

(C) For the purpose of the proper administration of this 93829  
chapter, and to prevent the evasion of the tax, it is presumed 93830  
that all sales made in this state are subject to the tax until the 93831  
contrary is established. 93832

(D) The levy of this tax on retail sales of recreation and 93833  
sports club service shall not prevent a municipal corporation from 93834  
levying any tax on recreation and sports club dues or on any 93835  
income generated by recreation and sports club dues. 93836

(E) The tax collected by the vendor from the consumer under 93837  
this chapter is not part of the price, but is a tax collection for 93838  
the benefit of the state, and of counties levying an additional 93839  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 93840  
Code and of transit authorities levying an additional sales tax 93841  
pursuant to section 5739.023 of the Revised Code. Except for the 93842  
discount authorized under section 5739.12 of the Revised Code and 93843  
the effects of any rounding pursuant to section 5703.055 of the 93844  
Revised Code, no person other than the state or such a county or 93845  
transit authority shall derive any benefit from the collection or 93846  
payment of the tax levied by this section or section 5739.021, 93847  
5739.023, or 5739.026 of the Revised Code. 93848

**Sec. 5739.021.** (A) For the purpose of providing additional 93849  
general revenues for the county ~~or~~, supporting criminal and 93850  
administrative justice services in the county, funding a regional 93851  
transportation improvement project under section 5595.06 of the 93852  
Revised Code, or both any combination of the foregoing, and to pay 93853  
the expenses of administering such levy, any county may levy a tax 93854  
at the rate of not more than one per cent at any multiple of 93855  
~~one-fourth~~ one-tenth of one per cent upon every retail sale made 93856  
in the county, except sales of watercraft and outboard motors 93857  
required to be titled pursuant to Chapter 1548. of the Revised 93858  
Code and sales of motor vehicles, and may increase the rate of an 93859  
existing tax to not more than one per cent at any multiple of 93860  
~~one-fourth~~ one-tenth of one per cent. 93861

The tax shall be levied and the rate increased pursuant to a 93862  
resolution of the board of county commissioners. The resolution 93863  
shall state the purpose for which the tax is to be levied and the 93864  
number of years for which the tax is to be levied, or that it is 93865  
for a continuing period of time. If the tax is to be levied for 93866  
the purpose of providing additional general revenues and for the 93867  
purpose of supporting criminal and administrative justice 93868

services, the resolution shall state the rate or amount of the tax 93869  
to be apportioned to each such purpose. The rate or amount may be 93870  
different for each year the tax is to be levied, but the rates or 93871  
amounts actually apportioned each year shall not be different from 93872  
that stated in the resolution for that year. If the resolution is 93873  
adopted as an emergency measure necessary for the immediate 93874  
preservation of the public peace, health, or safety, it must 93875  
receive an affirmative vote of all of the members of the board of 93876  
county commissioners and shall state the reasons for such 93877  
necessity. The board shall deliver a certified copy of the 93878  
resolution to the tax commissioner, not later than the sixty-fifth 93879  
day prior to the date on which the tax is to become effective, 93880  
which shall be the first day of the calendar quarter. 93881

Prior to the adoption of any resolution under this section, 93882  
the board of county commissioners shall conduct two public 93883  
hearings on the resolution, the second hearing to be not less than 93884  
three nor more than ten days after the first. Notice of the date, 93885  
time, and place of the hearings shall be given by publication in a 93886  
newspaper of general circulation in the county, or as provided in 93887  
section 7.16 of the Revised Code, once a week on the same day of 93888  
the week for two consecutive weeks, the second publication being 93889  
not less than ten nor more than thirty days prior to the first 93890  
hearing. 93891

Except as provided in division (B)(3) of this section, the 93892  
resolution shall be subject to a referendum as provided in 93893  
sections 305.31 to 305.41 of the Revised Code. 93894

If a petition for a referendum is filed, the county auditor 93895  
with whom the petition was filed shall, within five days, notify 93896  
the board of county commissioners and the tax commissioner of the 93897  
filing of the petition by certified mail. If the board of 93898  
elections with which the petition was filed declares the petition 93899  
invalid, the board of elections, within five days, shall notify 93900

the board of county commissioners and the tax commissioner of that 93901  
declaration by certified mail. If the petition is declared to be 93902  
invalid, the effective date of the tax or increased rate of tax 93903  
levied by this section shall be the first day of a calendar 93904  
quarter following the expiration of sixty-five days from the date 93905  
the commissioner receives notice from the board of elections that 93906  
the petition is invalid. 93907

(B)(1) A resolution that is not adopted as an emergency 93908  
measure may direct the board of elections to submit the question 93909  
of levying the tax or increasing the rate of tax to the electors 93910  
of the county at a special election held on the date specified by 93911  
the board of county commissioners in the resolution, provided that 93912  
the election occurs not less than ninety days after a certified 93913  
copy of such resolution is transmitted to the board of elections 93914  
and the election is not held in February or August of any year. 93915  
Upon transmission of the resolution to the board of elections, the 93916  
board of county commissioners shall notify the tax commissioner in 93917  
writing of the levy question to be submitted to the electors. No 93918  
resolution adopted under this division shall go into effect unless 93919  
approved by a majority of those voting upon it, and, except as 93920  
provided in division (B)(3) of this section, shall become 93921  
effective on the first day of a calendar quarter following the 93922  
expiration of sixty-five days from the date the tax commissioner 93923  
receives notice from the board of elections of the affirmative 93924  
vote. 93925

(2) A resolution that is adopted as an emergency measure 93926  
shall go into effect as provided in division (A) of this section, 93927  
but may direct the board of elections to submit the question of 93928  
repealing the tax or increase in the rate of the tax to the 93929  
electors of the county at the next general election in the county 93930  
occurring not less than ninety days after a certified copy of the 93931  
resolution is transmitted to the board of elections. Upon 93932

transmission of the resolution to the board of elections, the 93933  
board of county commissioners shall notify the tax commissioner in 93934  
writing of the levy question to be submitted to the electors. The 93935  
ballot question shall be the same as that prescribed in section 93936  
5739.022 of the Revised Code. The board of elections shall notify 93937  
the board of county commissioners and the tax commissioner of the 93938  
result of the election immediately after the result has been 93939  
declared. If a majority of the qualified electors voting on the 93940  
question of repealing the tax or increase in the rate of the tax 93941  
vote for repeal of the tax or repeal of the increase, the board of 93942  
county commissioners, on the first day of a calendar quarter 93943  
following the expiration of sixty-five days after the date the 93944  
board and tax commissioner receive notice of the result of the 93945  
election, shall, in the case of a repeal of the tax, cease to levy 93946  
the tax, or, in the case of a repeal of an increase in the rate of 93947  
the tax, cease to levy the increased rate and levy the tax at the 93948  
rate at which it was imposed immediately prior to the increase in 93949  
rate. 93950

(3) If a vendor makes a sale in this state by printed catalog 93951  
and the consumer computed the tax on the sale based on local rates 93952  
published in the catalog, any tax levied or repealed or rate 93953  
changed under this section shall not apply to such a sale until 93954  
the first day of a calendar quarter following the expiration of 93955  
one hundred twenty days from the date of notice by the tax 93956  
commissioner pursuant to division (H) of this section. 93957

(C) If a resolution is rejected at a referendum or if a 93958  
resolution adopted after January 1, 1982, as an emergency measure 93959  
is repealed by the electors pursuant to division (B)(2) of this 93960  
section or section 5739.022 of the Revised Code, then for one year 93961  
after the date of the election at which the resolution was 93962  
rejected or repealed the board of county commissioners may not 93963  
adopt any resolution authorized by this section as an emergency 93964

measure. 93965

(D) The board of county commissioners, at any time while a 93966  
tax levied under this section is in effect, may by resolution 93967  
reduce the rate at which the tax is levied to a lower rate 93968  
authorized by this section. Any reduction in the rate at which the 93969  
tax is levied shall be made effective on the first day of a 93970  
calendar quarter next following the sixty-fifth day after a 93971  
certified copy of the resolution is delivered to the tax 93972  
commissioner. 93973

(E) The tax on every retail sale subject to a tax levied 93974  
pursuant to this section shall be in addition to the tax levied by 93975  
section 5739.02 of the Revised Code and any tax levied pursuant to 93976  
section 5739.023 or 5739.026 of the Revised Code. 93977

A county that levies a tax pursuant to this section shall 93978  
levy a tax at the same rate pursuant to section 5741.021 of the 93979  
Revised Code. 93980

The additional tax levied by the county shall be collected 93981  
pursuant to section 5739.025 of the Revised Code. If the 93982  
additional tax or some portion thereof is levied for the purpose 93983  
of criminal and administrative justice services, the revenue from 93984  
the tax, or the amount or rate apportioned to that purpose, shall 93985  
be credited to a special fund created in the county treasury for 93986  
receipt of that revenue. 93987

Any tax levied pursuant to this section is subject to the 93988  
exemptions provided in section 5739.02 of the Revised Code and in 93989  
addition shall not be applicable to sales not within the taxing 93990  
power of a county under the Constitution of the United States or 93991  
the Ohio Constitution. 93992

(F) For purposes of this section, a copy of a resolution is 93993  
"certified" when it contains a written statement attesting that 93994  
the copy is a true and exact reproduction of the original 93995

resolution. 93996

(G) If a board of commissioners intends to adopt a resolution 93997  
to levy a tax in whole or in part for the purpose of criminal and 93998  
administrative justice services, the board shall prepare and make 93999  
available at the first public hearing at which the resolution is 94000  
considered a statement containing the following information: 94001

(1) For each of the two preceding fiscal years, the amount of 94002  
expenditures made by the county from the county general fund for 94003  
the purpose of criminal and administrative justice services; 94004

(2) For the fiscal year in which the resolution is adopted, 94005  
the board's estimate of the amount of expenditures to be made by 94006  
the county from the county general fund for the purpose of 94007  
criminal and administrative justice services; 94008

(3) For each of the two fiscal years after the fiscal year in 94009  
which the resolution is adopted, the board's preliminary plan for 94010  
expenditures to be made from the county general fund for the 94011  
purpose of criminal and administrative justice services, both 94012  
under the assumption that the tax will be imposed for that purpose 94013  
and under the assumption that the tax would not be imposed for 94014  
that purpose, and for expenditures to be made from the special 94015  
fund created under division (E) of this section under the 94016  
assumption that the tax will be imposed for that purpose. 94017

The board shall prepare the statement and the preliminary 94018  
plan using the best information available to the board at the time 94019  
the statement is prepared. Neither the statement nor the 94020  
preliminary plan shall be used as a basis to challenge the 94021  
validity of the tax in any court of competent jurisdiction, nor 94022  
shall the statement or preliminary plan limit the authority of the 94023  
board to appropriate, pursuant to section 5705.38 of the Revised 94024  
Code, an amount different from that specified in the preliminary 94025  
plan. 94026

(H) Upon receipt from a board of county commissioners of a certified copy of a resolution required by division (A) or (D) of this section, or from the board of elections of a notice of the results of an election required by division (A) or (B)(1) or (2) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

(I) As used in this section, "criminal and administrative justice services" means the exercise by the county sheriff of all powers and duties vested in that office by law; the exercise by the county prosecuting attorney of all powers and duties vested in that office by law; the exercise by any court in the county of all powers and duties vested in that court; the exercise by the clerk of the court of common pleas, any clerk of a municipal court having jurisdiction throughout the county, or the clerk of any county court of all powers and duties vested in the clerk by law except, in the case of the clerk of the court of common pleas, the titling of motor vehicles or watercraft pursuant to Chapter 1548. or 4505. of the Revised Code; the exercise by the county coroner of all powers and duties vested in that office by law; making payments to any other public agency or a private, nonprofit agency, the purposes of which in the county include the diversion, adjudication, detention, or rehabilitation of criminals or juvenile offenders; the operation and maintenance of any detention facility, as defined in section 2921.01 of the Revised Code; and the construction, acquisition, equipping, or repair of such a detention facility, including the payment of any debt charges incurred in the issuance of securities pursuant to Chapter 133. of the Revised Code for the purpose of constructing, acquiring, equipping, or repairing such a facility.



**Sec. 5739.023.** (A)(1) For the purpose of providing additional 94060  
general revenues for a transit authority or funding a regional 94061  
transportation improvement project under section 5595.06 of the 94062  
Revised Code, or both, and ~~paying to pay~~ the expenses of 94063  
administering such levy, any transit authority as defined in 94064  
division (U) of section 5739.01 of the Revised Code may levy a tax 94065  
upon every retail sale made in the territory of the transit 94066  
authority, except sales of watercraft and outboard motors required 94067  
to be titled pursuant to Chapter 1548. of the Revised Code and 94068  
sales of motor vehicles, at a rate of not more than one and 94069  
one-half per cent at any multiple of ~~one-fourth~~ one-tenth of one 94070  
per cent and may increase the existing rate of tax to not more 94071  
than one and one-half per cent at any multiple of ~~one-fourth~~ 94072  
one-tenth of one per cent. The tax shall be levied and the rate 94073  
increased pursuant to a resolution of the legislative authority of 94074  
the transit authority and a certified copy of the resolution shall 94075  
be delivered by the fiscal officer to the board of elections as 94076  
provided in section 3505.071 of the Revised Code and to the tax 94077  
commissioner. The resolution shall specify the number of years for 94078  
which the tax is to be in effect or that the tax is for a 94079  
continuing period of time, and the date of the election on the 94080  
question of the tax pursuant to section 306.70 of the Revised 94081  
Code. The board of elections shall certify the results of the 94082  
election to the transit authority and tax commissioner. 94083

(2) Except as provided in division (C) of this section, the 94084  
tax levied by the resolution shall become effective on the first 94085  
day of a calendar quarter next following the sixty-fifth day 94086  
following the date the tax commissioner receives from the board of 94087  
elections the certification of the results of the election on the 94088  
question of the tax. 94089

(B) The legislative authority may, at any time while the tax 94090  
is in effect, by resolution fix the rate of the tax at any rate 94091

authorized by this section and not in excess of that approved by 94092  
the voters pursuant to section 306.70 of the Revised Code. Except 94093  
as provided in division (C) of this section, any change in the 94094  
rate of the tax shall be made effective on the first day of a 94095  
calendar quarter next following the sixty-fifth day following the 94096  
date the tax commissioner receives the certification of the 94097  
resolution; provided, that in any case where bonds, or notes in 94098  
anticipation of bonds, of a regional transit authority have been 94099  
issued under section 306.40 of the Revised Code without a vote of 94100  
the electors while the tax proposed to be reduced was in effect, 94101  
the board of trustees of the regional transit authority shall 94102  
continue to levy and collect under authority of the original 94103  
election authorizing the tax a rate of tax that the board of 94104  
trustees reasonably estimates will produce an amount in that year 94105  
equal to the amount of principal of and interest on those bonds as 94106  
is payable in that year. 94107

(C) Upon receipt from the board of elections of the 94108  
certification of the results of the election required by division 94109  
(A) of this section, or from the legislative authority of the 94110  
certification of a resolution under division (B) of this section, 94111  
the tax commissioner shall provide notice of a tax rate change in 94112  
a manner that is reasonably accessible to all affected vendors. 94113  
The commissioner shall provide this notice at least sixty days 94114  
prior to the effective date of the rate change. The commissioner, 94115  
by rule, may establish the method by which notice will be 94116  
provided. 94117

(D) If a vendor makes a sale in this state by printed catalog 94118  
and the consumer computed the tax on the sale based on local rates 94119  
published in the catalog, any tax levied or rate changed under 94120  
this section shall not apply to such a sale until the first day of 94121  
a calendar quarter following the expiration of one hundred twenty 94122  
days from the date of notice by the tax commissioner pursuant to 94123

division (C) of this section. 94124

(E) The tax on every retail sale subject to a tax levied 94125  
pursuant to this section is in addition to the tax levied by 94126  
section 5739.02 of the Revised Code and any tax levied pursuant to 94127  
section 5739.021 or 5739.026 of the Revised Code. 94128

(F) The additional tax levied by the transit authority shall 94129  
be collected pursuant to section 5739.025 of the Revised Code. 94130

(G) Any tax levied pursuant to this section is subject to the 94131  
exemptions provided in section 5739.02 of the Revised Code and in 94132  
addition shall not be applicable to sales not within the taxing 94133  
power of a transit authority under the constitution of the United 94134  
States or the constitution of this state. 94135

(H) The rate of a tax levied under this section is subject to 94136  
reduction under section 5739.028 of the Revised Code, if a ballot 94137  
question is approved by voters pursuant to that section. 94138

~~Sec. 5739.025. As used in this section, "local tax" means a 94139  
tax imposed pursuant to section 5739.021, 5739.023, 5739.026, 94140  
5741.021, 5741.022, or 5741.023 of the Revised Code. 94141~~

~~(A) The taxes levied by sections 5739.02 and 5741.02 of the 94142  
Revised Code shall be collected as follows: 94143~~

~~(1) On and after July 1, 2003, and on or before June 30, 94144  
2005, in accordance with the following schedule: 94145~~

<del>If the price</del>	<del>The amount of</del>	<del>94146</del>	
<del>is at least</del>	<del>But not more than</del>	<del>the tax is</del>	<del>94147</del>
<del>\$ .01</del>	<del>\$ .15</del>	<del>No tax</del>	<del>94148</del>
<del>.16</del>	<del>.16</del>	<del>1¢</del>	<del>94149</del>
<del>.17</del>	<del>.33</del>	<del>2¢</del>	<del>94150</del>
<del>.34</del>	<del>.50</del>	<del>3¢</del>	<del>94151</del>
<del>.51</del>	<del>.66</del>	<del>4¢</del>	<del>94152</del>
<del>.67</del>	<del>.83</del>	<del>5¢</del>	<del>94153</del>

~~.84~~ ~~1.00~~ ~~6¢~~ 94154

~~If the price exceeds one dollar, the tax is six cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than seventeen cents, the amount of tax is six cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than seventeen cents, the amount of tax is six cents for each one dollar plus the amount of tax for prices eighteen cents through ninety nine cents in accordance with the schedule above.~~ 94155  
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94162

~~(2) On and after July 1, 2005, and on and before December 31, 2005, in accordance with the following schedule:~~ 94163  
94164

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	94165
<del>.16</del>	<del>.18</del>	<del>1¢</del>	94166
<del>.19</del>	<del>.36</del>	<del>2¢</del>	94167
<del>.37</del>	<del>.54</del>	<del>3¢</del>	94168
<del>.55</del>	<del>.72</del>	<del>4¢</del>	94169
<del>.73</del>	<del>.90</del>	<del>5¢</del>	94170
<del>.91</del>	<del>1.09</del>	<del>6¢</del>	94171
<del>1.10</del>	<del>1.27</del>	<del>7¢</del>	94172
<del>1.28</del>	<del>1.46</del>	<del>8¢</del>	94173
<del>1.47</del>	<del>1.64</del>	<del>9¢</del>	94174
<del>1.65</del>	<del>1.82</del>	<del>10¢</del>	94175
<del>1.83</del>	<del>2.00</del>	<del>11¢</del>	94176

~~If the price exceeds two dollars, the tax is eleven cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than eighteen cents, the amount of tax is eleven cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than eighteen cents, the amount of tax is eleven cents for each two dollars plus the amount of tax for prices nineteen cents through one dollar and~~ 94177  
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~~ninety nine cents in accordance with the schedule above.~~ 94186

~~(B) On and after July 1, 2003, and on and before June 30, 2005, the combined taxes levied by sections 5739.02 and 5741.02 and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code shall be collected in accordance with the following schedules:~~ 94187  
94188  
94189  
94190  
94191

~~(1) When the combined rate of state and local tax is six and one fourth per cent:~~ 94192  
94193

<del>If the price</del>	<del>But not more than</del>	<del>The amount of</del>	
<del>is at least</del>		<del>the tax is</del>	
<del>\$ .01</del>	<del>\$ .15</del>	<del>No tax</del>	94194 94195 94196
<del>.16</del>	<del>.16</del>	<del>1¢</del>	94197
<del>.17</del>	<del>.32</del>	<del>2¢</del>	94198
<del>.33</del>	<del>.48</del>	<del>3¢</del>	94199
<del>.49</del>	<del>.64</del>	<del>4¢</del>	94200
<del>.65</del>	<del>.80</del>	<del>5¢</del>	94201
<del>.81</del>	<del>.96</del>	<del>6¢</del>	94202
<del>.97</del>	<del>1.12</del>	<del>7¢</del>	94203
<del>1.13</del>	<del>1.28</del>	<del>8¢</del>	94204
<del>1.29</del>	<del>1.44</del>	<del>9¢</del>	94205
<del>1.45</del>	<del>1.60</del>	<del>10¢</del>	94206
<del>1.61</del>	<del>1.76</del>	<del>11¢</del>	94207
<del>1.77</del>	<del>1.92</del>	<del>12¢</del>	94208
<del>1.93</del>	<del>2.08</del>	<del>13¢</del>	94209
<del>2.09</del>	<del>2.24</del>	<del>14¢</del>	94210
<del>2.25</del>	<del>2.40</del>	<del>15¢</del>	94211
<del>2.41</del>	<del>2.56</del>	<del>16¢</del>	94212
<del>2.57</del>	<del>2.72</del>	<del>17¢</del>	94213
<del>2.73</del>	<del>2.88</del>	<del>18¢</del>	94214
<del>2.89</del>	<del>3.04</del>	<del>19¢</del>	94215
<del>3.05</del>	<del>3.20</del>	<del>20¢</del>	94216
<del>3.21</del>	<del>3.36</del>	<del>21¢</del>	94217

<del>3.37</del>	<del>3.52</del>	<del>22¢</del>	94218
<del>3.53</del>	<del>3.68</del>	<del>23¢</del>	94219
<del>3.69</del>	<del>3.84</del>	<del>24¢</del>	94220
<del>3.85</del>	<del>4.00</del>	<del>25¢</del>	94221

~~If the price exceeds four dollars, the tax is twenty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(2) When the combined rate of state and local tax is six and one half per cent:~~

<del>If the price</del>		<del>The amount of</del>	94233
<del>is at least</del>	<del>But not more than</del>	<del>the tax is</del>	94234
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	94235
<del>.16</del>	<del>.30</del>	<del>2¢</del>	94236
<del>.31</del>	<del>.46</del>	<del>3¢</del>	94237
<del>.47</del>	<del>.61</del>	<del>4¢</del>	94238
<del>.62</del>	<del>.76</del>	<del>5¢</del>	94239
<del>.77</del>	<del>.92</del>	<del>6¢</del>	94240
<del>.93</del>	<del>1.07</del>	<del>7¢</del>	94241
<del>1.08</del>	<del>1.23</del>	<del>8¢</del>	94242
<del>1.24</del>	<del>1.38</del>	<del>9¢</del>	94243
<del>1.39</del>	<del>1.53</del>	<del>10¢</del>	94244
<del>1.54</del>	<del>1.69</del>	<del>11¢</del>	94245
<del>1.70</del>	<del>1.84</del>	<del>12¢</del>	94246
<del>1.85</del>	<del>2.00</del>	<del>13¢</del>	94247

~~If the price exceeds two dollars, the tax is thirteen cents on each two dollars. If the price exceeds two dollars or a~~

~~multiple thereof by not more than fifteen cents, the amount of tax 94250  
is thirteen cents for each two dollars plus one cent. If the price 94251  
exceeds two dollars or a multiple thereof by more than fifteen 94252  
cents, the amount of tax is thirteen cents for each two dollars 94253  
plus the amount of tax for prices sixteen cents through one dollar 94254  
and ninety nine cents in accordance with the schedule above. 94255~~

~~(3) When the combined rate of state and local tax is six and 94256  
three fourths per cent: 94257~~

<del>If the price</del>	<del>But not more than</del>	<del>The amount of</del>	
<del>is at least</del>		<del>the tax is</del>	
<del>\$ .01</del>	<del>\$ .15</del>	<del>No tax</del>	94259
<del>.16</del>	<del>.29</del>	<del>2¢</del>	94260
<del>.30</del>	<del>.44</del>	<del>3¢</del>	94261
<del>.45</del>	<del>.59</del>	<del>4¢</del>	94262
<del>.60</del>	<del>.74</del>	<del>5¢</del>	94263
<del>.75</del>	<del>.88</del>	<del>6¢</del>	94264
<del>.89</del>	<del>1.03</del>	<del>7¢</del>	94265
<del>1.04</del>	<del>1.18</del>	<del>8¢</del>	94266
<del>1.19</del>	<del>1.33</del>	<del>9¢</del>	94267
<del>1.34</del>	<del>1.48</del>	<del>10¢</del>	94268
<del>1.49</del>	<del>1.62</del>	<del>11¢</del>	94269
<del>1.63</del>	<del>1.77</del>	<del>12¢</del>	94270
<del>1.78</del>	<del>1.92</del>	<del>13¢</del>	94271
<del>1.93</del>	<del>2.07</del>	<del>14¢</del>	94272
<del>2.08</del>	<del>2.22</del>	<del>15¢</del>	94273
<del>2.23</del>	<del>2.37</del>	<del>16¢</del>	94274
<del>2.38</del>	<del>2.51</del>	<del>17¢</del>	94275
<del>2.52</del>	<del>2.66</del>	<del>18¢</del>	94276
<del>2.67</del>	<del>2.81</del>	<del>19¢</del>	94277
<del>2.82</del>	<del>2.96</del>	<del>20¢</del>	94278
<del>2.97</del>	<del>3.11</del>	<del>21¢</del>	94279
<del>3.12</del>	<del>3.25</del>	<del>22¢</del>	94280
			94281

<del>3.26</del>	<del>3.40</del>	<del>23¢</del>	94282
<del>3.41</del>	<del>3.55</del>	<del>24¢</del>	94283
<del>3.56</del>	<del>3.70</del>	<del>25¢</del>	94284
<del>3.71</del>	<del>3.85</del>	<del>26¢</del>	94285
<del>3.86</del>	<del>4.00</del>	<del>27¢</del>	94286

~~If the price exceeds four dollars, the tax is twenty seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty nine cents, the amount of tax is twenty seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty nine cents the amount of tax is twenty seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(4) When the combined rate of state and local tax is seven per cent:~~

<del>If the price</del>		<del>The amount of</del>	94301
<del>is at least</del>	<del>But not more than</del>	<del>the tax is</del>	94302
<del>\$ .01</del>	<del>\$ .15</del>	<del>No tax</del>	94303
<del>.16</del>	<del>.28</del>	<del>2¢</del>	94304
<del>.29</del>	<del>.42</del>	<del>3¢</del>	94305
<del>.43</del>	<del>.57</del>	<del>4¢</del>	94306
<del>.58</del>	<del>.71</del>	<del>5¢</del>	94307
<del>.72</del>	<del>.85</del>	<del>6¢</del>	94308
<del>.86</del>	<del>1.00</del>	<del>7¢</del>	94309

~~If the price exceeds one dollar, the tax is seven cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than fifteen cents, the amount of tax is seven cents for each one dollar plus one cent. If the price exceeds one~~



~~dollar or a multiple thereof by more than fifteen cents, the amount of tax is seven cents for each one dollar plus the amount of tax for prices sixteen cents through ninety nine cents in accordance with the schedule above.~~

~~(5) When the combined rate of state and local tax is seven and one fourth per cent:~~

<del>If the price</del>	<del>But not more than</del>	<del>The amount of</del>	
<del>is at least</del>		<del>the tax is</del>	
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	94322
<del>.16</del>	<del>.27</del>	<del>2¢</del>	94323
<del>.28</del>	<del>.41</del>	<del>3¢</del>	94324
<del>.42</del>	<del>.55</del>	<del>4¢</del>	94325
<del>.56</del>	<del>.68</del>	<del>5¢</del>	94326
<del>.69</del>	<del>.82</del>	<del>6¢</del>	94327
<del>.83</del>	<del>.96</del>	<del>7¢</del>	94328
<del>.97</del>	<del>1.10</del>	<del>8¢</del>	94329
<del>1.11</del>	<del>1.24</del>	<del>9¢</del>	94330
<del>1.25</del>	<del>1.37</del>	<del>10¢</del>	94331
<del>1.38</del>	<del>1.51</del>	<del>11¢</del>	94332
<del>1.52</del>	<del>1.65</del>	<del>12¢</del>	94333
<del>1.66</del>	<del>1.79</del>	<del>13¢</del>	94334
<del>1.80</del>	<del>1.93</del>	<del>14¢</del>	94335
<del>1.94</del>	<del>2.06</del>	<del>15¢</del>	94336
<del>2.07</del>	<del>2.20</del>	<del>16¢</del>	94337
<del>2.21</del>	<del>2.34</del>	<del>17¢</del>	94338
<del>2.35</del>	<del>2.48</del>	<del>18¢</del>	94339
<del>2.49</del>	<del>2.62</del>	<del>19¢</del>	94340
<del>2.63</del>	<del>2.75</del>	<del>20¢</del>	94341
<del>2.76</del>	<del>2.89</del>	<del>21¢</del>	94342
<del>2.90</del>	<del>3.03</del>	<del>22¢</del>	94343
<del>3.04</del>	<del>3.17</del>	<del>23¢</del>	94344
<del>3.18</del>	<del>3.31</del>	<del>24¢</del>	94345

<del>3.32</del>	<del>3.44</del>	<del>25¢</del>	94346
<del>3.45</del>	<del>3.58</del>	<del>26¢</del>	94347
<del>3.59</del>	<del>3.72</del>	<del>27¢</del>	94348
<del>3.73</del>	<del>3.86</del>	<del>28¢</del>	94349
<del>3.87</del>	<del>4.00</del>	<del>29¢</del>	94350

~~If the price exceeds four dollars, the tax is twenty nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus the amount of tax for prices twenty eight cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(6) When the combined rate of state and local tax is seven and one half per cent:~~

<del>If the price</del>	<del>But not more than</del>	<del>The amount of</del>	
<del>is at least</del>		<del>the tax is</del>	
<del>\$ .01</del>	<del>\$ .15</del>	<del>No tax</del>	94365
<del>.16</del>	<del>.26</del>	<del>2¢</del>	94366
<del>.27</del>	<del>.40</del>	<del>3¢</del>	94367
<del>.41</del>	<del>.53</del>	<del>4¢</del>	94368
<del>.54</del>	<del>.65</del>	<del>5¢</del>	94369
<del>.66</del>	<del>.80</del>	<del>6¢</del>	94370
<del>.81</del>	<del>.93</del>	<del>7¢</del>	94371
<del>.94</del>	<del>1.06</del>	<del>8¢</del>	94372
<del>1.07</del>	<del>1.20</del>	<del>9¢</del>	94373
<del>1.21</del>	<del>1.33</del>	<del>10¢</del>	94374
<del>1.34</del>	<del>1.46</del>	<del>11¢</del>	94375

<del>1.47</del>	<del>1.60</del>	<del>12¢</del>	94378
<del>1.61</del>	<del>1.73</del>	<del>13¢</del>	94379
<del>1.74</del>	<del>1.86</del>	<del>14¢</del>	94380
<del>1.87</del>	<del>2.00</del>	<del>15¢</del>	94381

~~If the price exceeds two dollars, the tax is fifteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(7) When the combined rate of state and local tax is seven and three fourths per cent:~~

<del>If the price</del>	<del>But not more than</del>	<del>The amount of</del>	
<del>is at least</del>		<del>the tax is</del>	
<del>\$ .01</del>	<del>\$ .15</del>	<del>No tax</del>	94392
<del>.16</del>	<del>.25</del>	<del>2¢</del>	94393
<del>.26</del>	<del>.38</del>	<del>3¢</del>	94394
<del>.39</del>	<del>.51</del>	<del>4¢</del>	94395
<del>.52</del>	<del>.64</del>	<del>5¢</del>	94396
<del>.65</del>	<del>.77</del>	<del>6¢</del>	94397
<del>.78</del>	<del>.90</del>	<del>7¢</del>	94398
<del>.91</del>	<del>1.03</del>	<del>8¢</del>	94399
<del>1.04</del>	<del>1.16</del>	<del>9¢</del>	94400
<del>1.17</del>	<del>1.29</del>	<del>10¢</del>	94401
<del>1.30</del>	<del>1.41</del>	<del>11¢</del>	94402
<del>1.42</del>	<del>1.54</del>	<del>12¢</del>	94403
<del>1.55</del>	<del>1.67</del>	<del>13¢</del>	94404
<del>1.68</del>	<del>1.80</del>	<del>14¢</del>	94405
<del>1.81</del>	<del>1.93</del>	<del>15¢</del>	94406
<del>1.94</del>	<del>2.06</del>	<del>16¢</del>	94407

2.07	2.19	17¢	94410
2.20	2.32	18¢	94411
2.33	2.45	19¢	94412
2.46	2.58	20¢	94413
2.59	2.70	21¢	94414
2.71	2.83	22¢	94415
2.84	2.96	23¢	94416
2.97	3.09	24¢	94417
3.10	3.22	25¢	94418
3.23	3.35	26¢	94419
3.36	3.48	27¢	94420
3.49	3.61	28¢	94421
3.62	3.74	29¢	94422
3.75	3.87	30¢	94423
3.88	4.00	31¢	94424

~~If the price exceeds four dollars, the tax is thirty one cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than twelve cents, the amount of tax is thirty one cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than twelve cents but by not more than twenty five cents, the amount of tax is thirty one cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty five cents, the amount of tax is thirty one cents for each four dollars plus the amount of tax for prices twenty six cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(8) When the combined rate of state and local tax is eight per cent:~~

<del>If the price</del>		<del>The amount of</del>	94439
<del>is at least</del>	<del>But not more than</del>	<del>the tax is</del>	94440
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	94441

<del>.16</del>	<del>.25</del>	<del>2¢</del>	94442
<del>.26</del>	<del>.37</del>	<del>3¢</del>	94443
<del>.38</del>	<del>.50</del>	<del>4¢</del>	94444
<del>.51</del>	<del>.62</del>	<del>5¢</del>	94445
<del>.63</del>	<del>.75</del>	<del>6¢</del>	94446
<del>.76</del>	<del>.87</del>	<del>7¢</del>	94447
<del>.88</del>	<del>1.00</del>	<del>8¢</del>	94448

~~If the price exceeds one dollar, the tax is eight cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than twelve cents, the amount of tax is eight cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than twelve cents but not more than twenty five cents, the amount of tax is eight cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty five cents, the amount of tax is eight cents for each one dollar plus the amount of tax for prices twenty six cents through ninety nine cents in accordance with the schedule above.~~

~~(9) When the combined rate of state and local tax is eight and one fourth per cent:~~

<del>If the price</del>		<del>The amount of</del>	94462
<del>is at least</del>	<del>But not more than</del>	<del>the tax is</del>	94463
<del>\$ .01</del>	<del>\$ .15</del>	<del>No tax</del>	94464
<del>.16</del>	<del>.24</del>	<del>2¢</del>	94465
<del>.25</del>	<del>.36</del>	<del>3¢</del>	94466
<del>.37</del>	<del>.48</del>	<del>4¢</del>	94467
<del>.49</del>	<del>.60</del>	<del>5¢</del>	94468
<del>.61</del>	<del>.72</del>	<del>6¢</del>	94469
<del>.73</del>	<del>.84</del>	<del>7¢</del>	94470
<del>.85</del>	<del>.96</del>	<del>8¢</del>	94471
<del>.97</del>	<del>1.09</del>	<del>9¢</del>	94472
<del>1.10</del>	<del>1.21</del>	<del>10¢</del>	94473

1.22	1.33	11¢	94474
1.34	1.45	12¢	94475
1.46	1.57	13¢	94476
1.58	1.69	14¢	94477
1.70	1.81	15¢	94478
1.82	1.93	16¢	94479
1.94	2.06	17¢	94480
2.07	2.18	18¢	94481
2.19	2.30	19¢	94482
2.31	2.42	20¢	94483
2.43	2.54	21¢	94484
2.55	2.66	22¢	94485
2.67	2.78	23¢	94486
2.79	2.90	24¢	94487
2.91	3.03	25¢	94488
3.04	3.15	26¢	94489
3.16	3.27	27¢	94490
3.28	3.39	28¢	94491
3.40	3.51	29¢	94492
3.52	3.63	30¢	94493
3.64	3.75	31¢	94494
3.76	3.87	32¢	94495
3.88	4.00	33¢	94496

~~If the price exceeds four dollars, the tax is thirty three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty four cents, the amount of tax is thirty three cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty four cents, the amount of tax is thirty three cents for each four dollars plus the amount of tax for prices twenty six~~

94497  
94498  
94499  
94500  
94501  
94502  
94503  
94504  
94505  
94506

~~cents through three dollars and ninety nine cents in accordance 94507  
with the schedule above. 94508~~

~~(10) When the combined rate of state and local tax is eight 94509  
and one half per cent: 94510~~

~~If the price The amount of 94511  
is at least But not more than the tax is 94512~~

<del>\$ .01</del>	<del>\$ .15</del>	<del>No tax</del>	
<del>.16</del>	<del>.23</del>	<del>2¢</del>	94513
<del>.24</del>	<del>.35</del>	<del>3¢</del>	94514
<del>.36</del>	<del>.47</del>	<del>4¢</del>	94515
<del>.48</del>	<del>.58</del>	<del>5¢</del>	94516
<del>.59</del>	<del>.70</del>	<del>6¢</del>	94517
<del>.71</del>	<del>.82</del>	<del>7¢</del>	94518
<del>.83</del>	<del>.94</del>	<del>8¢</del>	94519
<del>.95</del>	<del>1.05</del>	<del>9¢</del>	94520
<del>1.06</del>	<del>1.17</del>	<del>10¢</del>	94521
<del>1.18</del>	<del>1.29</del>	<del>11¢</del>	94522
<del>1.30</del>	<del>1.41</del>	<del>12¢</del>	94523
<del>1.42</del>	<del>1.52</del>	<del>13¢</del>	94524
<del>1.53</del>	<del>1.64</del>	<del>14¢</del>	94525
<del>1.65</del>	<del>1.76</del>	<del>15¢</del>	94526
<del>1.77</del>	<del>1.88</del>	<del>16¢</del>	94527
<del>1.89</del>	<del>2.00</del>	<del>17¢</del>	94528

~~If the price exceeds two dollars, the tax is seventeen cents 94530  
on each two dollars. If the price exceeds two dollars or a 94531  
multiple thereof by not more than eleven cents, the amount of tax 94532  
is seventeen cents for each two dollars plus one cent. If the 94533  
price exceeds two dollars or a multiple thereof by more than 94534  
eleven cents but by not more than twenty three cents, the amount 94535  
of tax is seventeen cents for each two dollars plus two cents. If 94536  
the price exceeds two dollars or a multiple thereof by more than 94537  
twenty three cents, the amount of tax is seventeen cents for each 94538~~

~~two dollars plus the amount of tax for prices twenty four cents 94539~~  
~~through one dollar and ninety nine cents in accordance with the 94540~~  
~~schedule above. 94541~~

~~(11) When the combined rate of state and local tax is eight 94542~~  
~~and three fourths per cent. 94543~~

<del>If the price</del>	<del>But not more than</del>	<del>The amount of</del>	
<del>is at least</del>		<del>the tax is</del>	
<del>\$ .01</del>	<del>\$ .15</del>	<del>No tax</del>	94546
<del>.16</del>	<del>.22</del>	<del>2¢</del>	94547
<del>.23</del>	<del>.34</del>	<del>3¢</del>	94548
<del>.35</del>	<del>.45</del>	<del>4¢</del>	94549
<del>.46</del>	<del>.57</del>	<del>5¢</del>	94550
<del>.58</del>	<del>.68</del>	<del>6¢</del>	94551
<del>.69</del>	<del>.80</del>	<del>7¢</del>	94552
<del>.81</del>	<del>.91</del>	<del>8¢</del>	94553
<del>.92</del>	<del>1.02</del>	<del>9¢</del>	94554
<del>1.03</del>	<del>1.14</del>	<del>10¢</del>	94555
<del>1.15</del>	<del>1.25</del>	<del>11¢</del>	94556
<del>1.26</del>	<del>1.37</del>	<del>12¢</del>	94557
<del>1.38</del>	<del>1.48</del>	<del>13¢</del>	94558
<del>1.49</del>	<del>1.60</del>	<del>14¢</del>	94559
<del>1.61</del>	<del>1.71</del>	<del>15¢</del>	94560
<del>1.72</del>	<del>1.82</del>	<del>16¢</del>	94561
<del>1.83</del>	<del>1.94</del>	<del>17¢</del>	94562
<del>1.95</del>	<del>2.05</del>	<del>18¢</del>	94563
<del>2.06</del>	<del>2.17</del>	<del>19¢</del>	94564
<del>2.18</del>	<del>2.28</del>	<del>20¢</del>	94565
<del>2.29</del>	<del>2.40</del>	<del>21¢</del>	94566
<del>2.41</del>	<del>2.51</del>	<del>22¢</del>	94567
<del>2.52</del>	<del>2.62</del>	<del>23¢</del>	94568
<del>2.63</del>	<del>2.74</del>	<del>24¢</del>	94569
<del>2.75</del>	<del>2.85</del>	<del>25¢</del>	94570



<del>2.86</del>	<del>2.97</del>	<del>26¢</del>	94571
<del>2.98</del>	<del>3.08</del>	<del>27¢</del>	94572
<del>3.09</del>	<del>3.20</del>	<del>28¢</del>	94573
<del>3.21</del>	<del>3.31</del>	<del>29¢</del>	94574
<del>3.32</del>	<del>3.42</del>	<del>30¢</del>	94575
<del>3.43</del>	<del>3.54</del>	<del>31¢</del>	94576
<del>3.55</del>	<del>3.65</del>	<del>32¢</del>	94577
<del>3.66</del>	<del>3.77</del>	<del>33¢</del>	94578
<del>3.78</del>	<del>3.88</del>	<del>34¢</del>	94579
<del>3.89</del>	<del>4.00</del>	<del>35¢</del>	94580

~~If the price exceeds four dollars, the tax is thirty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty two cents, the amount of tax is thirty five cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty two cents, the amount of tax is thirty five cents for each four dollars plus the amount of tax for prices twenty three cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(12) When the combined rate of state and local tax is nine per cent:~~

<del>If the price</del>		<del>The amount of</del>	94595
<del>is at least</del>	<del>But not more than</del>	<del>the tax is</del>	94596
<del>\$ .01</del>	<del>\$ .15</del>	<del>No tax</del>	94597
<del>.16</del>	<del>.22</del>	<del>2¢</del>	94598
<del>.23</del>	<del>.33</del>	<del>3¢</del>	94599
<del>.34</del>	<del>.44</del>	<del>4¢</del>	94600
<del>.45</del>	<del>.55</del>	<del>5¢</del>	94601
<del>.56</del>	<del>.66</del>	<del>6¢</del>	94602

<del>-.67</del>	<del>-.77</del>	<del>7¢</del>	94603
<del>-.78</del>	<del>-.88</del>	<del>8¢</del>	94604
<del>-.89</del>	<del>1.00</del>	<del>9¢</del>	94605

~~If the price exceeds one dollar, the tax is nine cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than eleven cents, the amount of tax is nine cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than eleven cents but by not more than twenty two cents, the amount of tax is nine cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty two cents, the amount of tax is nine cents for each one dollar plus the amount of tax for prices twenty three cents through ninety nine cents in accordance with the schedule above.~~

~~(C) On and after July 1, 2005, and on and before December 31, 2005, the combined taxes levied by sections 5739.02 and 5741.02 and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code shall be collected in accordance with the following schedules:~~

~~(1) When the total rate of local tax is one fourth per cent:~~

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	94625
<del>.16</del>	<del>.17</del>	<del>1¢</del>	94626
<del>.18</del>	<del>.34</del>	<del>2¢</del>	94627
<del>.35</del>	<del>.52</del>	<del>3¢</del>	94628
<del>.53</del>	<del>.69</del>	<del>4¢</del>	94629
<del>.70</del>	<del>.86</del>	<del>5¢</del>	94630
<del>.87</del>	<del>1.04</del>	<del>6¢</del>	94631
<del>1.05</del>	<del>1.21</del>	<del>7¢</del>	94632
<del>1.22</del>	<del>1.39</del>	<del>8¢</del>	94633
<del>1.40</del>	<del>1.56</del>	<del>9¢</del>	94634

<del>1.57</del>	<del>1.73</del>	<del>10¢</del>	94635
<del>1.74</del>	<del>1.91</del>	<del>11¢</del>	94636
<del>1.92</del>	<del>2.08</del>	<del>12¢</del>	94637
<del>2.09</del>	<del>2.26</del>	<del>13¢</del>	94638
<del>2.27</del>	<del>2.43</del>	<del>14¢</del>	94639
<del>2.44</del>	<del>2.60</del>	<del>15¢</del>	94640
<del>2.61</del>	<del>2.78</del>	<del>16¢</del>	94641
<del>2.79</del>	<del>2.95</del>	<del>17¢</del>	94642
<del>2.96</del>	<del>3.13</del>	<del>18¢</del>	94643
<del>3.14</del>	<del>3.30</del>	<del>19¢</del>	94644
<del>3.31</del>	<del>3.47</del>	<del>20¢</del>	94645
<del>3.48</del>	<del>3.65</del>	<del>21¢</del>	94646
<del>3.66</del>	<del>3.82</del>	<del>22¢</del>	94647
<del>3.83</del>	<del>4.00</del>	<del>23¢</del>	94648

~~If the price exceeds four dollars, the tax is twenty three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than seventeen cents, the amount of tax is twenty three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than seventeen cents, the amount of tax is twenty three cents for each four dollars plus the amount of tax for prices eighteen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

<del>(2) When the combined rate of local tax is one half per cent:</del>			94658
<del>If the price</del>	<del>But not</del>	<del>The amount</del>	94659
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	94660
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	94661
<del>.16</del>	<del>.17</del>	<del>1¢</del>	94662
<del>.18</del>	<del>.34</del>	<del>2¢</del>	94663
<del>.35</del>	<del>.50</del>	<del>3¢</del>	94664
<del>.51</del>	<del>.67</del>	<del>4¢</del>	94665
<del>.68</del>	<del>.83</del>	<del>5¢</del>	94666

~~.84 1.00 6¢ 94667~~

~~If the price exceeds one dollar, the tax is six cents on each 94668  
one dollar. If the price exceeds one dollar or a multiple thereof 94669  
by not more than seventeen cents, the amount of tax is six cents 94670  
for each one dollar plus one cent. If the price exceeds one dollar 94671  
or a multiple thereof by more than seventeen cents, the amount of 94672  
tax is six cents for each one dollar plus the amount of tax for 94673  
prices eighteen cents through ninety nine cents in accordance with 94674  
the schedule above. 94675~~

~~(3) When the combined rate of local tax is three fourths per 94676  
cent: 94677~~

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	94680
<del>.16</del>	<del>.16</del>	<del>1¢</del>	94681
<del>.17</del>	<del>.32</del>	<del>2¢</del>	94682
<del>.33</del>	<del>.48</del>	<del>3¢</del>	94683
<del>.49</del>	<del>.64</del>	<del>4¢</del>	94684
<del>.65</del>	<del>.80</del>	<del>5¢</del>	94685
<del>.81</del>	<del>.96</del>	<del>6¢</del>	94686
<del>.97</del>	<del>1.12</del>	<del>7¢</del>	94687
<del>1.13</del>	<del>1.28</del>	<del>8¢</del>	94688
<del>1.29</del>	<del>1.44</del>	<del>9¢</del>	94689
<del>1.45</del>	<del>1.60</del>	<del>10¢</del>	94690
<del>1.61</del>	<del>1.76</del>	<del>11¢</del>	94691
<del>1.77</del>	<del>1.92</del>	<del>12¢</del>	94692
<del>1.93</del>	<del>2.08</del>	<del>13¢</del>	94693
<del>2.09</del>	<del>2.24</del>	<del>14¢</del>	94694
<del>2.25</del>	<del>2.40</del>	<del>15¢</del>	94695
<del>2.41</del>	<del>2.56</del>	<del>16¢</del>	94696
<del>2.57</del>	<del>2.72</del>	<del>17¢</del>	94697
<del>2.73</del>	<del>2.88</del>	<del>18¢</del>	94698

<del>2.89</del>	<del>3.04</del>	<del>19¢</del>	94699
<del>3.05</del>	<del>3.20</del>	<del>20¢</del>	94700
<del>3.21</del>	<del>3.36</del>	<del>21¢</del>	94701
<del>3.37</del>	<del>3.52</del>	<del>22¢</del>	94702
<del>3.53</del>	<del>3.68</del>	<del>23¢</del>	94703
<del>3.69</del>	<del>3.84</del>	<del>24¢</del>	94704
<del>3.85</del>	<del>4.00</del>	<del>25¢</del>	94705

~~If the price exceeds four dollars, the tax is twenty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(4) When the combined rate of local tax is one per cent:~~

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	94718
<del>.16</del>	<del>.30</del>	<del>2¢</del>	94719
<del>.31</del>	<del>.46</del>	<del>3¢</del>	94720
<del>.47</del>	<del>.61</del>	<del>4¢</del>	94721
<del>.62</del>	<del>.76</del>	<del>5¢</del>	94722
<del>.77</del>	<del>.92</del>	<del>6¢</del>	94723
<del>.93</del>	<del>1.07</del>	<del>7¢</del>	94724
<del>1.08</del>	<del>1.23</del>	<del>8¢</del>	94725
<del>1.24</del>	<del>1.38</del>	<del>9¢</del>	94726
<del>1.39</del>	<del>1.53</del>	<del>10¢</del>	94727
<del>1.54</del>	<del>1.69</del>	<del>11¢</del>	94728
<del>1.70</del>	<del>1.84</del>	<del>12¢</del>	94729
<del>1.85</del>	<del>2.00</del>	<del>13¢</del>	94730

~~If the price exceeds two dollars, the tax is thirteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(5) When the combined rate of local tax is one and one fourth per cent:~~

<del>If the price is at least</del>	<del>But not more than</del>	<del>The amount of the tax is</del>	
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	94741
<del>.16</del>	<del>.29</del>	<del>2¢</del>	94742
<del>.30</del>	<del>.44</del>	<del>3¢</del>	94743
<del>.45</del>	<del>.59</del>	<del>4¢</del>	94744
<del>.60</del>	<del>.74</del>	<del>5¢</del>	94745
<del>.75</del>	<del>.88</del>	<del>6¢</del>	94746
<del>.89</del>	<del>1.03</del>	<del>7¢</del>	94747
<del>1.04</del>	<del>1.18</del>	<del>8¢</del>	94748
<del>1.19</del>	<del>1.33</del>	<del>9¢</del>	94749
<del>1.34</del>	<del>1.48</del>	<del>10¢</del>	94750
<del>1.49</del>	<del>1.62</del>	<del>11¢</del>	94751
<del>1.63</del>	<del>1.77</del>	<del>12¢</del>	94752
<del>1.78</del>	<del>1.92</del>	<del>13¢</del>	94753
<del>1.93</del>	<del>2.07</del>	<del>14¢</del>	94754
<del>2.08</del>	<del>2.22</del>	<del>15¢</del>	94755
<del>2.23</del>	<del>2.37</del>	<del>16¢</del>	94756
<del>2.38</del>	<del>2.51</del>	<del>17¢</del>	94757
<del>2.52</del>	<del>2.66</del>	<del>18¢</del>	94758
<del>2.67</del>	<del>2.81</del>	<del>19¢</del>	94759
<del>2.82</del>	<del>2.96</del>	<del>20¢</del>	94760

<del>2.97</del>	<del>3.11</del>	<del>21¢</del>	94763
<del>3.12</del>	<del>3.25</del>	<del>22¢</del>	94764
<del>3.26</del>	<del>3.40</del>	<del>23¢</del>	94765
<del>3.41</del>	<del>3.55</del>	<del>24¢</del>	94766
<del>3.56</del>	<del>3.70</del>	<del>25¢</del>	94767
<del>3.71</del>	<del>3.85</del>	<del>26¢</del>	94768
<del>3.86</del>	<del>4.00</del>	<del>27¢</del>	94769

~~If the price exceeds four dollars, the tax is twenty seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty nine cents, the amount of tax is twenty seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty nine cents the amount of tax is twenty seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(6) When the combined rate of local tax is one and one half per cent:~~

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	94784
<del>.16</del>	<del>.28</del>	<del>2¢</del>	94785
<del>.29</del>	<del>.42</del>	<del>3¢</del>	94786
<del>.43</del>	<del>.57</del>	<del>4¢</del>	94787
<del>.58</del>	<del>.71</del>	<del>5¢</del>	94788
<del>.72</del>	<del>.85</del>	<del>6¢</del>	94789
<del>.86</del>	<del>1.00</del>	<del>7¢</del>	94790

~~If the price exceeds one dollar, the tax is seven cents on each one dollar. If the price exceeds one dollar or a multiple~~

~~thereof by not more than fifteen cents, the amount of tax is seven 94795~~  
~~cents for each one dollar plus one cent. If the price exceeds one 94796~~  
~~dollar or a multiple thereof by more than fifteen cents, the 94797~~  
~~amount of tax is seven cents for each one dollar plus the amount 94798~~  
~~of tax for prices sixteen cents through ninety nine cents in 94799~~  
~~accordance with the schedule above. 94800~~

~~(7) When the combined rate of local tax is one and 94801~~  
~~three fourths per cent: 94802~~

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	94803
<del>.16</del>	<del>.27</del>	<del>2¢</del>	94804
<del>.28</del>	<del>.41</del>	<del>3¢</del>	94805
<del>.42</del>	<del>.55</del>	<del>4¢</del>	94806
<del>.56</del>	<del>.68</del>	<del>5¢</del>	94807
<del>.69</del>	<del>.82</del>	<del>6¢</del>	94808
<del>.83</del>	<del>.96</del>	<del>7¢</del>	94809
<del>.97</del>	<del>1.10</del>	<del>8¢</del>	94810
<del>1.11</del>	<del>1.24</del>	<del>9¢</del>	94811
<del>1.25</del>	<del>1.37</del>	<del>10¢</del>	94812
<del>1.38</del>	<del>1.51</del>	<del>11¢</del>	94813
<del>1.52</del>	<del>1.65</del>	<del>12¢</del>	94814
<del>1.66</del>	<del>1.79</del>	<del>13¢</del>	94815
<del>1.80</del>	<del>1.93</del>	<del>14¢</del>	94816
<del>1.94</del>	<del>2.06</del>	<del>15¢</del>	94817
<del>2.07</del>	<del>2.20</del>	<del>16¢</del>	94818
<del>2.21</del>	<del>2.34</del>	<del>17¢</del>	94819
<del>2.35</del>	<del>2.48</del>	<del>18¢</del>	94820
<del>2.49</del>	<del>2.62</del>	<del>19¢</del>	94821
<del>2.63</del>	<del>2.75</del>	<del>20¢</del>	94822
<del>2.76</del>	<del>2.89</del>	<del>21¢</del>	94823
<del>2.90</del>	<del>3.03</del>	<del>22¢</del>	94824



<del>3.04</del>	<del>3.17</del>	<del>23¢</del>	94827
<del>3.18</del>	<del>3.31</del>	<del>24¢</del>	94828
<del>3.32</del>	<del>3.44</del>	<del>25¢</del>	94829
<del>3.45</del>	<del>3.58</del>	<del>26¢</del>	94830
<del>3.59</del>	<del>3.72</del>	<del>27¢</del>	94831
<del>3.73</del>	<del>3.86</del>	<del>28¢</del>	94832
<del>3.87</del>	<del>4.00</del>	<del>29¢</del>	94833

~~If the price exceeds four dollars, the tax is twenty nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus the amount of tax for prices twenty eight cents through three dollars and ninety nine cents in accordance with the schedule above.~~

<del>(8) When the combined rate of local tax is two per cent:</del>			94846
<del>If the price</del>	<del>But not</del>	<del>The amount</del>	94847
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	94848
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	94849
<del>.16</del>	<del>.26</del>	<del>2¢</del>	94850
<del>.27</del>	<del>.40</del>	<del>3¢</del>	94851
<del>.41</del>	<del>.53</del>	<del>4¢</del>	94852
<del>.54</del>	<del>.65</del>	<del>5¢</del>	94853
<del>.66</del>	<del>.80</del>	<del>6¢</del>	94854
<del>.81</del>	<del>.93</del>	<del>7¢</del>	94855
<del>.94</del>	<del>1.06</del>	<del>8¢</del>	94856
<del>1.07</del>	<del>1.20</del>	<del>9¢</del>	94857
<del>1.21</del>	<del>1.33</del>	<del>10¢</del>	94858

<del>1.34</del>	<del>1.46</del>	<del>11¢</del>	94859
<del>1.47</del>	<del>1.60</del>	<del>12¢</del>	94860
<del>1.61</del>	<del>1.73</del>	<del>13¢</del>	94861
<del>1.74</del>	<del>1.86</del>	<del>14¢</del>	94862
<del>1.87</del>	<del>2.00</del>	<del>15¢</del>	94863

~~If the price exceeds two dollars, the tax is fifteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(9) When the combined rate of local tax is two and one fourth per cent:~~

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	94874
<del>.16</del>	<del>.25</del>	<del>2¢</del>	94875
<del>.26</del>	<del>.38</del>	<del>3¢</del>	94876
<del>.39</del>	<del>.51</del>	<del>4¢</del>	94877
<del>.52</del>	<del>.64</del>	<del>5¢</del>	94878
<del>.65</del>	<del>.77</del>	<del>6¢</del>	94879
<del>.78</del>	<del>.90</del>	<del>7¢</del>	94880
<del>.91</del>	<del>1.03</del>	<del>8¢</del>	94881
<del>1.04</del>	<del>1.16</del>	<del>9¢</del>	94882
<del>1.17</del>	<del>1.29</del>	<del>10¢</del>	94883
<del>1.30</del>	<del>1.41</del>	<del>11¢</del>	94884
<del>1.42</del>	<del>1.54</del>	<del>12¢</del>	94885
<del>1.55</del>	<del>1.67</del>	<del>13¢</del>	94886
<del>1.68</del>	<del>1.80</del>	<del>14¢</del>	94887
<del>1.81</del>	<del>1.93</del>	<del>15¢</del>	94888
			94889
			94890

1.94	2.06	16¢	94891
2.07	2.19	17¢	94892
2.20	2.32	18¢	94893
2.33	2.45	19¢	94894
2.46	2.58	20¢	94895
2.59	2.70	21¢	94896
2.71	2.83	22¢	94897
2.84	2.96	23¢	94898
2.97	3.09	24¢	94899
3.10	3.22	25¢	94900
3.23	3.35	26¢	94901
3.36	3.48	27¢	94902
3.49	3.61	28¢	94903
3.62	3.74	29¢	94904
3.75	3.87	30¢	94905
3.88	4.00	31¢	94906

~~If the price exceeds four dollars, the tax is thirty one cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than twelve cents, the amount of tax is thirty one cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than twelve cents but not more than twenty five cents, the amount of tax is thirty one cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty five cents, the amount of tax is thirty one cents for each four dollars plus the amount of tax for prices twenty six cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(10) When the combined rate of local tax is two and one half per cent:~~

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	94921
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	94922

<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	94923
<del>.16</del>	<del>.25</del>	<del>2¢</del>	94924
<del>.26</del>	<del>.37</del>	<del>3¢</del>	94925
<del>.38</del>	<del>.50</del>	<del>4¢</del>	94926
<del>.51</del>	<del>.62</del>	<del>5¢</del>	94927
<del>.63</del>	<del>.75</del>	<del>6¢</del>	94928
<del>.76</del>	<del>.87</del>	<del>7¢</del>	94929
<del>.88</del>	<del>1.00</del>	<del>8¢</del>	94930

~~If the price exceeds one dollar, the tax is eight cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than twelve cents, the amount of tax is eight cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than twelve cents but not more than twenty five cents, the amount of tax is eight cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty five cents, the amount of tax is eight cents for each one dollar plus the amount of tax for prices twenty six cents through ninety nine cents in accordance with the schedule above.~~

~~(11) When the combined rate of local tax is two and three fourths per cent:~~

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	94944
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	94945
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	94946
<del>.16</del>	<del>.24</del>	<del>2¢</del>	94947
<del>.25</del>	<del>.36</del>	<del>3¢</del>	94948
<del>.37</del>	<del>.48</del>	<del>4¢</del>	94949
<del>.49</del>	<del>.60</del>	<del>5¢</del>	94950
<del>.61</del>	<del>.72</del>	<del>6¢</del>	94951
<del>.73</del>	<del>.84</del>	<del>7¢</del>	94952
<del>.85</del>	<del>.96</del>	<del>8¢</del>	94953
<del>.97</del>	<del>1.09</del>	<del>9¢</del>	94954

1.10	1.21	10¢	94955
1.22	1.33	11¢	94956
1.34	1.45	12¢	94957
1.46	1.57	13¢	94958
1.58	1.69	14¢	94959
1.70	1.81	15¢	94960
1.82	1.93	16¢	94961
1.94	2.06	17¢	94962
2.07	2.18	18¢	94963
2.19	2.30	19¢	94964
2.31	2.42	20¢	94965
2.43	2.54	21¢	94966
2.55	2.66	22¢	94967
2.67	2.78	23¢	94968
2.79	2.90	24¢	94969
2.91	3.03	25¢	94970
3.04	3.15	26¢	94971
3.16	3.27	27¢	94972
3.28	3.39	28¢	94973
3.40	3.51	29¢	94974
3.52	3.63	30¢	94975
3.64	3.75	31¢	94976
3.76	3.87	32¢	94977
3.88	4.00	33¢	94978

~~If the price exceeds four dollars, the tax is thirty three~~ 94979  
~~cents on each four dollars. If the price exceeds four dollars or a~~ 94980  
~~multiple thereof by not more than eleven cents, the amount of tax~~ 94981  
~~is thirty three cents for each four dollars plus one cent. If the~~ 94982  
~~price exceeds four dollars or a multiple thereof by more than~~ 94983  
~~eleven cents but not more than twenty four cents, the amount of~~ 94984  
~~tax is thirty three cents for each four dollars plus two cents. If~~ 94985  
~~the price exceeds four dollars or a multiple thereof by more than~~ 94986  
~~twenty four cents, the amount of tax is thirty three cents for~~ 94987

~~each four dollars plus the amount of tax for prices twenty six cents through three dollars and ninety nine cents in accordance with the schedule above.~~ 94988  
94989  
94990

~~(12) When the combined rate of local tax is three per cent:~~ 94991

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	94992
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<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	94993
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<del>\$ .01</del>	<del>\$ .15</del>	<del>No tax</del>	94994
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<del>.16</del>	<del>.23</del>	<del>2¢</del>	94995
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<del>.24</del>	<del>.35</del>	<del>3¢</del>	94996
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<del>.36</del>	<del>.47</del>	<del>4¢</del>	94997
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<del>.48</del>	<del>.58</del>	<del>5¢</del>	94998
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<del>.59</del>	<del>.70</del>	<del>6¢</del>	94999
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<del>.71</del>	<del>.82</del>	<del>7¢</del>	95000
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<del>.83</del>	<del>.94</del>	<del>8¢</del>	95001
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<del>.95</del>	<del>1.05</del>	<del>9¢</del>	95002
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<del>1.06</del>	<del>1.17</del>	<del>10¢</del>	95003
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<del>1.18</del>	<del>1.29</del>	<del>11¢</del>	95004
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<del>1.30</del>	<del>1.41</del>	<del>12¢</del>	95005
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<del>1.42</del>	<del>1.52</del>	<del>13¢</del>	95006
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<del>1.53</del>	<del>1.64</del>	<del>14¢</del>	95007
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<del>1.65</del>	<del>1.76</del>	<del>15¢</del>	95008
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<del>1.77</del>	<del>1.88</del>	<del>16¢</del>	95009
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<del>1.89</del>	<del>2.00</del>	<del>17¢</del>	95010
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~~If the price exceeds two dollars, the tax is seventeen cents~~ 95011

~~on each two dollars. If the price exceeds two dollars or a~~ 95012

~~multiple thereof by not more than eleven cents, the amount of tax~~ 95013

~~is seventeen cents for each two dollars plus one cent. If the~~ 95014

~~price exceeds two dollars or a multiple thereof by more than~~ 95015

~~eleven cents but not more than twenty three cents, the amount of~~ 95016

~~tax is seventeen cents for each two dollars plus two cents. If the~~ 95017

~~price exceeds two dollars or a multiple thereof by more than~~ 95018

~~twenty three cents, the amount of tax is seventeen cents for each~~ 95019

~~two dollars plus the amount of tax for prices twenty four cents 95020  
through one dollar and ninety nine cents in accordance with the 95021  
schedule above. 95022~~

~~(D) In lieu of collecting the tax pursuant to the schedules 95023  
set forth in divisions (A), (B), and (C) of this section, a vendor 95024  
may compute the tax on each sale as follows: 95025~~

~~(1) On sales of fifteen cents or less, no tax shall apply. 95026~~

~~(2) On sales in excess of fifteen cents, multiply the price 95027  
by the aggregate rate of taxes in effect under sections 5739.02 95028  
and 5741.02 and sections 5739.021, 5739.023, 5739.026, 5741.021, 95029  
5741.022, and 5741.023 of the Revised Code. The computation shall 95030  
be carried out to six decimal places. If the result is a 95031  
fractional amount of a cent, the calculated tax shall be increased 95032  
to the next highest cent and that amount shall be collected by the 95033  
vendor. 95034~~

~~(E) On and after January 1, 2006, a (A) A vendor shall 95035  
compute the tax on each sale by multiplying the price by the 95036  
aggregate rate of taxes in effect under sections 5739.02 and 95037  
5741.02, and sections 5739.021, 5739.023, 5739.026, 5741.021, 95038  
5741.022, and 5741.023 of the Revised Code. The computation shall 95039  
be carried out to three decimal places. If the result is a 95040  
fractional amount of a cent, the calculated tax shall be rounded 95041  
to a whole cent using a method that rounds up to the next cent 95042  
whenever the third decimal place is greater than four. A vendor 95043  
may elect to compute the tax due on a transaction on an item or an 95044  
invoice basis. 95045~~

~~(F)(B) In auditing a vendor, the tax commissioner shall 95046  
consider the method prescribed by this section that was used by 95047  
the vendor in determining and collecting the tax due under this 95048  
chapter on taxable transactions. If the vendor correctly collects 95049  
and remits the tax due under this chapter in accordance with the 95050~~

~~schedules in divisions (A), (B), and (C) of this section or in~~ 95051  
~~accordance with the computation prescribed in division (D) or (E)~~ 95052  
(A) of this section, the commissioner shall not assess any 95053  
additional tax on those transactions. 95054

~~(G)(C)~~(1) With respect to a sale of a fractional ownership 95055  
program aircraft used primarily in a fractional aircraft ownership 95056  
program, including all accessories attached to such aircraft, the 95057  
tax shall be calculated pursuant to ~~divisions~~ division (A) ~~to (E)~~ 95058  
of this section, provided that the tax commissioner shall modify 95059  
those calculations so that the maximum tax on each program 95060  
aircraft is eight hundred dollars. In the case of a sale of a 95061  
fractional interest that is less than one hundred per cent of the 95062  
program aircraft, the tax charged on the transaction shall be 95063  
eight hundred dollars multiplied by a fraction, the numerator of 95064  
which is the percentage of ownership or possession in the aircraft 95065  
being purchased in the transaction, and the denominator of which 95066  
is one hundred per cent. 95067

(2) Notwithstanding any other provision of law to the 95068  
contrary, the tax calculated under division ~~(G)(C)~~(1) of this 95069  
section and paid with respect to the sale of a fractional 95070  
ownership program aircraft used primarily in a fractional aircraft 95071  
ownership program shall be credited to the general revenue fund. 95072

**Sec. 5739.026.** (A) A board of county commissioners may levy a 95073  
tax ~~of one fourth or one half of one per cent~~ on every retail sale 95074  
in the county, except sales of watercraft and outboard motors 95075  
required to be titled pursuant to Chapter 1548. of the Revised 95076  
Code and sales of motor vehicles, at a rate of not more than 95077  
one-half of one per cent at any multiple of one-tenth of one per 95078  
cent and may increase an existing rate of ~~one fourth of one per~~ 95079  
~~cent~~ tax to not more than one-half of one per cent at any multiple 95080  
of one-tenth of one per cent, to pay the expenses of administering 95081



the tax and, except as provided in division (A)(6) of this 95082  
section, for any one or more of the following purposes provided 95083  
that the aggregate levy for all such purposes does not exceed 95084  
one-half of one per cent: 95085

(1) To provide additional revenues for the payment of bonds 95086  
or notes issued in anticipation of bonds issued by a convention 95087  
facilities authority established by the board of county 95088  
commissioners under Chapter 351. of the Revised Code and to 95089  
provide additional operating revenues for the convention 95090  
facilities authority; 95091

(2) To provide additional revenues for a transit authority 95092  
operating in the county; 95093

(3) To provide additional revenue for the county's general 95094  
fund; 95095

(4) To provide additional revenue for permanent improvements 95096  
~~within the county~~ to be distributed by the community improvements 95097  
board in accordance with section 307.283 and to pay principal, 95098  
interest, and premium on bonds issued under section 307.284 of the 95099  
Revised Code; 95100

(5) To provide additional revenue for the acquisition, 95101  
construction, equipping, or repair of any specific permanent 95102  
improvement or any class or group of permanent improvements, which 95103  
improvement or class or group of improvements shall be enumerated 95104  
in the resolution required by division (D) of this section, and to 95105  
pay principal, interest, premium, and other costs associated with 95106  
the issuance of bonds or notes in anticipation of bonds issued 95107  
pursuant to Chapter 133. of the Revised Code for the acquisition, 95108  
construction, equipping, or repair of the specific permanent 95109  
improvement or class or group of permanent improvements; 95110

(6) To provide revenue for the implementation and operation 95111  
of a 9-1-1 system in the county. If the tax is levied or the rate 95112

increased exclusively for such purpose, the tax shall not be 95113  
levied or the rate increased for more than five years. At the end 95114  
of the last year the tax is levied or the rate increased, any 95115  
balance remaining in the special fund established for such purpose 95116  
shall remain in that fund and be used exclusively for such purpose 95117  
until the fund is completely expended, and, notwithstanding 95118  
section 5705.16 of the Revised Code, the board of county 95119  
commissioners shall not petition for the transfer of money from 95120  
such special fund, and the tax commissioner shall not approve such 95121  
a petition. 95122

If the tax is levied or the rate increased for such purpose 95123  
for more than five years, the board of county commissioners also 95124  
shall levy the tax or increase the rate of the tax for one or more 95125  
of the purposes described in divisions (A)(1) to (5) of this 95126  
section and shall prescribe the method for allocating the revenues 95127  
from the tax each year in the manner required by division (C) of 95128  
this section. 95129

(7) To provide additional revenue for the operation or 95130  
maintenance of a detention facility, as that term is defined under 95131  
division (F) of section 2921.01 of the Revised Code; 95132

(8) To provide revenue to finance the construction or 95133  
renovation of a sports facility, but only if the tax is levied for 95134  
that purpose in the manner prescribed by section 5739.028 of the 95135  
Revised Code. 95136

As used in division (A)(8) of this section: 95137

(a) "Sports facility" means a facility intended to house 95138  
major league professional athletic teams. 95139

(b) "Constructing" or "construction" includes providing 95140  
fixtures, furnishings, and equipment. 95141

(9) To provide additional revenue for the acquisition of 95142  
agricultural easements, as defined in section 5301.67 of the 95143

Revised Code; to pay principal, interest, and premium on bonds 95144  
issued under section 133.60 of the Revised Code; and for the 95145  
supervision and enforcement of agricultural easements held by the 95146  
county; 95147

(10) To provide revenue for the provision of ambulance, 95148  
paramedic, or other emergency medical services; 95149

(11) To provide revenue for the operation of a lake 95150  
facilities authority and the remediation of an impacted watershed 95151  
by a lake facilities authority, as provided in Chapter 353. of the 95152  
Revised Code; 95153

(12) To provide additional revenue for a regional 95154  
transportation improvement project under section 5595.06 of the 95155  
Revised Code. 95156

Pursuant to section 755.171 of the Revised Code, a board of 95157  
county commissioners may pledge and contribute revenue from a tax 95158  
levied for the purpose of division (A)(5) of this section to the 95159  
payment of debt charges on bonds issued under section 755.17 of 95160  
the Revised Code. 95161

The rate of tax shall be a multiple of ~~one-fourth~~ one-tenth 95162  
of one per cent, unless a portion of the rate of an existing tax 95163  
levied under section 5739.023 of the Revised Code has been 95164  
reduced, and the rate of tax levied under this section has been 95165  
increased, pursuant to section 5739.028 of the Revised Code, in 95166  
which case the aggregate of the rates of tax levied under this 95167  
section and section 5739.023 of the Revised Code shall be a 95168  
multiple of ~~one-fourth~~ one-tenth of one per cent. The tax shall be 95169  
levied and the rate increased pursuant to a resolution adopted by 95170  
a majority of the members of the board. The board shall deliver a 95171  
certified copy of the resolution to the tax commissioner, not 95172  
later than the sixty-fifth day prior to the date on which the tax 95173  
is to become effective, which shall be the first day of a calendar 95174

quarter. 95175

Prior to the adoption of any resolution to levy the tax or to 95176  
increase the rate of tax exclusively for the purpose set forth in 95177  
division (A)(3) of this section, the board of county commissioners 95178  
shall conduct two public hearings on the resolution, the second 95179  
hearing to be no fewer than three nor more than ten days after the 95180  
first. Notice of the date, time, and place of the hearings shall 95181  
be given by publication in a newspaper of general circulation in 95182  
the county, or as provided in section 7.16 of the Revised Code, 95183  
once a week on the same day of the week for two consecutive weeks. 95184  
The second publication shall be no fewer than ten nor more than 95185  
thirty days prior to the first hearing. Except as provided in 95186  
division (E) of this section, the resolution shall be subject to a 95187  
referendum as provided in sections 305.31 to 305.41 of the Revised 95188  
Code. If the resolution is adopted as an emergency measure 95189  
necessary for the immediate preservation of the public peace, 95190  
health, or safety, it must receive an affirmative vote of all of 95191  
the members of the board of county commissioners and shall state 95192  
the reasons for the necessity. 95193

If the tax is for more than one of the purposes set forth in 95194  
divisions (A)(1) to (7), (9), ~~and (10)~~, and (12) of this section, 95195  
or is exclusively for one of the purposes set forth in division 95196  
(A)(1), (2), (4), (5), (6), (7), (9), ~~or (10)~~, or (12) of this 95197  
section, the resolution shall not go into effect unless it is 95198  
approved by a majority of the electors voting on the question of 95199  
the tax. 95200

(B) The board of county commissioners shall adopt a 95201  
resolution under section 351.02 of the Revised Code creating the 95202  
convention facilities authority, or under section 307.283 of the 95203  
Revised Code creating the community improvements board, before 95204  
adopting a resolution levying a tax for the purpose of a 95205  
convention facilities authority under division (A)(1) of this 95206

section or for the purpose of a community improvements board under 95207  
division (A)(4) of this section. 95208

(C)(1) If the tax is to be used for more than one of the 95209  
purposes set forth in divisions (A)(1) to (7), (9), ~~and~~ (10), and 95210  
(12) of this section, the board of county commissioners shall 95211  
establish the method that will be used to determine the amount or 95212  
proportion of the tax revenue received by the county during each 95213  
year that will be distributed for each of those purposes, 95214  
including, if applicable, provisions governing the reallocation of 95215  
a convention facilities authority's allocation if the authority is 95216  
dissolved while the tax is in effect. The allocation method may 95217  
provide that different proportions or amounts of the tax shall be 95218  
distributed among the purposes in different years, but it shall 95219  
clearly describe the method that will be used for each year. 95220  
Except as otherwise provided in division (C)(2) of this section, 95221  
the allocation method established by the board is not subject to 95222  
amendment during the life of the tax. 95223

(2) Subsequent to holding a public hearing on the proposed 95224  
amendment, the board of county commissioners may amend the 95225  
allocation method established under division (C)(1) of this 95226  
section for any year, if the amendment is approved by the 95227  
governing board of each entity whose allocation for the year would 95228  
be reduced by the proposed amendment. In the case of a tax that is 95229  
levied for a continuing period of time, the board may not so amend 95230  
the allocation method for any year before the sixth year that the 95231  
tax is in effect. 95232

(a) If the additional revenues provided to the convention 95233  
facilities authority are pledged by the authority for the payment 95234  
of convention facilities authority revenue bonds for as long as 95235  
such bonds are outstanding, no reduction of the authority's 95236  
allocation of the tax shall be made for any year except to the 95237  
extent that the reduced authority allocation, when combined with 95238

the authority's other revenues pledged for that purpose, is 95239  
sufficient to meet the debt service requirements for that year on 95240  
such bonds. 95241

(b) If the additional revenues provided to the county are 95242  
pledged by the county for the payment of bonds or notes described 95243  
in division (A)(4) or (5) of this section, for as long as such 95244  
bonds or notes are outstanding, no reduction of the county's or 95245  
the community improvements board's allocation of the tax shall be 95246  
made for any year, except to the extent that the reduced county or 95247  
community improvements board allocation is sufficient to meet the 95248  
debt service requirements for that year on such bonds or notes. 95249

(c) If the additional revenues provided to the transit 95250  
authority are pledged by the authority for the payment of revenue 95251  
bonds issued under section 306.37 of the Revised Code, for as long 95252  
as such bonds are outstanding, no reduction of the authority's 95253  
allocation of tax shall be made for any year, except to the extent 95254  
that the authority's reduced allocation, when combined with the 95255  
authority's other revenues pledged for that purpose, is sufficient 95256  
to meet the debt service requirements for that year on such bonds. 95257

(d) If the additional revenues provided to the county are 95258  
pledged by the county for the payment of bonds or notes issued 95259  
under section 133.60 of the Revised Code, for so long as the bonds 95260  
or notes are outstanding, no reduction of the county's allocation 95261  
of the tax shall be made for any year, except to the extent that 95262  
the reduced county allocation is sufficient to meet the debt 95263  
service requirements for that year on the bonds or notes. 95264

(D)(1) The resolution levying the tax or increasing the rate 95265  
of tax shall state the rate of the tax or the rate of the 95266  
increase; the purpose or purposes for which it is to be levied; 95267  
the number of years for which it is to be levied or that it is for 95268  
a continuing period of time; the allocation method required by 95269  
division (C) of this section; and if required to be submitted to 95270

the electors of the county under division (A) of this section, the 95271  
date of the election at which the proposal shall be submitted to 95272  
the electors of the county, which shall be not less than ninety 95273  
days after the certification of a copy of the resolution to the 95274  
board of elections and, if the tax is to be levied exclusively for 95275  
the purpose set forth in division (A)(3) of this section, shall 95276  
not occur in August of any year. Upon certification of the 95277  
resolution to the board of elections, the board of county 95278  
commissioners shall notify the tax commissioner in writing of the 95279  
levy question to be submitted to the electors. If approved by a 95280  
majority of the electors, the tax shall become effective on the 95281  
first day of a calendar quarter next following the sixty-fifth day 95282  
following the date the board of county commissioners and tax 95283  
commissioner receive from the board of elections the certification 95284  
of the results of the election, except as provided in division (E) 95285  
of this section. 95286

(2)(a) A resolution specifying that the tax is to be used 95287  
exclusively for the purpose set forth in division (A)(3) of this 95288  
section that is not adopted as an emergency measure may direct the 95289  
board of elections to submit the question of levying the tax or 95290  
increasing the rate of the tax to the electors of the county at a 95291  
special election held on the date specified by the board of county 95292  
commissioners in the resolution, provided that the election occurs 95293  
not less than ninety days after the resolution is certified to the 95294  
board of elections and the election is not held in August of any 95295  
year. Upon certification of the resolution to the board of 95296  
elections, the board of county commissioners shall notify the tax 95297  
commissioner in writing of the levy question to be submitted to 95298  
the electors. No resolution adopted under division (D)(2)(a) of 95299  
this section shall go into effect unless approved by a majority of 95300  
those voting upon it and, except as provided in division (E) of 95301  
this section, not until the first day of a calendar quarter 95302  
following the expiration of sixty-five days from the date the tax 95303

commissioner receives notice from the board of elections of the 95304  
affirmative vote. 95305

(b) A resolution specifying that the tax is to be used 95306  
exclusively for the purpose set forth in division (A)(3) of this 95307  
section that is adopted as an emergency measure shall become 95308  
effective as provided in division (A) of this section, but may 95309  
direct the board of elections to submit the question of repealing 95310  
the tax or increase in the rate of the tax to the electors of the 95311  
county at the next general election in the county occurring not 95312  
less than ninety days after the resolution is certified to the 95313  
board of elections. Upon certification of the resolution to the 95314  
board of elections, the board of county commissioners shall notify 95315  
the tax commissioner in writing of the levy question to be 95316  
submitted to the electors. The ballot question shall be the same 95317  
as that prescribed in section 5739.022 of the Revised Code. The 95318  
board of elections shall notify the board of county commissioners 95319  
and the tax commissioner of the result of the election immediately 95320  
after the result has been declared. If a majority of the qualified 95321  
electors voting on the question of repealing the tax or increase 95322  
in the rate of the tax vote for repeal of the tax or repeal of the 95323  
increase, the board of county commissioners, on the first day of a 95324  
calendar quarter following the expiration of sixty-five days after 95325  
the date the board and tax commissioner received notice of the 95326  
result of the election, shall, in the case of a repeal of the tax, 95327  
cease to levy the tax, or, in the case of a repeal of an increase 95328  
in the rate of the tax, cease to levy the increased rate and levy 95329  
the tax at the rate at which it was imposed immediately prior to 95330  
the increase in rate. 95331

(c) A board of county commissioners, by resolution, may 95332  
reduce the rate of a tax levied exclusively for the purpose set 95333  
forth in division (A)(3) of this section to a lower rate 95334  
authorized by this section. Any such reduction shall be made 95335



effective on the first day of the calendar quarter next following 95336  
the sixty-fifth day after the tax commissioner receives a 95337  
certified copy of the resolution from the board. 95338

(E) If a vendor makes a sale in this state by printed catalog 95339  
and the consumer computed the tax on the sale based on local rates 95340  
published in the catalog, any tax levied or repealed or rate 95341  
changed under this section shall not apply to such a sale until 95342  
the first day of a calendar quarter following the expiration of 95343  
one hundred twenty days from the date of notice by the tax 95344  
commissioner pursuant to division (G) of this section. 95345

(F) The tax levied pursuant to this section shall be in 95346  
addition to the tax levied by section 5739.02 of the Revised Code 95347  
and any tax levied pursuant to section 5739.021 or 5739.023 of the 95348  
Revised Code. 95349

A county that levies a tax pursuant to this section shall 95350  
levy a tax at the same rate pursuant to section 5741.023 of the 95351  
Revised Code. 95352

The additional tax levied by the county shall be collected 95353  
pursuant to section 5739.025 of the Revised Code. 95354

Any tax levied pursuant to this section is subject to the 95355  
exemptions provided in section 5739.02 of the Revised Code and in 95356  
addition shall not be applicable to sales not within the taxing 95357  
power of a county under the Constitution of the United States or 95358  
the Ohio Constitution. 95359

(G) Upon receipt from a board of county commissioners of a 95360  
certified copy of a resolution required by division (A) of this 95361  
section, or from the board of elections a notice of the results of 95362  
an election required by division (D)(1), (2)(a), (b), or (c) of 95363  
this section, the tax commissioner shall provide notice of a tax 95364  
rate change in a manner that is reasonably accessible to all 95365  
affected vendors. The commissioner shall provide this notice at 95366

least sixty days prior to the effective date of the rate change. 95367  
The commissioner, by rule, may establish the method by which 95368  
notice will be provided. 95369

**Sec. 5739.029.** (A) Notwithstanding sections 5739.02, 95370  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 95371  
5741.023 of the Revised Code, and except as otherwise provided in 95372  
division (B) of this section, the tax due under this chapter on 95373  
the sale of a motor vehicle required to be titled under Chapter 95374  
4505. of the Revised Code by a motor vehicle dealer to a consumer 95375  
that is a nonresident of this state shall be the lesser of the 95376  
amount of tax that would be due under this chapter and Chapter 95377  
5741. of the Revised Code if the total combined rate were six per 95378  
cent, or the amount of tax that would be due to the state in which 95379  
the consumer titles or registers the motor vehicle or to which the 95380  
consumer removes the vehicle for use. 95381

(B) No tax is due under this section, any other section of 95382  
this chapter, or Chapter 5741. of the Revised Code under any of 95383  
the following circumstances: 95384

(1)(a) The consumer intends to immediately remove the motor 95385  
vehicle from this state for use outside this state; 95386

(b) Upon removal of the motor vehicle from this state, the 95387  
consumer intends to title or register the vehicle in another state 95388  
if such titling or registration is required; 95389

(c) The consumer executes an affidavit as required under 95390  
division (C) of this section affirming the consumer's intentions 95391  
under divisions (B)(1)(a) and (b) of this section; and 95392

(d) The state in which the consumer titles or registers the 95393  
motor vehicle or to which the consumer removes the vehicle for use 95394  
provides an exemption under circumstances substantially similar to 95395  
those described in division (B)(1) of this section. 95396

(2) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not provide a credit against its sales or use tax or similar excise tax for sales or use tax paid to this state.

(3) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not impose a sales or use tax or similar excise tax on the ownership or use of motor vehicles.

(C) Any nonresident consumer that purchases a motor vehicle from a motor vehicle dealer in this state under the circumstances described in divisions (B)(1)(a) and (b) of this section shall execute an affidavit affirming the intentions described in those divisions. The affidavit shall be executed in triplicate and in the form specified by the tax commissioner. The affidavit shall be given to the motor vehicle dealer.

A motor vehicle dealer that accepts in good faith an affidavit presented under this division by a nonresident consumer may rely upon the representations made in the affidavit.

(D) A motor vehicle dealer making a sale subject to the tax under division (A) of this section shall collect the tax due unless the sale is subject to the exception under division (B) of this section or unless the sale is not otherwise subject to taxes levied under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code. In the case of a sale under the circumstances described in division (B)(1) of this section, the dealer shall retain one copy of the affidavit and file the original and the other copy with the clerk of the court of common pleas. If tax is due under division (A) of this section, the dealer shall remit the tax collected ~~to the clerk at the time the dealer obtains the Ohio certificate of title in the name of the consumer~~ as required under section 4505.06 of the Revised Code. The clerk shall forward the original affidavit

to the tax commissioner in the manner prescribed by the 95429  
commissioner. 95430

Unless a sale is excepted from taxation under division (B) of 95431  
this section or the dealer makes an election under division (B)(5) 95432  
of section 4505.06 of the Revised Code, upon receipt of an 95433  
application for certificate of title a clerk of the court of 95434  
common pleas shall collect the sales tax due under division (A) of 95435  
this section. ~~The clerk shall~~ and remit the tax collected to the 95436  
tax commissioner in the manner prescribed by the commissioner. 95437

(E) If a motor vehicle is purchased by a corporation 95438  
described in division (B)(6) of section 5739.01 of the Revised 95439  
Code, the state of residence of the consumer for the purposes of 95440  
this section is the state of residence of the corporation's 95441  
principal shareholder. 95442

(F) Any provision of this chapter or of Chapter 5741. of the 95443  
Revised Code that is not inconsistent with this section applies to 95444  
sales described in division (A) of this section. 95445

(G) As used in this section: 95446

(1) For the purposes of this section only, the sale or 95447  
purchase of a motor vehicle does not include a lease or rental of 95448  
a motor vehicle subject to division (A)(2) or (3) of section 95449  
5739.02 or division (A)(2) or (3) of section 5741.02 of the 95450  
Revised Code; 95451

(2) "State," except in reference to "this state," means any 95452  
state, district, commonwealth, or territory of the United States 95453  
and any province of Canada. 95454

**Sec. 5739.033.** (A) The amount of tax due pursuant to sections 95455  
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is 95456  
the sum of the taxes imposed pursuant to those sections at the 95457  
sourcing location of the sale as determined under this section or, 95458

if applicable, under division (C) of section 5739.031 or section 95459  
5739.034 of the Revised Code. This section applies only to a 95460  
vendor's or seller's obligation to collect and remit sales taxes 95461  
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 95462  
Revised Code or use taxes under section 5741.02, 5741.021, 95463  
5741.022, or 5741.023 of the Revised Code. Division (A) of this 95464  
section does not apply in determining the jurisdiction for which 95465  
sellers are required to collect the use tax under section 5741.05 95466  
of the Revised Code. This section does not affect the obligation 95467  
of a consumer to remit use taxes on the storage, use, or other 95468  
consumption of tangible personal property or on the benefit 95469  
realized of any service provided, to the jurisdiction of that 95470  
storage, use, or consumption, or benefit realized. 95471

(B)(1) Beginning January 1, 2010, retail sales, excluding the 95472  
lease or rental, of tangible personal property or digital goods 95473  
shall be sourced to the location where the vendor receives an 95474  
order for the sale of such property or goods if: 95475

(a) The vendor receives the order in this state and the 95476  
consumer receives the property or goods in this state; 95477

(b) The location where the consumer receives the property or 95478  
goods is determined under division (C)(2), (3), or (4) of this 95479  
section; and 95480

(c) The record-keeping system used by the vendor to calculate 95481  
the tax imposed captures the location where the order is received 95482  
at the time the order is received. 95483

(2) A consumer has no additional liability to this state 95484  
under this chapter or Chapter 5741. of the Revised Code for tax, 95485  
penalty, or interest on a sale for which the consumer remits tax 95486  
to the vendor in the amount invoiced by the vendor if the invoice 95487  
amount is calculated at either the rate applicable to the location 95488  
where the consumer receives the property or digital good or at the 95489

rate applicable to the location where the order is received by the vendor. A consumer may rely on a written representation by the vendor as to the location where the order for the sale was received by the vendor. If the consumer does not have a written representation by the vendor as to the location where the order was received by the vendor, the consumer may use a location indicated by a business address for the vendor that is available from records that are maintained in the ordinary course of the consumer's business to determine the rate applicable to the location where the order was received.

(3) For the purposes of division (B) of this section, the location where an order is received by or on behalf of a vendor means the physical location of the vendor or a third party such as an established outlet, office location, or automated order receipt system operated by or on behalf of the vendor, where an order is initially received by or on behalf of the vendor, and not where the order may be subsequently accepted, completed, or fulfilled. An order is received when all necessary information to determine whether the order can be accepted has been received by or on behalf of the vendor. The location from which the property or digital good is shipped shall not be used to determine the location where the order is received by the vendor.

(4) For the purposes of division (B) of this section, if services subject to taxation under this chapter or Chapter 5741. of the Revised Code are sold with tangible personal property or digital goods pursuant to a single contract or in the same transaction, the services are billed on the same billing statement or invoice, and, because of the application of division (B) of this section, the transaction would be sourced to more than one jurisdiction, the situs of the transaction shall be the location where the order is received by or on behalf of the vendor.

(C) Except for sales, other than leases, of titled motor

vehicles, titled watercraft, or titled outboard motors as provided 95522  
in section 5741.05 of the Revised Code, or as otherwise provided 95523  
in this section and section 5739.034 of the Revised Code, all 95524  
sales shall be sourced as follows: 95525

(1) If the consumer or a donee designated by the consumer 95526  
receives tangible personal property or a service at a vendor's 95527  
place of business, the sale shall be sourced to that place of 95528  
business. 95529

(2) When the tangible personal property or service is not 95530  
received at a vendor's place of business, the sale shall be 95531  
sourced to the location known to the vendor where the consumer or 95532  
the donee designated by the consumer receives the tangible 95533  
personal property or service, including the location indicated by 95534  
instructions for delivery to the consumer or the consumer's donee. 95535

(3) If divisions (C)(1) and (2) of this section do not apply, 95536  
the sale shall be sourced to the location indicated by an address 95537  
for the consumer that is available from the vendor's business 95538  
records that are maintained in the ordinary course of the vendor's 95539  
business, when use of that address does not constitute bad faith. 95540

(4) If divisions (C)(1), (2), and (3) of this section do not 95541  
apply, the sale shall be sourced to the location indicated by an 95542  
address for the consumer obtained during the consummation of the 95543  
sale, including the address associated with the consumer's payment 95544  
instrument, if no other address is available, when use of that 95545  
address does not constitute bad faith. 95546

(5) If divisions (C)(1), (2), (3), and (4) of this section do 95547  
not apply, including in the circumstance where the vendor is 95548  
without sufficient information to apply any of those divisions, 95549  
the sale shall be sourced to the address from which tangible 95550  
personal property was shipped, or from which the service was 95551  
provided, disregarding any location that merely provided the 95552

electronic transfer of the property sold or service provided. 95553

(6) As used in division (C) of this section, "receive" means 95554  
taking possession of tangible personal property or making first 95555  
use of a service. "Receive" does not include possession by a 95556  
shipping company on behalf of a consumer. 95557

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 95558  
section, a business consumer that is not a holder of a direct 95559  
payment permit granted under section 5739.031 of the Revised Code, 95560  
that purchases a digital good, computer software, except computer 95561  
software received in person by a business consumer at a vendor's 95562  
place of business, or a service, and that knows at the time of 95563  
purchase that such digital good, software, or service will be 95564  
concurrently available for use in more than one taxing 95565  
jurisdiction shall deliver to the vendor in conjunction with its 95566  
purchase an exemption certificate claiming multiple points of use, 95567  
or shall meet the requirements of division (D)(2) of this section. 95568  
On receipt of the exemption certificate claiming multiple points 95569  
of use, the vendor is relieved of its obligation to collect, pay, 95570  
or remit the tax due, and the business consumer must pay the tax 95571  
directly to the state. 95572

(b) A business consumer that delivers the exemption 95573  
certificate claiming multiple points of use to a vendor may use 95574  
any reasonable, consistent, and uniform method of apportioning the 95575  
tax due on the digital good, computer software, or service that is 95576  
supported by the consumer's business records as they existed at 95577  
the time of the sale. The business consumer shall report and pay 95578  
the appropriate tax to each jurisdiction where concurrent use 95579  
occurs. The tax due shall be calculated as if the apportioned 95580  
amount of the digital good, computer software, or service had been 95581  
delivered to each jurisdiction to which the sale is apportioned 95582  
under this division. 95583

(c) The exemption certificate claiming multiple points of use 95584



shall remain in effect for all future sales by the vendor to the 95585  
business consumer until it is revoked in writing by the business 95586  
consumer, except as to the business consumer's specific 95587  
apportionment of a subsequent sale under division (D)(1)(b) of 95588  
this section and the facts existing at the time of the sale. 95589

(2) When the vendor knows that a digital good, computer 95590  
software, or service sold will be concurrently available for use 95591  
by the business consumer in more than one jurisdiction, but the 95592  
business consumer does not provide an exemption certificate 95593  
claiming multiple points of use as required by division (D)(1) of 95594  
this section, the vendor may work with the business consumer to 95595  
produce the correct apportionment. Governed by the principles of 95596  
division (D)(1)(b) of this section, the vendor and business 95597  
consumer may use any reasonable, but consistent and uniform, 95598  
method of apportionment that is supported by the vendor's and 95599  
business consumer's books and records as they exist at the time 95600  
the sale is reported for purposes of the taxes levied under this 95601  
chapter. If the business consumer certifies to the accuracy of the 95602  
apportionment and the vendor accepts the certification, the vendor 95603  
shall collect and remit the tax accordingly. In the absence of bad 95604  
faith, the vendor is relieved of any further obligation to collect 95605  
tax on any transaction where the vendor has collected tax pursuant 95606  
to the information certified by the business consumer. 95607

(3) When the vendor knows that the digital good, computer 95608  
software, or service will be concurrently available for use in 95609  
more than one jurisdiction, and the business consumer does not 95610  
have a direct pay permit and does not provide to the vendor an 95611  
exemption certificate claiming multiple points of use as required 95612  
in division (D)(1) of this section, or certification pursuant to 95613  
division (D)(2) of this section, the vendor shall collect and 95614  
remit the tax based on division (C) of this section. 95615

(4) Nothing in this section shall limit a person's obligation 95616

for sales or use tax to any state in which a digital good, 95617  
computer software, or service is concurrently available for use, 95618  
nor limit a person's ability under local, state, or federal law, 95619  
to claim a credit for sales or use taxes legally due and paid to 95620  
other jurisdictions. 95621

(E) A person who holds a direct payment permit issued under 95622  
section 5739.031 of the Revised Code is not required to deliver an 95623  
exemption certificate claiming multiple points of use to a vendor. 95624  
But such permit holder shall comply with division (D)(2) of this 95625  
section in apportioning the tax due on a digital good, computer 95626  
software, or a service for use in business that will be 95627  
concurrently available for use in more than one taxing 95628  
jurisdiction. 95629

(F)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 95630  
section, the consumer of advertising and promotional direct mail 95631  
or other direct mail that is not a holder of a direct payment 95632  
permit ~~shall~~ may provide to the vendor in conjunction with the 95633  
sale ~~either an a fully completed~~ exemption certificate claiming 95634  
direct mail prescribed by the tax commissioner, or, if the direct 95635  
mail is advertising and promotional direct mail, information to 95636  
show the jurisdictions to which ~~the~~ that direct mail is delivered 95637  
to recipients. 95638

~~(2)~~ Upon (b) In the absence of bad faith, upon receipt of 95639  
such an exemption certificate, the vendor is relieved of all 95640  
obligations to collect, pay, or remit the applicable tax and the 95641  
consumer is obligated to pay that tax on a direct pay basis. An 95642  
exemption certificate claiming direct mail shall remain in effect 95643  
for all future sales of direct mail by the vendor to the consumer 95644  
until it is revoked in writing. 95645

~~(3)~~ (c) Upon receipt of information from the consumer showing 95646  
the jurisdictions to which ~~the~~ advertising and promotional direct 95647  
mail is delivered to recipients, the vendor shall collect the tax 95648

according to the delivery information provided by the consumer. In 95649  
the absence of bad faith, the vendor is relieved of any further 95650  
obligation to collect tax on any transaction where the vendor has 95651  
collected tax pursuant to the delivery information provided by the 95652  
consumer. 95653

~~(4)~~(d) If the consumer of advertising and promotional direct 95654  
mail or other direct mail does not have a direct payment permit 95655  
and does not provide the vendor with either an exemption 95656  
certificate claiming direct mail or, if applicable, delivery 95657  
information as required by division (F)(1)(a) of this section, the 95658  
vendor shall collect the tax according to division (C)(5) of this 95659  
section in the case of advertising and promotional direct mail or 95660  
division (C)(3) of this section in the case of other direct mail. 95661  
Nothing in division (F)~~(4)~~(1)(d) of this section shall limit a 95662  
consumer's obligation to pay sales or use tax to any state to 95663  
which the direct mail is delivered. 95664

~~(5)~~(e) If a consumer of advertising and promotional direct 95665  
mail or other direct mail provides the vendor with documentation 95666  
of direct payment authority, the consumer shall not be required to 95667  
provide an exemption certificate claiming direct mail or, if 95668  
applicable, delivery information to the vendor. 95669

(2) As used in division (F) of this section: 95670

(a) "Direct mail" means printed material delivered or 95671  
distributed by United States mail or other delivery service to a 95672  
mass audience or to addressees on a mailing list provided by the 95673  
consumer or at the direction of the consumer when the cost of the 95674  
items are not billed directly to the recipients. "Direct mail" 95675  
includes tangible personal property supplied directly or 95676  
indirectly by the consumer to the direct mail vendor for inclusion 95677  
in the package containing the printed material. "Direct mail" does 95678  
not include multiple items of printed material delivered to a 95679  
single address. 95680

(b) "Advertising and promotional direct mail" means direct mail, the primary purpose of which is to attract public attention to a product, person, business, or organization, or to attempt to sell, popularize, or secure financial support for a product, person, business, or organization. As used in division (F)(2)(b) of this section, "product" means tangible personal property, whether transferred electronically or otherwise, or a service. 95681  
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(c) "Other direct mail" means direct mail that is not advertising and promotional direct mail, regardless of whether advertising and promotional direct mail is included in the same mailing. "Other direct mail" includes all of the following: 95688  
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(i) Transactional direct mail that contains personal information specific to the addressee, including invoices, bills, statements of account, and payroll advices; 95692  
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(ii) Any legally required mailings, including privacy notices, tax reports, and stockholder reports; 95695  
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(iii) Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees, or agents, including newsletter and informational pieces. 95697  
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"Other direct mail" does not include the development of billing information or the provision of any data processing service that is more than incidental. 95700  
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(G) If the vendor provides lodging to transient guests as specified in division (B)(2) of section 5739.01 of the Revised Code, the sale shall be sourced to the location where the lodging is located. 95703  
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(H)(1) As used in this division and division (I) of this section, "transportation equipment" means any of the following: 95707  
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(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce. 95709  
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(b) Trucks and truck-tractors with a gross vehicle weight rating of greater than ten thousand pounds, trailers, semi-trailers, or passenger buses that are registered through the international registration plan and are operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce. 95711  
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(c) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate or foreign commerce. 95719  
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(d) Containers designed for use on and component parts attached to or secured on the items set forth in division (H)(1)(a), (b), or (c) of this section. 95723  
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(2) A sale, lease, or rental of transportation equipment shall be sourced pursuant to division (C) of this section. 95726  
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(I)(1) A lease or rental of tangible personal property that does not require recurring periodic payments shall be sourced pursuant to division (C) of this section. 95728  
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(2) A lease or rental of tangible personal property that requires recurring periodic payments shall be sourced as follows: 95731  
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(a) In the case of a motor vehicle, other than a motor vehicle that is transportation equipment, or an aircraft, other than an aircraft that is transportation equipment, such lease or rental shall be sourced as follows: 95733  
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(i) An accelerated tax payment on a lease or rental taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code shall be sourced to the primary property location at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property 95737  
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location for the period in which the charges are incurred. 95742

(ii) For a lease or rental taxed pursuant to division (A)(3) 95743  
of section 5739.02 of the Revised Code, each lease or rental 95744  
installment shall be sourced to the primary property location for 95745  
the period covered by the installment. 95746

(b) In the case of a lease or rental of all other tangible 95747  
personal property, other than transportation equipment, such lease 95748  
or rental shall be sourced as follows: 95749

(i) An accelerated tax payment on a lease or rental that is 95750  
taxed pursuant to division (A)(2) of section 5739.02 of the 95751  
Revised Code shall be sourced pursuant to division (C) of this 95752  
section at the time the lease or rental is consummated. Any 95753  
subsequent taxable charges on the lease or rental shall be sourced 95754  
to the primary property location for the period in which the 95755  
charges are incurred. 95756

(ii) For a lease or rental that is taxed pursuant to division 95757  
(A)(3) of section 5739.02 of the Revised Code, the initial lease 95758  
or rental installment shall be sourced pursuant to division (C) of 95759  
this section. Each subsequent installment shall be sourced to the 95760  
primary property location for the period covered by the 95761  
installment. 95762

(3) As used in division (I) of this section, "primary 95763  
property location" means an address for tangible personal property 95764  
provided by the lessee or renter that is available to the lessor 95765  
or owner from its records maintained in the ordinary course of 95766  
business, when use of that address does not constitute bad faith. 95767

(J) If the vendor provides a service specified in division 95768  
(B)(11) of section 5739.01 of the Revised Code, the situs of the 95769  
sale is the location of the enrollee for whom a medicaid health 95770  
insurance corporation receives managed care premiums. Such sales 95771  
shall be sourced to the locations of the enrollees in the same 95772

proportion as the managed care premiums received by the medicaid 95773  
health insuring corporation on behalf of enrollees located in a 95774  
particular taxing jurisdiction in Ohio as compared to all managed 95775  
care premiums received by the medicaid health insuring 95776  
corporation. 95777

**Sec. 5739.09.** (A)(1) A board of county commissioners may, by 95778  
resolution adopted by a majority of the members of the board, levy 95779  
an excise tax not to exceed three per cent on transactions by 95780  
which lodging by a hotel is or is to be furnished to transient 95781  
guests. The board shall establish all regulations necessary to 95782  
provide for the administration and allocation of the tax. The 95783  
regulations may prescribe the time for payment of the tax, and may 95784  
provide for the imposition of a penalty or interest, or both, for 95785  
late payments, provided that the penalty does not exceed ten per 95786  
cent of the amount of tax due, and the rate at which interest 95787  
accrues does not exceed the rate per annum prescribed pursuant to 95788  
section 5703.47 of the Revised Code. Except as provided in 95789  
divisions (A)(2), (3), (4), (5), (6), (7), (8), (9), ~~and~~ (10), and 95790  
(11), and (12) of this section, the regulations shall provide, 95791  
after deducting the real and actual costs of administering the 95792  
tax, for the return to each municipal corporation or township that 95793  
does not levy an excise tax on the transactions, a uniform 95794  
percentage of the tax collected in the municipal corporation or in 95795  
the unincorporated portion of the township from each transaction, 95796  
not to exceed thirty-three and one-third per cent. The remainder 95797  
of the revenue arising from the tax shall be deposited in a 95798  
separate fund and shall be spent solely to make contributions to 95799  
the convention and visitors' bureau operating within the county, 95800  
including a pledge and contribution of any portion of the 95801  
remainder pursuant to an agreement authorized by section 307.678 95802  
or 307.695 of the Revised Code, provided that if the board of 95803  
county commissioners of an eligible county as defined in section 95804

307.678 or 307.695 of the Revised Code adopts a resolution 95805  
amending a resolution levying a tax under this division to provide 95806  
that revenue from the tax shall be used by the board as described 95807  
in either division (D) of section 307.678 or division (H) of 95808  
section 307.695 of the Revised Code, the remainder of the revenue 95809  
shall be used as described in the resolution making that 95810  
amendment. Except as provided in division (A)(2), (3), (4), (5), 95811  
(6), (7), (8), (9), ~~or (10)~~, or (11) or (H) of this section, on 95812  
and after May 10, 1994, a board of county commissioners may not 95813  
levy an excise tax pursuant to this division in any municipal 95814  
corporation or township located wholly or partly within the county 95815  
that has in effect an ordinance or resolution levying an excise 95816  
tax pursuant to division (B) of this section. The board of a 95817  
county that has levied a tax under division (C) of this section 95818  
may, by resolution adopted within ninety days after July 15, 1985, 95819  
by a majority of the members of the board, amend the resolution 95820  
levying a tax under this division to provide for a portion of that 95821  
tax to be pledged and contributed in accordance with an agreement 95822  
entered into under section 307.695 of the Revised Code. A tax, any 95823  
revenue from which is pledged pursuant to such an agreement, shall 95824  
remain in effect at the rate at which it is imposed for the 95825  
duration of the period for which the revenue from the tax has been 95826  
so pledged. 95827

The board of county commissioners of an eligible county as 95828  
defined in section 307.695 of the Revised Code may, by resolution 95829  
adopted by a majority of the members of the board, amend a 95830  
resolution levying a tax under this division to provide that the 95831  
revenue from the tax shall be used by the board as described in 95832  
division (H) of section 307.695 of the Revised Code, in which case 95833  
the tax shall remain in effect at the rate at which it was imposed 95834  
for the duration of any agreement entered into by the board under 95835  
section 307.695 of the Revised Code, the duration during which any 95836  
securities issued by the board under that section are outstanding, 95837



or the duration of the period during which the board owns a 95838  
project as defined in section 307.695 of the Revised Code, 95839  
whichever duration is longest. 95840

The board of county commissioners of an eligible county as 95841  
defined in section 307.678 of the Revised Code may, by resolution, 95842  
amend a resolution levying a tax under this division to provide 95843  
that revenue from the tax, not to exceed five hundred thousand 95844  
dollars each year, may be used as described in division ~~(D)~~(E) of 95845  
section 307.678 of the Revised Code. 95846

Notwithstanding division (A)(1) of this section, the board of 95847  
county commissioners of a county described in division (A)(8)(a) 95848  
of this section may, by resolution, amend a resolution levying a 95849  
tax under this division to provide that all or a portion of the 95850  
revenue from the tax, including any revenue otherwise required to 95851  
be returned to townships or municipal corporations under this 95852  
division, may be used or pledged for the payment of debt service 95853  
on securities issued to pay the costs of constructing, operating, 95854  
and maintaining sports facilities described in division (A)(8)(b) 95855  
of this section. 95856

The board of county commissioners of a county described in 95857  
division (A)(9) of this section may, by resolution, amend a 95858  
resolution levying a tax under this division to provide that all 95859  
or a portion of the revenue from the tax may be used for the 95860  
purposes described in section 307.679 of the Revised Code. 95861

(2) A board of county commissioners that levies an excise tax 95862  
under division (A)(1) of this section on June 30, 1997, at a rate 95863  
of three per cent, and that has pledged revenue from the tax to an 95864  
agreement entered into under section 307.695 of the Revised Code 95865  
or, in the case of the board of county commissioners of an 95866  
eligible county as defined in section 307.695 of the Revised Code, 95867  
has amended a resolution levying a tax under division (C) of this 95868  
section to provide that proceeds from the tax shall be used by the 95869

board as described in division (H) of section 307.695 of the Revised Code, may, at any time by a resolution adopted by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax up to seven per cent on each transaction; to provide that revenue from the increase in the rate shall be used as described in division (H) of section 307.695 of the Revised Code or be spent solely to make contributions to the convention and visitors' bureau operating within the county to be used specifically for promotion, advertising, and marketing of the region in which the county is located; and to provide that the rate in excess of the three per cent levied under division (A)(1) of this section shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A)(1) of this section, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest. The amendment also shall provide that no portion of that revenue need be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section.

(3) A board of county commissioners that levies a tax under division (A)(1) of this section on March 18, 1999, at a rate of three per cent may, by resolution adopted not later than forty-five days after March 18, 1999, amend the resolution levying the tax to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional four per cent on each transaction;

(b) That all of the revenue from the increase in the rate 95902  
shall be pledged and contributed to a convention facilities 95903  
authority established by the board of county commissioners under 95904  
Chapter 351. of the Revised Code on or before November 15, 1998, 95905  
and used to pay costs of constructing, maintaining, operating, and 95906  
promoting a facility in the county, including paying bonds, or 95907  
notes issued in anticipation of bonds, as provided by that 95908  
chapter; 95909

(c) That no portion of the revenue arising from the increase 95910  
in rate need be returned to municipal corporations or townships as 95911  
otherwise required under division (A)(1) of this section; 95912

(d) That the increase in rate shall not be subject to 95913  
diminution by initiative or referendum or by law while any bonds, 95914  
or notes in anticipation of bonds, issued by the authority under 95915  
Chapter 351. of the Revised Code to which the revenue is pledged, 95916  
remain outstanding in accordance with their terms, unless 95917  
provision is made by law or by the board of county commissioners 95918  
for an adequate substitute therefor that is satisfactory to the 95919  
trustee if a trust agreement secures the bonds. 95920

Division (A)(3) of this section does not apply to the board 95921  
of county commissioners of any county in which a convention center 95922  
or facility exists or is being constructed on November 15, 1998, 95923  
or of any county in which a convention facilities authority levies 95924  
a tax pursuant to section 351.021 of the Revised Code on that 95925  
date. 95926

As used in division (A)(3) of this section, "cost" and 95927  
"facility" have the same meanings as in section 351.01 of the 95928  
Revised Code, and "convention center" has the same meaning as in 95929  
section 307.695 of the Revised Code. 95930

(4)(a) A board of county commissioners that levies a tax 95931  
under division (A)(1) of this section on June 30, 2002, at a rate 95932

of three per cent may, by resolution adopted not later than 95933  
September 30, 2002, amend the resolution levying the tax to 95934  
provide for all of the following: 95935

(i) That the rate of the tax shall be increased by not more 95936  
than an additional three and one-half per cent on each 95937  
transaction; 95938

(ii) That all of the revenue from the increase in rate shall 95939  
be pledged and contributed to a convention facilities authority 95940  
established by the board of county commissioners under Chapter 95941  
351. of the Revised Code on or before May 15, 2002, and be used to 95942  
pay costs of constructing, expanding, maintaining, operating, or 95943  
promoting a convention center in the county, including paying 95944  
bonds, or notes issued in anticipation of bonds, as provided by 95945  
that chapter; 95946

(iii) That no portion of the revenue arising from the 95947  
increase in rate need be returned to municipal corporations or 95948  
townships as otherwise required under division (A)(1) of this 95949  
section; 95950

(iv) That the increase in rate shall not be subject to 95951  
diminution by initiative or referendum or by law while any bonds, 95952  
or notes in anticipation of bonds, issued by the authority under 95953  
Chapter 351. of the Revised Code to which the revenue is pledged, 95954  
remain outstanding in accordance with their terms, unless 95955  
provision is made by law or by the board of county commissioners 95956  
for an adequate substitute therefor that is satisfactory to the 95957  
trustee if a trust agreement secures the bonds. 95958

(b) Any board of county commissioners that, pursuant to 95959  
division (A)(4)(a) of this section, has amended a resolution 95960  
levying the tax authorized by division (A)(1) of this section may 95961  
further amend the resolution to provide that the revenue referred 95962  
to in division (A)(4)(a)(ii) of this section shall be pledged and 95963

contributed both to a convention facilities authority to pay the 95964  
costs of constructing, expanding, maintaining, or operating one or 95965  
more convention centers in the county, including paying bonds, or 95966  
notes issued in anticipation of bonds, as provided in Chapter 351. 95967  
of the Revised Code, and to a convention and visitors' bureau to 95968  
pay the costs of promoting one or more convention centers in the 95969  
county. 95970

As used in division (A)(4) of this section, "cost" has the 95971  
same meaning as in section 351.01 of the Revised Code, and 95972  
"convention center" has the same meaning as in section 307.695 of 95973  
the Revised Code. 95974

(5)(a) As used in division (A)(5) of this section: 95975

(i) "Port authority" means a port authority created under 95976  
Chapter 4582. of the Revised Code. 95977

(ii) "Port authority military-use facility" means port 95978  
authority facilities on which or adjacent to which is located an 95979  
installation of the armed forces of the United States, a reserve 95980  
component thereof, or the national guard and at least part of 95981  
which is made available for use, for consideration, by the armed 95982  
forces of the United States, a reserve component thereof, or the 95983  
national guard. 95984

(b) For the purpose of contributing revenue to pay operating 95985  
expenses of a port authority that operates a port authority 95986  
military-use facility, the board of county commissioners of a 95987  
county that created, participated in the creation of, or has 95988  
joined such a port authority may do one or both of the following: 95989

(i) Amend a resolution previously adopted under division 95990  
(A)(1) of this section to designate some or all of the revenue 95991  
from the tax levied under the resolution to be used for that 95992  
purpose, notwithstanding that division; 95993

(ii) Amend a resolution previously adopted under division 95994

(A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.

(c) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (A)(5)(b)(ii) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.

(6) A board of county commissioners of a county organized under a county charter adopted pursuant to Article X, Section 3, Ohio Constitution, and that levies an excise tax under division (A)(1) of this section at a rate of three per cent and levies an additional excise tax under division (E) of this section at a rate of one and one-half per cent may, by resolution adopted not later than January 1, 2008, by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax by not more than an additional one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding divisions (A)(1) and (E) of this section, the resolution shall provide that all of the revenue from the increase in rate, after deducting the real and actual costs of administering the tax, shall be used to pay the costs of improving, expanding, equipping, financing, or operating a convention center by a convention and visitors' bureau in the county. The increase in rate shall remain in effect for the period specified in the resolution, not to exceed ten years, and may be extended for an additional period of time not to exceed ten years thereafter by a resolution adopted by a majority of the members of the board. The increase in rate shall be subject to the

regulations adopted under division (A)(1) of this section, except 96027  
that the resolution may provide that no portion of the revenue 96028  
from the increase in the rate shall be returned to townships or 96029  
municipal corporations as would otherwise be required under that 96030  
division. 96031

(7) Division (A)(7) of this section applies only to a county 96032  
with a population greater than sixty-five thousand and less than 96033  
seventy thousand according to the most recent federal decennial 96034  
census and in which, on December 31, 2006, an excise tax is levied 96035  
under division (A)(1) of this section at a rate not less than and 96036  
not greater than three per cent, and in which the most recent 96037  
increase in the rate of that tax was enacted or took effect in 96038  
November 1984. 96039

The board of county commissioners of a county to which this 96040  
division applies, by resolution adopted by a majority of the 96041  
members of the board, may increase the rate of the tax by not more 96042  
than one per cent on transactions by which lodging by a hotel is 96043  
or is to be furnished to transient guests. The increase in rate 96044  
shall be for the purpose of paying expenses deemed necessary by 96045  
the convention and visitors' bureau operating in the county to 96046  
promote travel and tourism. The increase in rate shall remain in 96047  
effect for the period specified in the resolution, not to exceed 96048  
twenty years, provided that the increase in rate may not continue 96049  
beyond the time when the purpose for which the increase is levied 96050  
ceases to exist. If revenue from the increase in rate is pledged 96051  
to the payment of debt charges on securities, the increase in rate 96052  
is not subject to diminution by initiative or referendum or by law 96053  
for so long as the securities are outstanding, unless provision is 96054  
made by law or by the board of county commissioners for an 96055  
adequate substitute for that revenue that is satisfactory to the 96056  
trustee if a trust agreement secures payment of the debt charges. 96057  
The increase in rate shall be subject to the regulations adopted 96058

under division (A)(1) of this section, except that the resolution 96059  
may provide that no portion of the revenue from the increase in 96060  
the rate shall be returned to townships or municipal corporations 96061  
as would otherwise be required under division (A)(1) of this 96062  
section. A resolution adopted under division (A)(7) of this 96063  
section is subject to referendum under sections 305.31 to 305.99 96064  
of the Revised Code. 96065

(8)(a) Division (A)(8) of this section applies only to a 96066  
county satisfying all of the following: 96067

(i) The population of the county is greater than one hundred 96068  
seventy-five thousand and less than two hundred twenty-five 96069  
thousand according to the most recent federal decennial census. 96070

(ii) An amusement park with an average yearly attendance in 96071  
excess of two million guests is located in the county. 96072

(iii) On December 31, 2014, an excise tax was levied in the 96073  
county under division (A)(1) of this section at a rate of three 96074  
per cent. 96075

(b) The board of county commissioners of a county to which 96076  
this division applies, by resolution adopted by a majority of the 96077  
members of the board, may increase the rate of the tax by not more 96078  
than one per cent on transactions by which lodging by a hotel is 96079  
or is to be furnished to transient guests. The increase in rate 96080  
shall be ~~for the purpose of paying~~ used to pay the costs of 96081  
constructing and maintaining ~~county-owned~~ facilities owned by the 96082  
county or by a port authority created under Chapter 4582. of the 96083  
Revised Code, and designed to host sporting events and ~~paying~~ 96084  
expenses deemed necessary by the convention and visitors' bureau 96085  
operating in the county to promote travel and tourism with 96086  
reference to the sports facilities, and to pay or pledge to the 96087  
payment of debt service on securities issued to pay the costs of 96088  
constructing, operating, and maintaining the sports facilities. 96089



The increase in rate shall remain in effect for the period 96090  
specified in the resolution. If revenue from the increase in rate 96091  
is pledged to the payment of debt charges on securities, the 96092  
increase in rate is not subject to diminution by initiative or 96093  
referendum or by law for so long as the securities are 96094  
outstanding, unless provision is made by law or by the board of 96095  
county commissioners for an adequate substitute for that revenue 96096  
that is satisfactory to the trustee if a trust agreement secures 96097  
payment of the debt charges. The increase in rate shall be subject 96098  
to the regulations adopted under division (A)(1) of this section, 96099  
except that the resolution may provide that no portion of the 96100  
revenue from the increase in the rate shall be returned to 96101  
townships or municipal corporations as would otherwise be required 96102  
under division (A)(1) of this section. 96103

(9) The board of county commissioners of a county with a 96104  
population greater than seventy-five thousand and less than 96105  
seventy-eight thousand, by resolution adopted by a majority of the 96106  
members of the board not later than October 15, 2015, may increase 96107  
the rate of the tax by not more than one per cent on transactions 96108  
by which lodging by a hotel is or is to be furnished to transient 96109  
guests. The increase in rate shall be for the purposes described 96110  
in section 307.679 of the Revised Code or for the promotion of 96111  
travel and tourism in the county, including travel and tourism to 96112  
sports facilities. The increase in rate shall remain in effect for 96113  
the period specified in the resolution and as necessary to fulfill 96114  
the county's obligations under a cooperative agreement entered 96115  
into under section 307.679 of the Revised Code. If the resolution 96116  
is adopted by the board before ~~the effective date of the enactment~~ 96117  
~~of this division~~ September 29, 2015, but after that enactment 96118  
becomes law, the increase in rate shall become effective beginning 96119  
on ~~the effective date of the enactment of this division~~ September 96120  
29, 2015. If revenue from the increase in rate is pledged to the 96121  
payment of debt charges on securities, or to substitute for other 96122

revenues pledged to the payment of such debt, the increase in rate 96123  
is not subject to diminution by initiative or referendum or by law 96124  
for so long as the securities are outstanding, unless provision is 96125  
made by law or by the board of county commissioners for an 96126  
adequate substitute for that revenue that is satisfactory to the 96127  
trustee if a trust agreement secures payment of the debt charges. 96128  
The increase in rate shall be subject to the regulations adopted 96129  
under division (A)(1) of this section, except that no portion of 96130  
the revenue from the increase in the rate shall be returned to 96131  
townships or municipal corporations as would otherwise be required 96132  
under division (A)(1) of this section. 96133

(10) Division (A)(10) of this section applies only to 96134  
counties satisfying either of the following: 96135

(a) A county that, on July 1, 2015, does not levy an excise 96136  
tax under division (A)(1) of this section and that has a 96137  
population of at least thirty-nine thousand but not more than 96138  
forty thousand according to the 2010 federal decennial census; 96139

(b) A county that, on July 1, 2015, levies an excise tax 96140  
under division (A)(1) of this section at a rate of three per cent 96141  
and that has a population of at least seventy-one thousand but not 96142  
more than seventy-five thousand according to 2010 federal 96143  
decennial census. 96144

The board of county commissioners of a county to which 96145  
division (A)(10) of this section applies, by resolution adopted by 96146  
a majority of the members of the board, may levy an excise tax at 96147  
a rate not to exceed three per cent on transactions by which 96148  
lodging by a hotel is or is to be furnished to transient guests 96149  
for the purpose of acquiring, constructing, equipping, or 96150  
repairing permanent improvements, as defined in section 133.01 of 96151  
the Revised Code. If the board does not levy a tax under division 96152  
(A)(1) of this section, the board shall establish regulations 96153  
necessary to provide for the administration of the tax, which may 96154

prescribe the time for payment of the tax and the imposition of 96155  
penalty or interest subject to the limitations on penalty and 96156  
interest provided in division (A)(1) of this section. No portion 96157  
of the revenue shall be returned to townships or municipal 96158  
corporations in the county unless otherwise provided by resolution 96159  
of the board. The tax shall apply throughout the territory of the 96160  
county, including in any township or municipal corporation levying 96161  
an excise tax under division (B) of this section or division (A) 96162  
of section 5739.08 of the Revised Code. The levy of the tax is 96163  
subject to referendum as provided under section 305.31 of the 96164  
Revised Code. 96165

The tax shall remain in effect for the period specified in 96166  
the resolution. If revenue from the increase in rate is pledged to 96167  
the payment of debt charges on securities, the increase in rate is 96168  
not subject to diminution by initiative or referendum or by law 96169  
for so long as the securities are outstanding unless provision is 96170  
made by law or by the board for an adequate substitute for that 96171  
revenue that is satisfactory to the trustee if a trust agreement 96172  
secures payment of the debt charges. 96173

(11) The board of county commissioners of an eligible county, 96174  
as defined in section 307.678 of the Revised Code, that levies an 96175  
excise tax under division (A)(1) of this section on July 1, 2017, 96176  
at a rate of three per cent may, by resolution adopted by a 96177  
majority of the members of the board, amend the resolution levying 96178  
the tax to increase the rate of the tax by not more than an 96179  
additional three per cent on each transaction. No portion of the 96180  
revenue shall be returned to townships or municipal corporations 96181  
in the county unless otherwise provided by resolution of the 96182  
board. Otherwise, the revenue from the increase in the rate shall 96183  
be distributed and used in the same manner described under 96184  
division (A)(1) of this section. The increase in rate shall remain 96185  
in effect for the period specified in the resolution. If revenue 96186

from the increase in rate is pledged to the payment of debt 96187  
charges on securities, the increase in rate is not subject to 96188  
diminution by initiative or referendum or by law for so long as 96189  
the securities are outstanding unless provision is made by law or 96190  
by the board for an adequate substitute for that revenue that is 96191  
satisfactory to the trustee if a trust agreement secures payment 96192  
of the debt charges. 96193

(12)(a) Division (A)(12) of this section applies only to a 96194  
county that has a population greater than one hundred ninety 96195  
thousand and less than two hundred thousand according to the 2010 96196  
federal decennial census and that levies an excise tax under 96197  
division (A)(1) of this section at a rate of three per cent. 96198

(b) Subject to division (A)(12)(c) of this section, the board 96199  
of county commissioners of a county to which this division 96200  
applies, by resolution adopted by a majority of the members of the 96201  
board, may increase the rate of the tax by not more than one per 96202  
cent on transactions by which lodging by a hotel is or is to be 96203  
furnished to transient guests. Revenue from the increase in rate 96204  
shall be used for the purposes of paying the costs of constructing 96205  
and maintaining sports and recreation facilities in the county and 96206  
paying expenses considered necessary by the convention and 96207  
visitors' bureau operating in the county to promote travel and 96208  
tourism with respect to those sports and recreation facilities. 96209  
The tax shall take effect only after the county enters into a 96210  
contract for the completion of the sports and recreational 96211  
facilities that are to be constructed and maintained with revenue 96212  
from the increased rate, and thereafter shall remain in effect for 96213  
the period specified in the resolution. If revenue from the 96214  
increase in rate is pledged to the payment of debt charges on 96215  
securities, the increase in rate is not subject to diminution by 96216  
initiative or referendum or by law for so long as the securities 96217  
are outstanding, unless a provision is made by law or by the board 96218

of county commissioners for an adequate substitute for that 96219  
revenue that is satisfactory to the trustee if a trust agreement 96220  
secures payment of the debt charges. The increase in rate shall be 96221  
subject to the regulations adopted under division (A)(1) of this 96222  
section, except that the resolution may provide that no portion of 96223  
the revenue from the increase in the rate shall be returned to 96224  
townships or municipal corporations as would otherwise be required 96225  
under division (A)(1) of this section. 96226

(c) If, on January 1, 2019, the board has not entered into a 96227  
contract for the completion of the sports and recreational 96228  
facilities that are to be constructed and maintained with revenue 96229  
from the increased rate, the authority to levy the tax under 96230  
division (A)(12)(b) of this section is hereby repealed on that 96231  
date. 96232

(B)(1) The legislative authority of a municipal corporation 96233  
or the board of trustees of a township that is not wholly or 96234  
partly located in a county that has in effect a resolution levying 96235  
an excise tax pursuant to division (A)(1) of this section may, by 96236  
ordinance or resolution, levy an excise tax not to exceed three 96237  
per cent on transactions by which lodging by a hotel is or is to 96238  
be furnished to transient guests. The legislative authority of the 96239  
municipal corporation or the board of trustees of the township 96240  
shall deposit at least fifty per cent of the revenue from the tax 96241  
levied pursuant to this division into a separate fund, which shall 96242  
be spent solely to make contributions to convention and visitors' 96243  
bureaus operating within the county in which the municipal 96244  
corporation or township is wholly or partly located, and the 96245  
balance of that revenue shall be deposited in the general fund. 96246  
The municipal corporation or township shall establish all 96247  
regulations necessary to provide for the administration and 96248  
allocation of the tax. The regulations may prescribe the time for 96249  
payment of the tax, and may provide for the imposition of a 96250

penalty or interest, or both, for late payments, provided that the 96251  
penalty does not exceed ten per cent of the amount of tax due, and 96252  
the rate at which interest accrues does not exceed the rate per 96253  
annum prescribed pursuant to section 5703.47 of the Revised Code. 96254  
The levy of a tax under this division is in addition to any tax 96255  
imposed on the same transaction by a municipal corporation or a 96256  
township as authorized by division (A) of section 5739.08 of the 96257  
Revised Code. 96258

(2)(a) The legislative authority of the most populous 96259  
municipal corporation located wholly or partly in a county in 96260  
which the board of county commissioners has levied a tax under 96261  
division (A)(4) of this section may amend, on or before September 96262  
30, 2002, that municipal corporation's ordinance or resolution 96263  
that levies an excise tax on transactions by which lodging by a 96264  
hotel is or is to be furnished to transient guests, to provide for 96265  
all of the following: 96266

(i) That the rate of the tax shall be increased by not more 96267  
than an additional one per cent on each transaction; 96268

(ii) That all of the revenue from the increase in rate shall 96269  
be pledged and contributed to a convention facilities authority 96270  
established by the board of county commissioners under Chapter 96271  
351. of the Revised Code on or before May 15, 2002, and be used to 96272  
pay costs of constructing, expanding, maintaining, operating, or 96273  
promoting a convention center in the county, including paying 96274  
bonds, or notes issued in anticipation of bonds, as provided by 96275  
that chapter; 96276

(iii) That the increase in rate shall not be subject to 96277  
diminution by initiative or referendum or by law while any bonds, 96278  
or notes in anticipation of bonds, issued by the authority under 96279  
Chapter 351. of the Revised Code to which the revenue is pledged, 96280  
remain outstanding in accordance with their terms, unless 96281  
provision is made by law, by the board of county commissioners, or 96282

by the legislative authority, for an adequate substitute therefor 96283  
that is satisfactory to the trustee if a trust agreement secures 96284  
the bonds. 96285

(b) The legislative authority of a municipal corporation 96286  
that, pursuant to division (B)(2)(a) of this section, has amended 96287  
its ordinance or resolution to increase the rate of the tax 96288  
authorized by division (B)(1) of this section may further amend 96289  
the ordinance or resolution to provide that the revenue referred 96290  
to in division (B)(2)(a)(ii) of this section shall be pledged and 96291  
contributed both to a convention facilities authority to pay the 96292  
costs of constructing, expanding, maintaining, or operating one or 96293  
more convention centers in the county, including paying bonds, or 96294  
notes issued in anticipation of bonds, as provided in Chapter 351. 96295  
of the Revised Code, and to a convention and visitors' bureau to 96296  
pay the costs of promoting one or more convention centers in the 96297  
county. 96298

As used in division (B)(2) of this section, "cost" has the 96299  
same meaning as in section 351.01 of the Revised Code, and 96300  
"convention center" has the same meaning as in section 307.695 of 96301  
the Revised Code. 96302

(3) The legislative authority of an eligible municipal 96303  
corporation may amend, on or before December 31, 2017, that 96304  
municipal corporation's ordinance or resolution that levies an 96305  
excise tax on transactions by which lodging by a hotel is or is to 96306  
be furnished to transient guests, to provide for the following: 96307

(a) That the rate of the tax shall be increased by not more 96308  
than an additional three per cent on each transaction; 96309

(b) That all of the revenue from the increase in rate shall 96310  
be used by the municipal corporation for economic development and 96311  
tourism-related purposes. 96312

As used in division (B)(3) of this section, "eligible 96313

municipal corporation" means a municipal corporation that, on the 96314  
effective date of the amendment of this section by H.B. 49 of the 96315  
132nd general assembly, levied a tax under division (B)(1) of this 96316  
section at a rate of three per cent and that is located in a 96317  
county that, on that date, levied a tax under division (A) of this 96318  
section at a rate of three per cent and that has, according to the 96319  
most recent federal decennial census, a population exceeding three 96320  
hundred thousand but not greater than three hundred fifty 96321  
thousand. 96322

(C) For the purposes described in section 307.695 of the 96323  
Revised Code and to cover the costs of administering the tax, a 96324  
board of county commissioners of a county where a tax imposed 96325  
under division (A)(1) of this section is in effect may, by 96326  
resolution adopted within ninety days after July 15, 1985, by a 96327  
majority of the members of the board, levy an additional excise 96328  
tax not to exceed three per cent on transactions by which lodging 96329  
by a hotel is or is to be furnished to transient guests. The tax 96330  
authorized by this division shall be in addition to any tax that 96331  
is levied pursuant to division (A) of this section, but it shall 96332  
not apply to transactions subject to a tax levied by a municipal 96333  
corporation or township pursuant to the authorization granted by 96334  
division (A) of section 5739.08 of the Revised Code. The board 96335  
shall establish all regulations necessary to provide for the 96336  
administration and allocation of the tax. The regulations may 96337  
prescribe the time for payment of the tax, and may provide for the 96338  
imposition of a penalty or interest, or both, for late payments, 96339  
provided that the penalty does not exceed ten per cent of the 96340  
amount of tax due, and the rate at which interest accrues does not 96341  
exceed the rate per annum prescribed pursuant to section 5703.47 96342  
of the Revised Code. All revenues arising from the tax shall be 96343  
expended in accordance with section 307.695 of the Revised Code. 96344  
The board of county commissioners of an eligible county as defined 96345  
in section 307.695 of the Revised Code may, by resolution adopted 96346



by a majority of the members of the board, amend the resolution 96347  
levying a tax under this division to provide that the revenue from 96348  
the tax shall be used by the board as described in division (H) of 96349  
section 307.695 of the Revised Code. A tax imposed under this 96350  
division shall remain in effect at the rate at which it is imposed 96351  
for the duration of the period during which any agreement entered 96352  
into by the board under section 307.695 of the Revised Code is in 96353  
effect, the duration of the period during which any securities 96354  
issued by the board under division (I) of section 307.695 of the 96355  
Revised Code are outstanding, or the duration of the period during 96356  
which the board owns a project as defined in section 307.695 of 96357  
the Revised Code, whichever duration is longest. 96358

(D) For the purpose of providing contributions under division 96359  
(B)(1) of section 307.671 of the Revised Code to enable the 96360  
acquisition, construction, and equipping of a port authority 96361  
educational and cultural facility in the county and, to the extent 96362  
provided for in the cooperative agreement authorized by that 96363  
section, for the purpose of paying debt service charges on bonds, 96364  
or notes in anticipation of bonds, described in division (B)(1)(b) 96365  
of that section, a board of county commissioners, by resolution 96366  
adopted within ninety days after December 22, 1992, by a majority 96367  
of the members of the board, may levy an additional excise tax not 96368  
to exceed one and one-half per cent on transactions by which 96369  
lodging by a hotel is or is to be furnished to transient guests. 96370  
The excise tax authorized by this division shall be in addition to 96371  
any tax that is levied pursuant to divisions (A), (B), and (C) of 96372  
this section, to any excise tax levied pursuant to section 5739.08 96373  
of the Revised Code, and to any excise tax levied pursuant to 96374  
section 351.021 of the Revised Code. The board of county 96375  
commissioners shall establish all regulations necessary to provide 96376  
for the administration and allocation of the tax that are not 96377  
inconsistent with this section or section 307.671 of the Revised 96378  
Code. The regulations may prescribe the time for payment of the 96379

tax, and may provide for the imposition of a penalty or interest, 96380  
or both, for late payments, provided that the penalty does not 96381  
exceed ten per cent of the amount of tax due, and the rate at 96382  
which interest accrues does not exceed the rate per annum 96383  
prescribed pursuant to section 5703.47 of the Revised Code. All 96384  
revenues arising from the tax shall be expended in accordance with 96385  
section 307.671 of the Revised Code and division (D) of this 96386  
section. The levy of a tax imposed under this division may not 96387  
commence prior to the first day of the month next following the 96388  
execution of the cooperative agreement authorized by section 96389  
307.671 of the Revised Code by all parties to that agreement. The 96390  
tax shall remain in effect at the rate at which it is imposed for 96391  
the period of time described in division (C) of section 307.671 of 96392  
the Revised Code for which the revenue from the tax has been 96393  
pledged by the county to the corporation pursuant to that section, 96394  
but, to any extent provided for in the cooperative agreement, for 96395  
no lesser period than the period of time required for payment of 96396  
the debt service charges on bonds, or notes in anticipation of 96397  
bonds, described in division (B)(1)(b) of that section. 96398

(E) For the purpose of paying the costs of acquiring, 96399  
constructing, equipping, and improving a municipal educational and 96400  
cultural facility, including debt service charges on bonds 96401  
provided for in division (B) of section 307.672 of the Revised 96402  
Code, and for any additional purposes determined by the county in 96403  
the resolution levying the tax or amendments to the resolution, 96404  
including subsequent amendments providing for paying costs of 96405  
acquiring, constructing, renovating, rehabilitating, equipping, 96406  
and improving a port authority educational and cultural performing 96407  
arts facility, as defined in section 307.674 of the Revised Code, 96408  
and including debt service charges on bonds provided for in 96409  
division (B) of section 307.674 of the Revised Code, the 96410  
legislative authority of a county, by resolution adopted within 96411  
ninety days after June 30, 1993, by a majority of the members of 96412

the legislative authority, may levy an additional excise tax not 96413  
to exceed one and one-half per cent on transactions by which 96414  
lodging by a hotel is or is to be furnished to transient guests. 96415  
The excise tax authorized by this division shall be in addition to 96416  
any tax that is levied pursuant to divisions (A), (B), (C), and 96417  
(D) of this section, to any excise tax levied pursuant to section 96418  
5739.08 of the Revised Code, and to any excise tax levied pursuant 96419  
to section 351.021 of the Revised Code. The legislative authority 96420  
of the county shall establish all regulations necessary to provide 96421  
for the administration and allocation of the tax. The regulations 96422  
may prescribe the time for payment of the tax, and may provide for 96423  
the imposition of a penalty or interest, or both, for late 96424  
payments, provided that the penalty does not exceed ten per cent 96425  
of the amount of tax due, and the rate at which interest accrues 96426  
does not exceed the rate per annum prescribed pursuant to section 96427  
5703.47 of the Revised Code. All revenues arising from the tax 96428  
shall be expended in accordance with section 307.672 of the 96429  
Revised Code and this division. The levy of a tax imposed under 96430  
this division shall not commence prior to the first day of the 96431  
month next following the execution of the cooperative agreement 96432  
authorized by section 307.672 of the Revised Code by all parties 96433  
to that agreement. The tax shall remain in effect at the rate at 96434  
which it is imposed for the period of time determined by the 96435  
legislative authority of the county. That period of time shall not 96436  
exceed fifteen years, except that the legislative authority of a 96437  
county with a population of less than two hundred fifty thousand 96438  
according to the most recent federal decennial census, by 96439  
resolution adopted by a majority of its members before the 96440  
original tax expires, may extend the duration of the tax for an 96441  
additional period of time. The additional period of time by which 96442  
a legislative authority extends a tax levied under this division 96443  
shall not exceed fifteen years. 96444

(F) The legislative authority of a county that has levied a 96445

tax under division (E) of this section may, by resolution adopted 96446  
within one hundred eighty days after January 4, 2001, by a 96447  
majority of the members of the legislative authority, amend the 96448  
resolution levying a tax under that division to provide for the 96449  
use of the proceeds of that tax, to the extent that it is no 96450  
longer needed for its original purpose as determined by the 96451  
parties to a cooperative agreement amendment pursuant to division 96452  
(D) of section 307.672 of the Revised Code, to pay costs of 96453  
acquiring, constructing, renovating, rehabilitating, equipping, 96454  
and improving a port authority educational and cultural performing 96455  
arts facility, including debt service charges on bonds provided 96456  
for in division (B) of section 307.674 of the Revised Code, and to 96457  
pay all obligations under any guaranty agreements, reimbursement 96458  
agreements, or other credit enhancement agreements described in 96459  
division (C) of section 307.674 of the Revised Code. The 96460  
resolution may also provide for the extension of the tax at the 96461  
same rate for the longer of the period of time determined by the 96462  
legislative authority of the county, but not to exceed an 96463  
additional twenty-five years, or the period of time required to 96464  
pay all debt service charges on bonds provided for in division (B) 96465  
of section 307.672 of the Revised Code and on port authority 96466  
revenue bonds provided for in division (B) of section 307.674 of 96467  
the Revised Code. All revenues arising from the amendment and 96468  
extension of the tax shall be expended in accordance with section 96469  
307.674 of the Revised Code, this division, and division (E) of 96470  
this section. 96471

(G) For purposes of a tax levied by a county, township, or 96472  
municipal corporation under this section or section 5739.08 of the 96473  
Revised Code, a board of county commissioners, board of township 96474  
trustees, or the legislative authority of a municipal corporation 96475  
may adopt a resolution or ordinance at any time specifying that 96476  
"hotel," as otherwise defined in section 5739.01 of the Revised 96477  
Code, includes the following: 96478

(1) Establishments in which fewer than five rooms are used 96479  
for the accommodation of guests. 96480

(2) Establishments at which rooms are used for the 96481  
accommodation of guests regardless of whether each room is 96482  
accessible through its own keyed entry or several rooms are 96483  
accessible through the same keyed entry; and, in determining the 96484  
number of rooms, all rooms are included regardless of the number 96485  
of structures in which the rooms are situated or the number of 96486  
parcels of land on which the structures are located if the 96487  
structures are under the same ownership and the structures are not 96488  
identified in advertisements of the accommodations as distinct 96489  
establishments. For the purposes of division (G)(2) of this 96490  
section, two or more structures are under the same ownership if 96491  
they are owned by the same person, or if they are owned by two or 96492  
more persons the majority of the ownership interests of which are 96493  
owned by the same person. 96494

The resolution or ordinance may apply to a tax imposed 96495  
pursuant to this section prior to the adoption of the resolution 96496  
or ordinance if the resolution or ordinance so states, but the tax 96497  
shall not apply to transactions by which lodging by such an 96498  
establishment is provided to transient guests prior to the 96499  
adoption of the resolution or ordinance. 96500

(H)(1) As used in this division: 96501

(a) "Convention facilities authority" has the same meaning as 96502  
in section 351.01 of the Revised Code. 96503

(b) "Convention center" has the same meaning as in section 96504  
307.695 of the Revised Code. 96505

(2) Notwithstanding any contrary provision of division (D) of 96506  
this section, the legislative authority of a county with a 96507  
population of one million or more according to the most recent 96508  
federal decennial census that has levied a tax under division (D) 96509

of this section may, by resolution adopted by a majority of the 96510  
members of the legislative authority, provide for the extension of 96511  
such levy and may provide that the proceeds of that tax, to the 96512  
extent that they are no longer needed for their original purpose 96513  
as defined by a cooperative agreement entered into under section 96514  
307.671 of the Revised Code, shall be deposited into the county 96515  
general revenue fund. The resolution shall provide for the 96516  
extension of the tax at a rate not to exceed the rate specified in 96517  
division (D) of this section for a period of time determined by 96518  
the legislative authority of the county, but not to exceed an 96519  
additional forty years. 96520

(3) The legislative authority of a county with a population 96521  
of one million or more that has levied a tax under division (A)(1) 96522  
of this section may, by resolution adopted by a majority of the 96523  
members of the legislative authority, increase the rate of the tax 96524  
levied by such county under division (A)(1) of this section to a 96525  
rate not to exceed five per cent on transactions by which lodging 96526  
by a hotel is or is to be furnished to transient guests. 96527  
Notwithstanding any contrary provision of division (A)(1) of this 96528  
section, the resolution may provide that all collections resulting 96529  
from the rate levied in excess of three per cent, after deducting 96530  
the real and actual costs of administering the tax, shall be 96531  
deposited in the county general fund. 96532

(4) The legislative authority of a county with a population 96533  
of one million or more that has levied a tax under division (A)(1) 96534  
of this section may, by resolution adopted on or before August 30, 96535  
2004, by a majority of the members of the legislative authority, 96536  
provide that all or a portion of the proceeds of the tax levied 96537  
under division (A)(1) of this section, after deducting the real 96538  
and actual costs of administering the tax and the amounts required 96539  
to be returned to townships and municipal corporations with 96540  
respect to the first three per cent levied under division (A)(1) 96541

of this section, shall be deposited in the county general fund, 96542  
provided that such proceeds shall be used to satisfy any pledges 96543  
made in connection with an agreement entered into under section 96544  
307.695 of the Revised Code. 96545

(5) No amount collected from a tax levied, extended, or 96546  
required to be deposited in the county general fund under division 96547  
(H) of this section shall be contributed to a convention 96548  
facilities authority, corporation, or other entity created after 96549  
July 1, 2003, for the principal purpose of constructing, 96550  
improving, expanding, equipping, financing, or operating a 96551  
convention center unless the mayor of the municipal corporation in 96552  
which the convention center is to be operated by that convention 96553  
facilities authority, corporation, or other entity has consented 96554  
to the creation of that convention facilities authority, 96555  
corporation, or entity. Notwithstanding any contrary provision of 96556  
section 351.04 of the Revised Code, if a tax is levied by a county 96557  
under division (H) of this section, the board of county 96558  
commissioners of that county may determine the manner of 96559  
selection, the qualifications, the number, and terms of office of 96560  
the members of the board of directors of any convention facilities 96561  
authority, corporation, or other entity described in division 96562  
(H)(5) of this section. 96563

(6)(a) No amount collected from a tax levied, extended, or 96564  
required to be deposited in the county general fund under division 96565  
(H) of this section may be used for any purpose other than paying 96566  
the direct and indirect costs of constructing, improving, 96567  
expanding, equipping, financing, or operating a convention center 96568  
and for the real and actual costs of administering the tax, 96569  
unless, prior to the adoption of the resolution of the legislative 96570  
authority of the county authorizing the levy, extension, increase, 96571  
or deposit, the county and the mayor of the most populous 96572  
municipal corporation in that county have entered into an 96573

agreement as to the use of such amounts, provided that such 96574  
agreement has been approved by a majority of the mayors of the 96575  
other municipal corporations in that county. The agreement shall 96576  
provide that the amounts to be used for purposes other than paying 96577  
the convention center or administrative costs described in 96578  
division (H)(6)(a) of this section be used only for the direct and 96579  
indirect costs of capital improvements, including the financing of 96580  
capital improvements. 96581

(b) If the county in which the tax is levied has an 96582  
association of mayors and city managers, the approval of that 96583  
association of an agreement described in division (H)(6)(a) of 96584  
this section shall be considered to be the approval of the 96585  
majority of the mayors of the other municipal corporations for 96586  
purposes of that division. 96587

(7) Each year, the auditor of state shall conduct an audit of 96588  
the uses of any amounts collected from taxes levied, extended, or 96589  
deposited under division (H) of this section and shall prepare a 96590  
report of the auditor of state's findings. The auditor of state 96591  
shall submit the report to the legislative authority of the county 96592  
that has levied, extended, or deposited the tax, the speaker of 96593  
the house of representatives, the president of the senate, and the 96594  
leaders of the minority parties of the house of representatives 96595  
and the senate. 96596

(I)(1) As used in this division: 96597

(a) "Convention facilities authority" has the same meaning as 96598  
in section 351.01 of the Revised Code. 96599

(b) "Convention center" has the same meaning as in section 96600  
307.695 of the Revised Code. 96601

(2) Notwithstanding any contrary provision of division (D) of 96602  
this section, the legislative authority of a county with a 96603  
population of one million two hundred thousand or more according 96604



to the most recent federal decennial census or the most recent 96605  
annual population estimate published or released by the United 96606  
States census bureau at the time the resolution is adopted placing 96607  
the levy on the ballot, that has levied a tax under division (D) 96608  
of this section may, by resolution adopted by a majority of the 96609  
members of the legislative authority, provide for the extension of 96610  
such levy and may provide that the proceeds of that tax, to the 96611  
extent that the proceeds are no longer needed for their original 96612  
purpose as defined by a cooperative agreement entered into under 96613  
section 307.671 of the Revised Code and after deducting the real 96614  
and actual costs of administering the tax, shall be used for 96615  
paying the direct and indirect costs of constructing, improving, 96616  
expanding, equipping, financing, or operating a convention center. 96617  
The resolution shall provide for the extension of the tax at a 96618  
rate not to exceed the rate specified in division (D) of this 96619  
section for a period of time determined by the legislative 96620  
authority of the county, but not to exceed an additional forty 96621  
years. 96622

(3) The legislative authority of a county with a population 96623  
of one million two hundred thousand or more that has levied a tax 96624  
under division (A)(1) of this section may, by resolution adopted 96625  
by a majority of the members of the legislative authority, 96626  
increase the rate of the tax levied by such county under division 96627  
(A)(1) of this section to a rate not to exceed five per cent on 96628  
transactions by which lodging by a hotel is or is to be furnished 96629  
to transient guests. Notwithstanding any contrary provision of 96630  
division (A)(1) of this section, the resolution shall provide that 96631  
all collections resulting from the rate levied in excess of three 96632  
per cent, after deducting the real and actual costs of 96633  
administering the tax, shall be used for paying the direct and 96634  
indirect costs of constructing, improving, expanding, equipping, 96635  
financing, or operating a convention center. 96636

(4) The legislative authority of a county with a population 96637  
of one million two hundred thousand or more that has levied a tax 96638  
under division (A)(1) of this section may, by resolution adopted 96639  
on or before July 1, 2008, by a majority of the members of the 96640  
legislative authority, provide that all or a portion of the 96641  
proceeds of the tax levied under division (A)(1) of this section, 96642  
after deducting the real and actual costs of administering the tax 96643  
and the amounts required to be returned to townships and municipal 96644  
corporations with respect to the first three per cent levied under 96645  
division (A)(1) of this section, shall be used to satisfy any 96646  
pledges made in connection with an agreement entered into under 96647  
section 307.695 of the Revised Code or shall otherwise be used for 96648  
paying the direct and indirect costs of constructing, improving, 96649  
expanding, equipping, financing, or operating a convention center. 96650

(5) Any amount collected from a tax levied or extended under 96651  
division (I) of this section may be contributed to a convention 96652  
facilities authority created before July 1, 2005, but no amount 96653  
collected from a tax levied or extended under division (I) of this 96654  
section may be contributed to a convention facilities authority, 96655  
corporation, or other entity created after July 1, 2005, unless 96656  
the mayor of the municipal corporation in which the convention 96657  
center is to be operated by that convention facilities authority, 96658  
corporation, or other entity has consented to the creation of that 96659  
convention facilities authority, corporation, or entity. 96660

(J)(1) Except as provided in division (J)(2) of this section, 96661  
money collected by a county and distributed under this section to 96662  
a convention and visitors' bureau in existence as of June 30, 96663  
2013, the effective date of H.B. 59 of the 130th general assembly, 96664  
except for any such money pledged, as of that effective date, to 96665  
the payment of debt service charges on bonds, notes, securities, 96666  
or lease agreements, shall be used solely for tourism sales, 96667  
marketing and promotion, and their associated costs, including, 96668

but not limited to, operational and administrative costs of the 96669  
bureau, sales and marketing, and maintenance of the physical 96670  
bureau structure. 96671

(2) A convention and visitors' bureau that has entered into 96672  
an agreement under section 307.678 of the Revised Code may use 96673  
revenue it receives from a tax levied under division (A)(1) of 96674  
this section as described in division ~~(D)~~(E) of section 307.678 of 96675  
the Revised Code. 96676

(K) The board of county commissioners of a county with a 96677  
population between one hundred three thousand and one hundred 96678  
seven thousand according to the most recent federal decennial 96679  
census, by resolution adopted by a majority of the members of the 96680  
board within six months after September 15, 2014, the effective 96681  
date of H.B. 483 of the 130th general assembly, may levy a tax not 96682  
to exceed three per cent on transactions by which a hotel is or is 96683  
to be furnished to transient guests. The purpose of the tax shall 96684  
be to pay the costs of expanding, maintaining, or operating a 96685  
soldiers' memorial and the costs of administering the tax. All 96686  
revenue arising from the tax shall be credited to one or more 96687  
special funds in the county treasury and shall be spent solely for 96688  
the purposes of paying those costs. The board of county 96689  
commissioners shall adopt all rules necessary to provide for the 96690  
administration of the tax subject to the same limitations on 96691  
imposing penalty or interest under division (A)(1) of this 96692  
section. 96693

As used in this division "soldiers' memorial" means a 96694  
memorial constructed and funded under Chapter 345. of the Revised 96695  
Code. 96696

(L) A board of county commissioners of an eligible county, by 96697  
resolution adopted by a majority of the members of the board, may 96698  
levy an excise tax at the rate of up to three per cent on 96699  
transactions by which lodging by a hotel is or is to be furnished 96700

to transient guests for the purpose of paying the costs of 96701  
permanent improvements at sites at which one or more agricultural 96702  
societies conduct fairs or exhibits, paying the costs of 96703  
maintaining or operating such permanent improvements, and paying 96704  
the costs of administering the tax. A resolution adopted under 96705  
this division shall direct the board of elections to submit the 96706  
question of the proposed lodging tax to the electors of the county 96707  
at a special election held on the date specified by the board in 96708  
the resolution, provided that the election occurs not less than 96709  
ninety days after a certified copy of the resolution is 96710  
transmitted to the board of elections. A resolution submitted to 96711  
the electors under this division shall not go into effect unless 96712  
it is approved by a majority of those voting upon it. The 96713  
resolution takes effect on the date the board of county 96714  
commissioners receives notification from the board of elections of 96715  
an affirmative vote. 96716

The tax shall remain in effect for the period specified in 96717  
the resolution, not to exceed five years. All revenue arising from 96718  
the tax shall be credited to one or more special funds in the 96719  
county treasury and shall be spent solely for the purposes of 96720  
paying the costs of such permanent improvements and maintaining or 96721  
operating the improvements. Revenue allocated for the use of a 96722  
county agricultural society may be credited to the county 96723  
agricultural society fund created in section 1711.16 of the 96724  
Revised Code upon appropriation by the board. If revenue is 96725  
credited to that fund, it shall be expended only as provided in 96726  
that section. 96727

The board of county commissioners shall adopt all rules 96728  
necessary to provide for the administration of the tax. The rules 96729  
may prescribe the time for payment of the tax, and may provide for 96730  
the imposition or penalty or interest, or both, for late payments, 96731  
provided that the penalty does not exceed ten per cent of the 96732

amount of tax due, and the rate at which interest accrues does not 96733  
exceed the rate per annum prescribed in section 5703.47 of the 96734  
Revised Code. 96735

As used in this division, "eligible county" means a county in 96736  
which a county agricultural society or independent agricultural 96737  
society is organized under section 1711.01 or 1711.02 of the 96738  
Revised Code, provided the agricultural society owns a facility or 96739  
site in the county at which an annual harness horse race is 96740  
conducted where one-day attendance equals at least forty thousand 96741  
attendees. 96742

(M) As used in this division, "eligible county" means a 96743  
county in which a tax is levied under division (A) of this section 96744  
at a rate of three per cent and whose territory includes a part of 96745  
Lake Erie the shoreline of which represents at least fifty per 96746  
cent of the linear length of the county's border with other 96747  
counties of this state. 96748

The board of county commissioners of an eligible county that 96749  
has entered into an agreement with a port authority in the county 96750  
under section 4582.56 of the Revised Code may levy an additional 96751  
lodging tax on transactions by which lodging by a hotel is or is 96752  
to be furnished to transient guests for the purpose of financing 96753  
lakeshore improvement projects constructed or financed by the port 96754  
authority under that section. The resolution levying the tax shall 96755  
specify the purpose of the tax, the rate of the tax, which shall 96756  
not exceed two per cent, and the number of years the tax will be 96757  
levied or that it will be levied for a continuing period of time. 96758  
The tax shall be administered pursuant to the regulations adopted 96759  
by the board under division (A) of this section, except that all 96760  
the proceeds of the tax levied under this division shall be 96761  
pledged to the payment of the costs, including debt charges, of 96762  
lakeshore improvements undertaken by a port authority pursuant to 96763  
the agreement under section 4582.56 of the Revised Code. No 96764

revenue from the tax may be used to pay the current expenses of 96765  
the port authority. 96766

A resolution levying a tax under this division is subject to 96767  
referendum under sections 305.31 to 305.41 and 305.99 of the 96768  
Revised Code. 96769

(N)(1) Notwithstanding division (A) of this section, the 96770  
board of county commissioners, board of township trustees, or 96771  
legislative authority of any county, township, or municipal 96772  
corporation that levies a lodging tax on the effective date of the 96773  
amendment of this section and in which any part of a tourism 96774  
development district is located on or after that date shall amend 96775  
the ordinance or resolution levying the tax to require either of 96776  
the following: 96777

(a) In the case of a tax levied by a county, that all tourism 96778  
development district lodging tax proceeds from that tax be used 96779  
exclusively to foster and develop tourism in the tourism 96780  
development district; 96781

(b) In the case of a tax levied by a township or municipal 96782  
corporation, that all tourism development district lodging tax 96783  
proceeds from that tax be used exclusively to foster and develop 96784  
tourism in the tourism development district. 96785

(2) Notwithstanding division (A) of this section, any 96786  
ordinance or resolution levying a lodging tax adopted on or after 96787  
the effective date of the amendment of this section by a county, 96788  
township, or municipal corporation in which any part of a tourism 96789  
development district is located on or after that date shall 96790  
require that all tourism development district lodging tax proceeds 96791  
from that tax be used exclusively to foster and develop tourism in 96792  
the tourism development district. 96793

(3) A county shall not use any of the proceeds described in 96794  
division (N)(1)(a) of this section unless the convention and 96795

visitors' bureau operating within the county approves the manner 96796  
in which such proceeds are used to foster and develop tourism in 96797  
the tourism development district. Upon obtaining such approval, 96798  
the county may pay such proceeds to the bureau to use for the 96799  
agreed-upon purpose. 96800

A municipal corporation or township shall not use any of the 96801  
proceeds described in division (N)(1)(b) of this section unless 96802  
the convention and visitors' bureau operating within the municipal 96803  
corporation or township approves the manner in which such proceeds 96804  
are used to foster and develop tourism in the tourism development 96805  
district. Upon obtaining such approval, the municipal corporation 96806  
or township may pay such proceeds to the bureau to use for the 96807  
agreed-upon purpose. 96808

(4) As used in division (N) of this section: 96809

(a) "Tourism development district" means a district 96810  
designated by a municipal corporation under section 715.014 of the 96811  
Revised Code or by a township under section 503.56 of the Revised 96812  
Code. 96813

(b) "Lodging tax" means a tax levied pursuant to this section 96814  
or section 5739.08 of the Revised Code. 96815

(c) "Tourism development district lodging tax proceeds" means 96816  
all proceeds of a lodging tax derived from transactions by which 96817  
lodging by a hotel located in a tourism development district is or 96818  
is to be provided to transient guests. 96819

**Sec. 5739.122.** (A) If the total amount of tax required to be 96820  
paid by a vendor under section 5739.12 of the Revised Code for any 96821  
calendar year equals or exceeds seventy-five thousand dollars, the 96822  
vendor shall remit each monthly tax payment in the second ensuing 96823  
and each succeeding tax year on an accelerated basis as prescribed 96824  
by divisions (B) and (C) of this section. 96825

If a vendor's tax payment for each of two consecutive years is less than seventy-five thousand dollars, the vendor is relieved of the requirement to remit taxes in the manner prescribed by this section for the year that next follows the second of the consecutive years in which the tax payment is less than that amount, and is relieved of that requirement for each succeeding year, unless the tax payment in a subsequent year equals or exceeds seventy-five thousand dollars.

The tax commissioner shall notify each vendor required to make accelerated tax payments of the vendor's obligation to do so and shall maintain an updated list of those vendors. Failure by the tax commissioner to notify a vendor subject to this section to remit taxes on an accelerated basis does not relieve the vendor of its obligation to remit taxes as provided under division (B) of this section.

(B) Vendors required by division (A) of this section to make accelerated tax payments shall electronically remit such payments to the tax commissioner in a manner approved by the commissioner, as follows:

(1) On or before the twenty-third day of each month, a vendor shall remit an amount equal to seventy-five per cent of the anticipated tax liability for that month.

(2) On or before the twenty-third day of each month, a vendor shall report the taxes collected for the previous month and shall remit that amount, less any amounts paid for that month as required by division (B)(1) of this section.

The payment of taxes on an accelerated basis under this section does not affect a vendor's obligation to file returns and pay the tax shown on the returns to be due as required under section 5739.12 of the Revised Code.

(C) A vendor required by this section to remit taxes on an



accelerated basis may apply to the tax commissioner, in the manner 96857  
prescribed by the commissioner, to be excused from that 96858  
requirement. The commissioner may excuse the vendor from 96859  
remittance on an accelerated basis for good cause shown for the 96860  
period of time requested by the vendor or for a portion of that 96861  
period. 96862

(D)(1)(a) If a vendor that is required to remit payments 96863  
under division (B) of this section fails to make a payment 96864  
required under division (B)(1) of this section, or makes a payment 96865  
under division (B)(1) of this section that is less than 96866  
seventy-five per cent of the actual liability for that month, the 96867  
commissioner may impose an additional charge not to exceed five 96868  
per cent of that unpaid amount. 96869

(b) Division (D)(1)(a) of this section does not apply if the 96870  
vendor's payment under division (B)(1) of this section is equal to 96871  
or greater than seventy-five per cent of the vendor's reported 96872  
liability for the same month in the immediately preceding calendar 96873  
year. 96874

(c) In each of the first twelve months following a new or 96875  
used motor vehicle dealer's election under division (B)(5) of 96876  
section 4505.06 of the Revised Code to report and remit tax 96877  
directly to the state, division (D)(1)(a) of this section does not 96878  
apply if the dealer's payment under division (B)(1) of this 96879  
section is equal to or greater than seventy-five per cent of the 96880  
dealer's sales tax payments to the clerk of courts under division 96881  
(A)(5) of section 4505.06 of the Revised Code for the same month 96882  
in the immediately preceding calendar year. 96883

(2) Any additional charge imposed under division (D)(1) of 96884  
this section is in addition to any other penalty or charge imposed 96885  
under this chapter, and shall be considered as revenue arising 96886  
from taxes imposed under this chapter. An additional charge may be 96887  
collected by assessment in the manner prescribed by section 96888

5739.13 of the Revised Code. The tax commissioner may waive all or 96889  
a portion of such a charge and may adopt rules governing such 96890  
waiver. 96891

**Sec. 5739.13.** (A) If any vendor collects the tax imposed by 96892  
or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 96893  
the Revised Code, and fails to remit the tax to the state as 96894  
prescribed, or on the sale of a motor vehicle, watercraft, or 96895  
outboard motor required to be titled, fails to remit payment to a 96896  
clerk of a court of common pleas or the state as provided in 96897  
section 1548.06 or 4505.06 of the Revised Code, the vendor shall 96898  
be personally liable for any tax collected and not remitted. The 96899  
tax commissioner may make an assessment against such vendor based 96900  
upon any information in the commissioner's possession. 96901

If any vendor fails to collect the tax or any consumer fails 96902  
to pay the tax imposed by or pursuant to section 5739.02, 96903  
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 96904  
transaction subject to the tax, the vendor or consumer shall be 96905  
personally liable for the amount of the tax applicable to the 96906  
transaction. The commissioner may make an assessment against 96907  
either the vendor or consumer, as the facts may require, based 96908  
upon any information in the commissioner's possession. 96909

An assessment against a vendor when the tax imposed by or 96910  
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 96911  
the Revised Code has not been collected or paid, shall not 96912  
discharge the purchaser's or consumer's liability to reimburse the 96913  
vendor for the tax applicable to such transaction. 96914

An assessment issued against either, pursuant to this 96915  
section, shall not be considered an election of remedies, nor a 96916  
bar to an assessment against the other for the tax applicable to 96917  
the same transaction, provided that no assessment shall be issued 96918  
against any person for the tax due on a particular transaction if 96919

the tax on that transaction actually has been paid by another. 96920

The commissioner may make an assessment against any vendor 96921  
who fails to file a return or remit the proper amount of tax 96922  
required by this chapter, or against any consumer who fails to pay 96923  
the proper amount of tax required by this chapter. When 96924  
information in the possession of the commissioner indicates that 96925  
the amount required to be collected or paid under this chapter is 96926  
greater than the amount remitted by the vendor or paid by the 96927  
consumer, the commissioner may audit a sample of the vendor's 96928  
sales or the consumer's purchases for a representative period, to 96929  
ascertain the per cent of exempt or taxable transactions or the 96930  
effective tax rate and may issue an assessment based on the audit. 96931  
The commissioner shall make a good faith effort to reach agreement 96932  
with the vendor or consumer in selecting a representative sample. 96933

The commissioner may make an assessment, based on any 96934  
information in the commissioner's possession, against any person 96935  
who fails to file a return or remit the proper amount of tax 96936  
required by section 5739.102 of the Revised Code. 96937

The commissioner may issue an assessment on any transaction 96938  
for which any tax imposed under this chapter or Chapter 5741. of 96939  
the Revised Code was due and unpaid on the date the vendor or 96940  
consumer was informed by an agent of the tax commissioner of an 96941  
investigation or audit. If the vendor or consumer remits any 96942  
payment of the tax for the period covered by the assessment after 96943  
the vendor or consumer was informed of the investigation or audit, 96944  
the payment shall be credited against the amount of the 96945  
assessment. 96946

The commissioner shall give the party assessed written notice 96947  
of the assessment in the manner provided in section 5703.37 of the 96948  
Revised Code. With the notice, the commissioner shall provide 96949  
instructions on how to petition for reassessment and request a 96950  
hearing on the petition. 96951

(B) Unless the party assessed files with the commissioner 96952  
within sixty days after service of the notice of assessment, 96953  
either personally or by certified mail, a written petition for 96954  
reassessment, signed by the party assessed or that party's 96955  
authorized agent having knowledge of the facts, the assessment 96956  
becomes final and the amount of the assessment is due from the 96957  
party assessed and payable to the treasurer of state and remitted 96958  
to the tax commissioner. The petition shall indicate the 96959  
objections of the party assessed, but additional objections may be 96960  
raised in writing if received by the commissioner prior to the 96961  
date shown on the final determination. If the petition has been 96962  
properly filed, the commissioner shall proceed under section 96963  
5703.60 of the Revised Code. 96964

(C) After an assessment becomes final, if any portion of the 96965  
assessment remains unpaid, including accrued interest, a certified 96966  
copy of the commissioner's entry making the assessment final may 96967  
be filed in the office of the clerk of the court of common pleas 96968  
in the county in which the place of business of the party assessed 96969  
is located or the county in which the party assessed resides. If 96970  
the party assessed maintains no place of business in this state 96971  
and is not a resident of this state, the certified copy of the 96972  
entry may be filed in the office of the clerk of the court of 96973  
common pleas of Franklin county. 96974

Immediately upon the filing of the entry, the clerk shall 96975  
enter a judgment for the state against the party assessed in the 96976  
amount shown on the entry. The judgment may be filed by the clerk 96977  
in a loose-leaf book entitled "special judgments for state, 96978  
county, and transit authority retail sales tax" or, if 96979  
appropriate, "special judgments for resort area excise tax," and 96980  
shall have the same effect as other judgments. Execution shall 96981  
issue upon the judgment upon the request of the tax commissioner, 96982  
and all laws applicable to sales on execution shall apply to sales 96983

made under the judgment except as otherwise provided in this 96984  
chapter. 96985

If the assessment is not paid in its entirety within sixty 96986  
days after the date the assessment was issued, the portion of the 96987  
assessment consisting of tax due shall bear interest at the rate 96988  
per annum prescribed by section 5703.47 of the Revised Code from 96989  
the day the tax commissioner issues the assessment until the 96990  
assessment is paid or until it is certified to the attorney 96991  
general for collection under section 131.02 of the Revised Code, 96992  
whichever comes first. If the unpaid portion of the assessment is 96993  
certified to the attorney general for collection, the entire 96994  
unpaid portion of the assessment shall bear interest at the rate 96995  
per annum prescribed by section 5703.47 of the Revised Code from 96996  
the date of certification until the date it is paid in its 96997  
entirety. Interest shall be paid in the same manner as the tax and 96998  
may be collected by issuing an assessment under this section. 96999

(D) All money collected by the tax commissioner under this 97000  
section shall be paid to the treasurer of state, and when paid 97001  
shall be considered as revenue arising from the taxes imposed by 97002  
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 97003

**Sec. 5739.132.** (A) If a tax ~~payment originally, fee, or~~ 97004  
charge due under this chapter or Chapter 128. or 5741. of the 97005  
Revised Code ~~on or after January 1, 1998,~~ is not paid on or before 97006  
the day the ~~tax~~ payment is required to be paid, interest shall 97007  
accrue on the unpaid tax, fee, or charge at the rate per annum 97008  
prescribed by section 5703.47 of the Revised Code from the day the 97009  
tax, fee, or charge was required to be paid until the tax, fee, or 97010  
charge is paid or until the day an assessment is issued under 97011  
section 5739.13 or 5739.15 of the Revised Code, whichever occurs 97012  
first. Interest shall be paid in the same manner as the tax, fee, 97013  
or charge, and may be collected by assessment. 97014

(B) ~~For tax payments due prior to January 1, 1998, interest shall be allowed and paid upon any refund granted in respect to the payment of an illegal or erroneous assessment issued by the department for the tax imposed under this chapter or Chapter 5741. of the Revised Code from the date of the overpayment. For tax payments due on or after January 1, 1998, interest~~ Interest shall be allowed and paid on any refund granted pursuant to section 128.47, 5739.07, or 5741.10 of the Revised Code from the date of the overpayment. The interest shall be computed at the rate per annum prescribed by section 5703.47 of the Revised Code.

Sec. 5739.18. The tax commissioner shall provide and maintain a system that will allow county auditors to issue vendor's licenses. County auditors shall use that system to issue vendor's licenses.

The commissioner shall publish lists of the following information on the department of taxation's web site:

(A) The name, account number, and business address of each holder of a vendor's license issued under section 5739.17 of the Revised Code, and information regarding the active or inactive status of the license;

(B) The name, account number, and business address of each holder of a direct payment permit issued under section 5739.031 of the Revised Code and information regarding the active or inactive status of the permit;

(C) The name, account number, and business address of each seller that has registered with the commissioner under section 5741.17 of the Revised Code and information regarding the active or inactive status of the registration.

**Sec. 5739.30.** (A) No person, including any officer, employee, or trustee of a corporation or business trust, shall fail to file

any return or report required to be filed by this chapter, or file 97045  
or cause to be filed any incomplete, false or fraudulent return, 97046  
report, or statement, or aid or abet another in the filing of any 97047  
false or fraudulent return, report, or statement. 97048

97049

(B) If any vendor required to file monthly returns under 97050  
section 5739.12 of the Revised Code fails, on two consecutive 97051  
months or on three or more months within a twelve-month period, to 97052  
file such returns when due or to pay the tax thereon, or if any 97053  
vendor authorized by the tax commissioner to file semiannual 97054  
returns fails on two or more occasions within a twenty-four month 97055  
period, to file such returns when due or to pay the tax due 97056  
thereon, the commissioner may do any of the following: 97057

(1) Require the vendor to furnish security in an amount equal 97058  
to the average tax liability of the vendor for a period of one 97059  
year, as determined by the commissioner from a review of returns 97060  
or other information pertaining to the vendor, which amount shall 97061  
in no event be less than one thousand dollars. The security may be 97062  
in the form of a corporate surety bond, satisfactory to the 97063  
commissioner, conditioned upon payment of the tax due with the 97064  
returns from the vendor. The security shall be filed within ten 97065  
days following the vendor's receipt of the notice from the 97066  
commissioner of its requirements. 97067

(2) Suspend the license issued to the vendor pursuant to 97068  
section 5739.17 of the Revised Code. The suspension shall be 97069  
effective ten days after service of written notice to the vendor 97070  
of the commissioner's intention to do so. The notice shall be 97071  
served upon the vendor personally, by certified mail, or by an 97072  
alternative delivery service as authorized under section 5703.37 97073  
of the Revised Code. On the first day of the suspension, the 97074  
commissioner shall cause to be posted, at every public entrance of 97075  
the vendor's premises, a notice identifying the vendor and the 97076

location and informing the public that the vendor's license is 97077  
under suspension and that no retail sales may be transacted at 97078  
that location. No person, other than the commissioner or the 97079  
commissioner's agent or employee, shall remove, cover, or deface 97080  
the posted notice. No license which has been suspended under this 97081  
section shall be reinstated, and no posted notice shall be 97082  
removed, until the vendor has filed complete and correct returns 97083  
under this chapter and section 5747.07 of the Revised Code for all 97084  
periods in which no return had been filed and has paid the full 97085  
amount of the tax, penalties, ~~and~~ or other charges due ~~on these~~ 97086  
~~returns.~~ 97087

A corporate surety bond filed under this section shall be 97088  
returned to the vendor if, for a period of twelve consecutive 97089  
months following the date the bond was filed, the vendor has filed 97090  
all returns and remitted payment with them within the time 97091  
prescribed in section 5739.12 of the Revised Code. 97092

(C) The tax commissioner may suspend a license issued to a 97093  
vendor pursuant to section 5739.17 of the Revised Code if the 97094  
vendor is required, as an employer, to file returns or make 97095  
payments under section 5747.07 of the Revised Code and the vendor 97096  
fails to do either of the following: 97097

(1) File such returns when due on two consecutive occasions 97098  
or on three or more occasions within a twelve-month period; 97099

(2) Pay the undeposited taxes when due on two consecutive 97100  
occasions or on three or more occasions within a twelve-month 97101  
period. 97102

Any such suspension shall comply with the provisions of 97103  
division (B)(2) of this section. 97104

(D) If a vendor whose license has been suspended under 97105  
division (B)(2) of this section fails to file returns or make 97106  
payments under section 5747.07 of the Revised Code during such 97107



suspension, the license may not be reinstated, and the notice 97108  
required by that division shall not be removed, until the vendor 97109  
files complete and correct returns and pays the amounts due, plus 97110  
any penalties and other related charges, under section 5747.07 of 97111  
the Revised Code for all periods for which the vendor failed to 97112  
file such returns and make such payments. 97113

**Sec. 5741.021.** (A) For the purpose of providing additional 97114  
general revenues for the county ~~on~~, supporting criminal and 97115  
administrative justice services in the county, funding a regional 97116  
transportation improvement project under section 5595.06 of the 97117  
Revised Code, or both any combination of the foregoing, and to pay 97118  
the expenses of administering such levy, any county which levies a 97119  
tax pursuant to section 5739.021 of the Revised Code shall levy a 97120  
tax at the same rate levied pursuant to section 5739.021 of the 97121  
Revised Code on the storage, use, or other consumption in the 97122  
county of the following: 97123

(1) Motor vehicles, and watercraft and outboard motors 97124  
required to be titled in the county pursuant to Chapter 1548. of 97125  
the Revised Code and acquired by a transaction subject to the tax 97126  
imposed by section 5739.02 of the Revised Code; 97127

(2) In addition to the tax imposed by section 5741.02 of the 97128  
Revised Code, tangible personal property and services subject to 97129  
the tax levied by this state as provided in section 5741.02 of the 97130  
Revised Code, and tangible personal property and services 97131  
purchased in another county within this state by a transaction 97132  
subject to the tax imposed by section 5739.02 of the Revised Code. 97133

The tax shall be levied pursuant to a resolution of the board 97134  
of county commissioners which shall be adopted after publication 97135  
of notice and hearing in the same manner as provided in section 97136  
5739.021 of the Revised Code. Such resolution shall be adopted and 97137  
shall become effective on the same day as the resolution adopted 97138

by the board of county commissioners levying a sales tax pursuant 97139  
to section 5739.021 of the Revised Code and shall remain in effect 97140  
until such sales tax is repealed. 97141

(B) The tax levied pursuant to this section on the storage, 97142  
use, or other consumption of tangible personal property and on the 97143  
benefit of a service realized shall be in addition to the tax 97144  
levied by section 5741.02 of the Revised Code and, except as 97145  
provided in division (D) of this section, any tax levied pursuant 97146  
to sections 5741.022 and 5741.023 of the Revised Code. 97147

(C) The additional tax levied by the county shall be 97148  
collected pursuant to section 5739.025 of the Revised Code. If the 97149  
additional tax or some portion thereof is levied for the purpose 97150  
of criminal and administrative justice services, the revenue from 97151  
the tax, or the amount or rate apportioned to that purpose, shall 97152  
be credited to a special fund created in the county treasury for 97153  
receipt of that revenue. 97154

(D) The tax levied pursuant to this section shall not be 97155  
applicable to any benefit of a service realized or to any storage, 97156  
use, or consumption of property not within the taxing power of a 97157  
county under the constitution of the United States or the 97158  
constitution of this state, or to property or services on which a 97159  
tax levied by a county or transit authority pursuant to this 97160  
section or section 5739.021, 5739.023, 5739.026, 5741.022, or 97161  
5741.023 of the Revised Code has been paid, if the sum of the 97162  
taxes paid pursuant to those sections is equal to or greater than 97163  
the sum of the taxes due under this section and sections 5741.022 97164  
and 5741.023 of the Revised Code. If the sum of the taxes paid is 97165  
less than the sum of the taxes due under this section and sections 97166  
5741.022 and 5741.023 of the Revised Code, the amount of tax paid 97167  
shall be credited against the amount of tax due. 97168

(E) As used in this section, "criminal and administrative 97169  
justice services" has the same meaning as in section 5739.021 of 97170

the Revised Code. 97171

**Sec. 5741.022.** (A) For the purpose of providing additional 97172  
general revenues for the transit authority or funding a regional 97173  
transportation improvement project under section 5595.06 of the 97174  
Revised Code, or both, and ~~paying~~ to pay the expenses of 97175  
administering such levy, any transit authority as defined in 97176  
section 5741.01 of the Revised Code that levies a tax pursuant to 97177  
section 5739.023 of the Revised Code shall levy a tax at the same 97178  
rate levied pursuant to such section on the storage, use, or other 97179  
consumption in the territory of the transit authority of the 97180  
following: 97181

(1) Motor vehicles, and watercraft and outboard motors 97182  
required to be titled in the county pursuant to Chapter 1548. of 97183  
the Revised Code and acquired by a transaction subject to the tax 97184  
imposed by section 5739.02 of the Revised Code; 97185

(2) In addition to the tax imposed by section 5741.02 of the 97186  
Revised Code, tangible personal property and services subject to 97187  
the tax levied by this state as provided in section 5741.02 of the 97188  
Revised Code, and tangible personal property and services 97189  
purchased in another county within this state by a transaction 97190  
subject to the tax imposed by section 5739.02 of the Revised Code. 97191

The tax shall be in effect at the same time and at the same 97192  
rate and shall be levied pursuant to the resolution of the 97193  
legislative authority of the transit authority levying a sales tax 97194  
pursuant to section 5739.023 of the Revised Code. 97195

(B) The tax levied pursuant to this section on the storage, 97196  
use, or other consumption of tangible personal property and on the 97197  
benefit of a service realized shall be in addition to the tax 97198  
levied by section 5741.02 of the Revised Code and, except as 97199  
provided in division (D) of this section, any tax levied pursuant 97200  
to sections 5741.021 and 5741.023 of the Revised Code. 97201

(C) The additional tax levied by the authority shall be 97202  
collected pursuant to section 5739.025 of the Revised Code. 97203

(D) The tax levied pursuant to this section shall not be 97204  
applicable to any benefit of a service realized or to any storage, 97205  
use, or consumption of property not within the taxing power of a 97206  
transit authority under the constitution of the United States or 97207  
the constitution of this state, or to property or services on 97208  
which a tax levied by a county or transit authority pursuant to 97209  
this section or section 5739.021, 5739.023, 5739.026, 5741.021, or 97210  
5741.023 of the Revised Code has been paid, if the sum of the 97211  
taxes paid pursuant to those sections is equal to or greater than 97212  
the sum of the taxes due under this section and sections 5741.021 97213  
and 5741.023 of the Revised Code. If the sum of the taxes paid is 97214  
less than the sum of the taxes due under this section and sections 97215  
5741.021 and 5741.023 of the Revised Code, the amount of tax paid 97216  
shall be credited against the amount of tax due. 97217

(E) The rate of a tax levied under this section is subject to 97218  
reduction under section 5739.028 of the Revised Code if a ballot 97219  
question is approved by voters pursuant to that section. 97220

**Sec. 5741.12.** (A) Each seller required by section 5741.17 of 97221  
the Revised Code to register with the tax commissioner, and any 97222  
seller authorized by the commissioner to collect the tax imposed 97223  
by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 97224  
of the Revised Code is subject to the same requirements and 97225  
entitled to the same deductions and discount for prompt payments 97226  
as are vendors under section 5739.12 of the Revised Code, and the 97227  
same monetary allowances as are vendors under section 5739.06 of 97228  
the Revised Code. The powers and duties of the commissioner with 97229  
respect to returns and tax remittances under this section shall be 97230  
identical with those prescribed in section 5739.12 of the Revised 97231  
Code. 97232

(B) Every person storing, using, or consuming tangible personal property or receiving the benefit of a service, the storage, use, consumption, or receipt of which is subject to the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code, when such tax was not paid to a seller, shall, on or before the twenty-third day of each month, file with the tax commissioner a return for the preceding month in such form as is prescribed by the commissioner, showing such information as the commissioner deems necessary, and shall pay the tax shown on the return to be due. Remittance shall be made payable to the treasurer of state. The commissioner may require consumers to file returns and pay the tax at other than monthly intervals, if the commissioner determines that such filing is necessary for the efficient administration of the tax. If the commissioner determines that a consumer's tax liability is not such as to merit monthly filing, the commissioner may authorize the consumer to file returns and pay tax at less frequent intervals.

Any consumer required to file a return and pay the tax under this section whose payment for any year equals or exceeds the amount shown in division (A) of section 5741.121 of the Revised Code is subject to the accelerated tax payment requirements in divisions (B) and (C) of that section.

(C) Every Except as provided in division (B)(5) of section 4505.06 of the Revised Code, every person storing, using, or consuming a motor vehicle, watercraft, or outboard motor, the ownership of which must be evidenced by certificate of title, shall file the return required by this section and pay the tax due at or prior to the time of filing an application for certificate of title.

**Sec. 5743.01.** As used in this chapter:

(A) "Person" includes individuals, firms, partnerships, 97264  
associations, joint-stock companies, corporations, combinations of 97265  
individuals of any form, and the state and any of its political 97266  
subdivisions. 97267

(B) "Wholesale dealer" includes only those persons: 97268

(1) Who bring in or cause to be brought into this state 97269  
unstamped cigarettes purchased directly from the manufacturer, 97270  
producer, or importer of cigarettes for sale in this state but 97271  
does not include persons who bring in or cause to be brought into 97272  
this state cigarettes with respect to which no evidence of tax 97273  
payment is required thereon as provided in section 5743.04 of the 97274  
Revised Code; or 97275

(2) Who are engaged in the business of selling cigarettes or 97276  
tobacco products to others for the purpose of resale. 97277

"Wholesale dealer" does not include any cigarette 97278  
manufacturer, export warehouse proprietor, or importer with a 97279  
valid permit under 26 U.S.C. 5713 if that person sells cigarettes 97280  
in this state only to wholesale dealers holding valid and current 97281  
licenses under section 5743.15 of the Revised Code or to an export 97282  
warehouse proprietor or another manufacturer. 97283

(C) "Retail dealer" includes: 97284

(1) In reference to dealers in cigarettes, every person other 97285  
than a wholesale dealer engaged in the business of selling 97286  
cigarettes in this state, regardless of whether the person is 97287  
located in this state or elsewhere, and regardless of quantity, 97288  
amount, or number of sales; 97289

(2) In reference to dealers in tobacco products, any person 97290  
in this state engaged in the business of selling tobacco products 97291  
to ultimate consumers in this state, regardless of quantity, 97292  
amount, or number of sales. 97293

(D) "Sale" includes exchange, barter, gift, offer for sale, 97294  
and distribution, and includes transactions in interstate or 97295  
foreign commerce. 97296

(E) "Cigarettes" includes any roll for smoking made wholly or 97297  
in part of tobacco, irrespective of size or shape, and whether or 97298  
not such tobacco is flavored, adulterated, or mixed with any other 97299  
ingredient, the wrapper or cover of which is made of paper, 97300  
reconstituted cigarette tobacco, homogenized cigarette tobacco, 97301  
cigarette tobacco sheet, or any similar materials other than cigar 97302  
tobacco. 97303

(F) "Package" means the individual package, box, or other 97304  
container in or from which retail sales of cigarettes are normally 97305  
made or intended to be made. 97306

(G) "Storage" includes any keeping or retention of cigarettes 97307  
or tobacco products for use or consumption in this state. 97308

(H) "Use" includes the exercise of any right or power 97309  
incidental to the ownership of cigarettes or tobacco products. 97310

(I) "Tobacco product" or "other tobacco product" means any 97311  
product made from tobacco, other than cigarettes, that is made for 97312  
smoking or chewing, or both, and snuff. 97313

(J) "Wholesale price" means the invoice price, including all 97314  
federal excise taxes, at which the manufacturer of the tobacco 97315  
product sells the tobacco product to unaffiliated distributors, 97316  
excluding any discounts based on the method of payment of the 97317  
invoice or on time of payment of the invoice. If the taxpayer buys 97318  
from other than a manufacturer, "wholesale price" means the 97319  
invoice price, including all federal excise taxes and excluding 97320  
any discounts based on the method of payment of the invoice or on 97321  
time of payment of the invoice. 97322

(K) "Distributor" means: 97323

(1) Any manufacturer who sells, barter, exchanges, or distributes tobacco products to a retail dealer in the state, except when selling to a retail dealer that has filed with the manufacturer a signed statement agreeing to pay and be liable for the tax imposed by section 5743.51 of the Revised Code;

(2) Any wholesale dealer located in the state who receives tobacco products from a manufacturer, or who receives tobacco products on which the tax imposed by this chapter has not been paid;

(3) Any wholesale dealer located outside the state who sells, barter, exchanges, or distributes tobacco products to a wholesale or retail dealer in the state; or

(4) Any retail dealer who receives tobacco products on which the tax has not or will not be paid by another distributor, including a retail dealer that has filed a signed statement with a manufacturer in which the retail dealer agrees to pay and be liable for the tax that would otherwise be imposed on the manufacturer by section 5743.51 of the Revised Code.

(L) "Taxpayer" means any person liable for the tax imposed by section 5743.51, 5743.62, or 5743.63 of the Revised Code.

(M) "Seller" means any person located outside this state engaged in the business of selling tobacco products to consumers for storage, use, or other consumption in this state.

(N) "Manufacturer" means any person who manufactures and sells cigarettes or tobacco products.

(O) "Importer" means any person that is authorized, under a valid permit issued under Section 5713 of the Internal Revenue Code, to import finished cigarettes into the United States, either directly or indirectly.

(P) "Little cigar" means any roll for smoking, other than



cigarettes, made wholly or in part of tobacco that uses an 97354  
integrated cellulose acetate filter or other filter and is wrapped 97355  
in any substance containing tobacco, other than natural leaf 97356  
tobacco. 97357

(O) "Premium cigar" means any roll for smoking, other than 97358  
cigarettes and little cigars, that is made wholly or in part of 97359  
tobacco and that has all of the following characteristics: 97360

(1) The binder and wrapper of the roll consist entirely of 97361  
leaf tobacco. 97362

(2) The roll contains no filter or tip, nor any mouthpiece 97363  
consisting of a material other than tobacco. 97364

(3) The weight of one thousand such rolls is at least six 97365  
pounds. 97366

(R) "Maximum tax amount" means fifty cents plus the tax 97367  
adjustment factor computed under this division. 97368

In April of each year beginning in 2018, the tax commissioner 97369  
shall compute a tax adjustment factor by multiplying fifty cents 97370  
by the cumulative percentage increase in the consumer price index 97371  
(all items, all urban consumers) prepared by the bureau of labor 97372  
statistics of the United States department of labor from January 97373  
1, 2017, to the last day of December of the preceding year and 97374  
rounding the resulting product to the nearest one cent; provided, 97375  
that the tax adjustment factor for any year shall not be less than 97376  
that for the immediately preceding year. The maximum tax amount 97377  
resulting from the computation of the tax adjustment factor 97378  
applies on and after the ensuing first day of July through the 97379  
thirtieth day of June thereafter. 97380

**Sec. 5743.03.** (A) Except as provided in section 5743.04 of 97381  
the Revised Code, the taxes imposed under sections 5743.02, 97382  
5743.021, 5743.024, and 5743.026 of the Revised Code shall be paid 97383

by the purchase of tax stamps. A tax stamp shall be affixed to 97384  
each package of an aggregate denomination not less than the amount 97385  
of the tax upon the contents thereof. The tax stamp, so affixed, 97386  
shall be prima-facie evidence of payment of the tax. 97387

Except as is provided in the rules prescribed by the tax 97388  
commissioner under authority of sections 5743.01 to 5743.20 of the 97389  
Revised Code, and unless tax stamps have been previously affixed, 97390  
they shall be so affixed by each wholesale dealer, and canceled by 97391  
writing or stamping across the face thereof the number assigned to 97392  
such wholesale dealer by the tax commissioner for that purpose, 97393  
prior to the delivery of any cigarettes to any person in this 97394  
state, or in the case of a tax levied pursuant to section 97395  
5743.021, 5743.024, or 5743.026 of the Revised Code, prior to the 97396  
delivery of cigarettes to any person in the county in which the 97397  
tax is levied. 97398

(B) Except as provided in the rules prescribed by the 97399  
commissioner under authority of sections 5743.01 to 5743.20 of the 97400  
Revised Code, each retail dealer, within twenty-four hours after 97401  
the receipt of any cigarettes at the retail dealer's place of 97402  
business, shall inspect the cigarettes to ensure that tax stamps 97403  
are affixed. The inspection shall be completed before the 97404  
cigarettes are delivered to any person in this state, or, in the 97405  
case of a tax levied pursuant to section 5743.021, 5743.024, or 97406  
5743.026 of the Revised Code, before the cigarettes are delivered 97407  
to any person in the county in which the tax is levied. 97408

(C) Whenever any cigarettes are found in the place of 97409  
business of any retail dealer without proper tax stamps affixed 97410  
thereto and canceled, it is presumed that such cigarettes are kept 97411  
therein in violation of sections 5743.01 to 5743.20 of the Revised 97412  
Code. 97413

(D) Each wholesale dealer who purchases cigarettes without 97414  
proper tax stamps affixed thereto shall, on or before the 97415

~~thirty first last~~ last day of the ~~each~~ month following the close of 97416  
~~each semiannual period, which period shall end on the thirtieth~~ 97417  
~~day of June and the thirty first day of December of each year,~~ 97418  
make and file a return ~~of~~ for the preceding ~~semiannual period~~ 97419  
calendar month, on such form as is prescribed by the tax 97420  
commissioner, showing the dealer's entire purchases and sales of 97421  
cigarettes and stamps for such ~~semiannual period~~ month and 97422  
accurate inventories as of the beginning and end of each 97423  
~~semiannual period~~ month of cigarettes, stamped or unstamped; 97424  
cigarette tax stamps affixed or unaffixed; and such other 97425  
information as the commissioner finds necessary to the proper 97426  
administration of sections 5743.01 to 5743.20 of the Revised Code. 97427  
The commissioner may extend the time for making and filing returns 97428  
and may remit all or any part of amounts of penalties that may 97429  
become due under sections 5743.01 to 5743.20 of the Revised Code. 97430  
The wholesale dealer shall deliver the return together with a 97431  
remittance of the tax deficiency reported thereon to the 97432  
commissioner. 97433

(E) Any wholesale dealer who fails to file a return under 97434  
this section and the rules of the commissioner, other than a 97435  
report required pursuant to division (F) of this section, may be 97436  
required, for each day the dealer so fails, to forfeit and pay 97437  
into the state treasury the sum of one dollar as revenue arising 97438  
from the tax imposed by sections 5743.01 to 5743.20 of the Revised 97439  
Code and such sum may be collected by assessment in the manner 97440  
provided in section 5743.081 of the Revised Code. If the 97441  
commissioner finds it necessary in order to insure the payment of 97442  
the tax imposed by sections 5743.01 to 5743.20 of the Revised 97443  
Code, the commissioner may require returns and payments to be made 97444  
other than ~~semiannually~~ monthly. The returns shall be signed by 97445  
the wholesale dealer or an authorized agent thereof. 97446

(F) Each person required to file a tax return under section 97447

5743.03, 5743.52, or 5743.62 of the Revised Code shall report to 97448  
the commissioner the quantity of all cigarettes and roll-your-own 97449  
cigarette tobacco sold in Ohio for each brand not covered by the 97450  
tobacco master settlement agreement for which the person is liable 97451  
for the taxes levied under section 5743.02, 5743.51, or 5743.62 of 97452  
the Revised Code. 97453

As used in this division, "tobacco master settlement 97454  
agreement" has the same meaning as in section 183.01 of the 97455  
Revised Code. 97456

(G) The report required by division (F) of this section shall 97457  
be made on a form prescribed by the commissioner and shall be 97458  
filed not later than the last day of each month for the previous 97459  
month, except that if the commissioner determines that the 97460  
quantity reported by a person does not warrant monthly reporting, 97461  
the commissioner may authorize reporting at less frequent 97462  
intervals. The commissioner may assess a penalty of not more than 97463  
two hundred fifty dollars for each month or portion thereof that a 97464  
person fails to timely file a required report, and such sum may be 97465  
collected by assessment in the manner provided in section 5743.081 97466  
of the Revised Code. All money collected under this division shall 97467  
be considered as revenue arising from the taxes imposed by 97468  
sections 5743.01 to 5743.20 of the Revised Code. 97469

(H) The commissioner may sell tax stamps only to a licensed 97470  
wholesale dealer, except as otherwise authorized by the 97471  
commissioner. The commissioner may charge the costs associated 97472  
with the shipment of tax stamps to the licensed wholesale dealer. 97473  
Amounts collected from such charges shall be credited to the 97474  
cigarette tax enforcement fund created under section 5743.15 of 97475  
the Revised Code. 97476

**Sec. 5743.081.** (A) If any wholesale dealer or retail dealer 97477  
fails to pay the tax levied under section 5743.02, 5743.021, 97478

5743.024, or 5743.026 of the Revised Code as required by sections 97479  
5743.01 to 5743.20 of the Revised Code, and by the rules of the 97480  
tax commissioner, or fails to collect the tax from the purchaser 97481  
or consumer, the commissioner may make an assessment against the 97482  
wholesale or retail dealer based upon any information in the 97483  
commissioner's possession. 97484

The commissioner may make an assessment against any wholesale 97485  
or retail dealer who fails to file a return required by section 97486  
5743.03 or 5743.025 of the Revised Code. 97487

No assessment shall be made against any wholesale or retail 97488  
dealer for any taxes imposed under section 5743.02, 5743.021, 97489  
5743.024, or 5743.026 of the Revised Code more than three years 97490  
after the last day of the calendar month that immediately follows 97491  
the ~~semiannual~~ monthly period prescribed in section 5743.03 of the 97492  
Revised Code in which the sale was made, or more than three years 97493  
after the ~~semiannual~~ return for ~~such period~~ the month in which the 97494  
sale was made is filed, whichever is later. This section does not 97495  
bar an assessment against any wholesale or retail dealer who fails 97496  
to file a return as required by section 5743.025 or 5743.03 of the 97497  
Revised Code, or who files a fraudulent return. 97498

A penalty of up to thirty per cent may be added to the amount 97499  
of every assessment made under this section. The commissioner may 97500  
adopt rules providing for the imposition and remission of 97501  
penalties added to assessments made under this section. 97502

The commissioner shall give the party assessed written notice 97503  
of the assessment in the manner provided in section 5703.37 of the 97504  
Revised Code. The notice shall specify separately any portion of 97505  
the assessment that represents a county tax. With the notice, the 97506  
commissioner shall provide instructions on how to petition for 97507  
reassessment and request a hearing on the petition. 97508

(B) Unless the party assessed files with the tax commissioner 97509

within sixty days after service of the notice of assessment, 97510  
either personally or by certified mail, a written petition for 97511  
reassessment signed by the party assessed or that party's 97512  
authorized agent having knowledge of the facts, the assessment 97513  
becomes final and the amount of the assessment is due and payable 97514  
from the party assessed to the treasurer of state. The petition 97515  
shall indicate the objections of the party assessed, but 97516  
additional objections may be raised in writing if received by the 97517  
commissioner prior to the date shown on the final determination. 97518  
If the petition has been properly filed, the commissioner shall 97519  
proceed under section 5703.60 of the Revised Code. 97520

(C) After an assessment becomes final, if any portion of the 97521  
assessment remains unpaid, including accrued interest, a certified 97522  
copy of the tax commissioner's entry making the assessment final 97523  
may be filed in the office of the clerk of the court of common 97524  
pleas in the county in which the wholesale or retail dealer's 97525  
place of business is located or the county in which the party 97526  
assessed resides. If the party assessed maintains no place of 97527  
business in this state and is not a resident of this state, the 97528  
certified copy of the entry may be filed in the office of the 97529  
clerk of the court of common pleas of Franklin county. 97530

Immediately upon the filing of the commissioner's entry, the 97531  
clerk shall enter a judgment for the state against the party 97532  
assessed in the amount shown on the entry. The judgment may be 97533  
filed by the clerk in a loose-leaf book entitled "special 97534  
judgments for state cigarette sales tax," and shall have the same 97535  
effect as other judgments. Execution shall issue upon the judgment 97536  
upon the request of the tax commissioner, and all laws applicable 97537  
to sales on execution shall apply to sales made under the 97538  
judgment, except as otherwise provided in sections 5743.01 to 97539  
5743.20 of the Revised Code. 97540

If the assessment is not paid in its entirety within sixty 97541

days after the assessment was issued, the portion of the 97542  
assessment consisting of tax due shall bear interest at the rate 97543  
per annum prescribed by section 5703.47 of the Revised Code from 97544  
the day the commissioner issues the assessment until it is paid or 97545  
until it is certified to the attorney general for collection under 97546  
section 131.02 of the Revised Code, whichever comes first. If the 97547  
unpaid portion of the assessment is certified to the attorney 97548  
general for collection, the entire unpaid portion of the 97549  
assessment shall bear interest at the rate per annum prescribed by 97550  
section 5703.47 of the Revised Code from the date of certification 97551  
until the date it is paid in its entirety. Interest shall be paid 97552  
in the same manner as the tax and may be collected by the issuance 97553  
of an assessment under this section. 97554

(D) All money collected by the tax commissioner under this 97555  
section shall be paid to the treasurer of state, and when paid 97556  
shall be considered as revenue arising from the taxes imposed by 97557  
sections 5743.01 to 5743.20 of the Revised Code. 97558

**Sec. 5743.15.** (A) Except as otherwise provided in this 97559  
division, no person shall engage in this state in the wholesale or 97560  
retail business of trafficking in cigarettes or in the business of 97561  
a manufacturer or importer of cigarettes without having a license 97562  
to conduct each such activity issued by a county auditor under 97563  
division (B) of this section or the tax commissioner under 97564  
divisions (C) and (F) of this section. On dissolution of a 97565  
partnership by death, the surviving partner may operate under the 97566  
license of the partnership until expiration of the license, and 97567  
the heirs or legal representatives of deceased persons, and 97568  
receivers and trustees in bankruptcy appointed by any competent 97569  
authority, may operate under the license of the person succeeded 97570  
in possession by such heir, representative, receiver, or trustee 97571  
in bankruptcy if the partner or successor notifies the issuer of 97572  
the license of the dissolution or succession within thirty days 97573

after the dissolution or succession. 97574

(B)(1) Each applicant for a license to engage in the retail 97575  
business of trafficking in cigarettes under this section, 97576  
annually, on or before the fourth Monday of May, shall make and 97577  
deliver to the county auditor of the county in which the applicant 97578  
desires to engage in the retail business of trafficking in 97579  
cigarettes, upon a blank form furnished by such auditor for that 97580  
purpose, a statement showing the name of the applicant, each 97581  
physical place in the county where the applicant's business is 97582  
conducted, the nature of the business, and any other information 97583  
the tax commissioner requires in the form of statement prescribed 97584  
by the commissioner. If the applicant is a firm, partnership, or 97585  
association other than a corporation, the application shall state 97586  
the name and address of each of its members. If the applicant is a 97587  
corporation, the application shall state the name and address of 97588  
each of its officers. At the time of making the application 97589  
required by this section, every person desiring to engage in the 97590  
retail business of trafficking in cigarettes shall pay an 97591  
application fee in the sum of one hundred twenty-five dollars for 97592  
each physical place where the person proposes to carry on such 97593  
business. Each place of business shall be deemed such space, under 97594  
lease or license to, or under the control of, or under the 97595  
supervision of the applicant, as is contained in one or more 97596  
contiguous, adjacent, or adjoining buildings constituting an 97597  
industrial plant or a place of business operated by, or under the 97598  
control of, one person, or under one roof and connected by doors, 97599  
halls, stairways, or elevators, which space may contain any number 97600  
of points at which cigarettes are offered for sale, provided that 97601  
each additional point at which cigarettes are offered for sale 97602  
shall be listed in the application. 97603

(2) Upon receipt of the application and exhibition of the 97604  
county treasurer's receipt showing the payment of the application 97605



fee, the county auditor shall issue to the applicant a license for 97606  
each place of business designated in the application, authorizing 97607  
the applicant to engage in such business at such place for one 97608  
year commencing on the fourth Monday of May. The form of the 97609  
license shall be prescribed by the commissioner. A duplicate 97610  
license may be obtained from the county auditor upon payment of a 97611  
five-dollar fee if the original license is lost, destroyed, or 97612  
defaced. When an application is filed after the fourth Monday of 97613  
May, the application fee required to be paid shall be proportioned 97614  
in amount to the remainder of the license year, except that it 97615  
shall not be less than twenty-five dollars in any one year. 97616

(3) The holder of a retail dealer's cigarette license may 97617  
transfer the license to a place of business within the same county 97618  
other than that designated on the license on condition that the 97619  
licensee's ownership interest and business structure remain 97620  
unchanged, and that the licensee applies to the county auditor 97621  
therefor, upon forms approved by the commissioner and the payment 97622  
of a fee of five dollars into the county treasury. 97623

(C)(1) Each applicant for a license to engage in the 97624  
wholesale business of trafficking in cigarettes under this 97625  
section, annually, on or before the fourth Monday in May, shall 97626  
make and deliver to the tax commissioner, upon a blank form 97627  
furnished by the commissioner for that purpose, a statement 97628  
showing the name of the applicant, physical street address where 97629  
the applicant's business is conducted, the nature of the business, 97630  
and any other information required by the commissioner. If the 97631  
applicant is a firm, partnership, or association other than a 97632  
corporation, the applicant shall state the name and address of 97633  
each of its members. If the applicant is a corporation, the 97634  
applicant shall state the name and address of each of its 97635  
officers. At the time of making the application required by this 97636  
section, every person desiring to engage in the wholesale business 97637

of trafficking in cigarettes shall pay an application fee of one 97638  
thousand dollars for each physical place where the person proposes 97639  
to carry on such business. Each place of business shall be deemed 97640  
such space, under lease or license to, or under the control of, or 97641  
under the supervision of the applicant, as is contained in one or 97642  
more contiguous, adjacent, or adjoining buildings constituting an 97643  
industrial plant or a place of business operated by, or under the 97644  
control of, one person, or under one roof and connected by doors, 97645  
halls, stairways, or elevators. A duplicate license may be 97646  
obtained from the commissioner upon payment of a 97647  
twenty-five-dollar fee if the original license is lost, destroyed, 97648  
or defaced. 97649

(2) Upon receipt of the application and payment of any 97650  
application fee required by this section, the commissioner shall 97651  
verify that the applicant is not in violation of any provision of 97652  
Chapter 1346. or Title LVII of the Revised Code. The commissioner 97653  
shall also verify that the applicant has filed any returns, 97654  
submitted any information, and paid any outstanding taxes, 97655  
charges, or fees as required for any tax, charge, or fee 97656  
administered by the commissioner, to the extent that the 97657  
commissioner is aware of the returns, information, ~~taxes,~~ or ~~fees~~ 97658  
payments at the time of the application. Upon approval, the 97659  
commissioner shall issue to the applicant a license for each 97660  
physical place of business designated in the application 97661  
authorizing the applicant to engage in business at that location 97662  
for one year commencing on the fourth Monday in May. For licenses 97663  
issued after the fourth Monday in May, the application fee shall 97664  
be reduced proportionately by the remainder of the twelve-month 97665  
period for which the license is issued, except that the 97666  
application fee required to be paid under this section shall be 97667  
not less than two hundred dollars in any one year. 97668

(3) The holder of a wholesale dealer cigarette license may 97669

transfer the license to a place of business other than that 97670  
designated on the license on condition that the licensee's 97671  
ownership or business structure remains unchanged, and that the 97672  
licensee applies to the commissioner for such a transfer upon a 97673  
form promulgated by the commissioner and pays a fee of twenty-five 97674  
dollars, which shall be deposited into the cigarette tax 97675  
enforcement fund created in division (E) of this section. 97676

(D)(1) The wholesale cigarette license application fees 97677  
collected under this section shall be paid into the cigarette tax 97678  
enforcement fund. 97679

(2) The retail cigarette license application fees collected 97680  
under this section shall be distributed as follows: 97681

(a) Thirty per cent shall be paid upon the warrant of the 97682  
county auditor into the treasury of the municipal corporation or 97683  
township in which the places of business for which the tax revenue 97684  
was received are located; 97685

(b) Ten per cent shall be credited to the general fund of the 97686  
county; 97687

(c) Sixty per cent shall be paid into the cigarette tax 97688  
enforcement fund. 97689

(3) The remainder of the revenues and fines collected under 97690  
this section and the penal laws relating to cigarettes shall be 97691  
distributed as follows: 97692

(a) Three-fourths shall be paid upon the warrant of the 97693  
county auditor into the treasury of the municipal corporation or 97694  
township in which the place of business, on account of which the 97695  
revenues and fines were received, is located; 97696

(b) One-fourth shall be credited to the general fund of the 97697  
county. 97698

(E) There is hereby created within the state treasury the 97699

cigarette tax enforcement fund for the purpose of providing funds 97700  
to assist in paying the costs of enforcing sections 1333.11 to 97701  
1333.21 and Chapter 5743. of the Revised Code. 97702

The portion of cigarette license application fees received by 97703  
a county auditor during the annual application period that ends on 97704  
the fourth Monday in May and that is required to be deposited in 97705  
the cigarette tax enforcement fund shall be sent to the treasurer 97706  
of state by the thirtieth day of June each year accompanied by the 97707  
form prescribed by the tax commissioner. The portion of cigarette 97708  
license application fees received by each county auditor after the 97709  
fourth Monday in May and that is required to be deposited in the 97710  
cigarette tax enforcement fund shall be sent to the treasurer of 97711  
state by the last day of the month following the month in which 97712  
such fees were collected. 97713

(F)(1) Every person who desires to engage in the business of 97714  
a manufacturer or importer of cigarettes shall, annually, on or 97715  
before the fourth Monday of May, make and deliver to the tax 97716  
commissioner, upon a blank form furnished by the commissioner for 97717  
that purpose, a statement showing the name of the applicant, the 97718  
nature of the applicant's business, and any other information 97719  
required by the commissioner. If the applicant is a firm, 97720  
partnership, or association other than a corporation, the 97721  
applicant shall state the name and address of each of its members. 97722  
If the applicant is a corporation, the applicant shall state the 97723  
name and address of each of its officers. 97724

(2) Upon receipt of the application required under this 97725  
section, the commissioner shall verify that the applicant is not 97726  
in violation of any provision of Chapter 1346. ~~or Title LVII~~ of 97727  
the Revised Code. The commissioner shall also verify that the 97728  
applicant has filed any returns, submitted any information, and 97729  
paid any outstanding taxes, charges, or fees as required for any 97730  
tax, charge, or fee administered by the commissioner, to the 97731

extent that the commissioner is aware of the returns, information, 97732  
taxes, charges, or fees at the time of the application. Upon 97733  
approval, the commissioner shall issue to the applicant a license 97734  
authorizing the applicant to engage in the business of 97735  
manufacturer or importer, whichever the case may be, for one year 97736  
commencing on the fourth Monday of May. 97737

(3) The issuing of a license under division (F)(1) of this 97738  
section to a manufacturer does not excuse a manufacturer from the 97739  
certification process required under section 1346.05 of the 97740  
Revised Code. A manufacturer who is issued a license under 97741  
division (F)(1) of this section and who is not listed on the 97742  
directory required under section 1346.05 of the Revised Code shall 97743  
not be permitted to sell cigarettes in this state other than to a 97744  
licensed cigarette wholesaler for sale outside this state. Such a 97745  
manufacturer shall provide documentation to the commissioner 97746  
evidencing that the cigarettes are legal for sale in another 97747  
state. 97748

(G) The tax commissioner may adopt rules necessary to 97749  
administer this section. 97750

**Sec. 5743.51.** (A) To provide revenue for the general revenue 97751  
fund of the state, an excise tax on tobacco products is hereby 97752  
levied at one of the following rates: 97753

(1) For tobacco products other than little cigars or premium 97754  
cigars, seventeen per cent of the wholesale price of the tobacco 97755  
product received by a distributor or sold by a manufacturer to a 97756  
retail dealer located in this state. 97757

(2) For invoices dated October 1, 2013, or later, 97758  
thirty-seven per cent of the wholesale price of little cigars 97759  
received by a distributor or sold by a manufacturer to a retail 97760  
dealer located in this state. 97761

(3) For premium cigars received by a distributor or sold by a manufacturer to a retail dealer located in this state, the lesser of seventeen per cent of the wholesale price of such premium cigars or the maximum tax amount per each such premium cigar.

Each distributor who brings tobacco products, or causes tobacco products to be brought, into this state for distribution within this state, or any out-of-state distributor who sells tobacco products to wholesale or retail dealers located in this state for resale by those wholesale or retail dealers is liable for the tax imposed by this section. Only one sale of the same article shall be used in computing the amount of the tax due.

(B) The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of the receipts from the tax levied by this section, amounts equal to the refunds certified by the tax commissioner pursuant to section 5743.53 of the Revised Code. The balance of the taxes collected under this section shall be paid into the general revenue fund.

(C) The commissioner may adopt rules as are necessary to assist in the enforcement and administration of sections 5743.51 to 5743.66 of the Revised Code, including rules providing for the remission of penalties imposed.

(D) A manufacturer is not liable for payment of the tax imposed by this section for sales of tobacco products to a retail dealer that has filed a signed statement with the manufacturer in which the retail dealer agrees to pay and be liable for the tax, as long as the manufacturer has provided a copy of the statement to the tax commissioner.

**Sec. 5743.61.** (A) Except as otherwise provided in this division, no distributor shall engage in the business of distributing tobacco products within this state without having a

license issued by the department of taxation to engage in that 97793  
business. On the dissolution of a partnership by death, the 97794  
surviving partner may operate under the license of the partnership 97795  
until the expiration of the license, and the heirs or legal 97796  
representatives of deceased persons, and receivers and trustees in 97797  
bankruptcy appointed by any competent authority, may operate under 97798  
the license of the person succeeded in possession by the heir, 97799  
representative, receiver, or trustee in bankruptcy if the partner 97800  
or successor notifies the department of taxation of the 97801  
dissolution or succession within thirty days after the dissolution 97802  
or succession. 97803

(B)(1) Each applicant for a license to engage in the business 97804  
of distributing tobacco products, annually, on or before the first 97805  
day of February, shall make and deliver to the tax commissioner, 97806  
upon a form furnished by the commissioner for that purpose, a 97807  
statement showing the name of the applicant, each physical place 97808  
from which the applicant distributes to distributors, retail 97809  
dealers, or wholesale dealers, and any other information the 97810  
commissioner considers necessary for the administration of 97811  
sections 5743.51 to 5743.66 of the Revised Code. 97812

(2) At the time of making the license application, the 97813  
applicant shall pay an application fee of one thousand dollars for 97814  
each place listed on the application where the applicant proposes 97815  
to carry on that business. The fee charged for the application 97816  
shall accompany the application and shall be made payable to the 97817  
treasurer of state for deposit into the cigarette tax enforcement 97818  
fund. 97819

(3) Upon receipt of the application and payment of any 97820  
licensing fee required by this section, the commissioner shall 97821  
verify that the applicant has filed all returns, submitted all 97822  
information, and paid all outstanding taxes, charges, or fees as 97823  
required for any taxes, charges, or fees administered by the 97824

commissioner, to the extent the commissioner is aware of the 97825  
returns, information, taxes, charges, or fees at the time of the 97826  
application. Upon approval, the commissioner shall issue to the 97827  
applicant a license for each place of distribution designated in 97828  
the application authorizing the applicant to engage in business at 97829  
that location for one year commencing on the first day of 97830  
February. For licenses issued after the first day of February, the 97831  
license application fee shall be reduced proportionately by the 97832  
remainder of the twelve-month period for which the license is 97833  
issued, except that the application fee required to be paid under 97834  
this section shall be not less than two hundred dollars. If the 97835  
original license is lost, destroyed, or defaced, a duplicate 97836  
license may be obtained from the commissioner upon payment of a 97837  
license replacement fee of twenty-five dollars. 97838

(C) The holder of a tobacco products license may transfer the 97839  
license to a place of business on condition that the licensee's 97840  
ownership and business structure remains unchanged and the 97841  
licensee applies to the commissioner for the transfer on a form 97842  
issued by the commissioner, and pays a transfer fee of twenty-five 97843  
dollars. 97844

(D) If a distributor fails to file forms as required under 97845  
Chapter 1346. or section 5743.52 of the Revised Code or pay the 97846  
tax due for two consecutive periods or three periods during any 97847  
twelve-month period, the commissioner may suspend the license 97848  
issued to the distributor under this section. The suspension is 97849  
effective ten days after the commissioner notifies the distributor 97850  
of the suspension in writing personally or by certified mail. The 97851  
commissioner shall lift the suspension when the distributor files 97852  
the delinquent forms and pays the tax due, including any 97853  
penalties, interest, and additional charges. The commissioner may 97854  
refuse to issue the annual renewal of the license required by this 97855  
section and may refuse to issue a new license for ~~the same a~~ 97856



location of the distributor until all delinquent forms are filed 97857  
and outstanding taxes are paid. This division does not apply to 97858  
any unpaid or underpaid tax liability that is the subject of a 97859  
petition or appeal filed pursuant to section 5743.56, 5717.02, or 97860  
5717.04 of the Revised Code. 97861

(E)(1) The tax commissioner may impose a penalty of up to one 97862  
thousand dollars on any person found to be engaging in the 97863  
business of distributing tobacco products without a license as 97864  
required by this section. 97865

(2) Any person engaging in the business of distributing 97866  
tobacco products without a license as required by this section 97867  
shall comply with divisions (B)(1) and (2) of this section within 97868  
ten days after being notified of the requirement to do so. Failure 97869  
to comply with division (E)(2) of this section subjects a person 97870  
to penalties imposed under section 5743.99 of the Revised Code. 97871

**Sec. 5743.62.** (A) To provide revenue for the general revenue 97872  
fund of the state, an excise tax is hereby levied on the seller of 97873  
tobacco products in this state at one of the following rates: 97874

(1) For tobacco products other than little cigars or premium 97875  
cigars, seventeen per cent of the wholesale price of the tobacco 97876  
product whenever the tobacco product is delivered to a consumer in 97877  
this state for the storage, use, or other consumption of such 97878  
tobacco products. 97879

(2) For little cigars, thirty-seven per cent of the wholesale 97880  
price of the little cigars whenever the little cigars are 97881  
delivered to a consumer in this state for the storage, use, or 97882  
other consumption of the little cigars. 97883

(3) For premium cigars, whenever the premium cigars are 97884  
delivered to a consumer in this state for the storage, use, or 97885  
other consumption of the premium cigars, the lesser of seventeen 97886

per cent of the wholesale price of such premium cigars or the 97887  
maximum tax amount per each such premium cigar. 97888

The tax imposed by this section applies only to sellers 97889  
having nexus in this state, as defined in section 5741.01 of the 97890  
Revised Code. 97891

(B) A seller of tobacco products who has nexus in this state 97892  
as defined in section 5741.01 of the Revised Code shall register 97893  
with the tax commissioner and supply any information concerning 97894  
the seller's contacts with this state as may be required by the 97895  
tax commissioner. A seller who does not have nexus in this state 97896  
may voluntarily register with the tax commissioner. A seller who 97897  
voluntarily registers with the tax commissioner is entitled to the 97898  
same benefits and is subject to the same duties and requirements 97899  
as a seller required to be registered with the tax commissioner 97900  
under this division. 97901

(C) Each seller of tobacco products subject to the tax levied 97902  
by this section, on or before the last day of each month, shall 97903  
file with the tax commissioner a return for the preceding month 97904  
showing any information the tax commissioner finds necessary for 97905  
the proper administration of sections 5743.51 to 5743.66 of the 97906  
Revised Code, together with remittance of the tax due, payable to 97907  
the treasurer of state. The return and payment of the tax required 97908  
by this section shall be filed in such a manner that it is 97909  
received by the tax commissioner on or before the last day of the 97910  
month following the reporting period. If the return is filed and 97911  
the amount of the tax shown on the return to be due is paid on or 97912  
before the date the return is required to be filed, the seller is 97913  
entitled to a discount equal to two and five-tenths per cent of 97914  
the amount shown on the return to be due. 97915

(D) The tax commissioner shall immediately forward to the 97916  
treasurer of state all money received from the tax levied by this 97917  
section, and the treasurer shall credit the amount to the general 97918

revenue fund. 97919

(E) Each seller of tobacco products subject to the tax levied 97920  
by this section shall mark on the invoices of tobacco products 97921  
sold that the tax levied by that section has been paid and shall 97922  
indicate the seller's account number as assigned by the tax 97923  
commissioner. 97924

**Sec. 5743.63.** (A) To provide revenue for the general revenue 97925  
fund of the state, an excise tax is hereby levied on the storage, 97926  
use, or other consumption of tobacco products at one of the 97927  
following rates: 97928

(1) For tobacco products other than little cigars or premium 97929  
cigars, seventeen per cent of the wholesale price of the tobacco 97930  
product. 97931

(2) For little cigars, thirty-seven per cent of the wholesale 97932  
price of the little cigars. 97933

(3) For premium cigars, the lesser of seventeen per cent of 97934  
the wholesale price of the premium cigars or the maximum tax 97935  
amount per each premium cigar. 97936

The tax levied under division (A) of this section is imposed 97937  
only if the tax has not been paid by the seller as provided in 97938  
section 5743.62 of the Revised Code, or by the distributor as 97939  
provided in section 5743.51 of the Revised Code. 97940

(B) Each person subject to the tax levied by this section, on 97941  
or before the last day of each month, shall file with the tax 97942  
commissioner a return for the preceding month showing any 97943  
information the tax commissioner finds necessary for the proper 97944  
administration of sections 5743.51 to 5743.66 of the Revised Code, 97945  
together with remittance of the tax due, payable to the treasurer 97946  
of state. The return and payment of the tax required by this 97947  
section shall be filed in such a manner that it is received by the 97948

tax commissioner on or before the last day of the month following 97949  
the reporting period. 97950

(C) The tax commissioner shall immediately forward to the 97951  
treasurer of state all money received from the tax levied by this 97952  
section, and the treasurer shall credit the amount to the general 97953  
revenue fund. 97954

**Sec. 5747.02.** (A) For the purpose of providing revenue for 97955  
the support of schools and local government functions, to provide 97956  
relief to property taxpayers, to provide revenue for the general 97957  
revenue fund, and to meet the expenses of administering the tax 97958  
levied by this chapter, there is hereby levied on every 97959  
individual, trust, and estate residing in or earning or receiving 97960  
income in this state, on every individual, trust, and estate 97961  
earning or receiving lottery winnings, prizes, or awards pursuant 97962  
to Chapter 3770. of the Revised Code, on every individual, trust, 97963  
and estate earning or receiving winnings on casino gaming, and on 97964  
every individual, trust, and estate otherwise having nexus with or 97965  
in this state under the Constitution of the United States, an 97966  
annual tax measured as prescribed in divisions (A)(1) to (4) of 97967  
this section. 97968

(1) In the case of trusts, the tax imposed by this section 97969  
shall be measured by modified Ohio taxable income under division 97970  
(D) of this section and levied at the same rates prescribed in 97971  
division (A)(3) of this section for individuals. 97972

(2) In the case of estates, the tax imposed by this section 97973  
shall be measured by Ohio taxable income and levied at the same 97974  
rates prescribed in division (A)(3) of this section for 97975  
individuals. 97976

(3) In the case of individuals, for taxable years beginning 97977  
in ~~2015~~ 2017 or thereafter, the tax imposed by this section on 97978  
income other than taxable business income shall be measured by 97979

Ohio adjusted gross income, less taxable business income and less 97980  
an exemption for the taxpayer, the taxpayer's spouse, and each 97981  
dependent as provided in section 5747.025 of the Revised Code. ~~The~~ 97982  
~~tax imposed on the balance thus obtained~~ If the balance thus 97983  
obtained is equal to or less than ten thousand dollars, no tax 97984  
shall be imposed on that balance. If the balance thus obtained is 97985  
greater than ten thousand dollars, the tax is hereby levied as 97986  
follows: 97987

OHIO ADJUSTED GROSS INCOME LESS 97988

TAXABLE BUSINESS INCOME AND

EXEMPTIONS (INDIVIDUALS)

OR 97989

MODIFIED OHIO 97990

TAXABLE INCOME (TRUSTS) 97991

OR 97992

OHIO TAXABLE INCOME (ESTATES) TAX 97993

<del>\$5,000 or less</del>	<del>.495%</del>	97994
<del>More than \$5,000 but not more than \$10,000</del>	<del>\$24.75 plus .990% of the amount in excess of \$5,000</del>	97995
More than \$10,000 but not more than \$15,000	\$74.25 plus 1.980% of the amount in excess of \$10,000	97996
More than \$15,000 but not more than \$20,000	\$173.25 plus 2.476% of the amount in excess of \$15,000	97997
More than \$20,000 but not more than \$40,000	\$297.05 plus 2.969% of the amount in excess of \$20,000	97998
More than \$40,000 but not more than \$80,000	\$890.85 plus 3.465% of the amount in excess of \$40,000	97999
More than \$80,000 but not more than \$100,000	\$2,276.85 plus 3.960% of the amount in excess of \$80,000	98000
More than \$100,000 but not more than \$200,000	\$3,068.85 plus 4.597% of the amount in excess of \$100,000	98001
More than \$200,000	\$7,665.85 plus 4.997% of the amount in excess of \$200,000	98002

~~(4)(a) In the case of individuals, for taxable years beginning in 2015, the tax imposed by this section on taxable business income shall be measured by taxable business income less any amount allowed under division (A)(4)(c) of this section. The tax imposed on the balance thus obtained is hereby levied as follows:~~

<del>TAXABLE BUSINESS INCOME</del>		
<del>LESS ALLOWED EXEMPTION AMOUNT</del>	<del>TAX</del>	
<del>\$5,000 or less</del>	<del>.495%</del>	
<del>More than \$5,000 but not more than \$10,000</del>	<del>\$24.75 plus .990% of the amount in excess of \$5,000</del>	
<del>More than \$10,000 but not more than \$15,000</del>	<del>\$74.25 plus 1.980% of the amount in excess of \$10,000</del>	
<del>More than \$15,000 but not more than \$20,000</del>	<del>\$173.25 plus 2.476% of the amount in excess of \$15,000</del>	
<del>More than \$20,000 but not more than \$40,000</del>	<del>\$297.05 plus 2.969% of the amount in excess of \$20,000</del>	
<del>More than \$40,000</del>	<del>\$890.85 plus 3% of the amount in excess of \$40,000</del>	

~~(b) In the case of individuals, for taxable years beginning in 2016 or thereafter, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A)(4)(c)(b) of this section from the individual's taxable business income.~~

~~(c)(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A)(4)(a) or (b) of this section.~~

Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in division (A)(3) of this section by

multiplying the percentage increase in the gross domestic product 98030  
deflator computed that year under section 5747.025 of the Revised 98031  
Code by each of the income amounts resulting from the adjustment 98032  
under this division in the preceding year, adding the resulting 98033  
product to the corresponding income amount resulting from the 98034  
adjustment in the preceding year, and rounding the resulting sum 98035  
to the nearest multiple of fifty dollars. The tax commissioner 98036  
also shall recompute each of the tax dollar amounts to the extent 98037  
necessary to reflect the new adjustment of the income amounts. The 98038  
rates of taxation shall not be adjusted. 98039

The adjusted amounts apply to taxable years beginning in the 98040  
calendar year in which the adjustments are made and to taxable 98041  
years beginning in each ensuing calendar year until a calendar 98042  
year in which a new adjustment is made pursuant to this division. 98043  
The tax commissioner shall not make a new adjustment in any year 98044  
in which the amount resulting from the adjustment would be less 98045  
than the amount resulting from the adjustment in the preceding 98046  
year. The commissioner shall not make a new adjustment for taxable 98047  
years beginning in ~~2013, 2014, or 2015~~ 2017 or 2018. 98048

(B) If the director of budget and management makes a 98049  
certification to the tax commissioner under division (B) of 98050  
section 131.44 of the Revised Code, the amount of tax as 98051  
determined under divisions (A)(1) to (3) of this section shall be 98052  
reduced by the percentage prescribed in that certification for 98053  
taxable years beginning in the calendar year in which that 98054  
certification is made. 98055

(C) The levy of this tax on income does not prevent a 98056  
municipal corporation, a joint economic development zone created 98057  
under section 715.691, or a joint economic development district 98058  
created under section 715.70, 715.71, or 715.72 of the Revised 98059  
Code from levying a tax on income. 98060

(D) This division applies only to taxable years of a trust 98061

beginning in 2002 or thereafter. 98062

(1) The tax imposed by this section on a trust shall be 98063  
computed by multiplying the Ohio modified taxable income of the 98064  
trust by the rates prescribed by division (A) of this section. 98065

(2) A resident trust may claim a credit against the tax 98066  
computed under division (D) of this section equal to the lesser of 98067  
~~(1)(a)~~ the tax paid to another state or the District of Columbia 98068  
on the resident trust's modified nonbusiness income, other than 98069  
the portion of the resident trust's nonbusiness income that is 98070  
qualifying investment income as defined in section 5747.012 of the 98071  
Revised Code, or ~~(2)(b)~~ the effective tax rate, based on modified 98072  
Ohio taxable income, multiplied by the resident trust's modified 98073  
nonbusiness income other than the portion of the resident trust's 98074  
nonbusiness income that is qualifying investment income. The 98075  
credit applies before any other applicable credits. 98076

(3) The credits enumerated in divisions (A)(1) to ~~(10)(9)~~ and 98077  
(A)~~(19)(18)~~ to ~~(21)(20)~~ of section 5747.98 of the Revised Code do 98078  
not apply to a trust subject to division (D) of this section. Any 98079  
credits enumerated in other divisions of section 5747.98 of the 98080  
Revised Code apply to a trust subject to division (D) of this 98081  
section. To the extent that the trust distributes income for the 98082  
taxable year for which a credit is available to the trust, the 98083  
credit shall be shared by the trust and its beneficiaries. The tax 98084  
commissioner and the trust shall be guided by applicable 98085  
regulations of the United States treasury regarding the sharing of 98086  
credits. 98087

(E) For the purposes of this section, "trust" means any trust 98088  
described in Subchapter J of Chapter 1 of the Internal Revenue 98089  
Code, excluding trusts that are not irrevocable as defined in 98090  
division (I)(3)(b) of section 5747.01 of the Revised Code and that 98091  
have no modified Ohio taxable income for the taxable year, 98092  
charitable remainder trusts, qualified funeral trusts and preneed 98093



funeral contract trusts established pursuant to sections 4717.31 98094  
to 4717.38 of the Revised Code that are not qualified funeral 98095  
trusts, endowment and perpetual care trusts, qualified settlement 98096  
trusts and funds, designated settlement trusts and funds, and 98097  
trusts exempted from taxation under section 501(a) of the Internal 98098  
Revenue Code. 98099

(F) Nothing in division (A)(3) of this section shall prohibit 98100  
an individual with an Ohio adjusted gross income, less taxable 98101  
business income and exemptions, of ten thousand dollars or less 98102  
from filing a return under this chapter to receive a refund of 98103  
taxes withheld or to claim any refundable credit allowed under 98104  
this chapter. 98105

Sec. 5747.031. For annual returns filed for taxable years 98106  
beginning on or after January 1, 2017, the department of taxation 98107  
shall determine and provide to the office of budget and management 98108  
a report of the tax liability, before the application of any 98109  
credits, under section 5747.02 of the Revised Code that arises 98110  
from taxable business income, the tax liability, before the 98111  
application of any credits, that arises from income, other than 98112  
taxable business income, as measured and taxed under divisions 98113  
(A)(1), (2), or (3) of that section, and the total amount of 98114  
credits claimed against the tax levied under that section. 98115

In providing actual and estimates of revenue pursuant to 98116  
Chapter 126. of the Revised Code, the office of budget and 98117  
management shall separately list the tax liability, before the 98118  
application of any credits, under section 5747.02 of the Revised 98119  
Code that arises from taxable business income, the tax liability, 98120  
before the application of any credits, that arises from income, 98121  
other than taxable business income, as measured and taxed under 98122  
divisions (A)(1), (2), or (3) of that section, and the total 98123  
amount of credits claimed against the tax levied under that 98124

section. 98125

**Sec. 5747.06.** (A) Except as provided in division (E)(3) of 98126  
this section, every employer, including the state and its 98127  
political subdivisions, maintaining an office or transacting 98128  
business within this state and making payment of any compensation 98129  
to an employee who is a taxpayer shall deduct and withhold from 98130  
such compensation for each payroll period a tax computed in such 98131  
manner as to result, as far as practicable, in withholding from 98132  
the employee's compensation during each calendar year an amount 98133  
substantially equivalent to the tax reasonably estimated to be due 98134  
from the employee under this chapter and Chapter 5748. of the 98135  
Revised Code with respect to the amount of such compensation 98136  
included in the employee's adjusted gross income during the 98137  
calendar year. The employer shall deduct and withhold the tax on 98138  
the date that the employer directly, indirectly, or constructively 98139  
pays the compensation to, or credits the compensation to the 98140  
benefit of, the employee. ~~The~~ 98141

The method of determining the amount to be withheld shall be 98142  
prescribed by rule of the tax commissioner. Notwithstanding 98143  
section 5747.02 of the Revised Code, the rule prescribed by the 98144  
commissioner shall require that taxes are withheld on the first 98145  
ten thousand dollars of a taxpayer's compensation at rates 98146  
sufficient to ensure payment of the appropriate amount of tax 98147  
reasonably estimated to be due. 98148

In addition to any other exclusions from withholding 98149  
permitted under this section, no tax shall be withheld by an 98150  
employer from the compensation of an employee when such 98151  
compensation is paid for: 98152

(1) Agricultural labor as defined in division G of section 98153  
3121 of Title 26 of the United States Code; 98154

(2) Domestic service in a private home, local college club, 98155

or local chapter of a college fraternity or sorority; 98156

(3) Service performed in any calendar quarter by an employee 98157  
unless the cash remuneration paid for such service is three 98158  
hundred dollars or more and such service is performed by an 98159  
individual who is regularly employed by such employer to perform 98160  
such service; 98161

(4) Services performed for a foreign government or an 98162  
international organization; 98163

(5) Services performed by an individual under the age of 98164  
eighteen in the delivery or distribution of newspapers or shopping 98165  
news, not including delivery or distribution to any point for 98166  
subsequent delivery or distribution, or when performed by such 98167  
individual under the age of eighteen under an arrangement where 98168  
newspapers or magazines are to be sold by the individual at a 98169  
fixed price, the individual's compensation being based on the 98170  
retention of the excess of such price over the amount at which the 98171  
newspapers or magazines are charged to the individual; 98172

(6) Services not in the course of the employer's trade or 98173  
business to the extent paid in any medium other than cash. 98174

(B) Every employer required to deduct and withhold tax from 98175  
the compensation of an employee under this chapter shall furnish 98176  
to each employee, with respect to the compensation paid by such 98177  
employer to such employee during the calendar year, on or before 98178  
the thirty-first day of January of the succeeding year, or, if the 98179  
employee's employment is terminated before the close of such 98180  
calendar year, within thirty days from the date on which the last 98181  
payment of compensation was made, a written statement as 98182  
prescribed by the tax commissioner showing the amount of 98183  
compensation paid by the employer to the employee, the amount 98184  
deducted and withheld as state income tax, any amount deducted and 98185  
withheld as school district income tax for each applicable school 98186

district, and any other information as the commissioner 98187  
prescribes. 98188

(C) The failure of an employer to withhold tax as required by 98189  
this section does not relieve an employee from the liability for 98190  
the tax. The failure of an employer to remit the tax as required 98191  
by law does not relieve an employee from liability for the tax if 98192  
the tax commissioner ascertains that the employee colluded with 98193  
the employer with respect to the failure to remit the tax. 98194

(D) If an employer fails to deduct and withhold any tax as 98195  
required, and thereafter the tax is paid, the tax so required to 98196  
be deducted and withheld shall not be collected from the employer, 98197  
but the employer is not relieved from liability for penalties and 98198  
interest otherwise applicable in respect to the failure to deduct 98199  
and withhold the tax. 98200

(E) To ensure that taxes imposed pursuant to Chapter 5748. of 98201  
the Revised Code are deducted and withheld as provided in this 98202  
section: 98203

(1) An employer shall request that each employee furnish the 98204  
name of the employee's school district of residence; 98205

(2) Each employee shall furnish the employer with sufficient 98206  
and correct information to enable the employer to withhold the 98207  
taxes imposed under Chapter 5748. of the Revised Code. The 98208  
employee shall provide additional or corrected information 98209  
whenever information previously provided to the employer becomes 98210  
insufficient or incorrect. 98211

(3) If the employer complies with the requirements of 98212  
division (E)(1) of this section and if the employee fails to 98213  
comply with the requirements of division (E)(2) of this section, 98214  
the employer is not required to withhold and pay the taxes imposed 98215  
under Chapter 5748. of the Revised Code and is not subject to any 98216  
penalties and interest otherwise applicable for failing to deduct 98217

and withhold such taxes. 98218

**Sec. 5747.08.** An annual return with respect to the tax 98219  
imposed by section 5747.02 of the Revised Code and each tax 98220  
imposed under Chapter 5748. of the Revised Code shall be made by 98221  
every taxpayer for any taxable year for which the taxpayer is 98222  
liable for the tax imposed by that section or under that chapter, 98223  
unless the total credits allowed under division (E) of section 98224  
5747.05 and divisions (F) and (G) of section 5747.055 of the 98225  
Revised Code for the year are equal to or exceed the tax imposed 98226  
by section 5747.02 of the Revised Code, in which case no return 98227  
shall be required unless the taxpayer is liable for a tax imposed 98228  
pursuant to Chapter 5748. of the Revised Code. 98229

(A) If an individual is deceased, any return or notice 98230  
required of that individual under this chapter shall be made and 98231  
filed by that decedent's executor, administrator, or other person 98232  
charged with the property of that decedent. 98233

(B) If an individual is unable to make a return or notice 98234  
required by this chapter, the return or notice required of that 98235  
individual shall be made and filed by the individual's duly 98236  
authorized agent, guardian, conservator, fiduciary, or other 98237  
person charged with the care of the person or property of that 98238  
individual. 98239

(C) Returns or notices required of an estate or a trust shall 98240  
be made and filed by the fiduciary of the estate or trust. 98241

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 98242  
of this section, any pass-through entity may file a single return 98243  
on behalf of one or more of the entity's investors other than an 98244  
investor that is a person subject to the tax imposed under section 98245  
5733.06 of the Revised Code. The single return shall set forth the 98246  
name, address, and social security number or other identifying 98247  
number of each of those pass-through entity investors and shall 98248

indicate the distributive share of each of those pass-through 98249  
entity investor's income taxable in this state in accordance with 98250  
sections 5747.20 to 5747.231 of the Revised Code. Such 98251  
pass-through entity investors for whom the pass-through entity 98252  
elects to file a single return are not entitled to the exemption 98253  
or credit provided for by sections 5747.02 and 5747.022 of the 98254  
Revised Code; shall calculate the tax before business credits at 98255  
the highest rate of tax set forth in section 5747.02 of the 98256  
Revised Code for the taxable year for which the return is filed; 98257  
and are entitled to only their distributive share of the business 98258  
credits as defined in division (D)(2) of this section. A single 98259  
check drawn by the pass-through entity shall accompany the return 98260  
in full payment of the tax due, as shown on the single return, for 98261  
such investors, other than investors who are persons subject to 98262  
the tax imposed under section 5733.06 of the Revised Code. 98263

(b)(i) A pass-through entity shall not include in such a 98264  
single return any investor that is a trust to the extent that any 98265  
direct or indirect current, future, or contingent beneficiary of 98266  
the trust is a person subject to the tax imposed under section 98267  
5733.06 of the Revised Code. 98268

(ii) A pass-through entity shall not include in such a single 98269  
return any investor that is itself a pass-through entity to the 98270  
extent that any direct or indirect investor in the second 98271  
pass-through entity is a person subject to the tax imposed under 98272  
section 5733.06 of the Revised Code. 98273

(c) Nothing in division (D) of this section precludes the tax 98274  
commissioner from requiring such investors to file the return and 98275  
make the payment of taxes and related interest, penalty, and 98276  
interest penalty required by this section or section 5747.02, 98277  
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 98278  
of this section precludes such an investor from filing the annual 98279  
return under this section, utilizing the refundable credit equal 98280

to the investor's proportionate share of the tax paid by the 98281  
pass-through entity on behalf of the investor under division (I) 98282  
of this section, and making the payment of taxes imposed under 98283  
section 5747.02 of the Revised Code. Nothing in division (D) of 98284  
this section shall be construed to provide to such an investor or 98285  
pass-through entity any additional deduction or credit, other than 98286  
the credit provided by division (I) of this section, solely on 98287  
account of the entity's filing a return in accordance with this 98288  
section. Such a pass-through entity also shall make the filing and 98289  
payment of estimated taxes on behalf of the pass-through entity 98290  
investors other than an investor that is a person subject to the 98291  
tax imposed under section 5733.06 of the Revised Code. 98292

(2) For the purposes of this section, "business credits" 98293  
means the credits listed in section 5747.98 of the Revised Code 98294  
excluding the following credits: 98295

(a) The retirement income credit under division (B) of 98296  
section 5747.055 of the Revised Code; 98297

(b) The senior citizen credit under division (F) of section 98298  
5747.055 of the Revised Code; 98299

(c) The lump sum distribution credit under division (G) of 98300  
section 5747.055 of the Revised Code; 98301

(d) The dependent care credit under section 5747.054 of the 98302  
Revised Code; 98303

(e) The lump sum retirement income credit under division (C) 98304  
of section 5747.055 of the Revised Code; 98305

(f) The lump sum retirement income credit under division (D) 98306  
of section 5747.055 of the Revised Code; 98307

(g) The lump sum retirement income credit under division (E) 98308  
of section 5747.055 of the Revised Code; 98309

(h) The credit for displaced workers who pay for job training 98310

under section 5747.27 of the Revised Code;	98311
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	98312 98313
(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;	98314 98315
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	98316 98317
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	98318 98319
<del>(m) The low income credit under section 5747.056 of the Revised Code;</del>	98320 98321
<del>(n) The earned income tax credit under section 5747.71 of the Revised Code.</del>	98322 98323
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.	98324 98325 98326 98327 98328 98329 98330 98331
(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a	98332 98333 98334 98335 98336 98337 98338 98339 98340



result of the pass-through entity's making the election provided 98341  
for under division (D) of this section. For the purposes of 98342  
division (D) of this section, "correct tax due" means the tax that 98343  
would have been paid by the pass-through entity had the single 98344  
return been filed in a manner reflecting the commissioner's 98345  
findings. Nothing in division (D) of this section shall be 98346  
construed to make or hold a pass-through entity liable for tax 98347  
attributable to a pass-through entity investor's income from a 98348  
source other than the pass-through entity electing to file the 98349  
single return. 98350

(E) If a husband and wife file a joint federal income tax 98351  
return for a taxable year, they shall file a joint return under 98352  
this section for that taxable year, and their liabilities are 98353  
joint and several, but, if the federal income tax liability of 98354  
either spouse is determined on a separate federal income tax 98355  
return, they shall file separate returns under this section. 98356

If either spouse is not required to file a federal income tax 98357  
return and either or both are required to file a return pursuant 98358  
to this chapter, they may elect to file separate or joint returns, 98359  
and, pursuant to that election, their liabilities are separate or 98360  
joint and several. If a husband and wife file separate returns 98361  
pursuant to this chapter, each must claim the taxpayer's own 98362  
exemption, but not both, as authorized under section 5747.02 of 98363  
the Revised Code on the taxpayer's own return. 98364

(F) Each return or notice required to be filed under this 98365  
section shall contain the signature of the taxpayer or the 98366  
taxpayer's duly authorized agent and of the person who prepared 98367  
the return for the taxpayer, and shall include the taxpayer's 98368  
social security number. Each return shall be verified by a 98369  
declaration under the penalties of perjury. The tax commissioner 98370  
shall prescribe the form that the signature and declaration shall 98371  
take. 98372

(G) Each return or notice required to be filed under this 98373  
section shall be made and filed as required by section 5747.04 of 98374  
the Revised Code, on or before the fifteenth day of April of each 98375  
year, on forms that the tax commissioner shall prescribe, together 98376  
with remittance made payable to the treasurer of state in the 98377  
combined amount of the state and all school district income taxes 98378  
shown to be due on the form. 98379

Upon good cause shown, the commissioner may extend the period 98380  
for filing any notice or return required to be filed under this 98381  
section and may adopt rules relating to extensions. If the 98382  
extension results in an extension of time for the payment of any 98383  
state or school district income tax liability with respect to 98384  
which the return is filed, the taxpayer shall pay at the time the 98385  
tax liability is paid an amount of interest computed at the rate 98386  
per annum prescribed by section 5703.47 of the Revised Code on 98387  
that liability from the time that payment is due without extension 98388  
to the time of actual payment. Except as provided in section 98389  
5747.132 of the Revised Code, in addition to all other interest 98390  
charges and penalties, all taxes imposed under this chapter or 98391  
Chapter 5748. of the Revised Code and remaining unpaid after they 98392  
become due, except combined amounts due of one dollar or less, 98393  
bear interest at the rate per annum prescribed by section 5703.47 98394  
of the Revised Code until paid or until the day an assessment is 98395  
issued under section 5747.13 of the Revised Code, whichever occurs 98396  
first. 98397

If the commissioner considers it necessary in order to ensure 98398  
the payment of the tax imposed by section 5747.02 of the Revised 98399  
Code or any tax imposed under Chapter 5748. of the Revised Code, 98400  
the commissioner may require returns and payments to be made 98401  
otherwise than as provided in this section. 98402

To the extent that any provision in this division conflicts 98403  
with any provision in section 5747.026 of the Revised Code, the 98404

provision in that section prevails. 98405

(H) The amounts withheld by an employer pursuant to section 98406  
5747.06 of the Revised Code, a casino operator pursuant to section 98407  
5747.063 of the Revised Code, or a lottery sales agent pursuant to 98408  
section 5747.064 of the Revised Code shall be allowed to the 98409  
recipient of the compensation casino winnings, or lottery prize 98410  
award as credits against payment of the appropriate taxes imposed 98411  
on the recipient by section 5747.02 and under Chapter 5748. of the 98412  
Revised Code. 98413

(I) If a pass-through entity elects to file a single return 98414  
under division (D) of this section and if any investor is required 98415  
to file the annual return and make the payment of taxes required 98416  
by this chapter on account of the investor's other income that is 98417  
not included in a single return filed by a pass-through entity or 98418  
any other investor elects to file the annual return, the investor 98419  
is entitled to a refundable credit equal to the investor's 98420  
proportionate share of the tax paid by the pass-through entity on 98421  
behalf of the investor. The investor shall claim the credit for 98422  
the investor's taxable year in which or with which ends the 98423  
taxable year of the pass-through entity. Nothing in this chapter 98424  
shall be construed to allow any credit provided in this chapter to 98425  
be claimed more than once. For the purpose of computing any 98426  
interest, penalty, or interest penalty, the investor shall be 98427  
deemed to have paid the refundable credit provided by this 98428  
division on the day that the pass-through entity paid the 98429  
estimated tax or the tax giving rise to the credit. 98430

(J) The tax commissioner shall ensure that each return 98431  
required to be filed under this section includes a box that the 98432  
taxpayer may check to authorize a paid tax preparer who prepared 98433  
the return to communicate with the department of taxation about 98434  
matters pertaining to the return. The return or instructions 98435  
accompanying the return shall indicate that by checking the box 98436

the taxpayer authorizes the department of taxation to contact the preparer concerning questions that arise during the processing of the return and authorizes the preparer only to provide the department with information that is missing from the return, to contact the department for information about the processing of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the department and has shown to the preparer.

(K) The tax commissioner shall permit individual taxpayers to instruct the department of taxation to cause any refund of overpaid taxes to be deposited directly into a checking account, savings account, or an individual retirement account or individual retirement annuity, or preexisting college savings plan or program account offered by the Ohio tuition trust authority under Chapter 3334. of the Revised Code, as designated by the taxpayer, when the taxpayer files the annual return required by this section electronically.

(L) The tax commissioner may adopt rules to administer this section.

**Sec. 5747.113.** (A) Any taxpayer claiming a refund under section 5747.11 of the Revised Code who wishes to contribute any part of the taxpayer's refund to the natural areas and preserves fund created in section 1517.11 of the Revised Code, the nongame and endangered wildlife fund created in section 1531.26 of the Revised Code, the military injury relief fund created in section 5902.05 of the Revised Code, the Ohio history fund created in section 149.308 of the Revised Code, the breast and cervical cancer project income tax contribution fund created in section 3701.601 of the Revised Code, the wishes for sick children income tax contribution fund created in section 3701.602 of the Revised

Code, or all of those funds may designate on the taxpayer's income 98468  
tax return the amount that the taxpayer wishes to contribute to 98469  
the fund or funds. A designated contribution is irrevocable upon 98470  
the filing of the return and shall be made in the full amount 98471  
designated if the refund found due the taxpayer upon the initial 98472  
processing of the taxpayer's return, after any deductions 98473  
including those required by section 5747.12 of the Revised Code, 98474  
is greater than or equal to the designated contribution. If the 98475  
refund due as initially determined is less than the designated 98476  
contribution, the contribution shall be made in the full amount of 98477  
the refund. The tax commissioner shall subtract the amount of the 98478  
contribution from the amount of the refund initially found due the 98479  
taxpayer and shall certify the difference to the director of 98480  
budget and management and treasurer of state for payment to the 98481  
taxpayer in accordance with section 5747.11 of the Revised Code. 98482  
For the purpose of any subsequent determination of the taxpayer's 98483  
net tax payment, the contribution shall be considered a part of 98484  
the refund paid to the taxpayer. 98485

(B) The tax commissioner shall provide a space on the income 98486  
tax return form in which a taxpayer may indicate that the taxpayer 98487  
wishes to make a donation in accordance with this section. The tax 98488  
commissioner shall also print in the instructions accompanying the 98489  
income tax return form a description of the purposes for which the 98490  
natural areas and preserves fund, the nongame and endangered 98491  
wildlife fund, the military injury relief fund, the Ohio history 98492  
fund, the breast and cervical cancer project income tax 98493  
contribution fund, and the wishes for sick children income tax 98494  
contribution fund were created and the use of moneys from the 98495  
income tax refund contribution system established in this section. 98496  
No person shall designate on the person's income tax return any 98497  
part of a refund claimed under section 5747.11 of the Revised Code 98498  
as a contribution to any fund other than the natural areas and 98499

preserves fund, the nongame and endangered wildlife fund, the 98500  
military injury relief fund, the Ohio history fund, the breast and 98501  
cervical cancer project income tax contribution fund, or the 98502  
wishes for sick children income tax contribution fund. 98503

(C) The money collected under the income tax refund 98504  
contribution system established in this section shall be deposited 98505  
by the tax commissioner into the natural areas and preserves fund, 98506  
the nongame and endangered wildlife fund, the military injury 98507  
relief fund, the Ohio history fund, the breast and cervical cancer 98508  
project income tax contribution fund, and the wishes for sick 98509  
children income tax contribution fund in the amounts designated on 98510  
the tax returns. 98511

~~(D) No later than the thirtieth day of September each year, 98512  
the tax commissioner shall determine the total amount contributed 98513  
to each fund under this section during the preceding eight months, 98514  
any adjustments to prior months, and the cost to the department of 98515  
taxation of administering the income tax refund contribution 98516  
system during that eight month period. The commissioner shall make 98517  
an additional determination no later than the thirty first day of 98518  
January of each year of the total amount contributed to each fund 98519  
under this section during the preceding four calendar months, any 98520  
adjustments to prior years made during that four month period, and 98521  
the cost to the department of taxation of administering the income 98522  
tax contribution system during that period. The cost of 98523  
administering the income tax contribution system shall be 98524  
certified by the tax commissioner to the director of budget and 98525  
management, who shall transfer an amount equal to one sixth of 98526  
such administrative costs from each of the six funds to the income 98527  
tax contribution fund, which is hereby created, provided that the 98528  
moneys that the department receives to pay the cost of 98529  
administering the income tax refund contribution system in any 98530  
year shall not exceed two and one half per cent of the total 98531~~

~~amount contributed under that system during that year.~~ 98532

~~(E)~~ If the total amount contributed to a fund under this 98533  
section ~~in each of five consecutive calendar years, as annually~~ 98534  
~~determined by the tax commissioner,~~ is less than fifty thousand 98535  
dollars ~~in each of five consecutive calendar years,~~ no person may 98536  
designate a contribution to that fund for any taxable year ending 98537  
after the last day of that five-year period. In such a case, the 98538  
~~tax~~ commissioner shall remove the space dedicated to the fund on 98539  
the income tax return and the description of the fund in the 98540  
instructions accompanying the income tax return. 98541

~~(F)~~(E) The general assembly may authorize taxpayer refund 98542  
contributions to no more than six funds under the income tax 98543  
refund contribution system established in this section. If the 98544  
general assembly authorizes income tax refund contributions to a 98545  
fund other than the natural areas and preserves fund, the nongame 98546  
and endangered wildlife fund, the military injury relief fund, the 98547  
Ohio history fund, the breast and cervical cancer project income 98548  
tax contribution fund, or the wishes for sick children income tax 98549  
contribution fund, such contributions may be authorized only for a 98550  
period of two calendar years. 98551

With the exception of the Ohio history fund, the general 98552  
assembly may authorize income tax refund contributions to a fund 98553  
only if all the money in the fund will be expended or distributed 98554  
by a state agency as defined in section 1.60 of the Revised Code. 98555

~~(G)~~(F)(1) The director of natural resources, in January of 98556  
every odd-numbered year, shall report to the general assembly on 98557  
the effectiveness of the income tax refund contribution system as 98558  
it pertains to the natural areas and preserves fund and the 98559  
nongame and endangered wildlife fund. The report shall include the 98560  
amount of money contributed to each fund in each of the previous 98561  
five years, the amount of money contributed directly to each fund 98562  
in addition to or independently of the income tax refund 98563

contribution system in each of the previous five years, and the 98564  
purposes for which the money was expended. 98565

(2) The director of veterans services, the director of the 98566  
Ohio history connection, and the director of health, in January of 98567  
every odd-numbered year, each shall report to the general assembly 98568  
on the effectiveness of the income tax refund contribution system 98569  
as it pertains to the military injury relief fund, the Ohio 98570  
history fund, the breast and cervical cancer project income tax 98571  
contribution fund, and the wishes for sick children income tax 98572  
contribution fund respectively. The report shall include the 98573  
amount of money contributed to the fund in each of the previous 98574  
five years, the amount of money contributed directly to the fund 98575  
in addition to or independently of the income tax refund 98576  
contribution system in each of the previous five years, and the 98577  
purposes for which the money was expended. 98578

**Sec. 5747.122.** (A) The tax commissioner, in accordance with 98579  
section 5101.184 of the Revised Code, shall cooperate with the 98580  
director of job and family services to collect overpayments of 98581  
assistance under Chapter 5107. ~~or, former Chapter~~ 5115., former 98582  
Chapter 5113., or section 5101.54 of the Revised Code from refunds 98583  
of state income taxes for taxable year 1992 and thereafter that 98584  
are payable to the recipients of such overpayments. 98585

(B) At the request of the department of job and family 98586  
services in connection with the collection of an overpayment of 98587  
assistance from a refund of state income taxes pursuant to this 98588  
section and section 5101.184 of the Revised Code, the tax 98589  
commissioner shall release to the department the home address and 98590  
social security number of any recipient of assistance whose 98591  
overpayment may be collected from a refund of state income taxes 98592  
under those sections. 98593

(C) In the case of a joint income tax return for two people 98594



who were not married to each other at the time one of them 98595  
received an overpayment of assistance, only the portion of a 98596  
refund that is due to the recipient of the overpayment shall be 98597  
available for collection of the overpayment under this section and 98598  
section 5101.184 of the Revised Code. The tax commissioner shall 98599  
determine such portion. A recipient's spouse who objects to the 98600  
portion as determined by the commissioner may file a complaint 98601  
with the commissioner within twenty-one days after receiving 98602  
notice of the collection, and the commissioner shall afford the 98603  
spouse an opportunity to be heard on the complaint. The 98604  
commissioner shall waive or extend the twenty-one-day period if 98605  
the recipient's spouse establishes that such action is necessary 98606  
to avoid unjust, unfair, or unreasonable results. After the 98607  
hearing, the commissioner shall make a final determination of the 98608  
portion of the refund available for collection of the overpayment. 98609

(D) The welfare overpayment intercept fund is hereby created 98610  
in the state treasury. The tax commissioner shall deposit amounts 98611  
collected from income tax refunds under this section to the credit 98612  
of the welfare overpayment intercept fund. The director of job and 98613  
family services shall distribute money in the fund in accordance 98614  
with appropriate federal or state laws and procedures regarding 98615  
collection of welfare overpayments. 98616

**Sec. 5747.50.** (A) As used in this section: 98617

(1) "County's proportionate share of the calendar year 2007 98618  
LGF and LGRAF distributions" means the percentage computed for the 98619  
county under division (B)(1)(a) of section 5747.501 of the Revised 98620  
Code. 98621

(2) "County's proportionate share of the total amount of the 98622  
local government fund additional revenue formula" means each 98623  
county's proportionate share of the state's population as 98624  
determined for and certified to the county for distributions to be 98625

made during the current calendar year under division (B)(2)(a) of 98626  
section 5747.501 of the Revised Code. If prior to the first day of 98627  
January of the current calendar year the federal government has 98628  
issued a revision to the population figures reflected in the 98629  
estimate produced pursuant to division (B)(2)(a) of section 98630  
5747.501 of the Revised Code, such revised population figures 98631  
shall be used for making the distributions during the current 98632  
calendar year. 98633

(3) "2007 LGF and LGRAF county distribution base available in 98634  
that month" means the lesser of the amounts described in division 98635  
(A)(3)(a) and (b) of this section, provided that the amount shall 98636  
not be less than zero: 98637

(a) The total amount available for distribution to counties 98638  
from the local government fund during the current month. 98639

(b) The total amount distributed to counties from the local 98640  
government fund and the local government revenue assistance fund 98641  
to counties in calendar year 2007 less the total amount 98642  
distributed to counties under division (B)(1) of this section 98643  
during previous months of the current calendar year. 98644

(4) "Local government fund additional revenue distribution 98645  
base available during that month" means the total amount available 98646  
for distribution to counties during the month from the local 98647  
government fund, less any amounts to be distributed in that month 98648  
from the local government fund under division (B)(1) of this 98649  
section, provided that the local government fund additional 98650  
revenue distribution base available during that month shall not be 98651  
less than zero. 98652

(5) "Total amount available for distribution to counties" 98653  
means the total amount available for distribution from the local 98654  
government fund during the current month less the total amount 98655  
available for distribution to municipal corporations during the 98656

current month under division (C) of this section. 98657

(B) On or before the tenth day of each month, the tax 98658  
commissioner shall provide for payment to each county an amount 98659  
equal to the sum of: 98660

(1) The county's proportionate share of the calendar year 98661  
2007 LGF and LGRAF distributions multiplied by the 2007 LGF and 98662  
LGRAF county distribution base available in that month, provided 98663  
that if the 2007 LGF and LGRAF county distribution base available 98664  
in that month is zero, no payment shall be made under division 98665  
(B)(1) of this section for the month or the remainder of the 98666  
calendar year; and 98667

(2) The county's proportionate share of the total amount of 98668  
the local government fund additional revenue formula multiplied by 98669  
the local government fund additional revenue distribution base 98670  
available during that month. 98671

Money received into the treasury of a county under this 98672  
division shall be credited to the undivided local government fund 98673  
in the treasury of the county on or before the fifteenth day of 98674  
each month. On or before the twentieth day of each month, the 98675  
county auditor shall issue warrants against all of the undivided 98676  
local government fund in the county treasury in the respective 98677  
amounts allowed as provided in section 5747.51 of the Revised 98678  
Code, and the treasurer shall distribute and pay such sums to the 98679  
subdivision therein. 98680

(C)(1) As used in division (C) of this section: 98681

(a) "Total amount available for distribution to 98682  
municipalities during the current month" means the difference 98683  
obtained by subtracting one million dollars from the product 98684  
obtained by multiplying the total amount available for 98685  
distribution from the local government fund during the current 98686  
month by the aggregate municipal share. 98687

(b) "Aggregate municipal share" means the quotient obtained 98688  
by dividing the total amount distributed directly from the local 98689  
government fund to municipal corporations during calendar year 98690  
2007 by the total distributions from the local government fund and 98691  
local government revenue assistance fund during calendar year 98692  
2007. 98693

(2) On or before the tenth day of each month, the tax 98694  
commissioner shall provide for payment from the local government 98695  
fund to each municipal corporation an amount equal to the product 98696  
derived by multiplying the municipal corporation's percentage of 98697  
the total amount distributed to all such municipal corporations 98698  
under this division during calendar year 2007 by the total amount 98699  
available for distribution to municipal corporations during the 98700  
current month. 98701

(3) Payments received by a municipal corporation under this 98702  
division shall be paid into its general fund and may be used for 98703  
any lawful purpose. 98704

(4) The amount distributed to municipal corporations under 98705  
this division during any calendar year shall not exceed the amount 98706  
distributed directly from the local government fund to municipal 98707  
corporations during calendar year 2007. If that maximum amount is 98708  
reached during any month, distributions to municipal corporations 98709  
in that month shall be as provided in divisions (C)(1) and (2) of 98710  
this section, but no further distributions shall be made to 98711  
municipal corporations under division (C) of this section during 98712  
the remainder of the calendar year. 98713

(5) Upon being informed of a municipal corporation's 98714  
dissolution, the tax commissioner shall cease providing for 98715  
payments to that municipal corporation under division (C) of this 98716  
section. The proportionate shares of the total amount available 98717  
for distribution to each of the remaining municipal corporations 98718  
under this division shall be increased on a pro rata basis. 98719

The tax commissioner shall reduce payments under division (C) 98720  
of this section to municipal corporations for which reduced 98721  
payments are required under section 5747.502 or 5747.504 of the 98722  
Revised Code. 98723

(D) Each municipal corporation which has in effect a tax 98724  
imposed under Chapter 718. of the Revised Code shall, no later 98725  
than the thirty-first day of August of each year, certify to the 98726  
tax commissioner, on a form prescribed by the commissioner, the 98727  
amount of income tax revenue collected and refunded by such 98728  
municipal corporation pursuant to such chapter during the 98729  
preceding calendar year, arranged, when possible, by the type of 98730  
income from which the revenue was collected or the refund was 98731  
issued. The municipal corporation shall also report the amount of 98732  
income tax revenue collected and refunded on behalf of a joint 98733  
economic development district or a joint economic development zone 98734  
that levies an income tax administered by the municipal 98735  
corporation and the amount of such revenue distributed to 98736  
contracting parties during the preceding calendar year. The tax 98737  
commissioner may withhold payment of local government fund moneys 98738  
pursuant to division (C) of this section from any municipal 98739  
corporation for failure to comply with this reporting requirement. 98740

**Sec. 5747.502.** (A) As used in this section: 98741

(1) "Delinquent subdivision" means a municipal corporation, 98742  
township, or county that has not filed a report or signed 98743  
statement under section 4511.0915 of the Revised Code, as required 98744  
under that section. 98745

(2) "Noncompliant subdivision" means a municipal corporation, 98746  
township, or county that files a report under division (A)(1) of 98747  
section 4511.0915 of the Revised Code for the most recent calendar 98748  
quarter. 98749

(B)(1)(a) Upon receiving notification of a delinquent 98750

subdivision under division (C)(2) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following:

(i) If the delinquent subdivision is a municipal corporation, cease providing for payments to the municipal corporation under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment;

(ii) Immediately notify the county auditor and county treasurer required to provide for payments to the delinquent subdivision from a county undivided local government fund that such payments are to cease until the tax commissioner notifies the auditor and treasurer under division (B)(3)(a)(ii) of this section.

(b) A county treasurer receiving the notice under division (B)(1)(a)(ii) of this section shall cease providing for payments to the delinquent subdivision from a county undivided local government fund, beginning with the next required payment.

(2)(a) Upon receiving notification that a county, township, or municipal corporation is no longer a delinquent subdivision under division (C)(3) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following:

(i) If the formerly delinquent subdivision is a municipal corporation, begin providing for payments to the municipal corporation as required under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment.

(ii) Immediately notify the county auditor and county treasurer who ceased payments to the formerly delinquent subdivision under division (B)(1)(b) of this section that the treasurer shall begin providing for payment from a county undivided local government fund to the formerly delinquent subdivision under section 5747.503, 5747.51, or 5747.53 of the Revised Code.

(b) A county treasurer receiving notice under division 98782  
(B)(2)(a)(ii) of this section shall provide for payments to the 98783  
formerly delinquent subdivision from a county undivided local 98784  
government fund, beginning with the next required payment. 98785

(C)(1) Upon receiving notification of a noncompliant 98786  
subdivision under division (C)(1) of section 4511.0915 of the 98787  
Revised Code, the tax commissioner shall do both of the following: 98788

(a) If the ~~delinquent~~ noncompliant subdivision is a municipal 98789  
corporation, reduce the amount of each of the next three local 98790  
government fund payments the noncompliant subdivision would 98791  
otherwise receive under division (C) of section 5747.50 of the 98792  
Revised Code in an amount equal to one-third of the gross amount 98793  
of fines reported by the noncompliant subdivision on the report 98794  
filed for the calendar quarter. 98795

(b) If the reduction described in division (C)(1)(a) of this 98796  
section exceeds the amount of money the noncompliant subdivision 98797  
would otherwise receive under division (C) of section 5747.50 of 98798  
the Revised Code, immediately notify the county auditor and county 98799  
treasurer required to provide for payments to the noncompliant 98800  
subdivision from a county undivided local government fund that 98801  
each of the next three such payments are to be reduced to that 98802  
subdivision in an amount equal to one-third of that excess. 98803

(2) A county treasurer receiving notice under division 98804  
(C)(1)(b) of this section shall reduce the payments to the 98805  
noncompliant subdivision from a county undivided local government 98806  
fund as required by the notice. 98807

(D)(1) The tax commissioner shall provide for payment of an 98808  
amount equal to amounts withheld from municipal corporations under 98809  
divisions (B)(1)(a)(i) and (C)(1)(a) of this section to the 98810  
undivided local government fund of the county from which the 98811  
municipal corporation receives payments under section 5747.503, 98812

5747.51~~1~~ or 5747.53 of the Revised Code. The county treasurer 98813  
shall distribute that money among subdivisions that are not 98814  
delinquent or noncompliant subdivisions and that are entitled to 98815  
receive distributions under those sections by increasing each such 98816  
subdivision's distribution on a pro rata basis. 98817

(2) A county treasurer shall distribute any amount withheld 98818  
from a delinquent or noncompliant subdivision under division 98819  
(B)(1)(b) or (C)(2) of this section among other subdivisions that 98820  
are not delinquent or noncompliant subdivisions by increasing each 98821  
such subdivision's distribution from the county's undivided local 98822  
government fund on a pro rata basis. 98823

(E) A county, township, or municipal corporation receiving an 98824  
increased distribution under division ~~(B) or (C)~~ (D) of this 98825  
section shall use such money for the current operating expenses of 98826  
the subdivision. 98827

**Sec. 5747.503.** (A) On or before the tenth day of each month, 98828  
the tax commissioner shall provide for payment to each county 98829  
undivided local government fund of a supplement for townships. The 98830  
commissioner shall determine the amounts paid to each fund as 98831  
follows: 98832

(1) An amount equal to forty-one and sixty-seven 98833  
one-hundredths per cent of one million dollars shall be divided 98834  
among every county fund so that each township in the state 98835  
receives an equal amount. 98836

(2) An amount equal to forty-one and sixty-seven 98837  
one-hundredths per cent of one million dollars shall be divided 98838  
among every county fund so that each township receives a 98839  
proportionate share based on the proportion that the total 98840  
township road miles in the township is of the total township road 98841  
miles in all townships in the state. 98842



(B)(1) As used in this division, "qualifying village" means a village with a population of less than one thousand according to the most recent federal decennial census. 98843  
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(2) On or before the tenth day of each month, the tax commissioner shall provide for payment to each county undivided local government fund of a supplement for qualifying villages. The commissioner shall determine the amounts paid to each fund as follows: 98846  
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(a) An amount equal to eight and thirty-three one-hundredths per cent of one million dollars shall be divided among every county fund so that each qualifying village in the state receives an equal amount. 98851  
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(b) An amount equal to eight and thirty-three one-hundredths per cent of one million dollars shall be divided among every county fund so that each qualifying village receives a proportionate share based on the proportion that the total village road miles in the qualifying village is of the total village road miles in all qualifying villages in the state. 98855  
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(C) The tax commissioner shall separately identify to the county treasurer the amounts to be allocated to each township under divisions (A)(1) and (2) of this section and to each qualifying village under divisions (B)(2)(a) and (b) of this section. The treasurer shall transfer those amounts to townships and qualifying villages from the undivided local government fund. 98861  
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(D) The tax commissioner shall update the road mile information used to determine payments under divisions (A) and (B) of this section at least once every five years, and may update such information more often at the commissioner's discretion. 98867  
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**Sec. 5747.504. (A) As used in this section:** 98871

(1) "Noncompliant municipal corporation" means a qualifying 98872

municipal corporation that does either of the following: 98873

(a) Both fails to publish the plan as required under division 98874  
(B) of this section by the deadline required under that division 98875  
and charges rates for water and sewerage services to any 98876  
nonresident different than those charged to its residents; 98877

(b) On or after January 1, 2022, charges rates for water and 98878  
sewerage services to any nonresident different than those charged 98879  
to its residents. 98880

(2) "Predatory municipal corporation" means a qualifying 98881  
municipal corporation that does any of the following: 98882

(a) Requires, as a condition of providing water or sewerage 98883  
services to territory outside of the municipal corporation, that 98884  
such territory be annexed to the municipal corporation; 98885

(b) Requires, as a condition of providing water or sewerage 98886  
services to territory outside of the municipal corporation, that a 98887  
township or municipal corporation in which that territory is 98888  
located provides direct payments in excess of those reasonably 98889  
related to the cost of providing water or sewerage services in 98890  
that territory to the municipal corporation that operates the 98891  
water or sewerage system; 98892

(c) Requires a township or another municipal corporation to 98893  
comply with any requirement not reasonably related to the cost of 98894  
providing water or sewerage services in the territory of the 98895  
township or other municipal corporation as a condition of 98896  
providing water or sewerage services in such territory; 98897

(d) Withdraws water or sewerage service or threatens to 98898  
withdraw such service from any territory of a township or another 98899  
municipal corporation for failure of that township or municipal 98900  
corporation to comply with any condition or make any direct 98901  
payment not reasonably related to the cost of providing water or 98902  
sewerage services in that territory. 98903

<u>(3) "Affected subdivision" means a township or municipal corporation that is either:</u>	98904
	98905
<u>(a) Subject to any of the conditions described in divisions (A)(2)(a) to (d) of this section imposed by a predatory municipal corporation;</u>	98906
	98907
	98908
<u>(b) Has a resident whose water or sewerage rates are different than those charged to residents of the noncompliant municipal corporation that provides such services to that resident.</u>	98909
	98910
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<u>(4) "Annexation" means any form of annexation proceeding or merger pursuant to Chapter 709. of the Revised Code.</u>	98913
	98914
<u>(5) "Qualifying municipal corporation" means a municipal corporation having a population of more than seven hundred thousand as determined by the most recent federal decennial census that operates a municipal water or sewerage system serving nonresidents and residents of the municipal corporation.</u>	98915
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<u>(B) A qualifying municipal corporation shall do both of the following within two years after the effective date of the enactment of this section:</u>	98920
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	98922
<u>(1) Develop a plan to equalize, beginning January 1, 2022, the rate for water and sewerage services the municipal corporation charges to nonresidents with the rate charged to its residents;</u>	98923
	98924
	98925
<u>(2) Publish the plan in a newspaper of general circulation within the county in which the municipal corporation is located once a week for three consecutive weeks.</u>	98926
	98927
	98928
<u>(C)(1) A noncompliant municipal corporation shall notify the tax commissioner that the municipal corporation is a noncompliant municipal corporation within ten days after the date on which the municipal corporation becomes a noncompliant municipal corporation.</u>	98929
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	98933

(2) The tax commissioner, upon receipt of a notice described in division (C)(1) of this section or upon discovery, on the basis of information in the commissioner's possession, that a municipal corporation is a noncompliant municipal corporation, shall do both of the following: 98934  
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(a) Reduce by twenty per cent each payment the noncompliant municipal corporation would otherwise receive under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment, and reduce payments to the appropriate county undivided local government fund under division (B) of section 5747.50 of the Revised Code equal to twenty per cent of the amount of such payments the municipal corporation would otherwise receive under section 5747.503, 5747.51, or 5747.53 of the Revised Code, beginning with the next required payment; 98939  
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(b) Immediately notify the county auditor and county treasurer that such payments are to be reduced by twenty per cent until the tax commissioner notifies the auditor and treasurer under division (C)(3)(b) of this section that the reduction shall terminate. 98948  
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The county treasurer shall reduce the amount of such payments to the noncompliant municipal corporation from the undivided local government fund beginning with the payment specified by the tax commissioner. 98953  
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(3) A municipal corporation subject to the reductions required under division (C)(2) of this section may notify the tax commissioner that the municipal corporation is no longer a noncompliant municipal corporation. Upon receiving that notice, the commissioner shall do both of the following if the commissioner determines that the municipal corporation is no longer a noncompliant municipal corporation: 98957  
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(a) Terminate the reduction, under division (C)(2)(a) of this 98964

section, in the amount of payments to the county's undivided local government fund and in the amount of payments to the municipal corporation under division (C) of section 5747.50 of the Revised Code beginning with the next required payments; 98965  
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(b) Immediately notify the county auditor and county treasurer that the treasurer shall terminate the reduction in the amount of payments from the undivided local government fund to the municipal corporation under section 5747.503, 5747.51, or 5747.53 of the Revised Code. 98969  
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The county treasurer shall provide for payments to the formerly noncompliant municipal corporation from the undivided local government fund, beginning with the payment specified by the tax commissioner. 98974  
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(D)(1) A predatory municipal corporation shall notify the tax commissioner that the municipal corporation is a predatory municipal corporation within ten days after the effective date of the enactment of this section or, if the municipal corporation becomes a predatory municipal corporation after that date, within ten days after the date on which the municipal corporation becomes a predatory municipal corporation. 98978  
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(2) The tax commissioner, upon receipt of a notice described in division (D)(1) of this section or upon discovery, on the basis of information in the commissioner's possession, that a municipal corporation is a predatory municipal corporation, shall do all of the following: 98985  
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(a) Cease providing for payments to the municipal corporation under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment, and reduce payments to the appropriate county undivided local government fund under division (B) of section 5747.50 of the Revised Code equal to the amount of such payments the municipal corporation would otherwise 98990  
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receive under section 5747.503, 5747.51, or 5747.53 of the Revised Code, beginning with the next required payment; 98996  
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(b) Immediately notify the county auditor and county treasurer that such payments are to cease until the tax commissioner notifies the auditor and treasurer under division (D)(3)(b) of this section that the payments are to resume. 98998  
98999  
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The county treasurer shall cease providing for payments to the predatory municipal corporation from the undivided local government fund beginning with the payment specified by the tax commissioner. 99002  
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(c) The tax commissioner shall notify the director of environmental protection of the identities of the predatory subdivision and any affected subdivisions and instruct the director to proceed under division (G) of this section. 99006  
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(3) A municipal corporation subject to the reductions required under division (D)(2) of this section may notify the tax commissioner that the municipal corporation is no longer a predatory municipal corporation. Upon receiving that notice, the commissioner shall do both of the following if the commissioner determines that the municipal corporation is no longer a predatory municipal corporation: 99010  
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99016

(a) Resume payments to the municipal corporation as required under division (C) of section 5747.50 of the Revised Code, and resume payments to the county's undivided local government fund to the extent such payments were reduced under division (D)(2)(a) of this section, beginning with the next required payment; 99017  
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99019  
99020  
99021

(b) Immediately notify the county auditor and county treasurer that the treasurer shall resume payments from the undivided local government fund to the municipal corporation under section 5747.503, 5747.51, or 5747.53 of the Revised Code. 99022  
99023  
99024  
99025

The county treasurer shall resume payments to the municipal 99026

corporation from the undivided local government fund beginning 99027  
with the payment specified by the tax commissioner. 99028

(E) The tax commissioner shall provide for payment of an 99029  
amount equal to amounts withheld from a noncompliant or predatory 99030  
municipal corporation under divisions (C)(2)(a) and (D)(2)(a) of 99031  
this section, respectively, to each affected subdivision affected 99032  
by, or with a resident affected by, that municipal corporation 99033  
under division (A)(3)(a) or (b) of this section. The payment to 99034  
each such subdivision shall be in the proportion that the 99035  
population of that subdivision bears to the total population of 99036  
all such affected subdivisions, as determined by the most recent 99037  
federal decennial census. 99038

(F) An affected subdivision shall use money received under 99039  
division (E) of this section for the current operating expenses of 99040  
the subdivision. 99041

(G) The director of environmental protection shall send a 99042  
letter to each affected subdivision identified in a notice 99043  
received by the director under division (D)(2)(c) of this section 99044  
explaining the procedures for political subdivisions to form a 99045  
regional water and sewer district under Chapter 6119. of the 99046  
Revised Code. 99047

**Sec. 5747.51.** (A) On or before the twenty-fifth day of July 99048  
of each year, the tax commissioner shall make and certify to the 99049  
county auditor of each county an estimate of the amount of the 99050  
local government fund to be allocated to the undivided local 99051  
government fund of each county for the ensuing calendar year, 99052  
adjusting the total as required to account for subdivisions 99053  
receiving local government funds under section 5747.502 of the 99054  
Revised Code. 99055

(B) At each annual regular session of the county budget 99056  
commission convened pursuant to section 5705.27 of the Revised 99057

Code, each auditor shall present to the commission the certificate 99058  
of the commissioner, the annual tax budget and estimates, and the 99059  
records showing the action of the commission in its last preceding 99060  
regular session. The commission, after extending to the 99061  
representatives of each subdivision an opportunity to be heard, 99062  
under oath administered by any member of the commission, and 99063  
considering all the facts and information presented to it by the 99064  
auditor, shall determine the amount of the undivided local 99065  
government fund needed by and to be apportioned to each 99066  
subdivision for current operating expenses, as shown in the tax 99067  
budget of the subdivision. This determination shall be made 99068  
pursuant to divisions (C) to (I) of this section, unless the 99069  
commission has provided for a formula pursuant to section 5747.53 99070  
of the Revised Code. The ~~commissioner~~ commission shall ~~reduce or~~ 99071  
~~increase~~ adjust the amount of funds from the undivided local 99072  
government fund to a subdivision as required ~~to receive reduced or~~ 99073  
~~increased funds under~~ by section 5747.502 or 5747.504 of the 99074  
Revised Code. 99075

Nothing in this section prevents the budget commission, for 99076  
the purpose of apportioning the undivided local government fund, 99077  
from inquiring into the claimed needs of any subdivision as stated 99078  
in its tax budget, or from adjusting claimed needs to reflect 99079  
actual needs. For the purposes of this section, "current operating 99080  
expenses" means the lawful expenditures of a subdivision, except 99081  
those for permanent improvements and except payments for interest, 99082  
sinking fund, and retirement of bonds, notes, and certificates of 99083  
indebtedness of the subdivision. 99084

(C) The commission shall determine the combined total of the 99085  
estimated expenditures, including transfers, from the general fund 99086  
and any special funds other than special funds established for 99087  
road and bridge; street construction, maintenance, and repair; 99088  
state highway improvement; and gas, water, sewer, and electric 99089



public utilities operated by a subdivision, as shown in the 99090  
subdivision's tax budget for the ensuing calendar year. 99091

(D) From the combined total of expenditures calculated 99092  
pursuant to division (C) of this section, the commission shall 99093  
deduct the following expenditures, if included in these funds in 99094  
the tax budget: 99095

(1) Expenditures for permanent improvements as defined in 99096  
division (E) of section 5705.01 of the Revised Code; 99097

(2) In the case of counties and townships, transfers to the 99098  
road and bridge fund, and in the case of municipalities, transfers 99099  
to the street construction, maintenance, and repair fund and the 99100  
state highway improvement fund; 99101

(3) Expenditures for the payment of debt charges; 99102

(4) Expenditures for the payment of judgments. 99103

(E) In addition to the deductions made pursuant to division 99104  
(D) of this section, revenues accruing to the general fund and any 99105  
special fund considered under division (C) of this section from 99106  
the following sources shall be deducted from the combined total of 99107  
expenditures calculated pursuant to division (C) of this section: 99108

(1) Taxes levied within the ten-mill limitation, as defined 99109  
in section 5705.02 of the Revised Code; 99110

(2) The budget commission allocation of estimated county 99111  
public library fund revenues to be distributed pursuant to section 99112  
5747.48 of the Revised Code; 99113

(3) Estimated unencumbered balances as shown on the tax 99114  
budget as of the thirty-first day of December of the current year 99115  
in the general fund, but not any estimated balance in any special 99116  
fund considered in division (C) of this section; 99117

(4) Revenue, including transfers, shown in the general fund 99118  
and any special funds other than special funds established for 99119

road and bridge; street construction, maintenance, and repair; 99120  
state highway improvement; and gas, water, sewer, and electric 99121  
public utilities, from all other sources except those that a 99122  
subdivision receives from an additional tax or service charge 99123  
voted by its electorate or receives from special assessment or 99124  
revenue bond collection. For the purposes of this division, where 99125  
the charter of a municipal corporation prohibits the levy of an 99126  
income tax, an income tax levied by the legislative authority of 99127  
such municipal corporation pursuant to an amendment of the charter 99128  
of that municipal corporation to authorize such a levy represents 99129  
an additional tax voted by the electorate of that municipal 99130  
corporation. For the purposes of this division, any measure 99131  
adopted by a board of county commissioners pursuant to section 99132  
322.02, 4504.02, or 5739.021 of the Revised Code, including those 99133  
measures upheld by the electorate in a referendum conducted 99134  
pursuant to section 322.021, 4504.021, or 5739.022 of the Revised 99135  
Code, shall not be considered an additional tax voted by the 99136  
electorate. 99137

Subject to division (G) of section 5705.29 of the Revised 99138  
Code, money in a reserve balance account established by a county, 99139  
township, or municipal corporation under section 5705.13 of the 99140  
Revised Code shall not be considered an unencumbered balance or 99141  
revenue under division (E)(3) or (4) of this section. Money in a 99142  
reserve balance account established by a township under section 99143  
5705.132 of the Revised Code shall not be considered an 99144  
unencumbered balance or revenue under division (E)(3) or (4) of 99145  
this section. 99146

If a county, township, or municipal corporation has created 99147  
and maintains a nonexpendable trust fund under section 5705.131 of 99148  
the Revised Code, the principal of the fund, and any additions to 99149  
the principal arising from sources other than the reinvestment of 99150  
investment earnings arising from such a fund, shall not be 99151

considered an unencumbered balance or revenue under division 99152  
(E)(3) or (4) of this section. Only investment earnings arising 99153  
from investment of the principal or investment of such additions 99154  
to principal may be considered an unencumbered balance or revenue 99155  
under those divisions. 99156

(F) The total expenditures calculated pursuant to division 99157  
(C) of this section, less the deductions authorized in divisions 99158  
(D) and (E) of this section, shall be known as the "relative need" 99159  
of the subdivision, for the purposes of this section. 99160

(G) The budget commission shall total the relative need of 99161  
all participating subdivisions in the county, and shall compute a 99162  
relative need factor by dividing the total estimate of the 99163  
undivided local government fund by the total relative need of all 99164  
participating subdivisions. 99165

(H) The relative need of each subdivision shall be multiplied 99166  
by the relative need factor to determine the proportionate share 99167  
of the subdivision in the undivided local government fund of the 99168  
county; provided, that the maximum proportionate share of a county 99169  
shall not exceed the following maximum percentages of the total 99170  
estimate of the undivided local government fund governed by the 99171  
relationship of the percentage of the population of the county 99172  
that resides within municipal corporations within the county to 99173  
the total population of the county as reported in the reports on 99174  
population in Ohio by the department of development as of the 99175  
twentieth day of July of the year in which the tax budget is filed 99176  
with the budget commission: 99177

Percentage of municipal	Percentage share of the county	99178
population within the county:	shall not exceed:	

99179

Less than forty-one per cent	Sixty per cent	99180
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Forty-one per cent or more but	Fifty per cent	99181
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less than eighty-one per cent

Eighty-one per cent or more                      Thirty per cent                      99182

Where the proportionate share of the county exceeds the                      99183  
limitations established in this division, the budget commission                      99184  
shall adjust the proportionate shares determined pursuant to this                      99185  
division so that the proportionate share of the county does not                      99186  
exceed these limitations, and it shall increase the proportionate                      99187  
shares of all other subdivisions on a pro rata basis. In counties                      99188  
having a population of less than one hundred thousand, not less                      99189  
than ten per cent shall be distributed to the townships therein.                      99190

(I) The proportionate share of each subdivision in the                      99191  
undivided local government fund determined pursuant to division                      99192  
(H) of this section for any calendar year shall not be less than                      99193  
the product of the average of the percentages of the undivided                      99194  
local government fund of the county as apportioned to that                      99195  
subdivision for the calendar years 1968, 1969, and 1970,                      99196  
multiplied by the total amount of the undivided local government                      99197  
fund of the county apportioned pursuant to former section 5735.23                      99198  
of the Revised Code for the calendar year 1970. For the purposes                      99199  
of this division, the total apportioned amount for the calendar                      99200  
year 1970 shall be the amount actually allocated to the county in                      99201  
1970 from the state collected intangible tax as levied by section                      99202  
5707.03 of the Revised Code and distributed pursuant to section                      99203  
5725.24 of the Revised Code, plus the amount received by the                      99204  
county in the calendar year 1970 pursuant to division (B)(1) of                      99205  
former section 5739.21 of the Revised Code, and distributed                      99206  
pursuant to former section 5739.22 of the Revised Code. If the                      99207  
total amount of the undivided local government fund for any                      99208  
calendar year is less than the amount of the undivided local                      99209  
government fund apportioned pursuant to former section 5739.23 of                      99210  
the Revised Code for the calendar year 1970, the minimum amount                      99211  
guaranteed to each subdivision for that calendar year pursuant to                      99212  
this division shall be reduced on a basis proportionate to the                      99213  
amount by which the amount of the undivided local government fund                      99214

for that calendar year is less than the amount of the undivided 99215  
local government fund apportioned for the calendar year 1970. 99216

(J) On the basis of such apportionment, the county auditor 99217  
shall compute the percentage share of each such subdivision in the 99218  
undivided local government fund and shall at the same time certify 99219  
to the tax commissioner the percentage share of the county as a 99220  
subdivision. No payment shall be made from the undivided local 99221  
government fund, except in accordance with such percentage shares. 99222

Within ten days after the budget commission has made its 99223  
apportionment, whether conducted pursuant to section 5747.51 or 99224  
5747.53 of the Revised Code, the auditor shall publish a list of 99225  
the subdivisions and the amount each is to receive from the 99226  
undivided local government fund and the percentage share of each 99227  
subdivision, in a newspaper or newspapers of countywide 99228  
circulation, and send a copy of such allocation to the tax 99229  
commissioner. 99230

The county auditor shall also send a copy of such allocation 99231  
by ordinary or electronic mail to the fiscal officer of each 99232  
subdivision entitled to participate in the allocation of the 99233  
undivided local government fund of the county. This copy shall 99234  
constitute the official notice of the commission action referred 99235  
to in section 5705.37 of the Revised Code. 99236

All money received into the treasury of a subdivision from 99237  
the undivided local government fund in a county treasury shall be 99238  
paid into the general fund and used for the current operating 99239  
expenses of the subdivision. 99240

If a municipal corporation maintains a municipal university, 99241  
such municipal university, when the board of trustees so requests 99242  
the legislative authority of the municipal corporation, shall 99243  
participate in the money apportioned to such municipal corporation 99244  
from the total local government fund, however created and 99245

constituted, in such amount as requested by the board of trustees, 99246  
provided such sum does not exceed nine per cent of the total 99247  
amount paid to the municipal corporation. 99248

If any public official fails to maintain the records required 99249  
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 99250  
issued by the tax commissioner, the auditor of state, or the 99251  
treasurer of state pursuant to such sections, or fails to comply 99252  
with any law relating to the enforcement of such sections, the 99253  
local government fund money allocated to the county may be 99254  
withheld until such time as the public official has complied with 99255  
such sections or such law or the rules issued pursuant thereto. 99256

**Sec. 5747.53.** (A) As used in this section: 99257

(1) "City, located wholly or partially in the county, with 99258  
the greatest population" means the city, located wholly or 99259  
partially in the county, with the greatest population residing in 99260  
the county; however, if the county budget commission on or before 99261  
January 1, 1998, adopted an alternative method of apportionment 99262  
that was approved by the legislative authority of the city, 99263  
located partially in the county, with the greatest population but 99264  
not the greatest population residing in the county, "city, located 99265  
wholly or partially in the county, with the greatest population" 99266  
means the city, located wholly or partially in the county, with 99267  
the greatest population whether residing in the county or not, if 99268  
this alternative meaning is adopted by action of the board of 99269  
county commissioners and a majority of the boards of township 99270  
trustees and legislative authorities of municipal corporations 99271  
located wholly or partially in the county. 99272

(2) "Participating political subdivision" means a municipal 99273  
corporation or township that satisfies all of the following: 99274

(a) It is located wholly or partially in the county. 99275

(b) It is not the city, located wholly or partially in the 99276  
county, with the greatest population. 99277

(c) Undivided local government fund moneys are apportioned to 99278  
it under the county's alternative method or formula of 99279  
apportionment in the current calendar year. 99280

(B) In lieu of the method of apportionment of the undivided 99281  
local government fund of the county provided by section 5747.51 of 99282  
the Revised Code, the county budget commission may provide for the 99283  
apportionment of the fund under an alternative method or on a 99284  
formula basis as authorized by this section. The ~~commissioner~~ 99285  
commission shall ~~reduce or increase~~ adjust the amount of funds 99286  
from the undivided local government fund to a subdivision as 99287  
required ~~to receive reduced or increased funds under~~ by section 99288  
5747.502 or 5747.504 of the Revised Code. 99289

Except as otherwise provided in division (C) of this section, 99290  
the alternative method of apportionment shall have first been 99291  
approved by all of the following governmental units: the board of 99292  
county commissioners; the legislative authority of the city, 99293  
located wholly or partially in the county, with the greatest 99294  
population; and a majority of the boards of township trustees and 99295  
legislative authorities of municipal corporations, located wholly 99296  
or partially in the county, excluding the legislative authority of 99297  
the city, located wholly or partially in the county, with the 99298  
greatest population. In granting or denying approval for an 99299  
alternative method of apportionment, the board of county 99300  
commissioners, boards of township trustees, and legislative 99301  
authorities of municipal corporations shall act by motion. A 99302  
motion to approve shall be passed upon a majority vote of the 99303  
members of a board of county commissioners, board of township 99304  
trustees, or legislative authority of a municipal corporation, 99305  
shall take effect immediately, and need not be published. 99306

Any alternative method of apportionment adopted and approved 99307

under this division may be revised, amended, or repealed in the 99308  
same manner as it may be adopted and approved. If an alternative 99309  
method of apportionment adopted and approved under this division 99310  
is repealed, the undivided local government fund of the county 99311  
shall be apportioned among the subdivisions eligible to 99312  
participate in the fund, commencing in the ensuing calendar year, 99313  
under the apportionment provided in section 5747.52 of the Revised 99314  
Code, unless the repeal occurs by operation of division (C) of 99315  
this section or a new method for apportionment of the fund is 99316  
provided in the action of repeal. 99317

(C) This division applies only in counties in which the city, 99318  
located wholly or partially in the county, with the greatest 99319  
population has a population of twenty thousand or less and a 99320  
population that is less than fifteen per cent of the total 99321  
population of the county. In such a county, the legislative 99322  
authorities or boards of township trustees of two or more 99323  
participating political subdivisions, which together have a 99324  
population residing in the county that is a majority of the total 99325  
population of the county, each may adopt a resolution to exclude 99326  
the approval otherwise required of the legislative authority of 99327  
the city, located wholly or partially in the county, with the 99328  
greatest population. All of the resolutions to exclude that 99329  
approval shall be adopted not later than the first Monday of 99330  
August of the year preceding the calendar year in which 99331  
distributions are to be made under an alternative method of 99332  
apportionment. 99333

A motion granting or denying approval of an alternative 99334  
method of apportionment under this division shall be adopted by a 99335  
majority vote of the members of the board of county commissioners 99336  
and by a majority vote of a majority of the boards of township 99337  
trustees and legislative authorities of the municipal corporations 99338  
located wholly or partially in the county, other than the city, 99339



located wholly or partially in the county, with the greatest 99340  
population, shall take effect immediately, and need not be 99341  
published. The alternative method of apportionment under this 99342  
division shall be adopted and approved annually, not later than 99343  
the first Monday of August of the year preceding the calendar year 99344  
in which distributions are to be made under it. A motion granting 99345  
approval of an alternative method of apportionment under this 99346  
division repeals any existing alternative method of apportionment, 99347  
effective with distributions to be made from the fund in the 99348  
ensuing calendar year. An alternative method of apportionment 99349  
under this division shall not be revised or amended after the 99350  
first Monday of August of the year preceding the calendar year in 99351  
which distributions are to be made under it. 99352

(D) In determining an alternative method of apportionment 99353  
authorized by this section, the county budget commission may 99354  
include in the method any factor considered to be appropriate and 99355  
reliable, in the sole discretion of the county budget commission. 99356

(E) The limitations set forth in section 5747.51 of the 99357  
Revised Code, stating the maximum amount that the county may 99358  
receive from the undivided local government fund and the minimum 99359  
amount the townships in counties having a population of less than 99360  
one hundred thousand may receive from the fund, are applicable to 99361  
any alternative method of apportionment authorized under this 99362  
section. 99363

(F) On the basis of any alternative method of apportionment 99364  
adopted and approved as authorized by this section, as certified 99365  
by the auditor to the county treasurer, the county treasurer shall 99366  
make distribution of the money in the undivided local government 99367  
fund to each subdivision eligible to participate in the fund, and 99368  
the auditor, when the amount of those shares is in the custody of 99369  
the treasurer in the amounts so computed to be due the respective 99370  
subdivisions, shall at the same time certify to the tax 99371

commissioner the percentage share of the county as a subdivision. 99372  
All money received into the treasury of a subdivision from the 99373  
undivided local government fund in a county treasury shall be paid 99374  
into the general fund and used for the current operating expenses 99375  
of the subdivision. If a municipal corporation maintains a 99376  
municipal university, the university, when the board of trustees 99377  
so requests the legislative authority of the municipal 99378  
corporation, shall participate in the money apportioned to the 99379  
municipal corporation from the total local government fund, 99380  
however created and constituted, in the amount requested by the 99381  
board of trustees, provided that amount does not exceed nine per 99382  
cent of the total amount paid to the municipal corporation. 99383

(G) The actions of the county budget commission taken 99384  
pursuant to this section are final and may not be appealed to the 99385  
board of tax appeals, except on the issues of abuse of discretion 99386  
and failure to comply with the formula. 99387

**Sec. 5747.70.** (A) In computing Ohio adjusted gross income, a 99388  
deduction from federal adjusted gross income is allowed to a 99389  
contributor for the amount contributed during the taxable year to 99390  
a variable college savings program account and to a purchaser of 99391  
tuition units under the Ohio college savings program created by 99392  
Chapter 3334. of the Revised Code to the extent that the amounts 99393  
of such contributions and purchases were not deducted in 99394  
determining the contributor's or purchaser's federal adjusted 99395  
gross income for the taxable year. The combined amount of 99396  
contributions and purchases deducted in any taxable year by a 99397  
taxpayer or the taxpayer and the taxpayer's spouse, regardless of 99398  
whether the taxpayer and the taxpayer's spouse file separate 99399  
returns or a joint return, is limited to ~~two~~ four thousand dollars 99400  
for each beneficiary for whom contributions or purchases are made. 99401  
If the combined annual contributions and purchases for a 99402  
beneficiary exceed ~~two~~ four thousand dollars, the excess may be 99403

carried forward and deducted in future taxable years until the 99404  
contributions and purchases have been fully deducted. 99405

(B) In computing Ohio adjusted gross income, a deduction from 99406  
federal adjusted gross income is allowed for: 99407

(1) Income related to tuition units and contributions that as 99408  
of the end of the taxable year have not been refunded pursuant to 99409  
the termination of a tuition payment contract or variable college 99410  
savings program account under section 3334.10 of the Revised Code, 99411  
to the extent that such income is included in federal adjusted 99412  
gross income. 99413

(2) The excess of the total purchase price of tuition units 99414  
refunded during the taxable year pursuant to the termination of a 99415  
tuition payment contract under section 3334.10 of the Revised Code 99416  
over the amount of the refund, to the extent the amount of the 99417  
excess was not deducted in determining federal adjusted gross 99418  
income. Division (B)(2) of this section applies only to units for 99419  
which no deduction was allowable under division (A) of this 99420  
section. 99421

(C) In computing Ohio adjusted gross income, there shall be 99422  
added to federal adjusted gross income the amount of loss related 99423  
to tuition units and contributions that as of the end of the 99424  
taxable year have not been refunded pursuant to the termination of 99425  
a tuition payment contract or variable college savings program 99426  
account under section 3334.10 of the Revised Code, to the extent 99427  
that such loss was deducted in determining federal adjusted gross 99428  
income. 99429

(D) For taxable years in which distributions or refunds are 99430  
made under a tuition payment or variable college savings program 99431  
contract for any reason other than payment of tuition or other 99432  
higher education expenses, or the beneficiary's death, disability, 99433  
or receipt of a scholarship as described in section 3334.10 of the 99434

Revised Code: 99435

(1) If the distribution or refund is paid to the purchaser or contributor or beneficiary, any portion of the distribution or refund not included in the recipient's federal adjusted gross income shall be added to the recipient's federal adjusted gross income in determining the recipient's Ohio adjusted gross income, except that the amount added shall not exceed amounts previously deducted under division (A) of this section less any amounts added under division (D)(1) of this section in a prior taxable year. 99436  
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(2) If amounts paid by a purchaser or contributor on or after January 1, 2000, are distributed or refunded to someone other than the purchaser or contributor or beneficiary, the amount of the payment not included in the recipient's federal adjusted gross income, less any amounts added under division (D) of this section in a prior taxable year, shall be added to the recipient's federal adjusted gross income in determining the recipient's Ohio adjusted gross income. 99444  
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**Sec. 5747.98.** (A) To provide a uniform procedure for calculating a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order: 99452  
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(1) Either the retirement income credit under division (B) of section 5747.055 of the Revised Code or the lump sum retirement income credits under divisions (C), (D), and (E) of that section; 99456  
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(2) Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section; 99459  
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(3) The dependent care credit under section 5747.054 of the Revised Code; 99462  
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(4) ~~The low income credit under section 5747.056 of the~~ 99464

<del>Revised Code;</del>	99465
<del>(5)</del> The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	99466 99467
<del>(6)</del> <u>(5)</u> The campaign contribution credit under section 5747.29 of the Revised Code;	99468 99469
<del>(7)</del> <u>(6)</u> The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	99470 99471
<del>(8)</del> <u>(7)</u> The joint filing credit under division (G) of section 5747.05 of the Revised Code;	99472 99473
<del>(9)</del> <u>(8)</u> The earned income credit under section 5747.71 of the Revised Code;	99474 99475
<del>(10)</del> <u>(9)</u> The credit for adoption of a minor child under section 5747.37 of the Revised Code;	99476 99477
<del>(11)</del> <u>(10)</u> The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	99478 99479
<del>(12)</del> <u>(11)</u> The enterprise zone credit under section 5709.66 of the Revised Code;	99480 99481
<del>(13)</del> <u>(12)</u> The ethanol plant investment credit under section 5747.75 of the Revised Code;	99482 99483
<del>(14)</del> <u>(13)</u> The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	99484 99485
<del>(15)</del> <u>(14)</u> The small business investment credit under section 5747.81 of the Revised Code;	99486 99487
<del>(16)</del> <u>(15)</u> The enterprise zone credits under section 5709.65 of the Revised Code;	99488 99489
<del>(17)</del> <u>(16)</u> The research and development credit under section 5747.331 of the Revised Code;	99490 99491
<del>(18)</del> <u>(17)</u> The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	99492 99493

<del>(19)</del> <u>(18)</u> The nonresident credit under division (A) of section 5747.05 of the Revised Code;	99494 99495
<del>(20)</del> <u>(19)</u> The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	99496 99497
<del>(21)</del> <u>(20)</u> The refundable motion picture production credit under section 5747.66 of the Revised Code;	99498 99499
<del>(22)</del> <u>(21)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	99500 99501
<del>(23)</del> <u>(22)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	99502 99503
<del>(24)</del> <u>(23)</u> The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	99504 99505 99506
<del>(25)</del> <u>(24)</u> The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	99507 99508 99509
<del>(26)</del> <u>(25)</u> The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	99510 99511
<del>(27)</del> <u>(26)</u> The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.	99512 99513 99514
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a	99515 99516 99517 99518 99519 99520 99521 99522 99523

taxpayer to claim, directly or indirectly, a credit more than once 99524  
for a taxable year. 99525

Sec. 5748.10. (A) As used in this section: 99526

(1) "School district consolidation" means a consolidation of 99527  
some or all of the territories of two or more school districts by 99528  
transfer, merger, joinder, or creation pursuant to any of such 99529  
procedures under Chapter 3311. of the Revised Code. 99530

(2) "Surviving school district" means a school district into 99531  
which territory of another school district will be consolidated 99532  
pursuant to a school district consolidation. 99533

(3) "Identification number" means the number designated by 99534  
the tax commissioner for the purpose of enabling a taxpayer to 99535  
identify the taxpayer's school district of residence pursuant to 99536  
rules adopted by the commissioner in accordance with section 99537  
5747.04 of the Revised Code. 99538

(B) On or before ninety days before the effective date of a 99539  
school district consolidation, the board of education of a 99540  
surviving school district that levies a school district income tax 99541  
pursuant to a resolution that will be in effect on and after that 99542  
effective date shall notify the tax commissioner in writing of all 99543  
of the following: 99544

(1) The name and identification number of each of the school 99545  
districts involved in the consolidation, designating which is the 99546  
surviving school district; 99547

(2) The effective date of the consolidation; 99548

(3) The rate of school district income tax levied by the 99549  
surviving school district and, if applicable, any of the other 99550  
school districts, pursuant to a resolution levying such a tax that 99551  
will be in effect on and after the effective date of the 99552  
consolidation. 99553

(C) School district income tax shall be levied on the school district income of residents of a school district resulting from a school district consolidation pursuant to a resolution, if any, levying such a tax on such income of the surviving school district's residents adopted by the board of education of that district and in effect on and after that effective date. Nothing in this division prohibits the board of education of a school district from amending or adopting a resolution to levy a school district income tax in accordance with this chapter after a school district consolidation. 99554  
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**Sec. 5749.01.** As used in this chapter: 99564

(A) "Ton" shall mean two thousand pounds as measured at the point and time of severance, after the removal of any impurities, under such rules and regulations as the tax commissioner may prescribe. 99565  
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(B) "Taxpayer" means any person required to pay the tax levied by Chapter 5749. of the Revised Code. 99569  
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(C) "Natural resource" means all forms of coal, salt, limestone, dolomite, sand, gravel, natural gas, and oil. 99571  
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(D) "Owner" ~~has~~ and "exempt domestic well" have the same ~~meaning~~ meanings as in section 1509.01 of the Revised Code. 99573  
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(E) "Person" means any individual, firm, partnership, association, joint stock company, corporation, or estate, or combination thereof. 99575  
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(F) "Return" means any report or statement required to be filed pursuant to Chapter 5749. of the Revised Code used to determine the tax due. 99578  
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(G) "Severance" means the extraction or other removal of a natural resource from the soil or water of this state. 99581  
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(H) "Severed" means the point at which the natural resource 99583



has been separated from the soil or water in this state. 99584

(I) "Severer" means any person who actually removes the 99585

natural resources from the soil or water in this state. 99586

**Sec. 5749.02.** (A) For the purpose of providing revenue to 99587  
administer the state's coal mining and reclamation regulatory 99588  
program, to meet the environmental and resource management needs 99589  
of this state, and to reclaim land affected by mining, an excise 99590  
tax is hereby levied on the privilege of engaging in the severance 99591  
of natural resources from the soil or water of this state. The tax 99592  
shall be imposed upon the severer at the rates prescribed by 99593  
~~divisions (A)(1) to (9) of this section:~~ 99594

(1) Ten cents per ton of coal; 99595

(2) Four cents per ton of salt; 99596

(3) Two cents per ton of limestone or dolomite; 99597

(4) Two cents per ton of sand and gravel; 99598

(5) Ten cents per barrel of oil; 99599

(6) Two and one-half cents per thousand cubic feet of natural 99600  
gas; 99601

(7) One cent per ton of clay, sandstone or conglomerate, 99602  
shale, gypsum, or quartzite; 99603

(8) Except as otherwise provided in this division or in rules 99604  
adopted by the reclamation forfeiture fund advisory board under 99605  
section 1513.182 of the Revised Code, an additional fourteen cents 99606  
per ton of coal produced from an area under a coal mining and 99607  
reclamation permit issued under Chapter 1513. of the Revised Code 99608  
for which the performance security is provided under division 99609  
(C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 99610  
2007, if at the end of a fiscal biennium the balance of the 99611  
reclamation forfeiture fund created in section 1513.18 of the 99612

Revised Code is equal to or greater than ten million dollars, the 99613  
rate levied shall be twelve cents per ton. Beginning July 1, 2007, 99614  
if at the end of a fiscal biennium the balance of the fund is at 99615  
least five million dollars, but less than ten million dollars, the 99616  
rate levied shall be fourteen cents per ton. Beginning July 1, 99617  
2007, if at the end of a fiscal biennium the balance of the fund 99618  
is less than five million dollars, the rate levied shall be 99619  
sixteen cents per ton. Beginning July 1, 2009, not later than 99620  
thirty days after the close of a fiscal biennium, the chief of the 99621  
division of mineral resources management shall certify to the tax 99622  
commissioner the amount of the balance of the reclamation 99623  
forfeiture fund as of the close of the fiscal biennium. Any 99624  
necessary adjustment of the rate levied shall take effect on the 99625  
first day of the following January and shall remain in effect 99626  
during the calendar biennium that begins on that date. 99627

(9) An additional one and two-tenths cents per ton of coal 99628  
mined by surface mining methods. 99629

(B) After the director of budget and management transfers 99630  
money from the severance tax receipts fund as required in division 99631  
(H) of section 5749.06 of the Revised Code, money remaining in the 99632  
severance tax receipts fund, except for money in the fund from the 99633  
amounts due under section 1509.50 of the Revised Code, shall be 99634  
credited as follows: 99635

(1) ~~Of All of the moneys in the fund from the tax levied in 99636  
division (A)(1) of this section, ~~four and seventy-six hundredths 99637  
per cent shall be credited to the geological mapping fund created 99638  
in section 1505.09 of the Revised Code, eighty and 99639  
ninety five hundredths per cent shall be credited to the coal 99640  
mining administration and reclamation reserve fund created in 99641  
section 1513.181 of the Revised Code, and fourteen and 99642  
twenty nine hundredths per cent shall be credited to the 99643  
~~unreclaimed lands~~ mining regulation and safety fund created in 99644~~~~

section 1513.30 of the Revised Code. 99645

(2) The money in the fund from the tax levied in division 99646  
(A)(2) of this section shall be credited to the ~~geological mapping~~ 99647  
mining regulation and safety fund. 99648

(3) Of the moneys in the fund from the tax levied in 99649  
divisions (A)(3) and (4) of this section, seven and five-tenths 99650  
per cent shall be credited to the geological mapping fund, 99651  
~~forty two and five tenths per cent shall be credited to the~~ 99652  
~~unreclaimed lands fund,~~ and the remainder shall be credited to the 99653  
~~surface~~ mining regulation and safety fund created in section 99654  
~~1514.06~~ 1513.30 of the Revised Code. 99655

(4) Of the moneys in the fund from the tax levied in 99656  
divisions (A)(5) and (6) of this section, ninety per cent shall be 99657  
credited to the oil and gas well fund ~~created in section 1509.02~~ 99658  
~~of the Revised Code~~ and ten per cent shall be credited to the 99659  
geological mapping fund. ~~All~~ 99660

(5) All of the moneys in the fund from the tax levied in 99661  
division (A)(7) of this section shall be credited to the ~~surface~~ 99662  
mining regulation and safety fund. 99663

~~(5)(6)~~ (6) All of the moneys in the fund from the tax levied in 99664  
division (A)(8) of this section shall be credited to the 99665  
reclamation forfeiture fund. 99666

~~(6)(7)~~ (7) All of the moneys in the fund from the tax levied in 99667  
division (A)(9) of this section shall be credited to the 99668  
~~unreclaimed lands~~ mining regulation and safety fund. 99669

(C) When, at the close of any fiscal year, the chief finds 99670  
that the balance of the reclamation forfeiture fund, ~~plus~~ 99671  
~~estimated transfers to it from the coal mining administration and~~ 99672  
~~reclamation reserve fund under section 1513.181 of the Revised~~ 99673  
Code, plus the estimated revenues from the tax levied by division 99674  
(A)(8) of this section for the remainder of the calendar year that 99675

includes the close of the fiscal year, are sufficient to complete 99676  
the reclamation of all lands for which the performance security 99677  
has been provided under division (C)(2) of section 1513.08 of the 99678  
Revised Code, the purposes for which the tax under division (A)(8) 99679  
of this section is levied shall be deemed accomplished at the end 99680  
of that calendar year. The chief, within thirty days after the 99681  
close of the fiscal year, shall certify those findings to the tax 99682  
commissioner, and the tax levied under division (A)(8) of this 99683  
section shall cease to be imposed for the subsequent calendar year 99684  
after the last day of that calendar year on coal produced under a 99685  
coal mining and reclamation permit issued under Chapter 1513. of 99686  
the Revised Code if the permittee has made tax payments under 99687  
division (A)(8) of this section during each of the preceding five 99688  
full calendar years. Not later than thirty days after the close of 99689  
a fiscal year, the chief shall certify to the tax commissioner the 99690  
identity of any permittees who accordingly no longer are required 99691  
to pay the tax levied under division (A)(8) of this section for 99692  
the subsequent calendar year. 99693

**Sec. 5749.03.** ~~The following~~ Natural resources severed from an 99694  
exempt domestic well shall be exempt from the tax imposed by 99695  
section 5749.02 of the Revised Code ~~and the amount due under~~ 99696  
~~section 1509.50 of the Revised Code:~~ 99697

~~The severance of natural resources from land or water in this~~ 99698  
~~state owned legally or beneficially by the severer, which natural~~ 99699  
~~resources will be used on the land from which they are taken by~~ 99700  
~~the severer as part of the improvement of or use in the severer's~~ 99701  
~~homestead and which have a yearly cumulative market value of not~~ 99702  
~~greater than one thousand dollars. When severed natural resources~~ 99703  
~~so used exceed a cumulative market value of one thousand dollars~~ 99704  
~~during any year, the further severance of natural resources shall~~ 99705  
~~be subject to the tax imposed by section 5749.02 of the Revised~~ 99706  
~~Code.~~ 99707

**Sec. 5749.04.** No severer shall sever or sell a natural resource in this state without first having obtained a ~~license or permit therefor~~ from or having registered with the department of natural resources. 99708  
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~~Unless the severer has obtained a license or permit from another department of this state, the license or permit shall be issued by the tax commissioner upon receipt of a completed application on a form which he shall prescribe. The license or permit shall become effective on the date the application is accepted by the commissioner, who shall notify the applicant in writing of the acceptance, and shall remain in effect until such time as the commissioner revokes the license or permit. The commissioner may request that the department of natural resources revoke the license or permit or registration of a severer or owner if he the commissioner finds that the applicant severer or owner has failed to fully and truthfully complete the application or has failed to pay the tax required by comply with section 1509.50 or Chapter 5749. of the Revised Code.~~ 99712  
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~~The fee charged for the license or permit shall be fifty dollars. The remittance for such fee shall accompany the application and shall be made payable to the treasurer of state for deposit in the general revenue fund Upon receipt of such a request, that officer may revoke the permit or registration.~~ 99726  
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Except as provided in section 5749.03 of the Revised Code, before severing a natural resource each severer shall file an application with the commissioner on a form prescribed by the commissioner to establish a severance tax account. The application may require the severer to disclose any information the commissioner considers necessary to establish that account. 99731  
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**Sec. 5749.06.** (A)(1) Each severer liable for the tax imposed 99737

by section 5749.02 of the Revised Code and each severer or owner 99738  
liable for the amounts due under section 1509.50 of the Revised 99739  
Code, except for any amount due under division (B)(2) of that 99740  
section, shall make and file returns with the tax commissioner in 99741  
the prescribed form and ~~as of~~ at the prescribed times, computing 99742  
and reflecting therein the tax as required by this chapter and 99743  
amounts due under section 1509.50 of the Revised Code. 99744

(2) The returns shall be filed for every ~~quarterly period,~~ 99745  
~~which periods shall end on the thirty first day of March, the~~ 99746  
~~thirtieth day of June, the thirtieth day of September, and the~~ 99747  
~~thirty first day of December of each year~~ calendar quarter, as 99748  
required by this section, unless a different return period is 99749  
prescribed for a taxpayer by the commissioner. 99750

(B)(1) A separate return shall be filed for each calendar 99751  
~~quarterly period~~ quarter, or other period, or any part thereof, 99752  
during which the severer holds a license permit or has registered 99753  
as provided by section 5749.04 of the Revised Code, or is required 99754  
to hold the license permit or registration, or during which an 99755  
owner is required to file a return. The return shall be filed 99756  
~~within forty five days after the last~~ on or before the fifteenth 99757  
~~day of each such calendar month, or other period, or any part~~ 99758  
~~thereof, for which the return is required~~ the second month 99759  
following the end of each return period. The tax due is payable 99760  
along with the return. All such returns shall contain such 99761  
information as the commissioner may require to fairly administer 99762  
the tax. 99763

(2) All returns shall be signed by the severer or owner, as 99764  
applicable, shall contain the full and complete information 99765  
requested, and shall be made under penalty of perjury. 99766

(C) If the commissioner believes that quarterly payments of 99767  
tax would result in a delay that might jeopardize the collection 99768  
of such tax payments, the commissioner may order that such 99769

payments be made weekly, or more frequently if necessary, such 99770  
payments to be made not later than seven days following the close 99771  
of the period for which the jeopardy payment is required. Such an 99772  
order shall be delivered to the taxpayer personally or by 99773  
certified mail and shall remain in effect until the commissioner 99774  
notifies the taxpayer to the contrary. 99775

(D) Upon good cause the commissioner may extend for thirty 99776  
days the period for filing any notice or return required to be 99777  
filed under this section, and may remit all or a part of penalties 99778  
that may become due under this chapter. 99779

(E) Any tax and any amount due under section 1509.50 of the 99780  
Revised Code not paid by the day the tax or amount is due shall 99781  
bear interest computed at the rate per annum prescribed by section 99782  
5703.47 of the Revised Code on that amount due from the day that 99783  
the amount was originally required to be paid to the day of actual 99784  
payment or to the day an assessment was issued under section 99785  
5749.07 or 5749.10 of the Revised Code, whichever occurs first. 99786

(F) A severer or owner, as applicable, that fails to file a 99787  
complete return or pay the full amount due under this chapter 99788  
within the time prescribed, including any extensions of time 99789  
granted by the commissioner, shall be subject to a penalty not to 99790  
exceed the greater of fifty dollars or ten per cent of the amount 99791  
due for the period. 99792

(G)(1) A severer or owner, as applicable, shall remit 99793  
payments electronically and, if required by the commissioner, file 99794  
each return electronically. The commissioner may require that the 99795  
severer or owner use the Ohio business gateway, as defined in 99796  
section 718.01 of the Revised Code, or another electronic means to 99797  
file returns and remit payments electronically. 99798

(2) A severer or owner that is required to remit payments 99799  
electronically under this section may apply to the commissioner, 99800

in the manner prescribed by the commissioner, to be excused from 99801  
that requirement. The commissioner may excuse a severer or owner 99802  
from the requirements of division (G) of this section for good 99803  
cause. 99804

(3) If a severer or owner that is required to remit payments 99805  
or file returns electronically under this section fails to do so, 99806  
the commissioner may impose a penalty on the severer or owner not 99807  
to exceed the following: 99808

(a) For the first or second payment or return the severer or 99809  
owner fails to remit or file electronically, the greater of five 99810  
per cent of the amount of the payment that was required to be 99811  
remitted or twenty-five dollars; 99812

(b) For every payment or return after the second that the 99813  
severer or owner fails to remit or file electronically, the 99814  
greater of ten per cent of the amount of the payment that was 99815  
required to be remitted or fifty dollars. 99816

(H)(1) All amounts that the commissioner receives under this 99817  
section shall be deemed to be revenue from taxes imposed under 99818  
this chapter or from the amount due under section 1509.50 of the 99819  
Revised Code, as applicable, and shall be deposited in the 99820  
severance tax receipts fund, which is hereby created in the state 99821  
treasury. 99822

(2) The director of budget and management shall transfer from 99823  
the severance tax receipts fund, as necessary, to the tax refund 99824  
fund amounts equal to the refunds certified by the commissioner 99825  
under section 5749.08 of the Revised Code. Any amount transferred 99826  
under division (H)(2) of this section shall be derived from 99827  
receipts of the same tax or other amount from which the refund 99828  
arose. 99829

(3) After the director of budget and management makes any 99830  
transfer required by division (H)(2) of this section, but not 99831



later than the ~~fifteenth~~ twenty-fifth day of ~~the~~ each month 99832  
following the end of each calendar quarter, the commissioner shall 99833  
certify to the director the total amount remaining in the 99834  
severance tax receipts fund organized according to the amount 99835  
attributable to each natural resource and according to the amount 99836  
attributable to a tax imposed by this chapter and the amounts due 99837  
under section 1509.50 of the Revised Code, and shall provide for 99838  
payment to the funds specified in division (B) of section 5749.02 99839  
of the Revised Code. 99840

(I) Penalties imposed under this section are in addition to 99841  
any other penalty imposed under this chapter and shall be 99842  
considered as revenue arising from the tax levied under this 99843  
chapter or the amount due under section 1509.50 of the Revised 99844  
Code, as applicable. The commissioner may collect any penalty or 99845  
interest imposed under this section in the same manner as provided 99846  
for the making of an assessment in section 5749.07 of the Revised 99847  
Code. The commissioner may abate all or a portion of such interest 99848  
or penalties and may adopt rules governing such abatements. 99849

**Sec. 5749.17.** ~~Except for purposes of enforcing Chapter 1509.~~ 99850  
~~of the Revised Code, any~~ Any information provided to the 99851  
department of natural resources by the department of taxation in 99852  
accordance with division (C)(12) of section 5703.21 of the Revised 99853  
Code shall not be disclosed publicly by the department of natural 99854  
resources. However the department of natural resources may provide 99855  
such information to the attorney general for purposes of 99856  
enforcement of Chapter 1509. of the Revised Code. 99857

**Sec. 5751.02.** (A) For the purpose of funding the needs of 99858  
this state and its local governments, there is hereby levied a 99859  
commercial activity tax on each person with taxable gross receipts 99860  
for the privilege of doing business in this state. For the 99861  
purposes of this chapter, "doing business" means engaging in any 99862

activity, whether legal or illegal, that is conducted for, or 99863  
results in, gain, profit, or income, at any time during a calendar 99864  
year. Persons on which the commercial activity tax is levied 99865  
include, but are not limited to, persons with substantial nexus 99866  
with this state. The tax imposed under this section is not a 99867  
transactional tax and is not subject to Public Law No. 86-272, 73 99868  
Stat. 555. The tax imposed under this section is in addition to 99869  
any other taxes or fees imposed under the Revised Code. The tax 99870  
levied under this section is imposed on the person receiving the 99871  
gross receipts and is not a tax imposed directly on a purchaser. 99872  
The tax imposed by this section is an annual privilege tax for the 99873  
calendar year that, in the case of calendar year taxpayers, is the 99874  
annual tax period and, in the case of calendar quarter taxpayers, 99875  
contains all quarterly tax periods in the calendar year. A 99876  
taxpayer is subject to the annual privilege tax for doing business 99877  
during any portion of such calendar year. 99878

(B) The tax imposed by this section is a tax on the taxpayer 99879  
and shall not be billed or invoiced to another person. Even if the 99880  
tax or any portion thereof is billed or invoiced and separately 99881  
stated, such amounts remain part of the price for purposes of the 99882  
sales and use taxes levied under Chapters 5739. and 5741. of the 99883  
Revised Code. Nothing in division (B) of this section prohibits: 99884

(1) A person from including in the price charged for a good 99885  
or service an amount sufficient to recover the tax imposed by this 99886  
section; or 99887

(2) A lessor from including an amount sufficient to recover 99888  
the tax imposed by this section in a lease payment charged, or 99889  
from including such an amount on a billing or invoice pursuant to 99890  
the terms of a written lease agreement providing for the recovery 99891  
of the lessor's tax costs. The recovery of such costs shall be 99892  
based on an estimate of the total tax cost of the lessor during 99893

the tax period, as the tax liability of the lessor cannot be 99894  
calculated until the end of that period. 99895

(C)(1) The commercial activities tax receipts fund is hereby 99896  
created in the state treasury and shall consist of money arising 99897  
from the tax imposed under this chapter. ~~Eighty-five~~ Seventy-five 99898  
one-hundredths of one per cent of the money credited to that fund 99899  
shall be credited to the revenue enhancement fund and shall be 99900  
used to defray the costs incurred by the department of taxation in 99901  
administering the tax imposed by this chapter and in implementing 99902  
tax reform measures. The remainder of the money in the commercial 99903  
activities tax receipts fund shall first be credited to the 99904  
commercial activity tax motor fuel receipts fund, pursuant to 99905  
division (C)(2) of this section, and the remainder shall be 99906  
credited in the following percentages each fiscal year to the 99907  
general revenue fund, to the school district tangible property tax 99908  
replacement fund, which is hereby created in the state treasury 99909  
for the purpose of making the payments described in section 99910  
5709.92 of the Revised Code, and to the local government tangible 99911  
property tax replacement fund, which is hereby created in the 99912  
state treasury for the purpose of making the payments described in 99913  
section 5709.93 of the Revised Code, in the following percentages: 99914

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2014 and 2015	50.0%	35.0%	15.0%	99916
2016 and <u>2017</u>	75.0%	20.0%	5.0%	99917
<u>2018 and</u> thereafter	<u>85.0%</u>	<u>13.0%</u>	<u>2.0%</u>	99918

(2) Not later than the twentieth day of February, May, 99919  
August, and November of each year, the commissioner shall provide 99920  
for payment from the commercial activities tax receipts fund to 99921

the commercial activity tax motor fuel receipts fund an amount 99922  
that bears the same ratio to the balance in the commercial 99923  
activities tax receipts fund that (a) the taxable gross receipts 99924  
attributed to motor fuel used for propelling vehicles on public 99925  
highways as indicated by returns filed by the tenth day of that 99926  
month for a liability that is due and payable on or after July 1, 99927  
2013, for a tax period ending before July 1, 2014, bears to (b) 99928  
all taxable gross receipts as indicated by those returns for such 99929  
liabilities. 99930

(D)(1) If the total amount in the school district tangible 99931  
property tax replacement fund is insufficient to make all payments 99932  
under section 5709.92 of the Revised Code at the times the 99933  
payments are to be made, the director of budget and management 99934  
shall transfer from the general revenue fund to the school 99935  
district tangible property tax replacement fund the difference 99936  
between the total amount to be paid and the amount in the school 99937  
district tangible property tax replacement fund. 99938

(2) If the total amount in the local government tangible 99939  
property tax replacement fund is insufficient to make all payments 99940  
under section 5709.93 of the Revised Code at the times the 99941  
payments are to be made, the director of budget and management 99942  
shall transfer from the general revenue fund to the local 99943  
government tangible property tax replacement fund the difference 99944  
between the total amount to be paid and the amount in the local 99945  
government tangible property tax replacement fund. 99946

(E)(1) On or after the first day of June of each year, the 99947  
director of budget and management may transfer any balance in the 99948  
school district tangible property tax replacement fund to the 99949  
general revenue fund. 99950

(2) On or after the first day of June of each year, the 99951  
director of budget and management may transfer any balance in the 99952  
local government tangible property tax replacement fund to the 99953

general revenue fund. 99954

(F)(1) There is hereby created in the state treasury the 99955  
commercial activity tax motor fuel receipts fund. 99956

(2) On or before the fifteenth day of June of each fiscal 99957  
year beginning with fiscal year 2015, the director of the Ohio 99958  
public works commission shall certify to the director of budget 99959  
and management the amount of debt service paid from the general 99960  
revenue fund in the current fiscal year on bonds issued to finance 99961  
or assist in the financing of the cost of local subdivision public 99962  
infrastructure capital improvement projects, as provided for in 99963  
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 99964  
that are attributable to costs for construction, reconstruction, 99965  
maintenance, or repair of public highways and bridges and other 99966  
statutory highway purposes. That certification shall allocate the 99967  
total amount of debt service paid from the general revenue fund 99968  
and attributable to those costs in the current fiscal year 99969  
according to the applicable section of the Ohio Constitution under 99970  
which the bonds were originally issued. 99971

(3) On or before the thirtieth day of June of each fiscal 99972  
year beginning with fiscal year 2015, the director of budget and 99973  
management shall determine an amount up to but not exceeding the 99974  
amount certified under division (F)(2) of this section and shall 99975  
reserve that amount from the cash balance in the petroleum 99976  
activity tax public highways fund or the commercial activity tax 99977  
motor fuel receipts fund for transfer to the general revenue fund 99978  
at times and in amounts to be determined by the director. The 99979  
director shall transfer the cash balance in the petroleum activity 99980  
tax public highways fund or the commercial activity tax motor fuel 99981  
receipts fund in excess of the amount so reserved to the highway 99982  
operating fund on or before the thirtieth day of June of the 99983  
current fiscal year. 99984

**Sec. 5903.11.** (A) Any federally funded employment and 99985  
training program administered by any state agency including, but 99986  
not limited to, the ~~"Workforce Investment Act of 1998," 112 Stat.~~ 99987  
~~936, codified in scattered sections of 29 U.S.C., as amended~~ 99988  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 99989  
seq., shall include a veteran priority system to provide maximum 99990  
employment and training opportunities to veterans and eligible 99991  
persons within each targeted group as established by federal law 99992  
and state and federal policy in the service area. Disabled 99993  
veterans, veterans of the Vietnam era, other veterans, and 99994  
eligible persons shall receive preference over nonveterans within 99995  
each targeted group in the provision of employment and training 99996  
services available through these programs as required by this 99997  
section. 99998

(B) Each state agency shall refer qualified applicants to job 99999  
openings and training opportunities in programs described in 100000  
division (A) of this section in the following order of priority: 100001

- (1) Special disabled veterans; 100002
- (2) Veterans of the Vietnam era; 100003
- (3) Disabled veterans; 100004
- (4) All other veterans; 100005
- (5) Other eligible persons; 100006
- (6) Nonveterans. 100007

(C) Each state agency providing employment and training 100008  
services to veterans and eligible persons under programs described 100009  
in division (A) of this section shall submit an annual written 100010  
report to the speaker of the house of representatives and the 100011  
president of the senate on the services that it provides to 100012  
veterans and eligible persons. Each such agency shall report 100013  
separately on all entitlement programs, employment or training 100014

programs, and any other programs that it provides to each class of 100015  
persons described in divisions (B)(1) to (6) of this section. Each 100016  
such agency shall also report on action taken to ensure compliance 100017  
with statutory requirements. Compliance and reporting procedures 100018  
shall be in accordance with the reporting procedures then in 100019  
effect for all employment and training programs described in 100020  
division (A) of this section, with the addition of veterans as a 100021  
separate reporting module. 100022

(D) All state agencies that administer federally funded 100023  
employment and training programs described in division (A) of this 100024  
section for veterans and eligible persons shall do all of the 100025  
following: 100026

(1) Ensure that veterans are treated with courtesy and 100027  
respect at all state governmental facilities; 100028

(2) Give priority in referral to jobs to qualified veterans 100029  
and other eligible persons; 100030

(3) Give priority in referral to and enrollment in training 100031  
programs to qualified veterans and other eligible persons; 100032

(4) Give preferential treatment to special disabled veterans 100033  
in the provision of all needed state services; 100034

(5) Provide information and effective referral assistance to 100035  
veterans and other eligible persons regarding needed benefits and 100036  
services that may be obtained through other agencies. 100037

(E) As used in this section: 100038

(1) "Special disabled veteran" means a veteran who is 100039  
entitled to, or who but for the receipt of military pay would be 100040  
entitled to, compensation under any law administered by the 100041  
department of veterans affairs for a disability rated at thirty 100042  
per cent or more or a person who was discharged or released from 100043  
active duty because of a service-connected disability. 100044

(2) "Veteran of the Vietnam era" means an eligible veteran 100045  
who served on active duty for a period of more than one hundred 100046  
eighty days, any part of which occurred from August 5, 1964, 100047  
through May 7, 1975, and was discharged or released therefrom with 100048  
other than a dishonorable discharge or a person who was discharged 100049  
or released from active duty for a service-connected disability if 100050  
any part of the active duty was performed from August 5, 1964, 100051  
through May 7, 1975. 100052

(3) "Disabled veteran" means a veteran who is entitled to, or 100053  
who but for the receipt of military retirement pay would be 100054  
entitled to compensation, under any law administered by the 100055  
department of veterans affairs and who is not a special disabled 100056  
veteran. 100057

(4) "Eligible veteran" means a person who served on active 100058  
duty for more than one hundred eighty days and was discharged or 100059  
released from active duty with other than a dishonorable discharge 100060  
or a person who was discharged or released from active duty 100061  
because of a service-connected disability. 100062

(5) "Other eligible person" means one of the following: 100063

(a) The spouse of any person who died of a service-connected 100064  
disability; 100065

(b) The spouse of any member of the armed forces serving on 100066  
active duty who at the time of the spouse's application for 100067  
assistance under any program described in division (A) of this 100068  
section is listed pursuant to the "Act of September 6, 1966," 80 100069  
Stat. 629, 37 U.S.C.A. 556, and the regulations issued pursuant 100070  
thereto, as having been in one or more of the following categories 100071  
for a total of ninety or more days: 100072

(i) Missing in action; 100073

(ii) Captured in line of duty by a hostile force; 100074



(iii) Forcibly detained or interned in line of duty by a foreign government or power.	100075 100076
(c) The spouse of any person who has a total disability permanent in nature resulting from a service-connected disability or the spouse of a veteran who died while such a disability was in existence.	100077 100078 100079 100080
(6) "Veteran" means a veteran as defined in section 5903.01 of the Revised Code who was a member of the armed forces of the United States for a period of one hundred eighty days or more; a person who was discharged or released from active duty because of a service-connected disability; or a person who served as a member of the United States merchant marine and to whom either of the following applies:	100081 100082 100083 100084 100085 100086 100087
(a) The person has an honorable report of separation from active duty military service, form DD214 or DD215; or	100088 100089
(b) The person served in the United States merchant marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.	100090 100091 100092 100093
(7) "Employment program" means a program which provides referral of individuals to employer job openings in the federal, state, or private sector.	100094 100095 100096
(8) "Training program" means any program that upgrades the employability of qualified applicants.	100097 100098
(9) "Entitlement program" means any program that enlists specific criteria in determining eligibility, including but not limited to the existence in special segments of the general population of specific financial needs.	100099 100100 100101 100102
(10) "Targeted group" means a group of persons designated by federal law or regulations or by state law to receive special	100103 100104

assistance under an employment and training program described in 100105  
division (A) of this section. 100106

Sec. 5907.17. (A) As used in this section, "physician" means 100107  
an individual authorized under Chapter 4731. of the Revised Code 100108  
to practice medicine and surgery or osteopathic medicine and 100109  
surgery. 100110

(B) The department of veterans services may establish a 100111  
physician recruitment program under which the department agrees to 100112  
repay all or part of the principal and interest of a governmental 100113  
or other educational loan incurred by a physician who agrees to 100114  
provide services to institutions under the department's 100115  
administration. 100116

(C) A physician is eligible to participate in the recruitment 100117  
program if the physician attended a medical or osteopathic medical 100118  
school that was, at the time of attendance, either located in the 100119  
United States and accredited by the liaison committee on medical 100120  
education or the American osteopathic association or located 100121  
outside the United States and acknowledged by the world health 100122  
organization and verified by a member state of that organization 100123  
as operating within that state's jurisdiction. 100124

(D) The department and each physician it recruits shall enter 100125  
into a contract that includes all of the following terms: 100126

(1) The physician agrees to provide a specified scope of 100127  
medical or osteopathic medical services for a specified number of 100128  
hours per week and for a specified number of years to patients of 100129  
one or more specified institutions administered by the department. 100130

(2) The department agrees to repay all or a specified portion 100131  
of the principal and interest of a governmental or other 100132  
educational loan taken by the physician for the following expenses 100133  
if the physician meets the service obligation agreed to and the 100134

expenses were incurred while the physician was enrolled in, for up to a maximum of four years, a school that qualifies the physician to participate in the program: 100135  
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(a) Tuition; 100138

(b) Other educational expenses for specific purposes, including fees, books, and laboratory expenses, in amounts determined to be reasonable in accordance with rules adopted under division (E) of this section; 100139  
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(c) Room and board, in an amount determined to be reasonable in accordance with rules adopted under division (E) of this section. 100143  
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(3) The physician agrees to pay the department a specified amount, which shall be not less than the amount already paid by the department pursuant to its agreement, as damages if the physician fails to complete the service obligation agreed to or fails to comply with other specified terms of the contract. The contract may vary the amount of damages based on the portion of the physician's service obligation that remains uncompleted as determined by the department. 100146  
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(4) Other terms agreed upon by the parties. 100154

(E) The department shall adopt rules under Chapter 119. of the Revised Code that establish all of the following: 100155  
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(1) Criteria for designating institutions for which physicians will be recruited; 100157  
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(2) Criteria for selecting physicians for participation in the program; 100159  
100160

(3) Criteria for determining the portion of a physician's loan that the department will agree to repay; 100161  
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(4) Criteria for determining reasonable amounts of the expenses described in divisions (D)(2)(b) and (c) of this section; 100163  
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<u>(5) Procedures for monitoring compliance by physicians with</u>	100165
<u>the terms of their contracts; and</u>	100166
<u>(6) Any other criteria or procedures necessary to implement</u>	100167
<u>the program.</u>	100168
<b>Sec. 5919.34.</b> (A) As used in this section:	100169
(1) "Academic term" means any one of the following:	100170
(a) Fall term, which consists of fall semester or fall	100171
quarter, as appropriate;	100172
(b) Winter term, which consists of winter semester, winter	100173
quarter, or spring semester, as appropriate;	100174
(c) Spring term, which consists of spring quarter;	100175
(d) Summer term, which consists of summer semester or summer	100176
quarter, as appropriate.	100177
(2) "Eligible applicant" means any individual to whom all of	100178
the following apply:	100179
(a) The individual does not possess a baccalaureate degree.	100180
(b) The individual has enlisted, re-enlisted, or extended	100181
current enlistment in the Ohio national guard or is an individual	100182
to which division (F) of this section applies.	100183
(c) The individual is actively enrolled as a full-time or	100184
part-time student for at least three credit hours of course work	100185
in a semester or quarter in a two-year or four-year	100186
degree-granting program at a state institution of higher education	100187
or a private institution of higher education, or in a	100188
diploma-granting program at a state or private institution of	100189
higher education that is a school of nursing.	100190
(d) The individual has not accumulated ninety-six eligibility	100191
units under division (E) of this section.	100192

(3) "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, university branch established under Chapter 3355. of the Revised Code, or technical college established under Chapter 3357. of the Revised Code. 100193  
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(4) "Private institution of higher education" means an Ohio institution of higher education that is nonprofit and has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code, that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or that holds a certificate of registration and program authorization issued by the state board of career colleges and schools pursuant to section 3332.05 of the Revised Code. 100201  
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(5) "Tuition" means the charges imposed to attend an institution of higher education and includes general and instructional fees. "Tuition" does not include laboratory fees, room and board, or other similar fees and charges. 100210  
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(B) There is hereby created a scholarship program to be known as the Ohio national guard scholarship program. 100214  
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(C)(1) The adjutant general shall approve scholarships for all eligible applicants. The adjutant general shall process all applications for scholarships for each academic term in the order in which they are received. The scholarships shall be made without regard to financial need. At no time shall one person be placed in priority over another because of sex, race, or religion. 100216  
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(2) The adjutant general shall develop and provide a written explanation that informs all eligible scholarship recipients that 100222  
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the recipient may become ineligible and liable for repayment for 100224  
an amount of scholarship payments received in accordance with 100225  
division (G) of this section. The written explanation shall be 100226  
reviewed by the scholarship recipient before acceptance of the 100227  
scholarship and before acceptance of an enlistment, warrant, 100228  
commission, or appointment for a term not less than the 100229  
recipient's remaining term in the national guard or in the active 100230  
duty component of the United States armed forces. 100231

(D)(1) Except as provided in divisions (I) and (J) of this 100232  
section, for each academic term that an eligible applicant is 100233  
approved for a scholarship under this section and either remains a 100234  
current member in good standing of the Ohio national guard or is 100235  
eligible for a scholarship under division (F)(1) of this section, 100236  
the institution of higher education in which the applicant is 100237  
enrolled shall, if the applicant's enlistment obligation extends 100238  
beyond the end of that academic term or if division (F)(1) of this 100239  
section applies, be paid on the applicant's behalf the applicable 100240  
one of the following amounts: 100241

(a) If the institution is a state institution of higher 100242  
education, an amount equal to one hundred per cent of the 100243  
institution's tuition charges; 100244

(b) If the institution is a nonprofit private institution or 100245  
a private institution exempt from regulation under Chapter 3332. 100246  
of the Revised Code as prescribed in section 3333.046 of the 100247  
Revised Code, an amount equal to one hundred per cent of the 100248  
average tuition charges of all state universities; 100249

(c) If the institution is an institution that holds a 100250  
certificate of registration from the state board of career 100251  
colleges and schools, the lesser of the following: 100252

(i) An amount equal to one hundred per cent of the 100253  
institution's tuition; 100254

(ii) An amount equal to one hundred per cent of the average tuition charges of all state universities, as that term is defined in section 3345.011 of the Revised Code. 100255  
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(2) The adjutant general and the chancellor of higher education may jointly adopt rules to require the use of other federal educational financial assistance programs, including such programs offered by the United States department of defense, for which an applicant is eligible based on the applicant's military service. If such rules are adopted, the rules shall require that financial assistance received by a scholarship recipient under those programs be applied to all eligible expenses prior to the use of scholarship funds awarded under this section. Scholarship funds awarded under this section shall then be applied to the recipient's remaining eligible expenses. 100258  
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(3) An eligible applicant's scholarship shall not be reduced by the amount of that applicant's benefits under "the Montgomery G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 100269  
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(E) A scholarship recipient under this section shall be entitled to receive scholarships under this section for the number of quarters or semesters it takes the recipient to accumulate ninety-six eligibility units as determined under divisions (E)(1) to (3) of this section. 100272  
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(1) To determine the maximum number of semesters or quarters for which a recipient is entitled to a scholarship under this section, the adjutant general shall convert a recipient's credit hours of enrollment for each academic term into eligibility units in accordance with the following table: 100277  
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100281

	The		100282
Number of	following	The following	100283
credit hours	number of	number of	100284
of enrollment	eligibility	eligibility	100285

in an academic		units if a		units if a	100286
term	equals	semester	or	quarter	100287
					100288
12 or more hours		12 units		8 units	100289
9 but less than 12		9 units		6 units	100290
6 but less than 9		6 units		4 units	100291
3 but less than 6		3 units		2 units	100292

(2) A scholarship recipient under this section may continue 100293  
to apply for scholarships under this section until the recipient 100294  
has accumulated ninety-six eligibility units. 100295

(3) If a scholarship recipient withdraws from courses prior 100296  
to the end of an academic term so that the recipient's enrollment 100297  
for that academic term is less than three credit hours, no 100298  
scholarship shall be paid on behalf of that person for that 100299  
academic term. Except as provided in division (F)(3) of this 100300  
section, if a scholarship has already been paid on behalf of the 100301  
person for that academic term, the adjutant general shall add to 100302  
that person's accumulated eligibility units the number of 100303  
eligibility units for which the scholarship was paid. 100304

(F) This division applies to any eligible applicant called 100305  
into active duty on or after September 11, 2001. As used in this 100306  
division, "active duty" means active duty pursuant to an executive 100307  
order of the president of the United States, an act of the 100308  
congress of the United States, or section 5919.29 or 5923.21 of 100309  
the Revised Code. 100310

(1) For a period of up to five years from when an 100311  
individual's enlistment obligation in the Ohio national guard 100312  
ends, an individual to whom this division applies is eligible for 100313  
scholarships under this section for those academic terms that were 100314  
missed or could have been missed as a result of the individual's 100315  
call into active duty. Scholarships shall not be paid for the 100316  
academic term in which an eligible applicant's enlistment 100317



obligation ends unless an applicant is eligible under this 100318  
division for a scholarship for such academic term due to previous 100319  
active duty. 100320

(2) When an individual to whom this division applies 100321  
withdraws or otherwise fails to complete courses, for which 100322  
scholarships have been awarded under this section, because the 100323  
individual was called into active duty, the institution of higher 100324  
education shall grant the individual a leave of absence from the 100325  
individual's education program and shall not impose any academic 100326  
penalty for such withdrawal or failure to complete courses. 100327  
Division (F)(2) of this section applies regardless of whether or 100328  
not the scholarship amount was paid to the institution of higher 100329  
education. 100330

(3) If an individual to whom this division applies withdraws 100331  
or otherwise fails to complete courses because the individual was 100332  
called into active duty, and if scholarships for those courses 100333  
have already been paid, either: 100334

(a) The adjutant general shall not add to that person's 100335  
accumulated eligibility units calculated under division (E) of 100336  
this section the number of eligibility units for the academic 100337  
courses or term for which the scholarship was paid and the 100338  
institution of higher education shall repay the scholarship amount 100339  
to the state. 100340

(b) The adjutant general shall add to that individual's 100341  
accumulated eligibility units calculated under division (E) of 100342  
this section the number of eligibility units for the academic 100343  
courses or term for which the scholarship was paid if the 100344  
institution of higher education agrees to permit the individual to 100345  
complete the remainder of the academic courses in which the 100346  
individual was enrolled at the time the individual was called into 100347  
active duty. 100348

(4) No individual who is discharged from the Ohio national guard under other than honorable conditions shall be eligible for scholarships under this division.

(G) A scholarship recipient under this section who fails to complete the term of enlistment, re-enlistment, or extension of current enlistment the recipient was serving at the time a scholarship was paid on behalf of the recipient under this section is liable to the state for repayment of a percentage of all Ohio national guard scholarships paid on behalf of the recipient under this section, plus interest at the rate of ten per cent per annum calculated from the dates the scholarships were paid. This percentage shall equal the percentage of the current term of enlistment, re-enlistment, or extension of enlistment a recipient has not completed as of the date the recipient is discharged from the Ohio national guard.

The attorney general may commence a civil action on behalf of the chancellor ~~of the Ohio board of regents~~ to recover the amount of the scholarships and the interest provided for in this division and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. A scholarship recipient is not liable under this division if the recipient's failure to complete the term of enlistment being served at the time a scholarship was paid on behalf of the recipient under this section is due to the recipient's death or discharge from the national guard due to disability or the recipient's enlistment, warrant, commission, or appointment for a term not less than the recipient's remaining term in the national guard or in the active duty component of the United States armed forces.

(H) On or before the first day of each academic term, the adjutant general shall provide an eligibility roster to the chancellor and to each institution of higher education at which one or more scholarship recipients have applied for enrollment.

The institution shall use the roster to certify the actual 100381  
full-time or part-time enrollment of each scholarship recipient 100382  
listed as enrolled at the institution and return the roster to the 100383  
adjutant general and the chancellor. Except as provided in 100384  
division (J) of this section, the chancellor shall provide for 100385  
payment of the appropriate number and amount of scholarships to 100386  
each institution of higher education pursuant to division (D) of 100387  
this section. If an institution of higher education fails to 100388  
certify the actual enrollment of a scholarship recipient listed as 100389  
enrolled at the institution within thirty days of the end of an 100390  
academic term, the institution shall not be eligible to receive 100391  
payment from the Ohio national guard scholarship program or from 100392  
the individual enrollee. The adjutant general shall report on a 100393  
semiannual basis to the director of budget and management, the 100394  
speaker of the house of representatives, the president of the 100395  
senate, and the chancellor the number of Ohio national guard 100396  
scholarship recipients, the size of the scholarship-eligible 100397  
population, and a projection of the cost of the program for the 100398  
remainder of the biennium. 100399

(I) The chancellor and the adjutant general may adopt rules 100400  
pursuant to Chapter 119. of the Revised Code governing the 100401  
administration and fiscal management of the Ohio national guard 100402  
scholarship program and the procedure by which the chancellor and 100403  
the department of the adjutant general may modify the amount of 100404  
scholarships a member receives based on the amount of other state 100405  
financial aid a member receives. 100406

(J) The adjutant general, the chancellor, and the director, 100407  
or their designees, shall jointly estimate the costs of the Ohio 100408  
national guard scholarship program for each upcoming fiscal 100409  
biennium, and shall report that estimate prior to the beginning of 100410  
the fiscal biennium to the chairpersons of the finance committees 100411  
in the general assembly. During each fiscal year of the biennium, 100412

the adjutant general, the chancellor, and the director, or their 100413  
designees, shall meet regularly to monitor the actual costs of the 100414  
Ohio national guard scholarship program and update cost 100415  
projections for the remainder of the biennium as necessary. If the 100416  
amounts appropriated for the Ohio national guard scholarship 100417  
program and any funds in the Ohio national guard scholarship 100418  
reserve fund and the Ohio national guard scholarship donation fund 100419  
are not adequate to provide scholarships in the amounts specified 100420  
in division (D)(1) of this section for all eligible applicants, 100421  
the chancellor shall do all of the following: 100422

(1) Notify each private institution of higher education, 100423  
where a scholarship recipient is enrolled, that, by accepting the 100424  
Ohio national guard scholarship program as payment for all or part 100425  
of the institution's tuition, the institution agrees that if the 100426  
chancellor reduces the amount of each scholarship, the institution 100427  
shall provide each scholarship recipient a grant or tuition waiver 100428  
in an amount equal to the amount the recipient's scholarship was 100429  
reduced by the chancellor. 100430

(2) Reduce the amount of each scholarship under division 100431  
(D)(1)(a) of this section proportionally based on the amount of 100432  
remaining available funds. Each state institution of higher 100433  
education shall provide each scholarship recipient under division 100434  
(D)(1)(a) of this section a grant or tuition waiver in an amount 100435  
equal to the amount the recipient's scholarship was reduced by the 100436  
chancellor. 100437

(K) Notwithstanding division (A) of section 127.14 of the 100438  
Revised Code, the controlling board shall not transfer all or part 100439  
of any appropriation for the Ohio national guard scholarship 100440  
program. 100441

(L) The chancellor and the adjutant general may apply for, 100442  
and may receive and accept grants, and may receive and accept 100443  
gifts, bequests, and contributions, from public and private 100444

sources, including agencies and instrumentalities of the United States and this state, and shall deposit the grants, gifts, bequests, or contributions into the national guard scholarship donation fund.

**Sec. 5923.05.** (A)(1) Permanent public employees who are members of the Ohio organized militia or members of other reserve components of the armed forces of the United States, including the Ohio national guard, are entitled to a leave of absence from their respective positions without loss of pay for the time they are performing service in the uniformed services, for periods of up to one month, for each ~~calendar~~ federal fiscal year in which they are performing service in the uniformed services.

(2) As used in this section:

(a) "~~Calendar~~ Federal fiscal year" means the year beginning on the first day of ~~January~~ October and ending on the ~~last~~ thirtieth day of ~~December~~ September.

(b) "Month" means twenty-two eight-hour work days or one hundred seventy-six hours, or for a public safety employee, seventeen twenty-four-hour days or four hundred eight hours, within one ~~calendar~~ federal fiscal year.

(c) "Permanent public employee" means any person holding a position in public employment that requires working a regular schedule of twenty-six consecutive biweekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. "Permanent public employee" does not include student help; intermittent, seasonal, or external interim employees; or individuals covered by personal services contracts.

(d) "State agency" means any department, bureau, board, commission, office, or other organized body established by the

constitution or laws of this state for the exercise of any 100475  
function of state government, the general assembly, all 100476  
legislative agencies, the supreme court, the court of claims, and 100477  
the state-supported institutions of higher education. 100478

(e) "Service in the uniformed services" means the performance 100479  
of duty, on a voluntary or involuntary basis, in a uniformed 100480  
service, under competent authority, and includes active duty, 100481  
active duty for training, initial active duty for training, 100482  
inactive duty for training, full-time national guard duty, and 100483  
performance of duty or training by a member of the Ohio organized 100484  
militia pursuant to Chapter 5923. of the Revised Code. "Service in 100485  
the uniformed services" includes also the period of time for which 100486  
a person is absent from a position of public or private employment 100487  
for the purpose of an examination to determine the fitness of the 100488  
person to perform any duty described in this division. 100489

(f) "Uniformed services" means the armed forces, the Ohio 100490  
organized militia when engaged in active duty for training, 100491  
inactive duty training, or full-time national guard duty, the 100492  
commissioned corps of the public health service, and any other 100493  
category of persons designated by the president of the United 100494  
States in time of war or emergency. 100495

(g) "Public safety employee" means a permanent public 100496  
employee who is employed as a fire fighter or emergency medical 100497  
technician. 100498

(B) Except as otherwise provided in division (D) of this 100499  
section, any permanent public employee who is employed by a 100500  
political subdivision, who is entitled to the leave provided under 100501  
division (A) of this section, and who is called or ordered to the 100502  
uniformed services for longer than a month, for each ~~calendar~~ 100503  
federal fiscal year in which the employee performed service in the 100504  
uniformed services, because of an executive order issued by the 100505  
president of the United States, because of an act of congress, or 100506

because of an order to perform duty issued by the governor 100507  
pursuant to section 5919.29 of the Revised Code is entitled, 100508  
during the period designated in the order or act, to a leave of 100509  
absence and to be paid, during each monthly pay period of that 100510  
leave of absence, the lesser of the following: 100511

(1) The difference between the permanent public employee's 100512  
gross monthly wage or salary as a permanent public employee and 100513  
the sum of the permanent public employee's gross uniformed pay and 100514  
allowances received that month; 100515

(2) Five hundred dollars. 100516

(C) Except as otherwise provided in division (D) of this 100517  
section, any permanent public employee who is employed by a state 100518  
agency, who is entitled to the leave provided under division (A) 100519  
of this section, and who is called or ordered to the uniformed 100520  
services for longer than a month, for each ~~calendar~~ federal fiscal 100521  
year in which the employee performed service in the uniformed 100522  
services, because of an executive order issued by the president of 100523  
the United States, because of an act of congress, or because of an 100524  
order to perform duty issued by the governor pursuant to section 100525  
5919.29 or 5923.21 of the Revised Code is entitled, during the 100526  
period designated in the order or act, to a leave of absence and 100527  
to be paid, during each monthly pay period of that leave of 100528  
absence, the difference between the permanent public employee's 100529  
gross monthly wage or salary as a permanent public employee and 100530  
the sum of the permanent public employee's gross uniformed pay and 100531  
allowances received that month. 100532

(D) No permanent public employee shall receive payments under 100533  
division (B) or (C) of this section if the sum of the permanent 100534  
public employee's gross uniformed pay and allowances received in a 100535  
pay period exceeds the employee's gross wage or salary as a 100536  
permanent public employee for that period or if the permanent 100537  
public employee is receiving pay under division (A) of this 100538

section. 100539

(E) Any political subdivision of the state, as defined in 100540  
section 2744.01 of the Revised Code, may elect to pay any of its 100541  
permanent public employees who are entitled to the leave provided 100542  
under division (A) of this section and who are called or ordered 100543  
to the uniformed services for longer than one month, for each 100544  
~~calendar~~ federal fiscal year in which the employee performed 100545  
service in the uniformed services, because of an executive order 100546  
issued by the president or an act of congress, such payments, in 100547  
addition to those payments required by division (B) of this 100548  
section, as may be authorized by the legislative authority of the 100549  
political subdivision. 100550

(F) Each permanent public employee who is entitled to leave 100551  
provided under division (A) of this section shall submit to the 100552  
permanent public employee's appointing authority the published 100553  
order authorizing the call or order to the uniformed services or a 100554  
written statement from the appropriate military commander 100555  
authorizing that service, prior to being credited with that leave. 100556

(G) Any permanent public employee of a political subdivision 100557  
whose employment is governed by a collective bargaining agreement 100558  
with provision for the performance of service in the uniformed 100559  
services shall abide by the terms of that collective bargaining 100560  
agreement with respect to the performance of that service, except 100561  
that no collective bargaining agreement may afford fewer rights 100562  
and benefits than are conferred under this section. 100563

**Sec. 6111.03.** The director of environmental protection may do 100564  
any of the following: 100565

(A) Develop plans and programs for the prevention, control, 100566  
and abatement of new or existing pollution of the waters of the 100567  
state; 100568



(B) Advise, consult, and cooperate with other agencies of the state, the federal government, other states, and interstate agencies and with affected groups, political subdivisions, and industries in furtherance of the purposes of this chapter. Before adopting, amending, or rescinding a standard or rule pursuant to division (G) of this section or section 6111.041 or 6111.042 of the Revised Code, the director shall do all of the following:

(1) Mail notice to each statewide organization that the director determines represents persons who would be affected by the proposed standard or rule, amendment thereto, or rescission thereof at least thirty-five days before any public hearing thereon;

(2) Mail a copy of each proposed standard or rule, amendment thereto, or rescission thereof to any person who requests a copy, within five days after receipt of the request therefor;

(3) Consult with appropriate state and local government agencies or their representatives, including statewide organizations of local government officials, industrial representatives, and other interested persons.

Although the director is expected to discharge these duties diligently, failure to mail any such notice or copy or to so consult with any person shall not invalidate any proceeding or action of the director.

(C) Administer grants from the federal government and from other sources, public or private, for carrying out any of its functions, all such moneys to be deposited in the state treasury and kept by the treasurer of state in a separate fund subject to the lawful orders of the director;

(D) Administer state grants for the construction of sewage and waste collection and treatment works;

(E) Encourage, participate in, or conduct studies,

investigations, research, and demonstrations relating to water	100600
pollution, and the causes, prevention, control, and abatement	100601
thereof, that are advisable and necessary for the discharge of the	100602
director's duties under this chapter;	100603
(F) Collect and disseminate information relating to water	100604
pollution and prevention, control, and abatement thereof;	100605
(G) Adopt, amend, and rescind rules in accordance with	100606
Chapter 119. of the Revised Code governing the procedure for	100607
hearings, the filing of reports, the issuance of permits, the	100608
issuance of industrial water pollution control certificates, and	100609
all other matters relating to procedure;	100610
(H) Issue, modify, or revoke orders to prevent, control, or	100611
abate water pollution by such means as the following:	100612
(1) Prohibiting or abating discharges of sewage, industrial	100613
waste, or other wastes into the waters of the state;	100614
(2) Requiring the construction of new disposal systems or any	100615
parts thereof, or the modification, extension, or alteration of	100616
existing disposal systems or any parts thereof;	100617
(3) Prohibiting additional connections to or extensions of a	100618
sewerage system when the connections or extensions would result in	100619
an increase in the polluting properties of the effluent from the	100620
system when discharged into any waters of the state;	100621
(4) Requiring compliance with any standard or rule adopted	100622
under sections 6111.01 to 6111.05 of the Revised Code or term or	100623
condition of a permit.	100624
In the making of those orders, wherever compliance with a	100625
rule adopted under section 6111.042 of the Revised Code is not	100626
involved, consistent with the Federal Water Pollution Control Act,	100627
the director shall give consideration to, and base the	100628
determination on, evidence relating to the technical feasibility	100629

and economic reasonableness of complying with those orders and to 100630  
evidence relating to conditions calculated to result from 100631  
compliance with those orders, and their relation to benefits to 100632  
the people of the state to be derived from such compliance in 100633  
accomplishing the purposes of this chapter. 100634

(I) Review plans, specifications, or other data relative to 100635  
disposal systems or any part thereof in connection with the 100636  
issuance of orders, permits, and industrial water pollution 100637  
control certificates under this chapter; 100638

(J)(1) Issue, revoke, modify, or deny sludge management 100639  
permits and permits for the discharge of sewage, industrial waste, 100640  
or other wastes into the waters of the state, and for the 100641  
installation or modification of disposal systems or any parts 100642  
thereof in compliance with all requirements of the Federal Water 100643  
Pollution Control Act and mandatory regulations adopted 100644  
thereunder, including regulations adopted under section 405 of the 100645  
Federal Water Pollution Control Act, and set terms and conditions 100646  
of permits, including schedules of compliance, where necessary. In 100647  
issuing permits for sludge management, the director shall not 100648  
allow the placement of sewage sludge on frozen ground in conflict 100649  
with rules adopted under this chapter. Any person who discharges, 100650  
transports, or handles storm water from an animal feeding 100651  
facility, as defined in section 903.01 of the Revised Code, or 100652  
pollutants from a concentrated animal feeding operation, as both 100653  
terms are defined in that section, is not required to obtain a 100654  
permit under division (J)(1) of this section for the installation 100655  
or modification of a disposal system involving pollutants or storm 100656  
water or any parts of such a system on and after the date on which 100657  
the director of agriculture has finalized the program required 100658  
under division (A)(1) of section 903.02 of the Revised Code. In 100659  
addition, any person who discharges, transports, or handles storm 100660  
water from an animal feeding facility, as defined in section 100661

903.01 of the Revised Code, or pollutants from a concentrated animal feeding operation, as both terms are defined in that section, is not required to obtain a permit under division (J)(1) of this section for the discharge of storm water from an animal feeding facility or pollutants from a concentrated animal feeding operation on and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code.

Any permit terms and conditions set by the director shall be designed to achieve and maintain full compliance with the national effluent limitations, national standards of performance for new sources, and national toxic and pretreatment effluent standards set under that act, and any other mandatory requirements of that act that are imposed by regulation of the administrator of the United States environmental protection agency. If an applicant for a sludge management permit also applies for a related permit for the discharge of sewage, industrial waste, or other wastes into the waters of the state, the director may combine the two permits and issue one permit to the applicant.

A sludge management permit is not required for an entity that treats or transports sewage sludge or for a sanitary landfill when all of the following apply:

(a) The entity or sanitary landfill does not generate the sewage sludge.

(b) Prior to receipt at the sanitary landfill, the entity has ensured that the sewage sludge meets the requirements established in rules adopted by the director under section 3734.02 of the Revised Code concerning disposal of municipal solid waste in a sanitary landfill.

(c) Disposal of the sewage sludge occurs at a sanitary

landfill that complies with rules adopted by the director under 100693  
section 3734.02 of the Revised Code. 100694

As used in division (J)(1) of this section, "sanitary 100695  
landfill" means a sanitary landfill facility, as defined in rules 100696  
adopted under section 3734.02 of the Revised Code, that is 100697  
licensed as a solid waste facility under section 3734.05 of the 100698  
Revised Code. 100699

(2) An application for a permit or renewal thereof shall be 100700  
denied if any of the following applies: 100701

(a) The secretary of the army determines in writing that 100702  
anchorage or navigation would be substantially impaired thereby; 100703

(b) The director determines that the proposed discharge or 100704  
source would conflict with an areawide waste treatment management 100705  
plan adopted in accordance with section 208 of the Federal Water 100706  
Pollution Control Act; 100707

(c) The administrator of the United States environmental 100708  
protection agency objects in writing to the issuance or renewal of 100709  
the permit in accordance with section 402 (d) of the Federal Water 100710  
Pollution Control Act; 100711

(d) The application is for the discharge of any radiological, 100712  
chemical, or biological warfare agent or high-level radioactive 100713  
waste into the waters of the United States. 100714

(3) To achieve and maintain applicable standards of quality 100715  
for the waters of the state adopted pursuant to section 6111.041 100716  
of the Revised Code, the director shall impose, where necessary 100717  
and appropriate, as conditions of each permit, water quality 100718  
related effluent limitations in accordance with sections 301, 302, 100719  
306, 307, and 405 of the Federal Water Pollution Control Act and, 100720  
to the extent consistent with that act, shall give consideration 100721  
to, and base the determination on, evidence relating to the 100722  
technical feasibility and economic reasonableness of removing the 100723

polluting properties from those wastes and to evidence relating to 100724  
conditions calculated to result from that action and their 100725  
relation to benefits to the people of the state and to 100726  
accomplishment of the purposes of this chapter. 100727

(4) Where a discharge having a thermal component from a 100728  
source that is constructed or modified on or after October 18, 100729  
1972, meets national or state effluent limitations or more 100730  
stringent permit conditions designed to achieve and maintain 100731  
compliance with applicable standards of quality for the waters of 100732  
the state, which limitations or conditions will ensure protection 100733  
and propagation of a balanced, indigenous population of shellfish, 100734  
fish, and wildlife in or on the body of water into which the 100735  
discharge is made, taking into account the interaction of the 100736  
thermal component with sewage, industrial waste, or other wastes, 100737  
the director shall not impose any more stringent limitation on the 100738  
thermal component of the discharge, as a condition of a permit or 100739  
renewal thereof for the discharge, during a ten-year period 100740  
beginning on the date of completion of the construction or 100741  
modification of the source, or during the period of depreciation 100742  
or amortization of the source for the purpose of section 167 or 100743  
169 of the Internal Revenue Code of 1954, whichever period ends 100744  
first. 100745

(5) The director shall specify in permits for the discharge 100746  
of sewage, industrial waste, and other wastes, the net volume, net 100747  
weight, duration, frequency, and, where necessary, concentration 100748  
of the sewage, industrial waste, and other wastes that may be 100749  
discharged into the waters of the state. The director shall 100750  
specify in those permits and in sludge management permits that the 100751  
permit is conditioned upon payment of applicable fees as required 100752  
by section 3745.11 of the Revised Code and upon the right of the 100753  
director's authorized representatives to enter upon the premises 100754  
of the person to whom the permit has been issued for the purpose 100755

of determining compliance with this chapter, rules adopted 100756  
thereunder, or the terms and conditions of a permit, order, or 100757  
other determination. The director shall issue or deny an 100758  
application for a sludge management permit or a permit for a new 100759  
discharge, for the installation or modification of a disposal 100760  
system, or for the renewal of a permit, within one hundred eighty 100761  
days of the date on which a complete application with all plans, 100762  
specifications, construction schedules, and other pertinent 100763  
information required by the director is received. 100764

(6) The director may condition permits upon the installation 100765  
of discharge or water quality monitoring equipment or devices and 100766  
the filing of periodic reports on the amounts and contents of 100767  
discharges and the quality of receiving waters that the director 100768  
prescribes. The director shall condition each permit for a 100769  
government-owned disposal system or any other "treatment works" as 100770  
defined in the Federal Water Pollution Control Act upon the 100771  
reporting of new introductions of industrial waste or other wastes 100772  
and substantial changes in volume or character thereof being 100773  
introduced into those systems or works from "industrial users" as 100774  
defined in section 502 of that act, as necessary to comply with 100775  
section 402(b)(8) of that act; upon the identification of the 100776  
character and volume of pollutants subject to pretreatment 100777  
standards being introduced into the system or works; and upon the 100778  
existence of a program to ensure compliance with pretreatment 100779  
standards by "industrial users" of the system or works. In 100780  
requiring monitoring devices and reports, the director, to the 100781  
extent consistent with the Federal Water Pollution Control Act, 100782  
shall give consideration to technical feasibility and economic 100783  
reasonableness and shall allow reasonable time for compliance. 100784

(7) A permit may be issued for a period not to exceed five 100785  
years and may be renewed upon application for renewal. In renewing 100786  
a permit, the director shall consider the compliance history of 100787

the permit holder and may deny the renewal if the director 100788  
determines that the permit holder has not complied with the terms 100789  
and conditions of the existing permit. A permit may be modified, 100790  
suspended, or revoked for cause, including, but not limited to, 100791  
violation of any condition of the permit, obtaining a permit by 100792  
misrepresentation or failure to disclose fully all relevant facts 100793  
of the permitted discharge or of the sludge use, storage, 100794  
treatment, or disposal practice, or changes in any condition that 100795  
requires either a temporary or permanent reduction or elimination 100796  
of the permitted activity. No application shall be denied or 100797  
permit revoked or modified without a written order stating the 100798  
findings upon which the denial, revocation, or modification is 100799  
based. A copy of the order shall be sent to the applicant or 100800  
permit holder by certified mail. 100801

(K) Institute or cause to be instituted in any court of 100802  
competent jurisdiction proceedings to compel compliance with this 100803  
chapter or with the orders of the director issued under this 100804  
chapter, or to ensure compliance with sections 204(b), 307, 308, 100805  
and 405 of the Federal Water Pollution Control Act; 100806

~~(L) Issue, deny, revoke, or modify industrial water pollution 100807  
control certificates; 100808~~

~~(M)~~ Certify to the government of the United States or any 100809  
agency thereof that an industrial water pollution control facility 100810  
is in conformity with the state program or requirements for the 100811  
control of water pollution whenever the certification may be 100812  
required for a taxpayer under the Internal Revenue Code of the 100813  
United States, as amended; 100814

~~(N)~~(M) Issue, modify, and revoke orders requiring any 100815  
"industrial user" of any publicly owned "treatment works" as 100816  
defined in sections 212(2) and 502(18) of the Federal Water 100817  
Pollution Control Act to comply with pretreatment standards; 100818  
establish and maintain records; make reports; install, use, and 100819



maintain monitoring equipment or methods, including, where 100820  
appropriate, biological monitoring methods; sample discharges in 100821  
accordance with methods, at locations, at intervals, and in a 100822  
manner that the director determines; and provide other information 100823  
that is necessary to ascertain whether or not there is compliance 100824  
with toxic and pretreatment effluent standards. In issuing, 100825  
modifying, and revoking those orders, the director, to the extent 100826  
consistent with the Federal Water Pollution Control Act, shall 100827  
give consideration to technical feasibility and economic 100828  
reasonableness and shall allow reasonable time for compliance. 100829

~~(O)~~(N) Exercise all incidental powers necessary to carry out 100830  
the purposes of this chapter; 100831

~~(P)~~(O) Certify or deny certification to any applicant for a 100832  
federal license or permit to conduct any activity that may result 100833  
in any discharge into the waters of the state that the discharge 100834  
will comply with the Federal Water Pollution Control Act; 100835

~~(Q)~~(P) Administer and enforce the publicly owned treatment 100836  
works pretreatment program in accordance with the Federal Water 100837  
Pollution Control Act. In the administration of that program, the 100838  
director may do any of the following: 100839

(1) Apply and enforce pretreatment standards; 100840

(2) Approve and deny requests for approval of publicly owned 100841  
treatment works pretreatment programs, oversee those programs, and 100842  
implement, in whole or in part, those programs under any of the 100843  
following conditions: 100844

(a) The director has denied a request for approval of the 100845  
publicly owned treatment works pretreatment program; 100846

(b) The director has revoked the publicly owned treatment 100847  
works pretreatment program; 100848

(c) There is no pretreatment program currently being 100849

implemented by the publicly owned treatment works; 100850

(d) The publicly owned treatment works has requested the 100851  
director to implement, in whole or in part, the pretreatment 100852  
program. 100853

(3) Require that a publicly owned treatment works 100854  
pretreatment program be incorporated in a permit issued to a 100855  
publicly owned treatment works as required by the Federal Water 100856  
Pollution Control Act, require compliance by publicly owned 100857  
treatment works with those programs, and require compliance by 100858  
industrial users with pretreatment standards; 100859

(4) Approve and deny requests for authority to modify 100860  
categorical pretreatment standards to reflect removal of 100861  
pollutants achieved by publicly owned treatment works; 100862

(5) Deny and recommend approval of requests for fundamentally 100863  
different factors variances submitted by industrial users; 100864

(6) Make determinations on categorization of industrial 100865  
users; 100866

(7) Adopt, amend, or rescind rules and issue, modify, or 100867  
revoke orders necessary for the administration and enforcement of 100868  
the publicly owned treatment works pretreatment program. 100869

Any approval of a publicly owned treatment works pretreatment 100870  
program may contain any terms and conditions, including schedules 100871  
of compliance, that are necessary to achieve compliance with this 100872  
chapter. 100873

~~(R)~~(Q) Except as otherwise provided in this division, adopt 100874  
rules in accordance with Chapter 119. of the Revised Code 100875  
establishing procedures, methods, and equipment and other 100876  
requirements for equipment to prevent and contain discharges of 100877  
oil and hazardous substances into the waters of the state. The 100878  
rules shall be consistent with and equivalent in scope, content, 100879

and coverage to section 311(j)(1)(c) of the Federal Water  
Pollution Control Act and regulations adopted under it. The  
director shall not adopt rules under this division relating to  
discharges of oil from oil production facilities and oil drilling  
and workover facilities as those terms are defined in that act and  
regulations adopted under it.

~~(S)~~(R)(1) Administer and enforce a program for the regulation  
of sludge management in this state. In administering the program,  
the director, in addition to exercising the authority provided in  
any other applicable sections of this chapter, may do any of the  
following:

(a) Develop plans and programs for the disposal and  
utilization of sludge and sludge materials;

(b) Encourage, participate in, or conduct studies,  
investigations, research, and demonstrations relating to the  
disposal and use of sludge and sludge materials and the impact of  
sludge and sludge materials on land located in the state and on  
the air and waters of the state;

(c) Collect and disseminate information relating to the  
disposal and use of sludge and sludge materials and the impact of  
sludge and sludge materials on land located in the state and on  
the air and waters of the state;

(d) Issue, modify, or revoke orders to prevent, control, or  
abate the use and disposal of sludge and sludge materials or the  
effects of the use of sludge and sludge materials on land located  
in the state and on the air and waters of the state;

(e) Adopt and enforce, modify, or rescind rules necessary for  
the implementation of division ~~(S)~~(R) of this section. The rules  
reasonably shall protect public health and the environment,  
encourage the beneficial reuse of sludge and sludge materials, and  
minimize the creation of nuisance odors.

The director may specify in sludge management permits the net volume, net weight, quality, and pollutant concentration of the sludge or sludge materials that may be used, stored, treated, or disposed of, and the manner and frequency of the use, storage, treatment, or disposal, to protect public health and the environment from adverse effects relating to those activities. The director shall impose other terms and conditions to protect public health and the environment, minimize the creation of nuisance odors, and achieve compliance with this chapter and rules adopted under it and, in doing so, shall consider whether the terms and conditions are consistent with the goal of encouraging the beneficial reuse of sludge and sludge materials.

The director may condition permits on the implementation of treatment, storage, disposal, distribution, or application management methods and the filing of periodic reports on the amounts, composition, and quality of sludge and sludge materials that are disposed of, used, treated, or stored.

An approval of a treatment works sludge disposal program may contain any terms and conditions, including schedules of compliance, necessary to achieve compliance with this chapter and rules adopted under it.

(2) As a part of the program established under division ~~(S)~~(R)(1) of this section, the director has exclusive authority to regulate sewage sludge management in this state. For purposes of division ~~(S)~~(R)(2) of this section, that program shall be consistent with section 405 of the Federal Water Pollution Control Act and regulations adopted under it and with this section, except that the director may adopt rules under division ~~(S)~~(R) of this section that establish requirements that are more stringent than section 405 of the Federal Water Pollution Control Act and regulations adopted under it with regard to monitoring sewage sludge and sewage sludge materials and establishing acceptable

sewage sludge management practices and pollutant levels in sewage sludge and sewage sludge materials. 100943  
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This chapter authorizes the state to participate in any national sludge management program and the national pollutant discharge elimination system, to administer and enforce the publicly owned treatment works pretreatment program, and to issue permits for the discharge of dredged or fill materials, in accordance with the Federal Water Pollution Control Act. This chapter shall be administered, consistent with the laws of this state and federal law, in the same manner that the Federal Water Pollution Control Act is required to be administered. 100945  
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~~(F)~~(S) Develop technical guidance and offer technical assistance, upon request, for the purpose of minimizing wind or water erosion of soil, and assist in compliance with permits for storm water management issued under this chapter and rules adopted under it. 100954  
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~~(U)~~(T) Study, examine, and calculate nutrient loading from point and nonpoint sources in order to determine comparative contributions by those sources and to utilize the information derived from those calculations to determine the most environmentally beneficial and cost-effective mechanisms to reduce nutrient loading to watersheds in the Lake Erie basin and the Ohio river basin. In order to evaluate nutrient loading contributions, the director or the director's designee shall conduct a study of the nutrient mass balance for both point and nonpoint sources in watersheds in the Lake Erie basin and the Ohio river basin using available data, including both of the following: 100959  
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(1) Data on water quality and stream flow; 100970

(2) Data on point source discharges into those watersheds. 100971

The director or the director's designee shall report and update the results of the study to coincide with the release of 100972  
100973

the Ohio integrated water quality monitoring and assessment report 100974  
prepared by the director. 100975

This section does not apply to residual farm products and 100976  
manure disposal systems and related management and conservation 100977  
practices subject to rules adopted pursuant to division (E)(1) of 100978  
section 939.02 of the Revised Code. For purposes of this 100979  
exclusion, "residual farm products" and "manure" have the same 100980  
meanings as in section 939.01 of the Revised Code. However, until 100981  
the date on which the United States environmental protection 100982  
agency approves the NPDES program submitted by the director of 100983  
agriculture under section 903.08 of the Revised Code, this 100984  
exclusion does not apply to animal waste treatment works having a 100985  
controlled direct discharge to the waters of the state or any 100986  
concentrated animal feeding operation, as defined in 40 C.F.R. 100987  
122.23(b)(2). On and after the date on which the United States 100988  
environmental protection agency approves the NPDES program 100989  
submitted by the director of agriculture under section 903.08 of 100990  
the Revised Code, this section does not apply to storm water from 100991  
an animal feeding facility, as defined in section 903.01 of the 100992  
Revised Code, or to pollutants discharged from a concentrated 100993  
animal feeding operation, as both terms are defined in that 100994  
section. Neither of these exclusions applies to the discharge of 100995  
animal waste into a publicly owned treatment works. 100996

Not later than December 1, 2016, a publicly owned treatment 100997  
works with a design flow of one million gallons per day or more, 100998  
or designated as a major discharger by the director, shall be 100999  
required to begin monthly monitoring of total and dissolved 101000  
reactive phosphorus pursuant to a new NPDES permit, an NPDES 101001  
permit renewal, or a director-initiated modification. The director 101002  
shall include in each applicable new NPDES permit, NPDES permit 101003  
renewal, or director-initiated modification a requirement that 101004  
such monitoring be conducted. A director-initiated modification 101005

for that purpose shall be considered and processed as a minor 101006  
modification pursuant to Ohio Administrative Code 3745-33-04. In 101007  
addition, not later than December 1, 2017, a publicly owned 101008  
treatment works with a design flow of one million gallons per day 101009  
or more that, on July 3, 2015, is not subject to a phosphorus 101010  
limit shall complete and submit to the director a study that 101011  
evaluates the technical and financial capability of the existing 101012  
treatment facility to reduce the final effluent discharge of 101013  
phosphorus to one milligram per liter using possible source 101014  
reduction measures, operational procedures, and unit process 101015  
configurations. 101016

**Sec. 6111.036.** (A) There is hereby created the water 101017  
pollution control loan fund to provide financial, technical, and 101018  
administrative assistance as follows: 101019

(1) For the construction of publicly owned wastewater 101020  
treatment works, as "construction" and "treatment works" are 101021  
defined in section 212 of the Federal Water Pollution Control Act, 101022  
by municipal corporations, other political subdivisions, state 101023  
agencies, and interstate agencies having territory in this state; 101024

(2) For the implementation of a nonpoint source pollution 101025  
management program under section 319 of that act; 101026

(3) For the development and implementation of estuary 101027  
conservation and management programs under section 320 of that 101028  
act; 101029

(4) For the construction, repair, or replacement of 101030  
decentralized wastewater treatment systems that treat municipal 101031  
wastewater or domestic sewage; 101032

(5) For measures to manage, reduce, treat, or recapture 101033  
stormwater or subsurface drainage water; 101034

(6) For measures to reduce the demand for publicly owned 101035

wastewater treatment works capacity through water conservation, 101036  
efficiency, or reuse by any municipal corporation, other political 101037  
subdivision, state agency, or interstate agency having territory 101038  
in this state; 101039

(7) For the development and implementation of watershed 101040  
projects meeting the criteria established in section 122 of that 101041  
act; 101042

(8) For measures to reduce the energy consumption needs of 101043  
publicly owned wastewater treatment works by any municipal 101044  
corporation, other political subdivision, state agency, or 101045  
interstate agency having territory in this state; 101046

(9) For reusing or recycling wastewater, stormwater, or 101047  
subsurface drainage water; 101048

(10) For measures to increase the security of publicly owned 101049  
wastewater treatment works; 101050

(11) To any qualified nonprofit entity, as determined by the 101051  
director of environmental protection, to provide assistance to 101052  
owners and operators of small and medium publicly owned wastewater 101053  
treatment works for either of the following: 101054

(a) To plan, develop, and obtain financing for eligible 101055  
projects under this division, including planning, design, and 101056  
associated preconstruction activities; 101057

(b) To assist such treatment works in achieving compliance 101058  
with the Federal Water Pollution Control Act. 101059

To the extent they are otherwise allowable as determined by 101060  
the director, the purposes identified under division (A) of this 101061  
section are intended to include activities benefiting the waters 101062  
of the state that are authorized under Chapter 3746. of the 101063  
Revised Code. 101064

The fund shall be administered by the director consistent 101065



with the Federal Water Pollution Control Act; regulations adopted 101066  
under it, including, without limitation, regulations establishing 101067  
public participation requirements applicable to the providing of 101068  
financial assistance; this section; and rules adopted under 101069  
division (O) of this section. 101070

Moneys in the water pollution control loan fund shall be 101071  
separate and apart from and not a part of the state treasury or of 101072  
the other funds of the Ohio water development authority. Subject 101073  
to the terms of the agreements provided for in divisions (B), (C), 101074  
(D), and (F) of this section, moneys in the fund shall be held in 101075  
trust by the Ohio water development authority for the purposes of 101076  
this section, shall be kept in the same manner that funds of the 101077  
authority are kept under section 6121.11 of the Revised Code, and 101078  
may be invested in the same manner that funds of the authority are 101079  
invested under section 6121.12 of the Revised Code. No withdrawals 101080  
or disbursements shall be made from the water pollution control 101081  
loan fund without the written authorization of the director or the 101082  
director's designated representative. The manner of authorization 101083  
for any withdrawals or disbursements from the fund to be made by 101084  
the authority shall be established in the agreements authorized 101085  
under division (C) of this section. 101086

(B) The director may enter into agreements to receive and 101087  
assign moneys credited or to be credited to the water pollution 101088  
control loan fund. The director may reserve capitalization grant 101089  
moneys allotted to the state under sections 601 and 604(c)(2) of 101090  
the Federal Water Pollution Control Act for the other purposes 101091  
authorized for the use of capitalization grant moneys under 101092  
sections 603(d)(7) and 604(b) of that act. 101093

(C) The director shall ensure that fiscal controls are 101094  
established for prudent administration of the water pollution 101095  
control loan fund. For that purpose, the director and the Ohio 101096  
water development authority shall enter into any necessary and 101097

appropriate agreements under which the authority may perform or provide any of the following:

(1) Fiscal controls and accounting procedures governing fund balances, receipts, and disbursements;

(2) Administration of loan accounts;

(3) Maintaining, managing, and investing moneys in the fund.

Any agreement entered into under this division shall provide for the payment of reasonable fees to the Ohio water development authority for any services it performs under the agreement and may provide for reasonable fees for the assistance of financial or accounting advisors. Payments of any such fees to the authority may be made from the water pollution control loan fund to the extent authorized by division (H)(7) of this section or from the water pollution control loan administrative fund created in division (E) of this section. The authority may enter into loan agreements with the director and recipients of financial assistance from the fund as provided in this section.

(D) The water pollution control loan fund shall consist of the moneys credited to it from all capitalization grants received under sections 601 and 604(c)(2) of the Federal Water Pollution Control Act, all moneys received as capitalization grants under section 205(m) of that act, all matching moneys credited to the fund arising from nonfederal sources, all payments of principal and interest for loans made from the fund, and all investment earnings on moneys held in the fund. On or before the date on which a quarterly capitalization grant payment will be received under that act, matching moneys equal to at least twenty per cent of the quarterly capitalization grant payment shall be credited to the fund. The Ohio water development authority may make moneys available to the director for the purpose of providing the matching moneys required by this division, subject to such terms

as the director and the authority consider appropriate, and may 101129  
pledge moneys that are held by the authority to secure the payment 101130  
of bonds or notes issued by the authority to provide those 101131  
matching moneys. The authority may make moneys available to the 101132  
director for that purpose from any funds now or hereafter 101133  
available to the authority from any source, including, without 101134  
limitation, the proceeds of bonds or notes heretofore or hereafter 101135  
issued by the authority under Chapter 6121. of the Revised Code. 101136  
Matching moneys made available to the director by the authority 101137  
from the proceeds of any such bonds or notes shall be made 101138  
available subject to the terms of the trust agreements relating to 101139  
the bonds or notes. Any such matching moneys shall be made 101140  
available to the director pursuant to a written agreement between 101141  
the director and the authority that contains such terms as the 101142  
director and the authority consider appropriate, including, 101143  
without limitation, a provision providing for repayment to the 101144  
authority of those matching moneys from moneys deposited in the 101145  
water pollution control loan fund, including, without limitation, 101146  
the proceeds of bonds or notes issued by the authority for the 101147  
benefit of the fund and payments of principal and interest on 101148  
loans made from the fund, or from any other sources now or 101149  
hereafter available to the director for the repayment of those 101150  
matching moneys. 101151

(E) All moneys credited to the water pollution control loan 101152  
fund, all interest earned on moneys in the fund, and all payments 101153  
of principal and interest for loans made from the fund shall be 101154  
dedicated in perpetuity and used and reused solely for the 101155  
purposes set forth in division (A) of this section, except as 101156  
otherwise provided in division (D) or (F) of this section. The 101157  
director may establish and collect fees to be paid by recipients 101158  
of financial assistance under this section, and all moneys arising 101159  
from the fees shall be credited to the water pollution control 101160  
loan administrative fund, which is hereby created in the state 101161

treasury, and shall be used to defray the costs of administering 101162  
this section or other water quality related programs administered 101163  
by the environmental protection agency. 101164

(F) The director and the Ohio water development authority 101165  
shall enter into trust agreements to enable the authority to issue 101166  
and refund bonds or notes for the sole benefit of the water 101167  
pollution control loan fund, including, without limitation, the 101168  
raising of the matching moneys required by division (D) of this 101169  
section. These agreements may authorize the pledge of moneys 101170  
accruing to the fund from payments of principal and interest on 101171  
loans made from the fund adequate to secure bonds or notes, the 101172  
proceeds of which bonds or notes shall be for the sole benefit of 101173  
the water pollution control loan fund. The agreements may contain 101174  
such terms as the director and the authority consider reasonable 101175  
and proper for the security of the bondholders or noteholders. 101176

(G) The director shall enter into binding commitments to 101177  
provide financial assistance from the water pollution control loan 101178  
fund in an amount equal to one hundred twenty per cent of the 101179  
amount of each capitalization grant payment received, within one 101180  
year after receiving each such grant payment. The director shall 101181  
provide the financial assistance in compliance with this section 101182  
and rules adopted under division (O) of this section. The director 101183  
shall ensure that all moneys credited to the fund are disbursed in 101184  
an expeditious and timely manner. During the second year of 101185  
operation of the water pollution control loan program, the 101186  
director also shall ensure that not less than twenty-five per cent 101187  
of the financial assistance provided under this section during 101188  
that year is provided for the purpose of division (H)(2) of this 101189  
section for the purchase or refinancing of debt obligations 101190  
incurred after March 7, 1985, but not later than July 1, 1988, 101191  
except that if the amount of money reserved during the second year 101192  
of operation of the program for the purchase or refinancing of 101193

those debt obligations exceeds the amount required for the 101194  
projects that are eligible to receive financial assistance for 101195  
that purpose, the director shall distribute the excess moneys in 101196  
accordance with the current priority system and list prepared 101197  
under division (I) of this section to provide financial assistance 101198  
for projects that otherwise would not receive assistance in that 101199  
year. 101200

(H) Moneys credited to the water pollution control loan fund 101201  
shall be used only for the following purposes: 101202

(1) To make loans, subject to all of the following 101203  
conditions: 101204

(a) The loans are made at or below market rates of interest, 101205  
including, without limitation, interest free loans. 101206

(b) Periodic payments of principal and interest, on the dates 101207  
and in the amounts approved by the director, shall commence not 101208  
later than one year after completion of the project, and all loans 101209  
shall be fully amortized not later than thirty years after project 101210  
completion. 101211

(c) Each recipient of a loan shall establish a dedicated 101212  
source of revenue for repayment of the loan. 101213

(d) All payments of principal and interest on the loans shall 101214  
be credited to the fund, except as otherwise provided in division 101215  
(D) or (F) of this section. 101216

(2) To purchase or refinance at or below market rates of 101217  
interest debt obligations incurred after March 7, 1985, by 101218  
municipal corporations, other political subdivisions, and 101219  
interstate agencies having territory in the state. If, and to the 101220  
extent allowed under the Federal Water Pollution Control Act, debt 101221  
obligations are purchased or refinanced under this section to 101222  
provide financial assistance for any of the purposes allowed under 101223  
division (A) of this section, the repayment period may extend up 101224

to forty-five years. However, the repayment period shall not 101225  
exceed the expected useful life of any facilities that are 101226  
financed by the obligations. 101227

(3) To guarantee or purchase insurance for debt obligations 101228  
of municipal corporations, other political subdivisions, and 101229  
interstate agencies having territory within the state when the 101230  
guarantee or insurance would improve the borrower's access to 101231  
credit markets or would reduce the interest rate paid on those 101232  
obligations; 101233

(4) As a source of revenue or security for the payment of 101234  
principal and interest on general obligation or revenue bonds or 101235  
notes issued by this state if the proceeds of the sale of the 101236  
bonds or notes will be deposited in the fund; 101237

(5) To provide loan guarantees for revolving loan funds 101238  
established by municipal corporations and other political 101239  
subdivisions that are similar to the water pollution control loan 101240  
fund; 101241

(6) To earn interest on moneys credited to the fund; 101242

(7) For the payment of the reasonable costs of administering 101243  
the fund and conducting activities under this section, except that 101244  
those amounts shall not exceed four per cent of the total amount 101245  
of the capitalization grants received, four hundred thousand 101246  
dollars per year, or one-fifth of one per cent per year of the 101247  
current valuation of the fund, whichever amount is greater, plus 101248  
the amount of any fees collected by the state for that purpose 101249  
regardless of the source; 101250

(8) To provide assistance in any manner or for any purpose 101251  
that is consistent with Title VI of the Federal Water Pollution 101252  
Control Act or with any other federal law related to the use of 101253  
federal funds administered under Title VI of the Federal Water 101254  
Pollution Control Act, including, without limitation, the awarding 101255

of principal forgiveness assistance under that act. 101256

(I) The director periodically shall prepare in accordance 101257  
with rules adopted under division (O) of this section a state 101258  
priority system and list ranking assistance proposals principally 101259  
on the basis of their relative water quality and public health 101260  
benefits and the financial need of the applicants for assistance. 101261  
Assistance for proposed activities from the water pollution 101262  
control loan fund shall be limited to those activities appearing 101263  
on that priority list and shall be awarded based upon their 101264  
priority sequence on the list and the applicants' readiness to 101265  
proceed with their proposed activities. The director annually 101266  
shall prepare and circulate for public review and comment a plan 101267  
that defines the goals and intended uses of the fund, as required 101268  
by section 606(c) of the "Federal Water Pollution Control Act." 101269

(J) Financial assistance from the water pollution control 101270  
loan fund first shall be used to ensure maintenance of progress, 101271  
as determined by the governor, toward compliance with enforceable 101272  
deadlines, goals, and requirements under the "Federal Water 101273  
Pollution Control Act" that are pertinent to the purposes of the 101274  
fund set forth in divisions (A)(1) to (3) of this section, 101275  
including, without limitation, the municipal compliance deadline 101276  
under that act. 101277

(K) The director may provide financial assistance from the 101278  
water pollution control loan fund for a publicly owned treatment 101279  
works project only after determining that: 101280

(1) The applicant for financial assistance has the legal, 101281  
institutional, managerial, and financial capability to construct, 101282  
operate, and maintain its publicly owned treatment works. 101283

(2) The applicant will implement a financial management plan 101284  
that includes, without limitation, provisions for satisfactory 101285  
repayment of the financial assistance, a user charge system to pay 101286

the operation, maintenance, and replacement expenses of the 101287  
project, and, if appropriate in the director's judgment, an 101288  
adequate capital improvements fund. 101289

(3) The proposed disposal system of which the project is a 101290  
part is economically and nonmonetarily cost-effective, based upon 101291  
an evaluation of feasible alternatives that meet the waste water 101292  
treatment needs of the planning area in which the proposed project 101293  
is located. 101294

(4) Based upon the environmental review conducted by the 101295  
director under division (L) of this section, there are no 101296  
significant adverse environmental effects resulting from the 101297  
proposed disposal system and the system has been selected from 101298  
among environmentally sound alternatives. 101299

(5) Public participation has occurred during the process of 101300  
planning the project in compliance with applicable requirements 101301  
under the Federal Water Pollution Control Act. 101302

(6) The applicant has submitted a facilities plan for the 101303  
project that meets the applicable program requirements and that 101304  
has been approved by the director. 101305

(7) The application meets the requirements of this section 101306  
and rules adopted under division (O) of this section and is 101307  
consistent with the intent of Title VI of the Federal Water 101308  
Pollution Control Act and regulations adopted under it. 101309

(8) The application meets such other requirements as the 101310  
director considers necessary or appropriate to protect the 101311  
environment or ensure the financial integrity of the fund while 101312  
implementing this section. 101313

(L) The director shall perform and document for public review 101314  
an independent, comprehensive environmental review of the 101315  
assistance proposal for each activity receiving financial 101316  
assistance under this section. The review shall serve as the basis 101317



for the determinations to be made under division (K)(4) or (Q)(4) 101318  
of this section, as applicable, and may include, without 101319  
limitation, an environmental assessment, any necessary 101320  
supplemental studies, and an enforceable mitigation plan. The 101321  
director may establish environmental impact mitigation terms or 101322  
conditions for the implementation of an assistance proposal, 101323  
including, without limitation, the installation or modification of 101324  
a disposal system, in the director's approval of the plans for the 101325  
installation or modification as authorized by section 6111.44 of 101326  
the Revised Code or through other legally enforceable means. The 101327  
review shall be conducted in accordance with applicable rules 101328  
adopted under division (O) of this section. 101329

(M) The director, consistent with this section and applicable 101330  
rules adopted under division (O) of this section, may enter into 101331  
any agreement with an applicant that is necessary or appropriate 101332  
to provide assistance from the water pollution control loan fund. 101333  
Based upon the director's review of an assistance proposal, 101334  
including, without limitation, approval for the project under 101335  
section 6111.44 of the Revised Code, the environmental review 101336  
conducted under division (L) of this section, and the other 101337  
requirements of this section and rules adopted under it, the 101338  
director may establish in the agreement terms and conditions of 101339  
the assistance to be offered to an applicant. In addition to any 101340  
other available remedies, the director may terminate, suspend, or 101341  
require immediate repayment of financial assistance provided under 101342  
this section to, or take any other enforcement action available 101343  
under this chapter against, a recipient of financial assistance 101344  
under this section who defaults on any payment required in the 101345  
agreement for financial assistance or otherwise violates a term or 101346  
condition of the agreement or of the plan approval for the project 101347  
under section 6111.44 of the Revised Code. 101348

(N) Based upon the director's judgment as to the financial 101349

need of the applicant and as to what constitutes the most 101350  
effective allocation of funds to achieve statewide water pollution 101351  
control objectives, the director may establish the terms, 101352  
conditions, and amount of financial assistance to be offered to an 101353  
applicant from the water pollution control loan fund. The 101354  
director, to the extent consistent with the water quality 101355  
improvement priorities reflected in the current priority system 101356  
and list prepared under division (I) of this section and with the 101357  
long-term financial integrity of the fund, shall ensure each year 101358  
that financial assistance in an amount equal to the cost of the 101359  
assistance proposals of applicants having a high level of economic 101360  
need that are on the current priority list and for which funding 101361  
is available in that year is made available from the fund to those 101362  
applicants at an interest rate that is lower than that offered to 101363  
other applicants for financial assistance from the fund for 101364  
assistance proposals that are on the current priority list and for 101365  
which funding is available in that year. 101366

The director shall determine the economic need of applicants 101367  
for financial assistance in accordance with uniform criteria 101368  
established in rules adopted under division (O) of this section. 101369

(O) The director may adopt rules in accordance with Chapter 101370  
119. of the Revised Code for the implementation and administration 101371  
of this section and section 6111.037 of the Revised Code. Any such 101372  
rules governing the planning, design, and construction of water 101373  
pollution control projects, establishing an environmental review 101374  
process, establishing requirements for the preparation of 101375  
environmental impact reports and mitigation plans, governing the 101376  
establishment of priority systems for providing financial 101377  
assistance under this section and section 6111.037 of the Revised 101378  
Code, and governing the terms and conditions of assistance, shall 101379  
be consistent with the intent of Titles II and VI and sections 319 101380  
and 320 of the Federal Water Pollution Control Act. The rules 101381

governing the establishment of priority systems for financial 101382  
assistance and governing terms and conditions of assistance shall 101383  
provide for the most effective allocation of moneys from the water 101384  
pollution control loan fund to achieve water quality and public 101385  
health objectives throughout the state as determined by the 101386  
director. 101387

(P)(1) For the purpose of this section, appealable actions of 101388  
the director pursuant to section 3745.04 of the Revised Code are 101389  
limited to the following: 101390

(a) Approval of draft priority systems, draft priority lists, 101391  
and draft written program administration policies; 101392

(b) Approval or disapproval of project facility plans under 101393  
division (K)(6) of this section; 101394

(c) Approval or disapproval of plans and specifications for a 101395  
project under section 6111.44 of the Revised Code and issuance of 101396  
a permit to install in connection with a project pursuant to rules 101397  
adopted under section 6111.03 of the Revised Code; 101398

(d) Approval or disapproval of an application for assistance. 101399

(2) Notwithstanding section 119.06 of the Revised Code, the 101400  
director may take final action described in division (P)(1)(a), 101401  
(b), (c), or (d) of this section without holding an adjudication 101402  
hearing in connection with the action and without first issuing a 101403  
proposed action under section 3745.07 of the Revised Code. 101404

(3) Each action described in divisions (P)(1)(a), (b), (c), 101405  
and (d) of this section is a separate and discrete action of the 101406  
director. Appeals of any such action are limited to the issues 101407  
concerning the specific action appealed, and the appeal shall not 101408  
include issues determined under the scope of any prior action. 101409

(Q) The director may provide financial assistance for the 101410  
implementation of a nonpoint source management program activity 101411

only after determining all of the following: 101412

(1) The activity is consistent with the state's nonpoint 101413  
source management program. 101414

(2) The applicant has the legal, institutional, managerial, 101415  
and financial capability to implement, operate, and maintain the 101416  
activity. 101417

(3) The cost of the activity is reasonable considering 101418  
monetary and nonmonetary factors. 101419

(4) Based on the environmental review conducted by the 101420  
director under division (L) of this section, the activity will not 101421  
result in significant adverse environmental impacts. 101422

(5) The application meets the requirements of this section 101423  
and rules adopted under division (O) of this section and is 101424  
consistent with the intent of Title VI of the Federal Water 101425  
Pollution Control Act and regulations adopted under it. 101426

(6) The applicant will implement a financial management plan, 101427  
including, without limitation, provisions for satisfactory 101428  
repayment of the financial assistance. 101429

(7) The application meets such other requirements as the 101430  
director considers necessary or appropriate to protect the 101431  
environment and ensure the financial integrity of the fund while 101432  
implementing this section. 101433

(R) As used in this section, "Federal Water Pollution Control 101434  
Act" means the "Federal Water Pollution Control Act Amendments of 101435  
1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean 101436  
Water Act of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, the "Act of 101437  
October 21, 1980," 94 Stat. 2360, 33 U.S.C.A. 1254, the "Municipal 101438  
Wastewater Treatment Construction Grant Amendments of 1981," 95 101439  
Stat. 1623, 33 U.S.C.A. 1281, the "Water Quality Act of 1987," 101 101440  
Stat. 7, 33 U.S.C.A. 1251, and applicable portions of the 101441

"American Recovery and Reinvestment Act of 2009," Pub. L. 111-5, 101442  
123 Stat. 115, and the "Water Resources Reform and Development Act 101443  
of 2014," 128 Stat. 1227, 33 U.S.C. 2223. 101444

**Sec. 6111.04.** (A) Both of the following apply except as 101445  
otherwise provided in division (A) or (F) of this section: 101446

(1) No person shall cause pollution or place or cause to be 101447  
placed any sewage, sludge, sludge materials, industrial waste, or 101448  
other wastes in a location where they cause pollution of any 101449  
waters of the state. 101450

(2) Such an action prohibited under division (A)(1) of this 101451  
section is hereby declared to be a public nuisance. 101452

Divisions (A)(1) and (2) of this section do not apply if the 101453  
person causing pollution or placing or causing to be placed wastes 101454  
in a location in which they cause pollution of any waters of the 101455  
state holds a valid, unexpired permit, or renewal of a permit, 101456  
governing the causing or placement as provided in sections 6111.01 101457  
to 6111.08 of the Revised Code or if the person's application for 101458  
renewal of such a permit is pending. 101459

(B) If the director of environmental protection administers a 101460  
sludge management program pursuant to division ~~(S)~~(R) of section 101461  
6111.03 of the Revised Code, both of the following apply except as 101462  
otherwise provided in division (B) or (F) of this section: 101463

(1) No person, in the course of sludge management, shall 101464  
place on land located in the state or release into the air of the 101465  
state any sludge or sludge materials. 101466

(2) An action prohibited under division (B)(1) of this 101467  
section is hereby declared to be a public nuisance. 101468

Divisions (B)(1) and (2) of this section do not apply if the 101469  
person placing or releasing the sludge or sludge materials holds a 101470  
valid, unexpired permit, or renewal of a permit, governing the 101471

placement or release as provided in sections 6111.01 to 6111.08 of 101472  
the Revised Code or if the person's application for renewal of 101473  
such a permit is pending. 101474

(C) No person to whom a permit has been issued shall place or 101475  
discharge, or cause to be placed or discharged, in any waters of 101476  
the state any sewage, sludge, sludge materials, industrial waste, 101477  
or other wastes in excess of the permissive discharges specified 101478  
under an existing permit without first receiving a permit from the 101479  
director to do so. 101480

(D) No person to whom a sludge management permit has been 101481  
issued shall place on the land or release into the air of the 101482  
state any sludge or sludge materials in excess of the permissive 101483  
amounts specified under the existing sludge management permit 101484  
without first receiving a modification of the existing sludge 101485  
management permit or a new sludge management permit to do so from 101486  
the director. 101487

(E) The director may require the submission of plans, 101488  
specifications, and other information that the director considers 101489  
relevant in connection with the issuance of permits. 101490

(F) This section does not apply to any of the following: 101491

(1) Waters used in washing sand, gravel, other aggregates, or 101492  
mineral products when the washing and the ultimate disposal of the 101493  
water used in the washing, including any sewage, industrial waste, 101494  
or other wastes contained in the waters, are entirely confined to 101495  
the land under the control of the person engaged in the recovery 101496  
and processing of the sand, gravel, other aggregates, or mineral 101497  
products and do not result in the pollution of waters of the 101498  
state; 101499

(2) Water, gas, or other material injected into a well to 101500  
facilitate, or that is incidental to, the production of oil, gas, 101501  
artificial brine, or water derived in association with oil or gas 101502

production and disposed of in a well, in compliance with a permit 101503  
issued under Chapter 1509. of the Revised Code, or sewage, 101504  
industrial waste, or other wastes injected into a well in 101505  
compliance with an injection well operating permit. Division 101506  
(F)(2) of this section does not authorize, without a permit, any 101507  
discharge that is prohibited by, or for which a permit is required 101508  
by, regulation of the United States environmental protection 101509  
agency. 101510

(3) Application of any materials to land for agricultural 101511  
purposes or runoff of the materials from that application or 101512  
pollution by residual farm products, manure, or soil sediment, 101513  
including attached substances, resulting from farming, 101514  
silvicultural, or earthmoving activities regulated by Chapter 307. 101515  
or 939. of the Revised Code. Division (F)(3) of this section does 101516  
not authorize, without a permit, any discharge that is prohibited 101517  
by, or for which a permit is required by, the Federal Water 101518  
Pollution Control Act or regulations adopted under it. As used in 101519  
division (F)(3) of this section, "residual farm products" and 101520  
"manure" have the same meanings as in section 939.01 of the 101521  
Revised Code. 101522

(4) The excrement of domestic and farm animals defecated on 101523  
land or runoff therefrom into any waters of the state. Division 101524  
(F)(4) of this section does not authorize, without a permit, any 101525  
discharge that is prohibited by, or for which a permit is required 101526  
by, the Federal Water Pollution Control Act or regulations adopted 101527  
under it. 101528

(5) On and after the date on which the United States 101529  
environmental protection agency approves the NPDES program 101530  
submitted by the director of agriculture under section 903.08 of 101531  
the Revised Code, any discharge that is within the scope of the 101532  
approved NPDES program submitted by the director of agriculture; 101533

(6) The discharge of sewage, industrial waste, or other 101534

wastes into a sewerage system tributary to a treatment works. 101535  
Division (F)(6) of this section does not authorize any discharge 101536  
into a publicly owned treatment works in violation of a 101537  
pretreatment program applicable to the publicly owned treatment 101538  
works. 101539

(7) A household sewage treatment system or a small flow 101540  
on-site sewage treatment system, as applicable, as defined in 101541  
section 3718.01 of the Revised Code that is installed in 101542  
compliance with Chapter 3718. of the Revised Code and rules 101543  
adopted under it. Division (F)(7) of this section does not 101544  
authorize, without a permit, any discharge that is prohibited by, 101545  
or for which a permit is required by, regulation of the United 101546  
States environmental protection agency. 101547

(8) Exceptional quality sludge generated outside of this 101548  
state and contained in bags or other containers not greater than 101549  
one hundred pounds in capacity. As used in division (F)(8) of this 101550  
section, "exceptional quality sludge" has the same meaning as in 101551  
division (Y) of section 3745.11 of the Revised Code. 101552

(G) The holder of a permit issued under section 402 (a) of 101553  
the Federal Water Pollution Control Act need not obtain a permit 101554  
for a discharge authorized by the permit until its expiration 101555  
date. Except as otherwise provided in this division, the director 101556  
of environmental protection shall administer and enforce those 101557  
permits within this state and may modify their terms and 101558  
conditions in accordance with division (J) of section 6111.03 of 101559  
the Revised Code. On and after the date on which the United States 101560  
environmental protection agency approves the NPDES program 101561  
submitted by the director of agriculture under section 903.08 of 101562  
the Revised Code, the director of agriculture shall administer and 101563  
enforce those permits within this state that are issued for any 101564  
discharge that is within the scope of the approved NPDES program 101565  
submitted by the director of agriculture. 101566



**Sec. 6111.046.** (A) Each person who is issued an injection well operating permit or a renewal of an injection well operating permit for a class I injection well shall pay an annual permit fee of twelve thousand five hundred dollars, except that a person who is issued such a permit or renewal of such a permit for a class I injection well that disposes of any hazardous waste identified or listed in rules adopted under section 3734.12 of the Revised Code and that is located on the premises where the hazardous waste injected into the well is generated shall pay an annual permit fee of thirty thousand dollars. The appropriate permit fee shall be paid to the director of environmental protection within thirty days after the issuance of the injection well operating permit or renewal of such a permit. Annually thereafter during the term of the permit or renewal, the appropriate annual permit fee shall be paid to the director on or before the anniversary of the date of issuance of the injection well operating permit or renewal of such a permit. The director, by rules adopted in accordance with Chapter 119. of the Revised Code, shall prescribe the procedures for collecting the annual permit fees established in this section and may prescribe other requirements necessary to carry out this section.

No person shall fail to comply with this division.

(B) All moneys received by the director under division (A) of this section shall be credited to the underground injection control fund, which is hereby created in the state treasury. Beginning July 1, 1992, and annually thereafter, the director shall request the office of budget and management to, and the office shall, transfer fifteen per cent of the moneys in the fund to the ~~injection well review~~ geological mapping fund created in section ~~1501.022~~ 1505.09 of the Revised Code for the purpose of paying the expenses of the department of natural resources incurred in executing its duties under sections 6111.043 to

6111.047 of the Revised Code. The director shall use the remainder 101599  
of the moneys credited to the underground injection control fund 101600  
solely to administer and enforce the requirements of sections 101601  
6111.043 to 6111.047 of the Revised Code and rules adopted under 101602  
them pertaining to class I injection wells. 101603

**Sec. 6111.14.** The director of environmental protection may 101604  
enter into an agreement with a political subdivision or 101605  
investor-owned public utility that owns or operates a disposal 101606  
system and that intends to extend the sewerage lines of its 101607  
disposal system or to increase the number of service connections 101608  
to its sewerage system, which agreement authorizes a qualified 101609  
official or employee of the political subdivision or 101610  
investor-owned public utility, as determined by the director, to 101611  
review plans for the extension of the sewerage system or increase 101612  
in the number of service connections for compliance with this 101613  
chapter and the rules adopted under it and to certify to the 101614  
director whether the plans comply with this chapter and the rules 101615  
adopted under it. If, pursuant to such an agreement, the official 101616  
or employee of the political subdivision or investor-owned public 101617  
utility designated in the agreement certifies to the director that 101618  
the plans comply with this chapter and the rules adopted under it 101619  
and if the plans and certification are accompanied by an 101620  
administrative service fee calculated in accordance with division 101621  
(L)~~(4)~~(2) of section 3745.11 of the Revised Code, the director, by 101622  
final action, shall approve the plans without further review. The 101623  
director or the director's authorized representative may inspect 101624  
the construction or installation of an extension of a sewerage 101625  
system or additional service connections for which plans have been 101626  
approved under this section. 101627

The approval of plans by the director pursuant to this 101628  
section constitutes the approval of the plans for the purposes of 101629  
any rules adopted under division (E) of section 6111.03 of the 101630

Revised Code that require the approval of plans for extensions of 101631  
sewerage systems or increases in the number of service connections 101632  
to sewerage systems. 101633

As used in this section, "investor-owned public utility" 101634  
means a person, other than an individual, that is a sewage 101635  
disposal system company, as defined in section 4905.03 of the 101636  
Revised Code, and that is not owned or operated by a municipal 101637  
corporation or operated not-for-profit. 101638

**Sec. 6111.30.** (A) Applications for a section 401 water 101639  
quality certification required under division ~~(P)~~(O) of section 101640  
6111.03 of the Revised Code shall be submitted on forms provided 101641  
by the director of environmental protection and shall include all 101642  
information required on those forms as well as all of the 101643  
following: 101644

(1) A copy of a letter from the United States army corps of 101645  
engineers documenting its jurisdiction over the wetlands, streams, 101646  
or other waters of the state that are the subject of the section 101647  
401 water quality certification application; 101648

(2) If the project involves impacts to a wetland, a wetland 101649  
characterization analysis consistent with the Ohio rapid 101650  
assessment method; 101651

(3) If the project involves a stream for which a specific 101652  
aquatic life use designation has not been made, data sufficient to 101653  
determine the existing aquatic life use; 101654

(4) A specific and detailed mitigation proposal, including 101655  
the location and proposed real estate instrument or other 101656  
available mechanism for protecting the property long term; 101657

(5) Applicable fees; 101658

(6) Site photographs; 101659

(7) Adequate documentation confirming that the applicant has 101660

requested comments from the department of natural resources and 101661  
the United States fish and wildlife service regarding threatened 101662  
and endangered species, including the presence or absence of 101663  
critical habitat; 101664

(8) Descriptions, schematics, and appropriate economic 101665  
information concerning the applicant's preferred alternative, 101666  
nondegradation alternatives, and minimum degradation alternatives 101667  
for the design and operation of the project; 101668

(9) The applicant's investigation report of the waters of the 101669  
United States in support of a section 404 permit application 101670  
concerning the project; 101671

(10) A copy of the United States army corps of engineers' 101672  
public notice regarding the section 404 permit application 101673  
concerning the project. 101674

(B) Not later than fifteen business days after the receipt of 101675  
an application for a section 401 water quality certification, the 101676  
director shall review the application to determine if it is 101677  
complete and shall notify the applicant in writing as to whether 101678  
the application is complete. If the director fails to notify the 101679  
applicant within fifteen business days regarding the completeness 101680  
of the application, the application is considered complete. If the 101681  
director determines that the application is not complete, the 101682  
director shall include with the written notification an itemized 101683  
list of the information or materials that are necessary to 101684  
complete the application. If the applicant fails to provide the 101685  
information or materials within sixty days after the director's 101686  
receipt of the application, the director may return the incomplete 101687  
application to the applicant and take no further action on the 101688  
application. If the application is returned to the applicant 101689  
because it is incomplete, the director shall return the review fee 101690  
levied under division (A)(1), (2), or (3) of section 3745.114 of 101691  
the Revised Code to the applicant, but shall retain the 101692

application fee levied under that section. 101693

(C) Not later than twenty-one days after a determination that 101694  
an application is complete under division (B) of this section, the 101695  
applicant shall publish public notice of the director's receipt of 101696  
the complete application in a newspaper of general circulation in 101697  
the county in which the project that is the subject of the 101698  
application is located. The public notice shall be in a form 101699  
acceptable to the director. The applicant shall promptly provide 101700  
the director with proof of publication. The applicant may choose, 101701  
subject to review by and approval of the director, to include in 101702  
the public notice an advertisement for an antidegradation public 101703  
hearing on the application pursuant to section 6111.12 of the 101704  
Revised Code. There shall be a public comment period of thirty 101705  
days following the publication of the public notice. 101706

(D) If the director determines that there is significant 101707  
public interest in a public hearing as evidenced by the public 101708  
comments received concerning the application and by other requests 101709  
for a public hearing on the application, the director or the 101710  
director's representative shall conduct a public hearing 101711  
concerning the application. Notice of the public hearing shall be 101712  
published by the applicant, subject to review and approval by the 101713  
director, at least thirty days prior to the date of the hearing in 101714  
a newspaper of general circulation in the county in which the 101715  
project that is the subject of the application is to take place. 101716  
If a public hearing is requested concerning an application, the 101717  
director shall accept comments concerning the application until 101718  
five business days after the public hearing. A public hearing 101719  
conducted under this division shall take place not later than one 101720  
hundred days after the application is determined to be complete. 101721

(E) The director shall forward all public comments concerning 101722  
an application submitted under this section that are received 101723  
through the public involvement process required by rules adopted 101724

under this chapter to the applicant not later than five business days after receipt of the comments by the director.

(F) The applicant shall respond in writing to written comments or to deficiencies identified by the director during the course of reviewing the application not later than fifteen days after receiving or being notified of them.

(G) The director shall issue or deny a section 401 water quality certification not later than one hundred eighty days after the complete application for the certification is received. The director shall provide an applicant for a section 401 water quality certification with an opportunity to review the certification prior to its issuance.

(H) The director shall maintain an accessible database that includes environmentally beneficial water restoration and protection projects that may serve as potential mitigation projects for projects in the state for which a section 401 water quality certification is required. A project's inclusion in the database does not constitute an approval of the project.

(I) Mitigation required by a section 401 water quality certification may be accomplished by any of the following:

(1) Purchasing credits at a mitigation bank approved in accordance with 33 C.F.R. 332.8;

(2) Participating in an in-lieu fee mitigation program approved in accordance with 33 C.F.R. 332.8;

(3) Constructing individual mitigation projects.

Notwithstanding the mitigation hierarchy specified in section 3745-1-54 of the Administrative Code, mitigation projects shall be approved in accordance with the hierarchy specified in 33 C.F.R. 332.3 unless the director determines that the size or quality of the impacted resource necessitates reasonably identifiable,

available, and practicable mitigation conducted by the applicant. 101755  
The director shall adopt rules in accordance with Chapter 119. of 101756  
the Revised Code consistent with the mitigation hierarchy 101757  
specified in 33 C.F.R. 332.3. 101758

(J) The director may establish a program and adopt rules in 101759  
accordance with Chapter 119. of the Revised Code for the purpose 101760  
of certifying water quality professionals to assess streams to 101761  
determine existing aquatic life use and to categorize wetlands in 101762  
support of applications for section 401 water quality 101763  
certification under divisions (A)(2) and (3) of this section and 101764  
isolated wetland permits under sections 6111.022 to 6111.024 of 101765  
the Revised Code. The director shall use information submitted by 101766  
certified water quality professionals in the review of those 101767  
applications. 101768

Rules adopted under this division shall do all of the 101769  
following: 101770

(1) Provide for the certification of water quality 101771  
professionals to conduct activities in support of applications for 101772  
section 401 water quality certification and isolated wetland 101773  
permits, including work necessary to determine existing aquatic 101774  
life use of streams and categorize wetlands. Rules adopted under 101775  
division (J)(1) of this section shall do at least all of the 101776  
following: 101777

(a) Authorize the director to require an applicant for water 101778  
quality professional certification to submit information 101779  
considered necessary by the director to assess a water quality 101780  
professional's experience in conducting stream assessments and 101781  
wetlands categorizations; 101782

(b) Authorize the director to establish experience 101783  
requirements and to use tests to determine the competency of 101784  
applicants for water quality professional certification; 101785

(c) Authorize the director to approve applicants for water 101786  
quality professional certification who comply with the 101787  
requirements established in rules and deny applicants that do not 101788  
comply with those requirements; 101789

(d) Require the director to revoke the certification of a 101790  
water quality professional if the director finds that the 101791  
professional falsified any information on the professional's 101792  
application for certification regarding the professional's 101793  
credentials; 101794

(e) Require periodic renewal of a water quality 101795  
professional's certification and establish continuing education 101796  
requirements for purposes of that renewal. 101797

(2) Establish an annual fee to be paid by water quality 101798  
professionals certified under rules adopted under division (J)(1) 101799  
of this section in an amount calculated to defray the costs 101800  
incurred by the environmental protection agency for reviewing 101801  
applications for water quality professional certification and for 101802  
issuing those certifications; 101803

(3) Authorize the director to suspend or revoke the 101804  
certification of a water quality professional if the director 101805  
finds that the professional's performance has resulted in 101806  
submission of documentation that is inconsistent with standards 101807  
established in rules adopted under division (J)(7) of this 101808  
section; 101809

(4) Authorize the director to review documentation submitted 101810  
by a certified water quality professional to ensure compliance 101811  
with requirements established in rules adopted under division 101812  
(J)(7) of this section; 101813

(5) Require a certified water quality professional to submit 101814  
any documentation developed in support of an application for a 101815  
section 401 water quality certification or an isolated wetland 101816



permit upon the request of the director; 101817

(6) Authorize random audits by the director of documentation 101818  
developed or submitted by certified water quality professionals to 101819  
ensure compliance with requirements established in rules adopted 101820  
under division (J)(7) of this section; 101821

(7) Establish technical standards to be used by certified 101822  
water quality professionals in conducting stream assessments and 101823  
wetlands categorizations. 101824

(K) As used in this section and section 6111.31 of the 101825  
Revised Code, "section 401 water quality certification" means 101826  
certification pursuant to section 401 of the Federal Water 101827  
Pollution Control Act and this chapter and rules adopted under it 101828  
that any discharge, as set forth in section 401, will comply with 101829  
sections 301, 302, 303, 306, and 307 of the Federal Water 101830  
Pollution Control Act. 101831

Sec. 6111.61. (A) Not later than ninety days after the 101832  
effective date of this section, the governor, pursuant to 33 101833  
U.S.C. 1288, shall designate an areawide waste treatment 101834  
management organization for central Ohio called clean water 101835  
central Ohio, which is hereby created. After such designation, 101836  
clean water central Ohio shall be responsible for waste treatment 101837  
planning under 33 U.S.C. 1288 for Franklin county, and for those 101838  
portions of Delaware, Licking, Fairfield, Pickaway, and Union 101839  
counties that are served by the Columbus municipal water and 101840  
sewerage system. 101841

(B)(1) Not later than ninety days after the designation of 101842  
clean water central Ohio, the governor shall appoint an initial 101843  
governing board for it consisting of nine members. As determined 101844  
by the most recent federal decennial census, three of the initial 101845  
members shall represent the most populous municipal corporation 101846  
within clean water central Ohio's jurisdiction. The remaining 101847

initial members shall represent the next six most populous 101848  
municipal corporations within such jurisdiction. 101849

(2) Each of the initial nine members of the governing board 101850  
shall serve a two-year term. Before the expiration of the initial 101851  
terms, the governing board shall adopt a resolution specifying the 101852  
manner by which subsequent members of the governing board are 101853  
selected and the term of office for those members. The resolution 101854  
may establish additional procedures necessary for the operation of 101855  
the board. A resolution adopted under division (B)(2) of this 101856  
section may be subsequently amended. However, in all cases, the 101857  
resolution shall require three members of the board to represent 101858  
the most populous municipal corporation within clean water central 101859  
Ohio's jurisdiction and the remaining six members to equitably 101860  
represent all other municipal corporations within that 101861  
jurisdiction. 101862

(C) Clean water central Ohio shall coordinate with the 101863  
director of environmental protection to amend any existing plan 101864  
established under 33 U.S.C. 1288 that is applicable to the area 101865  
within the jurisdiction of clean water central Ohio, or create a 101866  
new plan for that area. 101867

(D) In executing its duties, clean water central Ohio shall 101868  
comply with the requirements of 33 U.S.C. 1288 and all other 101869  
applicable requirements of the "Federal Water Pollution Control 101870  
Act" and regulations promulgated under it. 101871

**Sec. 6111.62.** (A) Not later than one year after the effective 101872  
date of this section, an entity responsible for waste treatment 101873  
management planning under 33 U.S.C. 1288, including the 101874  
environmental protection agency, shall do both of the following 101875  
with regard to each waste treatment management plan over which the 101876  
entity has authority: 101877

(1) Determine if any element of each plan conflicts with or 101878

supersedes any of the authorizations or requirements established 101879  
under section 6117.38 of the Revised Code, including the authority 101880  
of a county sewer district to enter into a contract under that 101881  
section; 101882

(2) If any element of a plan does conflict with or supersede 101883  
any such authorizations or requirements, amend the plan to 101884  
eliminate the conflicting or superseding element. 101885

(B) An entity required to amend a plan under division (A) of 101886  
this section shall take all actions necessary to amend the plan, 101887  
including complying with 33 U.S.C. 1288 and any other applicable 101888  
provision of the "Federal Water Pollution Control Act" and 101889  
regulations promulgated under it. 101890

(C) On and after the effective date of this section, no 101891  
entity responsible for waste treatment management planning under 101892  
33 U.S.C. 1288, including the environmental protection agency, 101893  
shall do either of the following: 101894

(1) Adopt a plan under 33 U.S.C. 1288 that conflicts with or 101895  
supersedes any of the authorizations or requirements established 101896  
under section 6117.38 of the Revised Code, including the authority 101897  
of a county sewer district to enter into a contract under that 101898  
section; 101899

(2) Amend a plan under 33 U.S.C. 1288 so that the plan 101900  
includes an element that conflicts with or supersedes any of the 101901  
authorizations or requirements established under section 6117.38 101902  
of the Revised Code, including the authority of a county sewer 101903  
district to enter into a contract under that section. 101904

**Sec. 6117.38.** ~~(A) At any time after~~ (1) After the formation 101905  
of any county sewer district, the board of county commissioners, 101906  
~~when it considers it appropriate, on application by a person or~~ 101907  
~~public agency for the provision of sewerage or drainage to~~ 101908

~~properties of the person or public agency located outside of the~~ 101909  
~~district,~~ may contract with the a person, political subdivision, 101910  
unincorporated area, or public agency located outside of the 101911  
district for depositing any of the following: 101912

(a) Depositing sewage or drainage from ~~those properties~~ 101913  
outside of the district in facilities acquired or constructed or 101914  
to be acquired or constructed by the county to serve the district 101915  
~~and for the;~~ 101916

(b) The treatment, disposal, and disposition of the sewage or 101917  
drainage, on terms that the board considers equitable; 101918

(c) The provision of water supply services. The 101919

(2) A person, political subdivision, unincorporated area, or 101920  
public agency located outside of a county sewer district may apply 101921  
to the board of county commissioners for the provision of the 101922  
services specified in division (A)(1)(a), (b), or (c) of this 101923  
section. 101924

(3) The amount to be paid by the person, political 101925  
subdivision, unincorporated area, or public agency to reimburse 101926  
the county for costs of acquiring or constructing those facilities 101927  
shall not be less than the original or comparable assessment for 101928  
similar property within the district or, in the absence of an 101929  
original or comparable assessment, an amount that is found by the 101930  
board to be reasonable and fairly reflective of that portion of 101931  
the cost of those facilities attributable to the properties to be 101932  
served. The board shall appropriate any moneys received for that 101933  
service to and for the use and benefit of the district. The board 101934  
may collect the amount to be paid by the person, political 101935  
subdivision, unincorporated area, or public agency in full, in 101936  
cash or in installments as a part of a connection charge to be 101937  
collected in accordance with division (B) or (D) of section 101938  
6117.02 of the Revised Code, or if the properties to be served are 101939

located within the county, the same amount may be assessed against 101940  
those properties, and, in that event, the manner of making the 101941  
assessment, together with the notice of it, shall be as provided 101942  
in this chapter. 101943

(B) Whenever sanitary or drainage facilities or prevention or 101944  
replacement facilities have been acquired or constructed by, and 101945  
at the expense of, a person, political subdivision, unincorporated 101946  
area, or public agency and the board considers it appropriate to 101947  
acquire the facilities or any part of them for the purpose of 101948  
providing sewerage or drainage service to territory within a sewer 101949  
district, the county sanitary engineer, at the direction of the 101950  
board, shall examine the facilities. If the county sanitary 101951  
engineer finds the facilities properly designed and constructed, 101952  
the county sanitary engineer shall certify that fact to the board. 101953  
The board may determine to purchase the facilities or any part of 101954  
them at a cost that, after consultation with the county sanitary 101955  
engineer, it finds to be reasonable. 101956

Subject to and in accordance with this division and division 101957  
(B) or divisions (C), (D), and (E) of section 6117.06 of the 101958  
Revised Code, the board may purchase the facilities or any part of 101959  
them by negotiation. For the purpose of paying the cost of their 101960  
acquisition, the board may issue or incur public obligations and 101961  
assess the entire cost, or a lesser designated part of the cost, 101962  
of their acquisition against the benefited properties in the 101963  
manner provided in this chapter for the construction of original 101964  
or comparable facilities. 101965

(C) As used in this section, "located outside of the 101966  
district" includes an area located in a different county than the 101967  
county in which the county sewer district is located. 101968

**Sec. 6301.01.** As used in this chapter: 101969

(A) "Local area" means ~~any of the following:~~ 101970

~~(1) A municipal corporation that is authorized to administer and enforce the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, under this chapter and is not joining in partnership with any other political subdivisions in order to do so;~~ 101971  
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101973  
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~~(2) A single county;~~ 101976

~~(3) A consortium of any of the following political subdivisions:~~ 101977  
101978

~~(a) A group of two or more counties in the state;~~ 101979

~~(b) One or more counties and one municipal corporation in the state;~~ 101980  
101981

~~(c) One or more counties with or without one municipal corporation in the state and one or more counties with or without one municipal corporation in another state, on the condition that those in another state share a labor market area with those in the state.~~ 101982  
101983  
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~~"Local area" does not mean a region for purposes of determinations concerning administrative incentives.~~ 101987  
101988

~~(B) "Municipal corporation" means a municipal corporation that is eligible for automatic or temporary designation as a local workforce investment area pursuant to section 116(a)(2) or (3) of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2831(a)(2) or (3), but that does not request that the governor grant such automatic or temporary designation, and that instead elects to administer and enforce workforce development activities pursuant to this chapter.~~ 101989  
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~~(C) "County" means a county that is eligible to be designated as a local workforce investment area pursuant to the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, but that does not request such designation, and instead~~ 101997  
101998  
101999  
102000

~~elects to administer and enforce workforce development activities~~ 102001  
~~pursuant to this chapter.~~ 102002

~~(D) "Workforce development agency" means the entity given~~ 102003  
~~responsibility for workforce development activities that is~~ 102004  
~~designated by the board of county commissioners in accordance with~~ 102005  
~~section 330.04 of the Revised Code, the chief elected official of~~ 102006  
~~a municipal corporation in accordance with section 763.05 of the~~ 102007  
~~Revised Code, or the chief elected officials of a local area~~ 102008  
~~defined in division (A)(3) of this section a local workforce~~ 102009  
~~development area designated under section 106 of the Workforce~~ 102010  
~~Innovation and Opportunity Act, 29 U.S.C. 3121, pursuant to this~~ 102011  
~~chapter.~~ 102012

~~(E)(B) "Workforce development activity" means a program,~~ 102013  
~~grant, or other function, the primary goal of which is to do one~~ 102014  
~~or more of the following:~~ 102015

- ~~(1) Help individuals maximize their employment opportunities;~~ 102016
- ~~(2) Help employers gain access to skilled workers;~~ 102017
- ~~(3) Help employers retain skilled workers;~~ 102018
- ~~(4) Help develop or enhance the skills of incumbent workers;~~ 102019
- ~~(5) Improve the quality of the state's workforce;~~ 102020
- ~~(6) Enhance the productivity and competitiveness of the~~ 102021  
~~state's economy an activity carried out through a workforce~~ 102022  
~~development system.~~ 102023

~~(F)(C) "Chief elected official or officials," when used in~~ 102024  
~~reference to a local area, means the ~~board of county commissioners~~~~ 102025  
~~of the county or of each county in the local area or, if the~~ 102026  
~~county has adopted a charter under Section 3 of Article X, Ohio~~ 102027  
~~Constitution, the chief governing body of that county, and the~~ 102028  
~~chief elected official of the municipal corporation, if the local~~ 102029  
~~area includes a municipal corporation, except that when the local~~ 102030

~~area is the type defined in division (A)(1) of this section,~~ 102031  
~~"chief elected officials" means the chief elected official of the~~ 102032  
~~municipal corporation~~ chief elected executive officer of a unit of 102033  
general local government in the local area or, in the case of a 102034  
local area that includes more than one unit of general local 102035  
government, the individual or individuals designated under an 102036  
agreement described in section 107 of the Workforce Innovation and 102037  
Opportunity Act, 29 U.S.C. 3122. 102038

~~(G)(D)~~ "State board" means the governor's executive workforce 102039  
board ~~established by~~ required under section 101 of the Workforce 102040  
Innovation and Opportunity Act, 29 U.S.C. 3111, and established 102041  
pursuant to section 6301.04 of the Revised Code. 102042

~~(H)(E)~~ "Local board" means a local workforce investment 102043  
development board established ~~in each local area of the state and~~ 102044  
~~certified by the governor to set policy for the portion of the~~ 102045  
~~statewide workforce investment system within the local area and~~ 102046  
~~implement the "Workforce Investment Act of 1998," 112 Stat. 936,~~ 102047  
~~29 U.S.C. 2801~~ under section 107 of the Workforce Innovation and 102048  
Opportunity Act, 29 U.S.C. 3122. 102049

~~(I)(F)~~ "OhioMeansJobs web site" means the statewide 102050  
electronic system for labor exchange and job placement activity 102051  
operated by the state. 102052

(G) "OhioMeansJobs center" means a physical one-stop center 102053  
described in section 121(e)(2) of the Workforce Innovation and 102054  
Opportunity Act, 29 U.S.C. 3151(e)(2). 102055

(H) "OhioMeansJobs center operator" means an entity or a 102056  
consortium of entities designated or certified through a 102057  
competitive process to operate a one-stop center under section 102058  
121(d) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 102059  
3151(d). 102060

(I) "Planning region" means an area consisting of two or more 102061



local areas that are collectively aligned to engage in the 102062  
regional planning process outlined in section 106(c)(1) of the 102063  
Workforce Innovation and Opportunity Act, 29 U.S.C. 3121(c)(1). 102064

(J) "Workforce Innovation and Opportunity Act" means the 102065  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 102066  
seq., or other citation as specifically provided. 102067

**Sec. 6301.02.** The director of job and family services shall 102068  
administer the Workforce Innovation and Opportunity Act, the 102069  
former "Workforce Investment Act of 1998," 112 Stat. 936, 29 102070  
U.S.C.A. 2801 Pub. L. No. 105-220, as amended, and the 102071  
"Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as 102072  
amended, and the funds received pursuant to those acts. In 102073  
administering those acts and funds received pursuant to those 102074  
acts, the director shall assist the state board in establishing 102075  
and administering a workforce development system that is designed 102076  
to provide leadership, support, and oversight to locally designed 102077  
workforce development systems. The director shall conduct 102078  
investigations and hold hearings as necessary for the 102079  
administration of this chapter. 102080

To the extent permitted by state and federal law, the 102081  
director may adopt rules pursuant to Chapter 119. of the Revised 102082  
Code to establish any program or pilot program for the purposes of 102083  
providing workforce development activities or ~~family services to~~ 102084  
~~individuals who do not meet eligibility criteria for those~~ 102085  
~~activities or~~ services under applicable federal law. Prior to the 102086  
initiation of any program of that nature, the director of budget 102087  
and management shall certify to the governor that sufficient funds 102088  
are available to administer a program of that nature. The director 102089  
of job and family services shall advise the state board ~~shall have~~ 102090  
~~final approval~~ of any such program. 102091

Unless otherwise prohibited by state or federal law, every 102092

state agency, board, or commission shall provide to the state 102093  
board and the director all information and assistance requested by 102094  
the state board and the director in furtherance of workforce 102095  
development activities. 102096

**Sec. 6301.03.** (A) In administering the Workforce Innovation 102097  
and Opportunity Act, the former "Workforce Investment Act of 102098  
1998," 112 Stat. 936, ~~29 U.S.C.A. 2801~~ Pub. L. No. 105-220, as 102099  
amended, and the "Wagner-Peyser Act," 48 Stat. 113 (1933), 29 102100  
U.S.C.A. 49, as amended, the funds received pursuant to those 102101  
acts, and the workforce development system, the director of job 102102  
and family services may, ~~at the direction of~~ in consultation with 102103  
the state board, make allocations and payment of funds for the 102104  
local administration of the workforce development activities 102105  
established under this chapter. 102106

(B) The director shall allocate to local areas all funds 102107  
required to be allocated to local areas pursuant to the Workforce 102108  
Innovation and Opportunity Act, and the former "Workforce 102109  
Investment Act of 1998," 112 Stat. 936, ~~29 U.S.C.A. 2801~~ Pub. L. 102110  
No. 105-220, as amended. The director shall make allocations only 102111  
with funds available. Local areas, as defined by either section 102112  
101 of the former "Workforce Investment Act of 1998," 112 Stat. 102113  
936, ~~29 U.S.C.A. 2801~~ Pub. L. No. 105-220, as amended, or section 102114  
6301.01 of the Revised Code, and subrecipients of a local area 102115  
shall establish a workforce development fund and the entity 102116  
receiving funds shall deposit all funds received under this 102117  
section into the workforce development fund. All expenditures for 102118  
activities funded under this section shall be made from the 102119  
workforce development fund, including reimbursements to a county 102120  
public assistance fund for expenditures made for activities funded 102121  
under this section. 102122

(C) The use of funds, reporting requirements, and other 102123

administrative and operational requirements governing the use of 102124  
funds received by the director pursuant to this section shall be 102125  
governed by internal management rules adopted by ~~and approved by~~ 102126  
the ~~state board~~ director pursuant to section 111.15 of the Revised 102127  
Code. 102128

(1) A local area described in division (B) of this section 102129  
shall use the OhioMeansJobs web site as the labor exchange and job 102130  
placement system for the area. 102131

(2) No additional federal or state workforce funds shall be 102132  
used to build or maintain any labor exchange and job placement 102133  
system that is duplicative to the OhioMeansJobs web site. 102134

(D) To the extent permitted by state or federal law, the 102135  
~~director, and local areas, counties, and municipal corporations~~ 102136  
authorized to administer workforce development activities may 102137  
assess a fee for specialized services requested by an employer. 102138  
The director shall adopt rules pursuant to Chapter 119. of the 102139  
Revised Code governing the nature and amount of those types of 102140  
fees. 102141

**Sec. 6301.04.** (A) The governor shall establish a state board 102142  
~~and. The state board shall consist of the following members:~~ 102143

(1) The governor; 102144

(2) Two members of the house of representatives, appointed by 102145  
the speaker of the house of representatives; 102146

(3) Two members of the senate, appointed by the president of 102147  
the senate; 102148

(4) Members required under section 101(b)(1)(C) of the 102149  
Workforce Innovation and Opportunity Act, 29 U.S.C. 3111(b)(1)(C); 102150

(5) Any additional members appointed by the governor. 102151

(B) The governor shall appoint members to the board, who 102152

serve at the governor's pleasure, to perform duties under the 102153  
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 102154  
~~2801, as amended~~ Workforce Innovation and Opportunity Act, as 102155  
authorized by the governor. ~~The~~ 102156

(C) ~~The~~ board is not subject to sections 101.82 to 101.87 of 102157  
the Revised Code. ~~All~~ 102158

(D) ~~All~~ state agencies engaged in workforce development 102159  
activities shall assist the board in the performance of its 102160  
duties. 102161

(E) The board shall have the power and authority to do all of 102162  
the following: 102163

~~(A) Provide oversight and policy direction to ensure that the 102164  
state workforce development activities are aligned and serving the 102165  
needs of the state's employers, incumbent workers, and job 102166  
seekers;~~ 102167

~~(B) Adopt rules necessary to administer state workforce 102168  
development activities;~~ 102169

~~(C) Adopt rules necessary for the auditing and monitoring of 102170  
subrecipients of the workforce development system grant funds;~~ 102171

~~(D) Designate local workforce investment areas in accordance 102172  
with 29 U.S.C. 2831;~~ 102173

~~(E) Develop a unified budget for all state and federal 102174  
workforce funds;~~ 102175

~~(F) Establish a statewide employment and data collection 102176  
system;~~ 102177

~~(G) Develop statewide performance measures for workforce 102178  
development and investment;~~ 102179

(H)(1) Develop a, implement, and modify the state workforce 102180  
development plan; 102181

~~(I) Prepare the annual report to the United States secretary of labor, pursuant to section 136(d) of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2871, as amended;~~ 102182  
102183  
102184

~~(J) Carry out any additional functions, duties, or responsibilities assigned to the board by the governor~~ 102185  
(2) Review statewide workforce policies and programs and recommendations on actions to be taken by the state to align workforce development programs to support a comprehensive and streamlined workforce development system; 102186  
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(3) Recommend measures for the development and continuous improvement of the workforce development system in the state, including updating comprehensive state performance accountability measures, also known as workforce success measures; 102191  
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(4) Continue to identify and disseminate information on promising practices in the area of workforce development; 102195  
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(5) Perform other related work that is required of the board by the Workforce Innovation and Opportunity Act or requested by the governor. 102197  
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**Sec. 6301.05.** The chief elected official of a local area shall enter into a written grant agreement with the director of job and family services in accordance with section 5101.20 of the Revised Code. 102200  
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A grant agreement entered into pursuant to this section shall include the responsibility of ~~municipal corporations and the board of county commissioners~~ the chief elected official or officials to be accountable to the department of job and family services for the use of funds provided through the ~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, as amended~~ Workforce Innovation and Opportunity Act, including regulations issued by the United States department of labor pursuant to that act. 102204  
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~~Sec. 6301.06. (A) The chief elected official or officials of a local area shall create a local board, which shall consist of the following individuals:~~

~~(1) The chief elected official from the municipal corporation with the largest population in the local area, except that if the municipal corporation is a local area as defined in division (A)(1) of section 6301.01 of the Revised Code, the chief elected official of that municipal corporation may determine whether to be a member of the board. Notwithstanding division (B) of section 6301.01 of the Revised Code, as used in division (A)(1) of this section, "municipal corporation" means any municipal corporation.~~

~~(2) The following individuals appointed to the board by the chief elected officials of the local area, who shall make those appointments according to all of the following specifications:~~

~~(a) At least five members of the board shall be representatives of private sector businesses in the general labor market area that includes that local area, and shall be appointed from among individuals nominated by local business organizations and business trade associations. Among these members, at least one shall represent small businesses, at least one shall represent medium-sized businesses, and at least one shall represent large businesses. When determining what constitutes small, medium-sized, and large businesses for purposes of this division, the chief elected officials of the local area shall define those sizes as those sizes are generally understood within the labor market area that includes that local area. A majority of the members of the board shall be representatives of private sector businesses.~~

~~(b) At least two members of the board shall represent organized labor and shall be appointed from nominations submitted by local federations of labor representing workers employed in the local area.~~

~~(c) At least two members of the board shall be  
representatives of local educational entities. For purposes of  
this division, "local educational entities" includes local  
educational agencies, school district boards of education,  
entities providing educational and literacy activities, and  
post-secondary educational institutions.~~

~~(d) At least one member of the board shall be a  
representative of consumers of workforce development activities.~~

~~(e) Any other individuals the chief elected officials of the  
local area determine are necessary to carry out the functions  
described in section 107(d) of the Workforce Innovation and  
Opportunity Act, 29 U.S.C. 3122(d). The chief elected official or  
officials shall appoint members of the local board in accordance  
with the requirements of section 107(b)(2) of the Workforce  
Innovation and Opportunity Act, 29 U.S.C. 3122(b)(2).~~

(B) Members of the local board serve at the pleasure of the  
chief elected official or officials of the local area. Members  
shall not be compensated but may be reimbursed for actual,  
reasonable, and necessary expenses incurred in the performance of  
their duties as board members. Those expenses shall be paid from  
funds allocated pursuant to section 6301.03 of the Revised Code.

The chief elected official or officials of a local area may  
provide office space, staff, or other administrative support as  
needed to the board. For purposes of section 102.02 of the Revised  
Code, members of the board are not public officials or employees.

(C) The chief elected official or officials of a local area  
~~other than a local area as defined in division (A)(1) of section  
6301.01 of the Revised Code, shall coordinate the workforce  
development activities of the county family services planning  
committees and the local boards in the local area in any manner  
that is efficient and effective to meet the needs of the local~~

~~area. The chief elected officials of the local area may, but are not required to, consolidate all boards and committees as they determine appropriate into a single board for purposes of workforce development activities. A majority of the members of that consolidated board shall represent private sector businesses. The membership of that consolidated board shall include a representative from each group granted representation as described in division (A) of this section and also a member who represents consumers of family services and a member who represents the county department of job and family services. The membership of that consolidated board may include a representative of one or more groups and entities that may be represented on a county family services planning committee, as specified in section 329.06 of the Revised Code shall adopt a process for appointing members to the local board for the local area.~~

(D)(1) The requirement in division (C) of section 121.22 of the Revised Code that a member of a public body be present in person at a meeting open to the public to be part of a quorum or to vote does not apply to the local board if the board holds the meeting by interactive video conference or by teleconference in the following manner:

(a) The board establishes a primary meeting location that is open and accessible to the public;

(b) Meeting-related materials that are available before the meeting are sent via electronic mail, facsimile, hand-delivery, or United States postal service to each board member;

(c) In the case of an interactive video conference, the board causes a clear video and audio connection to be established that enables all meeting participants at the primary meeting location to see and hear each board member;

(d) In the case of a teleconference, the board causes a clear



audio connection to be established that enables all meeting participants at the primary meeting location to hear each board member; 102305  
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(e) All board members have the capability to receive meeting-related materials that are distributed during a board meeting; 102308  
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(f) A roll call voice vote is recorded for each vote taken; 102311  
and 102312

(g) The minutes of the board meeting identify which board members remotely attended the meeting by interactive video conference or teleconference. 102313  
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If the board proceeds under this division, use of an interactive video conference is preferred, but nothing in this section prohibits the board from conducting its meetings by teleconference or by a combination of interactive video conference and teleconference at the same meeting. 102316  
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(2) The board shall adopt rules necessary to implement division (D)(1) of this section. At a minimum, the board shall do all of the following in the rules: 102321  
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(a) Authorize board members to remotely attend a board meeting by interactive video conference or teleconference, or by a combination thereof, in lieu of attending the meeting in person; 102324  
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(b) Establish a minimum number of board members that must be physically present in person at the primary meeting location if the board conducts a meeting by interactive video conference or teleconference; 102327  
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(c) Require that not more than one board member remotely attending a board meeting by teleconference is permitted to be physically present at the same remote location; 102331  
102332  
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(d) Establish geographic restrictions for participation in 102334

meetings by interactive video conference and by teleconference; 102335

(e) Establish a policy for distributing and circulating 102336  
meeting-related materials to board members, the public, and the 102337  
media in advance of or during a meeting at which board members are 102338  
permitted to attend by interactive video conference or 102339  
teleconference; 102340

(f) Establish a method for verifying the identity of a board 102341  
member who remotely attends a meeting by teleconference. 102342

(E) The chief elected official or officials of a local area 102343  
may contract with the local board. The parties shall specify in 102344  
the contract the workforce development activities that the local 102345  
board is to administer and shall establish in the contract 102346  
standards, including performance standards, for the local board's 102347  
operation. The contract may include any other provisions that the 102348  
chief elected official or officials consider necessary. 102349

(F) The chief elected official or officials may contract with 102350  
any government or private entity to enhance the administration of 102351  
local workforce development activities for which the local board 102352  
is responsible. The entity with which the chief elected official 102353  
or officials contract is not required to be located in the local 102354  
area in which the chief elected official or officials serve as 102355  
chief elected executive officer. 102356

(G)(1) As used in this division, "public library" means a 102357  
library that is open to the public and that is one of the 102358  
following: 102359

(a) A library that is maintained and regulated under section 102360  
715.13 of the Revised Code; 102361

(b) A library that is created, maintained, and regulated 102362  
under Chapter 3375. of the Revised Code; 102363

(c) A library that is created and maintained by a public or 102364

private school, college, university, or other educational institution; 102365  
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(d) A library that is created and maintained by a historical or charitable organization, institution, association, or society. 102367  
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(2) Not later than September 1, 2018, and every two years thereafter, an OhioMeansJobs center operator shall enter into a memorandum of understanding with one or more public libraries to facilitate collaboration and coordination of workforce programs and education and job training resources. 102369  
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**Sec. 6301.061.** A board of county commissioners may appoint an advisory committee on workforce development. A committee appointed under this section may do both of the following: 102374  
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(A) Work to further cooperation between the county and other workforce development and economic development related entities including the state, local area ~~one-stop~~ workforce development systems, and private businesses; 102377  
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(B) Advise the board and other interested parties on ways to maintain and improve the workforce development system of the local area in which the county is a part. 102381  
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**Sec. 6301.07.** (A) For purposes of this section, "performance character" means the career-essential relational attributes that build trust with others, including respect, honesty, integrity, task-excellence, responsibility, and resilience. 102384  
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(B) Every local board, ~~under the direction and approval of the state board and with the agreement of~~ in partnership with the chief elected official or officials of the local area, ~~and after holding public hearings that allow public comment and testimony,~~ shall ~~prepare a workforce development~~ develop and submit to the governor a comprehensive four-year local plan. The local plan shall ~~accomplish~~ support the strategy described in the state plan 102388  
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and shall contain descriptions of the activities of the local board as outlined in section 108 of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3123, including all of the following: 102395  
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~~(1) Identify the workforce investment needs of businesses in the local area, identify projected employment opportunities, and identify the job skills and performance character necessary to obtain and succeed in those opportunities;~~ 102398  
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102400  
Identification of strategic planning elements, including all of the following: 102401  
102402

(a) The strategic vision of the local board; 102403

(b) Goals for preparing an educated and skilled workforce; 102404

(c) The knowledge and skills, including performance character, needed to meet the employment needs of employers in the planning region, including in-demand industry sectors and occupations. 102405  
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~~(2) Identify A description of the workforce development system in the local area and how the local board, working with education programs and the entities that carry out core programs, will coordinate activities to expand access to employment, training, education, and supportive services to eligible individuals with barriers to employment to improve service delivery and to avoid duplication;~~ 102409  
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(3) A determination of the local area's workforce development needs for youth, dislocated workers, adults, displaced homemakers, incumbent workers, and any other group of workers identified by the local board adult and dislocated worker employment training activities, including the type and availability of activities needed; 102416  
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~~(3) Determine the distribution of workforce development resources and funding to be distributed for each workforce development activity to meet the identified needs, utilizing the funds allocated pursuant to the "Workforce Investment Act of~~ 102422  
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1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended; 102426

(4) ~~Give priority to~~ An assessment of the type and 102427  
availability of youth workforce development activities carried out 102428  
in the local area, including activities for youth with 102429  
disabilities and youth receiving independent living services 102430  
pursuant to sections 2151.81 to 2151.84 of the Revised Code ~~when~~ 102431  
~~determining distribution of workforce development resources and~~ 102432  
~~workforce development activity funding;~~ 102433

(5) ~~Review the minimum curriculum required by the state board~~ 102434  
~~for certifying training providers and identify any additional~~ 102435  
~~curriculum requirements to include in contracts between the~~ 102436  
~~training providers and the chief elected officials of the local~~ 102437  
~~area;~~ 102438

(6) ~~Establish performance standards for service providers~~ 102439  
~~that reflect local workforce development needs;~~ 102440

(7) ~~Describe~~ A description of any other information the chief 102441  
elected official or officials of the local area require; 102442

(6) A description of any other information the governor 102443  
requires. 102444

(C)(1) The local boards of the local areas within a planning 102445  
region and the chief elected officials of those local areas shall 102446  
prepare, submit to, and obtain approval from the state for a 102447  
single regional plan that includes a description of the activities 102448  
described in section 106(c)(1) of the Workforce Innovation and 102449  
Opportunity Act, 29 U.S.C. 3121(c)(1), and that incorporates local 102450  
plans described in division (B) of this section for each local 102451  
area in that region. 102452

(2) The state shall identify regions within the state, and 102453  
designate each region it identifies as one of the following types: 102454

(a) A region consisting of one local area; 102455

(b) A planning region; 102456

(c) An interstate planning region that is contained within two or more states and consists of labor market areas, economic development areas, or other appropriate contiguous subareas of those states. 102457  
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(D) Before the date on which a local board submits a regional or local plan for approval, the local board shall make copies of the proposed plan available to the public through electronic and other means and allow members of the public to submit comments on the proposed plan to the local board. For purposes of this division, public hearings and presentation to local news media are examples of other means by which a local board may make a proposed plan available. 102461  
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(E) A local board may provide policy guidance and recommendations to the chief elected official or officials of a local area for any workforce development activities. 102469  
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~~(D) Nothing in this section prohibits the chief elected officials of a local area from assigning, through a partnership agreement, any duties in addition to the duties under this section to a local board, except that a local board cannot contract with itself for the direct provision of services in its local area. A local board may consult with the chief elected officials of its local area and make recommendations regarding the workforce development activities provided in its local area at any time.~~ 102472  
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**Sec. 6301.08.** Every local area shall ~~participate in a one-step~~ establish and administer a local workforce development system for workforce development activities. ~~Each board of county commissioners and the~~ The chief elected official or officials of a ~~municipal corporation~~ local area shall ensure that at least one ~~delivery method~~ comprehensive OhioMeansJobs center is available in the local area, ~~either through a physical location, or.~~ An 102480  
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OhioMeansJobs center may be supported by electronic means approved 102487  
by the ~~state board, director of job and family services~~ for the 102488  
provision of workforce development activities. 102489

~~Within six months after the effective date of this amendment,~~ 102490  
~~every local area described in division (B) of section 6301.03 of~~ 102491  
~~the Revised Code~~ Every OhioMeansJobs center shall name its 102492  
~~one stop system as~~ be named "OhioMeansJobs (name of county)" 102493  
County." 102494

~~A one stop system may~~ Every OhioMeansJobs center shall be 102495  
~~operated by a private entity or a public agency, including a~~ 102496  
~~workforce development agency, any existing facility or~~ 102497  
~~organization that is established to administer workforce~~ 102498  
~~development activities in the local area, and a county family~~ 102499  
~~services agency~~ an OhioMeansJobs center operator. 102500

~~A one stop~~ The local workforce development system shall 102501  
include representatives of all the partners required under the 102502  
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.~~ 102503  
~~2801, as amended. In addition, a one stop system shall include at~~ 102504  
~~least one representative from a county department of job and~~ 102505  
~~family services~~ Workforce Innovation and Opportunity Act. 102506

**Sec. 6301.09.** The provision under division (g) of section ~~111~~ 102507  
~~of the "Workforce Investment Act of 1998," 112 Stat. 936, 29~~ 102508  
~~U.S.C.A. 2801, as amended~~ 101 of the Workforce Innovation and 102509  
Opportunity Act, 29 U.S.C. 3111, applies to the state board 102510  
created under ~~section 6301.04 of the Revised Code~~ this chapter. 102511  
The provision under division (e) of section ~~117 of the "Workforce~~ 102512  
~~Investment Act of 1998"~~ 107 of the Workforce Innovation and 102513  
Opportunity Act, 29 U.S.C. 3122 applies to the local boards 102514  
established pursuant to ~~section 6301.06 of the Revised Code~~ this 102515  
chapter. 102516

Sec. 6301.11. (A) As used in this section, "public or private institution" ~~has the same meaning as in section 3333.93 of the Revised Code~~ means any of the following:

(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

(2) A private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;

(3) An Ohio technical center that provides adult technical education services as recognized by the chancellor of higher education.

(B) The state board, in connection with the department of job and family services and public or private institutions, shall develop a methodology for identifying jobs that are in demand by employers operating in this state. The methodology for identifying in-demand jobs shall include an analysis of jobs that are in demand in each region of the state. The director of job and family services shall determine the regions.

(C) The department and the public or private institutions, in consultation with the state board, shall use the methodology to create a list of such in-demand jobs in the state and a list of such in-demand jobs in each region of the state. The department shall publish the lists on the web site of the department. The department and public or private institutions shall periodically update the lists to reflect evolving workforce demands in this state and its regions.

(D) Local boards, ~~workforce development agencies,~~ and other providers of workforce training shall use the lists of in-demand jobs to cultivate and prioritize workforce development activities that correspond to the employment needs of employers operating in



this state and in each of its regions and to assist individuals in 102547  
maximizing their employment opportunities. 102548

Sec. 6301.111. The governor's office of workforce 102549  
transformation, in conjunction with the department of job and 102550  
family services, shall conduct an electronic survey of employers 102551  
in this state to identify jobs that are in demand by those 102552  
employers. The office, in conjunction with the department, shall 102553  
use the survey results to update the list of in-demand jobs 102554  
required under section 6301.11 of the Revised Code, 102555  
notwithstanding the requirement in that section that the 102556  
department and public or private institutions, as defined in that 102557  
section, periodically update that list. The office shall complete 102558  
the initial survey and make the update required under this section 102559  
not later than December 31, 2018. The office shall complete a 102560  
subsequent survey and update not later than the last day of 102561  
December every two years thereafter. 102562

Sec. 6301.112. (A) The governor's office of workforce 102563  
transformation, in collaboration with the departments of higher 102564  
education and job and family services, shall create and publish on 102565  
the OhioMeansJobs web site a workforce supply tool that uses 102566  
real-time demand and supply data. The office shall provide all of 102567  
the following through the tool: 102568

(1) Businesses with historical information on graduates from 102569  
high demand fields; 102570

(2) Businesses with projections on future graduates; 102571

(3) The number of skilled workers available for work in 102572  
occupations included in the list of in-demand jobs created under 102573  
section 6301.11 of the Revised Code. 102574

(B) Not later than January 1, 2018, the governor's office of 102575  
workforce transformation, in collaboration with the departments of 102576

higher education and job and family services, shall include in the 102577  
workforce supply tool created under division (A) of this section 102578  
all in-demand jobs included in the list of in-demand jobs created 102579  
under section 6301.11 of the Revised Code. 102580

(C) Not later than December 31, 2018, the governor's office 102581  
of workforce transformation, in collaboration with the departments 102582  
of higher education and education shall establish design teams. 102583  
The design teams shall do both of the following: 102584

(1) Identify emerging skill needs based on predictive 102585  
analytics and analysis of the data from the workforce supply tool 102586  
created under division (A) of this section; 102587

(2) Periodically recommend innovations for responding to 102588  
emerging in-demand jobs and skills. 102589

**Sec. 6301.12.** (A) The office of workforce development within 102590  
the department of job and family services shall comprehensively 102591  
review the direct and indirect economic impact of businesses 102592  
engaged in the production of horizontal wells in this state and, 102593  
based on its findings, prepare an annual Ohio workforce report. 102594  
The office shall prepare the report by the thirtieth day of July 102595  
of each year. The report shall include at least all of the 102596  
following with respect to the industry: 102597

(1) The total number of jobs created or retained during the 102598  
previous year; 102599

(2) The total number of Ohio-based contractors that employ 102600  
skilled construction trades; 102601

(3) The number of employees who are residents of this state; 102602

(4) The total economic impact; 102603

(5) A review of the state's regional workforce development 102604  
plans required by the ~~"Workforce Investment Act of 1998," 112~~ 102605  
~~Stat. 936, 29 U.S.C.A. 2801, as amended,~~ Workforce Innovation and 102606

Opportunity Act that outline workforce development efforts 102607  
including goals and benchmarks toward maximizing job training, 102608  
education, and job creation opportunities in the state. 102609

(B) Upon the completion of the office's annual Ohio workforce 102610  
report, the office shall provide an electronic copy of the report 102611  
to the president and minority leader of the senate and the speaker 102612  
and minority leader of the house of representatives and post it on 102613  
the office's internet web site. 102614

**Sec. 6301.18.** (A) ~~Beginning January 1, 2016, each~~ Each 102615  
participant in an adult training or education program funded under 102616  
the "~~Workforce Innovation and Opportunity Act,~~" ~~29 U.S.C. 3101,~~ 102617  
shall create an account with the OhioMeansJobs web site at the 102618  
time of enrollment in the program. 102619

(B) Division (A) of this section does not apply to any 102620  
individual who is legally prohibited from using a computer, has a 102621  
physical or visual impairment that makes the individual unable to 102622  
use a computer, or has a limited ability to read, write, speak, or 102623  
understand a language in which the OhioMeansJobs web site is 102624  
available. 102625

**Sec. 6301.20.** Not later than September 30, 2017, the 102626  
governor's office of workforce transformation, in consultation 102627  
with the departments of job and family services, higher education, 102628  
and aging and the opportunities for Ohioans with disabilities 102629  
agency, shall develop and maintain a uniform electronic 102630  
application for adult training programs funded under the 102631  
"Workforce Innovation and Opportunity Act," 128 Stat. 1425, 29 102632  
U.S.C. 3101 et seq., as amended. The application shall be 102633  
available for use not later than July 1, 2018. 102634

**Sec. 6301.21.** (A) Not later than December 31, 2017, the 102635  
governor's office of workforce transformation, the department of 102636

education, and the chancellor of higher education, in consultation 102637  
with business and economic development stakeholder groups, shall 102638  
develop a regional workforce collaboration model. The model shall 102639  
provide guidance on how the JobsOhio regional network, local 102640  
chambers of commerce, economic development organizations, 102641  
business, business associations, secondary and post-secondary 102642  
education organizations, and Ohio college tech prep regional 102643  
centers, that are jointly managed by the department of education 102644  
and the chancellor, shall collaborate to form a partnership that 102645  
provides career services to students. 102646

Career services to students may include, but are not limited 102647  
to, job shadowing, internships, co-ops, apprenticeships, career 102648  
exploration activities, and problem-based curriculum developed in 102649  
alignment with in-demand jobs. 102650

(B) The governor's office of workforce transformation shall 102651  
oversee the creation of regional workforce collaboration 102652  
partnerships based on the model created under division (A) of this 102653  
section. The partnerships shall be located in each of the six 102654  
different regions of the state, as determined by JobsOhio. 102655

(C) As used in this section, "JobsOhio" has the same meaning 102656  
as in section 187.01 of the Revised Code. 102657

**Section 101.02.** That existing sections 101.34, 102.02, 102658  
102.022, 102.03, 103.41, 103.42, 105.41, 107.031, 107.35, 109.572, 102659  
109.5721, 109.71, 109.802, 109.803, 111.42, 111.43, 111.44, 102660  
111.45, 113.061, 120.08, 120.18, 120.28, 120.33, 120.34, 120.35, 102661  
120.36, 121.40, 121.48, 122.01, 122.071, 122.08, 122.081, 122.17, 102662  
122.171, 122.174, 122.175, 122.33, 122.641, 122.85, 122.86, 102663  
122.98, 123.01, 123.20, 123.21, 124.384, 124.823, 124.93, 125.035, 102664  
125.04, 125.061, 125.18, 125.22, 125.28, 126.11, 126.22, 126.35, 102665  
131.23, 131.33, 131.35, 131.44, 131.51, 133.022, 133.06, 133.061, 102666

135.143, 135.182, 135.45, 135.63, 135.71, 143.01, 151.03, 152.08, 102667  
153.02, 154.11, 166.08, 166.11, 167.03, 173.01, 173.14, 173.15, 102668  
173.17, 173.19, 173.20, 173.21, 173.22, 173.24, 173.27, 173.28, 102669  
173.38, 173.381, 173.42, 173.424, 173.48, 173.51, 173.55, 173.99, 102670  
183.51, 191.04, 191.06, 305.05, 307.283, 307.678, 307.93, 307.984, 102671  
319.11, 319.26, 319.54, 321.26, 321.27, 321.37, 321.46, 323.01, 102672  
323.32, 329.03, 329.04, 329.051, 329.06, 340.03, 340.032, 340.033, 102673  
340.08, 341.12, 341.121, 341.25, 503.56, 505.94, 507.12, 507.13, 102674  
703.20, 703.21, 705.22, 713.01, 715.014, 718.01, 718.02, 718.06, 102675  
718.08, 718.27, 718.60, 725.01, 725.04, 733.44, 733.46, 733.78, 102676  
733.81, 763.01, 763.07, 901.04, 901.43, 909.10, 911.11, 924.01, 102677  
924.09, 927.55, 939.02, 940.15, 941.12, 941.55, 943.23, 947.06, 102678  
1121.10, 1121.24, 1121.30, 1123.01, 1123.02, 1123.03, 1155.07, 102679  
1155.10, 1163.09, 1163.13, 1181.06, 1349.21, 1503.05, 1503.141, 102680  
1505.09, 1506.23, 1509.02, 1509.071, 1509.28, 1513.18, 1513.20, 102681  
1513.25, 1513.27, 1513.28, 1513.30, 1513.31, 1513.32, 1513.33, 102682  
1513.37, 1514.03, 1514.051, 1514.06, 1514.071, 1514.11, 1514.46, 102683  
1521.06, 1521.063, 1531.01, 1531.06, 1533.11, 1533.12, 1561.14, 102684  
1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 102685  
1561.26, 1561.45, 1561.46, 1561.48, 1721.01, 1721.10, 1733.04, 102686  
1733.24, 1751.72, 1751.75, 1923.12, 1923.13, 1923.14, 2151.353, 102687  
2151.417, 2151.43, 2151.49, 2301.56, 2305.02, 2329.211, 2329.271, 102688  
2329.31, 2329.311, 2329.44, 2329.66, 2743.48, 2743.75, 2925.01, 102689  
2925.23, 2929.15, 2929.20, 2929.34, 2941.51, 2953.25, 2967.193, 102690  
3109.15, 3111.04, 3113.06, 3113.07, 3119.05, 3121.03, 3301.0710, 102691  
3301.0711, 3301.0712, 3301.0714, 3301.0715, 3302.01, 3302.03, 102692  
3302.151, 3303.20, 3304.11, 3304.12, 3304.14, 3304.15, 3304.17, 102693  
3304.171, 3304.18, 3304.182, 3304.19, 3304.20, 3304.21, 3304.22, 102694  
3304.27, 3304.28, 3304.29, 3304.30, 3304.31, 3304.41, 3309.23, 102695  
3309.374, 3309.661, 3310.16, 3310.52, 3311.06, 3311.751, 3311.86, 102696  
3313.372, 3313.411, 3313.413, 3313.46, 3313.5310, 3313.603, 102697  
3313.6012, 3313.6023, 3313.618, 3313.6110, 3313.6410, 3313.713, 102698

3313.717, 3313.751, 3313.813, 3313.89, 3313.902, 3314.016, 102699  
3314.03, 3314.08, 3314.26, 3316.20, 3317.01, 3317.013, 3317.014, 102700  
3317.017, 3317.02, 3317.021, 3317.022, 3317.024, 3317.025, 102701  
3317.0212, 3317.0218, 3317.06, 3317.16, 3318.01, 3318.011, 102702  
3318.02, 3318.021, 3318.022, 3318.024, 3318.03, 3318.031, 102703  
3318.032, 3318.033, 3318.034, 3318.035, 3318.036, 3318.04, 102704  
3318.041, 3318.042, 3318.05, 3318.051, 3318.052, 3318.054, 102705  
3318.06, 3318.061, 3318.07, 3318.08, 3318.081, 3318.082, 3318.083, 102706  
3318.084, 3318.086, 3318.091, 3318.10, 3318.11, 3318.112, 3318.12, 102707  
3318.121, 3318.13, 3318.15, 3318.16, 3318.18, 3318.22, 3318.25, 102708  
3318.26, 3318.311, 3318.351, 3318.36, 3318.362, 3318.363, 102709  
3318.364, 3318.37, 3318.371, 3318.38, 3318.40, 3318.41, 3318.42, 102710  
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3318.62, 3318.70, 3318.71, 3319.111, 3319.22, 3319.227, 3319.26, 102712  
3319.271, 3319.291, 3319.61, 3321.19, 3323.052, 3326.01, 3326.03, 102713  
3326.032, 3326.04, 3326.09, 3326.10, 3326.101, 3326.11, 3326.33, 102714  
3326.41, 3327.08, 3333.048, 3333.121, 3333.122, 3333.31, 3333.39, 102715  
3333.91, 3333.92, 3345.061, 3345.14, 3345.35, 3345.45, 3354.01, 102716  
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3513.312, 3517.17, 3701.021, 3701.243, 3701.601, 3701.611, 102720  
3701.65, 3701.83, 3701.881, 3702.304, 3702.307, 3702.52, 3702.72, 102721  
3704.01, 3704.035, 3704.111, 3705.07, 3705.08, 3705.09, 3705.10, 102722  
3706.05, 3706.27, 3707.58, 3710.01, 3710.02, 3710.04, 3710.05, 102723  
3710.051, 3710.06, 3710.07, 3710.08, 3710.09, 3710.10, 3710.11, 102724  
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3713.04, 3715.021, 3715.041, 3719.04, 3719.07, 3719.08, 3721.02, 102726  
3721.031, 3721.21, 3721.22, 3721.23, 3721.24, 3721.25, 3721.32, 102727  
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4731.282, 4731.291, 4731.292, 4731.293, 4731.294, 4731.295, 102763  
4731.296, 4731.298, 4731.299, 4731.341, 4731.36, 4731.41, 4731.43, 102764  
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5101.181, 5101.184, 5101.20, 5101.201, 5101.214, 5101.23, 102774  
5101.241, 5101.26, 5101.27, 5101.28, 5101.32, 5101.33, 5101.35, 102775  
5101.36, 5101.61, 5101.802, 5107.05, 5107.10, 5108.01, 5117.10, 102776  
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5149.36, 5160.052, 5160.37, 5160.40, 5160.401, 5162.021, 5162.12, 102780  
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5164.752, 5164.753, 5165.01, 5165.106, 5165.1010, 5165.15, 102783  
5165.151, 5165.153, 5165.154, 5165.157, 5165.16, 5165.17, 5165.19, 102784  
5165.192, 5165.21, 5165.23, 5165.25, 5165.34, 5165.37, 5165.41, 102785  
5165.42, 5165.52, 5166.01, 5166.121, 5166.16, 5166.22, 5166.30, 102786  
5166.40, 5166.408, 5167.01, 5167.03, 5167.04, 5167.30, 5168.01, 102787  
5168.02, 5168.06, 5168.07, 5168.09, 5168.10, 5168.11, 5168.14, 102788  
5168.26, 5168.99, 5502.01, 5502.13, 5502.68, 5503.02, 5515.07, 102789  
5575.02, 5575.03, 5577.081, 5595.03, 5595.06, 5595.13, 5703.052, 102790  
5703.053, 5703.054, 5703.056, 5703.19, 5703.21, 5703.26, 5703.371, 102791  
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5709.17, 5709.212, 5709.45, 5709.62, 5709.63, 5709.632, 5709.64, 102793  
5709.68, 5709.92, 5713.051, 5713.31, 5713.33, 5713.34, 5715.01, 102794



5715.19, 5715.20, 5715.27, 5715.39, 5717.01, 5725.33, 5725.98, 102795  
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5731.46, 5731.49, 5735.02, 5736.06, 5739.01, 5739.02, 5739.021, 102798  
5739.023, 5739.025, 5739.026, 5739.029, 5739.033, 5739.09, 102799  
5739.122, 5739.13, 5739.132, 5739.30, 5741.021, 5741.022, 5741.12, 102800  
5743.01, 5743.03, 5743.081, 5743.15, 5743.51, 5743.61, 5743.62, 102801  
5743.63, 5747.02, 5747.06, 5747.08, 5747.113, 5747.122, 5747.50, 102802  
5747.502, 5747.51, 5747.53, 5747.70, 5747.98, 5749.01, 5749.02, 102803  
5749.03, 5749.04, 5749.06, 5749.17, 5751.02, 5903.11, 5919.34, 102804  
5923.05, 6111.03, 6111.036, 6111.04, 6111.046, 6111.14, 6111.30, 102805  
6117.38, 6301.01, 6301.02, 6301.03, 6301.04, 6301.05, 6301.06, 102806  
6301.061, 6301.07, 6301.08, 6301.09, 6301.11, 6301.12, and 6301.18 102807  
of the Revised Code are hereby repealed. 102808

**Section 105.01.** That sections 123.27, 152.01, 152.02, 152.04, 102809  
152.05, 152.06, 152.07, 152.09, 152.091, 152.10, 152.11, 152.12, 102810  
152.13, 152.14, 152.15, 152.16, 152.17, 152.18, 152.19, 152.21, 102811  
152.22, 152.23, 152.24, 152.241, 152.242, 152.26, 152.27, 152.28, 102812  
152.31, 152.32, 152.33, 173.53, 330.01, 330.02, 330.04, 330.05, 102813  
330.07, 340.091, 759.24, 763.02, 763.05, 901.90, 921.60, 921.61, 102814  
921.62, 921.63, 921.64, 921.65, 1181.16, 1181.17, 1181.18, 102815  
1501.022, 1506.24, 1513.181, 3301.28, 3317.018, 3317.019, 102816  
3317.026, 3317.027, 3318.19, 3318.30, 3318.31, 3319.223, 3333.13, 102817  
3704.144, 3706.26, 3712.042, 3719.02, 3719.021, 3719.03, 3719.031, 102818  
3727.33, 3727.331, 3727.34, 3727.35, 3727.36, 3727.37, 3727.38, 102819  
3727.39, 3727.391, 3727.40, 3727.41, 3734.821, 3742.43, 3742.44, 102820  
3742.45, 3742.46, 3742.47, 3742.48, 4709.04, 4709.06, 4709.26, 102821  
4709.27, 4729.14, 4731.08, 4731.09, 4731.11, 4731.12, 4731.13, 102822  
4731.141, 4731.29, 4731.53, 4731.54, 4731.55, 4731.57, 4731.571, 102823  
4736.04, 4736.16, 4921.15, 4921.16, 5115.01, 5115.02, 5115.03, 102824  
5115.04, 5115.05, 5115.06, 5115.07, 5115.20, 5115.22, 5115.23, 102825

5162.54, 5164.88, 5164.881, 5164.90, 5166.13, 5739.18, 5747.056, 102826  
6111.033, and 6111.40 of the Revised Code are hereby repealed. 102827

102828

**Section 120.10.** That sections 4713.10 and 4713.56 of the 102829  
Revised Code be amended to read as follows: 102830

**Sec. 4713.10.** (A) The state ~~board of~~ cosmetology and barber 102831  
board shall charge and collect the following fees: 102832

(1) For a temporary pre-examination work permit under section 102833  
4713.22 of the Revised Code, seven dollars and fifty cents; 102834

(2) For initial application to take an examination under 102835  
section 4713.24 of the Revised Code, thirty-one dollars and fifty 102836  
cents; 102837

(3) For application to take an examination under section 102838  
4713.24 of the Revised Code by an applicant who has previously 102839  
applied to take, but failed to appear for, the examination, forty 102840  
dollars; 102841

(4) For application to re-take an examination under section 102842  
4713.24 of the Revised Code by an applicant who has previously 102843  
appeared for, but failed to pass, the examination, thirty-one 102844  
dollars and fifty cents; 102845

(5) For the issuance of a license under section 4713.28, 102846  
4713.30, or 4713.31 of the Revised Code, forty-five dollars; 102847

(6) For the issuance of a license under section 4713.34 of 102848  
the Revised Code, seventy dollars; 102849

(7) For renewal of a license issued under section 4713.28, 102850  
4713.30, 4713.31, or 4713.34 of the Revised Code, forty-five 102851  
dollars; 102852

(8) For the issuance or renewal of a cosmetology school 102853

license, two hundred fifty dollars; 102854

(9) For the issuance of a new salon license or the change of 102855  
name or ownership of a salon license under section 4713.41 of the 102856  
Revised Code, seventy-five dollars; 102857

(10) For the renewal of a salon license under section 4713.41 102858  
of the Revised Code, sixty dollars; 102859

(11) For the restoration of an expired license that may be 102860  
restored pursuant to section 4713.63 of the Revised Code, an 102861  
amount equal to the sum of the current license renewal fee and a 102862  
lapsed renewal fee of forty-five dollars per license renewal 102863  
period that has elapsed since the license was last issued or 102864  
renewed; 102865

(12) For the issuance of a duplicate of any license, twenty 102866  
dollars; 102867

(13) For the preparation and mailing of a licensee's records 102868  
to another state for a reciprocity license, fifty dollars; 102869

(14) For the processing of any fees related to a check from a 102870  
licensee returned to the board for insufficient funds, an 102871  
additional thirty dollars. 102872

(B) The board may establish an installment plan for the 102873  
payment of fines and fees and may reduce fees as considered 102874  
appropriate by the board. 102875

(C) At the request of a person who is temporarily unable to 102876  
pay a fee imposed under division (A) of this section, or on its 102877  
own motion, the board may extend the date payment is due by up to 102878  
ninety days. If the fee remains unpaid after the date payment is 102879  
due, the amount of the fee shall be certified to the attorney 102880  
general for collection in the form and manner prescribed by the 102881  
attorney general. The attorney general may assess the collection 102882  
cost to the amount certified in such a manner and amount as 102883

prescribed by the attorney general. 102884

**Sec. 4713.56.** Every holder of a practicing license, 102885  
instructor license, independent contractor license, or boutique 102886  
service registration issued by the state ~~board of~~ cosmetology and 102887  
barber board shall maintain the board-issued, wallet-sized license 102888  
or electronically generated license certification or registration 102889  
and a current government-issued photo identification that can be 102890  
produced upon inspection or request. 102891

Every holder of a license to operate a salon issued by the 102892  
board shall display the license in a public and conspicuous place 102893  
in the salon. 102894

Every holder of a license to operate a school of cosmetology 102895  
issued by the board shall display the license in a public and 102896  
conspicuous place in the school. 102897

Every individual who provides cosmetic therapy, massage 102898  
therapy, or other professional service in a salon under section 102899  
4713.42 of the Revised Code shall maintain the individual's 102900  
professional license or certificate and a state of Ohio issued 102901  
photo identification that can be produced upon inspection or 102902  
request. 102903

**Section 120.11.** That existing sections 4713.10 and 4713.56 of 102904  
the Revised Code are hereby repealed. 102905

**Section 120.12.** Sections 120.10 and 120.11 take effect on 102906  
January 21, 2018. 102907

**Section 120.20.** That sections 329.04 and 2329.66 of the 102908  
Revised Code be amended to read as follows: 102909

**Sec. 329.04.** (A) The county department of job and family 102910

services shall have, exercise, and perform the following powers and duties: 102911  
102912

(1) Perform any duties assigned by the state department of job and family services or department of medicaid regarding the provision of public family services, including the provision of the following services to prevent or reduce economic or personal dependency and to strengthen family life: 102913  
102914  
102915  
102916  
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(a) Services authorized by a Title IV-A program, as defined in section 5101.80 of the Revised Code; 102918  
102919

(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 or 5101.461 of the Revised Code; 102920  
102921  
102922

(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services. 102923  
102924  
102925  
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(d) Duties assigned under section 5162.031 of the Revised Code. 102931  
102932

~~(2) Administer disability financial assistance, as required by the state department of job and family services under section 5115.03 of the Revised Code;~~ 102933  
102934  
102935

~~(3)~~ Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law; 102936  
102937  
102938

~~(4)~~(3) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such 102939  
102940

authorities; 102941

~~(5)~~(4) Submit an annual account of its work and expenses to 102942  
the board of county commissioners and to the state department of 102943  
job and family services and department of medicaid at the close of 102944  
each fiscal year; 102945

~~(6)~~(5) Exercise any powers and duties relating to family 102946  
services duties or workforce development activities imposed upon 102947  
the county department of job and family services by law, by 102948  
resolution of the board of county commissioners, or by order of 102949  
the governor, when authorized by law, to meet emergencies during 102950  
war or peace; 102951

~~(7)~~(6) Enter into a plan of cooperation with the board of 102952  
county commissioners under section 307.983, consult with the board 102953  
in the development of the transportation work plan developed under 102954  
section 307.985, establish with the board procedures under section 102955  
307.986 for providing services to children whose families relocate 102956  
frequently, and comply with the contracts the board enters into 102957  
under sections 307.981 and 307.982 of the Revised Code that affect 102958  
the county department; 102959

~~(8)~~(7) For the purpose of complying with a grant agreement 102960  
the board of county commissioners enters into under sections 102961  
307.98 and 5101.21 of the Revised Code, exercise the powers and 102962  
perform the duties the grant agreement assigns to the county 102963  
department; 102964

~~(9)~~(8) If the county department is designated as the 102965  
workforce development agency, provide the workforce development 102966  
activities specified in the contract required by section 330.05 of 102967  
the Revised Code. 102968

(B) The powers and duties of a county department of job and 102969  
family services are, and shall be exercised and performed, under 102970

the control and direction of the board of county commissioners. 102971  
The board may assign to the county department any power or duty of 102972  
the board regarding family services duties and workforce 102973  
development activities. If the new power or duty necessitates the 102974  
state department of job and family services or department of 102975  
medicaid changing its federal cost allocation plan, the county 102976  
department may not implement the power or duty unless the United 102977  
States department of health and human services approves the 102978  
changes. 102979

**Sec. 2329.66.** (A) Every person who is domiciled in this state 102980  
may hold property exempt from execution, garnishment, attachment, 102981  
or sale to satisfy a judgment or order, as follows: 102982

(1)(a) In the case of a judgment or order regarding money 102983  
owed for health care services rendered or health care supplies 102984  
provided to the person or a dependent of the person, one parcel or 102985  
item of real or personal property that the person or a dependent 102986  
of the person uses as a residence. Division (A)(1)(a) of this 102987  
section does not preclude, affect, or invalidate the creation 102988  
under this chapter of a judgment lien upon the exempted property 102989  
but only delays the enforcement of the lien until the property is 102990  
sold or otherwise transferred by the owner or in accordance with 102991  
other applicable laws to a person or entity other than the 102992  
surviving spouse or surviving minor children of the judgment 102993  
debtor. Every person who is domiciled in this state may hold 102994  
exempt from a judgment lien created pursuant to division (A)(1)(a) 102995  
of this section the person's interest, not to exceed one hundred 102996  
twenty-five thousand dollars, in the exempted property. 102997

(b) In the case of all other judgments and orders, the 102998  
person's interest, not to exceed one hundred twenty-five thousand 102999  
dollars, in one parcel or item of real or personal property that 103000  
the person or a dependent of the person uses as a residence. 103001

(c) For purposes of divisions (A)(1)(a) and (b) of this section, "parcel" means a tract of real property as identified on the records of the auditor of the county in which the real property is located.

(2) The person's interest, not to exceed three thousand two hundred twenty-five dollars, in one motor vehicle;

(3) The person's interest, not to exceed four hundred dollars, in cash on hand, money due and payable, money to become due within ninety days, tax refunds, and money on deposit with a bank, savings and loan association, credit union, public utility, landlord, or other person, other than personal earnings.

(4)(a) The person's interest, not to exceed five hundred twenty-five dollars in any particular item or ten thousand seven hundred seventy-five dollars in aggregate value, in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, musical instruments, firearms, and hunting and fishing equipment that are held primarily for the personal, family, or household use of the person;

(b) The person's aggregate interest in one or more items of jewelry, not to exceed one thousand three hundred fifty dollars, held primarily for the personal, family, or household use of the person or any of the person's dependents.

(5) The person's interest, not to exceed an aggregate of two thousand twenty-five dollars, in all implements, professional books, or tools of the person's profession, trade, or business, including agriculture;

(6)(a) The person's interest in a beneficiary fund set apart, appropriated, or paid by a benevolent association or society, as exempted by section 2329.63 of the Revised Code;

(b) The person's interest in contracts of life or endowment insurance or annuities, as exempted by section 3911.10 of the



Revised Code;	103033
(c) The person's interest in a policy of group insurance or the proceeds of a policy of group insurance, as exempted by section 3917.05 of the Revised Code;	103034 103035 103036
(d) The person's interest in money, benefits, charity, relief, or aid to be paid, provided, or rendered by a fraternal benefit society, as exempted by section 3921.18 of the Revised Code;	103037 103038 103039 103040
(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.	103041 103042 103043 103044
(7) The person's professionally prescribed or medically necessary health aids;	103045 103046
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	103047 103048 103049
(9) The person's interest in the following:	103050
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	103051 103052
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	103053 103054
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	103055 103056
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	103057 103058
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	103059 103060 103061

~~(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;~~ 103062  
103063

~~(g)~~ Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 103064  
103065

(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section, in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, in cases in which an order for forfeiture was issued under division (A) or (B) of section 2929.192 of the Revised Code, and in cases in which an order was issued under section 2929.193 or 2929.194 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights to or interests in a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's rights to or interests in a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights or interests, as exempted by section 143.11, 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised Code, and the person's rights to or interests in benefits from the Ohio public safety officers death benefit fund; 103066  
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(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights to receive or interests in receiving a payment or other benefits under any pension, annuity, or similar plan or contract, not including a payment or benefit from a stock bonus or profit-sharing plan or a payment included in division (A)(6)(b) or 103088  
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(10)(a) of this section, on account of illness, disability, death, 103094  
age, or length of service, to the extent reasonably necessary for 103095  
the support of the person and any of the person's dependents, 103096  
except if all the following apply: 103097

(i) The plan or contract was established by or under the 103098  
auspices of an insider that employed the person at the time the 103099  
person's rights or interests under the plan or contract arose. 103100

(ii) The payment is on account of age or length of service. 103101

(iii) The plan or contract is not qualified under the 103102  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 103103  
amended. 103104

(c) Except for any portion of the assets that were deposited 103105  
for the purpose of evading the payment of any debt and except as 103106  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 103107  
3123.06 of the Revised Code, the person's rights or interests in 103108  
the assets held in, or to directly or indirectly receive any 103109  
payment or benefit under, any individual retirement account, 103110  
individual retirement annuity, "Roth IRA," account opened pursuant 103111  
to a program administered by a state under section 529 or 529A of 103112  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 103113  
as amended, or education individual retirement account that 103114  
provides payments or benefits by reason of illness, disability, 103115  
death, retirement, or age or provides payments or benefits for 103116  
purposes of education or qualified disability expenses, to the 103117  
extent that the assets, payments, or benefits described in 103118  
division (A)(10)(c) of this section are attributable to or derived 103119  
from any of the following or from any earnings, dividends, 103120  
interest, appreciation, or gains on any of the following: 103121

(i) Contributions of the person that were less than or equal 103122  
to the applicable limits on deductible contributions to an 103123  
individual retirement account or individual retirement annuity in 103124

the year that the contributions were made, whether or not the person was eligible to deduct the contributions on the person's federal tax return for the year in which the contributions were made;

(ii) Contributions of the person that were less than or equal to the applicable limits on contributions to a Roth IRA or education individual retirement account in the year that the contributions were made;

(iii) Contributions of the person that are within the applicable limits on rollover contributions under subsections 219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended;

(iv) Contributions by any person into any plan, fund, or account that is formed, created, or administered pursuant to, or is otherwise subject to, section 529 or 529A of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(d) Except for any portion of the assets that were deposited for the purpose of evading the payment of any debt and except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights or interests in the assets held in, or to receive any payment under, any Keogh or "H.R. 10" plan that provides benefits by reason of illness, disability, death, retirement, or age, to the extent reasonably necessary for the support of the person and any of the person's dependents.

(e) The person's rights to or interests in any assets held in, or to directly or indirectly receive any payment or benefit under, any individual retirement account, individual retirement annuity, "Roth IRA," account opened pursuant to a program administered by a state under section 529 or 529A of the "Internal

Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or 103156  
education individual retirement account that a decedent, upon or 103157  
by reason of the decedent's death, directly or indirectly left to 103158  
or for the benefit of the person, either outright or in trust or 103159  
otherwise, including, but not limited to, any of those rights or 103160  
interests in assets or to receive payments or benefits that were 103161  
transferred, conveyed, or otherwise transmitted by the decedent by 103162  
means of a will, trust, exercise of a power of appointment, 103163  
beneficiary designation, transfer or payment on death designation, 103164  
or any other method or procedure. 103165

(f) The exemptions under divisions (A)(10)(a) to (e) of this 103166  
section also shall apply or otherwise be available to an alternate 103167  
payee under a qualified domestic relations order (QDRO) or other 103168  
similar court order. 103169

(g) A person's interest in any plan, program, instrument, or 103170  
device described in divisions (A)(10)(a) to (e) of this section 103171  
shall be considered an exempt interest even if the plan, program, 103172  
instrument, or device in question, due to an error made in good 103173  
faith, failed to satisfy any criteria applicable to that plan, 103174  
program, instrument, or device under the "Internal Revenue Code of 103175  
1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 103176

(11) The person's right to receive spousal support, child 103177  
support, an allowance, or other maintenance to the extent 103178  
reasonably necessary for the support of the person and any of the 103179  
person's dependents; 103180

(12) The person's right to receive, or moneys received during 103181  
the preceding twelve calendar months from, any of the following: 103182

(a) An award of reparations under sections 2743.51 to 2743.72 103183  
of the Revised Code, to the extent exempted by division (D) of 103184  
section 2743.66 of the Revised Code; 103185

(b) A payment on account of the wrongful death of an 103186

individual of whom the person was a dependent on the date of the 103187  
individual's death, to the extent reasonably necessary for the 103188  
support of the person and any of the person's dependents; 103189

(c) Except in cases in which the person who receives the 103190  
payment is an inmate, as defined in section 2969.21 of the Revised 103191  
Code, and in which the payment resulted from a civil action or 103192  
appeal against a government entity or employee, as defined in 103193  
section 2969.21 of the Revised Code, a payment, not to exceed 103194  
twenty thousand two hundred dollars, on account of personal bodily 103195  
injury, not including pain and suffering or compensation for 103196  
actual pecuniary loss, of the person or an individual for whom the 103197  
person is a dependent; 103198

(d) A payment in compensation for loss of future earnings of 103199  
the person or an individual of whom the person is or was a 103200  
dependent, to the extent reasonably necessary for the support of 103201  
the debtor and any of the debtor's dependents. 103202

(13) Except as provided in sections 3119.80, 3119.81, 103203  
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 103204  
earnings of the person owed to the person for services in an 103205  
amount equal to the greater of the following amounts: 103206

(a) If paid weekly, thirty times the current federal minimum 103207  
hourly wage; if paid biweekly, sixty times the current federal 103208  
minimum hourly wage; if paid semimonthly, sixty-five times the 103209  
current federal minimum hourly wage; or if paid monthly, one 103210  
hundred thirty times the current federal minimum hourly wage that 103211  
is in effect at the time the earnings are payable, as prescribed 103212  
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 103213  
U.S.C. 206(a)(1), as amended; 103214

(b) Seventy-five per cent of the disposable earnings owed to 103215  
the person. 103216

(14) The person's right in specific partnership property, as 103217

exempted by the person's rights in a partnership pursuant to 103218  
section 1776.50 of the Revised Code, except as otherwise set forth 103219  
in section 1776.50 of the Revised Code; 103220

(15) A seal and official register of a notary public, as 103221  
exempted by section 147.04 of the Revised Code; 103222

(16) The person's interest in a tuition unit or a payment 103223  
under section 3334.09 of the Revised Code pursuant to a tuition 103224  
payment contract, as exempted by section 3334.15 of the Revised 103225  
Code; 103226

(17) Any other property that is specifically exempted from 103227  
execution, attachment, garnishment, or sale by federal statutes 103228  
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 103229  
U.S.C.A. 101, as amended; 103230

(18) The person's aggregate interest in any property, not to 103231  
exceed one thousand seventy-five dollars, except that division 103232  
(A)(18) of this section applies only in bankruptcy proceedings. 103233

(B) On April 1, 2010, and on the first day of April in each 103234  
third calendar year after 2010, the Ohio judicial conference shall 103235  
adjust each dollar amount set forth in this section to reflect any 103236  
increase in the consumer price index for all urban consumers, as 103237  
published by the United States department of labor, or, if that 103238  
index is no longer published, a generally available comparable 103239  
index, for the three-year period ending on the thirty-first day of 103240  
December of the preceding year. Any adjustments required by this 103241  
division shall be rounded to the nearest twenty-five dollars. 103242

The Ohio judicial conference shall prepare a memorandum 103243  
specifying the adjusted dollar amounts. The judicial conference 103244  
shall transmit the memorandum to the director of the legislative 103245  
service commission, and the director shall publish the memorandum 103246  
in the register of Ohio. (Publication of the memorandum in the 103247  
register of Ohio shall continue until the next memorandum 103248

specifying an adjustment is so published.) The judicial conference 103249  
also may publish the memorandum in any other manner it concludes 103250  
will be reasonably likely to inform persons who are affected by 103251  
its adjustment of the dollar amounts. 103252

(C) As used in this section: 103253

(1) "Disposable earnings" means net earnings after the 103254  
garnishee has made deductions required by law, excluding the 103255  
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 103256  
3121.03, or 3123.06 of the Revised Code. 103257

(2) "Insider" means: 103258

(a) If the person who claims an exemption is an individual, a 103259  
relative of the individual, a relative of a general partner of the 103260  
individual, a partnership in which the individual is a general 103261  
partner, a general partner of the individual, or a corporation of 103262  
which the individual is a director, officer, or in control; 103263

(b) If the person who claims an exemption is a corporation, a 103264  
director or officer of the corporation; a person in control of the 103265  
corporation; a partnership in which the corporation is a general 103266  
partner; a general partner of the corporation; or a relative of a 103267  
general partner, director, officer, or person in control of the 103268  
corporation; 103269

(c) If the person who claims an exemption is a partnership, a 103270  
general partner in the partnership; a general partner of the 103271  
partnership; a person in control of the partnership; a partnership 103272  
in which the partnership is a general partner; or a relative in, a 103273  
general partner of, or a person in control of the partnership; 103274

(d) An entity or person to which or whom any of the following 103275  
applies: 103276

(i) The entity directly or indirectly owns, controls, or 103277  
holds with power to vote, twenty per cent or more of the 103278



outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote. 103279 103280 103281 103282 103283

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C)(2)(d)(i) of this section applies. 103284 103285 103286 103287 103288

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption. 103289 103290 103291 103292

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement. 103293 103294 103295

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption; 103296 103297 103298 103299

(f) A managing agent of the person who claims an exemption. 103300

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code. 103301 103302

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code. 103303 103304

(D) For purposes of this section, "interest" shall be determined as follows: 103305 103306

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 103307 103308

of the United States Code; 103309

(2) In all cases other than bankruptcy proceedings, as of the 103310  
date of an appraisal, if necessary under section 2329.68 of the 103311  
Revised Code, or the issuance of a writ of execution. 103312

An interest, as determined under division (D)(1) or (2) of 103313  
this section, shall not include the amount of any lien otherwise 103314  
valid pursuant to section 2329.661 of the Revised Code. 103315

**Section 120.21.** That existing sections 329.04 and 2329.66 of 103316  
the Revised Code are hereby repealed. 103317

**Section 120.22.** Sections 120.20 and 120.21 take effect on 103318  
December 31, 2017. 103319

**Section 120.30.** That the version of section 5735.07 of the 103320  
Revised Code that is scheduled to take effect January 1, 2018, be 103321  
amended to read as follows: 103322

**Sec. 5735.07.** The tax commissioner shall publish on the 103323  
department's web site a list of all motor fuel dealers, aviation 103324  
fuel dealers, and retail dealers that have valid licenses or 103325  
registrations issued under this chapter. The list shall contain 103326  
the name, address, and federal identification number or other 103327  
motor fuel tax account number of each such person and, for motor 103328  
fuel dealers, the number of gallons of motor fuel upon which those 103329  
dealers were required to pay the tax as reported on the report or 103330  
as determined by investigation of the commissioner. 103331

**Section 120.31.** That the existing version of section 5735.07 103332  
of the Revised Code that is scheduled to take effect January 1, 103333  
2018, is hereby repealed. 103334

**Section 120.32.** Sections 120.30 and 120.31 take effect on 103335

January 1, 2018. 103336

**Section 125.05.** That sections 103.44, 103.45, 103.46, 103.47, 103337  
103.48, 103.49, and 103.50 of the Revised Code are hereby repealed 103338  
on October 1, 2017. 103339

**Section 125.10.** That section 5166.35 of the Revised Code is 103340  
hereby repealed on January 1, 2019. 103341

**Section 130.11.** That sections 109.572, 119.06, 121.22, 103342  
2305.113, 3313.608, 3701.83, 4725.01, 4725.02, 4725.04, 4725.05, 103343  
4725.06, 4725.07, 4725.08, 4725.09, 4725.091, 4725.092, 4725.10, 103344  
4725.11, 4725.12, 4725.121, 4725.13, 4725.15, 4725.16, 4725.17, 103345  
4725.171, 4725.18, 4725.19, 4725.20, 4725.21, 4725.22, 4725.23, 103346  
4725.24, 4725.26, 4725.27, 4725.28, 4725.29, 4725.31, 4725.33, 103347  
4725.34, 4725.40, 4725.41, 4725.411, 4725.44, 4725.48, 4725.49, 103348  
4725.50, 4725.501, 4725.51, 4725.52, 4725.53, 4725.531, 4725.54, 103349  
4725.55, 4725.57, 4725.61, 4729.85, 4731.051, 4731.07, 4731.071, 103350  
4731.224, 4731.24, 4731.25, 4743.05, 4745.02, 4745.04, 4747.04, 103351  
4747.05, 4747.06, 4747.07, 4747.08, 4747.10, 4747.11, 4747.12, 103352  
4747.13, 4747.14, 4747.16, 4747.17, 4752.01, 4752.03, 4752.04, 103353  
4752.05, 4752.06, 4752.08, 4752.09, 4752.11, 4752.12, 4752.13, 103354  
4752.14, 4752.15, 4752.17, 4752.18, 4752.19, 4752.20, 4753.05, 103355  
4753.06, 4753.07, 4753.071, 4753.072, 4753.073, 4753.08, 4753.09, 103356  
4753.091, 4753.10, 4753.101, 4753.11, 4753.12, 4753.15, 4753.16, 103357  
4755.02, 4755.03, 4755.031, 4755.06, 4755.061, 4755.07, 4755.08, 103358  
4755.09, 4755.10, 4755.11, 4755.111, 4755.12, 4755.41, 4755.411, 103359  
4755.412, 4755.42, 4755.421, 4755.43, 4755.431, 4755.44, 4755.441, 103360  
4755.45, 4755.451, 4755.46, 4755.47, 4755.471, 4755.482, 4755.51, 103361  
4755.511, 4755.52, 4755.53, 4755.61, 4755.62, 4755.63, 4755.64, 103362  
4755.65, 4755.66, 4755.70, 4755.71, 4755.99, 4759.02, 4759.05, 103363  
4759.06, 4759.061, 4759.07, 4759.08, 4759.09, 4759.10, 4759.11, 103364  
4759.12, 4761.03, 4761.031, 4761.04, 4761.05, 4761.051, 4761.06, 103365

4761.07, 4761.08, 4761.09, 4761.10, 4761.11, 4761.12, 4761.13, 103366  
4761.14, 4761.18, 4776.01, 4779.02, 4779.08, 4779.09, 4779.091, 103367  
4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.17, 4779.18, 103368  
4779.20, 4779.23, 4779.24, 4779.25, 4779.26, 4779.27, 4779.28, 103369  
4779.29, 4779.30, 4779.31, 4779.32, 4779.33, 4779.34, 5120.55, and 103370  
5123.46 be amended and sections 4725.031, 4725.032, 4725.63, 103371  
4725.64, 4725.65, 4725.66, 4725.67, 4729.021, 4744.02, 4744.06, 103372  
4744.07, 4744.10, 4744.12, 4744.14, 4744.16, 4744.18, 4744.20, 103373  
4744.24, 4744.28, 4744.30, 4744.36, 4744.40, 4744.48, 4744.50, 103374  
4744.54, 4745.021, 4747.051, 4752.22, 4752.24, 4753.061, 4759.011, 103375  
4759.051, 4761.011, and 4761.032 of the Revised Code be enacted to 103376  
read as follows: 103377

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 103378  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 103379  
a completed form prescribed pursuant to division (C)(1) of this 103380  
section, and a set of fingerprint impressions obtained in the 103381  
manner described in division (C)(2) of this section, the 103382  
superintendent of the bureau of criminal identification and 103383  
investigation shall conduct a criminal records check in the manner 103384  
described in division (B) of this section to determine whether any 103385  
information exists that indicates that the person who is the 103386  
subject of the request previously has been convicted of or pleaded 103387  
guilty to any of the following: 103388

(a) A violation of section 2903.01, 2903.02, 2903.03, 103389  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 103390  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 103391  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 103392  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 103393  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 103394  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 103395  
2925.06, or 3716.11 of the Revised Code, felonious sexual 103396

penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(1)(a) of this section;

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified in section 3319.31 of the Revised Code.

(2) On receipt of a request pursuant to section 3712.09 or 3721.121 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 103429  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 103430  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 103431  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 103432  
2925.22, 2925.23, or 3716.11 of the Revised Code; 103433

(b) An existing or former law of this state, any other state, 103434  
or the United States that is substantially equivalent to any of 103435  
the offenses listed in division (A)(2)(a) of this section. 103436

(3) On receipt of a request pursuant to section 173.27, 103437  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 103438  
or 5123.169 of the Revised Code, a completed form prescribed 103439  
pursuant to division (C)(1) of this section, and a set of 103440  
fingerprint impressions obtained in the manner described in 103441  
division (C)(2) of this section, the superintendent of the bureau 103442  
of criminal identification and investigation shall conduct a 103443  
criminal records check of the person for whom the request is made. 103444  
The superintendent shall conduct the criminal records check in the 103445  
manner described in division (B) of this section to determine 103446  
whether any information exists that indicates that the person who 103447  
is the subject of the request previously has been convicted of, 103448  
has pleaded guilty to, or (except in the case of a request 103449  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 103450  
Code) has been found eligible for intervention in lieu of 103451  
conviction for any of the following, regardless of the date of the 103452  
conviction, the date of entry of the guilty plea, or (except in 103453  
the case of a request pursuant to section 5164.34, 5164.341, or 103454  
5164.342 of the Revised Code) the date the person was found 103455  
eligible for intervention in lieu of conviction: 103456

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 103457  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 103458  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 103459  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 103460

2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 103461  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 103462  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 103463  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 103464  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 103465  
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 103466  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 103467  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 103468  
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 103469  
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 103470  
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 103471  
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 103472  
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 103473  
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 103474  
2927.12, or 3716.11 of the Revised Code; 103475

(b) Felonious sexual penetration in violation of former 103476  
section 2907.12 of the Revised Code; 103477

(c) A violation of section 2905.04 of the Revised Code as it 103478  
existed prior to July 1, 1996; 103479

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 103480  
the Revised Code when the underlying offense that is the object of 103481  
the conspiracy, attempt, or complicity is one of the offenses 103482  
listed in divisions (A)(3)(a) to (c) of this section; 103483

(e) A violation of an existing or former municipal ordinance 103484  
or law of this state, any other state, or the United States that 103485  
is substantially equivalent to any of the offenses listed in 103486  
divisions (A)(3)(a) to (d) of this section. 103487

(4) On receipt of a request pursuant to section 2151.86 of 103488  
the Revised Code, a completed form prescribed pursuant to division 103489  
(C)(1) of this section, and a set of fingerprint impressions 103490  
obtained in the manner described in division (C)(2) of this 103491

section, the superintendent of the bureau of criminal 103492  
identification and investigation shall conduct a criminal records 103493  
check in the manner described in division (B) of this section to 103494  
determine whether any information exists that indicates that the 103495  
person who is the subject of the request previously has been 103496  
convicted of or pleaded guilty to any of the following: 103497

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 103498  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 103499  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 103500  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 103501  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 103502  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 103503  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 103504  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 103505  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 103506  
of the Revised Code, a violation of section 2905.04 of the Revised 103507  
Code as it existed prior to July 1, 1996, a violation of section 103508  
2919.23 of the Revised Code that would have been a violation of 103509  
section 2905.04 of the Revised Code as it existed prior to July 1, 103510  
1996, had the violation been committed prior to that date, a 103511  
violation of section 2925.11 of the Revised Code that is not a 103512  
minor drug possession offense, two or more OVI or OVUAC violations 103513  
committed within the three years immediately preceding the 103514  
submission of the application or petition that is the basis of the 103515  
request, or felonious sexual penetration in violation of former 103516  
section 2907.12 of the Revised Code; 103517

(b) A violation of an existing or former law of this state, 103518  
any other state, or the United States that is substantially 103519  
equivalent to any of the offenses listed in division (A)(4)(a) of 103520  
this section. 103521

(5) Upon receipt of a request pursuant to section 5104.013 of 103522  
the Revised Code, a completed form prescribed pursuant to division 103523



(C)(1) of this section, and a set of fingerprint impressions 103524  
obtained in the manner described in division (C)(2) of this 103525  
section, the superintendent of the bureau of criminal 103526  
identification and investigation shall conduct a criminal records 103527  
check in the manner described in division (B) of this section to 103528  
determine whether any information exists that indicates that the 103529  
person who is the subject of the request has been convicted of or 103530  
pleaded guilty to any of the following: 103531

(a) A violation of section 2151.421, 2903.01, 2903.02, 103532  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 103533  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 103534  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 103535  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 103536  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 103537  
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 103538  
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 103539  
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 103540  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 103541  
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 103542  
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 103543  
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 103544  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 103545  
Revised Code, felonious sexual penetration in violation of former 103546  
section 2907.12 of the Revised Code, a violation of section 103547  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 103548  
violation of section 2919.23 of the Revised Code that would have 103549  
been a violation of section 2905.04 of the Revised Code as it 103550  
existed prior to July 1, 1996, had the violation been committed 103551  
prior to that date, a violation of section 2925.11 of the Revised 103552  
Code that is not a minor drug possession offense, a violation of 103553  
section 2923.02 or 2923.03 of the Revised Code that relates to a 103554  
crime specified in this division, or a second violation of section 103555  
4511.19 of the Revised Code within five years of the date of 103556

application for licensure or certification. 103557

(b) A violation of an existing or former law of this state, 103558  
any other state, or the United States that is substantially 103559  
equivalent to any of the offenses or violations described in 103560  
division (A)(5)(a) of this section. 103561

(6) Upon receipt of a request pursuant to section 5153.111 of 103562  
the Revised Code, a completed form prescribed pursuant to division 103563  
(C)(1) of this section, and a set of fingerprint impressions 103564  
obtained in the manner described in division (C)(2) of this 103565  
section, the superintendent of the bureau of criminal 103566  
identification and investigation shall conduct a criminal records 103567  
check in the manner described in division (B) of this section to 103568  
determine whether any information exists that indicates that the 103569  
person who is the subject of the request previously has been 103570  
convicted of or pleaded guilty to any of the following: 103571

(a) A violation of section 2903.01, 2903.02, 2903.03, 103572  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 103573  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 103574  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 103575  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 103576  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 103577  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 103578  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 103579  
felonious sexual penetration in violation of former section 103580  
2907.12 of the Revised Code, a violation of section 2905.04 of the 103581  
Revised Code as it existed prior to July 1, 1996, a violation of 103582  
section 2919.23 of the Revised Code that would have been a 103583  
violation of section 2905.04 of the Revised Code as it existed 103584  
prior to July 1, 1996, had the violation been committed prior to 103585  
that date, or a violation of section 2925.11 of the Revised Code 103586  
that is not a minor drug possession offense; 103587

(b) A violation of an existing or former law of this state, 103588

any other state, or the United States that is substantially 103589  
equivalent to any of the offenses listed in division (A)(6)(a) of 103590  
this section. 103591

(7) On receipt of a request for a criminal records check from 103592  
an individual pursuant to section 4749.03 or 4749.06 of the 103593  
Revised Code, accompanied by a completed copy of the form 103594  
prescribed in division (C)(1) of this section and a set of 103595  
fingerprint impressions obtained in a manner described in division 103596  
(C)(2) of this section, the superintendent of the bureau of 103597  
criminal identification and investigation shall conduct a criminal 103598  
records check in the manner described in division (B) of this 103599  
section to determine whether any information exists indicating 103600  
that the person who is the subject of the request has been 103601  
convicted of or pleaded guilty to a felony in this state or in any 103602  
other state. If the individual indicates that a firearm will be 103603  
carried in the course of business, the superintendent shall 103604  
require information from the federal bureau of investigation as 103605  
described in division (B)(2) of this section. Subject to division 103606  
(F) of this section, the superintendent shall report the findings 103607  
of the criminal records check and any information the federal 103608  
bureau of investigation provides to the director of public safety. 103609

(8) On receipt of a request pursuant to section 1321.37, 103610  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 103611  
Code, a completed form prescribed pursuant to division (C)(1) of 103612  
this section, and a set of fingerprint impressions obtained in the 103613  
manner described in division (C)(2) of this section, the 103614  
superintendent of the bureau of criminal identification and 103615  
investigation shall conduct a criminal records check with respect 103616  
to any person who has applied for a license, permit, or 103617  
certification from the department of commerce or a division in the 103618  
department. The superintendent shall conduct the criminal records 103619  
check in the manner described in division (B) of this section to 103620

determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: a violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the Revised Code; any other criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the Revised Code; or any existing or former law of this state, any other state, or the United States that is substantially equivalent to those offenses.

(9) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, accompanied by a completed form prescribed under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. Subject to division (F) of this section, the superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed

sections to the licensing board specified by the individual in the request. 103654  
103655

(10) On receipt of a request pursuant to section 1121.23, 103656  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 103657  
Code, a completed form prescribed pursuant to division (C)(1) of 103658  
this section, and a set of fingerprint impressions obtained in the 103659  
manner described in division (C)(2) of this section, the 103660  
superintendent of the bureau of criminal identification and 103661  
investigation shall conduct a criminal records check in the manner 103662  
described in division (B) of this section to determine whether any 103663  
information exists that indicates that the person who is the 103664  
subject of the request previously has been convicted of or pleaded 103665  
guilty to any criminal offense under any existing or former law of 103666  
this state, any other state, or the United States. 103667

(11) On receipt of a request for a criminal records check 103668  
from an appointing or licensing authority under section 3772.07 of 103669  
the Revised Code, a completed form prescribed under division 103670  
(C)(1) of this section, and a set of fingerprint impressions 103671  
obtained in the manner prescribed in division (C)(2) of this 103672  
section, the superintendent of the bureau of criminal 103673  
identification and investigation shall conduct a criminal records 103674  
check in the manner described in division (B) of this section to 103675  
determine whether any information exists that indicates that the 103676  
person who is the subject of the request previously has been 103677  
convicted of or pleaded guilty or no contest to any offense under 103678  
any existing or former law of this state, any other state, or the 103679  
United States that is a disqualifying offense as defined in 103680  
section 3772.07 of the Revised Code or substantially equivalent to 103681  
such an offense. 103682

(12) On receipt of a request pursuant to section 2151.33 or 103683  
2151.412 of the Revised Code, a completed form prescribed pursuant 103684  
to division (C)(1) of this section, and a set of fingerprint 103685

impressions obtained in the manner described in division (C)(2) of 103686  
this section, the superintendent of the bureau of criminal 103687  
identification and investigation shall conduct a criminal records 103688  
check with respect to any person for whom a criminal records check 103689  
is required under that section. The superintendent shall conduct 103690  
the criminal records check in the manner described in division (B) 103691  
of this section to determine whether any information exists that 103692  
indicates that the person who is the subject of the request 103693  
previously has been convicted of or pleaded guilty to any of the 103694  
following: 103695

(a) A violation of section 2903.01, 2903.02, 2903.03, 103696  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 103697  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 103698  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 103699  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 103700  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 103701  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 103702  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 103703  
2925.22, 2925.23, or 3716.11 of the Revised Code; 103704

(b) An existing or former law of this state, any other state, 103705  
or the United States that is substantially equivalent to any of 103706  
the offenses listed in division (A)(12)(a) of this section. 103707

(13) On receipt of a request pursuant to section 3796.12 of 103708  
the Revised Code, a completed form prescribed pursuant to division 103709  
(C)(1) of this section, and a set of fingerprint impressions 103710  
obtained in a manner described in division (C)(2) of this section, 103711  
the superintendent of the bureau of criminal identification and 103712  
investigation shall conduct a criminal records check in the manner 103713  
described in division (B) of this section to determine whether any 103714  
information exists that indicates that the person who is the 103715  
subject of the request previously has been convicted of or pleaded 103716  
guilty to the following: 103717

(a) A disqualifying offense as specified in rules adopted 103718  
under division (B)(2)(b) of section 3796.03 of the Revised Code if 103719  
the person who is the subject of the request is an administrator 103720  
or other person responsible for the daily operation of, or an 103721  
owner or prospective owner, officer or prospective officer, or 103722  
board member or prospective board member of, an entity seeking a 103723  
license from the department of commerce under Chapter 3796. of the 103724  
Revised Code; 103725

(b) A disqualifying offense as specified in rules adopted 103726  
under division (B)(2)(b) of section 3796.04 of the Revised Code if 103727  
the person who is the subject of the request is an administrator 103728  
or other person responsible for the daily operation of, or an 103729  
owner or prospective owner, officer or prospective officer, or 103730  
board member or prospective board member of, an entity seeking a 103731  
license from the state board of pharmacy under Chapter 3796. of 103732  
the Revised Code. 103733

(14) On receipt of a request required by section 3796.13 of 103734  
the Revised Code, a completed form prescribed pursuant to division 103735  
(C)(1) of this section, and a set of fingerprint impressions 103736  
obtained in a manner described in division (C)(2) of this section, 103737  
the superintendent of the bureau of criminal identification and 103738  
investigation shall conduct a criminal records check in the manner 103739  
described in division (B) of this section to determine whether any 103740  
information exists that indicates that the person who is the 103741  
subject of the request previously has been convicted of or pleaded 103742  
guilty to the following: 103743

(a) A disqualifying offense as specified in rules adopted 103744  
under division (B)(8)(a) of section 3796.03 of the Revised Code if 103745  
the person who is the subject of the request is seeking employment 103746  
with an entity licensed by the department of commerce under 103747  
Chapter 3796. of the Revised Code; 103748

(b) A disqualifying offense as specified in rules adopted 103749

under division (B)(14)(a) of section 3796.04 of the Revised Code 103750  
if the person who is the subject of the request is seeking 103751  
employment with an entity licensed by the state board of pharmacy 103752  
under Chapter 3796. of the Revised Code. 103753

(B) Subject to division (F) of this section, the 103754  
superintendent shall conduct any criminal records check to be 103755  
conducted under this section as follows: 103756

(1) The superintendent shall review or cause to be reviewed 103757  
any relevant information gathered and compiled by the bureau under 103758  
division (A) of section 109.57 of the Revised Code that relates to 103759  
the person who is the subject of the criminal records check, 103760  
including, if the criminal records check was requested under 103761  
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 103762  
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 103763  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 103764  
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 4749.03, 4749.06, 103765  
4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 103766  
5123.169, or 5153.111 of the Revised Code, any relevant 103767  
information contained in records that have been sealed under 103768  
section 2953.32 of the Revised Code; 103769

(2) If the request received by the superintendent asks for 103770  
information from the federal bureau of investigation, the 103771  
superintendent shall request from the federal bureau of 103772  
investigation any information it has with respect to the person 103773  
who is the subject of the criminal records check, including 103774  
fingerprint-based checks of national crime information databases 103775  
as described in 42 U.S.C. 671 if the request is made pursuant to 103776  
section 2151.86 or 5104.013 of the Revised Code or if any other 103777  
Revised Code section requires fingerprint-based checks of that 103778  
nature, and shall review or cause to be reviewed any information 103779  
the superintendent receives from that bureau. If a request under 103780  
section 3319.39 of the Revised Code asks only for information from 103781



the federal bureau of investigation, the superintendent shall not 103782  
conduct the review prescribed by division (B)(1) of this section. 103783

(3) The superintendent or the superintendent's designee may 103784  
request criminal history records from other states or the federal 103785  
government pursuant to the national crime prevention and privacy 103786  
compact set forth in section 109.571 of the Revised Code. 103787

(4) The superintendent shall include in the results of the 103788  
criminal records check a list or description of the offenses 103789  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 103790  
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 103791  
whichever division requires the superintendent to conduct the 103792  
criminal records check. The superintendent shall exclude from the 103793  
results any information the dissemination of which is prohibited 103794  
by federal law. 103795

(5) The superintendent shall send the results of the criminal 103796  
records check to the person to whom it is to be sent not later 103797  
than the following number of days after the date the 103798  
superintendent receives the request for the criminal records 103799  
check, the completed form prescribed under division (C)(1) of this 103800  
section, and the set of fingerprint impressions obtained in the 103801  
manner described in division (C)(2) of this section: 103802

(a) If the superintendent is required by division (A) of this 103803  
section (other than division (A)(3) of this section) to conduct 103804  
the criminal records check, thirty; 103805

(b) If the superintendent is required by division (A)(3) of 103806  
this section to conduct the criminal records check, sixty. 103807

(C)(1) The superintendent shall prescribe a form to obtain 103808  
the information necessary to conduct a criminal records check from 103809  
any person for whom a criminal records check is to be conducted 103810  
under this section. The form that the superintendent prescribes 103811  
pursuant to this division may be in a tangible format, in an 103812

electronic format, or in both tangible and electronic formats. 103813

(2) The superintendent shall prescribe standard impression 103814  
sheets to obtain the fingerprint impressions of any person for 103815  
whom a criminal records check is to be conducted under this 103816  
section. Any person for whom a records check is to be conducted 103817  
under this section shall obtain the fingerprint impressions at a 103818  
county sheriff's office, municipal police department, or any other 103819  
entity with the ability to make fingerprint impressions on the 103820  
standard impression sheets prescribed by the superintendent. The 103821  
office, department, or entity may charge the person a reasonable 103822  
fee for making the impressions. The standard impression sheets the 103823  
superintendent prescribes pursuant to this division may be in a 103824  
tangible format, in an electronic format, or in both tangible and 103825  
electronic formats. 103826

(3) Subject to division (D) of this section, the 103827  
superintendent shall prescribe and charge a reasonable fee for 103828  
providing a criminal records check under this section. The person 103829  
requesting the criminal records check shall pay the fee prescribed 103830  
pursuant to this division. In the case of a request under section 103831  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 103832  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 103833  
the manner specified in that section. 103834

(4) The superintendent of the bureau of criminal 103835  
identification and investigation may prescribe methods of 103836  
forwarding fingerprint impressions and information necessary to 103837  
conduct a criminal records check, which methods shall include, but 103838  
not be limited to, an electronic method. 103839

(D) The results of a criminal records check conducted under 103840  
this section, other than a criminal records check specified in 103841  
division (A)(7) of this section, are valid for the person who is 103842  
the subject of the criminal records check for a period of one year 103843  
from the date upon which the superintendent completes the criminal 103844

records check. If during that period the superintendent receives 103845  
another request for a criminal records check to be conducted under 103846  
this section for that person, the superintendent shall provide the 103847  
results from the previous criminal records check of the person at 103848  
a lower fee than the fee prescribed for the initial criminal 103849  
records check. 103850

(E) When the superintendent receives a request for 103851  
information from a registered private provider, the superintendent 103852  
shall proceed as if the request was received from a school 103853  
district board of education under section 3319.39 of the Revised 103854  
Code. The superintendent shall apply division (A)(1)(c) of this 103855  
section to any such request for an applicant who is a teacher. 103856

(F)(1) Subject to division (F)(2) of this section, all 103857  
information regarding the results of a criminal records check 103858  
conducted under this section that the superintendent reports or 103859  
sends under division (A)(7) or (9) of this section to the director 103860  
of public safety, the treasurer of state, or the person, board, or 103861  
entity that made the request for the criminal records check shall 103862  
relate to the conviction of the subject person, or the subject 103863  
person's plea of guilty to, a criminal offense. 103864

(2) Division (F)(1) of this section does not limit, restrict, 103865  
or preclude the superintendent's release of information that 103866  
relates to the arrest of a person who is eighteen years of age or 103867  
older, to an adjudication of a child as a delinquent child, or to 103868  
a criminal conviction of a person under eighteen years of age in 103869  
circumstances in which a release of that nature is authorized 103870  
under division (E)(2), (3), or (4) of section 109.57 of the 103871  
Revised Code pursuant to a rule adopted under division (E)(1) of 103872  
that section. 103873

(G) As used in this section: 103874

(1) "Criminal records check" means any criminal records check 103875

conducted by the superintendent of the bureau of criminal 103876  
identification and investigation in accordance with division (B) 103877  
of this section. 103878

(2) "Minor drug possession offense" has the same meaning as 103879  
in section 2925.01 of the Revised Code. 103880

(3) "OVI or OVUAC violation" means a violation of section 103881  
4511.19 of the Revised Code or a violation of an existing or 103882  
former law of this state, any other state, or the United States 103883  
that is substantially equivalent to section 4511.19 of the Revised 103884  
Code. 103885

(4) "Registered private provider" means a nonpublic school or 103886  
entity registered with the superintendent of public instruction 103887  
under section 3310.41 of the Revised Code to participate in the 103888  
autism scholarship program or section 3310.58 of the Revised Code 103889  
to participate in the Jon Peterson special needs scholarship 103890  
program. 103891

**Sec. 119.06.** No adjudication order of an agency shall be 103892  
valid unless the agency is specifically authorized by law to make 103893  
such order. 103894

No adjudication order shall be valid unless an opportunity 103895  
for a hearing is afforded in accordance with sections 119.01 to 103896  
119.13 of the Revised Code. Such opportunity for a hearing shall 103897  
be given before making the adjudication order except in those 103898  
situations where this section provides otherwise. 103899

The following adjudication orders shall be effective without 103900  
a hearing: 103901

(A) Orders revoking a license in cases where an agency is 103902  
required by statute to revoke a license pursuant to the judgment 103903  
of a court; 103904

(B) Orders suspending a license where a statute specifically 103905

permits the suspension of a license without a hearing; 103906

(C) Orders or decisions of an authority within an agency if 103907  
the rules of the agency or the statutes pertaining to such agency 103908  
specifically give a right of appeal to a higher authority within 103909  
such agency, to another agency, or to the board of tax appeals, 103910  
and also give the appellant a right to a hearing on such appeal. 103911

When a statute permits the suspension of a license without a 103912  
prior hearing, any agency issuing an order pursuant to such 103913  
statute shall afford the person to whom the order is issued a 103914  
hearing upon request. 103915

Whenever an agency claims that a person is required by 103916  
statute to obtain a license, it shall afford a hearing upon the 103917  
request of a person who claims that the law does not impose such a 103918  
requirement. 103919

Every agency shall afford a hearing upon the request of any 103920  
person who has been refused admission to an examination where such 103921  
examination is a prerequisite to the issuance of a license unless 103922  
a hearing was held prior to such refusal. 103923

Unless a hearing was held prior to the refusal to issue the 103924  
license, every agency shall afford a hearing upon the request of a 103925  
person whose application for a license has been rejected and to 103926  
whom the agency has refused to issue a license, whether it is a 103927  
renewal or a new license, except that the following are not 103928  
required to afford a hearing to a person to whom a new license has 103929  
been refused because the person failed a licensing examination: 103930  
the state medical board, state chiropractic board, architects 103931  
board, Ohio landscape architects board, and ~~any section of the~~ 103932  
~~Ohio occupational therapy, physical therapy, and athletic trainers~~ 103933  
~~board~~ state physical health services board with respect to 103934  
licenses issued under Chapter 4755. of the Revised Code. 103935

When periodic registration of licenses is required by law, 103936

the agency shall afford a hearing upon the request of any licensee 103937  
whose registration has been denied, unless a hearing was held 103938  
prior to such denial. 103939

When periodic registration of licenses or renewal of licenses 103940  
is required by law, a licensee who has filed an application for 103941  
registration or renewal within the time and in the manner provided 103942  
by statute or rule of the agency shall not be required to 103943  
discontinue a licensed business or profession merely because of 103944  
the failure of the agency to act on the licensee's application. 103945  
Action of an agency rejecting any such application shall not be 103946  
effective prior to fifteen days after notice of the rejection is 103947  
mailed to the licensee. 103948

**Sec. 121.22.** (A) This section shall be liberally construed to 103949  
require public officials to take official action and to conduct 103950  
all deliberations upon official business only in open meetings 103951  
unless the subject matter is specifically excepted by law. 103952

(B) As used in this section: 103953

(1) "Public body" means any of the following: 103954

(a) Any board, commission, committee, council, or similar 103955  
decision-making body of a state agency, institution, or authority, 103956  
and any legislative authority or board, commission, committee, 103957  
council, agency, authority, or similar decision-making body of any 103958  
county, township, municipal corporation, school district, or other 103959  
political subdivision or local public institution; 103960

(b) Any committee or subcommittee of a body described in 103961  
division (B)(1)(a) of this section; 103962

(c) A court of jurisdiction of a sanitary district organized 103963  
wholly for the purpose of providing a water supply for domestic, 103964  
municipal, and public use when meeting for the purpose of the 103965  
appointment, removal, or reappointment of a member of the board of 103966

directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B)(1)(c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.

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

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

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

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

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

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

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

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

(1) A grand jury;

(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	103997 103998 103999
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;	104000 104001 104002
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	104003 104004
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	104005 104006 104007 104008 104009 104010
(6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	104011 104012 104013
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	104014 104015 104016
(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;	104017 104018 104019
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;	104020 104021 104022
(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;	104023 104024 104025 104026



(11) The board of directors of the nonprofit corporation 104027  
formed under section 187.01 of the Revised Code or any committee 104028  
thereof, and the board of directors of any subsidiary of that 104029  
corporation or a committee thereof; 104030

(12) An audit conference conducted by the audit staff of the 104031  
department of job and family services with officials of the public 104032  
office that is the subject of that audit under section 5101.37 of 104033  
the Revised Code; 104034

(13) ~~The occupational therapy section of the occupational~~ 104035  
~~therapy, physical therapy, and athletic trainers~~ state physical 104036  
health services board when determining whether to suspend a 104037  
license or limited permit without a hearing pursuant to division 104038  
(D) of section 4755.11, division (E) of section 4755.47, or 104039  
division (D) of section 4755.64 of the Revised Code; 104040

~~(14) The physical therapy section of the occupational~~ 104041  
~~therapy, physical therapy, and athletic trainers board when~~ 104042  
~~determining whether to suspend a license without a hearing~~ 104043  
~~pursuant to division (E) of section 4755.47 of the Revised Code;~~ 104044

~~(15) The athletic trainers section of the occupational~~ 104045  
~~therapy, physical therapy, and athletic trainers board when~~ 104046  
~~determining whether to suspend a license without a hearing~~ 104047  
~~pursuant to division (D) of section 4755.64 of the Revised Code.~~ 104048

(E) The controlling board, the tax credit authority, or the 104049  
minority development financing advisory board, when meeting to 104050  
consider granting assistance pursuant to Chapter 122. or 166. of 104051  
the Revised Code, in order to protect the interest of the 104052  
applicant or the possible investment of public funds, by unanimous 104053  
vote of all board or authority members present, may close the 104054  
meeting during consideration of the following information 104055  
confidentially received by the authority or board from the 104056  
applicant: 104057

(1) Marketing plans;	104058
(2) Specific business strategy;	104059
(3) Production techniques and trade secrets;	104060
(4) Financial projections;	104061
(5) Personal financial statements of the applicant or members	104062
of the applicant's immediate family, including, but not limited	104063
to, tax records or other similar information not open to public	104064
inspection.	104065
The vote by the authority or board to accept or reject the	104066
application, as well as all proceedings of the authority or board	104067
not subject to this division, shall be open to the public and	104068
governed by this section.	104069
(F) Every public body, by rule, shall establish a reasonable	104070
method whereby any person may determine the time and place of all	104071
regularly scheduled meetings and the time, place, and purpose of	104072
all special meetings. A public body shall not hold a special	104073
meeting unless it gives at least twenty-four hours' advance notice	104074
to the news media that have requested notification, except in the	104075
event of an emergency requiring immediate official action. In the	104076
event of an emergency, the member or members calling the meeting	104077
shall notify the news media that have requested notification	104078
immediately of the time, place, and purpose of the meeting.	104079
The rule shall provide that any person, upon request and	104080
payment of a reasonable fee, may obtain reasonable advance	104081
notification of all meetings at which any specific type of public	104082
business is to be discussed. Provisions for advance notification	104083
may include, but are not limited to, mailing the agenda of	104084
meetings to all subscribers on a mailing list or mailing notices	104085
in self-addressed, stamped envelopes provided by the person.	104086
(G) Except as provided in divisions (G)(8) and (J) of this	104087

section, the members of a public body may hold an executive 104088  
session only after a majority of a quorum of the public body 104089  
determines, by a roll call vote, to hold an executive session and 104090  
only at a regular or special meeting for the sole purpose of the 104091  
consideration of any of the following matters: 104092

(1) To consider the appointment, employment, dismissal, 104093  
discipline, promotion, demotion, or compensation of a public 104094  
employee or official, or the investigation of charges or 104095  
complaints against a public employee, official, licensee, or 104096  
regulated individual, unless the public employee, official, 104097  
licensee, or regulated individual requests a public hearing. 104098  
Except as otherwise provided by law, no public body shall hold an 104099  
executive session for the discipline of an elected official for 104100  
conduct related to the performance of the elected official's 104101  
official duties or for the elected official's removal from office. 104102  
If a public body holds an executive session pursuant to division 104103  
(G)(1) of this section, the motion and vote to hold that executive 104104  
session shall state which one or more of the approved purposes 104105  
listed in division (G)(1) of this section are the purposes for 104106  
which the executive session is to be held, but need not include 104107  
the name of any person to be considered at the meeting. 104108

(2) To consider the purchase of property for public purposes, 104109  
the sale of property at competitive bidding, or the sale or other 104110  
disposition of unneeded, obsolete, or unfit-for-use property in 104111  
accordance with section 505.10 of the Revised Code, if premature 104112  
disclosure of information would give an unfair competitive or 104113  
bargaining advantage to a person whose personal, private interest 104114  
is adverse to the general public interest. No member of a public 104115  
body shall use division (G)(2) of this section as a subterfuge for 104116  
providing covert information to prospective buyers or sellers. A 104117  
purchase or sale of public property is void if the seller or buyer 104118  
of the public property has received covert information from a 104119

member of a public body that has not been disclosed to the general 104120  
public in sufficient time for other prospective buyers and sellers 104121  
to prepare and submit offers. 104122

If the minutes of the public body show that all meetings and 104123  
deliberations of the public body have been conducted in compliance 104124  
with this section, any instrument executed by the public body 104125  
purporting to convey, lease, or otherwise dispose of any right, 104126  
title, or interest in any public property shall be conclusively 104127  
presumed to have been executed in compliance with this section 104128  
insofar as title or other interest of any bona fide purchasers, 104129  
lessees, or transferees of the property is concerned. 104130

(3) Conferences with an attorney for the public body 104131  
concerning disputes involving the public body that are the subject 104132  
of pending or imminent court action; 104133

(4) Preparing for, conducting, or reviewing negotiations or 104134  
bargaining sessions with public employees concerning their 104135  
compensation or other terms and conditions of their employment; 104136

(5) Matters required to be kept confidential by federal law 104137  
or regulations or state statutes; 104138

(6) Details relative to the security arrangements and 104139  
emergency response protocols for a public body or a public office, 104140  
if disclosure of the matters discussed could reasonably be 104141  
expected to jeopardize the security of the public body or public 104142  
office; 104143

(7) In the case of a county hospital operated pursuant to 104144  
Chapter 339. of the Revised Code, a joint township hospital 104145  
operated pursuant to Chapter 513. of the Revised Code, or a 104146  
municipal hospital operated pursuant to Chapter 749. of the 104147  
Revised Code, to consider trade secrets, as defined in section 104148  
1333.61 of the Revised Code; 104149

(8) To consider confidential information related to the 104150

marketing plans, specific business strategy, production 104151  
techniques, trade secrets, or personal financial statements of an 104152  
applicant for economic development assistance, or to negotiations 104153  
with other political subdivisions respecting requests for economic 104154  
development assistance, provided that both of the following 104155  
conditions apply: 104156

(a) The information is directly related to a request for 104157  
economic development assistance that is to be provided or 104158  
administered under any provision of Chapter 715., 725., 1724., or 104159  
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 104160  
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 104161  
the Revised Code, or that involves public infrastructure 104162  
improvements or the extension of utility services that are 104163  
directly related to an economic development project. 104164

(b) A unanimous quorum of the public body determines, by a 104165  
roll call vote, that the executive session is necessary to protect 104166  
the interests of the applicant or the possible investment or 104167  
expenditure of public funds to be made in connection with the 104168  
economic development project. 104169

If a public body holds an executive session to consider any 104170  
of the matters listed in divisions (G)(2) to (8) of this section, 104171  
the motion and vote to hold that executive session shall state 104172  
which one or more of the approved matters listed in those 104173  
divisions are to be considered at the executive session. 104174

A public body specified in division (B)(1)(c) of this section 104175  
shall not hold an executive session when meeting for the purposes 104176  
specified in that division. 104177

(H) A resolution, rule, or formal action of any kind is 104178  
invalid unless adopted in an open meeting of the public body. A 104179  
resolution, rule, or formal action adopted in an open meeting that 104180  
results from deliberations in a meeting not open to the public is 104181

invalid unless the deliberations were for a purpose specifically 104182  
authorized in division (G) or (J) of this section and conducted at 104183  
an executive session held in compliance with this section. A 104184  
resolution, rule, or formal action adopted in an open meeting is 104185  
invalid if the public body that adopted the resolution, rule, or 104186  
formal action violated division (F) of this section. 104187

(I)(1) Any person may bring an action to enforce this 104188  
section. An action under division (I)(1) of this section shall be 104189  
brought within two years after the date of the alleged violation 104190  
or threatened violation. Upon proof of a violation or threatened 104191  
violation of this section in an action brought by any person, the 104192  
court of common pleas shall issue an injunction to compel the 104193  
members of the public body to comply with its provisions. 104194

(2)(a) If the court of common pleas issues an injunction 104195  
pursuant to division (I)(1) of this section, the court shall order 104196  
the public body that it enjoins to pay a civil forfeiture of five 104197  
hundred dollars to the party that sought the injunction and shall 104198  
award to that party all court costs and, subject to reduction as 104199  
described in division (I)(2) of this section, reasonable 104200  
attorney's fees. The court, in its discretion, may reduce an award 104201  
of attorney's fees to the party that sought the injunction or not 104202  
award attorney's fees to that party if the court determines both 104203  
of the following: 104204

(i) That, based on the ordinary application of statutory law 104205  
and case law as it existed at the time of violation or threatened 104206  
violation that was the basis of the injunction, a well-informed 104207  
public body reasonably would believe that the public body was not 104208  
violating or threatening to violate this section; 104209

(ii) That a well-informed public body reasonably would 104210  
believe that the conduct or threatened conduct that was the basis 104211  
of the injunction would serve the public policy that underlies the 104212  
authority that is asserted as permitting that conduct or 104213

threatened conduct. 104214

(b) If the court of common pleas does not issue an injunction 104215  
pursuant to division (I)(1) of this section and the court 104216  
determines at that time that the bringing of the action was 104217  
frivolous conduct, as defined in division (A) of section 2323.51 104218  
of the Revised Code, the court shall award to the public body all 104219  
court costs and reasonable attorney's fees, as determined by the 104220  
court. 104221

(3) Irreparable harm and prejudice to the party that sought 104222  
the injunction shall be conclusively and irrebuttably presumed 104223  
upon proof of a violation or threatened violation of this section. 104224

(4) A member of a public body who knowingly violates an 104225  
injunction issued pursuant to division (I)(1) of this section may 104226  
be removed from office by an action brought in the court of common 104227  
pleas for that purpose by the prosecuting attorney or the attorney 104228  
general. 104229

(J)(1) Pursuant to division (C) of section 5901.09 of the 104230  
Revised Code, a veterans service commission shall hold an 104231  
executive session for one or more of the following purposes unless 104232  
an applicant requests a public hearing: 104233

(a) Interviewing an applicant for financial assistance under 104234  
sections 5901.01 to 5901.15 of the Revised Code; 104235

(b) Discussing applications, statements, and other documents 104236  
described in division (B) of section 5901.09 of the Revised Code; 104237

(c) Reviewing matters relating to an applicant's request for 104238  
financial assistance under sections 5901.01 to 5901.15 of the 104239  
Revised Code. 104240

(2) A veterans service commission shall not exclude an 104241  
applicant for, recipient of, or former recipient of financial 104242  
assistance under sections 5901.01 to 5901.15 of the Revised Code, 104243

and shall not exclude representatives selected by the applicant, 104244  
recipient, or former recipient, from a meeting that the commission 104245  
conducts as an executive session that pertains to the applicant's, 104246  
recipient's, or former recipient's application for financial 104247  
assistance. 104248

(3) A veterans service commission shall vote on the grant or 104249  
denial of financial assistance under sections 5901.01 to 5901.15 104250  
of the Revised Code only in an open meeting of the commission. The 104251  
minutes of the meeting shall indicate the name, address, and 104252  
occupation of the applicant, whether the assistance was granted or 104253  
denied, the amount of the assistance if assistance is granted, and 104254  
the votes for and against the granting of assistance. 104255

**Sec. 2305.113.** (A) Except as otherwise provided in this 104256  
section, an action upon a medical, dental, optometric, or 104257  
chiropractic claim shall be commenced within one year after the 104258  
cause of action accrued. 104259

(B)(1) If prior to the expiration of the one-year period 104260  
specified in division (A) of this section, a claimant who 104261  
allegedly possesses a medical, dental, optometric, or chiropractic 104262  
claim gives to the person who is the subject of that claim written 104263  
notice that the claimant is considering bringing an action upon 104264  
that claim, that action may be commenced against the person 104265  
notified at any time within one hundred eighty days after the 104266  
notice is so given. 104267

(2) An insurance company shall not consider the existence or 104268  
nonexistence of a written notice described in division (B)(1) of 104269  
this section in setting the liability insurance premium rates that 104270  
the company may charge the company's insured person who is 104271  
notified by that written notice. 104272

(C) Except as to persons within the age of minority or of 104273  
unsound mind as provided by section 2305.16 of the Revised Code, 104274



and except as provided in division (D) of this section, both of 104275  
the following apply: 104276

(1) No action upon a medical, dental, optometric, or 104277  
chiropractic claim shall be commenced more than four years after 104278  
the occurrence of the act or omission constituting the alleged 104279  
basis of the medical, dental, optometric, or chiropractic claim. 104280

(2) If an action upon a medical, dental, optometric, or 104281  
chiropractic claim is not commenced within four years after the 104282  
occurrence of the act or omission constituting the alleged basis 104283  
of the medical, dental, optometric, or chiropractic claim, then, 104284  
any action upon that claim is barred. 104285

(D)(1) If a person making a medical claim, dental claim, 104286  
optometric claim, or chiropractic claim, in the exercise of 104287  
reasonable care and diligence, could not have discovered the 104288  
injury resulting from the act or omission constituting the alleged 104289  
basis of the claim within three years after the occurrence of the 104290  
act or omission, but, in the exercise of reasonable care and 104291  
diligence, discovers the injury resulting from that act or 104292  
omission before the expiration of the four-year period specified 104293  
in division (C)(1) of this section, the person may commence an 104294  
action upon the claim not later than one year after the person 104295  
discovers the injury resulting from that act or omission. 104296

(2) If the alleged basis of a medical claim, dental claim, 104297  
optometric claim, or chiropractic claim is the occurrence of an 104298  
act or omission that involves a foreign object that is left in the 104299  
body of the person making the claim, the person may commence an 104300  
action upon the claim not later than one year after the person 104301  
discovered the foreign object or not later than one year after the 104302  
person, with reasonable care and diligence, should have discovered 104303  
the foreign object. 104304

(3) A person who commences an action upon a medical claim, 104305

dental claim, optometric claim, or chiropractic claim under the 104306  
circumstances described in division (D)(1) or (2) of this section 104307  
has the affirmative burden of proving, by clear and convincing 104308  
evidence, that the person, with reasonable care and diligence, 104309  
could not have discovered the injury resulting from the act or 104310  
omission constituting the alleged basis of the claim within the 104311  
three-year period described in division (D)(1) of this section or 104312  
within the one-year period described in division (D)(2) of this 104313  
section, whichever is applicable. 104314

(E) As used in this section: 104315

(1) "Hospital" includes any person, corporation, association, 104316  
board, or authority that is responsible for the operation of any 104317  
hospital licensed or registered in the state, including, but not 104318  
limited to, those that are owned or operated by the state, 104319  
political subdivisions, any person, any corporation, or any 104320  
combination of the state, political subdivisions, persons, and 104321  
corporations. "Hospital" also includes any person, corporation, 104322  
association, board, entity, or authority that is responsible for 104323  
the operation of any clinic that employs a full-time staff of 104324  
physicians practicing in more than one recognized medical 104325  
specialty and rendering advice, diagnosis, care, and treatment to 104326  
individuals. "Hospital" does not include any hospital operated by 104327  
the government of the United States or any of its branches. 104328

(2) "Physician" means a person who is licensed to practice 104329  
medicine and surgery or osteopathic medicine and surgery by the 104330  
state medical board or a person who otherwise is authorized to 104331  
practice medicine and surgery or osteopathic medicine and surgery 104332  
in this state. 104333

(3) "Medical claim" means any claim that is asserted in any 104334  
civil action against a physician, podiatrist, hospital, home, or 104335  
residential facility, against any employee or agent of a 104336  
physician, podiatrist, hospital, home, or residential facility, or 104337

against a licensed practical nurse, registered nurse, advanced 104338  
practice registered nurse, physical therapist, physician 104339  
assistant, emergency medical technician-basic, emergency medical 104340  
technician-intermediate, or emergency medical 104341  
technician-paramedic, and that arises out of the medical 104342  
diagnosis, care, or treatment of any person. "Medical claim" 104343  
includes the following: 104344

(a) Derivative claims for relief that arise from the plan of 104345  
care, medical diagnosis, or treatment of a person; 104346

(b) Claims that arise out of the plan of care, medical 104347  
diagnosis, or treatment of any person and to which either of the 104348  
following applies: 104349

(i) The claim results from acts or omissions in providing 104350  
medical care. 104351

(ii) The claim results from the hiring, training, 104352  
supervision, retention, or termination of caregivers providing 104353  
medical diagnosis, care, or treatment. 104354

(c) Claims that arise out of the plan of care, medical 104355  
diagnosis, or treatment of any person and that are brought under 104356  
section 3721.17 of the Revised Code; 104357

(d) Claims that arise out of skilled nursing care or personal 104358  
care services provided in a home pursuant to the plan of care, 104359  
medical diagnosis, or treatment. 104360

(4) "Podiatrist" means any person who is licensed to practice 104361  
podiatric medicine and surgery by the state medical board. 104362

(5) "Dentist" means any person who is licensed to practice 104363  
dentistry by the state dental board. 104364

(6) "Dental claim" means any claim that is asserted in any 104365  
civil action against a dentist, or against any employee or agent 104366  
of a dentist, and that arises out of a dental operation or the 104367

dental diagnosis, care, or treatment of any person. "Dental claim" 104368  
includes derivative claims for relief that arise from a dental 104369  
operation or the dental diagnosis, care, or treatment of a person. 104370

(7) "Derivative claims for relief" include, but are not 104371  
limited to, claims of a parent, guardian, custodian, or spouse of 104372  
an individual who was the subject of any medical diagnosis, care, 104373  
or treatment, dental diagnosis, care, or treatment, dental 104374  
operation, optometric diagnosis, care, or treatment, or 104375  
chiropractic diagnosis, care, or treatment, that arise from that 104376  
diagnosis, care, treatment, or operation, and that seek the 104377  
recovery of damages for any of the following: 104378

(a) Loss of society, consortium, companionship, care, 104379  
assistance, attention, protection, advice, guidance, counsel, 104380  
instruction, training, or education, or any other intangible loss 104381  
that was sustained by the parent, guardian, custodian, or spouse; 104382

(b) Expenditures of the parent, guardian, custodian, or 104383  
spouse for medical, dental, optometric, or chiropractic care or 104384  
treatment, for rehabilitation services, or for other care, 104385  
treatment, services, products, or accommodations provided to the 104386  
individual who was the subject of the medical diagnosis, care, or 104387  
treatment, the dental diagnosis, care, or treatment, the dental 104388  
operation, the optometric diagnosis, care, or treatment, or the 104389  
chiropractic diagnosis, care, or treatment. 104390

(8) "Registered nurse" means any person who is licensed to 104391  
practice nursing as a registered nurse by the board of nursing. 104392

(9) "Chiropractic claim" means any claim that is asserted in 104393  
any civil action against a chiropractor, or against any employee 104394  
or agent of a chiropractor, and that arises out of the 104395  
chiropractic diagnosis, care, or treatment of any person. 104396  
"Chiropractic claim" includes derivative claims for relief that 104397  
arise from the chiropractic diagnosis, care, or treatment of a 104398

person. 104399

(10) "Chiropractor" means any person who is licensed to 104400  
practice chiropractic by the state chiropractic board. 104401

(11) "Optometric claim" means any claim that is asserted in 104402  
any civil action against an optometrist, or against any employee 104403  
or agent of an optometrist, and that arises out of the optometric 104404  
diagnosis, care, or treatment of any person. "Optometric claim" 104405  
includes derivative claims for relief that arise from the 104406  
optometric diagnosis, care, or treatment of a person. 104407

(12) "Optometrist" means any person licensed to practice 104408  
optometry by the state ~~board of optometry~~ vision professionals 104409  
board. 104410

(13) "Physical therapist" means any person who is licensed to 104411  
practice physical therapy under Chapter 4755. of the Revised Code. 104412

(14) "Home" has the same meaning as in section 3721.10 of the 104413  
Revised Code. 104414

(15) "Residential facility" means a facility licensed under 104415  
section 5123.19 of the Revised Code. 104416

(16) "Advanced practice registered nurse" has the same 104417  
meaning as in section 4723.01 of the Revised Code. 104418

(17) "Licensed practical nurse" means any person who is 104419  
licensed to practice nursing as a licensed practical nurse by the 104420  
board of nursing pursuant to Chapter 4723. of the Revised Code. 104421

(18) "Physician assistant" means any person who is licensed 104422  
as a physician assistant under Chapter 4730. of the Revised Code. 104423

(19) "Emergency medical technician-basic," "emergency medical 104424  
technician-intermediate," and "emergency medical 104425  
technician-paramedic" means any person who is certified under 104426  
Chapter 4765. of the Revised Code as an emergency medical 104427  
technician-basic, emergency medical technician-intermediate, or 104428

emergency medical technician-paramedic, whichever is applicable. 104429

(20) "Skilled nursing care" and "personal care services" have 104430  
the same meanings as in section 3721.01 of the Revised Code. 104431

**Sec. 3313.608.** (A)(1) Beginning with students who enter third 104432  
grade in the school year that starts July 1, 2009, and until June 104433  
30, 2013, unless the student is excused under division (C) of 104434  
section 3301.0711 of the Revised Code from taking the assessment 104435  
described in this section, for any student who does not attain at 104436  
least the equivalent level of achievement designated under 104437  
division (A)(3) of section 3301.0710 of the Revised Code on the 104438  
assessment prescribed under that section to measure skill in 104439  
English language arts expected at the end of third grade, each 104440  
school district, in accordance with the policy adopted under 104441  
section 3313.609 of the Revised Code, shall do one of the 104442  
following: 104443

(a) Promote the student to fourth grade if the student's 104444  
principal and reading teacher agree that other evaluations of the 104445  
student's skill in reading demonstrate that the student is 104446  
academically prepared to be promoted to fourth grade; 104447

(b) Promote the student to fourth grade but provide the 104448  
student with intensive intervention services in fourth grade; 104449

(c) Retain the student in third grade. 104450

(2) Beginning with students who enter third grade in the 104451  
2013-2014 school year, unless the student is excused under 104452  
division (C) of section 3301.0711 of the Revised Code from taking 104453  
the assessment described in this section, no school district shall 104454  
promote to fourth grade any student who does not attain at least 104455  
the equivalent level of achievement designated under division 104456  
(A)(3) of section 3301.0710 of the Revised Code on the assessment 104457  
prescribed under that section to measure skill in English language 104458

arts expected at the end of third grade, unless one of the 104459  
following applies: 104460

(a) The student is a limited English proficient student who 104461  
has been enrolled in United States schools for less than three 104462  
full school years and has had less than three years of instruction 104463  
in an English as a second language program. 104464

(b) The student is a child with a disability entitled to 104465  
special education and related services under Chapter 3323. of the 104466  
Revised Code and the student's individualized education program 104467  
exempts the student from retention under this division. 104468

(c) The student demonstrates an acceptable level of 104469  
performance on an alternative standardized reading assessment as 104470  
determined by the department of education. 104471

(d) All of the following apply: 104472

(i) The student is a child with a disability entitled to 104473  
special education and related services under Chapter 3323. of the 104474  
Revised Code. 104475

(ii) The student has taken the third grade English language 104476  
arts achievement assessment prescribed under section 3301.0710 of 104477  
the Revised Code. 104478

(iii) The student's individualized education program or plan 104479  
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 104480  
355, 29 U.S.C. 794, as amended, shows that the student has 104481  
received intensive remediation in reading for two school years but 104482  
still demonstrates a deficiency in reading. 104483

(iv) The student previously was retained in any of grades 104484  
kindergarten to three. 104485

(e)(i) The student received intensive remediation for reading 104486  
for two school years but still demonstrates a deficiency in 104487  
reading and was previously retained in any of grades kindergarten 104488

to three. 104489

(ii) A student who is promoted under division (A)(2)(e)(i) of 104490  
this section shall continue to receive intensive reading 104491  
instruction in grade four. The instruction shall include an 104492  
altered instructional day that includes specialized diagnostic 104493  
information and specific research-based reading strategies for the 104494  
student that have been successful in improving reading among 104495  
low-performing readers. 104496

(B)(1) Beginning in the 2012-2013 school year, to assist 104497  
students in meeting the third grade guarantee established by this 104498  
section, each school district board of education shall adopt 104499  
policies and procedures with which it annually shall assess the 104500  
reading skills of each student, except those students with 104501  
significant cognitive disabilities or other disabilities as 104502  
authorized by the department on a case-by-case basis, enrolled in 104503  
kindergarten to third grade and shall identify students who are 104504  
reading below their grade level. The reading skills assessment 104505  
shall be completed by the thirtieth day of September for students 104506  
in grades one to three, and by the first day of November for 104507  
students in kindergarten. Each district shall use the diagnostic 104508  
assessment to measure reading ability for the appropriate grade 104509  
level adopted under section 3301.079 of the Revised Code, or a 104510  
comparable tool approved by the department of education, to 104511  
identify such students. The policies and procedures shall require 104512  
the students' classroom teachers to be involved in the assessment 104513  
and the identification of students reading below grade level. The 104514  
assessment may be administered electronically using live, two-way 104515  
video and audio connections whereby the teacher administering the 104516  
assessment may be in a separate location from the student. 104517

(2) For each student identified by the diagnostic assessment 104518  
prescribed under this section as having reading skills below grade 104519  
level, the district shall do both of the following: 104520



(a) Provide to the student's parent or guardian, in writing, 104521  
all of the following: 104522

(i) Notification that the student has been identified as 104523  
having a substantial deficiency in reading; 104524

(ii) A description of the current services that are provided 104525  
to the student; 104526

(iii) A description of the proposed supplemental 104527  
instructional services and supports that will be provided to the 104528  
student that are designed to remediate the identified areas of 104529  
reading deficiency; 104530

(iv) Notification that if the student attains a score in the 104531  
range designated under division (A)(3) of section 3301.0710 of the 104532  
Revised Code on the assessment prescribed under that section to 104533  
measure skill in English language arts expected at the end of 104534  
third grade, the student shall be retained unless the student is 104535  
exempt under division (A) of this section. The notification shall 104536  
specify that the assessment under section 3301.0710 of the Revised 104537  
Code is not the sole determinant of promotion and that additional 104538  
evaluations and assessments are available to the student to assist 104539  
parents and the district in knowing when a student is reading at 104540  
or above grade level and ready for promotion. 104541

(b) Provide intensive reading instruction services and 104542  
regular diagnostic assessments to the student immediately 104543  
following identification of a reading deficiency until the 104544  
development of the reading improvement and monitoring plan 104545  
required by division (C) of this section. These intervention 104546  
services shall include research-based reading strategies that have 104547  
been shown to be successful in improving reading among 104548  
low-performing readers and instruction targeted at the student's 104549  
identified reading deficiencies. 104550

(3) For each student retained under division (A) of this 104551

section, the district shall do all of the following: 104552

(a) Provide intense remediation services until the student is 104553  
able to read at grade level. The remediation services shall 104554  
include intensive interventions in reading that address the areas 104555  
of deficiencies identified under this section including, but not 104556  
limited to, not less than ninety minutes of reading instruction 104557  
per day, and may include any of the following: 104558

(i) Small group instruction; 104559

(ii) Reduced teacher-student ratios; 104560

(iii) More frequent progress monitoring; 104561

(iv) Tutoring or mentoring; 104562

(v) Transition classes containing third and fourth grade 104563  
students; 104564

(vi) Extended school day, week, or year; 104565

(vii) Summer reading camps. 104566

(b) Establish a policy for the mid-year promotion of a 104567  
student retained under division (A) of this section who 104568  
demonstrates that the student is reading at or above grade level; 104569

(c) Provide each student with a teacher who satisfies one or 104570  
more of the criteria set forth in division (H) of this section. 104571

The district shall offer the option for students to receive 104572  
applicable services from one or more providers other than the 104573  
district. Providers shall be screened and approved by the district 104574  
or the department of education. If the student participates in the 104575  
remediation services and demonstrates reading proficiency in 104576  
accordance with standards adopted by the department prior to the 104577  
start of fourth grade, the district shall promote the student to 104578  
that grade. 104579

(4) For each student retained under division (A) of this 104580

section who has demonstrated proficiency in a specific academic 104581  
ability field, each district shall provide instruction 104582  
commensurate with student achievement levels in that specific 104583  
academic ability field. 104584

As used in this division, "specific academic ability field" 104585  
has the same meaning as in section 3324.01 of the Revised Code. 104586

(C) For each student required to be provided intervention 104587  
services under this section, the district shall develop a reading 104588  
improvement and monitoring plan within sixty days after receiving 104589  
the student's results on the diagnostic assessment or comparable 104590  
tool administered under division (B)(1) of this section. The 104591  
district shall involve the student's parent or guardian and 104592  
classroom teacher in developing the plan. The plan shall include 104593  
all of the following: 104594

(1) Identification of the student's specific reading 104595  
deficiencies; 104596

(2) A description of the additional instructional services 104597  
and support that will be provided to the student to remediate the 104598  
identified reading deficiencies; 104599

(3) Opportunities for the student's parent or guardian to be 104600  
involved in the instructional services and support described in 104601  
division (C)(2) of this section; 104602

(4) A process for monitoring the extent to which the student 104603  
receives the instructional services and support described in 104604  
division (C)(2) of this section; 104605

(5) A reading curriculum during regular school hours that 104606  
does all of the following: 104607

(a) Assists students to read at grade level; 104608

(b) Provides scientifically based and reliable assessment; 104609

(c) Provides initial and ongoing analysis of each student's 104610

reading progress. 104611

(6) A statement that if the student does not attain at least 104612  
the equivalent level of achievement designated under division 104613  
(A)(3) of section 3301.0710 of the Revised Code on the assessment 104614  
prescribed under that section to measure skill in English language 104615  
arts expected by the end of third grade, the student may be 104616  
retained in third grade. 104617

Each student with a reading improvement and monitoring plan 104618  
under this division who enters third grade after July 1, 2013, 104619  
shall be assigned to a teacher who satisfies one or more of the 104620  
criteria set forth in division (H) of this section. 104621

The district shall report any information requested by the 104622  
department about the reading improvement monitoring plans 104623  
developed under this division in the manner required by the 104624  
department. 104625

(D) Each school district shall report annually to the 104626  
department on its implementation and compliance with this section 104627  
using guidelines prescribed by the superintendent of public 104628  
instruction. The superintendent of public instruction annually 104629  
shall report to the governor and general assembly the number and 104630  
percentage of students in grades kindergarten through four reading 104631  
below grade level based on the diagnostic assessments administered 104632  
under division (B) of this section and the achievement assessments 104633  
administered under divisions (A)(1)(a) and (b) of section 104634  
3301.0710 of the Revised Code in English language arts, aggregated 104635  
by school district and building; the types of intervention 104636  
services provided to students; and, if available, an evaluation of 104637  
the efficacy of the intervention services provided. 104638

(E) Any summer remediation services funded in whole or in 104639  
part by the state and offered by school districts to students 104640  
under this section shall meet the following conditions: 104641

(1) The remediation methods are based on reliable educational research. 104642  
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(2) The school districts conduct assessment before and after students participate in the program to facilitate monitoring results of the remediation services. 104644  
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(3) The parents of participating students are involved in programming decisions. 104647  
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(F) Any intervention or remediation services required by this section shall include intensive, explicit, and systematic instruction. 104649  
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(G) This section does not create a new cause of action or a substantive legal right for any person. 104652  
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(H)(1) Except as provided under divisions (H)(2), (3), and (4) of this section, each student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria: 104654  
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(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable. 104660  
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(b) The teacher has completed a master's degree program with a major in reading. 104663  
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(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code. 104665  
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(d) The teacher was rated "above expected value added," in 104671

reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.

(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board.

(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.

(2) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H)(1)(a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H)(1) of this section.

(3) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in division (H)(3) of this section shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(4) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013,

may receive reading intervention or remediation services under 104703  
this section from an individual employed as a speech-language 104704  
pathologist who holds a license issued by the state speech and 104705  
hearing professionals board of ~~speech language pathology and~~ 104706  
~~audiology~~ under Chapter 4753. of the Revised Code and a 104707  
professional pupil services license as a school speech-language 104708  
pathologist issued by the state board of education. 104709

(5) A teacher, other than a student's teacher of record, may 104710  
provide any services required under this section, so long as that 104711  
other teacher meets the requirements of division (H) of this 104712  
section and the teacher of record and the school principal agree 104713  
to the assignment. Any such assignment shall be documented in the 104714  
student's reading improvement and monitoring plan. 104715

As used in this division, "teacher of record" means the 104716  
classroom teacher to whom a student is assigned. 104717

(I) Notwithstanding division (H) of this section, a teacher 104718  
may teach reading to any student who is an English language 104719  
learner, and has been in the United States for three years or 104720  
less, or to a student who has an individualized education program 104721  
developed under Chapter 3323. of the Revised Code if that teacher 104722  
holds an alternative credential approved by the department or has 104723  
successfully completed training that is based on principles of 104724  
scientifically research-based reading instruction that has been 104725  
approved by the department. Beginning on July 1, 2014, the 104726  
alternative credentials and training described in this division 104727  
shall be aligned with the reading competencies adopted by the 104728  
state board of education under section 3301.077 of the Revised 104729  
Code. 104730

(J) If, on or after June 4, 2013, a school district or 104731  
community school cannot furnish the number of teachers needed who 104732  
satisfy one or more of the criteria set forth in division (H) of 104733  
this section for the 2013-2014 school year, the school district or 104734

community school shall develop and submit a staffing plan by June 104735  
30, 2013. The staffing plan shall include criteria that will be 104736  
used to assign a student described in division (B)(3) or (C) of 104737  
this section to a teacher, credentials or training held by 104738  
teachers currently teaching at the school, and how the school 104739  
district or community school will meet the requirements of this 104740  
section. The school district or community school shall post the 104741  
staffing plan on its web site for the applicable school year. 104742

Not later than March 1, 2014, and on the first day of March 104743  
in each year thereafter, a school district or community school 104744  
that has submitted a plan under this division shall submit to the 104745  
department a detailed report of the progress the district or 104746  
school has made in meeting the requirements under this section. 104747

A school district or community school may request an 104748  
extension of a staffing plan beyond the 2013-2014 school year. 104749  
Extension requests must be submitted to the department not later 104750  
than the thirtieth day of April prior to the start of the 104751  
applicable school year. The department may grant extensions valid 104752  
through the 2015-2016 school year. 104753

Until June 30, 2015, the department annually shall review all 104754  
staffing plans and report to the state board not later than the 104755  
thirtieth day of June of each year the progress of school 104756  
districts and community schools in meeting the requirements of 104757  
this section. 104758

(K) The department of education shall designate one or more 104759  
staff members to provide guidance and assistance to school 104760  
districts and community schools in implementing the third grade 104761  
guarantee established by this section, including any standards or 104762  
requirements adopted to implement the guarantee and to provide 104763  
information and support for reading instruction and achievement. 104764

**Sec. 3701.83.** There is hereby created in the state treasury 104765



the general operations fund. Moneys in the fund shall be used for 104766  
the purposes specified in sections 3701.04, 3701.344, 3702.20, 104767  
3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 104768  
3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 104769  
3749.07, ~~4747.04~~, and 4769.09 of the Revised Code. 104770

**Sec. 4725.01.** As used in this chapter: 104771

(A)(1) The "practice of optometry" means the application of 104772  
optical principles, through technical methods and devices, in the 104773  
examination of human eyes for the purpose of ascertaining 104774  
departures from the normal, measuring their functional powers, 104775  
adapting optical accessories for the aid thereof, and detecting 104776  
ocular abnormalities that may be evidence of disease, pathology, 104777  
or injury. 104778

(2) In the case of a licensed optometrist who holds a topical 104779  
ocular pharmaceutical agents certificate, the "practice of 104780  
optometry" has the same meaning as in division (A)(1) of this 104781  
section, except that it also includes administering topical ocular 104782  
pharmaceutical agents. 104783

(3) In the case of a licensed optometrist who holds a 104784  
therapeutic pharmaceutical agents certificate, the "practice of 104785  
optometry" has the same meaning as in division (A)(1) of this 104786  
section, except that it also includes all of the following: 104787

(a) Employing, applying, administering, and prescribing 104788  
instruments, devices, and procedures, other than invasive 104789  
procedures, for purpose of examination, investigation, diagnosis, 104790  
treatment, or prevention of any disease, injury, or other abnormal 104791  
condition of the visual system; 104792

(b) Employing, applying, administering, and prescribing 104793  
topical ocular pharmaceutical agents; 104794

(c) Employing, applying, administering, and prescribing 104795

therapeutic pharmaceutical agents; 104796

(d) Assisting an individual in determining the individual's 104797  
blood glucose level by using a commercially available 104798  
glucose-monitoring device. Nothing in this section precludes a 104799  
licensed optometrist who holds a therapeutic pharmaceutical agents 104800  
certificate from using any particular type of commercially 104801  
available glucose-monitoring device. 104802

(B) "Topical ocular pharmaceutical agent" means a drug or 104803  
dangerous drug that is a topical drug and used in the practice of 104804  
optometry as follows: 104805

(1) In the case of a licensed optometrist who holds a topical 104806  
ocular pharmaceutical agents certificate, for evaluative purposes 104807  
in the practice of optometry as set forth in division (A)(1) of 104808  
this section; 104809

(2) In the case of a licensed optometrist who holds a 104810  
therapeutic pharmaceutical agents certificate, for purposes of 104811  
examination, investigation, diagnosis, treatment, or prevention of 104812  
any disease, injury, or other abnormal condition of the visual 104813  
system. 104814

(C) "Therapeutic pharmaceutical agent" means a drug or 104815  
dangerous drug that is used for examination, investigation, 104816  
diagnosis, treatment, or prevention of any disease, injury, or 104817  
other abnormal condition of the visual system in the practice of 104818  
optometry by a licensed optometrist who holds a therapeutic 104819  
pharmaceutical agents certificate, and is any of the following: 104820

(1) An oral drug or dangerous drug in one of the following 104821  
classifications: 104822

(a) Anti-infectives, including antibiotics, antivirals, 104823  
antimicrobials, and antifungals; 104824

(b) Anti-allergy agents; 104825

(c) Antiglaucoma agents;	104826
(d) Analgesics, including only analgesic drugs that are available without a prescription, analgesic drugs or dangerous drugs that require a prescription but are not controlled substances, and, to the extent authorized by the state <del>board of optometry</del> <u>vision professionals board</u> in rules adopted under section 4725.091 of the Revised Code, analgesic controlled substances;	104827 104828 104829 104830 104831 104832 104833
(e) Anti-inflammatories, excluding all drugs or dangerous drugs classified as oral steroids other than methylpredisolone, except that methylpredisolone may be used under a therapeutic pharmaceutical agents certificate only if it is prescribed under all of the following conditions:	104834 104835 104836 104837 104838
(i) For use in allergy cases;	104839
(ii) For use by an individual who is eighteen years of age or older;	104840 104841
(iii) On the basis of an individual's particular episode of illness;	104842 104843
(iv) In an amount that does not exceed the amount packaged for a single course of therapy.	104844 104845
(2) Epinephrine administered by injection to individuals in emergency situations to counteract anaphylaxis or anaphylactic shock. Notwithstanding any provision of this section to the contrary, administration of epinephrine in this manner does not constitute performance of an invasive procedure.	104846 104847 104848 104849 104850
(3) An oral drug or dangerous drug that is not included under division (C)(1) of this section, if the drug or dangerous drug is approved, exempt from approval, certified, or exempt from certification by the federal food and drug administration for ophthalmic purposes and the drug or dangerous drug is specified in	104851 104852 104853 104854 104855

rules adopted by the ~~state board of optometry~~ under section 104856  
4725.09 of the Revised Code. 104857

(D) "Controlled substance" has the same meaning as in section 104858  
3719.01 of the Revised Code. 104859

(E) "Drug" and "dangerous drug" have the same meanings as in 104860  
section 4729.01 of the Revised Code. 104861

(F) "Invasive procedure" means any procedure that involves 104862  
cutting or otherwise infiltrating human tissue by mechanical means 104863  
including surgery, laser surgery, ionizing radiation, therapeutic 104864  
ultrasound, administering medication by injection, or the removal 104865  
of intraocular foreign bodies. 104866

(G) "Visual system" means the human eye and its accessory or 104867  
subordinate anatomical parts. 104868

(H) "Certificate of licensure" means a certificate issued by 104869  
the ~~state board of optometry~~ under section 4725.13 of the Revised 104870  
Code authorizing the holder to practice optometry as provided in 104871  
division (A)(1) of this section. 104872

(I) "Topical ocular pharmaceutical agents certificate" means 104873  
a certificate issued by the ~~state board of optometry~~ under section 104874  
4725.13 of the Revised Code authorizing the holder to practice 104875  
optometry as provided in division (A)(2) of this section. 104876

(J) "Therapeutic pharmaceutical agents certificate" means a 104877  
certificate issued by the ~~state board of optometry~~ under division 104878  
(A)(3) or (4) of section 4725.13 of the Revised Code authorizing 104879  
the holder to practice optometry as provided in division (A)(3) of 104880  
this section. 104881

**Sec. 4725.02.** (A) Except as provided in section 4725.26 of 104882  
the Revised Code, no person shall engage in the practice of 104883  
optometry, including the determination of the kind of procedure, 104884  
treatment, or optical accessories needed by a person or the 104885

examination of the eyes of any person for the purpose of fitting 104886  
the same with optical accessories, unless the person holds a 104887  
current, valid certificate of licensure from the state ~~board of~~ 104888  
~~optometry~~ vision professionals board. No person shall claim to be 104889  
the lawful holder of a certificate of licensure when in fact the 104890  
person is not such lawful holder, or impersonate any licensed 104891  
optometrist. 104892

(B) No optometrist shall administer topical ocular 104893  
pharmaceutical agents unless the optometrist holds a valid topical 104894  
ocular pharmaceutical agents certificate or therapeutic 104895  
pharmaceutical agents certificate and fulfills the other 104896  
requirements of this chapter. 104897

(C) No optometrist shall practice optometry as described in 104898  
division (A)(3) of section 4725.01 of the Revised Code unless the 104899  
optometrist holds a valid therapeutic pharmaceutical agents 104900  
certificate. 104901

(D) No optometrist shall personally furnish a therapeutic 104902  
pharmaceutical agent to any person, except that a licensed 104903  
optometrist who holds a therapeutic pharmaceutical agents 104904  
certificate may personally furnish a therapeutic pharmaceutical 104905  
agent to a patient if no charge is imposed for the agent or for 104906  
furnishing it and the amount furnished does not exceed a 104907  
seventy-two hour supply, except that if the minimum available 104908  
quantity of the agent is greater than a seventy-two hour supply, 104909  
the optometrist may furnish the minimum available quantity. 104910

Sec. 4725.031. (A) There is hereby created the state vision 104911  
professionals board consisting of the following members, appointed 104912  
by the governor with the advice and consent of the senate: 104913

(1) Four individuals licensed as optometrists under this 104914  
chapter; 104915

(2) Two individuals licensed as licensed dispensing opticians 104916  
under this chapter; 104917

(3) One individual representing the general public. 104918

(B) Not later than ninety days after the effective date of 104919  
this section, the governor shall make initial appointments to the 104920  
board. Of the initial appointments, three members shall serve 104921  
terms ending March 22, 2019, two members shall serve terms ending 104922  
March 22, 2020, and two members shall serve terms ending March 22, 104923  
2021. 104924

Thereafter, terms of office are three years, with each term 104925  
commencing on the twenty-third day of March and ending on the 104926  
twenty-second day of March. Each member shall hold office from the 104927  
date of appointment until the end of the term for which the member 104928  
was appointed, except that a member shall continue in office after 104929  
the expiration date of the member's term until the member's 104930  
successor takes office. No member shall serve more than three 104931  
consecutive terms. 104932

Vacancies shall be filled in the same manner as original 104933  
appointments. Any member appointed to fill a vacancy occurring 104934  
before the expiration of the term for which the member's 104935  
predecessor was appointed shall hold office for the remainder of 104936  
that term. 104937

(C) When the term of a member of the board expires or a 104938  
vacancy occurs on the board, a professional association 104939  
representing the interests of the occupation of the board position 104940  
to be filled may recommend to the governor individuals to fill the 104941  
position. The governor shall consider the recommendation in making 104942  
appointments to the board. 104943

(D) No individual may be appointed to the board who has been 104944  
convicted of or pleaded guilty to a felony under the laws of this 104945  
state, another state, or the United States. 104946

The governor may remove a member of the board for malfeasance, misfeasance, or nonfeasance after a hearing in accordance with Chapter 119. of the Revised Code. The governor shall remove, after a hearing in accordance with Chapter 119. of the Revised Code, any member who has been convicted of or pleaded guilty to a felony under the laws of this state, another state, or the United States.

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Sec. 4725.032. Whenever the term "state board of optometry" or "Ohio optical dispensers board" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "state vision professionals board."

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Whenever "executive director of the state board of optometry" or "executive secretary-treasurer of the Ohio optical dispensers board" is used in a statute, rule, contract, or other document, the use shall be construed to mean the executive director of the state vision professionals board.

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Sec. 4725.04. The state vision professionals board of optometry shall organize by the election of a president and a secretary from its members, who shall hold their respective offices for one year.

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The board shall hold meetings to perform its regular duties at least four times each year. At least one of the board's regular meetings shall be held in Columbus Franklin county. The board may hold additional meetings as it considers necessary. The time and place of any regular or other meeting shall be fixed and published by the board at least thirty days prior to the date that it is to be held, except when the meeting to be held is an emergency or special meeting, in which case the board shall give twenty-four hours' notice or as much notice as possible under the circumstances.

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A majority of the board constitutes a quorum, ~~but a lesser~~ 104977  
~~number may adjourn from time to time.~~ 104978

**Sec. 4725.05.** The state vision professionals board ~~of~~ 104979  
~~optometry~~ shall ~~employ~~ hire an executive director. Before entering 104980  
upon the discharge of official duties of office, the executive 104981  
director shall give a bond, to be approved by the board, in the 104982  
sum of two thousand dollars conditioned for the faithful discharge 104983  
of the duties of the office. The premium for such bond shall be 104984  
paid as are other expenditures of the board. The bond, with the 104985  
approval of the board and oath of office indorsed thereon, shall 104986  
be deposited with the secretary of state and kept in the secretary 104987  
of state's office. 104988

The executive director of the board, in consultation with the 104989  
director of administrative services, may employ such assistants, 104990  
inspectors, investigators, and ~~clerical help~~ other employees as 104991  
are necessary to administer ~~and enforce sections 4725.01 to~~ 104992  
~~4725.34 of the Revised Code~~ this chapter, the expenses thereof to 104993  
be charged and paid as other expenditures of the board. 104994

**Sec. 4725.06.** Each member of the state vision professionals 104995  
board ~~of optometry~~ shall receive an amount fixed pursuant to 104996  
division (J) of section 124.15 of the Revised Code for each day 104997  
~~actually employed in the discharge of the~~ member is performing the 104998  
member's official duties ~~of the member,~~ and be reimbursed for the 104999  
actual and necessary expenses of the member incurred in performing 105000  
such duties. 105001

The board, in consultation with the director of 105002  
administrative services, shall set the compensation of its 105003  
executive director and of any employees of the board. The 105004  
executive director of the board shall receive reimbursement for 105005  
necessary expenses incurred in the discharge of the executive 105006



director's official duties. 105007

All vouchers of the board shall be approved by the board 105008  
president or executive director, or both, as authorized by the 105009  
board. 105010

**Sec. 4725.07.** The state vision professionals board of 105011  
~~optometry~~ shall adopt a seal and certificate of suitable design 105012  
and shall keep a record of its proceedings, a register of ~~persons~~ 105013  
~~who have received certificates of licensure, a register of~~ 105014  
~~licensed optometrists who have received topical ocular~~ 105015  
~~pharmaceutical agents certificates, a register of licensed~~ 105016  
~~optometrists who have received therapeutic pharmaceutical agents~~ 105017  
~~certificates~~ every individual holding a certificate, license, 105018  
registration, or endorsement issued under this chapter, and a 105019  
register of ~~persons who have been subject to the board's~~ 105020  
~~revocation of any of those certificates~~ every individual whose 105021  
certificate, license, registration, or endorsement has been 105022  
revoked under this chapter. 105023

The board shall have an office in ~~Columbus~~ Franklin county, 105024  
where all its permanent records shall be kept. ~~The~~ On request of 105025  
the board ~~may make requisition upon the proper state officials~~ 105026  
~~for,~~ the director of administrative services shall supply the 105027  
board with office ~~rooms~~ space and supplies, including stationery 105028  
and furniture. All printing and binding necessary for the work of 105029  
the board shall be done upon an order issued by the board through 105030  
its president and executive director to the department of 105031  
administrative services. 105032

Except as provided in ~~division (C) of section 4725.22 and~~ 105033  
~~division (C) of section 4725.23 of the Revised Code~~ this chapter, 105034  
the records of the board, including its registers, shall be open 105035  
to public inspection at all reasonable times. A copy of an entry 105036  
in such records, certified by the executive director under the 105037

seal of the board, shall be prima-facie evidence of the facts 105038  
therein stated. 105039

The board annually, on or before the first day of February, 105040  
shall make a report to the governor of all its official acts 105041  
during the preceding year, its receipts and disbursements, and a 105042  
complete report of the conditions of optometry and optical 105043  
dispensing in this state. The board shall submit its first report 105044  
to the governor not later than February 1, 2019. The board shall 105045  
submit its reports to the governor electronically. 105046

**Sec. 4725.08.** In the absence of fraud or bad faith, the state 105047  
vision professionals board of optometry, a current or former board 105048  
member, an agent of the board, a person formally requested by the 105049  
board to be the board's representative, or an employee of the 105050  
board shall not be held liable in damages to any person as the 105051  
result of any act, omission, proceeding, conduct, or decision 105052  
related to official duties undertaken or performed pursuant to 105053  
~~sections 4725.01 to 4725.34 of the Revised Code~~ this chapter. If 105054  
any such person asks to be defended by the state against any claim 105055  
or action arising out of any act, omission, proceeding, conduct, 105056  
or decision related to the person's official duties, and if the 105057  
request is made in writing at a reasonable time before trial and 105058  
the person requesting defense cooperates in good faith in the 105059  
defense of the claim or action, the state shall provide and pay 105060  
for the person's defense and shall pay any resulting judgment, 105061  
compromise, or settlement. At no time shall the state pay any part 105062  
of a claim or judgment that is for punitive or exemplary damages. 105063

**Sec. 4725.09.** (A) The state ~~board of optometry~~ vision 105064  
professionals board shall adopt rules as it considers necessary to 105065  
govern the practice of optometry and to administer and enforce 105066  
sections 4725.01 to 4725.34 of the Revised Code. All rules adopted 105067  
under those sections shall be adopted in accordance with Chapter 105068

119. of the Revised Code. 105069

(B) The board, in consultation with the state board of 105070  
pharmacy, shall adopt rules specifying any oral drugs or dangerous 105071  
drugs that are therapeutic pharmaceutical agents under division 105072  
(C)(3) of section 4725.01 of the Revised Code. 105073

(C) The board shall adopt rules that establish standards to 105074  
be met and procedures to be followed with respect to the 105075  
delegation by an optometrist of the performance of an optometric 105076  
task to a person who is not licensed or otherwise specifically 105077  
authorized by the Revised Code to perform the task. The rules 105078  
shall permit an optometrist who holds a topical ocular 105079  
pharmaceutical agents certificate or therapeutic pharmaceutical 105080  
agents certificate to delegate the administration of drugs 105081  
included in the optometrist's scope of practice. 105082

The rules adopted under this division shall provide for all 105083  
of the following: 105084

(1) On-site supervision when the delegation occurs in an 105085  
institution or other facility that is used primarily for the 105086  
purpose of providing health care, unless the board established a 105087  
specific exception to the on-site supervision requirement with 105088  
respect to routine administration of a topical drug; 105089

(2) Evaluation of whether delegation is appropriate according 105090  
to the acuity of the patient involved; 105091

(3) Training and competency requirements that must be met by 105092  
the person administering the drugs; 105093

(4) Other standards and procedures the board considers 105094  
relevant. 105095

(D) The ~~state board of optometry~~ shall adopt rules 105096  
establishing criminal records checks requirements for applicants 105097  
under section 4776.03 of the Revised Code. 105098

Sec. 4725.091. (A) The state ~~board of optometry~~ vision 105099  
professionals board shall adopt rules governing the authority of 105100  
licensed optometrists practicing under therapeutic pharmaceutical 105101  
agents certificates to employ, apply, administer, and prescribe 105102  
analgesic controlled substances. The rules shall be adopted in 105103  
accordance with Chapter 119. of the Revised Code and in 105104  
consultation with the state board of pharmacy. 105105

(B) All of the following apply to the state vision 105106  
professionals board ~~of optometry~~ in the adoption of rules under 105107  
this section: 105108

(1) The board shall not permit an optometrist to employ, 105109  
apply, administer, or prescribe an analgesic controlled substance 105110  
other than a drug product that is used for the treatment of pain 105111  
and meets one of the following conditions: 105112

(a) The product is a preparation that contains an amount of 105113  
codeine per dosage unit, as specified by the board, and also 105114  
contains other active, nonnarcotic ingredients, such as 105115  
acetaminophen or aspirin, in a therapeutic amount. 105116

(b) The product is a preparation that contains an amount of 105117  
hydrocodone per dosage unit, as specified by the board, and also 105118  
contains other active, nonnarcotic ingredients, such as 105119  
acetaminophen, aspirin, or ibuprofen, in a therapeutic amount. 105120

(c) The product contains or consists of a drug or dangerous 105121  
drug that was an analgesic included in the practice of optometry 105122  
under a therapeutic pharmaceutical agents certificate immediately 105123  
prior to ~~the effective date of this amendment~~ March 23, 2015, was 105124  
not a controlled substance at that time, and subsequently becomes 105125  
a schedule II, III, IV, or V controlled substance. 105126

(2) The board shall limit the analgesic controlled substances 105127  
that optometrists may employ, apply, administer, or prescribe to 105128

the drugs that the board determines are appropriate for use in the 105129  
practice of optometry under a therapeutic pharmaceutical agents 105130  
certificate. 105131

(3) With regard to the prescribing of analgesic controlled 105132  
substances, the board shall establish prescribing standards to be 105133  
followed by optometrists who hold therapeutic pharmaceutical 105134  
agents certificates. The board shall take into account the 105135  
prescribing standards that exist within the health care 105136  
marketplace. 105137

(4) The board shall establish standards and procedures for 105138  
employing, applying, administering, and prescribing analgesic 105139  
controlled substances under a therapeutic pharmaceutical agents 105140  
certificate by taking into consideration and examining issues that 105141  
include the appropriate length of drug therapy, appropriate 105142  
standards for drug treatment, necessary monitoring systems, and 105143  
any other factors the board considers relevant. 105144

**Sec. 4725.092.** (A) As used in this section, "drug database" 105145  
means the database established and maintained by the state board 105146  
of pharmacy pursuant to section 4729.75 of the Revised Code. 105147

(B) The state ~~board of optometry~~ vision professionals board 105148  
shall adopt rules that establish standards and procedures to be 105149  
followed by an optometrist who holds a therapeutic pharmaceutical 105150  
agents certificate regarding the review of patient information 105151  
available through the drug database under division (A)(5) of 105152  
section 4729.80 of the Revised Code. The rules shall be adopted in 105153  
accordance with Chapter 119. of the Revised Code. 105154

(C) This section and the rules adopted under it do not apply 105155  
if the state board of pharmacy no longer maintains the drug 105156  
database. 105157

**Sec. 4725.10.** (A) The state ~~board of optometry~~ vision 105158

professionals board shall evaluate schools of optometry and grant 105159  
its approval to schools that adequately prepare their graduates 105160  
for the practice of optometry in this state. Approval shall be 105161  
granted only by an affirmative vote of a majority of the members 105162  
of the board. 105163

(B) To be approved by the board, a school of optometry shall 105164  
meet at least the following conditions: 105165

(1) Be accredited by a professional optometric accrediting 105166  
agency recognized by the board; 105167

(2) Require as a prerequisite to admission to the school's 105168  
courses in optometry at least two academic years of study with 105169  
credits of at least sixty semester hours or ninety quarter hours 105170  
in a college of arts and sciences accredited by a post-secondary 105171  
education accrediting organization recognized by the board; 105172

(3) Require a course of study of at least four academic years 105173  
with credits of at least one hundred thirty-four semester hours or 105174  
two hundred quarter hours. 105175

(C) The board may establish standards for the approval of 105176  
schools of optometry that are higher than the standards specified 105177  
in division (B) of this section. 105178

**Sec. 4725.11.** (A) The state ~~board of optometry~~ vision 105179  
professionals board shall accept as the examination that must be 105180  
passed to receive a license to practice optometry in this state 105181  
the examination prepared, administered, and graded by the national 105182  
board of examiners in optometry or an examination prepared, 105183  
administered, and graded by another professional testing 105184  
organization recognized by the board as being qualified to examine 105185  
applicants for licenses to practice optometry in this state. The 105186  
board shall periodically review its acceptance of a licensing 105187  
examination under this section to determine if the examination and 105188

the organization offering it continue to meet standards the board 105189  
considers appropriate. 105190

(B) The licensing examination accepted by the board under 105191  
this section may be divided into parts and offered as follows: 105192

(1) Part one: Tests in basic science, human biology, ocular 105193  
and visual biology, theoretical ophthalmic, physiological optics, 105194  
and physiological psychology; 105195

(2) Part two: Tests in clinical science, systemic conditions, 105196  
the treatment and management of ocular disease, refractive 105197  
oculomotor, sensory integrative conditions, perceptual conditions, 105198  
public health, the legal issues regarding the clinical practice of 105199  
optometry, and pharmacology; 105200

(3) Part three: Tests in patient care and management, 105201  
clinical skills, and the visual recognition and interpretation of 105202  
clinical signs. 105203

(C) The licensing examination accepted by the board may be 105204  
offered in a manner other than the manner specified in division 105205  
(B) of this section, but if offered in another manner, the 105206  
examination must test the person sitting for the examination in 105207  
the areas specified in division (B) of this section and may test 105208  
the person in other areas. 105209

The board may require as a condition of its acceptance of an 105210  
examination that the examination cover subject matters in addition 105211  
to those specified in division (B) of this section, if the schools 105212  
of optometry it approves under section 4725.10 of the Revised Code 105213  
include the additional subject matters in their prescribed 105214  
curriculum. 105215

(D) The board shall accept direct delivery of the results of 105216  
the licensing examination from the testing organization 105217  
administering the examination. The results shall be kept as a 105218  
permanent part of the board's records maintained pursuant to 105219

section 4725.07 of the Revised Code. 105220

(E) On request of any person seeking to practice optometry in 105221  
this state, the board shall provide information on the licensing 105222  
examination accepted by the board, including requirements that 105223  
must be met to be eligible to sit for the examination and the 105224  
dates the examination is offered. 105225

**Sec. 4725.12.** (A) Each person who desires to commence the 105226  
practice of optometry in the state shall file with the executive 105227  
director of the state ~~board of optometry a written~~ vision 105228  
professionals board an application for a certificate of licensure 105229  
and a therapeutic pharmaceutical agents certificate. The 105230  
application shall be accompanied by the fees specified under 105231  
section 4725.34 of the Revised Code and shall contain all 105232  
information the board considers necessary to determine whether an 105233  
applicant is qualified to receive the certificates. The 105234  
application shall be made upon the form prescribed by the board 105235  
and shall be verified by the oath of the applicant. 105236

(B) To receive a certificate of licensure and a therapeutic 105237  
pharmaceutical agents certificate, an applicant must meet all of 105238  
the following conditions: 105239

(1) Be at least eighteen years of age; 105240

(2) Be of good moral character; 105241

(3) Complete satisfactorily a course of study of at least six 105242  
college years; 105243

(4) Graduate from a school of optometry approved by the board 105244  
under section 4725.10 of the Revised Code; 105245

(5) Pass the licensing examination accepted by the board 105246  
under section 4725.11 of the Revised Code. 105247

**Sec. 4725.121.** (A) As used in this section, "license" and 105248



"applicant for an initial license" have the same meanings as in 105249  
section 4776.01 of the Revised Code, except that "license" as used 105250  
in both of those terms refers to the types of authorizations 105251  
otherwise issued or conferred under this chapter. 105252

(B) In addition to any other eligibility requirement set 105253  
forth in this chapter, each applicant for an initial license shall 105254  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 105255  
state ~~board of optometry~~ vision professionals board shall not 105256  
grant a license to an applicant for an initial license unless the 105257  
applicant complies with sections 4776.01 to 4776.04 of the Revised 105258  
Code and the board, in its discretion, decides that the results of 105259  
the criminal records check do not make the applicant ineligible 105260  
for a license issued pursuant to section 4725.13 or 4725.18 of the 105261  
Revised Code. 105262

**Sec. 4725.13.** (A) The state ~~board of optometry~~ vision 105263  
professionals board, by an affirmative vote of a majority of its 105264  
members, shall issue certificates under its seal as follows: 105265

(1) Every applicant who, prior to May 19, 1992, passed the 105266  
licensing examination then in effect, and who otherwise complies 105267  
with sections 4725.01 to 4725.34 of the Revised Code shall receive 105268  
from the board a certificate of licensure authorizing the holder 105269  
to engage in the practice of optometry as provided in division 105270  
(A)(1) of section 4725.01 of the Revised Code. 105271

(2) Every applicant who, prior to May 19, 1992, passed the 105272  
general and ocular pharmacology examination then in effect, and 105273  
who otherwise complies with sections 4725.01 to 4725.34 of the 105274  
Revised Code, shall receive from the board a separate topical 105275  
ocular pharmaceutical agents certificate authorizing the holder to 105276  
administer topical ocular pharmaceutical agents as provided in 105277  
division (A)(2) of section 4725.01 of the Revised Code and in 105278  
accordance with sections 4725.01 to 4725.34 of the Revised Code. 105279

(3) Every applicant who holds a valid certificate of licensure issued prior to May 19, 1992, and meets the requirements of section 4725.14 of the Revised Code shall receive from the board a separate therapeutic pharmaceutical agents certificate authorizing the holder to engage in the practice of optometry as provided in division (A)(3) of section 4725.01 of the Revised Code.

(4) Every applicant who, on or after May 19, 1992, passes all parts of the licensing examination accepted by the board under section 4725.11 of the Revised Code and otherwise complies with the requirements of sections 4725.01 to 4725.34 of the Revised Code shall receive from the board a certificate of licensure authorizing the holder to engage in the practice of optometry as provided in division (A)(1) of section 4725.01 of the Revised Code and a separate therapeutic pharmaceutical agents certificate authorizing the holder to engage in the practice of optometry as provided in division (A)(3) of that section.

(B) Each person to whom a certificate is issued pursuant to this section by the board shall keep the certificate displayed in a conspicuous place in the location at which that person practices optometry and shall whenever required exhibit the certificate to any member or agent of the board. If an optometrist practices outside of or away from the location at which the optometrist's certificate of licensure is displayed, the optometrist shall deliver to each person examined or fitted with optical accessories by the optometrist, a receipt signed by the optometrist in which the optometrist shall set forth the amounts charged, the optometrist's post-office address, and the number assigned to the optometrist's certificate of licensure. The information may be provided as part of a prescription given to the person.

(C) A person who, on May 19, 1992, holds a valid certificate of licensure or topical ocular pharmaceutical agents certificate

issued by the board may continue to engage in the practice of 105312  
optometry as provided by the certificate of licensure or topical 105313  
ocular pharmaceutical agents certificate if the person continues 105314  
to comply with sections 4725.01 to 4725.34 of the Revised Code as 105315  
required by the certificate of licensure or topical ocular 105316  
pharmaceutical agents certificate. 105317

**Sec. 4725.15.** If the state ~~board of optometry~~ vision 105318  
professionals board receives notice under division (D) of section 105319  
4725.11 of the Revised Code that an applicant has failed four 105320  
times the licensing examination or part of the examination that 105321  
must be passed pursuant to section 4725.12 or 4725.14 of the 105322  
Revised Code, the board shall not give further consideration to 105323  
the application until the applicant completes thirty hours of 105324  
remedial training approved by the board in the specific subject 105325  
area or areas covered by the examination or part of the 105326  
examination that was failed. 105327

**Sec. 4725.16.** (A)(1) Each certificate of licensure for the 105328  
practice of optometry, topical ocular pharmaceutical agents 105329  
certificate, and therapeutic pharmaceutical agents certificate 105330  
issued by the state ~~board of optometry~~ vision professionals board 105331  
shall expire annually on the last day of December, and may be 105332  
renewed in accordance with this section and the standard renewal 105333  
procedure established under Chapter 4745. of the Revised Code. 105334

(2) An optometrist seeking to continue to practice optometry 105335  
shall file with the board an application for license renewal. The 105336  
application shall be in such form and require such pertinent 105337  
professional biographical data as the board may require. 105338

(3)(a) Except as provided in division (A)(3)(b) of this 105339  
section, in the case of an optometrist seeking renewal who holds a 105340  
therapeutic pharmaceutical agents certificate and who prescribes 105341

or personally furnishes analgesic controlled substances authorized 105342  
pursuant to section 4725.091 of the Revised Code that are opioid 105343  
analgesics, as defined in section 3719.01 of the Revised Code, the 105344  
optometrist shall certify to the board whether the optometrist has 105345  
been granted access to the drug database established and 105346  
maintained by the state board of pharmacy pursuant to section 105347  
4729.75 of the Revised Code. 105348

(b) The requirement in division (A)(3)(a) of this section 105349  
does not apply if any of the following is the case: 105350

(i) The state board of pharmacy notifies the state ~~board of~~ 105351  
~~optometry~~ vision professionals board pursuant to section 4729.861 105352  
of the Revised Code that the certificate holder has been 105353  
restricted from obtaining further information from the drug 105354  
database. 105355

(ii) The state board of pharmacy no longer maintains the drug 105356  
database. 105357

(iii) The certificate holder does not practice optometry in 105358  
this state. 105359

(c) If an optometrist certifies to the state ~~board of~~ 105360  
~~optometry~~ vision professionals board that the optometrist has been 105361  
granted access to the drug database and the board finds through an 105362  
audit or other means that the optometrist has not been granted 105363  
access, the board may take action under section 4725.19 of the 105364  
Revised Code. 105365

(B) All licensed optometrists shall annually complete 105366  
continuing education in subjects relating to the practice of 105367  
optometry, to the end that the utilization and application of new 105368  
techniques, scientific and clinical advances, and the achievements 105369  
of research will assure comprehensive care to the public. The 105370  
board shall prescribe by rule the continuing optometric education 105371  
that licensed optometrists must complete. The length of study 105372

shall be twenty-five clock hours each year, including ten clock 105373  
hours of instruction in pharmacology to be completed by all 105374  
licensed optometrists. 105375

Unless the continuing education required under this division 105376  
is waived or deferred under division (D) of this section, the 105377  
continuing education must be completed during the twelve-month 105378  
period beginning on the first day of October and ending on the 105379  
last day of September. If the board receives notice from a 105380  
continuing education program indicating that an optometrist 105381  
completed the program after the last day of September, and the 105382  
optometrist wants to use the continuing education completed after 105383  
that day to renew the license that expires on the last day of 105384  
December of that year, the optometrist shall pay the penalty 105385  
specified under section 4725.34 of the Revised Code for late 105386  
completion of continuing education. 105387

At least once annually, the board shall post on its web site 105388  
and shall mail, or send by electronic mail, to each licensed 105389  
optometrist a list of courses approved in accordance with 105390  
standards prescribed by board rule. Upon the request of a licensed 105391  
optometrist, the executive director of the board shall supply a 105392  
list of additional courses that the board has approved subsequent 105393  
to the most recent web site posting, electronic mail transmission, 105394  
or mailing of the list of approved courses. 105395

(C)(1) Annually, not later than the first day of November, 105396  
the board shall mail or send by electronic mail a notice regarding 105397  
license renewal to each licensed optometrist who may be eligible 105398  
for renewal. The notice shall be sent to the optometrist's most 105399  
recent electronic mail or mailing address shown in the board's 105400  
records. If the board knows that the optometrist has completed the 105401  
required continuing optometric education for the year, the board 105402  
may include with the notice an application for license renewal. 105403

(2) Filing a license renewal application with the board shall 105404

serve as notice by the optometrist that the continuing optometric 105405  
education requirement has been successfully completed. If the 105406  
board finds that an optometrist has not completed the required 105407  
continuing optometric education, the board shall disapprove the 105408  
optometrist's application. The board's disapproval of renewal is 105409  
effective without a hearing, unless a hearing is requested 105410  
pursuant to Chapter 119. of the Revised Code. 105411

(3) The board shall refuse to accept an application for 105412  
renewal from any applicant whose license is not in good standing 105413  
or who is under disciplinary review pursuant to section 4725.19 of 105414  
the Revised Code. 105415

(4) Notice of an applicant's failure to qualify for renewal 105416  
shall be served upon the applicant by mail. The notice shall be 105417  
sent not later than the fifteenth day of November to the 105418  
applicant's last address shown in the board's records. 105419

(D) In cases of certified illness or undue hardship, the 105420  
board may waive or defer for up to twelve months the requirement 105421  
of continuing optometric education, except that in such cases the 105422  
board may not waive or defer the continuing education in 105423  
pharmacology required to be completed by optometrists who hold 105424  
topical ocular pharmaceutical agents certificates or therapeutic 105425  
pharmaceutical agents certificates. The board shall waive the 105426  
requirement of continuing optometric education for any optometrist 105427  
who is serving on active duty in the armed forces of the United 105428  
States or a reserve component of the armed forces of the United 105429  
States, including the Ohio national guard or the national guard of 105430  
any other state or who has received an initial certificate of 105431  
licensure during the nine-month period which ended on the last day 105432  
of September. 105433

(E) An optometrist whose renewal application has been 105434  
approved may renew each certificate held by paying to the 105435  
treasurer of state the fees for renewal specified under section 105436

4725.34 of the Revised Code. On payment of all applicable fees, 105437  
the board shall issue a renewal of the optometrist's certificate 105438  
of licensure, topical ocular pharmaceutical agents certificate, 105439  
and therapeutic pharmaceutical agents certificate, as appropriate. 105440

(F) Not later than the fifteenth day of December, the board 105441  
shall mail or send by electronic mail a second notice regarding 105442  
license renewal to each licensed optometrist who may be eligible 105443  
for renewal but did not respond to the notice sent under division 105444  
(C)(1) of this section. The notice shall be sent to the 105445  
optometrist's most recent electronic mail or mailing address shown 105446  
in the board's records. If an optometrist fails to file a renewal 105447  
application after the second notice is sent, the board shall send 105448  
a third notice regarding license renewal prior to any action under 105449  
division (I) of this section to classify the optometrist's 105450  
certificates as delinquent. 105451

(G) The failure of an optometrist to apply for license 105452  
renewal or the failure to pay the applicable annual renewal fees 105453  
on or before the date of expiration, shall automatically work a 105454  
forfeiture of the optometrist's authority to practice optometry in 105455  
this state. 105456

(H) The board shall accept renewal applications and renewal 105457  
fees that are submitted from the first day of January to the last 105458  
day of April of the year next succeeding the date of expiration. 105459  
An individual who submits such a late renewal application or fee 105460  
shall pay the late renewal fee specified in section 4725.34 of the 105461  
Revised Code. 105462

(I)(1) If the certificates issued by the board to an 105463  
individual have expired and the individual has not filed a 105464  
complete application during the late renewal period, the 105465  
individual's certificates shall be classified in the board's 105466  
records as delinquent. 105467

(2) Any optometrist subject to delinquent classification may 105468  
submit ~~a written~~ an application to the board for reinstatement. 105469  
For reinstatement to occur, the applicant must meet all of the 105470  
following conditions: 105471

(a) Submit to the board evidence of compliance with board 105472  
rules requiring continuing optometric education in a sufficient 105473  
number of hours to make up for any delinquent compliance; 105474

(b) Pay the renewal fees for the year in which application 105475  
for reinstatement is made and the reinstatement fee specified 105476  
under division (A)(8) of section 4725.34 of the Revised Code; 105477

(c) Pass all or part of the licensing examination accepted by 105478  
the board under section 4725.11 of the Revised Code as the board 105479  
considers appropriate to determine whether the application for 105480  
reinstatement should be approved; 105481

(d) If the applicant has been practicing optometry in another 105482  
state or country, submit evidence that the applicant's license to 105483  
practice optometry in the other state or country is in good 105484  
standing. 105485

(3) The board shall approve an application for reinstatement 105486  
if the conditions specified in division (I)(2) of this section are 105487  
met. An optometrist who receives reinstatement is subject to the 105488  
continuing education requirements specified under division (B) of 105489  
this section for the year in which reinstatement occurs. 105490

**Sec. 4725.17.** (A) An optometrist who intends not to continue 105491  
practicing optometry in this state due to retirement or a decision 105492  
to practice in another state or country may apply to the state 105493  
~~board of optometry~~ vision professionals board to have the 105494  
certificates issued to the optometrist placed on inactive status. 105495  
Application for inactive status shall consist of a written notice 105496  
to the board of the optometrist's intention to no longer practice 105497



in this state. The board may not accept an application submitted 105498  
after the applicant's certificate of licensure and any other 105499  
certificates have expired. The board may approve an application 105500  
for placement on inactive status only if the applicant's 105501  
certificates are in good standing and the applicant is not under 105502  
disciplinary review pursuant to section 4725.19 of the Revised 105503  
Code. 105504

(B) An individual whose certificates have been placed on 105505  
inactive status may submit ~~a written~~ an application to the board 105506  
for reinstatement. For reinstatement to occur, the applicant must 105507  
meet all of the following conditions: 105508

(1) Pay the renewal fees for the year in which application 105509  
for reinstatement is made and the reinstatement fee specified 105510  
under division (A)(9) of section 4725.34 of the Revised Code; 105511

(2) Pass all or part of the licensing examination accepted by 105512  
the board under section 4725.11 of the Revised Code as the board 105513  
considers appropriate, if the board considers examination 105514  
necessary to determine whether the application for reinstatement 105515  
should be approved; 105516

(3) If the applicant has been practicing optometry in another 105517  
state or country, submit evidence of being in the active practice 105518  
of optometry in the other state or country and evidence that the 105519  
applicant's license to practice in the other state or country is 105520  
in good standing. 105521

(C) The board shall approve an application for reinstatement 105522  
if the conditions specified in division (B) of this section are 105523  
met. An optometrist who receives reinstatement is subject to the 105524  
continuing education requirements specified under section 4725.16 105525  
of the Revised Code for the year in which reinstatement occurs. 105526

**Sec. 4725.171.** (A) An optometrist who discontinued practicing 105527

optometry in this state due to retirement or a decision to 105528  
practice in another state or country before the state ~~board of~~ 105529  
~~optometry~~ vision professionals board accepted applications for 105530  
placement of certificates to practice on inactive status pursuant 105531  
to section 4725.17 of the Revised Code may apply to the board to 105532  
have the optometrist's certificates reinstated. The board may 105533  
accept an application for reinstatement only if, at the time the 105534  
optometrist's certificates expired, the certificates were in good 105535  
standing and the optometrist was not under disciplinary review by 105536  
the board. 105537

(B) For reinstatement to occur, the applicant must meet all 105538  
of the following conditions: 105539

(1) Pay the renewal fees for the year in which application 105540  
for reinstatement is made and the reinstatement fee specified 105541  
under division (A)(10) of section 4725.34 of the Revised Code; 105542

(2) Pass all or part of the licensing examination accepted by 105543  
the board under section 4725.11 of the Revised Code as the board 105544  
considers appropriate, if the board considers examination 105545  
necessary to determine whether the application for reinstatement 105546  
should be approved; 105547

(3) If the applicant has been practicing optometry in another 105548  
state or country, submit evidence of being in the active practice 105549  
of optometry in the other state or country and evidence that the 105550  
applicant's license to practice in the other state or country is 105551  
in good standing. 105552

(C) The board shall approve an application for reinstatement 105553  
if the conditions specified in division (B) of this section are 105554  
met. An optometrist who receives reinstatement is subject to the 105555  
continuing education requirements specified under section 4725.16 105556  
of the Revised Code for the year in which reinstatement occurs. 105557

**Sec. 4725.18.** (A) The state ~~board of optometry~~ vision 105558  
professionals board may issue a certificate of licensure and 105559  
therapeutic pharmaceutical agents certificate by endorsement to an 105560  
individual licensed as an optometrist by another state or a 105561  
Canadian province if the board determines that the other state or 105562  
province has standards for the practice of optometry that are at 105563  
least as stringent as the standards established under sections 105564  
4725.01 to 4725.34 of the Revised Code and the individual meets 105565  
the conditions specified in division (B) of this section. The 105566  
certificates may be issued only by an affirmative vote of a 105567  
majority of the board's members. 105568

(B) An individual seeking a certificate of licensure and 105569  
therapeutic pharmaceutical agents certificate pursuant to this 105570  
section shall submit an application to the board. To receive the 105571  
certificates, an applicant must meet all of the following 105572  
conditions: 105573

(1) Meet the same qualifications that an individual must meet 105574  
under divisions (B)(1) to (4) of section 4725.12 of the Revised 105575  
Code to receive a certificate of licensure and therapeutic 105576  
pharmaceutical agents certificate under that section; 105577

(2) Be licensed to practice optometry by a state or province 105578  
that requires passage of a written, entry-level examination at the 105579  
time of initial licensure; 105580

(3) Be licensed in good standing by the optometry licensing 105581  
agency of the other state or province, evidenced by submission of 105582  
a letter from the licensing agency of the other state or province 105583  
attesting to the applicant's good standing; 105584

(4) Provide the board with certified reports from the 105585  
optometry licensing agencies of all states and provinces in which 105586  
the applicant is licensed or has been licensed to practice 105587  
optometry describing all past and pending actions taken by those 105588

agencies with respect to the applicant's authority to practice optometry in those jurisdictions, including such actions as investigations, entering into consent agreements, suspensions, revocations, and refusals to issue or renew a license;

(5) Have been actively engaged in the practice of optometry, including the use of therapeutic pharmaceutical agents, for at least three years immediately preceding making application under this section;

(6) Pay the nonrefundable application fees established under section 4725.34 of the Revised Code for a certificate of licensure and therapeutic pharmaceutical agents certificate;

(7) Submit all transcripts, reports, or other information the board requires;

(8) Participate in a two-hour instruction session provided by the board on the optometry statutes and rules of this state or pass an Ohio optometry jurisprudence test administered by the board;

(9) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code, if the board determines that testing is necessary to determine whether the applicant's qualifications are sufficient for issuance of a certificate of licensure and therapeutic pharmaceutical agents certificate under this section;

(10) Not have been previously denied issuance of a certificate by the board.

**Sec. 4725.19.** (A) In accordance with Chapter 119. of the Revised Code and by an affirmative vote of a majority of its members, the state ~~board of optometry~~ vision professionals board, for any of the reasons specified in division (B) of this section, shall refuse to grant a certificate of licensure to practice

optometry to an applicant and may, with respect to a licensed optometrist, do one or more of the following:

(1) Suspend the operation of any certificate of licensure, topical ocular pharmaceutical agents certificate, or therapeutic pharmaceutical agents certificate, or all certificates granted by it to the optometrist;

(2) Permanently revoke any or all of the certificates;

(3) Limit or otherwise place restrictions on any or all of the certificates;

(4) Reprimand the optometrist;

(5) Impose a monetary penalty. If the reason for which the board is imposing the penalty involves a criminal offense that carries a fine under the Revised Code, the penalty shall not exceed the maximum fine that may be imposed for the criminal offense. In any other case, the penalty imposed by the board shall not exceed five hundred dollars.

(6) Require the optometrist to take corrective action courses.

The amount and content of corrective action courses shall be established by the board in rules adopted under section 4725.09 of the Revised Code.

(B) The sanctions specified in division (A) of this section may be taken by the board for any of the following reasons:

(1) Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure;

(2) Being at any time guilty of immorality, regardless of the jurisdiction in which the act was committed;

(3) Being guilty of dishonesty or unprofessional conduct in the practice of optometry;

- (4) Being at any time guilty of a felony, regardless of the jurisdiction in which the act was committed; 105649  
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- (5) Being at any time guilty of a misdemeanor committed in the course of practice, regardless of the jurisdiction in which the act was committed; 105651  
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- (6) Violating the conditions of any limitation or other restriction placed by the board on any certificate issued by the board; 105654  
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- (7) Engaging in the practice of optometry as provided in division (A)(1), (2), or (3) of section 4725.01 of the Revised Code when the certificate authorizing that practice is under suspension, in which case the board shall permanently revoke the certificate; 105657  
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- (8) Being denied a license to practice optometry in another state or country or being subject to any other sanction by the optometric licensing authority of another state or country, other than sanctions imposed for the nonpayment of fees; 105662  
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- (9) Departing from or failing to conform to acceptable and prevailing standards of care in the practice of optometry as followed by similar practitioners under the same or similar circumstances, regardless of whether actual injury to a patient is established; 105666  
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- (10) Failing to maintain comprehensive patient records; 105671
- (11) Advertising a price of optical accessories, eye examinations, or other products or services by any means that would deceive or mislead the public; 105672  
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- (12) Being addicted to the use of alcohol, stimulants, narcotics, or any other substance which impairs the intellect and judgment to such an extent as to hinder or diminish the performance of the duties included in the person's practice of 105675  
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optometry;	105679
(13) Engaging in the practice of optometry as provided in	105680
division (A)(2) or (3) of section 4725.01 of the Revised Code	105681
without authority to do so or, if authorized, in a manner	105682
inconsistent with the authority granted;	105683
(14) Failing to make a report to the board as required by	105684
division (A) of section 4725.21 or section 4725.31 of the Revised	105685
Code;	105686
(15) Soliciting patients from door to door or establishing	105687
temporary offices, in which case the board shall suspend all	105688
certificates held by the optometrist;	105689
(16) Except as provided in division (D) of this section:	105690
(a) Waiving the payment of all or any part of a deductible or	105691
copayment that a patient, pursuant to a health insurance or health	105692
care policy, contract, or plan that covers optometric services,	105693
would otherwise be required to pay if the waiver is used as an	105694
enticement to a patient or group of patients to receive health	105695
care services from that optometrist.	105696
(b) Advertising that the optometrist will waive the payment	105697
of all or any part of a deductible or copayment that a patient,	105698
pursuant to a health insurance or health care policy, contract, or	105699
plan that covers optometric services, would otherwise be required	105700
to pay.	105701
(17) Failing to comply with the requirements in section	105702
3719.061 of the Revised Code before issuing for a minor a	105703
prescription for an analgesic controlled substance authorized	105704
pursuant to section 4725.091 of the Revised Code that is an opioid	105705
analgesic, as defined in section 3719.01 of the Revised Code;	105706
<u>(18) Violating the rules adopted under section 4725.66 of the</u>	105707
<u>Revised Code.</u>	105708

(C) Any person who is the holder of a certificate of licensure, or who is an applicant for a certificate of licensure against whom is preferred any charges, shall be furnished by the board with a copy of the complaint and shall have a hearing before the board in accordance with Chapter 119. of the Revised Code.

(D) Sanctions shall not be imposed under division (B)(17) of this section against any optometrist who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other optometrist licensed by the board, to the extent allowed by sections 4725.01 to 4725.34 of the Revised Code and the rules of the board.

**Sec. 4725.20.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state ~~board of optometry~~ vision professionals board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or certificate issued by the board under this chapter.

**Sec. 4725.21.** (A) If an optometrist licensed by the state ~~board of optometry~~ vision professionals board has reason to believe that another optometrist licensed currently or previously by the board has engaged in any course of treatment or other services to a patient that constitutes unprofessional conduct under section 4725.19 of the Revised Code, or has an addiction subject to board action under section 4725.19 of the Revised Code,



the optometrist shall make a report to the board. 105739

(B) Any person may report to the board in a signed writing 105740  
any information that the person may have that appears to show a 105741  
violation of any provision of sections 4725.01 to 4725.34 of the 105742  
Revised Code or the rules adopted under those sections. 105743

(C) Each complaint or allegation of a violation received by 105744  
the board shall be assigned a case number and shall be recorded by 105745  
the board. 105746

(D) In the absence of fraud or bad faith, no person who 105747  
reports to the board under this section or testifies in any 105748  
adjudication conducted under Chapter 119. of the Revised Code 105749  
shall be liable to any person for damages in a civil action as a 105750  
result of the report or testimony. 105751

**Sec. 4725.22.** (A) Each insurer providing professional 105752  
liability insurance to an optometrist licensed under this chapter, 105753  
or any other entity that seeks to indemnify the professional 105754  
liability of an optometrist licensed under this chapter, shall 105755  
notify the state ~~board of optometry~~ vision professionals board 105756  
within thirty days after the final disposition of a claim for 105757  
damages. The notice shall contain the following information: 105758

(1) The name and address of the person submitting the 105759  
notification; 105760

(2) The name and address of the insured who is the subject of 105761  
the claim; 105762

(3) The name of the person filing the written claim; 105763

(4) The date of final disposition; 105764

(5) If applicable, the identity of the court in which the 105765  
final disposition of the claim took place. 105766

(B) Each optometrist licensed under this chapter shall notify 105767

the board within thirty days of receipt of the final disposition 105768  
of a claim for damages or any action involving malpractice. The 105769  
optometrist shall notify the board by registered mail and shall 105770  
provide all reports and other information required by the board. 105771

(C) Information received under this section is not a public 105772  
record for purposes of section 149.43 of the Revised Code and 105773  
shall not be released except as otherwise required by law or a 105774  
court of competent jurisdiction. 105775

**Sec. 4725.23.** (A) The state ~~board of optometry~~ vision 105776  
professionals board shall investigate evidence that appears to 105777  
show that a person has violated any provision of sections 4725.01 105778  
to 4725.34 of the Revised Code or any rule adopted under those 105779  
sections. Investigations of alleged violations shall be supervised 105780  
by the member of the board appointed by the board to act as the 105781  
supervising member of investigations. The supervising member shall 105782  
not participate in the final vote that occurs in an adjudication 105783  
of the case. 105784

(B) In investigating a possible violation, the board may 105785  
administer oaths, order the taking of depositions, issue 105786  
subpoenas, and compel the attendance of witnesses and production 105787  
of books, accounts, papers, records, documents, and testimony. A 105788  
subpoena for patient record information shall not be issued 105789  
without consultation with the attorney general's office and 105790  
approval of the secretary of the board and the board's supervising 105791  
member of investigations. Before issuance of a subpoena for 105792  
patient record information, the secretary and supervising member 105793  
shall determine whether there is probable cause to believe that 105794  
the complaint filed alleges a violation of sections 4725.01 to 105795  
4725.34 of the Revised Code or any rule adopted under those 105796  
sections and that the records sought are relevant to the alleged 105797  
violation and material to the investigation. The subpoena may 105798

apply only to records that cover a reasonable period of time 105799  
surrounding the alleged violation. 105800

On failure to comply with any subpoena issued by the board 105801  
and after reasonable notice to the person being subpoenaed, the 105802  
board may move for an order compelling the production of persons 105803  
or records pursuant to the Rules of Civil Procedure. 105804

A subpoena issued by the board may be served by a sheriff, 105805  
the sheriff's deputy, or a board employee designated by the board. 105806  
Service of a subpoena issued by the board may be made by 105807  
delivering a copy of the subpoena to the person named therein, 105808  
reading it to the person, or leaving it at the person's usual 105809  
place of residence. When the person being served is an optometrist 105810  
licensed under this chapter, service of the subpoena may be made 105811  
by certified mail, restricted delivery, return receipt requested, 105812  
and the subpoena shall be deemed served on the date delivery is 105813  
made or the date the optometrist refuses to accept delivery. 105814

Each witness who appears before the board in obedience to a 105815  
subpoena shall receive the fees and mileage provided for under 105816  
section 119.094 of the Revised Code. 105817

(C) Information received by the board pursuant to an 105818  
investigation is confidential and not subject to discovery in any 105819  
civil action. 105820

The board shall conduct all investigations and proceedings in 105821  
a manner that protects the confidentiality of patients and persons 105822  
who file complaints with the board. The board shall not make 105823  
public the names or any other identifying information about 105824  
patients or complainants unless proper consent is given. 105825

The board may share any information it receives pursuant to 105826  
an investigation, including patient records and patient record 105827  
information, with other licensing boards and governmental agencies 105828  
that are investigating alleged professional misconduct and with 105829

law enforcement agencies and other governmental agencies that are 105830  
investigating or prosecuting alleged criminal offenses. A board or 105831  
agency that receives the information shall comply with the same 105832  
requirements regarding confidentiality as those with which the 105833  
state ~~board of optometry~~ vision professionals board must comply, 105834  
notwithstanding any conflicting provision of the Revised Code or 105835  
procedure of the board or agency that applies when the board or 105836  
agency is dealing with other information in its possession. The 105837  
information may be admitted into evidence in a criminal trial in 105838  
accordance with the Rules of Evidence, but the court shall require 105839  
that appropriate measures are taken to ensure that confidentiality 105840  
is maintained with respect to any part of the information that 105841  
contains names or other identifying information about persons 105842  
whose confidentiality was protected by the state ~~board of~~ 105843  
~~optometry~~ vision professionals board when the information was in 105844  
the board's possession. Measures to ensure confidentiality that 105845  
may be taken by the court include sealing its records or deleting 105846  
specific information from its records. 105847

**Sec. 4725.24.** If the secretary of the state ~~board of~~ 105848  
~~optometry~~ vision professionals board and the board's supervising 105849  
member of investigations determine that there is clear and 105850  
convincing evidence that an optometrist has violated division (B) 105851  
of section 4725.19 of the Revised Code and that the optometrist's 105852  
continued practice presents a danger of immediate and serious harm 105853  
to the public, they may recommend that the board suspend without a 105854  
prior hearing the optometrist's certificate of licensure and any 105855  
other certificates held by the optometrist. Written allegations 105856  
shall be prepared for consideration by the full board. 105857

The board, upon review of those allegations and by an 105858  
affirmative vote of three members other than the secretary and 105859  
supervising member may order the suspension without a prior 105860  
hearing. A telephone conference call may be utilized for reviewing 105861

the allegations and taking the vote on the summary suspension. 105862

The board shall issue a written order of suspension by 105863  
certified mail or in person in accordance with section 119.07 of 105864  
the Revised Code. The order shall not be subject to suspension by 105865  
the court during pendency of any appeal filed under section 119.12 105866  
of the Revised Code. If the individual subject to the summary 105867  
suspension requests an adjudicatory hearing by the board, the date 105868  
set for the hearing shall be within fifteen days, but not earlier 105869  
than seven days, after the individual requests the hearing, unless 105870  
otherwise agreed to by both the board and the individual. 105871

Any summary suspension imposed under this division shall 105872  
remain in effect, unless reversed on appeal, until a final 105873  
adjudicative order issued by the board pursuant to section 4725.19 105874  
of the Revised Code and Chapter 119. of the Revised Code becomes 105875  
effective. The board shall issue its final adjudicative order 105876  
within sixty days after completion of its hearing. A failure to 105877  
issue the order within sixty days shall result in dissolution of 105878  
the summary suspension order but shall not invalidate any 105879  
subsequent, final adjudicative order. 105880

**Sec. 4725.26.** Division (A) of section 4725.02 of the Revised 105881  
Code does not apply to the following: 105882

(A) Physicians authorized to practice medicine and surgery or 105883  
osteopathic medicine and surgery under Chapter 4731. of the 105884  
Revised Code; 105885

(B) Persons who sell optical accessories but do not assume to 105886  
adapt them to the eye, and neither practice nor profess to 105887  
practice optometry; 105888

(C) An instructor in a school of optometry that is located in 105889  
this state and approved by the state ~~board of optometry~~ vision 105890  
professionals board under section 4725.10 of the Revised Code who 105891

holds a valid current license to practice optometry from a 105892  
licensing body in another jurisdiction and limits the practice of 105893  
optometry to the instruction of students enrolled in the school. 105894

(D) A student enrolled in a school of optometry, located in 105895  
this or another state and approved by the board under section 105896  
4725.10 of the Revised Code, while the student is participating in 105897  
this state in an optometry training program provided or sponsored 105898  
by the school, if the student acts under the direct, personal 105899  
supervision and control of an optometrist licensed by the board or 105900  
authorized to practice pursuant to division (C) of this section. 105901

(E) An individual who is licensed or otherwise specifically 105902  
authorized by the Revised Code to engage in an activity that is 105903  
included in the practice of optometry. 105904

(F) An individual who is not licensed or otherwise 105905  
specifically authorized by the Revised Code to engage in an 105906  
activity that is included in the practice of optometry, but is 105907  
acting pursuant to the rules for delegation of optometric tasks 105908  
adopted under section 4725.09 of the Revised Code. 105909

**Sec. 4725.27.** The testimony and reports of an optometrist 105910  
licensed by the state ~~board of optometry~~ vision professionals  
board under this chapter shall be received by any state, county, 105911  
municipal, school district, or other public board, body, agency, 105912  
institution, or official and by any private educational or other 105913  
institution receiving public funds as competent evidence with 105914  
respect to any matter within the scope of the practice of 105915  
optometry. No such board, body, agency, official, or institution 105916  
shall interfere with any individual's right to a free choice of 105917  
receiving services from either an optometrist or a physician. No 105918  
such board, body, agency, official, or institution shall 105919  
discriminate against an optometrist performing procedures that are 105920  
included in the practice of optometry as provided in division 105921  
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(A)(2) or (3) of section 4725.01 of the Revised Code if the optometrist is licensed under this chapter to perform those procedures.

**Sec. 4725.28.** (A) As used in this section, "supplier" means any person who prepares or sells optical accessories or other vision correcting items, devices, or procedures.

(B) A licensed optometrist, on completion of a vision examination and diagnosis, shall give each patient for whom the optometrist prescribes any vision correcting item, device, or procedure, one copy of the prescription, without additional charge to the patient. The prescription shall include the following:

(1) The date of its issuance;

(2) Sufficient information to enable the patient to obtain from the supplier of the patient's choice, the optical accessory or other vision correcting item, device, or procedure that has been prescribed;

(3) In the case of contact lenses, all information specified as part of a contact lens prescription, as defined in the "Fairness to Contact Lens Consumers Act," 117 Stat. 2024 (2003), 15 U.S.C. 7610.

(C) Any supplier who fills a prescription for contact lenses furnished by an optometrist shall furnish the patient with written recommendations to return to the prescribing optometrist for evaluation of the contact lens fitting.

(D) Any supplier, including an optometrist who is a supplier, may advertise to inform the general public of the price that the supplier charges for any vision correcting item, device, or procedure. Any such advertisement shall specify the following:

(1) Whether the advertised item includes an eye examination;

(2) In the case of lenses, whether the price applies to

single-vision or multifocal lenses; 105953

(3) In the case of contact lenses, whether the price applies 105954  
to rigid or soft lenses and whether there is an additional charge 105955  
related to the fitting and determination of the type of contact 105956  
lenses to be worn that is not included in the price of the eye 105957  
examination. 105958

(E) The state ~~board of optometry~~ vision professionals board 105959  
shall not adopt any rule that restricts the right to advertise as 105960  
permitted by division (D) of this section. 105961

(F) Any municipal corporation code, ordinance, or regulation 105962  
or any township resolution that conflicts with a supplier's right 105963  
to advertise as permitted by division (D) of this section is 105964  
superseded by division (D) of this section and is invalid. A 105965  
municipal corporation code, ordinance, or regulation or a township 105966  
resolution conflicts with division (D) of this section if it 105967  
restricts a supplier's right to advertise as permitted by division 105968  
(D) of this section. 105969

**Sec. 4725.29.** (A) As used in this section: 105970

(1) "Regional advertisement" means an advertisement published 105971  
in more than one metropolitan statistical area in this state or 105972  
broadcast by radio or television stations in more than one 105973  
metropolitan statistical area in this state. 105974

(2) "National advertisement" means an advertisement published 105975  
in one or more periodicals or broadcast by one or more radio or 105976  
television stations in this state and also published in one or 105977  
more periodicals or broadcast by one or more radio or television 105978  
stations in another state. 105979

(B) The state ~~board of optometry~~ vision professionals board 105980  
shall not require any person who sells optical accessories at more 105981  
than one location to list in any regional or national 105982



advertisement the name of the licensed optometrist practicing at a 105983  
particular location, provided that in addition to the requirement 105984  
in division (B) of section 4725.13 of the Revised Code, the name 105985  
of the optometrist is prominently displayed at the location. 105986

**Sec. 4725.31.** An optometrist licensed by the state ~~board of~~ 105987  
~~optometry~~ vision professionals board shall promptly report to the 105988  
board any instance of a clinically significant drug-induced side 105989  
effect in a patient due to the optometrist's administering, 105990  
employing, applying, or prescribing a topical ocular or 105991  
therapeutic pharmaceutical agent to or for the patient. The board, 105992  
by rule adopted in accordance with Chapter 119. of the Revised 105993  
Code, shall establish reporting procedures and specify the types 105994  
of side effects to be reported. The information provided to the 105995  
board shall not include the name of or any identifying information 105996  
about the patient. 105997

**Sec. 4725.33.** (A) An individual whom the state ~~board of~~ 105998  
~~optometry~~ vision professionals board licenses to engage in the 105999  
practice of optometry may render the professional services of an 106000  
optometrist within this state through a corporation formed under 106001  
division (B) of section 1701.03 of the Revised Code, a limited 106002  
liability company formed under Chapter 1705. of the Revised Code, 106003  
a partnership, or a professional association formed under Chapter 106004  
1785. of the Revised Code. This division does not preclude an 106005  
optometrist from rendering professional services as an optometrist 106006  
through another form of business entity, including, but not 106007  
limited to, a nonprofit corporation or foundation, or in another 106008  
manner that is authorized by or in accordance with this chapter, 106009  
another chapter of the Revised Code, or rules of the state ~~board~~ 106010  
~~of optometry~~ vision professionals board adopted pursuant to this 106011  
chapter. 106012

(B) A corporation, limited liability company, partnership, or 106013

professional association described in division (A) of this section 106014  
may be formed for the purpose of providing a combination of the 106015  
professional services of the following individuals who are 106016  
licensed, certificated, or otherwise legally authorized to 106017  
practice their respective professions: 106018

(1) Optometrists who are authorized to practice optometry 106019  
under Chapter 4725. of the Revised Code; 106020

(2) Chiropractors who are authorized to practice chiropractic 106021  
or acupuncture under Chapter 4734. of the Revised Code; 106022

(3) Psychologists who are authorized to practice psychology 106023  
under Chapter 4732. of the Revised Code; 106024

(4) Registered or licensed practical nurses who are 106025  
authorized to practice nursing as registered nurses or as licensed 106026  
practical nurses under Chapter 4723. of the Revised Code; 106027

(5) Pharmacists who are authorized to practice pharmacy under 106028  
Chapter 4729. of the Revised Code; 106029

(6) Physical therapists who are authorized to practice 106030  
physical therapy under sections 4755.40 to 4755.56 of the Revised 106031  
Code; 106032

(7) Occupational therapists who are authorized to practice 106033  
occupational therapy under sections 4755.04 to 4755.13 of the 106034  
Revised Code; 106035

(8) Mechanotherapists who are authorized to practice 106036  
mechanotherapy under section 4731.151 of the Revised Code; 106037

(9) Doctors of medicine and surgery, osteopathic medicine and 106038  
surgery, or podiatric medicine and surgery who are authorized for 106039  
their respective practices under Chapter 4731. of the Revised 106040  
Code; 106041

(10) Licensed professional clinical counselors, licensed 106042  
professional counselors, independent social workers, social 106043

workers, independent marriage and family therapists, or marriage  
and family therapists who are authorized for their respective  
practices under Chapter 4757. of the Revised Code.

This division shall apply notwithstanding a provision of a  
code of ethics applicable to an optometrist that prohibits an  
optometrist from engaging in the practice of optometry in  
combination with a person who is licensed, certificated, or  
otherwise legally authorized to practice chiropractic, acupuncture  
through the state chiropractic board, psychology, nursing,  
pharmacy, physical therapy, occupational therapy, mechanotherapy,  
medicine and surgery, osteopathic medicine and surgery, podiatric  
medicine and surgery, professional counseling, social work, or  
marriage and family therapy, but who is not also licensed,  
certificated, or otherwise legally authorized to engage in the  
practice of optometry.

**Sec. 4725.34.** (A) The state ~~board of optometry vision~~  
professionals board shall charge the following nonrefundable fees:

(1) One hundred thirty dollars for application for a  
certificate of licensure to practice optometry;

(2) Forty-five dollars for application for a therapeutic  
pharmaceutical agents certificate, except when the certificate is  
to be issued pursuant to division (A)(3) of section 4725.13 of the  
Revised Code, in which case the fee shall be thirty-five dollars;

(3) One hundred thirty dollars for renewal of a certificate  
of licensure to practice optometry;

(4) Forty-five dollars for renewal of a topical ocular  
pharmaceutical agents certificate;

(5) Forty-five dollars for renewal of a therapeutic  
pharmaceutical agents certificate;

(6) One hundred twenty-five dollars for late completion or

submission, or both, of continuing optometric education; 106074

(7) One hundred twenty-five dollars for late renewal of one 106075  
or more certificates that have expired; 106076

(8) Seventy-five dollars for reinstatement of one or more 106077  
certificates classified as delinquent under section 4725.16 of the 106078  
Revised Code, multiplied by the number of years the one or more 106079  
certificates have been classified as delinquent; 106080

(9) Seventy-five dollars for reinstatement of one or more 106081  
certificates placed on inactive status under section 4725.17 of 106082  
the Revised Code; 106083

(10) Seventy-five dollars for reinstatement under section 106084  
4725.171 of the Revised Code of one or more expired certificates; 106085

(11) Additional fees to cover administrative costs incurred 106086  
by the board, including fees for replacing licenses issued by the 106087  
board and providing rosters of currently licensed optometrists. 106088  
Such fees shall be established at a regular meeting of the board 106089  
and shall comply with any applicable guidelines or policies set by 106090  
the department of administrative services or the office of budget 106091  
and management. 106092

(B) The board, subject to the approval of the controlling 106093  
board, may establish fees in excess of the amounts specified in 106094  
division (A) of this section if the fees do not exceed the amounts 106095  
specified by more than fifty per cent. 106096

(C) All receipts of the board, from any source, shall be 106097  
deposited in the state treasury to the credit of the occupational 106098  
licensing and regulatory fund created in section 4743.05 of the 106099  
Revised Code. 106100

**Sec. 4725.40.** As used in sections 4725.40 to 4725.59 of the 106101  
Revised Code: 106102

(A) "Optical aid" means both of the following: 106103

(1) Spectacles or other instruments or devices that are not contact lenses, if the spectacles or other instruments or devices may aid or correct human vision and have been prescribed by a physician or optometrist licensed by any state;

(2) Contact lenses, regardless of whether they address visual function, if they are designed to fit over the cornea of the eye or are otherwise designed for use in or on the eye or orbit.

All contact lenses shall be dispensed only in accordance with a valid written prescription designated for contact lenses, including the following:

(a) Zero-powered plano contact lenses;

(b) Cosmetic contact lenses;

(c) Performance-enhancing contact lenses;

(d) Any other contact devices determined by the ~~Ohio optical dispensers~~ state vision professionals board to be contact lenses.

(B) "Optical dispensing" means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact lenses, accurately as to power without a prescription; and duplicating nonprescription eyewear and parts of eyewear. "Optical dispensing" does not include selecting frames, placing an order for the delivery of an optical aid, transacting a sale, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.

(C) "Licensed dispensing optician" means a person holding a current, valid license issued under sections ~~4725.47~~ 4725.48 to 4725.51 of the Revised Code that authorizes the person to engage

in optical dispensing. Nothing in this chapter shall be construed 106134  
to permit a licensed dispensing optician to alter the 106135  
specifications of a prescription. 106136

(D) "Licensed spectacle dispensing optician" means a licensed 106137  
dispensing optician authorized to engage in both of the following: 106138

(1) The dispensing of optical aids other than contact lenses; 106139

(2) The dispensing of prepackaged soft contact lenses in 106140  
accordance with section 4725.411 of the Revised Code. 106141

(E) "Licensed contact lens dispensing optician" means a 106142  
licensed dispensing optician authorized to engage only in the 106143  
dispensing of contact lenses. 106144

(F) "Licensed spectacle-contact lens dispensing optician" 106145  
means a licensed dispensing optician authorized to engage in the 106146  
dispensing of any optical aid. 106147

(G) "Apprentice" means any person dispensing optical aids 106148  
under the direct supervision of a licensed dispensing optician. 106149

(H) "Prescription" means the written or verbal directions or 106150  
instructions as specified by a physician or optometrist licensed 106151  
by any state for preparing an optical aid for a patient. 106152

(I) "Supervision" means the provision of direction and 106153  
control through personal inspection and evaluation of work. 106154

(J) "Licensed ocularist" means a person holding a current, 106155  
valid license issued under sections 4725.48 to 4725.51 of the 106156  
Revised Code to engage in the practice of designing, fabricating, 106157  
and fitting artificial eyes or prostheses associated with the 106158  
appearance or function of the human eye. 106159

**Sec. 4725.41.** ~~Beginning one year after March 22, 1979, no~~ No 106160  
person shall engage in optical dispensing or hold ~~himself~~ self out 106161  
as being engaged in optical dispensing, ~~except as authorized under~~ 106162

~~section 4725.47 of the Revised Code, unless he~~ the person has 106163  
fulfilled the requirements of sections 4725.48 to 4725.51 of the 106164  
Revised Code and has been certified as a licensed dispensing 106165  
optician by the ~~Ohio optical dispensers~~ state vision professionals 106166  
board. 106167

No person shall engage in the designing, fabricating, and 106168  
fitting of an artificial eye or of prostheses associated with the 106169  
appearance or function of the human eye unless ~~he~~ the person is 106170  
licensed as an ocularist under ~~to~~ sections 4725.48 to 4725.51 of 106171  
the Revised Code. 106172

**Sec. 4725.411.** (A) Each licensed spectacle dispensing 106173  
optician shall complete two hours of study in prepackaged soft 106174  
contact lens dispensing approved by the ~~Ohio optical dispensers~~ 106175  
state vision professionals board under section 4725.51 of the 106176  
Revised Code. The two hours of study shall be completed as 106177  
follows: 106178

(1) Each licensed spectacle dispensing optician who holds the 106179  
license on ~~the effective date of this amendment~~ September 29, 106180  
2015, shall complete the two hours of study not later than 106181  
December 31, 2015. 106182

(2) Each licensed spectacle dispensing optician who receives 106183  
the license after ~~the effective date of this amendment~~ September 106184  
29, 2015, shall complete the two hours of study not later than the 106185  
thirty-first day of December of the year the license is issued. 106186

(B) Beginning January 1, 2016, a licensed spectacle 106187  
dispensing optician may dispense prepackaged soft contact lenses 106188  
if both of the following are the case: 106189

(1) The licensed spectacle dispensing optician has completed 106190  
two hours of study in prepackaged soft contact lens dispensing in 106191  
accordance with division (A) of this section. 106192

(2) The only action necessary is to match the description of 106193  
the contact lenses that is on the packaging to a written 106194  
prescription. 106195

**Sec. 4725.44.** (A) ~~The Ohio optical dispensers~~ state vision 106196  
professionals board shall be responsible for the administration of 106197  
sections 4725.40 to 4725.59 of the Revised Code and, in 106198  
particular, shall process applications for licensure as licensed 106199  
dispensing opticians and ocularists; schedule, administer, and 106200  
supervise the qualifying examinations for licensure or contract 106201  
with a testing service to schedule, administer, and supervise the 106202  
qualifying examination for licensure; issue licenses to qualified 106203  
individuals; and revoke and suspend licenses; ~~and maintain~~ 106204  
~~adequate records with respect to its operations and~~ 106205  
~~responsibilities.~~ 106206

(B) The board shall adopt, amend, or rescind rules, pursuant 106207  
to Chapter 119. of the Revised Code, for the licensure of 106208  
dispensing opticians and ocularists, and such other rules as are 106209  
required by or necessary to carry out the responsibilities imposed 106210  
by sections 4725.40 to 4725.59 of the Revised Code, including 106211  
rules establishing criminal records check requirements under 106212  
section 4776.03 of the Revised Code and rules establishing 106213  
disqualifying offenses for licensure as a dispensing optician or 106214  
certification as an apprentice dispensing optician pursuant to 106215  
sections 4725.48, 4725.52, 4725.53, and 4776.10 of the Revised 106216  
Code. 106217

(C) The board shall have no authority to adopt rules 106218  
governing the employment of dispensing opticians, the location or 106219  
number of optical stores, advertising of optical products or 106220  
services, or the manner in which optical products can be 106221  
displayed. 106222



**Sec. 4725.48.** (A) Any person who desires to engage in optical dispensing, ~~except as provided in section 4725.47 of the Revised Code,~~ shall file a properly completed ~~written~~ application for an examination with the ~~Ohio optical dispensers~~ state vision professionals board or with the testing service the board has contracted with pursuant to section 4725.49 of the Revised Code. The application for examination shall be made on a form provided by the board or testing service and shall be accompanied by an examination fee the board shall establish by rule. Applicants must return the application to the board or testing service at least sixty days prior to the date the examination is scheduled to be administered.

(B) ~~Except as provided in section 4725.47 of the Revised Code, any~~ Any person who desires to engage in optical dispensing shall file a properly completed ~~written~~ application for a license with the board with a licensure application fee of fifty dollars.

No person shall be eligible to apply for a license under this division, unless the person is at least eighteen years of age, is free of contagious or infectious disease, has received a passing score, as determined by the board, on the examination administered under division (A) of this section, is a graduate of an accredited high school of any state, or has received an equivalent education and has successfully completed either of the following:

(1) Two years of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology, up to one year of which may be continuous experience of not less than thirty hours a week in an optical laboratory;

(2) A two-year college level program in optical dispensing that has been approved by the board and that includes, but is not limited to, courses of study in mathematics, science, English,

anatomy and physiology of the eye, applied optics, ophthalmic 106254  
optics, measurement and inspection of lenses, lens grinding and 106255  
edging, ophthalmic lens design, keratometry, and the fitting and 106256  
adjusting of spectacle lenses and frames and contact lenses, 106257  
including methods of fitting contact lenses and post-fitting care. 106258

(C) Any person who desires to obtain a license to practice as 106259  
an ocularist shall file a properly completed ~~written~~ application 106260  
with the board accompanied by the appropriate fee and proof that 106261  
the applicant has met the requirements for licensure. The board 106262  
shall establish, by rule, the application fee and the minimum 106263  
requirements for licensure, including education, examination, or 106264  
experience standards recognized by the board as national standards 106265  
for ocularists. The board shall issue a license to practice as an 106266  
ocularist to an applicant who satisfies the requirements of this 106267  
division and rules adopted pursuant to this division. 106268

(D)(1) Subject to divisions (D)(2), (3), and (4) of this 106269  
section, the board shall not adopt, maintain, renew, or enforce 106270  
any rule that precludes an individual from receiving or renewing a 106271  
license as a dispensing optician issued under sections 4725.40 to 106272  
4725.59 of the Revised Code due to any past criminal activity or 106273  
interpretation of moral character, unless the individual has 106274  
committed a crime of moral turpitude or a disqualifying offense as 106275  
those terms are defined in section 4776.10 of the Revised Code. If 106276  
the board denies an individual a license or license renewal, the 106277  
reasons for such denial shall be put in writing. 106278

(2) Except as otherwise provided in this division, if an 106279  
individual applying for a license has been convicted of or pleaded 106280  
guilty to a misdemeanor that is not a crime of moral turpitude or 106281  
a disqualifying offense less than one year prior to making the 106282  
application, the board may use its discretion in granting or 106283  
denying the individual a license. Except as otherwise provided in 106284  
this division, if an individual applying for a license has been 106285

convicted of or pleaded guilty to a felony that is not a crime of 106286  
moral turpitude or a disqualifying offense less than three years 106287  
prior to making the application, the board may use its discretion 106288  
in granting or denying the individual a license. The provisions in 106289  
this paragraph do not apply with respect to any offense unless the 106290  
board, prior to ~~the effective date of this amendment~~ September 28, 106291  
2012, was required or authorized to deny the application based on 106292  
that offense. 106293

In all other circumstances, the board shall follow the 106294  
procedures it adopts by rule that conform to division (D)(1) of 106295  
this section. 106296

(3) In considering a renewal of an individual's license, the 106297  
board shall not consider any conviction or plea of guilty prior to 106298  
the initial licensing. However, the board may consider a 106299  
conviction or plea of guilty if it occurred after the individual 106300  
was initially licensed, or after the most recent license renewal. 106301

(4) The board may grant an individual a conditional license 106302  
that lasts for one year. After the one-year period has expired, 106303  
the license is no longer considered conditional, and the 106304  
individual shall be considered fully licensed. 106305

(E) The board, subject to the approval of the controlling 106306  
board, may establish examination fees in excess of the amount 106307  
established by rule pursuant to this section, provided that such 106308  
fees do not exceed those amounts established in rule by more than 106309  
fifty per cent. 106310

**Sec. 4725.49.** (A) ~~The Ohio optical dispensers~~ state vision 106311  
professionals board may provide for the examination of applicants 106312  
by designing, preparing, and administering the qualifying 106313  
examinations or by contracting with a testing service that is 106314  
nationally recognized as being capable of determining competence 106315  
to dispense optical aids as a licensed spectacle dispensing 106316

optician, a licensed contact lens dispensing optician, or a 106317  
licensed spectacle-contact lens dispensing optician. Any 106318  
examination used shall be designed to measure specific performance 106319  
requirements, be professionally constructed and validated, and be 106320  
independently and objectively administered and scored in order to 106321  
determine the applicant's competence to dispense optical aids. 106322

(B) The board shall ensure that it, or the testing service it 106323  
contracts with, does all of the following: 106324

(1) Provides public notice as to the date, time, and place 106325  
for each examination at least ninety days prior to the 106326  
examination; 106327

(2) Offers each qualifying examination at least twice each 106328  
year in Columbus, except as provided in division (C) of this 106329  
section; 106330

(3) Provides to each applicant all forms necessary to apply 106331  
for examination; 106332

(4) Provides all materials and equipment necessary for the 106333  
applicant to take the examination. 106334

(C) If the number of applicants for any qualifying 106335  
examination is less than ten, the examination may be postponed. 106336  
The board or testing service shall provide the applicant with 106337  
written notification of the postponement and of the next date the 106338  
examination is scheduled to be administered. 106339

(D) No limitation shall be placed upon the number of times 106340  
that an applicant may repeat any qualifying examination, except 106341  
that, if an applicant fails an examination for a third time, the 106342  
board may require that the applicant, prior to retaking the 106343  
examination, undergo additional study in the areas of the 106344  
examination in which the applicant experienced difficulty. 106345

**Sec. 4725.50.** (A) Except for a person who qualifies for 106346

licensure as an ocularist, each person who qualifies for licensure 106347  
under sections 4725.40 to 4725.59 of the Revised Code shall 106348  
receive from the ~~Ohio optical dispensers~~ state vision 106349  
professionals board, under its seal, a certificate of licensure 106350  
entitling the person to practice as a licensed spectacle 106351  
dispensing optician, licensed contact lens dispensing optician, or 106352  
a licensed spectacle-contact lens dispensing optician. The 106353  
appropriate certificate of licensure shall be issued by the board 106354  
no later than sixty days after it has notified the applicant of 106355  
the applicant's approval for licensure. 106356

(B) Each licensed dispensing optician shall display the 106357  
licensed dispensing optician's certificate of licensure in a 106358  
conspicuous place in the licensed dispensing optician's office or 106359  
place of business. If a licensed dispensing optician maintains 106360  
more than one office or place of business, the licensed dispensing 106361  
optician shall display a duplicate copy of such certificate at 106362  
each location. The board shall issue duplicate copies of the 106363  
appropriate certificate of licensure for this purpose upon the 106364  
filing of an application form therefor and the payment of a 106365  
five-dollar fee for each duplicate copy. 106366

**Sec. 4725.501.** (A) As used in this section, "license" and 106367  
"applicant for an initial license" have the same meanings as in 106368  
section 4776.01 of the Revised Code, except that "license" as used 106369  
in both of those terms refers to the types of authorizations 106370  
otherwise issued or conferred under this chapter. 106371

(B) In addition to any other eligibility requirement set 106372  
forth in this chapter, each applicant for an initial license shall 106373  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 106374  
~~Ohio optical dispensers~~ state vision professionals board shall not 106375  
grant a license to an applicant for an initial license unless the 106376  
applicant complies with sections 4776.01 to 4776.04 of the Revised 106377

Code and the board, in its discretion, decides that the results of 106378  
the criminal records check do not make the applicant ineligible 106379  
for a license issued pursuant to section 4725.50 or 4725.57 of the 106380  
Revised Code. 106381

**Sec. 4725.51.** (A)(1) Each license issued under sections 106382  
4725.40 to 4725.59 of the Revised Code shall expire on the first 106383  
day of January in the year after it was issued. Each person 106384  
holding a valid, current license may apply to the ~~Ohio optical~~ 106385  
~~dispensers~~ state vision professionals board for the extension of 106386  
the license under the standard renewal procedures of Chapter 4745. 106387  
of the Revised Code. Each application for renewal shall be 106388  
accompanied by a renewal fee the board shall establish by rule. In 106389  
addition, except as provided in division (A)(2) of this section, 106390  
the application shall contain evidence that the applicant has 106391  
completed continuing education within the immediately preceding 106392  
one-year period as follows: 106393

(a) Licensed spectacle dispensing opticians shall have 106394  
pursued both of the following, approved by the board: 106395

(i) Four hours of study in spectacle dispensing; 106396

(ii) Two hours of study in contact lens dispensing. 106397

(b) Licensed contact lens dispensing opticians shall have 106398  
pursued eight hours of study in contact lens dispensing, approved 106399  
by the board. 106400

(c) Licensed spectacle-contact lens dispensing opticians 106401  
shall have pursued both of the following, approved by the board: 106402

(i) Four hours of study in spectacle dispensing; 106403

(ii) Eight hours of study in contact lens dispensing. 106404

(d) Licensed ocularists shall have pursued courses of study 106405  
as prescribed by rule of the board. 106406

(2) An application for the initial renewal of a license 106407  
issued under sections 4725.40 to 4725.55 of the Revised Code is 106408  
not required to contain evidence that the applicant has completed 106409  
the continuing education requirements of division (A)(1) of this 106410  
section. 106411

(B) No person who fails to renew the person's license under 106412  
division (A) of this section shall be required to take a 106413  
qualifying examination under section 4725.48 of the Revised Code 106414  
as a condition of renewal, provided that the application for 106415  
renewal and proof of the requisite continuing education hours are 106416  
submitted within ninety days from the date the license expired and 106417  
the applicant pays the annual renewal fee and a penalty of 106418  
seventy-five dollars. The board may provide, by rule, for an 106419  
extension of the grace period for licensed dispensing opticians 106420  
who are serving in the armed forces of the United States or a 106421  
reserve component of the armed forces of the United States, 106422  
including the Ohio national guard or the national guard of any 106423  
other state and for waiver of the continuing education 106424  
requirements or the penalty in cases of hardship or illness. 106425

(C) The board shall approve continuing education programs and 106426  
shall adopt rules as necessary for approving the programs. The 106427  
rules shall permit programs to be conducted either in person or 106428  
through electronic or other self-study means. Approved programs 106429  
shall be scheduled, sponsored, and conducted in accordance with 106430  
the board's rules. 106431

(D) Any license given a grandfathered issuance or renewal 106432  
between March 22, 1979, and March 22, 1980, shall be renewed in 106433  
accordance with this section. 106434

**Sec. 4725.52.** Any licensed dispensing optician may supervise 106435  
a maximum of three apprentices who shall be permitted to engage in 106436  
optical dispensing only under the supervision of the licensed 106437

dispensing optician. 106438

To serve as an apprentice, a person shall register with the 106439  
~~Ohio optical dispensers~~ state vision professionals board either on 106440  
a form provided by the board or in the form of a statement giving 106441  
the name and address of the supervising licensed dispensing 106442  
optician, the location at which the apprentice will be employed, 106443  
and any other information required by the board. For the duration 106444  
of the apprenticeship, the apprentice shall register annually on 106445  
the form provided by the board or in the form of a statement. 106446

Each apprentice shall pay an initial registration fee of 106447  
twenty dollars. For each registration renewal thereafter, each 106448  
apprentice shall pay a registration renewal fee of twenty dollars. 106449

The board shall not deny registration as an apprentice under 106450  
this section to any individual based on the individual's past 106451  
criminal history or an interpretation of moral character unless 106452  
the individual has committed a disqualifying offense or crime of 106453  
moral turpitude as those terms are defined in section 4776.10 of 106454  
the Revised Code. Except as otherwise provided in this division, 106455  
if an individual applying for a registration has been convicted of 106456  
or pleaded guilty to a misdemeanor that is not a crime of moral 106457  
turpitude or a disqualifying offense less than one year prior to 106458  
making the application, the board may use its discretion in 106459  
granting or denying the individual a registration. Except as 106460  
otherwise provided in this division, if an individual applying for 106461  
a registration has been convicted of or pleaded guilty to a felony 106462  
that is not a crime of moral turpitude or a disqualifying offense 106463  
less than three years prior to making the application, the board 106464  
may use its discretion in granting or denying the individual a 106465  
registration. The provisions in this paragraph do not apply with 106466  
respect to any offense unless the board, prior to ~~the effective~~ 106467  
~~date of this amendment~~ September 28, 2012, was required or 106468  
authorized to deny the registration based on that offense. 106469



In all other circumstances, the board shall follow the procedures it adopts by rule that conform to this section. In considering a renewal of an individual's registration, the board shall not consider any conviction or plea of guilty prior to the initial registration. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially registered, or after the most recent registration renewal. If the board denies an individual for a registration or registration renewal, the reasons for such denial shall be put in writing. Additionally, the board may grant an individual a conditional registration that lasts for one year. After the one-year period has expired, the registration is no longer considered conditional, and the individual shall be considered fully registered.

A person who is gaining experience under the supervision of a licensed optometrist or ophthalmologist that would qualify the person under division (B)(1) of section 4725.48 of the Revised Code to take the examination for optical dispensing is not required to register with the board.

**Sec. 4725.53.** (A) ~~The Ohio optical dispensers~~ state vision professionals board, by a majority vote of its members, may refuse to grant a license and, in accordance with Chapter 119. of the Revised Code, may suspend or revoke the license of a licensed dispensing optician or impose a fine or order restitution pursuant to division (B) of this section on any of the following grounds:

(1) Conviction of a crime involving moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code;

(2) Obtaining or attempting to obtain a license by fraud or deception;

(3) Obtaining any fee or making any sale of an optical aid by

means of fraud or misrepresentation;	106501
(4) Habitual indulgence in the use of controlled substances	106502
or other habit-forming drugs, or in the use of alcoholic liquors	106503
to an extent that affects professional competency;	106504
(5) Finding by a court of competent jurisdiction that the	106505
applicant or licensee is incompetent by reason of mental illness	106506
and no subsequent finding by the court of competency;	106507
(6) Finding by a court of law that the licensee is guilty of	106508
incompetence or negligence in the dispensing of optical aids;	106509
(7) Knowingly permitting or employing a person whose license	106510
has been suspended or revoked or an unlicensed person to engage in	106511
optical dispensing;	106512
(8) Permitting another person to use the licensee's license;	106513
(9) Engaging in optical dispensing not pursuant to the	106514
prescription of a licensed physician or licensed optometrist, but	106515
nothing in this section shall prohibit the duplication or	106516
replacement of previously prepared optical aids, except contact	106517
lenses shall not be duplicated or replaced without a written	106518
prescription;	106519
(10) Violation of sections 4725.40 to 4725.59 of the Revised	106520
Code;	106521
(11) Waiving the payment of all or any part of a deductible	106522
or copayment that a patient, pursuant to a health insurance or	106523
health care policy, contract, or plan that covers optical	106524
dispensing services, would otherwise be required to pay if the	106525
waiver is used as an enticement to a patient or group of patients	106526
to receive health care services from that provider-;	106527
(12) Advertising that the licensee will waive the payment of	106528
all or any part of a deductible or copayment that a patient,	106529
pursuant to a health insurance or health care policy, contract, or	106530

plan that covers optical dispensing services, would otherwise be 106531  
required to pay; 106532

(13) Violating the code of ethical conduct adopted under 106533  
section 4725.66 of the Revised Code. 106534

(B) The board may impose a fine of not more than five hundred 106535  
dollars for a first occurrence of an action that is grounds for 106536  
discipline under this section and of not less than five hundred 106537  
nor more than one thousand dollars for a subsequent occurrence, or 106538  
may order the licensee to make restitution to a person who has 106539  
suffered a financial loss as a result of the licensee's failure to 106540  
comply with sections 4725.40 to 4725.59 of the Revised Code. 106541

(C) Notwithstanding divisions (A)(11) and (12) of this 106542  
section, sanctions shall not be imposed against any licensee who 106543  
waives deductibles and copayments: 106544

(1) In compliance with the health benefit plan that expressly 106545  
allows such a practice. Waiver of the deductibles or copays shall 106546  
be made only with the full knowledge and consent of the plan 106547  
purchaser, payer, and third-party administrator. Such consent 106548  
shall be made available to the board upon request. 106549

(2) For professional services rendered to any other person 106550  
licensed pursuant to this chapter to the extent allowed by this 106551  
chapter and the rules of the board. 106552

**Sec. 4725.531.** On receipt of a notice pursuant to section 106553  
3123.43 of the Revised Code, the ~~Ohio optical dispensers state~~ 106554  
vision professionals board shall comply with sections 3123.41 to 106555  
3123.50 of the Revised Code and any applicable rules adopted under 106556  
section 3123.63 of the Revised Code with respect to a license 106557  
issued by the board pursuant to this chapter. 106558

**Sec. 4725.54.** (A) Any person having knowledge of a violation 106559  
of sections 4725.40 to 4725.59 of the Revised Code by a licensed 106560

dispensing optician or an apprentice, or of any other ground 106561  
specified in section 4725.53 of the Revised Code for denying, 106562  
suspending, or revoking a license, may submit a written complaint, 106563  
specifying the precise violations or grounds, to the ~~Ohio optical~~ 106564  
~~dispensers~~ state vision professionals board. If the board 106565  
determines, in accordance with the procedures of Chapter 119. of 106566  
the Revised Code, that the charges are sustained by the evidence 106567  
presented, it may suspend or revoke the license of the person 106568  
against whom the charges were preferred. 106569

(B) If the board discovers or is informed that any person is 106570  
or has been engaged in optical dispensing without having received 106571  
a license under sections 4725.40 to 4725.59 of the Revised Code, 106572  
it shall inform the prosecuting attorney for the county in which 106573  
the alleged unlicensed activity took place. The prosecuting 106574  
attorney shall take all legal action necessary to terminate such 106575  
illegal practice of optical dispensing and to prosecute the 106576  
offender under section 4725.41 of the Revised Code. 106577

(C) In addition to other remedies provided in this chapter, 106578  
the board may request the attorney general or the prosecuting 106579  
attorney of a county in which a violation of sections 4725.40 to 106580  
4725.59 of the Revised Code occurs to apply to the court of common 106581  
pleas of the county for an injunction to restrain the activity 106582  
that constitutes a violation. 106583

**Sec. 4725.55.** No person shall do any of the following: 106584

(A) Sell or barter, or offer to sell or barter, a certificate 106585  
of licensure as a dispensing optician issued under sections 106586  
4725.40 to 4725.59 of the Revised Code; 106587

(B) Use, or attempt to use, a license which is illegally 106588  
purchased or acquired under division (A) of this section, obtained 106589  
by fraud or deception, counterfeited, materially altered or 106590  
otherwise modified without prior approval of the ~~Ohio optical~~ 106591

~~dispensers~~ state vision professionals board, or suspended or 106592  
revoked under section 4725.53 or 4725.54 of the Revised Code; 106593

(C) Materially alter or otherwise modify a license in any 106594  
manner, unless authorized by the ~~Ohio optical dispensers~~ state 106595  
vision professionals board; 106596

(D) Willfully and knowingly make any false statement in an 106597  
application required under sections 4725.40 to 4725.59 of the 106598  
Revised Code. 106599

**Sec. 4725.57.** An applicant for licensure as a licensed 106600  
dispensing optician who is licensed or registered in another state 106601  
shall be accorded the full privileges of practice within this 106602  
state, upon the payment of a fifty-dollar fee and the submission 106603  
of a certified copy of the license or certificate issued by such 106604  
other state, without the necessity of examination, if the state 106605  
vision professionals board determines that the applicant meets the 106606  
remaining requirements of division (B) of section 4725.48 of the 106607  
Revised Code. The board may require that the applicant have 106608  
received a passing score, as determined by the board, on an 106609  
examination that is substantially the same as the examination 106610  
described in division (A) of section 4725.48 of the Revised Code. 106611

**Sec. 4725.61.** The state ~~board of optometry and the Ohio~~ 106612  
~~optical dispensers~~ vision professionals board shall comply with 106613  
section 4776.20 of the Revised Code. 106614

**Sec. 4725.63.** The state vision professionals board may 106615  
appoint committees or other groups to assist in fulfilling its 106616  
duties. A committee or group may consist of board members, other 106617  
individuals with appropriate backgrounds, or both board members 106618  
and other individuals with appropriate backgrounds. Any appointed 106619  
committee or group shall act under the board's direction and shall 106620  
perform its functions within the limits established by the board. 106621

Except as otherwise provided in the Revised Code, a committee or group organized under this section is advisory in nature and may not act independently of the board or act on the board's behalf. 106622  
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Members of a committee or group may be reimbursed by the board for any expenses incurred in the performance of their duties, in accordance with section 126.31 of the Revised Code and with approval from the director of administrative services. 106626  
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Sec. 4725.64. The state vision professionals board may enter into contracts with any person or government entity to implement this chapter, the rules adopted under this chapter, any other applicable statutes or rules, and any applicable federal statutes or regulations. 106630  
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Sec. 4725.65. The state vision professionals board may become a member of a national licensing organization for optometrists and dispensing opticians. The board may participate in any of the organization's activities, including reporting actions the board takes against an applicant or license holder to any data bank established by the organization. 106635  
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Sec. 4725.66. The state vision professionals board shall establish a code of ethical practice for individuals licensed, certified, or registered by the board in accordance with rules adopted under Chapter 119. of the Revised Code. In establishing the codes of ethical practice, the board shall define unprofessional conduct in the rules, which shall include engaging in a dual relationship with a client or former client, committing an act of sexual abuse, misconduct, or exploitation of a client or former client, and, except as permitted by law, violating client confidentiality. 106641  
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The codes of ethical practice may be based on any codes of 106651

ethical practice developed by national organizations representing 106652  
the interests of optometrists and dispensing opticians. The board 106653  
may establish standards in its codes of ethical practice that are 106654  
more stringent than those established by national organizations. 106655

The board may take disciplinary action against an applicant 106656  
or license holder for violating any code of ethical practice 106657  
established under this section. 106658

**Sec. 4725.67.** The state vision professionals board and any 106659  
committees established by the board shall not discriminate against 106660  
an applicant or holder of a certificate, license, registration, or 106661  
endorsement issued under this chapter because of the person's 106662  
race, color, religion, sex, national origin, disability as defined 106663  
in section 4112.01 of the Revised Code, or age. A person who files 106664  
with the board or committee a statement alleging discrimination 106665  
based on any of those reasons may request a hearing with the board 106666  
or committee, as appropriate. 106667

**Sec. 4729.021.** The state board of pharmacy shall license and 106668  
register home medical equipment services providers under Chapter 106669  
4752. of the Revised Code and shall administer and enforce that 106670  
chapter. 106671

**Sec. 4729.85.** If the state board of pharmacy establishes and 106672  
maintains a drug database pursuant to section 4729.75 of the 106673  
Revised Code, the board shall prepare reports regarding the 106674  
database and present or submit them in accordance with both of the 106675  
following: 106676

(A) The board shall present a biennial report to the standing 106677  
committees of the house of representatives and the senate that are 106678  
primarily responsible for considering health and human services 106679  
issues. Each report shall include all of the following: 106680

(1) The cost to the state of establishing and maintaining the database; 106681  
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(2) Information from the board, terminal distributors of dangerous drugs, prescribers, and retail dispensaries licensed under Chapter 3796. of the Revised Code regarding the board's effectiveness in providing information from the database; 106683  
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(3) The board's timeliness in transmitting information from the database. 106687  
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(B) The board shall submit a semiannual report to the governor, the president of the senate, the speaker of the house of representatives, the attorney general, the chairpersons of the standing committees of the house of representatives and the senate that are primarily responsible for considering health and human services issues, the department of public safety, the state dental board, the board of nursing, the state ~~board of optometry~~ vision professionals board, the state medical board, and the state veterinary medical licensing board. The state board of pharmacy shall make the report available to the public on its internet web site. Each report submitted shall include all of the following for the period covered by the report: 106689  
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(1) An aggregate of the information submitted to the board under section 4729.77 of the Revised Code regarding prescriptions for controlled substances containing opioids, including all of the following: 106701  
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(a) The number of prescribers who issued the prescriptions; 106705

(b) The number of patients to whom the controlled substances were dispensed; 106706  
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(c) The average quantity of the controlled substances dispensed per prescription; 106708  
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(d) The average daily morphine equivalent dose of the 106710



controlled substances dispensed per prescription. 106711

(2) An aggregate of the information submitted to the board 106712  
under section 4729.79 of the Revised Code regarding controlled 106713  
substances containing opioids that have been personally furnished 106714  
to a patient by a prescriber, other than a prescriber who is a 106715  
veterinarian, including all of the following: 106716

(a) The number of prescribers who personally furnished the 106717  
controlled substances; 106718

(b) The number of patients to whom the controlled substances 106719  
were personally furnished; 106720

(c) The average quantity of the controlled substances that 106721  
were furnished at one time; 106722

(d) The average daily morphine equivalent dose of the 106723  
controlled substances that were furnished at one time. 106724

(3) An aggregate of the information submitted to the board 106725  
under section 4729.771 of the Revised Code regarding medical 106726  
marijuana. 106727

**Sec. 4731.051.** The state medical board shall adopt rules in 106728  
accordance with Chapter 119. of the Revised Code establishing 106729  
universal blood and body fluid precautions that shall be used by 106730  
each person who performs exposure prone invasive procedures and is 106731  
authorized to practice by this chapter or Chapter 4730., 4759., 106732  
4760., 4761., 4762., or 4774. of the Revised Code. The rules shall 106733  
define and establish requirements for universal blood and body 106734  
fluid precautions that include the following: 106735

(A) Appropriate use of hand washing; 106736

(B) Disinfection and sterilization of equipment; 106737

(C) Handling and disposal of needles and other sharp 106738  
instruments; 106739

(D) Wearing and disposal of gloves and other protective 106740  
garments and devices. 106741

**Sec. 4731.07.** (A) The state medical board shall keep a record 106742  
of its proceedings. The minutes of a meeting of the board shall, 106743  
on approval by the board, constitute an official record of its 106744  
proceedings. 106745

(B) The board shall keep a register of applicants for 106746  
certificates to practice issued under this chapter and Chapters 106747  
4760., 4762., and 4774. of the Revised Code and licenses issued 106748  
under Chapters 4730., 4759., 4761., and 4778. of the Revised Code. 106749  
The register shall show the name of the applicant and whether the 106750  
applicant was granted or refused a certificate or license. With 106751  
respect to applicants to practice medicine and surgery or 106752  
osteopathic medicine and surgery, the register shall show the name 106753  
of the institution that granted the applicant the degree of doctor 106754  
of medicine or osteopathic medicine. With respect to applicants to 106755  
practice respiratory care, the register shall show the addresses 106756  
of the person's last known place of business and residence, the 106757  
effective date and identification number of the license, the name 106758  
and location of the institution that granted the person's degree 106759  
or certificate of completion of respiratory care educational 106760  
requirements, and the date the degree or certificate was issued. 106761  
The books and records of the board shall be prima-facie evidence 106762  
of matters therein contained. 106763

**Sec. 4731.071.** The state medical board shall develop and 106764  
publish on its internet web site a directory containing the names 106765  
of, and contact information for, all persons who hold current, 106766  
valid certificates or licenses issued by the board under this 106767  
chapter or Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 106768  
4778. of the Revised Code. Except as provided in section 4731.10 106769  
of the Revised Code, the directory shall be the sole source for 106770

verifying that a person holds a current, valid certificate or 106771  
license issued by the board. 106772

**Sec. 4731.224.** (A) Within sixty days after the imposition of 106773  
any formal disciplinary action taken by any health care facility, 106774  
including a hospital, health care facility operated by a health 106775  
insuring corporation, ambulatory surgical center, or similar 106776  
facility, against any individual holding a valid certificate to 106777  
practice issued pursuant to this chapter, the chief administrator 106778  
or executive officer of the facility shall report to the state 106779  
medical board the name of the individual, the action taken by the 106780  
facility, and a summary of the underlying facts leading to the 106781  
action taken. Upon request, the board shall be provided certified 106782  
copies of the patient records that were the basis for the 106783  
facility's action. Prior to release to the board, the summary 106784  
shall be approved by the peer review committee that reviewed the 106785  
case or by the governing board of the facility. As used in this 106786  
division, "formal disciplinary action" means any action resulting 106787  
in the revocation, restriction, reduction, or termination of 106788  
clinical privileges for violations of professional ethics, or for 106789  
reasons of medical incompetence, medical malpractice, or drug or 106790  
alcohol abuse. "Formal disciplinary action" includes a summary 106791  
action, an action that takes effect notwithstanding any appeal 106792  
rights that may exist, and an action that results in an individual 106793  
surrendering clinical privileges while under investigation and 106794  
during proceedings regarding the action being taken or in return 106795  
for not being investigated or having proceedings held. "Formal 106796  
disciplinary action" does not include any action taken for the 106797  
sole reason of failure to maintain records on a timely basis or 106798  
failure to attend staff or section meetings. 106799

The filing or nonfiling of a report with the board, 106800  
investigation by the board, or any disciplinary action taken by 106801  
the board, shall not preclude any action by a health care facility 106802

to suspend, restrict, or revoke the individual's clinical 106803  
privileges. 106804

In the absence of fraud or bad faith, no individual or entity 106805  
that provides patient records to the board shall be liable in 106806  
damages to any person as a result of providing the records. 106807

(B) If any individual authorized to practice under this 106808  
chapter or any professional association or society of such 106809  
individuals believes that a violation of any provision of this 106810  
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 106811  
4778. of the Revised Code, or any rule of the board has occurred, 106812  
the individual, association, or society shall report to the board 106813  
the information upon which the belief is based. This division does 106814  
not require any treatment provider approved by the board under 106815  
section 4731.25 of the Revised Code or any employee, agent, or 106816  
representative of such a provider to make reports with respect to 106817  
an impaired practitioner participating in treatment or aftercare 106818  
for substance abuse as long as the practitioner maintains 106819  
participation in accordance with the requirements of section 106820  
4731.25 of the Revised Code, and as long as the treatment provider 106821  
or employee, agent, or representative of the provider has no 106822  
reason to believe that the practitioner has violated any provision 106823  
of this chapter or any rule adopted under it, other than the 106824  
provisions of division (B)(26) of section 4731.22 of the Revised 106825  
Code. This division does not require reporting by any member of an 106826  
impaired practitioner committee established by a health care 106827  
facility or by any representative or agent of a committee or 106828  
program sponsored by a professional association or society of 106829  
individuals authorized to practice under this chapter to provide 106830  
peer assistance to practitioners with substance abuse problems 106831  
with respect to a practitioner who has been referred for 106832  
examination to a treatment program approved by the board under 106833  
section 4731.25 of the Revised Code if the practitioner cooperates 106834

with the referral for examination and with any determination that 106835  
the practitioner should enter treatment and as long as the 106836  
committee member, representative, or agent has no reason to 106837  
believe that the practitioner has ceased to participate in the 106838  
treatment program in accordance with section 4731.25 of the 106839  
Revised Code or has violated any provision of this chapter or any 106840  
rule adopted under it, other than the provisions of division 106841  
(B)(26) of section 4731.22 of the Revised Code. 106842

(C) Any professional association or society composed 106843  
primarily of doctors of medicine and surgery, doctors of 106844  
osteopathic medicine and surgery, doctors of podiatric medicine 106845  
and surgery, or practitioners of limited branches of medicine that 106846  
suspends or revokes an individual's membership for violations of 106847  
professional ethics, or for reasons of professional incompetence 106848  
or professional malpractice, within sixty days after a final 106849  
decision shall report to the board, on forms prescribed and 106850  
provided by the board, the name of the individual, the action 106851  
taken by the professional organization, and a summary of the 106852  
underlying facts leading to the action taken. 106853

The filing of a report with the board or decision not to file 106854  
a report, investigation by the board, or any disciplinary action 106855  
taken by the board, does not preclude a professional organization 106856  
from taking disciplinary action against an individual. 106857

(D) Any insurer providing professional liability insurance to 106858  
an individual authorized to practice under this chapter, or any 106859  
other entity that seeks to indemnify the professional liability of 106860  
such an individual, shall notify the board within thirty days 106861  
after the final disposition of any written claim for damages where 106862  
such disposition results in a payment exceeding twenty-five 106863  
thousand dollars. The notice shall contain the following 106864  
information: 106865

(1) The name and address of the person submitting the 106866

notification; 106867

(2) The name and address of the insured who is the subject of the claim; 106868  
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(3) The name of the person filing the written claim; 106870

(4) The date of final disposition; 106871

(5) If applicable, the identity of the court in which the final disposition of the claim took place. 106872  
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(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for medical malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the practicing individual. 106874  
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(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a health care professional or facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against an individual whose practice is regulated under this chapter, or in any subsequent trial or appeal of a board action or order. 106884  
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The board may disclose the summaries and reports it receives under this section only to health care facility committees within or outside this state that are involved in credentialing or recredentialing the individual or in reviewing the individual's 106894  
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clinical privileges. The board shall indicate whether or not the 106898  
information has been verified. Information transmitted by the 106899  
board shall be subject to the same confidentiality provisions as 106900  
when maintained by the board. 106901

(G) Except for reports filed by an individual pursuant to 106902  
division (B) of this section, the board shall send a copy of any 106903  
reports or summaries it receives pursuant to this section to the 106904  
individual who is the subject of the reports or summaries. The 106905  
individual shall have the right to file a statement with the board 106906  
concerning the correctness or relevance of the information. The 106907  
statement shall at all times accompany that part of the record in 106908  
contention. 106909

(H) An individual or entity that, pursuant to this section, 106910  
reports to the board or refers an impaired practitioner to a 106911  
treatment provider approved by the board under section 4731.25 of 106912  
the Revised Code shall not be subject to suit for civil damages as 106913  
a result of the report, referral, or provision of the information. 106914

(I) In the absence of fraud or bad faith, no professional 106915  
association or society of individuals authorized to practice under 106916  
this chapter that sponsors a committee or program to provide peer 106917  
assistance to practitioners with substance abuse problems, no 106918  
representative or agent of such a committee or program, and no 106919  
member of the state medical board shall be held liable in damages 106920  
to any person by reason of actions taken to refer a practitioner 106921  
to a treatment provider approved under section 4731.25 of the 106922  
Revised Code for examination or treatment. 106923

**Sec. 4731.24.** Except as provided in sections 4731.281 and 106924  
4731.40 of the Revised Code, all receipts of the state medical 106925  
board, from any source, shall be deposited in the state treasury. 106926  
The funds shall be deposited to the credit of the state medical 106927  
board operating fund, which is hereby created. Except as provided 106928

in sections 4730.252, 4731.225, 4731.24, 4760.133, 4762.133, 106929  
4774.133, and 4778.141 of the Revised Code, all funds deposited 106930  
into the state treasury under this section shall be used solely 106931  
for the administration and enforcement of this chapter and 106932  
Chapters 4730., 4759., 4760., 4761., 4762., 4774., and 4778. of 106933  
the Revised Code by the board. 106934

**Sec. 4731.25.** The state medical board, in accordance with 106935  
Chapter 119. of the Revised Code, shall adopt and may amend and 106936  
rescind rules establishing standards for approval of physicians 106937  
and facilities as treatment providers for impaired practitioners 106938  
who are regulated under this chapter or Chapter 4730., 4759., 106939  
4760., 4761., 4762., 4774., or 4778. of the Revised Code. The 106940  
rules shall include standards for both inpatient and outpatient 106941  
treatment. The rules shall provide that in order to be approved, a 106942  
treatment provider must have the capability of making an initial 106943  
examination to determine what type of treatment an impaired 106944  
practitioner requires. Subject to the rules, the board shall 106945  
review and approve treatment providers on a regular basis. The 106946  
board, at its discretion, may withdraw or deny approval subject to 106947  
the rules. 106948

An approved impaired practitioner treatment provider shall: 106949

(A) Report to the board the name of any practitioner 106950  
suffering or showing evidence of suffering impairment as described 106951  
in division (B)(5) of section 4730.25 of the Revised Code, 106952  
division (B)(26) of section 4731.22 of the Revised Code, division 106953  
(A)(4) of section 4759.07 of the Revised Code, division (B)(6) of 106954  
section 4760.13 of the Revised Code, division (B)(6) of section 106955  
4762.13 of the Revised Code, division (B)(6) of section 4774.13 of 106956  
the Revised Code, or division (B)(6) of section 4778.14 of the 106957  
Revised Code who fails to comply within one week with a referral 106958  
for examination; 106959



(B) Report to the board the name of any impaired practitioner 106960  
who fails to enter treatment within forty-eight hours following 106961  
the provider's determination that the practitioner needs 106962  
treatment; 106963

(C) Require every practitioner who enters treatment to agree 106964  
to a treatment contract establishing the terms of treatment and 106965  
aftercare, including any required supervision or restrictions of 106966  
practice during treatment or aftercare; 106967

(D) Require a practitioner to suspend practice upon entry 106968  
into any required inpatient treatment; 106969

(E) Report to the board any failure by an impaired 106970  
practitioner to comply with the terms of the treatment contract 106971  
during inpatient or outpatient treatment or aftercare; 106972

(F) Report to the board the resumption of practice of any 106973  
impaired practitioner before the treatment provider has made a 106974  
clear determination that the practitioner is capable of practicing 106975  
according to acceptable and prevailing standards of care; 106976

(G) Require a practitioner who resumes practice after 106977  
completion of treatment to comply with an aftercare contract that 106978  
meets the requirements of rules adopted by the board for approval 106979  
of treatment providers; 106980

(H) Report the identity of any practitioner practicing under 106981  
the terms of an aftercare contract to hospital administrators, 106982  
medical chiefs of staff, and chairpersons of impaired practitioner 106983  
committees of all health care institutions at which the 106984  
practitioner holds clinical privileges or otherwise practices. If 106985  
the practitioner does not hold clinical privileges at any health 106986  
care institution, the treatment provider shall report the 106987  
practitioner's identity to the impaired practitioner committee of 106988  
the county medical society, osteopathic academy, or podiatric 106989  
medical association in every county in which the practitioner 106990

practices. If there are no impaired practitioner committees in the 106991  
county, the treatment provider shall report the practitioner's 106992  
identity to the president or other designated member of the county 106993  
medical society, osteopathic academy, or podiatric medical 106994  
association. 106995

(I) Report to the board the identity of any practitioner who 106996  
suffers a relapse at any time during or following aftercare. 106997

Any individual authorized to practice under this chapter who 106998  
enters into treatment by an approved treatment provider shall be 106999  
deemed to have waived any confidentiality requirements that would 107000  
otherwise prevent the treatment provider from making reports 107001  
required under this section. 107002

In the absence of fraud or bad faith, no person or 107003  
organization that conducts an approved impaired practitioner 107004  
treatment program, no member of such an organization, and no 107005  
employee, representative, or agent of the treatment provider shall 107006  
be held liable in damages to any person by reason of actions taken 107007  
or recommendations made by the treatment provider or its 107008  
employees, representatives, or agents. 107009

**Sec. 4743.05.** Except as otherwise provided in sections 107010  
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 107011  
Revised Code, all money collected under Chapters 3773., 4701., 107012  
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 107013  
4733., 4734., 4736., 4741., ~~4744.~~, ~~4747.~~, 4753., 4755., 4757., 107014  
4758., ~~4759.~~, ~~4761.~~, 4771., 4775., 4779., and 4781. of the Revised 107015  
Code shall be paid into the state treasury to the credit of the 107016  
occupational licensing and regulatory fund, which is hereby 107017  
created for use in administering such chapters. 107018

At the end of each quarter, the director of budget and 107019  
management shall transfer from the occupational licensing and 107020  
regulatory fund to the nurse education assistance fund created in 107021

section 3333.28 of the Revised Code the amount certified to the 107022  
director under division (B) of section 4723.08 of the Revised 107023  
Code. 107024

At the end of each quarter, the director shall transfer from 107025  
the occupational licensing and regulatory fund to the certified 107026  
public accountant education assistance fund created in section 107027  
4701.26 of the Revised Code the amount certified to the director 107028  
under division (H)(2) of section 4701.10 of the Revised Code. 107029

Sec. 4744.02. (A) There is hereby created the state speech 107030  
and hearing professionals board consisting of the following 107031  
members, appointed by the governor with the advice and consent of 107032  
the senate: 107033

(1) Two individuals licensed as speech-language pathologists 107034  
under Chapter 4753. of the Revised Code; 107035

(2) Three individuals licensed as audiologists under Chapter 107036  
4753. of the Revised Code; 107037

(3) Two individuals licensed as hearing aid fitters under 107038  
Chapter 4747. of the Revised Code; 107039

(4) Two individuals representing the general public. 107040

(B) Not later than ninety days after the effective date of 107041  
this section, the governor shall make initial appointments to the 107042  
board. Of the initial appointments, four members shall serve terms 107043  
ending March 22, 2019, three members shall serve terms ending 107044  
March 22, 2020, and two members shall serve terms ending March 22, 107045  
2021. 107046

Thereafter, terms of office are three years, with each term 107047  
commencing on the twenty-third day of March and ending on the 107048  
twenty-second day of March. Each member shall hold office from the 107049  
date of appointment until the end of the term for which the member 107050  
was appointed, except that a member shall continue in office after 107051

the expiration date of the member's term until the member's 107052  
successor takes office. No member shall serve more than three 107053  
consecutive terms. 107054

Vacancies shall be filled in the same manner as original 107055  
appointments. Any member appointed to fill a vacancy occurring 107056  
before the expiration of the term for which the member's 107057  
predecessor was appointed shall hold office for the remainder of 107058  
that term. 107059

(C) No individual may be appointed to the board who has been 107060  
convicted of or pleaded guilty to a felony under the laws of this 107061  
state, another state, or the United States. 107062

The governor may remove a member of the board for 107063  
malfeasance, misfeasance, or nonfeasance after a hearing in 107064  
accordance with Chapter 119. of the Revised Code. The governor 107065  
shall remove, after a hearing in accordance with Chapter 119. of 107066  
the Revised Code, any member who has been convicted of or pleaded 107067  
guilty to a felony under the laws of this state, another state, or 107068  
the United States. 107069

**Sec. 4744.06.** (A) There is hereby created the state physical 107070  
health services board consisting of the following members, 107071  
appointed by the governor with the advice and consent of the 107072  
senate: 107073

(1) One individual licensed as an occupational therapist 107074  
under Chapter 4755. of the Revised Code; 107075

(2) One individual licensed as a physical therapist under 107076  
Chapter 4755. of the Revised Code; 107077

(3) One individual licensed as an athletic trainer under 107078  
Chapter 4755. of the Revised Code; 107079

(4) Two individuals licensed as occupational therapists, 107080  
physical therapists, or athletic trainers under Chapter 4755. of 107081

the Revised Code, in any combination of those professionals; 107082

(5) One individual licensed as an orthotist or as an 107083  
orthotist and prosthetist under Chapter 4779. of the Revised Code; 107084

(6) One individual licensed as a prosthetist or as an 107085  
orthotist and prosthetist under Chapter 4779. of the Revised Code; 107086

(7) One individual licensed as a pedorthist under Chapter 107087  
4779. of the Revised Code; 107088

(8) One individual representing the general public. 107089

(B) Not later than ninety days after the effective date of 107090  
this section, the governor shall make initial appointments to the 107091  
board. Of the initial appointments, four members shall serve terms 107092  
ending August 27, 2019, three members shall serve terms ending 107093  
August 27, 2020, and two members shall serve terms ending August 107094  
27, 2021. Thereafter, terms of office are three years, with each 107095  
term commencing on the twenty-eighth day of August and ending on 107096  
the twenty-seventh day of August. Each member shall hold office 107097  
from the date of appointment until the end of the term for which 107098  
the member was appointed, except that a member shall continue in 107099  
office after the expiration date of the member's term until the 107100  
member's successor takes office. No member shall serve more than 107101  
three consecutive terms. 107102

Vacancies shall be filled in the same manner as original 107103  
appointments. Any member appointed to fill a vacancy occurring 107104  
before the expiration of the term for which the member's 107105  
predecessor was appointed shall hold office for the remainder of 107106  
that term. 107107

(C) No individual may be appointed to the board who has been 107108  
convicted of or pleaded guilty to a felony under the laws of this 107109  
state, another state, or the United States. 107110

The governor may remove a member of the board for 107111

malfeasance, misfeasance, or nonfeasance after a hearing in 107112  
accordance with Chapter 119. of the Revised Code. The governor 107113  
shall remove, after a hearing in accordance with Chapter 119. of 107114  
the Revised Code, any member who has been convicted of or pleaded 107115  
guilty to a felony under the laws of this state, another state, or 107116  
the United States. 107117

Sec. 4744.07. When the term of a member of a board organized 107118  
under this chapter expires or a vacancy occurs on the board, a 107119  
professional association representing the interests of the 107120  
occupation of the board position to be filled may recommend to the 107121  
governor individuals to fill the position. The governor shall 107122  
consider the recommendation in making appointments to the board. 107123

Sec. 4744.10. Whenever the term "hearing aid dealers and 107124  
fitters licensing board" or "board of speech-language pathology 107125  
and audiology" is used in any statute, rule, contract, or other 107126  
document, the use shall be construed to mean the "state vision and 107127  
hearing professionals board." 107128

Whenever "secretary of the hearing aid dealers and fitters 107129  
licensing board" or "executive director of the board of 107130  
speech-language pathology and audiology" is used in a statute, 107131  
rule, contract, or other document, the use shall be construed to 107132  
mean the executive director of the state vision and hearing 107133  
professionals board. 107134

Whenever the term "Ohio occupational therapy, physical 107135  
therapy, and athletic trainers board" or "state board of 107136  
orthotics, prosthetics, and pedorthics" is used in any statute, 107137  
rule, contract, or other document, the use shall be construed to 107138  
mean the "state physical health services board." 107139

Whenever the executive director of the "Ohio occupational 107140  
therapy, physical therapy, and athletic trainers board" or "state 107141

board of orthotics, prosthetics, and pedorthics" is used in any 107142  
statute, rule, contract, or other document, the use shall be 107143  
construed to mean the executive director of the state physical 107144  
health services board. 107145

**Sec. 4744.12.** (A) Each board organized under this chapter 107146  
shall annually elect from among its members a president and 107147  
secretary. Each board shall hold at least four regular meetings 107148  
each year and may hold additional meetings as it considers 107149  
necessary. At least one of the board's regular meetings shall be 107150  
held in Franklin county. The boards shall publish the time and 107151  
place of any meetings at least thirty days before the date on 107152  
which the meeting is to be held, except that in the case of an 107153  
emergency or special meeting, the board shall give 107154  
twenty-four-hours' notice or as much notice as possible. 107155

A majority of board members constitutes a quorum. 107156

(B) Each board shall do all of the following: 107157

(1) Adopt a seal and certificate of suitable design; 107158

(2) Maintain a record of its proceedings; 107159

(3) Maintain a register of every individual holding a 107160  
certificate, license, permit, registration, or endorsement issued 107161  
under Chapters 4747., 4753., 4755., and 4779. of the Revised Code, 107162  
as applicable, and every individual whose certificate, license, 107163  
permit, registration, or endorsement has been revoked under those 107164  
chapters. 107165

(C) Except as otherwise provided in the Revised Code, the 107166  
books and records of each board, including its registers, shall be 107167  
open to public inspection at all reasonable times. A copy of an 107168  
entry in those books and records, certified by the executive 107169  
director under the board's seal, is prima facie evidence of the 107170  
facts therein stated. 107171

Sec. 4744.14. Each board organized under this chapter shall 107172  
hire an executive director. Before discharging the executive 107173  
director's duties, each executive director shall give a bond, to 107174  
be approved by the board, in the amount of two thousand dollars to 107175  
ensure the faithful performance of the executive director's 107176  
duties. The board shall pay the premium of the bond in the same 107177  
manner as it pays other expenditures of the board. The bond shall 107178  
be deposited with the secretary of state and kept in the secretary 107179  
of state's office. 107180

The executive director of each board organized under this 107181  
chapter, in consultation with the director of administrative 107182  
services, may employ inspectors, investigators, assistants, and 107183  
other employees as necessary to administer and enforce Chapters 107184  
4747., 4753., 4755., and 4779. of the Revised Code, as applicable. 107185

Sec. 4744.16. Each member of a board organized under this 107186  
chapter shall receive an amount fixed under division (J) of 107187  
section 124.15 of the Revised Code for each day the member is 107188  
performing their official duties and be reimbursed for actual and 107189  
necessary expenses incurred in performing such duties. 107190

Each board, in consultation with the director of 107191  
administrative services, shall set the compensation of its 107192  
executive director and of any employees of the board. The 107193  
executive director of each board shall be reimbursed for necessary 107194  
expenses in accordance with section 126.31 of the Revised Code. 107195

All vouchers of the board shall be approved by the board's 107196  
president or executive director, or both, as authorized by the 107197  
board. 107198

Sec. 4744.18. Each board organized under this chapter shall 107199  
have an office in Franklin county, where all of the board's 107200  
permanent records shall be kept. On request of each board, the 107201



director of administrative services shall supply each board with 107202  
office space and supplies. The board's president and executive 107203  
director shall submit an order to the director of administrative 107204  
services for all printing and binding necessary for the board's 107205  
work. 107206

Sec. 4744.20. All expenses of the boards organized under this 107207  
chapter shall be paid from, and all receipts of the boards shall 107208  
be deposited in, the state treasury to the credit of the 107209  
occupational licensing and regulatory fund created in section 107210  
4743.05 of the Revised Code. 107211

Sec. 4744.24. Each board organized under this chapter shall 107212  
annually, on or before the first day of February, submit a report 107213  
to the governor of all its official acts during the preceding 107214  
year, its receipts and disbursements, and a complete report of the 107215  
conditions of the professions regulated by the board. Each board 107216  
shall submit its first report to the governor not later than 107217  
February 1, 2019. Each board shall submit the reports to the 107218  
governor electronically. 107219

Sec. 4744.28. Each board organized under this chapter may 107220  
adopt rules as necessary for the transaction of its business. 107221

Sec. 4744.30. In the absence of fraud or bad faith, any board 107222  
organized under this chapter, current or former board members, 107223  
agents of the board, persons formally requested by the board to be 107224  
the board's representative, or employees of the board shall not be 107225  
held liable in damages to any person as the result of any act, 107226  
omission, proceeding, conduct, or decision related to official 107227  
duties undertaken or performed pursuant to Chapters 4747., 4753., 107228  
4755., and 4779. of the Revised Code, as applicable. 107229

If such a person asks to be defended by the state against any claim or action arising out of any act, omission, proceeding, conduct, or decision related to the person's official duties, and if the request is made in writing at a reasonable time before trial and the person requesting defense cooperates in good faith in the defense of the claim or action, the state shall provide and pay for the person's defense and shall pay any resulting judgment, compromise, or settlement. At no time shall the state pay any part of a claim or judgment that is for punitive or exemplary damages. 107230  
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**Sec. 4744.36.** Each board organized under this chapter may appoint committees or other groups to assist in fulfilling its duties. A committee or group may consist of board members, other individuals with appropriate backgrounds, or both board members and other individuals with appropriate backgrounds. Any appointed committee or group shall act under the board's direction and shall perform its functions within the limits established by the board. 107239  
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Except as otherwise provided in the Revised Code, a committee or group organized under this section is advisory in nature and may not act independently of the board or act on the board's behalf. 107246  
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Members of a committee or group may be reimbursed by the board for any expenses incurred in the performance of their duties, in accordance with section 126.31 of the Revised Code and with approval from the director of administrative services. 107250  
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**Sec. 4744.40.** Each board organized under this chapter may enter into contracts with any person or government entity to implement this chapter and Chapters 4747., 4753., 4755., and 4779. of the Revised Code, as applicable, the rules adopted under those chapters, any other applicable statutes or rules, and any applicable federal statutes or regulations. 107254  
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Sec. 4744.48. Each board organized under this chapter may 107260  
become a member of a national licensing organization for the 107261  
professions regulated by that board. The board may participate in 107262  
any of the organization's activities, including reporting actions 107263  
the board takes against an applicant or license holder to any data 107264  
bank established by the organization. 107265

Sec. 4744.50. Each board organized under this chapter shall 107266  
establish a code of ethical practice for individuals licensed, 107267  
certified, or registered by that board in accordance with rules 107268  
adopted under Chapter 119. of the Revised Code. In establishing 107269  
the codes of ethical practice, the board shall define 107270  
unprofessional conduct in the rules, which shall include engaging 107271  
in a dual relationship with a client or former client, committing 107272  
an act of sexual abuse, misconduct, or exploitation of a client or 107273  
former client, and, except as permitted by law, violating client 107274  
confidentiality. 107275

The codes of ethical practice may be based on any codes of 107276  
ethical practice developed by national organizations representing 107277  
the interests of those professions regulated by each board. The 107278  
board may establish standards in its codes of ethical practice 107279  
that are more stringent than those established by national 107280  
organizations. 107281

The board may take disciplinary action against an applicant 107282  
or license holder for violating any code of ethical practice 107283  
established under this section. 107284

Sec. 4744.54. No board organized under this chapter or any 107285  
committees established by the board shall discriminate against an 107286  
applicant or license holder because of the person's race, color, 107287  
religion, sex, national origin, disability as defined in section 107288  
4112.01 of the Revised Code, or age. A person who files with the 107289

board or committee a statement alleging discrimination based on 107290  
any of those reasons may request a hearing with the board or 107291  
committee, as appropriate. 107292

**Sec. 4745.02.** On or before the thirtieth day prior to the 107293  
expiration of any license, each licensing agency shall ~~cause to be~~ 107294  
~~mailed~~ provide a notice ~~and application~~ for renewal to every 107295  
licensee for whom a license was issued or renewed during the 107296  
current license year or other specified period and who has been 107297  
approved for renewal by the specific licensing agency. 107298

The licensee shall complete the applicable renewal 107299  
application and ~~return it to~~ pay the applicable renewal fee. 107300  
Renewal fees paid pursuant to this section shall be deposited with 107301  
the treasurer of state ~~with a renewal fee in the amount specified~~ 107302  
~~on the renewal application.~~ 107303

Upon receipt of the correct fee by the treasurer and 107304  
acceptance of the renewal application by the licensing agency, the 107305  
applicant shall be entered as currently renewed on the records of 107306  
the particular licensing agency, and notice of the entry shall be 107307  
~~mailed~~ provided to each licensee as soon as practicable, but not 107308  
later than thirty days after receipt ~~by the treasurer~~ of the 107309  
application and renewal fee. A certification by the respective 107310  
licensing agency, with its seal affixed, of those records shall be 107311  
prima-facie evidence of renewal in all courts in the trial of any 107312  
case. 107313

**Sec. 4745.021.** Notwithstanding any provision of the Revised 107314  
Code pertaining to the timing of a license renewal to the 107315  
contrary, if a failure in any electronic license renewal system 107316  
occurs, a licensing agency may extend the date by which licenses 107317  
must be renewed. The licensing agency may extend a renewal period 107318  
for a reasonable time period after the resolution of the system 107319

failure. However, a licensing agency must obtain approval from the 107320  
director of administrative services for an extension in excess of 107321  
fourteen days beyond the resolution of the system failure. 107322

**Sec. 4745.04.** (A) As used in this section: 107323

(1) "Indigent and uninsured person" and "volunteer" have the 107324  
same meanings as in section 2305.234 of the Revised Code. 107325

(2) "Licensing agency that licenses health care 107326  
professionals" means all of the following: 107327

(a) The state dental board established under Chapter 4715. of 107328  
the Revised Code; 107329

(b) The board of nursing established under Chapter 4723. of 107330  
the Revised Code; 107331

(c) The state vision professionals board ~~of optometry~~ 107332  
established under Chapter 4725. of the Revised Code; 107333

(d) ~~The Ohio optical dispensers board established under~~ 107334  
~~Chapter 4725. of the Revised Code;~~ 107335

~~(e)~~ The state board of pharmacy established under Chapter 107336  
4729. of the Revised Code; 107337

~~(f)~~(e) The state medical board established under Chapter 107338  
4731. of the Revised Code; 107339

~~(g)~~(f) The state board of psychology established under 107340  
Chapter 4732. of the Revised Code; 107341

~~(h)~~(g) The state chiropractic board established under Chapter 107342  
4734. of the Revised Code; 107343

~~(i)~~ ~~The hearing aid dealers and fitters licensing board~~ 107344  
~~established under Chapter 4747. of the Revised Code;~~ 107345

~~(j)~~ ~~The board of speech language pathology and audiology~~ 107346  
~~established under Chapter 4753. of the Revised Code;~~ 107347

~~(k)(h)~~ The Ohio ~~occupational therapy, physical therapy, and athletic trainers~~ state physical health services board established under Chapter ~~4755.~~ 4744. of the Revised Code;

~~(l)(i)~~ The counselor, social worker, and marriage and family therapist board established under Chapter 4757. of the Revised ~~ode~~ Code;

~~(m)(j)~~ The chemical dependency professionals board established under Chapter 4758. of the Revised Code;

~~(n)~~ The Ohio board of dietetics established under Chapter 4759. of the Revised Code;

~~(o)~~ The Ohio respiratory care board established under Chapter 4761. of the Revised Code;

~~(p)(k)~~ The state board of emergency medical services established under Chapter 4765. of the Revised Code;

~~(q)~~ The state board of orthotics, prosthetics, and pedorthics established under Chapter 4779. of the Revised Code;

~~(r)(l)~~ The state speech and hearing professionals board established under Chapter 4744. of the Revised Code;

(m) Any other licensing agency that considers its licensees to be health care professionals.

(B) Notwithstanding any provision of the Revised Code to the contrary, a licensing agency that licenses health care professionals shall apply toward the satisfaction of a portion of a licensee's continuing education requirement the provision of health care services if all of the following apply:

(1) The licensing agency that licenses health care professionals requires a licensee to complete continuing education as a condition of having a license renewed by the agency.

(2) The licensee provides the health care services to an indigent and uninsured person.

(3) The licensee provides the health care services as a volunteer. 107378  
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(4) The licensee satisfies the requirements of section 2305.234 of the Revised Code to qualify for the immunity from liability granted under that section. 107380  
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(5) The health care services provided are within the scope of authority of the licensee renewing the license. 107383  
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(C) A licensing agency that licenses health care professionals shall permit a licensee to satisfy up to one-third of the licensee's continuing education requirement by providing health care services as a volunteer. A licensing agency that licenses health care professionals shall permit a licensee to earn continuing education credits at the rate of one credit hour for each sixty minutes spent providing health care services as a volunteer. 107385  
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(D) A licensing agency that licenses health care professionals shall adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 107393  
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(E) Continuing education credit received under this section for providing health care services is not compensation or any other form of remuneration for purposes of section 2305.234 of the Revised Code and does not make the provider of those services ineligible for the immunity from liability granted under that section. 107397  
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**Sec. 4747.04.** ~~The state speech and hearing aid dealers and fitters licensing board shall meet annually to elect a chairperson and a vice chairperson, who shall act as chairperson in the absence of the chairperson. A majority of the board constitutes a quorum. The board shall meet when called by the chairperson. The~~ 107403  
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professionals board shall: 107408

(A) ~~Adopt rules for the transaction of its business;~~ 107409

~~(B)~~ Design and prepare qualifying examinations for licensing 107410  
of hearing aid dealers, fitters, and trainees; 107411

~~(C)~~(B) Determine whether persons holding similar valid 107412  
licenses from other states or jurisdictions shall be required to 107413  
take and successfully pass the appropriate qualifying examination 107414  
as a condition for licensing in this state; 107415

~~(D)~~(C) Determine whether charges made against any licensee 107416  
warrant a hearing before the board; 107417

~~(E)~~(D) Hold hearings to determine the truth and circumstances 107418  
of all charges filed in writing with the board against any 107419  
licensee and determine whether any license held by any person 107420  
shall be revoked, suspended, or reissued; 107421

~~(F)~~(E) Determine and specify the length of time each license 107422  
that is suspended or revoked shall remain suspended or revoked; 107423

~~(G)~~(F) Advise and assist the department of health in all 107424  
matters relating to this chapter; 107425

~~(H)~~(G) Deposit all payments collected under this chapter into 107426  
the ~~general operations~~ state treasury to the credit of the 107427  
occupational licensing and regulatory fund created ~~under in~~ 107428  
section ~~3701.83~~ 4743.05 of the Revised Code ~~to be used in~~ 107429  
~~administering and enforcing this chapter;~~ 107430

~~(I)~~(H) Establish a list of disqualifying offenses for 107431  
licensure as a hearing aid dealer or fitter, or for a hearing aid 107432  
dealer or fitter trainee permit, pursuant to sections 4747.05, 107433  
4747.10, 4747.12, and 4776.10 of the Revised Code. 107434

Nothing in this section shall be interpreted as granting to 107435  
the ~~hearing aid dealers and fitters licensing~~ board the right to 107436  
restrict advertising which is not false or misleading, or to 107437



prohibit or in any way restrict a hearing aid dealer or fitter 107438  
from renting or leasing space from any person, firm or corporation 107439  
in a mercantile establishment for the purpose of using such space 107440  
for the lawful sale of hearing aids or to prohibit a mercantile 107441  
establishment from selling hearing aids if the sale would be 107442  
otherwise lawful under this chapter. 107443

**Sec. 4747.05.** (A) The state speech and hearing aid dealers 107444  
~~and fitters licensing~~ professionals board shall issue to each 107445  
applicant, within sixty days of receipt of a properly completed 107446  
application and payment of two hundred sixty-two dollars, a 107447  
hearing aid dealer's or fitter's license if the applicant, ~~if an~~ 107448  
~~individual:~~ 107449

(1) ~~Is~~ In the case of an individual, the individual is at 107450  
least eighteen years of age. 107451

~~(2) Has,~~ has not committed a disqualifying offense or a crime 107452  
of moral turpitude, as those terms are defined in section 4776.10 107453  
of the Revised Code. 107454

~~(3) Is,~~ is free of contagious or infectious disease. 107455

~~(4) Has,~~ and has successfully passed a qualifying examination 107456  
specified and administered by the board. 107457

~~(B) If the applicant is~~ (2) In the case of a firm, 107458  
partnership, association, or corporation, the application, in 107459  
addition to such information as the board requires, ~~shall be~~ is 107460  
accompanied by an application for a license for each person, 107461  
whether owner or employee, of the firm, partnership, association, 107462  
or corporation, who engages in dealing in or fitting of hearing 107463  
aids, or ~~shall contain~~ contains a statement that such applications 107464  
are submitted separately. No firm, partnership, association, or 107465  
corporation licensed pursuant to this chapter shall permit any 107466  
unlicensed person to sell or fit hearing aids. 107467

~~(C)~~(B)(1) Subject to divisions ~~(C)~~(B)(2), (3), and (4) of 107468  
this section, the board shall not adopt, maintain, renew, or 107469  
enforce any rule that precludes an individual from receiving or 107470  
renewing a license issued under this chapter due to any past 107471  
criminal activity or interpretation of moral character, unless the 107472  
individual has committed a crime of moral turpitude or a 107473  
disqualifying offense as those terms are defined in section 107474  
4776.10 of the Revised Code. If the board denies an individual a 107475  
license or license renewal, the reasons for such denial shall be 107476  
put in writing. 107477

(2) Except as otherwise provided in this division, if an 107478  
individual applying for a license has been convicted of or pleaded 107479  
guilty to a misdemeanor that is not a crime of moral turpitude or 107480  
a disqualifying offense less than one year prior to making the 107481  
application, the board may use the board's discretion in granting 107482  
or denying the individual a license. Except as otherwise provided 107483  
in this division, if an individual applying for a license has been 107484  
convicted of or pleaded guilty to a felony that is not a crime of 107485  
moral turpitude or a disqualifying offense less than three years 107486  
prior to making the application, the board may use the board's 107487  
discretion in granting or denying the individual a license. The 107488  
provisions in this paragraph do not apply with respect to any 107489  
offense unless the board, prior to ~~the effective date of this~~ 107490  
~~amendment~~ September 28, 2012, was required or authorized to deny 107491  
the application based on that offense. 107492

In all other circumstances, the board shall follow the 107493  
procedures it adopts by rule that conform to division ~~(C)~~(B)(1) of 107494  
this section. 107495

(3) In considering a renewal of an individual's license, the 107496  
board shall not consider any conviction or plea of guilty prior to 107497  
the initial licensing. However, the board may consider a 107498  
conviction or plea of guilty if it occurred after the individual 107499

was initially licensed, or after the most recent license renewal. 107500

(4) The board may grant an individual a conditional license 107501  
that lasts for one year. After the one-year period has expired, 107502  
the license is no longer considered conditional, and the 107503  
individual shall be considered fully licensed. 107504

~~(D)~~(C) Each license issued expires on the thirtieth day of 107505  
January of the year following that in which it was issued. 107506

**Sec. 4747.051.** (A) As used in this section, "license" and 107507  
"applicant for an initial license" have the same meanings as in 107508  
section 4776.01 of the Revised Code, except that "license" as used 107509  
in both of those terms refers to the types of authorizations 107510  
otherwise issued or conferred under this chapter. 107511

(B) In addition to any other eligibility requirement set 107512  
forth in this chapter, each applicant for an initial license shall 107513  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 107514  
state speech and hearing professionals board shall not grant a 107515  
license to an applicant for an initial license unless the 107516  
applicant complies with sections 4776.01 to 4776.04 of the Revised 107517  
Code and the board, in its discretion, decides that the results of 107518  
the criminal records check do not make the applicant ineligible 107519  
for a license issued pursuant to section 4747.05 or 4747.10 of the 107520  
Revised Code. 107521

**Sec. 4747.06.** (A) Each person engaged in the practice of 107522  
dealing in or fitting of hearing aids who holds a valid hearing 107523  
aid dealer's or fitter's license shall apply annually to the state 107524  
speech and hearing aid dealers and fitters licensing professionals 107525  
board for renewal of such license under the standard renewal 107526  
procedure specified in Chapter 4745. of the Revised Code. The 107527  
board shall issue to each applicant, on proof of completion of the 107528  
continuing education required by division (B) of this section and 107529

payment of one hundred fifty-seven dollars on or before the first 107530  
day of February, one hundred eighty-three dollars on or before the 107531  
first day of March, or two hundred ten dollars thereafter, a 107532  
renewed hearing aid dealer's or fitter's license. No person who 107533  
applies for renewal of a hearing aid dealer's or fitter's license 107534  
that has expired shall be required to take any examination as a 107535  
condition of renewal provided application for renewal is made 107536  
within two years of the date such license expired. 107537

(B) Each person engaged in the practice of dealing in or 107538  
fitting of hearing aids who holds a valid hearing aid dealer's or 107539  
fitter's license shall complete each year not less than ten hours 107540  
of continuing professional education approved by the board. On a 107541  
form provided by the board, the person shall certify to the board, 107542  
at the time of license renewal pursuant to division (A) of this 107543  
section, that in the preceding year the person has completed 107544  
continuing education in compliance with this division and shall 107545  
submit any additional information required by rule of the board 107546  
regarding the continuing education. The board shall adopt rules in 107547  
accordance with Chapter 119. of the Revised Code establishing the 107548  
standards continuing education programs must meet to obtain board 107549  
approval and continuing education reporting requirements. 107550

Continuing education may be applied to meet the requirement 107551  
of this division if it is provided or certified by any of the 107552  
following: 107553

(1) The national institute of hearing instruments studies 107554  
committee of the international hearing society; 107555

(2) The American speech-language hearing association; 107556

(3) The American academy of audiology. 107557

The board may excuse persons licensed under this chapter, as 107558  
a group or as individuals, from all or any part of the 107559  
requirements of this division because of an unusual circumstance, 107560

emergency, or special hardship. 107561

**Sec. 4747.07.** Each person who holds a hearing aid dealer's or 107562  
fitter's license and engages in the practice of dealing in and 107563  
fitting of hearing aids shall display such license in a 107564  
conspicuous place in the person's office or place of business at 107565  
all times. Each person who maintains more than one office or place 107566  
of business shall post a duplicate copy of the license at each 107567  
location. The ~~state speech and hearing aid dealers and fitters~~ 107568  
~~licensing~~ professionals board shall issue duplicate copies of a 107569  
license upon receipt of a properly completed application and 107570  
payment of sixteen dollars for each copy requested. 107571

**Sec. 4747.08.** After July 1, 1970, no person shall be issued a 107572  
hearing aid dealer's or fitter's license unless such person has 107573  
successfully taken and passed a qualifying examination. The 107574  
qualifying examination shall be a thorough testing of knowledge 107575  
required for the proper selecting, fitting, and sale of hearing 107576  
aids, but shall not be such that a medical or surgical education 107577  
is required for successful completion. It shall consist of written 107578  
and practical portions which shall include, but not be limited to, 107579  
the following areas: 107580

(A) Basic physics of sound; 107581

(B) The anatomy and physiology of the human ear; 107582

(C) The function and purpose of hearing aids; 107583

(D) Pure tone audiometry, including air conduction and bone 107584  
conduction testing; 107585

(E) Live voice or recorded voice speech audiometry, including 107586  
speech reception threshold testing and speech discrimination 107587  
testing; 107588

(F) Masking techniques; 107589

(G) Recording and evaluation of audiograms and speech 107590  
audiometry to determine proper selection and adaptation of hearing 107591  
aids; 107592

(H) Earmold impression techniques. 107593

The ~~state speech and hearing aid dealers and fitters~~ 107594  
~~licensing professionals~~ board shall design, prepare, and revise 107595  
such qualifying examinations as are determined necessary by the 107596  
board pursuant to this chapter. It shall administer all such 107597  
qualifying examinations and shall designate the time, place, and 107598  
date the examinations are held. The board shall also furnish all 107599  
materials and equipment necessary for the conducting of all 107600  
qualifying examinations. 107601

**Sec. 4747.10.** Each person currently engaged in training to 107602  
become a licensed hearing aid dealer or fitter shall apply to the 107603  
~~state speech and hearing aid dealers and fitters licensing~~ 107604  
~~professionals~~ board for a hearing aid dealer's and fitter's 107605  
trainee permit. The board shall issue to each applicant within 107606  
thirty days of receipt of a properly completed application and 107607  
payment of one hundred fifty dollars, a trainee permit if such 107608  
applicant meets all of the following criteria: 107609

(A) Is at least eighteen years of age; 107610

(B) Is the holder of a diploma from an accredited high school 107611  
or a certificate of high school equivalence issued by the 107612  
department of education; 107613

(C) Has not committed a disqualifying offense or a crime of 107614  
moral turpitude, as those terms are defined in section 4776.10 of 107615  
the Revised Code; 107616

(D) Is free of contagious or infectious disease. 107617

Subject to the next paragraph, the board shall not deny a 107618  
trainee permit issued under this section to any individual based 107619

on the individual's past criminal history or an interpretation of 107620  
moral character unless the individual has committed a 107621  
disqualifying offense or crime of moral turpitude as those terms 107622  
are defined in section 4776.10 of the Revised Code. Except as 107623  
otherwise provided in this paragraph, if an individual applying 107624  
for a trainee permit has been convicted of or pleaded guilty to a 107625  
misdemeanor that is not a crime of moral turpitude or a 107626  
disqualifying offense less than one year prior to making the 107627  
application, the board may use the board's discretion in granting 107628  
or denying the individual a trainee permit. Except as otherwise 107629  
provided in this paragraph, if an individual applying for a 107630  
trainee permit has been convicted of or pleaded guilty to a felony 107631  
that is not a crime of moral turpitude or a disqualifying offense 107632  
less than three years prior to making the application, the board 107633  
may use the board's discretion in granting or denying the 107634  
individual a trainee permit. The provisions in this paragraph do 107635  
not apply with respect to any offense unless the board, prior to 107636  
September 28, 2012, was required or authorized to deny the 107637  
application based on that offense. 107638

In all other circumstances not described in the preceding 107639  
paragraph, the board shall follow the procedures it adopts by rule 107640  
that conform to this section. 107641

In considering a renewal of an individual's trainee permit, 107642  
the board shall not consider any conviction or plea of guilty 107643  
prior to the issuance of the initial trainee permit. However, the 107644  
board may consider a conviction or plea of guilty if it occurred 107645  
after the individual was initially granted the trainee permit, or 107646  
after the most recent trainee permit renewal. If the board denies 107647  
an individual for a trainee permit or renewal, the reasons for 107648  
such denial shall be put in writing. Additionally, the board may 107649  
grant an individual a conditional trainee permit that lasts for 107650  
one year. After the one-year period has expired, the permit is no 107651

longer considered conditional, and the individual shall be 107652  
considered to be granted a full trainee permit. 107653

Each trainee permit issued by the board expires one year from 107654  
the date it was first issued, and may be renewed once if the 107655  
trainee has not successfully completed the qualifying requirements 107656  
for licensing as a hearing aid dealer or fitter before the 107657  
expiration date of such permit. The board shall issue a renewed 107658  
permit to each applicant upon receipt of a properly completed 107659  
application and payment of one hundred five dollars. No person 107660  
holding a trainee permit shall engage in the practice of dealing 107661  
in or fitting of hearing aids except while under supervision by a 107662  
licensed hearing aid dealer or fitter. 107663

**Sec. 4747.11.** Each person who holds a hearing aid dealer's or 107664  
fitter's license or trainee permit shall notify the state speech 107665  
and hearing aid dealers and fitters licensing professionals board 107666  
in writing of the place or places where ~~he~~ the person engages or 107667  
intends to engage in the practice of dealing in and fitting of 107668  
hearing aids, and shall immediately notify the board in writing of 107669  
any change in such address or addresses. The board shall keep a 107670  
record of the past and current place of business of each person 107671  
who holds a license or permit. 107672

Any notice that is required to be given by the board to a 107673  
person holding a license or permit pursuant to the provisions of 107674  
this chapter shall be mailed to such person by certified mail to 107675  
the address of ~~his~~ the person's current or most recent place of 107676  
business as revealed in the records of the board. 107677

**Sec. 4747.12.** The state speech and hearing aid dealers and 107678  
fitters licensing professionals board may revoke or suspend a 107679  
license or permit if the person who holds such license or permit: 107680

(A) Is convicted of a disqualifying offense or a crime of 107681



moral turpitude as those terms are defined in section 4776.10 of 107682  
the Revised Code. The record of conviction, or a copy thereof 107683  
certified by the clerk of the court or by the judge in whose court 107684  
the conviction occurs, is conclusive evidence of such conviction; 107685

(B) Procured a license or permit by fraud or deceit practiced 107686  
upon the board; 107687

(C) Obtained any fee or made any sale of a hearing aid by 107688  
fraud or misrepresentation; 107689

(D) Knowingly employed any person without a license or a 107690  
person whose license was suspended or revoked to engage in the 107691  
fitting or sale of hearing aids; 107692

(E) Used or caused or promoted the use of any advertising 107693  
matter, promotional literature, testimonial, guarantee, warranty, 107694  
label, brand, insignia, or any other representation, however 107695  
disseminated or published, which is misleading, deceptive, or 107696  
untruthful; 107697

(F) Advertised a particular model or type of hearing aid for 107698  
sale when purchasers or prospective purchasers responding to the 107699  
advertisement cannot purchase the specified model or type of 107700  
hearing aid; 107701

(G) Represented or advertised that the service or advice of a 107702  
person licensed to practice medicine will be used or made 107703  
available in the selection, fitting, adjustment, maintenance, or 107704  
repair of hearing aids when such is not true, or using the words 107705  
"doctor," "clinic," or similar words, abbreviations, or symbols 107706  
which connote the medical profession when such use is not 107707  
accurate; 107708

(H) Is found by the board to be a person of habitual 107709  
intemperance or gross immorality; 107710

(I) Advertised a manufacturer's product or used a 107711

manufacturer's name or trademark in a manner which suggested the 107712  
existence of a relationship with the manufacturer which did not or 107713  
does not exist; 107714

(J) Fitted or sold, or attempted to fit or sell, a hearing 107715  
aid to a person without first utilizing the appropriate procedures 107716  
and instruments required for proper fitting of hearing aids; 107717

(K) Engaged in the fitting and sale of hearing aids under a 107718  
false name or an alias; 107719

(L) Engaged in the practice of dealing in or fitting of 107720  
hearing aids while suffering from a contagious or infectious 107721  
disease; 107722

(M) Was found by the board to be guilty of gross incompetence 107723  
or negligence in the fitting or sale of hearing aids; 107724

(N) Permitted another person to use the licensee's license; 107725

(O) Violate the code of ethical practice adopted under 107726  
section 4744.50 of the Revised Code. 107727

**Sec. 4747.13.** (A) Any person who wishes to make a complaint 107728  
against any person, firm, partnership, association, or corporation 107729  
licensed pursuant to this chapter shall submit such complaint in 107730  
writing to the state speech and hearing aid dealers and fitters 107731  
licensing professionals board within one year from the date of the 107732  
action or event upon which the complaint is based. The hearing aid 107733  
dealers and fitters board shall determine whether the charges in 107734  
the complaint are of a sufficiently serious nature to warrant a 107735  
hearing before the board to determine whether the license or 107736  
permit held by the person complained against shall be revoked or 107737  
suspended. If the board determines that a hearing is warranted, 107738  
then it shall fix the time and place of such hearing and deliver 107739  
or cause to have delivered, either in person or by registered 107740  
mail, at least twenty days before the date of such hearing, an 107741

order instructing the licensee complained against of the date, 107742  
time, and place where the licensee shall appear before the board. 107743  
Such order shall include a copy of the complaint against the 107744  
licensee. 107745

The board, and the licensee after receipt of the order and a 107746  
copy of the complaint made against the licensee, may take 107747  
depositions in advance of the hearing, provided that each party 107748  
taking depositions shall give at least five days notice to the 107749  
other party of the time, date, and place where such depositions 107750  
shall be taken. Each party shall have the right to attend with 107751  
counsel the taking of such depositions and may cross-examine the 107752  
deponent or deponents. Each licensee appearing before the board 107753  
may be represented by counsel. No person shall have the person's 107754  
license or permit revoked or suspended without an opportunity to 107755  
present the person's case at a hearing before the board, and the 107756  
board shall grant a continuance or adjournment of a hearing date 107757  
for good cause. Each person whose license or permit is suspended 107758  
or revoked by the board may appeal such action to the court of 107759  
common pleas. 107760

(B) The board shall petition the court of common pleas of the 107761  
county in which a person, firm, partnership, or corporation 107762  
engages in the sale, practice of dealing in or fitting of hearing 107763  
aids, advertises or assumes such practice, or engages in training 107764  
to become a licensed hearing aid dealer or fitter without first 107765  
being licensed, for an order enjoining any such acts or practices. 107766  
The court may grant such injunctive relief upon a showing that the 107767  
respondent named in the petition is engaging in such acts or 107768  
practices without being licensed under this chapter. 107769

**Sec. 4747.14.** No person, firm, partnership, association, or 107770  
corporation shall: 107771

(A) Sell or barter or offer to sell or barter a hearing aid 107772

dealers or fitters license or trainee permit issued by the state 107773  
speech and hearing aid dealers and fitters licensing professionals 107774  
board pursuant to sections 4747.05, 4747.06, and 4747.10 of the 107775  
Revised Code; 107776

(B) Purchase or procure or attempt to purchase or procure a 107777  
hearing aid dealers or fitters license or trainee permit with 107778  
intent to use such license or permit as evidence of the holder's 107779  
qualification to engage in the practice of dealing in or fitting 107780  
of hearing aids; 107781

(C) Use or attempt to use as a valid license or permit a 107782  
license or permit which has been purchased, fraudulently obtained, 107783  
counterfeited, materially altered, or suspended or revoked; 107784

(D) Alter a license or permit in any way, shape, or form, 107785  
except as may be specified by the board; 107786

(E) Willfully and knowingly make a false statement in an 107787  
application for issuance or renewal of a license or permit. 107788

**Sec. 4747.16.** On receipt of a notice pursuant to section 107789  
3123.43 of the Revised Code, the state speech and hearing aid 107790  
~~dealers and fitters licensing~~ professionals board shall comply 107791  
with sections 3123.41 to 3123.50 of the Revised Code and any 107792  
applicable rules adopted under section 3123.63 of the Revised Code 107793  
with respect to a license issued pursuant to this chapter. 107794

**Sec. 4747.17.** The state speech and hearing aid dealers and 107795  
~~fitters licensing~~ professionals board shall comply with section 107796  
4776.20 of the Revised Code. 107797

**Sec. 4752.01.** As used in this chapter: 107798

(A) "Authorized health care professional" means a person 107799  
authorized under Chapter 4731. of the Revised Code to practice 107800  
medicine and surgery or osteopathic medicine and surgery or 107801

otherwise authorized under Ohio law to prescribe the use of home 107802  
medical equipment by a patient. 107803

(B) "Home medical equipment" means equipment that can stand 107804  
repeated use, is primarily and customarily used to serve a medical 107805  
purpose, is not useful to a person in the absence of illness or 107806  
injury, is appropriate for use in the home, and is one or more of 107807  
the following: 107808

(1) Life-sustaining equipment prescribed by an authorized 107809  
health care professional that mechanically sustains, restores, or 107810  
supplants a vital bodily function, such as breathing; 107811

(2) Technologically sophisticated medical equipment 107812  
prescribed by an authorized health care professional that requires 107813  
individualized adjustment or regular maintenance by a home medical 107814  
equipment services provider to maintain a patient's health care 107815  
condition or the effectiveness of the equipment; 107816

(3) An item specified by the ~~Ohio respiratory care board~~ 107817  
state board of pharmacy in rules adopted under division (B) of 107818  
section 4752.17 of the Revised Code. 107819

(C) "Home medical equipment services" means the sale, 107820  
delivery, installation, maintenance, replacement, or demonstration 107821  
of home medical equipment. 107822

(D) "Home medical equipment services provider" means a person 107823  
engaged in offering home medical equipment services to the public. 107824

(E) "Hospital" has the same meaning as in section 3727.01 of 107825  
the Revised Code. 107826

(F) "Sell or rent" means to transfer ownership or the right 107827  
to use property, whether in person or through an agent, employee, 107828  
or other person, in return for compensation. 107829

**Sec. 4752.03.** (A) A person seeking to comply with division 107830  
(A) of section 4752.02 of the Revised Code shall do either of the 107831

following: 107832

(1) Apply for a license issued under this chapter; 107833

(2) Apply for a certificate of registration issued under this 107834  
chapter on the basis of being accredited by the joint commission 107835  
on accreditation of healthcare organizations or another national 107836  
accrediting body recognized by the ~~Ohio respiratory care board~~ 107837  
state board of pharmacy, as specified in rules adopted under 107838  
section 4752.17 of the Revised Code. 107839

(B) A person intending to provide home medical equipment 107840  
services from more than one facility shall apply for a separate 107841  
license or certificate of registration for each facility. 107842

**Sec. 4752.04.** A person seeking a license to provide home 107843  
medical equipment services shall apply to the ~~Ohio respiratory~~ 107844  
~~care board~~ state board of pharmacy on a form the board shall 107845  
prescribe and provide. The application must be accompanied by the 107846  
license application fee established in rules adopted under section 107847  
4752.17 of the Revised Code, except that the board may waive all 107848  
or part of the fee if the board determines that an applicant's 107849  
license will be issued in the last six months of the biennial 107850  
licensing period established under section 4752.05 of the Revised 107851  
Code. 107852

In the application, the applicant shall specify the name and 107853  
location of the facility from which services will be provided. 107854

**Sec. 4752.05.** (A) The ~~Ohio respiratory care board~~ state board 107855  
of pharmacy shall issue a license to provide home medical 107856  
equipment services to each applicant under section 4752.04 of the 107857  
Revised Code that meets either of the following requirements: 107858

(1) Meets the standards established by the board in rules 107859  
adopted under section 4752.17 of the Revised Code; 107860

(2) Is a pharmacy licensed under Chapter 4729. of the Revised Code that receives total payments of ten thousand dollars or more per year from selling or renting home medical equipment.

(B) During the period ending one year after September 16, 2004, an applicant that does not meet either of the requirements of division (A) of this section shall be granted a provisional license if for at least twelve months prior to September 16, 2004, the applicant was engaged in the business of providing home medical equipment services. The provisional license expires one year following the date on which it is issued and is not subject to renewal under section 4752.06 of the Revised Code.

(C) The board may conduct a personal interview of an applicant, or an applicant's representative, to determine the applicant's qualifications for licensure.

(D) A license issued under division (A) of this section expires at the end of the licensing period for which it is issued and may be renewed in accordance with section 4752.06 of the Revised Code. For purposes of issuing and renewing licenses, the board shall use a biennial licensing period that begins on the first day of July of each even-numbered year and ends on the thirtieth day of June of the next succeeding even-numbered year.

(E) Any license issued under this section is valid only for the facility named in the application.

**Sec. 4752.06.** Except for a provisional license issued under section 4752.05 of the Revised Code, a license issued under this chapter shall be renewed by the ~~Ohio respiratory care board~~ state board of pharmacy if the license holder is in compliance with the applicable requirements of this chapter.

An application for license renewal shall be accompanied by the renewal fee established in rules adopted under section 4752.17

of the Revised Code and, except as provided in division (B) of 107891  
section 4752.07 of the Revised Code, by documentation satisfactory 107892  
to the board that the continuing education requirements of section 107893  
4752.07 of the Revised Code have been met. Renewals shall be made 107894  
in accordance with the standard renewal procedure established 107895  
under Chapter 4745. of the Revised Code and the renewal procedures 107896  
established in rules adopted under section 4752.17 of the Revised 107897  
Code. 107898

**Sec. 4752.08.** (A) ~~The Ohio respiratory care board~~ state board 107899  
of pharmacy may inspect the operations and facility, subpoena the 107900  
records, and compel testimony of employees of any home medical 107901  
equipment services provider licensed under this chapter. 107902  
Inspections shall be conducted as provided in rules adopted by the 107903  
board under section 4752.17 of the Revised Code. 107904

(B) The board shall employ investigators who shall, under the 107905  
direction of the executive director of the board, investigate 107906  
complaints and conduct inspections. Pursuant to an investigation 107907  
or inspection, investigators may review and audit records during 107908  
normal business hours at the place of business of the person being 107909  
investigated. The board and its employees shall not disclose 107910  
confidential information obtained during an investigation, except 107911  
pursuant to a court order. 107912

(C) The board shall send the provider a report of the results 107913  
of an inspection. If the board determines that the provider is not 107914  
in compliance with any requirement of this chapter applicable to 107915  
providers licensed under this chapter, the board may direct the 107916  
provider to attain compliance. Failure of the provider to comply 107917  
with the directive is grounds for action by the board under 107918  
division (A)(1) of section 4752.09 of the Revised Code. 107919

(D) A provider that disputes the results of an inspection may 107920  
file an appeal with the board not later than ninety days after 107921



receiving the inspection report. The board shall review the 107922  
inspection report and, at the request of the provider, conduct a 107923  
new inspection. 107924

**Sec. 4752.09.** (A) The ~~Ohio respiratory care board~~ state board 107925  
of pharmacy may, in accordance with Chapter 119. of the Revised 107926  
Code, suspend or revoke a license issued under this chapter or 107927  
discipline a license holder by imposing a fine of not more than 107928  
five thousand dollars or taking other disciplinary action on any 107929  
of the following grounds: 107930

(1) Violation of any provision of this chapter or an order or 107931  
rule of the board, as those provisions, orders, or rules are 107932  
applicable to persons licensed under this chapter; 107933

(2) A plea of guilty to or a judicial finding of guilt of a 107934  
felony or a misdemeanor that involves dishonesty or is directly 107935  
related to the provision of home medical equipment services; 107936

(3) Making a material misstatement in furnishing information 107937  
to the board; 107938

(4) Professional incompetence; 107939

(5) Being guilty of negligence or gross misconduct in 107940  
providing home medical equipment services; 107941

(6) Aiding, assisting, or willfully permitting another person 107942  
to violate any provision of this chapter or an order or rule of 107943  
the board, as those provisions, orders, or rules are applicable to 107944  
persons licensed under this chapter; 107945

(7) Failing, within sixty days, to provide information in 107946  
response to a written request by the board; 107947

(8) Engaging in conduct likely to deceive, defraud, or harm 107948  
the public; 107949

(9) Denial, revocation, suspension, or restriction of a 107950

license to provide home medical equipment services, for any reason 107951  
other than failure to renew, in another state or jurisdiction; 107952

(10) Directly or indirectly giving to or receiving from any 107953  
person a fee, commission, rebate, or other form of compensation 107954  
for services not rendered; 107955

(11) Knowingly making or filing false records, reports, or 107956  
billings in the course of providing home medical equipment 107957  
services, including false records, reports, or billings prepared 107958  
for or submitted to state and federal agencies or departments; 107959

(12) Failing to comply with federal rules issued pursuant to 107960  
the medicare program established under Title XVIII of the "Social 107961  
Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as amended, 107962  
relating to operations, financial transactions, and general 107963  
business practices of home medical services providers. 107964

(B) The ~~respiratory care board~~ state board of pharmacy 107965  
immediately may suspend a license without a hearing if it 107966  
determines that there is evidence that the license holder is 107967  
subject to actions under this section and that there is clear and 107968  
convincing evidence that continued operation by the license holder 107969  
presents an immediate and serious harm to the public. The 107970  
president and executive director of the board shall make a 107971  
preliminary determination and describe, by telephone conference or 107972  
any other method of communication, the evidence on which they made 107973  
their determination to the other members of the board. The board 107974  
may by resolution designate another board member to act in place 107975  
of the president of the board or another employee to act in the 107976  
place of the executive director, in the event that the board 107977  
president or executive director is unavailable or unable to act. 107978  
On review of the evidence, the board may by a vote of not less 107979  
than seven of its members, suspend a license without a prior 107980  
hearing. The board may vote on the suspension by way of a 107981  
telephone conference call. 107982

Immediately following the decision to suspend a license under 107983  
this division, the board shall issue a written order of suspension 107984  
and cause it to be delivered in accordance with section 119.07 of 107985  
the Revised Code. The order shall not be subject to suspension by 107986  
the court during the pendency of any appeal filed under section 107987  
119.12 of the Revised Code. If the license holder requests an 107988  
adjudication hearing, the date set for the hearing shall be within 107989  
fifteen days but not earlier than seven days after the license 107990  
holder requests the hearing, unless another date is agreed to by 107991  
the license holder and the board. The suspension shall remain in 107992  
effect, unless reversed by the board, until a final adjudication 107993  
order issued by the board pursuant to this section and Chapter 107994  
119. of the Revised Code becomes effective. The board shall issue 107995  
its final adjudication order not later than ninety days after 107996  
completion of the hearing. The board's failure to issue the order 107997  
by that day shall cause the summary suspension to end, but shall 107998  
not affect the validity of any subsequent final adjudication 107999  
order. 108000

**Sec. 4752.11.** (A) A person seeking a certificate of 108001  
registration to provide home medical equipment services shall 108002  
apply to the ~~Ohio respiratory care board~~ state board of pharmacy 108003  
on a form the board shall prescribe and provide. The application 108004  
must be accompanied by the registration fee established in rules 108005  
adopted under section 4752.17 of the Revised Code, except that the 108006  
board may waive all or part of the fee if the board determines 108007  
that an applicant's certificate of registration will be issued in 108008  
the last six months of the biennial registration period 108009  
established under section 4752.12 of the Revised Code. 108010

(B) The applicant shall specify in the application all of the 108011  
following: 108012

(1) The name of the facility from which services will be 108013

provided; 108014

(2) The facility's address; 108015

(3) The facility's telephone number; 108016

(4) A person who may be contacted with regard to the 108017  
facility; 108018

(5) The name of the national accrediting body that issued the 108019  
accreditation on which the application is based; 108020

(6) The applicant's accreditation number and the expiration 108021  
date of the accreditation; 108022

(7) A telephone number that may be used twenty-four hours a 108023  
day, seven days a week, to obtain information related to the 108024  
facility's provision of home medical equipment services. 108025

**Sec. 4752.12.** (A) ~~The Ohio respiratory care board~~ state board 108026  
of pharmacy shall issue a certificate of registration to provide 108027  
home medical equipment services to each applicant who submits a 108028  
complete application under section 4752.11 of the Revised Code. 108029  
For purposes of this division, an application is complete only if 108030  
the board finds that the applicant holds accreditation from the 108031  
joint commission on accreditation of healthcare organizations or 108032  
another national accrediting body recognized by the board, as 108033  
specified in rules adopted under section 4752.17 of the Revised 108034  
Code. 108035

(B) A certificate of registration issued under this section 108036  
expires at the end of the registration period for which it is 108037  
issued and may be renewed in accordance with section 4752.13 of 108038  
the Revised Code. For purposes of renewing certificates of 108039  
registration, the board shall use a biennial registration period 108040  
that begins on the first day of July of each even-numbered year 108041  
and ends on the thirtieth day of June of the next succeeding 108042  
even-numbered year. 108043

(C) A certificate of registration issued under this section 108044  
is valid only for the facility named in the application. 108045

**Sec. 4752.13.** A certificate of registration issued under this 108046  
chapter shall be renewed by the ~~Ohio respiratory care board~~ state 108047  
board of pharmacy if the certificate holder is accredited by the 108048  
joint commission on accreditation of healthcare organizations or 108049  
another national accrediting body recognized by the board, as 108050  
specified in rules adopted under section 4752.17 of the Revised 108051  
Code. 108052

An application for renewal of a certificate of registration 108053  
shall be accompanied by the renewal fee established in rules 108054  
adopted under section 4752.17 of the Revised Code. Renewals shall 108055  
be made in accordance with the standard renewal procedure 108056  
established under Chapter 4745. of the Revised Code and the 108057  
renewal procedures established in rules adopted under section 108058  
4752.17 of the Revised Code. 108059

**Sec. 4752.14.** The ~~Ohio respiratory care board~~ state board of 108060  
pharmacy shall enter into a cooperative agreement with each of the 108061  
national accrediting bodies it recognizes in rules adopted under 108062  
section 4752.17 of the Revised Code for purposes of issuing 108063  
certificates of registration under this chapter. The board shall 108064  
ensure that each cooperative agreement establishes or specifies 108065  
standards or procedures regarding a complaint process, patient 108066  
safety and care, and any other matter the board considers 108067  
appropriate for home medical equipment services providers that 108068  
receive certificates of registration under this chapter. 108069

**Sec. 4752.15.** (A) The ~~Ohio respiratory care board~~ state board 108070  
of pharmacy shall, in accordance with Chapter 119. of the Revised 108071  
Code, suspend or revoke a certificate of registration issued under 108072  
this chapter if it learns from any source that the accreditation 108073

on which the certificate of registration was issued has been 108074  
revoked or suspended or is otherwise no longer valid. 108075

(B) If the status of the accreditation on which a certificate 108076  
of registration is issued under this chapter changes for any 108077  
reason, the holder of the certificate shall notify the board. On 108078  
receipt of the notice, the board shall take action under division 108079  
(A) of this section, if appropriate. 108080

**Sec. 4752.17.** (A) ~~The Ohio respiratory care board~~ state board 108081  
of pharmacy shall adopt rules to implement and administer this 108082  
chapter. The rules shall do all of the following: 108083

(1) Specify items considered to be home medical equipment for 108084  
purposes of divisions (B)(1) and (2) of section 4752.01 of the 108085  
Revised Code; 108086

(2) Establish procedures for issuance and renewal of licenses 108087  
and certificates of registration under this chapter, including the 108088  
duties that may be fulfilled by the board's executive director and 108089  
other board employees; 108090

(3) Specify the national accrediting bodies the board 108091  
recognizes for purposes of issuing certificates of registration 108092  
under this chapter; 108093

(4) Establish standards an applicant must meet to be eligible 108094  
to be granted a license under section 4752.05 of the Revised Code; 108095

(5) Establish standards for personnel policies, equipment 108096  
storage, equipment maintenance, and record keeping to be followed 108097  
by home medical equipment services providers licensed under this 108098  
chapter; 108099

(6) Establish standards for continuing education programs in 108100  
home medical equipment services for individuals who provide home 108101  
medical equipment services while employed by or under the control 108102

of a home medical equipment services provider licensed under this chapter; 108103  
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(7) Establish standards and procedures for inspection of home medical equipment providers licensed under this chapter and the facilities from which their home medical equipment services are provided and for appeal of inspection results; 108105  
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(8) Establish fees for issuing and renewing licenses under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the licensing program; 108109  
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(9) Establish fees for conducting inspections of home medical equipment services providers licensed under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the inspection program; 108112  
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(10) Establish fees for issuing and renewing certificates of registration under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the registration program; 108116  
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(11) Establish any other standards, requirements, or procedures the board considers necessary for the implementation or administration of this chapter. 108120  
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(B) The board may adopt rules specifying items that are considered home medical equipment for purposes of division (B)(3) of section 4752.01 of the Revised Code. 108123  
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(C) Rules shall be adopted under this chapter in accordance with Chapter 119. of the Revised Code. Prior to adopting any rule, the board shall consult with representatives of any association of home medical equipment services providers that do business in this state. 108126  
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**Sec. 4752.18.** All moneys the ~~Ohio respiratory care board~~ state board of pharmacy receives under this chapter, from any 108131  
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source, shall be deposited into the state treasury to the credit 108133  
of the occupational licensing and regulatory fund created under 108134  
section 4743.05 of the Revised Code. 108135

**Sec. 4752.19.** (A) At the request of the ~~Ohio respiratory care~~ 108136  
~~board~~ state board of pharmacy, the attorney general may bring a 108137  
civil action for appropriate relief, including a temporary 108138  
restraining order, preliminary or permanent injunction, and civil 108139  
penalties, in the court of common pleas of the county in which a 108140  
violation has occurred, is occurring, or is threatening to occur 108141  
against any person who has violated, is violating, or threatens to 108142  
violate section 4752.02 of the Revised Code. In accordance with 108143  
the Rules of Civil Procedure, the court of common pleas in which 108144  
an action for injunction is filed has jurisdiction to grant, and 108145  
shall grant, a temporary restraining order and preliminary and 108146  
permanent injunctive relief upon a showing that the person against 108147  
whom the action is brought has violated, is violating, or 108148  
threatens to violate section 4752.02 of the Revised Code. In an 108149  
action for a civil penalty, the court may impose upon a person 108150  
found to have violated section 4752.02 of the Revised Code a civil 108151  
penalty of not less than five hundred and not more than two 108152  
thousand five hundred dollars for each day of violation. Moneys 108153  
resulting from civil penalties imposed under this section shall be 108154  
deposited into the state treasury to the credit of the 108155  
occupational licensing and regulatory fund created under section 108156  
4743.05 of the Revised Code. 108157

(B) The remedies provided in this section are in addition to 108158  
remedies otherwise available under any federal or state law or 108159  
ordinance of a municipal corporation. 108160

**Sec. 4752.20.** The ~~Ohio respiratory care board~~ state pharmacy 108161  
board shall comply with section 4776.20 of the Revised Code. 108162



Sec. 4752.22. Whenever the term "Ohio respiratory care board" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "state board of pharmacy," with respect to implementing Chapter 4752. of the Revised Code. 108163  
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Whenever the executive director of the Ohio respiratory care board is used in any statute, rule, contract, or other document, the use shall be construed to mean the executive director of the state board of pharmacy, with respect to implementing Chapter 4752. of the Revised Code. 108167  
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Sec. 4752.24. The state board of pharmacy shall appoint a home medical equipment services advisory council for the purpose of advising the board on issues relating to providing home medical equipment services. The advisory council shall consist of not more than seven individuals knowledgeable in the provision of home medical equipment services. 108172  
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Not later than ninety days after the effective date of this section, the board shall make initial appointments to the council. Members shall serve three-year staggered terms of office in accordance with rules adopted by the board. 108178  
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With approval from the director of administrative services, members may receive an amount fixed under division (J) of section 124.15 of the Revised Code for each day the member is performing the member's official duties and be reimbursed for actual and necessary expenses incurred in performing those duties. 108182  
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Sec. 4753.05. (A) The state speech and hearing professionals board of ~~speech language pathology and audiology~~ may make reasonable rules necessary for the administration of this chapter. The board shall adopt rules to ensure ethical standards of practice by ~~speech language pathologists and audiologists licensed or permitted pursuant to this chapter.~~ All rules adopted under 108187  
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this chapter shall be adopted in accordance with Chapter 119. of 108193  
the Revised Code. 108194

(B) The board shall determine the nature and scope of 108195  
examinations to be administered to applicants for licensure 108196  
pursuant to this chapter in the practices of speech-language 108197  
pathology and audiology, and shall evaluate the qualifications of 108198  
all applicants. Written examinations may be supplemented by such 108199  
practical and oral examinations as the board shall determine by 108200  
rule. The board shall determine by rule the minimum examination 108201  
score for licensure. Licensure shall be granted independently in 108202  
speech-language pathology and audiology. ~~The board shall maintain 108203  
a current public record of all persons licensed, to be made 108204  
available upon request.~~ 108205

(C) The board shall publish and make available, upon request, 108206  
the licensure and permit standards prescribed by this chapter and 108207  
rules adopted pursuant thereto. 108208

~~(D) The board shall submit to the governor each year a report 108209  
of all its official actions during the preceding year together 108210  
with any recommendations and findings with regard to the 108211  
improvement of the professions of audiology and speech language 108212  
pathology.~~ 108213

~~(E)~~ The board shall investigate all alleged irregularities in 108214  
the practices of speech-language pathology and audiology by 108215  
persons licensed or permitted pursuant to this chapter and any 108216  
violations of this chapter or rules adopted by the board. The 108217  
board shall not investigate the practice of any person 108218  
specifically exempted from licensure under this chapter by section 108219  
4753.12 of the Revised Code, as long as the person is practicing 108220  
within the scope of the person's license or is carrying out 108221  
responsibilities as described in division (G) or (H) of section 108222  
4753.12 of the Revised Code and does not claim to be a 108223  
speech-language pathologist or audiologist. 108224

In conducting investigations under this division, the board 108225  
may administer oaths, order the taking of depositions, issue 108226  
subpoenas, and compel the attendance of witnesses and the 108227  
production of books, accounts, papers, records, documents, and 108228  
testimony. In any case of disobedience or neglect of any subpoena 108229  
served on any person or the refusal of any witness to testify to 108230  
any matter regarding which the witness may lawfully be 108231  
interrogated, the court of common pleas of any county where such 108232  
disobedience, neglect, or refusal occurs or any judge thereof, on 108233  
application by the board, shall compel obedience by attachment 108234  
proceedings for contempt, as in the case of disobedience of the 108235  
requirements of a subpoena issued from such court, or a refusal to 108236  
testify therein. 108237

~~(F)(E)~~ The board shall conduct such hearings and keep such 108238  
~~records and minutes~~ as are necessary to carry out this chapter. 108239

~~(G)~~ The board shall adopt a seal by which it shall 108240  
authenticate its proceedings. Copies of the proceedings, records, 108241  
and acts signed by the chairperson or executive director and 108242  
authenticated by such seal shall be prima facie evidence thereof 108243  
in all courts of this state. 108244

**Sec. 4753.06.** No person is eligible for licensure as a 108245  
speech-language pathologist or audiologist unless: 108246

(A) The person has obtained a broad general education to 108247  
serve as a background for the person's specialized academic 108248  
training and preparatory professional experience. Such background 108249  
may include study from among the areas of human psychology, 108250  
sociology, psychological and physical development, the physical 108251  
sciences, especially those that pertain to acoustic and biological 108252  
phenomena, and human anatomy and physiology, including 108253  
neuroanatomy and neurophysiology. 108254

(B) If the person seeks licensure as a speech-language 108255

pathologist, the person submits to the state speech and hearing 108256  
professionals board of ~~speech language pathology and audiology~~ an 108257  
official transcript demonstrating that the person has at least a 108258  
master's degree in speech-language pathology or the equivalent as 108259  
determined by the board. The person's academic credit must include 108260  
course work accumulated in the completion of a well-integrated 108261  
course of study approved by the board and delineated by rule 108262  
dealing with the normal aspects of human communication, 108263  
development and disorders thereof, and clinical techniques for the 108264  
evaluation and the improvement or eradication of such disorders. 108265  
The course work must have been completed at colleges or 108266  
universities accredited by regional or national accrediting 108267  
organizations recognized by the board. 108268

(C) Except as provided in division (F)(1)(b) of this section, 108269  
if the person seeks licensure as an audiologist, the person 108270  
submits to the board an official transcript demonstrating that the 108271  
person has at least a doctor of audiology degree or the equivalent 108272  
as determined by the board. The person's academic credit must 108273  
include course work accumulated in the completion of a 108274  
well-integrated course of study approved by the board and 108275  
delineated by rules dealing with the normal aspects of human 108276  
hearing, balance, and related development and clinical evaluation, 108277  
audiologic diagnosis, and treatment of disorders of human hearing, 108278  
balance, and related development. The course work must have been 108279  
completed in an audiology program that is accredited by an 108280  
organization recognized by the United States department of 108281  
education and operated by a college or university accredited by a 108282  
regional or national accrediting organization recognized by the 108283  
board. 108284

(D) The person submits to the board evidence of the 108285  
completion of appropriate, supervised clinical experience in the 108286  
professional area, speech-language pathology or audiology, for 108287

which licensure is requested, dealing with a variety of 108288  
communication disorders. The appropriateness of the experience 108289  
shall be determined under rules of the board. This experience 108290  
shall have been obtained in an accredited college or university, 108291  
in a cooperating program of an accredited college or university, 108292  
or in another program approved by the board. 108293

(E) The person submits to the board evidence that the person 108294  
has passed the examination for licensure to practice 108295  
speech-language pathology or audiology pursuant to division (B) of 108296  
section 4753.05 of the Revised Code. 108297

(F)(1) In the case of either of the following, the person 108298  
presents to the board written evidence that the person has 108299  
obtained professional experience: 108300

(a) The person seeks licensure as a speech-language 108301  
pathologist; 108302

(b) The person seeks licensure as an audiologist and does not 108303  
meet the requirements of division (C) of this section regarding a 108304  
doctor of audiology degree, but before January 1, 2006, the person 108305  
met the requirements of division (B) of this section regarding a 108306  
master's degree in audiology as that division existed on December 108307  
31, 2005. 108308

(2) The professional experience shall be appropriately 108309  
supervised as determined by board rule. The amount of professional 108310  
experience shall be determined by board rule and shall be bona 108311  
fide clinical work that has been accomplished in the major 108312  
professional area, speech-language pathology or audiology, in 108313  
which licensure is being sought. If the person seeks licensure as 108314  
a speech-language pathologist, this experience shall not begin 108315  
until the requirements of divisions (B), (D), and (E) of this 108316  
section have been completed unless approved by the board. If the 108317  
person seeks licensure as an audiologist, this experience shall 108318

not begin until the requirements of division (B) of this section, 108319  
as that division existed on December 31, 2005, and divisions (D) 108320  
and (E) of this section have been completed unless approved by the 108321  
board. Before beginning the supervised professional experience 108322  
pursuant to this section, the applicant for licensure to practice 108323  
speech-language pathology or audiology shall obtain a conditional 108324  
license pursuant to section 4753.071 of the Revised Code. 108325

Sec. 4753.061. (A) As used in this section, "license" and 108326  
"applicant for an initial license" have the same meanings as in 108327  
section 4776.01 of the Revised Code, except that "license" as used 108328  
in both of those terms refers to the types of authorizations 108329  
otherwise issued or conferred under this chapter. 108330

(B) In addition to any other eligibility requirement set 108331  
forth in this chapter, each applicant for an initial license shall 108332  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 108333  
state speech and hearing professionals board shall not grant a 108334  
license to an applicant for an initial license unless the 108335  
applicant complies with sections 4776.01 to 4776.04 of the Revised 108336  
Code and the board, in its discretion, decides that the results of 108337  
the criminal records check do not make the applicant ineligible 108338  
for a license issued pursuant to section 4753.06 or 4753.07 of the 108339  
Revised Code. 108340

Sec. 4753.07. The state speech and hearing professionals 108341  
board of speech language pathology and audiology shall issue under 108342  
its seal a license or conditional license to every applicant who 108343  
has passed the appropriate examinations designated by the board 108344  
and who otherwise complies with the licensure requirements of this 108345  
chapter. The license or conditional license entitles the holder to 108346  
practice speech-language pathology or audiology. Each licensee 108347  
shall display the license or conditional license or an official 108348  
duplicate in a conspicuous place where the licensee practices 108349

speech-language pathology or audiology or both. 108350

**Sec. 4753.071.** A person who is required to meet the 108351  
supervised professional experience requirement of division (F) of 108352  
section 4753.06 of the Revised Code shall submit to the state 108353  
speech and hearing professionals board of ~~speech language~~ 108354  
~~pathology and audiology~~ an application for a conditional license. 108355  
The application shall include a plan for the content of the 108356  
supervised professional experience on a form the board shall 108357  
prescribe. The board shall issue the conditional license to the 108358  
applicant if the applicant meets the requirements of section 108359  
4753.06 of the Revised Code, other than the requirement to have 108360  
obtained the supervised professional experience, and pays to the 108361  
board the appropriate fee for a conditional license. An applicant 108362  
may not begin employment until the conditional license has been 108363  
issued. 108364

A conditional license authorizes an individual to practice 108365  
speech-language pathology or audiology while completing the 108366  
supervised professional experience as required by division (F) of 108367  
section 4753.06 of the Revised Code. A person holding a 108368  
conditional license may practice speech-language pathology or 108369  
audiology while working under the supervision of a person fully 108370  
licensed in accordance with this chapter. A conditional license is 108371  
valid for eighteen months unless suspended or revoked pursuant to 108372  
section 3123.47 or 4753.10 of the Revised Code. 108373

A person holding a conditional license may perform services 108374  
for which payment will be sought under the medicare program or the 108375  
medicaid program but all requests for payment for such services 108376  
shall be made by the person who supervises the person performing 108377  
the services. 108378

**Sec. 4753.072.** The state speech and hearing professionals 108379

board of ~~speech language pathology and audiology~~ shall establish 108380  
by rule pursuant to Chapter 119. of the Revised Code the 108381  
qualifications for persons seeking licensure as a speech-language 108382  
pathology aide or an audiology aide. The qualifications shall be 108383  
less than the standards for licensure as a speech-language 108384  
pathologist or audiologist. An aide shall not act independently 108385  
and shall work under the direction and supervision of a 108386  
speech-language pathologist or audiologist licensed by the board. 108387  
An aide shall not dispense hearing aids. An applicant shall not 108388  
begin employment until the license has been approved. 108389

**Sec. 4753.073.** (A)~~(1)~~ The state speech and hearing 108390  
professionals board of ~~speech language pathology and audiology~~ 108391  
shall issue under its seal a speech-language pathology student 108392  
permit to any applicant who submits a plan that has been approved 108393  
by the applicant's university graduate program in speech-language 108394  
pathology and that conforms to requirements determined by the 108395  
board by rule and who meets all of the following requirements: 108396

~~(a)~~(1) Is enrolled in a graduate program at an educational 108397  
institution located in this state that is accredited by the 108398  
council on academic accreditation in audiology and speech-language 108399  
pathology of the American speech-language-hearing association; 108400

~~(b)~~(2) Has completed at least one year of postgraduate 108401  
training in speech-language pathology, or equivalent coursework as 108402  
determined by the board, and any student clinical experience the 108403  
board may require by rule; 108404

~~(2)~~(B) The speech-language pathology student permit 108405  
authorizes the holder to practice speech-language pathology within 108406  
limits determined by the board by rule, which shall include the 108407  
following: 108408

~~(a)~~(1) The permit holder's caseload shall be limited in a 108409  
manner to be determined by the board by rule. 108410



~~(b)~~(2) The permit holder's authorized scope of practice shall be limited in a manner to be determined by the board by rule. The rule shall consider the coursework and clinical experience that has been completed by the permit holder and the recommendation of the applicant's university graduate program in speech-language pathology.

~~(e)~~(3) The permit holder shall practice only when under the supervision of a speech-language pathologist who is licensed by the board and acting under the approval and direction of the applicant's university graduate program in speech-language pathology. The board shall determine by rule the manner of supervision.

~~(3)~~(C) A permit issued under this section shall expire two years after the date of issuance. Student permits may be renewed in a manner to be determined by the board by rule.

~~(4)~~(D) Each permit holder shall display the permit or an official duplicate in a conspicuous place where the permit holder practices speech-language pathology.

**Sec. 4753.08.** The state speech and hearing professionals board of ~~speech language pathology and audiology~~ shall waive the examination, educational, and professional experience requirements for any applicant who meets any of the following requirements:

(A) On September 26, 1975, ~~has~~ had at least a bachelor's degree with a major in speech-language pathology or audiology from an accredited college or university, or ~~who has been~~ was employed as a speech-language pathologist or audiologist for at least nine months at any time within the three years prior to September 26, 1975, if an application providing bona fide proof of such degree or employment ~~is~~ was filed with the former board of speech-language pathology and audiology within one year after ~~September 26, 1975~~ that date, and ~~is~~ was accompanied by the

application fee as prescribed in division (A) of section 4753.11 108442  
of the Revised Code; 108443

(B) Presents proof to the state speech and hearing 108444  
professionals board of current certification or licensure in good 108445  
standing in the area in which licensure is sought in a state that 108446  
has standards at least equal to the standards for licensure that 108447  
are in effect in this state at the time the applicant applies for 108448  
the license; 108449

(C) Presents proof to the state speech and hearing 108450  
professionals board of both of the following: 108451

(1) Having current certification or licensure in good 108452  
standing in audiology in a state that has standards at least equal 108453  
to the standards for licensure as an audiologist that were in 108454  
effect in this state on December 31, 2005; 108455

(2) Having first obtained that certification or licensure not 108456  
later than December 31, 2007. 108457

(D) Presents proof to the state speech and hearing 108458  
professionals board of a current certificate of clinical 108459  
competence in speech-language pathology or audiology that is in 108460  
good standing and received from the American 108461  
speech-language-hearing association in the area in which licensure 108462  
is sought. 108463

**Sec. 4753.09.** Except as provided in this section and in 108464  
section 4753.10 of the Revised Code, a license issued by the state 108465  
speech and hearing professionals board ~~of speech-language~~ 108466  
~~pathology and audiology~~ shall be renewed biennially in accordance 108467  
with the standard renewal procedure contained in Chapter 4745. of 108468  
the Revised Code. If the application for renewal is made one year 108469  
or longer after the renewal application is due, the person shall 108470  
apply for licensure as provided in section 4753.06 or division 108471

(B), (C), or (D) of section 4753.08 of the Revised Code. The board shall not renew a conditional license; however, the board may grant an applicant a second conditional license.

The board shall establish by rule adopted pursuant to Chapter 119. of the Revised Code the qualifications for license renewal. Applicants shall demonstrate continued competence, which may include continuing education, examination, self-evaluation, peer review, performance appraisal, or practical simulation. The board may establish other requirements as a condition for license renewal as considered appropriate by the board.

The board may renew a license which expires while the license is suspended, but the renewal shall not affect the suspension. The board shall not renew a license which has been revoked. If a revoked license is reinstated under section 4753.10 of the Revised Code after it has expired, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in the amount equal to the renewal fee in effect on the last preceding regular renewal date on which it is reinstated, plus any delinquent fees accrued from the time of the revocation, if such a fee is prescribed by the board by rule.

**Sec. 4753.091.** (A) A person licensed under this chapter may apply to the state speech and hearing professionals board ~~of speech language pathology and audiology~~ to have the person's license classified as inactive. If a fee is charged under division (B) of this section, the person shall include the fee with the application.

If the person's license is in good standing, the person is not the subject of any complaint, the person is not the subject of an investigation or disciplinary action by the board, and the person meets any other requirements established by the board in rules adopted under this section, the board shall classify the

license as inactive. The inactive classification shall become 108503  
effective on the date immediately following the date that the 108504  
person's license is scheduled to expire. 108505

(B) The board may charge a fee for classifying a license as 108506  
inactive. 108507

(C) During the period that a license is classified as 108508  
inactive, the person may not engage in the practice of 108509  
speech-language pathology or the practice of audiology, as 108510  
applicable, in this state or make any representation to the public 108511  
indicating that the person is actively licensed under this 108512  
chapter. 108513

(D) A person whose license has been classified as inactive 108514  
may apply to the board to have the license reactivated. The board 108515  
shall reactivate the license if the person meets the requirements 108516  
established by the board in rules adopted under this section. 108517

(E) The board's jurisdiction to take disciplinary action 108518  
under this chapter is not removed or limited when a person's 108519  
license is classified as inactive under this section. 108520

(F) The board shall adopt rules as necessary for classifying 108521  
a license as inactive and reactivating an inactive license. The 108522  
rules shall be adopted in accordance with Chapter 119. of the 108523  
Revised Code. 108524

**Sec. 4753.10.** In accordance with Chapter 119. of the Revised 108525  
Code, the state speech and hearing professionals board ~~of~~ 108526  
~~speech-language pathology and audiology~~ may reprimand or place on 108527  
probation a speech-language pathologist or audiologist or suspend, 108528  
revoke, or refuse to issue or renew the license of a 108529  
speech-language pathologist or audiologist. Disciplinary actions 108530  
may be taken by the board for conduct that may result from but not 108531  
necessarily be limited to: 108532

(A) Fraud, deception, or misrepresentation in obtaining or attempting to obtain a license;	108533 108534
(B) Fraud, deception, or misrepresentation in using a license;	108535 108536
(C) Altering a license;	108537
(D) Aiding or abetting unlicensed practice;	108538
(E) Committing fraud, deception, or misrepresentation in the practice of speech-language pathology or audiology including:	108539 108540
(1) Making or filing a false report or record in the practice of speech-language pathology or audiology;	108541 108542
(2) Submitting a false statement to collect a fee;	108543
(3) Obtaining a fee through fraud, deception, or misrepresentation, or accepting commissions or rebates or other forms of remuneration for referring persons to others.	108544 108545 108546
(F) Using or promoting or causing the use of any misleading, deceiving, improbable, or untruthful advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation;	108547 108548 108549 108550
(G) Falsely representing the use or availability of services or advice of a physician;	108551 108552
(H) Misrepresenting the applicant, licensee, or holder by using the word "doctor" or any similar word, abbreviation, or symbol if the use is not accurate or if the degree was not obtained from an accredited institution;	108553 108554 108555 108556
(I) Committing any act of dishonorable, immoral, or unprofessional conduct while engaging in the practice of speech-language pathology or audiology;	108557 108558 108559
(J) Engaging in illegal, incompetent, or habitually negligent practice;	108560 108561

(K) Providing professional services while:	108562
(1) Mentally incompetent;	108563
(2) Under the influence of alcohol;	108564
(3) Using any narcotic or controlled substance or other drug	108565
that is in excess of therapeutic amounts or without valid medical	108566
indication.	108567
(L) Providing services or promoting the sale of devices,	108568
appliances, or products to a person who cannot reasonably be	108569
expected to benefit from such services, devices, appliances, or	108570
products in accordance with results obtained utilizing appropriate	108571
assessment procedures and instruments;	108572
(M) Violating this chapter or any lawful order given or rule	108573
adopted by the board;	108574
(N) Being convicted of or pleading guilty or nolo contendere	108575
to a felony or to a crime involving moral turpitude, whether or	108576
not any appeal or other proceeding is pending to have the	108577
conviction or plea set aside;	108578
(O) Being disciplined by a licensing or disciplinary	108579
authority of this or any other state or country or convicted or	108580
disciplined by a court of this or any other state or country for	108581
an act that would be grounds for disciplinary action under this	108582
section.	108583
After revocation of a license under this section, application	108584
may be made to the board for reinstatement. The board, in	108585
accordance with an order of revocation as issued under Chapter	108586
119. of the Revised Code, may require an examination for <del>such</del>	108587
reinstatement.	108588
If any person has engaged in any practice which constitutes	108589
an offense under the provisions of this chapter or rules	108590
promulgated thereunder by the board, the board may apply to the	108591

court of common pleas of the county for an injunction or other 108592  
appropriate order restraining such conduct, and the court may 108593  
issue such order. 108594

Any person who wishes to make a complaint against any person 108595  
licensed pursuant to this chapter shall submit the complaint in 108596  
writing to the board within one year from the date of the action 108597  
or event upon which the complaint is based. The board shall 108598  
determine whether the allegations in the complaint are of a 108599  
sufficiently serious nature to warrant formal disciplinary charges 108600  
against the licensee pursuant to this section. If the board 108601  
determines that formal disciplinary charges are warranted, it 108602  
shall proceed in accordance with the procedures established in 108603  
Chapter 119. of the Revised Code. 108604

**Sec. 4753.101.** The state speech and hearing professionals 108605  
~~board of speech language pathology and audiology~~, in accordance 108606  
with Chapter 119. of the Revised Code, may establish rules to 108607  
govern any disciplinary action to be taken against a student 108608  
issued a permit under section 4753.073 of the Revised Code. The 108609  
rules established by the board are not subject to the adjudication 108610  
procedure requirements of sections 119.06 to 119.13 of the Revised 108611  
Code. 108612

**Sec. 4753.11.** (A) For all types of licenses and permits, the 108613  
state speech and hearing professionals ~~board of speech language~~ 108614  
~~pathology and audiology~~ shall charge a nonrefundable licensure or 108615  
permit fee, to be determined by board rule, which shall be paid at 108616  
the time the application is filed with the board. 108617

(B) On or before the thirty-first day of January of every 108618  
other year, the board shall charge a biennial licensure renewal 108619  
fee which shall be determined by board rule and used to defray 108620  
costs of the board. 108621

(C) The board may, by rule, provide for the waiver of all or 108622  
part of such fees when the license is issued less than one hundred 108623  
days before the date on which it will expire. 108624

(D) After the last day of the month designated by the board 108625  
for renewal, the board shall charge a late fee to be determined by 108626  
board rule in addition to the biennial licensure renewal fee. 108627

(E) No municipal corporation shall levy an occupational or 108628  
similar excise tax on any person licensed under this chapter. 108629

(F) All fees collected under this section and section 4753.09 108630  
of the Revised Code shall be paid into the state treasury to the 108631  
credit of the occupational licensing and regulatory fund created 108632  
in section 4743.05 of the Revised Code. 108633

**Sec. 4753.12.** Nothing in this chapter shall be construed to: 108634

(A) Prohibit a person other than an individual from engaging 108635  
in the business of speech-language pathology or audiology without 108636  
licensure if it employs a licensed individual in the direct 108637  
practice of speech-language pathology and audiology. Such entity 108638  
shall file a statement with the state speech and hearing 108639  
professionals board, on a form approved by the board for this 108640  
purpose, swearing that it submits itself to the rules of the board 108641  
and the provisions of this chapter which the board determines 108642  
applicable. 108643

(B) Prevent or restrict the practice of a person employed as 108644  
a speech-language pathologist or audiologist by any agency of the 108645  
federal government. 108646

(C) Restrict the activities and services of a student or 108647  
intern in speech-language pathology or audiology from pursuing a 108648  
course of study leading to a degree in these areas at a college or 108649  
university accredited by a recognized regional or national 108650  
accrediting body or in one of its cooperating clinical training 108651



facilities, if these activities and services are supervised by a 108652  
person licensed in the area of study or certified by the American 108653  
speech-language-hearing association in the area of study and if 108654  
the student is designated by a title such as "speech-language 108655  
pathology intern," "audiology intern," "trainee," or other such 108656  
title clearly indicating the training status. 108657

(D) Prevent a person from performing speech-language 108658  
pathology or audiology services when performing these services in 108659  
pursuit of the required supervised professional experience as 108660  
prescribed in section 4753.06 of the Revised Code and that person 108661  
has been issued a conditional license pursuant to section 4753.071 108662  
of the Revised Code. 108663

(E) Restrict a speech-language pathologist or audiologist who 108664  
holds the certification of the American speech-language-hearing 108665  
association, or who is licensed as a speech-language pathologist 108666  
or audiologist in another state and who has made application to 108667  
the board for a license in this state from practicing 108668  
speech-language pathology or audiology without a valid license 108669  
pending the disposition of the application. 108670

(F) Restrict a person not a resident of this state from 108671  
offering speech-language pathology or audiology services in this 108672  
state if such services are performed for not more than one period 108673  
of thirty consecutive calendar days in any year, if the person is 108674  
licensed in the state of the person's residence or certified by 108675  
the American speech-language-hearing association and files a 108676  
statement as prescribed by the board in advance of providing these 108677  
services. Such person shall be subject to the rules of the board 108678  
and the provisions of this chapter. 108679

(G) Restrict a person licensed under Chapter 4747. of the 108680  
Revised Code from engaging in the duties as defined in that 108681  
chapter related to measuring, testing, and counseling for the 108682  
purpose of identifying or modifying hearing conditions in 108683

connection with the fitting, dispensing, or servicing of a hearing aid, or affect the authority of hearing aid dealers to deal in hearing aids or advertise the practice of dealing in hearing aids in accordance with Chapter 4747. of the Revised Code.

(H) Restrict a physician from engaging in the practice of medicine and surgery or osteopathic medicine and surgery or prevent any individual from carrying out any properly delegated responsibilities within the normal practice of medicine and surgery or osteopathic medicine and surgery.

(I) Restrict a person registered or licensed under Chapter 4723. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of professional or practical nursing as defined in Chapter 4723. of the Revised Code and the ethics of the nursing profession, provided such a person does not claim to the public to be a speech-language pathologist or audiologist.

(J) Restrict an individual licensed as an audiologist under this chapter from fitting, selling, or dispensing hearing aids.

(K) Authorize the practice of medicine and surgery or entitle a person licensed pursuant to this chapter to engage in the practice of medicine or surgery or any of its branches.

(L) Restrict a person licensed pursuant to Chapter 4755. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of occupational therapy or occupational therapy assistant as defined in Chapter 4755. of the Revised Code, provided the person does not claim to the public to be a speech-language pathologist or audiologist.

**Sec. 4753.15.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state speech and hearing

~~professionals~~ board of ~~speech language pathology and audiology~~ 108714  
shall comply with sections 3123.41 to 3123.50 of the Revised Code 108715  
and any applicable rules adopted under section 3123.63 of the 108716  
Revised Code with respect to a license issued pursuant to this 108717  
chapter. 108718

**Sec. 4753.16.** The state speech and hearing professionals 108719  
board of ~~speech language pathology and audiology~~ shall comply with 108720  
section 4776.20 of the Revised Code. 108721

**Sec. 4755.02.** (A) The ~~appropriate section of the Ohio~~ 108722  
~~occupational therapy, physical therapy, and athletic trainers~~ 108723  
state physical health services board shall investigate compliance 108724  
with this chapter or any rule or order issued under this chapter 108725  
and shall investigate alleged grounds for the suspension, 108726  
revocation, or refusal to issue or renew licenses or limited 108727  
permits under section 3123.47, 4755.11, 4755.47, or 4755.64 of the 108728  
Revised Code. The ~~appropriate section~~ board may subpoena witnesses 108729  
and documents in connection with its investigations. 108730

(B) Through the attorney general or an appropriate 108731  
prosecuting attorney, the ~~appropriate section~~ board may apply to 108732  
an appropriate court for an order enjoining the violation of this 108733  
chapter. On the filing of a verified petition, the court shall 108734  
conduct a hearing on the petition and give the same preference to 108735  
the proceeding as is given to all proceedings under Chapter 119. 108736  
of the Revised Code, irrespective of the position of the 108737  
proceeding on the court's calendar. On a showing that a person has 108738  
violated or is about to violate this chapter, the court shall 108739  
grant an injunction, restraining order, or other order as 108740  
appropriate. The injunction proceedings provided by this division 108741  
are in addition to all penalties and other remedies provided in 108742  
this chapter. 108743

(C) When requested by the ~~appropriate section~~ board, the prosecuting attorney of a county, or the village solicitor or city director of law of a municipal corporation, where a violation of this chapter allegedly occurs, shall take charge of and conduct the prosecution.

(D) ~~The appropriate section may employ investigators who~~ Investigators employed by the board pursuant to section 4744.14 of the Revised Code shall investigate complaints, conduct inspections, and make inquiries as in the judgment of the ~~section board~~ board are appropriate to enforce sections 3123.41 to 3123.50 of the Revised Code or this chapter. These investigators have the right to review, obtain copies, and audit the patient records and personnel files of licensees and limited permit holders at the place of business of the licensees or limited permit holders or any other place where such documents may be and shall be given access to such documents during normal business hours.

(E)(1) Subject to division (E)(2) of this section, information and records received or generated by the board pursuant to an investigation are confidential, are not public records as defined in section 149.43 of the Revised Code, and are not subject to discovery in any civil or administrative action.

(2) For good cause, the board may disclose information gathered pursuant to an investigation to any federal, state, or local law enforcement, prosecutorial, or regulatory agency or its officers or agents engaging in an investigation the board believes is within the agency's jurisdiction. An agency that receives confidential information shall comply with the same requirements regarding confidentiality as those with which the board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency that applies when the agency is dealing with other information in its possession. The information may be admitted into evidence in a criminal trial in accordance

with the Rules of Evidence, or in an administrative hearing 108776  
conducted by an agency, but the court or agency shall require that 108777  
appropriate measures be taken to ensure that confidentiality is 108778  
maintained with respect to any part of the information that 108779  
contains names or other identifying information about patients, 108780  
complainants, or others whose confidentiality was protected by the 108781  
board when the information was in the board's possession. Measures 108782  
to ensure confidentiality that may be taken by the court or agency 108783  
include sealing its records or redacting specific information from 108784  
its records. 108785

(F) The ~~appropriate section~~ board shall conduct hearings, 108786  
keep records and minutes, and enforce the relevant sections of 108787  
this chapter. 108788

(G) ~~Each section of the~~ The board shall publish and make 108789  
available, upon request and for a fee not to exceed the actual 108790  
cost of printing and mailing, the licensure standards prescribed 108791  
by the relevant sections of this chapter and the Administrative 108792  
Code. 108793

~~(H) The board shall submit to the governor and to the general 108794  
assembly each year a report of all its official actions during the 108795  
preceding year, together with any recommendations and findings 108796  
with regard to the status of the professions of physical therapy, 108797  
occupational therapy, and athletic training. 108798~~

**Sec. 4755.03.** Except as provided in section 4755.99 of the 108799  
Revised Code, all fees and fines collected and assessed under this 108800  
chapter by the ~~appropriate section of the Ohio occupational 108801  
therapy, physical therapy, and athletic trainers~~ state physical 108802  
health services board, shall be deposited into the state treasury 108803  
to the credit of the occupational licensing and regulatory fund 108804  
created in section 4743.05 of the Revised Code. 108805

**Sec. 4755.031.** A person sanctioned under section 4755.11, 108806  
4755.47, 4755.482, or 4755.64 of the Revised Code shall pay a fee 108807  
in the amount of the actual cost of the administrative hearing, 108808  
including the cost of the court reporter, the hearing officer, 108809  
transcripts, and any witness fees for lodging and travel, as 108810  
determined by the ~~appropriate section of the~~ state physical health 108811  
services board. The fee shall be collected by the ~~appropriate~~ 108812  
~~section~~ board. 108813

**Sec. 4755.06.** The ~~occupational therapy section of the Ohio~~ 108814  
~~occupational therapy, physical therapy, and athletic trainers~~ 108815  
state physical health services board may make reasonable rules in 108816  
accordance with Chapter 119. of the Revised Code relating to, but 108817  
not limited to, the following: 108818

(A) The form and manner for filing applications for licensure 108819  
under sections 4755.04 to 4755.13 of the Revised Code; 108820

(B) The issuance, suspension, and revocation of the licenses 108821  
and the conducting of investigations and hearings; 108822

(C) Standards for approval of courses of study relative to 108823  
the practice of occupational therapy; 108824

(D) The time and form of examination for the licensure; 108825

(E) ~~Standards of ethical conduct in the practice of~~ 108826  
~~occupational therapy;~~ 108827

~~(F)~~ The form and manner for filing applications for renewal 108828  
and a schedule of deadlines for renewal; 108829

~~(G)~~(F) The conditions under which a license of a licensee who 108830  
files a late application for renewal will be reinstated; 108831

~~(H)~~(G) Placing an existing license in escrow; 108832

~~(I)~~(H) The amount, scope, and nature of continuing education 108833  
activities required for license renewal, including waivers of the 108834

continuing education requirements; 108835

~~(J)~~(I) Guidelines for limited permits; 108836

~~(K)~~(J) Requirements for criminal records checks of applicants 108837  
under section 4776.03 of the Revised Code; 108838

~~(L)~~(K) Subject to section 4755.061 of the Revised Code, the 108839  
amount for each fee specified in section 4755.12 of the Revised 108840  
Code ~~that the section charges~~; 108841

~~(M)~~(L) The amount and content of corrective action courses 108842  
required by the board under section 4755.11 of the Revised Code. 108843

The ~~section board~~ may hear testimony in matters relating to 108844  
the duties imposed upon it, and the ~~chairperson president~~ and 108845  
secretary of the ~~section board~~ may administer oaths. The ~~section~~ 108846  
~~board~~ may require proof, beyond the evidence found in the 108847  
application, of the honesty, truthfulness, and good reputation of 108848  
any person named in an application for licensure, before admitting 108849  
the applicant to an examination or issuing a license. 108850

**Sec. 4755.061.** If the ~~occupational therapy section of the~~ 108851  
~~Ohio occupational therapy, physical therapy, and athletic trainers~~ 108852  
~~state physical health services~~ board adopts rules pursuant to 108853  
section 4755.06 of the Revised Code relating to the amounts of the 108854  
fees that the ~~section board~~ may charge for the late renewal of 108855  
licenses and the review of continuing education activities, as 108856  
provided in divisions (A)(5) and ~~(A)~~(6) of section 4755.12 of the 108857  
Revised Code, the ~~section board~~ shall not establish fee amounts 108858  
for those services that exceed the actual costs the ~~section board~~ 108859  
incurs in providing the services to a licensee. 108860

**Sec. 4755.07.** No person shall qualify for licensure as an 108861  
occupational therapist or as an occupational therapy assistant 108862  
unless the person has shown to the satisfaction of the 108863  
~~occupational therapy section of the Ohio occupational therapy,~~ 108864

~~physical therapy, and athletic trainers~~ state physical health 108865  
services board that the person: 108866

(A) Is of good moral character; 108867

(B) Has successfully completed the academic requirements of 108868  
an educational program recognized by the ~~section~~ board, including 108869  
a concentration of instruction in basic human sciences, the human 108870  
development process, occupational tasks and activities, the 108871  
health-illness-health continuum, and occupational therapy theory 108872  
and practice; 108873

(C) Has successfully completed a period of supervised field 108874  
work experience at a recognized educational institution or a 108875  
training program approved by the educational institution where the 108876  
person met the academic requirements. For an occupational 108877  
therapist, a minimum of six months of supervised field work 108878  
experience is required. For an occupational therapy assistant, a 108879  
minimum of two months of supervised field work experience is 108880  
required. 108881

(D) Has successfully passed a written examination testing the 108882  
person's knowledge of the basic and clinical sciences relating to 108883  
occupational therapy, and occupational therapy theory and 108884  
practice, including the applicant's professional skills and 108885  
judgment in the utilization of occupational therapy techniques and 108886  
methods, and such other subjects as the ~~section~~ board may consider 108887  
useful to determine the applicant's fitness to practice. The 108888  
~~section~~ board may require separate examinations of applicants for 108889  
licensure as occupational therapy assistants and applicants for 108890  
licensure as occupational therapists. 108891

Applicants for licensure shall be examined at a time and 108892  
place and under such supervision as the ~~section~~ board determines. 108893

**Sec. 4755.08.** ~~The occupational therapy section of the Ohio~~ 108894



~~occupational therapy, physical therapy, and athletic trainers~~ 108895  
state physical health services board shall issue a license to 108896  
every applicant who has passed the appropriate examination 108897  
designated by the ~~section~~ board and who otherwise complies with 108898  
the licensure requirements of sections 4755.04 to 4755.13 of the 108899  
Revised Code. The license entitles the holder to practice 108900  
occupational therapy or to assist in the practice of occupational 108901  
therapy. The licensee shall display the license in a conspicuous 108902  
place at the licensee's principal place of business. 108903

The ~~section~~ board may issue a limited permit to persons who 108904  
have satisfied the requirements of divisions (A) to (C) of section 108905  
4755.07 of the Revised Code. This permit allows the person to 108906  
practice as an occupational therapist or occupational therapy 108907  
assistant under the supervision of a licensed occupational 108908  
therapist and is valid until the date on which the results of the 108909  
examination are made public. This limited permit shall not be 108910  
renewed if the applicant has failed the examination. 108911

**Sec. 4755.09.** The ~~occupational therapy section of the Ohio~~ 108912  
~~occupational therapy, physical therapy, and athletic trainers~~ 108913  
state physical health services board may waive the examination 108914  
requirement under section 4755.07 of the Revised Code for any 108915  
applicant for licensure as an occupational therapist or 108916  
occupational therapy assistant who either has met educational, 108917  
training, and job experience requirements established by the 108918  
~~section~~ board, or presents proof of current certification or 108919  
licensure in another state that requires standards for licensure 108920  
at least equal to those for licensure in this state. 108921

The ~~section~~ board may waive the educational requirements 108922  
under section 4755.07 of the Revised Code for any applicant who 108923  
has met job experience requirements established by the ~~section~~ 108924  
board. 108925

Sec. 4755.10. Each license issued under section 4755.08 of 108926  
the Revised Code is valid without further recommendation or 108927  
examination until revoked or suspended or until the license 108928  
expires for failure to file an application for renewal as provided 108929  
for in this section. 108930

Licenses shall be renewed biennially in accordance with the 108931  
schedule established in rules adopted by the ~~occupational therapy~~ 108932  
~~section of the Ohio occupational therapy, physical therapy, and~~ 108933  
~~athletic trainers~~ state physical health services board under 108934  
section 4755.06 of the Revised Code. Applicants for renewal shall 108935  
file the fee for renewal as provided in section 4755.12 of the 108936  
Revised Code, an application for renewal on a form prescribed by 108937  
the ~~occupational therapy section~~ board, and proof of completion of 108938  
continuing education requirements as provided in rules adopted by 108939  
the ~~section~~ board under section 4755.06 of the Revised Code. An 108940  
application for renewal shall be mailed by the ~~section~~ board to 108941  
the licensee in accordance with the schedule established in rules 108942  
adopted by the ~~section~~ board under section 4755.06 of the Revised 108943  
Code. In all other respects the renewal process is as provided in 108944  
section 4745.02 of the Revised Code. 108945

The license of any licensee who fails to file an application 108946  
for renewal on or before the deadline established in rules adopted 108947  
by the ~~section~~ board under section 4755.06 of the Revised Code 108948  
shall expire automatically, unless the ~~section~~ board, for good 108949  
cause shown, determines that the application for renewal could not 108950  
have been filed by such day. 108951

Except as provided in sections 3123.41 to 3123.50 of the 108952  
Revised Code and any applicable rules adopted under section 108953  
3123.63 of the Revised Code, the ~~section~~ board may renew a license 108954  
while the license is suspended, but the renewal shall not affect 108955  
the suspension. The ~~section~~ board shall not renew a license that 108956

has been revoked. If a revoked license is reinstated under section 108957  
4755.11 of the Revised Code after it has expired, the licensee, as 108958  
a condition of reinstatement, shall pay a reinstatement fee equal 108959  
to the renewal fee in effect on the last preceding regular renewal 108960  
date before the reinstatement date, plus any delinquent fees 108961  
accrued from the time of the revocation, if such fees are 108962  
prescribed by the ~~section~~ board by rule. 108963

**Sec. 4755.11.** (A) In accordance with Chapter 119. of the 108964  
Revised Code, the ~~occupational therapy section of the Ohio~~ 108965  
~~occupational therapy, physical therapy, and athletic trainers~~ 108966  
state physical health services board may suspend, revoke, or 108967  
refuse to issue or renew an occupational therapist license, 108968  
occupational therapy assistant license, occupational therapist 108969  
limited permit, occupational therapy assistant limited permit, or 108970  
reprimand, fine, place a license or limited permit holder on 108971  
probation, or require the license or limited permit holder to take 108972  
corrective action courses, for any of the following: 108973

(1) Conviction of an offense involving moral turpitude or a 108974  
felony, regardless of the state or country in which the conviction 108975  
occurred; 108976

(2) Violation of any provision of sections 4755.04 to 4755.13 108977  
of the Revised Code; 108978

(3) Violation of any lawful order or rule of the ~~occupational~~ 108979  
~~therapy section~~ board; 108980

(4) Obtaining or attempting to obtain a license or limited 108981  
permit issued by the ~~occupational therapy section~~ board by fraud 108982  
or deception, including the making of a false, fraudulent, 108983  
deceptive, or misleading ~~statements~~ statement in relation to these 108984  
activities; 108985

(5) Negligence, unprofessional conduct, or gross misconduct 108986

in the practice of the profession of occupational therapy;	108987
(6) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;	108988
(7) Communicating, without authorization, information received in professional confidence;	108990
(8) Using controlled substances, habit forming drugs, or alcohol to an extent that it impairs the ability to perform the work of an occupational therapist, occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder;	108992
(9) Practicing in an area of occupational therapy for which the individual is untrained or incompetent;	108997
(10) Failing the licensing or Ohio jurisprudence examination;	108999
(11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy;	109000
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	109002
(13) Except as provided in division (B) of this section:	109006
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	109007
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required	109013

to pay.	109017
(14) Working or representing oneself as an occupational therapist, occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder without a current and valid license or limited permit issued by the <del>occupational therapy section</del> <u>board</u> ;	109018 109019 109020 109021 109022
(15) Engaging in a deceptive trade practice, as defined in section 4165.02 of the Revised Code;	109023 109024
(16) Violation of the standards of ethical conduct in the practice of occupational therapy as identified by the <del>occupational therapy section</del> <u>pursuant to section 4744.50 of the Revised Code</u> ;	109025 109026 109027
(17) A departure from, or the failure to conform to, minimal standards of care required of licensees or limited permit holders, whether or not actual injury to a patient is established;	109028 109029 109030
(18) An adjudication by a court that the applicant, licensee, or limited permit holder is incompetent for the purpose of holding a license or limited permit and has not thereafter been restored to legal capacity for that purpose;	109031 109032 109033 109034
(19)(a) Except as provided in division (A)(19)(b) of this section, failure to cooperate with an investigation conducted by the <del>occupational therapy section</del> <u>board</u> , including failure to comply with a subpoena or orders issued by the <del>section</del> <u>board</u> or failure to answer truthfully a question presented by the <del>section</del> <u>board</u> at a deposition or in written interrogatories.	109035 109036 109037 109038 109039 109040
(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue.	109041 109042 109043 109044 109045
(20) Conviction of a misdemeanor reasonably related to the	109046

practice of occupational therapy, regardless of the state or 109047  
country in which the conviction occurred; 109048

(21) Inability to practice according to acceptable and 109049  
prevailing standards of care because of mental or physical 109050  
illness, including physical deterioration that adversely affects 109051  
cognitive, motor, or perception skills; 109052

(22) Violation of conditions, limitations, or agreements 109053  
placed by the ~~occupational therapy section~~ board on a license or 109054  
limited permit to practice; 109055

(23) Making a false, fraudulent, deceptive, or misleading 109056  
statement in the solicitation of or advertising for patients in 109057  
relation to the practice of occupational therapy; 109058

(24) Failure to complete continuing education requirements as 109059  
prescribed in rules adopted by the ~~occupational therapy section~~ 109060  
board under section 4755.06 of the Revised Code. 109061

(B) Sanctions shall not be imposed under division (A)(13) of 109062  
this section against any individual who waives deductibles and 109063  
copayments as follows: 109064

(1) In compliance with the health benefit plan that expressly 109065  
allows such a practice. Waiver of the deductibles or copayments 109066  
shall be made only with the full knowledge and consent of the plan 109067  
purchaser, payer, and third-party administrator. Documentation of 109068  
the consent shall be made available to the ~~section~~ board upon 109069  
request. 109070

(2) For professional services rendered to any other person 109071  
licensed pursuant to sections 4755.04 to 4755.13 of the Revised 109072  
Code to the extent allowed by those sections and the rules of the 109073  
~~occupational therapy section~~ board. 109074

(C) Except as provided in division (D) of this section, the 109075  
suspension or revocation of a license or limited permit under this 109076

section is not effective until either the order for suspension or 109077  
revocation has been affirmed following an adjudication hearing, or 109078  
the time for requesting a hearing has elapsed. 109079

When a license or limited permit is revoked under this 109080  
section, application for reinstatement may not be made sooner than 109081  
one year after the date of revocation. The ~~occupational therapy~~ 109082  
~~section board~~ may accept or refuse an application for 109083  
reinstatement and may require that the applicant pass an 109084  
examination as a condition of reinstatement. 109085

When a license or limited permit holder is placed on 109086  
probation under this section, the ~~occupational therapy section's~~ 109087  
~~board's~~ probation order shall be accompanied by a statement of the 109088  
conditions under which the individual may be removed from 109089  
probation and restored to unrestricted practice. 109090

(D) On receipt of a complaint that a person who holds a 109091  
license or limited permit issued by the ~~occupational therapy~~ 109092  
~~section board~~ has committed any of the prohibited actions listed 109093  
in division (A) of this section, the ~~section board~~ may immediately 109094  
suspend the license or limited permit prior to holding a hearing 109095  
in accordance with Chapter 119. of the Revised Code if it 109096  
determines, based on the complaint, that the licensee or limited 109097  
permit holder poses an immediate threat to the public. The ~~section~~ 109098  
~~board~~ may review the allegations and vote on the suspension by 109099  
telephone conference call. If the ~~section board~~ votes to suspend a 109100  
license or limited permit under this division, the ~~section board~~ 109101  
shall issue a written order of summary suspension to the licensee 109102  
or limited permit holder in accordance with section 119.07 of the 109103  
Revised Code. If the individual whose license or limited permit is 109104  
suspended fails to make a timely request for an adjudication under 109105  
Chapter 119. of the Revised Code, the ~~section board~~ shall enter a 109106  
final order permanently revoking the individual's license or 109107  
limited permit. Notwithstanding section 119.12 of the Revised 109108

Code, a court of common pleas shall not grant a suspension of the 109109  
~~section's board's~~ order of summary suspension pending the 109110  
determination of an appeal filed under that section. Any order of 109111  
summary suspension issued under this division shall remain in 109112  
effect, unless reversed on appeal, until a final adjudication 109113  
order issued by the ~~section~~ board pursuant to division (A) of this 109114  
section becomes effective. The ~~section~~ board shall issue its final 109115  
adjudication order regarding an order of summary suspension issued 109116  
under this division not later than ninety days after completion of 109117  
its hearing. Failure to issue the order within ninety days shall 109118  
result in immediate dissolution of the suspension order, but shall 109119  
not invalidate any subsequent, final adjudication order. 109120

(E) If any person other than a person who holds a license or 109121  
limited permit issued under section 4755.08 of the Revised Code 109122  
has engaged in any practice that is prohibited under sections 109123  
4755.04 to 4755.13 of the Revised Code or the rules of the 109124  
~~occupational therapy section~~ board, the ~~section~~ board may apply to 109125  
the court of common pleas of the county in which the violation 109126  
occurred, for an injunction or other appropriate order restraining 109127  
this conduct, and the court shall issue this order. 109128

**Sec. 4755.111.** (A) An individual whom the ~~occupational~~ 109129  
~~therapy section of the Ohio occupational therapy, physical~~ 109130  
~~therapy, and athletic trainers~~ state physical health services 109131  
board licenses, certificates, or otherwise legally authorizes to 109132  
engage in the practice of occupational therapy may render the 109133  
professional services of an occupational therapist within this 109134  
state through a corporation formed under division (B) of section 109135  
1701.03 of the Revised Code, a limited liability company formed 109136  
under Chapter 1705. of the Revised Code, a partnership, or a 109137  
professional association formed under Chapter 1785. of the Revised 109138  
Code. This division does not preclude an individual of that nature 109139  
from rendering professional services as an occupational therapist 109140



through another form of business entity, including, but not 109141  
limited to, a nonprofit corporation or foundation, or in another 109142  
manner that is authorized by or in accordance with sections 109143  
4755.04 to 4755.13 of the Revised Code, another chapter of the 109144  
Revised Code, or rules of the ~~Ohio occupational therapy, physical~~ 109145  
~~therapy, and athletic trainers~~ state physical health services 109146  
board adopted pursuant to sections 4755.04 to 4755.13 of the 109147  
Revised Code. 109148

(B) A corporation, limited liability company, partnership, or 109149  
professional association described in division (A) of this section 109150  
may be formed for the purpose of providing a combination of the 109151  
professional services of the following individuals who are 109152  
licensed, certificated, or otherwise legally authorized to 109153  
practice their respective professions: 109154

(1) Optometrists who are authorized to practice optometry 109155  
under Chapter 4725. of the Revised Code; 109156

(2) Chiropractors who are authorized to practice chiropractic 109157  
or acupuncture under Chapter 4734. of the Revised Code; 109158

(3) Psychologists who are authorized to practice psychology 109159  
under Chapter 4732. of the Revised Code; 109160

(4) Registered or licensed practical nurses who are 109161  
authorized to practice nursing as registered nurses or as licensed 109162  
practical nurses under Chapter 4723. of the Revised Code; 109163

(5) Pharmacists who are authorized to practice pharmacy under 109164  
Chapter 4729. of the Revised Code; 109165

(6) Physical therapists who are authorized to practice 109166  
physical therapy under sections 4755.40 to 4755.56 of the Revised 109167  
Code; 109168

(7) Occupational therapists who are authorized to practice 109169  
occupational therapy under sections 4755.04 to 4755.13 of the 109170

Revised Code;	109171
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	109172 109173
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	109174 109175 109176 109177
(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code.	109178 109179 109180 109181 109182
This division shall apply notwithstanding a provision of a code of ethics applicable to an occupational therapist that prohibits an occupational therapist from engaging in the practice of occupational therapy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, or marriage and family therapy but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of occupational therapy.	109183 109184 109185 109186 109187 109188 109189 109190 109191 109192 109193 109194
<b>Sec. 4755.12.</b> (A) <del>The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board</del> may charge any or all of the following fees:	109195 109196 109197 109198
(1) A nonrefundable examination fee, which is to be paid at the time of application for licensure;	109199 109200

(2) An application fee for an initial license;	109201
(3) An initial licensure fee;	109202
(4) A fee for biennial renewal of a license;	109203
(5) A fee for late renewal of a license;	109204
(6) A fee for the review of continuing education activities;	109205
(7) A fee for a limited permit;	109206
(8) A fee for verification of a license.	109207
(B) Any person who is qualified to practice occupational	109208
therapy as certified by the <del>section</del> <u>board</u> , but who is not in the	109209
active practice, as defined by <del>section</del> <u>board</u> rule, may register	109210
with the <del>section</del> <u>board</u> as a nonactive licensee at a biennial fee.	109211
(C) The <del>section</del> <u>board</u> may, by rule, provide for the waiver of	109212
all or part of a fee when the license is issued less than one	109213
hundred days before the date on which it will expire.	109214
(D) Except when all or part of a fee is waived under division	109215
(C) of this section, the amount charged by the <del>occupational</del>	109216
<del>therapy</del> <del>section</del> <u>board</u> for each of its fees shall be the applicable	109217
amount established in rules adopted under section 4755.06 of the	109218
Revised Code.	109219
<b>Sec. 4755.41.</b> (A) The <del>physical therapy section of the Ohio</del>	109220
<del>occupational therapy, physical therapy, and athletic trainers</del>	109221
<u>state physical health services</u> board shall license persons	109222
desiring to practice physical therapy or to practice as physical	109223
therapist assistants in this state.	109224
(B) An investigation, inquiry, or hearing which the <del>section</del>	109225
<u>board</u> is authorized to undertake or hold may be undertaken or held	109226
in accordance with section 4755.02 of the Revised Code. Any	109227
finding or order shall be confirmed or approved by the <del>section</del>	109228
<u>board</u> .	109229

(C) The ~~physical therapy section board~~ shall do both of the 109230  
following: 109231

(1) ~~Keep a record of its proceedings;~~ 109232

(2) ~~Keep a register of applicants showing the name and~~ 109233  
~~location of the institution granting the applicant's degree or~~ 109234  
~~certificate in physical therapy and whether or not a license was~~ 109235  
~~issued;~~ 109236

(3) ~~Maintain a register of every physical therapist and~~ 109237  
~~physical therapist assistant in this state, including the~~ 109238  
~~licensee's last known place of business, the licensee's last known~~ 109239  
~~residence, and the date and number of the licensee's license;~~ 109240

(4) Deposit all fees collected by the ~~section~~ board in 109241  
accordance with section 4755.03 of the Revised Code; 109242

(5)(2) On receipt of an application for a license to practice 109243  
as a physical therapist or physical therapist assistant, provide 109244  
to the applicant the ~~section's~~ board's address, dates of upcoming 109245  
~~section~~ board meetings, and a list of names of the ~~section~~ board 109246  
members. 109247

**Sec. 4755.411.** The ~~physical therapy section of the Ohio~~ 109248  
~~occupational therapy, physical therapy, and athletic trainers~~ 109249  
state physical health services board shall adopt rules in 109250  
accordance with Chapter 119. of the Revised Code pertaining to the 109251  
following: 109252

(A) Fees for the verification of a license and license 109253  
reinstatement, and other fees established by the ~~section~~ board; 109254

(B) ~~Provisions for the section's government and control of~~ 109255  
~~its actions and business affairs;~~ 109256

(C) Minimum curricula for physical therapy education programs 109257  
that prepare graduates to be licensed in this state as physical 109258  
therapists and physical therapist assistants; 109259

<del>(D)</del> (C) Eligibility criteria to take the examinations required under sections 4755.43 and 4755.431 of the Revised Code;	109260 109261
<del>(E)</del> (D) The form and manner for filing applications for licensure with the <del>section</del> <u>board</u> ;	109262 109263
<del>(F)</del> (E) For purposes of section 4755.46 of the Revised Code, all of the following:	109264 109265
(1) A schedule regarding when licenses to practice as a physical therapist and physical therapist assistant expire during a biennium;	109266 109267 109268
(2) An additional fee, not to exceed thirty-five dollars, that may be imposed if a licensee files a late application for renewal;	109269 109270 109271
(3) The conditions under which the license of a person who files a late application for renewal will be reinstated.	109272 109273
<del>(G)</del> (F) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;	109274 109275
<del>(H) Appropriate ethical conduct in the practice of physical therapy;</del>	109276 109277
<del>(I)</del> (G) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;	109278 109279 109280
<del>(J)</del> (H) Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;	109281 109282 109283
<del>(K)</del> (I) For purposes of section 4755.45 of the Revised Code, both of the following:	109284 109285
(1) Identification of the credentialing organizations from which the <del>section</del> <u>board</u> will accept equivalency evaluations for foreign physical therapist education. The <del>physical therapy section</del> <u>board</u> shall identify only those credentialing organizations that	109286 109287 109288 109289

use a course evaluation tool or form approved by the ~~physical~~ 109290  
~~therapy section~~ board. 109291

(2) Evidence, other than the evaluations described in 109292  
division ~~(K)~~(I)(1) of this section, that the ~~section~~ board will 109293  
consider for purposes of evaluating whether an applicant's 109294  
education is reasonably equivalent to the educational requirements 109295  
that were in force for licensure in this state as a physical 109296  
therapist on the date of the applicant's initial licensure or 109297  
registration in another state or country. 109298

~~(I)~~(J) Standards of conduct for physical therapists and 109299  
physical therapist assistants, including requirements for 109300  
supervision, delegation, and practicing with or without referral 109301  
or prescription; 109302

~~(M)~~(K) Appropriate display of a license; 109303

~~(N)~~(L) Procedures for a licensee to follow in notifying the 109304  
~~section~~ board within thirty days of a change in name or address, 109305  
or both; 109306

~~(O)~~(M) The amount and content of corrective action courses 109307  
required by the board under section 4755.47 of the Revised Code. 109308

**Sec. 4755.412.** The ~~physical therapy section of the Ohio~~ 109309  
~~occupational therapy, physical therapy, and athletic trainers~~ 109310  
state physical health services board, subject to the approval of 109311  
the controlling board, may establish fees in excess of the amounts 109312  
provided by sections 4755.42, 4755.421, 4755.45, 4755.451, and 109313  
4755.46 of the Revised Code, provided that such fees do not exceed 109314  
those amounts by more than fifty per cent. 109315

**Sec. 4755.42.** (A) Each person who desires to practice 109316  
physical therapy shall file with the ~~secretary of the physical~~ 109317  
~~therapy section of the Ohio occupational therapy, physical~~ 109318  
~~therapy, and athletic trainers~~ state physical health services 109319

board ~~a notarized~~ an application that includes the following: 109320

(1) Name; 109321

(2) Current address; 109322

(3) Physical description and photograph; 109323

(4) Proof of completion of a master's or doctorate program of 109324  
physical therapy education that is accredited by a national 109325  
physical therapy accreditation agency recognized by the United 109326  
States department of education and that includes: 109327

(a) A minimum of one hundred twenty academic semester credits 109328  
or its equivalent, including courses in the biological and other 109329  
physical sciences; 109330

(b) A course in physical therapy education that has provided 109331  
instruction in basic sciences, clinical sciences, and physical 109332  
therapy theory and procedures. 109333

(B) On making application under division (A) of this section, 109334  
the applicant shall pay a fee of not more than one hundred 109335  
twenty-five dollars for the license. 109336

(C) The ~~physical therapy section~~ board shall approve an 109337  
application to sit for the examination required under division (A) 109338  
of section 4755.43 of the Revised Code not later than one hundred 109339  
twenty days after receiving an application that the ~~section~~ board 109340  
considers complete unless the board has done either of the 109341  
following: 109342

(1) Requested documents relevant to the ~~section's~~ board's 109343  
evaluation of the application; 109344

(2) Notified the applicant in writing of the ~~section's~~ 109345  
board's intent to deny a license and the applicant's right to 109346  
request a hearing in accordance with Chapter 119. of the Revised 109347  
Code to appeal the ~~section's~~ board's intent to deny a license. 109348

(D) If the ~~section~~ board fails to comply with division (C) of 109349

this section, the ~~section~~ board shall refund one-half of the 109350  
application fee to the applicant. 109351

**Sec. 4755.421.** (A) Each applicant seeking licensure as a 109352  
physical therapist assistant shall file with the ~~secretary of the~~ 109353  
~~physical therapy section of the Ohio occupational therapy,~~ 109354  
~~physical therapy, and athletic trainers~~ state physical health 109355  
services board ~~a notarized~~ an application that includes the 109356  
following: 109357

(1) Name; 109358

(2) Current address; 109359

(3) Physical description and photograph; 109360

(4) Proof of completion of a two-year program of education 109361  
that is accredited by a national physical therapy accreditation 109362  
agency recognized by the United States department of education. 109363

(B) On making application under division (A) of this section, 109364  
the applicant shall pay a fee of not more than one hundred 109365  
twenty-five dollars for the license. 109366

(C)(1) The ~~physical therapy section~~ board shall approve an 109367  
applicant to sit for the examination required under division (A) 109368  
of section 4755.431 of the Revised Code not later than one hundred 109369  
twenty days after receiving an application that the ~~section~~ board 109370  
considers complete unless the board has done either of the 109371  
following: 109372

(a) Requested documents relevant to the ~~section's~~ board's 109373  
evaluation of the application; 109374

(b) Notified the applicant in writing of the ~~section's~~ 109375  
board's intent to deny a license and the applicant's right to 109376  
request a hearing in accordance with Chapter 119. of the Revised 109377  
Code to appeal the ~~section's~~ board's intent to deny a license. 109378



(2) If the ~~section board~~ fails to comply with division (C)(1) 109379  
of this section, the ~~section board~~ shall refund half of the 109380  
application fee to the applicant. 109381

**Sec. 4755.43.** Except as provided in section 4755.45 of the 109382  
Revised Code, to be eligible to receive a license to practice as a 109383  
physical therapist, an applicant must pass both of the following: 109384

(A) A national physical therapy examination for physical 109385  
therapists approved by the ~~physical therapy section of the Ohio~~ 109386  
~~occupational therapy, physical therapy, and athletic trainers~~ 109387  
state physical health services board that tests the applicant's 109388  
knowledge of the basic and applied sciences as they relate to 109389  
physical therapy and physical therapy theory and procedures. 109390

(B) A jurisprudence examination on Ohio's laws and rules 109391  
governing the practice of physical therapy that is approved by the 109392  
~~physical therapy section board~~. 109393

**Sec. 4755.431.** Except as provided in section 4755.451 of the 109394  
Revised Code, to be eligible to receive a license to practice as a 109395  
physical therapist assistant, an applicant must pass both of the 109396  
following: 109397

(A) A national physical therapy examination for physical 109398  
therapist assistants approved by the ~~physical therapy section of~~ 109399  
~~the Ohio occupational therapy, physical therapy, and athletic~~ 109400  
~~trainers~~ state physical health services board. 109401

(B) A jurisprudence examination approved by the ~~physical~~ 109402  
~~therapy section board~~ on Ohio's laws and rules governing the 109403  
practice of physical therapy. 109404

**Sec. 4755.44.** If an applicant passes the examination or 109405  
examinations required under section 4755.43 of the Revised Code 109406  
and pays the fee required by division (B) of section 4755.42 of 109407

the Revised Code, the ~~physical therapy section of the Ohio~~ 109408  
~~occupational therapy, physical therapy, and athletic trainers~~ 109409  
state physical health services board shall issue a license, 109410  
attested by the seal of the board, to the applicant to practice as 109411  
a physical therapist. 109412

**Sec. 4755.441.** If an applicant passes the examination or 109413  
examinations required under section 4755.431 of the Revised Code 109414  
and pays the fee required by division (B) of section 4755.421 of 109415  
the Revised Code, the ~~physical therapy section of the Ohio~~ 109416  
~~occupational therapy, physical therapy, and athletic trainers~~ 109417  
state physical health services board shall issue a license, 109418  
attested by the seal of the board, to the applicant to practice as 109419  
physical therapist assistant. 109420

**Sec. 4755.45.** (A) The ~~physical therapy section of the Ohio~~ 109421  
~~occupational therapy, physical therapy, and athletic trainers~~ 109422  
state physical health services board shall issue to an applicant a 109423  
license to practice as a physical therapist without requiring the 109424  
applicant to have passed the national examination for physical 109425  
therapists described in division (A) of section 4755.43 of the 109426  
Revised Code within one year of filing an application described in 109427  
section 4755.42 of the Revised Code if all of the following are 109428  
true: 109429

(1) The applicant presents evidence satisfactory to the 109430  
~~physical therapy section~~ board that the applicant received a score 109431  
on the national physical therapy examination described in division 109432  
(A) of section 4755.43 of the Revised Code that would have been a 109433  
passing score according to the board in the year the applicant sat 109434  
for the examination; 109435

(2) The applicant presents evidence satisfactory to the 109436  
~~physical therapy section~~ board that the applicant passed the 109437

jurisprudence examination described in division (B) of section 109438  
4755.43 of the Revised Code; 109439

(3) The applicant holds a current and valid license or 109440  
registration to practice physical therapy in another state or 109441  
country; 109442

(4) Subject to division (B) of this section, the applicant 109443  
can demonstrate that the applicant's education is reasonably 109444  
equivalent to the educational requirements that were in force for 109445  
licensure in this state on the date of the applicant's initial 109446  
licensure or registration in the other state or country; 109447

(5) The applicant pays the fee described in division (B) of 109448  
section 4755.42 of the Revised Code; 109449

(6) The applicant is not in violation of any section of this 109450  
chapter or rule adopted under it. 109451

(B) For purposes of division (A)(4) of this section, if, 109452  
after receiving the results of an equivalency evaluation from a 109453  
credentialing organization identified by the ~~section~~ board 109454  
pursuant to rules adopted under section 4755.411 of the Revised 109455  
Code, the ~~section~~ board determines that regardless of the results 109456  
of the evaluation the applicant's education is not reasonably 109457  
equivalent to the educational requirements that were in force for 109458  
licensure in this state on the date of the applicant's initial 109459  
licensure or registration in another state or foreign country, the 109460  
~~section~~ board shall send a written notice to the applicant stating 109461  
that the ~~section~~ board is denying the applicant's application and 109462  
stating the specific reason why the ~~section~~ board is denying the 109463  
applicant's application. The ~~section~~ board shall send the notice 109464  
to the applicant through certified mail within thirty days after 109465  
the ~~section~~ board makes that determination. 109466

**Sec. 4755.451.** The ~~physical therapy section of the Ohio~~ 109467

~~occupational therapy, physical therapy, and athletic trainers~~ 109468  
state physical health services board shall issue to an applicant a 109469  
license as a physical therapist assistant without requiring the 109470  
applicant to have passed the national examination for physical 109471  
therapist assistants described in division (A) of section 4755.431 109472  
of the Revised Code within one year of filing an application 109473  
described in section 4755.421 of the Revised Code if all of the 109474  
following are true: 109475

(A) The applicant presents evidence satisfactory to the 109476  
~~physical therapy section~~ board that the applicant received a score 109477  
on the national physical therapy examination described in division 109478  
(A) of section 4755.431 of the Revised Code that would have been a 109479  
passing score according to the board in the year the applicant sat 109480  
for the examination; 109481

(B) The applicant presents evidence satisfactory to the 109482  
~~physical therapy section~~ board that the applicant passed the 109483  
jurisprudence examination described in division (B) of section 109484  
4755.431 of the Revised Code; 109485

(C) The applicant holds a current and valid license or 109486  
registration to practice as a physical therapist assistant in 109487  
another state; 109488

(D) The applicant can demonstrate that the applicant's 109489  
education is reasonably equivalent to the educational requirements 109490  
that were in force for licensure in this state on the date of the 109491  
applicant's initial licensure or registration in the other state; 109492

(E) The applicant pays the fee described in division (B) of 109493  
section 4755.421 of the Revised Code; 109494

(F) The applicant is not in violation of any section of this 109495  
chapter or rule adopted under it. 109496

**Sec. 4755.46.** (A) Every license to practice as a physical 109497

therapist or physical therapist assistant expires biennially in 109498  
accordance with the schedule established in rules adopted by the 109499  
~~physical therapy section of the Ohio occupational therapy,~~ 109500  
~~physical therapy, and athletic trainers~~ state physical health 109501  
services board under section 4755.411 of the Revised Code. 109502

Each individual holding a valid and current license may apply 109503  
to the ~~physical therapy section~~ board to renew the license in 109504  
accordance with rules adopted by the board under section 4755.411 109505  
of the Revised Code. Each application for license renewal shall be 109506  
accompanied by a biennial renewal fee of not more than one hundred 109507  
twenty-five dollars and, if applicable, the applicant's signed 109508  
statement that the applicant completed the continuing education 109509  
required under section 4755.51 or 4755.551 of the Revised Code 109510  
within the time frame established in rules adopted by the ~~physical~~ 109511  
~~therapy section~~ board under section 4755.411 of the Revised Code. 109512

A license that is not renewed by the last day for renewal 109513  
established in rules shall automatically expire on that date. 109514

(B) Each licensee shall report to the ~~section~~ board in 109515  
writing a change in name, business address, or home address not 109516  
later than thirty days after the date of the change. 109517

**Sec. 4755.47.** (A) In accordance with Chapter 119. of the 109518  
Revised Code, the ~~physical therapy section of the Ohio~~ 109519  
~~occupational therapy, physical therapy, and athletic trainers~~ 109520  
state physical health services board may refuse to grant a license 109521  
to an applicant for an initial or renewed license as a physical 109522  
therapist or physical therapist assistant or, by an affirmative 109523  
vote of not less than five members, may limit, suspend, or revoke 109524  
the license of a physical therapist or physical therapist 109525  
assistant or reprimand, fine, place a license holder on probation, 109526  
or require the license holder to take corrective action courses, 109527  
on any of the following grounds: 109528

- (1) Habitual indulgence in the use of controlled substances, 109529  
other habit-forming drugs, or alcohol to an extent that affects 109530  
the individual's professional competency; 109531
- (2) Conviction of a felony or a crime involving moral 109532  
turpitude, regardless of the state or country in which the 109533  
conviction occurred; 109534
- (3) Obtaining or attempting to obtain a license issued by the 109535  
~~physical therapy section~~ board by fraud or deception, including 109536  
the making of a false, fraudulent, deceptive, or misleading 109537  
statement; 109538
- (4) An adjudication by a court, as provided in section 109539  
5122.301 of the Revised Code, that the applicant or licensee is 109540  
incompetent for the purpose of holding the license and has not 109541  
thereafter been restored to legal capacity for that purpose; 109542
- (5) Subject to section 4755.471 of the Revised Code, 109543  
violation of the code of ethics adopted ~~by the physical therapy~~ 109544  
~~section~~ under section 4744.50 of the Revised Code; 109545
- (6) Violating or attempting to violate, directly or 109546  
indirectly, or assisting in or abetting the violation of or 109547  
conspiring to violate sections 4755.40 to 4755.56 of the Revised 109548  
Code or any order issued or rule adopted under those sections; 109549
- (7) Failure of one or both of the examinations required under 109550  
section 4755.43 or 4755.431 of the Revised Code; 109551
- (8) Permitting the use of one's name or license by a person, 109552  
group, or corporation when the one permitting the use is not 109553  
directing the treatment given; 109554
- (9) Denial, revocation, suspension, or restriction of 109555  
authority to practice a health care occupation, including physical 109556  
therapy, for any reason other than a failure to renew, in Ohio or 109557  
another state or jurisdiction; 109558

- (10) Failure to maintain minimal standards of practice in the administration or handling of drugs, as defined in section 4729.01 of the Revised Code, or failure to employ acceptable scientific methods in the selection of drugs, as defined in section 4729.01 of the Revised Code, or other modalities for treatment;
- (11) Willful betrayal of a professional confidence;
- (12) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of physical therapy;
- (13) A departure from, or the failure to conform to, minimal standards of care required of licensees when under the same or similar circumstances, whether or not actual injury to a patient is established;
- (14) Obtaining, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;
- (15) Violation of the conditions of limitation or agreements placed by the ~~physical therapy section~~ board on a license to practice;
- (16) Failure to renew a license in accordance with section 4755.46 of the Revised Code;
- (17) Except as provided in section 4755.471 of the Revised Code, engaging in the division of fees for referral of patients or receiving anything of value in return for a specific referral of a patient to utilize a particular service or business;
- (18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;
- (19) The revocation, suspension, restriction, or termination of clinical privileges by the United States department of defense

or department of veterans affairs; 109589

(20) Termination or suspension from participation in the 109590  
medicare or medicaid program established under Title XVIII and 109591  
Title XIX, respectively, of the "Social Security Act," 49 Stat. 109592  
620 (1935), 42 U.S.C. 301, as amended, for an act or acts that 109593  
constitute a violation of sections 4755.40 to 4755.56 of the 109594  
Revised Code; 109595

(21) Failure of a physical therapist to maintain supervision 109596  
of a student, physical therapist assistant, unlicensed support 109597  
personnel, other assistant personnel, or a license applicant in 109598  
accordance with the requirements of sections 4755.40 to 4755.56 of 109599  
the Revised Code and rules adopted under those sections; 109600

(22) Failure to complete continuing education requirements as 109601  
prescribed in section 4755.51 or 4755.511 of the Revised Code or 109602  
to satisfy any rules applicable to continuing education 109603  
requirements that are adopted by the ~~physical therapy section~~ 109604  
board; 109605

(23) Conviction of a misdemeanor when the act that 109606  
constitutes the misdemeanor occurs during the practice of physical 109607  
therapy; 109608

(24)(a) Except as provided in division (A)(24)(b) of this 109609  
section, failure to cooperate with an investigation conducted by 109610  
the ~~physical therapy section~~ board, including failure to comply 109611  
with a subpoena or orders issued by the ~~section~~ board or failure 109612  
to answer truthfully a question presented by the ~~section~~ board at 109613  
a deposition or in written interrogatories. 109614

(b) Failure to cooperate with an investigation does not 109615  
constitute grounds for discipline under this section if a court of 109616  
competent jurisdiction issues an order that either quashes a 109617  
subpoena or permits the individual to withhold the testimony or 109618  
evidence at issue. 109619



(25) Regardless of whether the contact or verbal behavior is 109620  
consensual, engaging with a patient other than the spouse of the 109621  
physical therapist or physical therapist assistant, in any of the 109622  
following: 109623

(a) Sexual contact, as defined in section 2907.01 of the 109624  
Revised Code; 109625

(b) Verbal behavior that is sexually demeaning to the patient 109626  
or may be reasonably interpreted by the patient as sexually 109627  
demeaning. 109628

(26) Failure to notify the ~~physical therapy section~~ board of 109629  
a change in name, business address, or home address within thirty 109630  
days after the date of change; 109631

(27) Except as provided in division (B) of this section: 109632

(a) Waiving the payment of all or any part of a deductible or 109633  
copayment that a patient, pursuant to a health insurance or health 109634  
care policy, contract, or plan that covers physical therapy, would 109635  
otherwise be required to pay if the waiver is used as an 109636  
enticement to a patient or group of patients to receive health 109637  
care services from that provider; 109638

(b) Advertising that the individual will waive the payment of 109639  
all or any part of a deductible or copayment that a patient, 109640  
pursuant to a health insurance or health care policy, contract, or 109641  
plan that covers physical therapy, would otherwise be required to 109642  
pay; 109643

(28) Violation of any section of this chapter or rule adopted 109644  
under it. 109645

(B) Sanctions shall not be imposed under division (A)(27) of 109646  
this section against any individual who waives deductibles and 109647  
copayments as follows: 109648

(1) In compliance with the health benefit plan that expressly 109649

allows such a practice. Waiver of the deductibles or copayments 109650  
shall be made only with the full knowledge and consent of the plan 109651  
purchaser, payer, and third-party administrator. Documentation of 109652  
the consent shall be made available to the ~~physical therapy~~ 109653  
~~section board~~ upon request. 109654

(2) For professional services rendered to any other person 109655  
licensed pursuant to sections 4755.40 to 4755.56 of the Revised 109656  
Code to the extent allowed by those sections and the rules of the 109657  
~~physical therapy section board~~. 109658

(C) When a license is revoked under this section, application 109659  
for reinstatement may not be made sooner than one year after the 109660  
date of revocation. The ~~physical therapy section board~~ may accept 109661  
or refuse an application for reinstatement and may require that 109662  
the applicant pass an examination as a condition for 109663  
reinstatement. 109664

When a license holder is placed on probation under this 109665  
section, the physical therapy section's order for placement on 109666  
probation shall be accompanied by a statement of the conditions 109667  
under which the individual may be removed from probation and 109668  
restored to unrestricted practice. 109669

(D) When an application for an initial or renewed license is 109670  
refused under this section, the ~~physical therapy section board~~ 109671  
shall notify the applicant in writing of the ~~section's board's~~ 109672  
decision to refuse issuance of a license and the reason for its 109673  
decision. 109674

(E) On receipt of a complaint that a person licensed by the 109675  
~~physical therapy section board~~ has committed any of the actions 109676  
listed in division (A) of this section, the ~~physical therapy~~ 109677  
~~section board~~ may immediately suspend the license of the physical 109678  
therapist or physical therapist assistant prior to holding a 109679  
hearing in accordance with Chapter 119. of the Revised Code if it 109680

determines, based on the complaint, that the person poses an 109681  
immediate threat to the public. The ~~physical therapy section~~ board 109682  
may review the allegations and vote on the suspension by telephone 109683  
conference call. If the ~~physical therapy section~~ board votes to 109684  
suspend a license under this division, the ~~physical therapy~~ 109685  
~~section~~ board shall issue a written order of summary suspension to 109686  
the person in accordance with section 119.07 of the Revised Code. 109687  
If the person fails to make a timely request for an adjudication 109688  
under Chapter 119. of the Revised Code, the ~~physical therapy~~ 109689  
~~section~~ board shall enter a final order permanently revoking the 109690  
person's license. Notwithstanding section 119.12 of the Revised 109691  
Code, a court of common pleas shall not grant a suspension of the 109692  
~~physical therapy section's~~ board's order of summary suspension 109693  
pending the determination of an appeal filed under that section. 109694  
Any order of summary suspension issued under this division shall 109695  
remain in effect, unless reversed on appeal, until a final 109696  
adjudication order issued by the ~~physical therapy section~~ board 109697  
pursuant to division (A) of this section becomes effective. The 109698  
~~physical therapy section~~ board shall issue its final adjudication 109699  
order regarding an order of summary suspension issued under this 109700  
division not later than ninety days after completion of its 109701  
hearing. Failure to issue the order within ninety days shall 109702  
result in immediate dissolution of the suspension order, but shall 109703  
not invalidate any subsequent, final adjudication order. 109704

**Sec. 4755.471.** (A) An individual whom the ~~physical therapy~~ 109705  
~~section of the Ohio occupational therapy, physical therapy, and~~ 109706  
~~athletic trainers~~ state physical health services board licenses, 109707  
certificates, or otherwise legally authorizes to engage in the 109708  
practice of physical therapy may render the professional services 109709  
of a physical therapist within this state through a corporation 109710  
formed under division (B) of section 1701.03 of the Revised Code, 109711  
a limited liability company formed under Chapter 1705. of the 109712

Revised Code, a partnership, or a professional association formed 109713  
under Chapter 1785. of the Revised Code. This division does not 109714  
preclude an individual of that nature from rendering professional 109715  
services as a physical therapist through another form of business 109716  
entity, including, but not limited to, a nonprofit corporation or 109717  
foundation, or in another manner that is authorized by or in 109718  
accordance with sections 4755.40 to 4755.53 of the Revised Code, 109719  
another chapter of the Revised Code, or rules of the Ohio 109720  
~~occupational therapy, physical therapy, and athletic trainers~~ 109721  
state physical health services board adopted pursuant to sections 109722  
4755.40 to 4755.53 of the Revised Code. 109723

(B) A corporation, limited liability company, partnership, or 109724  
professional association described in division (A) of this section 109725  
may be formed for the purpose of providing a combination of the 109726  
professional services of the following individuals who are 109727  
licensed, certificated, or otherwise legally authorized to 109728  
practice their respective professions: 109729

(1) Optometrists who are authorized to practice optometry 109730  
under Chapter 4725. of the Revised Code; 109731

(2) Chiropractors who are authorized to practice chiropractic 109732  
or acupuncture under Chapter 4734. of the Revised Code; 109733

(3) Psychologists who are authorized to practice psychology 109734  
under Chapter 4732. of the Revised Code; 109735

(4) Registered or licensed practical nurses who are 109736  
authorized to practice nursing as registered nurses or as licensed 109737  
practical nurses under Chapter 4723. of the Revised Code; 109738

(5) Pharmacists who are authorized to practice pharmacy under 109739  
Chapter 4729. of the Revised Code; 109740

(6) Physical therapists who are authorized to practice 109741  
physical therapy under sections 4755.40 to 4755.56 of the Revised 109742  
Code; 109743

(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;

(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;

(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;

(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code.

This division shall apply notwithstanding a provision of a code of ethics applicable to a physical therapist that prohibits a physical therapist from engaging in the practice of physical therapy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, or marriage and family therapy, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of physical therapy.

**Sec. 4755.482.** (A) Except as otherwise provided in divisions (B) and (C) of this section, a person shall not teach a physical therapy theory and procedures course in physical therapy education without obtaining a license as a physical therapist from the ~~physical therapy section of the Ohio occupational therapy,~~

~~physical therapy, and athletic trainers~~ state physical health 109775  
services board. 109776

(B) A person who is registered or licensed as a physical 109777  
therapist under the laws of another state shall not teach a 109778  
physical therapy theory and procedures course in physical therapy 109779  
education for more than one year without obtaining a license as a 109780  
physical therapist from the ~~physical therapy section~~ board. 109781

(C) A person who is registered or licensed as a physical 109782  
therapist under the laws of a foreign country and is not 109783  
registered or licensed as a physical therapist in any state who 109784  
wishes to teach a physical therapy theory and procedures course in 109785  
physical therapy education in this state, or an institution that 109786  
wishes the person to teach such a course at the institution, may 109787  
apply to the ~~physical therapy section~~ board to request 109788  
authorization for the person to teach such a course for a period 109789  
of not more than one year. Any member of the ~~physical therapy~~ 109790  
~~section~~ board may approve the person's or institution's 109791  
application. No person described in this division shall teach such 109792  
a course for longer than one year without obtaining a license from 109793  
the ~~physical therapy section~~ board. 109794

(D) The ~~physical therapy section~~ board may investigate any 109795  
person who allegedly has violated this section. The ~~physical~~ 109796  
~~therapy section~~ board has the same powers to investigate an 109797  
alleged violation of this section as those powers specified in 109798  
section 4755.02 of the Revised Code. If, after investigation, the 109799  
~~physical therapy section~~ board determines that reasonable evidence 109800  
exists that a person has violated this section, within seven days 109801  
after that determination, the ~~physical therapy section~~ board shall 109802  
send a written notice to that person in the same manner as 109803  
prescribed in section 119.07 of the Revised Code for licensees, 109804  
except that the notice shall specify that a hearing will be held 109805

and specify the date, time, and place of the hearing. 109806

The ~~physical therapy section~~ board shall hold a hearing 109807  
regarding the alleged violation in the same manner prescribed for 109808  
an adjudication hearing under section 119.09 of the Revised Code. 109809  
If the ~~physical therapy section~~ board, after the hearing, 109810  
determines a violation has occurred, the ~~physical therapy section~~ 109811  
board may discipline the person in the same manner as the ~~physical~~ 109812  
~~therapy section~~ board disciplines licensees under section 4755.47 109813  
of the Revised Code. The ~~physical therapy section's~~ board's 109814  
determination is an order that the person may appeal in accordance 109815  
with section 119.12 of the Revised Code. 109816

If a person who allegedly committed a violation of this 109817  
section fails to appear for a hearing, the ~~physical therapy~~ 109818  
~~section~~ board may request the court of common pleas of the county 109819  
where the alleged violation occurred to compel the person to 109820  
appear before the ~~physical therapy section~~ board for a hearing. If 109821  
the ~~physical therapy section~~ board assesses a person a civil 109822  
penalty for a violation of this section and the person fails to 109823  
pay that civil penalty within the time period prescribed by the 109824  
~~physical therapy section~~ board, the ~~physical therapy section~~ board 109825  
shall forward to the attorney general the name of the person and 109826  
the amount of the civil penalty for the purpose of collecting that 109827  
civil penalty. In addition to the civil penalty assessed pursuant 109828  
to this section, the person also shall pay any fee assessed by the 109829  
attorney general for collection of the civil penalty. 109830

**Sec. 4755.51.** Except in the case of a first license renewal, 109831  
a physical therapist is eligible for renewal of the physical 109832  
therapist's license only if the physical therapist has completed 109833  
twenty-four units of continuing education in one or more courses, 109834  
activities, or programs approved by the ~~physical therapy section~~ 109835  
of the ~~Ohio occupational therapy, physical therapy, and athletic~~ 109836

~~trainers~~ state physical health services board. 109837

On request of the ~~physical therapy section~~ board, an 109838  
applicant for license renewal shall submit evidence satisfactory 109839  
to the ~~section~~ board of completion of the required continuing 109840  
physical therapy education. 109841

**Sec. 4755.511.** Except in the case of a first license renewal, 109842  
a physical therapist assistant is eligible for renewal of the 109843  
physical therapist assistant's license only if the physical 109844  
therapist assistant has completed twelve units of continuing 109845  
education in one or more courses, activities, or programs approved 109846  
by the ~~physical therapy section of the Ohio occupational therapy,~~ 109847  
~~physical therapy, and athletic trainers~~ state physical health 109848  
services board. 109849

On request of the ~~physical therapy section~~ board, an 109850  
applicant for license renewal shall submit evidence satisfactory 109851  
to the ~~section~~ board of completion of the required continuing 109852  
physical therapist assistant education. 109853

**Sec. 4755.52.** (A) In accordance with Chapter 119. of the 109854  
Revised Code, the ~~physical therapy section of the Ohio~~ 109855  
~~occupational therapy, physical therapy, and athletic trainers~~ 109856  
state physical health services board shall adopt rules specifying 109857  
standards, in addition to the standards specified by division (B) 109858  
of this section, for approval of continuing education courses, 109859  
programs, and activities for physical therapists and physical 109860  
therapist assistants. 109861

(B) To be eligible for approval by the ~~physical therapy~~ 109862  
~~section~~ board, a continuing education course, program, or activity 109863  
shall meet all of the following requirements: 109864

(1) Include significant intellectual or practical content, 109865  
the primary objective of which is to improve the professional 109866



competence of the participant; 109867

(2) Be an organized program of learning dealing with matters 109868  
directly related to the practice of physical therapy, professional 109869  
responsibility, ethical obligations, or similar subjects that the 109870  
~~section board~~ determines maintain and improve the quality of 109871  
physical therapy services in this state; 109872

(3) Consist of in-person instruction or other methods of 109873  
instruction, including the use of self-study materials prepared 109874  
and conducted by an individual or a group qualified by practical 109875  
or academic experience as determined by the ~~section board~~; 109876

(4) Be presented in a setting physically suited to the 109877  
educational activity of the course, program, or activity; 109878

(5) Include thorough, high-quality written material; 109879

(6) Meet any other standards established by rule of the 109880  
~~section board~~ adopted under division (A) of this section. 109881

(C) The ~~physical therapy section board~~ shall review physical 109882  
therapy continuing education programs, courses, and activities and 109883  
grant approval to those that meet the standards established under 109884  
divisions (A) and (B) of this section. If the ~~section board~~ denies 109885  
approval of a course, program, or activity, it shall give a 109886  
written explanation of the reason for denial to the person 109887  
requesting approval. 109888

The ~~physical therapy section board~~ may approve continuing 109889  
education courses, programs, and activities that have been 109890  
approved by an agency in another state that governs the licensure 109891  
of physical therapists and physical therapist assistants if the 109892  
~~section board~~ determines that the standards for continuing 109893  
education courses established by the agency are comparable to 109894  
those established pursuant to this section. 109895

The ~~physical therapy section~~ may contract with the Ohio 109896

~~chapter of the American physical therapy association for~~ 109897  
~~assistance in performance of the section's duties under this~~ 109898  
~~section.~~ 109899

**Sec. 4755.53.** (A) Subject to division (B) of this section, 109900  
the ~~physical therapy section of the Ohio occupational therapy,~~ 109901  
~~physical therapy, and athletic trainers~~ state physical health 109902  
services board shall grant continuing education units to a 109903  
licensed physical therapist or physical therapist assistant as 109904  
follows: 109905

(1) For completing an approved continuing education course, 109906  
program, or activity, one unit for each hour of instruction 109907  
received; 109908

(2) For teaching as a faculty member of an institution of 109909  
higher education a course that is part of the curriculum of the 109910  
institution, one-half unit for each semester hour of the course, 109911  
or an equivalent portion of a unit, as determined by the ~~section~~ 109912  
board, for each quarter or trimester hour of the course; 109913

(3) For teaching an approved course that is part of the 109914  
curriculum of an institution of higher education other than as a 109915  
faculty member, one unit for each hour of teaching the course; 109916

(4) For teaching an approved course, program, or activity, 109917  
other than a course that is part of the curriculum of an 109918  
institution of higher education, three units for each hour of 109919  
teaching the course, program, or activity the first time and 109920  
one-half unit for each hour of teaching the course, program, or 109921  
activity any time after the first time; 109922

(5) For authoring a published article or book, up to ten 109923  
units as determined by the ~~physical therapy section~~ board. 109924

(B) The ~~physical therapy section~~ board shall grant no more 109925  
than twelve units of continuing education for teaching during a 109926

biennial renewal period. 109927

~~(C) The physical therapy section may contract with the Ohio chapter of the American physical therapy association for assistance in performance of the section's duties under this section.~~ 109928  
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**Sec. 4755.61.** (A) ~~The athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board shall:~~ 109932  
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109934

(1) Adopt rules, not inconsistent with this chapter, for the licensure of athletic trainers, including rules that specify the application form and educational course work and clinical experience requirements for licensure and rules that prescribe requirements for criminal records checks of applicants under section 4776.03 of the Revised Code; 109935  
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(2) Establish and deposit fees in accordance with division (B) of this section and section 4755.03 of the Revised Code; 109941  
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(3) ~~Conduct hearings, keep records of its proceedings,~~ and do all things necessary and proper to administer and enforce sections 4755.60 to 4755.65 of the Revised Code; 109943  
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(4) Publish and make available, upon request and for a fee not to exceed the actual cost of printing and mailing, the requirements for the issuance of an athletic trainers license under this chapter and the rules adopted under it; 109946  
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(5) ~~Maintain a register of every person licensed to practice athletic training in this state, including the addresses of the licensee's last known place of business and residence, and the effective date and identification number of the person's license. The section shall make this list available to any person upon request and payment of a fee not to exceed the actual cost of printing and mailing.~~ 109950  
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~~(6)~~ Publish and make available, upon request and for a fee 109957  
not to exceed the actual cost of printing and mailing, a list of 109958  
persons who passed the examination required under section 4755.62 109959  
of the Revised Code; 109960

~~(7)~~(6) Investigate complaints concerning alleged violations 109961  
of section 4755.62 of the Revised Code or other grounds for the 109962  
suspension, revocation, or refusal to issue a license under 109963  
section 3123.47 or 4755.64 of the Revised Code. In connection with 109964  
its investigations, the ~~athletic trainers~~ section board may 109965  
subpoena witnesses, issue subpoenas, examine witnesses, administer 109966  
oaths, and, under the direction of the executive director of the 109967  
board, investigate complaints and make inspections and other 109968  
inquiries as in the judgment of the section are appropriate to 109969  
enforce sections 3123.41 to 3123.50 and this chapter of the 109970  
Revised Code. The ~~section~~ board may review and audit the records 109971  
of any licensee during normal business hours at the licensee's 109972  
place of business or at any other place where the licensee's 109973  
records are kept. Notwithstanding section 149.43 of the Revised 109974  
Code, the ~~athletic trainers~~ section board and its employees, 109975  
except pursuant to a court order, shall maintain in confidence all 109976  
information obtained. 109977

~~(8)~~(7) Adopt rules governing the nature and scope of the 109978  
examination required under section 4755.62 of the Revised Code and 109979  
the reexamination required under section 4755.63 of the Revised 109980  
Code and the minimum examination score for licensure or renewal 109981  
thereof. The rules for the examination required under section 109982  
4755.62 of the Revised Code shall ensure the testing of the 109983  
applicant's knowledge of the basic and clinical sciences relating 109984  
to athletic training theory and practice, including professional 109985  
skills and judgment in the utilization of athletic training 109986  
techniques and such other subjects as the ~~athletic trainers~~ 109987  
~~section~~ board considers useful in determining competency to 109988

practice athletic training. 109989

~~(9)~~(8) Conduct the examination required under section 4755.62 109990  
of the Revised Code at least twice a year at a time and place and 109991  
under such supervision as the ~~athletic trainers section~~ board 109992  
determines; 109993

~~(10)~~(9) Adopt rules to determine which states' standards for 109994  
licensure are equal to or greater than this state's for the 109995  
purpose of waiving requirements under division (D) of section 109996  
4755.62 of the Revised Code; 109997

~~(11)~~(10) Adopt rules to determine which examinations meet the 109998  
requirements of division (E) of section 4755.62 of the Revised 109999  
Code; 110000

~~(12) Adopt rules establishing the standards of ethical 110001  
conduct for licensed athletic trainers under this chapter;~~ 110002

~~(13)~~(11) Adopt rules specifying the scope and nature of the 110003  
continuing education courses that are acceptable to the ~~athletic 110004  
trainers section~~ board and the number of courses that must be 110005  
completed to comply with the requirement for renewal of a license 110006  
under section 4755.63 of the Revised Code. ~~i~~ 110007

~~(14)~~(12) Adopt rules establishing the schedule when licenses 110008  
to practice as an athletic trainer expire during a biennium for 110009  
purposes of section 4755.63 of the Revised Code. 110010

(B) The fees adopted by the ~~athletic trainers section~~ board 110011  
pursuant to division (A)(2) of this section shall be established 110012  
and adjusted as required to provide sufficient revenues to meet 110013  
the expenses of the section in administering sections 4755.60 to 110014  
4755.66 of the Revised Code. The fees shall include the following: 110015

(1) A nonrefundable examination fee, not to exceed the amount 110016  
necessary to cover the expense of administering the examination; 110017

(2) An initial license fee; 110018

(3) A biennial license renewal fee; 110019

(4) A late renewal penalty, not to exceed fifty per cent of 110020  
the renewal fee. 110021

The ~~athletic trainers section~~ board may, by rule, provide for 110022  
the waiver of all or part of a license fee if the license is 110023  
issued less than one hundred days before its expiration date. 110024

(C) All rules under sections 4755.60 to 4755.65 of the 110025  
Revised Code shall be adopted by the ~~athletic trainers section~~ 110026  
board in accordance with Chapter 119. of the Revised Code. 110027

**Sec. 4755.62.** (A) No person shall claim to the public to be 110028  
an athletic trainer or imply by words, actions, or letters that 110029  
the person is an athletic trainer, or otherwise engage in the 110030  
practice of athletic training, unless the person is licensed as an 110031  
athletic trainer pursuant to this chapter. 110032

(B) Except as otherwise provided in division (B) of section 110033  
4755.65 of the Revised Code, no educational institution, 110034  
partnership, association, or corporation shall advertise or 110035  
otherwise offer to provide or convey the impression that it is 110036  
providing athletic training unless an individual licensed as an 110037  
athletic trainer pursuant to this chapter is employed by, or under 110038  
contract to, the educational institution, partnership, 110039  
association, or corporation and will be performing the athletic 110040  
training services to which reference is made. 110041

(C) To qualify for an athletic trainers license, a person 110042  
shall: 110043

(1) Have satisfactorily completed an application for 110044  
licensure in accordance with rules adopted by the ~~athletic~~ 110045  
~~trainers section of the Ohio occupational therapy, physical~~ 110046  
~~therapy, and athletic trainers~~ state physical health services 110047  
board under section 4755.61 of the Revised Code; 110048

(2) Have paid the examination fee required under this section; 110049  
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(3) Be of good moral character; 110051

(4) Have shown, to the satisfaction of the ~~athletic trainers~~ section board, that the applicant has received a baccalaureate or higher degree from an institution of higher education, approved by the ~~athletic trainers section board~~ of the board and the federal regional accreditation agency and recognized by the council on postsecondary accreditation, and has satisfactorily completed the educational course work requirements established by rule of the ~~athletic trainers section board~~ under section 4755.61 of the Revised Code. 110052  
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(5) In addition to educational course work requirements, have obtained supervised clinical experience that meets the requirements established in rules adopted by the ~~athletic trainers section board~~ under section 4755.61 of the Revised Code; 110061  
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(6) Have passed an examination adopted by the ~~athletic trainers section board~~ under division (A)~~(8)~~(7) of section 4755.61 of the Revised Code. Each applicant for licensure shall pay, at the time of application, the nonrefundable examination fee set by the ~~athletic trainers section board~~. 110065  
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(D) The ~~section board~~ may waive the requirements of division (C) of this section for any applicant who presents proof of current licensure in another state whose standards for licensure, as determined by the ~~section board~~, are equal to or greater than those in effect in this state on the date of application. 110070  
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(E) The ~~section board~~ shall issue a license to every applicant who complies with the requirements of division (C) of this section, files the required application form, and pays the fees required by section 4755.61 of the Revised Code. A license issued under this section entitles the holder to engage in the 110075  
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practice of athletic training, claim to the public to be an 110080  
athletic trainer, or to imply by words or letters that the 110081  
licensee is an athletic trainer. Each licensee shall display the 110082  
licensee's license in a conspicuous place at the licensee's 110083  
principal place of employment. 110084

**Sec. 4755.63.** Each license issued under section 4755.62 of 110085  
the Revised Code expires biennially in accordance with the 110086  
schedule established in rules adopted by the ~~athletic trainers~~ 110087  
~~section of the Ohio occupational therapy, physical therapy, and~~ 110088  
~~athletic trainers~~ state physical health services board under 110089  
section 4755.61 of the Revised Code, but each person holding a 110090  
valid, unexpired license may apply to the ~~athletic trainers~~ 110091  
~~section~~ board, on forms approved by the ~~section~~ board, for license 110092  
renewal. The ~~section~~ board shall renew a license upon the payment 110093  
of the license renewal fee prescribed by section 4755.61 of the 110094  
Revised Code, submission of the renewal application, and 110095  
submission to the ~~section~~ board of proof of satisfactory 110096  
completion of the required number of continuing education courses, 110097  
as specified in rules adopted by the ~~section~~ board under section 110098  
4755.61 of the Revised Code. 110099

**Sec. 4755.64.** (A) In accordance with Chapter 119. of the 110100  
Revised Code, the ~~athletic trainers section of the Ohio~~ 110101  
~~occupational therapy, physical therapy, and athletic trainers~~ 110102  
state physical health services board may suspend, revoke, or 110103  
refuse to issue or renew an athletic trainers license, or 110104  
reprimand, fine, or place a licensee on probation, for any of the 110105  
following: 110106

(1) Conviction of a felony or offense involving moral 110107  
turpitude, regardless of the state or country in which the 110108  
conviction occurred; 110109



(2) Violation of sections 4755.61 to 4755.65 of the Revised Code or any order issued or rule adopted thereunder;	110110 110111
(3) Obtaining a license through fraud, false or misleading representation, or concealment of material facts;	110112 110113
(4) Negligence or gross misconduct in the practice of athletic training;	110114 110115
(5) Violating the standards of ethical conduct in the practice of athletic training as adopted by the athletic trainers section under section <del>4755.61</del> <u>4744.50</u> of the Revised Code;	110116 110117 110118
(6) Using any controlled substance or alcohol to the extent that the ability to practice athletic training at a level of competency is impaired;	110119 110120 110121
(7) Practicing in an area of athletic training for which the individual is untrained, incompetent, or practicing without the referral of a practitioner licensed under Chapter 4731. of the Revised Code, a dentist licensed under Chapter 4715. of the Revised Code, a chiropractor licensed under Chapter 4734. of the Revised Code, or a physical therapist licensed under this chapter;	110122 110123 110124 110125 110126 110127
(8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;	110128 110129 110130
(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;	110131 110132 110133 110134
(10) Failing the licensing examination;	110135
(11) Aiding or abetting the unlicensed practice of athletic training;	110136 110137
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic	110138 110139

training, for any reason other than a failure to renew, in Ohio or 110140  
another state or jurisdiction. 110141

(B) If the ~~athletic trainers section~~ board places a licensee 110142  
on probation under division (A) of this section, the ~~section's~~ 110143  
board's order for placement on probation shall be accompanied by a 110144  
written statement of the conditions under which the person may be 110145  
removed from probation and restored to unrestricted practice. 110146

(C) A licensee whose license has been revoked under division 110147  
(A) of this section may apply to the ~~athletic trainers section~~ 110148  
board for reinstatement of the license one year following the date 110149  
of revocation. The ~~athletic trainers section~~ board may accept or 110150  
deny the application for reinstatement and may require that the 110151  
applicant pass an examination as a condition for reinstatement. 110152

(D) On receipt of a complaint that a person licensed by the 110153  
~~athletic trainers section~~ board has committed any of the 110154  
prohibited actions listed in division (A) of this section, the 110155  
~~section~~ board may immediately suspend the license of a licensed 110156  
athletic trainer prior to holding a hearing in accordance with 110157  
Chapter 119. of the Revised Code if it determines, based on the 110158  
complaint, that the licensee poses an immediate threat to the 110159  
public. The ~~section~~ board may review the allegations and vote on 110160  
the suspension by telephone conference call. If the ~~section~~ board 110161  
votes to suspend a license under this division, the ~~section~~ board 110162  
shall issue a written order of summary suspension to the licensed 110163  
athletic trainer in accordance with section 119.07 of the Revised 110164  
Code. If the individual whose license is suspended fails to make a 110165  
timely request for an adjudication under Chapter 119. of the 110166  
Revised Code, the ~~section~~ board shall enter a final order 110167  
permanently revoking the individual's license. Notwithstanding 110168  
section 119.12 of the Revised Code, a court of common pleas shall 110169  
not grant a suspension of the ~~section's~~ board's order of summary 110170  
suspension pending the determination of an appeal filed under that 110171

section. Any order of summary suspension issued under this 110172  
division shall remain in effect, unless reversed on appeal, until 110173  
a final adjudication order issued by the ~~section~~ board pursuant to 110174  
division (A) of this section becomes effective. The ~~section~~ board 110175  
shall issue its final adjudication order regarding an order of 110176  
summary suspension issued under this division not later than 110177  
ninety days after completion of its hearing. Failure to issue the 110178  
order within ninety days shall result in immediate dissolution of 110179  
the suspension order, but shall not invalidate any subsequent, 110180  
final adjudication order. 110181

**Sec. 4755.65.** (A) Nothing in sections 4755.61 to 4755.64 of 110182  
the Revised Code shall be construed to prevent or restrict the 110183  
practice, services, or activities of any person who: 110184

(1) Is an individual authorized under Chapter 4731. of the 110185  
Revised Code to practice medicine and surgery, osteopathic 110186  
medicine and surgery, or podiatry, a dentist licensed under 110187  
Chapter 4715. of the Revised Code, a chiropractor licensed under 110188  
Chapter 4734. of the Revised Code, a dietitian licensed under 110189  
Chapter 4759. of the Revised Code, a physical therapist licensed 110190  
under this chapter, or a qualified member of any other occupation 110191  
or profession practicing within the scope of the person's license 110192  
or profession and who does not claim to the public to be an 110193  
athletic trainer; 110194

(2) Is employed as an athletic trainer by an agency of the 110195  
United States government and provides athletic training solely 110196  
under the direction or control of the agency by which the person 110197  
is employed; 110198

(3) Is a student in an athletic training education program 110199  
approved by the ~~athletic trainers section~~ state physical health 110200  
services board leading to a baccalaureate or higher degree from an 110201  
accredited college or university and is performing duties that are 110202

a part of a supervised course of study; 110203

(4) Is not an individual licensed as an athletic trainer in 110204  
this state who practices or offers to practice athletic training 110205  
while traveling with a visiting team or organization from outside 110206  
the state or an event approved by the ~~section~~ board for the 110207  
purpose of providing athletic training to the visiting team, 110208  
organization, or event; 110209

(5) Provides athletic training only to relatives or in 110210  
medical emergencies; 110211

(6) Provides gratuitous care to friends or members of the 110212  
person's family; 110213

(7) Provides only self-care. 110214

(B) Nothing in this chapter shall be construed to prevent any 110215  
person licensed under Chapter 4723. of the Revised Code and whose 110216  
license is in good standing, any person authorized under Chapter 110217  
4731. of the Revised Code to practice medicine and surgery or 110218  
osteopathic medicine and surgery and whose certificate to practice 110219  
is in good standing, any person authorized under Chapter 4731. of 110220  
the Revised Code to practice podiatry and whose certificate to 110221  
practice is in good standing, any person licensed under Chapter 110222  
4734. of the Revised Code to practice chiropractic and whose 110223  
license is in good standing, any person licensed as a dietitian 110224  
under Chapter 4759. of the Revised Code to practice dietetics and 110225  
whose license is in good standing, any person licensed as a 110226  
physical therapist under this chapter to practice physical therapy 110227  
and whose license is in good standing, or any association, 110228  
corporation, or partnership from advertising, describing, or 110229  
offering to provide athletic training, or billing for athletic 110230  
training if the athletic training services are provided by a 110231  
person licensed under this chapter and practicing within the scope 110232  
of the person's license, by a person licensed under Chapter 4723. 110233

of the Revised Code and practicing within the scope of the 110234  
person's license, by a person authorized under Chapter 4731. of 110235  
the Revised Code to practice podiatry, by a person authorized 110236  
under Chapter 4731. of the Revised Code to practice medicine and 110237  
surgery or osteopathic medicine and surgery, by a person licensed 110238  
under Chapter 4734. of the Revised Code to practice chiropractic, 110239  
or by a person licensed under Chapter 4759. of the Revised Code to 110240  
practice dietetics. 110241

(C) Nothing in this chapter shall be construed as authorizing 110242  
a licensed athletic trainer to practice medicine and surgery, 110243  
osteopathic medicine and surgery, podiatry, or chiropractic. 110244

**Sec. 4755.66.** On receipt of a notice pursuant to section 110245  
3123.43 of the Revised Code, the ~~appropriate section of the Ohio~~ 110246  
~~occupational therapy, physical therapy, and athletic trainers~~ 110247  
state physical health services board shall comply with sections 110248  
3123.41 to 3123.50 of the Revised Code and any applicable rules 110249  
adopted under section 3123.63 of the Revised Code with respect to 110250  
a license issued pursuant to this chapter. 110251

**Sec. 4755.70.** (A) As used in this section, "license" and 110252  
"applicant for an initial license" have the same meanings as in 110253  
section 4776.01 of the Revised Code, except that "license" as used 110254  
in both of those terms refers to the types of authorizations 110255  
otherwise issued or conferred under this chapter. 110256

(B) In addition to any other eligibility requirement set 110257  
forth in this chapter, each applicant for an initial license shall 110258  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 110259  
~~occupational therapy section, the physical therapy section, and~~ 110260  
~~the athletic trainers section of the Ohio occupational therapy,~~ 110261  
~~physical therapy, and athletic trainers~~ state physical health 110262  
services board shall not grant a license to an applicant for an 110263

initial license unless the applicant complies with sections 110264  
4776.01 to 4776.04 of the Revised Code and the board, in its 110265  
discretion, decides that the results of the criminal records check 110266  
do not make the applicant ineligible for a license issued pursuant 110267  
to section 4755.07, 4755.09, 4755.44, 4755.441, 4755.45, 4755.451, 110268  
or 4755.62 of the Revised Code. 110269

**Sec. 4755.71.** ~~The Ohio occupational therapy, physical~~ 110270  
~~therapy, and athletic trainers~~ state physical health services 110271  
board shall comply with section 4776.20 of the Revised Code. 110272

**Sec. 4755.99.** (A) Whoever violates ~~sections~~ section 4755.05 110273  
or 4755.62 or ~~divisions~~ division (A), (B), (C), (D), or (H) of 110274  
section 4755.48 of the Revised Code is guilty of a minor 110275  
misdemeanor. If the offender has previously been convicted of an 110276  
offense under that section, the offender is guilty of a 110277  
misdemeanor of the third degree on a first offense and a 110278  
misdemeanor of the first degree on each subsequent offense. 110279

(B)(1) One-half of all fines collected for violation of 110280  
~~section~~ sections 4755.05, 4755.48, and 4755.62 of the Revised Code 110281  
shall be distributed to the ~~occupational therapy section of the~~ 110282  
~~Ohio occupational therapy, physical therapy, and athletic trainers~~ 110283  
state physical health services board and then paid into the state 110284  
treasury to the credit of the occupational licensing and 110285  
regulatory fund created in section 4743.05 of the Revised Code, 110286  
and one-half to the treasury of the municipal corporation in which 110287  
the offense was committed, or if the offense was committed outside 110288  
the limits of a municipal corporation, to the treasury of the 110289  
county. 110290

~~(2) One half of all fines collected for violation of section~~ 110291  
~~4755.48 of the Revised Code shall be distributed to the physical~~ 110292  
~~therapy section of the Ohio occupational therapy, physical~~ 110293

~~therapy, and athletic trainers board and then paid into the state 110294  
treasury to the credit of the occupational licensing and 110295  
regulatory fund, and one half to the treasury of the municipal 110296  
corporation in which the offense was committed, or if the offense 110297  
was committed outside the limits of a municipal corporation, to 110298  
the treasury of the county. 110299~~

~~(3) One half of all fines collected for violation of section 110300  
4755.62 of the Revised Code shall be distributed to the athletic 110301  
trainers section of the Ohio occupational therapy, physical 110302  
therapy, and athletic trainers board and then paid into the state 110303  
treasury to the credit of the occupational licensing and 110304  
regulatory fund, and one half to the treasury of the municipal 110305  
corporation in which the offense was committed, or if the offense 110306  
was committed outside the limits of a municipal corporation, to 110307  
the treasury of the county. 110308~~

Sec. 4759.011. Whenever the term "Ohio board of dietetics" is 110309  
used in any statute, rule, contract, or other document, the use 110310  
shall be construed to mean the "state medical board," with respect 110311  
to implementing Chapter 4759. of the Revised Code. 110312

Whenever the executive secretary of the Ohio board of 110313  
dietetics is used in any statute, rule, contract, or other 110314  
document, the use shall be construed to mean the executive 110315  
director of the state medical board, with respect to implementing 110316  
Chapter 4759. of the Revised Code. 110317

**Sec. 4759.02.** (A) Except as otherwise provided in this 110318  
section or in section 4759.10 of the Revised Code, no person shall 110319  
practice, offer to practice, or hold ~~himself~~ self forth to 110320  
practice dietetics unless ~~he~~ the person has been licensed under 110321  
section 4759.06 of the Revised Code. 110322

(B) Except for a licensed dietitian holding an inactive 110323

license who does not practice or offer to practice dietetics, or a 110324  
person licensed under section 4759.06 of the Revised Code, or as 110325  
otherwise provided in this section or in section 4759.10 of the 110326  
Revised Code: 110327

(1) No person shall use the title "dietitian"; and 110328

(2) No person except for a person licensed under Chapters 110329  
4701. to 4755. of the Revised Code, when acting within the scope 110330  
of their practice, shall use any other title, designation, words, 110331  
letters, abbreviation, or insignia or combination of any title, 110332  
designation, words, letters, abbreviation, or insignia tending to 110333  
indicate that the person is practicing dietetics. 110334

(C) Notwithstanding division (B) of this section, a person 110335  
who is a dietitian registered by the commission on dietetic 110336  
registration and who does not violate division (A) of this section 110337  
may use the designation "registered dietitian" and the 110338  
abbreviation "R.D." 110339

(D) Division (A) of this section does not apply to: 110340

(1) A student enrolled in an academic program that is in 110341  
compliance with division (A)(5) of section 4759.06 of the Revised 110342  
Code who is engaging in the practice of dietetics under the 110343  
supervision of a dietitian licensed under section 4759.06 of the 110344  
Revised Code or a dietitian registered by the commission on 110345  
dietetic registration, as part of the academic program; 110346

(2) A person participating in the pre-professional experience 110347  
required by division (A)(6) of section 4759.06 of the Revised 110348  
Code; 110349

(3) A person holding a limited permit under division (F) of 110350  
section 4759.06 of the Revised Code. 110351

(E) Divisions (A) and (B) of this section do not apply to a 110352  
person who performs no more than fifteen days of dietetic practice 110353



in the state and who meets at least one of the following 110354  
requirements: 110355

(1) The ~~Ohio state medical~~ board of ~~dietetics~~ determines that 110356  
~~he~~ the person is licensed in another state with licensure 110357  
requirements equivalent to or more stringent than those set forth 110358  
in this chapter; 110359

(2) ~~He~~ The person is a dietitian registered by the commission 110360  
on dietetic registration and resides in another state that either 110361  
has no dietitian licensure requirements or has licensure 110362  
requirements less stringent than those set forth in this chapter. 110363

**Sec. 4759.05.** The ~~Ohio state medical~~ board of ~~dietetics~~ 110364  
shall: 110365

(A) Adopt, amend, or rescind rules pursuant to Chapter 119. 110366  
of the Revised Code to carry out the provisions of this chapter, 110367  
including rules governing the following: 110368

(1) Selection and approval of a dietitian licensure 110369  
examination offered by the commission on dietetic registration or 110370  
any other examination; 110371

(2) The examination of applicants for licensure as a 110372  
dietitian, to be held at least twice annually, as required under 110373  
division (A) of section 4759.06 of the Revised Code; 110374

(3) Requirements for pre-professional dietetic experience of 110375  
applicants for licensure as a dietitian that are at least 110376  
equivalent to the requirements adopted by the commission on 110377  
dietetic registration; 110378

(4) Requirements for a person holding a limited permit under 110379  
division (F) of section 4759.06 of the Revised Code, including the 110380  
duration of validity of a limited permit; 110381

(5) Requirements for a licensed dietitian who places a 110382  
license in inactive status under division (G) of section 4759.06 110383

of the Revised Code, including a procedure for changing inactive status to active status; 110384  
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(6) Continuing education requirements for renewal of a license, except that the board may adopt rules to waive the requirements for a person who is unable to meet the requirements due to illness or other reasons. Rules adopted under this division shall be consistent with the continuing education requirements adopted by the commission on dietetic registration. 110386  
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(7) Any additional education requirements the board considers necessary, for applicants who have not practiced dietetics within five years of the initial date of application for licensure; 110392  
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(8) Standards of professional responsibility and practice for persons licensed under this chapter that are consistent with those standards of professional responsibility and practice adopted by the academy of nutrition and dietetics; 110395  
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(9) Formulation of ~~a written~~ an application form for licensure or license renewal that includes the statement that any applicant who knowingly makes a false statement on the application is guilty of a misdemeanor of the first degree under section 2921.13 of the Revised Code; 110399  
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(10) Procedures for license renewal; 110404

(11) Establishing a time period after the notification of a violation of section 4759.02 of the Revised Code, by which the person notified must request a hearing by the board under section 4759.09 of the Revised Code; 110405  
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(12) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code. 110409  
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(B) Investigate alleged violations of sections 4759.02 to 4759.10 of the Revised Code. In making its investigations, the board may issue subpoenas, examine witnesses, and administer 110411  
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oaths. 110414

(C) ~~Adopt a seal;~~ 110415

~~(D)~~ Conduct meetings and keep records as are necessary to 110416  
carry out the provisions of this chapter; 110417

~~(E)~~(D) Publish, and make available to the public, upon 110418  
request and for a fee not to exceed the actual cost of printing 110419  
and mailing, the board's rules and requirements for licensure 110420  
adopted under division (A) of this section ~~and a record of all~~ 110421  
~~persons licensed under section 4759.06 of the Revised Code.~~ 110422

**Sec. 4759.051.** (A) The state medical board shall appoint a 110423  
dietetics advisory council for the purpose of advising the board 110424  
on issues relating to the practice of dietetics and the 110425  
investigation of complaints regarding the practice of dietetics. 110426  
The advisory council shall consist of not more than seven 110427  
individuals knowledgeable in the area of dietetics. A majority of 110428  
the council members shall be individuals actively engaged in the 110429  
practice of dietetics who meet the requirements for licensure 110430  
under section 4759.06 of the Revised Code. The board shall include 110431  
on the council one educator with a doctoral degree who holds a 110432  
regular faculty appointment in a program that prepares students to 110433  
meet the requirements of division (A)(5) of section 4759.06 of the 110434  
Revised Code and one member who is not affiliated with any health 110435  
care profession, who shall be appointed to represent the interest 110436  
of consumers. 110437

The Ohio academy of nutrition and dietetics, or its successor 110438  
organization, may nominate the names of up to three qualified 110439  
individuals for consideration by the board in making appointments 110440  
for each vacancy on the council. 110441

(B) Not later than ninety days after the effective date of 110442  
this section, the board shall make initial appointments to the 110443

council. Members shall serve three-year staggered terms of office 110444  
in accordance with rules adopted by the board. Thereafter, terms 110445  
of office shall be for three years, with each term ending on the 110446  
same day of the same month as did the term that it succeeds. A 110447  
council member shall continue in office subsequent to the 110448  
expiration date of the member's term until a successor is 110449  
appointed and takes office, or until a period of sixty days has 110450  
elapsed, whichever occurs first. Each council member shall hold 110451  
office from the date of appointment until the end of the term for 110452  
which the member was appointed. 110453

(C) With approval from the director of administrative 110454  
services, members may receive an amount fixed under division (J) 110455  
of section 124.15 of the Revised Code for each day the member is 110456  
performing the member's official duties and be reimbursed for 110457  
actual and necessary expenses incurred in performing those duties. 110458

(D) The council shall meet at least four times per year and 110459  
at such other times as may be necessary to carry out its 110460  
responsibilities. 110461

(E) The council shall submit to the board recommendations 110462  
concerning all of the following: 110463

(1) Requirements for issuing a license to practice as a 110464  
dietician or as a limited permit holder, including the educational 110465  
and experience requirements that must be met to receive the 110466  
license or limited permit; 110467

(2) Existing and proposed rules pertaining to the practice of 110468  
dietetics and the administration and enforcement of this chapter; 110469

(3) Standards for the approval of educational programs 110470  
required to qualify for licensure and continuing education 110471  
programs for licensure renewal; 110472

(4) Procedures for the issuance and renewal of licenses and 110473  
limited permits; 110474

<u>(5) Fees for the issuance and renewal of a license to practice dietetics as a licensee or as a limited permit holder;</u>	110475
	110476
<u>(6) Standards of practice and ethical conduct in the practice of dietetics;</u>	110477
	110478
<u>(7) Complaints concerning alleged violation of sections 4759.02 to 4759.10 of the Revised Code or grounds for the suspension, revocation, refusal to issue, or issuance of probationary licenses or limited permits;</u>	110479
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<u>(8) The safe and effective practice of dietetics.</u>	110483
 <b>Sec. 4759.06.</b> (A) <del>The Ohio state medical board of dietetics</del> shall issue or renew a license to practice dietetics to an applicant who:	110484
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	110486
(1) Has satisfactorily completed an application for licensure in accordance with division (A) of section 4759.05 of the Revised Code;	110487
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	110489
(2) Has paid the fee required under division (A) of section 4759.08 of the Revised Code;	110490
	110491
(3) Is a resident of the state or performs or plans to perform dietetic services within the state;	110492
	110493
(4) Is of good moral character;	110494
(5) Has received a baccalaureate or higher degree from an institution of higher education that is approved by the board or a regional accreditation agency that is recognized by the council on postsecondary accreditation, and has completed a program consistent with the academic standards for dietitians established by the academy of nutrition and dietetics;	110495
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(6) Has successfully completed a pre-professional dietetic experience approved by the academy of nutrition and dietetics, or experience approved by the board under division (A)(3) of section	110501
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4759.05 of the Revised Code; 110504

(7) Has passed the examination approved by the board under 110505  
division (A)(1) of section 4759.05 of the Revised Code; 110506

(8) Is an applicant for renewal of a license, and has 110507  
fulfilled the continuing education requirements adopted under 110508  
division (A)(6) of section 4759.05 of the Revised Code. 110509

(B) The board shall waive the requirements of divisions 110510  
(A)(5), (6), and (7) of this section and any rules adopted under 110511  
division (A)(7) of section 4759.05 of the Revised Code if the 110512  
applicant presents satisfactory evidence to the board of current 110513  
registration as a registered dietitian with the commission on 110514  
dietetic registration. 110515

(C) The board shall waive the requirements of division (A)(7) 110516  
of this section if the application for renewal is made within two 110517  
years after the date of license expiration. 110518

(D) The board may waive the requirements of division (A)(5), 110519  
(6), or (7) of this section or any rules adopted under division 110520  
(A)(7) of section 4759.05 of the Revised Code, if the applicant 110521  
presents satisfactory evidence of education, experience, or 110522  
passing an examination in another state or a foreign country, that 110523  
the board considers the equivalent of the requirements stated in 110524  
those divisions or rules. 110525

(E) The board shall issue an initial license to practice 110526  
dietetics to an applicant who meets the requirements of division 110527  
(A) of this section. An initial license shall be valid from the 110528  
date of issuance through the thirtieth day of June following 110529  
issuance of the license. Each subsequent license shall be valid 110530  
from the first day of July through the thirtieth day of June. The 110531  
board shall renew the license of an applicant who is licensed to 110532  
practice dietetics and who meets the continuing education 110533  
requirements of division (A)(6) of section 4759.05 of the Revised 110534

Code. The renewal shall be pursuant to the standard renewal 110535  
procedure of sections 4745.01 to 4745.03 of the Revised Code. 110536

(F) The board may grant a limited permit to a person who has 110537  
completed the education and pre-professional requirements of 110538  
divisions (A)(5) and (6) of this section and who presents evidence 110539  
to the board of having applied to take the examination approved by 110540  
the board under division (A)(1) of section 4759.05 of the Revised 110541  
Code. A person holding a limited permit who has failed the 110542  
examination shall practice only under the direct supervision of a 110543  
licensed dietitian. 110544

(G) A licensed dietitian may place the license in inactive 110545  
status. 110546

**Sec. 4759.061.** (A) As used in this section, "license" and 110547  
"applicant for an initial license" have the same meanings as in 110548  
section 4776.01 of the Revised Code, except that "license" as used 110549  
in both of those terms refers to the types of authorizations 110550  
otherwise issued or conferred under this chapter. 110551

(B) In addition to any other eligibility requirement set 110552  
forth in this chapter, each applicant for an initial license shall 110553  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 110554  
~~Ohio state medical board of dietetics~~ shall not grant a license to 110555  
an applicant for an initial license unless the applicant complies 110556  
with sections 4776.01 to 4776.04 of the Revised Code and the 110557  
board, in its discretion, decides that the results of the criminal 110558  
records check do not make the applicant ineligible for a license 110559  
issued pursuant to section 4759.06 of the Revised Code. 110560

**Sec. 4759.07.** (A) The ~~Ohio state medical board of dietetics~~ 110561  
may, in accordance with Chapter 119. of the Revised Code, refuse 110562  
to issue, review, or renew, or may suspend, revoke, or impose 110563  
probationary conditions upon any license or permit to practice 110564

dietetics, if the applicant has: 110565

(1) Violated sections 4759.02 to 4759.10 of the Revised Code 110566  
or rules adopted under those sections; 110567

(2) Knowingly made a false statement in ~~his~~ an application 110568  
for licensure or license renewal; 110569

(3) Been convicted of any crime constituting a felony in this 110570  
or any other state; 110571

(4) Been impaired in ~~his~~ ability to perform as a licensed 110572  
dietitian due to the use of a controlled substance or alcoholic 110573  
beverage; 110574

(5) Been convicted of a misdemeanor committed in the course 110575  
of ~~his~~ work as a dietitian in this or any other state; 110576

(6) A record of incompetent or negligent conduct in ~~his~~ the 110577  
practice of dietetics. 110578

(B) For purposes of this division, any individual who holds a 110579  
license or permit issued under this chapter, or applies for a 110580  
license or permit to practice dietetics, is deemed to have given 110581  
consent to submit to a mental or physical examination when 110582  
directed to do so in writing by the board and to have waived all 110583  
objections to the admissibility of testimony or examination 110584  
reports that constitute a privileged communication. 110585

For purposes of division (A)(4) of this section, if the board 110586  
has reason to believe that any individual who holds a license or 110587  
permit issued under this chapter or any applicant for a license or 110588  
permit suffers such impairment, the board may compel the 110589  
individual to submit to a mental or physical examination, or both. 110590  
The expense of the examination is the responsibility of the 110591  
individual compelled to be examined. Any mental or physical 110592  
examination required under this division shall be undertaken by a 110593  
treatment provider or physician qualified to conduct such 110594



examination and chosen by the board. 110595

Failure to submit to a mental or physical examination ordered 110596  
by the board constitutes an admission of the allegations against 110597  
the individual unless the failure is due to circumstances beyond 110598  
the individual's control, and a default and final order may be 110599  
entered without the taking of testimony or presentation of 110600  
evidence. If the board determines that the individual's ability to 110601  
practice is impaired, the board shall suspend the individual's 110602  
license or permit or deny the individual's application and shall 110603  
require the individual, as a condition for initial, continued, 110604  
reinstated, or renewed licensure, to submit to treatment. 110605

Before being eligible to apply for reinstatement of a license 110606  
or permit suspended under this division, the dietitian shall 110607  
demonstrate to the board the ability to resume practice in 110608  
compliance with acceptable and prevailing standards of care. The 110609  
demonstration shall include the following: 110610

(1) Certification from a treatment provider approved under 110611  
section 4731.25 of the Revised Code that the individual has 110612  
successfully completed any required inpatient treatment; 110613

(2) Evidence of continuing full compliance with an aftercare 110614  
contract or consent agreement; 110615

(3) Two written reports indicating that the individual's 110616  
ability to practice has been assessed and that the individual has 110617  
been found capable of practicing according to acceptable and 110618  
prevailing standards of care. The reports shall be made by 110619  
individuals or providers approved by the board for making such 110620  
assessments and shall describe the basis for their determination. 110621

The board may reinstate a license or permit suspended under 110622  
this division after such demonstration and after the individual 110623  
has entered into a written consent agreement. 110624

When the impaired dietitian resumes practice, the board shall 110625

require continued monitoring of the dietitian. The monitoring 110626  
shall include compliance with the written consent agreement 110627  
entered into before reinstatement or with conditions imposed by 110628  
board order after a hearing, and, upon termination of the consent 110629  
agreement, submission to the board for at least two years of 110630  
annual written progress reports made under penalty of 110631  
falsification stating whether the dietitian has maintained 110632  
sobriety. 110633

(C) One year or more after the date of suspension or 110634  
revocation of a license or permit under division (A)(1), (2), (3), 110635  
(5), or (6) of this section, an application for reinstatement of 110636  
the license or permit may be made to the board. The board shall 110637  
grant or deny reinstatement with a hearing, at the request of the 110638  
applicant, in accordance with Chapter 119. of the Revised Code and 110639  
may impose conditions upon the reinstatement, including the 110640  
requirement of passing an examination approved by the board. 110641

**Sec. 4759.08.** (A) The ~~Ohio~~ state medical board ~~of dietetics~~ 110642  
shall charge and collect fees as described in this section for 110643  
issuing the following: 110644

(1) An application for an initial dietitian license, or an 110645  
application for reactivation of an inactive license, one hundred 110646  
twenty-five dollars, and for reinstatement of a lapsed, revoked, 110647  
or suspended license, one hundred eighty dollars; 110648

(2) License renewal, ninety-five dollars; 110649

(3) A limited permit, and renewal of the permit, sixty-five 110650  
dollars; 110651

(4) A duplicate license or permit, twenty dollars; 110652

(5) For processing a late application for renewal of any 110653  
license or permit, an additional fee equal to fifty per cent of 110654  
the fee for the renewal. 110655

(B) The board shall not require a licensed dietitian holding 110656  
an inactive license to pay the renewal fee. 110657

(C) Subject to the approval of the controlling board, the 110658  
~~Ohio state medical board of dietetics~~ may establish fees in excess 110659  
of the amounts provided in division (A) of this section, provided 110660  
that the fees do not exceed the amounts by greater than fifty per 110661  
cent. 110662

(D) The board may adopt rules pursuant to Chapter 119. of the 110663  
Revised Code to waive all or part of the fee for an initial 110664  
license if the license is issued within one hundred days of the 110665  
date of expiration of the license. 110666

(E) All receipts of the board shall be deposited in the state 110667  
treasury to the credit of the ~~occupational licensing and~~ 110668  
~~regulatory fund. All vouchers of the board shall be approved by~~ 110669  
~~the chairperson or secretary of the board, or both, as authorized~~ 110670  
~~by the board~~ state medical board operating fund in accordance with 110671  
section 4731.24 of the Revised Code. 110672

**Sec. 4759.09.** The ~~Ohio state medical board of dietetics~~ shall 110673  
notify in writing any person determined by the board to be in 110674  
violation of section 4759.02 of the Revised Code. The notification 110675  
shall state that the person may request a hearing by the board 110676  
within the amount of time specified by the board pursuant to 110677  
division (A) of section 4759.05 of the Revised Code. If the person 110678  
fails to request the hearing, or if the board determines from the 110679  
hearing that the person is in violation of section 4759.02 of the 110680  
Revised Code, the board may apply to the court of common pleas of 110681  
the county in which the violation is occurring for an injunction 110682  
or other appropriate restraining order to prohibit the continued 110683  
violation of section 4759.02 of the Revised Code. 110684  
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Sec. 4759.10. Sections 4759.01 to 4759.09 of the Revised Code 110686  
do not apply to any of the following: 110687

(A) A person licensed under Chapters 4701. to 4755. of the 110688  
Revised Code who is acting within the scope of the person's 110689  
profession, provided that the person complies with division (B) of 110690  
section 4759.02 of the Revised Code; 110691

(B) A person who is a graduate of an associate degree program 110692  
approved by the academy of nutrition and dietetics or the ~~Ohio~~ 110693  
state medical board ~~of dietetics~~ who is working as a dietetic 110694  
technician under the supervision of a dietitian licensed under 110695  
section 4759.06 of the Revised Code or registered by the 110696  
commission on dietetic registration, except that the person is 110697  
subject to division (B) of section 4759.02 of the Revised Code if 110698  
the person uses a title other than "dietetic technician"; 110699

(C) A person who practices dietetics related to employment in 110700  
the armed forces, veteran's administration, or the public health 110701  
service of the United States; 110702

(D) Persons employed by a nonprofit agency approved by the 110703  
board or by a federal, state, municipal or county government, or 110704  
by any other political subdivision, elementary or secondary 110705  
school, or an institution of higher education approved by the 110706  
board or by a regional agency recognized by the council on 110707  
postsecondary accreditation, who performs only nutritional 110708  
education activities and such other nutritional activities as the 110709  
state medical board ~~of dietetics~~, by rule, permits, provided the 110710  
person does not violate division (B) of section 4759.02 of the 110711  
Revised Code; 110712

(E) A person who has completed a program meeting the academic 110713  
standards set for dietitians by the academy of nutrition and 110714  
dietetics, received a baccalaureate or higher degree from a 110715  
school, college, or university approved by a regional 110716

accreditation agency recognized by the council on postsecondary 110717  
accreditation, works under the supervision of a licensed dietitian 110718  
or registered dietitian, and does not violate division (B) of 110719  
section 4759.02 of the Revised Code; 110720

(F) A person when acting, under the direction and supervision 110721  
of a person licensed under Chapters 4701. to 4755. of the Revised 110722  
Code, in the execution of a plan of treatment authorized by the 110723  
licensed person, provided the person complies with division (B) of 110724  
section 4759.02 of the Revised Code; 110725

(G) The free dissemination of literature in the state; 110726

(H) Provided that the persons involved in the sale, 110727  
promotion, or explanation of the sale of food, food materials, or 110728  
dietary supplements do not violate division (B) of section 4759.02 110729  
of the Revised Code, the sale of food, food materials, or dietary 110730  
supplements and the marketing and distribution of food, food 110731  
materials, or dietary supplements and the promotion or explanation 110732  
of the use of food, food materials, or dietary supplements 110733  
provided that the promotion or explanation does not violate 110734  
Chapter 1345. of the Revised Code; 110735

(I) A person who offers dietary supplements for sale and who 110736  
makes the following statements about the product if the statements 110737  
are consistent with the dietary supplement's label or labeling: 110738

(1) Claim a benefit related to a classical nutrient 110739  
deficiency disease and disclose the prevalence of the disease in 110740  
the United States; 110741

(2) Describe the role of a nutrient or dietary ingredient 110742  
intended to affect the structure or function of the human body; 110743

(3) Characterize the documented mechanism by which a nutrient 110744  
or dietary ingredient acts to maintain the structure or function 110745  
of the human body; 110746

(4) Describe general well-being from the consumption of a nutrient or dietary ingredient. 110747  
110748

(J) Provided that the persons involved in presenting a general program of instruction for weight control do not violate division (B) of section 4759.02 of the Revised Code, a general program of instruction for weight control approved in writing by a licensed dietitian, a physician licensed under Chapter 4731. of the Revised Code to practice medicine or surgery or osteopathic medicine or surgery, a person licensed in another state that the board considers to have substantially equivalent licensure requirements as this state, or a registered dietitian; 110749  
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(K) The continued practice of dietetics at a hospital by a person employed at that same hospital to practice dietetics for the twenty years immediately prior to July 1, 1987, so long as the person works under the supervision of a dietitian licensed under section 4759.06 of the Revised Code and does not violate division (B) of section 4759.02 of the Revised Code. This division does not apply to any person who has held a license issued under this chapter to practice dietetics. As used in this division, "hospital" has the same meaning as in section 3727.01 of the Revised Code. 110758  
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**Sec. 4759.11.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state medical board ~~of dietetics~~ shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter. 110768  
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**Sec. 4759.12.** The ~~Ohio~~ state medical board ~~of dietetics~~ shall comply with section 4776.20 of the Revised Code. 110774  
110775

**Sec. 4761.011.** Whenever the term "Ohio respiratory care 110776

board" is used in any statute, rule, contract, or other document, 110777  
the use shall be construed to mean the "state medical board," with 110778  
respect to implementing Chapter 4761. of the Revised Code. 110779

Whenever the executive director of the Ohio respiratory care 110780  
board is used in any statute, rule, contract, or other document, 110781  
the use shall be construed to mean the executive director of the 110782  
state medical board, with respect to implementing Chapter 4761. of 110783  
the Revised Code. 110784

**Sec. 4761.03.** ~~The Ohio respiratory care board~~ state medical 110785  
board shall regulate the practice of respiratory care in this 110786  
state and the persons to whom the board issues licenses and 110787  
limited permits under this chapter ~~and shall license and register~~ 110788  
~~home medical equipment services providers under Chapter 4752. of~~ 110789  
~~the Revised Code.~~ Rules adopted under this chapter that deal with 110790  
the provision of respiratory care in a hospital, other than rules 110791  
regulating the issuance of licenses or limited permits, shall be 110792  
consistent with the conditions for participation under medicare, 110793  
Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 110794  
U.S.C.A. 1395, as amended, and with the respiratory care 110795  
accreditation standards of the joint commission on accreditation 110796  
of healthcare organizations or the American osteopathic 110797  
association. 110798

The board shall: 110799

(A) Adopt, and may rescind or amend, rules in accordance with 110800  
Chapter 119. of the Revised Code to carry out the purposes of this 110801  
chapter, including rules prescribing: 110802

(1) The form and manner for filing applications for licensure 110803  
and renewal, limited permits, and limited permit extensions under 110804  
sections 4761.05 and 4761.06 of the Revised Code; 110805

(2) The form, scoring, and scheduling of examinations and 110806

reexaminations for licensure and license renewal;	110807
(3) Standards for the approval of educational programs	110808
required to qualify for licensure and continuing education	110809
programs required for license renewal;	110810
(4) Continuing education courses and the number of hour	110811
requirements necessary for license renewal, in accordance with	110812
section 4761.06 of the Revised Code;	110813
(5) Procedures for the issuance and renewal of licenses and	110814
limited permits, including the duties that may be fulfilled by the	110815
board's executive director and other board employees;	110816
(6) Procedures for the denial, suspension, permanent	110817
revocation, refusal to renew, and reinstatement of licenses and	110818
limited permits, the conduct of hearings, and the imposition of	110819
finances for engaging in conduct that is grounds for such action and	110820
hearings under section 4761.09 of the Revised Code;	110821
(7) Standards of ethical conduct for the practice of	110822
respiratory care;	110823
(8) Conditions under which the license renewal fee and	110824
continuing education requirements may be waived at the request of	110825
a licensee who is not in active practice;	110826
(9) The respiratory care tasks that may be performed by an	110827
individual practicing as a polysomnographic technologist pursuant	110828
to division (B)(3) of section 4761.10 of the Revised Code;	110829
(10) Procedures for registering out-of-state respiratory care	110830
providers authorized to practice in this state under division	110831
(A)(4) of section 4761.11 of the Revised Code;	110832
(11) Requirements for criminal records checks of applicants	110833
under section 4776.03 of the Revised Code;	110834
(12) Procedures for accepting and storing copies of	110835
hyperbaric technologist certifications filed with the board	110836



pursuant to division (A)(11) of section 4761.11 of the Revised Code. 110837  
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(B) Determine the sufficiency of an applicant's 110839  
qualifications for admission to the licensing examination or a 110840  
reexamination, and for the issuance or renewal of a license or 110841  
limited permit; 110842

(C) Determine the respiratory care educational programs that 110843  
are acceptable for fulfilling the requirements of division (A) of 110844  
section 4761.04 of the Revised Code; 110845

(D) Schedule, administer, and score the licensing examination 110846  
or any reexamination for license renewal or reinstatement. The 110847  
board shall administer the licensing examinations at least twice a 110848  
year and notify applicants of the time and place of the 110849  
examinations. 110850

(E) Investigate complaints concerning alleged violations of 110851  
section 4761.10 of the Revised Code or grounds for the suspension, 110852  
permanent revocation, or refusal to issue licenses or limited 110853  
permits under section 3123.47 or 4761.09 of the Revised Code. The 110854  
board shall employ investigators who shall, under the direction of 110855  
the executive director of the board, investigate complaints and 110856  
make inspections and other inquiries as, in the judgment of the 110857  
board, are appropriate to enforce sections 3123.41 to 3123.50, 110858  
4761.09, and 4761.10 of the Revised Code. Pursuant to an 110859  
investigation and inspection, the investigators may review and 110860  
audit records during normal business hours at the place of 110861  
business of a licensee or person who is the subject of a complaint 110862  
filed with the board or at any place where the records are kept. 110863

Except when required by court order, the board and its 110864  
employees shall not disclose confidential information obtained 110865  
during an investigation or identifying information about any 110866  
person who files a complaint with the board. 110867

The board may hear testimony in matters relating to the 110868  
duties imposed upon it and issue subpoenas pursuant to an 110869  
investigation. The president and secretary of the board may 110870  
administer oaths. 110871

(F) Conduct hearings, keep records of its proceedings, and do 110872  
other things as are necessary and proper to carry out and enforce 110873  
the provisions of this chapter; 110874

(G) Maintain, publish, and make available upon request, for a 110875  
fee not to exceed the actual cost of printing and mailing: 110876

(1) The requirements for the issuance of licenses and limited 110877  
permits under this chapter and rules adopted by the board; 110878

~~(2) A current register of every person licensed to practice 110879  
respiratory care in this state, to include the addresses of the 110880  
person's last known place of business and residence, the effective 110881  
date and identification number of the license, the name and 110882  
location of the institution that granted the person's degree or 110883  
certificate of completion of respiratory care educational 110884  
requirements, and the date the degree or certificate was issued;~~ 110885

~~(3) A list of the names and locations of the institutions 110886  
that each year granted degrees or certificates of completion in 110887  
respiratory care; 110888~~

~~(4)(3) After the administration of each examination, a list 110889  
of persons who passed the examination. 110890~~

(H) Submit to the governor and to the general assembly each 110891  
year a report of all of its official actions during the preceding 110892  
year, together with any findings and recommendations with regard 110893  
to the improvement of the profession of respiratory care; 110894

~~(I) Administer and enforce Chapter 4752. of the Revised Code. 110895~~

**Sec. 4761.031.** The ~~Ohio respiratory care board~~ state medical 110896  
board may share any information it receives pursuant to an 110897

investigation conducted under division (E) of section 4761.03 of 110898  
the Revised Code, including patient records and patient record 110899  
information, with other licensing boards and governmental agencies 110900  
that are investigating alleged professional misconduct and with 110901  
law enforcement agencies and other governmental agencies that are 110902  
investigating or prosecuting alleged criminal offenses. A board or 110903  
agency that receives the information shall comply with the same 110904  
requirements regarding confidentiality as those with which the 110905  
~~Ohio respiratory care board~~ state medical board must comply, 110906  
notwithstanding any conflicting provision of the Revised Code or 110907  
procedure of the board or agency that applies when the board or 110908  
agency is dealing with other information in its possession. The 110909  
information may be admitted into evidence in a criminal trial in 110910  
accordance with the Rules of Evidence, but the court shall require 110911  
that appropriate measures are taken to ensure that confidentiality 110912  
is maintained with respect to any part of the information that 110913  
contains names or other identifying information about persons 110914  
whose confidentiality was protected by the ~~Ohio respiratory care~~ 110915  
~~board~~ state medical board when the information was in the board's 110916  
possession. Measures to ensure confidentiality that may be taken 110917  
by the court include sealing its records or deleting specific 110918  
information from its records. 110919

**Sec. 4761.032.** The state medical board shall appoint a 110920  
respiratory care advisory council for the purpose of advising the 110921  
board on issues relating to the practice of respiratory care. The 110922  
advisory council shall consist of not more than seven individuals 110923  
knowledgeable in the area of respiratory care. 110924

Not later than ninety days after the effective date of this 110925  
section, the board shall make initial appointments to the council. 110926  
Members shall serve three-year staggered terms of office in 110927  
accordance with rules adopted by the board. 110928

With approval from the director of administrative services, 110929  
members may receive an amount fixed under division (J) of section 110930  
124.15 of the Revised Code for each day the member is performing 110931  
the member's official duties and be reimbursed for actual and 110932  
necessary expenses incurred in performing those duties. 110933

**Sec. 4761.04.** (A) Except as provided in division (B) of this 110934  
section, no person is eligible for licensure as a respiratory care 110935  
professional unless the person has shown, to the satisfaction of 110936  
the ~~Ohio respiratory care board~~ state medical board, all of the 110937  
following: 110938

(1) That the person is of good moral character; 110939

(2) That the person has successfully completed the 110940  
requirements of an educational program approved by the board that 110941  
includes instruction in the biological and physical sciences, 110942  
pharmacology, respiratory care theory, procedures, and clinical 110943  
practice, and cardiopulmonary rehabilitation techniques; 110944

(3) That the person has passed an examination administered by 110945  
the board that tests the applicant's knowledge of the basic and 110946  
clinical sciences relating to respiratory care theory and 110947  
practice, professional skills and judgment in the utilization of 110948  
respiratory care techniques, and such other subjects as the board 110949  
considers useful in determining fitness to practice. 110950

(B) The board may waive the requirements of division (A) of 110951  
this section with respect to any applicant who presents proof of 110952  
current licensure in another state whose standards for licensure 110953  
are at least equal to those in effect in this state on the date of 110954  
application. The board may waive the requirements of divisions 110955  
(A)(2) and (3) of this section with respect to any applicant who 110956  
presents proof of having successfully completed any examination 110957  
recognized by the board as meeting the requirements of division 110958  
(A)(3) of this section. 110959

**Sec. 4761.05.** (A) The ~~Ohio respiratory care board~~ state 110960  
medical board shall issue a license to any applicant who complies 110961  
with the requirements of section 4761.04 of the Revised Code, 110962  
files the prescribed application form, and pays the fee or fees 110963  
required under section 4761.07 of the Revised Code. The license 110964  
entitles the holder to practice respiratory care. The licensee 110965  
shall display the license in a conspicuous place at the licensee's 110966  
principal place of business. 110967

(B)(1) The board shall issue a limited permit to any 110968  
applicant who meets the requirements of division (A)(1) of section 110969  
4761.04 of the Revised Code, files the prescribed application 110970  
form, pays the fee required under section 4761.07 of the Revised 110971  
Code, and meets either of the following requirements: 110972

(a) Is enrolled in and is in good standing in a respiratory 110973  
care educational program approved by the board that meets the 110974  
requirements of division (A)(2) of section 4761.04 of the Revised 110975  
Code leading to a degree or certificate of completion or is a 110976  
graduate of the program; 110977

(b) Is employed as a provider of respiratory care in this 110978  
state and was employed as a provider of respiratory care in this 110979  
state prior to March 14, 1989. 110980

(2) The limited permit authorizes the holder to provide 110981  
respiratory care under the supervision of a respiratory care 110982  
professional. A person issued a limited permit under division 110983  
(B)(1)(a) of this section may practice respiratory care under the 110984  
limited permit for not more than the earliest of the following: 110985

(a) Three years after the date the limited permit is issued; 110986

(b) One year following the date of receipt of a certificate 110987  
of completion from a board-approved respiratory care education 110988  
program; 110989

(c) Until the holder discontinues participation in the educational program. 110990  
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The board may extend the term of a limited permit in cases of unusual hardship. The holder seeking an extension shall petition the board in the form and manner prescribed by the board in rules adopted under section 4761.03 of the Revised Code. This division does not require a student enrolled in an educational program leading to a degree or certificate of completion in respiratory care approved by the board to obtain a limited permit to perform any duties that are part of the required course of study. 110992  
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(3) A person issued a limited permit under division (B)(1)(b) of this section may practice under a limited permit for not more than three years, except that this restriction does not apply to a permit holder who, on March 14, 1989, has been employed as a provider of respiratory care for an average of not less than twenty-five hours per week for a period of not less than five years by a hospital. 111000  
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(C) All holders of licenses and limited permits issued under this section shall display, in a conspicuous place on their persons, information that identifies the type of authorization under which they practice. 111007  
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**Sec. 4761.051.** (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter. 111011  
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(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The ~~Ohio respiratory care board~~ state medical board shall not grant a license to an applicant for an initial license unless the 111016  
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applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4761.05 of the Revised Code.

**Sec. 4761.06.** (A) Each license to practice respiratory care shall be renewed biennially. Each limited permit to practice respiratory care shall be renewed annually. Each person holding a license or limited permit to practice respiratory care shall apply to the ~~Ohio respiratory care board~~ state medical board on the form and according to the schedule prescribed by the board for renewal of the license or limited permit. Licenses and limited permits shall be renewed in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code. The board shall renew a license upon the payment of the license renewal fee prescribed under section 4761.07 of the Revised Code and proof of satisfactory completion of the continuing education or reexamination requirements of division (B) of this section. The board shall renew a limited permit upon payment of the limited permit renewal fee prescribed under section 4761.07 of the Revised Code and submission of one of the following:

(1) If the limited permit was issued on the basis of division (B)(1)(a) of section 4761.05 of the Revised Code, proof acceptable to the board of enrollment and good standing in an educational program that meets the requirements of division (A)(2) of section 4761.04 of the Revised Code or of graduation from such a program;

(2) If the limited permit was issued on the basis of division (B)(1)(b) of section 4761.05 of the Revised Code, proof acceptable to the board of employment as a provider of respiratory care.

(B) On and after March 14, 1991, and every year thereafter, on or before the annual renewal date, the holder of a limited

permit issued under division (B)(1)(b) of section 4761.05 of the Revised Code shall submit proof to the board that the holder has satisfactorily completed the number of hours of continuing education required by the board, which shall not be less than three nor more than ten hours of continuing education acceptable to the board.

On or before the biennial renewal date, a license holder shall submit proof to the board that the license holder has satisfactorily completed the number of hours of continuing education required by the board, which shall be not less than six nor more than twenty hours of continuing education acceptable to the board, or has passed a reexamination in accordance with the board's renewal requirements. The board may waive all or part of the continuing education requirement for a license holder who has held the license for less than two years.

**Sec. 4761.07.** (A) ~~The Ohio respiratory care board state~~ medical board shall charge any license applicant or holder who is to take an examination required under division (A)(3) of section 4761.04 or a reexamination required under division (B) of section 4761.06 of the Revised Code for license renewal or under section 4761.09 of the Revised Code for license reinstatement, a nonrefundable examination fee, not to exceed the amount necessary to cover the expense of administering the examination. The license applicant or holder shall pay the fee at the time of application for licensure or renewal.

(B) The board shall establish the following additional nonrefundable fees and penalty:

(1) An initial license fee, not to exceed seventy-five dollars;

(2) A biennial license renewal fee, not to exceed one hundred dollars;



(3) A limited permit fee, not to exceed twenty dollars; 111083

(4) A limited permit renewal fee, not to exceed ten dollars; 111084

(5) A late renewal penalty, not to exceed fifty per cent of 111085  
the renewal fee; 111086

(6) A fee for accepting and storing hyperbaric technologist 111087  
certifications filed with the board under division (A)(11) of 111088  
section 4761.11 of the Revised Code, not to exceed twenty dollars. 111089

(C) Notwithstanding division (B)(4) of this section, after 111090  
the third renewal of a limited permit that meets the exception in 111091  
division (B)(3) of section 4761.05 of the Revised Code, the 111092  
limited permit renewal fee shall be one-half the amount of the 111093  
biennial license renewal fee established under division (B)(2) of 111094  
this section and section 4761.08 of the Revised Code. 111095

(D) The board shall adjust the fees biennially and within the 111096  
limits established by division (B) of this section to provide 111097  
sufficient revenues to meet its expenses. 111098

(E) The board may, by rule, provide for the waiver of all or 111099  
part of a license fee when the license is issued less than 111100  
eighteen months before its expiration date. 111101

(F) All fees received by the board shall be deposited into 111102  
the state treasury to the credit of the ~~occupational licensing and~~ 111103  
~~regulatory fund~~ state medical board operating fund pursuant to 111104  
section 4731.24 of the Revised Code. 111105

**Sec. 4761.08.** The ~~Ohio respiratory care board~~ state medical 111106  
board, subject to the approval of the controlling board, may 111107  
establish fees, except fees established at amounts adequate to 111108  
cover designated expenses, in excess of the amounts provided in 111109  
this chapter. The fees shall not exceed the amounts specified by 111110  
more than fifty per cent. 111111

**Sec. 4761.09.** (A) The ~~Ohio respiratory care board~~ state 111112  
medical board may refuse to issue or renew a license or a limited 111113  
permit, may issue a reprimand, may suspend or permanently revoke a 111114  
license or limited permit, or may place a license or limited 111115  
permit holder on probation, on any of the following grounds: 111116

(1) A plea of guilty to, a judicial finding of guilt of, or a 111117  
judicial finding of eligibility for intervention in lieu of 111118  
conviction for an offense involving moral turpitude or of a 111119  
felony, in which case a certified copy of the court record shall 111120  
be conclusive evidence of the matter; 111121

(2) Violating any provision of this chapter or an order or 111122  
rule of the board; 111123

(3) Assisting another person in that person's violation of 111124  
any provision of this chapter or an order or rule of the board; 111125

(4) Obtaining a license or limited permit by means of fraud, 111126  
false or misleading representation, or concealment of material 111127  
facts or making any other material misrepresentation to the board; 111128

(5) Being guilty of negligence or gross misconduct in the 111129  
practice of respiratory care; 111130

(6) Violating the standards of ethical conduct adopted by the 111131  
board, in the practice of respiratory care; 111132

(7) Engaging in dishonorable, unethical, or unprofessional 111133  
conduct of a character likely to deceive, defraud, or harm the 111134  
public; 111135

(8) Using any dangerous drug, as defined in section 4729.01 111136  
of the Revised Code, or alcohol to the extent that the use impairs 111137  
the ability to practice respiratory care at an acceptable level of 111138  
competency; 111139

(9) Practicing respiratory care while mentally incompetent; 111140

(10) Accepting commissions, rebates, or other forms of remuneration for patient referrals;	111141 111142
(11) Practicing in an area of respiratory care for which the person is clearly untrained or incompetent or practicing in a manner that conflicts with section 4761.17 of the Revised Code;	111143 111144 111145
(12) Employing, directing, or supervising a person who is not authorized to practice respiratory care under this chapter in the performance of respiratory care procedures;	111146 111147 111148
(13) Misrepresenting educational attainments or authorized functions for the purpose of obtaining some benefit related to the practice of respiratory care;	111149 111150 111151
(14) Assisting suicide as defined in section 3795.01 of the Revised Code.	111152 111153
Before the board may take any action under this section, other than issuance of a summary suspension order under division (C) of this section, the executive director of the board shall prepare and file written charges with the board. Disciplinary actions taken by the board under this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no effect.	111154 111155 111156 111157 111158 111159 111160 111161 111162 111163 111164 111165 111166 111167
(B) If the board orders a license or limited permit holder placed on probation, the order shall be accompanied by a written statement of the conditions under which the person may be restored to practice.	111168 111169 111170 111171

The person may reapply to the board for original issuance of a license after one year following the date the license was denied.

A Except as otherwise provided in division (D) of this section, a person may apply to the board for the reinstatement of a license or limited permit after one year following the date of suspension or refusal to renew. The board may accept or refuse the application for reinstatement and may require that the applicant pass a reexamination as a condition of eligibility for reinstatement.

(C) If the president and secretary of the board determine that there is clear and convincing evidence that a license or limited permit holder has committed an act that is grounds for board action under division (A) of this section and that continued practice by the license or permit holder presents a danger of immediate and serious harm to the public, the president and secretary may recommend that the board suspend the license or limited permit without a prior hearing. The president and secretary shall submit in writing to the board the allegations causing them to recommend the suspension.

On review of the allegations, the board, by a vote of not less than seven of its members, may suspend a license or limited permit without a prior hearing. The board may review the allegations and vote on the suspension by a telephone conference call.

If the board votes to suspend a license or limited permit under this division, the board shall issue a written order of summary suspension to the license or limited permit holder in accordance with section 119.07 of the Revised Code. If the license or limited permit holder requests a hearing by the board, the board shall conduct the hearing in accordance with Chapter 119. of the Revised Code. Notwithstanding section 119.12 of the Revised

Code, a court of common pleas shall not grant a suspension of the 111204  
board's order of summary suspension pending determination of an 111205  
appeal filed under that section. 111206

Any order of summary suspension issued under this division 111207  
shall remain in effect until a final adjudication order issued by 111208  
the board pursuant to division (A) of this section becomes 111209  
effective. The board shall issue its final adjudication order 111210  
regarding an order of summary suspension issued under this 111211  
division not later than sixty days after completion of its 111212  
hearing. Failure to issue the order within sixty days shall result 111213  
in immediate dissolution of the suspension order, but shall not 111214  
invalidate any subsequent, final adjudication order. 111215

(D) For purposes of this division, any individual who holds a 111216  
license or permit issued under this chapter, or applies for a 111217  
license or permit to practice respiratory care, is deemed to have 111218  
given consent to submit to a mental or physical examination when 111219  
directed to do so in writing by the board and to have waived all 111220  
objections to the admissibility of testimony or examination 111221  
reports that constitute a privileged communication. 111222

For purposes of division (A)(8) of this section, if the board 111223  
has reason to believe that any individual who holds a license or 111224  
permit issued under this chapter or any applicant for a license or 111225  
permit suffers such impairment, the board may compel the 111226  
individual to submit to a mental or physical examination, or both. 111227  
The expense of the examination is the responsibility of the 111228  
individual compelled to be examined. Any mental or physical 111229  
examination required under this division shall be undertaken by a 111230  
treatment provider or physician qualified to conduct such 111231  
examination and chosen by the board. 111232

Failure to submit to a mental or physical examination ordered 111233  
by the board constitutes an admission of the allegations against 111234  
the individual unless the failure is due to circumstances beyond 111235

the individual's control, and a default and final order may be 111236  
entered without the taking of testimony or presentation of 111237  
evidence. If the board determines that the individual's ability to 111238  
practice is impaired, the board shall suspend the individual's 111239  
license or permit or deny the individual's application and shall 111240  
require the individual, as a condition for initial, continued, 111241  
reinstated, or renewed licensure, to submit to treatment. 111242

Before being eligible to apply for reinstatement of a license 111243  
or permit suspended under this division, the respiratory care 111244  
professional shall demonstrate to the board the ability to resume 111245  
practice in compliance with acceptable and prevailing standards of 111246  
care. The demonstration shall include the following: 111247

(1) Certification from a treatment provider approved under 111248  
section 4731.25 of the Revised Code that the individual has 111249  
successfully completed any required inpatient treatment; 111250

(2) Evidence of continuing full compliance with an aftercare 111251  
contract or consent agreement; 111252

(3) Two written reports indicating that the individual's 111253  
ability to practice has been assessed and that the individual has 111254  
been found capable of practicing according to acceptable and 111255  
prevailing standards of care. The reports shall be made by 111256  
individuals or providers approved by the board for making such 111257  
assessments and shall describe the basis for their determination. 111258

The board may reinstate a license or permit suspended under 111259  
this division after such demonstration and after the individual 111260  
has entered into a written consent agreement. 111261

When the impaired respiratory care professional resumes 111262  
practice, the board shall require continued monitoring of the 111263  
respiratory care professional. The monitoring shall include 111264  
compliance with the written consent agreement entered into before 111265  
reinstatement or with conditions imposed by board order after a 111266

hearing, and, upon termination of the consent agreement, 111267  
submission to the board for at least two years of annual written 111268  
progress reports made under penalty of falsification stating 111269  
whether the respiratory care professional has maintained sobriety. 111270

**Sec. 4761.10.** (A) No person shall offer or render respiratory 111271  
care services, or represent that the person is a respiratory care 111272  
professional, respiratory therapist, respiratory technologist, 111273  
respiratory care technician, respiratory practitioner, inhalation 111274  
therapist, inhalation technologist, or inhalation therapy 111275  
technician, or to have any similar title or to provide these 111276  
services under a similar description, unless the person holds a 111277  
license or limited permit issued under this chapter. No 111278  
partnership, association, or corporation shall advertise or 111279  
otherwise offer to provide or convey the impression that it is 111280  
providing respiratory care unless an individual holding a license 111281  
or limited permit issued under this chapter is employed by or 111282  
under contract with the partnership, association, or corporation 111283  
and will be performing the respiratory care services to which 111284  
reference is made. 111285

(B) Notwithstanding the provisions of division (A) of this 111286  
section, all of the following apply: 111287

(1) In the case of a hospital or nursing facility, some 111288  
limited aspects of respiratory care services such as measuring 111289  
blood pressure and taking blood samples may be performed by 111290  
persons demonstrating current competence in such procedures, as 111291  
long as the person acts under the direction of a physician or the 111292  
delegation of a registered nurse and the person does not represent 111293  
that the person is engaged in the practice of respiratory care. 111294  
The above limited aspects of respiratory care do not include any 111295  
of the following: the administration of aerosol medication, the 111296  
maintenance of patients on mechanical ventilators, aspiration, and 111297

the application and maintenance of artificial airways. 111298

(2) In the case of a facility, institution, or other setting 111299  
that exists for a purpose substantially other than the provision 111300  
of health care, if nursing tasks are delegated by a registered 111301  
nurse as provided in Chapter 4723. of the Revised Code and the 111302  
rules adopted under it, respiratory care tasks may be performed 111303  
under that delegation by persons demonstrating current competence 111304  
in performing the tasks, as long as the person does not represent 111305  
that the person is engaged in the practice of respiratory care. 111306

(3) A polysomnographic technologist credentialed by an 111307  
organization the ~~Ohio respiratory care board~~ state medical board 111308  
recognizes, a trainee under the direct supervision of a 111309  
polysomnographic technologist credentialed by an organization the 111310  
board recognizes, or a person the board recognizes as being 111311  
eligible to be credentialed as a polysomnographic technologist may 111312  
perform the respiratory care tasks specified in rules adopted 111313  
under section 4761.03 of the Revised Code, as long as both of the 111314  
following apply: 111315

(a) The tasks are performed in the diagnosis and therapeutic 111316  
intervention of sleep-related breathing disorders and under the 111317  
general supervision of a physician. 111318

(b) The person performing the tasks does not represent that 111319  
the person is engaged in the practice of respiratory care. 111320

(c) If the ~~Ohio respiratory care board~~ state medical board 111321  
finds that any person, including any partnership, association, or 111322  
corporation, has engaged or is engaging in any activity or conduct 111323  
that is prohibited under division (A) of this section or rules of 111324  
the board, or that is grounds for the denial, suspension, or 111325  
permanent revocation of a person's license under section 4761.09 111326  
of the Revised Code, it may apply to the court of common pleas in 111327  
the county in which the violation occurred for an order 111328



restraining the unlawful activity or conduct, including the 111329  
continued practice of respiratory care. Upon a showing that the 111330  
law or rule has been violated, or the person has engaged in 111331  
conduct constituting such grounds, the court may issue an 111332  
injunction or other appropriate restraining order. 111333

**Sec. 4761.11.** (A) Nothing in this chapter shall be construed 111334  
to prevent or restrict the practice, services, or activities of 111335  
any person who: 111336

(1) Is a health care professional licensed by this state 111337  
providing respiratory care services included in the scope of 111338  
practice established by the license held, as long as the person 111339  
does not represent that the person is engaged in the practice of 111340  
respiratory care; 111341

(2) Is employed as a respiratory care professional by an 111342  
agency of the United States government and provides respiratory 111343  
care solely under the direction or control of the employing 111344  
agency; 111345

(3) Is a student enrolled in ~~an Ohio respiratory care~~ 111346  
~~board approved~~ a respiratory care education program approved by 111347  
the state medical board leading to a certificate of completion in 111348  
respiratory care and is performing duties that are part of a 111349  
supervised course of study; 111350

(4) Is a nonresident of this state practicing or offering to 111351  
practice respiratory care, if the respiratory care services are 111352  
offered for not more than thirty days in a year, services are 111353  
provided under the supervision of a respiratory care professional 111354  
licensed under this chapter, and the nonresident registers with 111355  
the board in accordance with rules adopted by the board under 111356  
section 4761.03 of the Revised Code and meets either of the 111357  
following requirements: 111358

(a) Qualifies for licensure under this chapter, except for passage of the examination required under division (A)(3) of section 4761.04 of the Revised Code;

(b) Holds a valid license issued by a state that has licensure requirements considered by the board to be comparable to those of this state and has not been issued a license in another state that has been revoked or is currently under suspension or on probation.

(5) Provides respiratory care only to relatives or in medical emergencies;

(6) Provides gratuitous care to friends or personal family members;

(7) Provides only self care;

(8) Is employed in the office of a physician and renders medical assistance under the physician's direct supervision without representing that the person is engaged in the practice of respiratory care;

(9) Is employed in a clinical chemistry or arterial blood gas laboratory and is supervised by a physician without representing that the person is engaged in the practice of respiratory care;

(10) Is engaged in the practice of respiratory care as an employee of a person or governmental entity located in another state and provides respiratory care services for less than seventy-two hours to patients being transported into, out of, or through this state;

(11) Is employed as a certified hyperbaric technologist, has filed with the board a copy of the person's current certification as a hyperbaric technologist in accordance with the rules adopted by the board under section 4761.03 of the Revised Code, has paid the fee established pursuant to section 4761.07 of the Revised

Code, and administers hyperbaric oxygen therapy under the direct supervision of a physician, a podiatrist acting in compliance with section 4731.511 of the Revised Code, a physician assistant, or an advanced practice registered nurse and without representing that the person is engaged in the practice of respiratory care.

(B) Nothing in this chapter shall be construed to prevent any person from advertising, describing, or offering to provide respiratory care or billing for respiratory care when the respiratory care services are provided by a health care professional licensed by this state practicing within the scope of practice established by the license held. Nothing in this chapter shall be construed to prevent a hospital or nursing facility from advertising, describing, or offering to provide respiratory care, or billing for respiratory care rendered by a person licensed under this chapter or persons who may provide limited aspects of respiratory care or respiratory care tasks pursuant to division (B) of section 4761.10 of the Revised Code.

(C) Notwithstanding division (A) of section 4761.10 of the Revised Code, in a life-threatening situation, in the absence of licensed personnel, unlicensed persons shall not be prohibited from taking life-saving measures.

(D) Nothing in this chapter shall be construed as authorizing a respiratory care professional to practice medicine and surgery or osteopathic medicine and surgery. This division does not prohibit a respiratory care professional from administering topical or intradermal medications for the purpose of producing localized decreased sensation as part of a procedure or task that is within the scope of practice of a respiratory care professional.

**Sec. 4761.12.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the ~~respiratory care board~~ state

medical board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or permit issued pursuant to this chapter.

**Sec. 4761.13.** (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B) The prosecutor in any case against any respiratory care professional or an individual holding a limited permit issued under this chapter shall promptly notify the ~~Ohio respiratory care board~~ state medical board of any of the following:

(1) A plea of guilty to, or a finding of guilt by a jury or court of, a felony, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a felony charge;

(2) A plea of guilty to, or a finding of guilt by a jury or court of, a misdemeanor committed in the course of practice, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor, if the alleged act was committed in the course of practice;

(3) A plea of guilty to, or a finding of guilt by a jury or court of, a misdemeanor involving moral turpitude, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor involving moral turpitude.

(C) The report shall include the name and address of the respiratory care professional or person holding a limited permit, the nature of the offense for which the action was taken, and the certified court documents recording the action. The board may prescribe and provide forms for prosecutors to make reports under this section. The form may be the same as the form required to be

provided under section 2929.42 of the Revised Code. 111450

**Sec. 4761.14.** An employer that disciplines or terminates the 111451  
employment of a respiratory care professional or individual 111452  
holding a limited permit issued under this chapter because of 111453  
conduct that would be grounds for disciplinary action under 111454  
section 4761.09 of the Revised Code shall report the action to the 111455  
~~Ohio respiratory care board~~ state medical board. The report shall 111456  
state the name of the respiratory care professional or individual 111457  
holding the limited permit and the reason the employer took the 111458  
action. If an employer fails to report to the board, the board may 111459  
seek an order from a court of competent jurisdiction compelling 111460  
submission of the report. 111461

**Sec. 4761.18.** The ~~Ohio respiratory care board~~ state medical 111462  
board shall comply with section 4776.20 of the Revised Code. 111463

**Sec. 4776.01.** As used in this chapter: 111464

(A) "License" means an authorization evidenced by a license, 111465  
certificate, registration, permit, card, or other authority that 111466  
is issued or conferred by a licensing agency to a licensee or to 111467  
an applicant for an initial license by which the licensee or 111468  
initial license applicant has or claims the privilege to engage in 111469  
a profession, occupation, or occupational activity, or, except in 111470  
the case of the state dental board, to have control of and operate 111471  
certain specific equipment, machinery, or premises, over which the 111472  
licensing agency has jurisdiction. 111473

(B) Except as provided in section 4776.20 of the Revised 111474  
Code, "licensee" means the person to whom the license is issued by 111475  
a licensing agency. 111476

(C) Except as provided in section 4776.20 of the Revised 111477  
Code, "licensing agency" means any of the following: 111478

(1) The board authorized by Chapters 4701., 4717., 4725., 111479  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4753., 111480  
4755., 4757., 4759., 4760., 4761., 4762., 4779., and 4783. of the 111481  
Revised Code to issue a license to engage in a specific 111482  
profession, occupation, or occupational activity, or to have 111483  
charge of and operate certain specified equipment, machinery, or 111484  
premises. 111485

(2) The state dental board, relative to its authority to 111486  
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 111487  
4715.27 of the Revised Code. 111488

(D) "Applicant for an initial license" includes persons 111489  
seeking a license for the first time and persons seeking a license 111490  
by reciprocity, endorsement, or similar manner of a license issued 111491  
in another state. 111492

(E) "Applicant for a restored license" includes persons 111493  
seeking restoration of a certificate under section 4730.14, 111494  
4731.281, 4760.06, or 4762.06 of the Revised Code. 111495

(F) "Criminal records check" has the same meaning as in 111496  
section 109.572 of the Revised Code. 111497

**Sec. 4779.02.** (A) Except as provided in division (B) of this 111498  
section, no person shall practice or represent that the person is 111499  
authorized to practice orthotics, prosthetics, or pedorthics 111500  
unless the person holds a current, valid license issued or renewed 111501  
under this chapter. 111502

(B) Division (A) of this section does not apply to any of the 111503  
following: 111504

(1) An individual who holds a current, valid license, 111505  
certificate, or registration issued under Chapter 4723., 4729., 111506  
4730., 4731., 4734., or 4755. of the Revised Code and is 111507  
practicing within the individual's scope of practice under 111508

statutes and rules regulating the individual's profession; 111509

(2) An individual who practices orthotics, prosthetics, or 111510  
pedorthics as an employee of the federal government and is engaged 111511  
in the performance of duties prescribed by statutes and 111512  
regulations of the United States; 111513

(3) An individual who provides orthotic, prosthetic, or 111514  
pedorthic services under the supervision of a licensed orthotist, 111515  
prosthetist, or pedorthist in accordance with section 4779.04 of 111516  
the Revised Code; 111517

(4) An individual who provides orthotic, prosthetic, or 111518  
pedorthic services as part of an educational, certification, or 111519  
residency program approved by the state physical health services 111520  
~~board of orthotics, prosthetics, and pedorthics~~ under sections 111521  
4779.25 to 4779.27 of the Revised Code; 111522

(5) An individual who provides orthotic, prosthetic, or 111523  
pedorthic services under the direct supervision of an individual 111524  
authorized under Chapter 4731. of the Revised Code to practice 111525  
medicine and surgery or osteopathic medicine and surgery. 111526

**Sec. 4779.08.** (A) The state physical health services board ~~of~~ 111527  
~~orthotics, prosthetics, and pedorthics~~ shall adopt rules in 111528  
accordance with Chapter 119. of the Revised Code to carry out the 111529  
purposes of this chapter, including rules prescribing all of the 111530  
following: 111531

(1) The form and manner of filing of applications to be 111532  
admitted to examinations and for licensure and license renewal; 111533

(2) Standards and procedures for formulating, evaluating, 111534  
approving, and administering licensing examinations or recognizing 111535  
other entities that conduct examinations; 111536

(3) The form, scoring, and scheduling of licensing 111537  
examinations; 111538

(4) Fees for examinations and applications for licensure and license renewal;	111539 111540
(5) Fees for approval of continuing education courses;	111541
(6) Procedures for issuance, renewal, suspension, and revocation of licenses and the conduct of disciplinary hearings;	111542 111543
<del>(7) Standards of ethical and professional conduct in the practice of orthotics, prosthetics, and pedorthics;</del>	111544 111545
<del>(8)</del> Standards for approving national certification organizations in orthotics, prosthetics, and pedorthics;	111546 111547
<del>(9)</del> <u>(8)</u> Fines for violations of this chapter;	111548
<del>(10)</del> <u>(9)</u> Standards for the recognition and approval of educational programs required for licensure, including standards for approving foreign educational credentials;	111549 111550 111551
<del>(11)</del> <u>(10)</u> Standards for continuing education programs required for license renewal;	111552 111553
<del>(12) Provisions for making available the information described in section 4779.22 of the Revised Code;</del>	111554 111555
<del>(13)</del> <u>(11)</u> Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.	111556 111557
(B) The board may adopt any other rules necessary for the administration of this chapter.	111558 111559
(C) <del>The</del> <u>All</u> fees <del>prescribed</del> <u>received</u> by the board under this section shall be <del>paid to the treasurer of</del> <u>deposited in the</u> state, <del>who shall deposit the fees in treasury to the credit of the</del> occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.	111560 111561 111562 111563 111564
<b>Sec. 4779.09.</b> An applicant for a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics shall apply to the state <u>physical health services</u> board <del>of</del>	111565 111566 111567



~~orthotics, prosthetics, and pedorthics~~ in accordance with rules 111568  
adopted under section 4779.08 of the Revised Code and pay the 111569  
application fee specified in the rules. The board shall issue a 111570  
license to an applicant who is eighteen years of age or older, of 111571  
good moral character, and meets either the requirements of 111572  
divisions (A) and (B) of this section or the requirements of 111573  
section ~~4779.16~~ or 4779.17 of the Revised Code. 111574

(A) The applicant must pass an examination conducted pursuant 111575  
to section 4779.15 of the Revised Code; 111576

(B) The applicant must meet the requirements of one of the 111577  
following: 111578

(1) In the case of an applicant for a license to practice 111579  
orthotics, the requirements of section 4779.10 of the Revised 111580  
Code; 111581

(2) In the case of an applicant for a license to practice 111582  
prosthetics, the requirements of section 4779.11 of the Revised 111583  
Code; 111584

(3) In the case of an applicant for a license to practice 111585  
orthotics and prosthetics, the requirements of section 4779.12 of 111586  
the Revised Code; 111587

(4) In the case of an applicant for a license to practice 111588  
pedorthics, the requirements of section 4779.13 of the Revised 111589  
Code. 111590

**Sec. 4779.091.** (A) As used in this section, "license" and 111591  
"applicant for an initial license" have the same meanings as in 111592  
section 4776.01 of the Revised Code, except that "license" as used 111593  
in both of those terms refers to the types of authorizations 111594  
otherwise issued or conferred under this chapter. 111595

(B) In addition to any other eligibility requirement set 111596  
forth in this chapter, each applicant for an initial license shall 111597

comply with sections 4776.01 to 4776.04 of the Revised Code. The 111598  
state physical health services board of ~~orthotics, prosthetics,~~ 111599  
~~and pedorthics~~ shall not grant a license to an applicant for an 111600  
initial license unless the applicant complies with sections 111601  
4776.01 to 4776.04 of the Revised Code and the board, in its 111602  
discretion, decides that the results of the criminal records check 111603  
do not make the applicant ineligible for a license issued pursuant 111604  
to section 4779.09, ~~4779.16,~~ 4779.17, or 4779.18 of the Revised 111605  
Code. 111606

**Sec. 4779.10.** To be eligible for a license to practice 111607  
orthotics, an applicant must meet the following requirements ~~of~~ 111608  
~~division (A) of this section, or, if the application is made on or~~ 111609  
~~before January 1, 2008, the requirements of either division (A) or~~ 111610  
~~(B) of this section:~~ 111611

(A) ~~The requirements of this division are met if the~~ 111612  
~~applicant is in compliance with divisions (A)(1), (2), and (3) of~~ 111613  
~~this section.~~ 111614

~~(1)~~ On the date of application, the applicant has practiced 111615  
orthotics for not less than eight months under the supervision of 111616  
an individual licensed under this chapter to practice orthotics~~;~~ 111617

~~(2)~~(B) The applicant has completed an orthotics residency 111618  
program approved by the state physical health services board under 111619  
section 4779.27 of the Revised Code~~;~~ 111620

~~(3)~~(C) One of the following is the case: 111621

~~(a)~~(1) The applicant holds a bachelor's degree in orthotics 111622  
and prosthetics from an accredited college or university whose 111623  
orthotics and prosthetics program is recognized by the ~~state~~ board 111624  
~~of orthotics, prosthetics, and pedorthics~~ under section 4779.25 of 111625  
the Revised Code or an equivalent educational credential from a 111626  
foreign educational institution recognized by the board~~;~~ 111627

~~(b)(2) The applicant holds a bachelor's degree in a subject  
other than orthotics and prosthetics or an equivalent educational  
credential from a foreign educational institution recognized by  
the board and has completed a certificate program in orthotics  
recognized by the board under section 4779.26 of the Revised Code.~~

~~(B) This division applies to applications made on or before  
January 1, 2008. The requirements of this division are met if the  
applicant is in compliance with division (B)(1) or (B)(2)(a) or  
(b) of this section:~~

~~(1) If application is made on or before January 1, 2006, the  
applicant meets all of the following requirements:~~

~~(a) Holds an associate's degree or higher from an accredited  
college or university or an equivalent credential from a foreign  
educational institution recognized by the board:~~

~~(b) Has completed a certificate program in orthotics  
recognized by the board under section 4779.26 of the Revised Code;~~

~~(c) Has three years of documented, full-time experience  
practicing or teaching orthotics.~~

~~(2) If the application is made on or before January 1, 2008,  
the applicant meets the requirements of division (B)(2)(a) or (b)  
of this section:~~

~~(a)(i) The applicant holds a bachelor's degree or higher from  
a nationally accredited college or university or an equivalent  
credential from a foreign educational institution recognized by  
the board;~~

~~(ii) The applicant holds a valid certificate in orthotics  
issued by the American board for certification in orthotics and  
prosthetics, the board for orthotist/prosthetist certification, or  
an equivalent successor organization recognized by the board;~~

~~(iii) The applicant has completed three years of documented,~~

~~full-time experience practicing or teaching orthotics.~~ 111658

~~(b)(i) The applicant holds a bachelor's degree or higher from  
a nationally accredited college or university or an equivalent  
credential from a foreign educational institution recognized by  
the board;~~ 111659  
111660  
111661  
111662

~~(ii) The applicant has completed a certificate program in  
orthotics recognized by the board under section 4779.26 of the  
Revised Code;~~ 111663  
111664  
111665

~~(iii) The applicant has completed a residency program in  
orthotics recognized by the board under section 4779.27 of the  
Revised Code or has three years of documented, full-time  
experience practicing or teaching orthotics.~~ 111666  
111667  
111668  
111669

**Sec. 4779.11.** To be eligible for a license to practice 111670  
prosthetics, an applicant must meet the following requirements of 111671  
~~division (A) of this section, or, if the application is made on or~~ 111672  
~~before January 1, 2008, the requirements of either division (A) or~~ 111673  
~~(B) of this section:~~ 111674

~~(A) The requirements of this division are met if the  
applicant is in compliance with divisions (A)(1), (2), and (3) of  
this section.~~ 111675  
111676  
111677

~~(1) On the date of application, the applicant has practiced  
prosthetics for not less than eight months under the supervision  
of an individual licensed under this chapter to practice  
prosthetics.~~ 111678  
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~~(2)(B) The applicant has completed a prosthetics residency  
program approved by the state physical health services board under  
section 4779.27 of the Revised Code.~~ 111682  
111683  
111684

~~(3)(C) One of the following is the case:~~ 111685

~~(a)(1) The applicant holds a bachelor's degree in orthotics  
and prosthetics from an accredited college or university whose~~ 111686  
111687

orthotics and prosthetics program is recognized by the ~~state~~ board 111688  
~~of orthotics, prosthetics, and pedorthics~~ under section 4779.25 of 111689  
the Revised Code or an equivalent educational credential from a 111690  
foreign educational institution recognized by the board~~;~~. 111691

~~(b)(2)~~ The applicant holds a bachelor's degree in a subject 111692  
other than orthotics and prosthetics or an equivalent educational 111693  
credential from a foreign educational institution recognized by 111694  
the board and has completed a certificate program in prosthetics 111695  
recognized by the board under section 4779.26 of the Revised Code. 111696

~~(B)~~ This division applies to applications made on or before 111697  
January 1, 2008. The requirements of this division are met if the 111698  
applicant is in compliance with division (B)(1) or (B)(2)(a) or 111699  
~~(b)~~ of this section~~;~~. 111700

~~(1)~~ If application is made on or before January 1, 2006, the 111701  
applicant meets all of the following requirements~~;~~ 111702

~~(a)~~ Holds an associate's degree or higher from an accredited 111703  
college or university or an equivalent credential from a foreign 111704  
educational institution recognized by the board~~;~~ 111705

~~(b)~~ Has completed a certificate program in prosthetics 111706  
recognized by the board under section 4779.26 of the Revised Code~~;~~ 111707

~~(c)~~ Has three years of documented, full-time experience 111708  
practicing or teaching prosthetics~~;~~ 111709

~~(2)~~ If the application is made on or before January 1, 2008, 111710  
the applicant meets the requirements of division (B)(2)(a) or (b) 111711  
of this section~~;~~ 111712

~~(a)(i)~~ The applicant holds a bachelor's degree or higher from 111713  
a nationally accredited college or university or an equivalent 111714  
credential from a foreign educational institution recognized by 111715  
the board~~;~~ 111716

~~(ii)~~ The applicant holds a valid certificate in prosthetics 111717

~~issued by the American board for certification in orthotics and 111718  
prosthetics, the board for orthotist/prosthetist certification, or 111719  
an equivalent successor organization recognized by the board; 111720~~

~~(iii) The applicant has completed three years of documented, 111721  
full time experience practicing or teaching prosthetics. 111722~~

~~(b)(i) The applicant holds a bachelor's degree or higher from 111723  
a nationally accredited college or university or an equivalent 111724  
credential from a foreign educational institution recognized by 111725  
the board; 111726~~

~~(ii) The applicant has completed a certificate program in 111727  
prosthetics recognized by the board under section 4779.26 of the 111728  
Revised Code; 111729~~

~~(iii) The applicant has completed a residency program in 111730  
prosthetics recognized by the board under section 4779.27 of the 111731  
Revised Code or has three years of documented, full time 111732  
experience practicing or teaching prosthetics. 111733~~

**Sec. 4779.12.** To be eligible for a license to practice 111734  
orthotics and prosthetics, an applicant must meet the following 111735  
requirements ~~of division (A) of this section, or, if the 111736  
application is made on or before January 1, 2008, the requirements 111737  
of either division (A) or (B) of this section: 111738~~

~~(A) The requirements of this division are met if the 111739  
applicant is in compliance with divisions (A)(1), (2), and (3) of 111740  
this section. 111741~~

~~(1) On the date of application, the applicant has practiced 111742  
orthotics and prosthetics for not less than eight months under the 111743  
supervision of an individual licensed under this chapter to 111744  
practice orthotics and prosthetics. 111745~~

~~(2)(B) The applicant has completed an orthotics and 111746  
prosthetics residency program approved by the state physical 111747~~

health services board under section 4779.27 of the Revised Code~~;~~ 111748

~~(3)(C)~~ One of the following is the case: 111749

~~(a)(1)~~ The applicant holds a bachelor's degree in orthotics 111750  
and prosthetics from an accredited college or university whose 111751  
orthotics and prosthetics program is recognized by the ~~state~~ board 111752  
~~of orthotics, prosthetics, and pedorthics~~ under section 4779.25 of 111753  
the Revised Code or an equivalent educational credential from a 111754  
foreign educational institution recognized by the board~~;~~ 111755

~~(b)(2)~~ The applicant holds a bachelor's degree in a subject 111756  
other than orthotics and prosthetics or an equivalent educational 111757  
credential from a foreign educational institution recognized by 111758  
the board and has completed a certificate program in orthotics and 111759  
prosthetics recognized by the board under section 4779.26 of the 111760  
Revised Code. 111761

~~(B)~~ ~~This division applies to applications made on or before~~ 111762  
~~January 1, 2008. The requirements of this division are met if the~~ 111763  
~~applicant is in compliance with division (B)(1) or (B)(2)(a) or~~ 111764  
~~(b) of this section:~~ 111765

~~(1)~~ ~~If application is made on or before January 1, 2006, the~~ 111766  
~~applicant meets all of the following requirements:~~ 111767

~~(a)~~ ~~Holds an associate's degree or higher from an accredited~~ 111768  
~~college or university or an equivalent credential from a foreign~~ 111769  
~~educational institution recognized by the board;~~ 111770

~~(b)~~ ~~Has completed a certificate program in orthotics and~~ 111771  
~~prosthetics recognized by the board under section 4779.26 of the~~ 111772  
~~Revised Code;~~ 111773

~~(c)~~ ~~Has six years of documented, full-time experience~~ 111774  
~~practicing or teaching orthotics or prosthetics.~~ 111775

~~(2)~~ ~~If the application is made on or before January 1, 2008,~~ 111776  
~~the applicant meets the requirements of division (B)(2)(a) or (b)~~ 111777

~~of this section:~~ 111778

~~(a)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 111779  
111780  
111781  
111782

~~(ii) The applicant holds a valid certificate in orthotics and prosthetics issued by the American board for certification in orthotics and prosthetics, the board for orthotist/prosthetist certification, or an equivalent successor organization recognized by the board;~~ 111783  
111784  
111785  
111786  
111787

~~(iii) The applicant has completed six years of documented, full-time experience practicing or teaching orthotics or prosthetics.~~ 111788  
111789  
111790

~~(b)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 111791  
111792  
111793  
111794

~~(ii) The applicant has completed a certificate program in orthotics and prosthetics recognized by the board under section 4779.26 of the Revised Code;~~ 111795  
111796  
111797

~~(iii) The applicant has completed a residency program in orthotics and prosthetics recognized by the board under section 4779.27 of the Revised Code or has six years of documented, full-time experience practicing or teaching orthotics or prosthetics.~~ 111798  
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111800  
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**Sec. 4779.13.** To be eligible for a license to practice pedorthics, an applicant must meet all of the following requirements: 111803  
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111805

(A) On the date of application, has practiced pedorthics for not less than eight months under the supervision of an individual 111806  
111807



licensed under this chapter to practice pedorthics; 111808

(B) Holds a high school diploma or certificate of high school 111809  
equivalence issued by the department of education, or a 111810  
primary-secondary education or higher education agency of another 111811  
state; 111812

(C) Has completed the education, training, and experience 111813  
required to take the certification examination developed by the 111814  
state physical health services board for certification in 111815  
pedorthics or an equivalent successor organization recognized by 111816  
the board. 111817

**Sec. 4779.15.** Except as provided in ~~sections 4779.16 and~~ 111818  
section 4779.17 of the Revised Code, the state physical health 111819  
services board ~~of orthotics, prosthetics, and pedorthics~~ shall 111820  
examine or cause to be examined each individual who seeks to 111821  
practice orthotics, prosthetics, orthotics and prosthetics, or 111822  
pedorthics in this state. 111823

To be eligible to take an examination conducted by the board 111824  
or an entity recognized by the board for the purpose of this 111825  
section, an individual must file an application and pay an 111826  
examination fee as specified in rules adopted by the board under 111827  
section 4779.08 of the Revised Code and meet all the requirements 111828  
of section 4779.09 of the Revised Code other than the requirement 111829  
of having passed the examination. 111830

Examinations shall be conducted at least once a year in 111831  
accordance with rules adopted by the board under section 4779.08 111832  
of the Revised Code. Each applicant shall be examined in such 111833  
subjects as the board requires. 111834

The board may use as its examination all or part of a 111835  
standard orthotics, prosthetics, orthotics and prosthetics, or 111836  
pedorthics licensing examination established for the purpose of 111837

determining the competence of individuals to practice orthotics, 111838  
prosthetics, or pedorthics in the United States. In lieu of 111839  
conducting examinations, the board may accept the results of 111840  
examinations conducted by entities recognized by the board. 111841

**Sec. 4779.17.** The state physical health services board ~~of~~ 111842  
~~orthotics, prosthetics, and pedorthics~~ shall issue a license under 111843  
section 4779.09 of the Revised Code to practice orthotics, 111844  
prosthetics, orthotics and prosthetics, or pedorthics without 111845  
examination to an applicant who meets all of the following 111846  
requirements: 111847

(A) Applies to the board in accordance with section 4779.09 111848  
of the Revised Code; 111849

(B) Holds a license to practice orthotics, prosthetics, 111850  
orthotics and prosthetics, or pedorthics issued by the appropriate 111851  
authority of another state; 111852

(C) One of the following applies: 111853

(1) In the case of an applicant for a license to practice 111854  
orthotics, the applicant meets the requirements in divisions 111855  
~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.10 of the Revised Code. 111856

(2) In the case of an applicant for a license to practice 111857  
prosthetics, the applicant meets the requirements in divisions 111858  
~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.11 of the Revised Code. 111859

(3) In the case of an applicant for a license to practice 111860  
orthotics and prosthetics, the applicant meets the requirements in 111861  
divisions ~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.12 of the Revised 111862  
Code. 111863

(4) In the case of an applicant for a license to practice 111864  
pedorthics, the applicant meets the requirements in divisions (B) 111865  
and (C) of section 4779.13 of the Revised Code. 111866

(D) ~~The~~ All fees ~~prescribed~~ received by the board under this 111867

section shall be ~~paid to the treasurer of~~ deposited in the state, 111868  
~~who shall deposit the fees in treasury to the credit of the~~ 111869  
occupational licensing and regulatory fund established in section 111870  
4743.05 of the Revised Code. 111871

**Sec. 4779.18.** (A) The state physical health services board ~~of~~ 111872  
~~orthotics, prosthetics, and pedorthics~~ shall issue a temporary 111873  
license to an individual who meets all of the following 111874  
requirements: 111875

(1) Applies to the board in accordance with rules adopted 111876  
under section 4779.08 of the Revised Code and pays the application 111877  
fee specified in the rules; 111878

(2) Is eighteen years of age or older; 111879

(3) Is of good moral character; 111880

(4) One of the following applies: 111881

(a) In the case of an applicant for a license to practice 111882  
orthotics, the applicant meets the requirements in divisions 111883  
~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.10 of the Revised Code. 111884

(b) In the case of an applicant for a license to practice 111885  
prosthetics, the applicant meets the requirements in divisions 111886  
~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.11 of the Revised Code. 111887

(c) In the case of an applicant for a license to practice 111888  
orthotics and prosthetics, the applicant meets the requirements in 111889  
divisions ~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.12 of the Revised 111890  
Code. 111891

(d) In the case of an applicant for a license to practice 111892  
pedorthics, the applicant meets the requirements in divisions (B) 111893  
and (C) of section 4779.13 of the Revised Code. 111894

(B) A temporary license issued under this section is valid 111895  
for one year and may be renewed once in accordance with rules 111896

adopted by the board under section 4779.08 of the Revised Code. 111897

An individual who holds a temporary license may practice 111898  
orthotics, prosthetics, orthotics and prosthetics, or pedorthics 111899  
only under the supervision of an individual who holds a license 111900  
issued under section 4779.09 of the Revised Code in the same area 111901  
of practice. 111902

(C) ~~The All fees prescribed received by the board under this~~ 111903  
~~section shall be paid to the treasurer of deposited in the state,~~ 111904  
~~who shall deposit the fees in treasury to the credit of the~~ 111905  
occupational licensing and regulatory fund established in section 111906  
4743.05 of the Revised Code. 111907

**Sec. 4779.20.** (A) An individual seeking to renew a license 111908  
issued under section 4779.09 of the Revised Code shall, on or 111909  
before the day the license expires pursuant to section 4779.19 of 111910  
the Revised Code, apply for renewal. The state physical health 111911  
services board of orthotics, prosthetics, and pedorthics shall 111912  
send renewal notices at least one month prior to the expiration 111913  
date. 111914

Applications shall be submitted to the board on forms the 111915  
board prescribes and furnishes. Each application shall be 111916  
accompanied by a renewal fee specified in rules adopted by the 111917  
board under section 4779.08 of the Revised Code, except that the 111918  
board may waive part of the renewal fee for the first renewal of 111919  
an initial license that expires one hundred days or less after it 111920  
is issued. 111921

(B) Beginning with the fourth renewal and every third renewal 111922  
thereafter, a license holder must certify to the board one of the 111923  
following: 111924

(1) In the case of an individual licensed as an orthotist or 111925  
prosthetist, the individual has completed within the preceding 111926

three years forty-five continuing education units granted by the 111927  
board under section 4779.24 of the Revised Code; 111928

(2) In the case of an individual licensed as a prosthetist 111929  
and orthotist, the individual has completed within the preceding 111930  
three years seventy-five continuing education units granted by the 111931  
board under section 4779.24 of the Revised Code; 111932

(3) In the case of an individual licensed as a pedorthist, 111933  
the individual has completed within the previous three years the 111934  
continuing education courses required by the board for 111935  
certification in pedorthics or an equivalent organization 111936  
recognized by the board. 111937

**Sec. 4779.23.** (A) To be eligible for approval by the state 111938  
physical health services board of ~~orthotics, prosthetics, and~~ 111939  
~~pedorthics~~, a continuing education course must satisfy all of the 111940  
following requirements: 111941

(1) Include significant intellectual or practical content and 111942  
be designed to improve the professional competence of 111943  
participants; 111944

(2) Deal with matters directly related to the practice of 111945  
orthotics, prosthetics, or pedorthics, including professional 111946  
responsibility, ethical obligations, or similar subjects that the 111947  
board considers necessary to maintain and improve the quality of 111948  
orthotic and prosthetic services in this state; 111949

(3) Involve in-person instruction, except that a course may 111950  
use self-study materials if the materials are prepared and 111951  
presented by a group with appropriate practical experience; 111952

(4) Be presented in a setting that is physically suited to 111953  
the course; 111954

(5) Include thorough, high-quality written material; 111955

(6) Meet any other requirements the board considers 111956

appropriate. 111957

(B) The board shall, in accordance with the standards in 111958  
division (A) of this section, review and approve continuing 111959  
education courses. If the board does not approve a course, it 111960  
shall provide a written explanation of the reason for the denial 111961  
to the person that requested approval. The board may approve 111962  
continuing education courses approved by boards of other states 111963  
that regulate orthotics, prosthetics, and pedorthics if the other 111964  
board's standards for approving continuing education courses are 111965  
equivalent to the standards established pursuant to division (A) 111966  
of this section. 111967

**Sec. 4779.24.** The state physical health services board ~~of~~ 111968  
~~orthotics, prosthetics, and pedorthics~~ shall grant continuing 111969  
education units to individuals licensed under this chapter on the 111970  
following basis: 111971

(A) For completing a continuing education course approved by 111972  
the board under section 4779.23 of the Revised Code, one unit for 111973  
each hour of instruction received; 111974

(B) For teaching as a faculty member a course in orthotics, 111975  
prosthetics, or pedorthics that is part of the curriculum of an 111976  
institution of higher education, one-half unit for each semester 111977  
hour of the course, or an equivalent unit for each quarter or 111978  
trimester hour of the course; 111979

(C) For teaching other than as a faculty member a course that 111980  
is part of an institution of higher education's orthotics, 111981  
prosthetics, or pedorthics curriculum, one unit for each hour 111982  
teaching the course; 111983

(D) For teaching a continuing education course that is 111984  
approved by the board under section 4779.23 of the Revised Code 111985  
that is not part of an institution of higher education's 111986

orthotics, prosthetics, or pedorthics curriculum, three units for 111987  
each hour teaching the course for the first time and one-half unit 111988  
for each hour teaching the course each time thereafter. 111989

**Sec. 4779.25.** The state physical health services board ~~of~~ 111990  
~~orthotics, prosthetics, and pedorthics~~ shall recognize an 111991  
institution of higher education's bachelor's degree program in 111992  
orthotics and prosthetics if the program satisfies all of the 111993  
following requirements: 111994

(A) Provides not less than two semesters or three quarters of 111995  
instruction in orthotics and two semesters or three quarters of 111996  
instruction in prosthetics; 111997

(B) Requires as a condition of entry a high school diploma or 111998  
certificate of high school equivalence; 111999

(C) Includes a written description of the program that 112000  
includes learning goals, course objectives, and competencies for 112001  
graduation; 112002

(D) Requires frequent, documented evaluation of students to 112003  
assess their acquisition of knowledge, problem identification and 112004  
solving skills, and psychomotor, behavioral, and clinical 112005  
competencies; 112006

(E) Requires as a condition of entry successful completion of 112007  
courses in biology, chemistry, physics, psychology, computer 112008  
science, algebra or higher math, human anatomy with a laboratory 112009  
section, and physiology with a laboratory section; 112010

(F) Requires formal instruction in biomechanics, gait 112011  
analysis and pathometrics, kinesiology, pathology, materials 112012  
science, research methods, and diagnostic imaging techniques; 112013

(G) Requires students as a condition of graduation to 112014  
demonstrate orthotics skills, including measurement, 112015  
impression-taking, model rectification, and fitting and alignment 112016

of orthoses for the lower limbs, upper limbs, and spines;	112017
(H) Requires students as a condition of graduation to	112018
complete training in orthotic systems, including foot orthosis,	112019
ankle-foot orthosis, knee orthosis, knee-ankle-foot orthosis,	112020
hip-knee-ankle orthosis, hip orthosis, wrist-hand orthosis,	112021
cervical-thoracic-lumbo-sacral orthosis, thoracolumbo-sacral	112022
orthosis, lumbo-sacral orthosis, HALO, fracture management, RGO,	112023
standing frames, and seating;	112024
(I) Requires students as a condition of graduation to	112025
demonstrate prosthetic skills that include measurement,	112026
impression-taking, model rectification, diagnostic fitting,	112027
definitive fitting, postoperative management, external power, and	112028
static and dynamic alignment of sockets related to various	112029
amputation levels, including partial foot, Syme's below knee,	112030
above knee, below elbow, above elbow, and the various joint	112031
disarticulations;	112032
(J) Requires as a condition of graduation students to	112033
complete not less than five hundred hours of supervised clinical	112034
experience that focus on patient-related activities, including	112035
recommendation, measurement, impression-taking, model	112036
rectification, fabrication, fitting, and evaluating patients in	112037
the use and function of orthotics and prosthetics;	112038
(K) Provides for the evaluation of the program's compliance	112039
with the requirements of this section through regular, on-site	112040
visits conducted by a team of qualified individuals from a	112041
nationally recognized orthotic, prosthetic, or orthotic and	112042
prosthetic certifying body;	112043
(L) Meets any other standards adopted by the board under	112044
section 4779.08 of the Revised Code.	112045
<b>Sec. 4779.26.</b> The state <u>physical health services</u> board of	112046



~~orthotics, prosthetics, and pedorthics~~ shall recognize a 112047  
certificate program in orthotics, prosthetics, or orthotics and 112048  
prosthetics if the program satisfies all of the following 112049  
requirements: 112050

(A) Meets the requirements in divisions (B), (C), (D), (E), 112051  
(F), (K), and (L) of section 4779.25 of the Revised Code; 112052

(B) In the case of a certificate program in orthotics, the 112053  
program does all of the following: 112054

(1) Provides not less than two semesters or three quarters of 112055  
instruction in orthotics; 112056

(2) Requires students to complete not less than two hundred 112057  
fifty hours of supervised clinical experience that focuses on 112058  
patient-related activities, recommendation, measurement, 112059  
impression-taking, model rectification, fabrication, fitting, and 112060  
evaluating patients in the use and function of orthotics; 112061

(3) Meets the requirements in divisions (G) and (H) of 112062  
section 4779.25 of the Revised Code. 112063

(C) In the case of a certificate program in prosthetics, the 112064  
program does all of the following: 112065

(1) Provides not less than two semesters or three quarters of 112066  
instruction in prosthetics; 112067

(2) Requires students to complete not less than two hundred 112068  
fifty hours of supervised clinical experience that focuses on 112069  
patient-related activities, recommendation, measurement, 112070  
impression-taking, model rectification, fabrication, fitting, and 112071  
evaluating patients in the use and function of prosthetics; 112072

(3) Meets the requirements in divisions (F) and (I) of 112073  
section 4779.25 of the Revised Code. 112074

(D) In the case of a certificate program in orthotics and 112075  
prosthetics, the program does both of the following: 112076

(1) Provides not less than two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics;

(2) Meets the requirements in divisions (H) and (I) of section 4779.25 of the Revised Code.

**Sec. 4779.27.** The state physical health services board ~~of orthotics, prosthetics, and pedorthics~~ shall approve a residency program in orthotics, prosthetics, or orthotics and prosthetics if the program does all of the following:

(A) Requires a bachelor's degree as a condition of entry;

(B) Does one of the following:

(1) In the case of a residency program in orthotics, provides two semesters or three quarters of instruction in orthotics;

(2) In the case of a residency program in prosthetics, provides two semesters or three quarters of instruction in prosthetics;

(3) In the case of a residency program in orthotics and prosthetics, provides two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics.

(C) Meets the requirements in divisions (K) and (L) of section 4779.25 of the Revised Code;

(D) Provides residents with a sufficient variety and volume of clinical experiences to give them adequate educational experience in the acute, rehabilitative, and chronic aspects of orthotics and prosthetics, including recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotics and prosthetics;

(E) Provides residents with sufficient training in clinical 112106  
assessment, patient management, technical implementation, practice 112107  
management, and professional responsibility. 112108

**Sec. 4779.28.** (A) The state physical health services board 112109  
may, pursuant to an adjudication under Chapter 119. of the Revised 112110  
Code ~~and by a vote of not fewer than four of its members~~, limit, 112111  
revoke, or suspend a license issued under this chapter, refuse to 112112  
issue a license to an applicant, or reprimand or place on 112113  
probation a license holder for any of the following reasons: 112114

(1) Conviction of, or a plea of guilty to, a misdemeanor or 112115  
felony involving moral turpitude; 112116

(2) Any violation of this chapter; 112117

(3) Committing fraud, misrepresentation, or deception in 112118  
applying for or securing a license issued under this chapter; 112119

(4) Habitual use of drugs or intoxicants to the extent that 112120  
it renders the person unfit to practice; 112121

(5) Violation of any rule adopted by the board under section 112122  
4779.08 of the Revised Code; 112123

(6) A departure from, or failure to conform to, minimal 112124  
standards of care of similar orthotists, prosthetists, 112125  
orthotists-prosthetists, or pedorthists under the same or similar 112126  
circumstances, regardless of whether actual injury to a patient is 112127  
established; 112128

(7) Obtaining or attempting to obtain money or anything of 112129  
value by fraudulent misrepresentation in the course of practice; 112130

(8) Publishing a false, fraudulent, deceptive, or misleading 112131  
statement; 112132

(9) Waiving the payment of all or part of a deductible or 112133  
copayment that a patient, pursuant to a health insurance or health 112134

care policy, contract, or plan, would otherwise be required to 112135  
pay, if the waiver is used as an enticement to a patient or group 112136  
of patients to receive health care services from a person who 112137  
holds a license issued under this chapter; 112138

(10) Advertising that a person who holds a license issued 112139  
under this chapter will waive the payment of all or part of a 112140  
deductible or copayment that a patient, pursuant to a health 112141  
insurance or health care policy, contract, or plan, that covers 112142  
the person's services, would otherwise be required to pay. 112143

(B) For the purpose of investigating whether a person is 112144  
engaging or has engaged in conduct described in division (A) of 112145  
this section, the board may administer oaths, order the taking of 112146  
depositions, issue subpoenas, examine witnesses, and compel the 112147  
attendance of witnesses and production of books, accounts, papers, 112148  
records, documents, and testimony. 112149

**Sec. 4779.29.** If the state physical health services board 112150  
determines that there is clear and convincing evidence that an 112151  
individual licensed under this chapter is engaging or has engaged 112152  
in conduct described in division (A) of section 4779.28 of the 112153  
Revised Code and that the license holder's continued practice 112154  
presents a danger of immediate and serious harm to the public, the 112155  
board may suspend the individual's license without an adjudicatory 112156  
hearing. A telephone conference call may be used for reviewing the 112157  
matter and taking the vote. 112158

If the board votes to suspend an individual's license, the 112159  
board shall issue a written order of suspension by certified mail 112160  
or in person in accordance with section 119.07 of the Revised 112161  
Code. The order is not subject to suspension by a court during 112162  
~~pendancy~~ pendency of any appeal filed under section 119.12 of the 112163  
Revised Code. If the license holder requests an adjudicatory 112164  
hearing by the board, the date set for the hearing shall be not 112165

later than fifteen days, but not earlier than seven days, after 112166  
the request, unless otherwise agreed to by the board and the 112167  
license holder. 112168

Any suspension imposed under this section shall remain in 112169  
effect, unless reversed on appeal, until a final adjudicative 112170  
order issued by the board pursuant to section 119.12 of the 112171  
Revised Code becomes effective. The board shall issue its final 112172  
adjudicative order within sixty days after completion of its 112173  
hearing. A failure to issue an order within sixty days shall 112174  
result in the dissolution of the summary suspension order, but 112175  
shall not invalidate any subsequent, final adjudicative order. 112176

**Sec. 4779.30.** If the state physical health services board ~~of~~ 112177  
~~orthotics, prosthetics, and pedorthics~~ has reason to believe that 112178  
a person who holds a license issued under this chapter is mentally 112179  
ill or mentally incompetent, it may file in the probate court of 112180  
the county in which the person has a legal residence an affidavit 112181  
in the form prescribed in section 5122.11 of the Revised Code and 112182  
signed by the secretary of the board, whereupon the same 112183  
proceeding shall be had as provided in Chapter 5122. of the 112184  
Revised Code. The attorney general may represent the board in any 112185  
proceeding commenced under this section. 112186

If an individual who has been granted a license under this 112187  
chapter is adjudicated by a probate court to be mentally ill or 112188  
mentally incompetent, the individual's license shall be 112189  
automatically suspended until the individual has filed with the 112190  
board a certified copy of an adjudication by a probate court of 112191  
the individual's subsequent restoration to competency or has 112192  
submitted to the board proof, satisfactory to the board, of having 112193  
been restored to competency in the manner and form provided in 112194  
section 5122.38 of the Revised Code. The judge of the court shall 112195  
immediately notify the board of an adjudication of incompetence 112196

and note any suspension of a license in the margin of the court's 112197  
record of the certificate. ~~In the absence of fraud or bad faith,~~ 112198  
~~neither the board nor any agent, representative, or employee of~~ 112199  
~~the board shall be held liable in damages by any person by reason~~ 112200  
~~of the filing of the affidavit referred to in this section.~~ 112201

**Sec. 4779.31.** Before reinstating a license issued under this 112202  
chapter that has been suspended for more than two years, the state 112203  
physical health services board may require an individual to pass 112204  
the appropriate licensing examination. 112205

**Sec. 4779.32.** If any person makes an allegation against an 112206  
individual who holds a license issued under this chapter, the 112207  
allegation shall be reduced to writing and verified by a person 112208  
who is familiar with the facts underlying the allegation. The 112209  
person making the allegation shall file ~~three copies of the~~ 112210  
allegation with the state physical health services board ~~of~~ 112211  
~~orthotics, prosthetics, and pedorthics~~. If a person alleges that a 112212  
license holder is engaging or has engaged in conduct described in 112213  
division (A) of section 4779.28 of the Revised Code, the board may 112214  
proceed with an adjudication hearing under Chapter 119. of the 112215  
Revised Code. The board shall retain the information filed under 112216  
this section in accordance with rules adopted by the board under 112217  
section 4779.08 of the Revised Code. 112218

**Sec. 4779.33.** The ~~secretary of the state~~ physical health 112219  
services board ~~of orthotics, prosthetics, and pedorthics~~ shall 112220  
enforce the laws relating to the practice of orthotics, 112221  
prosthetics, and pedorthics. If the secretary of the board has 112222  
knowledge of a violation, the secretary shall investigate the 112223  
violation and notify the prosecuting attorney of the proper 112224  
county. 112225

**Sec. 4779.34.** The state physical health services board of  
~~orthotics, prosthetics, and pedorthics~~ shall comply with section  
4776.20 of the Revised Code.

**Sec. 5120.55.** (A) As used in this section, "licensed health  
professional" means any or all of the following:

(1) A dentist who holds a current, valid license issued under  
Chapter 4715. of the Revised Code to practice dentistry;

(2) A licensed practical nurse who holds a current, valid  
license issued under Chapter 4723. of the Revised Code that  
authorizes the practice of nursing as a licensed practical nurse;

(3) An optometrist who holds a current, valid certificate of  
licensure issued under Chapter 4725. of the Revised Code that  
authorizes the holder to engage in the practice of optometry;

(4) A physician who is authorized under Chapter 4731. of the  
Revised Code to practice medicine and surgery, osteopathic  
medicine and surgery, or podiatric medicine and surgery;

(5) A psychologist who holds a current, valid license issued  
under Chapter 4732. of the Revised Code that authorizes the  
practice of psychology as a licensed psychologist;

(6) A registered nurse who holds a current, valid license  
issued under Chapter 4723. of the Revised Code that authorizes the  
practice of nursing as a registered nurse, including such a nurse  
who is also licensed to practice as an advanced practice  
registered nurse as defined in section 4723.01 of the Revised  
Code.

(B)(1) The department of rehabilitation and correction may  
establish a recruitment program under which the department, by  
means of a contract entered into under division (C) of this  
section, agrees to repay all or part of the principal and interest

of a government or other educational loan incurred by a licensed 112255  
health professional who agrees to provide services to inmates of 112256  
correctional institutions under the department's administration. 112257

(2)(a) For a physician to be eligible to participate in the 112258  
program, the physician must have attended a school that was, 112259  
during the time of attendance, a medical school or osteopathic 112260  
medical school in this country accredited by the liaison committee 112261  
on medical education or the American osteopathic association, a 112262  
college of podiatry in this country recognized as being in good 112263  
standing under section 4731.53 of the Revised Code, or a medical 112264  
school, osteopathic medical school, or college of podiatry located 112265  
outside this country that was acknowledged by the world health 112266  
organization and verified by a member state of that organization 112267  
as operating within that state's jurisdiction. 112268

(b) For a nurse to be eligible to participate in the program, 112269  
the nurse must have attended a school that was, during the time of 112270  
attendance, a nursing school in this country accredited by the 112271  
commission on collegiate nursing education or the national league 112272  
for nursing accrediting commission or a nursing school located 112273  
outside this country that was acknowledged by the world health 112274  
organization and verified by a member state of that organization 112275  
as operating within that state's jurisdiction. 112276

(c) For a dentist to be eligible to participate in the 112277  
program, the dentist must have attended a school that was, during 112278  
the time of attendance, a dental college that enabled the dentist 112279  
to meet the requirements specified in section 4715.10 of the 112280  
Revised Code to be granted a license to practice dentistry. 112281

(d) For an optometrist to be eligible to participate in the 112282  
program, the optometrist must have attended a school of optometry 112283  
that was, during the time of attendance, approved by the state 112284  
~~board of optometry~~ vision professionals board. 112285



(e) For a psychologist to be eligible to participate in the program, the psychologist must have attended an educational institution that, during the time of attendance, maintained a specific degree program recognized by the state board of psychology as acceptable for fulfilling the requirement of division (B)(3) of section 4732.10 of the Revised Code.

(C) The department shall enter into a contract with each licensed health professional it recruits under this section. Each contract shall include at least the following terms:

(1) The licensed health professional agrees to provide a specified scope of medical, osteopathic medical, podiatric, optometric, psychological, nursing, or dental services to inmates of one or more specified state correctional institutions for a specified number of hours per week for a specified number of years.

(2) The department agrees to repay all or a specified portion of the principal and interest of a government or other educational loan taken by the licensed health professional for the following expenses to attend, for up to a maximum of four years, a school that qualifies the licensed health professional to participate in the program:

(a) Tuition;

(b) Other educational expenses for specific purposes, including fees, books, and laboratory expenses, in amounts determined to be reasonable in accordance with rules adopted under division (D) of this section;

(c) Room and board, in an amount determined to be reasonable in accordance with rules adopted under division (D) of this section.

(3) The licensed health professional agrees to pay the department a specified amount, which shall be no less than the

amount already paid by the department pursuant to its agreement, 112317  
as damages if the licensed health professional fails to complete 112318  
the service obligation agreed to or fails to comply with other 112319  
specified terms of the contract. The contract may vary the amount 112320  
of damages based on the portion of the service obligation that 112321  
remains uncompleted. 112322

(4) Other terms agreed upon by the parties. 112323

The licensed health professional's lending institution or the 112324  
~~Ohio board~~ department of regents, higher education may be a party 112325  
to the contract. The contract may include an assignment to the 112326  
department of rehabilitation and correction of the licensed health 112327  
professional's duty to repay the principal and interest of the 112328  
loan. 112329

(D) If the department of rehabilitation and correction elects 112330  
to implement the recruitment program, it shall adopt rules in 112331  
accordance with Chapter 119. of the Revised Code that establish 112332  
all of the following: 112333

(1) Criteria for designating institutions for which licensed 112334  
health professionals will be recruited; 112335

(2) Criteria for selecting licensed health professionals for 112336  
participation in the program; 112337

(3) Criteria for determining the portion of a loan which the 112338  
department will agree to repay; 112339

(4) Criteria for determining reasonable amounts of the 112340  
expenses described in divisions (C)(2)(b) and (c) of this section; 112341

(5) Procedures for monitoring compliance by a licensed health 112342  
professional with the terms of the contract the licensed health 112343  
professional enters into under this section; 112344

(6) Any other criteria or procedures necessary to implement 112345  
the program. 112346

**Sec. 5123.46.** All rules adopted under sections 5123.41 to 112347  
5123.45 and section 5123.452 of the Revised Code shall be adopted 112348  
in consultation with the board of nursing, the Ohio nurses 112349  
association, the ~~Ohio respiratory care~~ state medical board, and 112350  
the Ohio society for respiratory care. The rules shall be adopted 112351  
in accordance with Chapter 119. of the Revised Code. 112352

**Section 130.12.** That existing sections 109.572, 119.06, 112353  
121.22, 2305.113, 3313.608, 3701.83, 4725.01, 4725.02, 4725.04, 112354  
4725.05, 4725.06, 4725.07, 4725.08, 4725.09, 4725.091, 4725.092, 112355  
4725.10, 4725.11, 4725.12, 4725.121, 4725.13, 4725.15, 4725.16, 112356  
4725.17, 4725.171, 4725.18, 4725.19, 4725.20, 4725.21, 4725.22, 112357  
4725.23, 4725.24, 4725.26, 4725.27, 4725.28, 4725.29, 4725.31, 112358  
4725.33, 4725.34, 4725.40, 4725.41, 4725.411, 4725.44, 4725.48, 112359  
4725.49, 4725.50, 4725.501, 4725.51, 4725.52, 4725.53, 4725.531, 112360  
4725.54, 4725.55, 4725.57, 4725.61, 4729.85, 4731.051, 4731.07, 112361  
4731.071, 4731.224, 4731.24, 4731.25, 4743.05, 4745.02, 4745.04, 112362  
4747.04, 4747.05, 4747.06, 4747.07, 4747.08, 4747.10, 4747.11, 112363  
4747.12, 4747.13, 4747.14, 4747.16, 4747.17, 4752.01, 4752.03, 112364  
4752.04, 4752.05, 4752.06, 4752.08, 4752.09, 4752.11, 4752.12, 112365  
4752.13, 4752.14, 4752.15, 4752.17, 4752.18, 4752.19, 4752.20, 112366  
4753.05, 4753.06, 4753.07, 4753.071, 4753.072, 4753.073, 4753.08, 112367  
4753.09, 4753.091, 4753.10, 4753.101, 4753.11, 4753.12, 4753.15, 112368  
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4755.08, 4755.09, 4755.10, 4755.11, 4755.111, 4755.12, 4755.41, 112370  
4755.411, 4755.412, 4755.42, 4755.421, 4755.43, 4755.431, 4755.44, 112371  
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4759.11, 4759.12, 4761.03, 4761.031, 4761.04, 4761.05, 4761.051, 112376  
4761.06, 4761.07, 4761.08, 4761.09, 4761.10, 4761.11, 4761.12, 112377

4761.13, 4761.14, 4761.18, 4776.01, 4779.02, 4779.08, 4779.09, 112378  
4779.091, 4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.17, 112379  
4779.18, 4779.20, 4779.23, 4779.24, 4779.25, 4779.26, 4779.27, 112380  
4779.28, 4779.29, 4779.30, 4779.31, 4779.32, 4779.33, 4779.34, 112381  
5120.55, and 5123.46 of the Revised Code are hereby repealed. 112382

**Section 130.13.** That sections 4725.03, 4725.42, 4725.43, 112383  
4725.45, 4725.46, 4725.47, 4747.03, 4753.03, 4753.04, 4755.01, 112384  
4759.03, 4759.04, 4761.02, 4761.15, 4761.16, 4779.05, 4779.06, 112385  
4779.07, 4779.16, 4779.21, and 4779.22 of the Revised Code are 112386  
hereby repealed. 112387

**Section 130.14.** Sections 109.572, 119.06, 121.22, 2305.113, 112388  
3313.608, 3701.83, 4725.01, 4725.02, 4725.09, 4725.091, 4725.092, 112389  
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4752.18, 4752.19, 4752.20, 4752.22, 4752.24, 4753.05, 4753.06, 112401  
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4761.10, 4761.11, 4761.12, 4761.13, 4761.14, 4761.18, 4776.01, 112413  
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4779.13, 4779.15, 4779.17, 4779.18, 4779.20, 4779.23, 4779.24, 112415  
4779.25, 4779.26, 4779.27, 4779.28, 4779.29, 4779.30, 4779.31, 112416  
4779.32, 4779.33, 4779.34, 5120.55, and 5123.46 of the Revised 112417  
Code as amended or enacted by Section 130.11 of this act and the 112418  
repeal of sections 4725.03, 4725.42, 4725.43, 4725.45, 4725.46, 112419  
4725.47, 4747.03, 4753.03, 4753.04, 4755.01, 4759.03, 4759.04, 112420  
4761.02, 4761.15, 4761.16, 4779.05, 4779.06, 4779.07, and 4779.16 112421  
of the Revised Code by Section 130.13 of this act take effect on 112422  
January 21, 2018. 112423

**Section 130.21.** That sections 102.02, 109.572, 111.15, 112424  
119.01, 121.07, 131.11, 135.03, 135.032, 135.182, 135.32, 135.321, 112425  
135.51, 135.52, 135.53, 323.134, 339.06, 513.17, 749.081, 755.141, 112426  
902.01, 924.10, 924.26, 924.45, 1101.01, 1101.02, 1101.03, 112427  
1101.15, 1101.16, 1103.01, 1103.02, 1103.03, 1103.06, 1103.07, 112428  
1103.08, 1103.09, 1103.11, 1103.13, 1103.14, 1103.15, 1103.16, 112429  
1103.18, 1103.19, 1103.20, 1103.21, 1105.01, 1105.02, 1105.03, 112430  
1105.04, 1105.08, 1105.10, 1105.11, 1107.03, 1107.05, 1107.07, 112431  
1107.09, 1107.11, 1107.13, 1107.15, 1109.01, 1109.02, 1109.03, 112432  
1109.05, 1109.08, 1109.10, 1109.15, 1109.16, 1109.17, 1109.22, 112433  
1109.23, 1109.24, 1109.25, 1109.26, 1109.31, 1109.32, 1109.33, 112434  
1109.34, 1109.35, 1109.36, 1109.39, 1109.40, 1109.43, 1109.44, 112435  
1109.45, 1109.47, 1109.48, 1109.49, 1109.53, 1109.54, 1109.55, 112436  
1109.59, 1109.61, 1109.63, 1109.64, 1109.65, 1109.69, 1111.01, 112437  
1111.02, 1111.03, 1111.04, 1111.06, 1111.07, 1111.08, 1111.09, 112438

1113.01, 1113.03, 1113.05, 1113.06, 1113.08, 1113.09, 1115.01, 112439  
1115.05, 1115.06, 1115.07, 1115.11, 1115.111, 1115.14, 1115.15, 112440  
1115.20, 1115.23, 1115.27, 1117.01, 1117.02, 1117.04, 1117.05, 112441  
1119.11, 1119.17, 1119.23, 1119.26, 1121.01, 1121.02, 1121.05, 112442  
1121.06, 1121.10, 1121.12, 1121.13, 1121.15, 1121.16, 1121.17, 112443  
1121.18, 1121.21, 1121.23, 1121.24, 1121.26, 1121.30, 1121.33, 112444  
1121.34, 1121.38, 1121.41, 1121.43, 1121.45, 1121.47, 1121.48, 112445  
1121.50, 1121.56, 1123.01, 1123.02, 1123.03, 1125.01, 1125.03, 112446  
1125.04, 1125.05, 1125.06, 1125.09, 1125.10, 1125.11, 1125.12, 112447  
1125.13, 1125.14, 1125.17, 1125.18, 1125.19, 1125.20, 1125.21, 112448  
1125.22, 1125.23, 1125.24, 1125.25, 1125.26, 1125.27, 1125.28, 112449  
1125.29, 1125.30, 1125.33, 1181.01, 1181.02, 1181.03, 1181.04, 112450  
1181.05, 1181.06, 1181.07, 1181.10, 1181.11, 1181.21, 1181.25, 112451  
1349.16, 1509.07, 1509.225, 1510.09, 1514.04, 1707.03, 1901.31, 112452  
2335.25, 3351.07, 3767.41, 4303.293, and 5814.01 be amended; 112453  
sections 1103.01 (1113.01), 1103.06 (1113.04), 1103.08 (1113.12), 112454  
1103.09 (1113.13), 1103.11 (1113.11), 1103.13 (1113.14), 1103.14 112455  
(1113.15), 1103.15 (1113.16), 1103.16 (1113.17), 1103.21 112456  
(1117.07), and 1113.01 (1113.02) be amended for the purpose of 112457  
adopting new section numbers as shown in parentheses; and new 112458  
section 1121.52 and sections 1101.05, 1103.99, 1109.021, 1109.04, 112459  
1109.151, 1109.441, 1109.62, 1114.01, 1114.02, 1114.03, 1114.04, 112460  
1114.05, 1114.06, 1114.07, 1114.08, 1114.09, 1114.10, 1114.11, 112461  
1114.12, 1114.16, 1115.02, 1115.03, 1115.24, 1116.01, 1116.02, 112462  
1116.05, 1116.06, 1116.07, 1116.08, 1116.09, 1116.10, 1116.11, 112463  
1116.12, 1116.13, 1116.16, 1116.18, 1116.19, 1116.20, 1116.21, 112464  
1121.19, and 1121.29 of the Revised Code be enacted to read as 112465  
follows: 112466

**Sec. 102.02.** (A)(1) Except as otherwise provided in division 112467  
(H) of this section, all of the following shall file with the 112468  
appropriate ethics commission the disclosure statement described 112469  
in this division on a form prescribed by the appropriate 112470

commission: every person who is elected to or is a candidate for a 112471  
state, county, or city office and every person who is appointed to 112472  
fill a vacancy for an unexpired term in such an elective office; 112473  
all members of the state board of education; the director, 112474  
assistant directors, deputy directors, division chiefs, or persons 112475  
of equivalent rank of any administrative department of the state; 112476  
the president or other chief administrative officer of every state 112477  
institution of higher education as defined in section 3345.011 of 112478  
the Revised Code; the executive director and the members of the 112479  
capitol square review and advisory board appointed or employed 112480  
pursuant to section 105.41 of the Revised Code; all members of the 112481  
Ohio casino control commission, the executive director of the 112482  
commission, all professional employees of the commission, and all 112483  
technical employees of the commission who perform an internal 112484  
audit function; the individuals set forth in division (B)(2) of 112485  
section 187.03 of the Revised Code; the chief executive officer 112486  
and the members of the board of each state retirement system; each 112487  
employee of a state retirement board who is a state retirement 112488  
system investment officer licensed pursuant to section 1707.163 of 112489  
the Revised Code; the members of the Ohio retirement study council 112490  
appointed pursuant to division (C) of section 171.01 of the 112491  
Revised Code; employees of the Ohio retirement study council, 112492  
other than employees who perform purely administrative or clerical 112493  
functions; the administrator of workers' compensation and each 112494  
member of the bureau of workers' compensation board of directors; 112495  
the bureau of workers' compensation director of investments; the 112496  
chief investment officer of the bureau of workers' compensation; 112497  
all members of the board of commissioners on grievances and 112498  
discipline of the supreme court and the ethics commission created 112499  
under section 102.05 of the Revised Code; every business manager, 112500  
treasurer, or superintendent of a city, local, exempted village, 112501  
joint vocational, or cooperative education school district or an 112502  
educational service center; every person who is elected to or is a 112503

candidate for the office of member of a board of education of a 112504  
city, local, exempted village, joint vocational, or cooperative 112505  
education school district or of a governing board of an 112506  
educational service center that has a total student count of 112507  
twelve thousand or more as most recently determined by the 112508  
department of education pursuant to section 3317.03 of the Revised 112509  
Code; every person who is appointed to the board of education of a 112510  
municipal school district pursuant to division (B) or (F) of 112511  
section 3311.71 of the Revised Code; all members of the board of 112512  
directors of a sanitary district that is established under Chapter 112513  
6115. of the Revised Code and organized wholly for the purpose of 112514  
providing a water supply for domestic, municipal, and public use, 112515  
and that includes two municipal corporations in two counties; 112516  
every public official or employee who is paid a salary or wage in 112517  
accordance with schedule C of section 124.15 or schedule E-2 of 112518  
section 124.152 of the Revised Code; members of the board of 112519  
trustees and the executive director of the southern Ohio 112520  
agricultural and community development foundation; all members 112521  
appointed to the Ohio livestock care standards board under section 112522  
904.02 of the Revised Code; all entrepreneurs in residence 112523  
assigned by the LeanOhio office in the department of 112524  
administrative services under section 125.65 of the Revised Code 112525  
and every other public official or employee who is designated by 112526  
the appropriate ethics commission pursuant to division (B) of this 112527  
section. 112528

(2) The disclosure statement shall include all of the 112529  
following: 112530

(a) The name of the person filing the statement and each 112531  
member of the person's immediate family and all names under which 112532  
the person or members of the person's immediate family do 112533  
business; 112534

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 112535



section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b)(ii) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source of income received in accordance with the following ranges of amounts: zero or more, but less than one thousand dollars; one thousand dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand dollars; twenty-five thousand dollars or more, but less than fifty thousand dollars; fifty thousand dollars or more, but less than one hundred thousand dollars; and one hundred thousand dollars or more. Division (A)(2)(b)(i) of this section shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of that business or profession, except for those individual items of income that are attributable to the person's or, if the income is shared with the person, the partner's, solicitation of services or goods or performance, arrangement, or facilitation of services or provision of goods on behalf of the business or profession of clients, including corporate clients, who are legislative agents. A person who files the statement under this section shall disclose the identity of and the amount of income received from a person who the public official or employee knows or has reason to know is doing or seeking to do business of any kind with the public official's or employee's agency.

(ii) If the person filing the statement is a member of the general assembly, the statement shall identify every source of

income and the amount of that income that was received from a legislative agent during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. Division (A)(2)(b)(ii) of this section requires the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code, if those clients or patients are legislative agents. Division (A)(2)(b)(ii) of this section requires a person filing the statement who derives income from a business or profession to disclose those individual items of income that constitute the gross income of that business or profession that are received from legislative agents.

(iii) Except as otherwise provided in division (A)(2)(b)(iii) of this section, division (A)(2)(b)(i) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2)(b)(i) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(b)(iii) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were

sought, or would reveal an otherwise privileged communication 112602  
involving the client, patient, or other recipient of professional 112603  
services. Division (A)(2)(b)(i) of this section does not require 112604  
an attorney, physician, or other professional subject to a 112605  
confidentiality requirement as described in division 112606  
(A)(2)(b)(iii) of this section to disclose in the brief 112607  
description of the nature of services required by division 112608  
(A)(2)(b)(i) of this section any information pertaining to 112609  
specific professional services rendered for a client, patient, or 112610  
other recipient of professional services that would reveal details 112611  
of the subject matter for which legal, medical, or professional 112612  
advice was sought or would reveal an otherwise privileged 112613  
communication involving the client, patient, or other recipient of 112614  
professional services. 112615

(c) The name of every corporation on file with the secretary 112616  
of state that is incorporated in this state or holds a certificate 112617  
of compliance authorizing it to do business in this state, trust, 112618  
business trust, partnership, or association that transacts 112619  
business in this state in which the person filing the statement or 112620  
any other person for the person's use and benefit had during the 112621  
preceding calendar year an investment of over one thousand dollars 112622  
at fair market value as of the thirty-first day of December of the 112623  
preceding calendar year, or the date of disposition, whichever is 112624  
earlier, or in which the person holds any office or has a 112625  
fiduciary relationship, and a description of the nature of the 112626  
investment, office, or relationship. Division (A)(2)(c) of this 112627  
section does not require disclosure of the name of any bank, 112628  
savings and loan association, credit union, or building and loan 112629  
association with which the person filing the statement has a 112630  
deposit or a withdrawable share account. 112631

(d) All fee simple and leasehold interests to which the 112632  
person filing the statement holds legal title to or a beneficial 112633

interest in real property located within the state, excluding the 112634  
person's residence and property used primarily for personal 112635  
recreation; 112636

(e) The names of all persons residing or transacting business 112637  
in the state to whom the person filing the statement owes, in the 112638  
person's own name or in the name of any other person, more than 112639  
one thousand dollars. Division (A)(2)(e) of this section shall not 112640  
be construed to require the disclosure of debts owed by the person 112641  
resulting from the ordinary conduct of a business or profession or 112642  
debts on the person's residence or real property used primarily 112643  
for personal recreation, except that the superintendent of 112644  
financial institutions ~~shall disclose the names of all~~ 112645  
~~state-chartered savings and loan associations and of all service~~ 112646  
~~corporations subject to regulation under division (E)(2) of~~ 112647  
~~section 1151.34 of the Revised Code to whom the superintendent in~~ 112648  
~~the superintendent's own name or in the name of any other person~~ 112649  
~~owes any money, and that the superintendent and any deputy~~ 112650  
superintendent of banks shall disclose the names of all 112651  
state-chartered banks and all bank subsidiary corporations subject 112652  
to regulation under section 1109.44 of the Revised Code to whom 112653  
the superintendent or deputy superintendent owes any money. 112654

(f) The names of all persons residing or transacting business 112655  
in the state, other than a depository excluded under division 112656  
(A)(2)(c) of this section, who owe more than one thousand dollars 112657  
to the person filing the statement, either in the person's own 112658  
name or to any person for the person's use or benefit. Division 112659  
(A)(2)(f) of this section shall not be construed to require the 112660  
disclosure of clients of attorneys or persons licensed under 112661  
section 4732.12 of the Revised Code, or patients of persons 112662  
certified under section 4731.14 of the Revised Code, nor the 112663  
disclosure of debts owed to the person resulting from the ordinary 112664  
conduct of a business or profession. 112665

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

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

(i) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source of payment of expenses for meals and other food and beverages, other than for meals and other food and beverages provided at a meeting at which the person participated in a panel, seminar, or speaking engagement or at a

meeting or convention of a national or state organization to which 112698  
any state agency, including, but not limited to, any legislative 112699  
agency or state institution of higher education as defined in 112700  
section 3345.011 of the Revised Code, pays membership dues, or any 112701  
political subdivision or any office or agency of a political 112702  
subdivision pays membership dues, that are incurred in connection 112703  
with the person's official duties and that exceed one hundred 112704  
dollars aggregated per calendar year; 112705

(j) If the disclosure statement is filed by a public official 112706  
or employee described in division (B)(2) of section 101.73 of the 112707  
Revised Code or division (B)(2) of section 121.63 of the Revised 112708  
Code who receives a statement from a legislative agent, executive 112709  
agency lobbyist, or employer that contains the information 112710  
described in division (F)(2) of section 101.73 of the Revised Code 112711  
or division (G)(2) of section 121.63 of the Revised Code, all of 112712  
the nondisputed information contained in the statement delivered 112713  
to that public official or employee by the legislative agent, 112714  
executive agency lobbyist, or employer under division (F)(2) of 112715  
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 112716

(3) A person may file a statement required by this section in 112717  
person, by mail, or by electronic means. 112718

(4) A person who is required to file a statement under this 112719  
section shall file that statement according to the following 112720  
deadlines, as applicable: 112721

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 112722  
and (d) of this section, the person shall file the statement not 112723  
later than the fifteenth day of May of each year. 112724

(b) A person who is a candidate for elective office shall 112725  
file the statement no later than the thirtieth day before the 112726  
primary, special, or general election at which the candidacy is to 112727  
be voted on, whichever election occurs soonest, except that a 112728

person who is a write-in candidate shall file the statement no 112729  
later than the twentieth day before the earliest election at which 112730  
the person's candidacy is to be voted on. 112731

(c) A person who is appointed to fill a vacancy for an 112732  
unexpired term in an elective office shall file the statement 112733  
within fifteen days after the person qualifies for office. 112734

(d) A person who is appointed or employed after the fifteenth 112735  
day of May, other than a person described in division (A)(4)(c) of 112736  
this section, shall file an annual statement within ninety days 112737  
after appointment or employment. 112738

(5) No person shall be required to file with the appropriate 112739  
ethics commission more than one statement or pay more than one 112740  
filing fee for any one calendar year. 112741

(6) The appropriate ethics commission, for good cause, may 112742  
extend for a reasonable time the deadline for filing a statement 112743  
under this section. 112744

(7) A statement filed under this section is subject to public 112745  
inspection at locations designated by the appropriate ethics 112746  
commission except as otherwise provided in this section. 112747

(B) The Ohio ethics commission, the joint legislative ethics 112748  
committee, and the board of commissioners on grievances and 112749  
discipline of the supreme court, using the rule-making procedures 112750  
of Chapter 119. of the Revised Code, may require any class of 112751  
public officials or employees under its jurisdiction and not 112752  
specifically excluded by this section whose positions involve a 112753  
substantial and material exercise of administrative discretion in 112754  
the formulation of public policy, expenditure of public funds, 112755  
enforcement of laws and rules of the state or a county or city, or 112756  
the execution of other public trusts, to file an annual statement 112757  
under division (A) of this section. The appropriate ethics 112758  
commission shall send the public officials or employees written 112759

notice of the requirement not less than thirty days before the 112760  
applicable filing deadline unless the public official or employee 112761  
is appointed after that date, in which case the notice shall be 112762  
sent within thirty days after appointment, and the filing shall be 112763  
made not later than ninety days after appointment. 112764

Disclosure statements filed under this division with the Ohio 112765  
ethics commission by members of boards, commissions, or bureaus of 112766  
the state for which no compensation is received other than 112767  
reasonable and necessary expenses shall be kept confidential. 112768  
Disclosure statements filed with the Ohio ethics commission under 112769  
division (A) of this section by business managers, treasurers, and 112770  
superintendents of city, local, exempted village, joint 112771  
vocational, or cooperative education school districts or 112772  
educational service centers shall be kept confidential, except 112773  
that any person conducting an audit of any such school district or 112774  
educational service center pursuant to section 115.56 or Chapter 112775  
117. of the Revised Code may examine the disclosure statement of 112776  
any business manager, treasurer, or superintendent of that school 112777  
district or educational service center. Disclosure statements 112778  
filed with the Ohio ethics commission under division (A) of this 112779  
section by the individuals set forth in division (B)(2) of section 112780  
187.03 of the Revised Code shall be kept confidential. The Ohio 112781  
ethics commission shall examine each disclosure statement required 112782  
to be kept confidential to determine whether a potential conflict 112783  
of interest exists for the person who filed the disclosure 112784  
statement. A potential conflict of interest exists if the private 112785  
interests of the person, as indicated by the person's disclosure 112786  
statement, might interfere with the public interests the person is 112787  
required to serve in the exercise of the person's authority and 112788  
duties in the person's office or position of employment. If the 112789  
commission determines that a potential conflict of interest 112790  
exists, it shall notify the person who filed the disclosure 112791  
statement and shall make the portions of the disclosure statement 112792



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

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

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

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

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

For state office, except member of the		112813
state board of education	\$95	112814
For office of member of general assembly	\$40	112815
For county office	\$60	112816
For city office	\$35	112817
For office of member of the state board		112818
of education	\$35	112819
For office of member of a city, local,		112820
exempted village, or cooperative		112821
education board of		112822
education or educational service		112823

center governing board	\$30	112824
For position of business manager,		112825
treasurer, or superintendent of a		112826
city, local, exempted village, joint		112827
vocational, or cooperative education		112828
school district or		112829
educational service center	\$30	112830

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

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

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

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

(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions (E) and (F) of this section, investigative or other fees, costs, or other funds it receives as a result of court orders, and all moneys it receives from settlements under division (G) of section 102.06 of the Revised Code, into the Ohio ethics commission fund,

which is hereby created in the state treasury. All moneys credited 112856  
to the fund shall be used solely for expenses related to the 112857  
operation and statutory functions of the commission. 112858

(3) The joint legislative ethics committee shall deposit all 112859  
receipts it receives from the payment of financial disclosure 112860  
statement filing fees under divisions (E) and (F) of this section 112861  
into the joint legislative ethics committee investigative fund. 112862

(H) Division (A) of this section does not apply to a person 112863  
elected or appointed to the office of precinct, ward, or district 112864  
committee member under Chapter 3517. of the Revised Code; a 112865  
presidential elector; a delegate to a national convention; village 112866  
or township officials and employees; any physician or psychiatrist 112867  
who is paid a salary or wage in accordance with schedule C of 112868  
section 124.15 or schedule E-2 of section 124.152 of the Revised 112869  
Code and whose primary duties do not require the exercise of 112870  
administrative discretion; or any member of a board, commission, 112871  
or bureau of any county or city who receives less than one 112872  
thousand dollars per year for serving in that position. 112873

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 112874  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 112875  
a completed form prescribed pursuant to division (C)(1) of this 112876  
section, and a set of fingerprint impressions obtained in the 112877  
manner described in division (C)(2) of this section, the 112878  
superintendent of the bureau of criminal identification and 112879  
investigation shall conduct a criminal records check in the manner 112880  
described in division (B) of this section to determine whether any 112881  
information exists that indicates that the person who is the 112882  
subject of the request previously has been convicted of or pleaded 112883  
guilty to any of the following: 112884

(a) A violation of section 2903.01, 2903.02, 2903.03, 112885  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 112886

2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 112887  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 112888  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 112889  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 112890  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 112891  
2925.06, or 3716.11 of the Revised Code, felonious sexual 112892  
penetration in violation of former section 2907.12 of the Revised 112893  
Code, a violation of section 2905.04 of the Revised Code as it 112894  
existed prior to July 1, 1996, a violation of section 2919.23 of 112895  
the Revised Code that would have been a violation of section 112896  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 112897  
had the violation been committed prior to that date, or a 112898  
violation of section 2925.11 of the Revised Code that is not a 112899  
minor drug possession offense; 112900

(b) A violation of an existing or former law of this state, 112901  
any other state, or the United States that is substantially 112902  
equivalent to any of the offenses listed in division (A)(1)(a) of 112903  
this section; 112904

(c) If the request is made pursuant to section 3319.39 of the 112905  
Revised Code for an applicant who is a teacher, any offense 112906  
specified in section 3319.31 of the Revised Code. 112907

(2) On receipt of a request pursuant to section 3712.09 or 112908  
3721.121 of the Revised Code, a completed form prescribed pursuant 112909  
to division (C)(1) of this section, and a set of fingerprint 112910  
impressions obtained in the manner described in division (C)(2) of 112911  
this section, the superintendent of the bureau of criminal 112912  
identification and investigation shall conduct a criminal records 112913  
check with respect to any person who has applied for employment in 112914  
a position for which a criminal records check is required by those 112915  
sections. The superintendent shall conduct the criminal records 112916  
check in the manner described in division (B) of this section to 112917  
determine whether any information exists that indicates that the 112918

person who is the subject of the request previously has been 112919  
convicted of or pleaded guilty to any of the following: 112920

(a) A violation of section 2903.01, 2903.02, 2903.03, 112921  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 112922  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 112923  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 112924  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 112925  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 112926  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 112927  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 112928  
2925.22, 2925.23, or 3716.11 of the Revised Code; 112929

(b) An existing or former law of this state, any other state, 112930  
or the United States that is substantially equivalent to any of 112931  
the offenses listed in division (A)(2)(a) of this section. 112932

(3) On receipt of a request pursuant to section 173.27, 112933  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 112934  
or 5123.169 of the Revised Code, a completed form prescribed 112935  
pursuant to division (C)(1) of this section, and a set of 112936  
fingerprint impressions obtained in the manner described in 112937  
division (C)(2) of this section, the superintendent of the bureau 112938  
of criminal identification and investigation shall conduct a 112939  
criminal records check of the person for whom the request is made. 112940  
The superintendent shall conduct the criminal records check in the 112941  
manner described in division (B) of this section to determine 112942  
whether any information exists that indicates that the person who 112943  
is the subject of the request previously has been convicted of, 112944  
has pleaded guilty to, or (except in the case of a request 112945  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 112946  
Code) has been found eligible for intervention in lieu of 112947  
conviction for any of the following, regardless of the date of the 112948  
conviction, the date of entry of the guilty plea, or (except in 112949  
the case of a request pursuant to section 5164.34, 5164.341, or 112950

5164.342 of the Revised Code) the date the person was found 112951  
eligible for intervention in lieu of conviction: 112952

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 112953  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 112954  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 112955  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 112956  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 112957  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 112958  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 112959  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 112960  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 112961  
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 112962  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 112963  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 112964  
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 112965  
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 112966  
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 112967  
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 112968  
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 112969  
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 112970  
2927.12, or 3716.11 of the Revised Code; 112971

(b) Felonious sexual penetration in violation of former 112972  
section 2907.12 of the Revised Code; 112973

(c) A violation of section 2905.04 of the Revised Code as it 112974  
existed prior to July 1, 1996; 112975

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 112976  
the Revised Code when the underlying offense that is the object of 112977  
the conspiracy, attempt, or complicity is one of the offenses 112978  
listed in divisions (A)(3)(a) to (c) of this section; 112979

(e) A violation of an existing or former municipal ordinance 112980  
or law of this state, any other state, or the United States that 112981

is substantially equivalent to any of the offenses listed in 112982  
divisions (A)(3)(a) to (d) of this section. 112983

(4) On receipt of a request pursuant to section 2151.86 of 112984  
the Revised Code, a completed form prescribed pursuant to division 112985  
(C)(1) of this section, and a set of fingerprint impressions 112986  
obtained in the manner described in division (C)(2) of this 112987  
section, the superintendent of the bureau of criminal 112988  
identification and investigation shall conduct a criminal records 112989  
check in the manner described in division (B) of this section to 112990  
determine whether any information exists that indicates that the 112991  
person who is the subject of the request previously has been 112992  
convicted of or pleaded guilty to any of the following: 112993

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 112994  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 112995  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 112996  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 112997  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 112998  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 112999  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 113000  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 113001  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 113002  
of the Revised Code, a violation of section 2905.04 of the Revised 113003  
Code as it existed prior to July 1, 1996, a violation of section 113004  
2919.23 of the Revised Code that would have been a violation of 113005  
section 2905.04 of the Revised Code as it existed prior to July 1, 113006  
1996, had the violation been committed prior to that date, a 113007  
violation of section 2925.11 of the Revised Code that is not a 113008  
minor drug possession offense, two or more OVI or OVUAC violations 113009  
committed within the three years immediately preceding the 113010  
submission of the application or petition that is the basis of the 113011  
request, or felonious sexual penetration in violation of former 113012  
section 2907.12 of the Revised Code; 113013

(b) A violation of an existing or former law of this state, 113014  
any other state, or the United States that is substantially 113015  
equivalent to any of the offenses listed in division (A)(4)(a) of 113016  
this section. 113017

(5) Upon receipt of a request pursuant to section 5104.013 of 113018  
the Revised Code, a completed form prescribed pursuant to division 113019  
(C)(1) of this section, and a set of fingerprint impressions 113020  
obtained in the manner described in division (C)(2) of this 113021  
section, the superintendent of the bureau of criminal 113022  
identification and investigation shall conduct a criminal records 113023  
check in the manner described in division (B) of this section to 113024  
determine whether any information exists that indicates that the 113025  
person who is the subject of the request has been convicted of or 113026  
pleaded guilty to any of the following: 113027

(a) A violation of section 2151.421, 2903.01, 2903.02, 113028  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 113029  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 113030  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 113031  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 113032  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 113033  
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 113034  
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 113035  
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 113036  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 113037  
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 113038  
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 113039  
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 113040  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 113041  
Revised Code, felonious sexual penetration in violation of former 113042  
section 2907.12 of the Revised Code, a violation of section 113043  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 113044  
violation of section 2919.23 of the Revised Code that would have 113045



been a violation of section 2905.04 of the Revised Code as it 113046  
existed prior to July 1, 1996, had the violation been committed 113047  
prior to that date, a violation of section 2925.11 of the Revised 113048  
Code that is not a minor drug possession offense, a violation of 113049  
section 2923.02 or 2923.03 of the Revised Code that relates to a 113050  
crime specified in this division, or a second violation of section 113051  
4511.19 of the Revised Code within five years of the date of 113052  
application for licensure or certification. 113053

(b) A violation of an existing or former law of this state, 113054  
any other state, or the United States that is substantially 113055  
equivalent to any of the offenses or violations described in 113056  
division (A)(5)(a) of this section. 113057

(6) Upon receipt of a request pursuant to section 5153.111 of 113058  
the Revised Code, a completed form prescribed pursuant to division 113059  
(C)(1) of this section, and a set of fingerprint impressions 113060  
obtained in the manner described in division (C)(2) of this 113061  
section, the superintendent of the bureau of criminal 113062  
identification and investigation shall conduct a criminal records 113063  
check in the manner described in division (B) of this section to 113064  
determine whether any information exists that indicates that the 113065  
person who is the subject of the request previously has been 113066  
convicted of or pleaded guilty to any of the following: 113067

(a) A violation of section 2903.01, 2903.02, 2903.03, 113068  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 113069  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 113070  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 113071  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 113072  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 113073  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 113074  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 113075  
felonious sexual penetration in violation of former section 113076  
2907.12 of the Revised Code, a violation of section 2905.04 of the 113077

Revised Code as it existed prior to July 1, 1996, a violation of 113078  
section 2919.23 of the Revised Code that would have been a 113079  
violation of section 2905.04 of the Revised Code as it existed 113080  
prior to July 1, 1996, had the violation been committed prior to 113081  
that date, or a violation of section 2925.11 of the Revised Code 113082  
that is not a minor drug possession offense; 113083

(b) A violation of an existing or former law of this state, 113084  
any other state, or the United States that is substantially 113085  
equivalent to any of the offenses listed in division (A)(6)(a) of 113086  
this section. 113087

(7) On receipt of a request for a criminal records check from 113088  
an individual pursuant to section 4749.03 or 4749.06 of the 113089  
Revised Code, accompanied by a completed copy of the form 113090  
prescribed in division (C)(1) of this section and a set of 113091  
fingerprint impressions obtained in a manner described in division 113092  
(C)(2) of this section, the superintendent of the bureau of 113093  
criminal identification and investigation shall conduct a criminal 113094  
records check in the manner described in division (B) of this 113095  
section to determine whether any information exists indicating 113096  
that the person who is the subject of the request has been 113097  
convicted of or pleaded guilty to a felony in this state or in any 113098  
other state. If the individual indicates that a firearm will be 113099  
carried in the course of business, the superintendent shall 113100  
require information from the federal bureau of investigation as 113101  
described in division (B)(2) of this section. Subject to division 113102  
(F) of this section, the superintendent shall report the findings 113103  
of the criminal records check and any information the federal 113104  
bureau of investigation provides to the director of public safety. 113105

(8) On receipt of a request pursuant to section 1321.37, 113106  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 113107  
Code, a completed form prescribed pursuant to division (C)(1) of 113108  
this section, and a set of fingerprint impressions obtained in the 113109

manner described in division (C)(2) of this section, the 113110  
superintendent of the bureau of criminal identification and 113111  
investigation shall conduct a criminal records check with respect 113112  
to any person who has applied for a license, permit, or 113113  
certification from the department of commerce or a division in the 113114  
department. The superintendent shall conduct the criminal records 113115  
check in the manner described in division (B) of this section to 113116  
determine whether any information exists that indicates that the 113117  
person who is the subject of the request previously has been 113118  
convicted of or pleaded guilty to any of the following: a 113119  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 113120  
2925.03 of the Revised Code; any other criminal offense involving 113121  
theft, receiving stolen property, embezzlement, forgery, fraud, 113122  
passing bad checks, money laundering, or drug trafficking, or any 113123  
criminal offense involving money or securities, as set forth in 113124  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 113125  
the Revised Code; or any existing or former law of this state, any 113126  
other state, or the United States that is substantially equivalent 113127  
to those offenses. 113128

(9) On receipt of a request for a criminal records check from 113129  
the treasurer of state under section 113.041 of the Revised Code 113130  
or from an individual under section 4701.08, 4715.101, 4717.061, 113131  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 113132  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 113133  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 113134  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 113135  
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 113136  
accompanied by a completed form prescribed under division (C)(1) 113137  
of this section and a set of fingerprint impressions obtained in 113138  
the manner described in division (C)(2) of this section, the 113139  
superintendent of the bureau of criminal identification and 113140  
investigation shall conduct a criminal records check in the manner 113141  
described in division (B) of this section to determine whether any 113142

information exists that indicates that the person who is the 113143  
subject of the request has been convicted of or pleaded guilty to 113144  
any criminal offense in this state or any other state. Subject to 113145  
division (F) of this section, the superintendent shall send the 113146  
results of a check requested under section 113.041 of the Revised 113147  
Code to the treasurer of state and shall send the results of a 113148  
check requested under any of the other listed sections to the 113149  
licensing board specified by the individual in the request. 113150

(10) On receipt of a request pursuant to section 1121.23, 113151  
~~1155.03, 1163.05,~~ 1315.141, 1733.47, or 1761.26 of the Revised 113152  
Code, a completed form prescribed pursuant to division (C)(1) of 113153  
this section, and a set of fingerprint impressions obtained in the 113154  
manner described in division (C)(2) of this section, the 113155  
superintendent of the bureau of criminal identification and 113156  
investigation shall conduct a criminal records check in the manner 113157  
described in division (B) of this section to determine whether any 113158  
information exists that indicates that the person who is the 113159  
subject of the request previously has been convicted of or pleaded 113160  
guilty to any criminal offense under any existing or former law of 113161  
this state, any other state, or the United States. 113162

(11) On receipt of a request for a criminal records check 113163  
from an appointing or licensing authority under section 3772.07 of 113164  
the Revised Code, a completed form prescribed under division 113165  
(C)(1) of this section, and a set of fingerprint impressions 113166  
obtained in the manner prescribed in division (C)(2) of this 113167  
section, the superintendent of the bureau of criminal 113168  
identification and investigation shall conduct a criminal records 113169  
check in the manner described in division (B) of this section to 113170  
determine whether any information exists that indicates that the 113171  
person who is the subject of the request previously has been 113172  
convicted of or pleaded guilty or no contest to any offense under 113173  
any existing or former law of this state, any other state, or the 113174

United States that is a disqualifying offense as defined in 113175  
section 3772.07 of the Revised Code or substantially equivalent to 113176  
such an offense. 113177

(12) On receipt of a request pursuant to section 2151.33 or 113178  
2151.412 of the Revised Code, a completed form prescribed pursuant 113179  
to division (C)(1) of this section, and a set of fingerprint 113180  
impressions obtained in the manner described in division (C)(2) of 113181  
this section, the superintendent of the bureau of criminal 113182  
identification and investigation shall conduct a criminal records 113183  
check with respect to any person for whom a criminal records check 113184  
is required under that section. The superintendent shall conduct 113185  
the criminal records check in the manner described in division (B) 113186  
of this section to determine whether any information exists that 113187  
indicates that the person who is the subject of the request 113188  
previously has been convicted of or pleaded guilty to any of the 113189  
following: 113190

(a) A violation of section 2903.01, 2903.02, 2903.03, 113191  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 113192  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 113193  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 113194  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 113195  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 113196  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 113197  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 113198  
2925.22, 2925.23, or 3716.11 of the Revised Code; 113199

(b) An existing or former law of this state, any other state, 113200  
or the United States that is substantially equivalent to any of 113201  
the offenses listed in division (A)(12)(a) of this section. 113202

(13) On receipt of a request pursuant to section 3796.12 of 113203  
the Revised Code, a completed form prescribed pursuant to division 113204  
(C)(1) of this section, and a set of fingerprint impressions 113205  
obtained in a manner described in division (C)(2) of this section, 113206

the superintendent of the bureau of criminal identification and 113207  
investigation shall conduct a criminal records check in the manner 113208  
described in division (B) of this section to determine whether any 113209  
information exists that indicates that the person who is the 113210  
subject of the request previously has been convicted of or pleaded 113211  
guilty to the following: 113212

(a) A disqualifying offense as specified in rules adopted 113213  
under division (B)(2)(b) of section 3796.03 of the Revised Code if 113214  
the person who is the subject of the request is an administrator 113215  
or other person responsible for the daily operation of, or an 113216  
owner or prospective owner, officer or prospective officer, or 113217  
board member or prospective board member of, an entity seeking a 113218  
license from the department of commerce under Chapter 3796. of the 113219  
Revised Code; 113220

(b) A disqualifying offense as specified in rules adopted 113221  
under division (B)(2)(b) of section 3796.04 of the Revised Code if 113222  
the person who is the subject of the request is an administrator 113223  
or other person responsible for the daily operation of, or an 113224  
owner or prospective owner, officer or prospective officer, or 113225  
board member or prospective board member of, an entity seeking a 113226  
license from the state board of pharmacy under Chapter 3796. of 113227  
the Revised Code. 113228

(14) On receipt of a request required by section 3796.13 of 113229  
the Revised Code, a completed form prescribed pursuant to division 113230  
(C)(1) of this section, and a set of fingerprint impressions 113231  
obtained in a manner described in division (C)(2) of this section, 113232  
the superintendent of the bureau of criminal identification and 113233  
investigation shall conduct a criminal records check in the manner 113234  
described in division (B) of this section to determine whether any 113235  
information exists that indicates that the person who is the 113236  
subject of the request previously has been convicted of or pleaded 113237  
guilty to the following: 113238

(a) A disqualifying offense as specified in rules adopted 113239  
under division (B)(8)(a) of section 3796.03 of the Revised Code if 113240  
the person who is the subject of the request is seeking employment 113241  
with an entity licensed by the department of commerce under 113242  
Chapter 3796. of the Revised Code; 113243

(b) A disqualifying offense as specified in rules adopted 113244  
under division (B)(14)(a) of section 3796.04 of the Revised Code 113245  
if the person who is the subject of the request is seeking 113246  
employment with an entity licensed by the state board of pharmacy 113247  
under Chapter 3796. of the Revised Code. 113248

(B) Subject to division (F) of this section, the 113249  
superintendent shall conduct any criminal records check to be 113250  
conducted under this section as follows: 113251

(1) The superintendent shall review or cause to be reviewed 113252  
any relevant information gathered and compiled by the bureau under 113253  
division (A) of section 109.57 of the Revised Code that relates to 113254  
the person who is the subject of the criminal records check, 113255  
including, if the criminal records check was requested under 113256  
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 113257  
~~1155.03, 1163.05~~, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 113258  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 113259  
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 4749.03, 4749.06, 113260  
4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 113261  
5123.169, or 5153.111 of the Revised Code, any relevant 113262  
information contained in records that have been sealed under 113263  
section 2953.32 of the Revised Code; 113264

(2) If the request received by the superintendent asks for 113265  
information from the federal bureau of investigation, the 113266  
superintendent shall request from the federal bureau of 113267  
investigation any information it has with respect to the person 113268  
who is the subject of the criminal records check, including 113269  
fingerprint-based checks of national crime information databases 113270

as described in 42 U.S.C. 671 if the request is made pursuant to 113271  
section 2151.86 or 5104.013 of the Revised Code or if any other 113272  
Revised Code section requires fingerprint-based checks of that 113273  
nature, and shall review or cause to be reviewed any information 113274  
the superintendent receives from that bureau. If a request under 113275  
section 3319.39 of the Revised Code asks only for information from 113276  
the federal bureau of investigation, the superintendent shall not 113277  
conduct the review prescribed by division (B)(1) of this section. 113278

(3) The superintendent or the superintendent's designee may 113279  
request criminal history records from other states or the federal 113280  
government pursuant to the national crime prevention and privacy 113281  
compact set forth in section 109.571 of the Revised Code. 113282

(4) The superintendent shall include in the results of the 113283  
criminal records check a list or description of the offenses 113284  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 113285  
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 113286  
whichever division requires the superintendent to conduct the 113287  
criminal records check. The superintendent shall exclude from the 113288  
results any information the dissemination of which is prohibited 113289  
by federal law. 113290

(5) The superintendent shall send the results of the criminal 113291  
records check to the person to whom it is to be sent not later 113292  
than the following number of days after the date the 113293  
superintendent receives the request for the criminal records 113294  
check, the completed form prescribed under division (C)(1) of this 113295  
section, and the set of fingerprint impressions obtained in the 113296  
manner described in division (C)(2) of this section: 113297

(a) If the superintendent is required by division (A) of this 113298  
section (other than division (A)(3) of this section) to conduct 113299  
the criminal records check, thirty; 113300

(b) If the superintendent is required by division (A)(3) of 113301



this section to conduct the criminal records check, sixty. 113302

(C)(1) The superintendent shall prescribe a form to obtain 113303  
the information necessary to conduct a criminal records check from 113304  
any person for whom a criminal records check is to be conducted 113305  
under this section. The form that the superintendent prescribes 113306  
pursuant to this division may be in a tangible format, in an 113307  
electronic format, or in both tangible and electronic formats. 113308

(2) The superintendent shall prescribe standard impression 113309  
sheets to obtain the fingerprint impressions of any person for 113310  
whom a criminal records check is to be conducted under this 113311  
section. Any person for whom a records check is to be conducted 113312  
under this section shall obtain the fingerprint impressions at a 113313  
county sheriff's office, municipal police department, or any other 113314  
entity with the ability to make fingerprint impressions on the 113315  
standard impression sheets prescribed by the superintendent. The 113316  
office, department, or entity may charge the person a reasonable 113317  
fee for making the impressions. The standard impression sheets the 113318  
superintendent prescribes pursuant to this division may be in a 113319  
tangible format, in an electronic format, or in both tangible and 113320  
electronic formats. 113321

(3) Subject to division (D) of this section, the 113322  
superintendent shall prescribe and charge a reasonable fee for 113323  
providing a criminal records check under this section. The person 113324  
requesting the criminal records check shall pay the fee prescribed 113325  
pursuant to this division. In the case of a request under section 113326  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 113327  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 113328  
the manner specified in that section. 113329

(4) The superintendent of the bureau of criminal 113330  
identification and investigation may prescribe methods of 113331  
forwarding fingerprint impressions and information necessary to 113332  
conduct a criminal records check, which methods shall include, but 113333

not be limited to, an electronic method. 113334

(D) The results of a criminal records check conducted under 113335  
this section, other than a criminal records check specified in 113336  
division (A)(7) of this section, are valid for the person who is 113337  
the subject of the criminal records check for a period of one year 113338  
from the date upon which the superintendent completes the criminal 113339  
records check. If during that period the superintendent receives 113340  
another request for a criminal records check to be conducted under 113341  
this section for that person, the superintendent shall provide the 113342  
results from the previous criminal records check of the person at 113343  
a lower fee than the fee prescribed for the initial criminal 113344  
records check. 113345

(E) When the superintendent receives a request for 113346  
information from a registered private provider, the superintendent 113347  
shall proceed as if the request was received from a school 113348  
district board of education under section 3319.39 of the Revised 113349  
Code. The superintendent shall apply division (A)(1)(c) of this 113350  
section to any such request for an applicant who is a teacher. 113351

(F)(1) Subject to division (F)(2) of this section, all 113352  
information regarding the results of a criminal records check 113353  
conducted under this section that the superintendent reports or 113354  
sends under division (A)(7) or (9) of this section to the director 113355  
of public safety, the treasurer of state, or the person, board, or 113356  
entity that made the request for the criminal records check shall 113357  
relate to the conviction of the subject person, or the subject 113358  
person's plea of guilty to, a criminal offense. 113359

(2) Division (F)(1) of this section does not limit, restrict, 113360  
or preclude the superintendent's release of information that 113361  
relates to the arrest of a person who is eighteen years of age or 113362  
older, to an adjudication of a child as a delinquent child, or to 113363  
a criminal conviction of a person under eighteen years of age in 113364  
circumstances in which a release of that nature is authorized 113365

under division (E)(2), (3), or (4) of section 109.57 of the Revised Code pursuant to a rule adopted under division (E)(1) of that section.

(G) As used in this section:

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.

(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.

(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.

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

(1) "Rule" includes any rule, regulation, bylaw, or standard having a general and uniform operation adopted by an agency under the authority of the laws governing the agency; any appendix to a rule; and any internal management rule. "Rule" does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code, any order respecting the duties of employees, any finding, any determination of a question of law or fact in a matter presented to an agency, or any rule promulgated pursuant to

Chapter 119. or division (C)(1) or (2) of section 5117.02 of the Revised Code. "Rule" includes any amendment or rescission of a rule.

(2) "Agency" means any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

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

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

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

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

An agency that adopts or amends a rule that is subject to division (D) of this section shall assign a review date to the rule that is not later than five years after its effective date. If a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section

106.03 of the Revised Code. This paragraph does not apply to a 113427  
rule of a state college or university, community college district, 113428  
technical college district, or state community college. 113429

If an agency in adopting a rule designates an effective date 113430  
that is later than the effective date provided for by division 113431  
(B)(1) of this section, the rule if filed as required by such 113432  
division shall become effective on the later date designated by 113433  
the agency. 113434

Any rule that is required to be filed under division (B)(1) 113435  
of this section is also subject to division (D) of this section if 113436  
not exempted by that division. 113437

If a rule incorporates a text or other material by reference, 113438  
the agency shall comply with sections 121.71 to 121.76 of the 113439  
Revised Code. 113440

(2) A rule of an emergency nature necessary for the immediate 113441  
preservation of the public peace, health, or safety shall state 113442  
the reasons for the necessity. The emergency rule, in final form 113443  
and in compliance with division (B)(3) of this section, shall be 113444  
filed in electronic form with the secretary of state, the director 113445  
of the legislative service commission, and the joint committee on 113446  
agency rule review. The emergency rule is effective immediately 113447  
upon completion of the latest filing, except that if the agency in 113448  
adopting the emergency rule designates an effective date, or date 113449  
and time of day, that is later than the effective date and time 113450  
provided for by division (B)(2) of this section, the emergency 113451  
rule if filed as required by such division shall become effective 113452  
at the later date, or later date and time of day, designated by 113453  
the agency. 113454

An emergency rule becomes invalid at the end of the one 113455  
hundred twentieth day it is in effect. Prior to that date, the 113456  
agency may file the emergency rule as a nonemergency rule in 113457

compliance with division (B)(1) of this section. The agency may 113458  
not refile the emergency rule in compliance with division (B)(2) 113459  
of this section so that, upon the emergency rule becoming invalid 113460  
under such division, the emergency rule will continue in effect 113461  
without interruption for another one hundred twenty-day period. 113462

(3) An agency shall file a rule under division (B)(1) or (2) 113463  
of this section in compliance with the following standards and 113464  
procedures: 113465

(a) The rule shall be numbered in accordance with the 113466  
numbering system devised by the director for the Ohio 113467  
administrative code. 113468

(b) The rule shall be prepared and submitted in compliance 113469  
with the rules of the legislative service commission. 113470

(c) The rule shall clearly state the date on which it is to 113471  
be effective and the date on which it will expire, if known. 113472

(d) Each rule that amends or rescinds another rule shall 113473  
clearly refer to the rule that is amended or rescinded. Each 113474  
amendment shall fully restate the rule as amended. 113475

If the director of the legislative service commission or the 113476  
director's designee gives an agency notice pursuant to section 113477  
103.05 of the Revised Code that a rule filed by the agency is not 113478  
in compliance with the rules of the legislative service 113479  
commission, the agency shall within thirty days after receipt of 113480  
the notice conform the rule to the rules of the commission as 113481  
directed in the notice. 113482

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 113483  
of this section shall be recorded by the secretary of state and 113484  
the director under the title of the agency adopting the rule and 113485  
shall be numbered according to the numbering system devised by the 113486  
director. The secretary of state and the director shall preserve 113487  
the rules in an accessible manner. Each such rule shall be a 113488

public record open to public inspection and may be transmitted to 113489  
any law publishing company that wishes to reproduce it. 113490

(D) At least sixty-five days before a board, commission, 113491  
department, division, or bureau of the government of the state 113492  
files a rule under division (B)(1) of this section, it shall file 113493  
the full text of the proposed rule in electronic form with the 113494  
joint committee on agency rule review, and the proposed rule is 113495  
subject to legislative review and invalidation under section 113496  
106.021 of the Revised Code. If a state board, commission, 113497  
department, division, or bureau makes a revision in a proposed 113498  
rule after it is filed with the joint committee, the state board, 113499  
commission, department, division, or bureau shall promptly file 113500  
the full text of the proposed rule in its revised form in 113501  
electronic form with the joint committee. A state board, 113502  
commission, department, division, or bureau shall also file the 113503  
rule summary and fiscal analysis prepared under section 127.18 of 113504  
the Revised Code in electronic form along with a proposed rule, 113505  
and along with a proposed rule in revised form, that is filed 113506  
under this division. If a proposed rule has an adverse impact on 113507  
businesses, the state board, commission, department, division, or 113508  
bureau also shall file the business impact analysis, any 113509  
recommendations received from the common sense initiative office, 113510  
and the associated memorandum of response, if any, in electronic 113511  
form along with the proposed rule, or the proposed rule in revised 113512  
form, that is filed under this division. 113513

A proposed rule that is subject to legislative review under 113514  
this division may not be adopted and filed in final form under 113515  
division (B)(1) of this section unless the proposed rule has been 113516  
filed with the joint committee on agency rule review under this 113517  
division and the time for the joint committee to review the 113518  
proposed rule has expired without recommendation of a concurrent 113519  
resolution to invalidate the proposed rule. 113520

As used in this division, "commission" includes the public 113521  
utilities commission when adopting rules under a federal or state 113522  
statute. 113523

This division does not apply to any of the following: 113524

(1) A proposed rule of an emergency nature; 113525

(2) A rule proposed under section 1121.05, 1121.06, ~~1155.18,~~ 113526  
~~1163.22,~~ 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 113527  
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 113528  
Code; 113529

(3) A rule proposed by an agency other than a board, 113530  
commission, department, division, or bureau of the government of 113531  
the state; 113532

(4) A proposed internal management rule of a board, 113533  
commission, department, division, or bureau of the government of 113534  
the state; 113535

(5) Any proposed rule that must be adopted verbatim by an 113536  
agency pursuant to federal law or rule, to become effective within 113537  
sixty days of adoption, in order to continue the operation of a 113538  
federally reimbursed program in this state, so long as the 113539  
proposed rule contains both of the following: 113540

(a) A statement that it is proposed for the purpose of 113541  
complying with a federal law or rule; 113542

(b) A citation to the federal law or rule that requires 113543  
verbatim compliance. 113544

(6) An initial rule proposed by the director of health to 113545  
impose safety standards and quality-of-care standards with respect 113546  
to a health service specified in section 3702.11 of the Revised 113547  
Code, or an initial rule proposed by the director to impose 113548  
quality standards on a facility listed in division (A)(4) of 113549  
section 3702.30 of the Revised Code, if section 3702.12 of the 113550



Revised Code requires that the rule be adopted under this section; 113551

(7) A rule of the state lottery commission pertaining to 113552  
instant game rules. 113553

If a rule is exempt from legislative review under division 113554  
(D)(5) of this section, and if the federal law or rule pursuant to 113555  
which the rule was adopted expires, is repealed or rescinded, or 113556  
otherwise terminates, the rule is thereafter subject to 113557  
legislative review under division (D) of this section. 113558

Whenever a state board, commission, department, division, or 113559  
bureau files a proposed rule or a proposed rule in revised form 113560  
under division (D) of this section, it shall also file the full 113561  
text of the same proposed rule or proposed rule in revised form in 113562  
electronic form with the secretary of state and the director of 113563  
the legislative service commission. A state board, commission, 113564  
department, division, or bureau shall file the rule summary and 113565  
fiscal analysis prepared under section 127.18 of the Revised Code 113566  
in electronic form along with a proposed rule or proposed rule in 113567  
revised form that is filed with the secretary of state or the 113568  
director of the legislative service commission. 113569

**Sec. 119.01.** As used in sections 119.01 to 119.13 of the 113570  
Revised Code: 113571

(A)(1) "Agency" means, except as limited by this division, 113572  
any official, board, or commission having authority to promulgate 113573  
rules or make adjudications in the civil service commission, the 113574  
division of liquor control, the department of taxation, the 113575  
industrial commission, the bureau of workers' compensation, the 113576  
functions of any administrative or executive officer, department, 113577  
division, bureau, board, or commission of the government of the 113578  
state specifically made subject to sections 119.01 to 119.13 of 113579  
the Revised Code, and the licensing functions of any 113580  
administrative or executive officer, department, division, bureau, 113581

board, or commission of the government of the state having the 113582  
authority or responsibility of issuing, suspending, revoking, or 113583  
canceling licenses. 113584

Sections 119.01 to 119.13 of the Revised Code do not apply to 113585  
the public utilities commission. Sections 119.01 to 119.13 of the 113586  
Revised Code do not apply to the utility radiological safety 113587  
board; to the controlling board; to actions of the superintendent 113588  
of financial institutions and the superintendent of insurance in 113589  
the taking possession of, and rehabilitation or liquidation of, 113590  
the business and property of banks, savings and loan associations, 113591  
savings banks, credit unions, insurance companies, associations, 113592  
reciprocal fraternal benefit societies, and bond investment 113593  
companies; to any action taken by the division of securities under 113594  
section 1707.201 of the Revised Code; or to any action that may be 113595  
taken by the superintendent of financial institutions under 113596  
section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 113597  
~~1157.09, 1157.12, 1157.18, 1165.09, 1165.12, 1165.18,~~ 113598  
1733.35, 1733.361, 1733.37, or 1761.03 of the Revised Code. 113599

Sections 119.01 to 119.13 of the Revised Code do not apply to 113600  
actions of the industrial commission or the bureau of workers' 113601  
compensation under sections 4123.01 to 4123.94 of the Revised Code 113602  
with respect to all matters of adjudication, or to the actions of 113603  
the industrial commission, bureau of workers' compensation board 113604  
of directors, and bureau of workers' compensation under division 113605  
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 113606  
4123.342, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, divisions 113607  
(B), (C), and (E) of section 4131.04, and divisions (B), (C), and 113608  
(E) of section 4131.14 of the Revised Code with respect to all 113609  
matters concerning the establishment of premium, contribution, and 113610  
assessment rates. 113611

(2) "Agency" also means any official or work unit having 113612  
authority to promulgate rules or make adjudications in the 113613

department of job and family services, but only with respect to 113614  
both of the following: 113615

(a) The adoption, amendment, or rescission of rules that 113616  
section 5101.09 of the Revised Code requires be adopted in 113617  
accordance with this chapter; 113618

(b) The issuance, suspension, revocation, or cancellation of 113619  
licenses. 113620

(B) "License" means any license, permit, certificate, 113621  
commission, or charter issued by any agency. "License" does not 113622  
include any arrangement whereby a person or government entity 113623  
furnishes medicaid services under a provider agreement with the 113624  
department of medicaid. 113625

(C) "Rule" means any rule, regulation, or standard, having a 113626  
general and uniform operation, adopted, promulgated, and enforced 113627  
by any agency under the authority of the laws governing such 113628  
agency, and includes any appendix to a rule. "Rule" does not 113629  
include any internal management rule of an agency unless the 113630  
internal management rule affects private rights and does not 113631  
include any guideline adopted pursuant to section 3301.0714 of the 113632  
Revised Code. 113633

(D) "Adjudication" means the determination by the highest or 113634  
ultimate authority of an agency of the rights, duties, privileges, 113635  
benefits, or legal relationships of a specified person, but does 113636  
not include the issuance of a license in response to an 113637  
application with respect to which no question is raised, nor other 113638  
acts of a ministerial nature. 113639

(E) "Hearing" means a public hearing by any agency in 113640  
compliance with procedural safeguards afforded by sections 119.01 113641  
to 119.13 of the Revised Code. 113642

(F) "Person" means a person, firm, corporation, association, 113643  
or partnership. 113644

(G) "Party" means the person whose interests are the subject of an adjudication by an agency. 113645  
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(H) "Appeal" means the procedure by which a person, aggrieved by a finding, decision, order, or adjudication of any agency, invokes the jurisdiction of a court. 113647  
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(I) "Internal management rule" means any rule, regulation, or standard governing the day-to-day staff procedures and operations within an agency. 113650  
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**Sec. 121.07.** (A) Except as otherwise provided in this division, the officers mentioned in sections 121.04 and 121.05 of the Revised Code and the offices and divisions they administer shall be under the direction, supervision, and control of the directors of their respective departments, and shall perform such duties as the directors prescribe. In performing or exercising any of the examination or regulatory functions, powers, or duties vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 to 1315.18 of the Revised Code in the superintendent of financial institutions, the superintendent of financial institutions and the division of financial institutions are independent of and are not subject to the control of the department or the director of commerce. In the absence of the superintendent of financial institutions, the director of commerce ~~may~~ shall, for a limited period of time, perform or exercise any of those functions, powers, or duties or authorize the deputy superintendent for banks to perform or exercise any of the functions, power, or duties vested by Title XI and sections 1315.01 to 1315.18 of the Revised Code in the superintendent and the deputy superintendent for credit unions to perform or exercise any of the functions, powers, or duties vested by Chapters 1733. and 1761. of the Revised Code in the superintendent. 113653  
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(B) With the approval of the governor, the director of each 113675

department shall establish divisions within the department, and 113676  
distribute the work of the department among such divisions. Each 113677  
officer created by section 121.04 of the Revised Code shall be the 113678  
head of such a division. 113679

With the approval of the governor, the director of each 113680  
department may consolidate any two or more of the offices created 113681  
in the department by section 121.04 of the Revised Code, or reduce 113682  
the number of or create new divisions therein. 113683

The director of each department may prescribe rules for the 113684  
government of the department, the conduct of its employees, the 113685  
performance of its business, and the custody, use, and 113686  
preservation of the records, papers, books, documents, and 113687  
property pertaining thereto. 113688

**Sec. 131.11.** No money held or controlled by any probate 113689  
court, juvenile court, clerk of the court of common pleas, clerk 113690  
of a county court, sheriff, county recorder, director of a county 113691  
department of job and family services, clerk or bailiff of a 113692  
municipal court, prosecuting attorney, resident or division deputy 113693  
director of highways, or treasurer of a university receiving state 113694  
aid, in excess of that covered by federal deposit insurance as 113695  
hereinafter described ~~or in excess of that covered by federal~~ 113696  
~~savings and loan insurance~~, shall be deposited in any bank, or 113697  
~~trust company, or building and loan association as defined in~~ 113698  
~~section 1151.01 of the Revised Code~~ until there is a hypothecation 113699  
of securities as provided for in section 135.18 of the Revised 113700  
Code, or until there is executed by the bank, or trust company, ~~or~~ 113701  
~~building and loan association~~ selected, a good and sufficient 113702  
undertaking, payable to the depositor, in such sum as the 113703  
depositor directs, but not less than the excess of the sum that is 113704  
deposited in the depository, at any one time over and above the 113705  
portion or amount of the sum as is at any time insured by the 113706

federal deposit insurance corporation created pursuant to "The 113707  
Banking Act of 1933," or by ~~the federal savings and loan insurance~~ 113708  
~~corporation created pursuant to the "Home Owners' Loan Act of~~ 113709  
~~1933," 40 Stat. 128, 12 U.S.C.A. 1461, or by~~ any other agency or 113710  
instrumentality of the federal government, pursuant to such acts 113711  
or any acts of congress amendatory thereof. 113712

Any funds or securities in the possession or custody of any 113713  
county official in an official capacity or any funds or securities 113714  
the possession or custody of which is charged to any county 113715  
official, including funds or securities in transit to or from any 113716  
bank or trust company, may be insured by the board of county 113717  
commissioners in such amount as is found necessary in the public 113718  
interest. All costs of such insurance shall be paid by the county 113719  
as provided in section 307.55 of the Revised Code. 113720

With respect to any insured or secured deposit mentioned in 113721  
this section which is active as defined by section 135.01 of the 113722  
Revised Code, any depositor named in this section may pay a 113723  
service charge which is the same as that customarily made by the 113724  
institution or institutions receiving money on deposit subject to 113725  
check in the city or village where the bank or trust company 113726  
accepting such active deposit is located. 113727

**Sec. 135.03.** Any national bank, any bank doing business under 113728  
authority granted by the superintendent of financial institutions, 113729  
or any bank doing business under authority granted by the 113730  
regulatory authority of another state of the United States, 113731  
located in this state, is eligible to become a public depository, 113732  
subject to sections 135.01 to 135.21 of the Revised Code. No bank 113733  
shall receive or have on deposit at any one time public moneys, 113734  
including public moneys as defined in section 135.31 of the 113735  
Revised Code, in an aggregate amount in excess of thirty per cent 113736  
of its total assets, as shown in its latest report to the 113737

comptroller of the currency, the superintendent of financial 113738  
institutions, the federal deposit insurance corporation, or the 113739  
board of governors of the federal reserve system. 113740

Any federal savings association, ~~any savings and loan~~ 113741  
~~association or savings bank doing business under authority granted~~ 113742  
~~by the superintendent of financial institutions,~~ or any savings 113743  
and loan association or savings bank doing business under 113744  
authority granted by the regulatory authority of another state of 113745  
the United States, located in this state, and authorized to accept 113746  
deposits is eligible to become a public depository, subject to 113747  
sections 135.01 to 135.21 of the Revised Code. No savings 113748  
association, savings and loan association, or savings bank shall 113749  
receive or have on deposit at any one time public moneys, 113750  
including public moneys as defined in section 135.31 of the 113751  
Revised Code, in an aggregate amount in excess of thirty per cent 113752  
of its total assets, as shown in its latest report to the former 113753  
office of thrift supervision, the comptroller of the currency, the 113754  
superintendent of financial institutions, the federal deposit 113755  
insurance corporation, or the board of governors of the federal 113756  
reserve system. 113757

**Sec. 135.032.** No ~~bank or savings and loan association~~ 113758  
institution mentioned in section 135.03 of the Revised Code is 113759  
eligible to become a public depository or to receive any new 113760  
public deposits pursuant to sections 135.01 to 135.21 of the 113761  
Revised Code, if: 113762

~~(A) In the case of a bank,~~ the ~~bank~~ institution or any of its 113763  
directors, officers, employees, or controlling shareholders or 113764  
persons is currently a party to an active final or temporary 113765  
cease-and-desist order issued ~~under section 1121.32 of the Revised~~ 113766  
~~Code;~~ 113767

~~(B) In the case of an association, the association or any of~~ 113768

~~its directors, officers, employees, or controlling persons is~~ 113769  
~~currently a party to an active final or summary cease and desist~~ 113770  
~~order issued under section 1155.02 of the Revised Code to ensure~~ 113771  
~~the safety and soundness of the institution.~~ 113772

**Sec. 135.182.** (A) As used in this section: 113773

(1) "Public depository" means that term as defined in section 113774  
135.01 of the Revised Code, but also means an institution that 113775  
receives or holds any public deposits as defined in section 135.31 113776  
of the Revised Code. 113777

(2) "Public depositor" means that term as defined in section 113778  
135.01 of the Revised Code, but also includes a county and any 113779  
municipal corporation that has adopted a charter under Article 113780  
XVIII, Ohio Constitution. 113781

(3) "Public deposits," "public moneys," and "treasurer" mean 113782  
those terms as defined in section 135.01 of the Revised Code, but 113783  
also have the same meanings as are set forth in section 135.31 of 113784  
the Revised Code. 113785

(B)(1) Not later than July 1, 2017, the treasurer of state 113786  
shall create the Ohio pooled collateral program. Under this 113787  
program, each institution designated as a public depository that 113788  
selects the pledging method prescribed in division (A)(2) of 113789  
section 135.18 or division (A)(2) of section 135.37 of the Revised 113790  
Code shall pledge to the treasurer of state a single pool of 113791  
eligible securities for the benefit of all public depositors at 113792  
the public depository to secure the repayment of all uninsured 113793  
public deposits at the public depository, provided that at all 113794  
times the total market value of the securities so pledged is at 113795  
least equal to either of the following: 113796

(a) One hundred two per cent of the total amount of all 113797  
uninsured public deposits; 113798



(b) An amount determined by rules adopted by the treasurer of state that set forth the criteria for determining the aggregate market value of the pool of eligible securities pledged by a public depository pursuant to division (B) of this section. Such criteria shall include, but are not limited to, prudent capital and liquidity management by the public depository and the safety and soundness of the public depository as determined by a third-party rating organization.

(2) The treasurer of state shall monitor the eligibility, market value, and face value of the pooled securities pledged by the public depository. Each public depository shall carry in its accounting records at all times a general ledger or other appropriate account of the total amount of all public deposits to be secured by the pool, as determined at the opening of business each day, and the total market value of securities pledged to secure such deposits, and report such information to the treasurer of state in a manner and frequency as determined by the treasurer of state pursuant to rules adopted by the treasurer of state. A public depositor shall be responsible for periodically confirming the accuracy of its account balances with the treasurer of state; otherwise, the treasurer of state shall be the sole public depositor responsible for monitoring and ensuring the sufficiency of securities pledged under this section.

(C) The public depository shall designate a qualified trustee approved by the treasurer of state and place with such trustee for safekeeping the eligible securities pledged pursuant to division (B) of this section. The trustee shall hold the eligible securities in an account indicating the treasurer of state's security interest in the eligible securities. The treasurer of state shall give written notice of the trustee to all public depositors for which such securities are pledged. The trustee shall report to the treasurer of state information relating to the

securities pledged to secure such public deposits in a manner and 113831  
frequency as determined by the treasurer of state. 113832

(D) In order for a public depository to receive public moneys 113833  
under this section, the public depository and the treasurer of 113834  
state shall first execute an agreement that sets forth the entire 113835  
arrangement among the parties and that meets the requirements 113836  
described in 12 U.S.C. 1823(e). In addition, the agreement shall 113837  
authorize the treasurer of state to obtain control of the 113838  
collateral pursuant to division (D) of section 1308.24 of the 113839  
Revised Code. 113840

(E) The securities or other obligations described in division 113841  
(D) of section 135.18 of the Revised Code shall be eligible as 113842  
collateral for the purposes of division (B) of this section, 113843  
provided no such securities or obligations pledged as collateral 113844  
are at any time in default as to either principal or interest. 113845

(F) Any federal reserve bank or branch thereof located in 113846  
this state or federal home loan bank, without compliance with 113847  
Chapter 1111. of the Revised Code and without becoming subject to 113848  
any other law of this state relative to the exercise by 113849  
corporations of trust powers generally, is qualified to act as 113850  
trustee for the safekeeping of securities, under this section. Any 113851  
institution mentioned in section 135.03 or 135.32 of the Revised 113852  
Code that holds a certificate of qualification issued by the 113853  
superintendent of financial institutions or any institution 113854  
complying with sections 1111.04, 1111.05, and 1111.06 of the 113855  
Revised Code is qualified to act as trustee for the safekeeping of 113856  
securities under this section, other than those belonging to 113857  
itself or to an affiliate as defined in section 1101.01 of the 113858  
Revised Code. 113859

(G) The public depository may substitute, exchange, or 113860  
release eligible securities deposited with the qualified trustee 113861  
pursuant to this section, provided that such substitution, 113862

exchange, or release is effectuated pursuant to written 113863  
authorization from the treasurer of state, and such action does 113864  
not reduce the total market value of the securities to an amount 113865  
that is less than the amount established pursuant to division (B) 113866  
of this section. 113867

(H) Notwithstanding the fact that a public depository is 113868  
required to pledge eligible securities in certain amounts to 113869  
secure public deposits, a qualified trustee has no duty or 113870  
obligation to determine the eligibility, market value, or face 113871  
value of any securities deposited with the trustee by a public 113872  
depository. This applies in all situations including, but not 113873  
limited to, a substitution or exchange of securities, but 113874  
excluding those situations effectuated by division (I) of this 113875  
section in which the trustee is required to determine face and 113876  
market value. 113877

(I) The qualified trustee shall enter into a custodial 113878  
agreement with the treasurer of state and public depository in 113879  
which the trustee agrees to comply with entitlement orders 113880  
originated by the treasurer of state without further consent by 113881  
the public depository or, in the case of collateral held by the 113882  
public depository in an account at a federal reserve bank, the 113883  
treasurer of state shall have the treasurer's security interest 113884  
marked on the books of the federal reserve bank where the account 113885  
for the collateral is maintained. If the public depository fails 113886  
to pay over any part of the public deposits made therein as 113887  
provided by law and secured pursuant to division (B) of this 113888  
section, the treasurer of state shall give written notice of this 113889  
failure to the qualified trustee holding the pool of securities 113890  
pledged against the public deposits, and at the same time shall 113891  
send a copy of this notice to the public depository. Upon receipt 113892  
of this notice, the trustee shall transfer to the treasurer of 113893  
state for sale, the pooled securities that are necessary to 113894

produce an amount equal to the public deposits made by the public 113895  
depositor and not paid over, less the portion of the deposits 113896  
covered by any federal deposit insurance, plus any accrued 113897  
interest due on the deposits. The treasurer of state shall sell 113898  
any of the bonds or other securities so transferred. When a sale 113899  
of bonds or other securities has been so made and upon payment to 113900  
the public depositor of the purchase money, the treasurer of state 113901  
shall transfer such bonds or securities whereupon the absolute 113902  
ownership of such bonds or securities shall pass to the 113903  
purchasers. Any surplus after deducting the amount due to the 113904  
public depositor and expenses of sale shall be paid to the public 113905  
depository. 113906

(J) Any charges or compensation of a qualified trustee for 113907  
acting as such under this section shall be paid by the public 113908  
depository and in no event shall be chargeable to the public 113909  
depositor or to any officer of the public depositor. The charges 113910  
or compensation shall not be a lien or charge upon the securities 113911  
deposited for safekeeping prior or superior to the rights to and 113912  
interests in the securities of the public depositor. The treasurer 113913  
and the treasurer's bonders or surety shall be relieved from any 113914  
liability to the public depositor or to the public depository for 113915  
the loss or destruction of any securities deposited with a 113916  
qualified trustee pursuant to this section. 113917

(K)(1) The following information is confidential and not a 113918  
public record under section 149.43 of the Revised Code: 113919

(a) All reports or other information obtained or created 113920  
about a public depository for purposes of division (B)(1)(b) of 113921  
this section; 113922

(b) The identity of a public depositor's public depository; 113923

(c) The identity of a public depository's public depositors. 113924

(2) Nothing in this section prevents the treasurer of state 113925

from releasing or exchanging such confidential information as 113926  
required by law or for the operation of the pooled collateral 113927  
program. 113928

**Sec. 135.32.** (A) Any national bank, any bank doing business 113929  
under authority granted by the superintendent of financial 113930  
institutions, or any bank doing business under authority granted 113931  
by the regulatory authority of another state of the United States, 113932  
located in this state, is eligible to become a public depository, 113933  
subject to sections 135.31 to 135.40 of the Revised Code. No bank 113934  
shall receive or have on deposit at any one time public moneys, 113935  
including public moneys as defined in section 135.01 of the 113936  
Revised Code, in an aggregate amount in excess of thirty per cent 113937  
of its total assets, as shown in its latest report to the 113938  
comptroller of the currency, the superintendent of financial 113939  
institutions, the federal deposit insurance corporation, or the 113940  
board of governors of the federal reserve system. 113941

(B) Any federal savings association, ~~any savings and loan~~ 113942  
~~association or savings bank doing business under authority granted~~ 113943  
~~by the superintendent of financial institutions,~~ or any savings 113944  
and loan association or savings bank doing business under 113945  
authority granted by the regulatory authority of another state of 113946  
the United States, located in this state, and authorized to accept 113947  
deposits is eligible to become a public depository, subject to 113948  
sections 135.31 to 135.40 of the Revised Code. No savings 113949  
association, savings and loan association, or savings bank shall 113950  
receive or have on deposit at any one time public moneys, 113951  
including public moneys as defined in section 135.01 of the 113952  
Revised Code, in an aggregate amount in excess of thirty per cent 113953  
of its total assets, as shown in its latest report to the former 113954  
office of thrift supervision, the comptroller of the currency, the 113955  
superintendent of financial institutions, the federal deposit 113956  
insurance corporation, or the board of governors of the federal 113957

reserve system. 113958

**Sec. 135.321.** No ~~bank or savings and loan association~~ 113959  
institution mentioned in section 135.32 of the Revised Code is 113960  
eligible to become a public depository or to receive any new 113961  
public deposits pursuant to sections 135.31 to 135.40 of the 113962  
Revised Code, if+ 113963

~~(A) In the case of a bank,~~ the ~~bank~~ institution or any of its 113964  
directors, officers, employees, or controlling shareholders or 113965  
persons is currently a party to an active final or temporary 113966  
cease-and-desist order issued ~~under section 1121.32 of the Revised~~ 113967  
~~Code.~~ 113968

~~(B) In the case of an association, the association or any of~~ 113969  
~~its directors, officers, employees, or controlling persons is~~ 113970  
~~currently a party to an active final or summary cease and desist~~ 113971  
~~order issued under section 1155.02 of the Revised Code~~ to ensure 113972  
the safety and soundness of the institution. 113973

**Sec. 135.51.** In case of any default on the part of a bank ~~or~~ 113974  
~~domestic building and loan association~~ in its capacity as 113975  
depository of the money of any county, municipal corporation, 113976  
township, or school district, the board of county commissioners, 113977  
the legislative authority of such municipal corporation, the board 113978  
of township trustees, and the board of education of such school 113979  
district, in lieu of immediately selling the securities received 113980  
and held as security for the deposit of such money under authority 113981  
of any section of the Revised Code, may retain the same, collect 113982  
the interest and any installments of principal thereafter falling 113983  
due on such securities, and refund, exchange, sell, or otherwise 113984  
dispose of any of them, at such times and in such manner as such 113985  
board of county commissioners, legislative authority, board of 113986  
township trustees, or board of education determines to be 113987

advisable with a view to conserving the value of such securities 113988  
for the benefit of such county, municipal corporation, township, 113989  
or school district, and for the benefit of the depositors, 113990  
creditors, and stockholders or other owners of such bank ~~or~~ 113991  
~~building and loan association.~~ 113992

**Sec. 135.52.** In anticipation of the collection of the 113993  
principal and interest of securities, or other disposition of 113994  
them, as authorized by section 135.51 of the Revised Code, and of 113995  
the payment of dividends in the liquidation of the depository bank 113996  
~~or domestic savings and loan association,~~ and for the purpose of 113997  
providing public money immediately available for the needs of the 113998  
county, municipal corporation, township, or school district, the 113999  
taxing authority may issue bonds of the county, municipal 114000  
corporation, township, or school district, in an amount not 114001  
exceeding the moneys on deposit in the depository bank ~~or savings~~ 114002  
~~and loan association,~~ the payment of which is secured by such 114003  
securities, after crediting to such moneys the amount realized 114004  
from the sale or other disposition of any other securities pledged 114005  
or deposited for such moneys, or in an amount not exceeding the 114006  
value or amount ultimately to be realized from such securities to 114007  
be determined by valuation made under oath by two persons who are 114008  
conversant with the value of the assets represented by such 114009  
securities, whichever amount is the lesser, plus an amount equal 114010  
to the interest accruing on such securities during one year from 114011  
and after the date of default of such bank ~~or savings and loan~~ 114012  
~~association~~ in its capacity as a depository. The maturity of such 114013  
bonds shall not exceed ten years and they shall bear interest at a 114014  
rate not exceeding the rate determined as provided in section 9.95 114015  
of the Revised Code. Such bonds shall be the general obligations 114016  
of the county, municipal corporation, township, or school district 114017  
issuing them. The legislation under which such bonds are issued 114018  
shall comply with Section 11 of Article XII, Ohio Constitution. 114019

The amount of such bonds issued or outstanding shall not be 114020  
considered in ascertaining any of the limitations on the net 114021  
indebtedness of such county, municipal corporation, township, or 114022  
school district prescribed by law. In all other respects, the 114023  
issuance, maturities, and sale of such bonds shall be subject to 114024  
Chapter 133. of the Revised Code. 114025

A sufficient amount of the moneys received from principal on 114026  
the sale of such bonds to cover the interest accruing on such 114027  
securities for one year, to the extent determined by the authority 114028  
issuing such bonds in the resolution or ordinance of issuance 114029  
under this section, shall be paid into the bond retirement fund 114030  
from which the bonds are to be redeemed, together with premiums 114031  
and accrued interest. The balance of such principal shall be 114032  
credited to the funds to which the moneys represented by such 114033  
depository balance belong, and in the respective amounts of such 114034  
funds. 114035

**Sec. 135.53.** All principal and interest collected by the 114036  
proper officer or agent of the county, municipal corporation, 114037  
township, or school district, on account of the securities 114038  
mentioned in section 135.51 of the Revised Code, the proceeds of 114039  
any sale or other disposition of any of such securities, and any 114040  
dividends received from the liquidation of the defaulting bank ~~or~~ 114041  
~~domestic building and loan association~~, shall be paid into the 114042  
bond retirement fund from which the bonds provided for in section 114043  
135.52 of the Revised Code are to be redeemed, until the aggregate 114044  
of such payments equals the requirements of such fund, whereupon 114045  
such securities, and any remaining depository balance, not 114046  
anticipated by such bonds, to the extent then retained by such 114047  
county, municipal corporation, township, or school district, shall 114048  
be assigned and delivered to the defaulting bank ~~or building and~~ 114049  
~~loan association~~, to its liquidating officer, or to its successor 114050  
or assignee, together with a release or other instrument showing 114051



full satisfaction of the claim of such county, municipal 114052  
corporation, township, or school district against such bank, 114053  
~~building and loan association,~~ or officer. 114054

**Sec. 323.134.** As used in this section, "financial 114055  
institution" means a bank as defined in section 1101.01 of the 114056  
Revised Code, ~~a building and loan association as defined in~~ 114057  
~~section 1151.01 of the Revised Code,~~ or any other person regularly 114058  
engaging in the business of making or brokering residential 114059  
mortgage loans on security located in this state. 114060

The county treasurer may request any financial institution to 114061  
enter into an agreement with the treasurer for information 114062  
exchanges limited exclusively to the purpose of real property tax 114063  
billing and payment, including, but not limited to, the sharing of 114064  
information that is part of a data processing system. With the 114065  
approval of the county automatic data processing board or if the 114066  
county has no board, with the approval of the county auditor, the 114067  
county treasurer may enter such an agreement with any consenting 114068  
financial institution. Where such an agreement enables the 114069  
treasurer to collect the proper amounts of such taxes due without 114070  
preparing and sending the tax bills required by section 323.13 of 114071  
the Revised Code, the treasurer need not prepare and send such 114072  
bills for any entries of real property upon which taxes are 114073  
properly computed and paid by the use of such information 114074  
exchange. 114075

**Sec. 339.06.** (A) The board of county hospital trustees, upon 114076  
completion of construction or leasing and equipping of a county 114077  
hospital, shall assume and continue the operation of the hospital. 114078

(B) The board of county hospital trustees shall have the 114079  
entire management and control of the county hospital. The board 114080  
may in writing delegate its management and control of the county 114081

hospital to the administrator of the county hospital employed 114082  
under section 339.07 of the Revised Code. The board shall 114083  
establish such rules for the hospital's government, management, 114084  
control, and the admission of persons as are expedient. 114085

(C) The board of county hospital trustees has control of the 114086  
property of the county hospital, including management and disposal 114087  
of surplus property other than real estate or an interest in real 114088  
estate. 114089

(D) With respect to the use of funds by the board of county 114090  
hospital trustees and its accounting for the use of funds, all of 114091  
the following apply: 114092

(1) The board of county hospital trustees has control of all 114093  
funds used in the county hospital's operation, including moneys 114094  
received from the operation of the hospital, moneys appropriated 114095  
for its operation by the board of county commissioners, and moneys 114096  
resulting from special levies submitted by the board of county 114097  
commissioners as provided for in section 5705.22 of the Revised 114098  
Code. 114099

(2) Of the funds used in the county hospital's operation, all 114100  
or part of any amount determined not to be necessary to meet 114101  
current demands on the hospital may be invested by the board of 114102  
county hospital trustees or its designee in any classifications of 114103  
securities and obligations eligible for deposit or investment of 114104  
county moneys pursuant to section 135.35 of the Revised Code, 114105  
subject to the approval of the board's written investment policy 114106  
by the county investment advisory committee established pursuant 114107  
to section 135.341 of the Revised Code. If a county hospital is 114108  
based in a county that has adopted a charter under Section 3 of 114109  
Article X, Ohio Constitution, such funds may be invested by the 114110  
board of county hospital trustees as provided in this division or 114111  
in an ordinance adopted by the legislative authority of the 114112  
county, in either case subject to approval by the county 114113

investment advisory committee, or as provided in section 339.061 114114  
of the Revised Code. 114115

(3) Annually, not later than sixty days before the end of the 114116  
fiscal year used by the county hospital, the board of county 114117  
hospital trustees shall submit its proposed budget for the ensuing 114118  
fiscal year to the board of county commissioners for that board's 114119  
review. The board of county commissioners shall review and approve 114120  
the proposed budget by the first day of the fiscal year to which 114121  
the budget applies. If the board of county commissioners has not 114122  
approved the budget by the first day of the fiscal year to which 114123  
the budget applies, the budget is deemed to have been approved by 114124  
the board on the first day of that fiscal year. 114125

(4) The board of county hospital trustees shall not expend 114126  
funds received from taxes collected pursuant to any tax levied 114127  
under section 5705.22 of the Revised Code or the amount 114128  
appropriated to the county hospital by the board of county 114129  
commissioners in the annual appropriation measure for the county 114130  
until its budget for the applicable fiscal year is approved in 114131  
accordance with division (C)(3) of this section. At any time the 114132  
amount received from those sources differs from the amount shown 114133  
in the approved budget, the board of county commissioners may 114134  
require the board of county hospital trustees to revise the county 114135  
hospital budget accordingly. 114136

(5) Funds under the control of the board of county hospital 114137  
trustees may be disbursed by the board, consistent with the 114138  
approved budget, for the uses and purposes of the county hospital; 114139  
for the replacement of necessary equipment; for the acquisition, 114140  
leasing, or construction of permanent improvements to county 114141  
hospital property; or for making a donation authorized by division 114142  
(E) of this section. Each disbursement of funds shall be made on a 114143  
voucher signed by signatories designated and approved by the board 114144  
of county hospital trustees. 114145

(6) The head of a board of county hospital trustees is not required to file an estimate of contemplated revenue and expenditures for the ensuing fiscal year under section 5705.28 of the Revised Code unless the board of county commissioners levies a tax for the county hospital, or such a tax is proposed, or the board of county hospital trustees desires that the board of county commissioners make an appropriation to the county hospital for the ensuing fiscal year.

(7) All moneys appropriated by the board of county commissioners or from special levies by the board of county commissioners for the operation of the hospital, when collected shall be paid to the board of county hospital trustees on a warrant of the county auditor and approved by the board of county commissioners.

(8) The board of county hospital trustees shall provide for the conduct of an annual financial audit of the county hospital. Not later than thirty days after it receives the final report of an annual financial audit, the board shall file a copy of the report with the board of county commissioners.

(E) For the public purpose of improving the health, safety, and general welfare of the community, the board of county hospital trustees may donate to a nonprofit entity any of the following:

(1) Moneys and other financial assets determined not to be necessary to meet current demands on the hospital;

(2) Surplus hospital property, including supplies, equipment, office facilities, and other property that is not real estate or an interest in real estate;

(3) Services rendered by the hospital.

(F)(1) For purposes of division (F)(2) of this section:

~~(a) "Bank", "bank"~~ has the same meaning as in section 1101.01

of the Revised Code. 114176

~~(b) "Savings and loan association" has the same meaning as in section 1151.01 of the Revised Code.~~ 114177  
114178

~~(c) "Savings bank" has the same meaning as in section 1161.01 of the Revised Code.~~ 114179  
114180

(2) The board of county hospital trustees may enter into a 114181  
contract for a secured line of credit with a bank, ~~savings and~~ 114182  
~~loan association, or savings bank~~ if the contract meets all of the 114183  
following requirements: 114184

(a) The term of the contract does not exceed one year, except 114185  
that the contract may provide for the automatic renewal of the 114186  
contract for up to four additional one-year periods if, on the 114187  
date of automatic renewal, the aggregate outstanding draws 114188  
remaining unpaid under the secured line of credit do not exceed 114189  
fifty per cent of the maximum amount that can be drawn under the 114190  
secured line of credit. 114191

(b) The contract provides that the bank, ~~savings and loan~~ 114192  
~~association, or savings bank~~ shall not commence a civil action 114193  
against the board of county commissioners, any member of the 114194  
board, or the county to recover the principal, interest, or any 114195  
charges or other amounts that remain outstanding on the secured 114196  
line of credit at the time of any default by the board of county 114197  
hospital trustees. 114198

(c) The contract provides that no assets other than those of 114199  
the county hospital can be used to secure the line of credit. 114200

(d) The terms and conditions of the contract comply with all 114201  
state and federal statutes and rules governing the extension of a 114202  
secured line of credit. 114203

(3) Any obligation incurred by a board of county hospital 114204  
trustees under division (F)(2) of this section is an obligation of 114205

that board only and not a general obligation of the board of 114206  
county commissioners or the county within the meaning of division 114207  
(Q) of section 133.01 of the Revised Code. 114208

(4) Notwithstanding anything to the contrary in the Revised 114209  
Code, the board of county hospital trustees may secure the line of 114210  
credit authorized under division (F)(2) of this section by the 114211  
grant of a security interest in any part or all of its tangible 114212  
personal property and intangible personal property, including its 114213  
deposit accounts, accounts receivable, or both. 114214

(5) No board of county hospital trustees shall at any time 114215  
have more than one secured line of credit under division (F)(2) of 114216  
this section. 114217

(G) The board of county hospital trustees shall establish a 114218  
schedule of charges for all services and treatment rendered by the 114219  
county hospital. It may provide for the free treatment in the 114220  
hospital of soldiers, sailors, and marines of the county, under 114221  
such conditions and rules as it prescribes. 114222

(H) The board of county hospital trustees may designate the 114223  
amounts and forms of insurance protection to be provided, and the 114224  
board of county commissioners shall assist in obtaining such 114225  
protection. The expense of providing the protection shall be paid 114226  
from hospital operating funds. 114227

(I) The board of county hospital trustees may authorize a 114228  
county hospital and each of its units, hospital board members, 114229  
designated hospital employees, and medical staff members to be a 114230  
member of and maintain membership in any local, state, or national 114231  
group or association organized and operated for the promotion of 114232  
the public health and welfare or advancement of the efficiency of 114233  
hospital administration and in connection therewith to use tax 114234  
funds for the payment of dues and fees and related expenses but 114235  
nothing in this section prohibits the board from using receipts 114236

from hospital operation, other than tax funds, for the payment of 114237  
such dues and fees. 114238

(J) The following apply to the board of county hospital 114239  
trustees in relation to its employees and the employees of the 114240  
county hospital: 114241

(1) The board shall adopt the wage and salary schedule for 114242  
employees. 114243

(2) The board may employ the hospital's administrator 114244  
pursuant to section 339.07 of the Revised Code, and the 114245  
administrator may employ individuals for the hospital in 114246  
accordance with that section. 114247

(3) The board may employ assistants as necessary to perform 114248  
its clerical work, superintend properly the construction of the 114249  
county hospital, and pay the hospital's expenses. Such employees 114250  
may be paid from funds provided for the county hospital. 114251

(4) The board may hire, by contract or as salaried employees, 114252  
such management consultants, accountants, attorneys, engineers, 114253  
architects, construction managers, and other professional advisors 114254  
as it determines are necessary and desirable to assist in the 114255  
management of the programs and operation of the county hospital. 114256  
Such professional advisors may be paid from county hospital 114257  
operating funds. 114258

(5) Notwithstanding section 325.19 of the Revised Code, the 114259  
board may grant to employees any fringe benefits the board 114260  
determines to be customary and usual in the nonprofit hospital 114261  
field in its community, including, but not limited to: 114262

(a) Additional vacation leave with full pay for full-time 114263  
employees, including full-time hourly rate employees, after 114264  
service of one year; 114265

(b) Vacation leave and holiday pay for part-time employees on 114266

a pro rata basis;	114267
(c) Leave with full pay due to death in the employee's immediate family, which shall not be deducted from the employee's accumulated sick leave;	114268 114269 114270
(d) Premium pay for working on holidays listed in section 325.19 of the Revised Code;	114271 114272
(e) Moving expenses for new employees;	114273
(f) Discounts on hospital supplies and services.	114274
(6) The board may provide holiday leave by observing Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code.	114275 114276 114277 114278
(7) The board may grant to employees the insurance benefits authorized by section 339.16 of the Revised Code.	114279 114280
(8) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees, including hourly rate employees, such personal holidays as the board determines to be customary and usual in the hospital field in its community.	114281 114282 114283 114284
(9) The board may provide employee recognition awards and hold employee recognition dinners.	114285 114286
(10) The board may grant to employees the recruitment and retention benefits specified under division (K) of this section.	114287 114288
(K) Notwithstanding sections 325.191 and 325.20 of the Revised Code, the board of county hospital trustees may provide, without the prior authorization of the board of county commissioners, scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees.	114289 114290 114291 114292 114293 114294 114295
The board of county hospital trustees may pay reasonable	114296



expenses for recruiting or retaining physicians and other 114297  
appropriate health care practitioners. 114298

(L) The board of county hospital trustees may retain counsel 114299  
and institute legal action in its own name for the collection of 114300  
delinquent accounts. The board may also employ any other lawful 114301  
means for the collection of delinquent accounts. 114302

**Sec. 513.17.** (A) The board of hospital governors shall, with 114303  
the consent and approval of the joint township district hospital 114304  
board and as provided by sections 513.07 to 513.18 of the Revised 114305  
Code, prepare plans and specifications, and may employ technical 114306  
assistance if necessary, and proceed to erect, furnish, and equip 114307  
necessary buildings for a joint township general hospital. Except 114308  
where the hospital of the district is leased pursuant to section 114309  
513.171 of the Revised Code, such board of governors shall appoint 114310  
and fix the compensation of a suitable person to be superintendent 114311  
of the hospital for such period of time as it determines, and 114312  
shall employ and fix the compensation for such nurses and other 114313  
employees as are necessary for the proper conduct of the hospital. 114314  
Subject to the direction of the board of governors and to the 114315  
rules prescribed by it, any such superintendent shall have 114316  
complete charge and control of the operation of such hospital. The 114317  
superintendent shall prepare and submit to the board of governors, 114318  
quarterly, a statement showing the average daily per capita cost 114319  
for the current expense of maintaining and operating such 114320  
hospital, including the cost of ordinary repairs. 114321

(B)(1) For purposes of ~~this~~ division: 114322

~~(a) "Bank"~~ (B)(2) of this section, "bank" has the same 114323  
meaning as in section 1101.01 of the Revised Code. 114324

~~(b) "Savings and loan association" has the same meaning as in~~ 114325  
~~section 1151.01 of the Revised Code.~~ 114326

~~(c) "Savings bank" has the same meaning as in section 1161.01 of the Revised Code.~~ 114327  
114328

(2) The board of hospital governors may enter into a contract for a secured line of credit with a bank, ~~savings and loan association, or savings bank~~ if the contract meets all of the following requirements: 114329  
114330  
114331  
114332

(a) The term of the contract does not exceed one hundred eighty days. 114333  
114334

(b) The contract provides that any amount extended must be repaid in full before any additional credit can be extended. 114335  
114336

(c) The contract provides that the bank, ~~savings and loan association, or savings bank~~ shall not commence a civil action against the joint township district hospital board, any member of the board, board of township trustees, township, or board of county commissioners to recover the principal, interest, or any charges or other amounts that remain outstanding on the secured line of credit at the time of any default by the board of hospital governors. 114337  
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(d) The contract provides that no assets other than those of the hospital can be used to secure the line of credit. 114345  
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(e) The terms and conditions of the contract comply with all state and federal statutes and rules governing the extension of a secured line of credit. 114347  
114348  
114349

(3) Any obligation incurred by a board of hospital governors under this division is an obligation of that board only and not a general obligation of the joint township district hospital board, board of county commissioners, county, board of township trustees, or township within the meaning of division (Q) of section 133.01 of the Revised Code. 114350  
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(4) No board of hospital governors shall at any time have 114356

more than one secured line of credit under this section. 114357

(C) The board of hospital governors may grant to its 114358  
employees such of the following as it determines to be customary 114359  
and usual in the nonprofit hospital field in its community: 114360

(1) Paid vacation and holiday leave, for holidays listed in 114361  
section 511.10 of the Revised Code, and other benefits for 114362  
full-time employees; 114363

(2) Vacation leave and holiday pay for part-time employees on 114364  
a pro rata basis; 114365

(3) Leave with full pay due to death in the employee's 114366  
immediate family, which shall not be deducted from the employee's 114367  
accumulated sick leave; 114368

(4) Premium pay for working on holidays listed in section 114369  
511.10 of the Revised Code; 114370

(5) Moving expenses for new employees; 114371

(6) Discounts on purchases from the hospital pharmacy; 114372

(7) Discounts on hospital supplies and services. 114373

The board of hospital governors may provide employee 114374  
recognition awards and hold employee recognition dinners. 114375

The board of hospital governors may provide scholarships for 114376  
education in the health care professions, tuition reimbursement, 114377  
and other staff development programs to enhance the skills of 114378  
health care professionals for the purpose of recruiting or 114379  
retaining qualified employees. 114380

The board of hospital governors may pay reasonable expenses 114381  
for recruiting physicians into the district or for retaining them 114382  
if all or part of the district has been designated as an area with 114383  
a shortage of personal health services under the "Health 114384  
Maintenance Organization Act of 1973," 87 Stat. 914, 42 U.S.C. 114385  
300e, as amended. 114386

(D) The members of the board of governors shall serve without compensation, but their necessary expenses, when engaged in the business of the hospital board, shall be paid by the joint township district hospital board.

(E) The board of hospital governors with the approval of the county commissioners may employ counsel and institute legal action in its own name for the collection of delinquent accounts. The board may also employ any other lawful means for the collection of delinquent accounts. Counsel employed under this section shall be paid from the hospital's funds.

**Sec. 749.081.** (A) For purposes of this section:

~~(1) "Bank", "bank" has the same meaning as in section 1101.01 of the Revised Code.~~

~~(2) "Savings and loan association" has the same meaning as in section 1151.01 of the Revised Code.~~

~~(3) "Savings bank" has the same meaning as in section 1161.01 of the Revised Code.~~

(B) The board of hospital commissioners may enter into a contract for a secured line of credit with a bank, ~~savings and loan association, or savings bank~~ if the contract meets all of the following requirements:

(1) The term of the contract does not exceed one hundred eighty days;

(2) The board's secured line of credit does not exceed five hundred thousand dollars;

(3) The contract provides that any amount extended must be repaid in full before any additional credit can be extended;

(4) The contract provides that the bank, ~~savings and loan association, or savings bank~~ shall not commence a civil action

against the legislative authority of a municipal corporation or 114416  
any member thereof, or the municipal corporation to recover the 114417  
principal, interest, or any charges or other amounts that remain 114418  
outstanding on the secured line of credit at the time of any 114419  
default by the board of hospital commissioners; 114420

(5) The contract provides that no assets other than those of 114421  
the hospital can be used to secure the line of credit; 114422

(6) The terms and conditions of the contract comply with all 114423  
state and federal statutes and rules governing the extension of a 114424  
secured line of credit. 114425

(C) Any obligation incurred by a board of hospital 114426  
commissioners under division (B) of this section is an obligation 114427  
of that board only and not a general obligation of the legislative 114428  
authority of a municipal corporation or the municipal corporation 114429  
within the meaning of division (Q) of section 133.01 of the 114430  
Revised Code. 114431

(D) No board of hospital commissioners shall at any time have 114432  
more than one secured line of credit under division (B) of this 114433  
section. 114434

**Sec. 755.141.** If a park or recreational facility owned, 114435  
operated, or maintained by a joint recreation district created 114436  
under division (C) of section 755.14 of the Revised Code is the 114437  
site where an exhibition sanctioned by the United States 114438  
Christopher Columbus quincentenary jubilee commission is being or 114439  
has been held and the exhibition is or was sponsored by the 114440  
organization that is also sponsoring or has sponsored an 114441  
exhibition sanctioned by the international association of 114442  
horticulture producers, the following provisions shall apply, in 114443  
addition to the provisions of sections 755.12 to 755.18 of the 114444  
Revised Code: 114445

(A) The governor, speaker of the house of representatives, 114446  
and president of the senate shall each appoint one member to the 114447  
board of trustees of the district. These members may be members of 114448  
the general assembly, but any members of the general assembly 114449  
appointed to the board of trustees shall be nonvoting members and 114450  
shall serve only while they remain members of the general 114451  
assembly. Members appointed under this division shall serve terms 114452  
of three years and serve without pay, and all vacancies in their 114453  
positions on the board, whether for an unexpired term or at the 114454  
end of a term, shall be filled in the same manner as the original 114455  
appointments. 114456

(B) The board of trustees of a joint recreation district may 114457  
designate the amounts and forms of property and casualty insurance 114458  
protection to be provided. The expense of providing the protection 114459  
shall be paid from operating funds of the joint recreation 114460  
district. 114461

(C) The board of trustees of a joint recreation district may 114462  
acquire, construct, maintain, and operate horticultural 114463  
facilities, public banquet facilities, greenhouses, and such other 114464  
facilities as are authorized in section 755.16 of the Revised 114465  
Code. 114466

(D)(1) By resolution of its board of trustees, the joint 114467  
recreation district may issue revenue bonds beyond the limit of 114468  
bonded indebtedness provided by law, for the acquisition, 114469  
construction, furnishing, or equipping of any real or personal 114470  
property, or any combination thereof which it is authorized to 114471  
acquire, construct, furnish, or equip, including all costs in 114472  
connection with or incidental thereto. 114473

(2) The revenue bonds of the joint recreation district shall 114474  
be secured only by a pledge of and a lien on the revenues of the 114475  
joint recreation district that are designated in the resolution, 114476  
including, but not limited to, any property to be acquired, 114477

constructed, furnished, or equipped with the proceeds of the bond 114478  
issue, after provision only for the reasonable cost of operating, 114479  
maintaining, and repairing the property of the joint recreation 114480  
district so designated. The bonds may further be secured by the 114481  
covenant of the joint recreation district to maintain rates or 114482  
charges that will produce revenues sufficient to meet the costs of 114483  
operating, maintaining, and repairing such property and to meet 114484  
the interest and principal requirements of the bonds and to 114485  
establish and maintain reserves for the foregoing purposes. The 114486  
board of trustees of the joint recreation district, by resolution, 114487  
may provide for the issuance of additional revenue bonds from time 114488  
to time, to be secured equally and ratably, without preference, 114489  
priority, or distinction, with outstanding revenue bonds, but 114490  
subject to the terms and limitations of any trust agreement 114491  
described in this section, and of any resolution authorizing bonds 114492  
then outstanding. The board of trustees, by resolution, may 114493  
designate additional property of the district, the revenues of 114494  
which shall be pledged and be subject to a lien for the payment of 114495  
the debt charges on revenue bonds theretofore authorized by 114496  
resolution of the board of trustees, to the same extent as the 114497  
revenues above described. 114498

(3) In the discretion of the board of trustees, the revenue 114499  
bonds of the district may be secured by a trust agreement between 114500  
the joint recreation district and a corporate trustee, that may be 114501  
any trust company or bank having powers of a trust company, within 114502  
or without the state. 114503

(4) The trust agreement may provide for the pledge or 114504  
assignment of the revenues to be received, but shall not pledge 114505  
the general credit and taxing power of the joint recreation 114506  
district. The trust agreement or the resolution providing for the 114507  
issuance of revenue bonds may set forth the rights and remedies of 114508  
the bondholders and trustees, and may contain other provisions for 114509

protecting and enforcing their rights and remedies that are 114510  
determined in the discretion of the board of trustees to be 114511  
reasonable and proper. The agreement or resolution may provide for 114512  
the custody, investment, and disbursement of all moneys derived 114513  
from the sale of such bonds, or from the revenues of the joint 114514  
recreation district, other than those moneys received from taxes 114515  
levied pursuant to section 755.171 of the Revised Code, and may 114516  
provide for the deposit of such funds without regard to Chapter 114517  
135. of the Revised Code. 114518

(5) All bonds issued under authority of this section, 114519  
regardless of form or terms and regardless of any other law to the 114520  
contrary, shall have all qualities and incidents of negotiable 114521  
instruments, subject to provisions for registration, and may be 114522  
issued in coupon, fully registered, or other form, or any 114523  
combination thereof, as the board of trustees determines. 114524  
Provision may be made for the registration of any coupon bonds as 114525  
to principal alone or as to both principal and interest, and for 114526  
the conversion into coupon bonds of any fully registered bonds or 114527  
bonds registered as to both principal and interest. 114528

(6) The revenue bonds shall bear interest at such rate or 114529  
rates, shall bear such date or dates, and shall mature within 114530  
thirty years following the date of issuance and in such amount, at 114531  
such time or times, and in such number of installments, as may be 114532  
provided in or pursuant to the resolution authorizing their 114533  
issuance. Any original issue of revenue bonds shall mature not 114534  
later than thirty years from their date of issue. Such resolution 114535  
also shall provide for the execution of the bonds, which may be by 114536  
facsimile signatures unless prohibited by the resolution, and the 114537  
manner of sale of the bonds. The resolution shall provide for, or 114538  
provide for the determination of, any other terms and conditions 114539  
relative to the issuance, sale, and retirement of the bonds that 114540  
the board of trustees in its discretion determines to be 114541



reasonable and proper. 114542

(7) Whenever a joint recreation district considers it 114543  
expedient, it may issue renewal notes and refund any bonds, 114544  
whether the bonds to be refunded have or have not matured. The 114545  
final maturity of any notes, including any renewal notes, shall 114546  
not be later than five years from the date of issue of the 114547  
original issue of notes. The final maturity of any refunding bonds 114548  
shall not be later than the later of thirty years from the date of 114549  
issue of the original issue of bonds or the date by which it is 114550  
expected, at the time of issuance of the refunding bonds, that the 114551  
useful life of all of the property, other than interests in land, 114552  
refinanced with proceeds of the bonds will have expired. The 114553  
refunding bonds shall be sold and the proceeds applied to the 114554  
purchase, redemption, or payment of the bonds to be refunded and 114555  
the costs of issuance of the refunding bonds. The bonds and notes 114556  
issued under this section, their transfer, and the income 114557  
therefrom, shall at all times be free from taxation within the 114558  
state. 114559

(E) A joint recreation district described in this section may 114560  
do all of the following: 114561

(1) Operate or appoint agents to operate, or otherwise 114562  
provide for the operation of, its properties and its facilities, 114563  
activities, and programs and to enter into agreements and 114564  
arrangements related thereto, and to receive and apply the net 114565  
proceeds thereof solely to the management, operation, development, 114566  
maintenance, and repair of its properties, its buildings, 114567  
facilities, improvements, and grounds; 114568

(2) Impose and collect a charge for admission for selective 114569  
events, exhibits, and facilities; 114570

(3) Offer memberships of various denominations for selective 114571  
activities or facilities; 114572

(4) Form advisory and other support committees to the board 114573  
of trustees to provide counsel and assistance to the board in the 114574  
management, operation, and development of its properties, 114575  
buildings, facilities, improvements, and grounds; 114576

(5) Grant licenses, or enter into leases or contracts, for 114577  
the use of any part of its properties, facilities, buildings, and 114578  
grounds for such length of time and upon such terms and conditions 114579  
as the board of trustees deems appropriate and necessary, and 114580  
grant easements in, through, or over its property; 114581

(6) Receive and accept from any federal, state, county, 114582  
municipal, or local government or agency, any grant or 114583  
contribution of money, property, labor, or other things of value, 114584  
to be held, used, and applied for the purpose for which such 114585  
grants and contributions are made; and 114586

(7) Accept and expend gifts, grants, devises, and bequests of 114587  
money and property on behalf of the board of trustees and hold, 114588  
use, and apply such gifts, grants, devises, and bequests according 114589  
to the terms thereof. 114590

(F)(1) For purposes of division (F)(2) of this section+ 114591

~~(a) "Bank", "bank" has the same meaning as in section 1101.01 114592  
of the Revised Code. 114593~~

~~(b) "Savings and loan association" has the same meaning as in 114594  
section 1151.01 of the Revised Code. 114595~~

~~(c) "Savings bank" has the same meaning as in section 1161.01 114596  
of the Revised Code. 114597~~

(2) The board of trustees may enter into a contract for a 114598  
secured line of credit with a bank, ~~savings and loan association,~~ 114599  
~~or savings bank~~ if the contract meets all of the following 114600  
requirements: 114601

(a) The term of the contract does not exceed one year, except 114602

that the contract may provide for the automatic renewal of the 114603  
contract for up to four additional one-year periods. 114604

(b) The contract provides that the bank, ~~savings and loan~~ 114605  
~~association, or savings bank~~ shall not commence a civil action 114606  
against the board, any member of the board, or the county or the 114607  
municipal corporation to recover the principal, interest, or any 114608  
charges or other amounts that remain outstanding on the secured 114609  
line of credit at the time of any default by the board. 114610

(c) The contract provides that no assets other than those of 114611  
the joint recreation district can be used to secure the line of 114612  
credit. 114613

(d) The terms and conditions of the contract comply with all 114614  
state and federal statutes and rules governing the extension of a 114615  
secured line of credit. 114616

(3) Any obligation incurred by a board of trustees of a joint 114617  
recreation district pursuant to division (B) of this section is an 114618  
obligation of that board only and not a general obligation of the 114619  
board of county commissioners, the county, or the municipal 114620  
corporation within the meaning of division (Q) of section 133.01 114621  
of the Revised Code. 114622

(G)(1) For purposes of division (G)(2) of this section, 114623  
"lease-purchase agreement" has the same meaning as a lease with an 114624  
option to purchase. 114625

(2) For any purpose for which a board of trustees of a joint 114626  
recreation district described in this section is authorized to 114627  
acquire real or personal property, that board may enter into a 114628  
lease-purchase agreement in accordance with this section to 114629  
acquire the property. 114630

The lease-purchase agreement shall provide for a series of 114631  
terms in which no term extends beyond the end of the fiscal year 114632  
of the joint recreation district in which that term commences. In 114633

total, the terms provided for in the agreement shall be for not 114634  
more than the useful life of the real or personal property that is 114635  
the subject of the agreement. A property's useful life shall be 114636  
determined either by the maximum number of installment payments 114637  
permitted under the statute that authorizes the board to acquire 114638  
the property or, if there is no such provision, by the maximum 114639  
number of years to maturity provided for the issuance of bonds in 114640  
division (B) of section 133.20 of the Revised Code if bonds were 114641  
to be issued by a subdivision under that section to finance such 114642  
facilities. If the useful life cannot be determined under either 114643  
of those statutes, it shall be estimated as provided in division 114644  
(C) of section 133.20 of the Revised Code. 114645

The lease-purchase agreement shall provide that, at the end 114646  
of the final term in the agreement, if all obligations of the 114647  
joint recreation district have been satisfied, the title to the 114648  
leased property shall vest in the joint recreation district if 114649  
that title has not vested in the joint recreation district before 114650  
or during the lease terms; except that the lease-purchase 114651  
agreement may require the joint recreation district to pay an 114652  
additional lump sum payment as a condition of obtaining that 114653  
title. 114654

(3) A board of trustees of a joint recreation district that 114655  
enters into a lease-purchase agreement under this section may do 114656  
any of the following with the property that is the subject of the 114657  
agreement: 114658

(a) If the property is personal property, assign the board's 114659  
rights to that property; 114660

(b) Grant the lessor a security interest in the property; 114661

(c) If the property is real property, grant leases, 114662  
easements, or licenses for underlying land or facilities under the 114663  
board's control for terms not exceeding five years beyond the 114664

final term of the lease-purchase agreement. 114665

(4) The authority granted in division (G) of this section is 114666  
in addition to and not in derogation of, any other financing 114667  
authority provided by law. 114668

(H) The board of trustees of a joint recreation district 114669  
described in this section may exercise such other powers as shall 114670  
have been granted to it in the agreement between the municipal 114671  
corporation and the board of county commissioners establishing the 114672  
joint recreation district entered into pursuant to division (C) of 114673  
section 755.14 of the Revised Code. 114674

**Sec. 902.01.** As used in this chapter: 114675

(A) "Bonds" means bonds, notes, or other forms of evidences 114676  
of obligation issued in temporary or definitive form, including 114677  
refunding bonds and notes and bonds and notes issued in 114678  
anticipation of the issuance of bonds and renewal notes. 114679

(B) "Bond proceedings" means the resolution or ordinance or 114680  
the trust agreement or indenture of mortgage, or combination 114681  
thereof, authorizing or providing for the terms and conditions 114682  
applicable to bonds issued under authority of this chapter. 114683

(C) "Borrower" means the recipient of a loan or the lessee or 114684  
purchaser of a project under this chapter and is limited to a sole 114685  
proprietor, or to a partnership, joint venture, firm, association, 114686  
or corporation, a majority of whose stockholders, partners, 114687  
members, or associates are persons or the spouses of persons 114688  
related to each other within the fourth degree of kinship, 114689  
according to law, provided that the sole proprietor or at least 114690  
one of such related persons resides or will reside on or is or 114691  
will actively operate the project or the farm or agricultural 114692  
enterprise composed, in whole or in part, of the project, and 114693  
provided further that the sole proprietor or all of the 114694

stockholders, members, partners, or associates are natural 114695  
persons. The agricultural financing commission may establish 114696  
procedures for the determination of the eligibility of borrowers 114697  
under this chapter which determinations are conclusive in relation 114698  
to the validity and enforceability of bonds issued under bond 114699  
proceedings authorized in connection therewith, and in relation to 114700  
security interests given and leases, subleases, sale agreements, 114701  
loan agreements, and other agreements made in connection 114702  
therewith, all in accordance with their terms. 114703

(D) "Composite financing arrangement" means the sale of a 114704  
single issue of bonds to finance two or more projects, including, 114705  
but not limited to, a single issue of bonds for a group of loans 114706  
submitted by or through a single lending institution or with 114707  
credit enhancement from a single lending institution, or the sale 114708  
by or on behalf of one or more issuers of two or more issues or 114709  
lots of bonds under or pursuant to a single sale agreement, single 114710  
marketing arrangement, or single official statement, offering 114711  
circular, or other marketing document. 114712

(E) "Issuer" means the state, or any county or municipal 114713  
corporation of the state. 114714

(F) "Issuing authority" means in the case of a municipal 114715  
corporation, the legislative authority thereof; and in the case of 114716  
a county, the board of county commissioners or whatever officers, 114717  
board, commission, council, or other body might succeed to or 114718  
assume the legislative powers of the board of county 114719  
commissioners. 114720

(G) "Lending institution" means ~~any domestic building and~~ 114721  
~~loan association as defined in section 1151.01 of the Revised~~ 114722  
~~Code, any service corporation the entire stock of which is owned~~ 114723  
~~by one or more such building and loan associations, a bank which~~ 114724  
that has its principal place of business located in this state, a 114725  
bank subsidiary corporation that is wholly owned by a bank having 114726

its principal place of business located in this state, any state 114727  
or federal governmental agency or instrumentality including 114728  
without limitation the federal land bank, production credit 114729  
association, or bank for cooperatives, or any of their local 114730  
associations, or any other financial institution or entity 114731  
authorized to make mortgage loans and qualified to do business in 114732  
this state. 114733

(H) "Loan" includes a loan made to or through, or a deposit 114734  
with, a lending institution or a loan made directly to the owner 114735  
or operator of a project to finance one or more projects. 114736  
Notwithstanding any other provision of this chapter, loans from 114737  
proceeds of bonds issued under a composite financing arrangement 114738  
shall be made only to or through, or by a deposit with, a lending 114739  
institution, including the purchase of loans from lending 114740  
institutions, or be made in any other manner in which a lending 114741  
institution has been or is involved in the origination or credit 114742  
enhancement of the loan. 114743

(I) "Mortgage loan" means a loan secured by a mortgage, deed 114744  
of trust, or other security interest. 114745

(J) "Pledged facilities" means the project or projects 114746  
mortgaged or facilities the rentals, revenues, and other income, 114747  
charges, and moneys from which are pledged, or both, for the 114748  
payment of the principal of and interest on the bonds issued under 114749  
authority of section 902.04 of the Revised Code, and includes a 114750  
project for which a loan has been made under authority of this 114751  
chapter, in which case, references in this chapter to revenues of 114752  
such pledged facilities or from the disposition thereof include 114753  
payments made or to be made to or for the account of the issuer 114754  
pursuant to such loan. 114755

(K) "Project" means real or personal property, or both, 114756  
including undivided and other interests therein, acquired by gift 114757  
or purchase, constructed, reconstructed, enlarged, improved, 114758

furnished, or equipped, or any combination thereof, by an issuer, 114759  
or by others from the proceeds of bonds, located within the 114760  
boundaries of the issuer, and used or to be used by a borrower for 114761  
agricultural purposes as provided in division (D) of this section. 114762  
A project is hereby determined to qualify as facilities for 114763  
industry, commerce, distribution, or research described in Section 114764  
13 of Article VIII, Ohio Constitution. 114765

(L) "Purchase" means, with respect to loans, the purchase of 114766  
loans from, or other acquisition by an issuer of loans of, lending 114767  
institutions. 114768

(M) "Revenues" means the rentals, revenues, payments, 114769  
repayments, income, charges, and moneys derived or to be derived 114770  
from the use, lease, sublease, rental, sale, including installment 114771  
sale or conditional sale, or other disposition of pledged 114772  
facilities, or derived or to be derived pursuant to a loan made 114773  
for a project, bond proceeds to the extent provided in the bond 114774  
proceedings for the payment of principal of, or premium, if any, 114775  
or interest on the bonds, proceeds from any insurance, 114776  
condemnation, or guaranty pertaining to pledged facilities or the 114777  
financing thereof, any income and profit from the investment of 114778  
the proceeds of bonds or of any revenues, any fees and charges 114779  
received by or on behalf of an issuer for the services of or 114780  
commitments by the issuer, and moneys received in repayment of and 114781  
for interest on any loan made or purchased by an issuer, moneys 114782  
received by an issuer upon the sale of any bonds of the issuer 114783  
under section 902.04 of the Revised Code, any moneys received from 114784  
investment of funds of an issuer or from the sale of collateral 114785  
securing loans made or purchased by the issuer, including 114786  
collateral acquired by foreclosure or other action to enforce a 114787  
security interest, and any moneys received in payment of a claim 114788  
under insurance, guarantees, letters of credit, or otherwise with 114789  
respect to any loans made or purchased by an issuer or any 114790



collateral held by the issuer of any bonds issued under this 114791  
chapter. 114792

(N) "Security interest" means a mortgage, lien, or other 114793  
encumbrance on, or pledge or assignment of, or other security 114794  
interest with respect to all or any part of pledged facilities, 114795  
revenues, reserve funds, or other funds established under the bond 114796  
proceedings, or on, of, or with respect to, a lease, sublease, 114797  
sale, conditional sale, or installment sale agreement, loan 114798  
agreement, or any other agreement pertaining to the lease, 114799  
sublease, sale, or other disposition of a project or pertaining to 114800  
a loan made for a project, or any guaranty or insurance agreement 114801  
made with respect thereto, or any interest of the issuer therein, 114802  
or any other interest granted, assigned, purchased, or released to 114803  
secure payments of the principal of, premium, if any, or interest 114804  
on any bonds or to secure any other payments to be made by an 114805  
issuer under the bond proceedings. Any security interest under 114806  
this chapter may be prior or subordinate to or on a parity with 114807  
any other mortgage, lien, encumbrance, pledge, assignment, or 114808  
other security interest. 114809

**Sec. 924.10.** (A) There is hereby established in the state 114810  
treasury a fund for each marketing program that is established by 114811  
the director of agriculture pursuant to this chapter. Except as 114812  
authorized in division (B) of this section, all moneys collected 114813  
by the department of agriculture from each marketing program 114814  
pursuant to section 924.09 of the Revised Code shall be paid into 114815  
the fund for the marketing program and shall be disbursed only 114816  
pursuant to a voucher approved by the director for use in 114817  
defraying the costs of administration of the marketing program and 114818  
for carrying out sections 924.02, 924.03, and 924.13 of the 114819  
Revised Code. 114820

(B) In lieu of deposits in the fund established pursuant to 114821

division (A) of this section, the operating committee of any 114822  
marketing program established pursuant to this chapter may deposit 114823  
all moneys collected pursuant to section 924.09 of the Revised 114824  
Code with a bank ~~or a savings and loan association~~ as defined in 114825  
~~sections~~ section 1101.01 ~~and 1151.01~~ of the Revised Code. All 114826  
moneys collected pursuant to section 924.09 of the Revised Code 114827  
and deposited pursuant to this division also shall be used only in 114828  
defraying the costs of administration of the marketing program and 114829  
for carrying out sections 924.02, 924.03, and 924.13 of the 114830  
Revised Code. 114831

(C) Each operating committee shall establish a fiscal year 114832  
for its marketing program and shall publish within sixty days of 114833  
the end of each fiscal year an activity and financial report and 114834  
make such report available to each producer who pays an assessment 114835  
or otherwise contributes to the marketing program which the 114836  
committee administers, and to other interested persons. 114837

(D) In addition to the reports required by division (C) of 114838  
this section, any marketing program that deposits moneys in 114839  
accordance with division (B) of this section shall submit to the 114840  
director both of the following: 114841

(1) Annually, a financial statement prepared by a certified 114842  
public accountant holding a live permit from the accountancy board 114843  
issued pursuant to Chapter 4701. of the Revised Code. The 114844  
marketing program shall file the financial statement with the 114845  
director not more than sixty days after the end of each fiscal 114846  
year. 114847

(2) Monthly, an unaudited financial statement. 114848

**Sec. 924.26.** (A) The grain marketing program operating 114849  
committee shall levy on producers and, as provided in division (B) 114850  
of this section, handlers the following assessments, as 114851  
applicable: 114852

(1) One-half of one per cent of the per-bushel price of wheat 114853  
at the first point of sale; 114854

(2) One-half of one per cent of the per-bushel price of 114855  
barley at the first point of sale; 114856

(3) One-half of one per cent of the per-bushel price of rye 114857  
at the first point of sale; 114858

(4) One-half of one per cent of the per-bushel price of oats 114859  
at the first point of sale. 114860

(B) The director may require a handler to withhold 114861  
assessments from any amounts that the handler owes to producers 114862  
and to remit them to the operating committee. A handler who pays 114863  
for a producer an assessment that is levied under this section may 114864  
deduct the amount of the assessment from any money that the 114865  
handler owes to the producer. 114866

(C) The operating committee shall deposit all money collected 114867  
under this section with a bank ~~or savings and loan association~~ as 114868  
defined in ~~sections~~ section 1101.01 ~~and 1151.01~~ of the Revised 114869  
Code. All money so collected and deposited shall be used only for 114870  
defraying the costs of administration of the marketing program and 114871  
for carrying out sections 924.20 to 924.30 of the Revised Code. 114872  
The operating committee shall not use any assessments that it 114873  
levies for any political or legislative purpose or for 114874  
preferential treatment of one person to the detriment of any other 114875  
person affected by the grain marketing program. 114876

(D) The operating committee shall refund to a producer the 114877  
assessments that it collects from the producer not later than 114878  
thirty days after receipt of a valid application by the producer 114879  
for a refund, provided that the producer complies with the 114880  
procedures for a refund established by the committee under section 114881  
924.24 of the Revised Code. 114882

An application for a refund shall be made on a form provided 114883

by the director. The operating committee shall ensure that refund 114884  
forms are available where assessments for the grain marketing 114885  
program are collected. 114886

**Sec. 924.45.** (A)(1) After a marketing agreement takes effect, 114887  
a board of directors that will administer the marketing agreement 114888  
shall be established in accordance with the terms of the marketing 114889  
agreement. Except for the director of agriculture or the 114890  
director's designee who shall serve as an ex officio member of the 114891  
board of directors, members of the board shall be selected only 114892  
from individuals who are producers that signed the marketing 114893  
agreement. 114894

(2) The provisional board of directors created pursuant to 114895  
division (B)(1) of section 924.42 of the Revised Code shall verify 114896  
that the board of directors is established in accordance with the 114897  
terms of the marketing agreement. If the provisional board of 114898  
directors determines that the board of directors was not 114899  
established in accordance with the terms of the marketing 114900  
agreement, the provisional board shall notify the director who 114901  
shall take appropriate actions to ensure that the board of 114902  
directors is established in accordance with the terms of the 114903  
marketing agreement. If the provisional board of directors 114904  
determines that the board of directors was established in 114905  
accordance with the terms of the marketing agreement, the 114906  
provisional board shall cease to exist. 114907

(B) A board of directors that is established to administer a 114908  
marketing agreement shall do all of the following: 114909

(1) Establish priorities of the board that are consistent 114910  
with the estimated financial resources that will be generated 114911  
under the terms of the marketing agreement and with the scope of 114912  
the marketing agreement; 114913

(2) Prepare a budget that is consistent with the estimated 114914

financial resources that will be generated under the terms of the 114915  
marketing agreement and with the scope of the marketing agreement; 114916

(3) Deposit all money collected pursuant to the marketing 114917  
agreement with a bank as defined in section 1101.01 of the Revised 114918  
Code ~~or with a savings and loan association as defined in section~~ 114919  
~~1151.01 of the Revised Code.~~ The board shall use the money only to 114920  
pay the costs of the board in administering the marketing 114921  
agreement and of the activities authorized under the marketing 114922  
agreement and under sections 924.40 to 924.45 of the Revised Code. 114923

(4) Establish a fiscal year for purposes of marketing 114924  
activities performed under the terms of the marketing agreement; 114925

(5) Publish an activity and financial report not later than 114926  
sixty days after the end of a fiscal year. The board shall make 114927  
the report available to each producer that signed the marketing 114928  
agreement and to other interested parties. 114929

(6) Provide annually to the director of agriculture and to 114930  
each producer that signed the marketing agreement a financial 114931  
statement that is prepared by a person who holds a current 114932  
certificate as a certified public accountant issued under Chapter 114933  
4701. of the Revised Code. The board shall provide the financial 114934  
statement to the director not later than sixty days after the end 114935  
of a fiscal year. 114936

(7) Reimburse the department of agriculture for actual 114937  
administrative costs incurred by the department in the 114938  
administration of sections 924.40 to 924.45 of the Revised Code. 114939  
However, the amount reimbursed in a fiscal year shall not exceed 114940  
ten per cent of the total amount of money collected in that fiscal 114941  
year by the board of directors under the authority of the 114942  
marketing agreement. 114943

(8) Perform all other acts and exercise all other powers that 114944  
are reasonably necessary, proper, or advisable to effectuate the 114945

purposes of sections 924.40 to 924.45 of the Revised Code. 114946

(C) A board of directors that is established to administer a 114947  
marketing agreement may do all of the following: 114948

(1) Propose to the director rules that are necessary for the 114949  
board to perform its duties under the requirements of the 114950  
marketing agreement and under sections 924.40 to 924.45 of the 114951  
Revised Code; 114952

(2) Hire personnel and contract for services that are 114953  
necessary for the implementation and administration of the 114954  
marketing agreement; 114955

(3) Receive and investigate, or cause to be investigated, a 114956  
complaint concerning an alleged violation of a term of the 114957  
marketing agreement. If the board determines that such a violation 114958  
has occurred, the board shall refer the matter to the director for 114959  
enforcement. 114960

(4) Amend the marketing agreement in accordance with the 114961  
terms of the marketing agreement and with sections 924.40 to 114962  
924.45 of the Revised Code; 114963

(5) Terminate the marketing agreement with the approval of a 114964  
majority of the participating producers that are signatories to 114965  
the marketing agreement. If the marketing agreement is terminated, 114966  
the board shall distribute any remaining unobligated money 114967  
collected under the authority of the marketing agreement to each 114968  
participating producer in the same proportion that the producer 114969  
paid assessments under the marketing agreement. 114970

**Sec. 1101.01.** As used in Chapters 1101. to 1127. of the 114971  
Revised Code, unless the context requires otherwise: 114972

(A) "Affiliate" has the same meaning as in division (A)(1) of 114973  
section 1109.53 of the Revised Code and includes a subsidiary of a 114974  
bank. 114975

(B) "Bank" or "banking corporation" means a ~~corporation~~ an entity that solicits, receives, or accepts money or its equivalent for deposit as a business, whether the deposit is made by check or is evidenced by a certificate of deposit, passbook, note, receipt, ledger card, or otherwise. "Bank" ~~also~~ or "banking corporation" includes a state bank or a ~~corporation~~ any entity doing business as a bank ~~or~~, savings bank, or savings association under authority granted by the office of the comptroller of the currency or the former office of thrift supervision, the appropriate bank regulatory authority of another state of the United States, or the appropriate bank regulatory authority of another country, but does not include a ~~savings association, savings bank, or~~ credit union.

(C) "Bank holding company" has the same meaning as in the "Bank Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, as amended.

(D) "Banking office" means an office or other place established by a bank at which a the bank receives money or its equivalent from the public for deposit and conducts a general banking business. "Banking office" does not include any of the following:

(1) Any location at which a bank receives, but does not accept, cash or other items for subsequent deposit, such as by mail or armored car service or at a lock box or night depository;

(2) Any structure located within five hundred yards of a an approved banking office of a bank and operated as an extension of the services of the banking office;

(3) Any automated teller machine, remote service unit, or other money transmission device owned, leased, or operated by a bank;

(4) Any facility located within the geographical limits of a military installation at which a bank only accepts deposits and

cashes checks; 115007

(5) Any location at which a bank takes and processes 115008  
applications for loans and may disburse loan proceeds, but does 115009  
not accept deposits; 115010

(6) Any location at which a bank is engaged solely in 115011  
providing administrative support services for its own operations 115012  
or for other depository institutions. 115013

~~(D)~~(E) "Branch" means a banking office that is not also the 115014  
bank's principal place of business consistent with its articles of 115015  
incorporation or articles of association. 115016

~~(E)~~ "Capital" (F)(1) With respect to a stock state bank, 115017  
"capital" means the sum of a the bank's: 115018

~~(1)~~(a) Paid-in capital and surplus relating to common stock; 115019

~~(2)~~(b) To the extent permitted by the superintendent of 115020  
financial institutions, paid-in capital and surplus relating to 115021  
preferred stock; 115022

~~(3)~~(c) Undivided profits; and 115023

~~(4)~~(d) To the extent permitted by the superintendent the 115024  
proceeds of the sale of debt securities and other assets and 115025  
reserves. 115026

~~(F)~~(2) With respect to a mutual state bank, "capital" means 115027  
either of the following: 115028

(a) Retained earnings; 115029

(b) At the discretion of the superintendent, any other form 115030  
of capital, subject to any applicable federal and state laws. 115031

(G) "Code of regulations" includes a constitution adopted by 115032  
a state bank for similar purposes. 115033

(H) "Control" has the same meaning as in division (H) of 115034  
section 1109.53 of the Revised Code. 115035



~~(G)~~ "Controlling shareholder" means a person who, directly or indirectly, controls a bank. 115036  
115037

~~(H)~~(I) "Debt securities" means obligations issued by a bank the holders of which, in the event of the insolvency or liquidation of the bank, are subordinated in right of payment to the bank's depositors and general creditors. 115038  
115039  
115040  
115041

~~(I)~~(J) "Deposit" has the same meaning as in 12 C.F.R. 204.2, as amended. 115042  
115043

(K) "Entity" has the same meaning as in section 1701.01 of the Revised Code. 115044  
115045

(L) "Federal savings association" means a federal savings and loan association or a federal savings bank doing business under authority granted by the office of the comptroller of the currency or the former office of thrift supervision. 115046  
115047  
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~~(J)~~(M) "Mutual holding company" means either of the following: 115050  
115051

(1) A mutual state bank or an affiliate of a mutual state bank reorganized in accordance with Chapter 1116. of the Revised Code to hold all or part of the shares of the capital stock of a subsidiary state bank; 115052  
115053  
115054  
115055

(2) A mutual holding company organized in accordance with 12 U.S.C. 1467a(o) that has converted to a mutual holding company under Chapter 1116. of the Revised Code. 115056  
115057  
115058

(N) "Mutual state bank" means a state bank without stock that has governing documents consisting of articles of incorporation and code of regulations adopted by its members and bylaws adopted by its board of directors. 115059  
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115061  
115062

(O) "National bank" means a bank doing business under authority granted by the office of the comptroller of the currency. 115063  
115064  
115065

~~(K)~~(P) "Net income" means all income realized or earned less all expenses realized or accrued. 115066  
115067

~~(L)~~(O) "Paid-in capital" means the aggregate par value of all of a stock state bank's outstanding shares of all classes. 115068  
115069

~~(M)~~(R) "Person" means an individual, sole proprietorship, partnership, joint venture, association, trust, estate, business trust, limited liability company, corporation, or any similar entity or organization. 115070  
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115073

(S) "Remote service unit" means an automated facility, operated by a customer of a bank, that conducts banking functions, such as receiving deposits, paying withdrawals, or lending money. 115074  
115075  
115076

(T) "Reorganization" means a consolidation, merger, or transfer of assets and liabilities pursuant to Chapter 1115. or 1116. of the Revised Code. 115077  
115078  
115079

~~(N)~~(U) "Savings and loan holding company" has the same meaning as in 12 U.S.C. 1467a. 115080  
115081

(V) "Savings association" means a savings and loan association doing business under authority granted by the ~~superintendent of financial institutions pursuant to Chapter 1151.~~ "Savings association" also includes a state bank that elects to operate as a savings and loan association under section 1109.021 of the Revised Code. 115082  
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~~(O)~~(W) "Savings bank" means a savings bank doing business under authority granted by the ~~superintendent of financial institutions pursuant to Chapter 1161.~~ of the Revised Code ~~or a savings bank doing business under authority granted by the regulatory authority of another state.~~ 115090  
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~~(P)~~(X) "Shares" means any equity interest, including a 115095

limited partnership interest and any other equity interest in 115096  
which liability is limited to the amount of the investment. 115097  
"Shares" does not include a general partnership interest or any 115098  
other interest involving general liability. 115099

(Y) "State bank" means a bank doing business under authority 115100  
granted by the superintendent of financial institutions. "State 115101  
bank" includes a state bank that elects to operate as a savings 115102  
and loan association under section 1109.021 of the Revised Code. 115103

(Q)(Z) "Stock state bank" means a state bank that has an 115104  
ownership structure represented by shares of stock. 115105

(AA) "Subsidiary" has the same meaning as in section 1109.53 115106  
of the Revised Code. 115107

(R)(BB) "Surplus" means the total of amounts paid for shares 115108  
in excess of their respective par values, amounts contributed 115109  
other than for shares, and amounts transferred from undivided 115110  
profits, less amounts transferred to stated capital. 115111

(S)(CC) "Trust company" means a ~~corporation~~ an entity 115112  
qualified and licensed under section 1111.06 of the Revised Code 115113  
to solicit or engage in trust business in this state, or a person 115114  
that is required by Chapter 1111. of the Revised Code to be a 115115  
~~corporation~~ an entity qualified and licensed under section 1111.06 115116  
of the Revised Code to solicit or engage in trust business in this 115117  
state. 115118

(T)(DD) "Undivided profits" means the cumulative 115119  
undistributed amount of a bank's net income not otherwise 115120  
allocated. 115121

**Sec. 1101.02.** It is hereby declared to be the purpose of the 115122  
general assembly in enacting Chapters 1101. to 1127. of the 115123  
Revised Code to do all of the following: 115124

(A) Delegate to the division of financial institutions 115125

rule-making power and administrative discretion, subject to 115126  
Chapters 1101. to 1127. of the Revised Code, to assure the 115127  
supervision and regulation of banks chartered under the laws of 115128  
this state may be flexible and readily responsive to changes in 115129  
economic conditions, banking practices, and the financial services 115130  
industry; 115131

(B) Provide for the protection of the interests of 115132  
depositors, creditors, shareholders, members, and the general 115133  
public in banks doing business in this state; 115134

(C) Permit banks to effectively serve the convenience and 115135  
needs of their depositors, borrowers, and others, and permit the 115136  
continued improvement of the products and services banks provide; 115137

(D) Provide the opportunity for the boards and management of 115138  
banks to exercise their business judgment, subject to the 115139  
provisions of Chapters 1101. to 1127. and 1701. of the Revised 115140  
Code; 115141

(E) Provide state banks with competitive parity with other 115142  
types of financial institutions doing business in this state; 115143

(F) Sustain the viability of the state bank charter option 115144  
and the dual banking system in this state and the United States; 115145

~~(F)~~(G) Clarify and modernize the laws governing banking. 115146

**Sec. 1101.03.** (A) Except as otherwise provided in this 115147  
section, every bank existing on or incorporated after ~~January 1,~~ 115148  
~~1997,~~ the effective date of this amendment is subject to Chapters 115149  
1101. to 1127. of the Revised Code. 115150

(B) Except as otherwise provided in this section, Chapters 115151  
1101. to 1127. of the Revised Code do not affect the legality of 115152  
banks organized, loans or investments made or committed to be 115153  
made, or transactions completed or committed before ~~January 1,~~ 115154  
~~1997~~ the effective date of this amendment. 115155

(C) Except as otherwise provided in this section, Chapters 1101. to 1127. of the Revised Code do not affect the status of any bank organized, or any banking office established or authorized, before ~~January 1, 1997~~ the effective date of this amendment. 115156  
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115159

(D) Chapters 1101. to 1127. of the Revised Code do not apply to persons in their fiduciary capacities, as follows: 115160  
115161

(1) Any person who, on ~~January 1, 1997~~ the effective date of this amendment, is serving as a fiduciary under a trust instrument, will, or other document executed before ~~January 1, 1997~~ the effective date of this amendment; 115162  
115163  
115164  
115165

(2) Any person who is named or nominated as a potential, prospective, or successor fiduciary in a trust instrument, will, or other document executed before ~~January 1, 1997~~ the effective date of this amendment. 115166  
115167  
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(E) Both of the following apply to every savings bank and savings and loan association that is organized under the laws of this state and is in existence as of the effective date of this amendment: 115170  
115171  
115172  
115173

(1) The powers, privileges, duties, and restrictions conferred and imposed in the charter or act of incorporation of such an institution are hereby abridged, enlarged, or otherwise modified so that each charter or act of incorporation conforms to the provisions of this title. 115174  
115175  
115176  
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(2) Notwithstanding any contrary provision in its charter or act of incorporation, every such institution possesses the powers, rights, and privileges and is subject to the duties, restrictions, and liabilities conferred and imposed by this title. 115179  
115180  
115181  
115182

(F) Any state bank that wishes to become or remain an affiliate of a savings and loan holding company may do so by complying with section 1109.021 of the Revised Code. 115183  
115184  
115185

Sec. 1101.05. Except as otherwise expressly provided, the 115186  
provisions of Chapters 1101. to 1127. of the Revised Code and any 115187  
rules adopted under those chapters: 115188

(A) Are enforceable only by the superintendent of financial 115189  
institutions, the superintendent's designee, the federal deposit 115190  
insurance corporation, the federal reserve, or, with respect to 115191  
Chapter 1127. of the Revised Code, a prosecuting attorney; and 115192

(B) Do not create or provide a private right of action or 115193  
defense for or on behalf of any party other than the 115194  
superintendent or the superintendent's designee. 115195

**Sec. 1101.15.** (A)(1) Except as provided in division (A)(2) of 115196  
this section, no person other than a bank doing business under 115197  
authority granted by the superintendent of financial institutions, 115198  
the bank chartering authority of another state, the office of the 115199  
comptroller of the currency, or the bank chartering authority of a 115200  
foreign country shall do either of the following: 115201

(a) Use "bank," "banker," ~~or~~ "banking," "savings 115202  
association," "savings and loan," "building and loan," or "savings 115203  
bank," or a word or combination of words of similar meaning in any 115204  
other language, in a designation or name, or as any part of a 115205  
designation or name, under which business is or may be conducted 115206  
in this state; 115207

(b) Represent itself as a bank. 115208

~~(2)(a) A corporation doing business under Chapter 1151. of 115209  
the Revised Code may use the word "bank," "banker," or "banking," 115210  
or a word or words of similar meaning in any other language, in or 115211  
as part of a designation or name under which business is or may be 115212  
conducted in this state, as provided in section 1151.07 of the 115213  
Revised Code. 115214~~

~~(b) A corporation doing business under Chapter 1161. of the 115215~~

~~Revised Code may use the word "bank," "banker," or "banking," or a word or words of similar meaning in any other language, in or as part of a designation or name under which business is or may be conducted in this state, as provided in section 1161.09 of the Revised Code.~~

~~(c) A corporation doing business under authority granted by the office of thrift supervision may use the word "bank," "banker," or "banking," or a word or words of similar meaning in any other language, in or as part of a designation or name under which business is or may be conducted in this state.~~

~~(d) A person, whether operating for profit or not, may use the word words "bank," "banker," ~~or~~ "banking," savings association, "savings and loan," "building and loan," or "savings bank," or a word or combination of words of similar meaning in any other language, in or as part of a designation or name under which business is or may be conducted if the superintendent determines the name, on its face, is not likely to mislead the public and authorizes the use of the name.~~

(B)(1) Except as provided in division (B)(2) of this section, no person, other than a corporation licensed in accordance with authority granted in Chapter 1111. of the Revised Code as a trust company, a national bank with trust powers, or a federal savings association with trust powers, shall do either of the following:

(a) Use the word "trust," or a word or words of similar meaning in any other language, in a designation or name, or as any part of a designation or name, under which business is or may be conducted in this state;

(b) Otherwise represent itself as a fiduciary or trust company.

(2)(a) A person that is not required to be licensed under Chapter 1111. of the Revised Code may serve as a fiduciary and,

when acting in that fiduciary capacity, otherwise represent such 115247  
person as a fiduciary. 115248

(b) A person licensed by another state to serve as a 115249  
fiduciary and exempt from licensure under Chapter 1111. of the 115250  
Revised Code may serve as a fiduciary to the extent permitted by 115251  
the exemption. 115252

~~(c) A savings and loan association may serve as a trustee to 115253  
the extent authorized by section 1151.191 of the Revised Code. 115254~~

~~(d) A savings bank may serve as a trustee to the extent 115255  
authorized by section 1161.24 of the Revised Code. 115256~~

~~(e)~~ A charitable trust, business trust, real estate 115257  
investment trust, personal trust, or other bona fide trust may use 115258  
the word "trust" or a word or words of similar meaning in any 115259  
other language, in a designation or name, or as part of a 115260  
designation or name, under which business is or may be conducted. 115261

~~(f)~~(d) A person, whether operating for profit or not, may use 115262  
"trust" or a word or words of similar meaning in any other 115263  
language, in a designation or name, or as part of a designation or 115264  
name, under which business is or may be conducted, if the 115265  
superintendent determines the name, on its face, is not likely to 115266  
mislead the public and authorizes the use of the name. 115267

(C) No bank or trust company shall use "state" as part of a 115268  
designation or name under which it transacts business in this 115269  
state, unless the bank or trust company is doing business under 115270  
authority granted by the superintendent or the bank chartering 115271  
authority of another state. 115272

**Sec. 1101.16.** (A) No person shall solicit, receive, or accept 115273  
~~deposits money or its equivalent for deposit as a business~~ in this 115274  
state, except a state bank, ~~a domestic association as defined in~~ 115275  
~~section 1151.01 of the Revised Code, a savings bank as defined in~~ 115276



~~section 1161.01 of the Revised Code an entity doing business as a 115277  
bank, savings bank, or savings association under authority granted 115278  
by the bank regulatory authority of the United States, another 115279  
state of the United States, or another country, or a credit union 115280  
as defined in section 1733.01 of the Revised Code that is 115281  
authorized to accept deposits in this state, ~~and except as~~ 115282  
~~provided in sections 1115.05, 1117.01, 1151.052, 1151.053,~~ 115283  
~~1151.60, 1161.07, 1161.071, and 1161.76 of the Revised Code.~~ 115284~~

~~(B) No bank or bank holding company incorporated under the 115285  
laws of another state or having its principal place of business in 115286  
another state shall solicit, receive, or accept deposits in this 115287  
state unless it has established or acquired a banking office 115288  
pursuant to section 1117.01 of the Revised Code or a transaction 115289  
under section 1115.05 of the Revised Code, or transact any banking 115290  
business of any kind in this state other than lending money, trust 115291  
business in accordance with Chapter 1111. of the Revised Code, or 115292  
through or as an agent pursuant to section 1117.05 of the Revised 115293  
Code.~~ 115294

~~(C) No bank having its principal place of business in a 115295  
foreign country shall solicit, receive, or accept deposits or 115296  
transact any banking business of any kind in this state, except in 115297  
accordance with Chapter 1115. or 1119. of the Revised Code. 115298~~

~~(D) Nothing in this section prohibits a person from making a 115299  
deposit in that person's own account with a depository institution 115300  
outside this state by means of an automated teller machine or 115301  
other money transmission device in this state. However, no 115302  
depository institution outside this state shall establish a 115303  
deposit account with or for a person in this state by means of an 115304  
automated teller machine or other money transmission device in 115305  
this state.~~ 115306

**Sec. 1103.02.** When the articles of incorporation and the 115307

superintendent of financial institutions' certificate of approval 115308  
are filed with the secretary of state, the persons who have 115309  
subscribed them or their successors and assigns shall become a 115310  
body corporate by the name designated in the articles of 115311  
incorporation, with succession. The legal existence of the state 115312  
bank begins upon the filing of the articles of incorporation and, 115313  
unless the articles of incorporation otherwise provide, its period 115314  
of existence is perpetual. 115315

**Sec. 1103.03.** Except where the law of this state, the 115316  
articles of incorporation, or the code of regulations require 115317  
action to be authorized or taken by shareholders, all of the 115318  
authority of a state bank shall be exercised by or under the 115319  
direction of the board of directors in accordance with Chapter 115320  
1105. of the Revised Code. 115321

**Sec. 1103.07.** (A) The name of a state bank: 115322

(1) Shall include "~~bank,~~" either of the following: 115323

(a) "Bank," "banking," "company," or "co.;" 115324

(b) "Savings," "loan," "savings and loan," "building and 115325  
loan," or "thrift." 115326

(2) May include the word "state," "federal," "association," 115327  
or, if approved by the superintendent of financial institutions, 115328  
another term; 115329

(3) Shall not, as determined by the superintendent ~~of~~ 115330  
~~financial institutions,~~ be likely to mislead the public as to the 115331  
bank's character or purpose; 115332

(4) Shall, as determined by the superintendent, be 115333  
distinguishable from all names already recorded by existing 115334  
financial institutions in this state or for which reservations 115335  
under this section are in effect, unless the existing financial 115336

institution that earliest recorded a name from which the proposed 115337  
name is not distinguishable, or the person that reserved a name 115338  
from which the proposed name is not distinguishable, has filed its 115339  
written consent with the superintendent and with the secretary of 115340  
state pursuant to division (C) of section 1701.05 of the Revised 115341  
Code. 115342

(B) To reserve a name for a state bank to be organized under 115343  
Chapter 1113. or 1114. of the Revised Code or for an existing 115344  
state bank, a person shall submit to the superintendent a written 115345  
application for the exclusive right to use a specified name. If 115346  
the superintendent finds that the specified name satisfies the 115347  
requirements for a state bank name and is available for use in 115348  
accordance with this section, the superintendent shall endorse 115349  
approval on the application and forward the reservation to the 115350  
secretary of state for filing. 115351

(C)(1) Reservation of a name pursuant to division (B) of this 115352  
section gives the applicant the exclusive right to use the name as 115353  
follows: 115354

(a) If the reservation application is submitted to the 115355  
superintendent prior to submitting an application to incorporate a 115356  
new state bank or amended articles of incorporation or an 115357  
amendment to the articles of incorporation, for one hundred eighty 115358  
days after the date on which the secretary of state filed the 115359  
reservation endorsed by the superintendent, and for one year after 115360  
the date on which the secretary of state filed the reservation 115361  
endorsed by the superintendent if the superintendent extends the 115362  
reservation; 115363

(b) If an application to incorporate a new state bank or 115364  
amended articles of incorporation or an amendment to the articles 115365  
of incorporation for an existing state bank is submitted to the 115366  
superintendent concurrently with the reservation application or 115367  
during the time a previously filed reservation remains in effect, 115368

from the date on which the secretary of state filed the 115369  
reservation endorsed by the superintendent until the 115370  
superintendent approves or disapproves the incorporation of the 115371  
new state bank or the amended articles of incorporation or 115372  
amendment to the articles of incorporation for an existing state 115373  
bank. 115374

(2) The superintendent shall, on behalf of a state bank or 115375  
other person that has reserved a name pursuant to this section, 115376  
endorse and forward to the secretary of state any additional name 115377  
reservations required to maintain the reservation of the name 115378  
under section 1701.05 of the Revised Code for as long as the name 115379  
reservation is in effect pursuant to division (C)(1) of this 115380  
section. 115381

(D) For purposes of this section, a name is recorded if it is 115382  
either of the following: 115383

(1) The name of a ~~financial institution~~ bank, savings bank, 115384  
or savings association in its articles of incorporation or 115385  
articles of association on the records of the secretary of state, 115386  
superintendent of financial institutions, office of the 115387  
comptroller of the currency, ~~office of thrift supervision,~~ or any 115388  
of their successors; 115389

(2) Registered as, or as part of, a trade name or service 115390  
mark with the secretary of state. 115391

(E)(1) Absent the express written permission of the state 115392  
bank, no person shall use the name of a state bank in an 115393  
advertisement, solicitation, promotional, or other material in a 115394  
way that may mislead another person, or cause another person to be 115395  
misled, into believing that the person issuing the advertisement, 115396  
solicitation, promotional, or other material is associated or 115397  
affiliated with the state bank. 115398

(2) A state bank injured by a violation of division (E)(1) of 115399

this section may bring an action in law or equity for recovery of 115400  
damages, a temporary restraining order, an injunction, or any 115401  
other available remedy. 115402

**Sec. 1103.18.** (A) Instead of a treasurer, as required by 115403  
section 1701.64 of the Revised Code, a state bank may have a 115404  
cashier, controller, comptroller, or other officer whose authority 115405  
and duties the superintendent of financial institutions determines 115406  
are essentially equivalent to those of a treasurer. 115407

(B) For any state bank that has a cashier, controller, 115408  
comptroller, or other officer instead of a treasurer, as 115409  
authorized by division (A) of this section, the cashier, 115410  
controller, comptroller, or other officer may execute, 115411  
acknowledge, or verify any instrument or take any other action 115412  
that by law a treasurer of the state bank would be authorized to 115413  
execute, acknowledge, verify, or take. 115414

**Sec. 1103.19.** When the signatures of two ~~officers~~ authorized 115415  
representatives of a state bank are required, as for a certificate 115416  
for an amendment of the state bank's articles of incorporation or 115417  
amended articles of incorporation pursuant to section ~~1103.08~~ ~~or~~ 115418  
~~1103.09~~ 1113.12, 1113.13, or 1114.11 of the Revised Code or for 115419  
certification of a conversion pursuant to section 1115.01 of the 115420  
Revised Code, a consolidation or merger pursuant to section 115421  
1115.11 of the Revised Code, or a transfer of assets and 115422  
liabilities pursuant to section 1115.14 of the Revised Code, one 115423  
of the ~~officers~~ authorized representatives signing shall be the 115424  
chairperson of the board of directors, the president, or a 115425  
vice-president, as determined by the board of directors. The other 115426  
~~officer~~ authorized representative signing shall be the secretary 115427  
or an assistant secretary, as determined by the board of 115428  
directors. 115429

**Sec. 1103.20.** (A) When any provision in Chapters 1101. to 115430  
1127. or Chapter 1701. of the Revised Code requires a document 115431  
regarding an existing, previously existing, or proposed state bank 115432  
to be filed with the secretary of state, all of the following 115433  
apply: 115434

(1) The person responsible for producing the document shall 115435  
deliver the document, properly completed, to the superintendent of 115436  
financial institutions, along with payment for any fee required 115437  
for filing the document with the secretary of state. 115438

(2) The superintendent shall file the document, and any 115439  
required approval by the superintendent, with the secretary of 115440  
state. 115441

(3) The secretary of state shall send a certified copy of the 115442  
document to both the superintendent and the state bank or other 115443  
person on whose behalf the superintendent filed the document. 115444

(B) If the person responsible for producing the document to 115445  
be filed fails to comply with division (A)(1) of this section, the 115446  
action or transaction to which the document relates is not 115447  
authorized or effective. 115448

**Sec. 1103.99.** Whoever violates division (E)(1) of section 115449  
1103.07 of the Revised Code shall be subject to a civil penalty of 115450  
up to ten thousand dollars for each day the violation is 115451  
committed, repeated, or continued. 115452

**Sec. 1105.01.** (A) Except where the Revised Code, the articles 115453  
of incorporation, or the code of regulations require action to be 115454  
authorized or taken by shareholders or members, all of the 115455  
authority of a state bank shall be exercised by or under the 115456  
direction of the bank's board of directors. The board of directors 115457  
shall consist of not less than five directors. 115458

(B) Unless the articles of incorporation or the code of regulations provide for a different term, which may not exceed three years from the date of the director's election and until the director's successor is elected and qualified, each director shall hold office until the next annual meeting of the shareholders or members and until the director's successor is elected and qualified, or until the director's earlier resignation, removal from office, or death.

(C) The articles of incorporation or the code of regulations may provide for the classification of directors into either two or three classes consisting of not less than ~~three~~ two directors each. The terms of office of the several classes need not be uniform, except that no term shall exceed the maximum time specified in division (B) of this section.

**Sec. 1105.02.** (A)(1) Of the directors on the board of directors of a state bank:

(a) A majority of the directors shall be outside directors. However, in the case of a stock state bank, if eighty per cent or more of any class of the bank's voting shares are owned by a company, a majority of the directors may be officers or directors of one or more affiliates of the bank.

~~(b) A majority of the directors shall be residents of this state or live within one hundred miles of this state~~ For purposes of this section, anyone who is not an employee of the state bank or the bank holding company shall be considered an outside director.

(2)(a) If during a term of office a director causes the total membership of the board to be ~~in violation of~~ out of compliance with division (A)(1)(a) ~~or (b)~~ of this section, the director forfeits the directorship, and the director's office is then vacant.

(b) ~~If the membership of a board of directors of a bank on July 14, 1987, is composed in violation of division (A)(1)(a) or (b) of this section, the directors who are holding office on that date may continue to hold office, and may be reelected or reappointed if there is no interruption in their respective service.~~ 115490  
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~~(e)~~ No new director, or former director who is elected or appointed to the board after an interruption in service, shall be elected or appointed ~~in violation of~~ if it causes the total membership of the board to be out of compliance with division (A)(1)(a) ~~or (b)~~ of this section. 115496  
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(B)(1) No person who has been convicted of, or has pleaded guilty to, a felony or any crime involving an act of fraud, dishonesty or, breach of trust, theft, or money laundering shall ~~take office~~ serve as a director of a bank or a subsidiary or affiliate of a bank. The superintendent of financial institutions may waive this restriction if the crime the person was convicted of or pleaded guilty to was a misdemeanor or minor misdemeanor or the equivalent thereof. 115501  
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(2) If during a term of office any director is convicted of, or pleads guilty to, a ~~felony~~ crime described under division (B)(1) of this section, the director forfeits the directorship, and the director's office is then vacant. 115509  
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**Sec. 1105.03.** (A) To qualify as a director, each person elected or appointed to the board of directors shall, within sixty days after election or appointment, take and subscribe an oath to diligently and honestly perform the duties of a director and to not knowingly violate or permit to be violated any federal banking law or any provision of Chapters 1101. to 1127. of the Revised Code. 115513  
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(B) Promptly upon execution, and within sixty days of the 115520



person's election or appointment, the oath shall be filed with the 115521  
secretary of the state bank. 115522

**Sec. 1105.04.** Each officer and employee of a state bank, 115523  
prior to the discharge of the officer's or employee's duties, 115524  
shall be covered by an individual, schedule, or blanket fidelity 115525  
bond in favor of the bank, with terms and issuing insurer approved 115526  
by the board of directors. The amount of the bond shall be set by 115527  
the board of directors, and shall be reasonable given the size of 115528  
the bank and nature of its business. The board of directors are 115529  
not required to provide a bond covering their duties as directors. 115530

**Sec. 1105.08.** (A)(1) A state bank's board of directors shall 115531  
meet monthly unless the bank's code of regulations provides for a 115532  
different frequency of meetings, which shall not be less than 115533  
quarterly. 115534

(2) Division (A)(1) of this section does not prohibit either 115535  
of the following: 115536

(a) A state bank's board of directors meeting more frequently 115537  
than required by division (A)(1) of this section or the bank's 115538  
code of regulations; 115539

(b) The superintendent of financial institutions requiring a 115540  
state bank's board of directors to meet more frequently than 115541  
required by division (A)(1) of this section or the bank's code of 115542  
regulations if the superintendent determines more frequent 115543  
meetings are appropriate because of circumstances regarding the 115544  
bank. 115545

(B) Unless prohibited by the articles of incorporation, the 115546  
code of regulations, or, in the case of a committee of the board 115547  
of directors, an order of the board of directors, meetings of the 115548  
board of directors or a committee of the board of directors may be 115549  
held ~~through~~ in any manner permitted by the laws of this state, 115550

including by communications equipment, if all persons 115551  
participating can communicate with each of the others. 115552  
Participation in a meeting in accordance with this division 115553  
constitutes presence at the meeting. 115554

(C) Minutes shall be kept of all meetings of a state bank's 115555  
board of directors and of any committees of the board of 115556  
directors, and shall be recorded in a readable and reproducible 115557  
form and kept at the bank. The minutes shall show the action of 115558  
the board of directors or any committee of the board of directors 115559  
on loans, discounts, and investments made or authorized. The 115560  
minutes of all committees of the board of directors shall be 115561  
submitted to the board of directors for review at each meeting of 115562  
the board of directors. 115563

**Sec. 1105.10.** (A) Once elected or appointed, a director may 115564  
be removed ~~by~~ as follows: 115565

(1) By the board of directors or the superintendent of 115566  
financial institutions if ~~either~~ any of the following applies: 115567

~~(1)~~(a) The director has filed for relief or is a debtor in a 115568  
case filed under Title XI of the United States Code; 115569

~~(2)~~(b) A court has determined the director is incompetent; 115570

(c) The director has been removed in accordance with federal 115571  
law. 115572

(2) By the board of directors for any of the grounds set 115573  
forth in the state bank's code of regulations or bylaws; 115574

(3) By a majority of the disinterested directors if they 115575  
determine the director has a conflict of interest. 115576

(B)(1)(a) Except as provided in division (B)(1)(b) of this 115577  
section, unless the articles of incorporation or the code of 115578  
regulations of the state bank expressly provide that removal of 115579  
members of the board of directors shall require a greater vote, 115580

the shareholders or members may remove all the directors, all the 115581  
directors of a particular class, or any individual director from 115582  
office, without assigning any cause, by the vote of the holders of 115583  
a majority of the voting power entitling them to elect directors 115584  
in place of those to be removed. 115585

(b) If the shareholders or members have the right to vote 115586  
cumulatively in the election of directors of the bank, unless all 115587  
the directors or all the directors of a particular class are 115588  
removed, the vote of shareholders or members does not remove an 115589  
individual director if the votes cast against the director's 115590  
removal, if cumulatively voted at an election of all the directors 115591  
or all the directors of a particular class, as the case may be, 115592  
would be sufficient to elect at least one director. 115593

(2) If one or more directors is removed pursuant to division 115594  
(B)(1) of this section, the shareholders or members may elect a 115595  
new director at the same meeting for the unexpired term of each 115596  
director removed. Failure of the shareholders or members to elect 115597  
a director to fill the unexpired term of any director removed is 115598  
deemed to create a vacancy in the board. 115599

(C) Unless the articles of incorporation or the code of 115600  
regulations otherwise provide, the remaining directors, though 115601  
less than a majority of the whole authorized number of directors, 115602  
may, by the vote of a majority of their number, fill any vacancy 115603  
in the board for the unexpired term. 115604

(1) A vacancy exists if the shareholders or members increase 115605  
the authorized number of directors but fail at the meeting at 115606  
which the increase is authorized, or an adjournment of the 115607  
meeting, to elect the additional directors provided for, or if the 115608  
shareholders or members fail at any time to elect the whole 115609  
authorized number of directors. 115610

(2) The office of a member of the board of directors becomes 115611

vacant if the director dies ~~or~~, resigns, or is removed. A 115612  
resignation takes effect immediately unless the director specifies 115613  
another time. 115614

(D) If a vacancy created on the board of directors causes the 115615  
number of directors to be less than that fixed by the articles of 115616  
incorporation or code of regulations, the vacancy shall not be 115617  
required to be filled until such time as an appropriate candidate 115618  
is identified and duly appointed or elected. 115619

(E) Notwithstanding divisions (B) and (C) of this section, 115620  
the requirement for a quorum set forth in section 1701.62 of the 115621  
Revised Code applies to a state bank's board of directors. 115622

**Sec. 1105.11.** Any (A) A director, officer, employee, or other 115623  
institution-affiliated party of a bank who knowingly violates or 115624  
knowingly permits any of the officers, agents, or employees of the 115625  
bank to violate any provision of Chapters 1101. to 1127. of the 115626  
Revised Code shall not be liable personally and individually 115627  
liable for all direct or indirect damages the bank, its 115628  
shareholders or members, or any other person sustains in 115629  
consequence of the a violation of or failure to comply with any 115630  
provision of Chapters 1101. to 1127. of the Revised Code or the 115631  
rules adopted under those chapters, including any civil money 115632  
penalties, unless it can be shown that the director, officer, 115633  
employee, or other institution-affiliated party knowingly violated 115634  
or failed to comply with that provision of law or, with respect to 115635  
a director's liability, that the director knowingly permitted any 115636  
of the officers, employees, or other institution-affiliated 115637  
parties to violate or fail to comply with any such provision. 115638

(B) Nothing in this section shall be construed to deprive a 115639  
director of the defenses set forth in section 1701.59 of the 115640  
Revised Code. 115641

**Sec. 1107.03.** No state bank shall operate without adequate capital as determined by the superintendent of financial institutions. In evaluating the adequacy of a state bank's capital, the superintendent may consider any of the following:

(A) The nature and volume of the bank's business;

(B) The amount, nature, quality, and liquidity of the bank's assets;

(C) The amount and nature of the bank's liabilities, including those that are not presently due or are contingent;

(D) The amount and nature of the bank's fixed costs;

(E) The history of and prospects for the bank to earn and retain income;

(F) The quality of the bank's operations, including risk management;

(G) The quality of the bank's management;

(H) The nature and quality of the bank's ownership;

(I) Any other factor the superintendent finds to be relevant under the circumstances.

**Sec. 1107.05.** (A) A state bank may issue debt securities at the times, in the amounts, and subject to the terms approved in writing by the superintendent of financial institutions.

(B) ~~The~~ In the case of a stock state bank, the terms of debt securities may include either of the following:

(1) Options to subscribe to or purchase the bank's shares at not less than par value;

(2) The right to convert the debt securities to the bank's shares, if the par value of the shares resulting from the conversion does not exceed the value on the bank's books of the

debt securities being converted. 115670

(C) The terms of any option granted in connection with the 115671  
issuance of debt securities or any right to convert debt 115672  
securities to shares shall not permit or require the holders of 115673  
the debt securities to be held individually responsible for the 115674  
state bank's debts, contracts, or engagements, ~~or for assessments~~ 115675  
~~for restoration of the bank's paid-in capital,~~ on the basis of 115676  
their status as holders of the debt securities. 115677

**Sec. 1107.07.** ~~(A)~~ All stock state bank shares shall have par 115678  
value, whether they are common shares or preferred shares. 115679

~~(B)(1) Except as otherwise provided in division (B)(2) of~~ 115680  
~~this section:~~ 115681

~~(a) Bank shares still held as treasury shares one year after~~ 115682  
~~being acquired are deemed retired and to be authorized and~~ 115683  
~~unissued shares.~~ 115684

~~(b) Authorized and unissued bank shares that are not issued~~ 115685  
~~or reissued and fully paid in one year after being authorized or~~ 115686  
~~otherwise becoming authorized and unissued shares are deemed~~ 115687  
~~anceled.~~ 115688

~~(2) Division (B)(1) of this section does not apply to bank~~ 115689  
~~shares authorized or acquired and held as treasury shares for~~ 115690  
~~purposes of meeting conversion rights or options, employee stock~~ 115691  
~~purchase or ownership plans, mergers, consolidations, other~~ 115692  
~~reorganizations, or acquisitions, purchases of real estate the~~ 115693  
~~board of directors considers necessary or convenient for~~ 115694  
~~transaction of the bank's business, or any other specific purpose,~~ 115695  
~~in accordance with division (D) of section 1103.08 or division~~ 115696  
~~(A)(1) of section 1103.09 of the Revised Code.~~ 115697

~~(C) Preferred shares retired by a bank shall be canceled and~~ 115698  
~~not reissued, whether or not provision for cancellation is made in~~ 115699

~~the bank's articles of incorporation.~~ 115700

~~(D) Both common shares and preferred shares of a bank shall 115701  
be assessable, on a pro rata basis, for restoration of the bank's 115702  
paid-in capital.~~ 115703

**Sec. 1107.09.** (A) A stock state bank may, with the approval 115704  
of the bank's board of directors, the holders of a majority of the 115705  
bank's voting shares, and the superintendent of financial 115706  
institutions, adopt and carry out plans for the offering or sale 115707  
of, the grant of, or the grant of options on, the bank's shares to 115708  
any or all employees, officers, or directors of the bank or any of 115709  
the bank's subsidiaries or affiliates, or to other parties, or to 115710  
a trustee on their behalf. For purposes of this section, "other 115711  
parties" means any person that has provided, or will provide, a 115712  
service or a benefit to the bank, as determined by the board of 115713  
directors. 115714

(B) A plan may be adopted under this section for any unissued 115715  
shares, treasury shares, or shares to be purchased or granted. A 115716  
plan may provide for the payment or issuance of the shares at one 115717  
time or in installments or for the establishment of special funds 115718  
in which employees or other parties approved under division (A) of 115719  
this section may participate. 115720

(C) Shares otherwise subject to pre-emptive rights may be 115721  
offered or sold under a plan only when released from pre-emptive 115722  
rights. Shares authorized for the purpose of carrying out a plan 115723  
adopted under this section shall, ~~in accordance with division (D)~~ 115724  
~~of section 1103.08 of the Revised Code,~~ be deemed released from 115725  
pre-emptive rights. 115726

**Sec. 1107.11.** (A) Unless otherwise provided in the articles 115727  
of incorporation, the holders of any class of a stock state bank's 115728  
shares, other than shares that are limited as to dividend rate and 115729

liquidation price, shall, upon the offering or sale for cash of 115730  
shares of the same class, have the right, during a reasonable time 115731  
and on reasonable terms fixed by the directors, to purchase the 115732  
shares in proportion to their respective holdings of shares of 115733  
that class, at not less than par value, unless the shares offered 115734  
or sold are any of the following: 115735

(1) Treasury shares; 115736

(2) Released from pre-emptive rights by the affirmative vote 115737  
or written consent of the holders of either of the following: 115738

(a) Two-thirds of the shares entitled to the pre-emptive 115739  
rights; 115740

(b) A majority of the shares entitled to the pre-emptive 115741  
rights, if for offering and sale or granting options to any or all 115742  
employees of the bank or any of the bank's subsidiaries or to a 115743  
trustee on their behalf, under a plan adopted under section 115744  
1107.09 of the Revised Code; 115745

(3) Offered to shareholders in satisfaction of their 115746  
pre-emptive rights and not purchased by the shareholders, and 115747  
thereupon issued or agreed to be issued for a consideration not 115748  
less than that at which the shares were offered to the 115749  
shareholders, less reasonable expenses, compensation, or discount 115750  
paid or allowed for the sale, underwriting, or purchase of the 115751  
shares. 115752

(B) An action arising from the offering or sale of shares 115753  
under division (A) of this section shall be brought within two 115754  
years after the date on which written notice or other 115755  
communication of the transaction is mailed or otherwise given to 115756  
the person entitled to bring the action. In no event shall any 115757  
such action be brought later than four years after the cause of 115758  
action accrued. 115759

(C) Pre-emptive rights with respect to shares issued by a 115760



stock state bank chartered on or after the effective date of this 115761  
amendment shall be governed by section 1701.15 of the Revised 115762  
Code. 115763

**Sec. 1107.13.** ~~(A) A~~ With the prior written approval of the 115764  
superintendent of financial institutions, a stock state bank may 115765  
purchase its own shares only in the following circumstances: 115766

~~(1) To avoid the issuance of, or to eliminate, fractional~~ 115767  
~~shares;~~ 115768

~~(2) From a shareholder who, by reason of dissent, is entitled~~ 115769  
~~to be paid the fair cash value of the shares;~~ 115770

~~(3) With the approval of the superintendent of financial~~ 115771  
~~institutions, pursuant to authority in the bank's articles of~~ 115772  
~~incorporation to purchase its shares accordance with section~~ 115773  
~~1701.35 of the Revised Code.~~ 115774

(B) A stock state bank that acquires shares of its stock 115775  
shall retire or dispose of the shares at the time and in the 115776  
manner required by the superintendent. 115777

**Sec. 1107.15.** A stock state bank's board of directors may 115778  
declare dividends and distributions on the bank's outstanding 115779  
shares, subject to all of the following conditions: 115780

(A) Except as otherwise provided in division (B) of this 115781  
section, payment of a dividend or distribution may only be funded 115782  
from undivided profits or, subject to the approval of the 115783  
superintendent of financial institutions, from a special reserve 115784  
created from proceeds from the sale of bank stock. 115785

(B) A dividend or distribution may be funded, in whole or in 115786  
part, from surplus with the approval of both of the following: 115787

(1) The holders of at least two-thirds of the outstanding 115788  
shares of each class of the bank's stock; 115789

(2) The superintendent ~~of financial institutions~~. 115790

(C) A dividend or distribution may be paid in treasury shares 115791  
or in authorized but unissued shares, if the board makes the 115792  
required transfers to surplus and paid-in capital. 115793

(D) The approval of the superintendent is required for the 115794  
declaration of dividends and distributions if the total of all 115795  
dividends and distributions declared on the bank's shares in any 115796  
year, and not paid in shares, exceeds the total of its net income 115797  
for that year combined with its retained net income of the 115798  
preceding two years. 115799

(E) Prior to the declaration of any dividend or distribution 115800  
the bank has made all required allocations to reserves for losses 115801  
or contingencies. 115802

**Sec. 1109.01.** (A) A state bank may use, exercise, and enjoy 115803  
all of the powers, rights, and privileges of a corporation as set 115804  
forth in section 1701.13 of the Revised Code, unless otherwise 115805  
provided in its articles of incorporation and except as otherwise 115806  
expressly limited by Chapters 1101. to 1127. of the Revised Code. 115807  
The powers authorized under this division include the power to 115808  
receive any property of any description, or any interest in 115809  
property, by gift, devise, or bequest, and to make donations for 115810  
the public welfare or for charitable, scientific, or educational 115811  
purposes. 115812

(B) A state bank may perform all acts necessary to carry into 115813  
effect the powers authorized by Title XI of the Revised Code and 115814  
the purposes for which the bank was created. 115815

**Sec. 1109.02.** (A) In addition to exercising the powers and 115816  
performing the acts authorized under Chapters 1101. to 1127. of 115817  
the Revised Code, a state bank has and may exercise all powers and 115818  
perform all acts attendant to the business of banking as set forth 115819

in those chapters. 115820

(B) A state bank has and may exercise all powers, perform all 115821  
acts, and provide all services that are otherwise a part of or 115822  
incidental to the business of banking. 115823

(C) In addition to what is otherwise authorized under 115824  
Chapters 1101. to 1127. of the Revised Code, a state bank has and 115825  
may exercise all powers, perform all acts, and provide all 115826  
services that are permitted for national banks and federal savings 115827  
associations, other than those dealing with interest rates, 115828  
regardless of the date the corresponding parity rule adopted by 115829  
the superintendent of financial institutions under section 1121.05 115830  
of the Revised Code takes effect. If a state bank intends to take 115831  
any such action before the adoption of the corresponding parity 115832  
rule, the bank shall provide the superintendent with prior written 115833  
notice of the action and the basis for the action. The 115834  
superintendent, within ninety days after receipt of that notice, 115835  
may prohibit the bank from taking such action if the 115836  
superintendent determines it would be unsafe or unsound for the 115837  
bank. 115838

**Sec. 1109.021.** (A) As used in this section, "portfolio 115839  
assets" and "qualified thrift investments" have the same meanings 115840  
as in 12 U.S.C. 1467a, as amended. 115841

(B) A state bank may elect to operate as a savings and loan 115842  
association by filing a written notice of that election with the 115843  
superintendent of financial institutions. 115844

(C) Upon filing an election notice, a state bank shall be 115845  
considered a savings and loan association if both of the following 115846  
conditions are met: 115847

(1) Its qualified thrift investments equal or exceed 115848  
sixty-five per cent of its portfolio assets. 115849

(2) Its qualified thrift investments continue to equal or 115850  
exceed sixty-five per cent of its assets on a monthly average 115851  
basis in nine out of every twelve months. 115852

(D) A state bank may revoke its election notice at any time 115853  
by submitting a written notice thereof to the superintendent. 115854

**Sec. 1109.03.** (A) No bank shall transact business in this 115855  
state unless its deposit accounts are insured by the federal 115856  
deposit insurance corporation, except a bank that by the terms of 115857  
its articles of incorporation or articles of association is not 115858  
permitted to solicit or accept deposits other than trust funds. 115859  
Each bank whose deposit accounts are insured by the federal 115860  
deposit insurance corporation shall maintain that insurance as a 115861  
condition of doing business in this state. 115862

(B) Each bank doing business in this state shall comply with 115863  
the reserve requirements of the "Federal Reserve Act of 1913," as 115864  
amended. 115865

(C) Any bank doing business in this state may become a member 115866  
of the federal reserve system as permitted under federal law and 115867  
do all things necessary to maintain that membership in accordance 115868  
with the "Federal Reserve Act of 1913," as amended. 115869

(D) Any bank doing business in this state may become a member 115870  
of a federal home loan bank and do all things necessary to 115871  
maintain that membership in accordance with the "Federal Home Loan 115872  
Bank Act of 1932," 47 Stat. 725, 12 U.S.C.A. 1421, as amended. A 115873  
bank may purchase and hold stock in a federal home loan bank in 115874  
excess of the amount required for membership, if that purchase and 115875  
holding of stock is consistent with the financial condition of the 115876  
bank and prudent banking practice. 115877

**Sec. 1109.04.** (A) A bank may, in good faith, rely: 115878

(1) On any and all information, agreements, documents, and 115879

signatures provided by its customers as being true, accurate, 115880  
complete, and authentic and representing what they purport to 115881  
represent; and 115882

(2) That the persons signing have full capacity and complete 115883  
authority to execute and deliver any and all such documents and 115884  
agreements and to act in such capacity as may be represented to 115885  
the bank. 115886

As used in this division, "good faith" has the same meaning 115887  
as in section 1301.201 of the Revised Code. 115888

(B) A bank may, with the customer's consent, provide 115889  
electronically any statement, notice, or report required to be 115890  
provided customers under this chapter. A customer's consent may be 115891  
obtained electronically or in writing. 115892

(C) A bank customer may, with the bank's consent, provide 115893  
electronically any notice required to be provided to the bank 115894  
under this chapter. A bank's consent may be obtained 115895  
electronically or in writing. 115896

**Sec. 1109.05.** (A) A bank may receive money on deposit and may 115897  
establish the terms and conditions of each deposit contract. A 115898  
bank may receive demand deposits subject to withdrawal or to 115899  
payment upon the depositor's check, order, or other authorization. 115900

(B) At the time of opening a deposit account, a bank shall 115901  
provide the depositor a statement containing the existing terms 115902  
and conditions of the deposit contract. The statement may be set 115903  
forth on the depositor's signature card, which card may be 115904  
electronic or in writing. Before effecting any change in the terms 115905  
and conditions of a deposit contract, a bank shall ~~send written~~ 115906  
provide notice, in written or electronic form, of the change to 115907  
each depositor with whom the bank has a deposit contract of the 115908  
kind to be changed. Depositors and any other owners of interests 115909

in deposit accounts shall be bound by all changes banks make in 115910  
their deposit contracts. 115911

(C) For each deposit account a bank shall, at minimum, do 115912  
either of the following: 115913

(1) Periodically ~~send~~ make available to each deposit customer 115914  
a ~~written~~ report, in written or electronic form, of the customer's 115915  
deposit account activity since the last report was provided, 115916  
unless the account is a certificate of deposit with no activity 115917  
except for compounding interest; 115918

(2) Issue a passbook on which deposits, interest, payments, 115919  
and withdrawals can be recorded. 115920

(D) A bank may secure deposits in the manner and to the 115921  
extent provided or authorized by law or any lawful order of a 115922  
court having custody of money and ordering money to be deposited. 115923

(E)(1) A bank may serve as a depository for public funds of 115924  
this state, other states of the United States, political 115925  
subdivisions of this state and other states of the United States, 115926  
the United States, agencies of the United States, foreign nations, 115927  
political subdivisions of foreign nations, multinational 115928  
organizations, and subdivisions of multinational organizations. 115929

(2)(a) A bank may provide security for the public funds 115930  
described in division (E)(1) of this section if that is a 115931  
condition imposed by law for their deposit. 115932

(b) Depositors of public funds that are collateralized by 115933  
securities pledged by a bank in accordance with Chapter 135. of 115934  
the Revised Code and any applicable federal law shall have and 115935  
maintain a first and best lien and security interest in and to 115936  
such securities, any substitute securities, and the proceeds of 115937  
those securities, in favor of such depositors. 115938

**Sec. 1109.08.** (A) A bank may provide safes, vaults, safe 115939

deposit boxes, night depositories, and other secure receptacles 115940  
for the uses, purposes, and benefits of its customers, on the 115941  
terms and conditions the bank prescribes. 115942

(B) A bank may, on the terms and conditions the bank 115943  
prescribes, receive tangible property and evidence of tangible or 115944  
intangible property for safekeeping using any of the following: 115945

(1) The bank's safes, vaults, and other secure receptacles; 115946

(2) The safes, vaults, and other secure receptacles of 115947  
another bank or of a safekeeping agent or custodian that is 115948  
qualified under rules adopted by the superintendent of financial 115949  
institutions; 115950

(3) The bank's own safekeeping system or the safekeeping 115951  
system of another bank or of a safekeeping agent or custodian that 115952  
is qualified under rules adopted by the superintendent; 115953

(4) A recognized title or registration system, on the terms 115954  
and conditions the bank prescribes. 115955

(C) Unless agreed to in writing by the bank, nothing in this 115956  
section creates a bailment between a customer and the bank. 115957

**Sec. 1109.10.** If any claim not clearly consistent with the 115958  
terms of any applicable authority on file with a bank is made to 115959  
any deposit, safe deposit box, property held in safekeeping, 115960  
security, obligation, or other property in the bank's possession 115961  
or control, in whole or in part, by any person, including any 115962  
depositor, individual, or group of individuals, whether or not 115963  
authorized to draw on or exercise any right or control with 115964  
respect to the property, the bank is not required to recognize the 115965  
claim without one of the following: 115966

(A) A court order, issued by a court of competent 115967  
jurisdiction and served on the bank, enjoining or restraining the 115968  
bank from taking any action with respect to the property or 115969

instructing the bank to pay some or all of the balance of the 115970  
account, provide access to the safe deposit box, or deliver the 115971  
property as provided in the order; 115972

(B) A bond in the form and amount and with sureties 115973  
satisfactory to the bank, indemnifying the bank against any 115974  
liabilities, loss, and expenses it might incur because of its 115975  
recognition of the claim or because of its refusal, due to the 115976  
claim, to honor or recognize any right with respect to the 115977  
property. 115978

**Sec. 1109.15.** (A)(1) Subject to the restrictions and 115979  
limitations of the Revised Code, a state bank may do any of the 115980  
following: 115981

(a) Loan money, with or without security, and payable on 115982  
demand, at maturity, in installments, or by any combination of 115983  
these; 115984

(b) Issue, advise, and confirm letters of credit authorizing 115985  
the beneficiaries of the letters to draw upon the bank or its 115986  
correspondents; 115987

(c) Purchase open accounts, whether or not the accounts 115988  
represent an evidence of debt. 115989

(2) Subject to the margin requirements the superintendent of 115990  
financial institutions may prescribe by rule, a state bank may 115991  
make loans secured by stocks, bonds, or other securities. 115992

(B) Subject to sections 1109.22, 1109.32, and 1109.47 of the 115993  
Revised Code and any rules the superintendent prescribes, a state 115994  
bank may purchase obligations of any kind with or without 115995  
recourse. 115996

(C) A state bank may acquire personal property for lease to 115997  
others, if the transaction, as a whole, has the character of an 115998  
extension of credit. 115999



(D)(1) Subject to division (D)(2) of this section, any other 116000  
restrictions and limitations of the Revised Code, and any 116001  
conditions, restrictions, or requirements established by the 116002  
superintendent, a state bank may enter into a debt suspension 116003  
agreement or debt cancellation contract with a borrower or 116004  
borrowers in connection with any loan or extension of credit. 116005

(2) A state bank shall not offer or finance, directly or 116006  
indirectly, a debt suspension agreement or debt cancellation 116007  
contract requiring a lump sum, single payment for the agreement or 116008  
contract payable at the outset of the agreement or contract, if 116009  
the debt subject to the agreement or contract is secured by one to 116010  
four family, residential real property. 116011

(3) For purposes of division (D) of this section, "debt 116012  
cancellation contract" and "debt suspension agreement" have the 116013  
same meanings as in 12 C.F.R part 37, as amended. 116014

~~(E) Unless otherwise expressly agreed in writing, the 116015  
relationship between a bank and its obligor, with respect to any 116016  
extension of credit, is that of a creditor and debtor, and creates 116017  
no fiduciary or other relationship between the parties. 116018~~

**Sec. 1109.151.** Unless otherwise expressly agreed to in 116019  
writing by the bank, the relationship between a bank and its 116020  
obligor, or a bank and its customer, creates no fiduciary or other 116021  
relationship between the parties or any special duty on the part 116022  
of the bank to the customer or any other party. 116023

**Sec. 1109.16.** (A) The superintendent of financial 116024  
institutions shall adopt rules prescribing standards for 116025  
extensions of credit that are either of the following: 116026

(1) Secured by liens on interests in real estate; 116027

(2) Made for the purpose of financing the construction of 116028  
either a building or improvements to real estate. 116029

(B) In prescribing the standards required by division (A) of this section, the superintendent shall consider all of the following:

(1) The risk the extensions of credit pose to the federal deposit insurance funds;

(2) The need for state banks to operate in a safe and sound manner;

(3) The availability of credit;

(4) Any other factors the superintendent considers appropriate.

(C) In prescribing the standards required by division (A) of this section, the superintendent may differentiate among types of loans on the basis of any of the following:

(1) Statutory requirements;

(2) Risk to the federal deposit insurance funds;

(3) The safety and soundness of state banks.

(D) The superintendent shall not adversely evaluate an investment or a loan made by a state bank, or consider a loan to be nonperforming, solely because the loan is secured by or the investment is in commercial, residential, or industrial property, unless the investment or loan may affect the bank's safety and soundness.

**Sec. 1109.17.** (A)(1) A state bank may accept drafts or bills of exchange drawn on it and may purchase acceptances of drafts or bills of exchange issued by other banks and participations in acceptances of drafts or bills of exchange issued by other banks, subject to the following limitations:

(a) For acceptances of drafts or bills of exchange described in division (B)(1) of this section, the limitations in division

(B)(2) of this section apply. 116059

(b) For acceptances of drafts or bills of exchange satisfying 116060  
the requirements of division (C)(1) of this section, the 116061  
limitations in division (C)(2) apply. 116062

(c) For all other acceptances of drafts or bills of exchange, 116063  
the limitations on loans and extensions of credit to a person in 116064  
section 1109.22 of the Revised Code apply to both of the 116065  
following: 116066

(i) A state bank's total outstanding obligations for any one 116067  
person on acceptances of drafts or bills of exchange that the bank 116068  
has issued and on acceptances of drafts or bills of exchange and 116069  
participations in acceptances of drafts or bills of exchange 116070  
issued by other banks and that the bank has purchased; 116071

(ii) A state bank's total outstanding obligations on 116072  
acceptances of drafts or bills of exchange issued by any one other 116073  
bank. 116074

(2) For purposes of applying the limitations imposed by 116075  
division (A)(1) of this section, a state bank's obligation on an 116076  
acceptance of a draft or bill of exchange does not include the 116077  
portion of an acceptance of a draft or bill of exchange issued by 116078  
the bank that is covered by a participation agreement sold to 116079  
another. 116080

(B)(1) Subject to the limitations in division (B)(2) of this 116081  
section, a state bank may accept drafts or bills of exchange drawn 116082  
upon it having not more than six months' sight to run, exclusive 116083  
of days of grace, that are any of the following: 116084

(a) From transactions involving the importation or 116085  
exportation of goods; 116086

(b) From transactions involving the domestic shipment of 116087  
goods; 116088

(c) Secured at the time of acceptance by a warehouse receipt 116089  
or other documentation conveying or securing title covering 116090  
readily marketable staples. 116091

(2)(a) Except as provided in division (B)(2)(b) of this 116092  
section, no state bank shall accept drafts or bills of exchange, 116093  
or be obligated for a participation share for drafts or bills of 116094  
exchange under division (B)(1) of this section, in an amount equal 116095  
at any time in the aggregate to more than one hundred fifty per 116096  
cent of the bank's capital. 116097

(b) The superintendent of financial institutions, under 116098  
conditions the superintendent may prescribe, may authorize a state 116099  
bank to accept or be obligated for a participation share in drafts 116100  
or bills of exchange under division (B)(1) of this section, in an 116101  
amount not exceeding at any time in the aggregate two hundred per 116102  
cent of the bank's capital. 116103

(3) Notwithstanding division (B)(2) of this section, a state 116104  
bank's aggregate acceptances of drafts or bills of exchange, 116105  
including obligations for a participation share in drafts or bills 116106  
of exchange, under division (B)(1) of this section, that arise 116107  
from domestic transactions shall not exceed fifty per cent of the 116108  
aggregate of all acceptances of drafts or bills of exchange, 116109  
including obligations for a participation share in drafts or bills 116110  
of exchange, the bank is permitted under division (B) of this 116111  
section. 116112

(4) No state bank shall accept drafts or bills of exchange or 116113  
be obligated for a participation share in drafts or bills of 116114  
exchange under division (B)(1) of this section, whether from a 116115  
foreign or domestic transaction, for any one person, partnership, 116116  
corporation, association, or other entity in an amount equal at 116117  
any time in the aggregate to more than ten per cent of the bank's 116118  
capital, unless the bank is secured either by attached documents 116119  
or by some other actual security arising from the same transaction 116120

as the acceptance. 116121

(C)(1) Subject to the limitations set forth in division 116122  
(C)(2) of this section, a state bank may accept drafts or bills of 116123  
exchange drawn upon it having not more than three months' sight to 116124  
run, exclusive of days of grace, and drawn under conditions the 116125  
superintendent may prescribe, by banks or bankers in foreign 116126  
countries or dependencies or insular possessions of the United 116127  
States, for the purpose of furnishing dollar exchange as required 116128  
by the usages of trade in the respective countries, dependencies, 116129  
or insular possessions. 116130

(2)(a) No state bank shall accept drafts or bills of exchange 116131  
under division (C)(1) of this section for any one bank in an 116132  
aggregate amount exceeding ten per cent of the accepting bank's 116133  
capital, unless the draft or bill of exchange is accompanied by 116134  
documents conveying or securing title or other adequate security. 116135

(b) No state bank shall accept drafts or bills of exchange 116136  
under division (C)(1) of this section in an aggregate amount 116137  
exceeding fifty per cent of the accepting bank's capital. 116138

**Sec. 1109.22.** (A) As used in this section: 116139

(1) "Derivative transaction" includes any transaction that is 116140  
a contract, agreement, swap, warrant, note, or option that is 116141  
based, in whole or in part, on the value of, any interest in, or 116142  
any quantitative measure or the occurrence of any event relating 116143  
to, one or more commodities, securities, currencies, interest or 116144  
other rates, indices, or other assets. 116145

(2) "Loans and extensions of credit" shall include all of the 116146  
following: 116147

(a) All direct or indirect advances of funds made on the 116148  
basis of any obligation of a person to repay the funds or 116149  
repayable from specific property pledged by or on behalf of the 116150

person; 116151

(b) To the extent specified by the superintendent of 116152  
financial institutions, any liability of a bank to advance funds 116153  
to or on behalf of a person pursuant to a contractual commitment; 116154

(c) Any credit exposure to a person arising from a derivative 116155  
transaction between the person and a bank. 116156

(3) "Person" includes an individual; sole proprietorship; 116157  
partnership; joint venture; association; trust; estate; business 116158  
trust; corporation; government; agency, instrumentality, or 116159  
political subdivision of a government; limited liability company; 116160  
or any similar entity or organization. 116161

(B) Except as provided in divisions (C), (D), (E), and (F) of 116162  
this section: 116163

(1) The total loans and extensions of credit by a state bank 116164  
to a person outstanding at any one time and not fully secured, as 116165  
determined in a manner consistent with division (B)(2) of this 116166  
section, by collateral having a market value at least equal to the 116167  
amount of the loans and extensions of credit to that person that 116168  
are outstanding shall not exceed fifteen per cent of the 116169  
unimpaired capital of the bank. 116170

(2) The total loans and extensions of credit by a state bank 116171  
to a person outstanding at one time and fully secured by readily 116172  
marketable collateral having a market value, as determined by 116173  
reliable and continuously available price quotations, at least 116174  
equal to the amount of the loans and extensions of credit to that 116175  
person that are outstanding shall not exceed ten per cent of the 116176  
unimpaired capital of the bank. 116177

(3) The limitation set forth in division (B)(2) of this 116178  
section is separate from and in addition to the limitation set 116179  
forth in division (B)(1) of this section. 116180

(4) Notwithstanding the limitations set forth in divisions 116181  
(B)(1) and (2) of this section, any state bank may grant one or 116182  
more loans in an aggregate amount of up to five hundred thousand 116183  
dollars to one person, subject to any applicable restrictions 116184  
under federal law. 116185

(C) No limitation based on capital applies to loans and 116186  
extensions of credit by a bank to a person that are any of the 116187  
following types: 116188

(1) Loans or extensions of credit arising from the discount 116189  
of commercial or business paper evidencing an obligation to the 116190  
person negotiating it with recourse; 116191

(2) The purchase of bankers' acceptances of the kinds 116192  
described in division (B) or (C) of section 1109.17 of the Revised 116193  
Code and issued by other banks; 116194

(3) Loans or extensions of credit secured by bonds, notes, 116195  
certificates of indebtedness, treasury bills of the United States, 116196  
or other obligations fully guaranteed as to principal and interest 116197  
by the United States; 116198

(4) Loans or extensions of credit to or secured by 116199  
unconditional takeout commitments or guarantees of any department, 116200  
agency, bureau, board, commission, or establishment of the United 116201  
States or any corporation wholly owned, directly or indirectly, by 116202  
the United States; 116203

(5) Loans or extensions of credit secured by a segregated 116204  
deposit account in the lending bank; 116205

(6) Loans or extensions of credit to any financial 116206  
institution or to any receiver, conservator, superintendent of 116207  
financial institutions, or other agent in charge of the business 116208  
and property of a financial institution, when the loans or 116209  
extensions of credit are approved by the superintendent of 116210  
financial institutions of this state; 116211

(7) Loans or extensions of credit to the student loan marketing association. 116212  
116213

(D) A state bank may make loans and extensions of credit 116214  
secured by bills of lading, warehouse receipts, or similar 116215  
documents transferring or securing title to readily marketable 116216  
staples subject to the general limitations of division (B) of this 116217  
section, and may make additional loans and extensions of credit 116218  
secured by bills of lading, warehouse receipts, or similar 116219  
documents transferring or securing title to readily marketable 116220  
staples, if all of the following apply: 116221

(1) The market value of the staples securing each additional 116222  
loan or extension of credit at all times equals or exceeds one 116223  
hundred fifteen per cent of the outstanding amount of the loan or 116224  
extension of credit. 116225

(2) The staples are fully covered by insurance whenever it is 116226  
customary to insure staples of that kind. 116227

(3) The total amount of the bank's additional loans and 116228  
extensions of credit outstanding to one person at any time does 116229  
not exceed thirty-five per cent of the bank's capital. 116230

(E) Subject to divisions (E)(1) and (2) of this section, a 116231  
state bank may make loans and extensions of credit arising from 116232  
the discount of negotiable or nonnegotiable installment consumer 116233  
paper. 116234

(1) If the paper carries a full recourse endorsement or 116235  
unconditional guarantee by the person transferring the paper, the 116236  
total amount of the installment consumer paper transferred by one 116237  
person a state bank may hold at one time shall not exceed 116238  
twenty-five per cent of the bank's capital, and the collateral 116239  
requirements of division (B)(2) of this section do not apply. 116240

(2) The limitations set forth in division (B) of this section 116241  
apply only to the loans and extensions of credit of each maker of 116242



negotiable or nonnegotiable installment consumer paper, and not to 116243  
obligations arising from any full or partial recourse endorsement 116244  
or guarantee by the transferor discounting the consumer paper to 116245  
the state bank, if both of the following apply: 116246

(a) The state bank's files are, or the knowledge of its 116247  
officers of the financial condition of each maker of the consumer 116248  
paper is, reasonably adequate. 116249

(b) An officer of the state bank designated for that purpose 116250  
by the bank's board of directors certifies in writing that the 116251  
bank is relying primarily upon the responsibility of each maker 116252  
for payment of the loans or extensions of credit and not upon any 116253  
full or partial recourse endorsement or guarantee by the 116254  
transferor. 116255

(F) Without regard to the collateral requirements of division 116256  
(B) of this section, a state bank may have loans and extensions of 116257  
credit to one person outstanding at one time not exceeding 116258  
twenty-five per cent of the bank's capital of the following types: 116259

(1) Loans and extensions of credit secured by shipping 116260  
documents or instruments transferring or securing title covering 116261  
livestock or giving a lien on livestock, when the market value of 116262  
the livestock securing the obligation is not at any time less than 116263  
one hundred fifteen per cent of the face amount of the note 116264  
covered; 116265

(2) Loans and extensions of credit that arise from the 116266  
discount by dealers in dairy cattle of paper given in payment for 116267  
dairy cattle, if the paper carries a full recourse endorsement or 116268  
unconditional guarantee of the seller, and the loans and 116269  
extensions of credit are secured by the cattle being sold. 116270

(G)(1) The superintendent may adopt rules to administer and 116271  
carry out the purposes of this section, including, but not limited 116272  
to, the following: 116273

(a) Rules defining or further defining terms used in this section, including expanding or limiting the definition of "person" defined in division (A) of this section;	116274 116275 116276
(b) Rules establishing limits or requirements other than those specified in this section for particular classes or categories of loans or extensions of credit;	116277 116278 116279
(c) Rules relating to credit exposure arising from derivative transactions.	116280 116281
(2) The superintendent may determine when a loan putatively made to a person is, for purposes of this section, to be attributed to another person.	116282 116283 116284
<b>Sec. 1109.23.</b> (A) No <u>state</u> bank may extend credit to any of its executive officers, directors, or principal shareholders, or to any of their related interests, except as authorized by this section <u>and, with respect to executive officers, as authorized by section 1109.24 of the Revised Code.</u>	116285 116286 116287 116288 116289
(B)(1) A <u>state</u> bank may extend credit to any of its executive officers, directors, or principal shareholders, or to any of their related interests, only if all of the following apply to the extension of credit:	116290 116291 116292 116293
(a) The extension of credit is made on substantially the same terms, including interest rates and collateral, as those terms prevailing at the time for comparable transactions by the bank with persons who are not executive officers, directors, principal shareholders, or employees of the bank.	116294 116295 116296 116297 116298
(b) The extension of credit does not involve more than the normal risk of repayment or present other unfavorable features.	116299 116300
(c) The bank follows credit underwriting procedures that are not less stringent than those applicable to comparable transactions by the bank with persons who are not executive	116301 116302 116303

officers, directors, principal shareholders, or employees of the bank. 116304  
116305

(2) Nothing in division (B)(1) of this section shall be construed to prohibit any extension of credit made pursuant to a benefit or compensation program that meets both of the following conditions: 116306  
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(a) The program is ~~widely~~ available to all employees of the bank; 116310  
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(b) The program does not give preference to any officer, director, or principal shareholder of the bank, or to any related interest of an officer, director, or principal shareholder, over other employees of the bank. 116312  
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(C) A state bank may extend credit to any of its executive officers, directors, or principal shareholders, or to any of their related interests, in an amount that, when aggregated with the amount of all outstanding extensions of credit by the bank to the executive officer, director, or principal shareholder and that person's related interests, would exceed an amount prescribed by the superintendent of financial institutions, only if both of the following conditions are met: 116316  
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(1) The extension of credit has been approved in advance by a majority vote of the bank's entire board of directors. 116324  
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(2) The executive officer, director, or principal shareholder, who or whose related interest would be obligated on the extension of credit, has abstained from participating, directly or indirectly, in the deliberations or voting on the extension of credit. 116326  
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(D) A state bank may extend credit to any of its executive officers, directors, or principal shareholders, or to any of their related interests, only if the extension of credit is in an amount that, when aggregated with the amount of all outstanding 116331  
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extensions of credit by the bank to the executive officer, 116335  
director, or principal shareholder and that person's related 116336  
interests, would not exceed the limit on loans to a single 116337  
borrower established by section 1109.22 of the Revised Code. 116338

(E)(1) A state bank may extend credit to any of its executive 116339  
officers, directors, or principal shareholders, or to any of their 116340  
related interests, if the extension of credit is in an amount 116341  
that, when aggregated with the amount of all outstanding 116342  
extensions of credit by the bank to all of its executive officers, 116343  
directors, principal shareholders, and their related interests, 116344  
would not exceed the bank's unimpaired capital. 116345

(2) The superintendent may prescribe a limit that is more 116346  
stringent than the limit contained in division (E)(1) of this 116347  
section. 116348

(3) The superintendent may make exceptions to division (E)(1) 116349  
of this section for state banks with less than one hundred million 116350  
dollars in deposits, if the superintendent determines that the 116351  
exceptions are important to avoid constricting the availability of 116352  
credit in small communities or to attract directors to those 116353  
banks. In no case may the aggregate amount of all outstanding 116354  
extensions of credit by a state bank to all of its executive 116355  
officers, directors, principal shareholders, and their related 116356  
interests, be more than two times the bank's unimpaired capital. 116357

(F)(1) If any executive officer or director of a state bank 116358  
has an account at the bank, the bank may not pay from that account 116359  
an amount exceeding the funds on deposit in the account. 116360

(2) Division (F)(1) does not prohibit the bank from paying 116361  
funds in accordance with either of the following: 116362

(a) A written, preauthorized, interest-bearing extension of 116363  
credit specifying a method of repayment; 116364

(b) A written preauthorized transfer of funds from another 116365

account of the executive officer or director at that bank. 116366

(G) No executive officer, director, or principal shareholder 116367  
shall knowingly receive, or knowingly permit any of that person's 116368  
related interests to receive, from a state bank, directly or 116369  
indirectly, any extension of credit not authorized under this 116370  
section. 116371

(H)(1) Subject to division (H)(2) of this section, for 116372  
purposes of this section, any executive officer, director, or 116373  
principal shareholder of any company of which the state bank is a 116374  
subsidiary, or of any other subsidiary of that company, is deemed 116375  
to be an executive officer, director, or principal shareholder, 116376  
respectively, of the bank. 116377

(2) The superintendent may make exceptions to the application 116378  
of division (H)(1) of this section for any person who is an 116379  
executive officer or director of a subsidiary of a company that 116380  
controls a state bank, if both of the following apply: 116381

(a) The person does not have authority to participate, and 116382  
does not participate, in major policymaking functions of the bank. 116383

(b) The assets of the subsidiary do not exceed ten per cent 116384  
of the consolidated assets of the company that controls the bank, 116385  
and the subsidiary is not controlled by any other company. 116386

(I) For purposes of this section: 116387

(1) ~~Bank~~ "State bank" includes any subsidiary of a state 116388  
bank. 116389

(2)(a) "Company" means any corporation, limited liability 116390  
company, partnership, business or other trust, association, joint 116391  
venture, pool syndicate, sole proprietorship, unincorporated 116392  
organization, or other business entity. 116393

(b) "Company" does not include either of the following: 116394

(i) A bank, savings bank, or savings association, the 116395

deposits of which are insured by the federal deposit insurance corporation; 116396  
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(ii) A corporation the majority of the shares of which are owned by the United States or by any state of the United States. 116398  
116399

(3) "Control" of a company or state bank by a person means the person, directly or indirectly, or acting through or in concert with one or more persons, meets any of the following: 116400  
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(a) The person owns, controls, or has the power to vote twenty-five per cent or more of any class of the company's or, in the case of a stock state bank, the bank's voting securities. 116403  
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(b) The person controls in any manner the election of a majority of the company's or state bank's directors. 116406  
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(c) The person has the power to exercise a controlling influence over the company's or state bank's management or policies. 116408  
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(4) "Executive officer" means a person who participates or has the authority to participate, other than as a director, in major policymaking functions of a company or state bank. 116411  
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(5) To "extend credit" or to make an "extension of credit" means to make or renew any loan, to grant a line of credit, or to enter into any similar transaction as a result of which an executive officer, director, or principal shareholder, or any of that person's related interests, becomes obligated, directly, indirectly, or by any means whatsoever, to pay money or its equivalent to the state bank. 116414  
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(6) "Principal shareholder" means a person who, directly or indirectly, or acting through or in concert with one or more persons, owns, controls, or has the power to vote more than ten per cent of any class of voting securities of a stock state bank or company, other than a company of which the bank is a 116421  
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subsidiary. 116426

(7) "Related interest" of a person means either of the 116427  
following: 116428

(a) Any company controlled by that person; 116429

(b) Any political committee or campaign committee that is 116430  
controlled by that person or the funds or services of which will 116431  
benefit that person. 116432

(8) "Subsidiary" means any company of which a state bank or 116433  
company meets any of the following: 116434

(a) The bank or company owns twenty-five per cent or more of 116435  
the voting shares of the company. 116436

(b) The bank or company controls in any manner the election 116437  
of a majority of the directors of the company. 116438

(c) The bank or company has the power, directly or 116439  
indirectly, to exercise a controlling influence with respect to 116440  
the management or policies of the company. 116441

**Sec. 1109.24.** (A) Except as authorized by this section or 116442  
section 1109.23 of the Revised Code, no state bank may extend 116443  
credit in any manner to any of its own executive officers. No 116444  
executive officer of a state bank may become indebted to that bank 116445  
except by means of an extension of credit the bank is authorized 116446  
by this section to make. Any extension of credit made pursuant to 116447  
this section shall be promptly reported to the bank's board of 116448  
directors and may be made only if all of the following apply: 116449

(1) The state bank would be authorized to make the extension 116450  
of credit to other borrowers. 116451

(2) The extension of credit is on terms that are not more 116452  
favorable than those afforded to other non-executive borrowers. 116453

(3) The executive officer has submitted a detailed, current 116454

financial statement. 116455

(4) The extension of credit is made on the condition that it 116456  
shall become due and payable on demand of the state bank at any 116457  
time when the executive officer is indebted to any other bank or 116458  
banks on account of extensions of credit of any one of the three 116459  
categories referred to in divisions (B), (C), and (D) of this 116460  
section in an aggregate amount greater than the amount of credit 116461  
of the same category the state bank being served as an executive 116462  
officer could extend to the executive officer. 116463

(B) With the specific prior approval of its board of 116464  
directors, a state bank may make a loan to any of its executive 116465  
officers if, at the time the loan is made, both of the following 116466  
apply: 116467

(1) The loan is secured by a first lien on a dwelling that is 116468  
expected, after the loan is made, to be owned by the executive 116469  
officer and used as the executive officer's residence. 116470

(2) No other loan by the bank to the executive officer under 116471  
the authority of this division is outstanding. 116472

(C) A state bank may make extensions of credit to any 116473  
executive officer of the bank to finance the education of the 116474  
executive officer's children. 116475

(D) A state bank may make extensions of credit not otherwise 116476  
specifically authorized by this section to any of the bank's 116477  
executive officers in an amount prescribed by the superintendent 116478  
of financial institutions. 116479

(E) Except to the extent permitted by division (D) of this 116480  
section, a state bank may not extend credit to a partnership in 116481  
which one or more of the bank's executive officers are partners 116482  
having, individually or together, a majority interest. For 116483  
purposes of division (D) of this section, the full amount of the 116484  
credit extended shall be considered to have been extended to each 116485



executive officer of the bank who is a member of the partnership. 116486

~~(F) Whenever an executive officer of a bank becomes indebted 116487  
to any bank or banks, other than the bank served as an executive 116488  
officer, on account of extensions of credit of any one of the 116489  
categories referred to in divisions (B), (C), and (D) of this 116490  
section in an aggregate amount greater than the aggregate amount 116491  
of credit of the same category that could lawfully be extended to 116492  
the executive officer by the bank served as an executive officer, 116493  
the executive officer shall make a written report to the board of 116494  
directors of the bank stating all of the following: 116495~~

~~(1) The date and amount of each extension of credit by any 116496  
other bank or banks to the executive officer; 116497~~

~~(2) The security for each extension of credit; 116498~~

~~(3) The purposes for which the proceeds of the extensions of 116499  
credit have been or are to be used. 116500~~

~~(G) This section does not prohibit any executive officer of a 116501  
state bank from endorsing or guaranteeing any loan or other asset 116502  
previously acquired by the bank in good faith, for the protection 116503  
of the bank, or incurring any indebtedness to the bank for the 116504  
purpose of either protecting the bank against loss or giving 116505  
financial assistance to the bank. 116506~~

~~(H)(G) Each state bank shall include with, but not as part 116507  
of, each report of condition made to the superintendent pursuant 116508  
to section 1121.21 of the Revised Code, a report of all loans made 116509  
under the authority of this section by the bank since the bank's 116510  
previous report of condition. 116511~~

~~(I)(H) Each day any extension of credit in violation of this 116512  
section exists is a continuation of the violation for purposes of 116513  
section 1121.35 of the Revised Code. 116514~~

**Sec. 1109.25.** (A) No stock state bank shall lend money on the 116515

security of shares of its own stock or accept shares of its own 116516  
stock in satisfaction of a debt, unless necessary to prevent loss 116517  
on a debt previously contracted in good faith. 116518

(B) A stock state bank that accepts shares of its own stock 116519  
as allowed by division (A) of this section shall retire or dispose 116520  
of the shares at the time and in the manner required by the 116521  
superintendent of financial institutions. 116522

(C) For purposes of this section, the superintendent may 116523  
determine that stock of a person that controls a stock state bank, 116524  
if the stock is not readily marketable, is the functional 116525  
equivalent of stock of the bank and, therefore, subject to 116526  
divisions (A) and (B) of this section. 116527

**Sec. 1109.26.** (A)(1) A state bank may own or hold for not 116528  
more than five years any real estate it acquires by foreclosure, 116529  
conveyance in lieu of foreclosure, or other legal proceedings 116530  
relating to loan security interests or otherwise in satisfaction 116531  
of a debt previously contracted. The superintendent of financial 116532  
institutions may, upon application by a state bank, grant the bank 116533  
the power to hold the real estate for a longer time. 116534

(2) The superintendent may, at any time, require a state bank 116535  
to obtain an independent qualified appraisal of real estate the 116536  
bank owns or holds in accordance with division (A)(1) of this 116537  
section. 116538

(3) Real estate sold on contract, but with title remaining in 116539  
the name of the state bank, shall not be considered real estate 116540  
held by the bank for the purpose of divisions (A)(1) and (2) of 116541  
this section. 116542

(B)(1) A state bank may own or hold for not more than five 116543  
years ~~stock~~ shares of companies either acquired in securing 116544  
satisfaction of a debt previously contracted in good faith or 116545

taken on a refinancing plan involving an investment that was legal 116546  
at the time it was made. The superintendent may, upon application 116547  
by a state bank, grant the bank the power to hold the ~~stock~~ shares 116548  
for a longer time. 116549

(2) The superintendent may, at any time, require a state bank 116550  
to obtain an independent qualified appraisal of the ~~stock~~ shares 116551  
the bank owns or holds in accordance with ~~this~~ division (B) of 116552  
this section. 116553

(C) The limitations set forth in this section shall not apply 116554  
to real estate or shares owned or held by a state bank affiliate, 116555  
except for a company that is a subsidiary of the state bank. 116556

**Sec. 1109.31.** (A) A state bank may purchase, acquire by 116557  
lease, or otherwise invest in the real estate and interests in 116558  
real estate the board of directors considers necessary or 116559  
convenient for transaction of the bank's business, including by 116560  
ownership of ~~stock of a wholly owned subsidiary corporation~~ an 116561  
entity having as its exclusive authority the ownership and 116562  
management of the bank's real estate interests. 116563

(B) A state bank may invest an amount equal to the greater of 116564  
the bank's capital or ten per cent of its total assets in any 116565  
other real estate. This limitation does not apply, however, to 116566  
real estate acquired by foreclosure, conveyance in lieu of 116567  
foreclosure, or other legal proceedings relating to loan security 116568  
interests or otherwise in satisfaction of a debt previously 116569  
contracted. 116570

**Sec. 1109.32.** (A) A state bank may invest in any of the 116571  
following: 116572

(1) Bonds, bills, notes, or other debt securities of the 116573  
United States or for which the full faith and credit of the ~~united~~ 116574  
~~states~~ United States is pledged for payment of principal and 116575

interest; 116576

(2) Bonds, notes, or other debt securities issued by this 116577  
state, or any state of the United States, that are the direct 116578  
obligation of the issuer and for which the full faith and credit 116579  
of the issuer is pledged to provide payment of the principal and 116580  
interest; 116581

(3) Bonds, notes, or other debt securities of any county, 116582  
municipal corporation, township, school district, improvement 116583  
district, sewer district, or other subdivision of this state or 116584  
any other state of the United States, that are the direct 116585  
obligation of the county or the subdivision issuing them and for 116586  
which the full faith and credit of the issuing county or 116587  
subdivision is pledged to provide payment of principal and 116588  
interest; 116589

(4) Bonds or other debt obligations issued or guaranteed by 116590  
agencies or instrumentalities of the United States, regardless of 116591  
the guarantee of payment of principal and interest by the United 116592  
States; 116593

(5) Subject to conditions and restrictions the superintendent 116594  
of financial institutions may prescribe, bonds, debentures, and 116595  
other debt securities issued by any country or multinational 116596  
organization that are the direct obligation of the issuing country 116597  
or multinational organization and for which the full faith and 116598  
credit of the issuing country or multinational organization is 116599  
pledged to provide payment of principal and interest; 116600

(6) Bankers' acceptances of the kinds described in divisions 116601  
(B) and (C) of section 1109.17 of the Revised Code; 116602

(7) Subject to conditions and restrictions the superintendent 116603  
may prescribe, bonds, debentures, and other debt securities and 116604  
obligations of any state or political subdivision of a state, a 116605  
public corporation, or governmental agency that are payable solely 116606

out of anticipated revenues, commonly referred to as revenue 116607  
bonds; 116608

(8) As defined and restricted by the superintendent, 116609  
marketable obligations evidencing the indebtedness of any 116610  
corporation in the form of bonds, notes, debentures, or equipment 116611  
trust certificates, commonly referred to as investment securities. 116612

(B) In addition to any other provision of this chapter 116613  
authorizing state banks to invest in bonds, debentures, or other 116614  
debt securities, ~~the superintendent a state bank~~ may ~~approve~~ 116615  
~~banks' investment~~ invest in bonds, debentures, and other debt 116616  
securities and obligations in which national banks, savings banks, 116617  
and savings associations insured by the federal deposit insurance 116618  
corporation are permitted to invest. 116619

**Sec. 1109.33.** A state bank may apply to the superintendent of 116620  
financial institutions for permission to invest, subject to the 116621  
conditions and requirements prescribed by the superintendent, an 116622  
amount, in the aggregate, not exceeding ten per cent of ~~the a~~ 116623  
stock state bank's paid-in capital and surplus or a mutual state 116624  
bank's retained earnings in the stock of banks or corporations 116625  
chartered or incorporated under the laws of the United States, 116626  
including section 25a of the "Federal Reserve Act of 1913," 12 116627  
U.S.C. 611, as amended, and principally engaged in international 116628  
or foreign banking, or in banking in a dependency or insular 116629  
possession of the United States, either directly or through the 116630  
agency, ownership, or control of local institutions in foreign 116631  
countries, dependencies, or insular possessions. 116632

**Sec. 1109.34.** (A) A state bank may invest in the securities 116633  
of a domestic insurance company organized under Chapter 3907. or 116634  
3925. of the Revised Code, regulated by the superintendent of 116635  
insurance under Title XXXIX of the Revised Code and engaged 116636

exclusively in the business of reinsuring risks, to the extent 116637  
permitted by and subject to limitations and restrictions imposed 116638  
by the superintendent of financial institutions by rules adopted 116639  
in accordance with Chapter 119. of the Revised Code. 116640

(B)(1) The total amount any state bank may invest in the 116641  
common and preferred stock, obligations, and other securities of 116642  
domestic insurance companies pursuant to division (A) of this 116643  
section shall not exceed ten per cent of the bank's assets. 116644

(2) A state bank may file an application with the 116645  
superintendent of financial institutions for permission to invest, 116646  
subject to the conditions and requirements prescribed by the 116647  
superintendent of financial institutions, an amount in excess of 116648  
ten per cent of the bank's capital in the common and preferred 116649  
stock, bonds, debentures, and other obligations of one domestic 116650  
insurance company pursuant to division (A) of this section. 116651

(C) A state bank making investments pursuant to division (A) 116652  
of this section shall report the investments annually on the first 116653  
day of March to the superintendent of financial institutions and 116654  
the superintendent of insurance. The report shall include, for 116655  
each reinsurer in which the bank has made an investment, 116656  
information as to the amount of reinsurance written in this state 116657  
by each line of insurance designated by the superintendent of 116658  
insurance. 116659

**Sec. 1109.35.** (A)(1) As used in ~~this~~ division (A) of this 116660  
section: 116661

(a) "Venture capital firm" means any corporation, 116662  
partnership, proprietorship, limited liability company, or other 116663  
entity, the principal business of which is or will be the making 116664  
of investments in small businesses. 116665

(b) "Small business" means any corporation, partnership, 116666

proprietorship, limited liability company, or other entity that 116667  
either does not have more than four hundred employees, or would 116668  
qualify as a small business for the purpose of receiving financial 116669  
assistance from small business investment companies licensed under 116670  
the "Small Business Investment Act of 1958," 72 Stat. 689, 15 116671  
U.S.C. 661, as amended, and rules of the small business 116672  
administration. 116673

~~(c) "Shares" means any equity interest, including a limited 116674  
partnership interest and other equity interest in which liability 116675  
is limited to the amount of the investment, but does not include a 116676  
general partnership interest or other interests involving general 116677  
liability. 116678~~

(2) A stock state bank may invest, in the aggregate, five per 116679  
cent of its paid-in capital and surplus, and a mutual state bank 116680  
may invest, in the aggregate, five per cent of its retained 116681  
earnings, in shares issued by the following: 116682

(a) Venture capital firms organized under the laws of the 116683  
United States or of this state and having an office within this 116684  
state, if, as a condition of a bank making an investment in a 116685  
venture capital firm, the firm agrees to use its best efforts to 116686  
make investments, in an aggregate amount at least equal to the 116687  
investment to be made by the bank in that venture capital firm, in 116688  
small businesses having their principal office within this state 116689  
and having either more than one-half of their assets within this 116690  
state or more than one-half of their employees employed within 116691  
this state; 116692

(b) Small businesses having more than half of their assets or 116693  
employees within this state. 116694

(B)(1) A state bank may invest in the following: 116695

(a) The stocks, bonds, debentures, notes, or other evidences 116696  
of indebtedness of any of the following: 116697

(i) A community improvement corporation, organized under Chapters 1702. and 1724. of the Revised Code for the sole purpose of advancing, encouraging, and promoting the industrial, economic, commercial, and civic development of a community or area;

(ii) A development corporation, organized under Chapter 1726. of the Revised Code to promote agricultural, industrial, and business developments within the state;

(iii) A community urban redevelopment corporation, organized under Chapter 1701. or 1702. of the Revised Code and qualified to operate under Chapter 1728. of the Revised Code to initiate and conduct projects for the clearance, replanning, development, and redevelopment of blighted areas within municipal corporations.

(b) Other investments similar to the investments described in division (B)(1)(a) of this section and acceptable to the superintendent of financial institutions.

(2) A state bank's investment in any one corporation or other entity pursuant to division (B)(1) of this section shall not exceed five per cent of the bank's capital, unless the superintendent determines additional investment does not pose significant risk to the bank. A state bank's investments pursuant to division (B)(1) of this section shall not in the aggregate exceed ten per cent of the bank's capital.

**Sec. 1109.36.** To the extent permitted by and subject to any limitations and restrictions the superintendent of financial institutions may impose, a state bank may underwrite and deal in investments in the form of bonds, notes, debentures, or other debt securities that are any of the following:

(A) The direct obligation of or guaranteed by the United States;

(B) The direct obligation of or guaranteed by any state of



the United States or any political subdivision of any state of the 116728  
United States; 116729

(C) Acceptable to the superintendent. 116730

**Sec. 1109.39.** In addition to the specific investments 116731  
authorized in this chapter, a state bank may also invest, in the 116732  
aggregate, no more than ten per cent of its assets in the common 116733  
or preferred stock, obligations, or other securities of any 116734  
corporations, as authorized by the bank's board of directors. 116735

**Sec. 1109.40.** (A) In addition to the other loan and 116736  
investment authority provided for banks in Chapter 1109. of the 116737  
Revised Code, but subject to all other provisions of the Revised 116738  
Code, a state bank may invest up to fifteen per cent of its total 116739  
assets in loans or investments authorized by the bank's board of 116740  
directors. 116741

(B) If a loan or other investment is authorized under more 116742  
than one section of Chapter 1109. of the Revised Code, a state 116743  
bank may designate under which section the loan or investment has 116744  
been or will be made. The loan or investment may be apportioned 116745  
among appropriate categories, and may be moved in whole or in part 116746  
from one category to another. 116747

**Sec. 1109.43.** (A) For purposes of this section: 116748

(1) "Bankers' bank" means a bank organized to engage 116749  
exclusively in providing services to other depository institutions 116750  
and depository institution holding companies and their officers, 116751  
directors, and employees. 116752

(2) "Bankers' bank holding company" means a corporation that 116753  
owns or controls, directly or indirectly, a majority of the shares 116754  
of the capital stock of a bankers' bank, or controls in any manner 116755  
the election of a majority of the directors of a bankers' bank. 116756

(3) "Depository institution" means a bank, savings ~~and loan~~ 116757  
association, savings bank, or credit union. 116758

(B) A state bank may invest, in the aggregate, up to ten per 116759  
cent of its capital in shares of ~~a~~ bankers' ~~bank~~ banks or a 116760  
bankers' bank holding ~~company, or both~~ companies. 116761

(C)(1) The voting shares of a bankers' bank shall be owned by 116762  
twenty or more depository institutions or depository institution 116763  
holding companies, and no depository institution or depository 116764  
institution holding company shall own, directly or indirectly, 116765  
more than fifteen per cent of the voting shares of a bankers' 116766  
bank. 116767

(2) The voting shares of a bankers' bank shall be owned, 116768  
directly or indirectly, exclusively by depository institutions, 116769  
depository institution holding companies, and persons who hold the 116770  
shares under, or initially acquired them through, a plan for the 116771  
benefit of the bankers' bank's officers and employees. 116772

~~(D) No bank or affiliate of a bank shall, directly, 116773  
indirectly, or acting through one or more other persons, own or 116774  
control or have the power to vote shares of any of the following: 116775~~

~~(1) More than one bankers' bank; 116776~~

~~(2) More than one bankers' bank holding company; 116777~~

~~(3) Both a bankers' bank and a bankers' bank holding company, 116778  
unless the bankers' bank is an affiliate of that bankers' bank 116779  
holding company. 116780~~

**Sec. 1109.44.** (A) A state bank may invest, in the aggregate, 116781  
twenty-five per cent of its assets in the stock, obligations, and 116782  
other securities of bank subsidiary corporations and bank service 116783  
corporations. 116784

(B) A state bank shall obtain the approval of the 116785  
superintendent of financial institutions prior to investing in, 116786

acquiring, or establishing a bank subsidiary corporation or bank service corporation, or performing any new activities in a bank subsidiary corporation or bank service corporation. 116787  
116788  
116789

(C)(1) A bank subsidiary corporation that is a wholly owned subsidiary of the state bank may engage in any activities, except taking deposits, that are a part or an extension of the business of banking. 116790  
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(2) A bank service corporation shall be owned solely by one or more ~~depository institutions~~ banks, and may, at any location, do any of the following: 116794  
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116796

(a) Provide clerical, bookkeeping, accounting, statistical, or similar services; 116797  
116798

(b) Engage in any activities, except taking deposits, that all of its owner ~~depository institutions~~ banks are authorized to engage in; 116799  
116800  
116801

(c) Engage in any activity, except taking deposits, the board of governors of the federal reserve system has determined to be permissible for a ~~bank~~ financial holding company under section 4~~(e)(8)(k)(1)~~ of the "Bank Holding Company Act of 1956," as amended, 70 Stat. 133, 12 U.S.C.A. 1843~~(e)(8)(k)(1)~~. 116802  
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(D) Bank subsidiary corporations and bank service corporations are subject to examination and regulation by the superintendent. 116807  
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~~(E) Only if the company in which the investment is to be made qualifies as either a~~ A bank subsidiary corporation or a bank service corporation ~~under this section~~ may a bank invest in securities pursuant to section 1109.39 of the Revised Code or make investments pursuant to section 1109.40 of the Revised Code that result in any of the following: 116810  
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~~(1) The bank, directly or indirectly, or acting through one~~ 116816

~~or more other persons, owns, controls, or has the power to vote  
twenty five per cent or more of any class of voting securities of  
the company in which the investment is being made.~~

~~(2) The bank controls in any manner the election of a  
majority of the directors or trustees of the company in which the  
investment is being made.~~

~~(3) As determined by the superintendent after notice and  
opportunity for a hearing, the bank directly or indirectly  
exercises a controlling influence over the management or policies  
of the company in which the investment is being made a lower-tier  
bank subsidiary corporation or bank service corporation, subject  
to the requirements of this section.~~

Sec. 1109.441. Only for investments made under section  
1109.44 of the Revised Code may a state bank invest in securities  
pursuant to section 1109.39 of the Revised Code or make  
investments pursuant to section 1109.40 of the Revised Code that  
result in any of the following:

(A) The state bank, directly or indirectly, or acting through  
one or more other persons, owning, controlling, or having the  
power to vote twenty-five per cent or more of any class of voting  
securities of the company in which the investment is being made;

(B) The state bank controlling in any manner the election of  
a majority of the directors or trustees of the company in which  
the investment is being made;

(C) As determined by the superintendent of financial  
institutions after notice and opportunity for a hearing, the state  
bank directly or indirectly exercising a controlling influence  
over the management or policies of the company in which the  
investment is being made.

Sec. 1109.45. A state bank may invest in the shares of a

clearing corporation as defined by section 1308.01 of the Revised Code. 116847  
116848

**Sec. 1109.47.** (A) Except as provided in division (B) of this section, a state bank shall not invest more than fifteen per cent of its capital in the ~~stock~~ shares, obligations, or other securities of any one issuer. 116849  
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(B) Division (A) of this section does not apply to any of the following: 116853  
116854

(1) Bonds or other obligations enumerated in divisions (A)(1) to (6) of section 1109.32 of the Revised Code; 116855  
116856

(2) Investment in a bank subsidiary corporation engaged solely in the business of holding title to real estate described in division (A) of section 1109.31 of the Revised Code; 116857  
116858  
116859

(3) Obligations or securities, other than stock, of the federal national mortgage association, the student loan marketing association, the government national mortgage association, or the federal home loan mortgage corporation, or their successors; 116860  
116861  
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(4) Common and preferred stock, obligations, and other securities of one domestic reinsurance company with the written permission of the superintendent of financial institutions as required by division (B) of section 1109.34 of the Revised Code; 116864  
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(5) Shares, obligations, securities, or other interests of any other issuer with the written approval of the superintendent. 116868  
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(C) For purposes of this section, no purchase by a state bank of stock in a federal reserve bank or federal home loan bank is an investment. 116870  
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(D) If a state or political subdivision of a state issues securities, acting solely as a conduit for the transmission of the proceeds of the sale of the securities to one or more private entities for economic development purposes and to be repaid solely 116873  
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by the private entity or entities that received the proceeds of 116877  
the sale of the securities, then both of the following apply for 116878  
purposes of determining the amount a state bank may invest in 116879  
accordance with division (A) of this section: 116880

(1) The securities are obligations of the private entity or 116881  
entities in proportion to their receipt of the proceeds. 116882

(2) The securities are not obligations of the issuing state 116883  
or political subdivision. 116884

**Sec. 1109.48.** In exercising its investment authority, a state 116885  
bank shall give equal consideration to investments that involve 116886  
firms owned and controlled by minorities and firms owned and 116887  
controlled by women, either alone or in joint venture with other 116888  
firms, where the investments offer quality, return, and safety 116889  
comparable to other investments currently available to the bank. 116890  
116891

**Sec. 1109.49.** A state bank investing in the securities of a 116892  
bank or corporation pursuant to this chapter shall furnish 116893  
information concerning the financial condition of the bank or 116894  
corporation to the superintendent of financial institutions upon 116895  
the superintendent's demand. 116896

**Sec. 1109.53.** For purposes of this section and sections 116897  
1109.54, 1109.55, and 1109.56 of the Revised Code: 116898

(A)(1) "Affiliate" means any of the following: 116899

(a) A company that controls the state bank and any other 116900  
company controlled by the company that controls the state bank; 116901

(b) A bank subsidiary of the state bank; 116902

(c) A company that is controlled directly or indirectly, by a 116903  
trust or otherwise, by or for the benefit of shareholders who 116904

beneficially or otherwise control, directly or indirectly, by 116905  
trust or otherwise, the state bank or any company that controls 116906  
the state bank; 116907

(d) A company in which a majority of the directors or 116908  
trustees constitute a majority of the directors or trustees of the 116909  
state bank or any company that controls the state bank; 116910

(e) A company, including a real estate investment trust, that 116911  
is sponsored and advised on a contractual basis by the state bank 116912  
or a subsidiary of the state bank; 116913

(f) An investment company to which the state bank or one of 116914  
its affiliates is an investment advisor as defined in section 116915  
2(a)(20) of the "Investment Company Act of 1940," 54 Stat. 789, 15 116916  
U.S.C. 80a-2(a)(20), as amended; 116917

(g) A company the superintendent of financial institutions 116918  
determines by rule or order to have a relationship with the state 116919  
bank or one of its subsidiaries or affiliates such that covered 116920  
transactions by the state bank or its subsidiary with that company 116921  
may be affected by the relationship to the detriment of the state 116922  
bank or its subsidiary. 116923

(2) "Affiliate" does not include any of the following: 116924

(a) A company, other than a bank, that is a subsidiary of a 116925  
state bank, unless a determination is made under division 116926  
(A)(1)(g) of this section not to exclude the subsidiary company 116927  
from the definition of affiliate; 116928

(b) A company engaged solely in holding the premises of the 116929  
state bank; 116930

(c) A company engaged solely in conducting a safe-deposit 116931  
business; 116932

(d) A company engaged solely in holding obligations of the 116933  
United States or its agencies or instrumentalities or obligations 116934

fully guaranteed as to principal and interest by the United States 116935  
or its agencies or instrumentalities; 116936

(e) A company where control results from the exercise of 116937  
rights arising out of a bona fide debt previously contracted, but 116938  
only for a period of two years from the date the rights are 116939  
exercised, subject to extensions granted by the superintendent of 116940  
not more than one year at a time nor three years in the aggregate. 116941

(B) "Aggregate covered transactions" means the amount of the 116942  
covered transactions about to be engaged in added to the current 116943  
amount of all outstanding covered transactions. 116944

(C) "Company" means a corporation, limited liability company, 116945  
partnership, business, trust, association, or similar organization 116946  
and, unless specifically excluded by this section or section 116947  
1109.54, 1109.55, or 1109.56 of the Revised Code, a bank. 116948

(D)(1) "Covered transaction" means, with respect to an 116949  
affiliate of a state bank, any of the following: 116950

(a) A loan or extension of credit to the affiliate; 116951

(b) A purchase of or an investment in securities issued by 116952  
the affiliate; 116953

(c) A purchase of assets, including assets subject to an 116954  
agreement to repurchase, from the affiliate, except the purchase 116955  
of real or personal property as specifically exempted by the 116956  
superintendent by rule or order; 116957

(d) The acceptance of securities issued by the affiliate as 116958  
collateral security for a loan or extension of credit to any 116959  
person or company; 116960

(e) The issuance of a guarantee, acceptance, or letter of 116961  
credit, including an endorsement or standby letter of credit to 116962  
any person or company. 116963

(2) "Covered transaction" does not include any of the 116964



following:	116965
(a) A transaction with another bank if either of the following apply:	116966
(i) One of the banks controls eighty per cent or more of the voting shares of the other bank.	116967
(ii) The same company controls eighty per cent or more of the voting shares of both banks.	116968
(b) Making deposits in an affiliated bank or affiliated foreign bank in the ordinary course of correspondent business, subject to any restrictions the superintendent may prescribe by rule or order;	116969
(c) Giving immediate credit to an affiliate for uncollected items received in the ordinary course of business;	116970
(d) Making a loan or extension of credit to, or issuing a guarantee, acceptance, or letter of credit on behalf of, an affiliate that is fully secured by one of the following:	116971
(i) Obligations of the United States or its agencies or instrumentalities;	116972
(ii) Obligations fully guaranteed as to principal and interest by the United States or its agencies or instrumentalities;	116973
(iii) A segregated, earmarked deposit account with the <u>state</u> bank.	116974
(e) Purchasing securities issued by a company engaged solely in one or more of the following activities:	116975
(i) Holding or operating properties used or to be used wholly or substantially by any bank subsidiary of a company that controls the <u>state</u> bank in the operations of the bank subsidiary;	116976
(ii) Conducting a safe-deposit business;	116977
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(iii) Furnishing services to or performing services for a company that controls the <u>state</u> bank or its subsidiaries;	116994 116995
(iv) Liquidating assets acquired from a company that controls the <u>state</u> bank or its banking subsidiaries.	116996 116997
(f) Purchasing assets having a readily identifiable and publicly available market quotation and purchased at that market quotation or purchasing loans on a nonrecourse basis from affiliated banks;	116998 116999 117000 117001
(g) Purchasing from an affiliate a loan or extension of credit that was originated by the <u>state</u> bank and sold to the affiliate subject to a repurchase agreement or with recourse.	117002 117003 117004
(E) "Low quality asset" means an asset that is one or more of the following:	117005 117006
(1) An asset classified as "substandard," "doubtful," or "loss," or treated as "other loans especially mentioned" in the most recent report of examination or inspection of an affiliate prepared by any of the federal deposit insurance corporation, the federal reserve, the office of the comptroller of the currency, <del>the office of thrift supervision,</del> the division of financial institutions, or the financial institution regulators of other states of the United States;	117007 117008 117009 117010 117011 117012 117013 117014
(2) An asset in a nonaccrual status;	117015
(3) An asset on which principal or interest payments are more than thirty days past due;	117016 117017
(4) An asset whose terms have been renegotiated or compromised due to the deteriorating financial condition of the obligor.	117018 117019 117020
(F) "Securities" means, except as provided in section 1109.55 of the Revised Code, stocks, bonds, debentures, notes, or other similar obligations.	117021 117022 117023

(G) "Subsidiary" means, with respect to a specified company, 117024  
a company that is controlled by the specified company. 117025

(H)(1) Subject to division (H)(2) of this section, a company 117026  
or shareholder is deemed to have control over another company, if 117027  
any of the following apply: 117028

(a) The company or shareholder, directly or indirectly, or 117029  
acting through one or more other persons, owns, controls, or has 117030  
the power to vote twenty-five per cent or more of any class of 117031  
voting securities of the other company. 117032

(b) The company or shareholder controls in any manner the 117033  
election of a majority of the directors or trustees of the other 117034  
company. 117035

(c) The superintendent determines, after notice and 117036  
opportunity for a hearing, the company or shareholder, directly or 117037  
indirectly, exercises a controlling influence over the management 117038  
or policies of the other company. 117039

(2) No company shall be found to own or control another 117040  
company by virtue of the ownership or control of securities in a 117041  
fiduciary capacity, except either as provided in divisions 117042  
(A)(1)(c) and (d) of this section or if the company owning or 117043  
controlling the securities is a business trust. 117044

(I) Any transaction by a state bank with any person shall be 117045  
considered a transaction with an affiliate to the extent the 117046  
proceeds of the transaction are used for the benefit of, or 117047  
transferred to, an affiliate. 117048

**Sec. 1109.54.** (A) A state bank and its subsidiaries may 117049  
engage in a covered transaction with an affiliate only if both of 117050  
the following apply: 117051

(1) The aggregate amount of covered transactions by the bank 117052  
and its subsidiaries with the particular affiliate will not exceed 117053

ten per cent of the bank's capital. 117054

(2) The aggregate amount of all covered transactions by the 117055  
bank and its subsidiaries with all of the bank's affiliates will 117056  
not exceed twenty per cent of the bank's capital. 117057

(B) A state bank and its subsidiaries may not purchase a low 117058  
quality asset from an affiliate unless the bank or its subsidiary, 117059  
pursuant to an independent credit evaluation, committed itself to 117060  
purchase the asset prior to the time the asset was acquired by the 117061  
affiliate. 117062

(C) Any covered transactions and any transactions between a 117063  
state bank and an affiliate shall be on terms and conditions that 117064  
are consistent with safe and sound banking practices. 117065

(D) Except as provided in division (E)(4) of this section, 117066  
any loan or extension of credit to, or guarantee, acceptance, or 117067  
letter of credit issued on behalf of, an affiliate by a state bank 117068  
or its subsidiary shall be secured at the time of the transaction 117069  
by collateral having a market value equal to any of the following: 117070

(1) One hundred per cent of the amount of the loan or 117071  
extension of credit, guarantee, acceptance, or letter of credit, 117072  
if the collateral is composed of any of the following: 117073

(a) Obligations of the United States or its agencies or 117074  
instrumentalities; 117075

(b) Obligations fully guaranteed as to principal and interest 117076  
by the United States or its agencies or instrumentalities; 117077

(c) Notes, drafts, bills of exchange, or bankers' acceptances 117078  
described in division (B) or ~~(C)~~(C) of section 1109.17 of the 117079  
Revised Code; 117080

(d) A segregated, earmarked deposit account with the bank. 117081

(2) One hundred ten per cent of the amount of the loan or 117082  
extension of credit, guarantee, acceptance, or letter of credit, 117083

if the collateral is composed of obligations of any state or 117084  
political subdivision of any state; 117085

(3) One hundred twenty per cent of the amount of the loan or 117086  
extension of credit, guarantee, acceptance, or letter of credit, 117087  
if the collateral is composed of other debt instruments, including 117088  
receivables; 117089

(4) One hundred thirty per cent of the amount of the loan or 117090  
extension of credit, guarantee, acceptance, or letter of credit, 117091  
if the collateral is composed of stock, leases, or other real or 117092  
personal property. 117093

(E) For purposes of division (D) of this section: 117094

(1) Any collateral that is subsequently retired or amortized 117095  
shall be replaced by additional eligible collateral as needed to 117096  
keep the percentage of the collateral value relative to the amount 117097  
of the outstanding loan or extension of credit, guarantee, 117098  
acceptance, or letter of credit equal to the minimum percentage 117099  
required at the inception of the transaction. 117100

(2) A low quality asset is not acceptable as collateral for a 117101  
loan or extension of credit to, or guarantee, acceptance, or 117102  
letter of credit issued on behalf of, an affiliate. 117103

(3) The securities issued by an affiliate of the state bank 117104  
are not acceptable as collateral for a loan or extension of credit 117105  
to, or guarantee, acceptance, or letter of credit issued on behalf 117106  
of, that affiliate or any other affiliate of the bank. 117107

(4) The collateral requirements set forth in divisions (D) 117108  
and (E)(1) of this section do not apply to any acceptance that is 117109  
fully secured by either attached documents or other property that 117110  
is involved in the transaction and that has an ascertainable 117111  
market value. 117112

**Sec. 1109.55.** (A) A state bank and its subsidiaries may 117113

engage in any of the transactions described in division (B) of 117114  
this section only if one of the following applies: 117115

(1) The transaction is on terms and under circumstances, 117116  
including credit standards, that are substantially the same, or at 117117  
least as favorable to the bank or its subsidiary, as those 117118  
prevailing at the time for comparable transactions with or 117119  
involving other nonaffiliated companies. 117120

(2) In the absence of comparable transactions, the 117121  
transaction is on terms and under circumstances, including credit 117122  
standards, that in good faith would be offered to, or would apply 117123  
to, nonaffiliated companies. 117124

(B) Division (A) of this section applies to all of the 117125  
following: 117126

(1) A covered transaction with an affiliate; 117127

(2) The sale of securities or other assets to an affiliate, 117128  
including assets subject to an agreement to repurchase; 117129

(3) The payment of money or the furnishing of services to an 117130  
affiliate under contract, lease, or otherwise; 117131

(4) Any transaction in which an affiliate acts as an agent or 117132  
broker or receives a fee for its services to the bank or to any 117133  
other person. 117134

(C) No state bank or its subsidiary shall do either of the 117135  
following: 117136

(1) Purchase as fiduciary any securities or other assets from 117137  
an affiliate unless the purchase is permitted by one of the 117138  
following: 117139

(a) The instrument creating the fiduciary relationship; 117140

(b) A court order; 117141

(c) The law of the jurisdiction governing the fiduciary 117142

relationship. 117143

(2) Whether acting as principal or fiduciary, knowingly 117144  
purchase or otherwise acquire, during the existence of any 117145  
underwriting or selling syndicate, any security if a principal 117146  
underwriter of the security is an affiliate. 117147

Division (C)(2) of this section does not apply if the 117148  
purchase or acquisition of the securities has been approved, 117149  
before the securities are initially offered for sale to the 117150  
public, by a majority of the directors of the bank who are not 117151  
officers or employees of the bank or any of its affiliates. 117152

(D) No state bank or affiliate or subsidiary of a state bank 117153  
shall publish any advertisement or enter into any agreement 117154  
stating or suggesting the bank shall in any way be responsible for 117155  
the obligations of its affiliates. 117156

(E) For purposes of division (C) of this section: 117157

(1) "Principal underwriter" means any underwriter, in 117158  
connection with a primary distribution of securities, that is any 117159  
of the following: 117160

(a) In privity of contract with the issuer or an affiliated 117161  
person of the issuer; 117162

(b) Acting alone or in concert with one or more other 117163  
persons, initiates or directs the formation of an underwriting 117164  
syndicate; 117165

(c) Allowed a rate of gross commission, spread, or other 117166  
profit greater than the rate allowed another underwriter 117167  
participating in the distribution. 117168

(2) "Security" has the same meaning as in section 3(a)(10) of 117169  
the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 117170  
78c(a)(10), as amended. 117171

**Sec. 1109.59.** A state bank may borrow money in any sum 117172  
consistent with safety and soundness. Borrowing by means of the 117173  
issuance of debt securities is subject to the approval of the 117174  
superintendent of financial institutions in accordance with 117175  
section 1107.05 of the Revised Code. 117176

**Sec. 1109.61.** No state bank shall contract to pay, or pay to 117177  
any person, any fees for management or consulting services, 117178  
including fees for legal, accounting, brokerage, or other similar 117179  
professional services, that do not have a direct relationship to 117180  
the value of the services rendered or to be rendered, based on 117181  
reasonable costs consistent with current market values for 117182  
services of the kind contracted for. 117183

**Sec. 1109.62.** A state bank may engage in the business of 117184  
selling insurance through a subsidiary insurance agency subject to 117185  
licensing under the law of this state and the law of every other 117186  
state in which services are provided by the bank or its 117187  
subsidiary. 117188

**Sec. 1109.63.** A state bank may buy, sell, and exchange coin 117189  
and bullion. 117190

**Sec. 1109.64.** Subject to the limitations and restrictions of 117191  
Chapters 1101. to 1127. of the Revised Code, a state bank shall 117192  
have the power to do both of the following: 117193

(A) Operate travel agencies; 117194

(B) Engage in the sale of tickets for passage on common 117195  
carriers, such as airlines, railroads, ships, and buses, to points 117196  
within and outside the United States. 117197

**Sec. 1109.65.** In order to protect its interest in a property, 117198



a state bank may purchase a tax certificate under section 5721.32 117199  
or 5721.33 of the Revised Code. 117200

**Sec. 1109.69.** (A) ~~Every~~ Unless a longer record retention 117201  
period is required by applicable federal law or regulation, each 117202  
bank shall retain or preserve the following bank records and 117203  
supporting documents for only the following periods of time: 117204

(1) For one year: 117205

(a) Broker's confirmations, invoices, and statements relating 117206  
to security transactions of the bank or for or with its customers, 117207  
after date of transaction; 117208

(b) Corporate resolutions, partnership authorizations, and 117209  
similar authorizations relating to closed accounts, loans that 117210  
have been paid, or other completed transactions, after date of 117211  
closing, payment, or completion; 117212

(c) Ledger records of safe deposit accounts, after date of 117213  
last entry on the ledger; 117214

(d) Night depository records, after their date; 117215

(e) Records relating to closed Christmas club or similar 117216  
limited duration special purpose accounts, after date of closing; 117217

(f) Records relating to customer collection accounts, after 117218  
date of transaction; 117219

(g) Stop payment orders, after their date; 117220

(h) All records relating to closed consumer credit loans and 117221  
discounts, after date of closing; 117222

(i) Deposit tickets relating to demand deposit accounts, 117223  
after their date; 117224

(2) For six years: 117225

(a) Deposit and withdrawal tickets relating to open or closed 117226

savings accounts, after their date;	117227
(b) Individual ledger sheets or other records serving the same purpose that show a zero balance and that relate to demand, time, or savings deposit accounts, and safekeeping accounts, after date of last entry, or, where the ledger sheets or other records show an open balance, after date of transfer of the amount of the balance to another ledger sheet or record;	117228 117229 117230 117231 117232 117233
(c) Official checks, drafts, money orders, and other instruments for the payment of money issued by the bank and that have been canceled, after date of issue;	117234 117235 117236
(d) Records relating to closed escrow accounts, after date of closing;	117237 117238
(e) Records, other than corporate resolutions, partnership authorizations, and similar authorizations relating to closed loans and discounts other than consumer credit loans and discounts, after date of closing;	117239 117240 117241 117242
(f) Safe deposit access tickets and correspondence or documents relating to access, after their date;	117243 117244
(g) Lease or contract records relating to closed safe deposit accounts, after date of closing;	117245 117246
(h) Signature cards relating to closed demand, savings, or time accounts, closed safe deposit accounts, and closed safekeeping accounts, after date of closing;	117247 117248 117249
(i) Undelivered statements for demand deposit, negotiable order of withdrawal, savings, agency, brokerage, or other accounts for which customer statements are prepared, and canceled checks or other items, after date of statement, provided the bank has attempted to send the statements and checks or other items to its customer, has held them pursuant to the instructions of or an agreement with its customer, or has made them available to its	117250 117251 117252 117253 117254 117255 117256

customer. 117257

(B) The superintendent of financial institutions may 117258  
designate a retention period of either one year or six years for 117259  
any record maintained by a bank but not listed in division (A) of 117260  
this section. Records that are not listed in division (A) of this 117261  
section and for which the superintendent has not designated a 117262  
retention period shall be retained or preserved for six years from 117263  
the date of completion of the transaction to which the record 117264  
relates or, if the last entry has been transferred to a new record 117265  
showing the continuation of a transaction not yet completed, from 117266  
the date of the last entry. 117267

(C) The requirements of divisions (A) and (B) of this section 117268  
may be complied with by the preservation of records in the manner 117269  
prescribed in section 1109.68 of the Revised Code. 117270

(D) In construing the terms set forth in division (A) of this 117271  
section, reference may be made to general banking usage. 117272

(E) A bank may dispose of any records that have been retained 117273  
or preserved for the period set forth in divisions (A) and (B) of 117274  
this section. 117275

(F) Any action by or against a bank based on, or the 117276  
determination of which would depend on, the contents of records 117277  
for which a period of retention or preservation is set forth in 117278  
divisions (A) and (B) of this section shall be brought within the 117279  
time for which the record must be retained or preserved. 117280

(G) Where a record may be classified under either division 117281  
(A)(1) or (2) of this section, the record shall be retained or 117282  
preserved for the period set forth in division (A)(2) of this 117283  
section. 117284

(H) The provisions of this section do not apply to those 117285  
records maintained by a bank in its capacity as a trust company. 117286

Sec. 1111.01. As used in this chapter: 117287

(A) "Charitable trust" means a charitable remainder annuity 117288  
trust as defined in section 664(d) of the Internal Revenue Code, a 117289  
charitable remainder unitrust as defined in section 664(d) of the 117290  
Internal Revenue Code, a charitable lead or other split interest 117291  
trust subject to the governing instrument requirements of section 117292  
508(e) of the Internal Revenue Code, a pooled income fund as 117293  
defined in section 642(c) of the Internal Revenue Code, a trust 117294  
that is a private foundation as defined in section 509 of the 117295  
Internal Revenue Code, or a trust of which each beneficiary is a 117296  
charity. 117297

For purposes of this division and division (B) of this 117298  
section, "Internal Revenue Code" means the "Internal Revenue Code 117299  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 117300

(B) "Charity" means a state university as defined in section 117301  
3345.011 of the Revised Code, a community college as defined in 117302  
section 3354.01 of the Revised Code, a technical college as 117303  
defined in section 3357.01 of the Revised Code, a state community 117304  
college as defined in section 3358.01 of the Revised Code, a 117305  
private college or university that possesses a certificate of 117306  
authorization issued ~~by the Ohio board of regents~~ pursuant to 117307  
Chapter 1713. of the Revised Code, a trust or organization exempt 117308  
from taxation under section 501(c)(3) or section 501(c)(13) of the 117309  
Internal Revenue Code, or a corporation, trust, or organization 117310  
described in section 170(c)(2) of the Internal Revenue Code. The 117311  
term "charities" means more than one trust or organization that is 117312  
a charity. 117313

(C) "Collective investment fund" means a fund established by 117314  
a trust company or an affiliate of a trust company for the 117315  
collective investment of assets held in a fiduciary capacity, 117316  
either alone or with one or more cofiduciaries, by the 117317

establishing trust company and its affiliates. 117318

(D) "Fiduciary investment company" means a corporation that 117319  
is both of the following: 117320

(1) An investment company; 117321

(2) Incorporated, owned, and operated in accordance with 117322  
rules adopted by the superintendent of financial institutions for 117323  
the investment of funds held by trust companies in a fiduciary 117324  
capacity and for true fiduciary purposes, either alone or with one 117325  
or more cofiduciaries. 117326

(E) "Home" has the same meaning as in section 3721.10 of the 117327  
Revised Code. 117328

(F) "Instrument" includes any will, declaration of trust, 117329  
agreement of trust, agency, or custodianship, or court order 117330  
creating a fiduciary relationship. 117331

(G) "Residential facility" has the same meaning as in section 117332  
5123.19 of the Revised Code. 117333

(H) "Investment company" means any investment company as 117334  
defined in section 3 and registered under section 8 of the 117335  
"Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-3 117336  
and 80a-8, as amended. 117337

(I) "Trust business" means accepting and executing trusts of 117338  
property, serving as a trustee, executor, administrator, guardian, 117339  
receiver, or conservator, and providing fiduciary services as a 117340  
business. "Trust business" does not include any of the following: 117341

(1) Any natural person acting as a trustee, executor, 117342  
administrator, guardian, receiver, or conservator pursuant to 117343  
appointment by a court of competent jurisdiction; 117344

(2) Any natural person serving as a trustee who does not hold 117345  
self out to the public as willing to act as a trustee for hire. 117346  
For purposes of division (I) of this section, the solicitation or 117347

advertisement of legal or accounting services by a person licensed 117348  
in this state as an attorney or a person holding an Ohio permit to 117349  
practice public accounting issued under division (A) of section 117350  
4701.10 of the Revised Code shall not be considered to be the act 117351  
of holding self out to the public as willing to act as a trustee 117352  
for hire. 117353

(3) A charity, an officer or employee of a charity, or a 117354  
person affiliated with a charity, serving as trustee of a 117355  
charitable trust of which the charity, or another charity with a 117356  
similar purpose, is a beneficiary; 117357

(4) Any natural person, home, or residential facility serving 117358  
as trustee or taking other actions relative to a qualified income 117359  
trust described in section 1917(d)(4)(B) of the "Social Security 117360  
Act," 42 U.S.C. 1396p(d)(4)(B), as amended; 117361

(5) Other fiduciary activities the superintendent determines 117362  
are not undertaken as a business. 117363

**Sec. 1111.02.** (A) Except as provided in ~~divisions~~ division 117364  
(B) ~~and (C)~~ of this section, no person shall solicit or engage in 117365  
trust business in this state except a corporation that is one of 117366  
the following: 117367

(1) A corporation licensed under section 1111.06 of the 117368  
Revised Code that is one of the following: 117369

(a) A state bank ~~doing business under authority granted by~~ 117370  
~~the superintendent of financial institutions;~~ 117371

(b) A ~~savings and loan association doing business under~~ 117372  
~~authority granted by the superintendent of financial institutions;~~ 117373

(c) A ~~savings bank doing business under authority granted by~~ 117374  
~~the superintendent of financial institutions;~~ 117375

(d) A bank authorized to accept and execute trusts and doing 117376  
business under authority granted by the bank chartering authority 117377

of another state or country; 117378

~~(e)(c)~~ A corporation organized under the laws of another 117379  
state or country and authorized to accept and execute trusts in 117380  
that state or country. 117381

(2) A national bank or federal savings association authorized 117382  
to accept and execute trusts and doing business under authority 117383  
granted by the office of the comptroller of the currency; 117384

~~(3) A savings association authorized to accept and execute 117385  
trusts and doing business under authority granted by the office of 117386  
thrift supervision. 117387~~

(B) This chapter shall not apply to ~~any of the following~~: 117388

~~(1) A savings and loan association serving as a trustee to 117389  
the extent authorized by section 1151.191 of the Revised Code; 117390~~

~~(2) A savings bank serving as a trustee to the extent 117391  
authorized by section 1161.24 of the Revised Code; 117392~~

~~(3) A a corporation that is incorporated under the laws of 117393  
another state or the United States, has its principal place of 117394  
business in another state, is currently qualified to do and is 117395  
engaging in trust business in the state where the corporation has 117396  
its principal place of business, and is doing any of the 117397  
following: 117398~~

~~(a)(1)~~ Serving as ancillary executor or administrator of 117399  
property in this state that is in the estate of a decedent, after 117400  
appointment as executor or administrator of the estate by the 117401  
courts of the decedent's state of residence; 117402

~~(b)(2)~~ As trustee, acquiring, holding, or transferring a 117403  
security interest in lands or other property in this state, by 117404  
mortgage, deed of trust, or other instrument, to secure any 117405  
evidence of indebtedness; 117406

~~(e)(3)~~ Certifying to any evidence of indebtedness. 117407

~~(C) The following persons shall not be subject to this chapter until July 1, 1997:~~ 117408  
117409

~~(1) Any person, other than a person described in division (A) or (B) of this section, that is serving as a fiduciary under a trust instrument, will, or other document executed before July 1, 1997:~~ 117410  
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~~(2) Any person, other than a person described in division (A) or (B) of this section, that is named as a fiduciary in, or is nominated as a fiduciary under, a trust instrument, will, or other document executed before July 1, 1997.~~ 117414  
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117417

**Sec. 1111.03.** (A) Notwithstanding any other provision of the Revised Code, any national bank or federal savings association that has been granted fiduciary powers by the office of the comptroller of the currency ~~or any federal savings association that has been granted fiduciary powers by the office of thrift supervision~~ may act in this state as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, or in any other fiduciary capacity in which trust companies qualified and licensed under section 1111.06 of the Revised Code are authorized to act in this state. For such purpose, a national bank or federal savings association shall have the same powers and rights, including but not limited to, the same right to make and accept transfers of fiduciary appointments, as are granted by the laws of this state to trust companies qualified and licensed under section 1111.06 of the Revised Code, and may solicit trust business, accept trust deposits, and maintain nonbranch trust offices in this state. A national bank or federal savings association shall not, by virtue of conducting such trust activity in this state, be subject to examination or inspection by the superintendent of financial institutions, nor shall it be required to obtain any approval, authorization, licenses, or 117418  
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certification from, or pay any fee or assessment to, the 117439  
superintendent in order to conduct trust activities in this state. 117440

(B) Notwithstanding the provisions of division (A) of this 117441  
section, section 1111.04, division (B) of section 1111.07, and 117442  
section 1111.08 of the Revised Code shall apply to national banks 117443  
and federal savings associations. 117444

**Sec. 1111.04.** (A) Prior to soliciting or engaging in trust 117445  
business in this state, a trust company shall pledge to the 117446  
treasurer of state interest bearing securities authorized in 117447  
division (B) of this section, having a par value, not including 117448  
unaccrued interest, of one hundred thousand dollars, and approved 117449  
by the superintendent of financial institutions. The trust company 117450  
may pledge the securities either by delivery to the treasurer of 117451  
state or by placing the securities with a qualified trustee for 117452  
safekeeping to the account of the treasurer of state, the 117453  
corporate fiduciary, and any other person having an interest in 117454  
the securities under Chapter 1109. of the Revised Code, as their 117455  
respective interests may appear and be asserted by written notice 117456  
to or demand upon the qualified trustee or by order of judgment of 117457  
a court. 117458

(B) Securities pledged by a trust company to satisfy the 117459  
requirements of division (A) of this section shall be one or more 117460  
of the following: 117461

(1) Bonds, notes, or other obligations of or guaranteed by 117462  
the United States or for which the full faith and credit of the 117463  
United States is pledged for the payment of principal and 117464  
interest; 117465

(2) Bonds, notes, debentures, or other obligations or 117466  
securities issued by any agency or instrumentality of the United 117467  
States; 117468

(3) General obligations of this or any other state of the United States or any subdivision of this or any other state of the United States.

(C) The treasurer of state shall accept delivery of securities pursuant to this section when accompanied by the superintendent's approval of the securities or the written receipt of a qualified trustee describing the securities and showing the superintendent's approval of the securities, and shall issue a written acknowledgment of the delivery of the securities or the qualified trustee's receipt and the superintendent's approval to the trust company.

(D) The superintendent shall approve securities to be pledged by a trust company pursuant to this section if the securities are all of the following:

(1) Interest bearing and of the value required by division (A) of this section;

(2) Of one or more of the kinds authorized by division (B) of this section and not a derivative of or merely an interest in any of those securities;

(3) Not in default.

(E) The treasurer of state shall, with the approval of the superintendent, permit a trust company to pledge securities in substitution for securities pledged pursuant to this section and the withdrawal of the securities substituted for so long as the securities remaining pledged satisfy the requirements of division (A) of this section. The treasurer of state shall permit a trust company to collect interest paid on securities pledged pursuant to this section so long as the trust company is solvent. The treasurer of state shall, with the approval of the superintendent, permit a trust company to withdraw securities pledged pursuant to this section when the trust company has ceased to solicit or

engage in trust business in this state. 117500

(F) For purposes of this section, a qualified trustee is a 117501  
federal reserve bank, a federal home loan bank, a trust company as 117502  
defined in section 1101.01 of the Revised Code, or a national bank 117503  
or federal savings association that has pledged securities 117504  
pursuant to this section, is authorized to accept and execute 117505  
trusts, and is doing business under authority granted by the 117506  
office of the comptroller of the currency,~~or a savings~~ 117507  
~~association that has pledged securities pursuant to this section,~~ 117508  
~~is authorized to accept and execute trusts, and is doing business~~ 117509  
~~under authority granted by the office of thrift supervision except~~ 117510  
~~that.~~ However, a national bank or federal savings association 117511  
doing business under authority granted by the office of the 117512  
comptroller of the currency,~~a savings association doing business~~ 117513  
~~under authority granted by the office of thrift supervision,~~ or a 117514  
trust company may not act as a qualified trustee for securities it 117515  
or any of its affiliates is pledging pursuant to this section. 117516

(G) The superintendent, with the approval of the treasurer of 117517  
state and the attorney general, shall prescribe the form of all 117518  
receipts and acknowledgments provided for by this section, and 117519  
upon request shall furnish a copy of each form, with the 117520  
superintendent's certification attached, to each qualified trustee 117521  
eligible to hold securities for safekeeping under this section. 117522

**Sec. 1111.06.** (A) Any person, other than a national bank with 117523  
trust powers or a federal savings association with trust powers, 117524  
proposing to solicit or engage in trust business in this state 117525  
shall apply to the superintendent of financial institutions to be 117526  
licensed as a trust company. The superintendent shall approve or 117527  
disapprove the application within sixty days after accepting it. 117528  
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(B) In determining whether to approve or disapprove an 117530

application for a trust company license, the superintendent shall 117531  
consider all of the following: 117532

(1) Whether the applicant is a corporation described in 117533  
division (A)(1) of section 1111.02 of the Revised Code; 117534

(2) Whether the applicant's articles of incorporation or 117535  
association authorize the applicant to serve as a trustee; 117536

(3) If the applicant is not a state bank, ~~savings and loan~~ 117537  
~~association, or savings bank doing business under authority~~ 117538  
~~granted by the superintendent~~, whether the applicant is currently 117539  
qualified to do and is engaging in trust business in the state or 117540  
country under the laws of which the applicant is organized; 117541

(4) Whether the applicant satisfies the requirements of 117542  
section 1111.05 of the Revised Code; 117543

(5) Whether it is reasonable to believe the applicant will 117544  
comply with applicable laws and observe sound fiduciary standards 117545  
in conducting trust business in this state; 117546

(6) If the applicant is not a state bank, ~~savings and loan~~ 117547  
~~association, or savings bank doing business under authority~~ 117548  
~~granted by the superintendent~~, whether the applicant is subject to 117549  
comprehensive supervision and regulation of its fiduciary 117550  
activities by appropriate authorities of the state or country 117551  
under the laws of which the applicant is organized. 117552

(C) In approving an application for a trust company license, 117553  
the superintendent may impose any condition the superintendent 117554  
determines to be appropriate. 117555

(D) When an applicant has satisfied all prior conditions 117556  
imposed by the superintendent in approving the applicant's 117557  
application for a trust company license and has pledged securities 117558  
as required by section 1111.04 of the Revised Code, the 117559  
superintendent shall issue the applicant a trust company license. 117560

A license issued pursuant to this section shall remain in force 117561  
and effect until surrendered by the licensee pursuant to section 117562  
1111.31 of the Revised Code or suspended or revoked by the 117563  
superintendent pursuant to section 1111.32 of the Revised Code. 117564

**Sec. 1111.07.** (A) A trust company's license to solicit or 117565  
engage in trust business in this state is not transferable or 117566  
assignable. 117567

(B) Subject to section 2109.28 of the Revised Code, if any 117568  
trust company enters into a merger or consolidation in which the 117569  
trust company is not the surviving corporation, or transfers all 117570  
or substantially all of its assets and liabilities to another 117571  
corporation, the resulting, surviving, or transferee corporation 117572  
shall succeed the trust company as fiduciary as a matter of law 117573  
and without necessity to do anything further, if the resulting, 117574  
surviving, or transferee corporation is a trust company, or a 117575  
national bank or federal savings association authorized to accept 117576  
and execute trusts and doing business under authority granted by 117577  
the office of the comptroller of the currency, ~~or a federal~~ 117578  
~~savings association authorized to accept and execute trusts and~~ 117579  
~~doing business under authority granted by the office of thrift~~ 117580  
~~supervision~~. If the trust company is not the surviving corporation 117581  
of a merger, enters a consolidation, or after transferring 117582  
substantially all of its assets and liabilities ceases to solicit 117583  
or engage in trust business in this state, the trust company shall 117584  
surrender its trust company license in accordance with section 117585  
1111.31 of the Revised Code. 117586

**Sec. 1111.08.** (A) A trust company, or a national bank or 117587  
federal savings association authorized to accept and execute 117588  
trusts and doing business under authority granted by the office of 117589  
the comptroller of the currency, ~~or a federal savings association~~ 117590  
~~authorized to accept and execute trusts and doing business under~~ 117591

~~authority granted by the office of thrift supervision~~ may transfer 117592  
all or part of its trust business in this state to another trust 117593  
company, or to a national bank or federal savings association 117594  
authorized to accept and execute trusts and doing business under 117595  
authority granted by the office of the comptroller of the 117596  
currency, ~~or to a federal savings association authorized to accept~~ 117597  
~~and execute trusts and doing business under authority granted by~~ 117598  
~~the office of thrift supervision,~~ if all of the following have 117599  
occurred: 117600

(1) Not less than sixty days before consummation of the 117601  
transfer, either the transferor or transferee, or both, for each 117602  
fiduciary account or relationship to be transferred, has given 117603  
written notice, by regular mail to the most recent address shown 117604  
on the records of the transferor, to all of the following that 117605  
apply: 117606

(a) Each court having jurisdiction over the fiduciary account 117607  
or relationship; 117608

(b) Each cofiduciary of the fiduciary account or 117609  
relationship; 117610

(c) Each surviving settlor of the trust; 117611

(d) Each person that, alone or in conjunction with others, 117612  
has the power to remove the trust company as fiduciary or appoint 117613  
a successor fiduciary; 117614

(e) Except in the case of a trust described in section 401(a) 117615  
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 117616  
U.S.C.A. 401(a), as amended, each adult beneficiary currently 117617  
receiving or entitled as a matter of right to receive a 117618  
distribution of principal or income from the trust, estate, or 117619  
fund; 117620

(f) In the case of a trust described in section 401(a) of the 117621  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 117622

401(a), as amended, the employer or employee organization, or 117623  
both, responsible for the maintenance of the trust. 117624

(2) The transferor has filed a certified copy of the 117625  
agreement for the sale with the superintendent of financial 117626  
institutions. 117627

(B)(1) The transfer of a fiduciary account or relationship 117628  
pursuant to division (A) of this section results in the transferee 117629  
being substituted for the transferor as fiduciary as a matter of 117630  
law and without necessity to do anything further. 117631

(2) The transfer of a fiduciary account or relationship 117632  
pursuant to division (A) of this section does neither of the 117633  
following: 117634

(a) Impair the right of any person that, alone or in 117635  
conjunction with others, has the power to remove a fiduciary or 117636  
appoint a successor fiduciary; 117637

(b) Absolve or discharge a transferor from any liability 117638  
arising out of its breach of any fiduciary duty or obligation to 117639  
the account prior to the transfer. 117640

**Sec. 1111.09.** (A)(1) A trust service office is any location 117641  
established by a trust company as a place for either of the 117642  
following: 117643

(a) Persons seeking the services of the trust company, or 117644  
information about those services, to contact representatives of 117645  
the trust company regarding the trust company's business. 117646

(b) The trust company's representatives to contact the trust 117647  
company's customers, or potential customers, and their 117648  
representatives. 117649

(2) None of the following is a trust service office: 117650

(a) Any location where a trust company conducts its 117651

operations but does not provide facilities for contact with its customers or contact by the public with the trust company;

(b) Any location that is the home or place of work or business or used for the convenience of the trust company's customer, potential customer, or a representative of a customer or potential customer where the trust company's representative's contact with its customer, potential customer, or a representative of a customer or potential customer is merely incidental to the purposes for which the location is maintained and to the activities conducted there;

(c) Any location where another person, including a financial institution, conducts its business and persons inquiring about trust services are merely referred to a trust company, even if referrals to a particular trust company are by exclusive arrangement and compensated.

(B) A trust company may, consistent with the trust company's safe and sound operation and the law, establish and maintain trust service offices at any location, including the following:

(1) If clearly identified and distinguished, at a location where another person, including a financial institution, also conducts business;

(2) If the trust company is a bank, savings and loan association, or savings bank, at any of its approved banking offices or main office or branches.

(C)(1) A trust company shall give notice in writing to the superintendent of financial institutions prior to establishing, relocating, or closing a trust service office in this state.

(2) A trust company that is a state bank ~~doing business under authority granted by the superintendent~~ also shall give notice in writing to the superintendent prior to establishing, relocating, or closing a trust service office outside this state.



~~Sec. 1103.01~~ 1113.01. A stock state banking corporation shall 117683  
be created, organized, and governed, ~~and~~ its business shall be 117684  
conducted, and its directors shall be chosen, in all respects in 117685  
the same manner as is provided by Chapters 1701. and 1704. of the 117686  
Revised Code, for corporations generally, to the extent that is 117687  
not inconsistent with this chapter, ~~Chapter~~ Chapters 1101. to 117688  
1111., and Chapters ~~1105.~~ 1114. to 1127. of the Revised Code. 117689

~~Sec. 1113.01~~ 1113.02. (A) Five or more natural persons, at 117690  
least one of whom is a resident of this state, may, with the 117691  
approval of the superintendent of financial institutions, 117692  
incorporate a stock state bank. 117693

(B) The persons proposing to incorporate a stock state bank 117694  
shall apply for approval of the proposed bank by submitting the 117695  
application prescribed by the superintendent, which application 117696  
shall include all of the following: 117697

(1) The proposed articles of incorporation and code of 117698  
regulations; 117699

(2) An application for reservation of a name in accordance 117700  
with section 1103.07 of the Revised Code, if reservation is 117701  
desired by the incorporators and has not been previously filed; 117702

(3) The location and a description of the proposed initial 117703  
banking office; 117704

(4) Information to demonstrate the proposed bank will satisfy 117705  
the requirements of division (C) of section 1113.03 and any other 117706  
provision of the Revised Code identified by the superintendent; 117707

(5) Any other information the superintendent requires. 117708

(C) Notwithstanding division (A) of this section, a 117709  
corporation may act as the sole incorporator of a stock state bank 117710  
if either of the following applies: 117711

(1) The corporation is registered with the board of governors 117712  
of the federal reserve system as a bank holding company; 117713

(2) The superintendent determines the corporation is 117714  
intending to form either of the following: 117715

(a) A stock state bank that functions solely in a trust or 117716  
fiduciary capacity and that meets all of the requirements set 117717  
forth in section 2(c)(2)(D) of the "Bank Holding Company Act of 117718  
1956," 70 Stat. 133, 12 U.S.C. 1841(c)(2)(D), as amended; 117719

(b) A stock state bank that engages only in credit card 117720  
operations, does not accept demand deposits or deposits that the 117721  
depositor may withdraw by check or similar means for payment to 117722  
third parties or others, does not accept any savings or time 117723  
deposit of less than one hundred thousand dollars, maintains only 117724  
one office that accepts deposits, and does not engage in the 117725  
business of making commercial loans. 117726

**Sec. 1113.03.** (A) Within ten days after receipt from the 117727  
superintendent of financial institutions of notice of acceptance 117728  
of an application for approval to incorporate a stock state bank, 117729  
the incorporators shall publish notice of the proposed 117730  
incorporation in a newspaper of general circulation in the county 117731  
where the bank's initial banking office is to be located. The 117732  
incorporators shall publish the notice once a week for two weeks 117733  
and furnish a certified copy of it to the superintendent. The 117734  
notice shall specify the name of the proposed bank, its location, 117735  
the amount of the proposed capital, the names of the 117736  
incorporators, the address of the superintendent, and the date by 117737  
which comments on the application must be filed with the 117738  
superintendent, which date shall be thirty days after the date of 117739  
the first publication of the notice. 117740

(B) If any comments on the application are filed with the 117741  
superintendent within the thirty-day period prescribed in division 117742

(A) of this section, the superintendent shall determine whether 117743  
the comments are relevant to the requirements for incorporation of 117744  
a stock state bank and, if so, investigate the comments in the 117745  
manner the superintendent considers appropriate. 117746

(C) The superintendent shall examine all of the facts 117747  
connected with the application to determine if all of the 117748  
following requirements are met: 117749

(1) The proposed articles of incorporation and code of 117750  
regulations, application for reservation of name, applicable fees, 117751  
and other items required meet the requirements of the Revised 117752  
Code. 117753

(2) The convenience and needs of the public will be served by 117754  
the proposed bank. 117755

(3) The population and economic characteristics of the area 117756  
primarily to be served afford reasonable promise of adequate 117757  
support for the proposed bank. 117758

(4) The competence, experience, and integrity of the proposed 117759  
directors and officers are such as to command the confidence of 117760  
the community and warrant the belief that the business of the 117761  
proposed bank will be honestly and efficiently conducted. 117762

(5) The capital of the proposed bank is adequate in relation 117763  
to the amount and character of the anticipated business of the 117764  
bank and the safety of prospective depositors. 117765

(D) Within one hundred eighty days following the date of 117766  
acceptance of the application, the superintendent shall approve or 117767  
disapprove the incorporation of the proposed bank upon the basis 117768  
of the examination. In giving approval, the superintendent may 117769  
impose conditions to be met prior to the issuance of a certificate 117770  
of authority to commence business under section 1113.09 of the 117771  
Revised Code. 117772

(E) If the superintendent approves the application, the superintendent shall make a certificate to that effect and forward the certificate and the articles of incorporation of the proposed bank to the secretary of state for filing.

**Sec. ~~1103.06~~ 1113.04.** (A) A stock state bank's articles of incorporation shall contain all of the following:

(1) The name of the bank;

(2) The place in this state where the bank's principal place of business is to be located;

(3) The purpose or purposes for which the bank is formed;

(4) The maximum number and the par value of shares the bank is authorized to have outstanding and their express terms, if any. The articles of incorporation shall not authorize shares without par value. If the shares are to be classified, the designation of each class, the number and par value of the shares of each class, and the express terms, if any, of the shares of each class shall be included.

(B) The articles of incorporation may also set forth any lawful provision for the purpose of defining, limiting, or regulating the exercise of the authority of the stock state bank, the incorporators, the directors, the officers, the shareholders, or the holders of any class of shares, and any provision that may be set forth in the bank's code of regulations.

**Sec. 1113.05.** (A) Before any subscription to shares has been received, the incorporators may, by unanimous written action and subject to ~~division (E)~~ the requirements of this section, adopt amendments to the stock state bank's articles of incorporation or amended articles of incorporation to change any provision of, or add any provision that may properly be included in, the articles of incorporation.

(B) Amended articles of incorporation shall set forth all provisions required in, and only provisions that may properly be in, original articles of incorporation or amendments to articles of incorporation at the time the amended articles of incorporation are adopted, and shall state that they supersede the existing articles of incorporation.

(C)(1) If the incorporators propose the adoption of any amendment to a stock state bank's articles of incorporation or amended articles of incorporation, the bank shall send to the superintendent of financial institutions a copy of the proposed amendment or amended articles of incorporation for review and approval prior to adoption by the incorporators.

(2) Upon receiving a proposed amendment or amended articles of incorporation, the superintendent shall conduct whatever examination the superintendent considers necessary to determine if both of the following conditions are satisfied:

(a) The proposed amendment or amended articles of incorporation comply with the requirements of the Revised Code.

(b) The proposed amendment or amended articles of incorporation will not adversely affect the interests of the bank's depositors and creditors and the convenience and needs of the public.

(3) Within forty-five days after receiving the proposed amendment or amended articles of incorporation, the superintendent shall notify the bank of the superintendent's approval or disapproval unless the superintendent determines additional information is required. In that event, the superintendent shall request the information in writing within twenty days after the date the proposed amendment or amended articles of incorporation were received. The bank shall have thirty days to submit the information to the superintendent. The superintendent shall notify

the bank of the superintendent's approval or disapproval of the 117834  
proposed amendment or amended articles of incorporation within 117835  
forty-five days after the date the additional information is 117836  
received. If the proposed amendment or amended articles of 117837  
incorporation are disapproved by the superintendent, the 117838  
superintendent shall notify the bank of the reasons for the 117839  
disapproval. 117840

(4) If the superintendent fails to approve or disapprove the 117841  
proposed amendment or amended articles of incorporation within the 117842  
time period required under division (C)(3) of this section, the 117843  
proposed amendment or amended articles of incorporation shall be 117844  
considered approved. 117845

(5) If the proposed amendment or amended articles of 117846  
incorporation are approved, in no event shall that approval be 117847  
construed or represented as an affirmative endorsement of the 117848  
amendment or amended articles of incorporation by the 117849  
superintendent. 117850

(D)(1) Upon their adoption of any approved amendment to a 117851  
stock state bank's articles of incorporation, the incorporators 117852  
shall send to the superintendent ~~of financial institutions~~ a 117853  
certificate, signed by all the incorporators, containing a copy of 117854  
the resolution adopting the amendment and a statement of the 117855  
manner of and basis for its adoption. 117856

(2) Upon their adoption of approved amended articles of 117857  
incorporation, the incorporators shall send to the superintendent 117858  
a copy of the amended articles of incorporation, accompanied by a 117859  
certificate, signed by all the incorporators, containing a copy of 117860  
the resolution adopting the amended articles of incorporation and 117861  
a statement of the manner of and basis for its adoption. 117862

~~(D)~~(E) Upon receiving a certificate required by division 117863  
~~(E)~~(D) of this section, the superintendent shall conduct whatever 117864

examination the superintendent considers necessary to determine if 117865  
~~both of the following conditions are satisfied:~~ 117866

~~(1) The the manner of and basis for the adoption of the 117867  
amendment or amended articles of incorporation ~~and the manner of~~ 117868  
~~and basis for adoption~~ comply with the requirements of the Revised 117869  
Code:~~ 117870

~~(2) The amendment or amended articles of incorporation will 117871  
not adversely affect the interests of the bank's depositors and 117872  
creditors and the convenience and needs of the public.~~ 117873

~~(E)(F)(1) Within ~~sixty~~ thirty days after receiving a 117874  
certificate required by division ~~(C)~~(D) of this section, the 117875  
superintendent shall approve or disapprove the amendment or 117876  
amended articles of incorporation. If the superintendent approves 117877  
the amendment or amended articles of incorporation, the 117878  
superintendent shall forward a certificate of that approval, a 117879  
copy of the certificate required by division ~~(C)~~(D) of this 117880  
section, and, ~~in the case of amended articles of incorporation,~~ 117881  
a copy of the amendment or amended articles of incorporation, to the 117882  
secretary of state, who shall file the documents. Upon filing by 117883  
the secretary of state, the amendment or amended articles of 117884  
incorporation shall be effective.~~ 117885

(2) If the superintendent fails to approve or disapprove the 117886  
amendment or amended articles of incorporation within ~~sixty~~ thirty 117887  
days after receiving a certificate required by division ~~(C)~~(D) of 117888  
this section, the bank shall forward a copy of the certificate 117889  
and, ~~in the case of amended articles of incorporation,~~ a copy of 117890  
the amendment or amended articles of incorporation, to the 117891  
secretary of state, who shall file the documents. Upon filing by 117892  
the secretary of state, the amendment or amended articles of 117893  
incorporation shall be effective. 117894

**Sec. 1113.06.** (A) After the secretary of state has filed the 117895

articles of incorporation and certificate of approval of the 117896  
superintendent of financial institutions, the incorporators, or a 117897  
majority of them, shall order books to be opened for subscription 117898  
to the stock state bank's shares. An installment of not less than 117899  
ten per cent of the subscription price of each share shall be 117900  
payable at the time of making the subscription, and the balance 117901  
shall be payable as soon thereafter as the board of directors 117902  
requires. 117903

(B) When the stock state bank's shares have been fully 117904  
subscribed, the incorporators, or a majority of them, shall 117905  
certify this fact in writing to the superintendent. The 117906  
superintendent shall file the certification with the secretary of 117907  
state. 117908

(C) Upon their compliance with division (B) of this section, 117909  
at least a majority of the incorporators shall give not less than 117910  
ten days' notice in writing by mail to the shareholders who have 117911  
not waived the notice to meet at a specified time and place for 117912  
the purpose of adopting a code of regulations, electing directors, 117913  
and transacting any other business authorized by section 1113.08 117914  
of the Revised Code. The shareholders shall meet for those 117915  
purposes at the time and place specified. 117916

(D) The incorporators shall not receive any subscriptions for 117917  
shares after the election of directors. 117918

**Sec. 1113.08.** (A) A stock state bank organized under Chapter 117919  
1113. of the Revised Code shall not accept deposits, incur 117920  
indebtedness, or transact any business except business that is 117921  
incidental to its organization or to the obtaining of 117922  
subscriptions to or payment for its shares until the bank receives 117923  
a certificate of authority to commence business issued by the 117924  
superintendent of financial institutions. 117925

(B) The bank shall file a report with the superintendent when 117926



it has done everything required before it can be authorized to 117927  
commence business and when the subscriptions for the bank's shares 117928  
have been fully paid in, in the amounts fixed by the 117929  
superintendent. 117930

(C) Upon receipt of the report referred to in division (B) of 117931  
this section, the superintendent shall examine the affairs of the 117932  
bank and determine whether the bank has complied with all 117933  
requirements necessary to entitle it to engage in business. 117934

**Sec. 1113.09.** (A) The superintendent of financial 117935  
institutions shall issue a certificate of authority to commence 117936  
business if: 117937

(1) The superintendent is satisfied, based upon the 117938  
examination conducted pursuant to section 1113.08 of the Revised 117939  
Code and any other facts within the knowledge of the 117940  
superintendent, that the stock state bank is otherwise entitled to 117941  
commence business. 117942

(2) With respect to a stock state bank that, upon commencing 117943  
business, would be authorized to accept deposits other than trust 117944  
funds, the superintendent has received from the federal deposit 117945  
insurance corporation (FDIC) confirmation that the FDIC has 117946  
approved the bank's application to become an insured bank as 117947  
defined in section 3(h) of the "Federal Deposit Insurance Act," 92 117948  
Stat. 614 (1978), 12 U.S.C.A. 1813(h). A stock state bank is not 117949  
required to become an insured bank as defined in section 3(h) of 117950  
the "Federal Deposit Insurance Act" if, by the terms of its 117951  
articles of incorporation, it is not permitted to solicit or 117952  
accept deposits other than trust funds. 117953

(B) The bank shall cause the certificate of authority to 117954  
commence business to be published once a week for two successive 117955  
weeks in a newspaper of general circulation in the county where 117956  
the bank's initial banking office is located. 117957

(C) For purposes of this section, "trust funds" means funds held in a fiduciary capacity and includes, but is not limited to, funds held as trustee, executor, administrator, guardian, or agent.

**Sec. ~~1103.11~~ 1113.11.** (A) Each stock state bank shall have a code of regulations for its governance as a corporation, the conduct of its affairs, and the management of its property. The code of regulations shall be consistent with the law of this state and the bank's articles of incorporation.

~~(B) A bank's original code of regulations shall be adopted at a meeting of shareholders held for that purpose by the affirmative vote of the holders of shares entitling them to exercise a majority of the voting power of the bank on the proposal.~~

~~(C) The shareholders may amend a bank's code of regulations or adopt a new code of regulations in any of the following ways:~~

~~(1) At a meeting of shareholders by the affirmative vote of the holders of shares entitling them to exercise a majority of the voting power of the bank on the proposal;~~

~~(2) Without a meeting by the written consent of the holders of shares entitling them to exercise two thirds of the voting power of the bank on the proposal;~~

~~(3) If the bank's articles of incorporation or code of regulations so provide or permit, by the affirmative vote or written consent of the holders of shares entitling them to exercise a greater or lesser proportion, but not less than a majority, of the voting power of the bank on the proposal.~~

~~(D) Notice of a shareholders' meeting to adopt any amendment to the code of regulations, or a new code of regulations, shall be given in the manner provided in section 1103.13 of the Revised Code. Notice by the incorporators of the first meeting of~~

~~shareholders in accordance with section 1113.06 of the Revised Code shall be sufficient for the adoption of the original code of regulations of a new bank.~~ 117988  
117989  
117990

~~(E) Without limiting the generality of this authority, the code of regulations may include provisions with respect to any of the following:~~ 117991  
117992  
117993

~~(1) The time and place for holding, the manner of and authority for calling, giving notice of, and conducting, and the requirements of a quorum for, meetings of shareholders;~~ 117994  
117995  
117996

~~(2) The taking of a record of shareholders or the temporary closing of books against transfers of shares;~~ 117997  
117998

~~(3) The number, classification, manner of fixing or changing the number, qualifications, term of office, and compensation or manner of fixing compensation of directors;~~ 117999  
118000  
118001

~~(4) The terms on which new certificates for shares may be issued in the place of lost, stolen, or destroyed certificates;~~ 118002  
118003

~~(5) The time and place for holding, the manner of and authority for calling, giving notice of, and conducting, and the requirements of a quorum for, meetings of the directors;~~ 118004  
118005  
118006

~~(6) The appointment and authority of an executive and other committees of the directors;~~ 118007  
118008

~~(7) The titles, qualifications, duties, term of office, compensation or manner of fixing compensation, and removal of officers;~~ 118009  
118010  
118011

~~(8) Defining, limiting, or regulating the exercise of the authority of the bank, the directors, the officers, or all the shareholders;~~ 118012  
118013  
118014

~~(9) The manner in and conditions upon which a certificated security, and the conditions upon which an uncertificated security, and the shares represented by a certificated or~~ 118015  
118016  
118017

~~uncertificated security, may be transferred, restrictions on the right to transfer the shares, and reservations of liens on the shares.~~

~~(F) Unless either a bank's articles of incorporation or code of regulations provides otherwise, if the code of regulations is to be amended or a new code of regulations is proposed for adoption without a meeting of the shareholders, at least ten days prior to the last day a shareholder may consent to or deny consent to the proposed amendments or new code of regulations, the secretary of the bank shall mail a copy of the proposed amendments or new code of regulations to each shareholder who would be entitled, as of the date of the mailing, to vote on the amendment or adoption.~~

~~(G) If the code of regulations is amended or a new code of regulations is adopted without a meeting of the shareholders, the secretary of the bank shall mail a copy of the amendment or the new code of regulations, or notice of the adoption of the amendment or new code of regulations, to each shareholder who would have been entitled to vote on the amendment or adoption.~~

**Sec. ~~1103.08~~ 1113.12.** (A) After subscriptions to shares have been received by the incorporators, the shareholders of a stock state bank may, subject to ~~division (H)~~ the requirements of this section, adopt amendments to the bank's articles of incorporation or adopt amended articles of incorporation to change any provision of, or add any provision that may properly be included in, the articles of incorporation.

(1) The shareholders may adopt an amendment to the bank's articles of incorporation or amended articles of incorporation at a meeting held for that purpose, as follows:

(a) By the affirmative vote of the holders of shares entitling them to exercise two-thirds of the voting power of the

bank on the proposal or, if the articles of incorporation provide 118049  
or permit, by the affirmative vote of a greater or lesser 118050  
proportion, but not less than a majority, of the voting power; 118051

(b) When the holders of shares of a particular class are 118052  
entitled to vote as a class, by the affirmative vote of the 118053  
holders of at least two-thirds or, if the articles of 118054  
incorporation provide or permit, a greater or lesser portion, but 118055  
not less than a majority, of the shares of the class. 118056

(2) The shareholders may adopt amended articles of 118057  
incorporation to consolidate the original articles of 118058  
incorporation and all previously adopted amendments to the 118059  
articles of incorporation at a meeting held for that purpose by 118060  
the affirmative vote of holders of shares entitling them to 118061  
exercise a majority of the voting power of the bank on the 118062  
proposal. 118063

(3) The shareholders may adopt an amendment to the bank's 118064  
articles of incorporation or amended articles of incorporation 118065  
without a meeting by the written consent of all of the holders of 118066  
shares who would be entitled to vote at a meeting held for that 118067  
purpose. 118068

(B) Any amendment or amended articles of incorporation of a 118069  
stock state bank that would eliminate cumulative voting rights, as 118070  
permitted by section 1701.69 of the Revised Code, shall not be 118071  
adopted if the votes of a sufficient number of shares are cast 118072  
against the amendment or amended articles of incorporation that, 118073  
if cumulatively voted at an election of all directors or all 118074  
directors of a particular class, would be sufficient, at the time 118075  
the shareholders vote on the proposal, to elect at least one 118076  
director. 118077

(C) The shareholders of a stock state bank may adopt an 118078  
amendment to the bank's articles of incorporation to authorize the 118079

purchase of the bank's shares, if the amendment states that the 118080  
superintendent of financial institutions must approve the purchase 118081  
in writing prior to each purchase of shares. 118082

(D) The shareholders of a stock state bank may adopt an 118083  
amendment to the bank's articles of incorporation to permit the 118084  
bank to have authorized and unissued shares or treasury shares ~~for~~ 118085  
~~any of the following purposes:~~ 118086

~~(1) Meeting conversion rights or options;~~ 118087

~~(2) Employee stock purchase or ownership plans;~~ 118088

~~(3) Mergers, consolidations, or other reorganizations, or~~ 118089  
~~acquisitions;~~ 118090

~~(4) The purchase of real estate the board of directors~~ 118091  
~~considers necessary or convenient for transaction of the bank's~~ 118092  
~~business;~~ 118093

~~(5) Any other specific purpose.~~ 118094

~~Shares shall be considered authorized for these purposes only~~ 118095  
~~if the shareholder resolutions authorizing the shares specifically~~ 118096  
~~state the purposes for which the shares are authorized. Shares~~ 118097  
~~authorized specifically for any of these purposes shall not be~~ 118098  
~~issued for any other purpose. Shares authorized for these purposes~~ 118099  
~~shall be deemed released from pre-emptive rights.~~ 118100

(E) Amended articles of incorporation shall set forth all 118101  
provisions required in, and only provisions that may properly be 118102  
in, original articles of incorporation or amendments to articles 118103  
of incorporation at the time the amended articles of incorporation 118104  
are adopted, and shall state that they supersede the existing 118105  
articles of incorporation. 118106

(F)(1) If the shareholders propose the adoption of any 118107  
amendment to a stock state bank's articles of incorporation or 118108  
amended articles of incorporation, the bank shall send to the 118109

superintendent a copy of the proposed amendment or amended 118110  
articles of incorporation for review and approval prior to 118111  
adoption by the shareholders. 118112

(2) Upon receiving a proposed amendment or amended articles 118113  
of incorporation, the superintendent shall conduct whatever 118114  
examination the superintendent considers necessary to determine if 118115  
both of the following conditions are satisfied: 118116

(a) The proposed amendment or amended articles of 118117  
incorporation comply with the requirements of the Revised Code. 118118

(b) The proposed amendment or amended articles of 118119  
incorporation will not adversely affect the interests of the 118120  
bank's depositors and creditors and the convenience and needs of 118121  
the public. 118122

(3) Within forty-five days after receiving the proposed 118123  
amendment or amended articles of incorporation, the superintendent 118124  
shall notify the bank of the superintendent's approval or 118125  
disapproval unless the superintendent determines additional 118126  
information is required. In that event, the superintendent shall 118127  
request the information in writing within twenty days after the 118128  
date the proposed amendment or amended articles of incorporation 118129  
were received. The bank shall have thirty days to submit the 118130  
information to the superintendent. The superintendent shall notify 118131  
the bank of the superintendent's approval or disapproval of the 118132  
proposed amendment or amended articles of incorporation within 118133  
forty-five days after the date the additional information is 118134  
received. If the proposed amendment or amended articles of 118135  
incorporation are disapproved by the superintendent, the 118136  
superintendent shall notify the bank of the reasons for the 118137  
disapproval. 118138

(4) If the superintendent fails to approve or disapprove the 118139  
proposed amendment or amended articles of incorporation within the 118140

time period required under division (F)(3) of this section, the 118141  
proposed amendment or amended articles of incorporation shall be 118142  
considered approved. 118143

(5) If the proposed amendment or amended articles of 118144  
incorporation are approved, in no event shall that approval be 118145  
construed or represented as an affirmative endorsement of the 118146  
amendment or amended articles of incorporation by the 118147  
superintendent. 118148

(G)(1) Upon adoption by the shareholders of any approved 118149  
amendment to a stock state bank's articles of incorporation, the 118150  
bank shall send to the superintendent a certificate containing a 118151  
copy of the shareholders' resolution adopting the amendment and a 118152  
statement of the manner of its adoption. If the directors proposed 118153  
the amendment, the certificate shall include a copy of the 118154  
resolution adopted by the directors to propose the amendment to 118155  
the shareholders. The certificate shall be signed by ~~bank officers~~ 118156  
the bank's authorized representatives in accordance with section 118157  
1103.19 of the Revised Code. 118158

(2) Upon adoption by the shareholders of approved amended 118159  
articles of incorporation, the bank shall send to the 118160  
superintendent a copy of the amended articles of incorporation, 118161  
accompanied by a certificate containing a copy of the 118162  
shareholders' resolution adopting the amended articles of 118163  
incorporation and a statement of the manner of its adoption. If 118164  
the directors proposed the amended articles of incorporation, the 118165  
certificate shall include a copy of the resolution adopted by the 118166  
directors to propose the amended articles of incorporation to the 118167  
shareholders. The certificate shall be signed by ~~bank officers~~ the 118168  
bank's authorized representatives in accordance with section 118169  
1103.19 of the Revised Code. 118170

~~(G)~~(H) Upon receiving a certificate required by division 118171  
~~(F)~~(G) of this section, the superintendent shall conduct whatever 118172



examination the superintendent considers necessary to determine if 118173  
~~both of the following conditions are satisfied:~~ 118174

~~(1) The the manner of adoption of the amendment or amended 118175  
articles of incorporation ~~and the manner of adoption comply~~ 118176  
complies with the requirements of the Revised Code:~~ 118177

~~(2) The amendment or amended articles of incorporation will 118178  
not adversely affect the interests of the bank's depositors and 118179  
creditors and the convenience and needs of the public.~~ 118180

~~(H)(I)~~(1) Within ~~sixty~~ thirty days after receiving a 118181  
certificate required by division ~~(F)~~(G) of this section, the 118182  
superintendent shall approve or disapprove the amendment or 118183  
amended articles of incorporation. If the superintendent approves 118184  
the amendment or amended articles of incorporation, the 118185  
superintendent shall forward a certificate of that approval, a 118186  
copy of the certificate required by division ~~(F)~~(G) of this 118187  
section, and, ~~in the case of amended articles of incorporation,~~ a 118188  
copy of the amendment or amended articles of incorporation, to the 118189  
secretary of state, who shall file the documents. Upon filing by 118190  
the secretary of state, the amendment or amended articles of 118191  
incorporation shall be effective. 118192

(2) If the superintendent fails to approve or disapprove the 118193  
amendment or amended articles of incorporation within ~~sixty~~ thirty 118194  
days after receiving a certificate required by division ~~(F)~~(G) of 118195  
this section, the bank shall forward a copy of the certificate 118196  
and, ~~in the case of amended articles of incorporation,~~ a copy of 118197  
the amendment or amended articles of incorporation, to the 118198  
secretary of state, who shall file the documents. Upon filing by 118199  
the secretary of state, the amendment or amended articles of 118200  
incorporation shall be effective. 118201

**Sec. ~~1103.09~~ 1113.13.** (A) After subscriptions to shares have 118202  
been received by the incorporators, the board of directors of a 118203

stock state bank may, subject to ~~division (F)~~ the requirements of 118204  
this section, adopt amendments to the bank's articles of 118205  
incorporation to do any of the following: 118206

(1) Authorize the shares necessary to meet conversion or 118207  
option rights when all of the following apply: 118208

(a) The bank has issued shares of one class convertible into 118209  
shares of another class or obligations convertible into shares of 118210  
the bank, or has granted options to purchase shares. 118211

(b) The conversion or option rights are set forth in the 118212  
articles of incorporation or have been approved by the same vote 118213  
of shareholders as, at the time of the approval, would have been 118214  
required to amend the articles of incorporation to authorize the 118215  
shares required for that purpose. 118216

(c) The bank does not have sufficient authorized and unissued 118217  
shares available to satisfy the conversion or option rights. 118218

(2) Reduce the authorized number of shares of a class by the 118219  
number of shares of that class that have been redeemed, or have 118220  
been surrendered to or acquired by the bank upon conversion, 118221  
exchange, purchase, or otherwise, or to eliminate from the 118222  
articles of incorporation all references to the shares of a class, 118223  
and to make any other change required, when all of the authorized 118224  
shares of that class have been redeemed, or surrendered to or 118225  
acquired by the bank; 118226

(3) Reduce the authorized number of shares of a class by the 118227  
number of shares of that class that were canceled, ~~pursuant to~~ 118228  
~~section 1107.07 of the Revised Code,~~ for not being issued or 118229  
reissued and for not being fully paid in within one year after the 118230  
date they were authorized or otherwise became authorized and 118231  
unissued shares. 118232

(B) The board of directors of a stock state bank may adopt 118233  
amended articles of incorporation to consolidate the original 118234

articles of incorporation and all previously adopted amendments to 118235  
the articles of incorporation that are in force at the time. 118236

(C) Amended articles of incorporation shall set forth all 118237  
provisions required in, and only provisions that may properly be 118238  
in, original articles of incorporation or amendments to articles 118239  
of incorporation at the time the amended articles of incorporation 118240  
are adopted, and shall state that they supersede the existing 118241  
articles of incorporation. 118242

(D)(1) If the board of directors propose the adoption of any 118243  
amendment to a stock state bank's articles of incorporation or 118244  
amended articles of incorporation, the bank shall send to the 118245  
superintendent of financial institutions a copy of the proposed 118246  
amendment or amended articles of incorporation for review and 118247  
approval prior to adoption by the board. 118248

(2) Upon receiving a proposed amendment or amended articles 118249  
of incorporation, the superintendent shall conduct whatever 118250  
examination the superintendent considers necessary to determine if 118251  
both of the following conditions are satisfied: 118252

(a) The proposed amendment or amended articles of 118253  
incorporation comply with the requirements of the Revised Code. 118254

(b) The proposed amendment or amended articles of 118255  
incorporation will not adversely affect the interests of the 118256  
bank's depositors and creditors. 118257

(3) Within forty-five days after receiving the proposed 118258  
amendment or amended articles of incorporation, the superintendent 118259  
shall notify the bank of the superintendent's approval or 118260  
disapproval unless the superintendent determines additional 118261  
information is required. In that event, the superintendent shall 118262  
request the information in writing within twenty days after the 118263  
date the proposed amendment or amended articles of incorporation 118264  
were received. The bank shall have thirty days to submit the 118265

information to the superintendent. The superintendent shall notify 118266  
the bank of the superintendent's approval or disapproval of the 118267  
proposed amendment or amended articles of incorporation within 118268  
forty-five days after the date the additional information is 118269  
received. If the proposed amendment or amended articles of 118270  
incorporation are disapproved by the superintendent, the 118271  
superintendent shall notify the bank of the reasons for the 118272  
disapproval. 118273

(4) If the superintendent fails to approve or disapprove the 118274  
proposed amendment or amended articles of incorporation within the 118275  
time period required by division (D)(3) of this section, the 118276  
proposed amendment or amended articles of incorporation shall be 118277  
considered approved. 118278

(5) If the proposed amendment or amended articles of 118279  
incorporation are approved, in no event shall that approval be 118280  
construed or represented as an affirmative endorsement of the 118281  
amendment or amended articles of incorporation by the 118282  
superintendent. 118283

(E)(1) Upon adoption by the board of directors of any 118284  
approved amendment to a stock state bank's articles of 118285  
incorporation, the bank shall send to the superintendent of 118286  
~~financial institutions~~ a certificate containing a copy of the 118287  
directors' resolution adopting the amendment and a statement of 118288  
the manner of and basis for its adoption. The certificate shall be 118289  
signed by ~~bank officers~~ the bank's authorized representatives in 118290  
accordance with section 1103.19 of the Revised Code. 118291

(2) Upon adoption by the board of directors of approved 118292  
amended articles of incorporation, the bank shall send to the 118293  
superintendent a copy of the amended articles of incorporation, 118294  
accompanied by a certificate containing a copy of the directors' 118295  
resolution adopting the amended articles of incorporation and a 118296  
statement of the manner of and basis for its adoption. The 118297

certificate shall be signed by ~~bank officers~~ the bank's authorized 118298  
representatives in accordance with section 1103.19 of the Revised 118299  
Code. 118300

~~(E)~~(F) Upon receiving a certificate required by division 118301  
~~(D)~~(E) of this section, the superintendent shall conduct whatever 118302  
examination the superintendent considers necessary to determine if 118303  
~~both of the following conditions are satisfied:~~ 118304

~~(1) The~~ the manner of and basis for adoption of the amendment 118305  
or amended articles of incorporation ~~and the manner of and basis~~ 118306  
~~for adoption~~ comply with the requirements of the Revised Code: 118307

~~(2) The amendment or amended articles of incorporation will~~ 118308  
~~not adversely affect the interests of the bank's depositors and~~ 118309  
~~creditors and the convenience and needs of the public.~~ 118310

~~(F)~~(G)(1) Within ~~sixty~~ thirty days after receiving a 118311  
certificate required by division ~~(D)~~(E) of this section, the 118312  
superintendent shall approve or disapprove the amendment or 118313  
amended articles of incorporation. If the superintendent approves 118314  
the amendment or amended articles of incorporation, the 118315  
superintendent shall forward a certificate of that approval, a 118316  
copy of the certificate required by division ~~(D)~~(E) of this 118317  
section, and, ~~in the case of amended articles of incorporation,~~ 118318  
a copy of the amendment or amended articles of incorporation, 118319  
to the secretary of state, who shall file the documents. Upon filing by 118320  
the secretary of state, the amendment or amended articles of 118321  
incorporation shall be effective. 118322

(2) If the superintendent fails to approve or disapprove the 118323  
amendment or amended articles of incorporation within ~~sixty~~ thirty 118324  
days after receiving a certificate required by division ~~(D)~~(E) of 118325  
this section, the bank shall forward a copy of the certificate 118326  
and, ~~in the case of amended articles of incorporation,~~ a copy of 118327  
the amendment or amended articles of incorporation, to the 118328

secretary of state, who shall file the documents. Upon filing by 118329  
the secretary of state, the amendment or amended articles of 118330  
incorporation shall be effective. 118331

**Sec. ~~1103.13~~ 1113.14.** (A) A stock state bank's shareholders 118332  
shall hold an annual meeting in accordance with this section and 118333  
the bank's articles of incorporation and code of regulations. The 118334  
purposes of the annual meeting shall include the election of 118335  
directors and the presentation of the financial statements. 118336

(B) The financial statements presented at the annual meeting 118337  
shall satisfy the requirements of one of the following: 118338

(1) The basic financial information required to be made 118339  
available to shareholders of a stock state bank prior to the 118340  
annual meeting pursuant to section ~~1103.14~~ 1113.15 of the Revised 118341  
Code; 118342

(2) The financial statements required to be presented at the 118343  
annual meeting of a corporation pursuant to section 1701.38 of the 118344  
Revised Code; 118345

(3) The financial statements required under federal law for a 118346  
bank subject to the registration requirements of section 12 of the 118347  
"Securities Exchange Act of 1934," 48 Stat. 892, 15 U.S.C.A. 781, 118348  
as amended. 118349

(C) ~~Written notice stating the time, place, and purpose or~~ 118350  
~~purposes of any meeting~~ Meetings of the shareholders shall be 118351  
~~given either by personal delivery or by first class mail not less~~ 118352  
~~than seven nor more than sixty days before the date of the~~ 118353  
~~meeting, unless the articles of incorporation or the code of~~ 118354  
~~regulations specify a longer period, to each shareholder of record~~ 118355  
~~entitled to notice of the meeting. The notice shall be given by or~~ 118356  
~~at the direction of the president, a vice president, the~~ 118357  
~~secretary, any two directors, or any other officer designated by~~ 118358

~~the bank's code of regulations. If notice is given by mail, the notice shall be addressed to the shareholder at the address as it appears on the records of the bank, and shall be deemed to have been given when deposited in the mail. In computing the period of time for the giving of notice required under this division, the date on which the notice is given shall be excluded, and the day of the meeting shall be included~~ may be called for any of the reasons and in the manner set forth in section 1701.40 of the Revised Code. Notice of adjournment of a meeting need not be given if the time and place to which it is adjourned are fixed and announced at the meeting any meeting shall be provided in accordance with section 1701.41 of the Revised Code.

(D) The requirements of this section shall not apply with respect to annual or special meetings of shareholders of a stock state bank that is wholly owned, except for directors' qualifying shares, if any, by a bank holding company or savings and loan holding company.

**Sec. ~~1103.14~~ 1113.15.** (A) Prior to each annual meeting of its shareholders, each stock state bank shall make basic financial information available to its shareholders in accordance with this section unless the bank is either of the following:

(1) Subject to the registration requirements of section 12 of the "Securities Exchange Act of 1934," 48 Stat. 892, 15 U.S.C.A. 781, as amended.

(2) Wholly owned, except for directors' qualifying shares, by a bank holding company.

(B) The basic financial information required to be made available under this section shall include, at a minimum, information substantially similar to both of the following:

(1) Those portions of the consolidated reports of income made

to the superintendent of financial institutions for each of the 118389  
two preceding full years covering all of the following: 118390

(a) Sources and disposition of income; 118391

(b) Changes in equity capital; 118392

(c) Allowance for possible loan losses. 118393

(2) The balance sheet portion of the consolidated reports of 118394  
condition made to the superintendent at the end of each of the two 118395  
preceding years. 118396

(C) The bank may present the basic financial information in 118397  
any format it determines suitable, including copies of the 118398  
relevant portions of the consolidated reports of condition and 118399  
income or an annual report. 118400

(D) The bank shall make the basic financial information 118401  
available by doing either of the following: 118402

(1) Sending the information to each shareholder prior to, or 118403  
concurrently with, the notice of the annual meeting of 118404  
shareholders; 118405

(2) Including in, or sending with, the notice of the annual 118406  
meeting of shareholders a statement indicating that basic 118407  
financial information concerning the bank for the two years 118408  
preceding the meeting may be obtained from the bank without 118409  
charge, accompanied by the address, telephone number, and name or 118410  
title of the bank employee or officer whom shareholders should 118411  
contact for the information, and promptly mailing, delivering, or 118412  
otherwise sending the information to any shareholder who requests 118413  
it. 118414

**Sec. ~~1103.15~~ 1113.16.** Each Except as otherwise expressly 118415  
provided in the terms for any class of shares issued by a stock 118416  
state bank, every holder of a the bank's voting shares, in 118417  
elections of directors and in deciding other questions at meetings 118418



of shareholders, is entitled to one vote for each share held and 118419  
shall not accumulate the votes unless otherwise provided in the 118420  
articles of incorporation. Any shareholder eligible to vote may 118421  
vote by proxy authorized in writing. An appointment of a proxy 118422  
shall expire in accordance with division (C) of section 1701.48 of 118423  
the Revised Code. Unless the articles of incorporation, the code 118424  
of regulations, or the contract of subscription otherwise 118425  
provides, a subscriber for authorized shares is a shareholder for 118426  
the purposes of this section, but no shares upon which an 118427  
installment of the purchase price is overdue and unpaid shall be 118428  
voted. 118429

**Sec. ~~1103.16~~ 1113.17.** (A) Each stock state bank shall keep 118430  
correct and complete books and records of account, together with 118431  
records of the proceedings, including minutes of any meetings, of 118432  
its incorporators, shareholders, directors, and committees of the 118433  
directors, and records of its shareholders showing their names and 118434  
addresses and the number and class of shares issued or transferred 118435  
of record to or by them from time to time. 118436

(B) Upon request of any shareholder eligible to attend and 118437  
vote at any meeting of the bank's shareholders, the board of 118438  
directors shall produce at the meeting an alphabetically arranged 118439  
list, or classified lists, of the shareholders of record as of the 118440  
applicable record date, showing their respective addresses and the 118441  
number and class of shares held by each, and certified by the 118442  
officer or agent responsible for registering issues and transfers 118443  
of shares. The list or lists, certified by the officer or agent, 118444  
shall be prima facie evidence of the facts shown in the list or 118445  
lists. 118446

(C) Any shareholder of the bank, upon written demand stating 118447  
the specific purpose of the demand, has the right to examine in 118448  
person or by agent or attorney at any reasonable time and for any 118449

reasonable and proper purpose, the books and records of the bank, 118450  
except books and records of deposit, agency or fiduciary accounts, 118451  
loan records, and other records relating to customer services or 118452  
transactions. 118453

(D) The authority granted under Title XI of the Revised Code 118454  
to inspect the books and records of a stock state bank shall apply 118455  
solely to the superintendent of financial institutions and to the 118456  
shareholders of record of the bank. 118457

Sec. 1114.01. A mutual state bank and the rights and 118458  
liabilities of its members shall be governed by its articles of 118459  
incorporation, code of regulations, and bylaws and by this 118460  
chapter. 118461

Sec. 1114.02. (A) Five or more natural persons, at least one 118462  
of whom is a resident of this state, may, with the approval of the 118463  
superintendent of financial institutions, incorporate a mutual 118464  
state bank. 118465

(B) The persons proposing to incorporate a mutual state bank 118466  
shall apply for approval to incorporate the bank by submitting the 118467  
application prescribed by the superintendent, which application 118468  
shall include all of the following: 118469

(1) The proposed articles of incorporation and code of 118470  
regulations; 118471

(2) An application for reservation of a name in accordance 118472  
with section 1103.07 of the Revised Code, if reservation is 118473  
desired by the incorporators and has not been previously filed; 118474

(3) The location and a description of the proposed initial 118475  
banking office; 118476

(4) Information to demonstrate the proposed bank will satisfy 118477  
the requirements of division (C) of section 1114.03 and any other 118478

provision of the Revised Code identified by the superintendent; 118479

(5) Any other information the superintendent requires. 118480

Sec. 1114.03. (A) Within ten days after receipt from the 118481  
superintendent of financial institutions of notice of acceptance 118482  
of an application for approval to incorporate a mutual state bank, 118483  
the incorporators shall publish notice of the proposed 118484  
incorporation in a newspaper of general circulation in the county 118485  
where the bank's initial banking office is to be located. The 118486  
incorporators shall publish the notice once a week for two weeks 118487  
and furnish a certified copy of it to the superintendent. The 118488  
notice shall specify the name of the proposed bank, its location, 118489  
the amount of the proposed capital, the names of the 118490  
incorporators, the address of the superintendent, and the date by 118491  
which comments on the application must be filed with the 118492  
superintendent, which date shall be thirty days after the date of 118493  
the first publication of the notice. 118494

(B) If any comments on the application are filed with the 118495  
superintendent within the thirty-day period prescribed in division 118496  
(A) of this section, the superintendent shall determine whether 118497  
the comments are relevant to the requirements for incorporation of 118498  
a mutual state bank and, if so, investigate the comments in the 118499  
manner the superintendent considers appropriate. 118500

(C) The superintendent shall examine all of the facts 118501  
connected with the application to determine if all of the 118502  
following requirements are met: 118503

(1) The proposed articles of incorporation and code of 118504  
regulations, application for reservation of name, applicable fees, 118505  
and other items required meet the requirements of the Revised 118506  
Code. 118507

(2) The population and economic characteristics of the area 118508

primarily to be served afford reasonable promise of adequate 118509  
support for the proposed bank. 118510

(3) The competence, experience, and integrity of the proposed 118511  
directors and officers are such as to command the confidence of 118512  
the community and warrant the belief that the business of the 118513  
proposed bank will be honestly and efficiently conducted. 118514

(4) The capital of the proposed bank is adequate in relation 118515  
to the amount and character of the anticipated business of the 118516  
bank and the safety of prospective depositors. 118517

(D) Within one hundred eighty days following the date of 118518  
acceptance of the application, the superintendent shall approve or 118519  
disapprove the incorporation of the proposed bank upon the basis 118520  
of the examination. In giving approval, the superintendent may 118521  
impose conditions to be met prior to the issuance of a certificate 118522  
of authority to commence business under section 1114.07 of the 118523  
Revised Code. 118524

(E) If the superintendent approves the application, the 118525  
superintendent shall make a certificate to that effect and forward 118526  
the certificate and the articles of incorporation of the proposed 118527  
bank to the secretary of state for filing. 118528

**Sec. 1114.04.** (A) A mutual state bank's articles of 118529  
incorporation shall contain all of the following: 118530

(1) The name of the bank; 118531

(2) The place in this state where the bank's principal place 118532  
of business is to be located; 118533

(3) The purpose or purposes for which the bank is formed. 118534

(B) The articles of incorporation may also set forth any 118535  
lawful provision for the purpose of defining, limiting, or 118536  
regulating the exercise of the authority of the bank, the 118537  
incorporators, the directors, the officers, the members, and any 118538

provision that may be set forth in the bank's code of regulations. 118539

**Sec. 1114.05.** (A) As used in the section, "authorized 118540  
capital" means the initial funding required to organize a mutual 118541  
state bank. 118542

(B) The authorized capital of a mutual state bank shall be of 118543  
such amount as the superintendent of financial institutions may 118544  
determine based upon the amount and character of the anticipated 118545  
business of the bank and the safety of prospective depositors. In 118546  
addition, the superintendent may, in the superintendent's 118547  
discretion, fix the amount of the expense fund for operating 118548  
losses to be created by nonrefundable contributions. 118549

(C) The organization of the mutual state bank may be 118550  
completed when a sum equal to five per cent of the authorized 118551  
capital, as determined by the superintendent, is paid in and the 118552  
names and addresses of its officers, its code of regulations, and 118553  
its bylaws have been filed with and approved by the 118554  
superintendent. 118555

(D) Five years after the mutual state bank commences 118556  
business, any remaining balance in the expense fund shall be 118557  
transferred to retained earnings, if the bank is on a profitable 118558  
operating basis as determined by the superintendent. 118559

**Sec. 1114.06.** (A) A mutual state bank organized under this 118560  
chapter shall not accept deposits, incur indebtedness, or transact 118561  
any business other than business that is incidental to its 118562  
organization until the bank receives a certificate of authority to 118563  
commence business issued by the superintendent of financial 118564  
institutions under section 1114.07 of the Revised Code. 118565

(B) The bank shall file a report with the superintendent when 118566  
it has done everything required by the superintendent before it 118567  
can be authorized to commence business. 118568

(C) Upon receipt of the report referred to in division (B) of this section, the superintendent shall examine the affairs of the bank and determine whether the bank has complied with all of the requirements necessary to entitle it to engage in business. 118569  
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**Sec. 1114.07.** (A) The superintendent of financial institutions shall issue a certificate of authority to commence business if both of the following conditions are met: 118573  
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(1) The superintendent is satisfied, based upon the examination conducted pursuant to section 1114.06 of the Revised Code and any other facts within the knowledge of the superintendent, that the mutual state bank is otherwise entitled to commence business. 118576  
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(2) The superintendent has received from the federal deposit insurance corporation written confirmation that it has approved the bank's application to become an insured bank as defined in section 3(h) of the "Federal Deposit Insurance Act," 92 Stat. 614 (1978), 12 U.S.C. 1813(h), as amended. 118581  
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(B) The mutual state bank shall cause the certificate of authority to commence business to be published once a week for two consecutive weeks in a newspaper of general circulation in the county where the bank's initial banking office is located. 118586  
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**Sec. 1114.08.** (A) A depositor of a mutual state bank shall be a voting member and shall have such ownership interest in the bank as may be provided in the terms and conditions set forth in the articles of incorporation, code of regulations, and bylaws of the bank. 118590  
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(B) The code of regulations of a mutual state bank may provide that all borrowers from the bank are members and, if so, shall provide for their rights and privileges. 118595  
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(C)(1) Unless otherwise provided in the articles of 118598

incorporation or code of regulations, a proxy granted by a 118599  
depositor to the officers and directors of a mutual state bank 118600  
shall expire on the date specified in the proxy. If no date is so 118601  
specified, the authority granted by the proxy shall be perpetual. 118602

(2) On and after the effective date of this section, the 118603  
writing or verifiable communication appointing a proxy shall be 118604  
separate and distinct from any deposit agreement, loan agreement, 118605  
or any other agreement, statement, document, or disclosure 118606  
provided by a mutual state bank to a depositor. 118607

**Sec. 1114.09.** (A) Before any member deposits have been 118608  
received, the incorporators may, by unanimous written action and 118609  
subject to the requirements of this section, adopt amendments to 118610  
the mutual state bank's articles of incorporation or amended 118611  
articles of incorporation to change any provision of, or add any 118612  
provision that may properly be included in, the articles of 118613  
incorporation. 118614

(B) Amended articles of incorporation shall set forth all 118615  
provisions required in, and only provisions that may properly be 118616  
in, original articles of incorporation or amendments to articles 118617  
of incorporation at the time the amended articles of incorporation 118618  
are adopted, and shall state that they supersede the existing 118619  
articles of incorporation. 118620

(C)(1) If the incorporators propose the adoption of any 118621  
amendment to a mutual state bank's articles of incorporation or 118622  
amended articles of incorporation, the bank shall send to the 118623  
superintendent of financial institutions a copy of the proposed 118624  
amendment or amended articles of incorporation for review and 118625  
approval prior to adoption by the incorporators. 118626

(2) Upon receiving a proposed amendment or amended articles 118627  
of incorporation, the superintendent shall conduct whatever 118628  
examination the superintendent considers necessary to determine if 118629

both of the following conditions are satisfied: 118630

(a) The proposed amendment or amended articles of 118631  
incorporation comply with the requirements of the Revised Code. 118632

(b) The proposed amendment or amended articles of 118633  
incorporation will not adversely affect the interests of the 118634  
bank's depositors and creditors. 118635

(3) Within forty-five days after receiving the proposed 118636  
amendment or amended articles of incorporation, the superintendent 118637  
shall notify the bank of the superintendent's approval or 118638  
disapproval of the proposed amendment or amended articles of 118639  
incorporation unless the superintendent determines additional 118640  
information is required. In that event, the superintendent shall 118641  
request the information in writing within twenty days after the 118642  
date the proposed amendment or amended articles of incorporation 118643  
were received. The bank shall have thirty days to submit the 118644  
information to the superintendent. The superintendent shall notify 118645  
the bank of the superintendent's approval or disapproval of the 118646  
proposed amendment or amended articles of incorporation within 118647  
forty-five days after the date the additional information is 118648  
received. If the proposed amendment or amended articles of 118649  
incorporation are disapproved by the superintendent, the 118650  
superintendent shall notify the bank of the reasons for the 118651  
disapproval. 118652

(4) If the superintendent fails to approve or disapprove the 118653  
proposed amendment or amended articles of incorporation within the 118654  
time period required under division (C)(3) of this section, the 118655  
proposed amendment or amended articles of incorporation shall be 118656  
considered approved. 118657

(5) If the proposed amendment or amended articles of 118658  
incorporation are approved, in no event shall that approval be 118659  
construed or represented as an affirmative endorsement of the 118660



amendment or amended articles of incorporation by the 118661  
superintendent. 118662

(D)(1) Upon their adoption of any approved amendment to a 118663  
mutual state bank's articles of incorporation, the incorporators 118664  
shall send to the superintendent a certificate, signed by all the 118665  
incorporators, containing a copy of the resolution adopting the 118666  
amendment and a statement of the manner of and basis for its 118667  
adoption. 118668

(2) Upon their adoption of approved amended articles of 118669  
incorporation, the incorporators shall send to the superintendent 118670  
a copy of the amended articles of incorporation, accompanied by a 118671  
certificate, signed by all the incorporators, containing a copy of 118672  
the resolution adopting the amended articles of incorporation and 118673  
a statement of the manner of and basis for its adoption. 118674

(E) Upon receiving a certificate required by division (D) of 118675  
this section, the superintendent shall conduct whatever 118676  
examination the superintendent considers necessary to determine if 118677  
the manner of and basis for the adoption of the amendment or 118678  
amended articles of incorporation comply with the requirements of 118679  
the Revised Code. 118680

(F)(1) Within thirty days after receiving a certificate 118681  
required by division (D) of this section, the superintendent shall 118682  
approve or disapprove the amendment or amended articles of 118683  
incorporation. If the superintendent approves the amendment or 118684  
amended articles of incorporation, the superintendent shall 118685  
forward a certificate of that approval, a copy of the certificate 118686  
required by division (D) of this section, and a copy of the 118687  
amendment or amended articles of incorporation to the secretary of 118688  
state, who shall file the documents. Upon filing by the secretary 118689  
of state, the amendment or amended articles of incorporation shall 118690  
be effective. 118691

(2) If the superintendent fails to approve or disapprove the amendment or amended articles of incorporation within thirty days after receiving a certificate required by division (D) of this section, the bank shall forward a copy of the certificate and a copy of the amendment or amended articles of incorporation to the secretary of state, who shall file the documents. Upon filing by the secretary of state, the amendment or amended articles of incorporation shall be effective. 118692  
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**Sec. 1114.10.** Each mutual state bank shall have a code of regulations for its governance as a corporation, the conduct of its affairs, and the management of its property. The code of regulations shall be consistent with the law of this state and the bank's articles of incorporation. 118700  
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**Sec. 1114.11.** (A)(1) The code of regulations of a mutual state bank may provide for the amendment of its articles of incorporation or code of regulations, or the adoption of amended articles of incorporation or code of regulations, at any meeting of the members for which notice has been properly given in accordance with section 1114.12 of the Revised Code. The amendment or amended articles of incorporation or code of regulations shall be adopted by a two-thirds vote of the votes cast in person or by proxy at the meeting or, if the articles of incorporation or code of regulations provide or permit, by the affirmative vote of a greater or lesser proportion, but not less than a majority, of the voting members represented at such meeting. The number of votes that each member may cast shall be determined by the code of regulations. 118705  
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(2) Unless precluded by its articles of incorporation or code of regulations, a mutual state bank may adopt an amendment to its articles of incorporation or code of regulations, or amended articles of incorporation or code of regulations, at any meeting 118719  
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authorized in writing by a majority of its members of record if 118723  
all of the following conditions are met: 118724

(a) Notice of the meeting is given in accordance with section 118725  
1114.12 of the Revised Code. 118726

(b) The notice of the proposed action to be taken at the 118727  
meeting is in a form approved by the superintendent of financial 118728  
institutions. 118729

(c) The proposed action is approved by a two-thirds vote of 118730  
the votes cast authorizing the meeting. 118731

(d) A majority of the members of record are present in person 118732  
or by proxy at the meeting. 118733

(B) The board of directors of a mutual state bank may adopt 118734  
amended articles of incorporation or code of regulations to 118735  
consolidate the original articles of incorporation or code of 118736  
regulations and all previously adopted amendments to the articles 118737  
of incorporation or code of regulations that are in force at the 118738  
time. 118739

(C)(1) Amended articles of incorporation shall set forth all 118740  
provisions required in, and only provisions that may properly be 118741  
in, original articles of incorporation or amendments to articles 118742  
of incorporation at the time the amended articles of incorporation 118743  
are adopted, and shall state that they supersede the existing 118744  
articles of incorporation. 118745

(2) An amended code of regulations shall set forth all 118746  
provisions required in, and only provisions that may properly be 118747  
in, an original code of regulations or amendments to a code of 118748  
regulations at the time the amended code of regulations is 118749  
adopted, and shall state that it supersedes the existing code of 118750  
regulations. 118751

(D)(1) If the members or board of directors propose the 118752

adoption of any amendment to the mutual state bank's articles of incorporation or code of regulations, or amended articles of incorporation or amended code of regulations, the bank shall send to the superintendent a copy of the proposed amendment, or the proposed amended articles of incorporation or code of regulations, for review and approval prior to adoption by the members or directors. 118753  
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(2) Upon receiving a proposed amendment or proposed amended articles of incorporation or code of regulations, the superintendent shall conduct whatever examination the superintendent considers necessary to determine if both of the following conditions are satisfied: 118760  
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(a) The proposed amendment or amended articles of incorporation or code of regulations comply with the requirements of the Revised Code. 118765  
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(b) The proposed amendment or amended articles of incorporation or code of regulations will not adversely affect the interests of the bank's depositors and creditors. 118768  
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(3) Within forty-five days after receiving the proposed amendment, or the proposed amended articles of incorporation or code of regulations, the superintendent shall notify the bank of the approval or disapproval unless the superintendent determines that additional information is required. In that event, the superintendent shall request the information in writing within twenty days after the date the proposed amendment, or the proposed amended articles of incorporation or code of regulations, was received. The bank shall have thirty days to submit the information to the superintendent. The superintendent shall notify the bank of the superintendent's approval or disapproval of the proposed amendment, or the proposed amended articles of incorporation or code of regulations, within forty-five days after the date the additional information is received. If the proposed 118771  
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amendment or proposed amended articles of incorporation or code of regulations are disapproved by the superintendent, the superintendent shall notify the bank of the reasons for the disapproval. 118785  
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(4) If the superintendent fails to approve or disapprove the proposed amendment or proposed amended articles of incorporation or code of regulations within the time period required under division (D)(3) of this section, the proposed amendment or proposed amended articles of incorporation or code of regulations shall be considered approved. 118789  
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(5) If the proposed amendment or amended articles of incorporation are approved, in no event shall that approval be construed or represented as an affirmative endorsement of the amendment or amended articles of incorporation by the superintendent. 118795  
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(E)(1) Upon adoption by the members of any approved amendment to a mutual state bank's articles of incorporation or code of regulations, or approved amended articles of incorporation or code of regulations, the bank shall send to the superintendent a certificate containing a copy of the members' resolution adopting the amendment or amended articles of incorporation or code of regulations and a statement of the manner of and basis for its adoption. If the board of directors proposed the amendment or the amended articles of incorporation or code of regulations, the certificate shall include a copy of the resolution adopted by the directors to propose the amendment or amended articles of incorporation or code of regulations to the members. The certificate shall be signed by the bank's authorized representatives in accordance with section 1103.19 of the Revised Code. 118800  
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(2) Upon adoption by the board of directors of any approved amendment to a mutual state bank's articles of incorporation or 118815  
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code of regulations, or approved amended articles of incorporation 118817  
or code of regulations, the bank shall provide to the 118818  
superintendent a copy of the amendment or amended articles of 118819  
incorporation or code of regulations, accompanied by a certificate 118820  
containing a copy of the directors' resolution adopting the 118821  
amendment or amended articles of incorporation or code of 118822  
regulations and a statement of the manner of and basis for its 118823  
adoption. The certificate shall be signed by the bank's authorized 118824  
representatives in accordance with section 1103.19 of the Revised 118825  
Code. 118826

(F) Upon receiving a certificate required by division (E) of 118827  
this section, the superintendent shall conduct whatever 118828  
examination the superintendent considers necessary to determine if 118829  
the manner of and basis for adoption of the amendment or amended 118830  
articles of incorporation or code of regulations comply with the 118831  
requirements of the Revised Code. 118832

(G)(1) Within thirty days after receiving a certificate 118833  
required by division (E) of this section, the superintendent shall 118834  
approve or disapprove the amendment or amended articles of 118835  
incorporation or code of regulations. If the superintendent 118836  
approves the amendment or amended articles of incorporation or 118837  
code of regulations, the superintendent shall forward a 118838  
certificate of that approval, a copy of the certificate required 118839  
by division (E) of this section, and a copy of the amendment or 118840  
amended articles of incorporation or code of regulations to the 118841  
secretary of state, who shall file the documents. Upon filing by 118842  
the secretary of state, the amendment or amended articles of 118843  
incorporation or code of regulations shall be effective. 118844

(2) If the superintendent fails to approve or disapprove the 118845  
amendment or amended articles of incorporation or code of 118846  
regulations within thirty days after receiving a certificate 118847  
required by division (E) of this section, the bank shall forward a 118848

copy of the certificate and a copy of the amendment or amended 118849  
articles of incorporation or code of regulations to the secretary 118850  
of state, who shall file the documents. Upon filing by the 118851  
secretary of state, the amendment or amended articles of 118852  
incorporation or code of regulations shall be effective. 118853

**Sec. 1114.12.** (A) Whenever members of a mutual state bank are 118854  
required or authorized to elect directors or to take any other 118855  
action at a meeting, either annual or special, notice of the 118856  
meeting shall be given in either of the following ways: 118857

(1) By publication, once each week on the same day of the 118858  
week for three consecutive weeks immediately preceding the date of 118859  
the meeting in a newspaper published in and of general circulation 118860  
in the county in which the principal office of the bank is 118861  
located, of a notice containing the name of the bank and the 118862  
purpose, place, date, and hour of the meeting; 118863

(2) By notice served upon or mailed to members as provided in 118864  
section 1701.41 of the Revised Code. 118865

(B) The notice required under division (A) of this section 118866  
shall include a statement that, if a member granted a proxy to the 118867  
officers and directors of the bank, the proxy is revocable at any 118868  
time before the meeting or by attending the meeting and voting in 118869  
person. 118870

**Sec. 1114.16.** In the event of a liquidation or dissolution of 118871  
a mutual state bank, the priority of claims shall be established 118872  
by section 1125.24 of the Revised Code. 118873

**Sec. 1115.01.** (A)(1) A stock state bank may do any of the 118874  
following: 118875

(a) Convert into a national bank or a federal savings 118876  
association if the conversion is approved by both the office of 118877

the comptroller of the currency and the affirmative vote or 118878  
written consent of the holders of two-thirds, or such other 118879  
proportion not less than a majority as the stock state bank's 118880  
articles of incorporation require, of the outstanding shares of 118881  
each class of the bank's stock; 118882

~~(b) Convert into a federal savings association if the 118883  
conversion is approved by both the office of thrift supervision 118884  
and the affirmative vote or written consent of the holders of 118885  
two thirds, or such other proportion not less than a majority as 118886  
the bank's articles of incorporation require, of the outstanding 118887  
shares of each class of the bank's stock;~~ 118888

~~(c) Convert into a bank, savings bank, or savings and loan 118889  
association pursuant to section 1151.64 of the Revised Code or the 118890  
laws of another state if the conversion is approved by both the 118891  
regulatory authority of the other state and the affirmative vote 118892  
or written consent of the holders of two-thirds, or such other 118893  
proportion not less than a majority as the stock state bank's 118894  
articles of incorporation require, of the outstanding shares of 118895  
each class of the bank's stock;~~ 118896

~~(d) Convert into a savings bank pursuant to section 1161.631 118897  
of the Revised Code or the laws of another state if the conversion 118898  
is approved by the affirmative vote or written consent of the 118899  
holders of two thirds, or such other proportion not less than a 118900  
majority as the bank's articles of incorporation require, of the 118901  
outstanding shares of each class of the bank's stock;~~ 118902

~~(e) Convert into a bank doing business under authority 118903  
granted by the bank regulatory authority of another state, 118904  
pursuant to the laws of that state, if the conversion is approved 118905  
by the affirmative vote or written consent of the holders of 118906  
two thirds, or such other proportion not less than a majority as 118907  
the bank's articles of incorporation require, of the outstanding 118908  
shares of each class of the bank's stock.~~ 118909



(2) A mutual state bank may do any of the following: 118910

(a) Convert into a national bank or a federal savings association if the conversion is approved by the office of the comptroller of the currency, the affirmative vote of two-thirds of the mutual state bank's board of directors, and the affirmative vote of two-thirds of the total outstanding votes eligible to be cast at the meeting at which the plan of conversion is presented to the members for adoption; 118911  
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(b) Convert into a bank, savings bank, or savings association pursuant to the laws of another state if the conversion is approved by the regulatory authority of the other state, the affirmative vote of two-thirds of the mutual state bank's board of directors, and the affirmative vote of two-thirds of the total outstanding votes eligible to be cast at the meeting at which the plan of conversion is presented to the members for adoption. 118918  
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(B) A state bank that converts into a national bank, a federal savings association, or a bank, savings bank, or savings association doing business under authority granted by the bank regulatory authority of another state, ~~or a federal savings association~~ shall, immediately upon the conversion being effective, file with the superintendent of financial institutions all information the superintendent determines is necessary to reflect in the state's records that the bank ~~or federal savings association~~ is no longer a corporation organized and doing business under the laws of this state. 118925  
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~~(B)(1) A national bank, bank doing business under authority granted by the bank regulatory authority of another state, savings association, or savings bank may, with the approval of the superintendent, convert into a state bank.~~ 118935  
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~~(2) A national bank, bank doing business under authority granted by the bank regulatory authority of another state, savings~~ 118939  
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~~association, or savings bank proposing to convert into a state 118941  
bank shall submit to the superintendent an application for the 118942  
superintendent's approval of the conversion that includes all of 118943  
the following: 118944~~

~~(a) A plan of conversion; 118945~~

~~(b) The proposed articles of incorporation and code of 118946  
regulations of the proposed state bank; 118947~~

~~(c) An officers' certification that the directors and 118948  
shareholders of the national bank, bank doing business under 118949  
authority granted by the bank regulatory authority of another 118950  
state, savings association, or savings bank have approved the plan 118951  
of conversion and the proposed articles of incorporation and code 118952  
of regulations in accordance with the applicable state or federal 118953  
law and with the bank's, savings association's, or savings bank's 118954  
articles of association or incorporation and code of regulations 118955  
or bylaws; 118956~~

~~(d) Any other information the superintendent requires. 118957~~

~~(3) Within ten business days after receiving an application 118958  
required under division (B)(2) of this section, the superintendent 118959  
shall determine whether to accept the application. Within ninety 118960  
days after accepting an application required under division (B)(2) 118961  
of this section, the superintendent shall approve or disapprove 118962  
the application. In determining whether to approve the bank's, 118963  
savings association's, or savings bank's conversion into a state 118964  
bank, the superintendent shall consider all of the following: 118965~~

~~(a) The adequacy of the capital and paid in capital of the 118966  
proposed state bank; 118967~~

~~(b) Whether the competence, experience, and integrity of each 118968  
director, executive officer, and controlling shareholder of the 118969  
proposed state bank meet the criteria for acquiring control of a 118970  
state bank as provided in section 1115.06 of the Revised Code; 118971~~

~~(c) Whether the proposed state bank affords reasonable  
promise of successful operation;~~ 118972  
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~~(d) Whether the proposed state bank meets the requirements of  
Chapters 1101. to 1127. of the Revised Code.~~ 118974  
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~~(4) The superintendent may condition an approval of the  
conversion of a national bank, bank doing business under authority  
granted by the bank regulatory authority of another state, savings  
association, or savings bank into a state bank in any manner the  
superintendent considers appropriate.~~ 118976  
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~~(5)(a) If the superintendent approves a conversion of a  
national bank, bank doing business under authority granted by the  
bank regulatory authority of another state, savings association,  
or savings bank into a state bank, the superintendent shall  
forward a certificate of the approval of the conversion and the  
state bank's articles of incorporation to the secretary of state,  
and shall issue to the new state bank a certificate of authority  
to commence business as a state bank.~~ 118981  
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~~(b)(i) In the case of a state bank resulting from the  
conversion of a savings association organized under Chapter 1151.  
of the Revised Code or a savings bank organized under Chapter  
1161. of the Revised Code, the secretary of state shall file the  
certificate of the superintendent's approval of the conversion and  
the state bank's articles of incorporation in a manner reflecting  
the corporation is no longer doing business under Chapter 1151. or  
1161. of the Revised Code.~~ 118989  
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~~(ii) In the case of a state bank resulting from the  
conversion of a national bank, a bank, savings association, or  
savings bank doing business under authority granted by the  
regulatory authority of another state, or a federal savings  
association, the secretary of state shall file the certificate of  
the superintendent's approval of the conversion and the state~~ 118997  
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~~bank's articles of incorporation in a manner reflecting the state 119003  
bank is newly authorized to do business under the laws of this 119004  
state. 119005~~

~~(6) The conversion shall be effective on the date indicated 119006  
in the superintendent's approval. Without further act or deed, the 119007  
state bank resulting from the conversion shall have all property, 119008  
rights, interests, and powers of its predecessor bank, savings 119009  
association, or savings bank within the limits of the charter of 119010  
the resulting state bank, and all duties, trusts, obligations, and 119011  
liabilities of the predecessor bank, savings association, or 119012  
savings bank shall continue in the state bank resulting from the 119013  
conversion. 119014~~

Sec. 1115.02. A national bank, a bank doing business under 119015  
authority granted by the bank regulatory authority of another 119016  
state, a savings association, a savings bank, or a state or 119017  
federally chartered credit union may, with the approval of the 119018  
superintendent of financial institutions, convert into a stock 119019  
state bank or mutual state bank by submitting an application in 119020  
accordance with rules adopted by the superintendent for this 119021  
purpose. 119022

Sec. 1115.03. (A)(1) A mutual state bank may convert into a 119023  
stock state bank if the conversion is approved by the 119024  
superintendent of financial institutions, the affirmative vote of 119025  
two-thirds of the mutual state bank's board of directors, and the 119026  
affirmative vote of two-thirds of the total outstanding votes 119027  
eligible to be cast at the meeting at which the plan of conversion 119028  
is presented to the members for adoption. 119029

(2) A stock state bank may convert into a mutual state bank 119030  
if the conversion is approved by both the superintendent and the 119031  
affirmative vote or written consent of the holders of two-thirds, 119032

or such other proportion not less than a majority as the stock 119033  
state bank's article of incorporation require, of the outstanding 119034  
shares of each class of the bank's stock. 119035

(B) A conversion under this section shall be effective on the 119036  
date indicated in the materials filed with the secretary of state 119037  
by the converting bank. Without further act or deed, the bank 119038  
resulting from the conversion shall have all the property, rights, 119039  
interests, and powers of its predecessor bank within the limits of 119040  
the charter of the resulting bank, and all duties, trusts, 119041  
obligations, and liabilities of the predecessor bank shall 119042  
continue in the bank resulting from the conversion. 119043

**Sec. 1115.05.** (A) As used in this section: 119044

(1) "Acquire" or "acquisition" means any of the following 119045  
transactions or actions: 119046

(a) A merger or consolidation with, or purchase of assets 119047  
from, a bank holding company that has acquired an Ohio bank; 119048

(b) The acquisition of the direct or indirect ownership or 119049  
control of voting shares of an Ohio bank if, after the 119050  
acquisition, the acquiring bank holding company will directly or 119051  
indirectly own or control the Ohio bank, unless the superintendent 119052  
of financial institutions determines, in the superintendent's 119053  
discretion, due to the nature of the acquisition, it should not be 119054  
subject to the limitations of this section; 119055

(c) The merger or consolidation of an Ohio bank with, or the 119056  
transfer of assets from an Ohio bank to, another bank, whether 119057  
previously existing or chartered for the purpose of the 119058  
transaction; 119059

(d) Any other action that results in the direct or indirect 119060  
control of an Ohio bank. 119061

(2) "Ohio bank" means a state bank or a national bank whose 119062

principal place of business is in this state. 119063

(B) Subject to ~~divisions~~ division (C) and ~~(D)~~ of this 119064  
section, a bank or bank holding company whose principal place of 119065  
business is in this state or any other state may charter or 119066  
otherwise acquire an Ohio bank, and a bank may acquire banking 119067  
offices in this state by merger or consolidation with or transfer 119068  
of assets and liabilities from a bank, savings bank, or savings 119069  
association that has offices in this state, if, upon consummation 119070  
of the acquisition, both of the following will apply: 119071

(1) The acquiring bank with, or the acquiring bank holding 119072  
company through, its affiliate banks, savings banks, and savings 119073  
associations, does not control more than ten per cent of the total 119074  
deposits of banks, savings banks, and savings associations in the 119075  
United States, and either of the following applies: 119076

(a) The acquiring bank with, or the acquiring bank holding 119077  
company through, its affiliate banks, savings banks, and savings 119078  
associations, does not control more than thirty per cent of the 119079  
total deposits of banks, savings banks, and savings associations 119080  
in this state. 119081

(b) The acquiring bank with, or the acquiring bank holding 119082  
company through, its affiliate banks, savings banks, and savings 119083  
associations, controls more than thirty per cent of the total 119084  
deposits of banks, savings banks, and savings associations in this 119085  
state, and the superintendent approved the acquisition after 119086  
determining the anticompetitive effects of the acquisition were 119087  
clearly outweighed in the public interest by the probable effect 119088  
of the transaction. 119089

(2) Except in the case of a foreign bank subject to Chapter 119090  
1119. of the Revised Code or a bank that by the terms of its 119091  
articles of incorporation or association is not permitted to 119092  
solicit or accept deposits other than trust funds, the Ohio bank 119093

or any bank that has banking offices in this state will be an 119094  
insured bank as defined in section 3(h) of the "Federal Deposit 119095  
Insurance Act," 92 Stat. 614 (1978), 12 U.S.C.A. 1813(h). 119096

(C)(1) Any bank holding company proposing to charter a state 119097  
bank under this section shall comply with Chapter 1113. or 1114. 119098  
of the Revised Code and any rules adopted to implement that 119099  
chapter. 119100

(2) If, after the proposed acquisition, the acquiring bank or 119101  
bank holding company will control an existing state bank the 119102  
acquiring bank or bank holding company did not control before the 119103  
acquisition, and the acquisition does not include the merger or 119104  
consolidation of the existing state bank with another bank, the 119105  
acquiring bank or bank holding company shall comply with section 119106  
1115.06 of the Revised Code and any rules adopted to implement 119107  
that section. 119108

(3) If the proposed acquisition will be accomplished by means 119109  
of a merger or consolidation with a state bank and the resulting 119110  
bank of the merger or consolidation will be a state bank, the 119111  
state bank shall comply with section 1115.11 of the Revised Code 119112  
and any rules adopted to implement that section. 119113

(4) If the proposed acquisition will be accomplished by means 119114  
of a transfer of assets and liabilities to a state bank, the state 119115  
bank shall comply with section 1115.14 of the Revised Code and any 119116  
rules adopted to implement that section. 119117

(5) If the proposed acquisition will be accomplished by 119118  
forming a bank to which the bank to be acquired will transfer 119119  
assets and liabilities, or with which the bank to be acquired will 119120  
be merged or consolidated and the resulting bank will be a state 119121  
bank, the acquiring bank holding company shall comply with section 119122  
1115.23 of the Revised Code and any rules adopted to implement 119123  
that section. 119124

~~(D)(1) If the acquiring bank is a bank doing business under authority granted by the bank regulatory authority of another state and the acquisition will be accomplished by agreeing to assume all or substantially all of the deposit liabilities of an existing branch located in this state of a savings association doing business under authority granted by the superintendent pursuant to Chapter 1151. of the Revised Code, the acquisition shall be subject to the superintendent's approval, which shall include a determination that the laws of the state in which the acquiring bank has its principal place of business permit a bank with its principal place of business in ohio to acquire all or substantially all of the deposit liabilities of an existing branch of a savings association located in that state on terms that are, on the whole, substantially no more restrictive than those established under section 1151.052 of the Revised Code.~~

~~(2) If the acquiring bank is a bank doing business under authority granted by the bank regulatory authority of another state and the acquisition will be accomplished by agreeing to assume all or substantially all of the deposit liabilities of an existing branch located in this state of a savings bank doing business under authority granted by the superintendent pursuant to Chapter 1161. of the Revised Code, the acquisition shall be subject to the superintendent's approval, which shall include a determination that the laws of the state in which the acquiring bank has its principal place of business permit a bank with its principal place of business in Ohio to acquire all or substantially all of the deposit liabilities of an existing branch of a savings bank located in that state on terms that are, on the whole, substantially no more restrictive than those established under section 1161.07 of the Revised Code.~~

**Sec. 1115.06.** (A) As used in this section: 119155



(1) "Control" of a state bank means either of the following:	119156
(a) Power, directly or indirectly, to direct the management or policies of a state bank;	119157 119158
(b) Ownership or control of or power to vote twenty-five per cent or more of any class of voting securities of a state bank.	119159 119160
(2) "State bank" includes any bank holding company that controls a state bank, and any other company that controls a state bank and is not a bank holding company.	119161 119162 119163
(B)(1) No person, acting directly or indirectly or through or in concert with one or more other persons, shall acquire control of a state bank through a purchase, assignment, transfer, pledge, or other disposition of voting securities of a state bank unless the superintendent of financial institutions has been given sixty days' prior written notice of the proposed acquisition and within that sixty days the superintendent has not done either of the following:	119164 119165 119166 119167 119168 119169 119170 119171
(a) Disapproved the acquisition;	119172
(b) Extended the time during which the superintendent may disapprove the acquisition, as provided in division (B)(2) of this section.	119173 119174 119175
(2) The superintendent may extend the time during which the superintendent may disapprove a proposed acquisition of control, as follows:	119176 119177 119178
(a) For an additional thirty days in the discretion of the superintendent;	119179 119180
(b) For two additional extensions of not more than forty-five days each, if any of the following applies:	119181 119182
(i) The superintendent determines any acquiring party has not furnished all of the information required under division (C) of this section.	119183 119184 119185

(ii) In the superintendent's judgment, any material 119186  
information submitted is substantially inaccurate. 119187

(iii) The superintendent has been unable to complete the 119188  
investigation of an acquiring person under division (E)(1) of this 119189  
section because of any delay caused by, or the inadequate 119190  
cooperation of, that acquiring person. 119191

(iv) The superintendent determines additional time is needed 119192  
to investigate and determine whether any acquiring person has a 119193  
record of failing to comply with the requirements of subchapter II 119194  
of chapter 53 of subtitle IV of Title 31 of the United States 119195  
Code. 119196

(3) An acquisition may be made prior to the expiration of the 119197  
disapproval period if the superintendent issues written notice of 119198  
the superintendent's intent not to disapprove the acquisition of 119199  
control. 119200

(C) ~~Except as the superintendent otherwise provides by rule,~~ 119201  
a A notice required under division (B) of this section shall 119202  
contain ~~the following~~ such information: 119203

~~(1) The identity, personal history, and business background 119204  
and experience of each person by whom or on whose behalf the 119205  
acquisition is to be made, including each person's material 119206  
business activities and affiliations during the past five years; a 119207  
description of any material pending legal or administrative 119208  
proceedings in which each person is a party; and any criminal 119209  
indictment or conviction of each person by a state or federal 119210  
court. 119211~~

~~(2) A statement of the assets and liabilities of each person 119212  
by whom or on whose behalf the acquisition is to be made, as of 119213  
the end of the fiscal year for each of the five years immediately 119214  
preceding the date of the notice, together with related statements 119215  
of income and source and application of funds for each of the 119216~~

~~fiscal years then concluded, all prepared in accordance with 119217  
generally accepted accounting principles consistently applied; and 119218  
an interim statement of the assets and liabilities for each 119219  
person, together with related statements of income and source and 119220  
application of funds, as of a date not more than ninety days prior 119221  
to the date of the filing of the notice. 119222~~

~~(3) The terms and conditions of the proposed acquisition and 119223  
the manner in which the acquisition is to be made. 119224~~

~~(4) The identity, source, and amount of the funds or other 119225  
consideration used or to be used in making the acquisition and, if 119226  
any part of these funds or other consideration has been or is to 119227  
be borrowed or otherwise obtained for the purpose of making the 119228  
acquisition, a description of the transaction, the names of the 119229  
parties, and any arrangements, agreements, or understandings with 119230  
the parties. 119231~~

~~(5) Any plans or proposals any acquiring person may have to 119232  
liquidate the state bank, to sell its assets or merge it with any 119233  
company, or to make any other major change in its business or 119234  
corporate structure or management. 119235~~

~~(6) The identification of any person employed, retained, or 119236  
to be compensated by an acquiring person, or by any person on an 119237  
acquiring person's behalf, to make solicitations or 119238  
recommendations to shareholders for the purpose of assisting in 119239  
the acquisition, and a brief description of the terms of the 119240  
employment, retainer, or arrangement for compensation. 119241~~

~~(7) Copies of all invitations or tenders or advertisements 119242  
making a tender offer to stockholders for purchase of their stock 119243  
to be used in connection with the proposed acquisition. 119244~~

~~(8) Any additional relevant information in the form as the 119245  
superintendent may require by rule or by specific request in 119246  
connection with any particular notice. 119247~~

(D) Unless the superintendent determines an emergency exists 119248  
or disclosure of a proposed acquisition of control would seriously 119249  
threaten the safety or soundness of the state bank, each person 119250  
who gives a notice required under division (B) of this section 119251  
shall, within a reasonable time after receiving the 119252  
superintendent's acceptance of the notice, do both of the 119253  
following: 119254

(1) Publish the name of the state bank proposed to be 119255  
acquired and the name of each person identified in the notice as a 119256  
person by whom or for whom the acquisition is to be made; 119257

(2) Solicit public comment on the proposed acquisition, 119258  
particularly from persons in the geographic area where the state 119259  
bank proposed to be acquired is located, before final 119260  
consideration of the notice by the superintendent. 119261

(E) Upon accepting a notice required under division (B) of 119262  
this section, the superintendent shall do both of the following: 119263

(1) Conduct an investigation of the competence, experience, 119264  
integrity, and financial ability of each person named in the 119265  
notice as a person by whom or for whom the acquisition is to be 119266  
made; 119267

(2) Make an independent determination of the accuracy and 119268  
completeness of all information required to be in the notice. 119269

(F) The superintendent may disapprove any proposed 119270  
acquisition of control if the superintendent finds any of the 119271  
following: 119272

(1) The proposed acquisition of control would result in a 119273  
monopoly or further any combination or conspiracy to monopolize or 119274  
to attempt to monopolize the business of banking in any part of 119275  
this state or any markets served by the state bank. 119276

(2) The effect of the proposed acquisition of control in any 119277

part of this state and any markets served by the state bank may be 119278  
to substantially lessen competition, tend to create a monopoly, or 119279  
in any other manner restrain trade, and the anticompetitive 119280  
effects of the proposed acquisition of control are not clearly 119281  
outweighed in the public interest by the probable effect of the 119282  
acquisition in meeting the convenience and needs of the community 119283  
to be served. 119284

(3) The financial condition of any acquiring person might 119285  
jeopardize the financial stability of the state bank or prejudice 119286  
the interests of the depositors of the state bank. 119287

(4) The competence, experience, or integrity of any acquiring 119288  
person or of any of the proposed management personnel indicates 119289  
that it would not be in the interest of the depositors of the 119290  
state bank, or in the interest of the public, to permit the 119291  
acquiring person to control the state bank. 119292

(5) The acquiring person neglects, fails, or refuses to 119293  
furnish to the superintendent all of the information required by 119294  
the superintendent. 119295

(6) The superintendent determines the proposed transaction 119296  
would have an adverse effect on the ~~bank~~ deposit insurance fund ~~or~~ 119297  
~~the savings association insurance fund~~ administered by the federal 119298  
deposit insurance corporation. 119299

(G) Within three days after deciding to disapprove any 119300  
proposed acquisition of control of a state bank, the 119301  
superintendent shall notify the acquiring person in writing of the 119302  
disapproval. The notice of disapproval shall provide a statement 119303  
of the basis for the disapproval. 119304

(H) Within ten days after receipt of a notice of the 119305  
disapproval, the acquiring person may, in accordance with Chapter 119306  
119. of the Revised Code, request a hearing conducted in 119307  
accordance with that chapter on the proposed acquisition. 119308

(I) Whenever a change in control of a state bank occurs, the state bank shall promptly report to the superintendent any changes in or replacement of its chief executive officer or of any director that occurs in the next twelve-month period, and include in the report a statement of the past and current business and professional affiliations of the new chief executive officer or director.

(J)(1) The superintendent may exercise any authority vested in the superintendent under Chapter 1121. of the Revised Code in the course of conducting any investigation under division (E) of this section or any other investigation the superintendent, in the superintendent's discretion, considers necessary to determine whether any person has filed inaccurate, incomplete, or misleading information under this section or otherwise is violating, has violated, or is about to violate any provision of this section or any rule implementing this section.

(2) Whenever it appears to the superintendent any person is violating, has violated, or is about to violate any provision of this section or any rule implementing this section, the superintendent may, in the superintendent's discretion, apply to the court of common pleas of any county in which the state bank is doing business for either of the following:

(a) A temporary or permanent injunction or restraining order enjoining the person from violating this section or any rule implementing this section;

(b) Other equitable relief, including divestiture, that may be necessary to prevent violation of this section or of any rule implementing this section.

(3)(a) The courts of this state have the same jurisdiction and power in connection with the exercise of any authority by the superintendent under this section as they have under Chapter 1121.

of the Revised Code. 119340

(b) The courts of this state have jurisdiction and power to 119341  
issue any injunction or restraining order or grant any equitable 119342  
relief described in division (J)(2) of this section. When a court 119343  
finds it appropriate, the court may grant the injunction, order, 119344  
or other equitable relief without requiring the posting of any 119345  
bond. 119346

(K) The resignation, termination of employment or 119347  
participation, divestiture of control, or separation of or by a 119348  
regulated person, including a separation caused by the closing of 119349  
a state bank, shall not affect the jurisdiction and authority of 119350  
the superintendent to issue any notice and otherwise proceed under 119351  
this section against the regulated person, if the notice is issued 119352  
no later than six years after the date of the regulated person's 119353  
resignation, termination of employment or participation, or 119354  
separation from or divestiture of control of a state bank. 119355

For purposes of this division, "regulated person" has the 119356  
same meaning as in section 1121.01 of the Revised Code. 119357

**Sec. 1115.07.** (A) As used in this section: 119358

(1) "Credit outstanding" means any loan, extension of credit, 119359  
issuance of a guarantee, acceptance, or letter of credit, 119360  
including an endorsement or standby letter of credit, or other 119361  
transaction that extends financing to a person or group of 119362  
persons. 119363

(2) "Financial institution" means a state bank, national 119364  
bank, savings bank, savings association, or a bank doing business 119365  
under authority granted by the bank regulatory authority of 119366  
another state of the United States or another country. 119367

(3) "Group of persons" includes any number of persons the 119368  
financial institution reasonably believes are either of the 119369

following: 119370

(a) Persons who are acting together, in concert, or with one 119371  
another to acquire or control shares of the same stock state bank, 119372  
including an acquisition of shares of the same stock state bank at 119373  
approximately the same time under substantially the same terms. 119374

(b) Persons who have made, or have proposed to make, a joint 119375  
filing under section 13 of Title I of the "Securities Exchange Act 119376  
of 1934," 48 Stat. 881, 15 U.S.C.A. 78m, as amended, regarding 119377  
ownership of the shares of the same stock state bank. 119378

(B)(1) Except as provided in division (D) of this section, 119379  
any financial institution or any affiliate of a financial 119380  
institution that has credit outstanding to any person or group of 119381  
persons that is secured, directly or indirectly, by shares of a 119382  
stock state bank shall file a consolidated report with the 119383  
superintendent of financial institutions if the credits 119384  
outstanding are, in the aggregate, secured, directly or 119385  
indirectly, by twenty-five per cent or more of the outstanding 119386  
shares of any class of the same stock state bank. 119387

(2) For purposes of division (B)(1) of this section, any 119388  
shares of the stock state bank held by the financial institution 119389  
or any of its affiliates as principal shall be included in the 119390  
calculation of the number of shares in which the financial 119391  
institution or its affiliates has a security interest. 119392

(C) The report required under division (B)(1) of this section 119393  
shall be a consolidated report on behalf of the financial 119394  
institution and all its affiliates, and shall be filed in writing 119395  
within thirty days after the date on which the financial 119396  
institution or any of its affiliates first believes the security 119397  
for any outstanding credit consists of twenty-five per cent or 119398  
more of the outstanding shares of any class of a stock state bank. 119399

The report shall indicate the number and percentage of shares 119400



securing each credit outstanding, the identity of the borrower, 119401  
and the number of shares held as principal by the financial 119402  
institution or any of its affiliates. It also shall contain all of 119403  
the information required in a notice under section 1115.06 of the 119404  
Revised Code, and any other relevant information the 119405  
superintendent may require by rule or by specific request in 119406  
connection with a particular report. 119407

(D) A financial institution and its affiliates shall not be 119408  
required to report a transaction under this section if either of 119409  
the following applies: 119410

(1) The person or group of persons to whom the credit is 119411  
outstanding has disclosed to the superintendent the amount 119412  
borrowed from the financial institution or its affiliate and the 119413  
security interest of the financial institution or its affiliate in 119414  
connection with a notice given under section 1115.06 of the 119415  
Revised Code or with any other application filed with the 119416  
superintendent, such as an application for an interim bank 119417  
charter. 119418

(2) The transaction involves either of the following: 119419

(a) A person or group of persons that has been the owner of 119420  
record of the shares for at least one year; 119421

(b) Shares issued by a newly chartered stock state bank 119422  
before the ~~state~~ bank's opening. 119423

**Sec. 1115.11.** (A) A state bank may consolidate or merge with 119424  
another state bank, a bank, savings bank, or savings association 119425  
doing business under authority granted by the bank regulatory 119426  
authority of another state, ~~or~~ a national bank, ~~savings bank,~~ or a 119427  
federal savings association, regardless of where it maintains its 119428  
principal place of business, with the approval of all of the 119429  
following: 119430

- (1) The directors of both constituent corporations; 119431
- (2)(a) The shareholders of each constituent state bank that is a stock state bank, by the affirmative vote or written consent 119432  
of the holders of two-thirds, or such other proportion not less 119433  
than a majority as the ~~state~~ bank's articles of incorporation or 119434  
code of regulations provide, of the outstanding shares of each 119435  
class of the ~~state~~ bank's stock; 119436  
119437
- (b) The members of each constituent state bank that is a 119438  
mutual state bank, by the affirmative vote of two-thirds, or such 119439  
other proportion not less than a majority as the bank's articles 119440  
of incorporation or code of regulations provide, of the voting 119441  
members. 119442
- (3) The shareholders or members of the other constituent 119443  
bank, savings bank, or savings association as required by the 119444  
applicable state or federal law, articles of incorporation, or 119445  
code of regulations; 119446
- (4) One of the following, as applicable: 119447
- (a) If the resulting corporation will be a state bank, a 119448  
~~savings bank doing business under authority granted pursuant to~~ 119449  
~~Chapter 1161. of the Revised Code, or a savings and loan~~ 119450  
~~association doing business under authority granted pursuant to~~ 119451  
~~Chapter 1151. of the Revised Code,~~ the superintendent of financial 119452  
institutions; 119453
- (b) If the resulting corporation will be a national bank or 119454  
federal savings association, the office of the comptroller of the 119455  
currency; 119456
- (c) ~~If the resulting corporation will be a federal savings~~ 119457  
~~association, the director of the office of thrift supervision;~~ 119458
- ~~(d)~~ If the resulting corporation will be a bank, savings 119459  
bank, or savings association doing business under authority 119460

granted by the regulatory authority of another state, the state 119461  
regulatory authority under which the bank, savings bank, or 119462  
savings association is doing business. 119463

(B) For a merger or consolidation in which the resulting or 119464  
surviving corporation will be a state bank, the constituent 119465  
corporations, in the case of a consolidation, and the constituent 119466  
corporation that will be the surviving corporation, in the case of 119467  
a merger, shall file with the superintendent an application for 119468  
the superintendent's approval that includes ~~all of the following:~~ 119469

~~(1) An officers' certification that the transaction has been 119470  
approved by the directors and shareholders of each constituent 119471  
corporation in accordance with the applicable state or federal 119472  
law, articles of incorporation or association, code of 119473  
regulations, or bylaws;~~ 119474

~~(2) A a copy of the consolidation or merger agreement;~~ 119475

~~(3) Any and any other information the superintendent 119476  
requires.~~ 119477

(C) The consolidation or merger agreement required under 119478  
division (B)~~(2)~~ of this section shall include all of the 119479  
following: 119480

(1) The names of the constituent corporations; 119481

(2) The agreement that the named constituent corporations 119482  
will consolidate into a new state bank or the other named 119483  
constituent corporations will merge with or into one specified 119484  
constituent corporation; 119485

(3) Subject to the limitations set forth in section 1103.07 119486  
of the Revised Code, the name of the state bank resulting from the 119487  
consolidation or surviving the merger; 119488

(4) The place in this state where the resulting or surviving 119489  
bank's principal place of business is to be located; 119490

(5) In the case of a consolidation, the contents of the 119491  
resulting bank's articles of incorporation, consistent with 119492  
section ~~1103.06~~ 1113.04 of the Revised Code; 119493

(6) In the case of a merger, any amendment to the surviving 119494  
bank's articles of incorporation; 119495

(7) The names and addresses of the directors of the resulting 119496  
or surviving bank; 119497

(8) The terms of the consolidation or merger, how the 119498  
consolidation or merger will be effected, and how ~~any~~ 119499  
consideration provided for, if any, will be distributed to the 119500  
shareholders or members of the constituent corporations. 119501

(D) Within ten business days after receiving an application 119502  
required under division (B) of this section, the superintendent 119503  
shall determine whether to accept the application. If the 119504  
transaction is with a bank, savings bank, or savings association 119505  
doing business under authority granted by a regulatory authority 119506  
other than the superintendent, the superintendent shall notify the 119507  
regulatory authority under which the bank, savings bank, or 119508  
savings association is doing business of the application and 119509  
solicit that regulatory authority's comments. Within ninety days 119510  
after accepting an application required under division (B) of this 119511  
section, the superintendent shall approve or disapprove the 119512  
application. In making that determination, the superintendent 119513  
shall consider all of the following: 119514

(1) Whether the transaction would result in a monopoly or 119515  
would further any combination or conspiracy to monopolize or to 119516  
attempt to monopolize the business of banking in any part of this 119517  
state and any markets served by the resulting or surviving bank; 119518

(2) Whether the effect of the proposed transaction in any 119519  
part of this state and any markets served by the resulting or 119520  
surviving bank may be to substantially lessen competition, tend to 119521

create a monopoly, or in any other manner restrain trade, unless 119522  
the superintendent finds the anticompetitive effects of the 119523  
transaction would clearly be outweighed in the public interest by 119524  
the probable effect of the transaction in meeting the convenience 119525  
and needs of the community to be served; 119526

(3) The financial and managerial resources and future 119527  
prospects of the banks involved; 119528

(4) The convenience and needs of the communities to be 119529  
served; 119530

(5) Whether, upon completion of the transaction, the 119531  
resulting or surviving state bank will meet the requirements of 119532  
Chapters 1101. to 1127. of the Revised Code; 119533

(6) The comments of any regulatory authority notified in 119534  
accordance with division (D) of this section. 119535

(E) The superintendent may condition approval of an 119536  
application under division (D) of this section in any manner the 119537  
superintendent considers appropriate. 119538

(F) Before consummating a consolidation or merger authorized 119539  
under division (A) of this section, a state bank shall deliver to 119540  
the superintendent a certificate of consolidation or merger that 119541  
satisfies the requirements of section 1701.81 of the Revised Code. 119542  
The superintendent shall file the certificate of consolidation or 119543  
merger with the secretary of state and, if the resulting or 119544  
surviving bank of the consolidation or merger is a state bank, 119545  
shall file a certified copy of the superintendent's approval of 119546  
the consolidation or merger with the certificate. 119547

(G) In the case of a consolidation or merger in which the 119548  
resulting or surviving corporation is a state bank, the directors 119549  
and other officers named in the agreement of consolidation or 119550  
merger shall serve until the date fixed in the agreement or 119551  
provided in the resulting or surviving bank's code of regulations 119552

or by statute for the next annual meeting. 119553

(H)(1) When a consolidation or merger becomes effective, ~~the~~ 119554  
both of the following apply: 119555

(1) The existence of each of the constituent corporations 119556  
ceases as a separate entity, but continues in the resulting or 119557  
surviving corporation, within the limits of the charter of the 119558  
resulting or surviving corporation and subject to section 1115.20 119559  
of the Revised Code, without further act or deed ~~and within.~~ 119560

(b) Within the limits of the charter of the resulting or 119561  
surviving corporation, the resulting or surviving corporation has 119562  
all assets and property, the rights, privileges, immunities, 119563  
powers, franchises, and authority, and all obligations and ~~trusts~~ 119564  
fiduciary relationships of each party to the merger or 119565  
consolidation and the duties and liabilities connected with them. 119566  
~~The~~ 119567

(2) The resulting or surviving corporation shall perform 119568  
every ~~trust or relation~~ fiduciary relationship it has in the same 119569  
manner as if it had itself originally assumed the ~~trust or~~ 119570  
~~relation~~ fiduciary relationship and the obligations and 119571  
liabilities connected with it. 119572

(I) Shareholders of the nonsurviving stock state bank shall 119573  
have a right to dissent and shall be entitled to relief as 119574  
dissenting shareholders under section 1701.85 of the Revised Code 119575  
for those transactions requiring prior shareholder approval under 119576  
division (A)(2) of this section. 119577

**Sec. 1115.111.** (A) Except as provided in division (C) of this 119578  
section, no bank shall pay to any person, other than reasonable 119579  
compensation for services provided in ~~his~~ the person's capacity as 119580  
an employee, any management or consulting fee, including fees for 119581  
legal, accounting, brokerage, or other similar professional 119582

services, not having a direct relationship to the value of actual 119583  
services rendered, based on reasonable costs consistent with 119584  
current market values for such services. 119585

(B) The records of the bank shall contain adequate 119586  
information to permit a determination as to what services are 119587  
being provided and on what basis they are being priced. At a 119588  
minimum the records shall disclose a thorough review by the board 119589  
of directors demonstrating all of the following: 119590

(1) That such fees are paid for specific services provided, 119591  
as detailed in a fee analysis presented to the board; 119592

(2) The basis for the cost for each function or service; 119593

(3) A conclusion by the board of directors that the fees are 119594  
reasonable. 119595

(C) This section does not prevent a bank from paying any of 119596  
the following: 119597

(1) Dividends to shareholders that have been properly 119598  
declared by the bank; 119599

(2) Reasonable compensation to officers and employees of the 119600  
bank for services rendered to the bank in their capacities as 119601  
officers or employees of the bank; 119602

(3) Fees to directors for their attendance at meetings of the 119603  
board of directors, the executive committee, or other committees 119604  
established by the board. 119605

**Sec. 1115.14.** (A) A state bank may transfer assets and 119606  
liabilities to, and acquire assets and liabilities from, another 119607  
state bank, a bank doing business under authority granted by the 119608  
bank regulatory authority of another state, or a national bank, 119609  
savings bank, or savings association, regardless of where it 119610  
maintains its principal place of business, with the approval of 119611  
all of the following: 119612

(1) The directors of both constituent corporations; 119613

(2)(a) If the assets to be transferred equal more than fifty 119614  
per cent of the assets of a transferring or acquiring state bank 119615  
at the time of the transfer and the institution is a stock state 119616  
bank, the shareholders of the state bank by the affirmative vote 119617  
or written consent of the holders of two-thirds, or such other 119618  
proportion not less than a majority as the state bank's articles 119619  
of incorporation or code of regulations provide, of the 119620  
outstanding shares of each class of the state bank's stock; 119621

(b) If the assets to be transferred equal more than fifty per 119622  
cent of the assets of a transferring or acquiring state bank at 119623  
the time of the transfer and the institution is a mutual state 119624  
bank, the members of the state bank by the affirmative vote of 119625  
two-thirds, or such other proportion not less than a majority as 119626  
the bank's articles of incorporation or code of regulations 119627  
provide, of the voting members. 119628

(3) The shareholders or members of the other constituent 119629  
bank, savings bank, or savings association as required by the 119630  
applicable state or federal law, the articles of incorporation, or 119631  
the code of regulations; 119632

(4) If the assets to be transferred equal more than fifty per 119633  
cent of the assets of the acquiring state bank, the superintendent 119634  
of financial institutions. 119635

(B) In the case of a transfer of assets and liabilities for 119636  
which the superintendent's approval is required under division 119637  
(A)(4) of this section, the acquiring state bank shall file with 119638  
the superintendent an application that includes all of the 119639  
following: 119640

(1) An officers' certification that the transaction has been 119641  
approved by the directors and shareholders or members of each 119642  
constituent corporation in accordance with the applicable state or 119643



federal law, articles of incorporation or association, code of regulations, or bylaws; 119644  
119645

(2) A copy of the transfer agreement; 119646

(3) Any other information the superintendent requires. 119647

(C) The transfer agreement required under division (B)(2) of this section shall include all of the following: 119648  
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(1) The names of the constituent corporations; 119650

(2) The agreement of the named constituent corporations that specified assets and liabilities of one will be transferred to the other in exchange for specified consideration; 119651  
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(3) Any changes to be made in the directors ~~of~~ or officers of the acquiring state bank; 119654  
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(4) Any amendments to the acquiring state bank's articles of incorporation; 119656  
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(5) The terms of the transfer, how the transfer will be effected, and how any consideration provided for will be distributed to the transferring corporation or its shareholders or members. 119658  
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(D) Within ten business days after receiving an application required under division (B) of this section, the superintendent shall determine whether to accept the application. If the transaction is with a bank, savings bank, or savings association doing business under authority granted by a regulatory authority other than the superintendent, the superintendent shall notify the regulatory authority that granted the authority under which the bank, savings bank, or savings association is doing business of the application and solicit that regulatory authority's comments. Within ninety days after accepting an application required under division (B) of this section, the superintendent shall approve or disapprove the application. In making that determination, the 119662  
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superintendent shall consider all of the following: 119674

(1) Whether the transaction would result in a monopoly or 119675  
would further any combination or conspiracy to monopolize or to 119676  
attempt to monopolize the business of banking in any part of this 119677  
state and any markets served by the acquiring bank; 119678

(2) Whether the effect of the proposed transaction in any 119679  
part of this state and any markets served by the acquiring bank 119680  
may be to substantially lessen competition, tend to create a 119681  
monopoly, or in any other manner restrain trade, unless the 119682  
superintendent finds that the anticompetitive effects of the 119683  
transaction would clearly be outweighed in the public interest by 119684  
the probable effect of the transaction in meeting the convenience 119685  
and needs of the community to be served; 119686

(3) The financial and managerial resources and future 119687  
prospects of the banks involved; 119688

(4) The convenience and needs of the communities to be 119689  
served; 119690

(5) Whether, upon completion of the transaction, the 119691  
acquiring state bank will meet the requirements of Chapters 1101. 119692  
to 1127. of the Revised Code; 119693

(6) The comments of any regulatory authority notified in 119694  
accordance with division (D) of this section. 119695

(E) The superintendent may condition approval of an 119696  
application under division (D) of this section in any manner the 119697  
superintendent considers appropriate. 119698

(F) In the case of a transfer of assets and liabilities 119699  
involving a state bank that is not the acquiring corporation and 119700  
that will not continue operations after the transaction, the state 119701  
bank shall, immediately upon the transfer of assets and 119702  
liabilities being effective, provide the superintendent with the 119703

necessary dissolution certificates and affidavits for the 119704  
superintendent to file the dissolution with the secretary of 119705  
state. 119706

(G) When a bank, savings bank, or savings association 119707  
transfers its assets and liabilities to a state bank, the 119708  
acquiring state bank shall be possessed of the rights, privileges, 119709  
and powers of the transferor with respect to the transferred 119710  
assets within the limits of the charter of the acquiring state 119711  
bank. 119712

(H) Shareholders of a stock state bank whose assets have been 119713  
transferred shall have a right to dissent and shall be entitled to 119714  
relief as dissenting shareholders under section 1701.85 of the 119715  
Revised Code for those transactions requiring prior shareholder 119716  
approval under division (A)(2) of this section. 119717

**Sec. 1115.15.** Whenever an emergency, as defined by the 119718  
superintendent of financial institutions, exists with regard to a 119719  
state bank, national bank, savings bank, or savings association 119720  
that warrants, in the opinion of the superintendent and of a 119721  
majority of the members of the respective boards of directors of 119722  
the constituent corporations concerned, an immediate transfer of 119723  
assets and liabilities, the board of directors of a state bank 119724  
may, by majority vote, transfer the assets and liabilities of the 119725  
state bank or acquire the assets and liabilities of another state 119726  
bank or a national bank, savings bank, or savings association 119727  
without the vote or approval of the shareholders of each 119728  
constituent corporation involved in the proposed transfer. No 119729  
transfer pursuant to this section involving a state bank shall be 119730  
made without the written consent of the superintendent. Certified 119731  
copies of all proceedings of its board of directors shall be filed 119732  
with the superintendent by each constituent corporation involved 119733  
in the transfer. A copy of the agreement between the constituent 119734

corporations shall accompany the copies of the proceedings of the boards of directors.

**Sec. 1115.20.** (A) In any transfer, ~~consolidation, or merger~~ under this chapter, the rights of creditors shall be preserved unimpaired, and, unless otherwise provided, the constituent corporations shall be deemed to continue their separate existence if the continuation is necessary to preserve any creditor's rights.

(B) In any consolidation or merger under section 1115.11 of the Revised Code, the rights and obligations of the surviving or new bank shall be governed by section 1701.82 of the Revised Code.

**Sec. 1115.23.** (A) Any person, singly or jointly with others, may, with the approval of the superintendent of financial institutions, incorporate an interim bank for the purpose of facilitating the creation of a bank holding company, the acquisition of or transaction with an existing bank, savings association, or savings bank, or any other transaction the superintendent may approve. Prior to commencing business, an interim bank shall be a party to a reorganization with an existing bank, savings association, or savings bank pursuant to this chapter.

(B) The person or persons proposing to incorporate an interim bank under this section shall make application for approval of the proposed interim bank in the manner and form prescribed by the superintendent, which shall include delivering to the division of financial institutions the items required in divisions (B)(1) and (2) of section ~~1113.01~~ 1113.02 of the Revised Code.

(C) Approval of the interim bank pursuant to this section does not authorize the interim bank to commence business. Approval of the interim bank shall be specifically conditioned on approval

of the subsequent reorganization. The approval of the interim bank 119765  
becomes void, and the interim bank shall be dissolved, if the 119766  
reorganization is not approved and consummated within one year 119767  
after the approval of the interim bank, unless the superintendent 119768  
grants one or more extensions in writing. If no extension is 119769  
granted or upon the expiration of the last extension granted, the 119770  
interim bank shall provide the superintendent with the necessary 119771  
dissolution certificates and affidavits for the superintendent to 119772  
file the dissolution with the secretary of state. 119773

(D) The superintendent shall not disapprove an interim bank 119774  
charter solely because the interim bank's paid-in capital and 119775  
surplus do not aggregate more than five hundred dollars. 119776

Sec. 1115.24. (A) As used in this section: 119777

(1) "Applicant" means the person or persons seeking a shelf 119778  
charter under this section. 119779

(2) "Control" has the same meaning as in section 1115.06 of 119780  
the Revised Code and any rules adopted under that section. 119781

(3) "Shelf charter" means the preliminary conditional 119782  
approval of a charter. 119783

(B) The superintendent of financial institutions may, at the 119784  
superintendent's sole discretion, grant a shelf charter to an 119785  
applicant intending or desiring to enter into a transaction 119786  
resulting in any of the following: 119787

(1) Formation of an interim bank under this chapter to be 119788  
used for the transactions contemplated by this section; 119789

(2) Acquisition of control of a designated or undesignated 119790  
state bank; 119791

(3) Acquisition of control of a designated or undesignated 119792  
bank chartered by the banking authority of any other state or the 119793  
United States that the person or persons intend to convert to a 119794

<u>state bank;</u>	119795
<u>(4) Acquisition of assets from and assumption of liabilities,</u>	119796
<u>pursuant to this chapter, of a bank or from the federal deposit</u>	119797
<u>insurance corporation as receiver of a designated or undesignated</u>	119798
<u>bank headquartered in this state or any other state that the</u>	119799
<u>person or persons intend to convert to a state bank;</u>	119800
<u>(5) Formation of a de novo bank pursuant to Title XI of the</u>	119801
<u>Revised Code.</u>	119802
<u>(C) The superintendent shall prescribe the form for an</u>	119803
<u>application for a shelf charter. After reviewing an application,</u>	119804
<u>the superintendent may require the applicant to submit any</u>	119805
<u>additional information or documentation the superintendent</u>	119806
<u>considers necessary and appropriate. Factors to be considered by</u>	119807
<u>the superintendent shall include all of the following:</u>	119808
<u>(1) The availability of adequate capital for the transaction;</u>	119809
<u>(2) The existence of acceptable business plans;</u>	119810
<u>(3) Whether acceptable management, directors, and control</u>	119811
<u>persons are identified;</u>	119812
<u>(4) Whether all necessary approvals from state and federal</u>	119813
<u>agencies have been secured.</u>	119814
<u>(D)(1) A shelf charter granted under this section, and any</u>	119815
<u>final approval for a transaction described in division (B) of this</u>	119816
<u>section, shall be subject to such conditions and ongoing</u>	119817
<u>requirements as the superintendent considers appropriate.</u>	119818
<u>(2) An applicant granted a shelf charter under this section</u>	119819
<u>shall not exercise control over the bank or consummate the</u>	119820
<u>transaction authorized by the charter until the superintendent</u>	119821
<u>gives final approval of the transaction.</u>	119822
<u>(E) A shelf charter shall expire twenty-four months after the</u>	119823
<u>date it is granted, subject to the following:</u>	119824

(1) The superintendent may extend the expiration date at any time sua sponte or upon approval by the superintendent of a written request for an extension submitted by the person or persons to whom the shelf charter was granted. 119825  
119826  
119827  
119828

(2) The person or persons to whom the shelf charter was granted may withdraw it at any time. 119829  
119830

(3) The superintendent may modify, suspend, or revoke any shelf charter granted under this section. 119831  
119832

(F) Pursuant to the authority granted under section 1121.03 of the Revised Code, the superintendent may adopt rules and issue interpretive guidelines the superintendent considers necessary and appropriate for the implementation of this section. 119833  
119834  
119835  
119836

**Sec. 1115.27.** (A) A state bank may merge with any of its affiliates with the approval of all of the following: 119837  
119838

(1) The directors of all constituent corporations to the merger; 119839  
119840

(2)(a) The shareholders of each constituent stock state bank by the affirmative vote or written consent of the holders of two-thirds, or any other proportion not less than a majority as the bank's articles of incorporation or code of regulations provide, of the outstanding shares of each class of the bank's stock; 119841  
119842  
119843  
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(b) The members of each constituent mutual state bank, by the affirmative vote of two-thirds, or such other proportion not less than a majority as the bank's articles of incorporation or code of regulations provide, of the voting members. 119847  
119848  
119849  
119850

(3) The shareholders or members of each other constituent to the merger as required by the applicable state or federal law, the articles of incorporation, or the code of regulations; 119851  
119852  
119853

(4) The superintendent of financial institutions. 119854

(B) The bank that will be the surviving bank in the merger 119855  
shall file with the superintendent an application for the 119856  
superintendent's approval that includes ~~all of the following:~~ 119857

~~(1) An officers' certification that the transaction has been 119858  
approved by the directors and shareholders of each constituent 119859  
corporation in accordance with the applicable state or federal 119860  
law, articles of incorporation or association, code of 119861  
regulations, or bylaws;~~ 119862

~~(2) A a copy of the merger agreement;~~ 119863

~~(3) Any and any other information the superintendent 119864  
requires.~~ 119865

(C) The merger agreement required under division (B)~~(2)~~ of 119866  
this section shall include all of the following: 119867

(1) The names of the constituent corporations; 119868

(2) The agreement of the other named constituent corporations 119869  
to merge with or into one specified bank; 119870

(3) Subject to the limitations set forth in section 1103.07 119871  
of the Revised Code, the name of the bank surviving from the 119872  
merger. 119873

(4) The place in this state where the surviving bank's 119874  
principal place of business is to be located; 119875

(5) Any amendment to the surviving bank's articles of 119876  
incorporation; 119877

(6) The names and addresses of the directors of the surviving 119878  
bank; 119879

(7) The terms of the merger, how it will be effected, and how 119880  
~~any~~ consideration, if any, provided for will be distributed to the 119881  
shareholders or members of the constituent corporations. 119882

(D) Within ten business days after receiving an application 119883



required under division (B) of this section, the superintendent 119884  
shall determine whether to accept the application. Within ninety 119885  
days after accepting an application required under division (B) of 119886  
this section, the superintendent shall approve or disapprove the 119887  
application. In making that determination, the superintendent 119888  
shall consider all of the following: 119889

(1) The financial and managerial resources and future 119890  
prospects of the surviving bank; 119891

(2) The convenience and needs of the communities to be 119892  
served; 119893

(3) Whether, upon completion of the merger, the surviving 119894  
bank will meet the requirements of Chapters 1101. to 1127. of the 119895  
Revised Code; 119896

(4) Whether any of the constituents to the merger are subject 119897  
to limitations that are inconsistent with the merger. 119898

(E) The superintendent may condition approval of an 119899  
application under division (D) of this section in any manner the 119900  
superintendent considers appropriate. 119901

(F) Before consummating a merger authorized under division 119902  
(A) of this section, the bank that is to be the surviving bank of 119903  
the merger shall deliver to the superintendent a certificate of 119904  
merger that satisfies the requirements of section 1701.81 of the 119905  
Revised Code. The superintendent shall file the certificate of 119906  
merger and a certified copy of the superintendent's approval of 119907  
the merger with the secretary of state. 119908

(G) The directors and other officers named in the agreement 119909  
of merger shall serve until the date fixed in the agreement or 119910  
provided in the surviving bank's code of regulations or by statute 119911  
for the next annual meeting. 119912

(H) When a merger authorized by division (A) of this section 119913

becomes effective, the existence of each of the constituent 119914  
corporations ceases as a separate entity, but continues in the 119915  
surviving bank, within the limits of the charter of the surviving 119916  
bank and subject to section 1115.20 of the Revised Code. Without 119917  
further act or deed and within the limits of the charter of the 119918  
surviving bank, the surviving bank has all assets and property, 119919  
the rights, privileges, immunities, powers, franchises, and 119920  
authority, and all obligations and ~~trusts~~ fiduciary relationships 119921  
of each party to the merger and the duties and liabilities 119922  
connected with them. The surviving bank shall perform every ~~trust~~ 119923  
~~or relation~~ fiduciary relationship it has in the same manner as if 119924  
it had itself originally assumed the ~~trust or relation~~ fiduciary 119925  
relationship and the obligations and liabilities connected with 119926  
it. 119927

Sec. 1116.01. As used in this chapter, unless the context 119928  
requires otherwise: 119929

(A) "Acquiree mutual bank" means any state bank, savings 119930  
association, or savings bank that meets both of the following 119931  
conditions: 119932

(1) It is acquired by a mutual holding company as part of, 119933  
and concurrently with, a mutual holding company reorganization. 119934

(2) It is in the mutual form immediately prior to the 119935  
acquisition. 119936

(B) "Reorganization plan" means the plan to reorganize into a 119937  
mutual holding company structure described in section 1116.07 of 119938  
the Revised Code. 119939

(C) "Reorganizing mutual state bank" means a mutual state 119940  
bank that proposes to reorganize into a mutual holding company 119941  
structure in accordance with this chapter. 119942

(D) "Resulting mutual holding company" means a bank holding 119943

company organized in mutual form under this chapter and, unless 119944  
otherwise indicated, a subsidiary holding company controlled by a 119945  
mutual holding company organized under this chapter. 119946

(E) "Resulting stock state bank" means a stock state bank 119947  
that is organized as a subsidiary of a reorganizing mutual state 119948  
bank to receive a substantial part of the assets and liabilities, 119949  
including all deposit accounts, of the reorganizing mutual state 119950  
bank upon consummation of the reorganization. 119951

(F) "Stock bank" means a bank that has an ownership structure 119952  
in the form of shares of stock and is doing business under 119953  
authority granted by the superintendent of financial institutions 119954  
or the bank regulatory authority of another state or the United 119955  
States. 119956

(G) "Subsidiary holding company" means a stock company that 119957  
is controlled by a mutual holding company and that owns the stock 119958  
of a stock state bank whose depositors have membership rights in 119959  
the parent mutual holding company. 119960

**Sec. 1116.02.** (A) A mutual holding company and any subsidiary 119961  
of a mutual holding company shall be created, organized, and 119962  
governed, and its business shall be conducted, in all respects in 119963  
the same manner as is provided under Chapter 1701. of the Revised 119964  
Code, for corporations generally, to the extent that it is not 119965  
inconsistent with this chapter, Chapters 1101. to 1115., and 119966  
Chapters 1117. to 1127. of the Revised Code or the rules adopted 119967  
under those chapters. 119968

(B) A mutual holding company and any subsidiary of a mutual 119969  
holding company organized under this chapter is subject to all 119970  
powers, remedies, and sanctions provided to the superintendent of 119971  
financial institutions and the division of financial institutions 119972  
by Chapters 1101. to 1127. of the Revised Code. 119973

(C) Notwithstanding division (A) of this section, a nonbank subsidiary of a mutual holding company may be organized under the general corporate laws of another state of the United States. 119974  
119975  
119976

Sec. 1116.05. (A) A mutual state bank may, with the approval of the superintendent of financial institutions, reorganize to become a mutual holding company, in one of the following manners: 119977  
119978  
119979

(1) By organizing one or more subsidiary stock state banks, one or more of which may be an interim stock state bank, the ownership of which shall be evidenced by shares of stock to be owned by the reorganizing mutual state bank and by transferring a substantial portion of its assets, all of its insured deposits, and part or all of its other liabilities to one or more subsidiary stock state banks; 119980  
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119986

(2) By organizing a first tier subsidiary stock state bank, causing that subsidiary to organize a second tier subsidiary stock state bank, and transferring, by merger of the reorganizing mutual state bank with the second tier subsidiary, a substantial portion of its assets, all of its insured deposits, and part or all of its other liabilities to the resulting stock state bank at which time the first tier subsidiary stock state bank becomes a mutual holding company; 119987  
119988  
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(3) In any other manner approved by the superintendent. 119995

(B) As a part of its mutual holding company reorganization, a mutual state bank may organize as a subsidiary holding company of the mutual holding company, which subsidiary holding company shall own all of the outstanding voting stock of the resulting stock state bank. 119996  
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120000

(C) Before reorganizing into a mutual holding company, a reorganizing mutual state bank shall do all of the following: 120001  
120002

(1) Obtain approval of a reorganization plan by a two-thirds 120003

vote of the board of directors of the reorganizing mutual state 120004  
bank and any acquiree mutual bank; 120005

(2) Obtain approval of the reorganization plan by a 120006  
two-thirds vote, or such other proportion not less than a majority 120007  
as the reorganizing mutual state bank's or any acquiree mutual 120008  
bank's articles of incorporation or code of regulations provide, 120009  
of the members' votes cast in person or by proxy at the annual 120010  
meeting or at a special meeting of members called by the board of 120011  
directors for the purpose of approving the reorganization plan; 120012

(3) File a reorganization application in the form prescribed 120013  
by the superintendent that includes all of the following: 120014

(a) An officers' certification that the reorganization plan 120015  
has been approved by the directors and members in accordance with 120016  
applicable state law, articles of incorporation, code of 120017  
regulations, or bylaws; 120018

(b) A copy of the reorganization plan; 120019

(c) Any other information the superintendent requires. 120020

**Sec. 1116.06. (A) Within ten business days after receipt of** 120021  
**an application for a mutual holding company reorganization under** 120022  
**division (C)(3) of section 1116.05 of the Revised Code, the** 120023  
**superintendent of financial institutions shall do one of the** 120024  
**following:** 120025

(1) Accept the application for processing; 120026

(2) Request additional information to complete the 120027  
application; 120028

(3) Return the application if it is substantially incomplete. 120029

(B) Within one hundred eighty days after an application is 120030  
accepted for processing, the superintendent shall approve or 120031  
disapprove the application and, if approved, impose any conditions 120032

the superintendent determines appropriate. 120033

(C) In approving or disapproving an application, the superintendent, after conducting an appropriate examination or investigation, shall consider whether: 120034  
120035  
120036

(1) The reorganizing mutual state bank and any acquiree mutual bank will operate in a safe, sound, and prudent manner. 120037  
120038

(2) The applicant has demonstrated that the reorganization plan is fair to the members of the reorganizing mutual state bank and any acquiree mutual bank. 120039  
120040  
120041

(3) The interests of the reorganizing mutual state bank's depositors and creditors and the general public will not be jeopardized by the proposed reorganization into a mutual holding company; 120042  
120043  
120044  
120045

(4) The proposed reorganization will result in a reorganizing mutual state bank or any acquiree state bank that has adequate capital, satisfactory management, and good earnings prospects; 120046  
120047  
120048

(5) A stock issuance proposed in connection with the mutual holding company reorganization plan meets the standards established by the superintendent and any applicable state and federal securities laws; and 120049  
120050  
120051  
120052

(6) The reorganizing mutual state bank or any acquiree mutual bank has furnished all information required in the reorganization plan and any other information requested by the superintendent regarding the proposed reorganization. 120053  
120054  
120055  
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**Sec. 1116.07.** Each reorganization plan submitted with a mutual holding company reorganization application shall contain a description of all significant terms of the proposed reorganization and include all of the following: 120057  
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120059  
120060

(A) Any proposed stock issuance plan; 120061

(B) An opinion of counsel, or a ruling from the United States internal revenue service and the Ohio department of taxation, as to the federal and state tax treatment of the proposed reorganization; 120062  
120063  
120064  
120065

(C) A copy of the articles of incorporation and code of regulations of the proposed mutual holding company, the resulting stock state bank, and any affiliate organizations in the holding company structure; 120066  
120067  
120068  
120069

(D) A description of the method of reorganization under this chapter; 120070  
120071

(E) A statement that, upon consummation of the reorganization, certain assets and liabilities, including all deposit accounts of the reorganizing mutual state bank, shall be transferred to the resulting stock state bank, which bank shall immediately become a stock state bank subsidiary of the mutual holding company or subsidiary holding company; 120072  
120073  
120074  
120075  
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120077

(F) A summary of the expenses to be incurred in connection with the reorganization; 120078  
120079

(G) Any other information required by the superintendent of financial institutions. 120080  
120081

**Sec. 1116.08.** After approving a mutual holding company reorganization application, the superintendent of financial institutions shall, to effect the reorganization, forward the articles of incorporation to the secretary of state for filing. 120082  
120083  
120084  
120085

**Sec. 1116.09.** (A) A mutual holding company shall do all of the following: 120086  
120087

(1) Confer upon existing and future depositors of the resulting stock state bank the same membership rights in the mutual holding company as were conferred upon depositors by the 120088  
120089  
120090

articles of incorporation or code of regulations of the 120091  
reorganizing mutual state bank in effect immediately prior to the 120092  
reorganization; 120093

(2) Confer upon existing and future depositors of any 120094  
acquiree mutual bank or any bank that is in the mutual form when 120095  
acquired by the mutual holding company, the same membership rights 120096  
in the mutual holding company as were conferred upon depositors by 120097  
the articles of incorporation or code of regulations of the 120098  
acquired mutual bank in effect immediately prior to the 120099  
acquisition, provided that if the acquired mutual bank is merged 120100  
into another subsidiary state bank from which the mutual holding 120101  
company draws members, the depositors of the acquired mutual bank 120102  
shall receive the same membership rights as the depositors of the 120103  
subsidiary state bank into which the acquired mutual bank is 120104  
merged; 120105

(3) Confer upon the borrowers of the resulting stock state 120106  
bank who are borrowers at the time of reorganization the same 120107  
membership rights in the mutual holding company as were conferred 120108  
upon them by the articles of incorporation or code of regulations 120109  
of the reorganizing mutual state bank in effect immediately prior 120110  
to the reorganization, but not any membership rights in connection 120111  
with any borrowings made after the reorganization; 120112

(4) Confer upon the borrowers of any acquiree mutual bank or 120113  
any bank that is in the mutual form when acquired by the mutual 120114  
holding company who are borrowers at the time of the acquisition, 120115  
the same membership rights in the mutual holding company as were 120116  
conferred on them by the articles of incorporation or code of 120117  
regulations of the acquired mutual bank in effect immediately 120118  
prior to the acquisition, but not any membership rights in 120119  
connection with any borrowings made after the acquisition; 120120  
provided, however, that if the acquired mutual bank is merged into 120121  
another bank from which the mutual holding company draws members, 120122



the borrowers of the acquired mutual bank shall instead receive 120123  
the same grandfathered membership rights as the borrowers of the 120124  
subsidiary state bank into which the acquired mutual bank is 120125  
merged. 120126

(B) A mutual holding company that acquires a bank in the 120127  
stock form, other than a resulting stock state bank or an acquiree 120128  
mutual bank, shall not confer any membership rights upon the 120129  
depositors and borrowers of the stock bank, unless such stock bank 120130  
is merged into a subsidiary stock state bank from which the mutual 120131  
holding company draws its members, in which case the depositors of 120132  
the stock bank shall receive the same membership rights as other 120133  
depositors of the subsidiary stock state bank into which the stock 120134  
bank is merged. 120135

**Sec. 1116.10.** (A) A mutual holding company and any subsidiary 120136  
holding company shall be governed by a board of directors and in 120137  
accordance with the articles of incorporation and code of 120138  
regulations adopted in connection with the reorganization, or as 120139  
amended in accordance with law or rule after the reorganization. 120140  
120141

(B) The board of the mutual holding company and any 120142  
subsidiary holding company shall have at least five members who, 120143  
initially, shall consist of the board of directors of the 120144  
reorganizing mutual state bank. Such members, after the formation 120145  
of the mutual holding company and any subsidiary holding company, 120146  
shall continue to serve as directors for the balance of the terms 120147  
to which they were elected. 120148

**Sec. 1116.11.** All assets, rights, obligations, and 120149  
liabilities of a reorganizing mutual state bank that are not 120150  
expressly retained by the mutual holding company shall be 120151  
transferred to the resulting stock state bank. 120152

Sec. 1116.12. Each person who holds a deposit account in a reorganizing mutual state bank or any acquiree mutual state bank immediately before the reorganization shall receive, upon consummation of the reorganization, without payment, an identical deposit account in the resulting stock state bank or acquiree mutual state bank.

Sec. 1116.13. The following apply to a reorganization plan adopted by the board of directors of the reorganizing mutual state bank or any acquiree mutual bank:

(A) It may be amended by those boards as a result of any regulator's comments before any solicitation of proxies from the members to vote on the reorganization plan or, with the written consent of the superintendent of financial institutions, at any later time.

(B) It may be terminated by either board at any time before the meeting at which the members vote on the reorganization plan or, with the written consent of the superintendent, at any later time.

Sec. 1116.16. (A) A mutual holding company organized under the laws of another state or the United States may, with the approval of the superintendent of financial institutions, convert to a mutual holding company organized under this chapter by submitting an application in accordance with rules adopted by the superintendent under section 111.15 of the Revised Code.

(B) State banks existing as of the effective date of this section that are affiliates of a mutual holding company organized under the laws of another state or the United States and that submit an application pursuant to division (A) of this section within one year after the effective date of this section shall be eligible for an expedited review process.

Sec. 1116.18. Subject to all necessary regulatory notices or 120183  
approvals, a mutual holding company organized under this chapter 120184  
may do all of the following: 120185

(A) Acquire a bank organized in mutual or stock form by 120186  
merger of such bank with the subsidiary stock state bank, interim 120187  
subsidiary stock bank, or subsidiary stock holding company of the 120188  
mutual holding company; 120189

(B) Merge with or acquire another holding company provided 120190  
that such holding company has, as one of its subsidiaries, a 120191  
subsidiary banking corporation; 120192

(C) Exercise any power of, or engage in any activity 120193  
permitted for, a mutual state bank; 120194

(D) Engage directly or indirectly only in such activities as 120195  
are permissible activities for bank holding companies under 120196  
applicable state and federal law or regulations; 120197

(E) Invest in the stock of a bank; 120198

(F) Exercise any rights, waive any rights, or take or waive 120199  
any other action with respect to any securities of any subsidiary 120200  
stock state bank or subsidiary stock holding company that are held 120201  
by the mutual holding company. 120202

Sec. 1116.19. (A) The board of directors of a mutual holding 120203  
company may from time to time, by a majority vote of the 120204  
directors, do both of the following: 120205

(1) Divide equitably any surplus that is in excess of the 120206  
amount required for the operations of the mutual holding company 120207  
or to maintain the safety and soundness of the mutual holding 120208  
company; 120209

(2) Distribute that surplus to the respective depositors of 120210  
its subsidiary stock state banks in accordance with their 120211

membership rights. 120212

(B) If the superintendent of financial institutions 120213  
determines that the surplus held by a mutual holding company is 120214  
excessive, the superintendent may order the board of directors of 120215  
the mutual holding company to make the distribution described in 120216  
division (A) of this section. 120217

**Sec. 1116.20.** (A) A mutual holding company may establish a 120218  
subsidiary holding company as a direct subsidiary to hold one 120219  
hundred per cent of the stock of its subsidiary stock state bank, 120220  
provided the subsidiary holding company is not formed and operated 120221  
as a means of evading or frustrating the purposes of this chapter. 120222  
Subject to the approval of the superintendent of financial 120223  
institutions, the subsidiary holding company may be established 120224  
either at the time of the initial mutual holding company 120225  
reorganization or at a subsequent date. 120226

(B) In addition to its powers under Chapters 1107. and 1109. 120227  
of the Revised Code, any subsidiary stock state bank or subsidiary 120228  
holding company may, with the prior approval of the superintendent 120229  
and subject to such rules as the superintendent may prescribe, 120230  
issue one or more classes of securities, including one or more 120231  
classes of common stock or preferred stock, and take any action in 120232  
connection with such issuance or otherwise with respect to any 120233  
such securities; provided, however, that in no event shall the 120234  
mutual holding company hold less than twenty-five per cent of the 120235  
combined voting power of all classes of securities of the 120236  
subsidiary stock holding company or stock state bank that have 120237  
voting power in the election of directors of such stock state 120238  
bank. 120239

(C) Nothing in this section shall prohibit a subsidiary stock 120240  
state bank or subsidiary stock holding company from issuing, in 120241  
connection with an employee stock option or other employee benefit 120242

plan or with the mutual holding company reorganization or 120243  
subsequent thereto, different classes of common stock to the 120244  
mutual holding company and subsidiary stock state bank or 120245  
subsidiary stock holding company. An issuance of securities may be 120246  
made at the time of the mutual holding company reorganization or 120247  
thereafter, and may be made in connection with the merger or 120248  
acquisition of another bank whether organized in mutual or stock 120249  
form. 120250

**Sec. 1116.21.** A mutual holding company organized under this 120251  
chapter may, with the approval of the superintendent of financial 120252  
institutions, convert to a stock holding company by submitting an 120253  
application in accordance with rules adopted by the superintendent 120254  
under section 1121.03 of the Revised Code. 120255

**Sec. 1117.01.** (A) Subject to section 1115.05 and Chapter 120256  
1119. of the Revised Code, a bank, regardless of the location of 120257  
its principal place of business, may establish or acquire and 120258  
maintain a banking office in this state. 120259

(B)(1) With the prior written approval of the superintendent 120260  
of financial institutions obtained in accordance with section 120261  
1117.02 of the Revised Code, a state bank ~~doing business under~~ 120262  
~~authority granted by the superintendent~~ may establish or acquire a 120263  
banking office at any of the following locations: 120264

(a) Any location in this state; 120265

(b) Any location in another state of the United States; 120266

(c) Any location outside the United States. 120267

(2) The superintendent may condition approval of a banking 120268  
office at any location authorized by division (B)(1)(b) or (c) of 120269  
this section on an agreement satisfactory to the superintendent 120270  
providing for the times, method, and reimbursement of expenses for 120271  
examining the banking office. 120272

**Sec. 1117.02.** (A) A bank with its principal place of business 120273  
in this state proposing to establish a banking office shall submit 120274  
an application to the superintendent of financial institutions. 120275  
The superintendent shall determine whether to accept an 120276  
application for processing within ten business days after 120277  
receiving the application. The superintendent shall approve or 120278  
disapprove the application within sixty days after accepting it 120279  
unless approval is withheld under division (E) of this section. 120280

(B) If the superintendent accepts the application, the bank 120281  
shall, within ten days after receipt of the superintendent's 120282  
notice of acceptance, publish notice of its proposed banking 120283  
office in a newspaper of general circulation in the county where 120284  
the proposed banking office is to be located and in the county 120285  
where the bank currently maintains its principal place of 120286  
business. The notice shall state that comments on the proposed 120287  
banking office must be delivered to the division of financial 120288  
institutions within fourteen days after the date the notice is 120289  
published, and shall provide the division's address. 120290

(C) If the superintendent determines any comment delivered to 120291  
the division regarding a proposed banking office is relevant to 120292  
the criteria set forth in this section for approval of a banking 120293  
office, the superintendent shall investigate the comment in any 120294  
manner the superintendent considers appropriate. 120295

(D) In determining whether to approve a proposed banking 120296  
office, the superintendent shall consider all of the following: 120297

(1) The adequacy of the bank's management; 120298

(2) The adequacy of the bank's capital ~~and paid-in capital~~; 120299

(3) The effect establishment of the banking office will have 120300  
on the interests of the bank's depositors and shareholders or 120301  
members; 120302

(4) The bank's lending record in helping to meet the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with both the safe and sound operation of the bank and the "Community Reinvestment Act of 1977," 91 Stat. 1147, 12 U.S.C. 2901, as amended;

(5) Any other reasonable criteria the superintendent may establish.

(E)(1) If the superintendent determines, upon consideration of the criteria set forth in division (D) of this section, that the banking office should otherwise be approved, but the bank's lending record is not satisfactory in helping to meet the credit needs of its entire community as prescribed in division (D)(4) of this section, the superintendent shall withhold action on the application for the banking office and shall notify the bank of that decision. The bank shall, within sixty days after receipt of the notice from the superintendent, submit to the superintendent a written affirmative action lending program, which shall be a public record. The superintendent shall, within thirty days after receipt of the affirmative action lending program, determine whether the program is acceptable. If the program is not acceptable, or the bank fails to submit an affirmative action lending program within the sixty days, the superintendent shall disapprove the banking office. If the affirmative action lending program is acceptable, the superintendent shall approve the banking office.

(2)(a) In order to determine whether a bank is complying with its affirmative action lending program, the superintendent may do either of the following:

(i) The superintendent may require the bank to submit periodic reports that summarize actions it has taken to implement or maintain its affirmative action lending program. The reports shall be in a form prescribed by the superintendent, but shall not

contain any information that identifies an applicant for a loan. 120335  
The reports are public records and shall be made available to any 120336  
person upon request. 120337

(ii) Upon written complaint by any person, or upon the 120338  
superintendent's own initiative, the superintendent may hold a 120339  
public hearing. The superintendent may hold no more than one 120340  
hearing every two years on each affirmative action lending 120341  
program. 120342

(b) If the superintendent determines, as a result of findings 120343  
made under division (E)(2)(a) of this section, that a bank is not 120344  
in compliance with its affirmative action lending program, the 120345  
superintendent shall order the bank to comply within a period of 120346  
time determined by the superintendent. Failure to comply with that 120347  
order shall be a violation of a condition imposed by the 120348  
superintendent for purposes of sections 1121.32, 1121.33, 1121.35, 120349  
and 1121.41 of the Revised Code. 120350

(3) As used in division (E) of this section, "affirmative 120351  
action lending program" means a program to remedy any deficiency 120352  
of a bank in helping to meet the credit needs of its entire 120353  
community. 120354

**Sec. 1117.04.** A bank proposing to relocate a banking office 120355  
shall do the following: 120356

(A) If the banking office is to be relocated within a 120357  
one-mile radius of the banking office's current ~~service area~~ 120358  
location, the bank shall notify the superintendent of financial 120359  
institutions and comply with the ~~service area~~ relocation 120360  
procedures established by the superintendent. 120361

(B) If the banking office is to be relocated outside a 120362  
one-mile radius of the banking office's current ~~service area~~ 120363  
location, the bank shall obtain the superintendent's approval for 120364



the relocation in accordance with the procedures set forth in 120365  
section 1117.02 of the Revised Code for establishing a banking 120366  
office and comply with the banking office closing procedures 120367  
established by the superintendent. 120368

**Sec. 1117.05.** (A) With the written approval of the 120369  
superintendent of financial institutions, a bank may contract with 120370  
one or more other banks, savings banks, and savings associations 120371  
to provide services to the contracting bank's customers at any or 120372  
all of the offices of the other banks, savings banks, and savings 120373  
associations as if the offices of the other banks, savings banks, 120374  
and savings associations were offices of the contracting bank. 120375

(B) The superintendent shall determine whether to accept a 120376  
bank's application for approval of a contract authorized by 120377  
division (A) of this section within ten business days after 120378  
receiving a bank's application for the superintendent's approval 120379  
of the contract. The superintendent shall approve or disapprove 120380  
the contract within thirty days after accepting the bank's 120381  
application. 120382

(C) In determining whether to approve or disapprove a 120383  
contract authorized by division (A) of this section, the 120384  
superintendent shall consider all of the following: 120385

(1) The adequacy of the management of both the contracting 120386  
bank and the other banks, savings banks, and savings associations; 120387

(2) The adequacy of the capital ~~and paid-in capital~~ of both 120388  
the contracting bank and the other banks, savings banks, and 120389  
savings associations; 120390

(3) The adequacy of the operations and controls of both the 120391  
contracting bank and the other banks, savings banks, and savings 120392  
associations; 120393

(4) Whether the contract is being used to avoid application 120394

of the criteria for establishing a banking office under section 120395  
1117.02 of the Revised Code or any kind of business combination 120396  
under Chapter 1115. of the Revised Code. 120397

(D) This section does not authorize a contracting bank to 120398  
establish new deposit accounts, extend credit, or create new 120399  
banking relationships through offices of the other banks, savings 120400  
banks, and savings associations. 120401

**Sec. ~~1103.21~~ 1117.07.** (A) In the event of a power failure, 120402  
fire, act of God, riot, strike, robbery or attempted robbery, 120403  
epidemic, interruption of communication facilities, or any other 120404  
reason the superintendent of financial institutions approves, or 120405  
in the event of the declaration of the existence of an emergency 120406  
by the governor or another person lawfully exercising the power 120407  
and duties of the office of governor, an officer of a bank, 120408  
designated by the board of directors of the officer's bank, in the 120409  
reasonable and proper exercise of the designated officer's 120410  
discretion may determine not to open one or more of the bank's 120411  
banking offices on any business or banking day, or, if having 120412  
opened, to close one or more of the bank's banking offices during 120413  
the continuation of the occurrence or emergency. In no case shall 120414  
any banking office remain closed for more than ~~forty-eight~~ two 120415  
consecutive ~~hours~~ days, excluding weekends and legal holidays, 120416  
without obtaining the approval of the superintendent ~~or, in the~~ 120417  
~~ease of a national bank, the comptroller of the currency.~~ A 120418  
designated officer closing a banking office pursuant to the 120419  
authority granted under this section shall give as prompt notice 120420  
of the action as conditions permit, and by any means available, to 120421  
the superintendent ~~or the comptroller.~~ 120422

(B) The designated officers of a bank may close any one or 120423  
more or all of the bank's banking offices on any day designated, 120424  
by proclamation of the president of the United States or the 120425

governor of this state, as a day of mourning, rejoicing, or other 120426  
special observance. In such a case, the bank shall not be required 120427  
to comply with any other provision of the Revised Code regarding 120428  
the closing or reopening of banks or financial institutions. 120429

(C) Any act required or authorized to be performed at a 120430  
banking office that has not been opened or that has been closed 120431  
for any time pursuant to this section, may be performed on the 120432  
next succeeding business day the banking office is reopened for 120433  
business. Any other provision or rule of law notwithstanding, no 120434  
liability or loss of rights of any kind on the part of any person, 120435  
firm, or corporation, or of the bank, shall accrue or result 120436  
because of any nonopening or closing authorized by this section. 120437

(D) The right of a bank not to open or to close under this 120438  
section and the protections afforded with respect to that right 120439  
shall be in addition to and not in lieu of any rights or 120440  
protections granted under section 1304.07 of the Revised Code. 120441

**Sec. 1119.11.** (A) When a foreign bank engages in an activity 120442  
or undertakes an action through an agency or branch licensed under 120443  
this chapter, the foreign bank is subject to the same limitations 120444  
on and requirements of engaging in the activity or taking the 120445  
action that apply to a state bank ~~doing business under authority~~ 120446  
~~granted by the superintendent of financial institutions.~~ 120447

(B)(1) A foreign bank licensed to operate an agency shall not 120448  
accept deposits from citizens or residents of the United States or 120449  
exercise fiduciary powers. An account that carries a credit 120450  
balance in connection with the distribution of loan proceeds is 120451  
not a deposit for purposes of this section. 120452

(2) A foreign bank licensed to operate an agency may, in 120453  
addition to conducting all of the permissible activities of a 120454  
representative office set forth in division (B) of section 1119.06 120455  
of the Revised Code, conduct limited banking activities at or 120456

through a licensed agency, including all of the following: 120457

(a) Lending money; 120458

(b) Maintaining credit balances that are incidental to or 120459  
arise out of the distribution of loan proceeds; 120460

(c) Receiving funds as agent to be forwarded for deposit to 120461  
an existing account at another office authorized to accept 120462  
deposits. 120463

(C) A foreign bank licensed to operate a branch may, in 120464  
addition to conducting all of the permissible activities of a 120465  
representative office set forth in division (B) of section 1119.06 120466  
of the Revised Code and all of the permissible activities of an 120467  
agency set forth in division (B)(2) of this section, conduct the 120468  
following activities at or through a licensed branch: 120469

(1) Accepting deposits, the acceptance of which does not 120470  
constitute engaging in domestic retail deposit activities; 120471

(2) If qualified under Chapter 1111. of the Revised Code, 120472  
exercising fiduciary powers; 120473

(3) Other activities authorized for state banks ~~doing~~ 120474  
~~business under authority granted by the superintendent.~~ 120475

(D) Each foreign bank licensed to operate an agency or branch 120476  
shall, in the manner the superintendent of financial institutions 120477  
prescribes, give notice to the agency's or branch's customers that 120478  
deposits with that agency or branch are not insured by the federal 120479  
deposit insurance corporation or otherwise. 120480

**Sec. 1119.17.** (A) Each foreign bank licensed under this 120481  
chapter shall file with the superintendent of financial 120482  
institutions any reports the superintendent may prescribe in the 120483  
form and manner and containing the information the superintendent 120484  
prescribes. 120485

(B) When the superintendent requires banks and trust 120486  
companies to report their income and condition in accordance with 120487  
~~division (A) of~~ section 1121.21 of the Revised Code, the 120488  
superintendent shall require each foreign bank licensed under this 120489  
chapter to report the income and condition of its representative 120490  
offices, agencies, and branches in this state. 120491

**Sec. 1119.23.** (A) If the superintendent of financial 120492  
institutions determines, in accordance with division (A) of 120493  
section 1119.22 of the Revised Code, any of the conditions set 120494  
forth in that division exists, the superintendent, in addition to 120495  
having the authority to revoke the foreign bank's license to 120496  
operate a representative office, agency, or branch in accordance 120497  
with section 1119.22 of the Revised Code, also may take possession 120498  
of the foreign bank's business and property in this state and 120499  
appoint a receiver for the liquidation of the foreign bank's 120500  
business and property in this state. 120501

(B) The superintendent's taking possession of and appointing 120502  
a receiver for a foreign bank's business and property in this 120503  
state pursuant to division (A) of this section, and the 120504  
liquidation of the foreign bank's business and property in this 120505  
state, shall, except as provided in divisions (B)(1) and (2) of 120506  
this section, be conducted in accordance with the procedures and 120507  
is subject to the rights, powers, duties, requirements, and 120508  
limitations provided in Chapter 1125. of the Revised Code for 120509  
taking possession of the business and property and liquidation of 120510  
a state bank. 120511

(1) After payment of the expenses of the liquidation and 120512  
claims against the foreign bank arising from its doing business in 120513  
this state in accordance with section 1125.24 of the Revised Code, 120514  
any remaining funds from the liquidation of the foreign bank's 120515  
business and property in this state shall be distributed in the 120516

following manner: 120517

(a) If the foreign bank's business and property is being 120518  
liquidated in another state of the United States, the receiver 120519  
shall distribute any remaining funds from the liquidation of the 120520  
foreign bank's business and property in this state to the receiver 120521  
in the other state for the payment of expenses of liquidation and 120522  
claims against the foreign bank's business and property in the 120523  
other state. 120524

(b) If the foreign bank's business and property is being 120525  
liquidated in more than one other state of the United States, the 120526  
receiver shall equitably distribute any remaining funds from the 120527  
liquidation of the foreign bank's business and property in this 120528  
state among the receivers in the other states for the payment of 120529  
the expenses of liquidation and claims against the foreign bank's 120530  
business and property in the other states. 120531

(c) If there is no liquidation of the business and property 120532  
of the foreign bank occurring in any other state of the United 120533  
States, the receiver shall pay any remaining funds from the 120534  
liquidation of the business and property of the foreign bank in 120535  
this state to the domiciliary receiver of the foreign bank or, if 120536  
there is no domiciliary receiver, to the foreign bank. 120537

(2)(a) When the receiver has completed the liquidation of the 120538  
foreign bank's business and property in this state, the receiver 120539  
shall, with notice to the superintendent, file a petition with the 120540  
court for an order declaring that the foreign bank's business in 120541  
this state is properly wound up in the manner provided in section 120542  
1125.29 of the Revised Code. Upon the filing of a petition as 120543  
provided in this division, the court shall proceed as provided in 120544  
section 1125.29 of the Revised Code. 120545

(b) An order issued by the court pursuant to a petition filed 120546  
in accordance with division (B)(2)(a) of this section shall do all 120547

things required by section 1125.29 of the Revised Code, but shall 120548  
only declare that the foreign bank's business in this state has 120549  
been properly wound up and shall not declare that the foreign bank 120550  
is dissolved. The court may make whatever additional orders and 120551  
grant whatever additional relief the court determines proper upon 120552  
the evidence submitted. 120553

(c) Once the court issues the order declaring that the 120554  
foreign bank's business in this state is properly wound up, the 120555  
foreign bank shall cease doing business in this state except for 120556  
any further winding up. 120557

(d) Once the court issues the order declaring the foreign 120558  
bank's business in this state is properly wound up, the receiver 120559  
shall promptly file a copy of the order, certified by the clerk of 120560  
the court, with both the secretary of state and the 120561  
superintendent. 120562

**Sec. 1119.26.** (A) A foreign bank may voluntarily liquidate 120563  
and surrender its license to operate a representative office, 120564  
agency, or branch licensed under this chapter only with the 120565  
consent of the superintendent of financial institutions. 120566

(B) Prior to beginning any liquidation process, the foreign 120567  
bank must file an application to voluntarily liquidate and 120568  
surrender its license with the superintendent. The application 120569  
shall include a plan of liquidation that includes all of the 120570  
provisions required of a plan for voluntary liquidation of a state 120571  
bank under division (C) of section 1125.03 of the Revised Code, 120572  
except that the plan of liquidation shall be limited in scope to 120573  
the particular representative office, agency, or branch to be 120574  
liquidated. 120575

(C) After conducting an examination, the superintendent may 120576  
approve or deny a foreign bank's application to voluntarily 120577  
liquidate and surrender its license based on the superintendent's 120578

evaluation of whether or not the interests of the representative office's, agency's, or branch's creditors or, where applicable, depositors, will suffer by the surrender. The superintendent's approval is subject to any condition the superintendent may determine appropriate under the circumstances.

(D) If the superintendent approves the application to voluntarily liquidate and surrender a license, the foreign bank shall comply with the requirements of divisions (A)(1) and (2) of section 1125.04 of the Revised Code.

(E) During the implementation of the plan of liquidation pursuant to this section, the superintendent retains the authority to supervise the representative office, agency, or branch and may conduct any examination relating to either the representative office, agency, or branch or the plan of liquidation the superintendent considers necessary or appropriate.

(F) If the superintendent has reason to conclude the implementation of the plan of liquidation is not being safely or expeditiously conducted, the superintendent may do either of the following:

(1) Begin revocation proceedings under section 1119.22 of the Revised Code;

(2) Take possession of the business and property of the representative office, agency, or branch in the same manner, with the same effect, and subject to the same rights accorded the foreign bank under section 1119.23 of the Revised Code.

(G) The superintendent shall cancel the foreign bank's license to operate a representative office, agency, or branch under this chapter if the superintendent has approved the voluntary liquidation and surrender of the license and both of the following conditions have been met:

(1) The plan of liquidation has been completed.



(2) The notifications required by division (D) of this section were properly given. 120610  
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**Sec. 1121.01.** As used in this chapter: 120612

(A) "Financial institution regulatory authority" includes a regulator of a business activity in which a bank or trust company is engaged, or has applied to engage in, to the extent that the regulator has jurisdiction over a bank or trust company engaged in that business activity. A bank or trust company is engaged in a business activity, and a regulator of that business activity has jurisdiction over the bank or trust company, whether the bank or trust company conducts the activity directly or a subsidiary or affiliate of the bank or trust company conducts the activity. 120613  
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(B) "Regulated person" means any of the following: 120622

(1) A director, officer, or employee of or agent for a bank or trust company or a ~~controlling shareholder of~~ person who controls a state bank, foreign bank, or trust company~~+. For purposes of division (B)(1) of this section, "control" has the same meaning as in section 1115.06 of the Revised Code.~~ 120623  
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(2) A person who is required to obtain, but has not yet obtained, the consent of the superintendent of financial institutions to acquire control of a state bank pursuant to section 1115.06 of the Revised Code; 120628  
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(3) A person participating in the conduct of the affairs of a state bank or trust company. 120632  
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(C) "Participating in the conduct of the affairs of a bank or trust company" means either making decisions or, directly or indirectly, taking actions that are management or policymaking in nature and generally within the scope of authority of the bank's or trust company's board of directors or executive officers. Whether a person is or was participating in the conduct of the 120634  
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affairs of a bank or trust company is an issue of fact, and not to 120640  
be determined solely on the basis of the person's title, contract, 120641  
or indicia of employment or independent contractor status. 120642

**Sec. 1121.02.** (A) The superintendent of financial 120643  
institutions shall see that the laws and rules relating to ~~banks~~ 120644  
institutions and businesses governed by Chapters 1101. to 1127. of 120645  
the Revised Code are executed and enforced. 120646

(B) The deputy superintendent for banks shall be the 120647  
principal supervisor of state banks and trust companies. In that 120648  
position the deputy superintendent for banks shall, 120649  
notwithstanding sections 1121.10 and 1121.11 of the Revised Code, 120650  
be responsible for conducting examinations and preparing 120651  
examination reports under those sections. In addition, the deputy 120652  
superintendent for banks shall, notwithstanding division (A) of 120653  
section 1121.03 and sections 1121.05 and 1121.06 of the Revised 120654  
Code, have the authority to adopt rules and standards in 120655  
accordance with those sections. In performing or exercising any of 120656  
the examination, rule-making, or other regulatory functions, 120657  
powers, or duties vested by this division in the deputy 120658  
superintendent for banks, the deputy superintendent for banks 120659  
shall be subject to the control of the superintendent of financial 120660  
institutions. 120661

**Sec. 1121.05.** (A) Notwithstanding any provisions of the 120662  
Revised Code, except as provided in division (E) of this section, 120663  
the superintendent of financial institutions shall, by rule, grant 120664  
state banks and trust companies doing business under authority 120665  
granted by the superintendent any right, power, privilege, or 120666  
benefit possessed, by virtue of statute, rule, regulation, 120667  
interpretation, or judicial decision, by any of the following: 120668

(1) Banks and trust companies doing business under authority 120669

granted by the office of the comptroller of the currency or the 120670  
bank regulatory authority of any other state of the United States; 120671

(2) Savings associations doing business under authority 120672  
granted by the ~~superintendent of financial institutions~~, office of 120673  
~~thrift supervision~~, the comptroller of the currency or the savings 120674  
and loan association regulatory authority of any other state of 120675  
the United States; 120676

(3) Savings banks doing business under authority granted by 120677  
the ~~superintendent of financial institutions or the~~ savings bank 120678  
regulatory authority of any other state of the United States; 120679

(4) Credit unions doing business under authority granted by 120680  
the superintendent of financial institutions, the national credit 120681  
union administration, or the credit union regulatory authority of 120682  
any other state of the United States; 120683

(5) Any other banks, savings associations, or credit unions 120684  
with a principal place of business in the United States doing 120685  
business under authority granted under laws of the United States; 120686

(6) Any other persons ~~having an office or other place of~~ 120687  
~~business in this state and~~ engaging in the business of banking, 120688  
offering financial products and services, soliciting or accepting 120689  
deposits, lending money, or buying or selling bullion, bills of 120690  
exchange, notes, bonds, stocks, or other evidences of indebtedness 120691  
~~with a view to profit whether through an office or other place of~~ 120692  
business in this state or via the internet, advertising, or other 120693  
form of solicitation; 120694

(7) Small business investment companies licensed under the 120695  
"Small Business Investment Company Act of 1958," 72 Stat. 689, 15 120696  
U.S.C. 661, as amended; 120697

(8) Persons chartered under the "Farm Credit Act of 1933," 48 120698  
Stat. 257, 12 U.S.C. 1131(d), as amended. 120699

(B) The superintendent shall adopt rules authorized by 120700  
division (A) of this section in accordance with section 111.15 of 120701  
the Revised Code. 120702

(C) A rule adopted by the superintendent pursuant to the 120703  
authority of this section becomes effective on the later of the 120704  
following dates: 120705

(1) The date the superintendent issues the rule; 120706

(2) The date the statute, rule, regulation, interpretation, 120707  
or judicial decision the superintendent's rule is based on becomes 120708  
effective. 120709

(D)(1) The superintendent may, upon thirty days' written 120710  
notice, revoke any rule adopted under the authority of this 120711  
section. A rule adopted under the authority of this section, and 120712  
not revoked by the superintendent, enacted into law, or adopted in 120713  
accordance with Chapter 119. of the Revised Code, lapses and has 120714  
no further force and effect thirty months after its effective 120715  
date; however, the superintendent may adopt the rule under section 120716  
111.15 of the Revised Code pursuant to this section for an 120717  
additional thirty-month period. 120718

(2) The superintendent may require a state bank or trust 120719  
company that has acted in reliance on a rule adopted and later 120720  
revoked or lapsed under the authority of this section to bring its 120721  
affected activities in compliance with the law. Unless the 120722  
activities will or may result in harm to the bank or trust company 120723  
as determined by the superintendent, the bank or trust company 120724  
shall be granted a reasonable period of time of not less than one 120725  
year nor more than two years from the date the rule is revoked or 120726  
lapsed, to bring its affected activities in compliance with the 120727  
law. The superintendent may, upon the written request of a state 120728  
bank or trust company, grant the bank or trust company a longer 120729  
period of time in which to bring its affected activities in 120730

compliance with the law. 120731

(E) The superintendent shall not adopt any rule dealing with 120732  
interest rates charged under the authority of this section. 120733

**Sec. 1121.06.** (A) Notwithstanding any provision of the 120734  
Revised Code, if any regulation, rule, interpretation, procedure, 120735  
or guideline of the office of the comptroller of the currency, 120736  
federal deposit insurance corporation, federal reserve board, 120737  
consumer financial protection bureau, national credit union 120738  
administration, or any other bank regulatory authority of the 120739  
United States, or the bank regulatory authority of any other state 120740  
of the United States, puts a bank or trust company doing business 120741  
under authority granted by the superintendent of financial 120742  
institutions at a disadvantage to ~~a national bank~~ any other type 120743  
of financial institution, the superintendent may adopt a rule that 120744  
reduces or eliminates the disadvantage to a bank or trust company 120745  
doing business under authority granted by the superintendent. 120746

(B) The superintendent shall adopt rules authorized by 120747  
division (A) of this section in accordance with section 111.15 of 120748  
the Revised Code. ~~Chapter 119. of the Revised Code does not apply~~ 120749  
~~to rules adopted under the authority of this section.~~ 120750

(C) A rule adopted by the superintendent pursuant to the 120751  
authority of this section is effective on the later of the 120752  
following dates: 120753

(1) The date the superintendent issues the rule; 120754

(2) The date the regulation, rule, interpretation, procedure, 120755  
or guideline the superintendent's rule is based on becomes 120756  
effective. 120757

(D)(1) The superintendent may, upon thirty days' written 120758  
notice, revoke any rule adopted under the authority of this 120759  
section. A rule adopted under the authority of this section and 120760

not revoked by the superintendent, enacted into law, or adopted in 120761  
accordance with Chapter 119. of the Revised Code, lapses and has 120762  
no further force and effect thirty months after its effective 120763  
date; however, the superintendent may adopt the rule under section 120764  
111.15 of the Revised Code pursuant to this section for an 120765  
additional thirty-month period. 120766

(2) The superintendent may require a bank or trust company 120767  
that has acted in reliance on a rule adopted and later revoked or 120768  
lapsed under the authority of this section to bring its affected 120769  
activities in compliance with the law. Unless the activities will 120770  
or may result in harm to the bank or trust company as determined 120771  
by the superintendent, the bank or trust company shall be granted 120772  
a reasonable period of time of not less than one year nor more 120773  
than two years from the date the rule is revoked or lapsed, to 120774  
bring its affected activities in compliance with the law. The 120775  
superintendent may, upon the written request of a bank or trust 120776  
company, grant the bank or trust company a longer period of time 120777  
in which to bring its affected activities in compliance with the 120778  
law. 120779

**Sec. 1121.10.** (A) As often as the superintendent of financial 120780  
institutions considers necessary, but at least once each 120781  
twenty-four-month cycle, the superintendent, or any deputy or 120782  
examiner appointed by the superintendent for that purpose, shall 120783  
thoroughly examine the records and affairs of each state bank. The 120784  
examination shall include a review of ~~both~~ all of the following: 120785

(1) Compliance with law; 120786

(2) Safety and soundness; 120787

(3) Other matters the superintendent determines. 120788

(B) The superintendent may examine the records and affairs of 120789  
any of the following as the superintendent considers necessary: 120790

(1) Any party to a proposed reorganization for which the superintendent's approval is required by section 1115.11 or 1115.14 of the Revised Code; 120791  
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(2) Any bank, savings and loan association, or savings bank proposing to convert to a bank doing business under authority granted by the superintendent for which the superintendent's approval is required by section ~~1115.01~~ 1115.02 of the Revised Code; 120794  
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(3) Any person proposing to acquire control of a state bank for which the superintendent's approval is required by section 1115.06 of the Revised Code, or who acquired control of a state bank without the approval of the superintendent when that approval was required by section 1115.06 of the Revised Code, ~~was with~~ respect to the state bank of which control is to be, or was, acquired; 120799  
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(4) Any bank proposing to establish or acquire a branch for which the superintendent's approval is required by section 1117.02 of the Revised Code; 120806  
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(5) Any foreign bank that maintains, or proposes to establish, one or more offices in this state; 120809  
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(6) Any trust company. 120811

(C) The board of directors or holders of a majority of the shares of a state bank or trust company may request the superintendent conduct a special examination of the records and affairs of the bank or trust company. The superintendent has sole discretion over the scope and timing of a special examination, and may impose restrictions and limitations on the use of the results of a special examination in addition to the restrictions and limitations otherwise imposed by law. The fee for a special examination shall be paid by the bank or trust company examined in accordance with section 1121.29 of the Revised Code. 120812  
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(D) The superintendent may conduct all aspects of an 120822  
examination concurrently or may divide the examination into 120823  
constituent parts and conduct them at various times. 120824

(E) The superintendent shall preserve the report of each 120825  
examination, including related correspondence received and copies 120826  
of related correspondence sent, for ~~twenty~~ ten years after the 120827  
examination date. 120828

**Sec. 1121.12.** An examination of the records and affairs of a 120829  
state bank under section 1121.10 of the Revised Code may include 120830  
the examination of a ~~controlling shareholder of~~ person who, 120831  
directly or indirectly, controls the bank that is a bank holding 120832  
company registered with the federal reserve or a savings and loan 120833  
holding company, but only to the extent explicitly permitted under 120834  
this section. To examine the records and affairs of a ~~controlling~~ 120835  
~~shareholder~~ person who, directly or indirectly, controls a bank 120836  
that is a bank holding company registered with the federal reserve 120837  
or a savings and loan holding company, the superintendent of 120838  
financial institutions may do one of the following: 120839

(A) Rely on an examination of the bank holding company or 120840  
savings and loan holding company conducted by a financial 120841  
institution regulatory authority of another state, the United 120842  
States, or another country, as provided in division (A)(3) of 120843  
section 1121.11 of the Revised Code; 120844

(B) Participate with the financial institution regulatory 120845  
authorities of other states, the United States, and other 120846  
countries in a joint or coordinated examination of the bank 120847  
holding company or savings and loan holding company, provided that 120848  
both of the following apply: 120849

(1) The examination of the bank holding company or savings 120850  
and loan holding company is validly authorized by and conducted 120851  
pursuant to the laws of this state and such other state, the 120852



United States, or other country. 120853

(2) Participation of the examiners of the division of 120854  
financial institutions will increase the efficiency in regulating 120855  
financial institutions, and not increase the cost of examination 120856  
to the bank holding company or savings and loan holding company. 120857

(C) Examine the bank holding company or savings and loan 120858  
holding company pursuant to an agreement with financial 120859  
institution regulatory authorities of other states, the United 120860  
States, or other countries, provided that both of the following 120861  
apply: 120862

(1) The examination of the bank holding company or savings 120863  
and loan holding company is validly authorized by and conducted 120864  
pursuant to the laws of this state and such other state, the 120865  
United States, or other country. 120866

(2) The other financial institution regulatory authority 120867  
agrees to rely on the superintendent's examination in lieu of 120868  
conducting its own examination. 120869

(D) Examine the bank holding company or savings and loan 120870  
holding company if both of the following apply: 120871

(1) The superintendent has reasonable cause to believe that 120872  
there is a significant risk of imminent material harm to the bank, 120873  
or to any subsidiary or nonbank affiliate as its affairs relate to 120874  
the bank, and the examination of the bank holding company or 120875  
savings and loan holding company is necessary to fully determine 120876  
the risk to the bank, or to determine how best to address the risk 120877  
to the bank. 120878

(2) Either of the following occurs: 120879

(a) The superintendent, in writing, requests the federal 120880  
reserve to examine the bank holding company, and within fifteen 120881  
days the federal reserve does not commence an examination of the 120882

bank holding company and notifies the superintendent that the 120883  
federal reserve does not object to the examination. 120884

(b) The banking commission concurs with the superintendent's 120885  
determination of both of the following: 120886

(i) There is reasonable cause to believe that there ~~a~~ is a 120887  
significant risk of imminent material harm to the bank. 120888

(ii) The examination of the bank holding company or savings 120889  
and loan holding company is necessary to fully determine the risk 120890  
to the bank, or to determine how best to address the risk to the 120891  
bank. 120892

(E) For purposes of this section, a bank holding company 120893  
includes not only the bank holding company, but also includes any 120894  
nonbank affiliates of the bank holding company that are subject to 120895  
examination by the federal reserve. 120896

**Sec. 1121.13.** An examination of the records and affairs of a 120897  
state bank under section 1121.10 of the Revised Code may include 120898  
the examination of a ~~controlling shareholder of~~ person who, 120899  
directly or indirectly, controls the state bank ~~that~~ and is a 120900  
corporation that is not a bank holding company registered with the 120901  
federal reserve or a savings and loan holding company, as its 120902  
affairs relate to the bank. 120903

**Sec. 1121.15.** (A) The superintendent of financial 120904  
institutions may prescribe the manner and form of keeping the 120905  
books and accounts of state banks, so the books and accounts may 120906  
be as nearly uniform as circumstances permit. 120907

(B) Any person that, by contract or otherwise, performs 120908  
services for a state bank or trust company or a representative 120909  
office, agency, or branch licensed under Chapter 1119. of the 120910  
Revised Code, whether on or off the premises of the bank, trust 120911  
company, representative office, agency, or branch, is subject to 120912

examination by the superintendent as to the books and records of 120913  
the bank, trust company, representative office, agency, or branch 120914  
in the person's possession, to the same extent as if the services 120915  
were being performed by the bank, trust company, representative 120916  
office, agency, or branch itself. For the purposes of this 120917  
division, "services" includes clerical, bookkeeping, accounting, 120918  
statistical, and other services. A state bank, trust company, 120919  
representative office, agency, or branch shall notify the 120920  
superintendent in writing whenever another person is performing 120921  
services of this kind for the bank, trust company, representative 120922  
office, agency, or branch, or the bank, trust company, 120923  
representative office, agency, or branch changes the person 120924  
performing the services. 120925

**Sec. 1121.16.** (A) No state bank, trust company, or regulated 120926  
person shall do any of the following: 120927

(1) Refuse to allow any examination authorized by section 120928  
1121.10 of the Revised Code; 120929

(2) Refuse to give information required by the division of 120930  
financial institutions in the course of or in relation to an 120931  
examination authorized by section 1121.10 of the Revised Code; 120932

(3) Provide false or misleading information in the course of 120933  
or in relation to an examination authorized by section 1121.10 of 120934  
the Revised Code~~+~~, knowing it to be false or misleading. 120935

(B) If a state bank, trust company, or regulated person 120936  
violates division (A) of this section, the superintendent may do 120937  
any of the following: 120938

(1) Issue a cease and desist order pursuant to section 120939  
1121.32 of the Revised Code, issue a removal or prohibition order 120940  
pursuant to section 1121.33 of the Revised Code, ~~or~~ issue a 120941  
suspension or temporary prohibition order pursuant to section 120942

1121.34 of the Revised Code, or assess a civil penalty pursuant to 120943  
section 1121.35 of the Revised Code; 120944

(2) Appoint a conservator for the state bank pursuant to 120945  
section 1125.09 of the Revised Code; 120946

(3) Initiate civil or criminal proceedings the superintendent 120947  
considers appropriate. 120948

**Sec. 1121.17.** (A) Accounts and other documents required by 120949  
the superintendent of financial institutions may be signed and 120950  
sworn to or affirmed on behalf of a state bank or trust company by 120951  
any officer or director authorized to do so by the ~~bank to do so~~ 120952  
bank's or trust company's board of directors. 120953

(B) When the superintendent requires, any officer, official, 120954  
employee, or director of a state bank or trust company receiving 120955  
any communication from the division of financial institutions 120956  
relative to examination or investigation by the superintendent 120957  
shall submit the communication to the bank's or trust company's 120958  
executive committee or board of directors. 120959

**Sec. 1121.18.** (A) ~~Information leading to, arising from, or~~ 120960  
The superintendent of financial institutions and the 120961  
superintendent's agents and employees shall keep privileged and 120962  
confidential all information obtained in the course by the 120963  
superintendent or the superintendent's agents or employees as a 120964  
result of or arising out of the examination or supervision of a 120965  
bank or any examination conducted pursuant to the authority of 120966  
section 1121.10 or 1121.11 of the Revised Code ~~is privileged and~~ 120967  
~~confidential,~~ from required reports, or because of their official 120968  
position. No person, including any person to whom the information 120969  
is disclosed under the authority of this section, shall disclose 120970  
the information leading to, arising from, or obtained in the 120971  
~~course of an examination,~~ except as specifically provided in this 120972

section. 120973

(B) The superintendent of financial institutions and the 120974  
superintendent's agents and employees may disclose the information 120975  
~~leading to, arising from, or obtained in the course of an~~ 120976  
~~examination conducted pursuant to section 1121.10 or 1121.11 of~~ 120977  
~~the Revised Code described in division (A) of this section only~~ as 120978  
follows: 120979

(1) To the governor, director of commerce, or deputy director 120980  
of commerce to enable them to act in the interests of the public; 120981

(2) To the banking commission to enable the commission to 120982  
effectively advise the superintendent and take action on any 120983  
matter the superintendent presents to the commission; 120984

(3) To financial institution regulatory authorities of this 120985  
and other states, the United States, and other countries to assist 120986  
them in their regulatory duties; 120987

(4) To the directors, executive officers, agents, and parent 120988  
company of the bank or other person examined to assist them in 120989  
conducting the business of the bank or other person examined in a 120990  
safe and sound manner and in compliance with law; 120991

(5) To auditors, attorneys, or similar professionals retained 120992  
by the bank or trust company to assist in conducting the business 120993  
of the bank or trust company, or other person examined, in a safe 120994  
and sound manner and in compliance with the law; 120995

(6) To law enforcement authorities ~~conducting~~ in connection 120996  
with criminal investigations or referrals made by the 120997  
superintendent; 120998

(7) To other state and federal agencies or, in the case of a 120999  
state bank, to the federal home loan bank to which the bank 121000  
belongs, as the superintendent determines necessary and 121001  
appropriate, but only under such conditions and limitations as the 121002

superintendent, in the superintendent's sole discretion, may 121003  
require. 121004

~~(C)(1) Information leading to, arising from, or obtained in~~ 121005  
~~the course of an examination of a bank or other person pursuant to~~ 121006  
~~section 1121.10 or 1121.11 of the Revised Code~~ The information 121007  
described in division (A) of this section shall not be 121008  
discoverable from any source, and shall not be introduced into 121009  
evidence, except in the following circumstances: 121010

(a) In connection with criminal proceedings; 121011

(b) When, in the opinion of the superintendent, it is 121012  
appropriate with regard to enforcement actions taken and decisions 121013  
made by the superintendent under the authority of Chapters 1101. 121014  
to 1127. of the Revised Code regarding a bank, trust company, or 121015  
other person; 121016

(c) When litigation, penalties, or an enforcement action has 121017  
been initiated by the superintendent in furtherance of the powers, 121018  
duties, and obligations imposed upon the superintendent by 121019  
Chapters 1101. to 1127. of the Revised Code; 121020

(d) When authorized by agreements between the superintendent 121021  
and financial institution regulatory authorities of this and other 121022  
states, the United States, and other countries authorized by 121023  
section 1121.11 of the Revised Code; 121024

(e) When and in the manner authorized in section 1181.25 of 121025  
the Revised Code. 121026

(2) The discovery of information ~~leading to, arising from, or~~ 121027  
~~obtained in the course of an examination~~ pursuant to division 121028  
(C)(1)(b), (c), or (d) of this section shall be limited to 121029  
information that directly relates to the bank, trust company, 121030  
regulated person, or other person who is the subject of the 121031  
enforcement action, decision, penalties, or litigation. 121032

(D) A report of an examination conducted pursuant to section 121033  
1121.10 or 1121.11 of the Revised Code is the property of the 121034  
division of financial institutions. Under no circumstances may the 121035  
bank or other person examined, its directors, officers, employees, 121036  
agents, regulated persons, or contractors, or any person having 121037  
knowledge or possession of a report of examination, or any of its 121038  
contents, disclose or make public in any manner the report of 121039  
examination or its contents. The authority provided in division 121040  
(B)(4) of this section for use of examination information to 121041  
assist in conducting the business of the bank or other person 121042  
examined in a safe and sound manner and in compliance with law 121043  
shall not be construed to authorize disclosure of a report of 121044  
examination or any of its contents in conducting business with the 121045  
examined bank's or person's customers, creditors, ~~or~~ shareholders, 121046  
or members, or with other persons. 121047

(E) The superintendent may, in accordance with Chapter 119. 121048  
of the Revised Code, adopt rules to permit a bank, trust company, 121049  
or other person to disclose the information described in division 121050  
(A) of this section in limited circumstances other than those 121051  
specified in this section. 121052

(F) Whoever violates this section shall be removed from 121053  
office, shall be liable, with the violator's bond in damages to 121054  
the person injured by the disclosure of information, and is guilty 121055  
of a felony of the fourth degree. 121056

**Sec. 1121.19.** (A) As used in this section, a "self-assessment 121057  
report" of a bank includes, but is not limited to, all of the 121058  
following: 121059

(1) An evaluation of the bank's loan underwriting standards, 121060  
asset quality, financial reporting to federal or state regulatory 121061  
agencies, and compliance with its policies and with federal or 121062  
state statutory or regulatory requirements; 121063

(2) Any communication related to the report, including 121064  
electronic mails or telephone logs. 121065

(B) A self-assessment report, any portion or contents of the 121066  
report, and any documents, data, compilations, analyses, or other 121067  
information and material generated, created, produced, developed, 121068  
or prepared as part of the self-assessment process, are privileged 121069  
and not admissible or subject to discovery in any civil or 121070  
administrative litigation, action, proceeding, or investigation. 121071

(C) The self-assessment privilege granted by this section to 121072  
a bank and its affiliates applies regardless of whether a bank 121073  
regulator or any other governmental authority in possession of a 121074  
self-assessment report or any portion or contents of it 121075  
subsequently discloses it or any portion or contents of it to a 121076  
third party as required or permitted by any state or federal law. 121077

(D) Notwithstanding any applicable state or federal public 121078  
records law, a bank regulator or any other governmental authority 121079  
in possession of a self-assessment report or any portion or 121080  
contents of it shall not disclose the report or any portion or 121081  
contents of it to any person in response to a public records 121082  
request. 121083

**Sec. 1121.21.** ~~(A)(1)~~ Each bank and trust company shall report 121084  
its condition and income to the division of financial institutions 121085  
at the times, in the form, and including the information the 121086  
superintendent of financial institutions prescribes. 121087

~~(2) A bank or trust company shall maintain a summary of its~~ 121089  
~~most recent report of condition and income, in the form prescribed~~ 121090  
~~by the superintendent, in each of its banking or trust service~~ 121091  
~~offices, post notice of the availability of the summary in each~~ 121092  
~~office, and make the summary available to the public without~~ 121093  
~~charge.~~ 121094



~~(B) Any bank or trust company that fails to comply with 121095  
division (A)(1) or (2) of this section is subject to a forfeiture 121096  
of one hundred dollars for each day the failure continues unless 121097  
the bank or trust company corrects the failure within seven days 121098  
after receiving the superintendent's notice of the failure. 121099~~

**Sec. 1121.23.** Whenever the approval of the superintendent of 121100  
financial institutions is required under Chapters 1101. to 1127. 121101  
of the Revised Code, or under an order or supervisory action 121102  
issued or taken under those chapters, for a person to serve as an 121103  
organizer, incorporator, director, executive officer, or 121104  
~~controlling shareholder of person who, directly or indirectly 121105~~  
controls a bank, or to otherwise have a substantial interest in or 121106  
participate in the management of a bank, the superintendent shall 121107  
request the superintendent of the bureau of criminal 121108  
identification and investigation, or a vendor approved by the 121109  
bureau, to conduct a criminal records check based on the person's 121110  
fingerprints in accordance with section 109.572 of the Revised 121111  
Code. The superintendent of financial institutions shall request 121112  
that criminal record information from the federal bureau of 121113  
investigation be obtained as part of the criminal records check. 121114  
Any fee required under division (C)(3) of section 109.572 of the 121115  
Revised Code shall be paid by the person who is the subject of the 121116  
request. 121117

Nothing in this section prohibits the superintendent of 121118  
financial institutions from conditionally approving a person to 121119  
serve as an organizer, incorporator, director, executive officer, 121120  
or person who, directly or indirectly, controls a bank, or to 121121  
otherwise have a substantial interest in or participate in the 121122  
management of a bank, subject to receiving satisfactory results of 121123  
the criminal records check. If the superintendent does not receive 121124  
the results within ninety days after the criminal records check 121125  
was requested, the superintendent may extend the conditional 121126

approval for not more than ninety days. 121127

**Sec. 1121.24.** (A) If, under Chapters 1101. to 1127. of the 121128  
Revised Code, a proposed action or transaction is subject to the 121129  
approval of the superintendent of financial institutions or an 121130  
opportunity for the superintendent to disapprove, and if the 121131  
person proposing the action or transaction is required to submit 121132  
an application or notice to the superintendent, then the 121133  
application or notice is not complete and the superintendent shall 121134  
not accept it for processing until the person pays the fee 121135  
established pursuant to division (C) of section 1121.29 of the 121136  
Revised Code. 121137

(B)(1) If, under Chapters 1101. to 1127. of the Revised Code, 121138  
a proposed action or transaction is subject to the approval of the 121139  
superintendent or an opportunity for the superintendent to 121140  
disapprove and the superintendent must make that determination 121141  
within a certain time, and if the person proposing the action or 121142  
transaction is required to submit an application or notice to the 121143  
superintendent, then the time in which the superintendent must 121144  
make the determination does not begin to run until the 121145  
superintendent has determined the application or notice is 121146  
complete and has accepted it for processing. 121147

(2) Division ~~(A)~~(B)(1) of this section does not prohibit 121148  
either of the following: 121149

(a) The superintendent from denying, or issuing a disapproval 121150  
of, an application or notice, prior to the superintendent's 121151  
acceptance of the application or notice for processing, on the 121152  
basis that the person who submitted the application or notice 121153  
failed to include all of the items and address all of the issues 121154  
required for the application or notice, if both of the following 121155  
apply: 121156

(i) The superintendent advised the person that the 121157

application or notice was incomplete. 121158

(ii) After being advised by the superintendent that the 121159  
application or notice was incomplete, the person did not, within a 121160  
reasonable period of time, complete the application or notice. 121161

(b) The superintendent from denying, or issuing a disapproval 121162  
of, an application or notice on the basis that the person who 121163  
submitted the application or notice failed to provide the 121164  
information necessary for the superintendent to adequately 121165  
consider the application or notice after the superintendent's 121166  
acceptance of the application or notice for processing, if both of 121167  
the following apply: 121168

(i) After having begun processing the application or notice, 121169  
the superintendent determined and advised the person that 121170  
additional information was necessary to adequately consider the 121171  
application or notice. 121172

(ii) After being advised by the superintendent that 121173  
additional information was necessary to adequately consider the 121174  
application or notice, the person did not, within a reasonable 121175  
period of time, provide that information. 121176

~~(B)~~(C) A determination by the superintendent that an 121177  
application or notice is complete and is accepted for processing 121178  
means only that the application or notice, on its face, appears to 121179  
include all of the items and to address all of the matters that 121180  
are required. A determination by the superintendent that an 121181  
application or notice is complete and is accepted for processing 121182  
is not an assessment of the substance of the application or 121183  
notice, or of the sufficiency of the information provided. 121184

**Sec. 1121.26.** When considering the impact of a proposed 121185  
action or transaction on the convenience and needs of the 121186  
community to be served, both of the following shall apply: 121187

(A) The superintendent of ~~banks~~ financial institutions shall 121188  
assess whether the facts and circumstances relating to the 121189  
proposed action or transaction reasonably indicate that the 121190  
purpose for the proposed action or transaction is to engage in the 121191  
banking business and provide banking services in the community to 121192  
be served, rather than to raise funds for other purposes or 121193  
otherwise serve a nonbanking purpose. 121194

(B) The superintendent shall not require the person proposing 121195  
the action or transaction to prove any of the following: 121196

(1) There is substantial unmet need for banking services in 121197  
the community. 121198

(2) The person will bring banking services or other 121199  
particular advantages to the community that are not presently 121200  
available there. 121201

(3) The action or transaction will not adversely affect an 121202  
existing financial institution in the community. 121203

**Sec. 1121.29.** (A)(1) Each bank, savings and loan association, 121204  
and savings bank subject to inspection and examination by the 121205  
superintendent of financial institutions and transacting business 121206  
on the thirty-first day of December, or their successors in 121207  
interest, shall pay to the treasurer of state assessments as 121208  
provided in this section. The superintendent shall make each 121209  
assessment based on the total assets as shown on the books of the 121210  
bank, savings and loan association, or savings bank as of the 121211  
thirty-first day of December of the previous year. The 121212  
superintendent shall collect the assessment on an annual or 121213  
periodic basis, as provided by the superintendent. All assessments 121214  
shall be paid within fourteen days after receiving an invoice for 121215  
payment of the assessment. 121216

(2) After determining the budget of the division of financial 121217

institutions for examination and regulation of banks, savings and 121218  
loan associations, and savings banks, but prior to establishing 121219  
the schedule of assessments under this division necessary to fund 121220  
that budget, the superintendent shall consider any necessary cash 121221  
reserves and any amounts collected but not yet expended or 121222  
encumbered by the superintendent in the previous fiscal year's 121223  
budget and remaining in the banks fund pursuant to division (C) of 121224  
section 1121.30 of the Revised Code. 121225

(3) The superintendent shall establish the actual schedule of 121226  
assessments on an annual basis, present the schedule to the 121227  
banking commission for confirmation, and forward copies of the 121228  
current year's schedule to banks, savings and loan associations, 121229  
and savings banks doing business under authority granted by the 121230  
superintendent, or their successors in interest. 121231

If during the period between the banking commission's 121232  
confirmation of the schedule of assessments and the completion of 121233  
the fiscal year in which those assessments will be collected, the 121234  
banking commission determines additional money is required to 121235  
adequately fund the operations of the division of financial 121236  
institutions for that fiscal year, the banking commission may, by 121237  
the affirmative vote of two-thirds of its members, increase the 121238  
schedule of assessments for that fiscal year. The superintendent 121239  
shall promptly notify each bank, savings and loan association, and 121240  
savings bank of the increased assessment, and each bank, savings 121241  
and loan association, and savings bank shall pay the increased 121242  
assessment as made and invoiced by the superintendent. 121243

(4) A bank, savings and loan association, or savings bank 121244  
authorized by the superintendent to commence business in the 121245  
period between assessments shall pay the actual reasonable costs 121246  
of the division's examinations and visitations. The bank, savings 121247  
and loan association, or savings bank shall pay the costs within 121248  
fourteen days after receiving an invoice for payment. 121249

(B)(1) Whenever in the judgment of the superintendent the condition or conduct of a bank renders it necessary to make additional examinations and follow-up visitations within the examination cycle beyond the minimum required by division (A) of section 1121.10 of the Revised Code, the superintendent shall charge the bank for the additional examinations and follow-up visitations as provided in division (C) of this section. The bank shall pay the fee charged within fourteen days after receiving an invoice for payment. 121250  
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(2) The superintendent shall charge a bank for any examination of the bank's operations as a trust company and data processing facility in accordance with division (C) of this section whether that examination is the only examination of the bank in the examination cycle or in addition to other examinations of the bank's operations. 121259  
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(C) The superintendent shall periodically establish a schedule of fees to be paid for examinations, applications, certifications, and notices considered necessary by the superintendent. 121265  
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(D)(1) The superintendent may waive any fees provided for in division (C) of this section to protect the interests of depositors and for other fair and reasonable purposes as determined by the superintendent. 121269  
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(2) The fees established by the superintendent pursuant to division (C) of this section for processing applications and notices and conducting and processing examinations shall be reasonable considering the direct and indirect costs to the division, as determined by the superintendent, of processing the applications and for conducting and processing the examinations. 121273  
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(E) The superintendent may determine and charge reasonable fees for furnishing and certifying copies of documents filed with 121279  
121280

the division and for any expenses incurred by the division in the 121281  
publication or serving of required notices. 121282

(F) Assessments and examination and application fees charged 121283  
and collected pursuant to this section are not refundable. Any fee 121284  
charged pursuant to this section shall be paid within fourteen 121285  
days after receiving an invoice for payment of the fee. 121286

(G) The superintendent shall pay all assessments and fees 121287  
charged pursuant to this section and all forfeitures required to 121288  
be paid to the superintendent into the state treasury to the 121289  
credit of the banks fund. 121290

**Sec. 1121.30.** (A) All assessments, fees, charges, and 121291  
forfeitures provided for in Chapters 1101. to 1127. and sections 121292  
1315.01 to 1315.18 of the Revised Code, except civil penalties 121293  
assessed pursuant to section 1121.35 or 1315.152 of the Revised 121294  
Code, shall be paid to the superintendent of financial 121295  
institutions, and the superintendent shall deposit them into the 121296  
state treasury to the credit of the banks fund, which is hereby 121297  
created. 121298

(B) The superintendent may expend or obligate the banks fund 121299  
to defray the costs of the division of financial institutions in 121300  
administering Chapters 1101. to 1127. and sections 1315.01 to 121301  
1315.18 of the Revised Code. The superintendent shall pay from the 121302  
fund all actual and necessary expenses incurred by the 121303  
superintendent, including for any services rendered by the 121304  
department of commerce for the division's administration of 121305  
Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the 121306  
Revised Code. The fund shall be assessed a proportionate share of 121307  
the administrative costs of the department and the division of 121308  
financial institutions. The proportionate share of the 121309  
administration costs of the division of financial institutions 121310  
shall be determined in accordance with procedures prescribed by 121311

the superintendent and approved by the director of budget and 121312  
management. The amount assessed for the fund's proportional share 121313  
of the department's administrative costs and the division's 121314  
administrative costs shall be paid from the banks fund to the 121315  
division of administration fund and the division of financial 121316  
institutions fund respectively. 121317

(C) Any money deposited into the state treasury to the credit 121318  
of the banks fund, but not expended or encumbered by the 121319  
superintendent to defray the costs of administering Chapters 1101. 121320  
to 1127. and sections 1315.01 to 1315.18 of the Revised Code, 121321  
shall remain in the banks fund for expenditures by the 121322  
superintendent in subsequent years and shall not be used for any 121323  
purpose other than as set forth in this section. 121324

**Sec. 1121.33.** (A) The superintendent of financial 121325  
institutions may issue and serve a notice of charges and intent to 121326  
remove a regulated person from office or prohibit a regulated 121327  
person from further participation in the conduct of the affairs of 121328  
a bank or trust company, or both, if, in the opinion of the 121329  
superintendent, all of the following apply: 121330

(1) The regulated person has, directly or indirectly, done 121331  
any of the following: 121332

(a) Violated any of the following: 121333

(i) A law or rule; 121334

(ii) A final cease and desist order; 121335

(iii) A condition imposed in writing by the superintendent in 121336  
connection with granting an application or notice that is subject 121337  
to the superintendent's approval or an opportunity for the 121338  
superintendent to disapprove or other request by a bank, trust 121339  
company, or regulated person; 121340

(iv) A written agreement between a bank or trust company and 121341



the superintendent, or between the regulated person and the superintendent. 121342  
121343

(b) Engaged or participated in an unsafe or unsound practice 121344  
in connection with a bank, trust company, or other business 121345  
institution; 121346

(c) Committed or engaged in an act, omission, or practice 121347  
constituting a breach of the regulated person's fiduciary duty as 121348  
a regulated person. 121349

(2) The violation, practice, or breach results in any of the 121350  
following: 121351

(a) A bank, trust company, or other business institution has 121352  
suffered or will probably suffer substantial financial loss or 121353  
other damage; 121354

(b) The interests of a bank's depositors or shareholders or 121355  
trust company's beneficiaries or shareholders have been or could 121356  
be prejudiced; 121357

(c) The regulated person has received or will receive 121358  
financial gain or other benefit. 121359

(3) The violation, practice, or breach does either of the 121360  
following: 121361

(a) Involves personal dishonesty on the part of the regulated 121362  
person; 121363

(b) Demonstrates willful or continuing disregard by the 121364  
regulated person for the safety and soundness of a bank, trust 121365  
company, or business institution. 121366

(B) The notice of charges and intent to remove a regulated 121367  
person from office or prohibit a regulated person from further 121368  
participation in the conduct of the affairs of a bank or trust 121369  
company shall include all of the following: 121370

(1) A statement of the violation or violations, unsafe or 121371

unsound practice or practices, or breach or breaches alleged; 121372

(2) A statement of the facts constituting the grounds for the 121373  
proposed removal or prohibition order; 121374

(3) Notice that the regulated person is entitled to a 121375  
hearing, in accordance with section 1121.38 of the Revised Code, 121376  
to determine whether an order removing the regulated person from 121377  
office, prohibiting the regulated person from further 121378  
participation in the conduct of the affairs of a bank or trust 121379  
company, or both, should be issued against the regulated person if 121380  
the regulated person requests the hearing within thirty days after 121381  
service of the notice; 121382

(4) Notice that, if the regulated person makes a timely 121383  
request for a hearing, the regulated person may appear at the 121384  
hearing in person, by attorney, or by presenting positions, 121385  
arguments, and contentions in writing, and at the hearing may 121386  
present evidence and examine witnesses for and against the 121387  
regulated person. 121388

(5) Notice that failure of the regulated person to timely 121389  
request a hearing to determine whether an order removing the 121390  
regulated person from office, prohibiting the regulated person 121391  
from further participation in the conduct of the affairs of a bank 121392  
or trust company, or both, should be issued or to appear at the 121393  
hearing, in person, by attorney, or by writing, is consent by the 121394  
regulated person to the issuance of the order. 121395

(C) The superintendent may issue an order removing the 121396  
regulated person from office or prohibiting the regulated person 121397  
from further participation in the conduct of the affairs of a bank 121398  
or trust company, or both, if either of the following applies: 121399

(1) The regulated person consents to the issuance of the 121400  
order; 121401

(2) Upon the record of the hearing the superintendent finds 121402

the grounds for the order have been established. 121403

(D) A regulated person who has been removed from office or 121404  
prohibited from further participation in the conduct of the 121405  
affairs of a bank or trust company pursuant to this section or by 121406  
order of the bank regulatory authority of another state or the 121407  
United States shall not, while the removal or prohibition order is 121408  
in effect, continue or commence to hold any office of or 121409  
participate in any manner in the conduct of the affairs of any 121410  
bank or trust company in this state, except as specifically 121411  
permitted by the superintendent or by the bank regulatory 121412  
authority of another state or the United States pursuant to 121413  
modification of the order. Participation in the conduct of the 121414  
affairs of a bank or trust company includes doing any of the 121415  
following: 121416

(1) Soliciting, procuring, transferring, attempting to 121417  
transfer, voting, or attempting to vote any proxy, consent, or 121418  
authorization with respect to any voting rights in any bank or 121419  
trust company; 121420

(2) Violating any voting agreement previously approved by the 121421  
superintendent; 121422

(3) Voting for a director of any bank or trust company. 121423

(E) An order issued by the superintendent pursuant to this 121424  
section is effective at the time specified in the order, which, in 121425  
the case of an order issued pursuant to division (C)(2) of this 121426  
section, shall be not less than thirty days after service of the 121427  
order on the regulated person. 121428

(F) An order issued by the superintendent pursuant to this 121429  
section shall remain enforceable and effective as provided in the 121430  
order except to the extent it is stayed, modified, terminated, or 121431  
set aside by action of the superintendent or a reviewing court. 121432

(G) The superintendent shall serve a certified copy of a 121433

removal or prohibition order issued pursuant to this section on 121434  
any bank or trust company in relation to which the object of the 121435  
removal or prohibition order is a regulated person. 121436

**Sec. 1121.34.** (A)(1) The superintendent of financial 121437  
institutions may issue an order suspending a regulated person from 121438  
office or temporarily prohibiting a regulated person from further 121439  
participation in the conduct of the affairs of a bank or trust 121440  
company, or both, if both of the following apply: 121441

(a) The superintendent serves, or has served, the regulated 121442  
person with a notice of charges and intent to remove the regulated 121443  
person or prohibit the regulated person from further participation 121444  
in the conduct of the affairs of a bank or trust company pursuant 121445  
to section 1121.33 of the Revised Code. 121446

(b) The superintendent determines the suspension or temporary 121447  
prohibition is necessary for the protection of a bank or trust 121448  
company or the interests of a bank's depositors or a trust 121449  
company's beneficiaries. 121450

(2) An order issued pursuant to division (A)(1) of this 121451  
section is effective immediately upon service on the regulated 121452  
person, and remains effective and enforceable as provided in the 121453  
order except to the extent it is stayed, modified, terminated, or 121454  
set aside by action of the superintendent or a reviewing court. 121455  
If, upon the record of a hearing, the superintendent determines 121456  
not to issue an order removing a regulated person from office or 121457  
prohibiting a regulated person's further participation in the 121458  
conduct of the affairs of a bank or trust company pursuant to 121459  
section 1121.33 of the Revised Code, the order issued pursuant to 121460  
division (A)(1) of this section is terminated. 121461

(3) Within ten days after being served a suspension or 121462  
temporary prohibition order pursuant to division (A)(1) of this 121463  
section, a regulated person may apply to the court of common pleas 121464

of the county in which the residence of the regulated person is 121465  
located, or the court of common pleas of Franklin county, for an 121466  
injunction setting aside, limiting, or suspending the enforcement, 121467  
operation, or effectiveness of the suspension or temporary 121468  
prohibition order pending completion of the hearing on the notice 121469  
of charges served on the regulated person pursuant to section 121470  
1121.33 of the Revised Code, and the court has jurisdiction to 121471  
issue the injunction. 121472

(B)(1) Whenever a regulated person is charged in any 121473  
information, indictment, or complaint, authorized by a prosecuting 121474  
attorney or a United States attorney, with the commission of or 121475  
participation in a felony or a crime involving an act of fraud, 121476  
dishonesty or, breach of trust, theft, or money laundering 121477  
involving a depository institution, the superintendent may suspend 121478  
the regulated person from office or temporarily prohibit the 121479  
regulated person's further participation in the conduct of the 121480  
affairs of a bank or trust company, or both. A suspension or 121481  
temporary prohibition order issued pursuant to division (B)(1) of 121482  
this section is effective immediately upon service on the 121483  
regulated person, and remains effective and enforceable until the 121484  
information, indictment, or complaint is finally disposed of or 121485  
the superintendent terminates the order. 121486

(2) If a judgment of conviction or an agreement to enter a 121487  
pretrial diversion or other similar program is entered against a 121488  
regulated person with respect to the information, indictment, or 121489  
complaint and, in the case of a judgment of conviction, is not 121490  
subject to further appellate review, the superintendent may remove 121491  
the regulated person from office, prohibit the regulated person 121492  
from further participation in the conduct of the affairs of a bank 121493  
or trust company, or both. A removal or prohibition order issued 121494  
pursuant to division (B)(2) of this section is effective 121495  
immediately upon service on the regulated person, and remains 121496

effective and enforceable as provided in the removal or 121497  
prohibition order except to the extent it is stayed, modified, 121498  
terminated, or set aside by action of the superintendent. 121499

(3) A finding of not guilty or other disposition of the 121500  
information, indictment, or complaint does not preclude the 121501  
superintendent from subsequently instituting proceedings pursuant 121502  
to section 1121.33 of the Revised Code to remove the regulated 121503  
person from office or to prohibit the regulated person from 121504  
further participation in the conduct of the affairs of a bank or 121505  
trust company, or both. 121506

(C) The superintendent shall serve a certified copy of a 121507  
suspension or temporary prohibition order issued pursuant to 121508  
division (A) or (B)(1) of this section or a removal or prohibition 121509  
order issued pursuant to division (B)(2) of this section on any 121510  
bank or trust company in relation to which the object of the 121511  
suspension, removal, or prohibition order is a regulated person. 121512

(D) A regulated person who has been suspended, removed from 121513  
office, or temporarily or otherwise prohibited from further 121514  
participation in the conduct of the affairs of a bank or trust 121515  
company pursuant to this section or by order of the bank 121516  
regulatory authority of another state or the United States shall 121517  
not, while the suspension, removal, or prohibition order is in 121518  
effect, continue or commence to hold any office of or participate 121519  
in any manner in the conduct of the affairs of a bank or trust 121520  
company in this state, except as specifically permitted by the 121521  
superintendent or by the bank regulatory authority of another 121522  
state or the United States pursuant to modification of the 121523  
suspension, removal, or prohibition order. Participation in the 121524  
conduct of the affairs of a bank or trust company includes doing 121525  
any of the following: 121526

(1) Soliciting, procuring, transferring, attempting to 121527  
transfer, voting, or attempting to vote any proxy, consent, or 121528

authorization with respect to any voting rights in any bank or trust company;

(2) Violating any voting agreement previously approved by the superintendent;

(3) Voting for a director of any bank or trust company.

(E) If at any time, because of the suspension of one or more directors pursuant to this section, there are on the board of directors of a bank less than a quorum of directors not suspended, all powers and functions vested in or exercisable by the board shall be vested in and be exercisable by the director or directors on the board not suspended, until the time there is a quorum of the board of directors. If all the directors of a bank are suspended pursuant to this section, the superintendent shall appoint persons to serve temporarily as directors in their place, pending termination of the suspensions or until those who have been suspended cease to be directors of the bank and their successors take office.

**Sec. 1121.38.** (A)(1) An administrative hearing provided for in section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised Code shall be held in the county in which the principal place of business of the bank or trust company or residence of the regulated person is located, unless the bank, trust company, or regulated person requesting the hearing consents to another place. Within ninety days after the hearing, the superintendent of financial institutions shall render a decision, which shall include findings of fact upon which the decision is predicated, and shall issue and serve on the bank, trust company, or regulated person the decision and an order consistent with the decision. Judicial review of the order is exclusively as provided in division (B) of this section. Unless a notice of appeal is filed in a court of common pleas within thirty days after service of the

superintendent's order as provided in division (B) of this 121560  
section, and until the record of the administrative hearing has 121561  
been filed, the superintendent may, at anytime, upon the notice 121562  
and in the manner the superintendent considers proper, modify, 121563  
terminate, or set aside the superintendent's order. After filing 121564  
the record, the superintendent may modify, terminate, or set aside 121565  
the superintendent's order with permission of the court. 121566

(a) A hearing provided for in section 1121.32, 1121.35, or 121567  
1121.41 of the Revised Code shall be confidential, unless the 121568  
superintendent determines that holding an open hearing would be in 121569  
the public interest. Within twenty days after service of the 121570  
notice of a hearing, a respondent may file a written request for a 121571  
public hearing with the superintendent. A respondent's failure to 121572  
file such a request constitutes a waiver of any objections to a 121573  
confidential hearing. 121574

(b) A hearing provided for in section 1121.33 of the Revised 121575  
Code shall be an open hearing. Within twenty days after service of 121576  
the notice of a hearing, a respondent may file a written request 121577  
for a confidential hearing with the superintendent. If such a 121578  
request is received by the superintendent, the hearing shall be 121579  
confidential unless the superintendent determines that holding an 121580  
open hearing would be in the public interest. 121581

(2) In the course of, or in connection with, an 121582  
administrative hearing governed by this section, the 121583  
superintendent, or a person designated by the superintendent to 121584  
conduct the hearing, may administer oaths and affirmations, take 121585  
or cause depositions to be taken, and issue, revoke, quash, or 121586  
modify subpoenas and subpoenas duces tecum. At any administrative 121587  
hearing required by section 1121.32, 1121.33, 1121.35, or 1121.41 121588  
of the Revised Code, the record of which may be the basis of an 121589  
appeal to court, a stenographic record of the testimony and other 121590  
evidence submitted shall be taken at the expense of the division 121591



of financial institutions. The record shall include all of the 121592  
testimony and other evidence, and any rulings on the admissibility 121593  
thereof, presented at the hearing. The superintendent may adopt 121594  
rules regarding these hearings. The attendance of witnesses and 121595  
the production of documents provided for in this section may be 121596  
required from any place within or outside the state. A party to a 121597  
hearing governed by this section may apply to the court of common 121598  
pleas of Franklin county, or the court of common pleas of the 121599  
county in which the hearing is being conducted or the witness 121600  
resides or carries on business, for enforcement of a subpoena or 121601  
subpoena duces tecum issued pursuant to this section, and the 121602  
courts have jurisdiction and power to order and require compliance 121603  
with the subpoena. Witnesses subpoenaed under this section shall 121604  
be paid the fees and mileage provided for under section 119.094 of 121605  
the Revised Code. 121606

(B)(1) A bank, trust company, or regulated person against 121607  
whom the superintendent issues an order upon the record of a 121608  
hearing under the authority of section 1121.32, 1121.33, 1121.35, 121609  
or 1121.41 of the Revised Code may obtain a review of the order by 121610  
filing a notice of appeal in the court of common pleas in the 121611  
county in which the principal place of business of the bank, trust 121612  
company, or regulated person, or residence of the regulated 121613  
person, is located, or in the court of common pleas of Franklin 121614  
county, within thirty days after the date of service of the 121615  
superintendent's order. The clerk of the court shall promptly 121616  
transmit a copy of the notice of appeal to the superintendent, 121617  
~~and~~. Within thirty days after receiving the notice of appeal, the 121618  
superintendent shall file a certified copy of the record of the 121619  
administrative hearing with the clerk of the court. In the event 121620  
of a private hearing, the record of the administrative hearing 121621  
shall be filed under seal with the clerk of the court. Upon the 121622  
filing of the notice of appeal, the court has jurisdiction, which 121623  
upon the filing of the record of the administrative hearing is 121624

exclusive, to affirm, modify, terminate, or set aside, in whole or 121625  
in part, the superintendent's order. 121626

(2) The commencement of proceedings for judicial review 121627  
pursuant to division (B) of this section does not, unless 121628  
specifically ordered by the court, operate as a stay of any order 121629  
issued by the superintendent. If it appears to the court an 121630  
unusual hardship to the appellant bank, trust company, or 121631  
regulated person will result from the execution of the 121632  
superintendent's order pending determination of the appeal, and 121633  
the interests of depositors and the public will not be threatened 121634  
by a stay of the order, the court may grant a stay and fix its 121635  
terms. 121636

(C) The superintendent may, in the sole discretion of the 121637  
superintendent, apply to the court of common pleas of the county 121638  
in which the principal place of business of the bank, trust 121639  
company, or regulated person, or residence of the regulated 121640  
person, is located, or the court of common pleas of Franklin 121641  
county, for the enforcement of an effective and outstanding 121642  
superintendent's order issued under section 1121.32, 1121.33, 121643  
1121.34, 1121.35, or 1121.41 of the Revised Code, and the court 121644  
has jurisdiction and power to order and require compliance with 121645  
the superintendent's order. In an action by the superintendent 121646  
pursuant to this division to enforce an order assessing a civil 121647  
penalty issued under section 1121.35 of the Revised Code, the 121648  
validity and appropriateness of the civil penalty is not subject 121649  
to review. 121650

(D) No court has jurisdiction to affect, by injunction or 121651  
otherwise, the issuance or enforcement of an order issued under 121652  
section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the 121653  
Revised Code or to review, modify, suspend, terminate, or set 121654  
aside an order issued under section 1121.32, 1121.33, 1121.34, 121655  
1121.35, or 1121.41 of the Revised Code, except as provided in 121656

this section, in division (G) of section 1121.32 of the Revised Code for an order issued pursuant to division (C)(3) or (4) of section 1121.32 of the Revised Code, or in division (A)(3) of section 1121.34 of the Revised Code for an order issued pursuant to division (A)(1) of section 1121.34 of the Revised Code.

(E) Nothing in this section or in any other section of the Revised Code or rules implementing this or any other section of the Revised Code shall prohibit or limit the superintendent from doing any of the following:

(1) Issuing orders pursuant to section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the Revised Code;

(2) Individually or contemporaneously taking any other action provided by law or rule with respect to a bank, trust company, or regulated person;

(3) Taking any action provided by law or rule with respect to a bank, trust company, or regulated person, whether alone or in conjunction with another regulatory agency or authority.

**Sec. 1121.41.** (A) The superintendent of financial institutions may issue and serve a notice of charges and intent to issue an order placing a bank or trust company under supervision and appointing a supervisor for the bank or trust company, if, in the opinion of the superintendent, any of the following applies:

(1) In the case of a bank, any of the conditions listed in section 1125.09 of the Revised Code for appointing a conservator or in section 1125.18 of the Revised Code for taking possession of a bank and appointing a receiver, exists.

(2) In the case of a trust company, any of the conditions listed in section 1111.32 of the Revised Code for revoking a license to do trust business, exists.

(3) The bank or trust company is in such condition that the

further transaction of business would be hazardous, financially or otherwise, to its shareholders, depositors, its creditors, or the public.

(B) The notice of charges and intent to issue an order placing a bank or trust company under supervision and appointing a supervisor shall include all of the following:

(1) A statement of the alleged basis for the superintendent's placing the bank or trust company under supervision and appointing a supervisor and the period for supervision;

(2) A statement of the facts supporting the superintendent's placing the bank or trust company under supervision and appointing a supervisor;

(3) A statement of the requirements to abate the superintendent's placing the bank or trust company under supervision and appointing a supervisor;

(4) A statement, in accordance with division (D) of this section, of actions the bank or trust company would be prohibited from undertaking during the period of supervision without the prior approval of the superintendent or the supervisor appointed by the superintendent;

(5) Notice of both of the following:

(a) The bank or trust company is entitled to a hearing, conducted in accordance with section 1121.38 of the Revised Code, to determine whether the superintendent should issue an order placing the bank or trust company under supervision and appointing a supervisor, if the bank or trust company requests the hearing within thirty days after service of the superintendent's notice of charges and intent to issue an order placing the bank or trust company under supervision and appointing a supervisor;

(b) Failure to request the hearing in the time allowed, or

failure to appear at a hearing timely requested, is consent to the 121717  
issuance of the order placing the bank or trust company under 121718  
supervision and appointing a supervisor. 121719

(6) Notice that if the bank or trust company makes a timely 121720  
request for a hearing, all of the following apply: 121721

(a) The bank or trust company may appear at the hearing in 121722  
person, by attorney, or by presenting positions, arguments, and 121723  
contentions in writing. 121724

(b) At the hearing the bank or trust company may present 121725  
evidence and examine witnesses for and against the bank or trust 121726  
company. 121727

(c) The hearing will be set for a date within ten days after 121728  
the superintendent's receipt of the request for the hearing or a 121729  
later date mutually agreed to by the bank or trust company and the 121730  
superintendent. 121731

(C) The superintendent may issue an order placing the bank or 121732  
trust company under supervision and appointing a supervisor, if 121733  
either of the following applies: 121734

(1) The bank or trust company consents to the issuance of the 121735  
order; 121736

(2) Upon the record of the hearing the superintendent finds 121737  
any of the following: 121738

(a) In the case of a bank, any of the conditions listed in 121739  
section 1125.09 of the Revised Code for appointing a conservator 121740  
or in section 1125.18 of the Revised Code for taking possession of 121741  
a bank and appointing a receiver, exists. 121742

(b) In the case of a trust company, any of the conditions 121743  
listed in section 1111.32 of the Revised Code for revoking a 121744  
license to do trust business, exists. 121745

(c) The bank or trust company is in such condition that 121746

further transaction of business would be hazardous to its 121747  
shareholders, its depositors, its creditors, or the public. 121748

(D) An order placing a bank or trust company under 121749  
supervision and appointing a supervisor may prohibit the bank or 121750  
trust company from doing any of the following during the period of 121751  
supervision without the prior approval of either the 121752  
superintendent or the supervisor appointed by the superintendent: 121753

(1) Disposing of, conveying, or encumbering any of its 121754  
assets; 121755

(2) Withdrawing any of its bank accounts; 121756

(3) Lending any of its funds; 121757

(4) Investing any of its funds; 121758

(5) Transferring any of its property; 121759

(6) Incurring any debt, obligation, or liability; 121760

(7) Taking any other action specified in the order. 121761

(E) An order placing a bank or trust company under 121762  
supervision and appointing a supervisor is effective at the time 121763  
specified in the order which, in the case of an order issued 121764  
pursuant to division (C)(2) of this section, shall not be less 121765  
than thirty days after service of the order on the bank or trust 121766  
company. 121767

(F) An order placing a bank or trust company under 121768  
supervision and appointing a supervisor remains effective and 121769  
enforceable as provided in the order, except to the extent the 121770  
order is stayed, modified, terminated, or set aside by action of 121771  
the superintendent or a reviewing court. 121772

(G) The cost incident to the supervisor's service shall be 121773  
fixed and determined by the superintendent, and shall be a charge 121774  
against the assets and funds of the bank or trust company to be 121775  
allowed and paid as the superintendent determines. 121776

**Sec. 1121.43.** (A) Except as provided in division (B) of this section, the superintendent of financial institutions shall ~~publish and~~ make available to the public on a monthly basis all of the following:

(1) Any written agreement or other writing for which a violation may be enforced by the superintendent;

(2) Any final order issued pursuant to section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the Revised Code;

(3) Any modification or termination of an agreement, other writing, or order made available to the public pursuant to this section.

(B)(1) If, in the superintendent's discretion, the superintendent determines that ~~publishing~~ making a written agreement or other writing ~~and making it~~ available to the public pursuant to division (A)(1) of this section would be contrary to the public interest, the superintendent shall not ~~publish the written agreement or other writing or~~ make it available to the public.

(2) If the superintendent determines that ~~publishing~~ making a final order ~~and making it~~ available to the public pursuant to division (A)(2) of this section would seriously threaten the safety and soundness of a state bank or trust company, the superintendent may delay ~~the publication~~ making it available for a reasonable time.

**Sec. 1121.45.** (A) The superintendent of financial institutions may call and convene a meeting with the regulated persons the superintendent determines to be appropriate at a location within this state and at a date and time established by the superintendent upon notice served in accordance with section 1121.37 of the Revised Code. The regulated persons notified of the

meeting shall attend the meeting unless excused by the 121807  
superintendent for reasonable cause at the superintendent's sole 121808  
discretion. Failure of a regulated person to attend a meeting 121809  
called and convened in accordance with this division, unless 121810  
excused by the superintendent, is grounds for suspending or 121811  
removing the regulated person from office or imposing civil 121812  
penalties against the regulated person. 121813

(B) If a quorum of the board of directors of a bank or an 121814  
affiliate of a bank attends a meeting called and convened by the 121815  
superintendent pursuant to division (A) of this section, they may 121816  
convene a meeting of the board of directors to address matters 121817  
related to the superintendent's meeting, notwithstanding any 121818  
contrary provision of the bank's articles of incorporation, code 121819  
of regulations, or bylaws related to notice of a board of 121820  
directors meeting. 121821

(C) The records of any meeting called and convened in 121822  
accordance with division (A) of this section and the discussions, 121823  
information, and documentation presented at the meeting are, in 121824  
the possession of any person, confidential and privileged 121825  
information and shall not be disclosed except as provided in 121826  
section 1121.18 of the Revised Code. 121827

**Sec. 1121.47.** (A) The superintendent of financial 121828  
institutions may do both of the following: 121829

(1) Summon and compel, by order or subpoena, witnesses to 121830  
appear before the superintendent, deputy superintendent, examiner, 121831  
~~or attorney examiner~~, or such other person designated by the 121832  
superintendent and testify under oath regarding the affairs of a 121833  
bank or trust company or, in relation to matters concerning a 121834  
state bank, foreign bank, or trust company, a regulated person; 121835

(2) Compel, by order or subpoena, the production of any 121836  
record, book, paper, document, item, or other thing pertaining to 121837



a bank or trust company or, in relation to matters concerning a 121838  
state bank, foreign bank, or trust company, a regulated person. 121839

(B) The superintendent shall serve an order or subpoena 121840  
issued pursuant to division (A) of this section in any manner 121841  
provided by section 1121.37 of the Revised Code. 121842

(C) If a person fails to comply with an order or subpoena of 121843  
the superintendent or refuses to testify to any matter regarding 121844  
which the person is lawfully interrogated before the division of 121845  
financial institutions, on application of the superintendent, the 121846  
court of common pleas of the county in which the person resides or 121847  
in which the principal place of business of the person is located, 121848  
or a judge of the court, shall compel compliance by attachment 121849  
proceedings as for contempt in the case of noncompliance with a 121850  
subpoena issued from the court or refusal to testify in the court. 121851  
Failure of a regulated person to comply fully with an order or 121852  
subpoena issued under the authority of this section shall be 121853  
grounds for removing the regulated person from office, prohibiting 121854  
the regulated person from participating directly or indirectly in 121855  
the affairs of a bank or trust company, or imposing civil 121856  
penalties against the regulated person. 121857

**Sec. 1121.48.** (A) All suits and court proceedings brought by 121858  
the superintendent of financial institutions shall be brought in 121859  
the name of the state upon the superintendent's relation, and 121860  
shall be conducted by the attorney general or a designee of the 121861  
attorney general. 121862

(B) A suit or court proceeding brought by the superintendent 121863  
may be prosecuted in the court of common pleas of Franklin county, 121864  
or of any other county in which the defendant or any of the 121865  
defendants resides or may be found. 121866

(C) In all suits or court proceedings brought by the 121867  
superintendent, the writ may be sent by regular mail to the 121868

sheriff of any county, and the sheriff may return the writ by 121869  
regular mail. The sheriff shall be allowed the same mileage and 121870  
fees for the service as would be allowed if the writ had been 121871  
issued from and made returnable to the court of common pleas of 121872  
the sheriff's county. 121873

**Sec. 1121.50.** (A) As used in this section, "independent 121874  
auditor" means an external, unaffiliated auditor who has a 121875  
certified public accounting designation that qualifies the person 121876  
to provide an auditor's report. 121877

(B) The superintendent of financial institutions may, when 121878  
circumstances warrant, require a bank or trust company to have an 121879  
independent auditor conduct agreed upon procedures prescribed by 121880  
the superintendent. The independent auditor shall be retained, and 121881  
the expense of the agreed upon procedures shall be paid, by the 121882  
bank or trust company. The agreed upon procedures shall be 121883  
conducted in accordance with standards established by the American 121884  
institute of certified public accountants. 121885

~~(B)~~(C) The board of directors of the bank or trust company 121886  
shall, within sixty days after receipt of the report prepared by 121887  
the independent auditor for the agreed upon procedures conducted 121888  
pursuant to this section, prepare a response to the report and 121889  
file the report and the board's response with the superintendent. 121890  
A report and response filed with the superintendent pursuant to 121891  
this section may be disclosed only as provided in section 1121.18 121892  
of the Revised Code. 121893

**Sec. 1121.52.** (A) If a state bank is undercapitalized, the 121894  
superintendent of financial institutions shall notify the bank of 121895  
the fact of the undercapitalization. The superintendent may 121896  
require the bank to submit a written capital restoration plan to 121897  
the superintendent within forty-five days after the bank receives 121898

that notice, unless the superintendent authorizes in writing a longer period of time. 121899  
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(B) A capital restoration plan required under this section shall specify all of the following: 121901  
121902

(1) The steps the state bank will take to become adequately capitalized; 121903  
121904

(2) The levels of capital to be attained during the time frame in which the plan will be in effect; 121905  
121906

(3) The types and levels of activities in which the bank will engage; 121907  
121908

(4) Any other information the superintendent may require. 121909

(C) The superintendent shall approve a capital restoration plan submitted under this section if the superintendent determines that the plan meets both of the following conditions: 121910  
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121912

(1) It is based on realistic assumptions and is likely to succeed in restoring the bank's capital. 121913  
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(2) It would not appreciably increase the risk, including credit risk and interest rate risk, to which the bank is exposed. 121915  
121916

(D) If the superintendent fails to approve a state bank's capital restoration plan, the superintendent shall notify the bank and require it to submit a revised plan within a time period specified by the superintendent. Upon serving that notice, the superintendent may immediately appoint a conservator for the bank or take any other action authorized under section 1121.32, 1121.33, 1121.34, 1121.35, 1121.41, or 1121.46 of the Revised Code or any other law or rule. 121917  
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(E) Both of the following apply to any state bank that has submitted and is operating under a capital restoration plan approved under this section: 121925  
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(1) The bank shall not be required to submit an additional capital restoration plan based on a revised calculation of its capital measures unless specifically required to do so by the superintendent. A state bank that is notified that it must submit a new or revised plan shall file a written plan with the superintendent within thirty days after the bank receives the notice, unless the superintendent authorizes in writing a different period of time. 121928  
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(2) The bank may, after prior written notice to and approval by the superintendent, amend its capital restoration plan to reflect a change in circumstance. Until such time as a proposed amendment is approved by the superintendent, the bank shall implement the plan in its current form. 121936  
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(F)(1) If an undercapitalized bank fails to submit a capital restoration plan required under this section within the designated period of time, upon expiration of that period, the superintendent may immediately appoint a conservator for the bank or take any other action authorized under section 1121.32, 1121.33, 1121.34, 1121.35, 1121.41, or 1121.46 of the Revised Code or any other law or rule. 121941  
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(2) If an undercapitalized bank fails, in any material respect, to implement a capital restoration plan required under this section, the superintendent may immediately appoint a conservator for the bank or take any other action authorized under section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the Revised Code or any other law or rule. 121948  
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(G) Nothing in this section prohibits the superintendent from requiring a state bank to submit a capital restoration plan at any other time the superintendent considers necessary. 121954  
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**Sec. 1121.56.** Neither the superintendent of financial institutions ~~nor~~, any employee, agent, or contractor of the 121957  
121958

division of financial institutions, or any supervisor appointed by 121959  
the superintendent under this chapter is liable in any civil, 121960  
criminal, or administrative proceeding for any mistake of judgment 121961  
or discretion in any action taken, or any omission made, in good 121962  
faith within the scope of the person's official capacity as 121963  
assigned by the superintendent. 121964

**Sec. 1123.01.** (A) There is hereby created in the division of 121965  
financial institutions a banking commission which shall consist of 121966  
~~seven~~ nine members. The deputy superintendent for banks shall be a 121967  
member of the commission and its chairperson. The governor, with 121968  
the advice and consent of the senate, shall appoint the remaining 121969  
~~six~~ eight members. 121970

(B) After the second Monday in January of each year, the 121971  
governor shall appoint two members. Terms of office shall be for 121972  
~~three~~ four years commencing on the first day of February and 121973  
ending on the thirty-first day of January. Each member shall hold 121974  
office from the date appointed until the end of the term for which 121975  
appointed. In the case of a vacancy in the office of any member, 121976  
the governor shall appoint a successor who shall hold office for 121977  
the remainder of the term for which the successor's predecessor 121978  
was appointed. Any member shall continue in office subsequent to 121979  
the expiration date of the member's term until the member's 121980  
successor is appointed, or until sixty days have elapsed, 121981  
whichever occurs first. 121982

(C) No person appointed as a member of the commission may 121983  
serve more than two consecutive full terms. However, a member may 121984  
serve two consecutive full terms following the remainder of a term 121985  
for which the member was appointed to fill a vacancy. 121986

(D)(1) At least ~~three~~ six of the ~~six~~ eight members appointed 121987  
to the commission shall be, at the time of appointment, executive 121988  
officers of state banks ~~transacting business under authority~~ 121989

~~granted by the superintendent of financial institutions, and four~~ 121990  
~~all~~ of the ~~six~~ members appointed to the commission shall have 121991  
banking experience as a director or officer of a bank, savings 121992  
bank, or savings association insured by the federal deposit 121993  
insurance corporation, a bank holding company, or a savings and 121994  
loan holding company. The membership of the commission shall be 121995  
representative of the banking industry as a whole, including 121996  
representatives of banks of various asset sizes and ownership 121997  
structures, as determined by the governor after consultation with 121998  
the superintendent of financial institutions ~~from time to time.~~ 121999

(2) No person who has been convicted of, or has pleaded 122000  
guilty to, a felony involving an act of fraud, dishonesty or, 122001  
breach of trust, theft, or money laundering shall take or hold 122002  
office as a member of the banking commission. 122003

(E) The members of the commission shall receive no salary, 122004  
but their expenses incurred in the performance of their duties 122005  
shall be paid from funds appropriated for that purpose. 122006

(F) The governor may remove any of the ~~six~~ eight members 122007  
appointed to the commission whenever in the governor's judgment 122008  
the public interest requires removal. Upon removing a member of 122009  
the commission, the governor shall file with the superintendent a 122010  
statement of the cause for the removal. 122011

**Sec. 1123.02.** (A) The banking commission shall hold regular 122012  
meetings at the times and places it fixes, and shall meet at any 122013  
time on call of the deputy superintendent for banks upon two days' 122014  
notice unless the commission by resolution provides for a shorter 122015  
notice. 122016

(B) A majority of the full commission constitutes a quorum, 122017  
and action taken by a majority of those present at a meeting at 122018  
which there is a quorum constitutes the action of the commission. 122019

(C) No member shall participate before the commission in a proceeding involving any bank of which the member is, or was at any time in the preceding twelve months, a member of the board of directors, an officer, an employee, or a shareholder. A member may refrain from participating in a proceeding before the commission for any other cause the member considers sufficient.

(D) The commission may, by a majority vote of those present at a meeting at which there is a quorum, adopt and amend bylaws and rules the commission, in its judgment, considers necessary and proper. The commission shall select one of its members as secretary, who shall keep a record of all its proceedings.

**Sec. 1123.03.** The banking commission shall do all of the following:

(A) Make recommendations to the deputy superintendent for banks and the superintendent of financial institutions on the business of banking;

(B) Consider and make recommendations on any matter the superintendent or deputy superintendent submits to the commission for that purpose;

(C) Pass upon and determine any matter the superintendent or deputy superintendent submits to the commission for determination;

(D) Consider and determine whether to confirm the annual schedule of assessments proposed by the superintendent in accordance with section 1121.29 of the Revised Code;

(E) Determine whether to increase the schedule of assessments as provided in division (A)(3) of section 1121.29 of the Revised Code;

(F) Determine, as provided in division (D) of section 1121.12 of the Revised Code, both of the following:

(1) Whether there is reasonable cause to believe that there

is a significant risk of imminent material harm to the bank; 122050

(2) Whether the examination of the bank holding company is 122051  
necessary to fully determine the risk to the bank, or to determine 122052  
how best to address the risk to the bank. 122053

**Sec. 1125.01.** (A) As used in this chapter, "court" means the 122054  
court of common pleas of the county in which the principal place 122055  
of business of a state bank, as set forth in its articles of 122056  
incorporation, is located or of any other county determined by the 122057  
superintendent of financial institutions to be appropriate under 122058  
the circumstances. 122059

(B) The court shall have exclusive original jurisdiction of 122060  
any action or proceeding relating to or arising out of the taking 122061  
of possession of the property and business of a state bank under 122062  
this chapter, whether before or after the bank is wound up and 122063  
dissolved, as well as any action or other proceeding brought under 122064  
this chapter. 122065

(C) Whenever the approval of the court is required for any 122066  
act under this chapter, that approval may be given with or without 122067  
a hearing held upon whatever notice, if any, the court may direct, 122068  
unless otherwise provided in this chapter. At a hearing, the 122069  
court, by order, may approve the actions petitioned. 122070

**Sec. 1125.03.** (A) A state bank may proceed with a voluntary 122071  
liquidation and be closed only with both the consent of the 122072  
superintendent of financial institutions and the prior approval of 122073  
the shareholders or members of the bank by a vote as provided for 122074  
in its articles of incorporation, if not less than a majority. 122075

(B) Prior to instituting a voluntary liquidation, a state 122076  
bank shall submit to the superintendent an application for 122077  
approval of its plan of voluntary liquidation and evidence 122078  
satisfactory to the superintendent that the plan has been properly 122079



adopted by the bank and approved by its shareholders or members. 122080

(C) A state bank's plan of voluntary liquidation shall 122081  
include provisions for all of the following: 122082

(1) The settlement of all debts and liabilities, including 122083  
the claims of account holders, owed by the bank; 122084

(2) The distribution of the bank's assets that remain after 122085  
the settlement of debts and liabilities to all persons entitled to 122086  
them; 122087

(3) The disposition or maintenance of any remaining or 122088  
unclaimed funds, real or personal property, either tangible or 122089  
intangible, or other assets, whether in trust or otherwise, 122090  
including the contents of safe deposit boxes or vaults; 122091

(4) The retention of the bank's records in accordance with 122092  
section 1109.69 of the Revised Code; 122093

(5) The date upon which the bank shall cease doing any 122094  
banking business and surrender its banking license to the 122095  
superintendent. 122096

(D) Upon receipt of a plan of voluntary liquidation, the 122097  
superintendent shall make an examination of the bank and shall 122098  
consent to or deny an application for approval of a plan based 122099  
upon the superintendent's evaluation of whether or not the 122100  
interests of the bank's depositors and creditors will suffer by 122101  
the liquidation. 122102

(E) The superintendent's consent to an application for 122103  
approval of a plan of voluntary liquidation may be subject to any 122104  
condition the superintendent determines appropriate under the 122105  
circumstances. 122106

**Sec. 1125.04.** (A) If the superintendent of financial 122107  
institutions consents to a voluntary liquidation, the 122108  
superintendent shall cause a certified copy of the consent to be 122109

filed in the office of the secretary of state, and the state bank 122110  
to be liquidated shall do both of the following: 122111

(1) Publish a notice of the voluntary liquidation once a week 122112  
for four consecutive weeks in a newspaper of general circulation 122113  
in the county in which the bank's principal place of business is 122114  
located; 122115

(2) Give written notice of the voluntary liquidation, either 122116  
personally or by mail, to all known creditors of and all known 122117  
claimants against the bank. 122118

(B) Compliance with the notice and publication requirements 122119  
of division (A) of this section satisfies any duplicate or similar 122120  
notice and publication requirements of Chapter 1701. of the 122121  
Revised Code. 122122

**Sec. 1125.05.** (A) A voluntary liquidation of a state bank 122123  
shall be conducted only with the continued supervision of the 122124  
superintendent of financial institutions. The superintendent may 122125  
conduct any additional examinations of the bank the superintendent 122126  
considers necessary or appropriate. 122127

(B) If the superintendent has reason to conclude the 122128  
liquidation of a state bank is not being safely or expeditiously 122129  
conducted, the superintendent may take possession of the business 122130  
and property of the bank in the same manner, with the same effect, 122131  
and subject to the same rights accorded the bank as if the 122132  
superintendent had taken possession under the receivership 122133  
provisions of this chapter. The superintendent may proceed to 122134  
liquidate the affairs of the bank in the same manner as otherwise 122135  
provided in this chapter. 122136

**Sec. 1125.06.** Upon completion of a voluntary liquidation, the 122137  
liquidated state bank shall submit to the superintendent of 122138  
financial institutions all documents required under Chapter 1701. 122139

of the Revised Code for a dissolution. The superintendent shall 122140  
consent to the dissolution, and shall cause a certified copy of 122141  
the consent to be filed, along with the bank's dissolution 122142  
documents, in the office of the secretary of state. 122143

**Sec. 1125.09.** The superintendent of financial institutions 122144  
may appoint a conservator to take possession of the property and 122145  
business of a state bank and to retain possession until the bank 122146  
resumes business or a receiver is appointed, as provided for in 122147  
this chapter, if the superintendent finds any one or more of the 122148  
following conditions: 122149

(A) The bank is in an unsafe or unsound condition to continue 122150  
the business of banking. 122151

(B) The bank is insolvent, in that it has ceased to pay its 122152  
debts in the ordinary course of business, it is incapable of 122153  
paying its debts as they mature, or it has liabilities in excess 122154  
of its assets. 122155

(C) The bank has committed a violation of law that has caused 122156  
or that threatens substantial injury to any of the public, the 122157  
banking industry, or the bank's depositors or other creditors. 122158

(D) The bank has refused to submit its records of account, 122159  
papers, or affairs to the inspection or examination of any federal 122160  
agency or the superintendent. 122161

(E) The bank has failed to pay its deposits or obligations in 122162  
accordance with the terms under which the deposits were taken or 122163  
the obligations were incurred. 122164

(F) A majority of the board of directors of the bank or a 122165  
majority of its shareholders or members has requested the 122166  
superintendent to appoint a conservator to take possession of the 122167  
bank. 122168

(G) Either all positions on the board of directors of the 122169

bank are vacant or all of the directors then in office are 122170  
incapacitated or otherwise unable to perform their 122171  
responsibilities. 122172

(H) The bank has violated any court order, statute, rule, or 122173  
regulation, or its articles of incorporation, and the 122174  
superintendent determines the continued control of its own affairs 122175  
threatens injury to any of the public, the banking industry, or 122176  
the bank's depositors or other creditors. 122177

(I) The bank's status as an insured institution has been 122178  
terminated by the federal deposit insurance corporation. 122179

**Sec. 1125.10.** (A) If it appears to the superintendent of 122180  
financial institutions that any one or more of the conditions set 122181  
forth in section 1125.09 of the Revised Code exists as to any 122182  
state bank, the superintendent may appoint a conservator, which 122183  
appointment may include the superintendent, and thereafter may 122184  
dismiss or replace the conservator as the superintendent 122185  
determines necessary or advisable. The superintendent may fix the 122186  
compensation to be paid the conservator and the amount of the bond 122187  
or other security, if any, to be required. 122188

(B) The superintendent may, from time to time, appoint one or 122189  
more special deputy superintendents as agent or agents to assist 122190  
in the duties of conservatorship. 122191

(C) The superintendent, any special deputy superintendents, 122192  
or a conservator may employ and procure whatever assistance or 122193  
advice is necessary in the conservatorship of the bank, and, for 122194  
that purpose, may retain officers or employees of the bank as 122195  
needed. 122196

(D) The superintendent may terminate the conservatorship at 122197  
any time, and may appoint a receiver for liquidation of the bank 122198  
on any of the grounds provided in this chapter for appointment of 122199

a receiver. 122200

(E) All expenses of a conservatorship shall be paid out of 122201  
the assets of the bank, and shall be a lien on the bank's assets, 122202  
which lien shall be prior to any other lien. 122203

**Sec. 1125.11.** (A) Upon the appointment of a conservator, the 122204  
superintendent of financial institutions shall file a certified 122205  
copy of the certificate of appointment in the office of the 122206  
secretary of state, and thereafter no person shall obtain a lien 122207  
or charge upon any assets of the state bank for any payment, 122208  
advance, clearance, or liability thereafter made or incurred, nor 122209  
shall the directors, officers, or agents of the bank thereafter 122210  
have authority to act on behalf of the bank or to convey, 122211  
transfer, assign, pledge, mortgage, or encumber any of the bank's 122212  
assets. 122213

(B) The filing of the certificate of appointment in 122214  
accordance with this section shall not be a condition to either 122215  
the superintendent's taking possession of the property and 122216  
business of a state bank or appointing a conservator for a state 122217  
bank. 122218

**Sec. 1125.12.** (A) A conservator, under the supervision of the 122219  
superintendent of financial institutions and subject to any 122220  
limitations imposed by the superintendent, shall have all of the 122221  
following powers: 122222

(1) To take possession of all books, records of account, and 122223  
assets of the state bank; 122224

(2) To have and exercise, in the name and on behalf of the 122225  
bank, all the rights, powers, and authority of the officers and 122226  
directors of the bank and all voting rights of its shareholders or 122227  
members; 122228

(3) To collect all debts, claims, and judgments belonging to 122229

the bank and to take any other action, including the lending of 122230  
money, necessary to the operation of the bank during the 122231  
conservatorship; 122232

(4) To execute in the name of the bank any instrument 122233  
necessary or proper to effectuate the conservator's powers or 122234  
perform its duties as conservator; 122235

(5) To initiate, pursue, compromise, and defend litigation 122236  
involving any right, claim, interest, or liability of the bank; 122237

(6) To exercise all fiduciary functions of the bank as of the 122238  
date of appointment as conservator; 122239

(7) To borrow money as necessary in the operation of the 122240  
bank, and to secure those borrowings by the pledge or mortgage of 122241  
the assets of the bank; 122242

(8) To abandon or convey title to any holder of a deed of 122243  
trust, mortgage, or similar lien against property in which the 122244  
bank has an interest, whenever the conservator determines that 122245  
continuing to claim that interest is burdensome and of no 122246  
advantage to the bank or its account holders, creditors, ~~or~~ 122247  
shareholders, or members; 122248

(9) If done in good faith within the ordinary course of 122249  
business or financial affairs of the bank and according to 122250  
ordinary business terms, to sell any and all assets, to compromise 122251  
any debt, claim, obligation, or judgment due to the bank, to 122252  
discontinue any pending action or other proceeding, and to 122253  
implement a restructuring of the bank in accordance with this 122254  
chapter. 122255

(B) Title to any assets of the bank does not vest in the 122256  
conservator. 122257

**Sec. 1125.13.** During the period of the conservatorship, all 122258  
of the following apply: 122259

(A) The conservator may permit the state bank to continue to 122260  
conduct its usual business, including the acceptance of deposits. 122261

(B) The obligations of the state bank shall continue to bear 122262  
interest at the rate contracted. 122263

(C) The conservator shall make whatever reports to the 122264  
superintendent of financial institutions the superintendent may 122265  
from time to time require. 122266

**Sec. 1125.14.** (A) The conservator shall evaluate the business 122267  
and assets of the state bank and, after conducting whatever 122268  
investigations the circumstances may require, shall recommend to 122269  
the superintendent of financial institutions that either the 122270  
conservatorship of the bank be terminated or the superintendent 122271  
appoint a receiver and the bank be liquidated as otherwise 122272  
provided in this chapter. The conservator shall consult with the 122273  
board of directors of the bank before making the recommendation. 122274  
122275

(B) The conservator of the bank may submit a plan to the 122276  
superintendent for approval to restructure the bank in a manner 122277  
designed to return the bank to the control of its shareholders or 122278  
members. As part of the plan, the conservator may take any steps 122279  
the superintendent approves regarding the management, operations, 122280  
or assets of the bank, including the sale of some or all of the 122281  
bank's assets. The conservator shall consult with the board of 122282  
directors of the bank regarding any proposed sale of all or 122283  
substantially all of the bank's assets. 122284

(C) The superintendent may require the conservator to submit 122285  
the plan to the shareholders or members of the bank as provided in 122286  
division (D) of this section or to submit a new or revised plan 122287  
for consideration by the superintendent. 122288

(D) If the conservator's plan is submitted to the 122289

shareholders or members pursuant to division (C) of this section, 122290  
the superintendent shall designate the contents of notice of the 122291  
vote that is to be forwarded from the conservator to the 122292  
shareholders or members and shall designate the date upon which 122293  
notice is to be forwarded. The date of the shareholder or member 122294  
vote shall be determined by the superintendent, but shall not 122295  
occur earlier than seven days or later than forty-five days after 122296  
the date of the notice. 122297

If the majority of the shareholders or members do not approve 122298  
the plan, the superintendent may request submission of a new plan 122299  
or proceed to appoint a receiver without regard to the grounds for 122300  
appointment of a receiver as otherwise provided in this chapter. 122301  
If the majority of the shareholders or members approve the plan, 122302  
the superintendent may terminate the conservatorship, and the 122303  
shareholders or members shall elect directors to manage the bank. 122304

(E) The superintendent, at any time, including after the date 122305  
notice of a vote is provided to shareholders or members of the 122306  
bank under division (D) of this section, may revoke a previously 122307  
approved plan of the conservator and either provide for, or 122308  
request submission of, a new plan or proceed with receivership 122309  
under this chapter. 122310

**Sec. 1125.17.** This chapter provides the full and exclusive 122311  
powers and procedures for the liquidation of state banks under the 122312  
laws of this state, and no receiver or other liquidating agent 122313  
shall be appointed for that purpose except as expressly provided 122314  
in this chapter. 122315

**Sec. 1125.18.** The superintendent of financial institutions 122316  
may take possession of the property and business of a state bank 122317  
if the superintendent finds any one or more of the following 122318  
conditions: 122319



(A) The bank is in an unsafe or unsound condition to continue 122320  
the business of banking. 122321

(B) The bank is insolvent, in that it has ceased to pay its 122322  
debts in the ordinary course of business, it is incapable of 122323  
paying its debts as they mature, or it has liabilities in excess 122324  
of its assets. 122325

(C) The bank has refused to submit its records or affairs to 122326  
the inspection or examination of any federal bank regulatory 122327  
agency or the superintendent. 122328

(D) The bank has failed to pay its deposits or obligations in 122329  
accordance with the terms under which the deposits were taken or 122330  
the obligations were incurred. 122331

(E) A majority of the board of directors of the bank has 122332  
requested the superintendent to appoint a receiver to take 122333  
possession of the bank for the benefit of account holders, 122334  
creditors, ~~or~~ shareholders, or members. 122335

(F) The bank has violated any order of a court or of the 122336  
superintendent, any statute, rule, or regulation, or its articles 122337  
of incorporation, and the superintendent determines the continued 122338  
control of its own affairs threatens injury to any of the public, 122339  
the banking industry, or the bank's depositors or other creditors. 122340

(G) The bank's status as an insured institution has been 122341  
terminated by the federal deposit insurance corporation. 122342

(H) ~~The~~ (1) In the case of a stock state bank, the bank has 122343  
an impairment of paid-in capital. 122344

(2) In the case of a mutual state bank, the bank has an 122345  
impairment of retained earnings. 122346

**Sec. 1125.19.** (A) Upon issuing a written finding that any one 122347  
or more of the conditions set forth in section 1125.18 of the 122348  
Revised Code for taking possession of a state bank exists and 122349

taking possession of the state bank, the superintendent of 122350  
financial institutions shall file a certified copy of the finding 122351  
and the notice of possession with the court. 122352

(B) Upon the appointment of a receiver, the superintendent 122353  
shall file a certified copy of the certificate of appointment in 122354  
the office of the secretary of state and with the court. 122355

(C) After the superintendent files the finding of the 122356  
superintendent or the certificate of appointment of the receiver, 122357  
whichever occurs first, no person shall obtain a lien or charge 122358  
upon any assets of the bank for any payment, advance, clearance, 122359  
or liability thereafter incurred, nor shall the directors, 122360  
officers, or agents of the bank have authority to act on behalf of 122361  
the bank or to convey, transfer, assign, pledge, mortgage, or 122362  
encumber any assets of the bank. 122363

(D) Upon taking possession of the bank, the superintendent 122364  
shall post or cause to be posted an appropriate notice of closing 122365  
at the main entrance of each of the bank's banking offices. 122366

(E) Neither filing nor posting of notice in accordance with 122367  
this section shall be a condition to either the superintendent's 122368  
taking possession of the property and business of a state bank or 122369  
appointing a receiver for a state bank. 122370

**Sec. 1125.20.** (A) If it appears to the superintendent of 122371  
financial institutions that any one or more of the conditions set 122372  
forth in section 1125.18 of the Revised Code exists as to any 122373  
state bank, the superintendent shall tender appointment as 122374  
receiver to the federal deposit insurance corporation if any 122375  
deposits in the state bank are insured by the federal deposit 122376  
insurance corporation, and may tender appointment as receiver to 122377  
the federal deposit insurance corporation in any other case. Upon 122378  
acceptance of the appointment as receiver, the federal deposit 122379  
insurance corporation shall not be required to post a bond. In 122380

addition to the powers of a receiver set forth in this chapter, 122381  
the federal deposit insurance corporation, as receiver, may 122382  
exercise any other liquidation or receivership powers authorized 122383  
by state or federal law for a receiver of a bank. 122384

(B) If the federal deposit insurance corporation declines to 122385  
accept the tendered appointment or if the superintendent is not 122386  
required to tender appointment as receiver to the federal deposit 122387  
insurance corporation, the superintendent may appoint, and 122388  
thereafter dismiss or replace, any other receiver, including the 122389  
superintendent, the superintendent determines to be necessary or 122390  
advisable. The superintendent may fix the compensation to be paid 122391  
the receiver and the amount of the bond or other security, if any, 122392  
to be required. 122393

(C) The superintendent may, from time to time, appoint one or 122394  
more special deputy superintendents as agent or agents to assist 122395  
in the duties of receivership or of liquidation and distribution. 122396  
No agent so appointed shall be subject to section 1181.05 of the 122397  
Revised Code. 122398

(D) The superintendent, any special deputy superintendents, 122399  
or a receiver may employ and procure whatever assistance or advice 122400  
is necessary in the receivership or liquidation and distribution 122401  
of the assets of the bank, and, for that purpose, may retain 122402  
officers or employees of the bank as needed. 122403

(E) All expenses of a receivership and liquidation shall be 122404  
paid out of the assets of the bank, and shall be a lien on the 122405  
bank's assets, which lien shall be prior to any other lien. 122406

**Sec. 1125.21.** Upon the superintendent of financial 122407  
institutions' appointment of a receiver, title to all of the state 122408  
bank's assets shall vest in the receiver without the execution of 122409  
any instrument of conveyance, assignment, transfer, or 122410  
endorsement. 122411

Sec. 1125.22. (A) A receiver shall have all of the following powers: 122412  
122413

(1) To take possession of all books, records of account, and assets of the state bank; 122414  
122415

(2) To collect all debts, claims, and judgments belonging to the bank and to take any other action, including the lending of money, necessary to preserve and liquidate the assets of the bank; 122416  
122417  
122418

(3) To execute in the name of the bank any instrument necessary or proper to effectuate the receiver's powers or perform its duties as receiver; 122419  
122420  
122421

(4) To initiate, pursue, compromise, and defend litigation involving any right, claim, interest, or liability of the bank; 122422  
122423

(5) To exercise all fiduciary functions of the bank as of the date of appointment as receiver; 122424  
122425

(6) To borrow money as necessary in the liquidation of the bank, and to secure those borrowings by the pledge or mortgage of assets of the bank; 122426  
122427  
122428

(7) To abandon or convey title to any holder of a deed of trust, mortgage, or similar lien against property in which the bank has an interest, whenever the receiver determines that continuing to claim that interest is burdensome and of no advantage to the bank or its account holders, creditors, ~~or~~ shareholders, or members; 122429  
122430  
122431  
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(8) To sell any and all assets, to compromise any debt, claim, obligation, or judgment due to the bank, to discontinue any pending action or other proceeding, and to sell or otherwise transfer all or a substantial portion of the assets or liabilities of the bank; 122435  
122436  
122437  
122438  
122439

(9) To establish ancillary receiverships in any jurisdiction the receiver determines necessary; 122440  
122441

(10) To distribute assets in accordance with this chapter; 122442

(11) To take any other action incident to the powers set 122443  
forth in division (A) of this section. 122444

(B) Unless specifically indicated to the contrary, the powers 122445  
conferred upon a receiver under this section may be exercised 122446  
without court approval. However, nothing in this section shall be 122447  
construed to prevent a receiver from obtaining court approval when 122448  
the receiver determines approval is appropriate under the 122449  
circumstances. 122450

**Sec. 1125.23.** (A) The receiver shall promptly cause notice of 122451  
the claims procedure to be published once a month for two 122452  
consecutive months in a local newspaper of general circulation and 122453  
to be mailed to each person whose name appears as a creditor upon 122454  
the books of the state bank, at the last address of record. 122455

(B)(1) All parties having claims of any kind against the 122456  
bank, including prior judgments and claims of security, 122457  
preference, priority, and offset, shall present their claims 122458  
substantiated by legal proof to the receiver within one hundred 122459  
eighty days after the date of the first publication of notice of 122460  
the claims procedure or after actual receipt of notice of the 122461  
claims procedure, whichever occurs first. 122462

(2) Within one hundred eighty days after receipt of a claim, 122463  
the receiver shall notify the claimant in writing whether the 122464  
claim has been allowed or disallowed. The receiver may reject any 122465  
claim in whole or in part, or may reject any claim of security, 122466  
preference, priority, or offset against the bank. Any claimant 122467  
whose claim has been rejected by the receiver shall petition the 122468  
court for a hearing on the claim within sixty days after the date 122469  
the notice was mailed or be forever barred from asserting the 122470  
rejected claim. 122471

(C) Any claims filed after the claim period and subsequently 122472  
accepted by the receiver or allowed by the court, shall be 122473  
entitled to share in the distribution of assets only to the extent 122474  
of the undistributed assets in the hands of the receiver on the 122475  
date the claims are accepted or allowed. 122476

**Sec. 1125.24.** (A) All claims against the state bank's estate 122477  
and expenses, proved to the receiver's satisfaction or approved by 122478  
the court, shall be paid in the following order: 122479

(1) Expenses of liquidation and receivership, including money 122480  
borrowed under authority of division (A)(6) of section 1125.22 or 122481  
division (A)(7) of section 1125.12 of the Revised Code and 122482  
interest on it, and claims for fees and assessments due the 122483  
superintendent of financial institutions; 122484

(2) Claims given priorities under other provisions of state 122485  
or federal law; 122486

(3) Wages and, salaries, or commissions, including vacation, 122487  
severance, and sick leave pay, of officers and employees earned 122488  
during the one-month period preceding the date of the bank's 122489  
closing in an amount, before applicable taxes and other 122490  
withholdings, that does not exceed one thousand dollars for any 122491  
one person; 122492

(4) Deposit obligations; 122493

(5) Other general liabilities; 122494

(6) Obligations subordinated to deposits and other general 122495  
liabilities. 122496

(B) Interest shall be given the same priority as the claim on 122497  
which it is based, but no interest shall be paid on any claim 122498  
until the principal of all claims within the same class has been 122499  
paid or provided for in full. 122500

(C) Any funds remaining after satisfying the requirements of 122501

divisions (A) and (B) of this section shall be paid to the 122502  
shareholders or members. 122503

(D) Payment on claims shall be made pro rata among claims of 122504  
the kind specified in each class set forth in division (A) of this 122505  
section. 122506

(E) Subject to the approval of the court, the receiver may 122507  
designate a separate class of claims consisting only of every 122508  
unsecured claim that is less than, or reduced to, an amount the 122509  
court approves for payment as reasonable and necessary for 122510  
administrative convenience. 122511

(F) Subject to the approval of the court, the receiver may 122512  
make periodic and interim liquidating dividends or payments. 122513

**Sec. 1125.25.** (A) Within one hundred days after the date of 122514  
the closing of a state bank, a receiver may reject any executory 122515  
contract to which the bank is a party without any further 122516  
liability on the part of the bank or the receiver. The receiver's 122517  
election to reject an executory contract creates no claim for 122518  
compensation other than compensation accrued to the date of 122519  
termination or for actual damages. 122520

(B) A receiver may ratify and assign any executory contract 122521  
to which the bank is a party notwithstanding the existence of a 122522  
provision in the contract permitting the termination of the 122523  
executory contract, or prohibiting, conditioning, or requiring 122524  
consent to any assignment of the executory contract, upon the 122525  
insolvency of the bank or the appointment of a receiver. 122526

**Sec. 1125.26.** Whenever the federal deposit insurance 122527  
corporation pays or makes available for payment the insured 122528  
deposit liabilities of a state bank, the federal deposit insurance 122529  
corporation, whether or not it acts as receiver, shall be 122530  
subrogated to the extent of the payments to all rights of 122531

depositors against the bank. 122532

**Sec. 1125.27.** (A) The receiver may appoint a successor to all 122533  
rights, obligations, assets, deposits, agreements, and trusts held 122534  
by the closed state bank as trustee, administrator, executor, 122535  
guardian, agent, or in any other fiduciary or representative 122536  
capacity. The successor's duties and obligations commence upon 122537  
appointment to the same extent they are binding upon the former 122538  
bank and as though the successor had originally assumed the duties 122539  
and obligations. Specifically, the successor shall succeed to and 122540  
be entitled to administer all trusteeships, administrations, 122541  
executorships, guardianships, agencies, and all other fiduciary or 122542  
representative proceedings to which the closed bank is named or 122543  
appointed in wills, whenever probated, or to which it is appointed 122544  
by any other instrument, court order, or operation of law. 122545

(B) Within sixty days after appointment, the successor shall 122546  
give written notice, insofar as practicable, to all interested 122547  
parties named in the books and records of the bank or in trust 122548  
documents held by it, that the successor has been appointed in 122549  
accordance with state law. 122550

(C) Nothing in this section shall be construed to impair any 122551  
right of the grantor or beneficiaries of trust assets to secure 122552  
the appointment of a substituted trustee or manager. 122553

**Sec. 1125.28.** (A) The filing with the court of the finding of 122554  
the superintendent of financial institutions or the certificate of 122555  
appointment of the receiver, whichever occurs first, operates as 122556  
an automatic stay from the date of the filing, subject to the 122557  
court granting a motion for relief from the stay, applicable to 122558  
all ~~entities~~ persons, of both of the following: 122559

(1) The commencement or continuation, including the issuance 122560  
or employment of process, of a judicial, administrative, or other 122561



action or proceeding against the state bank that was or could have 122562  
been commenced before the filing; 122563

(2) The enforcement against the bank of a judgment or other 122564  
claim obtained before the filing, including claims of security, 122565  
preference, priority, and offset. 122566

(B) Upon the filing with the court of the finding of the 122567  
superintendent or the certificate of appointment of the receiver, 122568  
whichever occurs first, any other pending judicial, 122569  
administrative, or other action or proceeding against the bank 122570  
shall, upon motion of the receiver, be consolidated into one 122571  
action or transferred as a separate matter before the presiding 122572  
judge of the court having jurisdiction of the receivership, 122573  
subject, however, to the automatic stay provided in division (A) 122574  
of this section. Subject to the receiver's option to have an 122575  
action later consolidated or transferred, any action commenced 122576  
after the superintendent's filing shall be filed as a separate 122577  
matter before the presiding judge in the court having jurisdiction 122578  
over the receivership. 122579

(C) The superintendent, prior to the appointment of a 122580  
receiver, or the receiver, after its appointment, shall be the 122581  
only party named in an action involving a state bank subject to 122582  
this chapter. 122583

(D) Any action seeking to enjoin the superintendent's order 122584  
appointing a receiver of a state bank shall be brought prior to 122585  
the date the receiver sells all or substantially all of the assets 122586  
of the bank, prior to the date the receiver transfers all or 122587  
substantially all of the insured deposits to an assuming 122588  
institution, or within ten days after the issuance of the order, 122589  
whichever is earliest. 122590

**Sec. 1125.29.** (A) When a receiver has completed the 122591  
liquidation of a state bank, the receiver shall, with notice to 122592

the superintendent of financial institutions, petition the court 122593  
for an order declaring the bank properly wound up and dissolved. 122594

(B) After whatever notice and hearing, if any, the court may 122595  
direct, the court may make an order declaring the bank properly 122596  
wound up and dissolved. The order shall do both of the following, 122597  
to the extent applicable: 122598

(1) Declare all of the following: 122599

(a) The bank has been properly wound up. 122600

(b) All known assets of the bank have been distributed 122601  
according to the distribution priorities set forth in this 122602  
chapter. 122603

(c) The bank is dissolved. 122604

(2) If there are known debts or liabilities, describe the 122605  
provision made for their payment, setting forth whatever 122606  
information may be necessary to enable the creditor or other 122607  
person to whom payment is to be made to appear and claim payment 122608  
of the debt or liability. 122609

(C) The order shall confirm a plan by the receiver for the 122610  
disposition or maintenance of any remaining real or personal 122611  
property or other assets, whether held in trust or otherwise and 122612  
including the contents of safe deposit boxes or vaults, held by 122613  
the bank for its account holders, creditors, lessees, ~~or~~ 122614  
shareholders, or members. The plan shall include written notice to 122615  
all known owners or beneficiaries of the assets, to be sent by 122616  
first class mail to each individual's address as shown on the 122617  
records of the bank. 122618

(D) The court may make whatever additional orders and grant 122619  
whatever further relief it determines proper upon the evidence 122620  
submitted. 122621

(E) Once the order is made declaring the bank dissolved, the 122622

corporate existence of the bank shall cease, except for purposes 122623  
of any necessary additional winding up. 122624

(F) Once the order is made declaring the bank dissolved, the 122625  
receiver shall promptly file a copy of the order, certified by the 122626  
clerk of the court, with both the secretary of state and the 122627  
superintendent. 122628

**Sec. 1125.30.** Subject to the approval of the court, the 122629  
receiver may destroy the records of the state bank in accordance 122630  
with section 1109.69 of the Revised Code after the receiver 122631  
determines there is no further need for them. However, the 122632  
receiver shall not destroy the records earlier than six months 122633  
after the date the bank is declared dissolved by the court. 122634

**Sec. 1125.33.** (A) No damages may be awarded in a proceeding 122635  
brought pursuant to this chapter challenging any action by the 122636  
superintendent of financial institutions, special deputy 122637  
superintendent, receiver, or conservator, or any employee of any 122638  
of them, or any person retained for services under this chapter. 122639  
Any action for damages shall be brought in the court as a separate 122640  
action. 122641

(B) The superintendent, special deputy superintendent, 122642  
receiver, conservator, or any employee of any of them, or any 122643  
person retained for services under this chapter, is not subject to 122644  
any civil liability or penalty, or to any criminal prosecution, 122645  
for any error in judgment or discretion made in good faith in any 122646  
action taken or omitted in an official capacity under this 122647  
chapter. 122648

(C) The superintendent, special deputy superintendent, 122649  
receiver, conservator, or any employee of any of them, or any 122650  
person retained for services under this chapter, is not liable in 122651  
damages for any action or failure to act unless it is proved by 122652

clear and convincing evidence in court that the action or failure 122653  
to act involved an act or omission undertaken with deliberate 122654  
intent to cause injury to any of the state bank, its shareholders, 122655  
its members, its depositors, or its creditors, or undertaken with 122656  
reckless disregard for the best interests of any of the bank, its 122657  
shareholders, its members, its depositors, its creditors, or the 122658  
public. 122659

**Sec. 1181.01.** The superintendent of financial institutions 122660  
shall be the chief executive officer of the division of financial 122661  
institutions. 122662

(A) The superintendent shall have at least five years of 122663  
experience in the financial services industry or in the 122664  
examination or regulation of financial institutions. 122665

(B) The superintendent shall appoint a deputy superintendent 122666  
for banks, ~~a deputy superintendent for savings and loan~~ 122667  
~~associations and savings banks, and a deputy superintendent for~~ 122668  
~~credit unions. Each deputy superintendent who shall have possess~~ 122669  
at least one of the following qualifications prior to the deputy 122670  
superintendent's appointment: 122671

(1) Not less than five years of experience in that particular 122672  
industry or at least five years of experience in the examination 122673  
or regulation of banks, savings and loan associations, savings 122674  
banks, or credit unions as a senior level officer in a bank, 122675  
savings and loan association, or savings bank, a bank holding 122676  
company, or a savings and loan holding company or as a senior 122677  
level manager or senior professional with a primary business of, 122678  
or professional focus on, auditing or providing professional 122679  
advice to such institutions; 122680

(2) Not less than five years of experience as a senior level 122681  
supervisor in the examination or regulation of banks, savings and 122682  
loan associations, or savings banks; 122683

(3) Not less than a total of five years of experience in any combination of the positions described in divisions (B)(1) and (2) of this section. 122684  
122685  
122686

(C) The superintendent shall appoint a deputy superintendent for credit unions, who shall possess at least one of the following qualifications prior to the deputy superintendent's appointment: 122687  
122688  
122689

(1) Not less than five years of experience as a senior level officer in a credit union or as a senior level manager or senior professional with a primary business of, or professional focus on, auditing or providing professional advice to credit unions; 122690  
122691  
122692  
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(2) Not less than five years of experience as a senior level supervisor in the examination or regulation of credit unions; 122694  
122695

(3) Not less than a total of five years of experience in any combination of the positions described in divisions (C)(1) and (2) of this section. 122696  
122697  
122698

(D) The superintendent shall also appoint a deputy superintendent for consumer finance, who shall have possess at least one of the following qualifications prior to the deputy superintendent's appointment: 122699  
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122701  
122702

(1) Not less than five years of experience in as an owner, officer, or senior level manager of one or more of the consumer finance companies regulated by the division or in the examination or regulation of banks, savings and loan associations, savings banks, credit unions, or consumer finance companies, as a senior level manager of a mortgage banking affiliate of a bank, savings and loan association, savings bank, bank holding company, or savings and loan holding company, or as a senior level manager or senior professional with a primary business of, or professional focus on, auditing or providing professional advice to consumer finance companies; 122703  
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(2) Not less than five years of experience as a senior level 122714

supervisor in the examination or regulation of consumer finance 122715  
companies; 122716

(3) Not less than a total of five years of experience in any 122717  
combination of the positions described in divisions (D)(1) and (2) 122718  
of this section. 122719

(E) The deputy superintendents appointed by the 122720  
superintendent of financial institutions pursuant to this section 122721  
shall serve in the unclassified civil service. 122722

**Sec. 1181.02.** The superintendent of financial institutions 122723  
may appoint and employ such assistants, clerks, examiners, and 122724  
other employees, and such professionals and agents, as the prompt 122725  
execution of the duties of the superintendent's office requires, 122726  
and may employ attorney examiners if the superintendent considers 122727  
such assistants necessary. 122728

**Sec. 1181.03.** (A) Before entering upon the discharge of the 122729  
duties of the office of the superintendent of financial 122730  
institutions, the superintendent shall give bond to the state in 122731  
the sum of one million dollars with sureties approved by the 122732  
governor and conditioned on the faithful discharge of the official 122733  
duties of the office. The bond, with the approval of the governor 122734  
and with the superintendent's oath of office endorsed on it, shall 122735  
be filed with the office of the secretary of state. 122736

(B) Before entering upon the discharge of the duties of their 122737  
respective offices, the deputy superintendent for banks, ~~the~~ 122738  
~~deputy superintendent for savings and loan associations and~~ 122739  
~~savings banks,~~ the deputy superintendent for credit unions, and 122740  
the deputy superintendent for consumer finance shall each give 122741  
bond to the state in the sum of five hundred thousand dollars with 122742  
sureties approved by the superintendent and conditioned on the 122743  
faithful performance of their respective duties. The bonds shall 122744

be filed with the office of the secretary of state. 122745

(C) The superintendent shall require of each other employee 122746  
and each agent of the division of financial institutions a bond, 122747  
conditioned on the faithful performance of each employee's and 122748  
agent's respective duties, in an amount not less than five 122749  
thousand dollars that the superintendent determines to be 122750  
acceptable. The bonds may, in the discretion of the 122751  
superintendent, be individual, schedule, or blanket bonds. The 122752  
bonds shall be filed with the office of the secretary of state. 122753

(D) The division shall pay the cost or premium of the bonds 122754  
required by this section from funds appropriated to the division 122755  
for that purpose. 122756

**Sec. 1181.04.** Neither the superintendent of financial 122757  
institutions nor any employee, agent, or contractor of the 122758  
division of financial institutions shall be liable in any civil, 122759  
criminal, or administrative proceeding for any mistake of judgment 122760  
or discretion in any action taken, or any omission made by the 122761  
superintendent ~~or~~, employee, agent, or contractor if done in good 122762  
faith within the scope of the person's official capacity as 122763  
assigned by the superintendent. 122764

**Sec. 1181.05.** (A) As used in this section, "consumer finance 122765  
company" means any person required to be licensed or registered 122766  
under Chapter 1321., 1322., 4712., 4727., or 4728. or sections 122767  
1315.21 to 1315.30 of the Revised Code. 122768

(B) Neither the superintendent of financial institutions nor 122769  
any other employee of the division of financial institutions shall 122770  
do any of the following: ~~be interested~~ have a business or 122771  
investment interest, directly or indirectly, in any state bank, 122772  
~~savings and loan association, savings bank~~ trust company, credit 122773  
union, or consumer finance company, that is under the supervision 122774

of the superintendent of financial institutions or in any 122775  
affiliate of any such financial institution or company; directly 122776  
or indirectly borrow money from any such financial institution or 122777  
company; serve as a director or officer of or be employed by any 122778  
such financial institution or company; or own an equity interest 122779  
in any such financial institution or company or in any of its 122780  
affiliates. For purposes of this section, an equity interest does 122781  
not include the ownership of an account in a mutual savings and 122782  
loan association or in a savings bank that does not have permanent 122783  
stock or the ownership of a share account in a credit union. 122784

(C) Subject to division (G) of this section, an employee of 122785  
the division of financial institutions may retain any extension of 122786  
credit that otherwise would be prohibited by division (B) of this 122787  
section if both of the following apply: 122788

(1) The employee obtained the extension of credit prior to 122789  
October 29, 1995, or the commencement of the employee's employment 122790  
with the division, or as a result of a change in the employee's 122791  
marital status, the consummation of a merger, acquisition, 122792  
transfer of assets, or other change in corporate ownership beyond 122793  
the employee's control, or the sale of the extension of credit in 122794  
the secondary market or other business transaction beyond the 122795  
employee's control. 122796

(2) The employee liquidates the extension of credit under its 122797  
original terms and without renegotiation. 122798

If the employee chooses to retain the extension of credit, 122799  
the employee shall immediately provide written notice of the 122800  
retention to the employee's supervisor. Thereafter, the employee 122801  
shall be disqualified from participating in any decision, 122802  
examination, audit, or other action that may affect that 122803  
particular creditor. 122804

(D) Subject to division (G) of this section, an employee of 122805



the division of financial institutions may retain any ownership of 122806  
or beneficial interest in the securities of a financial 122807  
institution or consumer finance company that is under the 122808  
supervision of the division of financial institutions, or of a 122809  
holding company or subsidiary of such a financial institution or 122810  
company, which ownership or beneficial interest otherwise would be 122811  
prohibited by division (B) of this section, if the ownership or 122812  
beneficial interest is acquired by the employee through 122813  
inheritance or gift, prior to October 29, 1995, or the 122814  
commencement of the employee's employment with the division, or as 122815  
a result of a change in the employee's marital status or the 122816  
consummation of a merger, acquisition, transfer of assets, or 122817  
other change in ~~corporate~~ ownership beyond the employee's control. 122818

If the employee chooses to retain the ownership or beneficial 122819  
interest, the employee shall immediately provide written notice of 122820  
the retention to the employee's supervisor. Thereafter, the 122821  
employee shall be disqualified from participating in any decision, 122822  
examination, audit, or other action that may affect the issuer of 122823  
the securities. However, if the ownership of or beneficial 122824  
interest in the securities and the subsequent disqualification 122825  
required by this division impair the employee's ability to perform 122826  
the employee's duties, the employee may be ordered to divest self 122827  
of the ownership of or beneficial interest in the securities or to 122828  
resign. 122829

(E) Notwithstanding division (B) of this section, an employee 122830  
of the division of financial institutions may have an indirect 122831  
interest in the securities of a financial institution or consumer 122832  
finance company that is under the supervision of the division of 122833  
financial institutions, which interest arises through ownership of 122834  
or beneficial interest in the securities of a publicly held mutual 122835  
fund or investment trust, if the employee owns or has a beneficial 122836  
interest in less than five per cent of the securities of the 122837

mutual fund or investment trust, and the mutual fund or investment 122838  
trust is not advised or sponsored by a financial institution or 122839  
consumer finance company that is under the supervision of the 122840  
division of financial institutions. If the mutual fund or 122841  
investment trust is subsequently advised or sponsored by a 122842  
financial institution or consumer finance company that is under 122843  
the supervision of the division of financial institutions, the 122844  
employee shall immediately provide written notice of the ownership 122845  
of or beneficial interest in the securities to the employee's 122846  
supervisor. Thereafter, the employee shall be disqualified from 122847  
participating in any decision, examination, audit, or other action 122848  
that may affect the financial institution or consumer finance 122849  
company. However, if the ownership of or beneficial interest in 122850  
the securities and the subsequent disqualification required by 122851  
this division impair the employee's ability to perform the 122852  
employee's duties, the employee may be ordered to divest self of 122853  
the ownership of or beneficial interest in the securities or to 122854  
resign. 122855

(F)(1) For purposes of this section, the interests of an 122856  
employee's spouse or dependent child arising through the ownership 122857  
or control of securities shall be considered the interests of the 122858  
employee, unless the employee can demonstrate to the satisfaction 122859  
of the superintendent that the interests are solely the financial 122860  
interest and responsibility of the spouse or dependent child, the 122861  
interests are not in any way derived from the income, assets, or 122862  
activity of the employee, and any financial or economic benefit 122863  
from the interests is for the personal use of the spouse or 122864  
dependent child. 122865

(2) If an employee's spouse or dependent child obtains 122866  
interests arising through the ownership or control of securities 122867  
and, pursuant to division (F)(1) of this section, the interests 122868  
are not considered the interests of the employee, the employee 122869

shall immediately provide written notice of the interests to the 122870  
employee's supervisor. Thereafter, the employee shall be 122871  
disqualified from participating in any decision, examination, 122872  
audit, or other action that may affect the issuer of the 122873  
securities. 122874

(G) For purposes of divisions (C) and (D) of this section, 122875  
both of the following apply: 122876

(1) With respect to any employee of the former division of 122877  
consumer finance who, on the first day of the first pay period 122878  
commencing after ~~the effective date of this section~~ September 26, 122879  
1996, becomes an employee of the division of financial 122880  
institutions, the employee's employment with the division of 122881  
financial institutions is deemed to commence on the first day of 122882  
the first pay period commencing after ~~the effective date of this~~ 122883  
~~section~~ September 26, 1996. 122884

(2) With respect to any employee who, on October 29, 1995, 122885  
became an employee of the division of financial institutions, the 122886  
employee may, notwithstanding divisions (C) and (D) of this 122887  
section, retain any extension of credit by a consumer finance 122888  
company that was obtained at any time prior to the first day of 122889  
the first pay period commencing after ~~the effective date of this~~ 122890  
~~section~~ September 26, 1996, or retain any ownership of or 122891  
beneficial interest in the securities of a consumer finance 122892  
company, or of a holding company or subsidiary of such a company, 122893  
that was acquired at any time prior to the first day of the first 122894  
pay period commencing after ~~the effective date of this section~~ 122895  
September 26, 1996. If the employee chooses to retain the 122896  
extension of credit or the ownership or beneficial interest, the 122897  
employee shall comply with divisions (C) and (D) of this section. 122898

**Sec. 1181.06.** There is hereby created in the state treasury 122899  
the financial institutions fund. The fund shall receive 122900

assessments on the banks fund established under section 1121.30 of 122901  
the Revised Code, ~~the savings institutions fund established under~~ 122902  
~~section 1181.18 of the Revised Code,~~ the credit unions fund 122903  
established under section 1733.321 of the Revised Code, and the 122904  
consumer finance fund established under section 1321.21 of the 122905  
Revised Code in accordance with procedures prescribed by the 122906  
superintendent of financial institutions and approved by the 122907  
director of budget and management. Such assessments shall be in 122908  
addition to any assessments on these funds required under division 122909  
(G) of section 121.08 of the Revised Code. All operating expenses 122910  
of the division of financial institutions shall be paid from the 122911  
financial institutions fund. Money in the fund shall be used only 122912  
for that purpose. 122913

**Sec. 1181.07.** The state shall furnish the superintendent of 122914  
financial institutions suitable facilities for conducting the 122915  
business of the superintendent's office at the seat of government 122916  
and in any other ~~city of~~ location within the state where it is 122917  
necessary to keep a resident examiner. 122918

**Sec. 1181.10.** The seal of the superintendent of financial 122919  
institutions shall be ~~one and three fourths inches in diameter and~~ 122920  
~~shall be~~ surrounded by the words: "The superintendent of financial 122921  
institutions of the state of Ohio." 122922

The seal shall have engraved on it the coat of arms of the 122923  
state, as described in section 5.04 of the Revised Code, and shall 122924  
contain the words and devices mentioned in this section and no 122925  
other. 122926

**Sec. 1181.11.** Copies of all certificates, records, and papers 122927  
in the office of the superintendent of financial institutions, 122928  
including the records of the banking commission, the former 122929  
savings and loan associations and savings banks board, and the 122930

credit union council, duly certified by the superintendent or, in 122931  
the absence of the superintendent, a deputy superintendent having 122932  
jurisdiction over the records, and authenticated by the 122933  
superintendent's seal of office, shall be evidence, in all courts 122934  
of this state, of every matter which could be proved by the 122935  
production of the original. 122936

**Sec. 1181.21.** (A) As used in this section, "consumer finance 122937  
company" has the same meaning as in section 1181.05 of the Revised 122938  
Code. 122939

(B) The superintendent of financial institutions shall see 122940  
that the laws relating to consumer finance companies are executed 122941  
and enforced. 122942

(C) The deputy superintendent for consumer finance shall be 122943  
the principal supervisor of consumer finance companies. In that 122944  
position the deputy superintendent for consumer finance shall, 122945  
notwithstanding section 1321.421, division (A) of section 1321.76, 122946  
and sections 1321.07, 1321.55, 1322.06, 4727.05, and 4728.05 of 122947  
the Revised Code, be responsible for conducting examinations and 122948  
preparing examination reports under those sections and under 122949  
Chapter 4712. of the Revised Code. In addition, the deputy 122950  
superintendent for consumer finance shall, notwithstanding 122951  
sections 1315.27, 1321.10, 1321.43, 1321.54, 1321.77, 1322.12, 122952  
4712.14, 4727.13, and 4728.10 of the Revised Code, have the 122953  
authority to adopt rules and standards in accordance with those 122954  
sections. In performing or exercising any of the examination, 122955  
rule-making, or other regulatory functions, powers, or duties 122956  
vested by this division in the deputy superintendent for consumer 122957  
finance, the deputy superintendent for consumer finance shall be 122958  
subject to the control of the superintendent of financial 122959  
institutions and the director of commerce. 122960

Sec. 1181.25. The (A) Notwithstanding sections 1121.18, 122961  
1315.122, 1321.09, 1321.48, 1321.55, 1321.76, 1322.06, 1322.061, 122962  
1733.32, 1733.327, and 4727.18 of the Revised Code, the 122963  
superintendent of financial institutions may, in the 122964  
superintendent's discretion, introduce into evidence or disclose, 122965  
or authorize to be introduced into evidence or disclosed, 122966  
information that, ~~under sections 1121.18, 1155.16, 1163.20,~~ 122967  
~~1315.122, 1321.09, 1321.48, 1321.55, 1321.76, 1322.06, 1322.061,~~ 122968  
~~1733.32, 1733.327, and 4727.18 of the Revised Code,~~ is privileged, 122969  
confidential, or otherwise not ~~public information or~~ a public 122970  
record, ~~provided that the superintendent acts only as provided in~~ 122971  
~~those sections or~~ in the following circumstances: 122972

~~(A) When in the opinion of~~ (1) In connection with any civil, 122973  
criminal, or administrative investigation or examination conducted 122974  
by the superintendent, ~~it is appropriate with regard to any~~ 122975  
~~enforcement actions taken and decisions made by the superintendent~~ 122976  
under Chapters 1315., 1321., 1322., 1733., 4712., 4727., and 4728. 122977  
of the Revised Code or Title XI of the Revised Code or by any 122978  
other financial institution regulatory authority, any state or 122979  
federal attorney general or prosecuting attorney, or any local, 122980  
state, or federal law enforcement agency; 122981

~~(B) When~~ (2) In connection with any civil or criminal 122982  
litigation has been or administrative enforcement action initiated 122983  
or to be initiated by the superintendent in furtherance of the 122984  
powers, duties, and obligations imposed upon the superintendent by 122985  
Chapters 1315., 1321., 1322., 1733., 4712., 4727., and 4728. of 122986  
the Revised Code or Title XI of the Revised Code; 122987

~~(C) When in the opinion of the superintendent, it is~~ 122988  
~~appropriate with regard to enforcement actions taken or decisions~~ 122989  
~~made by other financial institution regulatory authorities to whom~~ 122990  
~~the superintendent has provided the information pursuant to~~ 122991

authority in (3) To administer licensing and registration under 122992  
Chapters 1315., 1321., 1322., 1733., 4712., 4727., and 4728. of 122993  
the Revised Code or Title XI of the Revised Code through the 122994  
nationwide mortgage licensing system and registry as defined in 122995  
section 1322.01 of the Revised Code. 122996

(B) If the superintendent has reason to believe that any 122997  
privileged, confidential, or other nonpublic information provided 122998  
pursuant to this section may be disclosed by the intended 122999  
recipient, the superintendent shall seek a protective order or 123000  
enter into an agreement to protect that information. 123001

(C) All reports and other information made available under 123002  
this chapter remain the property of the superintendent. Except as 123003  
otherwise provided in this section, no person, agency, or other 123004  
authority to whom the information is made available, or any 123005  
officer, director, or employee thereof, shall disclose such 123006  
information except in published statistical material that does not 123007  
disclose, either directly or when used in conjunction with 123008  
publicly available information, the affairs of any individual or 123009  
entity. 123010

(D) The superintendent shall not be considered to have waived 123011  
any privilege applicable to any information by transferring that 123012  
information to, or permitting that information to be used by, any 123013  
federal or state agency or any other person as permitted under 123014  
this chapter or Chapter 1121. of the Revised Code. 123015

**Sec. 1349.16.** (A) As used in this section, "financial 123016  
institution" includes every bank as defined in section 1101.01 of 123017  
the Revised Code, ~~savings and loan association as defined in~~ 123018  
~~section 1151.01 of the Revised Code, savings bank as defined in~~ 123019  
~~section 1161.01 of the Revised Code,~~ and credit union organized or 123020  
qualified as such under sections 1733.01 to 1733.45 of the Revised 123021  
Code or the "Federal Credit Union Act," 84 Stat. 994 (1970), 12 123022

U.S.C.A. 1752, as amended. 123023

(B) Before opening or authorizing signatory power over a 123024  
checking account intended for personal, family, or household 123025  
purposes, a financial institution: 123026

(1) Shall require the applicant to provide ~~his~~ the 123027  
applicant's current address and a valid driver's or commercial 123028  
driver's license or identification card issued by the registrar of 123029  
motor vehicles or a deputy registrar under section 4507.50 of the 123030  
Revised Code. If the applicant does not have a valid driver's or 123031  
commercial driver's license or identification card, the applicant 123032  
may provide an identification document that includes ~~his~~ the 123033  
applicant's full name, birthdate, and signature. 123034

(2) May require the applicant to provide relevant information 123035  
in addition to the information specified in division (B)(1) of 123036  
this section. 123037

(C) Every person that issues or prints checks, bills of 123038  
exchange, or other drafts for use with a checking account intended 123039  
for personal, family, or household purposes opened on or after 123040  
October 16, 1990 shall print the date on which the checking 123041  
account was opened on the face of each check, bill of exchange, or 123042  
other draft. 123043

(D) This section does not apply to temporary checks furnished 123044  
at the time a checking account is opened. 123045

(E) This section does not create any civil cause of action 123046  
against a financial institution, its directors, trustees, 123047  
officers, employees, agents, representatives, or other persons 123048  
acting on its behalf, or against any person that issues or prints 123049  
checks, bills of exchange, or other drafts, for failure to comply 123050  
with this section. 123051

**Sec. 1509.07.** (A)(1) Except as provided in division (A)(2) of 123052



this section, an owner of any well, except an exempt Mississippian well or an exempt domestic well, shall obtain liability insurance coverage from a company authorized to do business in this state in an amount of not less than one million dollars bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the drilling, operation, or plugging of all the owner's wells in this state. However, if any well is located within an urbanized area, the owner shall obtain liability insurance coverage in an amount of not less than three million dollars for bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the drilling, operation, or plugging of all of the owner's wells in this state.

(2) An owner of a horizontal well shall obtain liability insurance coverage from an insurer authorized to write such insurance in this state or from an insurer approved to write such insurance in this state under section 3905.33 of the Revised Code in an amount of not less than five million dollars bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the production operations of all the owner's wells in this state. The insurance policy shall include a reasonable level of coverage available for an environmental endorsement.

(3) An owner shall maintain the coverage required under division (A)(1) or (2) of this section until all the owner's wells are plugged and abandoned or are transferred to an owner who has obtained insurance as required under this section and who is not under a notice of material and substantial violation or under a suspension order. The owner shall provide proof of liability insurance coverage to the chief of the division of oil and gas resources management upon request. Upon failure of the owner to provide that proof when requested, the chief may order the

suspension of any outstanding permits and operations of the owner 123085  
until the owner provides proof of the required insurance coverage. 123086

(B)(1) Except as otherwise provided in this section, an owner 123087  
of any well, before being issued a permit under section 1509.06 of 123088  
the Revised Code or before operating or producing from a well, 123089  
shall execute and file with the division of oil and gas resources 123090  
management a surety bond conditioned on compliance with the 123091  
restoration requirements of section 1509.072, the plugging 123092  
requirements of section 1509.12, the permit provisions of section 123093  
1509.13 of the Revised Code, and all rules and orders of the chief 123094  
relating thereto, in an amount set by rule of the chief. 123095

(2) The owner may deposit with the chief, instead of a surety 123096  
bond, cash in an amount equal to the surety bond as prescribed 123097  
pursuant to this section or negotiable certificates of deposit or 123098  
irrevocable letters of credit, issued by any bank organized or 123099  
transacting business in this state ~~or by any savings and loan~~ 123100  
~~association as defined in section 1151.01 of the Revised Code,~~ 123101  
having a cash value equal to or greater than the amount of the 123102  
surety bond as prescribed pursuant to this section. Cash or 123103  
certificates of deposit shall be deposited upon the same terms as 123104  
those upon which surety bonds may be deposited. If certificates of 123105  
deposit are deposited with the chief instead of a surety bond, the 123106  
chief shall require the bank ~~or savings and loan association~~ that 123107  
issued any such certificate to pledge securities of a cash value 123108  
equal to the amount of the certificate that is in excess of the 123109  
amount insured by any of the agencies and instrumentalities 123110  
created under the "Federal Deposit Insurance Act," 64 Stat. 873 123111  
(1950), 12 U.S.C. 1811, as amended, and regulations adopted under 123112  
it, including at least the federal deposit insurance corporation, 123113  
~~bank insurance fund, and savings association insurance fund.~~ The 123114  
securities shall be security for the repayment of the certificate 123115  
of deposit. 123116

Immediately upon a deposit of cash, certificates of deposit, 123117  
or letters of credit with the chief, the chief shall deliver them 123118  
to the treasurer of state who shall hold them in trust for the 123119  
purposes for which they have been deposited. 123120

(3) Instead of a surety bond, the chief may accept proof of 123121  
financial responsibility consisting of a sworn financial statement 123122  
showing a net financial worth within this state equal to twice the 123123  
amount of the bond for which it substitutes and, as may be 123124  
required by the chief, a list of producing properties of the owner 123125  
within this state or other evidence showing ability and intent to 123126  
comply with the law and rules concerning restoration and plugging 123127  
that may be required by rule of the chief. The owner of an exempt 123128  
Mississippian well is not required to file scheduled updates of 123129  
the financial documents, but shall file updates of those documents 123130  
if requested to do so by the chief. The owner of a nonexempt 123131  
Mississippian well shall file updates of the financial documents 123132  
in accordance with a schedule established by rule of the chief. 123133  
The chief, upon determining that an owner for whom the chief has 123134  
accepted proof of financial responsibility instead of bond cannot 123135  
demonstrate financial responsibility, shall order that the owner 123136  
execute and file a bond or deposit cash, certificates of deposit, 123137  
or irrevocable letters of credit as required by this section for 123138  
the wells specified in the order within ten days of receipt of the 123139  
order. If the order is not complied with, all wells of the owner 123140  
that are specified in the order and for which no bond is filed or 123141  
cash, certificates of deposit, or letters of credit are deposited 123142  
shall be plugged. No owner shall fail or refuse to plug such a 123143  
well. Each day on which such a well remains unplugged thereafter 123144  
constitutes a separate offense. 123145

(4) The surety bond provided for in this section shall be 123146  
executed by a surety company authorized to do business in this 123147  
state. 123148

The chief shall not approve any bond until it is personally signed and acknowledged by both principal and surety, or as to either by the principal's or surety's attorney in fact, with a certified copy of the power of attorney attached thereto. The chief shall not approve a bond unless there is attached a certificate of the superintendent of insurance that the company is authorized to transact a fidelity and surety business in this state.

All bonds shall be given in a form to be prescribed by the chief and shall run to the state as obligee.

(5) An owner of an exempt Mississippian well or an exempt domestic well, in lieu of filing a surety bond, cash in an amount equal to the surety bond, certificates of deposit, irrevocable letters of credit, or a sworn financial statement, may file a one-time fee of fifty dollars, which shall be deposited in the oil and gas well plugging fund created in section 1509.071 of the Revised Code.

(C) An owner, operator, producer, or other person shall not operate a well or produce from a well at any time if the owner, operator, producer, or other person has not satisfied the requirements established in this section.

**Sec. 1509.225.** (A) Before being issued a registration certificate under section 1509.222 of the Revised Code, an applicant shall execute and file with the division of oil and gas resources management a surety bond for fifteen thousand dollars to provide compensation for damage and injury resulting from transporters' violations of sections 1509.22, 1509.222, and 1509.223 of the Revised Code, all rules and orders of the chief of the division of oil and gas resources management relating thereto, and all terms and conditions of the registration certificate imposed thereunder. The applicant may deposit with the chief, in

lieu of a surety bond, cash in an amount equal to the surety bond 123180  
as prescribed in this section, or negotiable certificates of 123181  
deposit issued by any bank organized or transacting business in 123182  
this state, ~~or certificates of deposit issued by any building and~~ 123183  
~~loan association as defined in section 1151.01 of the Revised~~ 123184  
~~Code,~~ having a cash value equal to or greater than the amount of 123185  
the surety bond as prescribed in this section. Cash or 123186  
certificates of deposit shall be deposited upon the same terms as 123187  
those upon which surety bonds may be deposited. If certificates of 123188  
deposit are deposited with the chief in lieu of a surety bond, the 123189  
chief shall require the bank ~~or building and loan association~~ that 123190  
issued any such certificate to pledge securities of a cash value 123191  
equal to the amount of the certificate that is in excess of the 123192  
amount insured by any of the agencies and instrumentalities 123193  
created under the "Federal Deposit Insurance Act," 64 Stat. 873 123194  
(1950), 12 U.S.C. 1811, as amended, and regulations adopted under 123195  
it, including at least the federal deposit insurance corporation, 123196  
~~bank insurance fund, and savings association insurance fund.~~ 123197

Such securities shall be security for the repayment of the 123198  
certificate of deposit. Immediately upon a deposit of cash or 123199  
certificates with the chief, the chief shall deliver it to the 123200  
treasurer of state who shall hold it in trust for the purposes for 123201  
which it has been deposited. 123202

(B) The surety bond provided for in this section shall be 123203  
executed by a surety company authorized to do business in this 123204  
state. The chief shall not approve any bond until it is personally 123205  
signed and acknowledged by both principal and surety, or as to 123206  
either by an attorney in fact, with a certified copy of the power 123207  
of attorney attached thereto. The chief shall not approve the bond 123208  
unless there is attached a certificate of the superintendent of 123209  
insurance that the company is authorized to transact a fidelity 123210  
and surety business in this state. All bonds shall be given in a 123211

form to be prescribed by the chief. 123212

(C) If a registered transporter is found liable for a 123213  
violation of section 1509.22, 1509.222, or 1509.223 of the Revised 123214  
Code or a rule, order, or term or condition of a certificate 123215  
involving, in any case, damage or injury to persons or property, 123216  
or both, the court may order the forfeiture of any portion of the 123217  
bond, cash, or other securities required by this section in full 123218  
or partial payment of damages to the person to whom the damages 123219  
are due. The treasurer of state and the chief shall deliver the 123220  
bond or any cash or other securities deposited in lieu of bond, as 123221  
specified in the court's order, to the person to whom the damages 123222  
are due; however, execution against the bond, cash, or other 123223  
securities, if necessary, is the responsibility of the person to 123224  
whom the damages are due. The chief shall not release the bond, 123225  
cash, or securities required by this section except by court order 123226  
or until the registration is terminated. 123227

**Sec. 1510.09.** (A) There is hereby established a fund for any 123228  
marketing program that is established by the technical advisory 123229  
council under this chapter. The fund shall be in the custody of 123230  
the treasurer of state, but shall not be part of the state 123231  
treasury. Except as authorized in division (B) of this section, 123232  
all money collected pursuant to section 1510.08 of the Revised 123233  
Code for the marketing program shall be paid into the fund for the 123234  
marketing program and shall be disbursed only pursuant to a 123235  
voucher signed by the chairperson of the council for use in 123236  
defraying the costs of administration of the marketing program and 123237  
for carrying out sections 1510.02, 1510.03, and 1510.11 of the 123238  
Revised Code. 123239

(B) In lieu of deposits in the fund established under 123240  
division (A) of this section, the operating committee of a 123241  
marketing program established under this chapter may deposit all 123242

money collected pursuant to section 1510.08 of the Revised Code 123243  
with a bank ~~or a savings and loan association~~ as defined in 123244  
~~sections~~ section 1101.01 ~~and 1151.01~~ of the Revised Code. All 123245  
money collected pursuant to section 1510.08 of the Revised Code 123246  
for the marketing program and deposited pursuant to this division 123247  
also shall be used only in defraying the costs of administration 123248  
of the marketing program and for carrying out sections 1510.02, 123249  
1510.03, and 1510.11 of the Revised Code. 123250

(C) The operating committee shall establish a fiscal year for 123251  
its marketing program, shall publish an activity and financial 123252  
report within sixty days of the end of each fiscal year, and shall 123253  
make the report available to each producer who pays an assessment 123254  
or otherwise contributes to the marketing program that the 123255  
committee administers and to other interested persons. 123256

(D) In addition to the report required by division (C) of 123257  
this section, an operating committee that deposits money in 123258  
accordance with division (B) of this section shall annually submit 123259  
to the council a financial statement prepared by a certified 123260  
public accountant holding valid certification from the Ohio board 123261  
of accountancy issued pursuant to Chapter 4701. of the Revised 123262  
Code. The operating committee shall file the financial statement 123263  
with the council not more than one hundred fifty days after the 123264  
end of each fiscal year. 123265

**Sec. 1514.04.** (A) Upon receipt of notification from the chief 123266  
of the division of mineral resources management of the chief's 123267  
intent to issue an order granting a surface or in-stream mining 123268  
permit to the applicant, the applicant shall file a surety bond, 123269  
cash, an irrevocable letter of credit, or certificates of deposit 123270  
in the amount, unless otherwise provided by rule, of ten thousand 123271  
dollars. If the amount of land to be affected is more than twenty 123272  
acres, the applicant also shall file a surety bond, cash, an 123273

irrevocable letter of credit, or certificates of deposit in the 123274  
amount of five hundred dollars per acre of land to be affected 123275  
that exceeds twenty acres. Upon receipt of notification from the 123276  
chief of the chief's intent to issue an order granting an 123277  
amendment to a surface or in-stream mining permit, the applicant 123278  
shall file a surety bond, cash, an irrevocable letter of credit, 123279  
or certificates of deposit in the amount required in this 123280  
division. 123281

In the case of a surface mining permit, the bond shall be 123282  
filed based on the number of acres estimated to be affected during 123283  
the first year of operation under the permit. In the case of an 123284  
amendment to a surface mining permit, the bond shall be filed 123285  
based on the number of acres estimated to be affected during the 123286  
balance of the period until the next anniversary date of the 123287  
permit. 123288

In the case of an in-stream mining permit, the bond shall be 123289  
filed based on the number of acres of land within the limits of 123290  
the in-stream mining permit for the entire permit period. In the 123291  
case of an amendment to an in-stream mining permit, the bond shall 123292  
be filed based on the number of any additional acres of land to be 123293  
affected within the limits of the in-stream mining permit. 123294

(B) A surety bond filed pursuant to this section and sections 123295  
1514.02 and 1514.03 of the Revised Code shall be upon the form 123296  
that the chief prescribes and provides and shall be signed by the 123297  
operator as principal and by a surety company authorized to 123298  
transact business in the state as surety. The bond shall be 123299  
payable to the state and shall be conditioned upon the faithful 123300  
performance by the operator of all things to be done and performed 123301  
by the operator as provided in this chapter and the rules and 123302  
orders of the chief adopted or issued pursuant thereto. 123303

The operator may deposit with the chief, in lieu of a surety 123304



bond, cash in an amount equal to the surety bond as prescribed in 123305  
this section, or an irrevocable letter of credit or negotiable 123306  
certificates of deposit issued by any bank organized or 123307  
transacting business in this state, ~~or an irrevocable letter of~~ 123308  
~~credit or certificates of deposit issued by any savings and loan~~ 123309  
~~association as defined in section 1151.01 of the Revised Code,~~ 123310  
having a cash value equal to or greater than the amount of the 123311  
surety bond as prescribed in this section. Cash or certificates of 123312  
deposit shall be deposited upon the same terms as the terms upon 123313  
which surety bonds may be deposited. If one or more certificates 123314  
of deposit are deposited with the chief in lieu of a surety bond, 123315  
the chief shall require the bank ~~or savings and loan association~~ 123316  
that issued any such certificate to pledge securities of a cash 123317  
value equal to the amount of the certificate, or certificates, 123318  
that is in excess of the amount insured by the federal deposit 123319  
insurance corporation. The securities shall be security for the 123320  
repayment of the certificate of deposit. 123321

(C) Immediately upon a deposit of cash, a letter of credit, 123322  
or certificates with the chief, the chief shall deliver it to the 123323  
treasurer of state who shall hold it in trust for the purposes for 123324  
which it has been deposited. The treasurer of state shall be 123325  
responsible for the safekeeping of such deposits. An operator 123326  
making a deposit of cash, a letter of credit, or certificates of 123327  
deposit may withdraw and receive from the treasurer of state, on 123328  
the written order of the chief, all or any part of the cash, 123329  
letter of credit, or certificates in the possession of the 123330  
treasurer of state, upon depositing with the treasurer of state 123331  
cash, or an irrevocable letter of credit, or negotiable 123332  
certificates of deposit issued by any bank organized or 123333  
transacting business in this state, ~~or an irrevocable letter of~~ 123334  
~~credit or certificates of deposit issued by any savings and loan~~ 123335  
~~association,~~ equal in value to the value of the cash, letter of 123336  
credit, or certificates withdrawn. An operator may demand and 123337

receive from the treasurer of state all interest or other income 123338  
from any certificates as it becomes due. If certificates deposited 123339  
with and in the possession of the treasurer of state mature or are 123340  
called for payment by the issuer thereof, the treasurer of state, 123341  
at the request of the operator who deposited them, shall convert 123342  
the proceeds of the redemption or payment of the certificates into 123343  
such other negotiable certificates of deposit issued by any bank 123344  
organized or transacting business in this state, ~~such other~~ 123345  
~~certificates of deposit issued by any savings and loan~~ 123346  
~~association,~~ or cash, as may be designated by the operator. 123347

(D) A governmental agency, as defined in division (A) of 123348  
section 1514.022 of the Revised Code, or a board or commission 123349  
that derives its authority from a governmental agency shall not 123350  
require a surface or in-stream mining operator to file a surety 123351  
bond or any other form of financial assurance for the reclamation 123352  
of land to be affected by a surface or in-stream mining operation 123353  
authorized under this chapter. 123354

**Sec. 1707.03.** (A) As used in this section, "exempt" means 123355  
that, except in the case of securities the right to buy, sell, or 123356  
deal in which has been suspended or revoked under an existing 123357  
order of the division of securities under section 1707.13 of the 123358  
Revised Code or under a cease and desist order under division (G) 123359  
of section 1707.23 of the Revised Code, transactions in securities 123360  
may be carried on and completed without compliance with sections 123361  
1707.08 to 1707.11 of the Revised Code. 123362

(B) A sale of securities made by or on behalf of a bona fide 123363  
owner, neither the issuer nor a dealer, is exempt if the sale is 123364  
made in good faith and not for the purpose of avoiding this 123365  
chapter and is not made in the course of repeated and successive 123366  
transactions of a similar character. Any sale of securities over a 123367  
stock exchange that is lawfully conducted in this state and 123368

regularly open for public patronage and that has been established 123369  
and operated for a period of at least five years prior to the sale 123370  
at a commission not exceeding the commission regularly charged in 123371  
such transactions also is exempt. 123372

(C) The sale of securities by executors, administrators, 123373  
receivers, trustees, or anyone acting in a fiduciary capacity is 123374  
exempt, where such relationship was created by law, by a will, or 123375  
by judicial authority, and where such sales are subject to 123376  
approval by, or are made in pursuance to authority granted by, any 123377  
court of competent jurisdiction or are otherwise authorized and 123378  
lawfully made by such fiduciary. 123379

(D) A sale to the issuer, to a dealer, or to an institutional 123380  
investor is exempt. 123381

(E) A sale in good faith, and not for the purpose of avoiding 123382  
this chapter, by a pledgee of a security pledged for a bona fide 123383  
debt is exempt. 123384

(F) The sale at public auction by a corporation of shares of 123385  
its stock because of delinquency in payment for the shares is 123386  
exempt. 123387

(G)(1) The giving of any conversion right with, or on account 123388  
of the purchase of, any security that is exempt, is the subject 123389  
matter of an exempt transaction, has been registered by 123390  
description, by coordination, or by qualification, or is the 123391  
subject matter of a transaction that has been registered by 123392  
description is exempt. 123393

(2) The giving of any subscription right, warrant, or option 123394  
to purchase a security or right to receive a security upon 123395  
exchange, which security is exempt at the time the right, warrant, 123396  
or option to purchase or right to receive is given, is the subject 123397  
matter of an exempt transaction, is registered by description, by 123398  
coordination, or by qualification, or is the subject matter of a 123399

transaction that has been registered by description is exempt. 123400

(3) The giving of any subscription right or any warrant or 123401  
option to purchase a security, which right, warrant, or option 123402  
expressly provides that it shall not be exercisable except for a 123403  
security that at the time of the exercise is exempt, is the 123404  
subject matter of an exempt transaction, is registered by 123405  
description, by coordination, or by qualification, or at such time 123406  
is the subject matter of a transaction that has been registered by 123407  
description is exempt. 123408

(H) The sale of notes, bonds, or other evidences of 123409  
indebtedness that are secured by a mortgage lien upon real estate, 123410  
leasehold estate other than oil, gas, or mining leasehold, or 123411  
tangible personal property, or which evidence of indebtedness is 123412  
due under or based upon a conditional-sale contract, if all such 123413  
notes, bonds, or other evidences of indebtedness are sold to a 123414  
single purchaser at a single sale, is exempt. 123415

(I) The delivery of securities by the issuer on the exercise 123416  
of conversion rights, the sale of securities by the issuer on 123417  
exercise of subscription rights or of warrants or options to 123418  
purchase securities, the delivery of voting-trust certificates for 123419  
securities deposited under a voting-trust agreement, the delivery 123420  
of deposited securities on surrender of voting-trust certificates, 123421  
and the delivery of final certificates on surrender of interim 123422  
certificates are exempt; but the sale of securities on exercise of 123423  
subscription rights, warrants, or options is not an exempt 123424  
transaction unless those rights, warrants, or options when granted 123425  
were the subject matter of an exempt transaction under division 123426  
(G) of this section or were registered by description, by 123427  
coordination, or by qualification. 123428

(J) The sale of securities by a bank, savings and loan 123429  
association, savings bank, or credit union organized under the 123430  
laws of the United States or of this state is exempt if at a 123431

profit to that seller of not more than two per cent of the total 123432  
sale price of the securities. 123433

(K)(1) The distribution by a corporation of its securities to 123434  
its security holders as a share dividend or other distribution out 123435  
of earnings or surplus is exempt. 123436

(2) The exchange or distribution by the issuer of any of its 123437  
securities or of the securities of any of the issuer's wholly 123438  
owned subsidiaries exclusively with or to its existing security 123439  
holders, if no commission or other remuneration is given directly 123440  
or indirectly for soliciting the exchange, is exempt. 123441

(3) The sale of preorganization subscriptions for shares of 123442  
stock of a corporation prior to the incorporation of the 123443  
corporation is exempt, when the sale is evidenced by a written 123444  
agreement, no remuneration is given, or promised, directly or 123445  
indirectly, for or in connection with the sale of those 123446  
securities, and no consideration is received, directly or 123447  
indirectly, by any person from the purchasers of those securities 123448  
until registration by qualification, by coordination, or by 123449  
description of those securities is made under this chapter. 123450

(L) The issuance of securities in exchange for one or more 123451  
bona fide outstanding securities, claims, or property interests, 123452  
not including securities sold for a consideration payable in whole 123453  
or in part in cash, under a plan of reorganization, 123454  
recapitalization, or refinancing approved by a court pursuant to 123455  
the Bankruptcy Act of the United States or to any other federal 123456  
act giving any federal court jurisdiction over such plan of 123457  
reorganization, or under a plan of reorganization approved by a 123458  
court of competent jurisdiction of any state of the United States 123459  
is exempt. As used in this division, "reorganization," 123460  
"recapitalization," and "refinancing" have the same meanings as in 123461  
section 1707.04 of the Revised Code. 123462

(M) A sale by a licensed dealer, acting either as principal 123463  
or as agent, of securities issued and outstanding before the sale 123464  
is exempt, unless the sale is of one or more of the following: 123465

(1) Securities constituting the whole or a part of an unsold 123466  
allotment to or subscription by a dealer as an underwriter or 123467  
other participant in the distribution of those securities by the 123468  
issuer, whether that distribution is direct or through an 123469  
underwriter, provided that, if the issuer is such by reason of 123470  
owning one-fourth or more of those securities, the dealer has 123471  
knowledge of this fact or reasonable cause to believe this fact; 123472

(2) Any class of shares issued by a corporation when the 123473  
number of beneficial owners of that class is less than 123474  
twenty-five, with the record owner of securities being deemed the 123475  
beneficial owner for this purpose, in the absence of actual 123476  
knowledge to the contrary; 123477

(3) Securities that within one year were purchased outside 123478  
this state or within one year were transported into this state, if 123479  
the dealer has knowledge or reasonable cause to believe, before 123480  
the sale of those securities, that within one year they were 123481  
purchased outside this state or within one year were transported 123482  
into this state; but such a sale of those securities is exempt if 123483  
any of the following occurs: 123484

(a) A recognized securities manual contains the names of the 123485  
issuer's officers and directors, a balance sheet of the issuer as 123486  
of a date within eighteen months, and a profit and loss statement 123487  
for either the fiscal year preceding that date or the most recent 123488  
year of operations; 123489

(b) Those securities, or securities of the same class, within 123490  
one year were registered or qualified under section 1707.09 or 123491  
1707.091 of the Revised Code, and that registration or 123492  
qualification is in full force and effect; 123493

(c) The sale is made by a licensed dealer on behalf of the 123494  
bona fide owner of those securities in accordance with division 123495  
(B) of this section; 123496

(d) Those securities were transported into Ohio in a 123497  
transaction of the type described in division (L), (K), or (I) of 123498  
this section, or in a transaction registered under division (A) of 123499  
section 1707.06 of the Revised Code. 123500

(N) For the purpose of this division and division (M) of this 123501  
section, "underwriter" means any person who has purchased from an 123502  
issuer with a view to, or sells for an issuer in connection with, 123503  
the distribution of any security, or who participates directly or 123504  
indirectly in any such undertaking or in the underwriting thereof, 123505  
but "underwriter" does not include a person whose interest is 123506  
limited to a discount, commission, or profit from the underwriter 123507  
or from a dealer that is not in excess of the customary 123508  
distributors' or sellers' discount, commission, or profit; and 123509  
"issuer" includes any person or any group of persons acting in 123510  
concert in the sale of such securities, owning beneficially 123511  
one-fourth or more of the outstanding securities of the class 123512  
involved in the transactions in question, with the record owner of 123513  
securities being deemed the beneficial owner for this purpose, in 123514  
the absence of actual knowledge to the contrary. 123515

(O)(1) The sale of any equity security is exempt if all the 123516  
following conditions are satisfied: 123517

(a) The sale is by the issuer of the security. 123518

(b) The total number of purchasers in this state of all 123519  
securities issued or sold by the issuer in reliance upon this 123520  
exemption during the period of one year ending with the date of 123521  
the sale does not exceed ten. A sale of securities registered 123522  
under this chapter or sold pursuant to an exemption under this 123523  
chapter other than this exemption shall not be integrated with a 123524

sale pursuant to this exemption in computing the number of 123525  
purchasers under this exemption. 123526

(c) No advertisement, article, notice, or other communication 123527  
published in any newspaper, magazine, or similar medium or 123528  
broadcast over television or radio is used in connection with the 123529  
sale, but the use of an offering circular or other communication 123530  
delivered by the issuer to selected individuals does not destroy 123531  
this exemption. 123532

(d) The issuer reasonably believes after reasonable 123533  
investigation that the purchaser is purchasing for investment. 123534

(e) The aggregate commission, discount, and other 123535  
remuneration, excluding legal, accounting, and printing fees, paid 123536  
or given directly or indirectly does not exceed ten per cent of 123537  
the initial offering price. 123538

(f) Any such commission, discount, or other remuneration for 123539  
sales in this state is paid or given only to dealers or 123540  
salespersons registered pursuant to this chapter. 123541

(2) For the purposes of division (0)(1) of this section, each 123542  
of the following is deemed to be a single purchaser of a security: 123543  
husband and wife, a child and its parent or guardian when the 123544  
parent or guardian holds the security for the benefit of the 123545  
child, a corporation, a limited liability company, a partnership, 123546  
an association or other unincorporated entity, a joint-stock 123547  
company, or a trust, but only if the corporation, limited 123548  
liability company, partnership, association, entity, joint-stock 123549  
company, or trust was not formed for the purpose of purchasing the 123550  
security. 123551

(3) As used in division (0)(1) of this section, "equity 123552  
security" means any stock or similar security of a corporation or 123553  
any membership interest in a limited liability company; or any 123554  
security convertible, with or without consideration, into such a 123555



security, or carrying any warrant or right to subscribe to or 123556  
purchase such a security; or any such warrant or right; or any 123557  
other security that the division considers necessary or 123558  
appropriate, by such rules as it may prescribe in the public 123559  
interest or for the protection of investors, to treat as an equity 123560  
security. 123561

(P) The sale of securities representing interests in or under 123562  
profit-sharing or participation agreements relating to oil or gas 123563  
wells located in this state, or representing interests in or under 123564  
oil or gas leases of real estate situated in this state, is exempt 123565  
if the securities are issued by an individual, partnership, 123566  
limited partnership, partnership association, syndicate, pool, 123567  
trust or trust fund, or other unincorporated association and if 123568  
each of the following conditions is complied with: 123569

(1) The beneficial owners of the securities do not, and will 123570  
not after the sale, exceed five natural persons; 123571

(2) The securities constitute or represent interests in not 123572  
more than one oil or gas well; 123573

(3) A certificate or other instrument in writing is furnished 123574  
to each purchaser of the securities at or before the consummation 123575  
of the sale, disclosing the maximum commission, compensation for 123576  
services, cost of lease, and expenses with respect to the sale of 123577  
such interests and with respect to the promotion, development, and 123578  
management of the oil or gas well, and the total of that 123579  
commission, compensation, costs, and expenses does not exceed 123580  
twenty-five per cent of the aggregate interests in the oil or gas 123581  
well, exclusive of any landowner's rental or royalty; 123582

(4) The sale is made in good faith and not for the purpose of 123583  
avoiding this chapter. 123584

(Q) The sale of any security is exempt if all of the 123585  
following conditions are satisfied: 123586

(1) The provisions of section 5 of the Securities Act of 1933 123587  
do not apply to the sale by reason of an exemption under section 4 123588  
(2) of that act. 123589

(2) The aggregate commission, discount, and other 123590  
remuneration, excluding legal, accounting, and printing fees, paid 123591  
or given directly or indirectly does not exceed ten per cent of 123592  
the initial offering price. 123593

(3) Any such commission, discount, or other remuneration for 123594  
sales in this state is paid or given only to dealers or 123595  
salespersons registered under this chapter. 123596

(4) The issuer or dealer files with the division of 123597  
securities, not later than sixty days after the sale, a report 123598  
setting forth the name and address of the issuer, the total amount 123599  
of the securities sold under this division, the number of persons 123600  
to whom the securities were sold, the price at which the 123601  
securities were sold, and the commissions or discounts paid or 123602  
given. 123603

(5) The issuer pays a filing fee of one hundred dollars for 123604  
the first filing and fifty dollars for every subsequent filing 123605  
during each calendar year. 123606

(R) A sale of a money order, travelers' check, or other 123607  
instrument for the transmission of money by a person qualified to 123608  
engage in such business under ~~section 1109.60~~ or Chapter 1315. of 123609  
the Revised Code is exempt. 123610

(S) A sale by a licensed dealer of securities that are in the 123611  
process of registration under the Securities Act of 1933, unless 123612  
exempt under that act, and that are in the process of 123613  
registration, if registration is required under this chapter, is 123614  
exempt, provided that no sale of that nature shall be consummated 123615  
prior to the registration by description or qualification of the 123616  
securities. 123617

(T) The execution by a licensed dealer of orders for the purchase of any security is exempt, provided that the dealer acts only as agent for the purchaser, has made no solicitation of the order to purchase the security, has no interest in the distribution of the security, and delivers to the purchaser written confirmation of the transaction that clearly itemizes the dealer's commission. "Solicitation," as used in this division, means solicitation of the order for the specific security purchased and does not include general solicitations or advertisements of any kind.

(U) The sale insofar as the security holders of a person are concerned, where, pursuant to statutory provisions of the jurisdiction under which that person is organized or pursuant to provisions contained in its articles of incorporation, certificate of incorporation, partnership agreement, declaration of trust, trust indenture, or similar controlling instrument, there is submitted to the security holders, for their vote or consent, (1) a plan or agreement for a reclassification of securities of that person that involves the substitution of a security of that person for another security of that person, (2) a plan or agreement of merger or consolidation or a similar plan or agreement of acquisition in which the securities of that person held by the security holders will become or be exchanged for securities of any other person, or (3) a plan or agreement for a combination as defined in division (Q) of section 1701.01 of the Revised Code or a similar plan or agreement for the transfer of assets of that person to another person in consideration of the issuance of securities of any person, is exempt if, with respect to any of the foregoing transactions, either of the following conditions is satisfied:

(a) The securities to be issued to the security holders are effectively registered under sections 6 to 8 of the Securities Act

of 1933 and offered and sold in compliance with section 5 of that 123650  
act; 123651

(b) At least twenty days prior to the date on which a meeting 123652  
of the security holders is held or the earliest date on which 123653  
corporate action may be taken when no meeting is held, there is 123654  
submitted to the security holders, by that person, or by the 123655  
person whose securities are to be issued in the transaction, 123656  
information substantially equivalent to the information that would 123657  
be required to be included in a proxy statement or information 123658  
statement prepared by or on behalf of the management of an issuer 123659  
subject to section 14(a) or 14(c) of the Securities Exchange Act 123660  
of 1934. 123661

(V) The sale of any security is exempt if the division by 123662  
rule finds that registration is not necessary or appropriate in 123663  
the public interest or for the protection of investors. 123664

(W) Any offer or sale of securities made in reliance on the 123665  
exemptions provided by Rule 505 of Regulation D made pursuant to 123666  
the Securities Act of 1933 and the conditions and definitions 123667  
provided by Rules 501 to 503 thereunder is exempt if the offer or 123668  
sale satisfies all of the following conditions: 123669

(1) No commission or other remuneration is given, directly or 123670  
indirectly, to any person for soliciting or selling to any person 123671  
in this state in reliance on the exemption under this division, 123672  
except to dealers licensed in this state. 123673

(2)(a) Unless the cause for disqualification is waived under 123674  
division (W)(2)(b) of this section, no exemption under this 123675  
section is available for the securities of an issuer unless the 123676  
issuer did not know and in the exercise of reasonable care could 123677  
not have known that any of the following applies to any of the 123678  
persons described in Rule 262(a) to (c) of Regulation A under the 123679  
Securities Act of 1933: 123680

(i) The person has filed an application for registration or 123681  
qualification that is the subject of an effective order entered 123682  
against the issuer, its officers, directors, general partners, 123683  
controlling persons or affiliates thereof, pursuant to the law of 123684  
any state within five years before the filing of a notice required 123685  
under division (W)(3) of this section denying effectiveness to, or 123686  
suspending or revoking the effectiveness of, the registration 123687  
statement. 123688

(ii) The person has been convicted of any offense in 123689  
connection with the offer, sale, or purchase of any security or 123690  
franchise, or any felony involving fraud or deceit, including, but 123691  
not limited to, forgery, embezzlement, fraud, theft, or conspiracy 123692  
to defraud. 123693

(iii) The person is subject to an effective administrative 123694  
order or judgment that was entered by a state securities 123695  
administrator within five years before the filing of a notice 123696  
required under division (W)(3) of this section and that prohibits, 123697  
denies, or revokes the use of any exemption from securities 123698  
registration, prohibits the transaction of business by the person 123699  
as a dealer, or is based on fraud, deceit, an untrue statement of 123700  
a material fact, or an omission to state a material fact. 123701

(iv) The person is subject to any order, judgment, or decree 123702  
of any court entered within five years before the filing of a 123703  
notice required under division (W)(3) of this section, 123704  
temporarily, preliminarily, or permanently restraining or 123705  
enjoining the person from engaging in or continuing any conduct or 123706  
practice in connection with the offer, sale, or purchase of any 123707  
security, or the making of any false filing with any state. 123708

(b)(i) Any disqualification under this division involving a 123709  
dealer may be waived if the dealer is or continues to be licensed 123710  
in this state as a dealer after notifying the commissioner of the 123711  
act or event causing disqualification. 123712

(ii) The commissioner may waive any disqualification under this paragraph upon a showing of good cause that it is not necessary under the circumstances that use of the exemption be denied.

(3) Not later than five business days before the earlier of the date on which the first use of an offering document or the first sale is made in this state in reliance on the exemption under this division, there is filed with the commissioner a notice comprised of offering material in compliance with the requirements of Rule 502 of Regulation D under the Securities Act of 1933 and a fee of one hundred dollars. Material amendments to the offering document shall be filed with the commissioner not later than the date of their first use in this state.

(4) The aggregate commission, discount, and other remuneration paid or given, directly or indirectly, does not exceed twelve per cent of the initial offering price, excluding legal, accounting, and printing fees.

(X) Any offer or sale of securities made in reliance on the exemption provided in Rule 506 of Regulation D under the Securities Act of 1933, and in accordance with Rules 501 to 503 of Regulation D under the Securities Act of 1933, is exempt provided that all of the following apply:

(1) The issuer makes a notice filing with the division on form D of the securities and exchange commission within fifteen days of the first sale in this state;

(2) Any commission, discount, or other remuneration for sales of securities in this state is paid or given only to dealers or salespersons licensed under this chapter;

(3) The issuer pays a filing fee of one hundred dollars to the division; however, no filing fee shall be required to file amendments to the form D of the securities and exchange

commission. 123744

(Y) The offer or sale of securities by an issuer is exempt 123745  
provided that all of the following apply: 123746

(1) The sale of securities is made only to persons who are, 123747  
or who the issuer reasonably believes are, accredited investors as 123748  
defined in Rule 501 of Regulation D under the Securities Act of 123749  
1933. 123750

(2) The issuer reasonably believes that all purchasers are 123751  
purchasing for investment and not with a view to or for sale in 123752  
connection with a distribution of the security. Any resale of a 123753  
security sold in reliance on this exemption within twelve months 123754  
of sale shall be presumed to be with a view to distribution and 123755  
not for investment, except a resale to which any of the following 123756  
applies: 123757

(a) The resale is pursuant to a registration statement 123758  
effective under section 1707.09 or 1707.091 of the Revised Code. 123759

(b) The resale is to an accredited investor, as defined in 123760  
Rule 501 of Regulation D under the Securities Act of 1933. 123761

(c) The resale is to an institutional investor pursuant to 123762  
the exemptions under division (B) or (D) of this section. 123763

(3) The exemption under this division is not available to an 123764  
issuer that is in the development stage and that either has no 123765  
specific business plan or purpose or has indicated that its 123766  
business plan is to engage in a merger or acquisition with an 123767  
unidentified company or companies, or other entities or persons. 123768

(4) The exemption under this division is not available to an 123769  
issuer, if the issuer, any of the issuer's predecessors, any 123770  
affiliated issuer, any of the issuer's directors, officers, 123771  
general partners, or beneficial owners of ten per cent or more of 123772  
any class of its equity securities, any of the issuer's promoters 123773

presently connected with the issuer in any capacity, any 123774  
underwriter of the securities to be offered, or any partner, 123775  
director, or officer of such underwriter: 123776

(a) Within the past five years, has filed a registration 123777  
statement that is the subject of a currently effective 123778  
registration stop order entered by any state securities 123779  
administrator or the securities and exchange commission; 123780

(b) Within the past five years, has been convicted of any 123781  
criminal offense in connection with the offer, purchase, or sale 123782  
of any security, or involving fraud or deceit; 123783

(c) Is currently subject to any state or federal 123784  
administrative enforcement order or judgment, entered within the 123785  
past five years, finding fraud or deceit in connection with the 123786  
purchase or sale of any security; 123787

(d) Is currently subject to any order, judgment, or decree of 123788  
any court of competent jurisdiction, entered within the past five 123789  
years, that temporarily, preliminarily, or permanently restrains 123790  
or enjoins the party from engaging in or continuing to engage in 123791  
any conduct or practice involving fraud or deceit in connection 123792  
with the purchase or sale of any security. 123793

(5) Division (Y)(4) of this section is inapplicable if any of 123794  
the following applies: 123795

(a) The party subject to the disqualification is licensed or 123796  
registered to conduct securities business in the state in which 123797  
the order, judgment, or decree creating the disqualification was 123798  
entered against the party described in division (Y)(4) of this 123799  
section. 123800

(b) Before the first offer is made under this exemption, the 123801  
state securities administrator, or the court or regulatory 123802  
authority that entered the order, judgment, or decree, waives the 123803  
disqualification. 123804



(c) The issuer did not know and, in the exercise of reasonable care based on reasonable investigation, could not have known that a disqualification from the exemption existed under division (Y)(4) of this section.

(6) A general announcement of the proposed offering may be made by any means; however, the general announcement shall include only the following information, unless additional information is specifically permitted by the division by rule:

(a) The name, address, and telephone number of the issuer of the securities;

(b) The name, a brief description, and price of any security to be issued;

(c) A brief description of the business of the issuer;

(d) The type, number, and aggregate amount of securities being offered;

(e) The name, address, and telephone number of the person to contact for additional information; and

(f) A statement indicating all of the following:

(i) Sales will only be made to accredited investors as defined in Rule 501 of Regulation D under the Securities Act of 1933;

(ii) No money or other consideration is being solicited or will be accepted by way of this general announcement;

(iii) The securities have not been registered with or approved by any state securities administrator or the securities and exchange commission and are being offered and sold pursuant to an exemption from registration.

(7) The issuer, in connection with an offer, may provide information in addition to the general announcement described in division (Y)(6) of this section, provided that either of the

following applies: 123835

(a) The information is delivered through an electronic 123836  
database that is restricted to persons that are accredited 123837  
investors as defined in Rule 501 of Regulation D under the 123838  
Securities Act of 1933. 123839

(b) The information is delivered after the issuer reasonably 123840  
believes that the prospective purchaser is an accredited investor 123841  
as defined in Rule 501 of Regulation D under the Securities Act of 123842  
1933. 123843

(8) No telephone solicitation shall be done, unless prior to 123844  
placing the telephone call, the issuer reasonably believes that 123845  
the prospective purchaser to be solicited is an accredited 123846  
investor as defined in Rule 501 of Regulation D under the 123847  
Securities Act of 1933. 123848

(9) Dissemination of the general announcement described in 123849  
division (Y)(6) of this section to persons that are not accredited 123850  
investors, as defined in Rule 501 of Regulation D under the 123851  
Securities Act of 1933, does not disqualify the issuer from 123852  
claiming an exemption under this division. 123853

(10) The issuer shall file with the division notice of the 123854  
offering of securities within fifteen days after notice of the 123855  
offering is made or a general announcement is made in this state. 123856  
The filing shall be on forms adopted by the division and shall 123857  
include a copy of the general announcement, if one is made 123858  
regarding the proposed offering, and copies of any offering 123859  
materials, circulars, or prospectuses. A filing fee of one hundred 123860  
dollars also shall be included. 123861

**Sec. 1901.31.** The clerk and deputy clerks of a municipal 123862  
court shall be selected, be compensated, give bond, and have 123863  
powers and duties as follows: 123864

(A) There shall be a clerk of the court who is appointed or  
elected as follows:

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton  
county, Miami county, Montgomery county, Portage county, and Wayne  
county municipal courts and through December 31, 2008, the  
Cuyahoga Falls municipal court, if the population of the territory  
equals or exceeds one hundred thousand at the regular municipal  
election immediately preceding the expiration of the term of the  
present clerk, the clerk shall be nominated and elected by the  
qualified electors of the territory in the manner that is provided  
for the nomination and election of judges in section 1901.07 of  
the Revised Code.

The clerk so elected shall hold office for a term of six  
years, which term shall commence on the first day of January  
following the clerk's election and continue until the clerk's  
successor is elected and qualified.

(b) In the Hamilton county municipal court, the clerk of  
courts of Hamilton county shall be the clerk of the municipal  
court and may appoint an assistant clerk who shall receive the  
compensation, payable out of the treasury of Hamilton county in  
semimonthly installments, that the board of county commissioners  
prescribes. The clerk of courts of Hamilton county, acting as the  
clerk of the Hamilton county municipal court and assuming the  
duties of that office, shall receive compensation at one-fourth  
the rate that is prescribed for the clerks of courts of common  
pleas as determined in accordance with the population of the  
county and the rates set forth in sections 325.08 and 325.18 of  
the Revised Code. This compensation shall be paid from the county  
treasury in semimonthly installments and is in addition to the  
annual compensation that is received for the performance of the  
duties of the clerk of courts of Hamilton county, as provided in  
sections 325.08 and 325.18 of the Revised Code.

(c) In the Portage county and Wayne county municipal courts, 123897  
the clerks of courts of Portage county and Wayne county shall be 123898  
the clerks, respectively, of the Portage county and Wayne county 123899  
municipal courts and may appoint a chief deputy clerk for each 123900  
branch that is established pursuant to section 1901.311 of the 123901  
Revised Code and assistant clerks as the judges of the municipal 123902  
court determine are necessary, all of whom shall receive the 123903  
compensation that the legislative authority prescribes. The clerks 123904  
of courts of Portage county and Wayne county, acting as the clerks 123905  
of the Portage county and Wayne county municipal courts and 123906  
assuming the duties of these offices, shall receive compensation 123907  
payable from the county treasury in semimonthly installments at 123908  
one-fourth the rate that is prescribed for the clerks of courts of 123909  
common pleas as determined in accordance with the population of 123910  
the county and the rates set forth in sections 325.08 and 325.18 123911  
of the Revised Code. 123912

(d) In the Montgomery county and Miami county municipal 123913  
courts, the clerks of courts of Montgomery county and Miami county 123914  
shall be the clerks, respectively, of the Montgomery county and 123915  
Miami county municipal courts. The clerks of courts of Montgomery 123916  
county and Miami county, acting as the clerks of the Montgomery 123917  
county and Miami county municipal courts and assuming the duties 123918  
of these offices, shall receive compensation at one-fourth the 123919  
rate that is prescribed for the clerks of courts of common pleas 123920  
as determined in accordance with the population of the county and 123921  
the rates set forth in sections 325.08 and 325.18 of the Revised 123922  
Code. This compensation shall be paid from the county treasury in 123923  
semimonthly installments and is in addition to the annual 123924  
compensation that is received for the performance of the duties of 123925  
the clerks of courts of Montgomery county and Miami county, as 123926  
provided in sections 325.08 and 325.18 of the Revised Code. 123927

(e) Except as otherwise provided in division (A)(1)(e) of 123928

this section, in the Akron municipal court, candidates for 123929  
election to the office of clerk of the court shall be nominated by 123930  
primary election. The primary election shall be held on the day 123931  
specified in the charter of the city of Akron for the nomination 123932  
of municipal officers. Notwithstanding any contrary provision of 123933  
section 3513.05 or 3513.257 of the Revised Code, the declarations 123934  
of candidacy and petitions of partisan candidates and the 123935  
nominating petitions of independent candidates for the office of 123936  
clerk of the Akron municipal court shall be signed by at least 123937  
fifty qualified electors of the territory of the court. 123938

The candidates shall file a declaration of candidacy and 123939  
petition, or a nominating petition, whichever is applicable, not 123940  
later than four p.m. of the ninetieth day before the day of the 123941  
primary election, in the form prescribed by section 3513.07 or 123942  
3513.261 of the Revised Code. The declaration of candidacy and 123943  
petition, or the nominating petition, shall conform to the 123944  
applicable requirements of section 3513.05 or 3513.257 of the 123945  
Revised Code. 123946

If no valid declaration of candidacy and petition is filed by 123947  
any person for nomination as a candidate of a particular political 123948  
party for election to the office of clerk of the Akron municipal 123949  
court, a primary election shall not be held for the purpose of 123950  
nominating a candidate of that party for election to that office. 123951  
If only one person files a valid declaration of candidacy and 123952  
petition for nomination as a candidate of a particular political 123953  
party for election to that office, a primary election shall not be 123954  
held for the purpose of nominating a candidate of that party for 123955  
election to that office, and the candidate shall be issued a 123956  
certificate of nomination in the manner set forth in section 123957  
3513.02 of the Revised Code. 123958

Declarations of candidacy and petitions, nominating 123959  
petitions, and certificates of nomination for the office of clerk 123960

of the Akron municipal court shall contain a designation of the 123961  
term for which the candidate seeks election. At the following 123962  
regular municipal election, all candidates for the office shall be 123963  
submitted to the qualified electors of the territory of the court 123964  
in the manner that is provided in section 1901.07 of the Revised 123965  
Code for the election of the judges of the court. The clerk so 123966  
elected shall hold office for a term of six years, which term 123967  
shall commence on the first day of January following the clerk's 123968  
election and continue until the clerk's successor is elected and 123969  
qualified. 123970

(f) Except as otherwise provided in division (A)(1)(f) of 123971  
this section, in the Barberton municipal court, candidates for 123972  
election to the office of clerk of the court shall be nominated by 123973  
primary election. The primary election shall be held on the day 123974  
specified in the charter of the city of Barberton for the 123975  
nomination of municipal officers. Notwithstanding any contrary 123976  
provision of section 3513.05 or 3513.257 of the Revised Code, the 123977  
declarations of candidacy and petitions of partisan candidates and 123978  
the nominating petitions of independent candidates for the office 123979  
of clerk of the Barberton municipal court shall be signed by at 123980  
least fifty qualified electors of the territory of the court. 123981

The candidates shall file a declaration of candidacy and 123982  
petition, or a nominating petition, whichever is applicable, not 123983  
later than four p.m. of the ninetieth day before the day of the 123984  
primary election, in the form prescribed by section 3513.07 or 123985  
3513.261 of the Revised Code. The declaration of candidacy and 123986  
petition, or the nominating petition, shall conform to the 123987  
applicable requirements of section 3513.05 or 3513.257 of the 123988  
Revised Code. 123989

If no valid declaration of candidacy and petition is filed by 123990  
any person for nomination as a candidate of a particular political 123991  
party for election to the office of clerk of the Barberton 123992

municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Barberton municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(g)(i) Through December 31, 2008, except as otherwise provided in division (A)(1)(g)(i) of this section, in the Cuyahoga Falls municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Cuyahoga Falls for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates for the office of clerk of the Cuyahoga Falls municipal court shall be signed by at least fifty

qualified electors of the territory of the court. 124025

The candidates shall file a declaration of candidacy and 124026  
petition, or a nominating petition, whichever is applicable, not 124027  
later than four p.m. of the ninetieth day before the day of the 124028  
primary election, in the form prescribed by section 3513.07 or 124029  
3513.261 of the Revised Code. The declaration of candidacy and 124030  
petition, or the nominating petition, shall conform to the 124031  
applicable requirements of section 3513.05 or 3513.257 of the 124032  
Revised Code. 124033

If no valid declaration of candidacy and petition is filed by 124034  
any person for nomination as a candidate of a particular political 124035  
party for election to the office of clerk of the Cuyahoga Falls 124036  
municipal court, a primary election shall not be held for the 124037  
purpose of nominating a candidate of that party for election to 124038  
that office. If only one person files a valid declaration of 124039  
candidacy and petition for nomination as a candidate of a 124040  
particular political party for election to that office, a primary 124041  
election shall not be held for the purpose of nominating a 124042  
candidate of that party for election to that office, and the 124043  
candidate shall be issued a certificate of nomination in the 124044  
manner set forth in section 3513.02 of the Revised Code. 124045

Declarations of candidacy and petitions, nominating 124046  
petitions, and certificates of nomination for the office of clerk 124047  
of the Cuyahoga Falls municipal court shall contain a designation 124048  
of the term for which the candidate seeks election. At the 124049  
following regular municipal election, all candidates for the 124050  
office shall be submitted to the qualified electors of the 124051  
territory of the court in the manner that is provided in section 124052  
1901.07 of the Revised Code for the election of the judges of the 124053  
court. The clerk so elected shall hold office for a term of six 124054  
years, which term shall commence on the first day of January 124055  
following the clerk's election and continue until the clerk's 124056



successor is elected and qualified. 124057

(ii) Division (A)(1)(g)(i) of this section shall have no 124058  
effect after December 31, 2008. 124059

(h) Except as otherwise provided in division (A)(1)(h) of 124060  
this section, in the Toledo municipal court, candidates for 124061  
election to the office of clerk of the court shall be nominated by 124062  
primary election. The primary election shall be held on the day 124063  
specified in the charter of the city of Toledo for the nomination 124064  
of municipal officers. Notwithstanding any contrary provision of 124065  
section 3513.05 or 3513.257 of the Revised Code, the declarations 124066  
of candidacy and petitions of partisan candidates and the 124067  
nominating petitions of independent candidates for the office of 124068  
clerk of the Toledo municipal court shall be signed by at least 124069  
fifty qualified electors of the territory of the court. 124070

The candidates shall file a declaration of candidacy and 124071  
petition, or a nominating petition, whichever is applicable, not 124072  
later than four p.m. of the ninetieth day before the day of the 124073  
primary election, in the form prescribed by section 3513.07 or 124074  
3513.261 of the Revised Code. The declaration of candidacy and 124075  
petition, or the nominating petition, shall conform to the 124076  
applicable requirements of section 3513.05 or 3513.257 of the 124077  
Revised Code. 124078

If no valid declaration of candidacy and petition is filed by 124079  
any person for nomination as a candidate of a particular political 124080  
party for election to the office of clerk of the Toledo municipal 124081  
court, a primary election shall not be held for the purpose of 124082  
nominating a candidate of that party for election to that office. 124083  
If only one person files a valid declaration of candidacy and 124084  
petition for nomination as a candidate of a particular political 124085  
party for election to that office, a primary election shall not be 124086  
held for the purpose of nominating a candidate of that party for 124087  
election to that office, and the candidate shall be issued a 124088

certificate of nomination in the manner set forth in section 124089  
3513.02 of the Revised Code. 124090

Declarations of candidacy and petitions, nominating 124091  
petitions, and certificates of nomination for the office of clerk 124092  
of the Toledo municipal court shall contain a designation of the 124093  
term for which the candidate seeks election. At the following 124094  
regular municipal election, all candidates for the office shall be 124095  
submitted to the qualified electors of the territory of the court 124096  
in the manner that is provided in section 1901.07 of the Revised 124097  
Code for the election of the judges of the court. The clerk so 124098  
elected shall hold office for a term of six years, which term 124099  
shall commence on the first day of January following the clerk's 124100  
election and continue until the clerk's successor is elected and 124101  
qualified. 124102

(2)(a) Except for the Alliance, Auglaize county, Brown 124103  
county, Columbiana county, Holmes county, Putnam county, Sandusky 124104  
county, Lorain, Massillon, and Youngstown municipal courts, in a 124105  
municipal court for which the population of the territory is less 124106  
than one hundred thousand, the clerk shall be appointed by the 124107  
court, and the clerk shall hold office until the clerk's successor 124108  
is appointed and qualified. 124109

(b) In the Alliance, Lorain, Massillon, and Youngstown 124110  
municipal courts, the clerk shall be elected for a term of office 124111  
as described in division (A)(1)(a) of this section. 124112

(c) In the Auglaize county, Brown county, Holmes county, 124113  
Putnam county, and Sandusky county municipal courts, the clerks of 124114  
courts of Auglaize county, Brown county, Holmes county, Putnam 124115  
county, and Sandusky county shall be the clerks, respectively, of 124116  
the Auglaize county, Brown county, Holmes county, Putnam county, 124117  
and Sandusky county municipal courts and may appoint a chief 124118  
deputy clerk for each branch office that is established pursuant 124119  
to section 1901.311 of the Revised Code, and assistant clerks as 124120

the judge of the court determines are necessary, all of whom shall 124121  
receive the compensation that the legislative authority 124122  
prescribes. The clerks of courts of Auglaize county, Brown county, 124123  
Holmes county, Putnam county, and Sandusky county, acting as the 124124  
clerks of the Auglaize county, Brown county, Holmes county, Putnam 124125  
county, and Sandusky county municipal courts and assuming the 124126  
duties of these offices, shall receive compensation payable from 124127  
the county treasury in semimonthly installments at one-fourth the 124128  
rate that is prescribed for the clerks of courts of common pleas 124129  
as determined in accordance with the population of the county and 124130  
the rates set forth in sections 325.08 and 325.18 of the Revised 124131  
Code. 124132

(d) In the Columbiana county municipal court, the clerk of 124133  
courts of Columbiana county shall be the clerk of the municipal 124134  
court, may appoint a chief deputy clerk for each branch office 124135  
that is established pursuant to section 1901.311 of the Revised 124136  
Code, and may appoint any assistant clerks that the judges of the 124137  
court determine are necessary. All of the chief deputy clerks and 124138  
assistant clerks shall receive the compensation that the 124139  
legislative authority prescribes. The clerk of courts of 124140  
Columbiana county, acting as the clerk of the Columbiana county 124141  
municipal court and assuming the duties of that office, shall 124142  
receive in either biweekly installments or semimonthly 124143  
installments, as determined by the payroll administrator, 124144  
compensation payable from the county treasury at one-fourth the 124145  
rate that is prescribed for the clerks of courts of common pleas 124146  
as determined in accordance with the population of the county and 124147  
the rates set forth in sections 325.08 and 325.18 of the Revised 124148  
Code. 124149

(3) During the temporary absence of the clerk due to illness, 124150  
vacation, or other proper cause, the court may appoint a temporary 124151  
clerk, who shall be paid the same compensation, have the same 124152

authority, and perform the same duties as the clerk. 124153

(B) Except in the Hamilton county, Montgomery county, Miami 124154  
county, Portage county, and Wayne county municipal courts, if a 124155  
vacancy occurs in the office of the clerk of the Alliance, Lorain, 124156  
Massillon, or Youngstown municipal court or occurs in the office 124157  
of the clerk of a municipal court for which the population of the 124158  
territory equals or exceeds one hundred thousand because the clerk 124159  
ceases to hold the office before the end of the clerk's term or 124160  
because a clerk-elect fails to take office, the vacancy shall be 124161  
filled, until a successor is elected and qualified, by a person 124162  
chosen by the residents of the territory of the court who are 124163  
members of the county central committee of the political party by 124164  
which the last occupant of that office or the clerk-elect was 124165  
nominated. Not less than five nor more than fifteen days after a 124166  
vacancy occurs, those members of that county central committee 124167  
shall meet to make an appointment to fill the vacancy. At least 124168  
four days before the date of the meeting, the chairperson or a 124169  
secretary of the county central committee shall notify each such 124170  
member of that county central committee by first class mail of the 124171  
date, time, and place of the meeting and its purpose. A majority 124172  
of all such members of that county central committee constitutes a 124173  
quorum, and a majority of the quorum is required to make the 124174  
appointment. If the office so vacated was occupied or was to be 124175  
occupied by a person not nominated at a primary election, or if 124176  
the appointment was not made by the committee members in 124177  
accordance with this division, the court shall make an appointment 124178  
to fill the vacancy. A successor shall be elected to fill the 124179  
office for the unexpired term at the first municipal election that 124180  
is held more than one hundred thirty-five days after the vacancy 124181  
occurred. 124182

(C)(1) In a municipal court, other than the Auglaize county, 124183  
the Brown county, the Columbiana county, the Holmes county, the 124184

Putnam county, the Sandusky county, and the Lorain municipal 124185  
courts, for which the population of the territory is less than one 124186  
hundred thousand, the clerk of the municipal court shall receive 124187  
the annual compensation that the presiding judge of the court 124188  
prescribes, if the revenue of the court for the preceding calendar 124189  
year, as certified by the auditor or chief fiscal officer of the 124190  
municipal corporation in which the court is located or, in the 124191  
case of a county-operated municipal court, the county auditor, is 124192  
equal to or greater than the expenditures, including any debt 124193  
charges, for the operation of the court payable under this chapter 124194  
from the city treasury or, in the case of a county-operated 124195  
municipal court, the county treasury for that calendar year, as 124196  
also certified by the auditor or chief fiscal officer. If the 124197  
revenue of a municipal court, other than the Auglaize county, the 124198  
Brown county, the Columbiana county, the Putnam county, the 124199  
Sandusky county, and the Lorain municipal courts, for which the 124200  
population of the territory is less than one hundred thousand for 124201  
the preceding calendar year as so certified is not equal to or 124202  
greater than those expenditures for the operation of the court for 124203  
that calendar year as so certified, the clerk of a municipal court 124204  
shall receive the annual compensation that the legislative 124205  
authority prescribes. As used in this division, "revenue" means 124206  
the total of all costs and fees that are collected and paid to the 124207  
city treasury or, in a county-operated municipal court, the county 124208  
treasury by the clerk of the municipal court under division (F) of 124209  
this section and all interest received and paid to the city 124210  
treasury or, in a county-operated municipal court, the county 124211  
treasury in relation to the costs and fees under division (G) of 124212  
this section. 124213

(2) In a municipal court, other than the Hamilton county, 124214  
Montgomery county, Miami county, Portage county, and Wayne county 124215  
municipal courts, for which the population of the territory is one 124216  
hundred thousand or more, and in the Lorain municipal court, the 124217

clerk of the municipal court shall receive annual compensation in 124218  
a sum equal to eighty-five per cent of the salary of a judge of 124219  
the court. 124220

(3) The compensation of a clerk described in division (C)(1) 124221  
or (2) of this section and of the clerk of the Columbiana county 124222  
municipal court is payable in either semimonthly installments or 124223  
biweekly installments, as determined by the payroll administrator, 124224  
from the same sources and in the same manner as provided in 124225  
section 1901.11 of the Revised Code, except that the compensation 124226  
of the clerk of the Carroll county municipal court is payable in 124227  
biweekly installments. 124228

(D) Before entering upon the duties of the clerk's office, 124229  
the clerk of a municipal court shall give bond of not less than 124230  
six thousand dollars to be determined by the judges of the court, 124231  
conditioned upon the faithful performance of the clerk's duties. 124232

(E) The clerk of a municipal court may do all of the 124233  
following: administer oaths, take affidavits, and issue executions 124234  
upon any judgment rendered in the court, including a judgment for 124235  
unpaid costs; issue, sign, and attach the seal of the court to all 124236  
writs, process, subpoenas, and papers issuing out of the court; 124237  
and approve all bonds, sureties, recognizances, and undertakings 124238  
fixed by any judge of the court or by law. The clerk may refuse to 124239  
accept for filing any pleading or paper submitted for filing by a 124240  
person who has been found to be a vexatious litigator under 124241  
section 2323.52 of the Revised Code and who has failed to obtain 124242  
leave to proceed under that section. The clerk shall do all of the 124243  
following: file and safely keep all journals, records, books, and 124244  
papers belonging or appertaining to the court; record the 124245  
proceedings of the court; perform all other duties that the judges 124246  
of the court may prescribe; and keep a book showing all receipts 124247  
and disbursements, which book shall be open for public inspection 124248  
at all times. 124249

The clerk shall prepare and maintain a general index, a docket, and other records that the court, by rule, requires, all of which shall be the public records of the court. In the docket, the clerk shall enter, at the time of the commencement of an action, the names of the parties in full, the names of the counsel, and the nature of the proceedings. Under proper dates, the clerk shall note the filing of the complaint, issuing of summons or other process, returns, and any subsequent pleadings. The clerk also shall enter all reports, verdicts, orders, judgments, and proceedings of the court, clearly specifying the relief granted or orders made in each action. The court may order an extended record of any of the above to be made and entered, under the proper action heading, upon the docket at the request of any party to the case, the expense of which record may be taxed as costs in the case or may be required to be prepaid by the party demanding the record, upon order of the court.

(F) The clerk of a municipal court shall receive, collect, and issue receipts for all costs, fees, fines, bail, and other moneys payable to the office or to any officer of the court. The clerk shall on or before the twentieth day of the month following the month in which they are collected disburse to the proper persons or officers, and take receipts for, all costs, fees, fines, bail, and other moneys that the clerk collects. Subject to sections 307.515 and 4511.193 of the Revised Code and to any other section of the Revised Code that requires a specific manner of disbursement of any moneys received by a municipal court and except for the Hamilton county, Lawrence county, and Ottawa county municipal courts, the clerk shall pay all fines received for violation of municipal ordinances into the treasury of the municipal corporation the ordinance of which was violated and shall pay all fines received for violation of township resolutions adopted pursuant to section 503.52 or 503.53 or Chapter 504. of the Revised Code into the treasury of the township the resolution

of which was violated. Subject to sections 1901.024 and 4511.193 124283  
of the Revised Code, in the Hamilton county, Lawrence county, and 124284  
Ottawa county municipal courts, the clerk shall pay fifty per cent 124285  
of the fines received for violation of municipal ordinances and 124286  
fifty per cent of the fines received for violation of township 124287  
resolutions adopted pursuant to section 503.52 or 503.53 or 124288  
Chapter 504. of the Revised Code into the treasury of the county. 124289  
Subject to sections 307.515, 4511.19, and 5503.04 of the Revised 124290  
Code and to any other section of the Revised Code that requires a 124291  
specific manner of disbursement of any moneys received by a 124292  
municipal court, the clerk shall pay all fines collected for the 124293  
violation of state laws into the county treasury. Except in a 124294  
county-operated municipal court, the clerk shall pay all costs and 124295  
fees the disbursement of which is not otherwise provided for in 124296  
the Revised Code into the city treasury. The clerk of a 124297  
county-operated municipal court shall pay the costs and fees the 124298  
disbursement of which is not otherwise provided for in the Revised 124299  
Code into the county treasury. Moneys deposited as security for 124300  
costs shall be retained pending the litigation. The clerk shall 124301  
keep a separate account of all receipts and disbursements in civil 124302  
and criminal cases, which shall be a permanent public record of 124303  
the office. On the expiration of the term of the clerk, the clerk 124304  
shall deliver the records to the clerk's successor. The clerk 124305  
shall have other powers and duties as are prescribed by rule or 124306  
order of the court. 124307

(G) All moneys paid into a municipal court shall be noted on 124308  
the record of the case in which they are paid and shall be 124309  
deposited in a state or national bank, ~~or a domestic savings and~~ 124310  
~~loan association,~~ as defined in section ~~1151.01~~ 1101.01 of the 124311  
Revised Code, that is selected by the clerk. Any interest received 124312  
upon the deposits shall be paid into the city treasury, except 124313  
that, in a county-operated municipal court, the interest shall be 124314  
paid into the treasury of the county in which the court is 124315



located. 124316

On the first Monday in January of each year, the clerk shall 124317  
make a list of the titles of all cases in the court that were 124318  
finally determined more than one year past in which there remains 124319  
unclaimed in the possession of the clerk any funds, or any part of 124320  
a deposit for security of costs not consumed by the costs in the 124321  
case. The clerk shall give notice of the moneys to the parties who 124322  
are entitled to the moneys or to their attorneys of record. All 124323  
the moneys remaining unclaimed on the first day of April of each 124324  
year shall be paid by the clerk to the city treasurer, except 124325  
that, in a county-operated municipal court, the moneys shall be 124326  
paid to the treasurer of the county in which the court is located. 124327  
The treasurer shall pay any part of the moneys at any time to the 124328  
person who has the right to the moneys upon proper certification 124329  
of the clerk. 124330

(H) Deputy clerks of a municipal court other than the Carroll 124331  
county municipal court may be appointed by the clerk and shall 124332  
receive the compensation, payable in either biweekly installments 124333  
or semimonthly installments, as determined by the payroll 124334  
administrator, out of the city treasury, that the clerk may 124335  
prescribe, except that the compensation of any deputy clerk of a 124336  
county-operated municipal court shall be paid out of the treasury 124337  
of the county in which the court is located. The judge of the 124338  
Carroll county municipal court may appoint deputy clerks for the 124339  
court, and the deputy clerks shall receive the compensation, 124340  
payable in biweekly installments out of the county treasury, that 124341  
the judge may prescribe. Each deputy clerk shall take an oath of 124342  
office before entering upon the duties of the deputy clerk's 124343  
office and, when so qualified, may perform the duties appertaining 124344  
to the office of the clerk. The clerk may require any of the 124345  
deputy clerks to give bond of not less than three thousand 124346  
dollars, conditioned for the faithful performance of the deputy 124347

clerk's duties. 124348

(I) For the purposes of this section, whenever the population 124349  
of the territory of a municipal court falls below one hundred 124350  
thousand but not below ninety thousand, and the population of the 124351  
territory prior to the most recent regular federal census exceeded 124352  
one hundred thousand, the legislative authority of the municipal 124353  
corporation may declare, by resolution, that the territory shall 124354  
be considered to have a population of at least one hundred 124355  
thousand. 124356

(J) The clerk or a deputy clerk shall be in attendance at all 124357  
sessions of the municipal court, although not necessarily in the 124358  
courtroom, and may administer oaths to witnesses and jurors and 124359  
receive verdicts. 124360

**Sec. 2335.25.** Each clerk of a court of record, the sheriff, 124361  
and the prosecuting attorney shall enter in a journal or cashbook, 124362  
provided at the expense of the county, an accurate account of all 124363  
moneys collected or received in ~~his~~ the clerk's, sheriff's, or 124364  
prosecuting attorney's official capacity, on the days of the 124365  
receipt, and in the order of time so received, with a minute of 124366  
the date and suit, or other matter, on account of which the money 124367  
was received. The cashbook shall be a public record of the office, 124368  
and shall, on the expiration of the term of each such officer, be 124369  
delivered to ~~his~~ the officer's successor ~~in office~~. The clerk 124370  
shall be the receiver of all moneys payable into ~~his~~ the clerk's 124371  
office, whether collected by public officers of court or tendered 124372  
by other persons, and, on request, shall pay the moneys to the 124373  
persons entitled to receive them. 124374

The clerk of the court of common pleas or of the county court 124375  
may deposit moneys payable into ~~his~~ the clerk's office in a bank 124376  
~~or a building and loan association~~, as defined in section ~~1151.01~~ 124377  
1101.01 of the Revised Code, subject to section 131.11 of the 124378

Revised Code. Any interest received upon the deposits shall be 124379  
paid into the treasury of the county for which the clerk performs 124380  
~~his~~ official duties. 124381

**Sec. 3351.07.** (A) For the purposes of this chapter, "approved 124382  
lender" means any bank as defined in section 1101.01 of the 124383  
Revised Code, ~~any domestic savings and loan association as defined~~ 124384  
~~in section 1151.01 of the Revised Code,~~ any credit union as 124385  
defined in section 1733.01 of the Revised Code, any federal credit 124386  
union established pursuant to federal law, any insurance company 124387  
organized or authorized to do business in this state, any pension 124388  
fund eligible under the "Higher Education Amendments of 1968," 82 124389  
Stat. 1026, 20 U.S.C.A. 1085, as amended, the secondary market 124390  
operation designated under division (B) of this section, or any 124391  
secondary market operation established pursuant to the "Education 124392  
Amendments of 1972," 86 Stat. 261, 20 U.S.C.A. 1071, as amended, 124393  
or under the laws of any state. 124394

(B) The governor may designate one nonprofit corporation 124395  
secondary market operation to be the single nonprofit private 124396  
agency designated by the state under the "Higher Education Act of 124397  
1965," 101 Stat. 347, 20 U.S.C.A. 1085(d)(1)(D), as amended. A 124398  
designation in effect on ~~the effective date of this amendment~~ 124399  
October 16, 2009, expires December 31, 2009. Each designation 124400  
after ~~the effective date of this amendment~~ October 16, 2009, shall 124401  
be made by competitive selection and shall be valid for one year. 124402  
The controlling board shall not waive the competitive selection 124403  
requirement. 124404

(C) The nonprofit corporation designated by the governor 124405  
under division (B) of this section as the private agency secondary 124406  
market operation shall be considered to be an agency of the state, 124407  
in accordance with section 435(d)(1)(F) of the "Higher Education 124408  
Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085(d)(1)(F), as 124409

amended, exclusively for the purpose of functioning as a secondary 124410  
student loan market. The corporation shall be considered a state 124411  
agency only for the purposes of this division and no other 124412  
division or section of the Revised Code regarding state agencies 124413  
shall apply to the corporation. No liability or obligation 124414  
incurred by the corporation shall be considered to be a liability 124415  
or debt of the state, nor shall the state be construed to act as 124416  
guarantor of any debt of the corporation. 124417

(D) The nonprofit corporation designated under division (B) 124418  
of this section shall designate a separate nonprofit corporation 124419  
to operate exclusively for charitable and educational purposes, 124420  
complementing and supplementing the designating corporation's 124421  
secondary market operation for student loans authorized under the 124422  
"Higher Education Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085, 124423  
as amended, and promoting the general health and welfare of the 124424  
state, the public interest, and a public purpose through improving 124425  
student assistance programs by expanding access to higher 124426  
education financing programs for students and families in need of 124427  
student financial aid. In furtherance of such purposes, the 124428  
separate nonprofit corporation may do all of the following: 124429

(1) Assist educational institutions in establishing financial 124430  
aid programs to help students obtain an economical education; 124431

(2) Encourage financial institutions to increase educational 124432  
opportunities by making funds available to both students and 124433  
educational institutions; 124434

(3) Make available financial aid that supplements the 124435  
financial assistance provided by eligible and approved lenders 124436  
under state and federal programs; 124437

(4) Develop and administer programs that do all of the 124438  
following: 124439

(a) Provide financial aid and incidental student financial 124440

aid information to students and their parents or other persons 124441  
responsible for paying educational costs of those students at 124442  
educational institutions; 124443

(b) Provide financial aid and information relating to it to 124444  
and through educational institutions, enabling those institutions 124445  
to assist students financially in obtaining an education and fully 124446  
expanding their intellectual capacity and skills; 124447

(c) Better enable financial institutions to participate in 124448  
student loan programs and other forms of financial aid, assisting 124449  
students and educational institutions to increase education 124450  
excellence and accessibility. 124451

(E) The nonprofit corporation designated under authority of 124452  
division (D) of this section shall do both of the following: 124453

(1) Establish the criteria, standards, terms, and conditions 124454  
for participation by students, parents, educational institutions, 124455  
and financial institutions in that corporation's programs; 124456

(2) Provide the governor a report of its programs and a copy 124457  
of its audited financial statements not later than one hundred 124458  
eighty days after the end of each fiscal year of the corporation. 124459

No liability, obligation, or debt incurred by the corporation 124460  
designated under authority of division (D) of this section or by 124461  
any person under that corporation's programs shall be, or be 124462  
considered to be, a liability, obligation, or debt of, or a pledge 124463  
of the faith and credit of, the state, any political subdivision 124464  
of the state, or any state-supported or state-assisted institution 124465  
of higher education, nor shall the state or any political 124466  
subdivision of the state or any state-supported or state-assisted 124467  
institution of higher education be or be construed to act as an 124468  
obligor under or guarantor of any liability, obligation, or debt 124469  
of that corporation or of any person under that corporation's 124470  
programs or incur or be construed to have incurred any other 124471

liability, obligation, or debt as a result of any acts of the corporation. 124472  
124473

(F) The nonprofit corporation designated under authority of division (D) of this section shall not be deemed to qualify by reason of the designation as a guarantor or an eligible lender under sections 435(d) and (j) of the "Higher Education Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085(d) and (j), as amended. 124474  
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**Sec. 3767.41.** (A) As used in this section: 124479

(1) "Building" means, except as otherwise provided in this division, any building or structure that is used or intended to be used for residential purposes. "Building" includes, but is not limited to, a building or structure in which any floor is used for retail stores, shops, salesrooms, markets, or similar commercial uses, or for offices, banks, civic administration activities, professional services, or similar business or civic uses, and in which the other floors are used, or designed and intended to be used, for residential purposes. "Building" does not include any building or structure that is occupied by its owner and that contains three or fewer residential units. 124480  
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(2)(a) "Public nuisance" means a building that is a menace to the public health, welfare, or safety; that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. 124491  
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(b) "Public nuisance" as it applies to subsidized housing means subsidized housing that fails to meet the following standards as specified in the federal rules governing each standard: 124499  
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124501  
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(i) Each building on the site is structurally sound, secure, 124503  
habitable, and in good repair, as defined in 24 C.F.R. 5.703(b); 124504

(ii) Each building's domestic water, electrical system, 124505  
elevators, emergency power, fire protection, HVAC, and sanitary 124506  
system is free of health and safety hazards, functionally 124507  
adequate, operable, and in good repair, as defined in 24 C.F.R. 124508  
5.703(c); 124509

(iii) Each dwelling unit within the building is structurally 124510  
sound, habitable, and in good repair, and all areas and aspects of 124511  
the dwelling unit are free of health and safety hazards, 124512  
functionally adequate, operable, and in good repair, as defined in 124513  
24 C.F.R. 5.703(d)(1); 124514

(iv) Where applicable, the dwelling unit has hot and cold 124515  
running water, including an adequate source of potable water, as 124516  
defined in 24 C.F.R. 5.703(d)(2); 124517

(v) If the dwelling unit includes its own sanitary facility, 124518  
it is in proper operating condition, usable in privacy, and 124519  
adequate for personal hygiene, and the disposal of human waste, as 124520  
defined in 24 C.F.R. 5.703(d)(3); 124521

(vi) The common areas are structurally sound, secure, and 124522  
functionally adequate for the purposes intended. The basement, 124523  
garage, carport, restrooms, closets, utility, mechanical, 124524  
community rooms, daycare, halls, corridors, stairs, kitchens, 124525  
laundry rooms, office, porch, patio, balcony, and trash collection 124526  
areas are free of health and safety hazards, operable, and in good 124527  
repair. All common area ceilings, doors, floors, HVAC, lighting, 124528  
smoke detectors, stairs, walls, and windows, to the extent 124529  
applicable, are free of health and safety hazards, operable, and 124530  
in good repair, as defined in 24 C.F.R. 5.703(e); 124531

(vii) All areas and components of the housing are free of 124532  
health and safety hazards. These areas include, but are not 124533

limited to, air quality, electrical hazards, elevators, 124534  
emergency/fire exits, flammable materials, garbage and debris, 124535  
handrail hazards, infestation, and lead-based paint, as defined in 124536  
24 C.F.R. 5.703(f). 124537

(3) "Abate" or "abatement" in connection with any building 124538  
means the removal or correction of any conditions that constitute 124539  
a public nuisance and the making of any other improvements that 124540  
are needed to effect a rehabilitation of the building that is 124541  
consistent with maintaining safe and habitable conditions over its 124542  
remaining useful life. "Abatement" does not include the closing or 124543  
boarding up of any building that is found to be a public nuisance. 124544

(4) "Interested party" means any owner, mortgagee, 124545  
lienholder, tenant, or person that possesses an interest of record 124546  
in any property that becomes subject to the jurisdiction of a 124547  
court pursuant to this section, and any applicant for the 124548  
appointment of a receiver pursuant to this section. 124549

(5) "Neighbor" means any owner of property, including, but 124550  
not limited to, any person who is purchasing property by land 124551  
installment contract or under a duly executed purchase contract, 124552  
that is located within five hundred feet of any property that 124553  
becomes subject to the jurisdiction of a court pursuant to this 124554  
section, and any occupant of a building that is so located. 124555

(6) "Tenant" has the same meaning as in section 5321.01 of 124556  
the Revised Code. 124557

(7) "Subsidized housing" means a property consisting of more 124558  
than four dwelling units that, in whole or in part, receives 124559  
project-based assistance pursuant to a contract under any of the 124560  
following federal housing programs: 124561

(a) The new construction or substantial rehabilitation 124562  
program under section 8(b)(2) of the "United States Housing Act of 124563  
1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as 124564



that program was in effect immediately before the first day of 124565  
October, 1983; 124566

(b) The moderate rehabilitation program under section 8(e)(2) 124567  
of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 124568  
Stat. 888, 42 U.S.C. 1437f(e)(2); 124569

(c) The loan management assistance program under section 8 of 124570  
the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 124571  
Stat. 888, 42 U.S.C. 1437f; 124572

(d) The rent supplement program under section 101 of the 124573  
"Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 124574  
79 Stat. 667, 12 U.S.C. 1701s; 124575

(e) Section 8 of the "United States Housing Act of 1937," 124576  
Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following 124577  
conversion from assistance under section 101 of the "Housing and 124578  
Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 124579  
12 U.S.C. 1701s; 124580

(f) The program of supportive housing for the elderly under 124581  
section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73 124582  
Stat. 654, 12 U.S.C. 1701q; 124583

(g) The program of supportive housing for persons with 124584  
disabilities under section 811 of the "National Affordable Housing 124585  
Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013; 124586

(h) The rental assistance program under section 521 of the 124587  
"United States Housing Act of 1949," Pub. L. No. 90-448, 82 Stat. 124588  
551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42 U.S.C. 124589  
1490a. 124590

(8) "Project-based assistance" means the assistance is 124591  
attached to the property and provides rental assistance only on 124592  
behalf of tenants who reside in that property. 124593

(9) "Landlord" has the same meaning as in section 5321.01 of 124594

the Revised Code. 124595

(B)(1)(a) In any civil action to enforce any local building, 124596  
housing, air pollution, sanitation, health, fire, zoning, or 124597  
safety code, ordinance, resolution, or regulation applicable to 124598  
buildings, that is commenced in a court of common pleas, municipal 124599  
court, housing or environmental division of a municipal court, or 124600  
county court, or in any civil action for abatement commenced in a 124601  
court of common pleas, municipal court, housing or environmental 124602  
division of a municipal court, or county court, by a municipal 124603  
corporation or township in which the building involved is located, 124604  
by any neighbor, tenant, or by a nonprofit corporation that is 124605  
duly organized and has as one of its goals the improvement of 124606  
housing conditions in the county or municipal corporation in which 124607  
the building involved is located, if a building is alleged to be a 124608  
public nuisance, the municipal corporation, township, neighbor, 124609  
tenant, or nonprofit corporation may apply in its complaint for an 124610  
injunction or other order as described in division (C)(1) of this 124611  
section, or for the relief described in division (C)(2) of this 124612  
section, including, if necessary, the appointment of a receiver as 124613  
described in divisions (C)(2) and (3) of this section, or for both 124614  
such an injunction or other order and such relief. The municipal 124615  
corporation, township, neighbor, tenant, or nonprofit corporation 124616  
commencing the action is not liable for the costs, expenses, and 124617  
fees of any receiver appointed pursuant to divisions (C)(2) and 124618  
(3) of this section. 124619

(b) Prior to commencing a civil action for abatement when the 124620  
property alleged to be a public nuisance is subsidized housing, 124621  
the municipal corporation, township, neighbor, tenant, or 124622  
nonprofit corporation commencing the action shall provide the 124623  
landlord of that property with written notice that specifies one 124624  
or more defective conditions that constitute a public nuisance as 124625  
that term applies to subsidized housing and states that if the 124626

landlord fails to remedy the condition within sixty days of the 124627  
service of the notice, a claim pursuant to this section may be 124628  
brought on the basis that the property constitutes a public 124629  
nuisance in subsidized housing. Any party authorized to bring an 124630  
action against the landlord shall make reasonable attempts to 124631  
serve the notice in the manner prescribed in the Rules of Civil 124632  
Procedure to the landlord or the landlord's agent for the property 124633  
at the property's management office, or at the place where the 124634  
tenants normally pay or send rent. If the landlord is not the 124635  
owner of record, the party bringing the action shall make a 124636  
reasonable attempt to serve the owner. If the owner does not 124637  
receive service the person bringing the action shall certify the 124638  
attempts to serve the owner. 124639

(2)(a) In a civil action described in division (B)(1) of this 124640  
section, a copy of the complaint and a notice of the date and time 124641  
of a hearing on the complaint shall be served upon the owner of 124642  
the building and all other interested parties in accordance with 124643  
the Rules of Civil Procedure. If certified mail service, personal 124644  
service, or residence service of the complaint and notice is 124645  
refused or certified mail service of the complaint and notice is 124646  
not claimed, and if the municipal corporation, township, neighbor, 124647  
tenant, or nonprofit corporation commencing the action makes a 124648  
written request for ordinary mail service of the complaint and 124649  
notice, or uses publication service, in accordance with the Rules 124650  
of Civil Procedure, then a copy of the complaint and notice shall 124651  
be posted in a conspicuous place on the building. 124652

(b) The judge in a civil action described in division (B)(1) 124653  
of this section shall conduct a hearing at least twenty-eight days 124654  
after the owner of the building and the other interested parties 124655  
have been served with a copy of the complaint and the notice of 124656  
the date and time of the hearing in accordance with division 124657  
(B)(2)(a) of this section. 124658

(c) In considering whether subsidized housing is a public nuisance, the judge shall construe the standards set forth in division (A)(2)(b) of this section in a manner consistent with department of housing and urban development and judicial interpretations of those standards. The judge shall deem that the property is not a public nuisance if during the twelve months prior to the service of the notice that division (B)(1)(b) of this section requires, the department of housing and urban development's real estate assessment center issued a score of seventy-five or higher out of a possible one hundred points pursuant to its regulations governing the physical condition of multifamily properties pursuant to 24 C.F.R. part 200, subpart P, and since the most recent inspection, there has been no significant change in the property's conditions that would create a serious threat to the health, safety, or welfare of the property's tenants.

(C)(1) If the judge in a civil action described in division (B)(1) of this section finds at the hearing required by division (B)(2) of this section that the building involved is a public nuisance, if the judge additionally determines that the owner of the building previously has not been afforded a reasonable opportunity to abate the public nuisance or has been afforded such an opportunity and has not refused or failed to abate the public nuisance, and if the complaint of the municipal corporation, township, neighbor, tenant, or nonprofit corporation commencing the action requested the issuance of an injunction as described in this division, then the judge may issue an injunction requiring the owner of the building to abate the public nuisance or issue any other order that the judge considers necessary or appropriate to cause the abatement of the public nuisance. If an injunction is issued pursuant to this division, the owner of the building involved shall be given no more than thirty days from the date of the entry of the judge's order to comply with the injunction,

unless the judge, for good cause shown, extends the time for compliance. 124692  
124693

(2) If the judge in a civil action described in division 124694  
(B)(1) of this section finds at the hearing required by division 124695  
(B)(2) of this section that the building involved is a public 124696  
nuisance, if the judge additionally determines that the owner of 124697  
the building previously has been afforded a reasonable opportunity 124698  
to abate the public nuisance and has refused or failed to do so, 124699  
and if the complaint of the municipal corporation, township, 124700  
neighbor, tenant, or nonprofit corporation commencing the action 124701  
requested relief as described in this division, then the judge 124702  
shall offer any mortgagee, lienholder, or other interested party 124703  
associated with the property on which the building is located, in 124704  
the order of the priority of interest in title, the opportunity to 124705  
undertake the work and to furnish the materials necessary to abate 124706  
the public nuisance. Prior to selecting any interested party, the 124707  
judge shall require the interested party to demonstrate the 124708  
ability to promptly undertake the work and furnish the materials 124709  
required, to provide the judge with a viable financial and 124710  
construction plan for the rehabilitation of the building as 124711  
described in division (D) of this section, and to post security 124712  
for the performance of the work and the furnishing of the 124713  
materials. 124714

If the judge determines, at the hearing, that no interested 124715  
party is willing or able to undertake the work and to furnish the 124716  
materials necessary to abate the public nuisance, or if the judge 124717  
determines, at any time after the hearing, that any party who is 124718  
undertaking corrective work pursuant to this division cannot or 124719  
will not proceed, or has not proceeded with due diligence, the 124720  
judge may appoint a receiver pursuant to division (C)(3) of this 124721  
section to take possession and control of the building. 124722

(3)(a) The judge in a civil action described in division 124723

(B)(1) of this section shall not appoint any person as a receiver 124724  
unless the person first has provided the judge with a viable 124725  
financial and construction plan for the rehabilitation of the 124726  
building involved as described in division (D) of this section and 124727  
has demonstrated the capacity and expertise to perform the 124728  
required work and to furnish the required materials in a 124729  
satisfactory manner. An appointed receiver may be a financial 124730  
institution that possesses an interest of record in the building 124731  
or the property on which it is located, a nonprofit corporation as 124732  
described in divisions (B)(1) and (C)(3)(b) of this section, 124733  
including, but not limited to, a nonprofit corporation that 124734  
commenced the action described in division (B)(1) of this section, 124735  
or any other qualified property manager. 124736

(b) To be eligible for appointment as a receiver, no part of 124737  
the net earnings of a nonprofit corporation shall inure to the 124738  
benefit of any private shareholder or individual. Membership on 124739  
the board of trustees of a nonprofit corporation appointed as a 124740  
receiver does not constitute the holding of a public office or 124741  
employment within the meaning of sections 731.02 and 731.12 or any 124742  
other section of the Revised Code and does not constitute a direct 124743  
or indirect interest in a contract or expenditure of money by any 124744  
municipal corporation. A member of a board of trustees of a 124745  
nonprofit corporation appointed as a receiver shall not be 124746  
disqualified from holding any public office or employment, and 124747  
shall not forfeit any public office or employment, by reason of 124748  
membership on the board of trustees, notwithstanding any law to 124749  
the contrary. 124750

(D) Prior to ordering any work to be undertaken, or the 124751  
furnishing of any materials, to abate a public nuisance under this 124752  
section, the judge in a civil action described in division (B)(1) 124753  
of this section shall review the submitted financial and 124754  
construction plan for the rehabilitation of the building involved 124755

and, if it specifies all of the following, shall approve that plan:

(1) The estimated cost of the labor, materials, and any other development costs that are required to abate the public nuisance;

(2) The estimated income and expenses of the building and the property on which it is located after the furnishing of the materials and the completion of the repairs and improvements;

(3) The terms, conditions, and availability of any financing that is necessary to perform the work and to furnish the materials;

(4) If repair and rehabilitation of the building are found not to be feasible, the cost of demolition of the building or of the portions of the building that constitute the public nuisance.

(E) Upon the written request of any of the interested parties to have a building, or portions of a building, that constitute a public nuisance demolished because repair and rehabilitation of the building are found not to be feasible, the judge may order the demolition. However, the demolition shall not be ordered unless the requesting interested parties have paid the costs of demolition and, if any, of the receivership, and, if any, all notes, certificates, mortgages, and fees of the receivership.

(F) Before proceeding with the duties of receiver, any receiver appointed by the judge in a civil action described in division (B)(1) of this section may be required by the judge to post a bond in an amount fixed by the judge, but not exceeding the value of the building involved as determined by the judge.

The judge may empower the receiver to do any or all of the following:

(1) Take possession and control of the building and the property on which it is located, operate and manage the building

and the property, establish and collect rents and income, lease	124786
and rent the building and the property, and evict tenants;	124787
(2) Pay all expenses of operating and conserving the building	124788
and the property, including, but not limited to, the cost of	124789
electricity, gas, water, sewerage, heating fuel, repairs and	124790
supplies, custodian services, taxes and assessments, and insurance	124791
premiums, and hire and pay reasonable compensation to a managing	124792
agent;	124793
(3) Pay pre-receivership mortgages or installments of them	124794
and other liens;	124795
(4) Perform or enter into contracts for the performance of	124796
all work and the furnishing of materials necessary to abate, and	124797
obtain financing for the abatement of, the public nuisance;	124798
(5) Pursuant to court order, remove and dispose of any	124799
personal property abandoned, stored, or otherwise located in or on	124800
the building and the property that creates a dangerous or unsafe	124801
condition or that constitutes a violation of any local building,	124802
housing, air pollution, sanitation, health, fire, zoning, or	124803
safety code, ordinance, or regulation;	124804
(6) Obtain mortgage insurance for any receiver's mortgage	124805
from any agency of the federal government;	124806
(7) Enter into any agreement and do those things necessary to	124807
maintain and preserve the building and the property and comply	124808
with all local building, housing, air pollution, sanitation,	124809
health, fire, zoning, or safety codes, ordinances, resolutions,	124810
and regulations;	124811
(8) Give the custody of the building and the property, and	124812
the opportunity to abate the nuisance and operate the property, to	124813
its owner or any mortgagee or lienholder of record;	124814
(9) Issue notes and secure them by a mortgage bearing	124815



interest, and upon terms and conditions, that the judge approves. 124816  
When sold or transferred by the receiver in return for valuable 124817  
consideration in money, material, labor, or services, the notes or 124818  
certificates shall be freely transferable. Any mortgages granted 124819  
by the receiver shall be superior to any claims of the receiver. 124820  
Priority among the receiver's mortgages shall be determined by the 124821  
order in which they are recorded. 124822

(G) A receiver appointed pursuant to this section is not 124823  
personally liable except for misfeasance, malfeasance, or 124824  
nonfeasance in the performance of the functions of the office of 124825  
receiver. 124826

(H)(1) The judge in a civil action described in division 124827  
(B)(1) of this section may assess as court costs, the expenses 124828  
described in division (F)(2) of this section, and may approve 124829  
receiver's fees to the extent that they are not covered by the 124830  
income from the property. Subject to that limitation, a receiver 124831  
appointed pursuant to divisions (C)(2) and (3) of this section is 124832  
entitled to receive fees in the same manner and to the same extent 124833  
as receivers appointed in actions to foreclose mortgages. 124834

(2)(a) Pursuant to the police powers vested in the state, all 124835  
expenditures of a mortgagee, lienholder, or other interested party 124836  
that has been selected pursuant to division (C)(2) of this section 124837  
to undertake the work and to furnish the materials necessary to 124838  
abate a public nuisance, and any expenditures in connection with 124839  
the foreclosure of the lien created by this division, is a first 124840  
lien upon the building involved and the property on which it is 124841  
located and is superior to all prior and subsequent liens or other 124842  
encumbrances associated with the building or the property, 124843  
including, but not limited to, those for taxes and assessments, 124844  
upon the occurrence of both of the following: 124845

(i) The prior approval of the expenditures by, and the entry 124846  
of a judgment to that effect by, the judge in the civil action 124847

described in division (B)(1) of this section; 124848

(ii) The recordation of a certified copy of the judgment 124849  
entry and a sufficient description of the property on which the 124850  
building is located with the county recorder in the county in 124851  
which the property is located within sixty days after the date of 124852  
the entry of the judgment. 124853

(b) Pursuant to the police powers vested in the state, all 124854  
expenses and other amounts paid in accordance with division (F) of 124855  
this section by a receiver appointed pursuant to divisions (C)(2) 124856  
and (3) of this section, the amounts of any notes issued by the 124857  
receiver in accordance with division (F) of this section, all 124858  
mortgages granted by the receiver in accordance with that 124859  
division, the fees of the receiver approved pursuant to division 124860  
(H)(1) of this section, and any amounts expended in connection 124861  
with the foreclosure of a mortgage granted by the receiver in 124862  
accordance with division (F) of this section or with the 124863  
foreclosure of the lien created by this division, are a first lien 124864  
upon the building involved and the property on which it is located 124865  
and are superior to all prior and subsequent liens or other 124866  
encumbrances associated with the building or the property, 124867  
including, but not limited to, those for taxes and assessments, 124868  
upon the occurrence of both of the following: 124869

(i) The approval of the expenses, amounts, or fees by, and 124870  
the entry of a judgment to that effect by, the judge in the civil 124871  
action described in division (B)(1) of this section; or the 124872  
approval of the mortgages in accordance with division (F)(9) of 124873  
this section by, and the entry of a judgment to that effect by, 124874  
that judge; 124875

(ii) The recordation of a certified copy of the judgment 124876  
entry and a sufficient description of the property on which the 124877  
building is located, or, in the case of a mortgage, the 124878  
recordation of the mortgage, a certified copy of the judgment 124879

entry, and such a description, with the county recorder of the 124880  
county in which the property is located within sixty days after 124881  
the date of the entry of the judgment. 124882

(c) Priority among the liens described in divisions (H)(2)(a) 124883  
and (b) of this section shall be determined as described in 124884  
division (I) of this section. Additionally, the creation pursuant 124885  
to this section of a mortgage lien that is prior to or superior to 124886  
any mortgage of record at the time the mortgage lien is so 124887  
created, does not disqualify the mortgage of record as a legal 124888  
investment under Chapter 1107. or ~~1151.~~ or any other chapter of 124889  
the Revised Code. 124890

(I)(1) If a receiver appointed pursuant to divisions (C)(2) 124891  
and (3) of this section files with the judge in the civil action 124892  
described in division (B)(1) of this section a report indicating 124893  
that the public nuisance has been abated, if the judge confirms 124894  
that the receiver has abated the public nuisance, and if the 124895  
receiver or any interested party requests the judge to enter an 124896  
order directing the receiver to sell the building and the property 124897  
on which it is located, the judge may enter that order after 124898  
holding a hearing as described in division (I)(2) of this section 124899  
and otherwise complying with that division. 124900

(2)(a) The receiver or interested party requesting an order 124901  
as described in division (I)(1) of this section shall cause a 124902  
notice of the date and time of a hearing on the request to be 124903  
served on the owner of the building involved and all other 124904  
interested parties in accordance with division (B)(2)(a) of this 124905  
section. The judge in the civil action described in division 124906  
(B)(1) of this section shall conduct the scheduled hearing. At the 124907  
hearing, if the owner or any interested party objects to the sale 124908  
of the building and the property, the burden of proof shall be 124909  
upon the objecting person to establish, by a preponderance of the 124910  
evidence, that the benefits of not selling the building and the 124911

property outweigh the benefits of selling them. If the judge 124912  
determines that there is no objecting person, or if the judge 124913  
determines that there is one or more objecting persons but no 124914  
objecting person has sustained the burden of proof specified in 124915  
this division, the judge may enter an order directing the receiver 124916  
to offer the building and the property for sale upon terms and 124917  
conditions that the judge shall specify. 124918

(b) In any sale of subsidized housing that is ordered 124919  
pursuant to this section, the judge shall specify that the 124920  
subsidized housing not be conveyed unless that conveyance complies 124921  
with applicable federal law and applicable program contracts for 124922  
that housing. Any such conveyance shall be subject to the 124923  
condition that the purchaser enter into a contract with the 124924  
department of housing and urban development or the rural housing 124925  
service of the federal department of agriculture under which the 124926  
property continues to be subsidized housing and the owner 124927  
continues to operate that property as subsidized housing unless 124928  
the secretary of housing and urban development or the 124929  
administrator of the rural housing service terminates that 124930  
property's contract prior to or upon the conveyance of the 124931  
property. 124932

(3) If a sale of a building and the property on which it is 124933  
located is ordered pursuant to divisions (I)(1) and (2) of this 124934  
section and if the sale occurs in accordance with the terms and 124935  
conditions specified by the judge in the judge's order of sale, 124936  
then the receiver shall distribute the proceeds of the sale and 124937  
the balance of any funds that the receiver may possess, after the 124938  
payment of the costs of the sale, in the following order of 124939  
priority and in the described manner: 124940

(a) First, in satisfaction of any notes issued by the 124941  
receiver pursuant to division (F) of this section, in their order 124942  
of priority; 124943

(b) Second, any unreimbursed expenses and other amounts paid 124944  
in accordance with division (F) of this section by the receiver, 124945  
and the fees of the receiver approved pursuant to division (H)(1) 124946  
of this section; 124947

(c) Third, all expenditures of a mortgagee, lienholder, or 124948  
other interested party that has been selected pursuant to division 124949  
(C)(2) of this section to undertake the work and to furnish the 124950  
materials necessary to abate a public nuisance, provided that the 124951  
expenditures were approved as described in division (H)(2)(a) of 124952  
this section and provided that, if any such interested party 124953  
subsequently became the receiver, its expenditures shall be paid 124954  
prior to the expenditures of any of the other interested parties 124955  
so selected; 124956

(d) Fourth, the amount due for delinquent taxes, assessments, 124957  
charges, penalties, and interest owed to this state or a political 124958  
subdivision of this state, provided that, if the amount available 124959  
for distribution pursuant to division (I)(3)(d) of this section is 124960  
insufficient to pay the entire amount of those taxes, assessments, 124961  
charges, penalties, and interest, the proceeds and remaining funds 124962  
shall be paid to each claimant in proportion to the amount of 124963  
those taxes, assessments, charges, penalties, and interest that 124964  
each is due. 124965

(e) The amount of any pre-receivership mortgages, liens, or 124966  
other encumbrances, in their order of priority. 124967

(4) Following a distribution in accordance with division 124968  
(I)(3) of this section, the receiver shall request the judge in 124969  
the civil action described in division (B)(1) of this section to 124970  
enter an order terminating the receivership. If the judge 124971  
determines that the sale of the building and the property on which 124972  
it is located occurred in accordance with the terms and conditions 124973  
specified by the judge in the judge's order of sale under division 124974  
(I)(2) of this section and that the receiver distributed the 124975

proceeds of the sale and the balance of any funds that the receiver possessed, after the payment of the costs of the sale, in accordance with division (I)(3) of this section, and if the judge approves any final accounting required of the receiver, the judge may terminate the receivership.

(J)(1) A receiver appointed pursuant to divisions (C)(2) and (3) of this section may be discharged at any time in the discretion of the judge in the civil action described in division (B)(1) of this section. The receiver shall be discharged by the judge as provided in division (I)(4) of this section, or when all of the following have occurred:

(a) The public nuisance has been abated;

(b) All costs, expenses, and approved fees of the receivership have been paid;

(c) Either all receiver's notes issued and mortgages granted pursuant to this section have been paid, or all the holders of the notes and mortgages request that the receiver be discharged.

(2) If a judge in a civil action described in division (B)(1) of this section determines that, and enters of record a declaration that, a public nuisance has been abated by a receiver, and if, within three days after the entry of the declaration, all costs, expenses, and approved fees of the receivership have not been paid in full, then, in addition to the circumstances specified in division (I) of this section for the entry of such an order, the judge may enter an order directing the receiver to sell the building involved and the property on which it is located. Any such order shall be entered, and the sale shall occur, only in compliance with division (I) of this section.

(K) The title in any building, and in the property on which it is located, that is sold at a sale ordered under division (I) or (J)(2) of this section shall be incontestable in the purchaser

and shall be free and clear of all liens for delinquent taxes, 125007  
assessments, charges, penalties, and interest owed to this state 125008  
or any political subdivision of this state, that could not be 125009  
satisfied from the proceeds of the sale and the remaining funds in 125010  
the receiver's possession pursuant to the distribution under 125011  
division (I)(3) of this section. All other liens and encumbrances 125012  
with respect to the building and the property shall survive the 125013  
sale, including, but not limited to, a federal tax lien notice 125014  
properly filed in accordance with section 317.09 of the Revised 125015  
Code prior to the time of the sale, and the easements and 125016  
covenants of record running with the property that were created 125017  
prior to the time of the sale. 125018

(L)(1) Nothing in this section shall be construed as a 125019  
limitation upon the powers granted to a court of common pleas, a 125020  
municipal court or a housing or environmental division of a 125021  
municipal court under Chapter 1901. of the Revised Code, or a 125022  
county court under Chapter 1907. of the Revised Code. 125023

(2) The monetary and other limitations specified in Chapters 125024  
1901. and 1907. of the Revised Code upon the jurisdiction of 125025  
municipal and county courts, and of housing or environmental 125026  
divisions of municipal courts, in civil actions do not operate as 125027  
limitations upon any of the following: 125028

(a) Expenditures of a mortgagee, lienholder, or other 125029  
interested party that has been selected pursuant to division 125030  
(C)(2) of this section to undertake the work and to furnish the 125031  
materials necessary to abate a public nuisance; 125032

(b) Any notes issued by a receiver pursuant to division (F) 125033  
of this section; 125034

(c) Any mortgage granted by a receiver in accordance with 125035  
division (F) of this section; 125036

(d) Expenditures in connection with the foreclosure of a 125037

mortgage granted by a receiver in accordance with division (F) of 125038  
this section; 125039

(e) The enforcement of an order of a judge entered pursuant 125040  
to this section; 125041

(f) The actions that may be taken pursuant to this section by 125042  
a receiver or a mortgagee, lienholder, or other interested party 125043  
that has been selected pursuant to division (C)(2) of this section 125044  
to undertake the work and to furnish the materials necessary to 125045  
abate a public nuisance. 125046

(3) A judge in a civil action described in division (B)(1) of 125047  
this section, or the judge's successor in office, has continuing 125048  
jurisdiction to review the condition of any building that was 125049  
determined to be a public nuisance pursuant to this section. 125050

(4) Nothing in this section shall be construed to limit or 125051  
prohibit a municipal corporation or township that has filed with 125052  
the superintendent of insurance a certified copy of an adopted 125053  
resolution, ordinance, or regulation authorizing the procedures 125054  
described in divisions (C) and (D) of section 3929.86 of the 125055  
Revised Code from receiving insurance proceeds under section 125056  
3929.86 of the Revised Code. 125057

**Sec. 4303.293.** (A) Any person making application concerning a 125058  
permit to conduct a business for which a permit is required under 125059  
this chapter shall list on the application the name and address of 125060  
each person having a legal or beneficial interest in the ownership 125061  
of the business, including contracts for purchase on an 125062  
installment basis. If any person is a corporation or limited 125063  
liability company, the applicant shall list the names of each 125064  
officer of the corporation; the names of each officer of the 125065  
limited liability company, if the limited liability company has 125066  
officers, and the names of the managing members of the company or 125067  
the managers of the company, if the management of the company is 125068



not reserved to its members; the names of each person owning or 125069  
controlling five per cent or more of the capital stock of the 125070  
corporation; and the names of each person owning or controlling 125071  
five per cent or more of either the voting interests or membership 125072  
interests in the limited liability company. If any person is a 125073  
partnership or association, the applicant shall list the names of 125074  
each partner or member of the association. Any person having a 125075  
legal or beneficial interest in the ownership of the business, 125076  
other than a bank as defined in section 1101.01 of the Revised 125077  
Code ~~or a building and loan association as defined in section~~ 125078  
~~1151.01 of the Revised Code~~, shall notify the division of liquor 125079  
control of the interest, including contracts for purchase on an 125080  
installment basis, occurring after the application for, or the 125081  
issuance of, the permit. The notification shall be given within 125082  
fifteen days of the change. Whenever the person to whom a permit 125083  
has been issued is a corporation or limited liability company and 125084  
any transfer of that corporation's stock or that limited liability 125085  
company's membership interests is proposed such that, following 125086  
the transfer, the owner of the majority or plurality of shares of 125087  
stock in the corporation would change or the owner of the majority 125088  
or plurality of the limited liability company's membership 125089  
interests would change, the proposed transfer of stock or 125090  
membership interests shall be considered a proposed transfer of 125091  
ownership of the permit, and application shall be made to the 125092  
division of liquor control for a transfer of ownership. The 125093  
application shall be subject to the notice and hearing 125094  
requirements of section 4303.26 of the Revised Code and to the 125095  
restrictions imposed by section 4303.29 and division (A)(1) of 125096  
section 4303.292 of the Revised Code. 125097

(B) Whoever violates this section is guilty of a misdemeanor 125098  
of the first degree. 125099

**Sec. 5814.01.** As used in sections 5814.01 to 5814.10 of the 125100

Revised Code, unless the context otherwise requires: 125101

(A) "Benefit plan" means any plan of an employer for the 125102  
benefit of any employee, any plan for the benefit of any partner, 125103  
or any plan for the benefit of a proprietor, and includes, but is 125104  
not limited to, any pension, retirement, death benefit, deferred 125105  
compensation, employment agency, stock bonus, option, or 125106  
profit-sharing contract, plan, system, account, or trust. 125107

(B) "Broker" means a person that is lawfully engaged in the 125108  
business of effecting transactions in securities for the account 125109  
of others. A "broker" includes a financial institution that 125110  
effects such transactions and a person who is lawfully engaged in 125111  
buying and selling securities for the person's own account, 125112  
through a broker or otherwise, as a part of a regular business. 125113

(C) "Court" means the probate court. 125114

(D) "The custodial property" includes: 125115

(1) All securities, money, life or endowment insurance 125116  
policies, annuity contracts, benefit plans, real estate, tangible 125117  
and intangible personal property, proceeds of a life or endowment 125118  
insurance policy, an annuity contract, or a benefit plan, and 125119  
other types of property under the supervision of the same 125120  
custodian for the same minor as a consequence of a transfer or 125121  
transfers made to the minor, a gift or gifts made to the minor, or 125122  
a purchase made by the custodian for the minor, in a manner 125123  
prescribed in sections 5814.01 to 5814.10 of the Revised Code; 125124

(2) The income from the custodial property; 125125

(3) The proceeds, immediate and remote, from the sale, 125126  
exchange, conversion, investment, reinvestment, or other 125127  
disposition of the securities, money, life or endowment insurance 125128  
policies, annuity contracts, benefit plans, real estate, tangible 125129  
and intangible personal property, proceeds of a life or endowment 125130

insurance policy, an annuity contract, or a benefit plan, other types of property, and income. 125131  
125132

(E) "Custodian" or "successor custodian" means a person so designated in a manner prescribed in sections 5814.01 to 5814.10 of the Revised Code. 125133  
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(F) "Financial institution" means any bank, as defined in section 1101.01 of the Revised Code, ~~any building and loan association, as defined in section 1151.01,~~ any credit union as defined in section 1733.01 of the Revised Code, and any federal credit union, as defined in the "Federal Credit Union Act," 73 Stat. 628 (1959), 12 U.S.C.A. 1752, as amended. 125136  
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(G) "Guardian of the minor" includes the general guardian, guardian, tutor, or curator of the property, estate, or person of a minor. 125142  
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(H) "Issuer" means a person who places or authorizes the placing of the person's name on a security, other than as a transfer agent, to evidence that it represents a share, participation, or other interest in the person's property or in an enterprise, or to evidence the person's duty or undertaking to perform an obligation that is evidenced by the security, or who becomes responsible for or in place of any such person. 125145  
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(I) "Legal representative" of a person means the executor, administrator, general guardian, guardian, committee, conservator, tutor, or curator of the person's property or estate. 125152  
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(J) "Member of the minor's family" means a parent, stepparent, spouse, grandparent, brother, sister, uncle, or aunt of the minor, whether of the whole or half blood, or by adoption. 125155  
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(K)(1) Except as provided in division (K)(2) of this section, "minor" means an individual who has not attained the age of twenty-one years. 125158  
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(2) When used with reference to the beneficiary for whose benefit custodial property is held or is to be held, "minor" means an individual who has not attained the age at which the custodian is required under section 5814.09 of the Revised Code to transfer the custodial property to the beneficiary.

(L) "Security" includes any note, stock, treasury stock, common trust fund, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under an oil, gas, or mining title or lease, collateral trust certificate, transferable share, voting trust certificate, or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. A "security" does not include a security of which the donor or transferor is the issuer. A security is in "registered form" when it specifies a person who is entitled to it or to the rights that it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

(M) "Transfer" means a disposition, other than a gift, by a person who is eighteen years of age or older that creates custodial property under sections 5814.01 to 5814.10 of the Revised Code.

(N) "Transfer agent" means a person who acts as authenticating trustee, transfer agent, registrar, or other agent for an issuer in the registration of transfers of its securities, in the issue of new securities, or in the cancellation of surrendered securities.

(O) "Transferor" means a person who is eighteen years of age or older, who makes a transfer.

(P) "Trust company" means a financial institution that is 125192  
authorized to exercise trust powers. 125193

(Q) "Administrator" includes an "administrator with the will 125194  
annexed. 125195

**Section 130.22.** That existing sections 102.02, 109.572, 125196  
111.15, 119.01, 121.07, 131.11, 135.03, 135.032, 135.182, 135.32, 125197  
135.321, 135.51, 135.52, 135.53, 323.134, 339.06, 513.17, 749.081, 125198  
755.141, 902.01, 924.10, 924.26, 924.45, 1101.01, 1101.02, 125199  
1101.03, 1101.15, 1101.16, 1103.01, 1103.02, 1103.03, 1103.06, 125200  
1103.07, 1103.08, 1103.09, 1103.11, 1103.13, 1103.14, 1103.15, 125201  
1103.16, 1103.18, 1103.19, 1103.20, 1103.21, 1105.01, 1105.02, 125202  
1105.03, 1105.04, 1105.08, 1105.10, 1105.11, 1107.03, 1107.05, 125203  
1107.07, 1107.09, 1107.11, 1107.13, 1107.15, 1109.01, 1109.02, 125204  
1109.03, 1109.05, 1109.08, 1109.10, 1109.15, 1109.16, 1109.17, 125205  
1109.22, 1109.23, 1109.24, 1109.25, 1109.26, 1109.31, 1109.32, 125206  
1109.33, 1109.34, 1109.35, 1109.36, 1109.39, 1109.40, 1109.43, 125207  
1109.44, 1109.45, 1109.47, 1109.48, 1109.49, 1109.53, 1109.54, 125208  
1109.55, 1109.59, 1109.61, 1109.63, 1109.64, 1109.65, 1109.69, 125209  
1111.01, 1111.02, 1111.03, 1111.04, 1111.06, 1111.07, 1111.08, 125210  
1111.09, 1113.01, 1113.03, 1113.05, 1113.06, 1113.08, 1113.09, 125211  
1115.01, 1115.05, 1115.06, 1115.07, 1115.11, 1115.111, 1115.14, 125212  
1115.15, 1115.20, 1115.23, 1115.27, 1117.01, 1117.02, 1117.04, 125213  
1117.05, 1119.11, 1119.17, 1119.23, 1119.26, 1121.01, 1121.02, 125214  
1121.05, 1121.06, 1121.10, 1121.12, 1121.13, 1121.15, 1121.16, 125215  
1121.17, 1121.18, 1121.21, 1121.23, 1121.24, 1121.26, 1121.30, 125216  
1121.33, 1121.34, 1121.38, 1121.41, 1121.43, 1121.45, 1121.47, 125217  
1121.48, 1121.50, 1121.56, 1123.01, 1123.02, 1123.03, 1125.01, 125218  
1125.03, 1125.04, 1125.05, 1125.06, 1125.09, 1125.10, 1125.11, 125219  
1125.12, 1125.13, 1125.14, 1125.17, 1125.18, 1125.19, 1125.20, 125220  
1125.21, 1125.22, 1125.23, 1125.24, 1125.25, 1125.26, 1125.27, 125221  
1125.28, 1125.29, 1125.30, 1125.33, 1181.01, 1181.02, 1181.03, 125222  
1181.04, 1181.05, 1181.06, 1181.07, 1181.10, 1181.11, 1181.21, 125223

1181.25, 1349.16, 1509.07, 1509.225, 1510.09, 1514.04, 1707.03, 125224  
1901.31, 2335.25, 3351.07, 3767.41, 4303.293, and 5814.01 of the 125225  
Revised Code are hereby repealed. 125226

**Section 130.23.** That sections 1105.06, 1107.01, 1109.60, 125227  
1115.18, 1115.19, 1115.25, 1121.52, 1133.01, 1133.02, 1133.03, 125228  
1133.04, 1133.05, 1133.06, 1133.07, 1133.08, 1133.09, 1133.10, 125229  
1133.11, 1133.12, 1133.13, 1133.14, 1133.15, 1133.16, 1151.01, 125230  
1151.02, 1151.03, 1151.04, 1151.05, 1151.051, 1151.052, 1151.053, 125231  
1151.06, 1151.07, 1151.08, 1151.081, 1151.09, 1151.091, 1151.10, 125232  
1151.11, 1151.12, 1151.13, 1151.14, 1151.15, 1151.16, 1151.17, 125233  
1151.18, 1151.19, 1151.191, 1151.192, 1151.20, 1151.201, 1151.21, 125234  
1151.22, 1151.23, 1151.231, 1151.24, 1151.25, 1151.26, 1151.27, 125235  
1151.28, 1151.29, 1151.291, 1151.292, 1151.293, 1151.294, 125236  
1151.295, 1151.296, 1151.297, 1151.298, 1151.299, 1151.2910, 125237  
1151.2911, 1151.30, 1151.31, 1151.311, 1151.312, 1151.32, 125238  
1151.321, 1151.323, 1151.33, 1151.34, 1151.341, 1151.342, 125239  
1151.343, 1151.344, 1151.345, 1151.346, 1151.347, 1151.348, 125240  
1151.349, 1151.35, 1151.36, 1151.361, 1151.37, 1151.38, 1151.39, 125241  
1151.40, 1151.41, 1151.411, 1151.42, 1151.44, 1151.45, 1151.46, 125242  
1151.47, 1151.471, 1151.48, 1151.49, 1151.51, 1151.52, 1151.53, 125243  
1151.54, 1151.55, 1151.60, 1151.61, 1151.62, 1151.63, 1151.64, 125244  
1151.66, 1151.71, 1151.72, 1151.99, 1153.03, 1153.05, 1153.06, 125245  
1153.07, 1153.99, 1155.01, 1155.011, 1155.02, 1155.021, 1155.03, 125246  
1155.05, 1155.07, 1155.071, 1155.08, 1155.09, 1155.091, 1155.10, 125247  
1155.11, 1155.12, 1155.15, 1155.16, 1155.17, 1155.18, 1155.20, 125248  
1155.21, 1155.23, 1155.24, 1155.25, 1155.26, 1155.27, 1155.28, 125249  
1155.31, 1155.35, 1155.37, 1155.41, 1155.42, 1155.43, 1155.44, 125250  
1155.45, 1155.46, 1155.47, 1157.01, 1157.03, 1157.04, 1157.05, 125251  
1157.06, 1157.09, 1157.10, 1157.11, 1157.12, 1157.13, 1157.14, 125252  
1157.17, 1157.18, 1157.19, 1157.20, 1157.21, 1157.22, 1157.23, 125253  
1157.24, 1157.25, 1157.26, 1157.27, 1157.28, 1157.29, 1157.30, 125254  
1157.33, 1161.01, 1161.02, 1161.03, 1161.04, 1161.05, 1161.06, 125255

1161.07, 1161.071, 1161.08, 1161.09, 1161.10, 1161.11, 1161.111, 125256  
1161.12, 1161.13, 1161.14, 1161.15, 1161.16, 1161.17, 1161.18, 125257  
1161.19, 1161.20, 1161.21, 1161.22, 1161.23, 1161.24, 1161.25, 125258  
1161.26, 1161.27, 1161.28, 1161.29, 1161.30, 1161.31, 1161.32, 125259  
1161.33, 1161.34, 1161.35, 1161.36, 1161.37, 1161.38, 1161.39, 125260  
1161.40, 1161.41, 1161.42, 1161.43, 1161.44, 1161.441, 1161.45, 125261  
1161.46, 1161.47, 1161.48, 1161.49, 1161.50, 1161.51, 1161.52, 125262  
1161.53, 1161.54, 1161.55, 1161.56, 1161.57, 1161.58, 1161.59, 125263  
1161.60, 1161.601, 1161.61, 1161.62, 1161.63, 1161.631, 1161.64, 125264  
1161.65, 1161.66, 1161.67, 1161.68, 1161.69, 1161.70, 1161.71, 125265  
1161.72, 1161.73, 1161.74, 1161.75, 1161.76, 1161.77, 1161.78, 125266  
1161.79, 1161.80, 1161.81, 1163.01, 1163.02, 1163.03, 1163.04, 125267  
1163.05, 1163.07, 1163.09, 1163.10, 1163.11, 1163.12, 1163.121, 125268  
1163.13, 1163.14, 1163.15, 1163.19, 1163.20, 1163.21, 1163.22, 125269  
1163.24, 1163.25, 1163.26, 1163.27, 1165.01, 1165.03, 1165.04, 125270  
1165.05, 1165.06, 1165.09, 1165.10, 1165.11, 1165.12, 1165.13, 125271  
1165.14, 1165.17, 1165.18, 1165.19, 1165.20, 1165.21, 1165.22, 125272  
1165.23, 1165.24, 1165.25, 1165.26, 1165.27, 1165.28, 1165.29, 125273  
1165.30, 1165.33, 1181.16, 1181.17, 1181.18, and 3333.93 of the 125274  
Revised Code are hereby repealed. 125275

**Section 130.24.** Notwithstanding section 1123.01 of the 125276  
Revised Code, as amended by this act, both of the following apply: 125277

(A) The appointed members who are serving on the Banking 125278  
Commission as of the effective date of this section shall serve 125279  
until the end of the term for which the member was appointed. The 125280  
terms of office set forth in division (B) of that section and the 125281  
qualifications for membership set forth in division (D) of that 125282  
section shall first apply to the members appointed on or after the 125283  
effective date of this section. 125284

(B) The Banking Commission shall, on the effective date of 125285  
this section, additionally consist of the six members appointed to 125286

the Savings and Loan Associations and Savings Banks Board under 125287  
section 1181.16 of the Revised Code. Each such member shall serve 125288  
until the end of the term for which the member was appointed. 125289

**Section 130.25.** CASH TRANSFER FROM SAVINGS INSTITUTIONS FUND 125290

On the effective date of this section, or as soon as possible 125291  
thereafter, the Director of Budget and Management, upon the 125292  
written request of the Director of Commerce, may transfer the cash 125293  
balance in the Savings Institutions Fund (Fund 5450) to the Banks 125294  
Fund (Fund 5440). Upon completion of the transfer, Fund 5450 is 125295  
hereby abolished. 125296

**Section 130.26.** Sections 130.21, 130.22, 130.23, 130.24, 125297  
130.25, and 130.26 of this act, except for sections 135.182, 125298  
1121.24, 1121.29, 1121.30, and 1123.03 of the Revised Code, take 125299  
effect January 1, 2018. Sections 135.182, 1121.24, 1121.29, 125300  
1121.30, and 1123.03 of the Revised Code, as amended or enacted by 125301  
Sections 130.21 and 130.22 of this act, take effect at the 125302  
earliest time permitted by law. 125303

**Section 130.27.** Section 1121.02 of the Revised Code is 125304  
presented in this act as a composite of the section as amended by 125305  
both Am. Sub. H.B. 538 and Am. Sub. S.B. 293 of the 121st General 125306  
Assembly. The General Assembly, applying the principle stated in 125307  
division (B) of section 1.52 of the Revised Code that amendments 125308  
are to be harmonized if reasonably capable of simultaneous 125309  
operation, finds that the composite is the resulting version of 125310  
the section in effect prior to the effective date of the section 125311  
as presented in this act. 125312

**Section 137.10.** That sections 1923.02, 3781.06, 4505.181, 125313  
4781.04, 4781.06, 4781.07, 4781.08, 4781.09, 4781.10, 4781.11, 125314  
4781.12, 4781.121, 4781.14, 4781.17, 4781.18, 4781.19, 4781.20, 125315



4781.21, 4781.22, 4781.23, 4781.25, 4781.26, 4781.27, 4781.28, 125316  
4781.29, 4781.31, 4781.32, 4781.33, 4781.34, 4781.35, 4781.37, 125317  
4781.38, 4781.39, and 4781.45 be amended and new section 4781.54 125318  
and section 4781.011 of the Revised Code be enacted to read as 125319  
follows: 125320

**Sec. 1923.02.** (A) Proceedings under this chapter may be had 125321  
as follows: 125322

(1) Against tenants or manufactured home park residents 125323  
holding over their terms; 125324

(2) Against tenants or manufactured home park residents in 125325  
possession under an oral tenancy, who are in default in the 125326  
payment of rent as provided in division (B) of this section; 125327

(3) In sales of real estate, on executions, orders, or other 125328  
judicial process, when the judgment debtor was in possession at 125329  
the time of the rendition of the judgment or decree, by virtue of 125330  
which the sale was made; 125331

(4) In sales by executors, administrators, or guardians, and 125332  
on partition, when any of the parties to the complaint were in 125333  
possession at the commencement of the action, after the sales, so 125334  
made on execution or otherwise, have been examined by the proper 125335  
court and adjudged legal; 125336

(5) When the defendant is an occupier of lands or tenements, 125337  
without color of title, and the complainant has the right of 125338  
possession to them; 125339

(6) In any other case of the unlawful and forcible detention 125340  
of lands or tenements. For purposes of this division, in addition 125341  
to any other type of unlawful and forcible detention of lands or 125342  
tenements, such a detention may be determined to exist when both 125343  
of the following apply: 125344

(a) A tenant fails to vacate residential premises within 125345

three days after both of the following occur: 125346

(i) The tenant's landlord has actual knowledge of or has 125347  
reasonable cause to believe that the tenant, any person in the 125348  
tenant's household, or any person on the premises with the consent 125349  
of the tenant previously has or presently is engaged in a 125350  
violation of Chapter 2925. or 3719. of the Revised Code, or of a 125351  
municipal ordinance that is substantially similar to any section 125352  
in either of those chapters, which involves a controlled substance 125353  
and which occurred in, is occurring in, or otherwise was or is 125354  
connected with the premises, whether or not the tenant or other 125355  
person has been charged with, has pleaded guilty to or been 125356  
convicted of, or has been determined to be a delinquent child for 125357  
an act that, if committed by an adult, would be a violation as 125358  
described in this division. For purposes of this division, a 125359  
landlord has "actual knowledge of or has reasonable cause to 125360  
believe" that a tenant, any person in the tenant's household, or 125361  
any person on the premises with the consent of the tenant 125362  
previously has or presently is engaged in a violation as described 125363  
in this division if a search warrant was issued pursuant to 125364  
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 125365  
affidavit presented to obtain the warrant named or described the 125366  
tenant or person as the individual to be searched and particularly 125367  
described the tenant's premises as the place to be searched, named 125368  
or described one or more controlled substances to be searched for 125369  
and seized, stated substantially the offense under Chapter 2925. 125370  
or 3719. of the Revised Code or the substantially similar 125371  
municipal ordinance that occurred in, is occurring in, or 125372  
otherwise was or is connected with the tenant's premises, and 125373  
states the factual basis for the affiant's belief that the 125374  
controlled substances are located on the tenant's premises; the 125375  
warrant was properly executed by a law enforcement officer and any 125376  
controlled substance described in the affidavit was found by that 125377  
officer during the search and seizure; and, subsequent to the 125378

search and seizure, the landlord was informed by that or another 125379  
law enforcement officer of the fact that the tenant or person has 125380  
or presently is engaged in a violation as described in this 125381  
division and it occurred in, is occurring in, or otherwise was or 125382  
is connected with the tenant's premises. 125383

(ii) The landlord gives the tenant the notice required by 125384  
division (C) of section 5321.17 of the Revised Code. 125385

(b) The court determines, by a preponderance of the evidence, 125386  
that the tenant, any person in the tenant's household, or any 125387  
person on the premises with the consent of the tenant previously 125388  
has or presently is engaged in a violation as described in 125389  
division (A)(6)(a)(i) of this section. 125390

(7) In cases arising out of Chapter 5313. of the Revised 125391  
Code. In those cases, the court has the authority to declare a 125392  
forfeiture of the vendee's rights under a land installment 125393  
contract and to grant any other claims arising out of the 125394  
contract. 125395

(8) Against tenants who have breached an obligation that is 125396  
imposed by section 5321.05 of the Revised Code, other than the 125397  
obligation specified in division (A)(9) of that section, and that 125398  
materially affects health and safety. Prior to the commencement of 125399  
an action under this division, notice shall be given to the tenant 125400  
and compliance secured with section 5321.11 of the Revised Code. 125401

(9) Against tenants who have breached an obligation imposed 125402  
upon them by a written rental agreement; 125403

(10) Against manufactured home park residents who have 125404  
defaulted in the payment of rent or breached the terms of a rental 125405  
agreement with a park operator. Nothing in this division precludes 125406  
the commencement of an action under division (A)(12) of this 125407  
section when the additional circumstances described in that 125408  
division apply. 125409

(11) Against manufactured home park residents who have 125410  
committed two material violations of the rules of the manufactured 125411  
home park, of the ~~manufactured homes commission~~ division of 125412  
industrial compliance of the department of commerce, or of 125413  
applicable state and local health and safety codes and who have 125414  
been notified of the violations in compliance with section 4781.45 125415  
of the Revised Code; 125416

(12) Against a manufactured home park resident, or the estate 125417  
of a manufactured home park resident, who as a result of death or 125418  
otherwise has been absent from the manufactured home park for a 125419  
period of thirty consecutive days prior to the commencement of an 125420  
action under this division and whose manufactured home or mobile 125421  
home, or recreational vehicle that is parked in the manufactured 125422  
home park, has been left unoccupied for that thirty-day period, 125423  
without notice to the park operator and without payment of rent 125424  
due under the rental agreement with the park operator; 125425

(13) Against occupants of self-service storage facilities, as 125426  
defined in division (A) of section 5322.01 of the Revised Code, 125427  
who have breached the terms of a rental agreement or violated 125428  
section 5322.04 of the Revised Code; 125429

(14) Against any resident or occupant who, pursuant to a 125430  
rental agreement, resides in or occupies residential premises 125431  
located within one thousand feet of any school premises or 125432  
preschool or child day-care center premises and to whom both of 125433  
the following apply: 125434

(a) The resident's or occupant's name appears on the state 125435  
registry of sex offenders and child-victim offenders maintained 125436  
under section 2950.13 of the Revised Code. 125437

(b) The state registry of sex offenders and child-victim 125438  
offenders indicates that the resident or occupant was convicted of 125439  
or pleaded guilty to a sexually oriented offense or a child-victim 125440

oriented offense in a criminal prosecution and was not sentenced 125441  
to a serious youthful offender dispositional sentence for that 125442  
offense. 125443

(15) Against any tenant who permits any person to occupy 125444  
residential premises located within one thousand feet of any 125445  
school premises or preschool or child day-care center premises if 125446  
both of the following apply to the person: 125447

(a) The person's name appears on the state registry of sex 125448  
offenders and child-victim offenders maintained under section 125449  
2950.13 of the Revised Code. 125450

(b) The state registry of sex offenders and child-victim 125451  
offenders indicates that the person was convicted of or pleaded 125452  
guilty to a sexually oriented offense or a child-victim oriented 125453  
offense in a criminal prosecution and was not sentenced to a 125454  
serious youthful offender dispositional sentence for that offense. 125455

(B) If a tenant or manufactured home park resident holding 125456  
under an oral tenancy is in default in the payment of rent, the 125457  
tenant or resident forfeits the right of occupancy, and the 125458  
landlord may, at the landlord's option, terminate the tenancy by 125459  
notifying the tenant or resident, as provided in section 1923.04 125460  
of the Revised Code, to leave the premises, for the restitution of 125461  
which an action may then be brought under this chapter. 125462

(C)(1) If a tenant or any other person with the tenant's 125463  
permission resides in or occupies residential premises that are 125464  
located within one thousand feet of any school premises and is a 125465  
resident or occupant of the type described in division (A)(14) of 125466  
this section or a person of the type described in division (A)(15) 125467  
of this section, the landlord for those residential premises, upon 125468  
discovery that the tenant or other person is a resident, occupant, 125469  
or person of that nature, may terminate the rental agreement or 125470  
tenancy for those residential premises by notifying the tenant and 125471

all other occupants, as provided in section 1923.04 of the Revised Code, to leave the premises.

(2) If a landlord is authorized to terminate a rental agreement or tenancy pursuant to division (C)(1) of this section but does not so terminate the rental agreement or tenancy, the landlord is not liable in a tort or other civil action in damages for any injury, death, or loss to person or property that allegedly result from that decision.

(D) This chapter does not apply to a student tenant as defined by division (H) of section 5321.01 of the Revised Code when the college or university proceeds to terminate a rental agreement pursuant to section 5321.031 of the Revised Code.

**Sec. 3781.06.** (A)(1) Any building that may be used as a place of resort, assembly, education, entertainment, lodging, dwelling, trade, manufacture, repair, storage, traffic, or occupancy by the public, any residential building, and all other buildings or parts and appurtenances of those buildings erected within this state, shall be so constructed, erected, equipped, and maintained that they shall be safe and sanitary for their intended use and occupancy.

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code shall be construed to limit the power of the ~~manufactured homes commission~~ division of industrial compliance of the department of commerce to adopt rules of uniform application governing manufactured home parks pursuant to section 4781.26 of the Revised Code.

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised Code do not apply to either of the following:

(1) Buildings or structures that are incident to the use for agricultural purposes of the land on which the buildings or

structures are located, provided those buildings or structures are 125502  
not used in the business of retail trade. For purposes of this 125503  
division, a building or structure is not considered used in the 125504  
business of retail trade if fifty per cent or more of the gross 125505  
income received from sales of products in the building or 125506  
structure by the owner or operator is from sales of products 125507  
produced or raised in a normal crop year on farms owned or 125508  
operated by the seller. 125509

(2) Existing single-family, two-family, and three-family 125510  
detached dwelling houses for which applications have been 125511  
submitted to the director of job and family services pursuant to 125512  
section 5104.03 of the Revised Code for the purposes of operating 125513  
type A family day-care homes as defined in section 5104.01 of the 125514  
Revised Code. 125515

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 125516  
Revised Code: 125517

(1) "Agricultural purposes" include agriculture, farming, 125518  
dairying, pasturage, apiculture, algaculture meaning the farming 125519  
of algae, horticulture, floriculture, viticulture, ornamental 125520  
horticulture, olericulture, pomiculture, and animal and poultry 125521  
husbandry. 125522

(2) "Building" means any structure consisting of foundations, 125523  
walls, columns, girders, beams, floors, and roof, or a combination 125524  
of any number of these parts, with or without other parts or 125525  
appurtenances. 125526

(3) "Industrialized unit" means a building unit or assembly 125527  
of closed construction fabricated in an off-site facility, that is 125528  
substantially self-sufficient as a unit or as part of a greater 125529  
structure, and that requires transportation to the site of 125530  
intended use. "Industrialized unit" includes units installed on 125531  
the site as independent units, as part of a group of units, or 125532

incorporated with standard construction methods to form a 125533  
completed structural entity. "Industrialized unit" does not 125534  
include a manufactured home as defined by division (C)(4) of this 125535  
section or a mobile home as defined by division (O) of section 125536  
4501.01 of the Revised Code. 125537

(4) "Manufactured home" means a building unit or assembly of 125538  
closed construction that is fabricated in an off-site facility and 125539  
constructed in conformance with the federal construction and 125540  
safety standards established by the secretary of housing and urban 125541  
development pursuant to the "Manufactured Housing Construction and 125542  
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 125543  
5403, and that has a permanent label or tag affixed to it, as 125544  
specified in 42 U.S.C.A. 5415, certifying compliance with all 125545  
applicable federal construction and safety standards. 125546

(5) "Permanent foundation" means permanent masonry, concrete, 125547  
or a footing or foundation approved by the ~~manufactured homes~~ 125548  
~~commission~~ division of industrial compliance of the department of 125549  
commerce pursuant to Chapter 4781. of the Revised Code, to which a 125550  
manufactured or mobile home may be affixed. 125551

(6) "Permanently sited manufactured home" means a 125552  
manufactured home that meets all of the following criteria: 125553

(a) The structure is affixed to a permanent foundation and is 125554  
connected to appropriate facilities; 125555

(b) The structure, excluding any addition, has a width of at 125556  
least twenty-two feet at one point, a length of at least 125557  
twenty-two feet at one point, and a total living area, excluding 125558  
garages, porches, or attachments, of at least nine hundred square 125559  
feet; 125560

(c) The structure has a minimum 3:12 residential roof pitch, 125561  
conventional residential siding, and a six-inch minimum eave 125562  
overhang, including appropriate guttering; 125563



- (d) The structure was manufactured after January 1, 1995; 125564
- (e) The structure is not located in a manufactured home park 125565  
as defined by section 4781.01 of the Revised Code. 125566
- (7) "Safe," with respect to a building, means it is free from 125567  
danger or hazard to the life, safety, health, or welfare of 125568  
persons occupying or frequenting it, or of the public and from 125569  
danger of settlement, movement, disintegration, or collapse, 125570  
whether such danger arises from the methods or materials of its 125571  
construction or from equipment installed therein, for the purpose 125572  
of lighting, heating, the transmission or utilization of electric 125573  
current, or from its location or otherwise. 125574
- (8) "Sanitary," with respect to a building, means it is free 125575  
from danger or hazard to the health of persons occupying or 125576  
frequenting it or to that of the public, if such danger arises 125577  
from the method or materials of its construction or from any 125578  
equipment installed therein, for the purpose of lighting, heating, 125579  
ventilating, or plumbing. 125580
- (9) "Residential building" means a one-family, two-family, or 125581  
three-family dwelling house, and any accessory structure 125582  
incidental to that dwelling house. "Residential building" includes 125583  
a one-family, two-family, or three-family dwelling house that is 125584  
used as a model to promote the sale of a similar dwelling house. 125585  
"Residential building" does not include an industrialized unit as 125586  
defined by division (C)(3) of this section, a manufactured home as 125587  
defined by division (C)(4) of this section, or a mobile home as 125588  
defined by division (O) of section 4501.01 of the Revised Code. 125589
- (10) "Nonresidential building" means any building that is not 125590  
a residential building or a manufactured or mobile home. 125591
- (11) "Accessory structure" means a structure that is attached 125592  
to a residential building and serves the principal use of the 125593  
residential building. "Accessory structure" includes, but is not 125594

limited to, a garage, porch, or screened-in patio. 125595

**Sec. 4505.181.** (A) Notwithstanding section 4505.18 of the 125596  
Revised Code, a motor vehicle dealer or person acting on behalf of 125597  
a motor vehicle dealer may display, offer for sale, or sell a used 125598  
motor vehicle and a manufactured housing dealer or person acting 125599  
on behalf of a manufactured housing dealer may display, offer for 125600  
sale, or sell a used manufactured home or used mobile home without 125601  
having first obtained a certificate of title for the vehicle in 125602  
the name of the dealer by complying with this section. 125603

(1) The dealer or person acting on behalf of the dealer shall 125604  
possess a bill of sale for each used motor vehicle, used 125605  
manufactured home, and used mobile home proposed to be displayed, 125606  
offered for sale, or sold under this section or a properly 125607  
executed power of attorney or other related documents from the 125608  
prior owner of the motor vehicle, manufactured home, or mobile 125609  
home giving the dealer or person acting on behalf of the dealer 125610  
authority to have a certificate of title to the motor vehicle, 125611  
manufactured home, or mobile home issued in the name of the 125612  
dealer, and shall retain copies of all such documents in the 125613  
dealer's or person's files until such time as a certificate of 125614  
title in the dealer's name is issued for each such motor vehicle, 125615  
manufactured home, or mobile home by the clerk of the court of 125616  
common pleas. Such documents shall be available for inspection by 125617  
the bureau of motor vehicles and the ~~manufactured homes commission~~ 125618  
division of real estate of the department of commerce during 125619  
normal business hours. 125620

(2) If the attorney general has paid a retail purchaser of 125621  
the dealer or a secured party under division (D), (E), or (G) of 125622  
this section within three years prior to such date, the dealer 125623  
shall post with the attorney general's office in favor of this 125624  
state a bond of a surety company authorized to do business in this 125625

state, in an amount of not less than twenty-five thousand dollars, 125626  
to be used solely for the purpose of compensating retail 125627  
purchasers of motor vehicles, manufactured homes, or mobile homes 125628  
who suffer damages due to failure of the dealer or person acting 125629  
on behalf of the dealer to comply with this section. Failure to 125630  
post a bond constitutes a deceptive act or practice in connection 125631  
with a consumer transaction and is a violation of section 1345.02 125632  
of the Revised Code. The dealer's surety shall notify the 125633  
registrar and attorney general when a bond of a motor vehicle 125634  
dealer is canceled and shall notify the ~~manufactured homes~~ 125635  
~~commission~~ division of real estate of the department of commerce 125636  
and the attorney general when a bond of a manufactured housing 125637  
dealer is canceled. Such notification of cancellation shall 125638  
include the effective date of and reason for cancellation. 125639

(B) If a retail purchaser purchases a used motor vehicle, 125640  
used manufactured home, or used mobile home for which the dealer, 125641  
pursuant to and in accordance with division (A) of this section, 125642  
does not have a certificate of title issued in the name of the 125643  
dealer at the time of the sale, the retail purchaser has an 125644  
unconditional right to demand the dealer rescind the transaction 125645  
if one of the following applies: 125646

(1) The dealer fails, on or before the fortieth day following 125647  
the date of the sale, to obtain a title in the name of the retail 125648  
purchaser. 125649

(2) The title for the vehicle indicates that it is a rebuilt 125650  
salvage vehicle, and the fact that it is a rebuilt salvage vehicle 125651  
was not disclosed to the retail purchaser in writing prior to the 125652  
execution of the purchase agreement. 125653

(3) The title for the vehicle indicates that the dealer has 125654  
made an inaccurate odometer disclosure to the retail purchaser. 125655

(4) The title for the vehicle indicates that it is a 125656

"buyback" vehicle as defined in section 1345.71 of the Revised Code, and the fact that it is a "buyback" vehicle was not disclosed to the retail purchaser in the written purchase agreement.

(5) The motor vehicle is a used manufactured home or used mobile home, as defined by section 4781.01 of the Revised Code, that has been repossessed under Chapter 1309. or 1317. of the Revised Code, but a certificate of title for the repossessed home has not yet been transferred by the repossessing party to the dealer on the date the retail purchaser purchases the used manufactured home or used mobile home from the dealer, and the dealer fails to obtain a certificate of title on or before the fortieth day after the dealer obtains the certificate of title for the home from the repossessing party or the date on which an occupancy permit for the home is delivered to the purchaser by the appropriate legal authority, whichever occurs later.

(C)(1) If the circumstance described in division (B)(1) of this section applies, a retail purchaser or the retail purchaser's representative shall provide the dealer notice of the request for rescission. Such notification shall occur not later than sixty days from the date the motor vehicle is titled in the name of the retail purchaser. The dealer shall have the opportunity to comply with the dealer's obligation to refund the full purchase price of the motor vehicle. Reimbursement shall be only in such a manner as to reimburse the retail purchaser any money the retail purchaser actually paid and, in the case of a lender of the retail purchaser, the amount paid by the lender to purchase the contract or finance the sale of the vehicle. If a vehicle was taken in trade as a down payment, the dealer shall return the vehicle to the consumer, unless the dealer remitted payment to a third party to satisfy any security interest. If the dealer remitted payment, the dealer shall reimburse the purchaser the value of the vehicle,

as evidenced by the bill of sale. 125689

(2) If any of the circumstances described in ~~divisions~~ 125690  
division (B)(2), (3), or (4) of this section apply, a retail 125691  
purchaser or the retail purchaser's representative shall provide 125692  
notice to the dealer of a request for rescission. Such notification 125693  
shall occur not later than one hundred eighty days from the date 125694  
the vehicle is titled in the name of the retail purchaser. Upon 125695  
timely notification, the dealer shall have the opportunity to 125696  
comply with the dealer's obligation to refund the full purchase 125697  
price of the motor vehicle. Reimbursement shall be only in such a 125698  
manner as to reimburse the retail purchaser any money the retail 125699  
purchaser actually paid and, in the case of a lender of the retail 125700  
purchaser, the amount paid by the lender to purchase the contract 125701  
or finance the sale of the vehicle. If a vehicle was taken in 125702  
trade as a down payment, the dealer shall return the vehicle to 125703  
the consumer, unless the dealer remitted payment to a third party 125704  
to satisfy any security interest. If the dealer remitted payment, 125705  
the dealer shall reimburse the purchaser the value of the vehicle, 125706  
as evidenced by the bill of sale. 125707

(3) If any of the circumstances described in division (B)(5) 125708  
of this section apply, a retail purchaser or the retail 125709  
purchaser's representative shall notify the dealer and afford the 125710  
dealer the opportunity to comply with the dealer's obligation to 125711  
rescind the manufactured home or mobile home transaction. 125712

(4) If the retail purchaser does not deliver notice to the 125713  
dealer within the applicable time period specified in division 125714  
(C)(1), (2), or (3) of this section, the retail purchaser shall 125715  
not be entitled to any recovery or have any cause of action under 125716  
this section. 125717

(5) Nothing in division (C) of this section shall be 125718  
construed as prohibiting the dealer and the retail purchaser or 125719  
their representatives from negotiating a compromise resolution 125720

that is satisfactory to both parties. 125721

(D) If a retail purchaser notifies a dealer of one or more of 125722  
the circumstances listed in division (B) of this section within 125723  
the applicable time period specified in division (C)(1), (2), or 125724  
(3) of this section and the dealer fails to comply with the 125725  
requirements for rescission as prescribed in division (C) of this 125726  
section or reach a satisfactory compromise with the retail 125727  
purchaser within seven business days of presentation of the retail 125728  
purchaser's rescission claim, the retail purchaser may apply to the 125729  
attorney general for payment from the fund of the full purchase 125730  
price to the retail purchaser. 125731

(E)(1) Upon application by a retail purchaser for payment 125732  
from the fund, if the attorney general is satisfied that one or 125733  
more of the circumstances contained in divisions (B)(1) to (5) of 125734  
this section exist, and notification has been given within the 125735  
applicable time period specified in division (C)(1), (2), or (3) 125736  
of this section, the attorney general shall cause at maximum the 125737  
full purchase price of the vehicle, manufactured home, or mobile 125738  
home plus the cost of any additional temporary license placards to 125739  
be paid to the retail purchaser from the fund. The attorney 125740  
general may require delivery of the vehicle, manufactured home, or 125741  
mobile home to the attorney general prior to reimbursement from 125742  
the fund. Reimbursement shall be only in such a manner as to do 125743  
either of the following: 125744

(a) Reimburse the retail purchaser any money the retail 125745  
purchaser actually paid and, in the case of a lender of the retail 125746  
purchaser, the amount paid by the lender to purchase the contract 125747  
or finance the sale of the vehicle; 125748

(b) If the retail purchaser wishes to retain the vehicle, the 125749  
attorney general, in the attorney general's sole discretion, may 125750  
pay a lienholder of record or other holder of a secured interest 125751  
in such manner that title can be transferred to the retail 125752

purchaser free of encumbrances, other than a security interest 125753  
granted by the retail purchaser at the time of vehicle purchase. 125754

(2) The attorney general, in the attorney general's sole 125755  
discretion, also may cause the cost of additional temporary 125756  
license placards to be paid from the fund. 125757

(F) The attorney general may sell or otherwise dispose of any 125758  
used motor vehicle, manufactured home, or mobile home that is 125759  
delivered to the attorney general under this section, and may 125760  
collect the proceeds of any bond posted under division (A) of this 125761  
section by a dealer who has failed to comply with division (D) of 125762  
this section. The proceeds from all such sales and collections 125763  
shall be deposited into the title defect recision fund for use as 125764  
specified in section 1345.52 of the Revised Code. 125765

(G) If a dealer fails to submit payment of a secured interest 125766  
on a trade-in vehicle as agreed to by the dealer and retail 125767  
purchaser and none of the circumstances in divisions (B)(1) to (5) 125768  
applies, the retail purchaser may apply to the attorney general 125769  
for payment to the secured creditor from the fund. The attorney 125770  
general shall demand immediate payment from the dealer and if 125771  
payment has not been made or is not immediately forthcoming, the 125772  
attorney general may cause an amount equal to that which the 125773  
dealer agreed to pay to the secured creditor to be paid from the 125774  
fund, along with any additional interest and late fees resulting 125775  
from the dealer's failure to pay the secured creditor in a timely 125776  
manner. 125777

(H) Failure by a dealer to comply with both divisions (B) and 125778  
(C) of this section constitutes a deceptive act or practice in 125779  
connection with a consumer transaction, and is a violation of 125780  
section 1345.02 of the Revised Code. 125781

(I) The remedy provided in this section to retail purchasers 125782  
is in addition to any remedies otherwise available to the retail 125783

purchaser for the same conduct of the dealer or person acting on 125784  
behalf of the dealer under federal law or the laws of this state 125785  
or a political subdivision of this state. 125786

(J) If, at any time during any calendar year, the balance in 125787  
the title defect recision fund is less than three hundred thousand 125788  
dollars, the attorney general may assess all motor vehicle dealers 125789  
licensed under Chapter 4517. of the Revised Code and all 125790  
manufactured housing dealers licensed under Chapter 4781. of the 125791  
Revised Code one hundred fifty dollars for deposit into the title 125792  
defect rescission fund until the balance in the fund reaches three 125793  
hundred thousand dollars. A notice of assessment shall be sent to 125794  
each dealer at its licensed location. 125795

If a motor vehicle dealer or manufactured housing dealer 125796  
fails to comply with this division, the attorney general may bring 125797  
a civil action in a court of competent jurisdiction to collect the 125798  
amount the dealer failed to pay to the attorney general for 125799  
deposit into the fund. 125800

(K) Nothing in this section shall be construed as providing 125801  
for payment of attorney fees to the retail purchaser. 125802

(L) As used in this section: 125803

(1) "Full purchase price" means the contract price, including 125804  
charges for dealer installed options and accessories, all finance, 125805  
credit insurance, and service contract charges incurred by the 125806  
retail purchaser, all sales tax, license and registration fees, 125807  
and the amount of any negative equity that was not already paid by 125808  
the dealer to a third party to satisfy a lien, as reflected in the 125809  
contract. 125810

(2) "Retail purchaser" means a person, other than a motor 125811  
vehicle dealer or a manufactured housing dealer, who in good faith 125812  
purchases a used motor vehicle for purposes other than resale. 125813



Sec. 4781.011. Whenever the term "manufactured homes  
commission" is used, referred to, or designated in any statute,  
rule, contract, grant, or other document, the use, reference, or  
designation shall be deemed to refer to "the department of  
commerce." Whenever the term "executive director of the  
manufactured homes commission" is used, referred to, or designated  
in any statute, rule, contract, grant, or other document, the use,  
reference, or designation shall be deemed to mean the director of  
commerce.

Sec. 4781.04. (A) The ~~manufactured homes commission~~  
department of commerce, division of industrial compliance shall  
adopt rules pursuant to Chapter 119. of the Revised Code to do all  
of the following:

(1) Establish uniform standards that govern the installation  
of manufactured housing. Not later than one hundred eighty days  
after the secretary of the United States department of housing and  
urban development adopts model standards for the installation of  
manufactured housing or amends those standards, the ~~commission~~  
division of industrial compliance shall amend its standards as  
necessary to be consistent with, and not less stringent than, the  
model standards for the design and installation of manufactured  
housing the secretary adopts or any manufacturers' standards that  
the secretary determines are equal to or not less stringent than  
the model standards.

(2) Govern the inspection of the installation of manufactured  
housing. The rules shall specify that the ~~commission~~ division of  
industrial compliance, any building department or personnel of any  
department, or any private third party, certified pursuant to  
section 4781.07 of the Revised Code shall conduct all inspections  
of the installation of manufactured housing located in  
manufactured home parks to determine compliance with the uniform

installation standards the ~~commission~~ division of industrial compliance establishes pursuant to this section. 125845  
125846

(3) Govern the design, construction, installation, approval, 125847  
and inspection of foundations and the base support systems for 125848  
manufactured housing. The rules shall specify that the ~~commission~~ 125849  
division of industrial compliance, any building department or 125850  
personnel of any department, or any private third party, certified 125851  
pursuant to section 4781.07 of the Revised Code shall conduct all 125852  
inspections of the installation, foundations, and base support 125853  
systems of manufactured housing located in manufactured home parks 125854  
to determine compliance with the uniform installation standards 125855  
and foundation and base support system design the ~~commission~~ 125856  
division of industrial compliance establishes pursuant to this 125857  
section. 125858

(4) Govern the training, experience, and education 125859  
requirements for manufactured housing installers, ~~manufactured~~ 125860  
~~housing dealers, manufactured housing brokers, and manufactured~~ 125861  
~~housing salespersons;~~ 125862

(5) Establish a code of ethics for manufactured housing 125863  
installers; 125864

(6) Govern the issuance, revocation, and suspension of 125865  
licenses to manufactured housing installers; 125866

(7) Establish fees for the issuance and renewal of licenses, 125867  
for conducting inspections to determine an applicant's compliance 125868  
with this chapter and the rules adopted pursuant to it, and for 125869  
the ~~commission's~~ division's expenses incurred in implementing this 125870  
chapter; 125871

(8) Establish conditions under which a licensee may enter 125872  
into contracts to fulfill the licensee's responsibilities; 125873

(9) Govern the investigation of complaints concerning any 125874  
~~violation of this chapter or the rules adopted pursuant to it or~~ 125875

complaints involving the conduct of any licensed manufactured 125876  
housing installer or person installing manufactured housing 125877  
without a license, ~~licensed manufactured housing dealer, licensed~~ 125878  
~~manufactured housing broker, or manufactured housing salesperson;~~ 125879

(10) Establish a dispute resolution program for the timely 125880  
resolution of warranty issues involving new manufactured homes, 125881  
disputes regarding responsibility for the correction or repair of 125882  
defects in manufactured housing, and the installation of 125883  
manufactured housing. The rules shall provide for the timely 125884  
resolution of disputes between manufacturers, manufactured housing 125885  
dealers, and installers regarding the correction or repair of 125886  
defects in manufactured housing that are reported by the purchaser 125887  
of the home during the one-year period beginning on the date of 125888  
installation of the home. The rules also shall provide that 125889  
decisions made regarding the dispute under the program are not 125890  
binding upon the purchaser of the home or the other parties 125891  
involved in the dispute unless the purchaser so agrees in a 125892  
written acknowledgement that the purchaser signs and delivers to 125893  
the program within ten business days after the decision is issued. 125894

(11) Establish the requirements and procedures for the 125895  
certification of building departments and building department 125896  
personnel pursuant to section 4781.07 of the Revised Code; 125897

(12) Establish fees to be charged to building departments and 125898  
building department personnel applying for certification and 125899  
renewal of certification pursuant to section 4781.07 of the 125900  
Revised Code; 125901

(13) Develop a policy regarding the maintenance of records 125902  
for any inspection authorized or conducted pursuant to this 125903  
chapter. Any record maintained under division (A)(13) of this 125904  
section shall be a public record under section 149.43 of the 125905  
Revised Code. 125906

<del>(14) Carry out any other provision of this chapter.</del>	125907
(B) The <del>manufactured homes commission</del> <u>division of industrial compliance</u> shall do all of the following:	125908
	125909
(1) Prepare and administer a licensure examination to determine an applicant's knowledge of manufactured housing installation and other aspects of installation the <del>commission</del> <u>division</u> determines appropriate;	125910
	125911
	125912
	125913
(2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination;	125914
	125915
	125916
(3) Prepare and distribute any application form <del>this chapter requires</del> <u>sections 4781.01 to 4781.11 of the Revised Code require</u> ;	125917
	125918
(4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;	125919
	125920
(5) Establish procedures for processing, approving, and disapproving applications for licensure;	125921
	125922
(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;	125923
	125924
	125925
(7) Review the design and plans for manufactured housing installations, foundations, and support systems;	125926
	125927
(8) Inspect a sample of homes at a percentage the <del>commission</del> <u>division</u> determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the <del>commission</del> <u>division</u> adopts;	125928
	125929
	125930
	125931
	125932
(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer, <del>manufactured housing dealer,</del> <del>manufactured housing broker,</del> or <del>manufactured housing salesperson</del> ;	125933
	125934
	125935
	125936

(10) Determine appropriate disciplinary actions for 125937  
violations of this chapter; 125938

(11) Conduct audits and inquiries of manufactured housing 125939  
installers, ~~manufactured housing dealers, and manufactured housing~~ 125940  
~~brokers~~ as appropriate for the enforcement of this chapter. The 125941  
~~commission~~ division, or any person the ~~commission~~ division employs 125942  
for the purpose, may review and audit the business records of any 125943  
manufactured housing installer, ~~dealer, or broker~~ during normal 125944  
business hours. 125945

(12) Approve an installation training course, which may be 125946  
offered by the Ohio manufactured homes association or other 125947  
entity; 125948

~~(13) Perform any function or duty necessary to administer 125949  
this chapter and the rules adopted pursuant to it. 125950~~

(C) Nothing in this section, or in any rule adopted by the 125951  
~~manufactured homes commission~~ division, shall be construed to 125952  
limit the authority of a board of health to enforce section 125953  
3701.344 or Chapters 3703., 3718., and 3781. of the Revised Code 125954  
or limit the authority of the department of administrative 125955  
services to lease space for the use of a state agency and to group 125956  
together state offices in any city in the state as provided in 125957  
section 123.01 of the Revised Code. 125958

**Sec. 4781.06.** (A) The ~~manufactured homes commission~~ division 125959  
of industrial compliance may delegate to the ~~executive director~~ 125960  
the Ohio construction industry licensing board any of its duties 125961  
set forth in ~~division (B) of section~~ sections 4781.04 to 4781.15 125962  
of the Revised Code. 125963

(B) The ~~commission~~ division may enter into a contract with 125964  
the Ohio manufactured homes association or another entity to 125965  
administer the dispute resolution program created pursuant to 125966

section 4781.04 of the Revised Code. The contract shall specify 125967  
the terms for the administration of the program. 125968

(C)(1) The ~~commission~~ division may enter into a contract with 125969  
any private third party, municipal corporation, township, county, 125970  
state agency, or the Ohio manufactured homes association, or any 125971  
successor entity, to perform any of the ~~commission's~~ division's 125972  
functions set forth in ~~division (B) of section~~ sections 4781.04 to 125973  
4781.15 of the Revised Code that the ~~commission~~ division has not 125974  
delegated to the ~~executive director~~ Ohio construction industry  
licensing board. Each contract shall specify the compensation to 125976  
be paid to the private third party, municipal corporation, 125977  
township, county, state agency, or the Ohio manufactured homes 125978  
association, or successor entity, for the performance of the 125979  
~~commission's~~ division's functions. 125980

(2) Except as provided in this division, the ~~commission~~ 125981  
division shall not enter into any contract with any person or 125982  
building department to accept and approve plans and specifications 125983  
or to inspect manufactured housing foundations and the 125984  
installation of manufactured housing unless that person or 125985  
building department is certified pursuant to section 4781.07 of 125986  
the Revised Code. The ~~commission~~ division shall require inspectors 125987  
the Ohio department of health employs to obtain certification 125988  
pursuant to section 4781.07 of the Revised Code. 125989

**Sec. 4781.07.** (A) Pursuant to rules the ~~manufactured homes~~ 125990  
~~commission~~ division of industrial compliance adopts, the 125991  
~~commission~~ division may certify municipal, township, and county 125992  
building departments and the personnel of those departments, or 125993  
any private third party, to exercise the ~~commission's~~ division's 125994  
enforcement authority, accept and approve plans and specifications 125995  
for foundations, support systems and installations, and inspect 125996  
manufactured housing foundations, support systems, and 125997

manufactured housing installations. Any certification is effective 125998  
for three years. 125999

(B) Following an investigation and finding of facts that 126000  
support its action, the ~~commission~~ division of industrial 126001  
compliance may revoke or suspend certification. The ~~commission~~ 126002  
division may initiate an investigation on ~~its~~ the division's own 126003  
motion or the petition of a person affected by the enforcement or 126004  
approval of plans. 126005

**Sec. 4781.08.** (A) The ~~manufactured homes commission~~ division 126006  
of industrial compliance shall issue a manufactured housing 126007  
~~installer's~~ installer license to any applicant who is at least 126008  
eighteen years of age and meets all of the following requirements: 126009

(1) Submits an application to the ~~commission~~ division on a 126010  
form the ~~commission~~ division prescribes and pays the fee the 126011  
~~commission~~ division requires; 126012

(2) Completes all training requirements the ~~commission~~ 126013  
division prescribes; 126014

(3) Meets the experience requirements the ~~commission~~ division 126015  
prescribes by rule; 126016

(4) Has at least one year of experience installing 126017  
manufactured housing under the supervision of a licensed 126018  
manufactured home installer if applying for licensure after 126019  
January 1, 2006; 126020

(5) Has completed an installation training course the 126021  
~~commission~~ division approves, which may be offered by the Ohio 126022  
manufactured homes association or other entity; 126023

(6) Receives a passing score on the licensure examination the 126024  
~~commission~~ division administers; 126025

(7) Provides information the ~~commission~~ division requires to 126026

demonstrate compliance with this chapter and the rules the 126027  
~~commission~~ division adopts; 126028

(8) Provides the ~~commission~~ division with three references 126029  
from persons who are retailers, manufacturers, or manufactured 126030  
home park operators familiar with the person's installation work 126031  
experience and competency, with at least two of the three 126032  
references provided after January 1, 2006, being from persons who 126033  
are licensed manufactured housing installers; 126034

(9) Has liability insurance or a surety bond that is issued 126035  
by an insurance or surety company authorized to transact business 126036  
in Ohio, in the amount the ~~commission~~ division specifies, and 126037  
containing the terms and conditions the ~~commission~~ division 126038  
requires; 126039

(10) Is in compliance with section 4123.35 of the Revised 126040  
Code. 126041

(B) The ~~commission~~ division of industrial compliance shall 126042  
not grant a license to any person who the ~~commission~~ division 126043  
finds has engaged in actions during the previous two years that 126044  
constitute a ground for denial, suspension, or revocation of a 126045  
license or who has had a license revoked or disciplinary action 126046  
imposed by the licensing or certification board of another state 126047  
or jurisdiction during the previous two years in connection with 126048  
the installation of manufactured housing. 126049

(C) Any person who is licensed, certified, or otherwise 126050  
approved under the laws of another state to perform functions 126051  
substantially similar to those of a manufactured housing installer 126052  
may apply to the ~~commission~~ division for licensure on a form the 126053  
~~commission~~ division prescribes. The ~~commission~~ division shall 126054  
issue a license if the standards for licensure, certification, or 126055  
approval in the state in which the applicant is licensed, 126056  
certified, or approved are substantially similar to or exceed the 126057



requirements set forth in this chapter and the rules adopted 126058  
pursuant to it. The ~~commission~~ division may require the applicant 126059  
to pass the ~~commission's~~ division's licensure examination. 126060

(D) Any license issued pursuant to this section shall bear 126061  
the licensee's name and post-office address, the issue date, a 126062  
serial number the ~~commission~~ division designates, and the 126063  
signature of the ~~commission chairperson~~ or a person the ~~commission~~ 126064  
division designates pursuant to rules. 126065

(E) A manufactured housing ~~installers~~ installer license 126066  
expires two years after it is issued. The ~~commission~~ division of 126067  
industrial compliance shall renew a license if the applicant does 126068  
all of the following: 126069

(1) Meets the requirements of division (A) of this section; 126070

(2) Demonstrates compliance with the requirements of this 126071  
chapter and the rules adopted pursuant to it; 126072

(3) Meets the ~~commission's~~ division's continuing education 126073  
requirements. 126074

(F) No manufactured housing ~~installer's~~ installer license may 126075  
be transferred to another person. 126076

**Sec. 4781.09.** (A) The ~~manufactured homes commission~~ division 126077  
of industrial compliance may deny, suspend, revoke, or refuse to 126078  
renew the license of any manufactured home installer for any of 126079  
the following reasons: 126080

(1) Failure to satisfy the requirements of section 4781.08 or 126081  
4781.10 of the Revised Code; 126082

(2) Violation of this chapter or any rule adopted pursuant to 126083  
it; 126084

(3) Making a material misstatement in an application for a 126085  
license; 126086

(4) Installing manufactured housing without a license or without being under the supervision of a licensed manufactured housing installer;	126087 126088 126089
(5) Failure to appear for a hearing before the <del>commission</del> <u>division</u> or to comply with any final adjudication order of the <del>commission</del> <u>division</u> issued pursuant to this chapter;	126090 126091 126092
(6) Conviction of a felony or a crime involving moral turpitude;	126093 126094
(7) Having had a license revoked, suspended, or denied by the <del>commission</del> <u>division</u> during the preceding two years;	126095 126096
(8) Having had a license revoked, suspended, or denied by another state or jurisdiction during the preceding two years;	126097 126098
(9) Engaging in conduct in another state or jurisdiction that would violate this chapter if committed in this state.	126099 126100
(10) Failing to provide written notification of an installation pursuant to division (D) of section 4781.11 of the Revised Code to a county treasurer or county auditor.	126101 126102 126103
(B)(1) Any person whose license or license application is revoked, suspended, denied, or not renewed or upon whom a civil penalty is imposed may request an adjudication hearing on the matter within thirty days after receipt of the notice of the action. The hearing shall be held in accordance with Chapter 119. of the Revised Code.	126104 126105 126106 126107 126108 126109
(2) Any licensee or applicant may appeal an order made pursuant to an adjudication hearing in the manner provided in section 119.12 of the Revised Code.	126110 126111 126112
(C) A person whose license is suspended, revoked, or not renewed may apply for a new license two years after the date on which the license was suspended, revoked, or not renewed.	126113 126114 126115

Sec. 4781.10. (A) The ~~manufactured homes commission~~ division 126116  
of industrial compliance may establish programs and requirements 126117  
for continuing education for manufactured housing installers. The 126118  
~~commission~~ division shall not require licensees to complete more 126119  
than eight credit hours of continuing education during each 126120  
license period. If the ~~commission~~ division establishes a program 126121  
of continuing education, it shall require that only courses that 126122  
the ~~commission~~ division preapproves be accepted for licensure 126123  
credit, and unless an extension is granted pursuant to division 126124  
(D) of this section, that all credit hours be successfully 126125  
completed prior to the expiration of the installer's license. 126126

(B) To provide the resources to administer continuing 126127  
education programs, the ~~commission~~ division may establish 126128  
nonrefundable fees, including any of the following: 126129

(1) An application fee not to exceed one hundred fifty 126130  
dollars charged to the sponsor of each proposed course; 126131

(2) A renewal fee not to exceed seventy-five dollars, charged 126132  
to the sponsor of each course, for the annual renewal of course 126133  
approval; 126134

(3) A course fee charged to the sponsor of each course 126135  
offered, not to exceed five dollars per credit hour, for each 126136  
person completing an approved course; 126137

(4) A student fee charged to licensees, not to exceed fifty 126138  
dollars, for each course or activity a student submits to the 126139  
~~commission~~ division for approval. 126140

(C) The ~~commission~~ division may adopt reasonable rules not 126141  
inconsistent with this chapter to carry out any continuing 126142  
education program, including rules that govern the following: 126143

(1) The content and subject matter of continuing education 126144  
courses; 126145

(2) The criteria, standards, and procedures for the approval of courses, course sponsors, and course instructors;	126146
(3) The methods of instruction;	126148
(4) The computation of course credit;	126149
(5) The ability to carry forward course credit from one year to another;	126150
(6) Conditions under which the <del>commission</del> <u>division</u> may grant a waiver or variance from continuing education requirements on the basis of hardship or other reasons;	126152
(7) Procedures for compliance with the continuing education requirements and sanctions for noncompliance.	126155
(D) The <del>commission</del> <u>division</u> shall not renew the license of any person who fails to satisfy any continuing education requirement that the <del>commission</del> <u>division</u> establishes. The <del>commission</del> <u>division</u> may, for good cause, grant an extension of time to comply with the continuing education requirements. Any installer who is granted an extension and completes the continuing education requirements within the time the <del>commission</del> <u>division</u> establishes is deemed in compliance with the education requirements. The license of any person who is granted an extension shall remain in effect during the period of the extension.	126157
<b>Sec. 4781.11.</b> (A)(1) Except as provided in division (B) of this section, no person shall install manufactured housing unless that person is licensed as a manufactured housing installer pursuant to this chapter or unless a licensed manufactured housing installer is present during the installation and supervises the person who is not licensed.	126168
(2) A licensed manufactured housing installer who supervises the work of an unlicensed person is responsible for all	126174

installation work that the unlicensed person performs under the 126176  
licensed person's supervision. 126177

(3) A person who is not a licensed manufactured housing 126178  
installer may perform foundation or base support system 126179  
construction if supervised by a licensed installer. The licensed 126180  
installer need not be present during the construction of the 126181  
foundation or base support system but is responsible for the 126182  
construction of the foundation or base support system. 126183

(B)(1) Nothing in this chapter requires a person to obtain a 126184  
manufactured housing installer license to install manufactured 126185  
housing for the person's own occupancy if the manufactured housing 126186  
is located on property that the person owns and is not located in 126187  
a manufactured home park. 126188

(2) A person who installs manufactured housing in the manner 126189  
described in division (B)(1) of this section is not entitled to 126190  
claim any right or remedy or to bring a cause of action under this 126191  
chapter. 126192

(C) No person shall install any manufactured housing 126193  
foundation or manufactured housing support system unless that 126194  
foundation or support system complies with the standards the 126195  
~~manufactured homes commission~~ division of industrial compliance 126196  
establishes and receives all approvals and inspections that the 126197  
~~commission~~ division requires. 126198

(D) Within fourteen days after the installation, a 126199  
manufactured housing installer who performs or supervises a 126200  
manufactured housing installation shall provide to both the 126201  
treasurer and the auditor of the county in which the installation 126202  
is being performed a written notice containing all of the 126203  
following information: 126204

(1) The address or location of the installation; 126205

(2) The date of the installation; 126206

(3) The make and model of the installed manufactured housing unit;	126207 126208
(4) The name of the owner of the installed manufactured housing unit.	126209 126210
(E) It is a violation of this chapter to do any of the following:	126211 126212
(1) Represent another person's license as a manufactured housing installer as one's own;	126213 126214
(2) Intentionally give false or materially misleading information of any kind to the <del>commission or to a commission member</del> <u>division of industrial compliance</u> in connection with licensing matters;	126215 126216 126217 126218
(3) Impersonate another manufactured housing installer;	126219
(4) Use an expired, suspended, or revoked license.	126220
<b>Sec. 4781.12.</b> (A) The <del>manufactured homes commission</del> <u>division of industrial compliance</u> may apply to an appropriate court to enjoin any violation of this chapter or the rules adopted pursuant to it. The court shall grant any appropriate relief, including an injunction, restraining order, or any combination thereof, upon a showing that a person has violated or is about to violate this chapter or a rule adopted pursuant to it.	126221 126222 126223 126224 126225 126226 126227
(B) The prosecuting attorney of a county, a city director of law, or the attorney general may, upon the complaint of the <del>commission</del> <u>division</u> , prosecute to termination or bring an action for injunction against any person violating this chapter or the rules adopted pursuant to it.	126228 126229 126230 126231 126232
(C) Any other party adversely affected by an order of the <del>commission</del> <u>division</u> may appeal the order to the court of common pleas of the county in which the party adversely affected is a resident or has a place of business, except that if that party is	126233 126234 126235 126236

not a resident of this state and has no place of business in this 126237  
state, the party shall appeal to the court of common pleas in 126238  
Franklin county. 126239

**Sec. 4781.121.** (A) The ~~manufactured homes commission~~ division 126240  
of industrial compliance, pursuant to section 4781.04 of the 126241  
Revised Code, may investigate any person who allegedly has 126242  
committed a violation. If, after an investigation the ~~commission~~ 126243  
division determines that reasonable evidence exists that a person 126244  
has committed a violation, within seven days after that 126245  
determination, the ~~commission~~ division shall send a written notice 126246  
to that person in the same manner as prescribed in section 119.07 126247  
of the Revised Code for licensees, except that the notice shall 126248  
specify that a hearing will be held and specify the date, time, 126249  
and place of the hearing. 126250

(B) The ~~commission~~ division of industrial compliance shall 126251  
hold a hearing regarding the alleged violation in the same manner 126252  
prescribed for an adjudication hearing under section 119.09 of the 126253  
Revised Code. If the ~~commission~~ division, after the hearing, 126254  
determines that a violation has occurred, the ~~commission, upon an~~ 126255  
~~affirmative vote of five of its members,~~ division may impose a 126256  
fine not exceeding one thousand dollars per violation per day. The 126257  
~~commission's~~ division's determination is an order that the person 126258  
may appeal in accordance with section 119.12 of the Revised Code. 126259

(C) If the person who allegedly committed a violation fails 126260  
to appear for a hearing, the ~~commission~~ division of industrial 126261  
compliance may request the court of common pleas of the county 126262  
where the alleged violation occurred to compel the person to 126263  
appear before the ~~commission~~ division for a hearing. 126264

(D) If the ~~commission~~ division assesses a person a civil 126265  
penalty for a violation and the person fails to pay that civil 126266  
penalty within the time period prescribed by the ~~commission~~ 126267

division pursuant to section 131.02 of the Revised Code, the 126268  
~~commission~~ division shall forward to the attorney general the name 126269  
of the person and the amount of the civil penalty for the purpose 126270  
of collecting that civil penalty. In addition to the civil penalty 126271  
assessed pursuant to this section, the person also shall pay any 126272  
fee assessed by the attorney general for collection of the civil 126273  
penalty. 126274

(E) The authority provided to the ~~commission~~ division of 126275  
industrial compliance pursuant to this section, and any fine 126276  
imposed under this section, shall be in addition to, and not in 126277  
lieu of, all penalties and other remedies provided in this 126278  
chapter. Any fines collected pursuant to this section shall be 126279  
used solely to administer and enforce this chapter and rules 126280  
adopted under it. Any fees collected pursuant to this section 126281  
shall be transmitted to the treasurer of state and shall be 126282  
credited to the ~~manufactured homes commission regulatory~~ 126283  
industrial compliance operating fund created in section ~~4781.54~~ 126284  
121.084 of the Revised Code and the rules adopted thereunder. The 126285  
fees shall be used only for the purpose of administering and 126286  
enforcing sections 4781.26 to 4781.35 of the Revised Code and the 126287  
rules adopted thereunder. 126288

(F) As used in this section, "violation" means a violation of 126289  
section 4781.11, 4781.16, or 4781.27, or any rule adopted pursuant 126290  
to section 4781.04, of the Revised Code. 126291

**Sec. 4781.14.** (A) The ~~manufactured homes commission,~~ division 126292  
of industrial compliance has exclusive authority to regulate 126293  
manufactured home installers, the installation of manufactured 126294  
housing, and manufactured housing foundations and support systems 126295  
in this state. ~~By enacting this chapter, it~~ It is the intent of 126296  
the general assembly to preempt municipal corporations and other 126297  
political subdivisions from regulating and licensing manufactured 126298



housing installers and regulating and inspecting the installation 126299  
of manufactured housing and manufactured housing foundations and 126300  
support systems. 126301

(B) The ~~manufactured homes commission~~ division has exclusive 126302  
power to adopt rules of uniform application throughout the state 126303  
governing installation of manufactured housing, the inspection of 126304  
manufactured housing foundations and support systems, the 126305  
inspection of the installation of manufactured housing, the 126306  
training and licensing of manufactured housing installers, and the 126307  
investigation of complaints concerning manufactured housing 126308  
installers. 126309

(C) The rules the ~~commission~~ division adopts pursuant to this 126310  
chapter are the exclusive rules governing the installation of 126311  
manufactured housing, the design, construction, and approval of 126312  
foundations for manufactured housing, the licensure of 126313  
manufactured home installers, and the fees charged for licensure 126314  
of manufactured home installers. No political subdivision of the 126315  
state or any department or agency of the state may establish any 126316  
other standards governing the installation of manufactured 126317  
housing, manufactured housing foundations and support systems, the 126318  
licensure of manufactured housing installers, or fees charged for 126319  
the licensure of manufactured housing installers. 126320

(D) Nothing in this section limits the authority of the 126321  
attorney general to enforce Chapter 1345. of the Revised Code or 126322  
to take any action permitted by the Revised Code against 126323  
manufactured housing installers, retailers, or manufacturers. 126324

**Sec. 4781.17.** (A) Each person applying for a manufactured 126325  
housing dealer's license or manufactured housing broker's license 126326  
shall complete and deliver to the ~~manufactured homes commission~~ 126327  
department of commerce, division of real estate, before the first 126328

day of April, a separate application for license for each county 126329  
in which the business of selling or brokering manufactured or 126330  
mobile homes is to be conducted. The application shall be in the 126331  
form prescribed by the ~~commission~~ division of real estate and 126332  
accompanied by the fee established by the ~~commission~~ division of 126333  
real estate. The applicant shall sign and swear to the application 126334  
that shall include all of the following: 126335

(1) Name of applicant and location of principal place of 126336  
business; 126337

(2) Name or style under which business is to be conducted 126338  
and, if a corporation, the state of incorporation; 126339

(3) Name and address of each owner or partner and, if a 126340  
corporation, the names of the officers and directors; 126341

(4) The county in which the business is to be conducted and 126342  
the address of each place of business therein; 126343

(5) A statement of the previous history, record, and 126344  
association of the applicant and of each owner, partner, officer, 126345  
and director, that is sufficient to establish to the satisfaction 126346  
of the ~~commission~~ division of real estate the reputation in 126347  
business of the applicant; 126348

(6) A statement showing whether the applicant has previously 126349  
applied for a manufactured housing dealer's license, manufactured 126350  
housing broker's license, manufactured housing salesperson's 126351  
license, or, prior to July 1, 2010, a motor vehicle dealer's 126352  
license, manufactured home broker's license, or motor vehicle 126353  
salesperson's license, and the result of the application, and 126354  
whether the applicant has ever been the holder of any such license 126355  
that was revoked or suspended; 126356

(7) If the applicant is a corporation or partnership, a 126357  
statement showing whether any partner, employee, officer, or 126358

director has been refused a manufactured housing dealer's license, 126359  
manufactured housing broker's license, manufactured housing 126360  
salesperson's license, or, prior to July 1, 2010, a motor vehicle 126361  
dealer's license, manufactured home broker's license, or motor 126362  
vehicle salesperson's license, or has been the holder of any such 126363  
license that was revoked or suspended; 126364

(8) Any other information required by the ~~commission~~ division 126365  
of real estate. 126366

(B) Each person applying for a manufactured housing 126367  
salesperson's license shall complete and deliver to the 126368  
~~manufactured homes commission~~ division of real estate before the 126369  
first day of July an application for license. The application 126370  
shall be in the form prescribed by the ~~commission~~ division of real 126371  
estate and shall be accompanied by the fee established by the 126372  
~~commission~~ division. The applicant shall sign and swear to the 126373  
application that shall include all of the following: 126374

(1) Name and post-office address of the applicant; 126375

(2) Name and post-office address of the manufactured housing 126376  
dealer or manufactured housing broker for whom the applicant 126377  
intends to act as salesperson; 126378

(3) A statement of the applicant's previous history, record, 126379  
and association, that is sufficient to establish to the 126380  
satisfaction of the ~~commission~~ division of real estate the 126381  
applicant's reputation in business; 126382

(4) A statement as to whether the applicant intends to engage 126383  
in any occupation or business other than that of a manufactured 126384  
housing salesperson; 126385

(5) A statement as to whether the applicant has ever had any 126386  
previous application for a manufactured housing salesperson 126387  
license refused or, prior to July 1, 2010, any application for a 126388  
motor vehicle salesperson license refused, and whether the 126389

applicant has previously had a manufactured housing salesperson or 126390  
motor vehicle salesperson license revoked or suspended; 126391

(6) A statement as to whether the applicant was an employee 126392  
of or salesperson for a manufactured housing dealer or 126393  
manufactured housing broker whose license was suspended or 126394  
revoked; 126395

(7) A statement of the manufactured housing dealer or 126396  
manufactured housing broker named therein, designating the 126397  
applicant as the dealer's or broker's salesperson; 126398

(8) Any other information required by the ~~commission~~ division 126399  
of real estate. 126400

(C) Any application for a manufactured housing dealer or 126401  
manufactured housing broker delivered to the ~~commission~~ division 126402  
of real estate under this section also shall be accompanied by a 126403  
photograph, as prescribed by the ~~commission~~ division, of each 126404  
place of business operated, or to be operated, by the applicant. 126405

(D) The ~~manufactured homes commission~~ division of real estate 126406  
shall deposit all license fees into the state treasury to the 126407  
credit of the ~~occupational licensing and~~ manufactured homes 126408  
regulatory fund. 126409

**Sec. 4781.18.** (A) The ~~manufactured homes commission~~ division 126410  
of real estate shall deny the application of any person for a 126411  
license as a manufactured housing dealer or manufactured housing 126412  
broker and refuse to issue the license if the ~~commission~~ division 126413  
finds that any of the following is true of the applicant: 126414

(1) The applicant has made any false statement of a material 126415  
fact in the application. 126416

(2) The applicant has not complied with this chapter or the 126417  
rules adopted by the ~~commission~~ division of real estate under this 126418  
chapter. 126419

(3) The applicant is of bad business repute or has habitually defaulted on financial obligations. 126420  
126421

(4) The applicant has been guilty of a fraudulent act in connection with selling or otherwise dealing in manufactured housing or in connection with brokering manufactured housing. 126422  
126423  
126424

(5) The applicant has entered into or is about to enter into a contract or agreement with a manufacturer or distributor of manufactured homes that is contrary to the requirements of this chapter. 126425  
126426  
126427  
126428

(6) The applicant is insolvent. 126429

(7) The applicant is of insufficient responsibility to ensure the prompt payment of any final judgments that might reasonably be entered against the applicant because of the transaction of business as a manufactured housing dealer or manufactured housing broker during the period of the license applied for, or has failed to satisfy any such judgment. 126430  
126431  
126432  
126433  
126434  
126435

(8) The applicant has no established place of business that, where applicable, is used or will be used for the purpose of selling, displaying, offering for sale or dealing in manufactured housing at the location for which application is made. 126436  
126437  
126438  
126439

(9) Within less than twelve months prior to making application, the applicant has been denied a manufactured housing dealer's license or manufactured housing broker's license, or has any such license revoked. 126440  
126441  
126442  
126443

(B) The ~~commission~~ division of real estate shall deny the application of any person for a license as a salesperson and refuse to issue the license if the ~~commission~~ division finds that any of the following is true of the applicant: 126444  
126445  
126446  
126447

(1) The applicant has made any false statement of a material fact in the application. 126448  
126449

(2) The applicant has not complied with this chapter or the rules adopted by the ~~commission~~ division of real estate under this chapter.

(3) The applicant is of bad business repute or has habitually defaulted on financial obligations.

(4) The applicant has been guilty of a fraudulent act in connection with selling or otherwise dealing in manufactured housing.

(5) The applicant has not been designated to act as salesperson for a manufactured housing dealer or manufactured housing broker licensed to do business in this state under this chapter, or intends to act as salesperson for more than one licensed manufactured housing dealer or manufactured housing broker at the same time, unless the licensed dealership is owned or operated by the same corporation, regardless of the county in which the dealership's facility is located.

(6) The applicant holds a current manufactured housing dealer's or manufactured housing broker's license issued under this chapter, and intends to act as salesperson for another licensed manufactured housing dealer or manufactured housing broker.

(7) Within less than twelve months prior to making application, the applicant has been denied a salesperson's license or had a salesperson's license revoked.

(8) The applicant was salesperson for, or in the employ of, a manufactured housing dealer or manufactured housing broker at the time the dealer's or broker's license was revoked.

(C) If an applicant for a manufactured housing dealer or manufactured housing broker's license is a corporation or partnership, the ~~commission~~ division of real estate may refuse to issue a license if any officer, director, or partner of the

applicant has been guilty of any act or omission that would be 126481  
cause for refusing or revoking a license issued to such officer, 126482  
director, or partner as an individual. The ~~commission's~~ division's 126483  
finding may be based upon facts contained in the application or 126484  
upon any other information the ~~commission~~ division of real estate 126485  
may have. 126486

(D) Notwithstanding division (A)(4) of this section, the 126487  
~~commission~~ division of real estate shall not deny the application 126488  
of any person and refuse to issue a license if the ~~commission~~ 126489  
division finds that the applicant is engaged or will engage in the 126490  
business of selling at retail any new manufactured homes and 126491  
demonstrates that the applicant has posted a bond, surety, or 126492  
certificate of deposit with the ~~commission~~ division of real estate 126493  
in an amount not less than one hundred thousand dollars for the 126494  
protection and benefit of the applicant's customers. 126495

(E) A decision made by the ~~commission~~ division of real estate 126496  
under this section may be based upon any statement contained in 126497  
the application or upon any facts within the ~~commission's~~ 126498  
division's knowledge. 126499

(F) Immediately upon denying an application for any of the 126500  
reasons in this section, the ~~commission~~ division of real estate 126501  
shall enter a final order together with the ~~commission's~~ 126502  
division's findings. If the application is denied by the ~~executive~~ 126503  
~~director of the commission under authority of section 4781.05 of~~ 126504  
~~the Revised Code~~ division of real estate, the ~~executive director~~ 126505  
division of real estate shall enter a final order ~~together with~~ 126506  
~~the director's findings and certify the same to the commission.~~ 126507  
The ~~commission~~ and shall issue to the applicant a written notice 126508  
of refusal to grant a license that shall disclose the reason for 126509  
refusal. 126510

**Sec. 4781.19.** (A) At the time the ~~manufactured homes~~ 126511

~~commission~~ division of real estate grants the application of any 126512  
person for a license as a manufactured housing dealer, 126513  
manufactured housing broker, or manufactured housing salesperson, 126514  
the ~~commission~~ division shall issue to the person a license that 126515  
includes the name and ~~post-office~~ business and mailing address of 126516  
the person licensed. If a manufactured housing dealer or 126517  
manufactured housing broker has more than one place of business in 126518  
a county, the dealer or broker shall make application, in such 126519  
form as the ~~commission~~ division prescribes, for a certified copy 126520  
of the license issued to the dealer or broker for each place of 126521  
business in the county. 126522

(B) The ~~commission~~ division of real estate may require each 126523  
applicant for a manufactured housing dealer's license, 126524  
manufactured housing broker's license, and manufactured housing 126525  
salesperson's license issued under this chapter to pay an 126526  
additional fee, which shall be used by the ~~commission~~ division to 126527  
pay the costs of obtaining a record of any arrests and convictions 126528  
of the applicant from the bureau of identification and 126529  
investigation. The amount of the fee shall be equal to that paid 126530  
by the ~~commission~~ division to obtain such record. 126531

(C) In the event of the loss, mutilation, or destruction of a 126532  
manufactured housing dealer's license, manufactured housing 126533  
broker's license, or manufactured housing salesperson's license, 126534  
any licensee may make application to the ~~commission~~ division of 126535  
real estate, in the form prescribed by the ~~commission~~ division, 126536  
for a duplicate copy thereof and pay a fee established by the 126537  
~~commission~~ division of real estate. 126538

(D) All manufactured housing dealers' licenses, all 126539  
manufactured housing brokers' licenses, and all manufactured 126540  
housing salespersons' licenses issued or renewed shall expire 126541  
biennially on a day within the two-year cycle that is prescribed 126542



by the ~~manufactured homes commission~~ division of real estate, 126543  
unless sooner suspended or revoked. Before the first day after the 126544  
day prescribed by the ~~commission~~ division in the year that the 126545  
license expires, each licensed manufactured housing dealer, 126546  
manufactured housing broker, and manufactured housing salesperson, 126547  
in the year in which the license will expire, shall file an 126548  
application, in such form as the ~~commission~~ division of real 126549  
estate prescribes, for the renewal of such license. The fee 126550  
required by this section for the original license shall accompany 126551  
the application. 126552

(E) Each manufactured housing dealer and manufactured housing 126553  
broker shall keep the license or a certified copy thereof and a 126554  
current list of the dealer's or the broker's licensed 126555  
salespersons, showing the names, addresses, and serial numbers of 126556  
their licenses, posted in a conspicuous place in each place of 126557  
business. Each salesperson shall carry the salesperson's license 126558  
or a certified copy thereof and shall exhibit such license or copy 126559  
upon demand to any inspector of the ~~commission~~ division of real 126560  
estate, state highway patrol trooper, police officer, or person 126561  
with whom the salesperson seeks to transact business as a 126562  
manufactured housing salesperson. 126563

**Sec. 4781.20.** The applications for licenses submitted under 126564  
section 4781.17 of the Revised Code are not part of the public 126565  
records but are confidential information for the use of the 126566  
~~manufactured homes commission~~ division of real estate. No person 126567  
shall divulge any information contained in such applications and 126568  
acquired by the person in the person's capacity as an official or 126569  
employee of the ~~manufactured homes commission~~ division of real 126570  
estate, except in a report to the ~~commission~~ division, or when 126571  
called upon to testify in any court or proceeding. 126572

**Sec. 4781.21.** (A) The ~~manufactured homes commission~~ division 126573

of real estate may make rules governing ~~its~~ actions relative to 126574  
the suspension and revocation of manufactured housing dealers', 126575  
manufactured housing brokers', and manufactured housing 126576  
salespersons' licenses, and may, upon its own motion, and shall, 126577  
upon the verified complaint in writing of any person, investigate 126578  
the conduct of any licensee under this chapter. The ~~commission~~ 126579  
division shall suspend, revoke, or refuse to renew any 126580  
manufactured housing dealer's, manufactured housing broker's, or 126581  
manufactured housing salesperson's license, if any ground existed 126582  
upon which the license might have been refused, or if a ground 126583  
exists that would be cause for refusal to issue a license. 126584

The ~~commission~~ division of real estate may suspend or revoke 126585  
any license if the licensee has in any manner violated the rules 126586  
adopted by the ~~commission~~ division under this chapter, or has been 126587  
convicted of committing a felony or violating any law that in any 126588  
way relates to the selling, taxing, licensing, or regulation of 126589  
sales of manufactured or mobile homes. 126590

(B) Any salesperson's license shall be suspended upon the 126591  
termination, suspension, or revocation of the license of the 126592  
manufactured housing dealer or manufactured housing broker for 126593  
whom the salesperson is acting, or upon the salesperson leaving 126594  
the service of the manufactured housing dealer or manufactured 126595  
housing broker. Upon the termination, suspension, or revocation of 126596  
the license of the manufactured housing dealer or manufactured 126597  
housing broker for whom the salesperson is acting, or upon the 126598  
salesperson leaving the service of a licensed manufactured housing 126599  
or manufactured housing broker, the licensed salesperson may make 126600  
application to the ~~commission~~ division of real estate, in such 126601  
form as the ~~commission~~ division prescribes, to have the 126602  
salesperson's license reinstated, transferred, and registered as a 126603  
salesperson for another dealer or broker. If the information 126604  
contained in the application is satisfactory to the ~~commission~~ 126605

division of real estate, the ~~commission~~ division shall reinstate, 126606  
transfer, or register the salesperson's license as a salesperson 126607  
for other dealer or broker. The ~~commission~~ division shall 126608  
establish the fee for the reinstatement and transfer of license. 126609  
No license issued to a dealer, broker, or salesperson under this 126610  
chapter may be transferred to any other person. 126611

(C) Any person whose manufactured housing dealer's license, 126612  
manufactured housing broker's license, or manufactured housing 126613  
salesperson's license is revoked, suspended, denied, or not 126614  
renewed may request an adjudication hearing on the matter within 126615  
thirty days after receipt of the notice of the action. If no 126616  
appeal is taken within thirty days after receipt of the order, the 126617  
order is final and conclusive. All appeals must be by petition in 126618  
writing and verified under oath by the applicant whose application 126619  
for license has been revoked, suspended, denied, or not renewed 126620  
and must set forth the reason for the appeal and the reason why, 126621  
in the petitioner's opinion, the order is not correct. ~~In such~~ 126622  
~~appeals the board may make investigation to determine the~~ 126623  
~~correctness and legality of the appealed order.~~ The hearing shall 126624  
be held in accordance with Chapter 119. of the Revised Code. 126625

**Sec. 4781.22.** No manufactured housing dealer licensed under 126626  
this chapter shall do any of the following: 126627

(A) Directly or indirectly, solicit the sale of a 126628  
manufactured home or mobile home through an interested person 126629  
other than a salesperson licensed in the employ of a licensed 126630  
dealer; 126631

(B) Pay any commission or compensation in any form to any 126632  
person in connection with the sale of a manufactured home or 126633  
mobile home unless the person is licensed as a salesperson in the 126634  
employ of the dealer; 126635

(C) Fail to immediately notify the ~~manufactured homes~~ 126636

~~commission~~ division of real estate upon termination of the 126637  
employment of any person licensed as a salesperson to sell, 126638  
display, offer for sale, or deal in manufactured homes or mobile 126639  
homes for the dealer. 126640

**Sec. 4781.23.** (A) Each licensed manufactured housing dealer 126641  
and manufactured housing broker shall notify the ~~manufactured~~ 126642  
~~homes~~ commission division of real estate of any change in status 126643  
as a manufactured housing dealer or manufactured housing broker 126644  
during the period for which the dealer or broker is licensed, if 126645  
the change of status concerns either of the following: 126646

(1) Personnel of owners, partners, officers, or directors; 126647

(2) Location of an office or principal place of business. 126648

(B) The notification required by division (A) of this section 126649  
shall be made by filing with the ~~commission~~ division of real 126650  
estate, within fifteen days after the change of status, a 126651  
supplemental statement in a form prescribed by the ~~commission~~ 126652  
division of real estate showing in what respect the status has 126653  
been changed. 126654

The ~~commission~~ division of real estate may adopt a rule 126655  
exempting from the notification requirement of division (A)(1) of 126656  
this section any dealer if stock in the dealer or its parent 126657  
company is publicly traded and if there are public records filed 126658  
with and in the possession of state or federal agencies that 126659  
provide the information required by division (A)(1) of this 126660  
section. 126661

**Sec. 4781.25.** The ~~manufactured homes~~ commission division of 126662  
real estate shall adopt rules for the regulation of manufactured 126663  
housing brokers in accordance with Chapter 119. of the Revised 126664  
Code. The rules shall require that a manufactured housing broker 126665  
maintain a bond of a surety company authorized to transact 126666

business in this state in an amount determined by the ~~commission~~ 126667  
division of real estate. The rules also shall require each person 126668  
licensed as a manufactured housing broker to maintain at all times 126669  
a special or trust bank account that is noninterest-bearing, is 126670  
separate and distinct from any personal or other account of the 126671  
broker, and into which shall be deposited and maintained all 126672  
escrow funds, security deposits, and other moneys received by the 126673  
broker in a fiduciary capacity. In a form determined by the 126674  
~~commission~~ division, a manufactured housing broker shall submit 126675  
written proof to the ~~commission~~ division of the continued 126676  
maintenance of the special or trust account. A depository where 126677  
special or trust accounts are maintained in accordance with this 126678  
section shall be located in this state. 126679

**Sec. 4781.26.** (A) The ~~manufactured homes commission~~ division 126680  
of industrial compliance, subject to Chapter 119. of the Revised 126681  
Code, shall adopt, and has the exclusive power to adopt, rules of 126682  
uniform application throughout the state governing the review of 126683  
plans, issuance of flood plain management permits, and issuance of 126684  
licenses for manufactured home parks; the location, layout, 126685  
density, construction, drainage, sanitation, safety, and operation 126686  
of those parks; and notices of flood events concerning, and flood 126687  
protection at, those parks. The rules pertaining to flood plain 126688  
management shall be consistent with and not less stringent than 126689  
the flood plain management criteria of the national flood 126690  
insurance program adopted under the "National Flood Insurance Act 126691  
of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended. The rules 126692  
shall not apply to the construction, erection, or manufacture of 126693  
any building to which section 3781.06 of the Revised Code is 126694  
applicable. 126695

(B) The rules pertaining to manufactured home parks 126696  
constructed after June 30, 1971, shall specify that each home must 126697

be placed on its lot to provide not less than fifteen feet between 126698  
the side of one home and the side of another home, ten feet 126699  
between the end of one home and the side of another home, and five 126700  
feet between the ends of two homes placed end to end. 126701

(C) The ~~manufactured homes commission~~ division of industrial 126702  
compliance shall determine compliance with the installation, 126703  
blocking, tiedown, foundation, and base support system standards 126704  
for manufactured housing located in manufactured home parks 126705  
adopted by the ~~commission~~ division pursuant to section 4781.04 of 126706  
the Revised Code. All inspections of the installation, blocking, 126707  
tiedown, foundation, and base support systems of manufactured 126708  
housing in a manufactured home park that the ~~commission~~ division 126709  
of industrial compliance conducts shall be conducted by a person 126710  
the ~~manufactured homes commission~~ division of industrial 126711  
compliance certifies pursuant to section 4781.07 of the Revised 126712  
Code. 126713

(D) The ~~manufactured homes commission~~ division of industrial 126714  
compliance may enter into contracts for the purpose of fulfilling 126715  
the ~~commission's~~ division of industrial compliance's annual 126716  
inspection responsibilities for manufactured home parks under this 126717  
chapter. Boards of health of city or general health districts 126718  
shall have the right of first refusal for those contracts. 126719

**Sec. 4781.27.** (A)(1) On or after the first day of December, 126720  
but before the first day of January of the next year, every person 126721  
who intends to operate a manufactured home park shall procure a 126722  
license to operate the park for the next year from the 126723  
~~manufactured homes commission~~ division of industrial compliance. 126724  
If the applicable license fee prescribed under section 4781.28 of 126725  
the Revised Code is not received by the ~~commission~~ division by the 126726  
close of business on the last day of December, the applicant for 126727  
the license shall pay a penalty equal to twenty-five per cent of 126728

the applicable license fee. The penalty shall accompany the 126729  
license fee. If the last day of December is not a business day, 126730  
the penalty attaches upon the close of business on the next 126731  
business day. 126732

(2) No manufactured home park shall be maintained or operated 126733  
in this state without a license. 126734

(3) No person who has received a license, upon the sale or 126735  
disposition of the manufactured home park, may have the license 126736  
transferred to the new operator. A person shall obtain a separate 126737  
license to operate each manufactured home park. 126738

(B) Before a license is initially issued and annually 126739  
thereafter, or more often if necessary, the ~~commission~~ division of 126740  
industrial compliance shall cause each manufactured home park to 126741  
be inspected for compliance with sections 4781.26 to 4781.35 of 126742  
the Revised Code and the rules adopted under those sections. A 126743  
record shall be made of each inspection on a form prescribed by 126744  
the ~~commission~~ division. 126745

(C) Each person applying for an initial license to operate a 126746  
manufactured home park shall provide acceptable proof to the 126747  
~~commission~~ division of industrial compliance that adequate fire 126748  
protection will be provided and that applicable fire codes will be 126749  
adhered to in the construction and operation of the park. 126750

**Sec. 4781.28.** The ~~manufactured homes commission~~ division of 126751  
industrial compliance may charge a fee for an annual license to 126752  
operate a manufactured home park. The fee for a license shall be 126753  
determined in accordance with section 4781.27 of the Revised Code 126754  
and shall include the cost of licensing and all inspections. 126755

Any fees collected shall be transmitted to the treasurer of 126756  
state and shall be credited to the ~~manufactured homes commission~~ 126757  
~~regulatory~~ industrial compliance operating fund created in section 126758

4781.54 121.084 of the Revised Code and used only for the purpose 126759  
of administering and enforcing sections 4781.26 to 4781.35 of the 126760  
Revised Code and the rules adopted thereunder. 126761

**Sec. 4781.29.** The ~~manufactured homes commission~~ division of 126762  
industrial compliance may refuse to grant, may suspend, or may 126763  
revoke any license granted to any person for failure to comply 126764  
with sections 4781.26 to 4781.35 of the Revised Code or with any 126765  
rule adopted under section 4781.26 of the Revised Code. 126766

**Sec. 4781.31.** (A) No person shall cause development to occur 126767  
within any portion of a manufactured home park until the plans for 126768  
the development have been submitted to and reviewed and approved 126769  
by the ~~manufactured homes commission~~ division of industrial 126770  
compliance. This division does not require that plans be submitted 126771  
to the ~~commission~~ division of industrial compliance for approval 126772  
for the replacement of manufactured or mobile homes on previously 126773  
approved lots in a manufactured home park when no development is 126774  
to occur in connection with the replacement. Within thirty days 126775  
after receipt of the plans, all supporting documents and materials 126776  
required to complete the review, and the applicable plan review 126777  
fee established under division (D) of this section, the ~~commission~~ 126778  
division of industrial compliance shall approve or disapprove the 126779  
plans. 126780

(B) Any person aggrieved by the ~~commission's~~ division's 126781  
disapproval of a set of plans under division (A) of this section 126782  
may request a hearing on the matter within thirty days after 126783  
receipt of the ~~commission's~~ division's notice of the disapproval. 126784  
The hearing shall be held in accordance with Chapter 119. of the 126785  
Revised Code. Thereafter, the disapproval may be appealed in the 126786  
manner provided in section 119.12 of the Revised Code. 126787

(C) The ~~commission~~ division of industrial compliance shall 126788



establish a system by which development occurring within a 126789  
manufactured home park is inspected or verified in accordance with 126790  
rules adopted under section 4781.26 of the Revised Code to ensure 126791  
that the development complies with the plans approved under 126792  
division (A) of this section. 126793

(D) The ~~commission~~ division of industrial compliance shall 126794  
establish fees for reviewing plans under division (A) of this 126795  
section and conducting inspections under division (C) of this 126796  
section. 126797

(E) The ~~commission~~ division of industrial compliance shall 126798  
charge the appropriate fees established under division (D) of this 126799  
section for reviewing plans under division (A) of this section and 126800  
conducting inspections under division (C) of this section. All 126801  
such plan review and inspection fees received by the ~~commission~~ 126802  
division shall be transmitted to the treasurer of state and shall 126803  
be credited to the ~~occupational licensing and regulatory~~ 126804  
industrial compliance operating fund created in section ~~4743.05~~ 126805  
121.084 of the Revised Code. Moneys so credited to the fund shall 126806  
be used only for the purpose of administering and enforcing 126807  
sections 4781.26 to 4781.35 of the Revised Code and rules adopted 126808  
under those sections. 126809

(F) Plan approvals issued under this section do not 126810  
constitute an exemption from the land use and building 126811  
requirements of the political subdivision in which the 126812  
manufactured home park is or is to be located. 126813

**Sec. 4781.32.** (A) No person shall cause development to occur 126814  
or cause the replacement of a mobile or manufactured home within 126815  
any portion of a manufactured home park that is located within a 126816  
one-hundred-year flood plain unless the person first obtains a 126817  
permit from the ~~manufactured homes commission~~ division of 126818  
industrial compliance. If the development for which a permit is 126819

required under this division is to occur on a lot where a mobile 126820  
or manufactured home is or is to be located, the owner of the home 126821  
and the operator of the manufactured home park shall jointly 126822  
obtain the permit. Each of the persons to whom a permit is jointly 126823  
issued is responsible for compliance with the provisions of the 126824  
approved permit that are applicable to that person. 126825

The ~~commission~~ division of industrial compliance shall 126826  
disapprove an application for a permit required under this 126827  
division unless the ~~commission~~ division finds that the proposed 126828  
development or replacement of a mobile or manufactured home 126829  
complies with the rules adopted under section 4781.26 of the 126830  
Revised Code. No permit is required under this division for the 126831  
construction, erection, or manufacture of any building to which 126832  
section 3781.06 of the Revised Code applies. 126833

The ~~commission~~ division of industrial compliance may suspend 126834  
or revoke a permit issued under this division for failure to 126835  
comply with the rules adopted under section 4781.26 of the Revised 126836  
Code pertaining to flood plain management or for failure to comply 126837  
with the approved permit. 126838

Any person aggrieved by the disapproval, suspension, or 126839  
revocation of a permit under this division by the ~~commission~~ 126840  
division of industrial compliance may request a hearing on the 126841  
matter within thirty days after receipt of the notice of the 126842  
disapproval, suspension, or revocation. The hearing shall be held 126843  
in accordance with Chapter 119. of the Revised Code. Thereafter, 126844  
an appeal of the disapproval, suspension, or revocation may be 126845  
taken in the manner provided in section 119.12 of the Revised 126846  
Code. 126847

(B) The ~~commission~~ division of industrial compliance shall 126848  
establish fees for the issuance of permits under division (A) of 126849  
this section and for necessary inspections conducted to determine 126850  
compliance with those permits. 126851

(C) The ~~commission~~ division of industrial compliance shall 126852  
charge the appropriate fee established under division (B) of this 126853  
section for the issuance of a permit under division (A) of this 126854  
section or for conducting any necessary inspection to determine 126855  
compliance with the permit. If the ~~commission~~ division issues such 126856  
a permit or conducts such an inspection, the fee for the permit or 126857  
inspection shall be transmitted to the treasurer of state and 126858  
shall be credited to the ~~occupational licensing and regulatory~~ 126859  
industrial compliance operating fund created in section ~~4743.05~~ 126860  
121.084 of the Revised Code. Moneys so credited to the fund shall 126861  
be used only for the purpose of administering and enforcing 126862  
sections 4781.26 to 4781.35 of the Revised Code and rules adopted 126863  
under those sections. 126864

**Sec. 4781.33.** When a flood event affects a manufactured home 126865  
park, the operator of the manufactured home park, in accordance 126866  
with rules adopted under section 4781.26 of the Revised Code, 126867  
shall notify the ~~manufactured homes commission~~ division of 126868  
industrial compliance and the board of health having jurisdiction 126869  
where the flood event occurred within forty-eight hours after the 126870  
end of the flood event. The ~~commission~~ division, after receiving 126871  
notification, shall immediately notify the board of health. 126872

After being notified of such a flood event, the board of 126873  
health shall cause an inspection to be made of the manufactured 126874  
home park named in the notice. The board of health shall issue a 126875  
report of the inspection to the ~~commission~~ division of industrial 126876  
compliance within ten days after the inspection is completed. 126877

**Sec. 4781.34.** (A) If a mobile or manufactured home that is 126878  
located in a flood plain is substantially damaged, the owner of 126879  
the home shall make all alterations, repairs, or changes to the 126880  
home, and the operator of the manufactured home park shall make 126881  
all alterations, repairs, or changes to the lot on which the home 126882

is located, that are necessary to ensure compliance with the flood plain management rules adopted under section 4781.26 of the Revised Code. Such alterations, repairs, or changes may include, without limitation, removal of the home or other structures.

No person shall fail to comply with this division.

(B) No person shall cause to be performed any alteration, repair, or change required by division (A) of this section unless the person first obtains a permit from the ~~manufactured homes commission~~ division of industrial compliance.

The ~~commission~~ division of industrial compliance shall disapprove an application for a permit required under this division unless the ~~commission~~ division finds that the proposed alteration, repair, or change complies with the rules adopted under section 4781.26 of the Revised Code. No permit is required under this division for the construction, erection, or manufacture of any building to which section 3781.06 of the Revised Code applies.

The ~~commission~~ division of industrial compliance may suspend or revoke a permit issued under this division for failure to comply with the rules adopted under section 4781.26 of the Revised Code pertaining to flood plain management or for failure to comply with the approved permit for making alterations, repairs, or changes to the lot on which the manufactured home is located.

Any person aggrieved by the disapproval, suspension, or revocation of a permit under this division by the ~~commission~~ division of industrial compliance may request a hearing on the matter within thirty days after receipt of the notice of the disapproval, suspension, or revocation. The hearing shall be held in accordance with Chapter 119. of the Revised Code. Thereafter, an appeal of the disapproval, suspension, or revocation may be taken in the manner provided in section 119.12 of the Revised Code

and for necessary inspections conducted to determine compliance 126914  
with those permits. 126915

(C) The ~~commission~~ division of industrial compliance shall 126916  
establish fees for the issuance of permits under division (B) of 126917  
this section and for necessary inspections conducted to determine 126918  
compliance with those permits for making alterations, repairs, or 126919  
changes to the lot on which the manufactured home is located. 126920

(D) The ~~commission~~ division of industrial compliance shall 126921  
charge the appropriate fee established under division (C) of this 126922  
section for the issuance of a permit under division (B) of this 126923  
section or for conducting any necessary inspection to determine 126924  
compliance with the permit. If the ~~commission~~ division of 126925  
industrial compliance issues such a permit or conducts such an 126926  
inspection, the fee for the permit or inspection shall be 126927  
transmitted to the treasurer of state and shall be credited to the 126928  
~~occupational licensing and regulatory~~ industrial compliance 126929  
operating fund created in section ~~4743.05~~ 121.084 of the Revised 126930  
Code. Moneys so credited to the fund shall be used only for the 126931  
purpose of administering and enforcing sections 4781.26 to 4781.35 126932  
of the Revised Code and rules adopted under those sections. 126933

**Sec. 4781.35.** (A) No person shall violate sections 4781.26 to 126934  
4781.35 of the Revised Code or the rules adopted thereunder. 126935

(B) The prosecuting attorney of the county, the city director 126936  
of law, or the attorney general, upon complaint of the 126937  
~~manufactured homes commission~~ division of industrial compliance, 126938  
shall prosecute to termination or bring an action for injunction 126939  
against any person violating sections 4781.26 to 4781.35 of the 126940  
Revised Code or the rules adopted thereunder. 126941

**Sec. 4781.37.** (A) Notwithstanding section 4781.36 of the 126942  
Revised Code, a park operator may bring an action under Chapter 126943

1923. of the Revised Code for possession of the premises if any of 126944  
the following applies: 126945

(1) The resident is in default in the payment of rent. 126946

(2) The violation of the applicable building, housing, 126947  
health, or safety code that the resident complained of was 126948  
primarily caused by any act or lack of reasonable care by the 126949  
resident, by any other person in the resident's household, or by 126950  
anyone on the premises with the consent of the resident. 126951

(3) The resident is holding over the resident's term. 126952

(4) The resident is in violation of rules of the ~~manufactured~~ 126953  
~~homes commission~~ division of industrial compliance adopted 126954  
pursuant to section 4781.26 of the Revised Code or rules of the 126955  
manufactured home park adopted pursuant to the rules of the 126956  
~~commission~~ division. 126957

(5) The resident has been absent from the manufactured home 126958  
park for a period of thirty consecutive days prior to the 126959  
commencement of the action, and the resident's manufactured home, 126960  
mobile home, or recreational vehicle parked in the manufactured 126961  
home park has been left unoccupied for that thirty-day period, 126962  
without notice to the park operator and without payment of rent 126963  
due under the rental agreement. 126964

(B) The maintenance of an action by the park operator under 126965  
this section does not prevent the resident from recovering damages 126966  
for any violation by the park operator of the rental agreement or 126967  
of section 4781.38 of the Revised Code. 126968

**Sec. 4781.38.** (A) A park operator who is a party to a rental 126969  
agreement shall: 126970

(1) Comply with the requirements of all applicable building, 126971  
housing, health, and safety codes which materially affect health 126972  
and safety, and comply with rules of the ~~manufactured homes~~ 126973

<del>commission</del> <u>division of industrial compliance;</u>	126974
(2) Make all repairs and do whatever is reasonably necessary to put and keep the premises in a fit and habitable condition;	126975 126976
(3) Keep all common areas of the premises in a safe and sanitary condition;	126977 126978
(4) Maintain in good and safe working order and condition all electrical and plumbing fixtures and appliances, and septic systems, sanitary and storm sewers, refuse receptacles, and well and water systems that are supplied or required to be supplied by the park operator;	126979 126980 126981 126982 126983
(5) Not abuse the right of access conferred by division (B) of section 4781.39 of the Revised Code;	126984 126985
(6) Except in the case of emergency or if it is impracticable to do so, give the resident reasonable notice of the park operator's intent to enter onto the residential premises and enter only at reasonable times. Twenty-four hours' notice shall be presumed to be a reasonable notice in the absence of evidence to the contrary.	126986 126987 126988 126989 126990 126991
(B) If the park operator violates any provision of this section, makes a lawful entry onto the residential premises in an unreasonable manner, or makes repeated demands for entry otherwise lawful which demands have the effect of harassing the resident, the resident may recover actual damages resulting from the violation, entry, or demands and injunctive relief to prevent the recurrence of the conduct, and if the resident obtains a judgment, reasonable attorneys' fees, or terminate the rental agreement.	126992 126993 126994 126995 126996 126997 126998 126999
<b>Sec. 4781.39.</b> (A) A resident who is a party to a rental agreement shall:	127000 127001
(1) Keep that part of the premises that the resident occupies and uses safe and sanitary;	127002 127003

(2) Dispose of all rubbish, garbage, and other waste in a clean, safe, and sanitary manner; 127004  
127005

(3) Comply with the requirements imposed on residents by all applicable state and local housing, health, and safety codes, rules of the ~~manufactured homes commission~~ division of industrial compliance, and rules of the manufactured home park; 127006  
127007  
127008  
127009

(4) Personally refrain, and forbid any other person who is on the premises with the resident's permission, from intentionally or negligently destroying, defacing, damaging, or removing any fixture, appliance, or other part of the residential premises; 127010  
127011  
127012  
127013

(5) Conduct self and require other persons on the premises with the resident's consent to conduct themselves in a manner that will not disturb the resident's neighbors' peaceful enjoyment of the manufactured home park. 127014  
127015  
127016  
127017

(B) The resident shall not unreasonably withhold consent for the park operator to enter the home to inspect utility connections, or enter onto the premises in order to inspect the premises, make ordinary, necessary, or agreed repairs, decorations, alterations, or improvements, deliver parcels which are too large for the resident's mail facilities, or supply necessary or agreed services. 127018  
127019  
127020  
127021  
127022  
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127024

(C) If the resident violates any provision of this section, the park operator may recover any actual damages which result from the violation and reasonable attorneys' fees. This remedy is in addition to any right of the park operator to terminate the rental agreement, to maintain an action for the possession of the premises, or injunctive relief to compel access under division (B) of this section. 127025  
127026  
127027  
127028  
127029  
127030  
127031

**Sec. 4781.45.** If a resident commits a material violation of the rules of the manufactured home park, of the ~~manufactured homes~~ 127032  
127033



~~commission~~ department of commerce division of industrial 127034  
compliance, or of applicable state and local health and safety 127035  
codes, the park operator may deliver a written notification of the 127036  
violation to the resident. The notification shall contain all of 127037  
the following: 127038

(A) A description of the violation; 127039

(B) A statement that the rental agreement will terminate upon 127040  
a date specified in the written notice not less than thirty days 127041  
after receipt of the notice unless the resident remedies the 127042  
violation; 127043

(C) A statement that the violation was material and that if a 127044  
second material violation of any park or ~~commission~~ division rule, 127045  
or any health and safety code, occurs within six months after the 127046  
date of this notice, the rental agreement will terminate 127047  
immediately; 127048

(D) A statement that a defense available to termination of 127049  
the rental agreement for two material violations of park or 127050  
~~commission~~ division rules, or of health and safety codes, is that 127051  
the park rule is unreasonable, or that the park or ~~commission~~ 127052  
division rule, or health or safety code, is not being enforced 127053  
against other manufactured home park residents, or that the two 127054  
violations were not willful and not committed in bad faith. 127055

If the resident remedies the condition described in the 127056  
notice, whether by repair, the payment of damages, or otherwise, 127057  
the rental agreement shall not terminate. The park operator may 127058  
terminate the rental agreement immediately if the resident commits 127059  
a second material violation of the park or ~~commission~~ division 127060  
rules, or of applicable state and local health and safety codes, 127061  
subject to the defense that the park rule is unreasonable, that 127062  
the park or ~~commission~~ division rule, or health or safety code, is 127063  
not being enforced against other manufactured home park residents, 127064

or that the two violations were not willful and not committed in 127065  
bad faith. 127066

Sec. 4781.54. (A) The division of real estate shall deposit 127067  
all the fees collected in the administration and enforcement 127068  
sections 4781.16 to 4781.25 of the Revised Code into the 127069  
manufactured homes regulatory fund, which is hereby created. All 127070  
money deposited into the fund shall be used to pay the operating 127071  
expenses of the division or as otherwise described in those 127072  
sections. 127073

(B) The division of industrial compliance shall deposit all 127074  
fees collected in the administration and enforcement sections of 127075  
4781.04 to 4781.14 and sections 4781.26 to 4781.35 of the Revised 127076  
Code into the industrial compliance operating fund created in 127077  
section 121.084 of the Revised Code. All money deposited into the 127078  
fund shall be used to pay the operating expenses of the division 127079  
or as otherwise described in those sections. 127080

**Section 137.11.** That existing sections 1923.02, 3781.06, 127081  
4505.181, 4781.04, 4781.06, 4781.07, 4781.08, 4781.09, 4781.10, 127082  
4781.11, 4781.12, 4781.121, 4781.14, 4781.17, 4781.18, 4781.19, 127083  
4781.20, 4781.21, 4781.22, 4781.23, 4781.25, 4781.26, 4781.27, 127084  
4781.28, 4781.29, 4781.31, 4781.32, 4781.33, 4781.34, 4781.35, 127085  
4781.37, 4781.38, 4781.39, and 4781.45 and sections 4781.02, 127086  
4781.03, 4781.05, 4781.13, 4781.54, and 4781.55 of the Revised 127087  
Code are hereby repealed. 127088

**Section 137.12.** Sections 137.10 and 137.11 of this act take 127089  
effect January 21, 2018. 127090

**Section 137.14.** (A) On January 21, 2018, the Manufactured 127091  
Homes Commission is abolished. The Department of Commerce is 127092  
successor to, assumes the obligations, and assumes the authority 127093

of the Manufactured Homes Commission. Any business commenced but 127094  
not completed by the Manufactured Homes Commission on that date 127095  
shall be completed by the Department of Commerce. Any validation, 127096  
right, cure, privilege, remedy, obligation, or liability is not 127097  
lost or impaired solely by this abolishment and shall be 127098  
administered by the Department of Commerce. Any action or 127099  
proceeding pending on the effective date of this section is not 127100  
affected by the abolishment of the Commission and shall be 127101  
prosecuted or defended in the name of the Department. In all such 127102  
actions and proceedings, the Department may be substituted as a 127103  
party upon application to the court or other tribunal. 127104

(B) The Department of Commerce shall designate the positions 127105  
and employees of the Manufactured Homes Commission, if any, to be 127106  
transferred to the Department, along with any equipment assigned 127107  
to those positions and employees. Any employee transferred to the 127108  
Department retains the employee's respective classification, 127109  
however the Department may reassign and reclassify the employee's 127110  
position and compensation as the Department determines to be in 127111  
the best interest of administration. 127112

(C) Notwithstanding section 145.297 of the Revised Code, the 127113  
Department of Commerce may, at the Department's discretion and 127114  
with approval from the Office of Budget and Management, establish 127115  
a retirement incentive plan for eligible employees of the 127116  
Manufactured Homes Commission who are members of the Public 127117  
Employees Retirement System. Any retirement incentive plan 127118  
established pursuant to this section shall remain in effect until 127119  
January 20, 2018. 127120

(D) On January 21, 2018, all equipment, assets, supplies, 127121  
records, and other property of the Manufactured Homes Commission 127122  
are transferred to the Department of Commerce. 127123

(E) All rules, orders, and determinations made or undertaken 127124

by the Manufactured Homes Commission shall continue in effect as 127125  
the rules, orders, and determinations of the Department of 127126  
Commerce until modified, rescinded, or replaced. If necessary to 127127  
ensure the integrity of the administrative code, the Director of 127128  
the Legislative Service Commission shall renumber the rules 127129  
relating to the Manufactured Homes Commission to reflect its 127130  
abolishment pursuant to this section and the transfer of duties to 127131  
the Department of Commerce pursuant to this act. Within one 127132  
hundred eighty days after the effective date of this section, the 127133  
Department of Commerce shall submit proposed rules to the Joint 127134  
Committee on Agency Rule Review addressing fees and fines 127135  
previously assessed by the Manufactured Homes Commission pursuant 127136  
to Chapter 4781. of the Revised Code and, where reasonably 127137  
possible, shall reduce the amount and frequency of collection and 127138  
assessment. 127139

**Section 137.15. MANUFACTURED HOMES COMMISSION TRANSFER TO** 127140  
**DEPARTMENT OF COMMERCE** 127141

On January 21, 2018, or as soon as possible thereafter, in 127142  
accordance with Section 137.14 of this act, the Director of Budget 127143  
and Management shall transfer the cash balance in the Manufactured 127144  
Homes Commission Regulatory Fund (Fund 5MC0) used by the 127145  
Manufactured Homes Commission to the Industrial Compliance 127146  
Operating Fund (Fund 5560) used by the Department of Commerce. 127147  
Upon completion of the transfer, Fund 5MC0 is hereby abolished. 127148  
The Director of Budget and Management shall cancel any existing 127149  
encumbrances against appropriation item 996610, Manufactured Homes 127150  
Regulation, and reestablish them against appropriation item 127151  
800615, Industrial Compliance. The reestablished amounts are 127152  
hereby appropriated. Any business commenced but not completed 127153  
under appropriation item 996610, Manufactured Homes Regulation, 127154  
shall be completed under appropriation item 800615, Industrial 127155  
Compliance. 127156

On or before March 21, 2018, the Director of the Department 127157  
of Commerce shall certify to the Director of Budget and Management 127158  
an amount of cash in the Occupational Licensing Regulatory Fund 127159  
(Fund 4K90) representing the amount of remaining receipts 127160  
deposited into the fund by reducing the revenue deposited to the 127161  
fund by the Manufactured Homes Commission from the expenditures 127162  
charged to the fund by the Manufactured Homes Commission. The 127163  
Director of Budget and Management may transfer up to the amount 127164  
certified to the Manufactured Homes Regulatory Fund (Fund 5SU0). 127165  
The Director of Budget and Management shall cancel any existing 127166  
encumbrances against appropriation item 996609, Manufactured Homes 127167  
Operating Expenses, and reestablish them against appropriation 127168  
item 800649, Manufactured Homes Regulation. The reestablished 127169  
amounts are hereby appropriated. Any business commenced but not 127170  
completed under appropriation item 996609, Manufactured Homes 127171  
Operating Expenses, shall be completed under appropriation item 127172  
800649, Manufactured Homes Regulation. Upon written request of the 127173  
Director of Commerce, the Director of Budget and Management may 127174  
transfer up to \$200,000 in cash from the Industrial Compliance 127175  
Operating Fund (Fund 5560) to the Manufactured Homes Regulatory 127176  
Fund (Fund 5SU0) in fiscal year 2018 to support the additional 127177  
regulatory and licensing functions required under Chapter 4781. of 127178  
the Revised Code. 127179

Notwithstanding any provision of law to the contrary, on and 127180  
after January 21, 2018, the Director of Budget and Management may 127181  
make budget changes necessary by Section 137.14 of this act, if 127182  
any, including administrative reorganization or program transfers. 127183  
If it is determined by the Director of Commerce that additional 127184  
appropriation is necessary in appropriation item 800615, 127185  
Industrial Compliance, or appropriation item 800649, Manufactured 127186  
Homes Regulation, to carry out the regulatory and licensing 127187  
functions required by the amendments to Chapter 4781. of the 127188  
Revised Code as enacted herein, the Director of Commerce shall 127189

certify the amount of additional appropriation needed to the 127190  
Director of Budget and Management. Upon the approval of the 127191  
Director of Budget and Management, amounts up to those certified 127192  
by the Director of Commerce are hereby appropriated. 127193

**Section 201.10.** Except as otherwise provided in this act, all 127194  
appropriation items in this act are appropriated out of any moneys 127195  
in the state treasury to the credit of the designated fund that 127196  
are not otherwise appropriated. For all appropriations made in 127197  
this act, the amounts in the first column are for fiscal year 2018 127198  
and the amounts in the second column are for fiscal year 2019. 127199  
127200

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO 127201

Dedicated Purpose Fund Group 127202

4J80 889601	CPA Education	\$	325,000	\$	325,000	127203
	Assistance					
4K90 889609	Operating Expenses	\$	1,141,957	\$	1,236,965	127204
TOTAL DPF Dedicated Purpose Fund						127205
Group						
		\$	1,466,957	\$	1,561,965	127206
TOTAL ALL BUDGET FUND GROUPS						127207
		\$	1,466,957	\$	1,561,965	127207

**Section 205.10.** ADJ ADJUTANT GENERAL 127209

General Revenue Fund 127210

GRF 745401	Ohio Military Reserve	\$	11,939	\$	11,939	127211
GRF 745404	Air National Guard	\$	1,784,474	\$	1,784,474	127212
GRF 745407	National Guard	\$	388,000	\$	388,000	127213
	Benefits					
GRF 745409	Central	\$	2,726,234	\$	2,726,234	127214
	Administration					
GRF 745499	Army National Guard	\$	3,631,421	\$	3,631,421	127215
TOTAL GRF General Revenue Fund						127216
		\$	8,542,068	\$	8,542,068	127216

Dedicated Purpose Fund Group				127217
5340	745612	Property Operations Management	\$ 900,000 \$ 900,000	127218
5360	745605	Marksmanship Activities	\$ 128,600 \$ 128,600	127219
5360	745620	Camp Perry and Buckeye Inn Operations	\$ 871,400 \$ 871,400	127220
5370	745604	Ohio National Guard Facilities Maintenance	\$ 190,000 \$ 190,000	127221
5LY0	745626	Military Medal of Distinction	\$ 5,000 \$ 5,000	127222
5U80	745613	Community Match Armories	\$ 350,000 \$ 350,000	127223
TOTAL DPF Dedicated Purpose Fund Group				127224
Federal Fund Group				127225
3420	745616	Army National Guard Service Agreement	\$ 26,202,215 \$ 26,202,215	127226
3E80	745628	Air National Guard Operations and Maintenance	\$ 16,107,196 \$ 16,107,196	127227
3R80	745603	Counter Drug Operations	\$ 15,000 \$ 15,000	127228
TOTAL FED Federal Fund Group				127229
TOTAL ALL BUDGET FUND GROUPS				127230

**Section 205.20. NATIONAL GUARD BENEFITS** 127232

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the

127233  
127234  
127235

associated programs. 127236

If necessary, in order to pay benefits in a timely manner 127237  
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 127238  
Adjutant General may request the Director of Budget and Management 127239  
transfer appropriation from any appropriation item used by the 127240  
Adjutant General to appropriation item 745407, National Guard 127241  
Benefits. Such amounts are hereby appropriated. The Adjutant 127242  
General may subsequently seek Controlling Board approval to 127243  
restore the appropriation in the appropriation item from which 127244  
such a transfer was made. 127245

For active duty members of the Ohio National Guard who died 127246  
after October 7, 2001, while performing active duty, the death 127247  
benefit, pursuant to section 5919.33 of the Revised Code, shall be 127248  
paid to the beneficiary or beneficiaries designated on the 127249  
member's Servicemembers' Group Life Insurance Policy. 127250

STATE ACTIVE DUTY COSTS 127251

Of the foregoing appropriation item 745409, Central 127252  
Administration, \$50,000 in each fiscal year shall be used for the 127253  
purpose of paying expenses related to state active duty of members 127254  
of the Ohio organized militia, in accordance with a proclamation 127255  
of the Governor. Expenses include, but are not limited to, the 127256  
cost of equipment, supplies, and services, as determined by the 127257  
Adjutant General's Department. On June 1 of each fiscal year, if 127258  
it is determined by the Adjutant General that any portion of this 127259  
\$50,000 in that fiscal year will not be used for state active duty 127260  
expenses, those amounts may be encumbered by the Adjutant General 127261  
for maintenance expenses. If before the end of that fiscal year, 127262  
state active duty expenses occur, these encumbrances should be 127263  
canceled by the Adjutant General to pay for expenses related to 127264  
state active duty. 127265

CASH TRANSFER FROM THE OHIO FEDERAL MILITARY JOBS COMMISSION 127266



FUND TO THE GENERAL REVENUE FUND 127267

On July 1, 2017, or as soon as possible thereafter, the 127268  
Director of Budget and Management shall transfer \$350,000 cash 127269  
from the Ohio Federal Military Jobs Commission Fund (Fund 5SD0) 127270  
used by the Adjutant General's Department to the General Revenue 127271  
Fund. 127272

CYBER RANGE 127273

The Adjutant General's Department, in conjunction and 127274  
collaboration with the Department of Administrative Services, the 127275  
Department of Public Safety, the Department of Higher Education, 127276  
and the Department of Education shall establish and maintain a 127277  
cyber range. The Adjutant General's Department may work with 127278  
federal agencies to assist in accomplishing this objective. The 127279  
cyber range shall: (1) provide cyber training and education to 127280  
K-12 students, higher education students, Ohio National Guardsmen, 127281  
federal employees, and state and local government employees, and 127282  
(2) provide for emergency preparedness exercises and training. The 127283  
state agencies identified in this paragraph may procure any 127284  
necessary goods and services including, but not limited to, 127285  
contracted services, hardware, networking services, maintenance 127286  
costs, and the training and management costs of a cyber range. 127287  
These state agencies shall determine the amount of funds each 127288  
agency will contribute from available funds and appropriations 127289  
enacted herein in order to establish and maintain a cyber range. 127290

**Section 207.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 127291

General Revenue Fund 127292

GRF 100413 Enterprise Data Center \$ 7,564,900 \$ 7,564,300 127293

Solutions Lease Rental

Payments

GRF 100414 MARCS Lease Rental \$ 6,764,700 \$ 6,766,800 127294

		Payments					
GRF	100415	OAKS Lease Rental	\$	15,251,600	\$	15,344,800	127295
		Payments					
GRF	100416	STARS Lease Rental	\$	8,664,100	\$	8,628,500	127296
		Payments					
GRF	100447	Administrative	\$	95,017,500	\$	88,862,900	127297
		Buildings Lease Rental					
		Bond Payments					
GRF	100452	Lean Ohio	\$	500,000	\$	500,000	127298
GRF	100456	State IT Services	\$	1,743,771	\$	1,743,771	127299
GRF	100457	Equal Opportunity	\$	2,178,704	\$	2,178,704	127300
		Services					
GRF	100459	Ohio Business Gateway	\$	3,927,621	\$	3,927,621	127301
GRF	100469	Aronoff Center	\$	270,000	\$	270,000	127302
		Building Maintenance					
GRF	100501	MARCS Fee Offset	\$	1,000,000	\$	1,000,000	127303
GRF	130321	State Agency Support	\$	18,000,000	\$	19,000,000	127304
		Services					
TOTAL GRF		General Revenue Fund	\$	160,882,896	\$	155,787,396	127305
		Dedicated Purpose Fund Group					127306
5L70	100610	Professional	\$	1,650,000	\$	1,650,000	127307
		Development					
5MV0	100662	Theater Equipment	\$	50,000	\$	50,000	127308
		Maintenance					
5NM0	100663	911 Program	\$	505,421	\$	505,421	127309
5V60	100619	Employee Educational	\$	900,000	\$	900,000	127310
		Development					
TOTAL DPF		Dedicated Purpose Fund	\$	3,105,421	\$	3,105,421	127311
		Group					
		Internal Service Activity Fund Group					127312
1120	100616	DAS Administration	\$	7,900,000	\$	7,900,000	127313
1150	100632	Central Service Agency	\$	1,227,255	\$	975,025	127314

1170	100644	General Services	\$	12,000,000	\$	12,000,000	127315
		Division - Operating					
1220	100637	Fleet Management	\$	9,750,000	\$	11,000,000	127316
1250	100622	Human Resources	\$	16,500,000	\$	16,500,000	127317
		Division - Operating					
1250	100657	Benefits Communication	\$	615,521	\$	615,521	127318
1280	100620	Office of Collective Bargaining	\$	4,100,000	\$	4,200,000	127319
1300	100606	Risk Management Reserve	\$	12,763,978	\$	12,763,978	127320
1320	100631	DAS Building Management	\$	51,384,799	\$	51,384,799	127321
1330	100607	IT Services Delivery	\$	127,132,306	\$	126,732,306	127322
1880	100649	Equal Opportunity	\$	1,219,082	\$	1,264,515	127323
		Division - Operating					
2100	100612	State Printing	\$	26,000,000	\$	26,000,000	127324
2290	100630	IT Governance	\$	33,457,000	\$	31,977,000	127325
2290	100640	Consolidated IT Purchases	\$	15,078,000	\$	15,348,000	127326
4270	100602	Investment Recovery	\$	1,662,341	\$	1,662,341	127327
4N60	100617	Major IT Purchases	\$	120,000,000	\$	120,000,000	127328
5C20	100605	MARCS Administration	\$	20,015,704	\$	21,319,640	127329
5EB0	100635	OAKS Support Organization	\$	27,500,000	\$	31,000,000	127330
5EB0	100656	OAKS Updates and Developments	\$	6,357,000	\$	6,357,000	127331
5JQ0	100658	Professionals Licensing System	\$	990,000	\$	4,234,482	127332
5KZ0	100659	Building Improvement	\$	4,391,700	\$	2,558,281	127333
5LJ0	100661	IT Development	\$	9,000,000	\$	9,000,000	127334
5PC0	100665	Enterprise Applications	\$	83,436,960	\$	85,391,790	127335
TOTAL ISA Internal Service Activity							127336

Fund Group	\$	592,481,646	\$	600,184,678	127337
Federal Fund Group					127338
3AJ0 100623 Information Technology	\$	2,487,909	\$	740,493	127339
Grants					
TOTAL FED Federal Fund Group	\$	2,487,909	\$	740,493	127340
TOTAL ALL BUDGET FUND GROUPS	\$	758,957,872	\$	759,817,988	127341

**Section 207.20. ENTERPRISE DATA CENTER SOLUTIONS LEASE RENTAL** 127343  
PAYMENTS 127344

The foregoing appropriation item 100413, Enterprise Data 127345  
Center Solutions Lease Rental Payments, shall be used for payments 127346  
during the period from July 1, 2017, through June 30, 2019, 127347  
pursuant to leases and agreements entered into under Chapter 125. 127348  
of the Revised Code, as supplemented by Section 701.10 of S.B. 310 127349  
of the 131st General Assembly, with respect to financing the costs 127350  
associated with the acquisition, development, installation, and 127351  
implementation of the Enterprise Data Center Solutions information 127352  
technology initiative. If it is determined that additional 127353  
appropriations are necessary for this purpose, the amounts are 127354  
hereby appropriated. 127355

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 127356

The foregoing appropriation item 100414, MARCS Lease Rental 127357  
Payments, shall be used for payments during the period from July 127358  
1, 2017, through June 30, 2019, pursuant to leases and agreements 127359  
entered into under Chapter 125. of the Revised Code, as 127360  
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 127361  
General Assembly, with respect to financing the costs associated 127362  
with the acquisition, development, installation, and 127363  
implementation of the Multi-Agency Radio Communications System 127364  
(MARCS) upgrade. If it is determined that additional 127365  
appropriations are necessary for this purpose, the amounts are 127366  
hereby appropriated. 127367

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 127368

The foregoing appropriation item 100415, OAKS Lease Rental 127369  
Payments, shall be used for payments during the period from July 127370  
1, 2017, through June 30, 2019, pursuant to leases and agreements 127371  
entered into under Chapter 125. of the Revised Code, as 127372  
supplemented by Section 701.20 of S.B. 310 of the 131st General 127373  
Assembly and other prior acts of the General Assembly, with 127374  
respect to financing the costs associated with the acquisition, 127375  
development, installation, and implementation of the Ohio 127376  
Administrative Knowledge System. If it is determined that 127377  
additional appropriations are necessary for this purpose, the 127378  
amounts are hereby appropriated. 127379

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 127380  
PAYMENTS 127381

The foregoing appropriation item 100416, STARS Lease Rental 127382  
Payments, shall be used for payments during the period from July 127383  
1, 2017, through June 30, 2019, pursuant to leases and agreements 127384  
entered into under Chapter 125. of the Revised Code, as 127385  
supplemented by Section 701.30 of S.B. 310 of the 131st General 127386  
Assembly and other prior acts of the General Assembly, with 127387  
respect to financing the costs associated with the acquisition, 127388  
development, installation, and implementation of the State 127389  
Taxation Accounting and Revenue System (STARS). If it is 127390  
determined that additional appropriations are necessary for this 127391  
purpose, the amounts are hereby appropriated. 127392

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 127393

The foregoing appropriation item 100447, Administrative 127394  
Buildings Lease Rental Bond Payments, shall be used to meet all 127395  
payments during the period from July 1, 2017, through June 30, 127396  
2019, by the Department of Administrative Services pursuant to 127397  
leases and agreements under Chapters 152. and 154. of the Revised 127398

Code. These appropriations are the source of funds pledged for 127399  
bond service charges on related obligations issued under Chapters 127400  
152. and 154. of the Revised Code. 127401

PAY FOR SUCCESS CONTRACTING 127402

The foregoing appropriation item 100461, Pay For Success 127403  
Contracting, shall be used by the Director of Administrative 127404  
Services for the Pay For Success Contracting Program created in 127405  
section 125.66 of the Revised Code. 127406

MARCS FEE OFFSET 127407

The foregoing appropriation item 100506, MARCS Fee Offset, 127408  
shall be used to reduce or eliminate MARCS subscriber fees paid by 127409  
villages, townships, municipal corporations, counties, and 127410  
regional public safety and first response agencies classified as 127411  
Tier 1 subscribers by the MARCS Steering Committee. 127412

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 127413

The Director of Administrative Services, in consultation with 127414  
the Multi-Agency Radio Communication System (MARCS) Steering 127415  
Committee and the Director of Budget and Management, shall 127416  
determine the share of debt service payments attributable to 127417  
spending for MARCS components that are not specific to any one 127418  
agency and that shall be charged to the Public Safety - Highway 127419  
Purposes Fund (Fund 5TM0). Such share of debt service payments 127420  
shall be calculated for MARCS capital disbursements made beginning 127421  
July 1, 1997. Within thirty days of any payment made from 127422  
appropriation item 100447, Administrative Buildings Lease Rental 127423  
Bond Payments, the Director of Administrative Services shall 127424  
certify to the Director of Budget and Management the amount of 127425  
this share. The Director of Budget and Management shall transfer 127426  
such amounts to the General Revenue Fund from the Public Safety - 127427  
Highway Purposes Fund (Fund 5TM0) established in section 4501.06 127428  
of the Revised Code. 127429

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 127430  
FUND 127431

Following the conveyance of the Michael V. DiSalle Government 127432  
Center pursuant to Section 753.20 of Am. Sub. H.B. 64 of the 131st 127433  
General Assembly, the Director of Budget and Management may adjust 127434  
FY 2018 and FY 2019 General Revenue Fund appropriations of the 127435  
Department of Administrative Services and other state agencies to 127436  
reflect accurately the rental amounts agencies will pay the lessor 127437  
of the Michael V. DiSalle Government Center for space that is 127438  
supported by the General Revenue Fund and that heretofore was paid 127439  
by the Department of Administrative Services. Total General 127440  
Revenue Fund appropriations may decrease but may not increase as a 127441  
result of the appropriation adjustments made under this section. 127442

The foregoing appropriation item 130321, State Agency Support 127443  
Services, also may be used to provide funding for the cost of 127444  
property appraisals or building studies that the Department of 127445  
Administrative Services may be required to obtain for property 127446  
that is being sold by the state or property under consideration to 127447  
be renovated or purchased by the state. 127448

Notwithstanding section 125.28 of the Revised Code, the 127449  
foregoing appropriation item 130321, State Agency Support 127450  
Services, also may be used to pay the operating expenses of state 127451  
facilities maintained by the Department of Administrative Services 127452  
that are not billed to building tenants, or other costs associated 127453  
with the Voinovich Center in Youngstown, Ohio. These expenses may 127454  
include, but are not limited to, the costs for vacant space and 127455  
space undergoing renovation, and the rent expenses of tenants that 127456  
are relocated because of building renovations. These payments may 127457  
be processed by the Department of Administrative Services through 127458  
intrastate transfer vouchers and placed into the Building 127459  
Management Fund (Fund 1320). 127460

At least once per year, the portion of appropriation item 127461

130321, State Agency Support Services, that is not used for the 127462  
regular expenses of the appropriation item may be processed by the 127463  
Department of Administrative Services through intrastate transfer 127464  
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 127465

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF 127466

Upon the request of the Director of Administrative Services, 127467  
the Director of Budget and Management may transfer unobligated 127468  
cash in the MARCS Administration Fund (Fund 5C20) to the General 127469  
Revenue Fund to reimburse the General Revenue Fund for lease 127470  
rental payments made on behalf of the MARCS upgrade. 127471

**Section 207.30. PROFESSIONAL DEVELOPMENT FUND** 127472

The foregoing appropriation item 100610, Professional 127473  
Development, shall be used to make payments from the Professional 127474  
Development Fund (Fund 5L70) under section 124.182 of the Revised 127475  
Code. If it is determined by the Director of Budget and Management 127476  
that additional amounts are necessary, the amounts are hereby 127477  
appropriated. 127478

911 PROGRAM 127479

The foregoing appropriation item 100663, 911 Program, shall 127480  
be used by the Department of Administrative Services to pay the 127481  
administrative and marketing and educational costs of the 127482  
Statewide Emergency Services Internet Protocol Network program. 127483

EMPLOYEE EDUCATIONAL DEVELOPMENT 127484

The foregoing appropriation item 100619, Employee Educational 127485  
Development, shall be used to make payments from the Employee 127486  
Educational Development Fund (Fund 5V60) under section 124.86 of 127487  
the Revised Code. The fund shall be used to pay the costs of 127488  
administering educational programs under existing collective 127489  
bargaining agreements with District 1199, the Health Care and 127490  
Social Service Union, Service Employees International Union; State 127491



Council of Professional Educators; Ohio Education Association and 127492  
National Education Association; the Fraternal Order of Police Ohio 127493  
Labor Council, Unit 2; and the Ohio State Troopers Association, 127494  
Units 1 and 15. 127495

If it is determined by the Director of Budget and Management 127496  
that additional amounts are necessary, the amounts are hereby 127497  
appropriated. 127498

**Section 207.40. CENTRAL SERVICE AGENCY FUND** 127499

The foregoing appropriation item 100632, Central Service 127500  
Agency, shall be used to purchase the equipment, products, and 127501  
services that are needed to maintain existing automated 127502  
applications for the professional licensing boards and the Casino 127503  
Control Commission to support board licensing functions in fiscal 127504  
year 2018 until these functions are replaced by the Ohio 127505  
Professionals Licensing System. The Department of Administrative 127506  
Services shall establish charges for recovering the costs of 127507  
carrying out these functions. The charges shall be billed to the 127508  
professional licensing boards and the Casino Control Commission, 127509  
and deposited via intrastate transfer vouchers to the credit of 127510  
the Central Service Agency Fund (Fund 1150). 127511

Upon implementation of the replacement Ohio Professionals 127512  
Licensing System and the decommissioning of the existing automated 127513  
applications, the Director of Budget and Management may transfer 127514  
any cash balances that remain in the Central Service Agency Fund 127515  
(Fund 1150) and that are attributable to the operation of the 127516  
existing automated applications to the Professions Licensing 127517  
System Fund (Fund 5JQ0). 127518

**GENERAL SERVICE CHARGES** 127519

The Department of Administrative Services, with the approval 127520  
of the Director of Budget and Management, shall establish charges 127521

for recovering the costs of administering the programs funded by 127522  
the General Services Fund (Fund 1170) and the State Printing Fund 127523  
(Fund 2100). 127524

COLLECTIVE BARGAINING ARBITRATION EXPENSES 127525

The Department of Administrative Services may seek 127526  
reimbursement from state agencies for the actual costs and 127527  
expenses the Department incurs in the collective bargaining 127528  
arbitration process. The reimbursements shall be processed through 127529  
intrastate transfer vouchers and credited to the Collective 127530  
Bargaining Fund (Fund 1280). 127531

EQUAL OPPORTUNITY PROGRAM 127532

The Department of Administrative Services, with the approval 127533  
of the Director of Budget and Management, shall establish charges 127534  
for recovering the costs of administering the activities supported 127535  
by the State EEO Fund (Fund 1880). These charges shall be 127536  
deposited to the credit of Fund 1880 upon payment made by state 127537  
agencies, state-supported or state-assisted institutions of higher 127538  
education, and tax-supported agencies, municipal corporations, and 127539  
other political subdivisions of the state, for services rendered. 127540

CONSOLIDATED IT PURCHASES 127541

The foregoing appropriation item 100640, Consolidated IT 127542  
Purchases, shall be used by the Department of Administrative 127543  
Services acting as the purchasing agent for one or more government 127544  
entities under the authority of division (G) of section 125.18 of 127545  
the Revised Code to make information technology purchases at a 127546  
lower aggregate cost than each individual government entity could 127547  
have obtained independently for that information technology 127548  
purchase. 127549

INVESTMENT RECOVERY FUND 127550

Notwithstanding division (B) of section 125.14 of the Revised 127551

Code, cash balances in the Investment Recovery Fund (Fund 4270) 127552  
may be used to support the operating expenses of the Federal 127553  
Surplus Operating Program created in sections 125.84 to 125.90 of 127554  
the Revised Code. 127555

MAJOR IT PURCHASES CHARGES 127556

The Department of Administrative Services may bill agencies 127557  
for actual expenditures made for major IT purchases if those 127558  
expenditures are not recovered as part of the information 127559  
technology services rates the Department charges and deposits into 127560  
the Information Technology Fund (Fund 1330) created in section 127561  
125.15 of the Revised Code. These charges shall be deposited to 127562  
the credit of the Major IT Purchases Fund (Fund 4N60). 127563

PROFESSIONS LICENSING SYSTEM 127564

The foregoing appropriation item, 100658, Ohio Professionals 127565  
Licensing System, shall be used to purchase the equipment, 127566  
products, and services necessary to develop and maintain a 127567  
replacement automated licensing system for the professional 127568  
licensing boards. 127569

Upon request by the Director of Administrative Services, the 127570  
Director of Budget and Management may transfer up to \$14,000,000 127571  
in cash during the FY 2018-FY 2019 biennium from the Occupational 127572  
Licensing and Regulatory Fund (Fund 4K90), the State Medical Board 127573  
Operating Fund (Fund 5C60), and the Casino Control Commission - 127574  
Operating Fund (Fund 5HS0), to the Professions Licensing System 127575  
Fund (Fund 5JQ0). The amount transferred from each fund shall be 127576  
in proportion to the number of current licenses issued by the 127577  
licensing boards and commissions that use each fund, and for the 127578  
Casino Control Commission, the number of current and anticipated 127579  
licenses. The transferred amounts shall be used by the Director of 127580  
Administrative Services for the initial acquisition and 127581  
development of the Professions Licensing System. The transferred 127582

amounts are hereby appropriated to appropriation item 100658, 127583  
Professionals Licensing System. The unobligated, unexpended amount 127584  
of the cash transferred in FY 2018 is hereby reappropriated for 127585  
the same purpose in FY 2019. 127586

Effective with the implementation of the replacement 127587  
licensing system, the Department of Administrative Services shall 127588  
establish charges for recovering the costs of ongoing maintenance 127589  
of the system that are not otherwise recovered under section 127590  
125.18 of the Revised Code. The charges shall be billed to state 127591  
agencies, boards, and commissions using the state's enterprise 127592  
electronic licensing system and deposited via intrastate transfer 127593  
vouchers to the credit of the Professions Licensing System Fund 127594  
(Fund 5JQ0), which is hereby created in the state treasury. 127595

Notwithstanding any provision of the Revised Code to the 127596  
contrary, the Department of Administrative Services may assess a 127597  
transaction fee to an individual who uses the state's enterprise 127598  
electronic licensing system operated by the Department to apply 127599  
for or renew a license or registration in an amount determined by 127600  
the Department not to exceed three dollars and fifty cents. The 127601  
Director of Administrative Services may collect the fee or require 127602  
a state agency for which the system is being operated to collect 127603  
the fee. Amounts received under this division shall be deposited 127604  
in the Professions Licensing System Fund (Fund 5JQ0) and used to 127605  
operate the electronic licensing system. 127606

BUILDING IMPROVEMENT FUND 127607

The foregoing appropriation item 100659, Building 127608  
Improvement, shall be used to make payments from the Building 127609  
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 127610  
required in facilities maintained by the Department of 127611  
Administrative Services. The Department of Administrative Services 127612  
shall conduct or contract for regular assessments of these 127613  
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 127614

the cost of the repairs and improvements that are recommended to 127615  
occur within the next five years, with the following exception 127616  
described below. 127617

Upon request of the Director of Administrative Services, the 127618  
Director of Budget and Management may permit a cash transfer from 127619  
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 127620  
of operating and maintaining facilities managed by the Department 127621  
of Administrative Services that are not charged to tenants during 127622  
the same fiscal year. 127623

Should the cash balance in Fund 1320 be determined to be 127624  
sufficient, the Director of Administrative Services may request 127625  
that the Director of Budget and Management transfer cash from Fund 127626  
1320 to 5KZ0 in an amount equal to the initial cash transfer made 127627  
under this section plus applicable interest. 127628

INFORMATION TECHNOLOGY DEVELOPMENT 127629

The foregoing appropriation item 100661, IT Development, 127630  
shall be used by the Department of Administrative Services to pay 127631  
the costs of modernizing the state's information technology 127632  
management and investment practices away from a limited, 127633  
agency-specific focus in favor of a statewide methodology 127634  
supporting development of enterprise solutions. 127635

Notwithstanding any provision of law to the contrary, the 127636  
Department of Administrative Services, with the approval of the 127637  
Director of Budget and Management, may charge state agencies an 127638  
information technology development assessment based on state 127639  
agencies' information technology expenditures or other 127640  
methodology. The revenue from this assessment shall be deposited 127641  
into the Information Technology Development Fund (Fund 5LJ0), 127642  
which is hereby created. 127643

ENTERPRISE APPLICATIONS 127644

The foregoing appropriation item 100665, Enterprise 127645

Applications, shall be used for the operation and management of 127646  
information technology applications that support state agencies' 127647  
objectives. Charges billed to benefiting agencies shall be 127648  
deposited to the credit of the Enterprise Application Fund (Fund 127649  
5PC0), which is hereby created in the state treasury. 127650

CASH TRANSFER TO THE MARCS ADMINISTRATION FUND FROM THE GRF 127651

Upon the request of the Director of Administrative Services, 127652  
the Director of Budget and Management shall transfer up to 127653  
\$1,000,000 in cash in each fiscal year from the General Revenue 127654  
Fund to the MARCS Administration Fund (Fund 5C20) to reduce or 127655  
eliminate MARCS subscriber fees paid by villages, townships, 127656  
municipal corporations, counties, and regional public safety and 127657  
first response agencies classified as Tier 1 subscribers by the 127658  
MARCS Steering Committee. 127659

**Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION** 127660

The Director of Administrative Services shall determine and 127661  
implement strategies that benefit the enterprise by improving 127662  
efficiency, reducing costs or enhancing capacity of information 127663  
technology (IT) services. Such improvements and efficiencies may 127664  
result in the consolidation and transfer of such services. As 127665  
determined to be necessary for successful implementation of this 127666  
section and notwithstanding any provision of law to the contrary, 127667  
the Director of Administrative Services may request the Director 127668  
of Budget and Management to consolidate or transfer IT-specific 127669  
budget authority between agencies or within an agency as necessary 127670  
to implement enterprise IT cost containment strategies and related 127671  
efficiencies. Once the Director of Budget and Management is 127672  
satisfied that the proposed initiative is cost advantageous to the 127673  
enterprise, the Director of Budget and Management may transfer 127674  
appropriations, funds and cash as needed to implement the proposed 127675  
initiative. The establishment of any new fund or additional 127676

appropriation as a result of this section shall be subject to 127677  
Controlling Board approval. 127678

The Director of Budget and Management and the Director of 127679  
Administrative Services may transfer any employees, assets, and 127680  
liabilities, including, but not limited to, records, contracts, 127681  
and agreements in order to facilitate the improvements determined 127682  
in accordance with this section. 127683

**Section 207.60. PAY FOR SUCCESS CONTRACTING PROGRAM** 127684

(A) As used in this section, "social service intermediary" 127685  
has the same meaning as in section 125.66 of the Revised Code. 127686

(B) Not later than six months after the effective date of 127687  
this section, the Director of Administrative Services shall, in 127688  
consultation with the Department of Health and as part of the Pay 127689  
for Success Contracting Program established under section 125.66 127690  
of the Revised Code, contract with one or more social service 127691  
intermediaries to administer one or two pilot projects intended to 127692  
do both of the following: 127693

(1) Reduce the incidence of infant mortality, low-birthweight 127694  
births, premature births, and stillbirths in the urban and rural 127695  
communities of this state that are specified by the Director of 127696  
Health under section 3701.142 of the Revised Code; 127697

(2) Promote equity in birth outcomes among infants of 127698  
different races in this state. 127699

**Section 209.10. AGE DEPARTMENT OF AGING** 127700

General Revenue Fund 127701

GRF 490321 Operating Expenses \$ 1,494,465 \$ 1,494,465 127702

GRF 490410 Long-Term Care \$ 477,448 \$ 477,448 127703

Ombudsman

GRF 490411 Senior Community \$ 6,890,484 \$ 6,890,484 127704

		Services				
GRF	490414	Alzheimer's Respite	\$	2,495,245	\$	2,495,245 127705
GRF	490506	National Senior	\$	222,792	\$	222,792 127706
		Service Corps				
GRF	656423	Long-Term Care Budget	\$	3,295,584	\$	3,295,584 127707
		- State				
TOTAL GRF		General Revenue Fund	\$	14,876,018	\$	14,876,018 127708
		Dedicated Purpose Fund Group				127709
4800	490606	Senior Community	\$	372,523	\$	372,523 127710
		Outreach and				
		Education				
4C40	490609	Regional Long-Term	\$	1,000,000	\$	1,000,000 127711
		Care Ombudsman				
		Program				
5BA0	490620	Ombudsman Support	\$	1,500,000	\$	1,500,000 127712
5K90	490613	Long-Term Care	\$	1,350,000	\$	1,350,000 127713
		Consumers Guide				
5MT0	490627	Board of Executives	\$	800,000	\$	800,000 127714
		of Long-Term Services				
		and Supports				
5T40	656625	Health Care Grants -	\$	200,000	\$	200,000 127715
		State				
5TI0	656624	Provider	\$	120,000	\$	120,000 127716
		Certification				
5W10	490616	Resident Services	\$	344,700	\$	344,700 127717
		Coordinator Program				
TOTAL DPF		Dedicated Purpose				127718
Fund Group			\$	5,687,223	\$	5,687,223 127719
		Federal Fund Group				127720
3220	490618	Federal Aging Grants	\$	8,700,000	\$	8,700,000 127721
3C40	656623	Long Term Care Budget	\$	3,500,000	\$	3,500,000 127722
		- Federal				



3M40 490612	Federal Independence	\$	58,655,080	\$	58,655,080	127723
	Services					
TOTAL FED	Federal Fund Group	\$	70,855,080	\$	70,855,080	127724
TOTAL ALL BUDGET FUND GROUPS		\$	91,418,321	\$	91,418,321	127725

**Section 209.20. LONG-TERM CARE** 127727

Pursuant to an interagency agreement, the Department of 127728  
 Medicaid may designate the Department of Aging to perform 127729  
 assessments under section 5165.04 of the Revised Code. The 127730  
 Department of Aging shall provide long-term care consultations 127731  
 under section 173.42 of the Revised Code to assist individuals in 127732  
 planning for their long-term health care needs. 127733

The Department of Aging shall administer the Medicaid 127734  
 waiver-funded PASSPORT Home Care Program, the Assisted Living 127735  
 Program, and PACE as delegated by the Department of Medicaid in an 127736  
 interagency agreement. 127737

**PERFORMANCE-BASED REIMBURSEMENT** 127738

The Department of Aging may design and utilize a payment 127739  
 method for PASSPORT administrative agency operations that includes 127740  
 a pay-for-performance incentive component that is earned by a 127741  
 PASSPORT administrative agency when defined consumer and policy 127742  
 outcomes are achieved. 127743

**Section 209.30. MYCARE OHIO** 127744

The authority of the Office of the State Long Term Care 127745  
 Ombudsman as described in sections 173.14 to 173.28 of the Revised 127746  
 Code extends to MyCare Ohio during the period of the federal 127747  
 financial alignment demonstration program. 127748

**SENIOR COMMUNITY SERVICES** 127749

The foregoing appropriation item 490411, Senior Community 127750  
 Services, may be used for programs, services, and activities 127751

designated by the Department of Aging, including, but not limited 127752  
to, home-delivered and congregate meals, transportation services, 127753  
personal care services, respite services, adult day services, home 127754  
repair, care coordination, prevention and disease self-management, 127755  
and decision support systems. The Department may also use these 127756  
funds to provide grants to community organizations to support and 127757  
expand evidence-based/informed programming. Service priority shall 127758  
be given to low income, frail, and/or cognitively impaired persons 127759  
60 years of age and over. 127760

NATIONAL SENIOR SERVICE CORPS 127761

The foregoing appropriation item 490506, National Senior 127762  
Service Corps, may be used by the Department of Aging to fund 127763  
grants to organizations that receive federal funds from the 127764  
Corporation for National and Community Service to support the 127765  
following Senior Corps programs: the Foster Grandparents Program, 127766  
the Senior Companion Program, and the Retired Senior Volunteer 127767  
Program. A recipient of these grant funds shall use the funds to 127768  
support priorities established by the Department and the Ohio 127769  
State Office of the Corporation for National and Community 127770  
Service. Neither the Department nor any area agencies on aging 127771  
that are involved in the distribution of these funds to 127772  
lower-tiered grant recipients may use any portion of these funds 127773  
to cover administrative costs. 127774

**Section 209.40.** BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND 127775  
SUPPORTS 127776

The foregoing appropriation item 490627, Board of Executives 127777  
of Long-Term Services and Supports, may be used by the Board of 127778  
Executives of Long-Term Services and Supports to administer and 127779  
enforce Chapter 4751. of the Revised Code and rules adopted under 127780  
it. 127781

<b>Section 209.50. ASSISTED LIVING PROGRAM WORKGROUP</b>	127782
(A) There is hereby established a workgroup to conduct a review of the Medicaid-funded and state-funded components of the Assisted Living Program. The workgroup shall consist of all of the following:	127783 127784 127785 127786
(1) Two members of the House of Representatives appointed by the Speaker from among the chairpersons of the following standing committees of the House:	127787 127788 127789
(a) The Aging and Long-Term Care Committee;	127790
(b) The Health Committee;	127791
(c) The Finance Subcommittee on Health and Human Services.	127792
(2) One member of the House of Representatives appointed by the Minority Leader of the House from among the members of the minority party serving on any of the standing committees specified in division (A)(1) of this section;	127793 127794 127795 127796
(3) Two members of the Senate appointed by the Senate President from among the chairpersons of the following standing committees of the Senate:	127797 127798 127799
(a) The Health, Human Services, and Medicaid Committee;	127800
(b) The full Finance Committee;	127801
(c) The Finance - Health and Medicaid Subcommittee.	127802
(4) One member of the Senate appointed by the Minority Leader of the Senate from among the members of the minority party serving on any of the standing committees specified in division (A)(3) of this section;	127803 127804 127805 127806
(5) The Executive Director of the Office of Health Transformation;	127807 127808
(6) The Medicaid Director;	127809

(7) The Director of Aging;	127810
(8) The Director of Health;	127811
(9) One representative of each of the following organizations, appointed by the chief executive of the organization:	127812 127813 127814
(a) Leadingage Ohio;	127815
(b) The Ohio Assisted Living Association;	127816
(c) The Ohio Association of Area Agencies on Aging;	127817
(d) The Ohio Health Care Association.	127818
(B) Appointments to the workgroup shall be made not later than sixty days after the effective date of this section. A member of the workgroup may designate another individual to serve on the workgroup in the member's place for one or more sessions. Members shall serve without compensation or reimbursement, except to the extent that serving on the workgroup is part of their usual job duties.	127819 127820 127821 127822 127823 127824 127825
(C) The Medicaid Director and Director of Aging shall serve as co-chairpersons of the workgroup. The Departments of Medicaid and Aging shall provide the workgroup any administrative assistance the workgroup needs.	127826 127827 127828 127829
(D) In conducting a review of the Assisted Living Program, the workgroup shall do both of the following:	127830 127831
(1) Identify potential barriers to enrollment in the Program and providers' participation in the Program, including barriers related to all of the following:	127832 127833 127834
(a) Payment rates for assisted living services provided under the Program;	127835 127836
(b) The tier levels to which enrollees are assigned under the Program and the use of the tier levels in setting the Program's	127837 127838

payment rates; 127839

(c) The statutory and administrative requirements that 127840  
providers must meet to participate in the Program; 127841

(d) Other issues the workgroup determines are barriers. 127842

(2) Determine the feasibility and desirability of making 127843  
community-based services that are similar to assisted living 127844  
services available under other programs that the Department of 127845  
Aging currently administers or under a new program. 127846

(E) Each state agency and advocacy organization represented 127847  
on the workgroup shall make available to the workgroup any 127848  
relevant federal or state data concerning, or assessments of, 127849  
providers of assisted living services that the agency or 127850  
organization possesses and is needed for the workgroup to complete 127851  
its review. The workgroup shall use the data and assessments only 127852  
for the purpose of its review. 127853

(F)(1) The workgroup shall complete a report of its review 127854  
not later than July 1, 2018. The report shall include the 127855  
workgroup's recommendations regarding assisted living services. 127856  
The workgroup may not recommend that different types of facilities 127857  
be allowed to be providers under the Assisted Living Program in 127858  
addition to residential care facilities licensed under Chapter 127859  
3721. of the Revised Code. If the workgroup recommends that a new 127860  
program be created, the workgroup shall include all of the 127861  
following in the report: 127862

(a) A name for the new program and its services that 127863  
distinguishes them from the Assisted Living Program and assisted 127864  
living services; 127865

(b) Potential sources of funding for the new program that do 127866  
not reduce any current or future federal or state funds available 127867  
for the Assisted Living Program; 127868

(c) A determination of whether a new Medicaid waiver would be needed for the new program. 127869  
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(2) The workgroup shall submit the report to the Governor, General Assembly, and Joint Medicaid Oversight Committee. The copy to the General Assembly shall be submitted in accordance with section 101.68 of the Revised Code. The report also shall be made available to the public. 127871  
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(G) On submission of the report, the workgroup shall cease to exist. 127876  
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**Section 211.10.** AGR DEPARTMENT OF AGRICULTURE 127878

General Revenue Fund 127879

GRF 700401 Animal Health Programs \$ 3,580,022 \$ 3,676,588 127880

GRF 700403 Dairy Division \$ 1,168,769 \$ 1,168,769 127881

GRF 700404 Ohio Proud \$ 19,400 \$ 48,500 127882

GRF 700406 Consumer Protection \$ 1,175,617 \$ 1,306,567 127883

Lab

GRF 700407 Food Safety \$ 1,325,582 \$ 1,325,582 127884

GRF 700409 Farmland Preservation \$ 73,887 \$ 73,887 127885

GRF 700410 Plant Industry \$ 145,500 \$ 145,500 127886

GRF 700412 Weights and Measures \$ 208,644 \$ 596,644 127887

GRF 700415 Poultry Inspection \$ 605,471 \$ 605,471 127888

GRF 700418 Livestock Regulation \$ 746,212 \$ 1,134,212 127889

Program

GRF 700424 Livestock Testing and \$ 92,493 \$ 92,493 127890

Inspections

GRF 700426 Dangerous and \$ 750,000 \$ 750,000 127891

Restricted Animals

GRF 700427 High Volume Breeder \$ 894,835 \$ 1,234,335 127892

Kennel Control

GRF 700428 Soil and Water \$ 3,510,430 \$ 3,510,430 127893

Division

GRF 700499	Meat Inspection Program - State Share	\$ 4,567,547	\$ 4,567,547	127894
GRF 700501	County Agricultural Societies	\$ 379,673	\$ 379,673	127895
GRF 700509	Soil and Water District Support	\$ 2,553,941	\$ 3,329,941	127896
TOTAL GRF	General Revenue Fund	\$ 21,798,023	\$ 23,946,139	127897
Dedicated Purpose Fund Group				127898
4900 700651	License Plates - Sustainable Agriculture	\$ 17,500	\$ 17,500	127899
4940 700612	Agricultural Commodity Marketing Program	\$ 253,000	\$ 253,000	127900
4960 700626	Ohio Grape Industries	\$ 1,100,000	\$ 1,100,000	127901
4970 700627	Grain Warehouse Program	\$ 450,000	\$ 450,000	127902
4C90 700605	Commercial Feed and Seed	\$ 1,975,571	\$ 1,975,571	127903
4D20 700609	Auction Education	\$ 50,000	\$ 50,000	127904
4E40 700606	Utility Radiological Safety	\$ 140,176	\$ 140,176	127905
4P70 700610	Food Safety Inspection	\$ 993,743	\$ 993,743	127906
4R00 700636	Ohio Proud Marketing	\$ 60,500	\$ 30,500	127907
4R20 700637	Dairy Industry Inspection	\$ 1,852,950	\$ 1,852,950	127908
4T60 700611	Poultry and Meat Inspection	\$ 160,000	\$ 160,000	127909
5780 700620	Ride Inspection	\$ 1,351,974	\$ 1,351,974	127910
5B80 700629	Auctioneers	\$ 361,450	\$ 361,450	127911
5BV0 700660	Heidelberg Water Quality Lab	\$ 250,000	\$ 250,000	127912

5BV0	700661	Soil and Water Districts	\$	8,600,000	\$	8,000,000	127913
5FC0	700648	Plant Pest Program	\$	1,400,000	\$	1,400,000	127914
5H20	700608	Metrology Lab and Scale Certification	\$	1,175,000	\$	925,000	127915
5L80	700604	Livestock Management Program	\$	500,000	\$	332,000	127916
5MA0	700657	Dangerous and Restricted Animals	\$	19,000	\$	19,000	127917
5MR0	700658	High Volume Breeders and Kennels	\$	626,415	\$	320,000	127918
5MS0	700659	Captive Deer	\$	40,000	\$	40,000	127919
5QW0	700653	Watershed Assistance	\$	515,000	\$	515,000	127920
6520	700634	Animal, Consumer, and ATL Labs	\$	5,305,734	\$	5,066,896	127921
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	5,200,000	\$	5,200,000	127922
TOTAL DPF Dedicated Purpose							127923
Fund Group			\$	32,398,013	\$	30,804,760	127924
Internal Service Activity Fund Group							127925
5DA0	700644	Laboratory Administration Support	\$	1,204,626	\$	1,204,626	127926
5GH0	700655	Administrative Support	\$	5,374,048	\$	5,374,048	127927
TOTAL ISA Internal Service Activity							127928
Fund Group			\$	6,578,674		6,578,674	127929
Capital Projects Fund Group							127930
7057	700632	Clean Ohio Agricultural Easement Operating	\$	610,000	\$	610,000	127931



TOTAL CPF Capital Projects Fund	\$	610,000	\$	610,000	127932
Group					
Federal Fund Group					127933
3260 700618 Meat Inspection	\$	5,194,424	\$	5,194,424	127934
Program - Federal					
Share					
3360 700617 Ohio Farm Loan -	\$	360,000	\$	360,000	127935
Revolving					
3820 700601 Federal Cooperative	\$	7,000,000	\$	7,000,000	127936
Contracts					
3AB0 700641 Agricultural Easement	\$	350,000	\$	350,000	127937
3J40 700607 Federal	\$	1,209,234	\$	1,209,234	127938
Administrative					
Programs					
3R20 700614 Federal Plant	\$	6,095,972	\$	6,095,972	127939
Industry					
TOTAL FED Federal Fund Group	\$	20,209,630	\$	20,209,630	127940
TOTAL ALL BUDGET FUND GROUPS	\$	81,594,340	\$	82,149,203	127941

**Section 211.20. DANGEROUS AND RESTRICTED WILD ANIMALS** 127943

The foregoing appropriation item 700426, Dangerous and 127944  
Restricted Animals, shall be used to administer the Dangerous and 127945  
Restricted Wild Animal Permitting Program. 127946

**COUNTY AGRICULTURAL SOCIETIES** 127947

The foregoing appropriation item 700501, County Agricultural 127948  
Societies, shall be used to reimburse county and independent 127949  
agricultural societies for expenses related to Junior Fair 127950  
activities. 127951

**SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE** 127952  
**BASIN** 127953

Of the foregoing appropriation item 700509, Soil and Water 127954

District Support, \$350,000 in each fiscal year shall be used by 127955  
the Department of Agriculture for a program to support soil and 127956  
water conservation districts in the Western Lake Erie Basin in 127957  
complying with provisions of Sub. S.B. 1 of the 131st General 127958  
Assembly. The Department shall approve a soil and water district's 127959  
application for funding under the program if the application 127960  
demonstrates that funding will be used for, but not limited to, 127961  
providing technical assistance, developing applicable nutrient or 127962  
manure management plans, hiring and training of soil and water 127963  
conservation district staff on best conservation practices, or 127964  
other activities the Director determines appropriate to assist 127965  
farmers in the Western Lake Erie Basin in complying with the 127966  
provisions of Sub. S.B. 1 of the 131st General Assembly. 127967

SOIL AND WATER DISTRICTS 127968

In addition to state payments to soil and water conservation 127969  
districts authorized by section 940.08 of the Revised Code, the 127970  
Department of Agriculture may use appropriation item 700661, Soil 127971  
and Water Districts, to pay any soil and water conservation 127972  
district an annual amount not to exceed \$40,000 upon receipt of a 127973  
request and justification from the district and approval by the 127974  
Ohio Soil and Water Conservation Commission. The county auditor 127975  
shall credit the payments to the special fund established under 127976  
section 940.08 of the Revised Code for use by the local soil and 127977  
water conservation district. The amounts received by each district 127978  
shall be expended for the purposes of the district. 127979

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 127980

The foregoing appropriation item 700632, Clean Ohio 127981  
Agricultural Easement Operating, shall be used by the Department 127982  
of Agriculture in administering Ohio Agricultural Easement Fund 127983  
(Fund 7057) projects pursuant to sections 901.21, 901.22, and 127984  
5301.67 to 5301.70 of the Revised Code. 127985

<b>Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY</b>				127986
Dedicated Purpose Fund Group				127987
4Z90 898602	Small Business	\$ 400,000	\$ 400,000	127988
Ombudsman				
5700 898601	Operating Expenses	\$ 200,000	\$ 200,000	127989
5A00 898603	Small Business	\$ 450,000	\$ 450,000	127990
Assistance				
TOTAL DPF Dedicated Purpose Fund		\$ 1,050,000	\$ 1,050,000	127991
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 1,050,000	\$ 1,050,000	127992
 <b>Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT</b>				127994
AUTHORITY TRUST ACCOUNT				127995
Notwithstanding any other provision of law to the contrary,				127996
the Air Quality Development Authority may reimburse the Air				127997
Quality Development Authority trust account established under				127998
section 3706.10 of the Revised Code from all operating funds of				127999
the agency for expenses pertaining to the administration and				128000
shared costs incurred by the Air Quality Development Authority in				128001
the execution of responsibilities as prescribed in Chapter 3706.				128002
of the Revised Code. The reimbursement shall be made by voucher				128003
and completed in accordance with the administrative indirect costs				128004
allocation plan approved by the Office of Budget and Management.				128005
 <b>Section 215.10. ARC ARCHITECTS BOARDS</b>				128006
Dedicated Purpose Fund Group				128007
4K90 891609	Operating	\$ 576,916	\$ 604,765	128008
TOTAL DPF Dedicated Purpose Fund				128009
Group		\$ 576,916	\$ 604,765	128010
TOTAL ALL BUDGET FUND GROUPS		\$ 576,916	\$ 604,765	128011
 <b>Section 217.10. ART OHIO ARTS COUNCIL</b>				128013

General Revenue Fund					128014	
GRF 370321	Operating Expenses	\$	1,923,129	\$	1,923,129	128015
GRF 370502	State Program	\$	12,680,750	\$	12,680,750	128016
Subsidies						
TOTAL GRF	General Revenue Fund	\$	14,603,879	\$	14,603,879	128017
Dedicated Purpose Fund Group						128018
4600 370602	Arts Council Program	\$	325,000	\$	325,000	128019
Support						
4B70 370603	Percent for Art	\$	225,000	\$	225,000	128020
Acquisitions						
TOTAL DPF	Dedicated Purpose Fund	\$	550,000	\$	550,000	128021
Group						
Federal Fund Group						128022
3140 370601	Federal Support	\$	1,250,000	\$	1,250,000	128023
TOTAL FED	Federal Fund Group	\$	1,250,000	\$	1,250,000	128024
TOTAL ALL BUDGET FUND GROUPS		\$	16,403,879	\$	16,403,879	128025
FEDERAL SUPPORT						128026
Notwithstanding any provision of law to the contrary, the						128027
foregoing appropriation item 370601, Federal Support, shall be						128028
used by the Ohio Arts Council for subsidies only, and not for its						128029
administrative costs, unless the Council is required to use a						128030
portion of the funds for administrative costs under conditions of						128031
the federal grant.						128032
<b>Section 219.10. ATH ATHLETIC COMMISSION</b>						128033
Dedicated Purpose Fund Group						128034
4K90 175609	Operating Expenses	\$	326,525	\$	326,525	128035
TOTAL DPF	Dedicated Purpose Fund	\$	326,525	\$	326,525	128036
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	326,525	\$	326,525	128037
<b>Section 221.10. AGO ATTORNEY GENERAL</b>						128039

General Revenue Fund				128040
GRF	055321	Operating Expenses	\$ 41,439,602 \$	41,439,602 128041
GRF	055405	Law-Related Education	\$ 68,950 \$	68,950 128042
GRF	055406	BCIRS Lease Rental	\$ 3,255,800 \$	3,161,000 128043
Payments				
GRF	055411	County Sheriffs' Pay	\$ 889,455 \$	934,765 128044
Supplement				
GRF	055415	County Prosecutors'	\$ 1,061,830 \$	1,115,020 128045
Pay Supplement				
GRF	055501	Rape Crisis Centers	\$ 1,500,000 \$	1,500,000 128046
TOTAL GRF General Revenue Fund				\$ 48,215,637 \$ 48,219,337 128047
Dedicated Purpose Fund Group				128048
1060	055612	Attorney General	\$ 65,318,182 \$	61,818,182 128049
Operating				
4020	055616	Victims of Crime	\$ 20,624,291 \$	20,624,291 128050
4170	055621	Domestic Violence	\$ 25,000 \$	25,000 128051
Shelter				
4180	055615	Charitable	\$ 8,286,000 \$	8,286,000 128052
Foundations				
4190	055623	Claims Section	\$ 57,439,892 \$	57,439,892 128053
4200	055603	Attorney General	\$ 2,432,925 \$	2,432,925 128054
Antitrust				
4210	055617	Police Officers'	\$ 2,944,355 \$	1,500,000 128055
Training Academy Fee				
4L60	055606	DARE Programs	\$ 3,814,289 \$	3,814,289 128056
4Y70	055608	Title Defect Recision	\$ 613,751 \$	613,751 128057
4Z20	055609	BCI Asset Forfeiture	\$ 2,500,000 \$	2,500,000 128058
and Cost				
Reimbursement				
5900	055633	Peace Officer Private	\$ 95,325 \$	95,325 128059
Security Training				
5A90	055618	Telemarketing Fraud	\$ 10,000 \$	10,000 128060

		Enforcement				
5AH0	055604	Drug Abuse Response	\$	2,500,000	2,500,000	128061
		Team Grants				
5L50	055619	Law Enforcement	\$	9,377,803	\$ 0	128062
		Assistance Program				
5LR0	055655	Peace Officer	\$	4,629,409	\$ 4,629,409	128063
		Training - Casino				
5MP0	055657	Peace Officer	\$	325,000	\$ 325,000	128064
		Training Commission				
5TL0	055659	Organized Crime Law	\$	100,000	\$ 100,000	128065
		Enforcement Trust				
6310	055637	Consumer Protection	\$	9,276,000	\$ 9,276,000	128066
		Enforcement				
6590	055641	Solid and Hazardous	\$	328,728	\$ 328,728	128067
		Waste Background				
		Investigations				
U087	055402	Tobacco Settlement	\$	2,650,000	\$ 2,650,000	128068
		Oversight,				
		Administration, and				
		Enforcement				
TOTAL DPF		Dedicated Purpose Fund				128069
Group			\$	193,290,950	\$ 178,968,792	128070
Internal Service Activity Fund Group						128071
1950	055660	Workers' Compensation	\$	8,778,072	\$ 8,778,072	128072
		Section				
TOTAL ISA		Internal Service Activity	\$	8,778,072	\$ 8,778,072	128073
Fund Group						
Holding Account Fund Group						128074
R004	055631	General Holding	\$	1,000,000	\$ 1,000,000	128075
		Account				
R005	055632	Antitrust Settlements	\$	1,000,000	\$ 1,000,000	128076
R018	055630	Consumer Frauds	\$	1,000,000	\$ 1,000,000	128077

R042	055601	Organized Crime Commission Distributions	\$	750,000	\$	750,000	128078
R054	055650	Collection Payment Redistribution	\$	4,500,000	\$	4,500,000	128079
TOTAL HLD Holding Account							128080
Fund Group			\$	8,250,000	\$	8,250,000	128081
Federal Fund Group							128082
3060	055620	Medicaid Fraud Control	\$	8,961,419	\$	8,961,419	128083
3830	055634	Crime Victims Assistance	\$	70,000,000	\$	70,000,000	128084
3E50	055638	Attorney General Pass-Through Funds	\$	2,320,999	\$	2,320,999	128085
3FV0	055656	Crime Victim Compensation	\$	3,155,000	\$	3,155,000	128086
3R60	055613	Attorney General Federal Funds	\$	2,799,999	\$	2,799,999	128087
TOTAL FED Federal Fund Group							\$ 87,237,417 \$ 87,237,417 128088
TOTAL ALL BUDGET FUND GROUPS							\$ 345,772,076 \$ 331,453,618 128089

**Section 221.20.** OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 128091  
SCIENCE 128092

Of the foregoing appropriation item 055321, Operating Expenses, \$600,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields. 128093  
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DOMESTIC VIOLENCE PROGRAM 128100

Of the foregoing appropriation item 055321, Operating 128101

Expenses, \$100,000 in each fiscal year may be used by the Attorney 128102  
General for the purpose of providing funding to domestic violence 128103  
programs as defined in section 109.46 of the Revised Code. 128104

ORGANIZED CRIME INVESTIGATIONS COMMISSION PILOT PROJECT 128105

Of the foregoing appropriation item 055321, Operating 128106  
Expenses, \$50,000 in each fiscal year shall be used for a pilot 128107  
project developing new investigatory tools for the Organized Crime 128108  
Investigations Commission on behalf of task forces investigating 128109  
drug trafficking and related criminal activity. 128110

COUNTY SHERIFFS' PAY SUPPLEMENT 128111

The foregoing appropriation item 055411, County Sheriffs' Pay 128112  
Supplement, shall be used for the purpose of supplementing the 128113  
annual compensation of county sheriffs as required by section 128114  
325.06 of the Revised Code. 128115

At the request of the Attorney General, the Director of 128116  
Budget and Management may transfer appropriation from 128117  
appropriation item 055321, Operating Expenses, to appropriation 128118  
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 128119  
transferred shall be used to supplement the annual compensation of 128120  
county sheriffs as required by section 325.06 of the Revised Code. 128121

COUNTY PROSECUTORS' PAY SUPPLEMENT 128122

The foregoing appropriation item 055415, County Prosecutors' 128123  
Pay Supplement, shall be used for the purpose of supplementing the 128124  
annual compensation of certain county prosecutors as required by 128125  
section 325.111 of the Revised Code. 128126

At the request of the Attorney General, the Director of 128127  
Budget and Management may transfer appropriation from 128128  
appropriation item 055321, Operating Expenses, to appropriation 128129  
item 055415, County Prosecutors' Pay Supplement. Any appropriation 128130  
so transferred shall be used to supplement the annual compensation 128131



of county prosecutors as required by section 325.111 of the Revised Code.

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CASH TRANSFER FROM THE CONTROLLING BOARD EMERGENCY PURPOSES/CONTINGENCIES FUND TO THE ATTORNEY GENERAL REIMBURSEMENT FUND

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On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$3,500,000 cash from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Attorney General Reimbursement Fund (Fund 1060).

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ATTORNEY GENERAL OPERATING

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Of the foregoing appropriation item 055612, Attorney General Operating, \$2,000,000 in fiscal year 2018 shall be used by the Attorney General to fund criminal laboratory case work primarily related to opioid or other criminal cases submitted to the Bureau of Criminal Investigation.

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Of the foregoing appropriation item 055612, Attorney General Operating, \$1,500,000 in fiscal year 2018 shall be used to support each public forensic laboratory in Ohio that is accredited in chemistry by The American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) or ANSI-ASQ National Accreditation Board (ANAB) to perform chemistry laboratory work. The Attorney General shall distribute the funds directly to such laboratories based on the recommendation of the Forensic Science Institute of Ohio, provided that no accredited laboratory shall receive less than \$100,000.

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DRUG ABUSE RESPONSE TEAM REPLICATION GRANT PROGRAM

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The Attorney General, in consultation with the Lucas County Sheriff's Department, the Colerain Township's Department of Public Safety in Hamilton County, and officials implementing Quick Response Team programs in Summit County, shall establish the Drug

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Abuse Response Team Replication Grant Program, which may include 128163  
requirements for private and non-profit matching support. 128164

The foregoing appropriation item 055604, Drug Abuse Response 128165  
Team Grants, shall be used by the Attorney General to fund the 128166  
grants, the primary purpose of which shall be to replicate the 128167  
Drug Abuse Response Team Program in Lucas County and the Quick 128168  
Response Team programs in Colerain Township and Summit County in 128169  
other Ohio communities. 128170

WORKERS' COMPENSATION SECTION 128171

The Workers' Compensation Fund (Fund 1950) is entitled to 128172  
receive quarterly payments from the Bureau of Workers' 128173  
Compensation and the Ohio Industrial Commission to fund legal 128174  
services provided to the Bureau of Workers' Compensation and the 128175  
Ohio Industrial Commission during the fiscal year. 128176

In addition, the Bureau of Workers' Compensation shall 128177  
transfer payments for the support of the Workers' Compensation 128178  
Fraud Unit. 128179

All amounts shall be mutually agreed upon by the Attorney 128180  
General, the Bureau of Workers' Compensation, and the Ohio 128181  
Industrial Commission. 128182

GENERAL HOLDING ACCOUNT 128183

The foregoing appropriation item 055631, General Holding 128184  
Account, shall be used to distribute moneys under the terms of 128185  
relevant court orders or other settlements received in a variety 128186  
of cases involving the Office of the Attorney General. If it is 128187  
determined that additional amounts are necessary for this purpose, 128188  
the amounts are hereby appropriated. 128189

ANTITRUST SETTLEMENTS 128190

The foregoing appropriation item 055632, Antitrust 128191  
Settlements, shall be used to distribute moneys under the terms of 128192

relevant court orders or other out of court settlements in 128193  
antitrust cases or antitrust matters involving the Office of the 128194  
Attorney General. If it is determined that additional amounts are 128195  
necessary for this purpose, the amounts are hereby appropriated. 128196

CONSUMER FRAUDS 128197

The foregoing appropriation item 055630, Consumer Frauds, 128198  
shall be used for distribution of moneys from court-ordered 128199  
judgments against sellers in actions brought by the Office of the 128200  
Attorney General under sections 1334.08 and 4549.48 and division 128201  
(B) of section 1345.07 of the Revised Code. These moneys shall be 128202  
used to provide restitution to consumers victimized by the fraud 128203  
that generated the court-ordered judgments. If it is determined 128204  
that additional amounts are necessary for this purpose, the 128205  
amounts are hereby appropriated. 128206

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 128207

The foregoing appropriation item 055601, Organized Crime 128208  
Commission Distributions, shall be used by the Organized Crime 128209  
Investigations Commission, as provided by section 177.011 of the 128210  
Revised Code, to reimburse political subdivisions for the expenses 128211  
the political subdivisions incur when their law enforcement 128212  
officers participate in an organized crime task force. If it is 128213  
determined that additional amounts are necessary for this purpose, 128214  
the amounts are hereby appropriated. 128215

COLLECTION PAYMENT REDISTRIBUTION 128216

The foregoing appropriation item 055650, Collection Payment 128217  
Redistribution, shall be used for the purpose of allocating the 128218  
revenue where debtors mistakenly paid the client agencies instead 128219  
of the Attorney General's Collections Enforcement Section. If it 128220  
is determined that additional amounts are necessary for this 128221  
purpose, the amounts are hereby appropriated. 128222

<b>Section 223.10. AUD AUDITOR OF STATE</b>				128223
General Revenue Fund				128224
GRF	070321	Operating Expenses	\$ 28,539,720 \$ 28,539,720	128225
GRF	070403	Fiscal	\$ 789,029 \$ 789,029	128226
Watch/Emergency				
Technical Assistance				
GRF	070409	School District	\$ 960,000 \$ 960,000	128227
Performance Audits				
TOTAL GRF	General Revenue Fund		\$ 30,288,749 \$ 30,288,749	128228
Dedicated Purpose Fund Group				128229
1090	070601	Public Audit Expense	\$ 10,803,057 \$ 10,803,057	128230
- Intrastate				
4220	070602	Public Audit Expense	\$ 37,306,649 \$ 38,806,649	128231
- Local Government				
5840	070603	Training Program	\$ 483,564 \$ 483,564	128232
5JZ0	070606	LEAP Revolving Loans	\$ 410,952 \$ 410,952	128233
6750	070605	Uniform Accounting	\$ 3,398,351 \$ 3,398,351	128234
Network				
TOTAL DPF	Dedicated Purpose Fund			128235
Group			\$ 52,402,573 \$ 53,902,573	128236
TOTAL ALL BUDGET FUND GROUPS			\$ 82,691,322 \$ 84,191,322	128237
SCHOOL DISTRICT PERFORMANCE AUDITS				128238
The foregoing appropriation item 070409, School District				128239
Performance Audits, shall be used by the Auditor of State, in				128240
consultation with the Department of Education and the Office of				128241
Budget and Management, for expenses incurred in the Auditor of				128242
State's role relating to fiscal caution, fiscal watch, and fiscal				128243
emergency activities pursuant to section 3316.042 of the Revised				128244
Code.				128245
<b>Section 225.10. BRB BOARD OF BARBER EXAMINERS</b>				128246

Dedicated Purpose Fund Group					128247
4K90 877609 Operating Expenses	\$	433,805	\$	0	128248
TOTAL DPF Dedicated Purpose Fund Group	\$	433,805	\$	0	128249
TOTAL ALL BUDGET FUND GROUPS	\$	433,805	\$	0	128250
<b>Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT</b>					128252
General Revenue Fund					128253
GRF 042321 Budget Development and Implementation	\$	3,073,172	\$	3,112,524	128254
GRF 042416 Office of Health Transformation	\$	401,989	\$	415,577	128255
GRF 042425 Shared Services Development	\$	1,338,600	\$	1,285,250	128256
GRF 042435 Gubernatorial Transition	\$	0	\$	221,625	128257
TOTAL GRF General Revenue Fund	\$	4,813,761	\$	5,034,976	128258
Internal Service Activity Fund Group					128259
1050 042603 Financial Management	\$	15,624,379	\$	16,044,968	128260
1050 042620 Shared Services Operating	\$	7,326,179	\$	7,493,986	128261
TOTAL ISA Internal Service Activity Fund Group	\$	22,950,558	\$	23,538,954	128262
Fiduciary Fund Group					128264
5EH0 042604 Forgery Recovery	\$	30,000	\$	30,000	128265
TOTAL FID Fiduciary Fund Group	\$	30,000	\$	30,000	128266
Federal Fund Group					128267
3CM0 042606 Office of Health Transformation - Federal	\$	414,422	\$	428,430	128268
TOTAL FED Federal Fund Group	\$	414,422	\$	428,430	128269

TOTAL ALL BUDGET FUND GROUPS	\$	28,208,741	\$	29,032,360	128270
<b>Section 229.20. AUDIT COSTS</b>					128272
All centralized audit costs associated with either Single					128273
Audit Schedules or financial statements prepared in conformance					128274
with generally accepted accounting principles for the state shall					128275
be paid from the foregoing appropriation item 042603, Financial					128276
Management.					128277
Costs associated with the audit of the Auditor of State shall					128278
be paid from the foregoing appropriation item 042321, Budget					128279
Development and Implementation.					128280
SHARED SERVICES					128281
The foregoing appropriation items 042425, Shared Services					128282
Development, and 042620, Shared Services Operating, shall be used					128283
by the Director of Budget and Management to support the Shared					128284
Services program pursuant to division (D) of section 126.21 of the					128285
Revised Code.					128286
The Director of Budget and Management shall include the					128287
recovery of costs to operate the Shared Services program in the					128288
accounting and budgeting services payroll rate and through direct					128289
charges using intrastate transfer vouchers billed to agencies for					128290
services rendered using a methodology determined by the Director					128291
of Budget and Management. Such cost recovery revenues shall be					128292
deposited to the credit of the Accounting and Budgeting Fund (Fund					128293
1050).					128294
INTERNAL AUDIT					128295
The Director of Budget and Management shall include the					128296
recovery of costs to operate the Internal Audit Program pursuant					128297
to section 126.45 of the Revised Code in the accounting and					128298
budgeting services payroll rate and through direct charges using					128299
intrastate transfer vouchers billed to agencies reviewed by the					128300

program using a methodology determined by the Director of Budget and Management. Such cost recovery revenues shall be deposited to the credit of Fund 1050. 128301  
128302  
128303

FORGERY RECOVERY 128304

The foregoing appropriation item 042604, Forgery Recovery, shall be used to reissue warrants that have been certified as forgeries by the rightful recipient as determined by the Bureau of Criminal Identification and Investigation and the Treasurer of State. Upon receipt of funds to cover the reissuance of the warrant, the Director of Budget and Management shall reissue a state warrant of the same amount. Any additional amounts needed to reissue warrants backed by the receipt of funds are hereby appropriated. 128305  
128306  
128307  
128308  
128309  
128310  
128311  
128312  
128313

**Section 231.10.** CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 128314

General Revenue Fund 128315

GRF 874100 Personal Services \$ 2,497,866 \$ 2,497,866 128316

GRF 874320 Maintenance and \$ 1,368,765 \$ 1,368,765 128317

Equipment

TOTAL GRF General Revenue Fund \$ 3,866,631 \$ 3,866,631 128318

Dedicated Purpose Fund Group 128319

2080 874601 Underground Parking \$ 4,110,625 \$ 4,245,906 128320

Garage Operations

4G50 874603 Capitol Square \$ 6,000 \$ 6,000 128321

Education Center and

Arts

TOTAL DPF Dedicated Purpose 128322

Fund Group \$ 4,116,625 \$ 4,251,906 128323

Internal Service Activity Fund Group 128324

4S70 874602 Statehouse Gift \$ 800,000 \$ 800,000 128325

Shop/Events

TOTAL ISA Internal Service Activity				128326	
Fund Group	\$	800,000	\$	800,000	128327
TOTAL ALL BUDGET FUND GROUPS	\$	8,783,256	\$	8,918,537	128328

MAINTENANCE AND EQUIPMENT 128329

On July 1, 2017, or as soon as possible thereafter, the 128330  
Executive Director of the Capitol Square Review and Advisory Board 128331  
may certify to the Director of Budget and Management an amount up 128332  
to the unexpended, unencumbered balance of the foregoing 128333  
appropriation item 874320, Maintenance and Equipment, at the end 128334  
of fiscal year 2017 to be reappropriated to fiscal year 2018. The 128335  
amount certified is hereby appropriated to the same appropriation 128336  
item for fiscal year 2018. 128337

On July 1, 2018, or as soon as possible thereafter, the 128338  
Executive Director of the Capitol Square Review and Advisory Board 128339  
may certify to the Director of Budget and Management an amount up 128340  
to the unexpended, unencumbered balance of the foregoing 128341  
appropriation item 874320, Maintenance and Equipment, at the end 128342  
of fiscal year 2018 to be reappropriated to fiscal year 2019. The 128343  
amount certified is hereby appropriated to the same appropriation 128344  
item for fiscal year 2019. 128345

UNDERGROUND PARKING GARAGE FUND 128346

Notwithstanding division (G) of section 105.41 of the Revised 128347  
Code and any other provision to the contrary, moneys in the 128348  
Underground Parking Garage Fund (Fund 2080) may be used for 128349  
personnel and operating costs related to the operations of the 128350  
Statehouse and the Statehouse Underground Parking Garage. 128351

HOUSE AND SENATE PARKING REIMBURSEMENT 128352

On July 1 of each fiscal year, or as soon as possible 128353  
thereafter, the Director of Budget and Management shall transfer 128354  
\$500,000 cash from the General Revenue Fund to the Underground 128355  
Parking Garage Fund (Fund 2080). The amounts transferred under 128356



this section shall be used to reimburse the Capitol Square Review 128357  
and Advisory Board for legislative parking costs. 128358

**Section 233.10.** SCR STATE BOARD OF CAREER COLLEGES AND 128359  
SCHOOLS 128360

Dedicated Purpose Fund Group 128361

4K90 233601	Operating Expenses	\$	540,260	\$	540,260	128362
TOTAL DPF Dedicated Purpose Fund		\$	540,260	\$	540,260	128363

Group

TOTAL ALL BUDGET FUND GROUPS		\$	540,260	\$	540,260	128364
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**Section 233.20.** The State Board of Career Colleges and 128366  
Schools shall refund all student disclosure course fees charged to 128367  
schools by the Board under paragraph (B) of rule 3332-1-22.1 of 128368  
the Administrative Code and collected since January 2017 for the 128369  
purpose of refunding that money to students who were charged that 128370  
fee by the college or school. Private career schools, as defined 128371  
in section 3332.01 of the Revised Code, shall refund the 128372  
respective amount received under this section to each student who 128373  
paid the fee. 128374

**Section 235.10.** CAC CASINO CONTROL COMMISSION 128375

Dedicated Purpose Fund Group 128376

5HS0 955321	Operating Expenses	\$	13,327,155	\$	13,659,745	128377
5NU0 955601	Casino Commission	\$	250,000	\$	250,000	128378

Enforcement

TOTAL DPF Dedicated Purpose Fund		\$	13,577,155	\$	13,909,745	128379
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	13,577,155	\$	13,909,745	128380
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**Section 237.10.** CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 128382

Dedicated Purpose Fund Group 128383

4K90 930609 Operating Expenses	\$	547,999	\$	561,739	128384
TOTAL DPF Dedicated Purpose Fund	\$	547,999	\$	561,739	128385
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	547,999	\$	561,739	128386

**Section 239.10.** CHR STATE CHIROPRACTIC BOARD 128388

Dedicated Purpose Fund Group					128389
4K90 878609 Operating Expenses	\$	646,000	\$	646,700	128390
TOTAL DPF Dedicated Purpose Fund	\$	646,000	\$	646,700	128391
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	646,000	\$	646,700	128392

**Section 241.10.** CIV OHIO CIVIL RIGHTS COMMISSION 128394

General Revenue Fund					128395
GRF 876321 Operating Expenses	\$	5,039,359	\$	5,599,288	128396
TOTAL GRF General Revenue Fund	\$	5,039,359	\$	5,599,288	128397
Internal Service Activity Fund Group					128398
2170 876604 Operations Support	\$	4,000	\$	4,000	128399
TOTAL ISA Internal Service Activity					128400
Fund Group	\$	4,000	\$	4,000	128401
Federal Fund Group					128402
3340 876601 Federal Programs	\$	3,581,649	\$	3,319,965	128403
TOTAL FED Federal Special Revenue					128404
Fund Group	\$	3,581,649	\$	3,319,965	128405
TOTAL ALL BUDGET FUND GROUPS	\$	8,625,008	\$	8,923,253	128406

**Section 243.10.** COM DEPARTMENT OF COMMERCE 128408

Dedicated Purpose Fund Group					128409
4B20 800631 Real Estate Appraisal	\$	35,000	\$	35,000	128410
Recovery					
4H90 800608 Cemeteries	\$	343,249	\$	295,244	128411
4X20 800619 Financial Institutions	\$	1,717,044	\$	1,717,044	128412

5430	800602	Unclaimed	\$	7,984,977	\$	7,984,977	128413
		Funds-Operating					
5430	800625	Unclaimed Funds-Claims	\$	70,000,000	\$	70,000,000	128414
5440	800612	Banks	\$	9,677,471	\$	9,677,471	128415
5460	800610	Fire Marshal	\$	17,297,687	\$	17,297,687	128416
5460	800639	Fire Department Grants	\$	5,200,000	\$	5,200,000	128417
5470	800603	Real Estate	\$	69,655	\$	69,655	128418
		Education/Research					
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	128419
5490	800614	Real Estate	\$	3,750,000	\$	3,584,329	128420
5500	800617	Securities	\$	5,216,985	\$	5,284,994	128421
5520	800604	Credit Union	\$	3,600,000	\$	3,675,000	128422
5530	800607	Consumer Finance	\$	4,548,563	\$	4,628,963	128423
5560	800615	Industrial Compliance	\$	30,582,452	\$	30,478,277	128424
5F10	800635	Small Government Fire	\$	300,000	\$	300,000	128425
		Departments					
5FW0	800616	Financial Literacy	\$	190,000	\$	190,000	128426
		Education					
5GK0	800609	Securities Investor	\$	682,150	\$	682,150	128427
		Education/Enforcement					
5HV0	800641	Cigarette Enforcement	\$	27,324	\$	27,324	128428
5LC0	800644	Liquor JobsOhio	\$	276,817	\$	276,817	128429
		Extraordinary Allowance					
5LN0	800645	Liquor Operating	\$	8,810,087	\$	8,352,353	128430
		Services					
5LP0	800646	Liquor Regulatory	\$	9,562,022	\$	9,067,080	128431
		Operating Expenses					
5SJ0	800648	Volunteer Peace	\$	50,000	\$	50,000	128432
		Officers' Dependent					
		Fund					
5SU0	800649	Manufactured Homes	\$	54,800	\$	159,706	128433
		Regulation					
5SY0	800650	Medical Marijuana	\$	1,121,279	\$	1,135,692	128434

Control Program			
5X60	800623	Video Service	\$ 412,693 \$ 412,693 128435
6530	800629	UST Registration/Permit	\$ 2,301,714 \$ 2,301,714 128436
Fee			
6A40	800630	Real Estate	\$ 778,175 \$ 722,672 128437
Appraiser-Operating			
TOTAL DPF Dedicated Purpose			128438
Fund Group		\$ 184,640,144	\$ 183,656,842 128439
Internal Service Activity Fund Group			128440
1630	800620	Division of	\$ 8,043,364 \$ 8,043,364 128441
Administration			
1630	800637	Information Technology	\$ 9,780,626 \$ 9,540,704 128442
TOTAL ISA Internal Service Activity			128443
Fund Group		\$ 17,823,990	\$ 17,584,068 128444
Federal Fund Group			128445
3480	800622	Underground Storage	\$ 1,186,180 \$ 1,186,180 128446
Tanks			
3480	800624	Leaking Underground	\$ 1,950,000 \$ 1,950,000 128447
Storage Tanks			
TOTAL FED Federal Fund Group			\$ 3,136,180 \$ 3,136,180 128448
TOTAL ALL BUDGET FUND GROUPS			\$ 205,600,314 \$ 204,377,090 128449

**Section 243.20. UNCLAIMED FUNDS PAYMENTS** 128451

The foregoing appropriation item 800625, Unclaimed 128452  
 Funds-Claims, shall be used to pay claims under section 169.08 of 128453  
 the Revised Code. If it is determined by the Director of Commerce 128454  
 that additional appropriation amounts are necessary to make such 128455  
 payments, the Director of Commerce may request that the Director 128456  
 of Budget and Management increase such amounts. Such amounts are 128457  
 hereby appropriated. 128458

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 128459

The foregoing appropriation item 800631, Real Estate 128460

Appraiser Recovery, shall be used to pay settlements, judgments, 128461  
and court orders under section 4763.16 of the Revised Code. If it 128462  
is determined by the Director of Commerce that additional 128463  
appropriation amounts are necessary to make such payments, the 128464  
Director of Commerce may request that the Director of Budget and 128465  
Management increase such amounts. Such amounts are hereby 128466  
appropriated. 128467

The foregoing appropriation item 800611, Real Estate 128468  
Recovery, shall be used to pay settlements, judgments, and court 128469  
orders under section 4735.12 of the Revised Code. If it is 128470  
determined by the Director of Commerce that additional 128471  
appropriation amounts are necessary to make such payments, the 128472  
Director of Commerce may request that the Director of Budget and 128473  
Management increase such amounts. Such amounts are hereby 128474  
appropriated. 128475

FIRE DEPARTMENT GRANTS 128476

(A) The foregoing appropriation item 800639, Fire Department 128477  
Grants, shall be used to make annual grants to the following 128478  
eligible recipients: volunteer fire departments, fire departments 128479  
that serve one or more small municipalities or small townships, 128480  
joint fire districts comprised of fire departments that primarily 128481  
serve small municipalities or small townships, local units of 128482  
government responsible for such fire departments, and local units 128483  
of government responsible for the provision of fire protection 128484  
services for small municipalities or small townships. For the 128485  
purposes of these grants, a private fire company, as that phrase 128486  
is defined in section 9.60 of the Revised Code, that is providing 128487  
fire protection services under a contract to a political 128488  
subdivision of the state, is an additional eligible recipient for 128489  
a training grant. 128490

Eligible recipients that consist of small municipalities or 128491  
small townships that all intend to contract with the same fire 128492

department or private fire company for fire protection services 128493  
may jointly apply and be considered for a grant. If a joint 128494  
applicant is awarded a grant, the State Fire Marshal shall, if 128495  
feasible, proportionately award the grant and any equipment 128496  
purchased with grant funds to each of the joint applicants based 128497  
upon each applicant's contribution to and demonstrated need for 128498  
fire protection services. For the purpose of this grant program, 128499  
an eligible recipient or any firefighting entity that is 128500  
contracted to serve an eligible recipient may only file, be listed 128501  
as joint applicant, or be designated as a service provider on one 128502  
grant application per fiscal year. 128503

If the grant awarded to joint applicants is an equipment 128504  
grant and the equipment to be purchased cannot be readily 128505  
distributed or possessed by multiple recipients, each of the joint 128506  
applicants shall be awarded by the State Fire Marshal an ownership 128507  
interest in the equipment so purchased in proportion to each 128508  
applicant's contribution to and demonstrated need for fire 128509  
protection services. The joint applicants shall then mutually 128510  
agree on how the equipment is to be maintained, operated, stored, 128511  
or disposed of. If, for any reason, the joint applicants cannot 128512  
agree as to how jointly owned equipment is to be maintained, 128513  
operated, stored, or disposed of or any of the joint applicants no 128514  
longer maintain a contract with the same fire protection service 128515  
provider as the other applicants, then the joint applicants shall, 128516  
with the assistance of the State Fire Marshal, mutually agree as 128517  
to how the jointly owned equipment is to be maintained, operated, 128518  
stored, disposed of, or owned. If the joint applicants cannot 128519  
agree how the grant equipment is to be maintained, operated, 128520  
stored, disposed of, or owned, the State Fire Marshal may, in its 128521  
discretion, require all of the equipment acquired by the joint 128522  
applicants with grant funds to be returned to the State Fire 128523  
Marshal. The State Fire Marshal may then award the returned 128524  
equipment to any eligible recipients. For this paragraph only, an 128525

"equipment grant" also includes a MARCS Grant. 128526

(B) Except as otherwise provided in this section, the grants 128527  
shall be used by recipients to purchase firefighting or rescue 128528  
equipment or gear or similar items, to provide full or partial 128529  
reimbursement for the documented costs of firefighter training, 128530  
or, at the discretion of the State Fire Marshal, to cover fire 128531  
department costs for providing fire protection services in that 128532  
grant recipient's jurisdiction. 128533

(1) Of the foregoing appropriation item 800639, Fire 128534  
Department Grants, up to \$1,000,000 per fiscal year may be used to 128535  
pay for the State Fire Marshal's costs of providing firefighter I 128536  
certification classes or other firefighter classes approved by the 128537  
State Fire Marshal at no cost to selected students attending the 128538  
Ohio Fire Academy or other class providers approved by the State 128539  
Fire Marshal. The State Fire Marshal may establish the 128540  
qualifications and selection processes for students to attend such 128541  
classes by written policy, and such students shall be considered 128542  
eligible recipients of fire department grants for the purposes of 128543  
this portion of the grant program. 128544

(2) Of the foregoing appropriation item 800639, Fire 128545  
Department Grants, up to \$3,000,000 in each fiscal year may be 128546  
used for MARCS Grants. MARCS Grants may be used for the payment of 128547  
user access fees by the eligible recipient to access MARCS. 128548

For purposes of this section, a MARCS Grant is a grant for 128549  
systems, equipment, or services that are a part of, integrated 128550  
into, or otherwise interoperable with the Multi-Agency Radio 128551  
Communication System (MARCS) operated by the state. 128552

MARCS Grant awards may be up to \$50,000 in each fiscal year 128553  
per eligible recipient. Each eligible recipient may only apply, as 128554  
a separate entity or as a part of a joint application, for one 128555  
MARCS Grant per fiscal year. The State Fire Marshal may give a 128556

preference in the awarding of MARCS Grants to grants that will 128557  
enhance the overall interoperability and effectiveness of 128558  
emergency communication networks in the geographic region that 128559  
includes and that is adjacent to the applicant. Eligible 128560  
recipients that are or were awarded fire department grants that 128561  
are not MARCS Grants may also apply for and receive MARCS Grants 128562  
in accordance with criteria for the awarding of grant funds 128563  
established by the State Fire Marshal. 128564

(3) Grant awards for firefighting or rescue equipment or gear 128565  
or for fire department costs of providing fire protection services 128566  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 128567  
fiscal year if an eligible entity serves a jurisdiction in which 128568  
the Governor declared a natural disaster during the preceding or 128569  
current fiscal year in which the grant was awarded. In addition to 128570  
any grant funds awarded for rescue equipment or gear, or for fire 128571  
department costs associated with the provision of fire protection 128572  
services, an eligible entity may receive a grant for up to \$15,000 128573  
per fiscal year for full or partial reimbursement of the 128574  
documented costs of firefighter training. For each fiscal year, 128575  
the State Fire Marshal shall determine the total amounts to be 128576  
allocated for each eligible purpose. 128577

(C) The grants shall be administered by the State Fire 128578  
Marshal in accordance with rules the State Fire Marshal adopts as 128579  
part of the state fire code adopted pursuant to section 3737.82 of 128580  
the Revised Code that are necessary for the administration and 128581  
operation of the grant program. The rules may further define the 128582  
entities eligible to receive grants and establish criteria for the 128583  
awarding and expenditure of grant funds, including methods the 128584  
State Fire Marshal may use to verify the proper use of grant funds 128585  
or to obtain reimbursement for or the return of equipment for 128586  
improperly used grant funds. To the extent consistent with this 128587  
section and until the rules are updated, the existing rules in the 128588



state fire code adopted pursuant to section 3737.82 of the Revised Code for fire department grants under this section apply to MARCS Grants. Any amounts in appropriation item 800639, Fire Department Grants, in excess of the amount allocated for these grants may be used for the administration of the grant program.

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND

Upon the written request of the Director of Commerce, the Director of Budget and Management may transfer up to \$500,000 in cash from the Real Estate Recovery Fund (Fund 5480) and up to \$250,000 in cash from the Real Estate Appraiser Recovery Fund (Fund 4B20) to the Division of Real Estate Operating Fund (Fund 5490) during the biennium ending June 30, 2019.

SMALL GOVERNMENT FIRE DEPARTMENT SERVICES REVOLVING LOAN FUND

Upon the written request of the Director of Commerce, the Director of Budget and Management may transfer up to \$300,000 in cash from the State Fire Marshal Fund (Fund 5460) to the Small Government Fire Department Services Revolving Loan Fund (Fund 5F10) during the biennium ending June 30, 2019.

Of the foregoing appropriation item 800635, Small Government Fire Departments, \$150,000 in fiscal year 2018 shall be used to provide a loan for fire training center equipment to a fire training center that received an appropriation in S.B. 310 of the 131st General Assembly.

**Section 245.10.** OCC OFFICE OF CONSUMERS' COUNSEL

Dedicated Purpose Fund Group

5F50 053601 Operating Expenses \$ 5,541,093 \$ 5,541,093

TOTAL DPF Dedicated Purpose Fund \$ 5,541,093 \$ 5,541,093

Group

TOTAL ALL BUDGET FUND GROUPS \$ 5,541,093 \$ 5,541,093

<b>Section 247.10. CEB CONTROLLING BOARD</b>	128618
Internal Service Activity Fund Group	128619
5KM0 911614 Controlling Board \$ 7,500,000 \$ 7,500,000	128620
Emergency	
Purposes/Contingencies	
TOTAL ISA Internal Service Activity \$ 7,500,000 \$ 7,500,000	128621
Fund Group	
TOTAL ALL BUDGET FUND GROUPS \$ 7,500,000 \$ 7,500,000	128622
<b>Section 247.20. FEDERAL SHARE</b>	128624
In transferring appropriations to or from appropriation items	128625
that have federal shares identified in this act, the Controlling	128626
Board shall add or subtract corresponding amounts of federal	128627
matching funds at the percentages indicated by the state and	128628
federal division of the appropriations in this act. Such changes	128629
are hereby appropriated.	128630
DISASTER SERVICES	128631
The Disaster Services Fund (Fund 5E20) shall be used by the	128632
Controlling Board, pursuant to requests submitted by state	128633
agencies, to transfer cash used for the payment of state agency	128634
disaster relief program expenses for disasters that have a written	128635
Governor's authorization, if the Director of Budget and Management	128636
determines that sufficient funds exist.	128637
Pursuant to requests submitted by the Department of Public	128638
Safety, the Controlling Board may approve cash transfers from Fund	128639
5E20 to any fund used by the Department of Public Safety to	128640
provide for assistance to political subdivisions made necessary by	128641
natural disasters or emergencies. These cash transfers may be	128642
requested and approved prior to the occurrence of any specific	128643
natural disasters or emergencies in order to facilitate the	128644
provision of timely assistance. The Emergency Management Agency of	128645

the Department of Public Safety shall use the cash to fund the 128646  
 State Disaster Relief Program for disasters that qualify for the 128647  
 program by written authorization of the Governor, and the State 128648  
 Individual Assistance Program for disasters that been declared by 128649  
 the federal Small Business Administration and that qualify for the 128650  
 program by written authorization from the Governor. The Ohio 128651  
 Emergency Management Agency shall publish and make available 128652  
 application packets outlining procedures for the State Disaster 128653  
 Relief Program and the State Individual Assistance Program. 128654

**Section 249.10.** COS COSMETOLOGY AND BARBER BOARD 128655

Dedicated Purpose Fund Group 128656  
 4K90 879609 Operating Expenses \$ 4,462,105 \$ 5,348,760 128657  
 TOTAL DPF Dedicated Purpose Fund \$ 4,462,105 \$ 5,348,760 128658  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 4,462,105 \$ 5,348,760 128659

**Section 251.10.** CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 128661

AND FAMILY THERAPIST BOARD 128662  
 Dedicated Purpose Fund Group 128663  
 4K90 899609 Operating Expenses \$ 1,518,224 \$ 1,625,312 128664  
 TOTAL DPF Dedicated Purpose Fund \$ 1,518,224 \$ 1,625,312 128665  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,518,224 \$ 1,625,312 128666

**Section 253.10.** CLA COURT OF CLAIMS 128668

General Revenue Fund 128669  
 GRF 015321 Operating Expenses \$ 2,536,419 \$ 2,536,419 128670  
 GRF 015403 Public Records \$ 518,700 \$ 539,280 128671  
 Adjudication  
 TOTAL GRF General Revenue Fund \$ 3,055,119 \$ 3,075,699 128672  
 Dedicated Purpose Fund Group 128673

5K20 015603 CLA Victims of Crime \$ 462,515 \$ 480,463 128674  
TOTAL DPF Dedicated Purpose Fund \$ 462,515 \$ 480,463 128675  
Group

TOTAL ALL BUDGET FUND GROUPS \$ 3,517,634 \$ 3,556,162 128676

PUBLIC RECORDS ADJUDICATION 128677

The foregoing appropriation item 015403, Public Records 128678  
Adjudication, shall be used by the Court of Claims to perform its 128679  
duties and responsibilities as directed by S.B. 321 of the 131st 128680  
General Assembly. 128681

**Section 255.10.** DEN STATE DENTAL BOARD 128682

Dedicated Purpose Fund Group 128683

4K90 880609 Operating Expenses \$ 1,754,868 \$ 1,830,082 128684

TOTAL DPF Dedicated Purpose Fund \$ 1,754,868 \$ 1,830,082 128685

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,754,868 \$ 1,830,082 128686

**Section 257.10.** BDP BOARD OF DEPOSIT 128688

Dedicated Purpose Fund Group 128689

4M20 974601 Board of Deposit \$ 1,876,000 \$ 1,876,000 128690

TOTAL DPF Dedicated Purpose Fund \$ 1,876,000 \$ 1,876,000 128691

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,876,000 \$ 1,876,000 128692

BOARD OF DEPOSIT EXPENSE FUND 128693

Upon receiving certification of expenses from the Treasurer 128694  
of State, the Director of Budget and Management shall transfer 128695  
cash from the Investment Earnings Redistribution Fund (Fund 6080) 128696  
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 128697  
shall be used pursuant to section 135.02 of the Revised Code to 128698  
pay for any and all necessary expenses of the Board of Deposit or 128699  
for banking charges and fees required for the operation of the 128700  
State of Ohio Regular Account. 128701

	<b>Section 259.10.</b>	DEV DEVELOPMENT SERVICES AGENCY				128702	
	General Revenue Fund					128703	
GRF	195402	Coal Research and Development Program	\$	227,368	\$	227,368	128704
GRF	195405	Minority Business Development	\$	1,696,358	\$	1,696,358	128705
GRF	195415	Business Development Services	\$	3,208,941	\$	3,208,941	128706
GRF	195426	Redevelopment Assistance	\$	824,500	\$	1,067,000	128707
GRF	195453	Technology Programs and Grants	\$	13,524,956	\$	13,274,956	128708
GRF	195454	Small Business and Export Assistance	\$	3,057,174	\$	3,057,174	128709
GRF	195497	CDBG Operating Match	\$	1,021,604	\$	1,021,604	128710
GRF	195537	Ohio-Israel Agricultural Initiative	\$	200,000	\$	200,000	128711
GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$	6,319,500	\$	7,820,600	128712
GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$	87,015,000	\$	95,039,900	128713
GRF	195912	Job Ready Site Development General Obligation Bond Debt Service	\$	11,092,900	\$	12,380,400	128714
TOTAL GRF	General Revenue Fund		\$	128,188,301	\$	138,994,301	128715

		Dedicated Purpose Fund Group				128716	
4500	195624	Minority Business	\$	74,905	\$	74,905	128717
		Bonding Program					
		Administration					
4510	195649	Business Assistance	\$	4,000,000	\$	4,000,000	128718
		Programs					
4F20	195639	State Special Projects	\$	102,104	\$	102,104	128719
4F20	195699	Utility Community	\$	500,000	\$	500,000	128720
		Assistance					
4W10	195646	Minority Business	\$	4,000,000	\$	4,000,000	128721
		Enterprise Loan					
5CG0	195679	Alternative Fuel	\$	2,000,000	\$	2,000,000	128722
		Transportation					
5HR0	195403	Appalachian Workforce	\$	5,662,518		5,662,518	128723
		Assistance					
5HR0	195622	Defense Development	\$	1,250,000	\$	1,250,000	128724
		Assistance					
5JR0	195635	Tax Incentives	\$	800,000	\$	800,000	128725
		Operating					
5KP0	195645	Historic	\$	1,000,000	\$	1,000,000	128726
		Rehabilitation					
		Operating					
5M40	195659	Low Income Energy	\$	370,000,000	\$	370,000,000	128727
		Assistance (USF)					
5M50	195660	Advanced Energy Loan	\$	10,000,000	\$	10,000,000	128728
		Programs					
5MH0	195644	SiteOhio	\$	25,000	\$	25,000	128729
		Administration					
5MJ0	195683	TourismOhio	\$	10,000,000	\$	10,000,000	128730
		Administration					
5W50	195690	Travel and Tourism	\$	150,000	\$	150,000	128731
		Cooperative Projects					
5W60	195691	International Trade	\$	18,000	\$	18,000	128732

		Cooperative Projects					
6170	195654	Volume Cap	\$	32,562	\$	32,562	128733
		Administration					
6460	195638	Low- and Moderate- Income Housing Programs	\$	53,000,000	\$	53,000,000	128734
M087	195435	Biomedical Research and Technology Transfer	\$	500,000	\$	500,000	128735
TOTAL DPF	Dedicated Purpose Fund Group		\$	463,115,089	\$	463,115,089	128736
		Internal Service Activity Fund Group					128737
1350	195684	Development Services Operations	\$	10,800,000	\$	10,800,000	128738
6850	195636	Development Services Reimbursable Expenditures	\$	700,000	\$	700,000	128739
TOTAL ISA	Internal Service Activity Fund Group		\$	11,500,000	\$	11,500,000	128740
		Facilities Establishment Fund Group					128741
5S90	195628	Capital Access Loan Program	\$	2,500,000	\$	2,500,000	128742
7009	195664	Innovation Ohio	\$	5,000,000	\$	5,000,000	128743
7010	195665	Research and Development	\$	5,000,000	\$	5,000,000	128744
7037	195615	Facilities Establishment	\$	25,000,000	\$	25,000,000	128745
TOTAL FCE	Facilities Establishment Fund Group		\$	37,500,000	\$	37,500,000	128746
		Bond Research and Development Fund Group					128747
7011	195686	Third Frontier Tax Exempt - Operating	\$	750,000	\$	750,000	128748

7011	195687	Third Frontier Research and Development Projects	\$	20,000,000	\$	20,000,000	128749
7014	195620	Third Frontier Taxable - Operating	\$	1,710,000	\$	1,710,000	128750
7014	195692	Research and Development Taxable Bond Projects	\$	90,850,250	\$	90,850,250	128751
TOTAL BRD Bond Research and Development Fund Group			\$	113,310,250	\$	113,310,250	128752
Capital Projects Fund Group							128753
7003	195663	Clean Ohio Revitalization Operating	\$	600,000	\$	0	128754
TOTAL CPF Capital Projects Fund Group			\$	600,000	\$	0	128755
Federal Fund Group							128756
3080	195603	Housing Assistance Programs	\$	12,000,000	\$	12,000,000	128757
3080	195609	Small Business Administration Grants	\$	5,271,381	\$	5,271,381	128758
3080	195618	Energy Grants	\$	4,000,000	\$	4,000,000	128759
3080	195670	Home Weatherization Program	\$	20,000,000	\$	20,000,000	128760
3080	195671	Brownfield Redevelopment	\$	3,000,000	\$	3,000,000	128761
3080	195672	Manufacturing Extension Partnership	\$	5,500,000	\$	5,500,000	128762
3080	195675	Procurement Technical Assistance	\$	750,000	\$	750,000	128763
3080	195696	State Trade and Export Promotion	\$	800,000	\$	800,000	128764



3350	195610	Energy Programs	\$	200,000	\$	200,000	128765
3AE0	195643	Workforce Development Initiatives	\$	800,000	\$	800,000	128766
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	5,644,445	\$	5,644,445	128767
3FJ0	195661	Technology Targeted Investment Program	\$	2,260,953	\$	2,260,953	128768
3K80	195613	Community Development Block Grant	\$	60,000,000	\$	60,000,000	128769
3K90	195611	Home Energy Assistance Block Grant	\$	175,000,000	\$	175,000,000	128770
3K90	195614	HEAP Weatherization	\$	25,000,000	\$	25,000,000	128771
3L00	195612	Community Services Block Grant	\$	28,000,000	\$	28,000,000	128772
3V10	195601	HOME Program	\$	25,000,000	\$	25,000,000	128773
TOTAL FED	Federal Fund Group		\$	373,226,779	\$	373,226,779	128774
TOTAL ALL BUDGET FUND GROUPS			\$	1,127,440,419	\$	1,137,646,419	128775

**Section 259.20.** COAL RESEARCH AND DEVELOPMENT PROGRAM 128777

The foregoing appropriation item 195402, Coal Research and 128778  
Development Program, shall be used for the operating expenses of 128779  
the Community Services Division in support of the Ohio Coal 128780  
Development Office. 128781

MINORITY BUSINESS DEVELOPMENT 128782

The foregoing appropriation item 195405, Minority Business 128783  
Development, shall be used to support the activities of the 128784  
Minority Business Development Division, including providing grants 128785  
to local nonprofit organizations to support economic development 128786  
activities that promote minority business development, in 128787

conjunction with local organizations funded through appropriation 128788  
item 195454, Small Business and Export Assistance. 128789

BUSINESS DEVELOPMENT SERVICES 128790

The foregoing appropriation item 195415, Business Development 128791  
Services, shall be used for the operating expenses of the Business 128792  
Services Division and the regional economic development offices. 128793

REDEVELOPMENT ASSISTANCE 128794

The foregoing appropriation item 195426, Redevelopment 128795  
Assistance, shall be used to fund the costs of administering the 128796  
energy, redevelopment, and other revitalization programs that may 128797  
be implemented by the Development Services Agency, and may be used 128798  
to match federal grant funding. 128799

TECHNOLOGY PROGRAMS AND GRANTS 128800

Of the foregoing appropriation item 195453, Technology 128801  
Programs and Grants, up to \$547,341 in each fiscal year shall be 128802  
used for operating expenses incurred in administering the Ohio 128803  
Third Frontier pursuant to sections 184.10 to 184.20 of the 128804  
Revised Code; up to \$4,600,000 in each fiscal year shall be used 128805  
for the Manufacturing Extension Partnership Program; and up to 128806  
\$5,900,000 in each fiscal year shall be used for the Technology 128807  
Application Program to support new technology applications, as 128808  
defined in division (C)(6) of section 122.33 of the Revised Code, 128809  
for small- and mid-sized manufacturers via the Edison Network, as 128810  
defined in division (B)(2) of section 122.01 of the Revised Code, 128811  
through direct technology application development or service 128812  
creation. 128813

SMALL BUSINESS AND EXPORT ASSISTANCE 128814

The foregoing appropriation item 195454, Small Business and 128815  
Export Assistance, may be used to provide a range of business 128816  
assistance, including grants to local organizations to support 128817

economic development activities that promote small business 128818  
development, entrepreneurship, and exports of Ohio's goods and 128819  
services, in conjunction with local organizations funded through 128820  
appropriation item 195405, Minority Business Development. The 128821  
foregoing appropriation item shall also be used as matching funds 128822  
for grants from the United States Small Business Administration 128823  
and other federal agencies, pursuant to Public Law No. 96-302 as 128824  
amended by Public Law No. 98-395, and regulations and policy 128825  
guidelines for the programs pursuant thereto. 128826

Of the foregoing appropriation item 195454, Small Business 128827  
and Export Assistance, \$250,000 in each fiscal year shall be 128828  
allocated to Lumos Innovation. 128829

CDBG OPERATING MATCH 128830

The foregoing appropriation item 195497, CDBG Operating 128831  
Match, shall be used as matching funds for grants from the United 128832  
States Department of Housing and Urban Development pursuant to the 128833  
Housing and Community Development Act of 1974 and regulations and 128834  
policy guidelines for the programs pursuant thereto. 128835

OHIO-ISRAEL AGRICULTURAL INITIATIVE 128836

The foregoing appropriation item 195537, Ohio-Israel 128837  
Agricultural Initiative, shall be used for the Ohio-Israel 128838  
Agricultural Initiative. 128839

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT 128840  
SERVICE 128841

The foregoing appropriation line item 195901, Coal Research 128842  
and Development General Obligation Bond Debt Service, shall be 128843  
used to pay all debt service and related financing costs during 128844  
the period July 1, 2017, through June 30, 2019, on obligations 128845  
issued under sections 151.01 and 151.07 of the Revised Code. 128846

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION 128847

BOND DEBT SERVICE	128848
The foregoing appropriation item 195905, Third Frontier	128849
Research and Development General Obligation Bond Debt Service,	128850
shall be used to pay all debt service and related financing costs	128851
during the period from July 1, 2017, through June 30, 2019, on	128852
obligations issued under sections 151.01 and 151.10 of the Revised	128853
Code.	128854
JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT	128855
SERVICE	128856
The foregoing appropriation item 195912, Job Ready Site	128857
Development General Obligation Bond Debt Service, shall be used to	128858
pay all debt service and related financing costs during the period	128859
from July 1, 2017, through June 30, 2019, on obligations issued	128860
under sections 151.01 and 151.11 of the Revised Code.	128861
<b>Section 259.30. MINORITY BUSINESS BONDING FUND</b>	128862
Notwithstanding Chapters 122., 169., and 175. of the Revised	128863
Code, the Director of Development Services may, upon the	128864
recommendation of the Minority Development Financing Advisory	128865
Board, pledge up to \$10,000,000 in the fiscal year 2018-fiscal	128866
year 2019 biennium of unclaimed funds administered by the Director	128867
of Commerce and allocated to the Minority Business Bonding Program	128868
under section 169.05 of the Revised Code.	128869
If needed for the payment of losses arising from the Minority	128870
Business Bonding Program, the Director of Budget and Management	128871
may, at the request of the Director of Development Services,	128872
request that the Director of Commerce transfer unclaimed funds	128873
that have been reported by holders of unclaimed funds under	128874
section 169.05 of the Revised Code to the Minority Bonding Fund	128875
(Fund 4490). The transfer of unclaimed funds shall only occur	128876
after proceeds of the initial transfer of \$2,700,000 by the	128877

Controlling Board to the Minority Business Bonding Program have 128878  
been used for that purpose. If expenditures are required for 128879  
payment of losses arising from the Minority Business Bonding 128880  
Program, such expenditures shall be made from appropriation item 128881  
195658, Minority Business Bonding Contingency in the Minority 128882  
Business Bonding Fund, and such amounts are hereby appropriated. 128883

BUSINESS ASSISTANCE PROGRAMS 128884

The foregoing appropriation item 195649, Business Assistance 128885  
Programs, shall be used for administrative expenses associated 128886  
with the operation of loan incentives within the Office of 128887  
Strategic Business Investments. 128888

STATE SPECIAL PROJECTS 128889

The State Special Projects Fund (Fund 4F20), may be used for 128890  
the deposit of private-sector funds from utility companies and for 128891  
the deposit of other miscellaneous state funds. State moneys so 128892  
deposited may also be used to match federal grants and to support 128893  
low-income energy assistance programs. 128894

MINORITY BUSINESS ENTERPRISE LOAN 128895

All repayments from the Minority Development Financing 128896  
Advisory Board Loan Program shall be deposited in the State 128897  
Treasury to the credit of the Minority Business Enterprise Loan 128898  
Fund (Fund 4W10). 128899

APPALACHIAN WORKFORCE ASSISTANCE 128900

On July 1, 2018, or as soon as possible thereafter, the 128901  
Director of Budget and Management shall transfer cash from the 128902  
Economic Development Programs Fund (Fund 5JC0) to the Ohio 128903  
Incumbent Workforce Job Training Fund (Fund 5HR0) in an amount 128904  
necessary to provide Fund 5HR0 with sufficient funding to support 128905  
the full fiscal year 2019 appropriation to the foregoing 128906  
appropriation item 195403, Appalachian Workforce Assistance. 128907

The foregoing appropriation item 195403, Appalachian Workforce Assistance, may be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, to provide financial assistance to projects in Ohio's Appalachian counties, to support four local development districts, and to pay dues for the Appalachian Regional Commission. These funds may be used to match federal funds from the Appalachian Regional Commission. Programs funded through the foregoing appropriation item shall be identified and recommended by the local development districts and approved by the Governor's Office of Appalachia. The Development Services Agency shall conduct compliance and regulatory review of the programs recommended by the local development districts. Moneys allocated under the foregoing appropriation item may be used to fund projects including, but not limited to, those designated by the local development districts as community investment and rapid response projects.

Of the foregoing appropriation item 195403, Appalachian Workforce Assistance, in each fiscal year, \$170,000 shall be allocated to the Ohio Valley Regional Development Commission, \$170,000 shall be allocated to the Ohio Mid-Eastern Government Association, \$170,000 shall be allocated to the Buckeye Hills-Hocking Valley Regional Development District, and \$70,000 shall be allocated to the Eastgate Regional Council of Governments. Local development districts receiving funding under this section shall use the funds for the implementation and administration of programs and duties under section 107.21 of the Revised Code.

Of the foregoing appropriation item 195403, Appalachian Workforce Assistance, \$100,000 in each fiscal year shall be allocated to the iBELIEVE Foundation to provide opportunities for Appalachian youth to develop twenty-first century skills,

including leadership, communication, and problem-solving for	128940
college access and retention.	128941
TAX INCENTIVES OPERATING	128942
On July 1, 2017, or as soon as possible thereafter, the	128943
Director of Budget and Management shall transfer \$700,000 cash	128944
from Fund 5MK0 to Fund 5JR0.	128945
ADVANCED ENERGY LOAN PROGRAMS	128946
The foregoing appropriation item 195660, Advanced Energy Loan	128947
Programs, shall be used to provide financial assistance to	128948
customers for eligible advanced energy projects for residential,	128949
commercial, and industrial business, local government, educational	128950
institution, nonprofit, and agriculture customers. The	128951
appropriation item may be used to match federal grant funding and	128952
to pay for the program's administrative costs as provided in	128953
sections 4928.61 to 4928.63 of the Revised Code and rules adopted	128954
by the Director of Development Services.	128955
On July 1, 2017, or as soon as possible thereafter, the	128956
Director of Budget and Management shall transfer cash in an amount	128957
equal to the unexpended, unencumbered balance of the Advanced	128958
Energy Research and Development Taxable Fund (Fund 7004), from	128959
Fund 7004 to the Advanced Energy Fund (Fund 5M50).	128960
TRAVEL AND TOURISM COOPERATIVE PROJECTS	128961
The foregoing appropriation item 195690, Travel and Tourism	128962
Cooperative Projects, shall be used for the marketing and	128963
promotion of travel and tourism in Ohio. The Travel and Tourism	128964
Cooperative Projects Fund (Fund 5W50) shall consist solely of	128965
leveraged private sector paid advertising dollars received in	128966
tourism marketing assistance and co-op programs.	128967
VOLUME CAP ADMINISTRATION	128968
The foregoing appropriation item 195654, Volume Cap	128969

Administration, shall be used for expenses related to the 128970  
administration of the Volume Cap Program. Revenues received by the 128971  
Volume Cap Administration Fund (Fund 6170) shall consist of 128972  
application fees, forfeited deposits, and interest earned from the 128973  
custodial account held by the Treasurer of State. 128974

**Section 259.40. DEVELOPMENT SERVICES OPERATIONS** 128975

The Director of Development Services may assess offices of 128976  
the agency for the cost of central service operations. An 128977  
assessment shall contain the characteristics of administrative 128978  
ease and uniform application. A division's payments shall be 128979  
credited to the Supportive Services Fund (Fund 1350) using an 128980  
intrastate transfer voucher. 128981

**DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES** 128982

The foregoing appropriation item 195636, Development Services 128983  
Reimbursable Expenditures, shall be used for reimbursable costs 128984  
incurred by the agency. Revenues to the General Reimbursement Fund 128985  
(Fund 6850) shall consist of moneys charged for administrative 128986  
costs that are not central service costs and repayments of loans, 128987  
including the interest thereon, made from the Water and Sewer Fund 128988  
(Fund 4440). 128989

**Section 259.50. CAPITAL ACCESS LOAN PROGRAM** 128990

The foregoing appropriation item 195628, Capital Access Loan 128991  
Program, shall be used for operating, program, and administrative 128992  
expenses of the program. Funds of the Capital Access Loan Program 128993  
shall be used to assist participating financial institutions in 128994  
making program loans to eligible businesses that face barriers in 128995  
accessing working capital and obtaining fixed-asset financing. 128996

The Director of Budget and Management may transfer an amount 128997  
not to exceed \$1,000,000 cash in each fiscal year from the 128998  
Minority Business Enterprise Loan Fund (Fund 4W10) to the Capital 128999



Access Loan Fund (Fund 5S90).	129000
INNOVATION OHIO	129001
The foregoing appropriation item 195664, Innovation Ohio,	129002
shall be used to provide for Innovation Ohio purposes, including	129003
loan guarantees and loans under Chapter 166. and particularly	129004
sections 166.12 to 166.16 of the Revised Code.	129005
RESEARCH AND DEVELOPMENT	129006
The foregoing appropriation item 195665, Research and	129007
Development, shall be used to provide for research and development	129008
purposes, including loans, under Chapter 166. and particularly	129009
sections 166.17 to 166.21 of the Revised Code.	129010
FACILITIES ESTABLISHMENT	129011
The foregoing appropriation item 195615, Facilities	129012
Establishment, shall be used for the purposes of the Facilities	129013
Establishment Fund (Fund 7037) under Chapter 166. of the Revised	129014
Code.	129015
TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND	129016
Notwithstanding Chapter 166. of the Revised Code, an amount	129017
not to exceed \$3,500,000 in cash in each fiscal year may be	129018
transferred from the Facilities Establishment Fund (Fund 7037) to	129019
the Business Assistance Fund (Fund 4510). The transfer is subject	129020
to Controlling Board approval under division (B) of section 166.03	129021
of the Revised Code.	129022
Notwithstanding Chapter 166. of the Revised Code, the	129023
Director of Budget and Management may transfer an amount not to	129024
exceed \$2,000,000 in cash in each fiscal year from the Facilities	129025
Establishment Fund (Fund 7037) to the Minority Business Enterprise	129026
Loan Fund (Fund 4W10).	129027
Notwithstanding Chapter 166. of the Revised Code, the	129028
Director of Budget and Management may transfer an amount not to	129029

exceed \$2,000,000 in cash in each fiscal year from the Facilities 129030  
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 129031  
(Fund 5S90). 129032

**Section 259.60. THIRD FRONTIER OPERATING COSTS** 129033

The foregoing appropriation items 195686, Third Frontier Tax 129034  
Exempt - Operating, and 195620, Third Frontier Taxable - 129035  
Operating, shall be used for operating expenses incurred by the 129036  
Development Services Agency in administering projects pursuant to 129037  
sections 184.10 to 184.20 of the Revised Code. Operating expenses 129038  
paid from appropriation item 195686 shall be limited to the 129039  
administration of projects funded from the Third Frontier Research 129040  
& Development Fund (Fund 7011) and operating expenses paid from 129041  
appropriation item 195620 shall be limited to the administration 129042  
of projects funded from the Third Frontier Research & Development 129043  
Taxable Bond Project Fund (Fund 7014). 129044

**THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 129045  
PROJECTS** 129046

The foregoing appropriation items 195687, Third Frontier 129047  
Research & Development Projects, and 195692, Research & 129048  
Development Taxable Bond Projects, shall be used by the 129049  
Development Services Agency to fund selected projects which may 129050  
include the Ohio Tech Internship Program. Eligible costs are those 129051  
costs of research and development projects to which the proceeds 129052  
of the Third Frontier Research & Development Fund (Fund 7011) and 129053  
the Research & Development Taxable Bond Project Fund (Fund 7014) 129054  
are to be applied. 129055

**TRANSFERS OF THIRD FRONTIER APPROPRIATIONS** 129056

The Director of Budget and Management may approve written 129057  
requests from the Director of Development Services for the 129058  
transfer of appropriations between appropriation items 195687, 129059

Third Frontier Research & Development Projects, and 195692, 129060  
Research & Development Taxable Bond Projects, based upon awards 129061  
recommended by the Third Frontier Commission. 129062

In fiscal year 2019, the Director of Development Services may 129063  
request that the Director of Budget and Management reappropriate 129064  
any unexpended, unencumbered balances of the prior fiscal year's 129065  
appropriation to the foregoing appropriation items 195687, Third 129066  
Frontier Research & Development Projects, and 195692, Research & 129067  
Development Taxable Bond Projects, for fiscal year 2019. The 129068  
Director of Budget and Management may request additional 129069  
information necessary for evaluating these requests, and the 129070  
Director of Development Services shall provide the requested 129071  
information to the Director of Budget and Management. Based on the 129072  
information provided by the Director of Development Services, the 129073  
Director of Budget and Management shall determine the amounts to 129074  
be reappropriated, and those amounts are hereby reappropriated for 129075  
fiscal year 2019. 129076

**Section 259.70. CLEAN OHIO REVITALIZATION OPERATING** 129077

The foregoing appropriation item 195663, Clean Ohio 129078  
Revitalization Operating, shall be used by the Development 129079  
Services Agency in administering Clean Ohio Revitalization Fund 129080  
(Fund 7003) projects pursuant to sections 122.65 to 122.658 of the 129081  
Revised Code. 129082

**Section 259.80. HEAP WEATHERIZATION** 129083

Not later than April 1, 2018, the Director of Development 129084  
Services shall submit a completed waiver request in accordance 129085  
with section 96.83 of Title 45 of the Code of Federal Regulations 129086  
to the United States Department of Health and Human Services and 129087  
any other applicable federal agencies for the state to expend 129088  
twenty-five per cent of federal Low-Income Home Energy Assistance 129089

Program funds from the Home Energy Assistance Block Grant for 129090  
weatherization services as allowed by section 96.83(a) of Title 45 129091  
of the Code of Federal Regulations to the United States Department 129092  
of Health and Human Services. 129093

Upon approval of the necessary waiver from the federal 129094  
government and not sooner than July 1, 2018, twenty-five per cent 129095  
of the federal funds deposited to the credit of the Home Energy 129096  
Assistance Block Grant Fund (Fund 3K90) shall be expended from 129097  
appropriation item 195614, HEAP Weatherization, to provide home 129098  
weatherization services in the state as determined by the Director 129099  
of Development Services. This procedure shall be repeated by the 129100  
Director of Development Services in FY 2019 by following the same 129101  
deadlines but in the year 2019. 129102

**Section 259.90.** The Development Services Agency, the 129103  
Department of Mental Health and Addiction Services, and the Ohio 129104  
State University shall collaborate to develop a web site and an 129105  
application for mobile devices that provide resources and 129106  
information regarding opioid addiction treatment services. 129107

**Section 259.100.** LAKES IN ECONOMIC DISTRESS REVOLVING LOAN 129108  
PROGRAM 129109

On July 1, 2017, or as soon as possible thereafter, the 129110  
Director of Development Services shall certify to the Director of 129111  
Budget and Management the amount of the unexpended, unencumbered 129112  
balance of the foregoing appropriation item 195546, Lakes in 129113  
Economic Distress Revolving Loan Program, to be reappropriated in 129114  
fiscal year 2018. The amount certified is hereby reappropriated to 129115  
the foregoing appropriation item in fiscal year 2018 for the same 129116  
purpose or to support stormwater drainage infrastructure 129117  
improvements at the Buckeye Lake Dam or a stormwater drainage 129118  
study at the Buckeye Lake Dam. 129119

On July 1, 2017, or as soon as possible thereafter, the 129120  
 Director of Development Services shall certify to the Director of 129121  
 Budget and Management the amount equaling the unexpended, 129122  
 unencumbered balance of the portion of the foregoing appropriation 129123  
 item 195407, Travel and Tourism, that was earmarked for grants to 129124  
 assist businesses and other entities adversely affected due to 129125  
 economic circumstances that result in the declaration of a lake as 129126  
 an area under economic distress by the Director of Natural 129127  
 Resources pursuant to section 122.641 of the Revised Code. The 129128  
 amount certified is hereby reappropriated to the foregoing 129129  
 appropriation item in fiscal year 2018 for the same purpose. 129130

**Section 261.10.** DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 129131

General Revenue Fund 129132

GRF 320412 Protective Services \$ 2,381,923 \$ 2,381,923 129133

GRF 320415 Developmental \$ 20,323,000 \$ 19,426,900 129134

Disabilities

Facilities Lease

Rental Bond Payments

GRF 322420 Screening & Early \$ 300,999 \$ 300,999 129135

Identification

GRF 322421 Part C Early \$ 10,887,711 \$ 10,887,711 129136

Intervention

GRF 322422 Multi System Youth \$ 1,000,000 \$ 1,000,000 129137

GRF 322451 Family Support \$ 5,843,767 \$ 5,843,767 129138

Services

GRF 322501 County Boards \$ 43,266,294 \$ 43,266,294 129139

Subsidies

GRF 322507 County Board Case \$ 2,450,000 \$ 1,462,500 129140

Management

GRF 322508 Employment First \$ 2,724,111 \$ 2,724,111 129141

Initiative

GRF	322509	Community Supports & Rental Assistance	\$	727,500	\$	727,500	129142
GRF	653321	Medicaid Program Support - State	\$	7,000,000	\$	7,000,000	129143
GRF	653407	Medicaid Services	\$	576,275,649	\$	583,775,649	129144
TOTAL GRF		General Revenue Fund	\$	673,180,954	\$	678,797,354	129145
		Dedicated Purpose Fund Group					129146
5GE0	320606	Central Office Operating Expenses	\$	13,339,487	\$	13,339,487	129147
5QM0	320607	System Transformation Supports	\$	1,000,000	\$	0	129148
2210	322620	Supplement Service Trust	\$	500,000	\$	500,000	129149
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000	129150
5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000	129151
4890	653632	Developmental Centers Direct Care Services	\$	10,718,092	\$	10,718,092	129152
5EV0	653627	Medicaid Program Support	\$	1,500,000	\$	1,500,000	129153
5GE0	653606	ICF/IID and Waiver Match	\$	38,406,616	\$	39,614,603	129154
5S20	653622	Medicaid Administration & Oversight	\$	20,032,154	\$	20,032,154	129155
5Z10	653624	County Board Waiver Match	\$	340,210,215	\$	374,726,690	129156
TOTAL DPF		Dedicated Purpose Fund Group	\$	427,356,564	\$	462,081,026	129157
		Internal Service Activity Fund Group					129158
1520	653609	DC and Residential Facilities Operating	\$	17,000,000	\$	9,000,000	129159

Services

TOTAL ISA Internal Service Activity	\$	17,000,000	\$	9,000,000	129160
Fund Group					
Federal Fund Group					129161
3250 322612 Community Social	\$	27,677,572	\$	27,677,572	129162
Service Programs					
3A40 653654 Medicaid Services	\$	1,683,779,023	\$	1,718,457,466	129163
3A40 653655 Medicaid Support	\$	61,000,000	\$	62,000,000	129164
3A50 320613 Developmental	\$	3,324,187	\$	3,324,187	129165
Disabilities Council					
TOTAL FED Federal Fund Group	\$	1,775,780,782	\$	1,811,459,225	129166
TOTAL ALL BUDGET FUND GROUPS	\$	2,893,318,300	\$	2,961,337,605	129167

**Section 261.20. DEVELOPMENTAL DISABILITIES FACILITIES**

129169

LEASE-RENTAL BOND PAYMENTS

129170

The foregoing appropriation item 320415, Developmental 129171  
 Disabilities Facilities Lease Rental Bond Payments, shall be used 129172  
 to meet all payments during the period from July 1, 2017, through 129173  
 June 30, 2019, by the Department of Developmental Disabilities 129174  
 under leases and agreements made under section 154.20 of the 129175  
 Revised Code. These appropriations are the source of funds pledged 129176  
 for bond service charges on related obligations issued under 129177  
 Chapter 154. of the Revised Code. 129178

**Section 261.30. SCREENING AND EARLY IDENTIFICATION**

129179

At the discretion of the Director of Developmental 129180  
 Disabilities, the foregoing appropriation item 322420, Screening 129181  
 and Early Identification, shall be used for professional and 129182  
 program development related to early identification/screening and 129183  
 intervention for children with autism and other complex 129184  
 developmental disabilities and their families. 129185

Of the foregoing appropriation item 322420, Screening and

129186

Early Identification, \$30,000 in each fiscal year shall be 129187  
distributed to the Preble County Board of Developmental 129188  
Disabilities for the Play and Language for Autistic Youngsters 129189  
Project. 129190

**Section 261.40. FAMILY SUPPORT SERVICES SUBSIDY** 129191

The foregoing appropriation item 322451, Family Support 129192  
Services, may be used as follows in fiscal year 2018 and fiscal 129193  
year 2019: 129194

(A) The appropriation item may be used to provide a subsidy 129195  
to county boards of developmental disabilities for family support 129196  
services provided under section 5126.11 of the Revised Code. The 129197  
subsidy shall be paid in quarterly installments and allocated to 129198  
county boards according to a formula the Director of Developmental 129199  
Disabilities shall develop in consultation with representatives of 129200  
county boards. A county board shall use not more than seven per 129201  
cent of its subsidy for administrative costs. 129202

(B) The appropriation item may be used to distribute funds to 129203  
county boards for the purpose of addressing economic hardships and 129204  
to promote efficiency of operations. In consultation with 129205  
representatives of county boards, the Director shall determine the 129206  
amount of funds to distribute for these purposes and the criteria 129207  
for distributing the funds. 129208

**Section 261.50. STATE SUBSIDY TO COUNTY DD BOARDS** 129209

(A) Except as provided in the section of this act titled 129210  
"NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing 129211  
appropriation item 322501, County Boards Subsidies, shall be used 129212  
for the following purposes: 129213

(1) To provide a subsidy to county boards of developmental 129214  
disabilities in quarterly installments and allocated according to 129215  
a formula developed by the Director of Developmental Disabilities 129216



in consultation with representatives of county boards. Except as 129217  
provided in section 5126.0511 of the Revised Code or in division 129218  
(B) of this section, county boards shall use the subsidy for early 129219  
childhood services and adult services provided under section 129220  
5126.05 of the Revised Code, service and support administration 129221  
provided under section 5126.15 of the Revised Code, or supported 129222  
living as defined in section 5126.01 of the Revised Code. 129223

(2) To provide funding, as determined necessary by the 129224  
Director, for residential services, including room and board, and 129225  
support service programs that enable individuals with 129226  
developmental disabilities to live in the community. 129227

(3) To distribute funds to county boards of developmental 129228  
disabilities to address economic hardships and promote efficiency 129229  
of operations. The Director shall determine, in consultation with 129230  
representatives of county boards, the amount of funds to 129231  
distribute for these purposes and the criteria for distributing 129232  
the funds. 129233

(B) In collaboration with the county's family and children 129234  
first council, a county board of developmental disabilities may 129235  
transfer portions of funds received under this section, to a 129236  
flexible funding pool in accordance with the section of this act 129237  
titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 129238

**Section 261.60. EMPLOYMENT FIRST INITIATIVE** 129239

The foregoing appropriation item 322508, Employment First 129240  
Initiative, shall be used to increase employment opportunities for 129241  
individuals with developmental disabilities through the Employment 129242  
First Initiative in accordance with section 5123.022 of the 129243  
Revised Code. 129244

Of the foregoing appropriation item, 322508, Employment First 129245  
Initiative, the Director of Developmental Disabilities shall 129246

transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, and release of vendor payments.

The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long-term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code.

**Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE**

The foregoing appropriation item 322509, Community Supports and Rental Assistance, may be used by the Director of Developmental Disabilities to provide funding to county boards of developmental disabilities for rental assistance to individuals with developmental disabilities receiving home and community-based

services as defined in section 5123.01 of the Revised Code 129278  
pursuant to section 5124.60 of the Revised Code or section 5124.69 129279  
of the Revised Code and individuals with developmental 129280  
disabilities who enroll in a Medicaid waiver component providing 129281  
home and community-based services after receiving preadmission 129282  
counseling pursuant to section 5124.68 of the Revised Code. The 129283  
Director shall establish the methodology for determining the 129284  
amount and distribution of such funding. 129285

**Section 261.80. MEDICAID SERVICES** 129286

(A) As used in this section: 129287

(1) "Home and community-based services" has the same meaning 129288  
as in section 5123.01 of the Revised Code. 129289

(2) "ICF/IID services" has the same meaning as in section 129290  
5124.01 of the Revised Code. 129291

(B) Except as provided in section 5123.0416 of the Revised 129292  
Code, the purposes for which the foregoing appropriation item 129293  
653407, Medicaid Services, shall be used include the following: 129294

(1) Home and community-based services; 129295

(2) Implementation of the requirements of the agreement 129296  
settling the consent decree in Sermak v. Manuel, Case No. 129297  
C-2-80-220, United States District Court for the Southern District 129298  
of Ohio, Eastern Division; 129299

(3) Implementation of the requirements of the agreement 129300  
settling the consent decree in the Martin v. Strickland, Case No. 129301  
89-CV-00362, United States District Court for the Southern 129302  
District of Ohio, Eastern Division; 129303

(4) ICF/IID services; 129304

(5) Up to \$3,000,000 in each fiscal year shall be used to 129305  
increase employment opportunities for Medicaid-eligible 129306

individuals with developmental disabilities through the Employment 129307  
First Initiative; 129308

(6) Up to \$14,000,000 in each fiscal year may be used to 129309  
distribute funds to county boards of developmental disabilities to 129310  
address economic hardships and promote efficiency of operations, 129311  
notwithstanding section 5126.18 of the Revised Code. The Director 129312  
of Developmental Disabilities shall determine, in consultation 129313  
with representatives of county boards, the amount of funds to 129314  
distribute for these purposes and the criteria for distributing 129315  
the funds; and 129316

(7) Other programs as identified by the Director of 129317  
Developmental Disabilities. 129318

**Section 261.90. CENTRAL OFFICE OPERATING EXPENSES** 129319

Of the foregoing appropriation item 320606, Central Office 129320  
Operating Expenses, \$100,000 in each fiscal year shall be provided 129321  
to the Ohio Center for Autism and Low Incidence to establish a 129322  
lifespan autism hub to support families and professionals. 129323

**Section 261.100. NONFEDERAL MATCH FOR ACTIVE TREATMENT 129324  
SERVICES** 129325

Any county funds received by the Department of Developmental 129326  
Disabilities from county boards of developmental disabilities for 129327  
active treatment shall be deposited in the Developmental 129328  
Disabilities Operating Fund (Fund 4890). 129329

**Section 261.110. SYSTEM TRANSFORMATION SUPPORTS** 129330

The foregoing appropriation item 320607, System 129331  
Transformation Supports, may be used by the Director of 129332  
Developmental Disabilities as follows: 129333

(A) To purchase one or more residential facility beds for the 129334

purpose of reducing the number of beds that are certified for 129335  
participation in Medicaid as ICF/IID beds in Ohio. The Director 129336  
shall establish priorities for the purchase of beds which may 129337  
include beds located in a building in which a nursing facility is 129338  
also located and beds which are in a residential facility of 129339  
sixteen beds or greater. The purchase price of a bed shall be the 129340  
price the Director determines is reasonable based on the 129341  
established priorities. Division (B) of section 127.16 of the 129342  
Revised Code shall not apply to a purchase made under this 129343  
section. 129344

(B) To fund other system transformation initiatives 129345  
identified by the Director. 129346

**Section 261.120. COMMUNITY SOCIAL SERVICE PROGRAMS** 129347

The foregoing appropriation item 322612, Community Social 129348  
Service Programs, may be used by the Director of Developmental 129349  
Disabilities to purchase one or more residential facility beds for 129350  
the purpose of reducing the number of beds that are certified for 129351  
participation in Medicaid as ICF/IID beds in Ohio. The Director 129352  
shall establish priorities for the purchase of beds which may 129353  
include beds located in a building in which a nursing facility is 129354  
also located and beds which are in a residential facility of 129355  
sixteen beds or greater. The purchase price of a bed shall be the 129356  
price the Director determines is reasonable based on the 129357  
established priorities. Division (B) of section 127.16 of the 129358  
Revised Code shall not apply to a purchase made under this 129359  
section. 129360

A portion of the foregoing appropriation item 322612, 129361  
Community Social Service Programs, may be used to provide a 129362  
subsidy, disbursed in quarterly installments, to county family and 129363  
children first council administrative agencies to support central 129364  
coordination and child find activities in accordance with 34 129365

C.F.R. 303.302. In consultation with the Early Intervention Services Advisory Council established under section 5123.0422 of the Revised Code, the Director of Developmental Disabilities shall establish a formula for allocating the funds and restrictions on the use of the funds.

**Section 261.130. COUNTY BOARD SHARE OF WAIVER SERVICES**

As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2018 and fiscal year 2019 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due.

**Section 261.140. WITHHOLDING OF FUNDS OWED THE DEPARTMENT**

If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental Disabilities by the due date established by the Department, the Director of Developmental Disabilities may withhold the amount the county board did not pay from any amounts due to the county board. The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the Department in an amount equal to the amount owed the Department that the county board did not pay. Transfers under this section shall be made using an intrastate transfer voucher.

**Section 261.150. DEVELOPMENTAL CENTER BILLING FOR SERVICES**

Developmental centers of the Department of Developmental 129395  
Disabilities may provide services to persons with developmental 129396  
disabilities living in the community or to providers of services 129397  
to these persons. The Department may develop a method for recovery 129398  
of all costs associated with the provision of these services. 129399

**Section 261.160.** ODODD INNOVATIVE PILOT PROJECTS 129400

(A) In fiscal year 2018 and fiscal year 2019, the Director of 129401  
Developmental Disabilities may authorize the continuation or 129402  
implementation of one or more innovative pilot projects that, in 129403  
the judgment of the Director, are likely to assist in promoting 129404  
the objectives of Chapter 5123. or 5126. of the Revised Code. 129405  
Subject to division (B) of this section and notwithstanding any 129406  
provision of Chapters 5123. and 5126. of the Revised Code and any 129407  
rule adopted under either chapter, a pilot project authorized by 129408  
the Director may be continued or implemented in a manner 129409  
inconsistent with one or more provisions of either chapter or one 129410  
or more rules adopted under either chapter. Before authorizing a 129411  
pilot program, the Director shall consult with entities interested 129412  
in the issue of developmental disabilities, including the Ohio 129413  
Provider Resource Association, Ohio Association of County Boards 129414  
of Developmental Disabilities, Ohio Health Care Association/Ohio 129415  
Centers for Intellectual Disabilities, the Values and Faith 129416  
Alliance, and ARC of Ohio. 129417

(B) The Director may not authorize a pilot project to be 129418  
implemented in a manner that would cause the state to be out of 129419  
compliance with any requirements for a program funded in whole or 129420  
in part with federal funds. 129421

**Section 261.165.** FISCAL YEAR 2018 AND FISCAL YEAR 2019 129422  
MEDICAID RATES FOR ICFs/IID IN PEER GROUPS 1 AND 2 129423

(A) As used in this section: 129424

(1) "Change of operator," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer group 1," "peer group 2," "peer group 3," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.

(2) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.

(B)(1) This section applies to each ICF/IID that is in peer group 1 or peer group 2 and to which any of the following applies:

(a) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2017, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2018 or fiscal year 2019.

(b) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2018 or fiscal year 2019, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2018 or fiscal year 2019.

(c) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2018 or fiscal year 2019.

(2) This section does not apply to an ICF/IID in peer group 3.

(3) The Department of Developmental Disabilities shall follow this section in determining the rate to be paid for ICF/IID services provided during fiscal year 2018 and fiscal year 2019 by ICFs/IID subject to this section notwithstanding anything to the contrary in Chapter 5124. of the Revised Code.



(C)(1) Except as otherwise provided in this section, the provider of an ICF/IID to which this section applies shall be paid, for ICF/IID services the ICF/IID provides during fiscal year 2018 and fiscal year 2019, the total per Medicaid day rate determined for the ICF/IID under division (C)(2) or (3) of this section.

(2) Except in the case of a new ICF/IID, the fiscal year 2018 and fiscal year 2019 total per Medicaid day rate for an ICF/IID to which this section applies shall be the ICF/IID's total per Medicaid day rate determined for the ICF/IID in accordance with Chapter 5124. of the Revised Code for the fiscal years with the following modifications:

(a) The ICF/IID's efficiency incentive for capital costs, as determined under division (F) of section 5124.17 of the Revised Code, shall be reduced by 50%.

(b) In place of the maximum cost per case-mix unit established for the ICF/IID's peer group under division (C) of section 5124.19 of the Revised Code, the ICF/IID's maximum costs per case-mix unit shall be the amount the Department determined for the ICF/IID's peer group for fiscal year 2016 in accordance with division (E) of Section 259.160 of Am. Sub. H.B. 64 of the 131st General Assembly.

(c) In place of the inflation adjustment otherwise calculated under division (D) of section 5124.19 of the Revised Code for the purpose of division (A)(1)(b) of that section, an inflation adjustment of 1.014 shall be used.

(d) In place of the efficiency incentive otherwise calculated under division (B)(2) of section 5124.21 of the Revised Code, the ICF/IID's efficiency incentive for indirect care costs shall be the following:

(i) In the case of an ICF/IID in peer group 1, \$3.69;

(ii) In the case of an ICF/IID in peer group 2, \$3.19. 129486

(e) In place of the maximum rate for indirect care costs 129487  
established for the ICF/IID's peer group under division (C) of 129488  
section 5124.21 of the Revised Code, the maximum rate for indirect 129489  
care costs for the ICF/IID's peer group shall be an amount the 129490  
Department shall determine in accordance with division (E) of this 129491  
section. 129492

(f) In place of the inflation adjustment otherwise calculated 129493  
under division (D)(1) of section 5124.21 of the Revised Code for 129494  
the purpose of division (B)(1) of that section only, an inflation 129495  
adjustment of 1.014 shall be used. 129496

(g) In place of the inflation adjustment otherwise made under 129497  
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 129498  
actual, allowable, per Medicaid day other protected costs, 129499  
excluding the franchise permit fee, from the following calendar 129500  
year shall be multiplied by 1.014: 129501

(i) For the fiscal year 2018 rate, calendar year 2016; 129502

(ii) For the fiscal year 2019 rate, calendar year 2017. 129503

(h) After all of the modifications specified in divisions 129504  
(C)(2)(a) to (g) of this section have been made, the ICF/IID's 129505  
total per Medicaid day rate shall be increased by 3.04% to reflect 129506  
direct support personnel costs. 129507

(3) The fiscal year 2018 and fiscal year 2019 initial total 129508  
per Medicaid day rate for a new ICF/IID to which this section 129509  
applies shall be the ICF/IID's initial total per Medicaid day rate 129510  
determined for the ICF/IID in accordance with section 5124.151 of 129511  
the Revised Code for the fiscal years with the following 129512  
modifications: 129513

(a) In place of the amount determined under division (B)(1) 129514  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 129515

per Medicaid day rate for capital costs shall be the median rate 129516  
for all ICFs/IID determined under section 5124.17 of the Revised 129517  
Code with the modification made under division (C)(2)(a) of this 129518  
section. 129519

(b) In place of the amount determined under division 129520  
(B)(2)(a) of section 5124.151 of the Revised Code, if there are no 129521  
cost or resident assessment data for the new ICF/IID, the new 129522  
ICF/IID's initial per Medicaid day rate for direct care costs 129523  
shall be determined as follows: 129524

(i) Determine the median of the costs per case-mix units of 129525  
each peer group; 129526

(ii) Multiply the median determined under division 129527  
(C)(3)(a)(i) of this section by the median annual average case-mix 129528  
score for the new ICF/IID's peer group for calendar year 2016 (in 129529  
the case of the fiscal year 2018 rate) and calendar year 2017 (in 129530  
the case of the fiscal year 2019 rate); 129531

(iii) Multiply the product determined under division 129532  
(C)(3)(a)(ii) of this section by 1.014. 129533

(c) In place of the amount determined under division (B)(3) 129534  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 129535  
per Medicaid day rate for indirect care costs shall be the amount 129536  
of the maximum rate for indirect costs determined for the 129537  
ICF/IID's peer group under division (E) of this section. 129538

(d) In place of the amount determined under division (B)(4) 129539  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 129540  
per Medicaid day rate for other protected costs shall be 115% of 129541  
the median rate for ICFs/IID determined under section 5124.23 of 129542  
the Revised Code with the modification made under division 129543  
(C)(2)(g) of this section. 129544

(e) After all of the modifications specified in divisions 129545  
(C)(3)(a) to (d) of this section have been made, the new ICF/IID's 129546

initial total per Medicaid day rate shall be increased by 3.04% to 129547  
reflect direct support personnel costs. 129548

(D) A new ICF/IID's initial total modified per Medicaid day 129549  
rate for fiscal year 2018 or fiscal year 2019 as determined under 129550  
division (C)(3) of this section shall be adjusted at the 129551  
applicable time specified in division (D) of section 5124.151 of 129552  
the Revised Code. If the adjustment affects the ICF/IID's rate for 129553  
ICF/IID services provided during fiscal year 2018 or fiscal year 129554  
2019, the modifications specified in division (C)(2) of this 129555  
section apply to the adjustment. 129556

(E) In determining the amount of the maximum rate for 129557  
indirect costs for the purposes of divisions (C)(2)(e) and 129558  
(C)(3)(c) of this section, the Department shall strive to the 129559  
greatest extent possible to do both of the following: 129560

(1) Avoid rate reductions under division (F)(1) of this 129561  
section; 129562

(2) Have the amount so determined result in payment of all 129563  
desk-reviewed, actual, allowable indirect care costs for the same 129564  
percentage of Medicaid days for ICFs/IID in peer group 1 as for 129565  
ICFs/IID in peer group 2 as of July 1, 2017, based on Medicaid 129566  
days for May 2017 in the case of the fiscal year 2018 rate and as 129567  
of July 1, 2018, based on Medicaid days for May 2018 in the case 129568  
of the fiscal year 2019 rate. 129569

(F)(1) If the mean total per Medicaid day rate for all 129570  
ICFs/IID to which this section applies, as determined under 129571  
division (C) of this section as of the first day of the fiscal 129572  
year for which the rate is being determined and weighted by 129573  
Medicaid days for May of the fiscal year immediately preceding the 129574  
fiscal year for which the rate is being determined is other than 129575  
the amount determined under division (F)(2) of this section, the 129576  
Department shall adjust, for the fiscal year for which the rate is 129577

being determined, the total per Medicaid day rate for each ICF/IID 129578  
to which this section applies by a percentage that is equal to the 129579  
percentage by which the mean total per Medicaid day rate is 129580  
greater or less than the amount determined under division (F)(2) 129581  
of this section. 129582

(2) The amount to be used for the purpose of division (F)(1) 129583  
of this section shall be not less than \$290.10. The Department, in 129584  
its sole discretion, may use a larger amount for the purpose of 129585  
that division. In determining whether to use a larger amount, the 129586  
Department may consider any of the following: 129587

(a) The reduction in the total Medicaid-certified capacity of 129588  
all ICFs/IID that occurs in the fiscal year immediately preceding 129589  
the fiscal year for which the rate is being determined, and the 129590  
reduction that is projected to occur in the fiscal year for which 129591  
the rate is being determined, as a result of either of the 129592  
following: 129593

(i) A downsizing pursuant to a plan approved by the 129594  
Department under section 5123.042 of the Revised Code; 129595

(ii) A conversion of beds to providing home and 129596  
community-based services under the Individual Options waiver 129597  
pursuant to section 5124.60 or 5124.61 of the Revised Code. 129598

(b) The increase in Medicaid payments made for ICF/IID 129599  
services provided during the fiscal year immediately preceding the 129600  
fiscal year for which the rate is being determined, and the 129601  
increase that is projected to occur in the fiscal year for which 129602  
the rate is being determined, as a result of the modifications to 129603  
the payment rates made under section 5124.101 of the Revised Code; 129604

(c) The total reduction in the number of ICF/IID beds that 129605  
occurs pursuant to section 5124.67 of the Revised Code; 129606

(d) Other factors the Department determines to be relevant. 129607

(G) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department shall reduce the amount it pays ICF/IID providers under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

**Section 261.200. NONFEDERAL SHARE OF ICF/IID SERVICES**

(A) As used in this section, "ICF/IID," "ICF/IID services," and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code.

(B) The Director of Developmental Disabilities shall pay the nonfederal share of a claim for ICF/IID services using funds specified in division (C) of this section if all of the following apply:

(1) Medicaid covers the ICF/IID services.

(2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:

(a) The Medicaid recipient is eligible for the ICF/IID services;

(b) The Medicaid recipient does not occupy a bed in the ICF/IID that used to be included in the Medicaid-certified capacity of another ICF/IID certified by the Director of Health before June 1, 2003.

(3) The ICF/IID services are provided by an ICF/IID whose Medicaid certification by the Director of Health was initiated or supported by a county board of developmental disabilities.

(4) The provider of the ICF/IID services has a valid Medicaid provider agreement for the services for the time that the services are provided.

(C) When required by division (B) of this section to pay the nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim:

(1) Funds available from appropriation item 322501, County Boards Subsidies, that the Director allocates to the county board that initiated or supported the Medicaid certification of the ICF/IID that provided the ICF/IID services for which the claim is made;

(2) If the amount of funds used pursuant to division (C)(1) of this section is insufficient to pay the claim in full, an amount of funds that are needed to make up the difference and available from amounts the Director allocates to other county boards from appropriation item 322501, County Boards Subsidies.

**Section 261.210. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE SERVICES PROVIDED TO QUALIFYING IO ENROLLEES**

(A) As used in this section:

(1) "Converted facility" means an ICF/IID, or former ICF/IID, that converted some or all of its beds to providing home and community-based services under the IO Waiver pursuant to section 5124.60 of the Revised Code.

(2) "Developmental center" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code.

(3) "IO Waiver" means the Medicaid waiver component, as defined in section 5166.01 of the Revised Code, known as Individual Options.

(4) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.

(5) "Public hospital" has the same meaning as in section 5122.01 of the Revised Code.

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to whom all of the following apply:

(a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Wavier.

(b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section.

(c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public hospital) warrants paying the Medicaid rate authorized by this section.

(B) The total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to a qualifying IO enrollee during the period specified in division (C) of this section shall be fifty-two cents higher than the Medicaid payment rate in effect on the day the services are provided for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to an IO enrollee who is not a qualifying IO enrollee.

(C) Division (B) of this section applies to the first twelve months, consecutive or otherwise, that a Medicaid provider, during the period beginning July 1, 2017, and ending June 30, 2019, provides routine homemaker/personal care services to a qualifying IO enrollee.

(D) Of the foregoing appropriation items 653407, Medicaid Services, and 653654, Medicaid Services, portions shall be used to pay the Medicaid payment rate determined in accordance with this



section for routine homemaker/personal care services provided to 129697  
qualifying IO enrollees. 129698

**Section 261.220.** UPDATING AUTHORIZING STATUTE CITATIONS 129699

As used in this section, "authorizing statute" means a 129700  
Revised Code section or provision of a Revised Code section that 129701  
is cited in the Ohio Administrative Code as the statute that 129702  
authorizes the adoption of a rule. 129703

The Director of Developmental Disabilities is not required to 129704  
amend any rule for the sole purpose of updating the citation in 129705  
the Ohio Administrative Code to the rule's authorizing statute to 129706  
reflect that this act renumbers the authorizing statute or 129707  
relocates it to another Revised Code section. Such citations shall 129708  
be updated as the Director amends the rules for other purposes. 129709

**Section 263.10.** OBD OHIO BOARD OF DIETETICS 129710

Dedicated Purpose Fund Group 129711  
4K90 860609 Operating Expenses \$ 234,381 \$ 0 129712  
TOTAL DPF Dedicated Purpose Fund \$ 234,381 \$ 0 129713  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 234,381 \$ 0 129714

**Section 265.10.** EDU DEPARTMENT OF EDUCATION 129716

General Revenue Fund 129717  
GRF 200321 Operating Expenses \$ 14,693,536 \$ 14,736,578 129718  
GRF 200408 Early Childhood \$ 67,768,341 \$ 67,768,341 129719  
Education  
GRF 200420 Information Technology \$ 3,770,170 \$ 3,770,170 129720  
Development and  
Support  
GRF 200422 School Management \$ 2,077,615 \$ 2,113,413 129721  
Assistance

GRF 200424	Policy Analysis	\$	428,962	\$	428,962	129722
GRF 200426	Ohio Educational Computer Network	\$	15,457,000	\$	15,457,000	129723
GRF 200427	Academic Standards	\$	3,819,487	\$	3,819,487	129724
GRF 200437	Student Assessment	\$	55,959,287	\$	56,025,042	129725
GRF 200439	Accountability/Report Cards	\$	5,413,167	\$	5,913,167	129726
GRF 200442	Child Care Licensing	\$	1,852,200	\$	1,887,863	129727
GRF 200446	Education Management Information System	\$	7,574,367	\$	7,620,414	129728
GRF 200448	Educator Preparation	\$	1,060,384	\$	1,060,384	129729
GRF 200455	Community Schools and Choice Programs	\$	4,435,845	\$	4,585,028	129730
GRF 200465	Education Technology Resources	\$	5,179,107	\$	5,179,107	129731
GRF 200502	Pupil Transportation	\$	546,738,753	\$	527,129,809	129732
GRF 200505	School Lunch Match	\$	8,963,500	\$	8,963,500	129733
GRF 200511	Auxiliary Services	\$	150,594,178	\$	150,594,178	129734
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$	68,034,790	\$	68,034,790	129735
GRF 200540	Special Education Enhancements	\$	152,350,000	\$	152,350,000	129736
GRF 200545	Career-Technical Education Enhancements	\$	10,412,366	\$	9,475,892	129737
GRF 200550	Foundation Funding	\$	6,803,882,816	\$	6,942,228,845	129738
GRF 200566	Literacy Improvement	\$	750,000	\$	1,250,000	129739
GRF 200572	Adult Education Programs	\$	7,533,216	\$	8,702,475	129740
GRF 200573	EdChoice Expansion	\$	38,400,000	\$	47,700,000	129741
GRF 200574	Half-Mill Maintenance Equalization	\$	18,715,000	\$	18,912,000	129742
GRF 200576	Adaptive Sports	\$	50,000	\$	50,000	129743

Program					
GRF 657401	Medicaid in Schools	\$	295,500	\$	295,500 129744
TOTAL GRF	General Revenue Fund	\$	7,996,209,587	\$	8,126,051,945 129745
Dedicated Purpose Fund Group					129746
4520 200638	Charges and Reimbursements	\$	1,000,000	\$	1,000,000 129747
4540 200610	High School Equivalency	\$	1,187,065	\$	0 129748
4550 200608	Commodity Foods	\$	16,000,000	\$	16,000,000 129749
4L20 200681	Teacher Certification and Licensure	\$	16,002,297	\$	16,002,297 129750
5980 200659	Auxiliary Services Reimbursement	\$	2,930,000	\$	2,930,000 129751
5H30 200687	School District Solvency Assistance	\$	8,000,000	\$	8,000,000 129752
5KX0 200691	Ohio School Sponsorship Program	\$	828,600	\$	828,600 129753
5MM0 200677	Child Nutrition Refunds	\$	550,000	\$	550,000 129754
5U20 200685	National Education Statistics	\$	150,000	\$	150,000 129755
6200 200615	Educational Improvement Grants	\$	500,000	\$	500,000 129756
TOTAL DPF	Dedicated Purpose Fund Group	\$	47,147,962	\$	45,960,897 129757
Internal Service Activity Fund Group					129758
1380 200606	Information Technology Development and Support	\$	7,047,645	\$	7,047,645 129759
4R70 200695	Indirect Operational Support	\$	7,856,766	\$	7,856,766 129760

4V70	200633	Interagency Program Support	\$	500,000	\$	500,000	129761
TOTAL ISA		Internal Service Activity	\$	15,404,411	\$	15,404,411	129762
Fund Group							
State Lottery Fund Group							129763
7017	200612	Foundation Funding	\$	1,081,530,000	\$	1,081,530,000	129764
7017	200629	Community Connectors	\$	4,000,000	\$	4,000,000	129765
7017	200684	Community School Facilities	\$	16,600,000	\$	16,600,000	129766
TOTAL SLF		State Lottery Fund Group	\$	1,102,130,000	\$	1,102,130,000	129767
Federal Fund Group							129768
3670	200607	School Food Services	\$	10,080,635	\$	10,280,635	129769
3700	200624	Education of Exceptional Children	\$	2,000,000	\$	2,000,000	129770
3AF0	657601	Schools Medicaid Administrative Claims	\$	750,000	\$	750,000	129771
3AN0	200671	School Improvement Grants	\$	25,000,000	\$	25,000,000	129772
3C50	200661	Early Childhood Education	\$	12,555,000	\$	12,555,000	129773
3D20	200667	Math Science Partnerships	\$	7,000,000	\$	7,000,000	129774
3EH0	200620	Migrant Education	\$	2,500,000	\$	2,500,000	129775
3EJ0	200622	Homeless Children Education	\$	2,600,000	\$	2,600,000	129776
3GE0	200674	Summer Food Service Program	\$	14,856,635	\$	14,856,635	129777
3GG0	200676	Fresh Fruit and Vegetable Program	\$	4,677,340	\$	4,677,340	129778
3HF0	200649	Federal Education Grants	\$	6,364,327	\$	6,364,327	129779
3L60	200617	Federal School Lunch	\$	394,612,000	\$	406,450,000	129780

3L70	200618	Federal School Breakfast	\$ 142,688,750	\$ 154,103,850	129781
3L80	200619	Child/Adult Food Programs	\$ 106,913,755	\$ 106,913,755	129782
3L90	200621	Career-Technical Education Basic Grant	\$ 44,663,900	\$ 44,663,900	129783
3M00	200623	ESEA Title 1A	\$ 600,000,000	\$ 600,000,000	129784
3M20	200680	Individuals with Disabilities Education Act	\$ 445,000,000	\$ 445,000,000	129785
3T40	200613	Public Charter Schools	\$ 14,200,000	\$ 14,200,000	129786
3Y20	200688	21st Century Community Learning Centers	\$ 47,500,000	\$ 47,500,000	129787
3Y60	200635	Improving Teacher Quality	\$ 85,000,000	\$ 85,000,000	129788
3Y70	200689	English Language Acquisition	\$ 10,101,411	\$ 10,101,411	129789
3Y80	200639	Rural and Low Income Technical Assistance	\$ 3,300,000	\$ 3,300,000	129790
3Z20	200690	State Assessments	\$ 11,500,000	\$ 11,500,000	129791
3Z30	200645	Consolidated Federal Grant Administration	\$ 10,168,964	\$ 10,168,964	129792
TOTAL FED	Federal Fund Group		\$ 2,004,032,717	\$ 2,027,485,817	129793
TOTAL ALL BUDGET FUND GROUPS			\$11,164,924,677	\$11,317,033,070	129794

**Section 265.20. OPERATING EXPENSES** 129796

A portion of the foregoing appropriation item 200321,  
Operating Expenses, shall be used by the Department of Education  
to provide matching funds related to career-technical education  
under 20 U.S.C. 2321. 129797  
129798  
129799  
129800

EARLY CHILDHOOD EDUCATION 129801

The Department of Education shall distribute the foregoing 129802  
appropriation item 200408, Early Childhood Education, to pay the 129803  
costs of early childhood education programs. The Department shall 129804  
distribute such funds directly to qualifying providers. 129805

(A) As used in this section: 129806

(1) "Provider" means a city, local, exempted village, or 129807  
joint vocational school district; an educational service center; a 129808  
community school sponsored by an exemplary sponsor; a chartered 129809  
nonpublic school; an early childhood education child care provider 129810  
licensed under Chapter 5104. of the Revised Code that participates 129811  
in and meets at least the third highest tier of the Step Up to 129812  
Quality program established pursuant to section 5104.29 of the 129813  
Revised Code; or a combination of entities described in this 129814  
paragraph. 129815

(2) In the case of a city, local, or exempted village school 129816  
district or early childhood education child care provider licensed 129817  
under Chapter 5104. of the Revised Code, "new eligible provider" 129818  
means a provider that did not receive state funding for Early 129819  
Childhood Education in the previous fiscal year or demonstrates a 129820  
need for early childhood programs as defined in division (D) of 129821  
this section. 129822

(3) In the case of a community school, "new eligible 129823  
provider" means any of the following: 129824

(a) A community school established under Chapter 3314. of the 129825  
Revised Code that is sponsored by a sponsor rated "exemplary" in 129826  
accordance with section 3314.016 of the Revised Code that offers a 129827  
child care program in accordance with sections 3301.50 to 3301.59 129828  
of the Revised Code that did not receive state funding for Early 129829  
Childhood Education in the previous fiscal year; 129830

(b) A community school established under Chapter 3314. of the 129831  
Revised Code that satisfies all of the following criteria: 129832

(i) It has received, on its most recent report card, either 129833  
of the following: 129834

(I) If the school offers any of grade levels four through 129835  
twelve, a grade of "C" or better for the overall value-added 129836  
progress dimension under division (C)(1)(e) of section 3302.03 of 129837  
the Revised Code and for the performance index score under 129838  
division (C)(1)(b) of section 3302.03 of the Revised Code; 129839

(II) If the school does not offer a grade level higher than 129840  
three, a grade of "C" or better for making progress in improving 129841  
literacy in grades kindergarten through three under division 129842  
(C)(1)(g) of section 3302.03 of the Revised Code. 129843

(ii) It offers a child care program in accordance with 129844  
sections 3301.50 to 3301.59 of the Revised Code. 129845

(iii) It did not receive state funding for Early Childhood 129846  
Education in the previous fiscal year. 129847

(c) A community school established under Chapter 3314. of the 129848  
Revised Code that is sponsored by a municipal school district and 129849  
operates a program that uses the Montessori method endorsed by the 129850  
American Montessori Society, the Montessori Accreditation Council 129851  
for Teacher Education, or the Association Montessori 129852  
Internationale as its primary method of instruction, as authorized 129853  
by division (A) of section 3314.06 of the Revised Code, that did 129854  
not receive state funding for Early Childhood Education in the 129855  
previous year or demonstrates a need for early childhood programs 129856  
as defined in division (D) of this section. 129857

(4)(a) "Eligible child" means a child who is at least four 129858  
years of age, is not of the age to be eligible for kindergarten, 129859  
and whose family earns not more than two hundred per cent of the 129860  
federal poverty guidelines as defined in division (A)(3) of 129861  
section 5101.46 of the Revised Code. Children with an 129862  
Individualized Education Program and where the Early Childhood 129863

Education program is the least restrictive environment may be 129864  
enrolled on their fourth birthday. 129865

(b) If funds remain in the program once awards have been made 129866  
for eligible children under division (A)(4)(a) of this section on 129867  
the first day of October of each fiscal year, a child who is at 129868  
least three years of age, is not of age to be eligible for 129869  
kindergarten, and whose family earns not more than two hundred per 129870  
cent of the federal poverty guidelines shall be considered an 129871  
eligible child. 129872

(5) "Early learning program standards" means early learning 129873  
program standards for school readiness developed by the Department 129874  
to assess the operation of early learning and development 129875  
programs. 129876

(6) "Early learning and development programs" has the same 129877  
meaning as section 5104.29 of the Revised Code. 129878

(B) In each fiscal year, up to two per cent of the total 129879  
appropriation may be used by the Department for program support 129880  
and technical assistance. The Department shall distribute the 129881  
remainder of the appropriation in each fiscal year to serve 129882  
eligible children. 129883

(C) The Department shall provide an annual report to the 129884  
Governor, the Speaker of the House of Representatives, and the 129885  
President of the Senate and post the report to the Department's 129886  
web site, regarding early childhood education programs operated 129887  
under this section and the early learning program standards. 129888

(D) After setting aside the amounts to make payments due from 129889  
the previous fiscal year, in fiscal year 2018, the Department 129890  
shall distribute funds first to recipients of funds for early 129891  
childhood education programs under Section 263.20 of Am. Sub. H.B. 129892  
64 of the 131st General Assembly in the previous fiscal year and 129893  
the balance to new eligible providers of early childhood education 129894



programs or to existing providers to serve more eligible children 129895  
pursuant to division (E) of this section or for purposes of 129896  
program expansion, improvement, or special projects to promote 129897  
quality and innovation. 129898

After setting aside the amounts to make payments due from the 129899  
previous fiscal year, in fiscal year 2019, the Department shall 129900  
distribute funds first to providers of early childhood education 129901  
programs under this section in the previous fiscal year and the 129902  
balance to new eligible providers or to existing providers to 129903  
serve more eligible children as outlined under division (E) of 129904  
this section or for purposes of program expansion, improvement, or 129905  
special projects to promote quality and innovation. 129906

(E)(1) The Department shall distribute any new or remaining 129907  
funding to existing providers of early childhood education 129908  
programs or any new eligible providers to support early learning 129909  
and development programs operating in smaller communities and 129910  
early learning and development programs that are either rated in 129911  
the Step Up to Quality program established pursuant to section 129912  
5104.29 of the Revised Code at the third highest tier or higher or 129913  
comply with division (H)(1) of this section. 129914

(a) The Department shall distribute the new or remaining 129915  
funds to existing providers of early childhood education programs 129916  
or any new eligible providers to serve additional eligible 129917  
children based on community economic disadvantage, limited access 129918  
to high quality preschool or childcare services, and demonstration 129919  
of high quality preschool services as determined by the Department 129920  
using the following weighted factors to rank the quality of 129921  
programs: 129922

(i) The program's Step Up to Quality program rating under 129923  
section 5104.29 of the Revised Code; 129924

(ii) The program's compliance with rules adopted by the 129925

Department;	129926
(iii) The program's use of collaborative practices.	129927
In order to determine where in the state there is limited access to high quality preschool and childcare services, the Department shall identify the number of preschool and childcare services that are rated three stars or higher in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code by service delivery area school district.	129928 129929 129930 129931 129932 129933
(b) The Department shall assess the effectiveness of programs that receive funds under division (E) of this section using the following factors:	129934 129935 129936
(i) The percentage of kindergarteners who attended the program and who perform above the emerging readiness level on the kindergarten readiness assessment administered under section 3301.0715 of the Revised Code;	129937 129938 129939 129940
(ii) The percentage of third graders who attended the program and who score proficient or higher on the reading portion of the English language arts assessment prescribed in division (A)(1)(a) of section 3301.0710 of the Revised Code;	129941 129942 129943 129944
(iii) The performance of children attending the program on the early learning assessment required under the Step Up to Quality program under section 5104.29 of the Revised Code.	129945 129946 129947
(2) Awards under divisions (D) and (E) of this section shall be distributed on a per-pupil basis, and in accordance with division (I) of this section. The Department may adjust the per-pupil amount so that the per-pupil amount multiplied by the number of eligible children enrolled and receiving services on the first day of December or the business day closest to that date equals the amount allocated under this section.	129948 129949 129950 129951 129952 129953 129954
(F) Costs for developing and administering an early childhood	129955

education program may not exceed fifteen per cent of the total 129956  
approved costs of the program. 129957

All providers shall maintain such fiscal control and 129958  
accounting procedures as may be necessary to ensure the 129959  
disbursement of, and accounting for, these funds. The control of 129960  
funds provided in this program, and title to property obtained, 129961  
shall be under the authority of the approved provider for purposes 129962  
provided in the program unless, as described in division (K) of 129963  
this section, the program waives its right for funding or a 129964  
program's funding is eliminated or reduced due to its inability to 129965  
meet financial or early learning program standards. The approved 129966  
provider shall administer and use such property and funds for the 129967  
purposes specified. 129968

(G) The Department may examine a provider's financial and 129969  
program records. If the financial practices of the program are not 129970  
in accordance with standard accounting principles or do not meet 129971  
financial standards outlined under division (F) of this section, 129972  
or if the program fails to substantially meet the early learning 129973  
program standards, meet a quality rating level in the Step Up to 129974  
Quality program established pursuant to section 5104.29 of the 129975  
Revised Code as prescribed by the Department, or exhibits below 129976  
average performance as measured against the standards, the early 129977  
childhood education program shall propose and implement a 129978  
corrective action plan that has been approved by the Department. 129979  
The approved corrective action plan shall be signed by the chief 129980  
executive officer and the executive of the official governing body 129981  
of the provider. The corrective action plan shall include a 129982  
schedule for monitoring by the Department. Such monitoring may 129983  
include monthly reports, inspections, a timeline for correction of 129984  
deficiencies, and technical assistance to be provided by the 129985  
Department or obtained by the early childhood education program. 129986  
The Department may withhold funding pending corrective action. If 129987

an early childhood education program fails to satisfactorily 129988  
complete a corrective action plan, the Department may deny 129989  
expansion funding to the program or withdraw all or part of the 129990  
funding to the program and establish a new eligible provider 129991  
through a selection process established by the Department. 129992

(H)(1) If the early childhood education program is licensed 129993  
by the Department of Education and is not highly rated, as 129994  
determined by the Director of Job and Family Services, under the 129995  
Step Up to Quality program established pursuant to section 5104.29 129996  
of the Revised Code, the program shall do all of the following: 129997

(a) Meet teacher qualification requirements prescribed by 129998  
section 3301.311 of the Revised Code; 129999

(b) Align curriculum to the early learning content standards 130000  
developed by the Department; 130001

(c) Meet any child or program assessment requirements 130002  
prescribed by the Department; 130003

(d) Require teachers, except teachers enrolled and working to 130004  
obtain a degree pursuant to section 3301.311 of the Revised Code, 130005  
to attend a minimum of twenty hours every two years of 130006  
professional development as prescribed by the Department; 130007

(e) Document and report child progress as prescribed by the 130008  
Department; 130009

(f) Meet and report compliance with the early learning 130010  
program standards as prescribed by the Department; 130011

(g) Participate in the Step Up to Quality program established 130012  
pursuant to section 5104.29 of the Revised Code. 130013

(2) If the program is highly rated, as determined by the 130014  
Director of Job and Family Services, under the Step Up to Quality 130015  
program established pursuant to section 5104.29 of the Revised 130016  
Code, the program shall comply with the requirements of that 130017

program. 130018

(I) Per-pupil funding for programs subject to this section 130019  
shall be sufficient to provide eligible children with services for 130020  
a standard early childhood schedule which shall be defined in this 130021  
section as a minimum of twelve and one-half hours per school week 130022  
as defined in section 3313.62 of the Revised Code for the minimum 130023  
school year as defined in sections 3313.48, 3313.481, and 3313.482 130024  
of the Revised Code. Nothing in this section shall be construed to 130025  
prohibit program providers from utilizing other funds to serve 130026  
eligible children in programs that exceed the twelve and one-half 130027  
hours per week or that exceed the minimum school year. For any 130028  
provider for which a standard early childhood education schedule 130029  
creates a hardship or for which the provider shows evidence that 130030  
the provider is working in collaboration with a preschool special 130031  
education program, the provider may submit a waiver to the 130032  
Department requesting an alternate schedule. If the Department 130033  
approves a waiver for an alternate schedule that provides services 130034  
for less time than the standard early childhood education 130035  
schedule, the Department may reduce the provider's annual 130036  
allocation proportionately. Under no circumstances shall an annual 130037  
allocation be increased because of the approval of an alternate 130038  
schedule. 130039

(J) Each provider shall develop a sliding fee scale based on 130040  
family incomes and shall charge families who earn more than two 130041  
hundred per cent of the federal poverty guidelines, as defined in 130042  
division (A)(3) of section 5101.46 of the Revised Code, for the 130043  
early childhood education program. 130044

The Department shall conduct an annual survey of each 130045  
provider to determine whether the provider charges families 130046  
tuition or fees, the amount families are charged relative to 130047  
family income levels, and the number of families and students 130048  
charged tuition and fees for the early childhood program. 130049

(K) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or the early learning program standards, the provider shall transfer control of title to property, equipment, and remaining supplies obtained through the program to providers designated by the Department and return any unexpended funds to the Department along with any reports prescribed by the Department. The funding made available from a program that waives its right for funding or has its funding eliminated or reduced may be used by the Department for new grant awards or expansion grants. The Department may award new grants or expansion grants to eligible providers who apply. The eligible providers who apply must do so in accordance with the selection process established by the Department.

(L) Eligible expenditures for the Early Childhood Education Program shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Superintendent of Public Instruction and the Director of Job and Family Services shall enter into an interagency agreement to carry out the requirements under this division, which shall include developing reporting guidelines for these expenditures.

(M)(1) The Department of Education and the Department of Job and Family Services shall continue to work toward establishing the following in common between early childhood education programs and publicly funded child care:

- (a) An application;
- (b) Program eligibility;
- (c) Funding;
- (d) An attendance policy;
- (e) An attendance tracking system.

(2) In accordance with section 5104.34 of the Revised Code, 130080  
eligible families may receive publicly funded child care beyond 130081  
the standard early childhood schedule defined in division (I) of 130082  
this section. 130083

(3) All providers, agencies, and school districts 130084  
participating in the early childhood education program or 130085  
providing care to eligible families beyond the standard early 130086  
childhood schedule shall follow the common policies established 130087  
under this division. 130088

EARLY CHILDHOOD EDUCATION PARENT CHOICE DEMONSTRATION PILOT 130089  
PROGRAM 130090

Of the foregoing appropriation item 200408, Early Childhood 130091  
Education, a portion in each fiscal year may be used by the 130092  
Department of Education to establish a pilot program that employs 130093  
one or more parent choice models to deliver early childhood 130094  
education to eligible children. 130095

If the Department establishes any such pilot program, the 130096  
Department shall designate one or more geographical areas within 130097  
the state in which to operate the pilot program. The Department 130098  
may consider designating areas with multiple providers of 130099  
high-quality early childhood education programs that have a 130100  
capacity to serve additional eligible children for the purpose of 130101  
identifying potential obstacles to implementing a parent choice 130102  
model. Each parent participating in the pilot program may choose 130103  
an early childhood education program from among all providers 130104  
within the designated area. 130105

The Department shall establish procedures for implementation 130106  
of the pilot program, including a process for parents to apply for 130107  
the program. Except as otherwise provided in the Department's 130108  
procedures, the Department and providers shall operate in 130109  
accordance with this section in implementing the pilot program. 130110

However, the Department may expand the definition of "eligible child" to include in the pilot program a child who is at least three years of age as of the district entry date for kindergarten and has one or more additional risk factors including, but not limited to, "exited Help Me Grow Home Visiting," "exited Early Intervention and not eligible for preschool special education," or currently placed in foster care, so long as the child meets all other eligibility requirements of this section.

The Department of Education shall collaborate with the departments of Job and Family Services, Developmental Disabilities, Health, and Mental Health and Addiction Services, as needed, in establishing any pilot program. The Department of Education also may select a non-state entity, which may include an educational service center, a county department of job and family services, a childcare resource and referral agency, or a county family and children first council established under section 121.37 of the Revised Code, to partner with the Department on the pilot program.

As part of the pilot program, the Department may set aside a portion of the funds for an evaluation of the pilot program.

**Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND SUPPORT**

The foregoing appropriation item 200420, Information Technology Development and Support, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Education. Funds may be used for personnel, maintenance, and equipment costs related to the development and implementation of these technical system projects. Implementation of these systems shall allow the Department to provide greater levels of assistance to school districts and to provide more timely information to the



public, including school districts, administrators, and 130142  
legislators. Funds may also be used to support data-driven 130143  
decision-making and differentiated instruction, as well as to 130144  
communicate academic content standards and curriculum models to 130145  
schools through web-based applications. 130146

**Section 265.50. SCHOOL MANAGEMENT ASSISTANCE** 130147

The foregoing appropriation item 200422, School Management 130148  
Assistance, shall be used by the Department of Education to 130149  
provide fiscal technical assistance and inservice education for 130150  
school district management personnel and to administer, monitor, 130151  
and implement the fiscal caution, fiscal watch, and fiscal 130152  
emergency provisions under Chapter 3316. of the Revised Code. 130153

**Section 265.60. POLICY ANALYSIS** 130154

The foregoing appropriation item 200424, Policy Analysis, 130155  
shall be used by the Department of Education to support a system 130156  
of administrative, statistical, and legislative education 130157  
information to be used for policy analysis. Staff supported by 130158  
this appropriation shall administer the development of reports, 130159  
analyses, and briefings to inform education policymakers of 130160  
current trends in education practice, efficient and effective use 130161  
of resources, and evaluation of programs to improve education 130162  
results. A portion of these funds shall be used to maintain a 130163  
longitudinal database to support the assessment of the impact of 130164  
policies and programs on Ohio's education and workforce 130165  
development systems. The research efforts supported by this 130166  
appropriation item shall be used to supply information and 130167  
analysis of data to and in consultation with the General Assembly 130168  
and other state policymakers, including the Office of Budget and 130169  
Management and the Legislative Service Commission. 130170

Of the foregoing appropriation item, 200424, Policy Analysis, 130171

a portion may be used by the Department to support the development 130172  
and implementation of an evidence-based clearinghouse to support 130173  
school improvement strategies as part of the Every Student 130174  
Succeeds Act. 130175

The Department may use funding from this appropriation item 130176  
to purchase or contract for the development of software systems or 130177  
contract for policy studies that will assist in the provision and 130178  
analysis of policy-related information. Funding from this 130179  
appropriation item also may be used to monitor and enhance quality 130180  
assurance for research-based policy analysis and program 130181  
evaluation to enhance the effective use of education information 130182  
to inform education policymakers. 130183

**Section 265.70.** OHIO EDUCATIONAL COMPUTER NETWORK 130184

The foregoing appropriation item 200426, Ohio Educational 130185  
Computer Network, shall be used by the Department of Education to 130186  
maintain a system of information technology throughout Ohio and to 130187  
provide technical assistance for such a system in support of the 130188  
P-16 State Education Technology Plan developed under section 130189  
3353.09 of the Revised Code. 130190

Of the foregoing appropriation item 200426, Ohio Educational 130191  
Computer Network, up to \$9,686,658 in each fiscal year shall be 130192  
used by the Department to support connection of all public school 130193  
buildings and participating chartered nonpublic schools to the 130194  
state's education network, to each other, and to the Internet. In 130195  
each fiscal year, the Department shall use these funds to assist 130196  
information technology centers or school districts with the 130197  
operational costs associated with this connectivity. The 130198  
Department shall develop a formula and guidelines for the 130199  
distribution of these funds to information technology centers or 130200  
individual school districts. As used in this section, "public 130201  
school building" means a school building of any city, local, 130202

exempted village, or joint vocational school district, any 130203  
community school established under Chapter 3314. of the Revised 130204  
Code, any college preparatory boarding school established under 130205  
Chapter 3328. of the Revised Code, any STEM school established 130206  
under Chapter 3326. of the Revised Code, any educational service 130207  
center building used for instructional purposes, the Ohio School 130208  
for the Deaf and the Ohio School for the Blind, high schools 130209  
chartered by the Ohio Department of Youth Services, or high 130210  
schools operated by Ohio Department of Rehabilitation and 130211  
Corrections' Ohio Central School System. 130212

Of the foregoing appropriation item 200426, Ohio Educational 130213  
Computer Network, up to \$4,843,329 in each fiscal year shall be 130214  
used, through a formula and guidelines devised by the Department, 130215  
to support the activities of designated information technology 130216  
centers, as defined by State Board of Education rules, to provide 130217  
school districts and chartered nonpublic schools with 130218  
computer-based student and teacher instructional and 130219  
administrative information services, including approved 130220  
computerized financial accounting, to ensure the effective 130221  
operation of local automated administrative and instructional 130222  
systems, and to monitor and support the quality of data submitted 130223  
to the Department. 130224

The remainder of appropriation item 200426, Ohio Educational 130225  
Computer Network, shall be used to support the work of the 130226  
development, maintenance, and operation of a network of uniform 130227  
and compatible computer-based information and instructional 130228  
systems as well as the teacher student linkage/roster verification 130229  
process and the eTranscript/student records exchange initiative. 130230  
This technical assistance shall include, but not be restricted to, 130231  
development and maintenance of adequate computer software systems 130232  
to support network activities. In order to improve the efficiency 130233  
of network activities, the Department and information technology 130234

centers may jointly purchase equipment, materials, and services 130235  
from funds provided under this appropriation for use by the 130236  
network and, when considered practical by the Department, may 130237  
utilize the services of appropriate state purchasing agencies. 130238

**Section 265.80. ACADEMIC STANDARDS** 130239

The foregoing appropriation item 200427, Academic Standards, 130240  
shall be used by the Department of Education to develop and 130241  
communicate to school districts academic content standards and 130242  
curriculum models and to develop professional development programs 130243  
and other tools on the new content standards and model curriculum. 130244  
The Department shall utilize educational service centers, 130245  
consistent with requirements of section 3312.01 of the Revised 130246  
Code, in the development and delivery of professional development 130247  
programs supported under this section. 130248

**Section 265.90. STUDENT ASSESSMENT** 130249

Of the foregoing appropriation item 200437, Student 130250  
Assessment, up to \$2,760,000 in each fiscal year may be used to 130251  
support the assessments required under section 3301.0715 of the 130252  
Revised Code. 130253

The remainder of appropriation item 200437, Student 130254  
Assessment, shall be used to develop, field test, print, 130255  
distribute, score, report results, and support other associated 130256  
costs for the tests required under sections 3301.0710, 3301.0711, 130257  
and 3301.0712 of the Revised Code and for similar purposes as 130258  
required by section 3301.27 of the Revised Code. The funds may 130259  
also be used to update and develop diagnostic assessments 130260  
administered under sections 3301.079, 3301.0715, and 3313.608 of 130261  
the Revised Code. 130262

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 130263  
ASSESSMENT 130264

In fiscal year 2018 and fiscal year 2019, if the Superintendent of Public Instruction determines that additional funds are needed to fully fund the requirements of sections 3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code and this act for assessments of student performance, the Superintendent may recommend the reallocation of unexpended and unencumbered General Revenue Fund appropriations within the Department of Education to appropriation item 200437, Student Assessment, to the Director of Budget and Management. If the Director determines that such a reallocation is required, the Director may transfer unexpended and unencumbered appropriations within the Department of Education as necessary to appropriation item 200437, Student Assessment.

**Section 265.100. ACCOUNTABILITY/REPORT CARDS**

Of the foregoing appropriation item 200439, Accountability/Report Cards, \$500,000 in each fiscal year shall be used as matching funds to support efforts by the Accelerate Great Schools public-private partnership to increase the number of high-performing schools in Cincinnati, to attract and develop excellent school leaders and teachers, and to engage families and communities in fostering educational improvement.

Of the foregoing appropriation item 200439, Accountability/Report Cards, a portion in each fiscal year may be used to train district and regional specialists and district educators in the use of the value-added progress dimension and in the use of data as it relates to improving student achievement. This training may include teacher and administrator professional development in the use of data to improve instruction and student learning, and teacher and administrator training in understanding teacher value-added reports and how they can be used as a component in measuring teacher and administrator effectiveness. A

portion of this funding shall be provided to educational service 130296  
centers to support training and professional development under 130297  
this section consistent with section 3312.01 of the Revised Code. 130298

The remainder of appropriation item 200439, 130299  
Accountability/Report Cards, shall be used by the Department of 130300  
Education to incorporate a statewide value-added progress 130301  
dimension into performance ratings for school districts and for 130302  
the development of an accountability system that includes the 130303  
preparation and distribution of school report cards, funding and 130304  
expenditure accountability reports under sections 3302.03 and 130305  
3302.031 of the Revised Code, the development and maintenance of 130306  
teacher value-added reports, the teacher student linkage/roster 130307  
verification process, and the performance management section of 130308  
the Department's web site required by section 3302.26 of the 130309  
Revised Code. 130310

CHILD CARE LICENSING 130311

The foregoing appropriation item 200442, Child Care 130312  
Licensing, shall be used by the Department of Education to license 130313  
and to inspect preschool and school-age child care programs under 130314  
sections 3301.52 to 3301.59 of the Revised Code. 130315

**Section 265.110.** EDUCATION MANAGEMENT INFORMATION SYSTEM 130316

The foregoing appropriation item 200446, Education Management 130317  
Information System, shall be used by the Department of Education 130318  
to improve the Education Management Information System (EMIS). 130319

Of the foregoing appropriation item 200446, Education 130320  
Management Information System, up to \$725,000 in each fiscal year 130321  
shall be distributed to designated information technology centers 130322  
for costs relating to processing, storing, and transferring data 130323  
for the effective operation of the EMIS. These costs may include, 130324  
but are not limited to, personnel, hardware, software development, 130325

communications connectivity, professional development, and support 130326  
services, and to provide services to participate in the State 130327  
Education Technology Plan developed under section 3353.09 of the 130328  
Revised Code. 130329

The remainder of appropriation item 200446, Education 130330  
Management Information System, shall be used to develop and 130331  
support the data definitions and standards adopted by the 130332  
Education Management Information System Advisory Board, including 130333  
the ongoing development and maintenance of the data dictionary and 130334  
data warehouse. In addition, such funds shall be used to support 130335  
the development and implementation of data standards; the design, 130336  
development, and implementation of a new data exchange system; and 130337  
responsibilities related to the school report cards prescribed by 130338  
section 3302.03 of the Revised Code and value-added progress 130339  
dimension calculations. 130340

Any provider of software meeting the standards approved by 130341  
the Education Management Information System Advisory Board shall 130342  
be designated as an approved vendor and may enter into contracts 130343  
with local school districts, community schools, STEMS schools, 130344  
information technology centers, or other educational entities for 130345  
the purpose of collecting and managing data required under Ohio's 130346  
education management information system (EMIS) laws. On an annual 130347  
basis, the Department shall convene an advisory group of school 130348  
districts, community schools, and other education-related entities 130349  
to review EMIS data definitions and data format standards. The 130350  
advisory group shall recommend changes and enhancements based upon 130351  
surveys of its members, education agencies in other states, and 130352  
current industry practices, to reflect best practices, align with 130353  
federal initiatives, and meet the needs of school districts. 130354

School districts, STEM schools, and community schools not 130355  
implementing a uniform set of data definitions and data format 130356  
standards for EMIS purposes shall have all EMIS funding withheld 130357

until they are in compliance. 130358

**Section 265.120. EDUCATOR PREPARATION** 130359

Of the foregoing appropriation item 200448, Educator 130360  
Preparation, up to \$339,783 in each fiscal year may be used by the 130361  
Department of Education to monitor and support Ohio's State System 130362  
of Support, as defined by the Every Student Succeeds Act. 130363

Of the foregoing appropriation item 200448, Educator 130364  
Preparation, up to \$67,957 in each fiscal year may be used by the 130365  
Department to support the Educator Standards Board under section 130366  
3319.61 of the Revised Code and reforms under sections 3302.042, 130367  
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 130368  
3319.58 of the Revised Code. 130369

The remainder of the foregoing appropriation item 200448, 130370  
Educator Preparation, may be used for implementation of teacher 130371  
and principal evaluation systems, including incorporation of 130372  
student growth as a metric in those systems, and teacher 130373  
value-added reports. 130374

**Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS** 130375

The foregoing appropriation item 200455, Community Schools 130376  
and Choice Programs, may be used by the Department of Education 130377  
for operation of the school choice programs. 130378

Of the foregoing appropriation item 200455, Community Schools 130379  
and Choice Programs, a portion in each fiscal year may be used by 130380  
the Department for developing and conducting training sessions for 130381  
community schools and sponsors and prospective sponsors of 130382  
community schools as prescribed in division (A)(1) of section 130383  
3314.015 of the Revised Code, and other schools participating in 130384  
school choice programs. 130385

**Section 265.140. EDUCATION TECHNOLOGY RESOURCES** 130386



Of the foregoing appropriation item 200465, Education 130387  
Technology Resources, up to \$2,500,000 in each fiscal year shall 130388  
be used for the Union Catalog and InfOhio Network and to support 130389  
the provision of electronic resources with priority given to 130390  
resources that support the teaching of state academic content 130391  
standards in all public schools. Consideration shall be given by 130392  
the Department of Education to coordinating the allocation of 130393  
these moneys with the efforts of Libraries Connect Ohio, whose 130394  
members include OhioLINK, the Ohio Public Information Network, and 130395  
the State Library of Ohio. 130396

Of the foregoing appropriation item 200465, Education 130397  
Technology Resources, up to \$1,778,879 in each fiscal year shall 130398  
be used by the Department to provide grants to educational 130399  
television stations working with partner education technology 130400  
centers to provide Ohio public schools with instructional 130401  
resources and services, with priority given to resources and 130402  
services aligned with state academic content standards. Such 130403  
resources and services shall be based upon the advice and approval 130404  
of the Department, based on a formula developed in consultation 130405  
with Ohio's educational television stations and educational 130406  
technology centers. 130407

The remainder of the foregoing appropriation item 200465, 130408  
Education Technology Resources, may be used to support training, 130409  
technical support, guidance, and assistance with compliance 130410  
reporting to school districts and public libraries applying for 130411  
federal E-Rate funds; for oversight and guidance of school 130412  
district technology plans; and for support to district technology 130413  
personnel. Funds may also be used to support the 130414  
eTranscript/student records exchange initiative between the 130415  
Department of Education and the Department of Higher Education, 130416  
the internet safety training for teachers and administrators 130417  
required under the "Protecting Children in the 21st Century Act," 130418

Pub. L. No. 110-385, 122 Stat. 4096 (2008), and a program of study 130419  
for students in grades kindergarten through eight aligned to state 130420  
and national standards that, at a minimum, includes a focus on 130421  
online safety skills such as safety with personally identifiable 130422  
information, social media platforms, cyber-bullying prevention, 130423  
digital identity theft, hacking, and plagiarism. Such a program of 130424  
study shall provide the electronic data necessary for E-rate 130425  
compliance reporting at the student, classroom, and district 130426  
levels. 130427

**Section 265.150. PUPIL TRANSPORTATION** 130428

Of the foregoing appropriation item 200502, Pupil 130429  
Transportation, up to \$838,930 in each fiscal year may be used by 130430  
the Department of Education for training prospective and 130431  
experienced school bus drivers in accordance with training 130432  
programs prescribed by the Department. 130433

Of the foregoing appropriation item 200502, Pupil 130434  
Transportation, up to \$60,469,220 in each fiscal year may be used 130435  
by the Department for special education transportation 130436  
reimbursements to school districts and county DD boards for 130437  
transportation operating costs as provided in divisions (C) and 130438  
(F) of section 3317.024 of the Revised Code. 130439

The remainder of the foregoing appropriation item 200502, 130440  
Pupil Transportation, shall be used to distribute the amounts 130441  
calculated for transportation aid under divisions (E), (F), and 130442  
(G) of section 3317.0212 of the Revised Code and division (D)(2) 130443  
of section 3314.091 of the Revised Code. 130444

**PAYMENTS IN LIEU OF TRANSPORTATION** 130445

For purposes of division (D) of section 3327.02 of the 130446  
Revised Code, if a parent, guardian, or other person in charge of 130447  
a pupil accepts an offer from a school district of payment in lieu 130448

of providing transportation for the pupil, the school district 130449  
shall pay that parent, guardian, or other person an amount that 130450  
shall be not less than \$250 and not more than the amount 130451  
determined by the Department as the average cost of pupil 130452  
transportation for the previous school year. Payment may be 130453  
prorated if the time period involved is only a part of the school 130454  
year. 130455

**Section 265.160. SCHOOL LUNCH MATCH** 130456

The foregoing appropriation item 200505, School Lunch Match, 130457  
shall be used to provide matching funds to obtain federal funds 130458  
for the school lunch program. 130459

Any remaining appropriation after providing matching funds 130460  
for the school lunch program may be used to partially reimburse 130461  
school buildings within school districts that are required to have 130462  
a school breakfast program under section 3313.813 of the Revised 130463  
Code, at a rate decided by the Department. 130464

**Section 265.170. AUXILIARY SERVICES** 130465

Of the foregoing appropriation item 200511, Auxiliary 130466  
Services, up to \$2,600,000 in each fiscal year may be used for 130467  
payment of the College Credit Plus Program for nonpublic secondary 130468  
school participants. The Department of Education shall distribute 130469  
these funds according to rule 3333-1-65.8 of the Administrative 130470  
Code, adopted by the Department of Higher Education pursuant to 130471  
division (A) of section 3365.071 of the Revised Code. 130472

The remainder of the foregoing appropriation item 200511, 130473  
Auxiliary Services, shall be used by the Department for the 130474  
purpose of implementing sections 3317.06 and 3317.062 of the 130475  
Revised Code. 130476

**Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT** 130477

The foregoing appropriation item 200532, Nonpublic Administrative Cost Reimbursement, shall be used by the Department of Education for the purpose of implementing section 3317.063 of the Revised Code. Notwithstanding section 3317.063 of the Revised Code, payments made by the Department for this purpose shall not exceed four hundred five dollars per student for each school year.

**Section 265.190. SPECIAL EDUCATION ENHANCEMENTS** 130484

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$33,000,000 in each fiscal year shall be used to fund special education and related services at county boards of developmental disabilities for eligible students under section 3317.20 of the Revised Code and at institutions for eligible students under section 3317.201 of the Revised Code. If necessary, the Department of Education shall proportionately reduce the amount calculated for each county board of developmental disabilities and institution so as not to exceed the amount appropriated in each fiscal year.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$1,350,000 in each fiscal year shall be used for parent mentoring programs.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$3,000,000 in each fiscal year may be used for school psychology interns.

Of the foregoing appropriation item 200540, Special Education Enhancements, the Department shall transfer \$3,000,000 in each fiscal year to the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used by the Opportunities for Ohioans with Disabilities Agency as state matching funds to draw down available federal funding for vocational rehabilitation services. Total project funding shall be used to hire dedicated

vocational rehabilitation counselors who shall work directly with 130509  
school districts to provide transition services for students with 130510  
disabilities. Services shall include vocational rehabilitation 130511  
services such as person-centered career planning, summer work 130512  
experiences, job placement, and retention services for mutually 130513  
eligible students with disabilities. 130514

The Superintendent of Public Instruction and the Executive 130515  
Director of the Opportunities for Ohioans with Disabilities Agency 130516  
shall enter into an interagency agreement that shall specify the 130517  
responsibilities of each agency under the program. Under the 130518  
interagency agreement, the Opportunities for Ohioans with 130519  
Disabilities Agency shall retain responsibility for all 130520  
nondelegable functions, including eligibility and order of 130521  
selection determination, individualized plan for employment (IPE) 130522  
approval, IPE amendments, case closure, and release of vendor 130523  
payments. 130524

Of the foregoing appropriation item 200540, Special Education 130525  
Enhancements, up to \$2,000,000 in each fiscal year shall be used 130526  
by the Department of Education to build capacity to deliver a 130527  
regional system of training, support, coordination, and direct 130528  
service for secondary transition services for students with 130529  
disabilities beginning at fourteen years of age. These special 130530  
education enhancements shall support all students with 130531  
disabilities, regardless of partner agency eligibility 130532  
requirements, to provide stand-alone direct secondary transition 130533  
services by school districts. Secondary transition services shall 130534  
include, but not be limited to, job exploration counseling, 130535  
work-based learning experiences, counseling on opportunities for 130536  
enrollment in comprehensive transition or post-secondary 130537  
educational programs at institutions of higher education, 130538  
workplace readiness training to develop occupational skills, 130539  
social skills and independent living skills, and instruction in 130540

self-advocacy. Regional training shall support the expansion of 130541  
transition to work endorsement opportunities for middle school and 130542  
secondary level special education intervention specialists in 130543  
order to develop the necessary skills and competencies to meet the 130544  
secondary transition needs of students with disabilities beginning 130545  
at fourteen years of age. 130546

The remainder of appropriation item 200540, Special Education 130547  
Enhancements, shall be distributed by the Department of Education 130548  
to school districts and institutions, as defined in section 130549  
3323.091 of the Revised Code, for preschool special education 130550  
funding under section 3317.0213 of the Revised Code. 130551

The Department may reimburse school districts and 130552  
institutions for services provided by instructional assistants, 130553  
related services, as defined in rule 3301-51-11 of the 130554  
Administrative Code, physical therapy services provided by a 130555  
licensed physical therapist or physical therapist assistant under 130556  
the supervision of a licensed physical therapist, as required 130557  
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 130558  
Administrative Code, and occupational therapy services provided by 130559  
a licensed occupational therapist or occupational therapy 130560  
assistant under the supervision of a licensed occupational 130561  
therapist, as required under Chapter 4755. of the Revised Code and 130562  
Chapter 4755-7 of the Administrative Code. Nothing in this section 130563  
authorizes occupational therapy assistants or physical therapist 130564  
assistants to generate or manage their own caseloads. 130565

The Department shall require school districts, educational 130566  
service centers, county DD boards, and institutions serving 130567  
preschool children with disabilities to adhere to Ohio's early 130568  
learning program standards, participate in the Step Up to Quality 130569  
program established pursuant to section 5104.29 of the Revised 130570  
Code, and document child progress using research-based indicators 130571  
prescribed by the Department and report results annually. The 130572

reporting dates and method shall be determined by the Department. 130573  
Effective July 1, 2018, all programs shall be rated through the 130574  
Step Up to Quality program. 130575

**Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 130576

Of the foregoing appropriation item 200545, Career-Technical 130577  
Education Enhancements, up to \$2,563,568 in each fiscal year shall 130578  
be used to fund secondary career-technical education at 130579  
institutions, the Ohio School for the Deaf, and the Ohio State 130580  
School for the Blind using a grant-based methodology, 130581  
notwithstanding section 3317.05 of the Revised Code. 130582

Of the foregoing appropriation item 200545, Career-Technical 130583  
Education Enhancements, up to \$2,872,948 in fiscal year 2018 and 130584  
\$1,936,474 in fiscal year 2019 shall be used by the Department of 130585  
Education to fund competitive grants to tech prep consortia that 130586  
expand the number of students enrolled in tech prep programs. 130587  
These grant funds shall be used to directly support expanded tech 130588  
prep programs provided to students enrolled in school districts, 130589  
including joint vocational school districts, and affiliated higher 130590  
education institutions. This support may include the purchase of 130591  
equipment. 130592

Of the foregoing appropriation item 200545, Career-Technical 130593  
Education Enhancements, up to \$3,100,850 in each fiscal year shall 130594  
be used by the Department to support existing High Schools That 130595  
Work (HSTW) sites, develop and support new sites, fund technical 130596  
assistance, and support regional centers and middle school 130597  
programs. The purpose of HSTW is to combine challenging academic 130598  
courses and modern career-technical studies to raise the academic 130599  
achievement of students. HSTW provides intensive technical 130600  
assistance, focused staff development, targeted assessment 130601  
services, and ongoing communications and networking opportunities. 130602

Of the foregoing appropriation item 200545, Career-Technical 130603

Education Enhancements, up to \$600,000 in each fiscal year shall 130604  
be used by the Department to enable students in agricultural 130605  
programs to enroll in a fifth quarter of instruction based on the 130606  
agricultural education model of delivering work-based learning 130607  
through supervised agricultural experience. The Department shall 130608  
determine eligibility criteria and the reporting process for the 130609  
Agriculture 5th Quarter Project and shall fund as many programs as 130610  
possible given the set-aside. The eligibility criteria developed 130611  
by the Department shall allow these funds to support supervised 130612  
agricultural experience that occurs anytime outside of the regular 130613  
school day. 130614

Of the foregoing appropriation item 200545, Career-Technical 130615  
Education Enhancements, up to \$200,000 in each fiscal year may be 130616  
used to support career planning and reporting through the Ohio 130617  
Means Jobs web site. 130618

Of the foregoing appropriation item 200545, Career-Technical 130619  
Education Enhancements, up to \$1,000,000 in each fiscal year shall 130620  
be used to support payments to city, local, and exempted village 130621  
school districts, community schools, STEM schools, and joint 130622  
vocational school districts whose students earn an 130623  
industry-recognized credential or receive a journeyman 130624  
certification recognized by the United States Department of Labor. 130625  
The educating entity shall be required to inform students enrolled 130626  
in career-technical education courses that lead to an 130627  
industry-recognized credential about the opportunity to earn these 130628  
credentials. The Department of Education shall work with the 130629  
Department of Higher Education and the Governor's Office of 130630  
Workforce Transformation to develop a schedule for reimbursement 130631  
based on the Department of Education's list of industry-recognized 130632  
credentials, the time it takes to earn the credential, and the 130633  
cost to obtain the credential. The educating entity shall pay for 130634  
the cost of the credential for an economically disadvantaged 130635



student and may claim and receive reimbursement. The educating 130636  
entity may claim reimbursement based on the Department of 130637  
Education's reimbursement schedule up to six months after the 130638  
student has graduated from high school. If the amount appropriated 130639  
is not sufficient, the Department shall prorate the amounts so 130640  
that the aggregate amount appropriated is not exceeded. 130641

Of the foregoing appropriation item 200545, Career-Technical 130642  
Education Enhancements, \$75,000 in each fiscal year shall be used 130643  
to prepare students for careers in culinary arts and restaurant 130644  
management under the Ohio ProStart school restaurant program. 130645

**Section 265.210. FOUNDATION FUNDING** 130646

Of the foregoing appropriation item 200550, Foundation 130647  
Funding, up to \$40,000,000 in each fiscal year shall be used to 130648  
provide additional state aid to school districts, joint vocational 130649  
school districts, community schools, and STEM schools for special 130650  
education students under division (C)(3) of section 3314.08, 130651  
section 3317.0214, division (B) of section 3317.16, and section 130652  
3326.34 of the Revised Code, except that the Controlling Board may 130653  
increase these amounts if presented with such a request from the 130654  
Department of Education at the final meeting of the fiscal year. 130655

Of the foregoing appropriation item 200550, Foundation 130656  
Funding, up to \$3,800,000 in each fiscal year shall be used to 130657  
fund gifted education at educational service centers. The 130658  
Department shall distribute the funding through the unit-based 130659  
funding methodology in place under division (L) of section 130660  
3317.024, division (E) of section 3317.05, and divisions (A), (B), 130661  
and (C) of section 3317.053 of the Revised Code as they existed 130662  
prior to fiscal year 2010. 130663

Of the foregoing appropriation item 200550, Foundation 130664  
Funding, up to \$40,000,000 in each fiscal year shall be reserved 130665  
to fund the state reimbursement of educational service centers 130666

under the section of this act entitled "EDUCATIONAL SERVICE 130667  
CENTERS FUNDING." 130668

Of the foregoing appropriation item 200550, Foundation 130669  
Funding, up to \$3,500,000 in each fiscal year shall be distributed 130670  
to educational service centers for School Improvement Initiatives 130671  
and for the provision of technical assistance to schools and 130672  
districts. The Department may distribute these funds through a 130673  
competitive grant process. 130674

Of the foregoing appropriation item 200550, Foundation 130675  
Funding, up to \$10,000,000 in each fiscal year shall be reserved 130676  
for payments under section 3317.028 of the Revised Code. If this 130677  
amount is not sufficient, the Department shall prorate the payment 130678  
amounts so that the aggregate amount allocated in this paragraph 130679  
is not exceeded. 130680

Of the foregoing appropriation item 200550, Foundation 130681  
Funding, up to \$28,600,000 in fiscal year 2018 and up to 130682  
\$26,400,000 in fiscal year 2019 shall be used to support school 130683  
choice programs. 130684

Of the portion of the funds distributed to the Cleveland 130685  
Municipal School District under this section, up to \$15,400,000 in 130686  
fiscal year 2018 and \$17,600,000 in fiscal year 2019 shall be used 130687  
to operate the school choice program in the Cleveland Municipal 130688  
School District under sections 3313.974 to 3313.979 of the Revised 130689  
Code. Notwithstanding divisions (B) and (C) of section 3313.978 130690  
and division (C) of section 3313.979 of the Revised Code, up to 130691  
\$1,000,000 in each fiscal year of this amount shall be used by the 130692  
Cleveland Municipal School District to provide tutorial assistance 130693  
as provided in division (H) of section 3313.974 of the Revised 130694  
Code. The Cleveland Municipal School District shall report the use 130695  
of these funds in the district's three-year continuous improvement 130696  
plan as described in section 3302.04 of the Revised Code in a 130697  
manner approved by the Department. 130698

Of the foregoing appropriation item 200550, Foundation 130699  
Funding, up to \$1,500,000 in each fiscal year may be used for 130700  
payment of the College Credit Plus Program for students instructed 130701  
at home pursuant to section 3321.04 of the Revised Code. 130702

Of the foregoing appropriation item 200550, Foundation 130703  
Funding, an amount shall be available in each fiscal year to be 130704  
paid to joint vocational school districts in accordance with 130705  
division (A) of section 3317.16 of the Revised Code, and the 130706  
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT 130707  
VOCATIONAL SCHOOL DISTRICTS." 130708

Of the foregoing appropriation item 200550, Foundation 130709  
Funding, up to \$700,000 in each fiscal year shall be used by the 130710  
Department for a program to pay for educational services for youth 130711  
who have been assigned by a juvenile court or other authorized 130712  
agency to any of the facilities described in division (A) of the 130713  
section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT." 130714

Of the foregoing appropriation item 200550, Foundation 130715  
Funding, a portion may be used to pay college-preparatory boarding 130716  
schools the per pupil boarding amount pursuant to section 3328.34 130717  
of the Revised Code. 130718

Of the foregoing appropriation item 200550, Foundation 130719  
Funding, up to \$1,000,000 in each fiscal year shall be used for 130720  
the Bright New Leaders for Ohio Schools Program created and 130721  
implemented by the nonprofit corporation incorporated pursuant to 130722  
section 3319.271 of the Revised Code, to provide an alternative 130723  
path for individuals to receive training and development in the 130724  
administration of primary and secondary education and leadership, 130725  
enable those individuals to earn degrees and obtain licenses in 130726  
public school administration, and promote the placement of those 130727  
individuals in public schools that have a poverty percentage 130728  
greater than fifty per cent. 130729

Of the foregoing appropriation item 200550, Foundation 130730  
Funding, a portion in each fiscal year shall be used to pay 130731  
community schools and STEM schools the amounts calculated for the 130732  
graduation and third-grade reading bonuses under sections 3314.085 130733  
and 3326.41 of the Revised Code. 130734

Of the foregoing appropriation item 200550, Foundation 130735  
Funding, up to \$600,000 in each fiscal year may be used by the 130736  
Department for duties and activities related to the establishment 130737  
of academic distress commissions under section 3302.10 of the 130738  
Revised Code. A portion of the funds may be used as matching funds 130739  
for any monetary contributions made by a school district for which 130740  
an academic distress commission is established or by the 130741  
district's local community to support innovative education 130742  
programs or a high-quality school accelerator as provided for in 130743  
section 3302.10 of the Revised Code. 130744

The remainder of appropriation item 200550, Foundation 130745  
Funding, shall be used to distribute the amounts calculated for 130746  
formula aid under section 3317.022 of the Revised Code, the 130747  
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, 130748  
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS," and the section of 130749  
this act entitled "CAP OFFSET AMOUNT FOR CITY, LOCAL, AND EXEMPTED 130750  
VILLAGE SCHOOL DISTRICTS." 130751

Appropriation items 200502, Pupil Transportation, 200540, 130752  
Special Education Enhancements, and 200550, Foundation Funding, 130753  
other than specific set-asides, are collectively used in each 130754  
fiscal year to pay state formula aid obligations for school 130755  
districts, community schools, STEM schools, college preparatory 130756  
boarding schools, and joint vocational school districts under this 130757  
act. The first priority of these appropriation items, with the 130758  
exception of specific set-asides, is to fund state formula aid 130759  
obligations. It may be necessary to reallocate funds among these 130760  
appropriation items or use excess funds from other general revenue 130761

fund appropriation items in the Department of Education's budget 130762  
in each fiscal year in order to meet state formula aid 130763  
obligations. If it is determined that it is necessary to transfer 130764  
funds among these appropriation items or to transfer funds from 130765  
other General Revenue Fund appropriations in the Department's 130766  
budget to meet state formula aid obligations, the Superintendent 130767  
of Public Instruction shall seek approval from the Director of 130768  
Budget and Management to transfer funds as needed. 130769

The Superintendent of Public Instruction shall make payments, 130770  
transfers, and deductions, as authorized by Title XXXIII of the 130771  
Revised Code in amounts substantially equal to those made in the 130772  
prior year, or otherwise, at the discretion of the Superintendent, 130773  
until at least the effective date of the amendments and enactments 130774  
made to Title XXXIII by this act. Any funds paid to districts or 130775  
schools under this section shall be credited toward the annual 130776  
funds calculated for the district or school after the changes made 130777  
to Title XXXIII in this act are effective. Upon the effective date 130778  
of changes made to Title XXXIII in this act, funds shall be 130779  
calculated as an annual amount. 130780

**Section 265.220.** TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 130781  
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 130782

(A) The Department of Education shall distribute funds within 130783  
appropriation item 200550, Foundation Funding, for temporary 130784  
transitional aid in each fiscal year to each qualifying city, 130785  
local, and exempted village school district. 130786

(1) For fiscal years 2018 and 2019, the Department shall pay 130787  
temporary transitional aid to each city, local, and exempted 130788  
village school district according to the following formula: 130789

(The district's transitional aid guarantee base x the district's 130790  
transitional aid guarantee base percentage) - the district's 130791  
foundation funding for the guarantee 130792

If the computation made under this division results in a negative number, the district's funding under this division shall be zero.

(2) As used in this section, "foundation funding for the guarantee" for each city, local, and exempted village school district, for fiscal year 2018, equals the sum of the following amounts for that fiscal year:

(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;

(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;

(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;

(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;

(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;

(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;

(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;

(h) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code;

(i) Career-technical education associated services funds under division (A)(9) of section 3317.022 of the Revised Code;

(j) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;

(k) The graduation bonus under division (A)(11) of section

3317.022 of the Revised Code;	130822
(1) The third grade reading bonus under division (A)(12) of section 3317.022 of the Revised Code;	130823 130824
(m) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	130825 130826 130827
(n) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.	130828 130829
(3) As used in this section, "foundation funding for the guarantee" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:	130830 130831 130832 130833
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	130834 130835
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	130836 130837
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	130838 130839 130840
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	130841 130842
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	130843 130844
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	130845 130846
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	130847 130848
(h) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code;	130849 130850

(i) Career-technical education associated services funds	130851
under division (A)(9) of section 3317.022 of the Revised Code;	130852
(j) Capacity aid funds under division (A)(10) of section	130853
3317.022 of the Revised Code;	130854
(k) The graduation bonus under division (A)(11) of section	130855
3317.022 of the Revised Code;	130856
(l) The third grade reading bonus under division (A)(12) of	130857
section 3317.022 of the Revised Code;	130858
(m) Transportation funds under divisions (E) and (F) of	130859
section 3317.0212 of the Revised Code and division (D)(2) of	130860
section 3314.091 of the Revised Code;	130861
(n) Transportation supplement funds under division (G) of	130862
section 3317.0212 of the Revised Code.	130863
(4) As used in this section, the "transitional aid guarantee	130864
base" for each city, local, and exempted village school district,	130865
for fiscal year 2018, equals the sum of the following amounts	130866
computed for the district for fiscal year 2017 after any	130867
reductions made for fiscal year 2017 under division (B) of Section	130868
263.230 of Am. Sub. H.B. 64 of the 131st General Assembly:	130869
(a) The opportunity grant under division (A)(1) of section	130870
3317.022 of the Revised Code;	130871
(b) Targeted assistance funds under division (A)(2) of	130872
section 3317.022 of the Revised Code;	130873
(c) Additional state aid for special education and related	130874
services under division (A)(3) of section 3317.022 of the Revised	130875
Code;	130876
(d) Kindergarten through third grade literacy funds under	130877
division (A)(4) of section 3317.022 of the Revised Code;	130878
(e) Economically disadvantaged funds under division (A)(5) of	130879
section 3317.022 of the Revised Code;	130880



(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	130881 130882
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	130883 130884
(h) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code;	130885 130886
(i) Career-technical education associated services funds under division (A)(9) of section 3317.022 of the Revised Code;	130887 130888
(j) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	130889 130890
(k) The graduation bonus under division (A)(11) of section 3317.022 of the Revised Code;	130891 130892
(l) The third grade reading bonus under division (A)(12) of section 3317.022 of the Revised Code;	130893 130894
(m) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	130895 130896 130897
(n) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;	130898 130899
(o) Temporary transitional aid under division (A) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly.	130900 130901
(5) As used in this section, the "transitional aid guarantee base" for each city, local, and exempted village school district, for fiscal year 2019, equals the transitional aid guarantee base for fiscal year 2018 computed for the district pursuant to division (A)(4) of this section.	130902 130903 130904 130905 130906
(6) The "transitional aid guarantee base percentage" for each city, local, and exempted village school district, for fiscal years 2018 and 2019, shall be computed as follows:	130907 130908 130909

(a) Calculate each district's total ADM percentage change in accordance with the following formula: 130910  
130911  
(The district's total ADM for fiscal year 2016 / the district's total ADM for fiscal year 2014) - 1 130912  
130913

(b) Determine the district's transitional aid guarantee base percentage as follows: 130914  
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(i) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals a decrease of ten per cent or more, then the district's transitional aid guarantee base percentage shall be equal to ninety-five per cent. 130916  
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(ii) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals a decrease of less than ten per cent but more than five per cent, then the district's transitional aid guarantee base percentage shall be equal to the district's total ADM percentage change calculated in division (A)(6)(a) of this section plus one hundred five per cent. 130920  
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(iii) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals a decrease of five per cent or less, no change, or an increase of any amount, then the district's transitional aid guarantee base percentage shall be equal to one hundred per cent. 130926  
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(7) The Department of Education shall adjust, as necessary, the transitional aid guarantee base of any local school district that participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2018 or fiscal year 2019 but does not receive payments for the prior fiscal year. The Department shall adjust any such local school district's guarantee base according to the amounts received by the district in the prior fiscal year for career-technical education students who attend the newly established joint vocational school district. 130931  
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(B)(1) Notwithstanding section 3317.022 of the Revised Code, 130941  
in fiscal years 2018 and 2019, no city, local, or exempted village 130942  
school district shall be allocated foundation funding subject to 130943  
the limitation for the current fiscal year that is greater than 130944  
the district's limitation base multiplier times the district's 130945  
limitation base for the current fiscal year, except as provided in 130946  
division (B)(9) of this section. 130947

(2) As used in this section, "foundation funding subject to 130948  
the limitation" for each city, local, and exempted village school 130949  
district, for fiscal year 2018, equals the sum of the following 130950  
amounts for that fiscal year: 130951

(a) The opportunity grant under division (A)(1) of section 130952  
3317.022 of the Revised Code; 130953

(b) Targeted assistance funds under division (A)(2) of 130954  
section 3317.022 of the Revised Code; 130955

(c) Additional state aid for special education and related 130956  
services under division (A)(3) of section 3317.022 of the Revised 130957  
Code; 130958

(d) Kindergarten through third grade literacy funds under 130959  
division (A)(4) of section 3317.022 of the Revised Code; 130960

(e) Economically disadvantaged funds under division (A)(5) of 130961  
section 3317.022 of the Revised Code; 130962

(f) Limited English proficiency funds under division (A)(6) 130963  
of section 3317.022 of the Revised Code; 130964

(g) Gifted identification and unit funds under division 130965  
(A)(7) of section 3317.022 of the Revised Code; 130966

(h) Capacity aid funds under division (A)(10) of section 130967  
3317.022 of the Revised Code; 130968

(i) Transportation funds under divisions (E) and (F) of 130969  
section 3317.0212 of the Revised Code and division (D)(2) of 130970

section 3314.091 of the Revised Code;	130971
(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;	130972 130973
(k) Temporary transitional aid under division (A) of this section.	130974 130975
(3) As used in this section, "foundation funding subject to the limitation" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:	130976 130977 130978 130979
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	130980 130981
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	130982 130983
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	130984 130985 130986
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	130987 130988
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	130989 130990
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	130991 130992
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	130993 130994
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	130995 130996
(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	130997 130998 130999

(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;	131000 131001
(k) Temporary transitional aid under division (A) of this section.	131002 131003
(4) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly:	131004 131005 131006 131007 131008 131009
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	131010 131011
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	131012 131013
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	131014 131015 131016
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	131017 131018
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	131019 131020
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	131021 131022
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	131023 131024
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	131025 131026
(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	131027 131028 131029

(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;	131030 131031
(k) Temporary transitional aid under division (A) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly.	131032 131033
(5) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts computed for the district for fiscal year 2018 after any reductions made for fiscal year 2018 under division (B) of this section:	131034 131035 131036 131037 131038
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	131039 131040
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	131041 131042
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	131043 131044 131045
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	131046 131047
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	131048 131049
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	131050 131051
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	131052 131053
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	131054 131055
(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	131056 131057 131058

(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code; 131059  
131060

(k) Temporary transitional aid under division (A) of this section; 131061  
131062

(l) The cap offset amount computed under the section of this act entitled "CAP OFFSET AMOUNT FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS. 131063  
131064  
131065

(6)(a) The "limitation base multiplier" for each city, local, and exempted village school district, for fiscal year 2018, shall be computed as follows: 131066  
131067  
131068

(i) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals an increase of five and one-half per cent or more, then the district's limitation base multiplier shall be equal to 1.055. 131069  
131070  
131071  
131072

(ii) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals an increase of less than five and one-half per cent but more than three per cent, then the district's limitation base multiplier shall be equal to the district's total ADM percentage change calculated in division (A)(6)(a) of this section plus one. 131073  
131074  
131075  
131076  
131077  
131078

(iii) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals an increase of three per cent or less, no change, or a decrease of any amount, then the district's limitation base multiplier shall be equal to 1.03. 131079  
131080  
131081  
131082  
131083

(b) The "limitation base multiplier" for each city, local, and exempted village school district, for fiscal year 2019, shall be computed as follows: 131084  
131085  
131086

(i) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals an increase of six 131087  
131088

per cent or more, then the district's limitation base multiplier 131089  
shall be equal to 1.06. 131090

(ii) If the district's total ADM percentage change calculated 131091  
in division (A)(6)(a) of this section equals an increase of less 131092  
than six per cent but more than three per cent, then the 131093  
district's limitation base multiplier shall be equal to the 131094  
district's total ADM percentage change calculated in division 131095  
(A)(6)(a) of this section plus one. 131096

(iii) If the district's total ADM percentage change 131097  
calculated in division (A)(6)(a) of this section equals an 131098  
increase of three per cent or less, no change, or a decrease of 131099  
any amount, then the district's limitation base multiplier shall 131100  
be equal to 1.03. 131101

(7) The Department of Education shall adjust, as necessary, 131102  
the limitation base of any local school district that participates 131103  
in the establishment of a joint vocational school district that 131104  
begins receiving payments under section 3317.16 of the Revised 131105  
Code for fiscal year 2018 or fiscal year 2019 but does not receive 131106  
such payments for the prior fiscal year. The Department shall 131107  
adjust any such local school district's limitation base according 131108  
to the amounts received by the district in the prior fiscal year 131109  
for career-technical education students who attend the newly 131110  
established joint vocational school district. 131111

(8) For fiscal year 2018 and fiscal year 2019, the Department 131112  
shall reduce a district's payments under divisions (A)(1), (2), 131113  
(4), (5), (6), (7), and (10) of section 3317.022 of the Revised 131114  
Code proportionately as necessary in order to comply with this 131115  
division. If those amounts are insufficient, the Department shall 131116  
proportionately reduce a district's payments under division (A)(3) 131117  
of section 3317.022 of the Revised Code and divisions (E), (F), 131118  
and (G) of section 3317.0212 of the Revised Code. 131119



(9)(a) For purposes of division (B)(9) of this section, 131120  
"eligible school district" shall have the same meaning as in 131121  
division (F)(1) of section 3317.017 of the Revised Code. 131122

(b) Notwithstanding any provision of law to the contrary, an 131123  
eligible school district shall not be allocated foundation funding 131124  
subject to the limitation in the current fiscal year that is 131125  
greater than the greater of the amounts described in divisions 131126  
(B)(9)(b)(i) and (ii) of this section: 131127

(i) The amount calculated for the district for the current 131128  
fiscal year under division (B)(1) of this section; 131129

(ii) The lesser of the amounts described in divisions 131130  
(B)(9)(b)(ii)(I) and (II) of this section: 131131

(I) The district's foundation funding subject to the 131132  
limitation for the current fiscal year; 131133

(II) The district's limitation base for the current fiscal 131134  
year plus the district's taxes charged and payable against all 131135  
property on the tax list of real and public utility property for 131136  
tax year 2015 minus the district's taxes charged and payable 131137  
against all property on the tax list of real and public utility 131138  
property for tax year 2016. 131139

**Section 265.230. TEMPORARY TRANSITIONAL AID FOR JOINT 131140**  
VOCATIONAL SCHOOL DISTRICTS 131141

(A) The Department of Education shall distribute funds within 131142  
appropriation item 200550, Foundation Funding, for temporary 131143  
transitional aid in each fiscal year to each qualifying joint 131144  
vocational school district. 131145

(1) For fiscal years 2018 and 2019, the Department shall pay 131146  
temporary transitional aid to each joint vocational school 131147  
district according to the following formula: 131148

(The district's transitional aid guarantee base x the district's 131149

transitional aid guarantee base percentage) - the district's	131150
foundation funding for the guarantee	131151
If the computation made under this division results in a	131152
negative number, the district's funding under this division shall	131153
be zero.	131154
(2) As used in this section, "foundation funding for the	131155
guarantee" for each joint vocational school district, for fiscal	131156
year 2018, equals the sum of the following amounts for that fiscal	131157
year:	131158
(a) The opportunity grant under division (A)(1) of section	131159
3317.16 of the Revised Code;	131160
(b) Additional state aid for special education and related	131161
services under division (A)(2) of section 3317.16 of the Revised	131162
Code;	131163
(c) Economically disadvantaged funds under division (A)(3) of	131164
section 3317.16 of the Revised Code;	131165
(d) Limited English proficiency funds under division (A)(4)	131166
of section 3317.16 of the Revised Code;	131167
(e) Career-technical education funds under division (A)(5) of	131168
section 3317.16 of the Revised Code;	131169
(f) Career-technical education associated services funds	131170
under division (A)(6) of section 3317.16 of the Revised Code;	131171
(g) The graduation bonus under division (A)(7) of section	131172
3317.16 of the Revised Code.	131173
(3) As used in this section, "foundation funding for the	131174
guarantee" for each joint vocational school district, for fiscal	131175
year 2019, equals the sum of the following amounts for that fiscal	131176
year:	131177
(a) The opportunity grant under division (A)(1) of section	131178
3317.16 of the Revised Code;	131179

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	131180 131181 131182
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	131183 131184
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	131185 131186
(e) Career-technical education funds under division (A)(5) of section 3317.16 of the Revised Code;	131187 131188
(f) Career-technical education associated services funds under division (A)(6) of section 3317.16 of the Revised Code;	131189 131190
(g) The graduation bonus under division (A)(7) of section 3317.16 of the Revised Code.	131191 131192
(4) As used in this section, the "transitional aid guarantee base" for each joint vocational school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly:	131193 131194 131195 131196 131197 131198
(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;	131199 131200
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	131201 131202 131203
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	131204 131205
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	131206 131207
(e) Career-technical education funds under division (A)(5) of section 3317.16 of the Revised Code;	131208 131209

(f) Career-technical education associated services funds	131210
under division (A)(6) of section 3317.16 of the Revised Code;	131211
(g) The graduation bonus under division (A)(7) of section	131212
3317.16 of the Revised Code;	131213
(h) Temporary transitional aid under division (A) of Section	131214
263.240 of Am. Sub. H.B. 64 of the 131st General Assembly.	131215
(5) As used in this section, the "transitional aid guarantee	131216
base" for each joint vocational school district, for fiscal year	131217
2019, equals the transitional aid guarantee base for fiscal year	131218
2018 computed for the district pursuant to division (A)(4) of this	131219
section.	131220
(6) The "transitional aid guarantee base percentage" for a	131221
joint vocational school district, for fiscal year 2018 and fiscal	131222
year 2019, shall be computed as follows:	131223
(a) Calculate each district's formula ADM percentage change	131224
in accordance with the following formula:	131225
(The district's formula ADM for fiscal year 2016 / the district's	131226
formula ADM for fiscal year 2014) - 1	131227
(b) Determine the district's transitional aid guarantee base	131228
percentage as follows:	131229
(i) If the district's formula ADM percentage change	131230
calculated in division (A)(6)(a) of this section equals a decrease	131231
of ten per cent or more, then the district's transitional aid	131232
guarantee base percentage shall be equal to ninety-five per cent.	131233
(ii) If the district's formula ADM percentage change	131234
calculated in division (A)(6)(a) of this section equals a decrease	131235
of less than ten per cent but more than five per cent, then the	131236
district's transitional aid guarantee base percentage shall be	131237
equal to the district's formula ADM percentage change calculated	131238
in division (A)(6)(a) of this section plus one hundred five per	131239

cent. 131240

(iii) If the district's formula ADM percentage change 131241  
calculated in division (A)(6)(a) of this section equals a decrease 131242  
of five per cent or less, no change, or an increase of any amount, 131243  
then the district's transitional aid guarantee base percentage 131244  
shall be equal to one hundred per cent. 131245

(7) The Department of Education shall establish, as 131246  
necessary, the transitional aid guarantee base of any joint 131247  
vocational school district that begins receiving payments under 131248  
section 3317.16 of the Revised Code for fiscal year 2018 or fiscal 131249  
year 2019 but does not receive such payments for the prior fiscal 131250  
year. The Department shall establish any such joint vocational 131251  
school district's guarantee base as an amount equal to the 131252  
absolute value of the sum of the associated adjustments of any 131253  
local school district's guarantee bases under division (A)(7) of 131254  
the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR 131255  
CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 131256

(B)(1) Notwithstanding division (A) of section 3317.16 of the 131257  
Revised Code in fiscal years 2018 and 2019, no joint vocational 131258  
school district shall be allocated foundation funding subject to 131259  
the limitation for the current fiscal year that is greater than 131260  
the district's limitation base multiplier times the district's 131261  
limitation base for the current fiscal year. 131262

(2) As used in this section, "foundation funding subject to 131263  
the limitation" for each joint vocational school district, for 131264  
fiscal year 2018, equals the sum of the following amounts for that 131265  
fiscal year: 131266

(a) The opportunity grant under division (A)(1) of section 131267  
3317.16 of the Revised Code; 131268

(b) Additional state aid for special education and related 131269  
services under division (A)(2) of section 3317.16 of the Revised 131270

Code;	131271
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	131272 131273
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	131274 131275
(e) Temporary transitional aid under division (A) of this section.	131276 131277
(3) As used in this section, "foundation funding subject to the limitation" for each joint vocational school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:	131278 131279 131280 131281
(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;	131282 131283
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	131284 131285 131286
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	131287 131288
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	131289 131290
(e) Temporary transitional aid under division (A) of this section.	131291 131292
(4) As used in this section, the "limitation base" for each joint vocational school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly:	131293 131294 131295 131296 131297 131298
(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;	131299 131300

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code; 131301  
131302  
131303

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code; 131304  
131305

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code; 131306  
131307

(e) Temporary transitional aid under division (A) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly. 131308  
131309

(5) As used in this section, the "limitation base" for each joint vocational school district, for fiscal year 2019, equals the sum of the following amounts computed for the district for fiscal year 2018 after any reductions made for fiscal year 2018 under division (B) of this section: 131310  
131311  
131312  
131313  
131314

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code; 131315  
131316

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code; 131317  
131318  
131319

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code; 131320  
131321

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code; 131322  
131323

(e) Temporary transitional aid under division (A) of this section. 131324  
131325

(6)(a) The "limitation base multiplier" for each joint vocational school district, for fiscal year 2018, shall be computed as follows: 131326  
131327  
131328

(i) If the district's formula ADM percentage change calculated in division (A)(6)(a) of this section equals an 131329  
131330

increase of five and one-half per cent or more, then the 131331  
district's limitation base multiplier shall be equal to 1.055. 131332

(ii) If the district's formula ADM percentage change 131333  
calculated in division (A)(6)(a) of this section equals an 131334  
increase of less than five and one-half per cent but more than 131335  
three per cent, then the district's limitation base multiplier 131336  
shall be equal to the district's formula ADM percentage change 131337  
calculated in division (A)(6)(a) of this section plus one. 131338

(iii) If the district's formula ADM percentage change 131339  
calculated in division (A)(6)(a) of this section equals an 131340  
increase of three per cent or less, no change, or a decrease of 131341  
any amount, then the district's limitation base multiplier shall 131342  
be equal to 1.03. 131343

(b) The "limitation base multiplier" for each joint 131344  
vocational school district, for fiscal year 2019, shall be 131345  
computed as follows: 131346

(i) If the district's formula ADM percentage change 131347  
calculated in division (A)(6)(a) of this section equals an 131348  
increase of six per cent or more, then the district's limitation 131349  
base multiplier shall be equal to 1.06. 131350

(ii) If the district's formula ADM percentage change 131351  
calculated in division (A)(6)(a) of this section equals an 131352  
increase of less than six per cent but more than three per cent, 131353  
then the district's limitation base multiplier shall be equal to 131354  
the district's formula ADM percentage change calculated in 131355  
division (A)(6)(a) of this section plus one. 131356

(iii) If the district's formula ADM percentage change 131357  
calculated in division (A)(6)(a) of this section equals an 131358  
increase of three per cent or less, no change, or a decrease of 131359  
any amount, then the district's limitation base multiplier shall 131360  
be equal to 1.03. 131361



(7) The Department of Education shall establish, as necessary, the limitation base of any joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2018 or fiscal year 2019 but does not receive such payments for the prior fiscal year. The Department shall establish any such joint vocational school district's limitation base as an amount equal to the absolute value of the sum of the associated adjustments of any local school district's limitation base under division (B)(7) of the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(8) For fiscal year 2018 and fiscal year 2019, the Department shall reduce a district's payments under divisions (A)(1), (3), and (4) of section 3317.16 of the Revised Code proportionately as necessary in order to comply with this division. If those amounts are insufficient, the Department shall proportionately reduce a district's payments under division (A)(2) of section 3317.16 of the Revised Code.

**Section 265.233. CAP OFFSET AMOUNT FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS**

(A) For purposes of this section:

(1) A district's "combined state aid for fiscal year 2017" means the sum of:

(a) The sum of the district's payments for fiscal year 2017 under sections 3317.022 and 3317.0212 of the Revised Code after any amounts are added or subtracted under Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly;

(b) The district's payments under division (C)(1) of section 5709.92 of the Revised Code for fiscal year 2017.

(2) A district's "combined state aid for fiscal year 2018"

means the sum of: 131392

(a) The sum of the district's payments for fiscal year 2018 131393  
under sections 3317.022 and 3317.0212 of the Revised Code after 131394  
any amounts are added or subtracted under the section of this act 131395  
entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED 131396  
VILLAGE SCHOOL DISTRICTS"; 131397

(b) The district's payments under division (C)(2) of section 131398  
5709.92 of the Revised Code for fiscal year 2018. 131399

(3) An "eligible school district" is a city, local, or 131400  
exempted village school district that meets both of the following 131401  
criteria: 131402

(a) The sum of the amounts calculated for the school district 131403  
under section 3317.022 and 3317.0212 of the Revised Code is 131404  
limited by division (B)(1) of the section of this act entitled 131405  
"TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE 131406  
SCHOOL DISTRICTS" for fiscal year 2018; 131407

(b) The district's combined state aid for fiscal year 2017 131408  
minus the district's combined state aid for fiscal year 2018 is 131409  
greater than zero. 131410

(B) For fiscal year 2018, the Department of Education shall 131411  
compute and pay a cap offset amount to each eligible school 131412  
district equal to the lesser of the amounts calculated in 131413  
divisions (B)(1) and (2) of this section: 131414

(1) The district's combined state aid for fiscal year 2017 131415  
minus the district's combined state aid for fiscal year 2018; 131416

(2) The absolute value of the difference between the sum of 131417  
the amounts calculated under sections 3317.022 and 3317.0212 of 131418  
the Revised Code for the district before and after application of 131419  
the limitation under division (B)(1) of the section of this act 131420  
entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED 131421

VILLAGE SCHOOL DISTRICTS" for fiscal year 2018. 131422

**Section 265.240. LITERACY IMPROVEMENT** 131423

The foregoing appropriation item 200566, Literacy 131424  
Improvement, shall be used by the Department of Education to 131425  
support early literacy activities to align state, local, and 131426  
federal efforts in order to bolster all students' reading success. 131427  
Funds shall be distributed to educational service centers to 131428  
establish and support regional literacy professional development 131429  
teams. A portion of the funds may be used by the Department for 131430  
program administration, monitoring, technical assistance, support, 131431  
research, and evaluation. 131432

**Section 265.250. ADULT EDUCATION PROGRAMS** 131433

The foregoing appropriation item 200572, Adult Education 131434  
Programs, shall be used in each fiscal year to make payments to 131435  
institutions participating in the Adult Diploma Pilot Program 131436  
under section 3313.902 of the Revised Code; to make payments under 131437  
sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 131438  
Code; and to pay career-technical planning districts for the 131439  
amounts reimbursed to students, as prescribed in this section. 131440

Each career-technical planning district shall reimburse 131441  
individuals taking a nationally recognized high school equivalency 131442  
examination approved by the Department of Education for the first 131443  
time for application fees, examination fees, or both, in excess of 131444  
\$40, up to a maximum reimbursement per individual of \$80. Each 131445  
career-technical planning district shall designate a site or sites 131446  
where individuals may register and take an approved examination. 131447  
For each individual who registers for an approved examination, the 131448  
career-technical planning district shall make available and offer 131449  
career counseling services, including information on adult 131450  
education programs that are available. A portion of the 131451

appropriation item may be reimbursed to the Department of Youth Services and the Department of Rehabilitation and Correction for individuals in these facilities who have taken an approved examination for the first time. The amounts reimbursed shall not exceed the per-individual amounts reimbursed to other individuals under this section for an approved examination.

Notwithstanding any provision of law to the contrary, the unexpended balance of appropriations for payments under section 3313.902 of the Revised Code at the end of each fiscal year may be encumbered by the Department of Education and remain available for payment for a period not to exceed two years from the end of each fiscal year in which the funds were originally appropriated, in accordance with guidelines established by the Superintendent of Public Instruction.

Of the foregoing appropriation item 200572, Adult Education Programs, a portion may be used for program administration, technical assistance, support, research, and evaluation of adult education programs, including high school equivalency examinations approved by the Department of Education.

**Section 265.260. EDCHOICE EXPANSION**

The foregoing appropriation item 200573, EdChoice Expansion, shall be used to provide for the scholarships awarded under the expansion of the educational choice program established under section 3310.032 of the Revised Code. The number of scholarships awarded under the expansion of the educational choice program shall not exceed the number that can be funded with the appropriations made by the General Assembly for this purpose.

Notwithstanding section 3310.16 of the Revised Code, as it existed prior to the amendment of that section by this act, if the scholarships awarded under section 3310.032 of the Revised Code in the first application period for the 2017-2018 school year use the

entirety of the amount appropriated by the General Assembly for 131483  
such scholarships for that school year, the Department of 131484  
Education need not conduct a second application period for 131485  
scholarships under that section. If, after the first application 131486  
period, there are funds remaining to award scholarships under 131487  
section 3310.032 of the Revised Code, the Department shall conduct 131488  
a second application period in accordance with section 3310.16 of 131489  
the Revised Code. 131490

HALF-MILL MAINTENANCE EQUALIZATION 131491

The foregoing appropriation item 200574, Half-Mill 131492  
Maintenance Equalization, shall be used to make payments pursuant 131493  
to section 3318.18 of the Revised Code. 131494

ADAPTIVE SPORTS PROGRAM 131495

The foregoing appropriation item 200576, Adaptive Sports 131496  
Program, shall be used by the Department of Education, in 131497  
collaboration with the Adaptive Sports Program of Ohio, to fund 131498  
adaptive sports programs in school districts across the state. 131499

**Section 265.280.** MEDICAID IN SCHOOLS PROGRAM 131500

The foregoing appropriation item, 657401, Medicaid in Schools 131501  
Program, shall be used by the Department of Education to support 131502  
the Medicaid in Schools Program. 131503

**Section 265.290.** HIGH SCHOOL EQUIVALENCY 131504

The foregoing appropriation item 200610, High School 131505  
Equivalency, shall be used in conjunction with appropriation item 131506  
200572, Adult Education Programs. 131507

**Section 265.300.** TEACHER CERTIFICATION AND LICENSURE 131508

The foregoing appropriation item 200681, Teacher 131509  
Certification and Licensure, shall be used by the Department of 131510

Education in each year of the biennium to administer and support 131511  
teacher certification and licensure activities. Notwithstanding 131512  
section 3319.51 of the Revised Code, a portion of the foregoing 131513  
appropriation may also be used for implementation of teacher and 131514  
principal evaluation systems, including incorporation of student 131515  
growth as a metric in those systems, and teacher value-added 131516  
reports. 131517

**Section 265.310. AUXILIARY SERVICES REIMBURSEMENT** 131518

Notwithstanding section 3317.064 of the Revised Code, if the 131519  
unexpended, unencumbered cash balance is sufficient, the Treasurer 131520  
of State shall remit \$1,500,000 in fiscal year 2018 within thirty 131521  
days after the effective date of this section, and \$1,500,000 in 131522  
fiscal year 2019 by August 1, 2018, from the Auxiliary Services 131523  
Personnel Unemployment Compensation Fund to the Auxiliary Services 131524  
Reimbursement Fund (Fund 5980) used by the Department of 131525  
Education. 131526

**Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE** 131527

(A) Of the foregoing appropriation item 200687, School 131528  
District Solvency Assistance, \$5,000,000 in each fiscal year shall 131529  
be allocated to the School District Shared Resource Account and 131530  
\$5,000,000 in each fiscal year shall be allocated to the 131531  
Catastrophic Expenditures Account. These funds shall be used to 131532  
provide assistance and grants to school districts to enable them 131533  
to remain solvent under section 3316.20 of the Revised Code. 131534  
Assistance and grants shall be subject to approval by the 131535  
Controlling Board. Except as provided under division (C) of this 131536  
section, any required reimbursements from school districts for 131537  
solvency assistance shall be made to the appropriate account in 131538  
the School District Solvency Assistance Fund (Fund 5H30). 131539

(B) Notwithstanding any provision of law to the contrary, 131540

upon the request of the Superintendent of Public Instruction, the 131541  
Director of Budget and Management may make transfers to the School 131542  
District Solvency Assistance Fund (Fund 5H30) from any fund used 131543  
by the Department of Education or the General Revenue Fund to 131544  
maintain sufficient cash balances in Fund 5H30 in fiscal years 131545  
2018 and 2019. Any cash transferred is hereby appropriated. The 131546  
transferred cash may be used by the Department to provide 131547  
assistance and grants to school districts to enable them to remain 131548  
solvent and to pay unforeseeable expenses of a temporary or 131549  
emergency nature that the school district is unable to pay from 131550  
existing resources. The Director shall notify the members of the 131551  
Controlling Board of any such transfers. 131552

(C) If the cash balance of the School District Solvency 131553  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 131554  
assistance in fiscal years 2018 and 2019, at the request of the 131555  
Superintendent of Public Instruction, and with the approval of the 131556  
Controlling Board, the Director of Budget and Management may 131557  
transfer cash from the Lottery Profits Education Reserve Fund 131558  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 131559  
school districts to enable them to remain solvent and to pay 131560  
unforeseeable expenses of a temporary nature that they are unable 131561  
to pay from existing resources under section 3316.20 of the 131562  
Revised Code. Such transfers are hereby appropriated to 131563  
appropriation item 200670, School District Solvency Assistance - 131564  
Lottery. Any required reimbursements from school districts for 131565  
solvency assistance granted from appropriation item 200670, School 131566  
District Solvency Assistance - Lottery, shall be made to Fund 131567  
7018. 131568

**Section 265.330. LOTTERY PROFITS EDUCATION FUND** 131569

The foregoing appropriation item 200612, Foundation Funding, 131570  
shall be used in conjunction with appropriation item 200550, 131571

Foundation Funding, to provide state foundation payments to school districts. 131572  
131573

The Department of Education, with the approval of the Director of Budget and Management, shall determine the monthly distribution schedules of appropriation item 200550, Foundation Funding, and appropriation item 200612, Foundation Funding. If adjustments to the monthly distribution schedule are necessary, the Department shall make such adjustments with the approval of the Director. 131574  
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COMMUNITY CONNECTORS PROGRAM 131581

The foregoing appropriation item 200629, Community Connectors, shall be used by the Superintendent of Public Instruction to create the Community Connectors Grant Program. The Superintendent shall develop guidelines for the grants. The guidelines shall prioritize grant applicants that deliver volunteer-based K-12 programs that foster financial literacy, career readiness, and entrepreneurship skills through experiential learning opportunities in classroom settings. The program shall award competitive matching grants to provide funding for local networks of volunteers and organizations to sponsor career advising and mentoring for students in eligible school districts. Each grant award shall match up to three times the funds allocated to the project by the local network. However, the Superintendent may prescribe a maximum grant award, which shall not be less than \$150,000. The Superintendent shall not prohibit grant recipients in prior fiscal years from reapplying for grants awarded under this section. Eligible school districts are those with a high percentage of students in poverty, a high number of students not graduating on time, and other criteria as determined by the Superintendent. Eligible school districts shall partner with members of the business community, civic organizations, or the faith-based community to provide sustainable career advising and 131582  
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mentoring services. Upon the request of the Superintendent of 131604  
Public Instruction and the approval of the Director of Budget and 131605  
Management, an amount equal to the unexpended, unencumbered 131606  
portion of the foregoing appropriation item 200629, Community 131607  
Connectors, at the end of fiscal year 2018 is hereby 131608  
reappropriated to the Department for the same purpose for fiscal 131609  
year 2019. 131610

Notwithstanding any provision of law to the contrary, grants 131611  
awarded under this section may be used by grant recipients for 131612  
grant-related expenses for a period not to exceed three years from 131613  
the date of the award, according to guidelines established by the 131614  
Superintendent. 131615

COMMUNITY SCHOOL FACILITIES 131616

The foregoing appropriation item 200684, Community School 131617  
Facilities, shall be used to pay each community school established 131618  
under Chapter 3314. of the Revised Code and each STEM school 131619  
established under Chapter 3326. of the Revised Code an amount 131620  
equal to \$25 in each fiscal year for each full-time equivalent 131621  
pupil in an internet- or computer-based community school and \$200 131622  
in each fiscal year for each full-time equivalent pupil in all 131623  
other community or STEM schools for assistance with the cost 131624  
associated with facilities. If the amount appropriated is not 131625  
sufficient, the Department shall prorate the amounts so that the 131626  
aggregate amount appropriated is not exceeded. 131627

**Section 265.350.** LOTTERY PROFITS EDUCATION RESERVE FUND 131628

(A) There is hereby created the Lottery Profits Education 131629  
Reserve Fund (Fund 7018) in the State Treasury. Investment 131630  
earnings of the Lottery Profits Education Reserve Fund shall be 131631  
credited to the fund. 131632

(B) Notwithstanding any other provision of law to the 131633

contrary, the Director of Budget and Management may transfer cash 131634  
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 131635  
in fiscal year 2018 and fiscal year 2019. 131636

(C) On July 15, 2017, or as soon as possible thereafter, the 131637  
Director of the Ohio Lottery Commission shall certify to the 131638  
Director of Budget and Management the amount by which lottery 131639  
profit transfers received by Fund 7017 exceeded \$1,030,000,000 in 131640  
fiscal year 2017. 131641

(D) On July 15, 2018, or as soon as possible thereafter, the 131642  
Director of the Ohio Lottery Commission shall certify to the 131643  
Director of Budget and Management the amount by which lottery 131644  
profit transfers received by Fund 7017 exceeded \$1,078,130,000 in 131645  
fiscal year 2018. 131646

(E) Notwithstanding any provision of law to the contrary, in 131647  
fiscal year 2018 and fiscal year 2019, the Director of Budget and 131648  
Management may transfer cash in excess of the amounts necessary to 131649  
support appropriations in Fund 7017 from that fund to Fund 7018. 131650

**Section 265.360. EDUCATIONAL SERVICE CENTERS FUNDING** 131651

As used in this section, "high-performing educational service 131652  
center" means an educational service center designated as such 131653  
pursuant to rule 3301-105-01 of the Administrative Code. 131654

As used in this section, "student count" means the count 131655  
calculated under division (G)(1) of section 3313.843 of the 131656  
Revised Code. 131657

In each fiscal year, the Department of Education shall pay 131658  
the governing board of each high-performing educational service 131659  
center state funds equal to twenty-six dollars times its student 131660  
count, and to the governing board of each other center, state 131661  
funds equal to twenty-four dollars times its student count. 131662

If the amount earmarked for the state reimbursement of 131663

educational service centers in appropriation item 200550, 131664  
Foundation Funding, is not sufficient, the Department shall 131665  
prorate the payment amounts by reducing the per-pupil amount paid 131666  
for students in the educational service center's student count 131667  
attributable to a "big-eight school district," as defined in 131668  
section 3314.02 of the Revised Code, so that the appropriation is 131669  
not exceeded. 131670

Notwithstanding any provision of law to the contrary, a 131671  
school district that has not entered into an agreement for 131672  
services with an educational service center as of June 30, 2017, 131673  
shall be prohibited from entering into such an agreement during 131674  
the period from July 1, 2017, through June 30, 2019. 131675

**Section 265.370.** On July 1, 2017, or as soon as possible 131676  
thereafter, the Superintendent of Public Instruction shall certify 131677  
to the Director of Budget and Management the unexpended, 131678  
unencumbered cash balances of the Neglected and Delinquent 131679  
Education Fund (Fund 3090), the Advanced Placement Fund (Fund 131680  
3EK0), the Miscellaneous Nutrition Grants Fund (Fund 3GF0), the 131681  
School Climate Transformation Fund (Fund 3GP0), the Project Aware 131682  
Fund (Fund 3GQ0), the JAVITS Gifted and Talented Students Fund 131683  
(Fund 3GZ0), and the Head Start Collaboration Project Fund (Fund 131684  
3H90). Upon receipt of certification from the Superintendent, the 131685  
Director may transfer the cash balances of those funds to the 131686  
Department of Education Federal Education Grants Fund (Fund 3HF0). 131687

**Section 265.380.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL 131688  
ASSESSMENT OF EDUCATION PROGRESS 131689

The General Assembly intends for the Superintendent of Public 131690  
Instruction to provide for school district participation in the 131691  
administration of the National Assessment of Education Progress in 131692  
accordance with section 3301.27 of the Revised Code. Each school 131693

and school district selected for participation by the 131694  
Superintendent shall participate. 131695

**Section 265.390. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 131696**  
STUDENTS 131697

(A) As used in this section: 131698

(1) "IEP" has the same meaning as in section 3323.01 of the 131699  
Revised Code. 131700

(2) "SBH student" means a student receiving special education 131701  
and related services for severe behavior disabilities pursuant to 131702  
an IEP. 131703

(B) This section applies only to a community school 131704  
established under Chapter 3314. of the Revised Code that in each 131705  
of fiscal years 2018 and 2019 enrolls a number of SBH students 131706  
equal to at least fifty per cent of the total number of students 131707  
enrolled in the school in the applicable fiscal year. 131708

(C) In addition to any state foundation payments made, in 131709  
each of fiscal years 2018 and 2019, the Department of Education 131710  
shall pay to a community school to which this section applies a 131711  
subsidy equal to the difference between the aggregate amount 131712  
calculated and paid in that fiscal year to the community school 131713  
for special education and related services additional weighted 131714  
costs for the SBH students enrolled in the school and the 131715  
aggregate amount that would have been calculated for the school 131716  
for special education and related services additional weighted 131717  
costs for those same students in fiscal year 2001. If the 131718  
difference is a negative number, the amount of the subsidy shall 131719  
be zero. 131720

(D) The amount of any subsidy paid to a community school 131721  
under this section shall not be deducted from the school district 131722  
in which any of the students enrolled in the community school are 131723

entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. The amount of any subsidy paid to a community school under this section shall be paid from funds appropriated to the Department in appropriation item 200550, Foundation Funding.

**Section 265.400. EARMARK ACCOUNTABILITY**

At the request of the Superintendent of Public Instruction, any entity that receives a budget earmark under the Department of Education shall submit annually to the chairpersons of the committees of the House of Representatives and the Senate primarily concerned with education and education funding and to the Department a report that includes a description of the services supported by the funds, a description of the results achieved by those services, an analysis of the effectiveness of the program, and an opinion as to the program's applicability to other school districts. For an earmarked entity that received state funds from an earmark in the prior fiscal year, no funds shall be provided by the Department to an earmarked entity for a fiscal year until its report for the prior fiscal year has been submitted.

**Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME**

A community school established under Chapter 3314. of the Revised Code that was open for operation as a community school as of May 1, 2005, may operate from or in any home, as defined in section 3313.64 of the Revised Code, located in the state, regardless of when the community school's operations from or in a particular home began.

**Section 265.420. USE OF VOLUNTEERS**

The Department of Education may utilize the services of volunteers to accomplish any of the purposes of the Department.

The Superintendent of Public Instruction shall approve for what 131753  
purposes volunteers may be used and for these purposes may 131754  
recruit, train, and oversee the services of volunteers. The 131755  
Superintendent may reimburse volunteers for necessary and 131756  
appropriate expenses in accordance with state guidelines and may 131757  
designate volunteers as state employees for the purpose of motor 131758  
vehicle accident liability insurance under section 9.83 of the 131759  
Revised Code, for immunity under section 9.86 of the Revised Code, 131760  
and for indemnification from liability incurred in the performance 131761  
of their duties under section 9.87 of the Revised Code. 131762

**Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN 131763**  
REIMBURSEMENTS 131764

(A) Except as expressly required under a court judgment not 131765  
subject to further appeals, or a settlement agreement with a 131766  
school district executed on or before June 1, 2009, in the case of 131767  
a school district for which the formula ADM for fiscal year 2005, 131768  
as reported for that fiscal year under division (A) of section 131769  
3317.03 of the Revised Code, was reduced based on enrollment 131770  
reports for community schools, made under section 3314.08 of the 131771  
Revised Code, regarding students entitled to attend school in the 131772  
district, which reduction of formula ADM resulted in a reduction 131773  
of foundation funding or transitional aid funding for fiscal year 131774  
2005, 2006, or 2007, no school district, except a district named 131775  
in the court's judgment or the settlement agreement, shall have a 131776  
legal claim for reimbursement of the amount of such reduction in 131777  
foundation funding or transitional aid funding, and the state 131778  
shall not have liability for reimbursement of the amount of such 131779  
reduction in foundation funding or transitional aid funding. 131780

(B) As used in this section: 131781

(1) "Community school" means a community school established 131782  
under Chapter 3314. of the Revised Code. 131783

(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.

(3) "Foundation funding" means payments calculated for the respective fiscal year under Chapter 3317. of the Revised Code.

(4) "Transitional aid funding" means payments calculated for the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended; Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 of the 127th General Assembly.

**Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN**

In collaboration with the County Family and Children First Council, a city, local, or exempted village school district, community school, STEM school, joint vocational school district, educational service center, or county board of developmental disabilities that receives allocations from the Department of Education from appropriation item 200550, Foundation Funding, or appropriation item 200540, Special Education Enhancements, may transfer portions of those allocations to a flexible funding pool authorized by the Section of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for maintenance of effort or for federal or state funding matching requirements shall not be transferred unless the allocation may still be used to meet such requirements.

**Section 265.450. PRIVATE TREATMENT FACILITY PROJECT**

(A) As used in this section:

(1) The following are "participating residential treatment centers":

(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2018 or fiscal year 2019 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;

(b) Abraxas, in Shelby;

(c) Paint Creek, in Bainbridge;

(d) F.I.R.S.T., in Mansfield.

(2) "Education program" means an elementary or secondary education program or a special education program and related services.

(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.

(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.

(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.

(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or



educational service center, or by the residential facility itself. 131843  
Maximum flexibility shall be given to the residential treatment 131844  
facility to determine the provider. In the event that a voluntary 131845  
agreement cannot be reached and the residential facility does not 131846  
choose to provide the educational program, the educational service 131847  
center in the county in which the facility is located shall 131848  
provide the educational program at the treatment center to 131849  
children under twenty-two years of age residing in the treatment 131850  
center. 131851

(C) Any school district responsible for tuition for a 131852  
residential child shall, notwithstanding any conflicting provision 131853  
of the Revised Code regarding tuition payment, pay tuition for the 131854  
child for fiscal year 2018 and fiscal year 2019 to the education 131855  
program provider and in the amount specified in this division. If 131856  
there is no school district responsible for tuition for a 131857  
residential child and if the participating residential treatment 131858  
center to which the child is assigned is located in the city, 131859  
exempted village, or local school district that, if the child were 131860  
not a resident of that treatment center, would be the school 131861  
district where the child is entitled to attend school under 131862  
sections 3313.64 and 3313.65 of the Revised Code, that school 131863  
district, notwithstanding any conflicting provision of the Revised 131864  
Code, shall pay tuition for the child for fiscal year 2018 and 131865  
fiscal year 2019 under this division unless that school district 131866  
is providing the educational program to the child under division 131867  
(B) of this section. 131868

A tuition payment under this division shall be made to the 131869  
school district, educational service center, or residential 131870  
treatment facility providing the educational program to the child. 131871

The amount of tuition paid shall be: 131872

(1) The amount of tuition determined for the district under 131873  
division (A) of section 3317.08 of the Revised Code; 131874

(2) In addition, for any student receiving special education 131875  
pursuant to an individualized education program as defined in 131876  
section 3323.01 of the Revised Code, a payment for excess costs. 131877  
This payment shall equal the actual cost to the school district, 131878  
educational service center, or residential treatment facility of 131879  
providing special education and related services to the student 131880  
pursuant to the student's individualized education program, minus 131881  
the tuition paid for the child under division (C)(1) of this 131882  
section. 131883

A school district paying tuition under this division shall 131884  
not include the child for whom tuition is paid in the district's 131885  
average daily membership certified under division (A) of section 131886  
3317.03 of the Revised Code. 131887

(D) In each of fiscal years 2018 and 2019, the Department of 131888  
Education shall reimburse, from appropriations made for the 131889  
purpose, a school district, educational service center, or 131890  
residential treatment facility, whichever is providing the 131891  
service, that has demonstrated that it is in compliance with the 131892  
funding criteria for each served child for whom a school district 131893  
must pay tuition under division (C) of this section. The amount of 131894  
the reimbursement shall be the amount appropriated for this 131895  
purpose divided by the full-time equivalent number of children for 131896  
whom reimbursement is to be made. 131897

(E) Funds provided to a school district, educational service 131898  
center, or residential treatment facility under this section shall 131899  
be used to supplement, not supplant, funds from other public 131900  
sources for which the school district, service center, or 131901  
residential treatment facility is entitled or eligible. 131902

(F) The Department of Education shall track the utilization 131903  
of funds provided to school districts, educational service 131904  
centers, and residential treatment facilities under this section 131905  
and monitor the effect of the funding on the educational programs 131906

they provide in participating residential treatment facilities. 131907  
The Department shall monitor the programs for educational 131908  
accountability. 131909

**Section 265.460.** (A) The Superintendent of Public Instruction 131910  
may form partnerships with Ohio's business community, including 131911  
the Ohio Business Roundtable, to create and implement initiatives 131912  
that connect students with the business community in an effort to 131913  
increase student engagement and job readiness through internships, 131914  
work study, and site-based learning experiences. 131915

(B) If the Superintendent forms a partnership pursuant to 131916  
division (A) of this section, the initiatives created and 131917  
implemented through that partnership shall do all of the 131918  
following: 131919

(1) Support the career connection learning strategies 131920  
described in division (B)(2) of section 3301.079 of the Revised 131921  
Code; 131922

(2) Provide an opportunity for students to earn high school 131923  
credit toward graduation or to meet curriculum requirements in 131924  
accordance with divisions (J)(1) and (2) of section 3313.603 of 131925  
the Revised Code; 131926

(3) Inform the development of student success plans pursuant 131927  
to division (C) of section 3313.6020 of the Revised Code. 131928

**Section 265.470.** The Department of Education shall provide 131929  
assistance to the State Board of Education for the purposes of 131930  
updating the statewide plan on subject area competency, including 131931  
credit by examination, pursuant to division (J)(2) of section 131932  
3313.603 of the Revised Code, to reduce barriers to student 131933  
participation in credit flexibility options. 131934

Upon completion, the Department shall inform students, 131935  
parents, and schools of the updated plan. 131936

**Section 265.480.** The Department of Education shall conduct a study to determine the appropriate amounts of funding for each category and sub-category of students identified as gifted under Chapter 3324. of the Revised Code, as well as the most appropriate method for funding gifted education courses and programs. The study shall include, but not be limited to, costs for effective and appropriate identification, staffing, professional development, technology, materials, and supplies at the district level. The Department shall emphasize adequate funding and delivery of services for smaller, rural school districts, including statewide support needed for this population.

Not later than May 1, 2018, the Department shall issue a report of its findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the members of the primary and secondary education committees of the Senate and the House of Representatives.

**Section 265.490.** Upon receipt of federal funds under Title IV, Part A, Student Support and Academic Enrichment Grants, and after payments are made pursuant to education programs included in this block grant program, the Department shall direct any unused funds to cover all or part of the cost of Advanced Placement tests and International Baccalaureate registration and exam fees for low-income students.

**Section 265.500.** (A) "Eligible sponsor" means a sponsor to which both of the following apply with respect to the sponsor evaluation conducted under section 3314.016 of the Revised Code for the 2015-2016 school year:

(1) The sponsor had its sponsorship authority revoked for receiving an overall rating of "poor" under division (B)(7)(c) of

section 3314.016 of the Revised Code. 131967

(2) The sponsor received a score of "3" or higher or a grade 131968  
of "B" or higher on the academic performance component of the 131969  
sponsor rating under division (B)(1)(a) of section 3314.016 of the 131970  
Revised Code. 131971

(B) Notwithstanding section 3314.016 of the Revised Code, an 131972  
eligible sponsor may, for the 2017-2018 school year renew its 131973  
sponsorship of any school it sponsored prior to the revocation of 131974  
its sponsorship authority as a result of the sponsor evaluation 131975  
conducted under section 3314.016 of the Revised Code for the 131976  
2015-2016 school year. 131977

(C) If an eligible sponsor renews sponsorship of a school 131978  
under division (B) of this section and receives a score of "3" or 131979  
a "B" or higher, or an equivalent score as determined by the 131980  
Department of Education, on the academic performance component of 131981  
the sponsor rating under division (B)(1)(a) of section 3314.016 of 131982  
the Revised Code for the 2017-2018 school year, that sponsor may 131983  
continue to sponsor that school for the 2018-2019 school year so 131984  
long as the sponsor receives an overall rating of "ineffective" or 131985  
higher. 131986

**Section 267.10. ELC OHIO ELECTIONS COMMISSION** 131987

General Revenue Fund 131988

GRF 051321 Operating Expenses \$ 418,613 \$ 435,221 131989

TOTAL GRF General Revenue Fund \$ 418,613 \$ 435,221 131990

Dedicated Purpose Fund Group 131991

4P20 051601 Operating Support \$ 199,460 \$ 199,460 131992

TOTAL DPF Dedicated Purpose Fund \$ 199,460 \$ 199,460 131993

Group

TOTAL ALL BUDGET FUND GROUPS \$ 618,073 \$ 634,681 131994

**Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL** 131996

DIRECTORS				131997
Dedicated Purpose Fund Group				131998
4K90 881609 Operating Expenses	\$	791,253	\$ 843,973	131999
TOTAL DPF Dedicated Purpose Fund Group	\$	791,253	\$ 843,973	132000
TOTAL ALL BUDGET FUND GROUPS	\$	791,253	\$ 843,973	132001

**Section 271.10. PAY EMPLOYEE BENEFITS FUNDS** 132003

Fiduciary Fund Group				132004
1240 995673 Payroll Deductions	\$	760,000,000	\$ 780,000,000	132005
8060 995666 Accrued Leave Fund	\$	70,000,000	\$ 71,930,634	132006
8070 995667 Disability Fund	\$	22,136,000	\$ 22,689,000	132007
8080 995668 State Employee Health Benefit Fund	\$	842,858,402	\$ 926,309,037	132008
8090 995669 Dependent Care Spending Account	\$	3,406,139	\$ 3,484,478	132009
8100 995670 Life Insurance Investment Fund	\$	1,632,004	\$ 1,700,545	132010
8110 995671 Parental Leave Benefit Fund	\$	3,952,606	\$ 4,084,972	132011
8130 995672 Health Care Spending Account	\$	11,043,565	\$ 11,341,741	132012
TOTAL FID Fiduciary Fund Group	\$	1,715,028,716	\$ 1,821,540,407	132013
TOTAL ALL BUDGET FUND GROUPS	\$	1,715,028,716	\$ 1,821,540,407	132014

**Section 271.20. PAYROLL DEDUCTION FUND** 132016

The foregoing appropriation item 995673, Payroll Deductions, shall be used to make payments from the Payroll Deduction Fund (Fund 1240) pursuant to section 125.21 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

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132022

ACCRUED LEAVE LIABILITY FUND 132023

The foregoing appropriation item 995666, Accrued Leave Fund, 132024  
shall be used to make payments from the Accrued Leave Liability 132025  
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 132026  
If it is determined by the Director of Budget and Management that 132027  
additional amounts are necessary, the amounts are hereby 132028  
appropriated. 132029

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 132030

The foregoing appropriation item 995667, Disability Fund, 132031  
shall be used to make payments from the State Employee Disability 132032  
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 132033  
Revised Code. If it is determined by the Director of Budget and 132034  
Management that additional amounts are necessary, the amounts are 132035  
hereby appropriated. 132036

STATE EMPLOYEE HEALTH BENEFIT FUND 132037

The foregoing appropriation item 995668, State Employee 132038  
Health Benefit Fund, shall be used to make payments from the State 132039  
Employee Health Benefit Fund (Fund 8080) pursuant to section 132040  
124.87 of the Revised Code. If it is determined by the Director of 132041  
Budget and Management that additional amounts are necessary, the 132042  
amounts are hereby appropriated. 132043

DEPENDENT CARE SPENDING FUND 132044

The foregoing appropriation item 995669, Dependent Care 132045  
Spending Account, shall be used to make payments from the 132046  
Dependent Care Spending Fund (Fund 8090) to employees eligible for 132047  
dependent care expenses pursuant to section 124.822 of the Revised 132048  
Code. If it is determined by the Director of Budget and Management 132049  
that additional amounts are necessary, the amounts are hereby 132050  
appropriated. 132051

LIFE INSURANCE INVESTMENT FUND 132052

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PARENTAL LEAVE BENEFIT FUND

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

HEALTH CARE SPENDING ACCOUNT FUND

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for non-reimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

**Section 273.10.** ERB STATE EMPLOYMENT RELATIONS BOARD

General Revenue Fund				132078
GRF 125321 Operating Expenses	\$	3,804,336	\$ 3,828,961	132079
TOTAL GRF General Revenue Fund	\$	3,804,336	\$ 3,828,961	132080
Dedicated Purpose Fund Group				132081
5720 125603 Training and	\$	141,000	\$ 131,000	132082



Publications

TOTAL DPF Dedicated Purpose Fund Group	\$	141,000	\$	131,000	132083
TOTAL ALL BUDGET FUND GROUPS	\$	3,945,336	\$	3,959,961	132084

**Section 275.10.** ENG STATE BOARD OF ENGINEERS AND SURVEYORS 132086

Dedicated Purpose Fund Group					132087
4K90 892609 Operating Expenses	\$	1,123,966	\$	1,227,821	132088
TOTAL DPF Dedicated Purpose Fund Group	\$	1,123,966	\$	1,227,821	132089
TOTAL ALL BUDGET FUND GROUPS	\$	1,123,966	\$	1,227,821	132090

**Section 277.10.** EPA ENVIRONMENTAL PROTECTION AGENCY 132092

General Revenue Fund					132093
GRF 715502 Auto Emissions	\$	8,927,160	\$	8,919,594	132094
E-Check Program					
TOTAL GRF General Revenue Fund	\$	8,927,160	\$	8,919,594	132095
Dedicated Purpose Fund Group					132096
4D50 715618 Recycled State Materials	\$	50,000	\$	50,000	132097
4J00 715638 Underground Injection Control	\$	408,004	\$	408,004	132098
4K20 715648 Clean Air - Non Title V	\$	4,205,800	\$	4,896,690	132099
4K30 715649 Solid Waste	\$	13,130,050	\$	13,130,050	132100
4K40 715650 Surface Water Protection	\$	9,990,000	\$	10,705,000	132101
4K50 715651 Drinking Water Protection	\$	7,512,528	\$	7,797,557	132102
4P50 715654 Cozart Landfill	\$	10,000	\$	10,000	132103
4R50 715656 Scrap Tire Management	\$	2,277,786	\$	2,277,786	132104
4R90 715658 Voluntary Action	\$	963,847	\$	948,139	132105

		Program					
4T30	715659	Clean Air - Title V Permit Program	\$	9,860,800	\$	9,944,120	132106
5000	715608	Immediate Removal Special Account	\$	825,710	\$	825,509	132107
5030	715621	Hazardous Waste Facility Management	\$	4,853,470	\$	4,980,458	132108
5050	715623	Hazardous Waste Cleanup	\$	11,406,593	\$	11,787,426	132109
5050	715698	Response and Investigations	\$	3,750,000	\$	3,750,000	132110
5320	715646	Recycling and Litter Control	\$	4,698,000	\$	4,698,000	132111
5410	715670	Site Specific Cleanup	\$	2,283,719	\$	2,285,357	132112
5420	715671	Risk Management Reporting	\$	214,826	\$	214,826	132113
5860	715637	Scrap Tire Market Development	\$	1,000,000	\$	1,000,000	132114
5BC0	715622	Local Air Pollution Control	\$	1,999,172	\$	1,999,172	132115
5BC0	715624	Surface Water	\$	5,731,967	\$	5,731,967	132116
5BC0	715672	Air Pollution Control	\$	6,000,000	\$	6,000,000	132117
5BC0	715673	Drinking and Ground Water	\$	3,324,235	\$	3,324,235	132118
5BC0	715676	Assistance and Prevention	\$	1,812,000	\$	1,862,000	132119
5BC0	715677	Laboratory	\$	2,500,000	\$	2,500,000	132120
5BC0	715678	Corrective Actions	\$	1,316,878	\$	1,316,878	132121
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	132122
5BC0	715692	Administration	\$	13,302,000	\$	13,302,000	132123
5BC0	715694	Environmental Resource Coordination	\$	100,000	\$	100,000	132124

5BT0	715679	C&DD Groundwater Monitoring	\$	320,000	\$	320,000	132125
5BY0	715681	Auto Emissions Test	\$	2,344,450	\$	2,367,016	132126
5H40	715664	Groundwater Support	\$	302,489	\$	302,489	132127
5PZ0	715696	Drinking Water Loan Fee	\$	800,000	\$	800,000	132128
5Y30	715685	Surface Water Improvement	\$	500,000	\$	500,000	132129
6440	715631	Emergency Response Radiological Safety	\$	332,403	\$	352,430	132130
6760	715642	Water Pollution Control Loan Administration	\$	2,137,237	\$	2,061,832	132131
6760	715699	Water Quality Administration	\$	2,725,000	\$	2,725,000	132132
6780	715635	Air Toxic Release	\$	133,636	\$	76,437	132133
6790	715636	Emergency Planning	\$	2,747,391	\$	2,747,391	132134
6960	715643	Air Pollution Control Administration	\$	950,400	\$	1,001,800	132135
6990	715644	Water Pollution Control Administration	\$	750,000	\$	457,100	132136
6A10	715645	Environmental Education	\$	1,100,000	\$	1,100,000	132137
TOTAL DPF		Dedicated Purpose Fund Group	\$	129,120,391	\$	131,106,669	132138
		Internal Service Activity Fund Group					132139
1990	715602	Laboratory Services	\$	705,239	\$	705,239	132140
2190	715604	Central Support Indirect	\$	6,814,000	\$	6,858,000	132141
4A10	715640	Operating Expenses	\$	1,350,000	\$	1,350,000	132142
TOTAL ISA		Internal Service Activity Fund Group	\$	8,869,239	\$	8,913,239	132143

Capital Projects Fund Group					132144
5S10 715607 Clean Ohio	\$	363,700	\$	0	132145
Revitalization					
Operating					
TOTAL CPF Capital Projects Fund	\$	363,700	\$	0	132146
Group					
Federal Fund Group					132147
3530 715612 Public Water Supply	\$	2,113,020	\$	2,113,020	132148
3570 715619 Air Pollution Control	\$	6,140,203	\$	6,140,203	132149
- Federal					
3620 715605 Underground Injection	\$	102,859	\$	102,859	132150
Control - Federal					
3BU0 715684 Water Quality	\$	14,183,989	\$	14,183,989	132151
Protection					
3CS0 715688 Federal NRD	\$	200,000	\$	200,000	132152
Settlements					
3F20 715630 Revolving Loan Fund -	\$	2,900,000	\$	2,900,000	132153
Operating					
3F30 715632 Federally Supported	\$	5,250,000	\$	5,250,000	132154
Cleanup and Response					
3T30 715669 Drinking Water State	\$	2,809,470	\$	2,809,470	132155
Revolving Fund					
3V70 715606 Agencywide Grants	\$	450,000	\$	450,000	132156
TOTAL FED Federal Fund Group	\$	34,149,541	\$	34,149,541	132157
TOTAL ALL BUDGET FUND GROUPS	\$	181,430,031	\$	183,089,043	132158

**Section 277.20.** ALTERNATIVE FUEL VEHICLE CONVERSION PROGRAM 132160

During the period from July 1, 2017, to June 30, 2019, the 132161  
 Director of Budget and Management, in consultation with the 132162  
 Director of Development Services and the Director of Environmental 132163  
 Protection, shall transfer up to \$5,000,000 cash from the 132164  
 Alternative Fuel Transportation Fund (Fund 5CG0) used by the 132165

Development Services Agency to the Non-Title V Clean Air Fund 132166  
(Fund 4K20) used by the Ohio Environmental Protection Agency. The 132167  
transferred amount is hereby appropriated to appropriation item 132168  
715648, Clean Air - Non Title V, and shall be used for the 132169  
Alternative Vehicle Conversion Program established under section 132170  
122.076 of the Revised Code. 132171

AREAWIDE PLANNING AGENCIES 132172

The Director of Environmental Protection Agency may award 132173  
grants from appropriation item 715687, Areawide Planning Agencies, 132174  
to areawide planning agencies engaged in areawide water quality 132175  
management and planning activities in accordance with Section 208 132176  
of the "Federal Clean Water Act," 33 U.S.C. 1288. 132177

CASH TRANSFER TO THE TITLE V CLEAN AIR FUND FROM THE SMALL 132178  
BUSINESS ASSISTANCE FUND 132179

On July 1, 2017, or as soon as possible thereafter, the 132180  
Director of Budget and Management may transfer \$1,500,000 cash 132181  
from the Small Business Assistance Fund (Fund 5A00) used by the 132182  
Air Quality Development Authority to the Title V Clean Air Fund 132183  
(Fund 4T30) used by the Environmental Protection Agency. 132184

CASH TRANSFER TO THE ENVIRONMENTAL PROTECTION REMEDIATION 132185  
FUND FROM THE LITTER PREVENTION AND RECYCLING FUND 132186

On July 1, 2017, or as soon as possible thereafter, the 132187  
Director of Budget and Management, in consultation with the 132188  
Director of Environmental Protection, may transfer up to 132189  
\$3,650,000 cash from the Litter Prevention and Recycling Fund 132190  
(Fund 5320) to the Environmental Protection Remediation Fund (Fund 132191  
5410), to be used for the remediation of the ARCO construction and 132192  
demolition debris site in Cleveland, Ohio. The amount transferred 132193  
is hereby appropriated to appropriation item 715670, Site Specific 132194  
Cleanup. 132195

CASH TRANSFER TO THE AUTO EMISSIONS TEST FUND FROM THE SCRAP 132196

TIRE MANAGEMENT FUND 132197

The Director of Budget and Management, in consultation with 132198  
the Director of Environmental Protection, shall establish a 132199  
schedule of cash transfers totaling up to \$3,000,000 from the 132200  
Scrap Tire Management Fund (Fund 4R50) to the Auto Emissions Test 132201  
Fund (Fund 5BY0) during the period from July 1, 2017, to June 30, 132202  
2019. 132203

TRANSFER OF ASBESTOS ABATEMENT LICENSURE AND CERTIFICATION 132204  
PROGRAM 132205

On January 1, 2018, the Asbestos Abatement Licensure and 132206  
Certification Program is transferred from the Department of Health 132207  
to the Environmental Protection Agency. For the purposes of the 132208  
transfer, all of the following apply: 132209

(A) All rules, orders, and determinations of the Department 132210  
related to the Program shall continue in effect as the rules, 132211  
orders, and determinations of the Agency until rules for the 132212  
Program are adopted and become effective for the Agency. If 132213  
necessary to ensure the integrity of the numbering system of the 132214  
Administrative Code, the Director of the Legislative Service 132215  
Commission shall renumber the rules to reflect their transfer to 132216  
the Agency. 132217

Any licenses, certificates, permits, registrations, 132218  
approvals, or endorsements issued before January 1, 2018, by the 132219  
Department of Health related to the Program shall continue in 132220  
effect as if issued by the Agency. 132221

(B) Any business commenced but not completed by the Director 132222  
of Health relating to the Program on the effective date of the 132223  
amendment of the statutes governing the Program by this act shall 132224  
be completed by the Director of Environmental Protection. Any 132225  
validation, cure, right, privilege, remedy, obligation, or 132226  
liability is not lost or impaired solely by reason of the transfer 132227

required by this act and shall be administered by the Director of 132228  
Environmental Protection in accordance with this act. 132229

(C) All of the orders and determinations of the Director of 132230  
Health relating to the Program continue in effect as orders and 132231  
determinations of the Director of Environmental Protection until 132232  
modified or rescinded by the Director of Environmental Protection. 132233

(D) Subject to the layoff provisions of sections 124.321 to 132234  
124.328 of the Revised Code or the applicable collective 132235  
bargaining agreement, all of the employees of the Department of 132236  
Health working full-time for the Program are transferred to the 132237  
Agency and retain their same positions. The Director of 132238  
Environmental Protection may assign, reassign, classify, 132239  
reclassify, transfer, reduce, promote, or demote any employees 132240  
transferred from the Department who are not subject to Chapter 132241  
4117. of the Revised Code. 132242

Any employment records and actions, including personnel 132243  
actions, disciplinary actions, performance improvement plans, and 132244  
performance evaluations transfer with the employee. Absent 132245  
authorization from the employee, the Department is not to transfer 132246  
to the Agency any medical documentation regarding the employee in 132247  
its possession. These employees will be subject to the policies, 132248  
procedures, and work rules of the Agency. 132249

(E) All equipment and assets relating to the Program are 132250  
transferred from the Department to the Agency. 132251

(F) Whenever the Department or Director of Health, in 132252  
relation to the Program, is referred to in any law, contract, or 132253  
other document, the reference shall be deemed to refer to the 132254  
Agency or its Director, whichever is appropriate in context. 132255

(G) Any action or proceeding pending on the effective date of 132256  
the amendment of the statutes governing the Program by this act is 132257  
not affected by the transfer of the functions of that Program by 132258

this act and shall be prosecuted or defended in the name of the 132259  
Director of Environmental Protection or the Agency, whichever is 132260  
appropriate in context. In all such actions and proceedings, the 132261  
Director of Environmental Protection or the Agency, whichever is 132262  
appropriate in context, upon application to the court, shall be 132263  
substituted as a party. 132264

(H) The Directors of Health and Environmental Protection may 132265  
enter into a memorandum of understanding in order to facilitate 132266  
the transfer of the Program. 132267

(I) On January 1, 2018, or as soon as possible thereafter, 132268  
the Director of Budget and Management may transfer up to \$400,000 132269  
cash from the General Operations Fund (Fund 4700) used by the 132270  
Department to the Non-Title V Clean Air Fund (Fund 4K20) created 132271  
in section 3704.035 of the Revised Code and used by the Agency. 132272  
Upon completion of the transfer, the Director of Budget and 132273  
Management shall cancel any existing encumbrances against Fund 132274  
4700 appropriation item 440647, Fee Supported Programs, related to 132275  
the Program, and reestablish them against Fund 4K20, appropriation 132276  
item 715648, Clean Air - Non-Title V. The reestablished 132277  
encumbrance amounts are hereby appropriated. 132278

CLEAN OHIO REVITALIZATION OPERATING 132279

On July 1, 2018, or as soon as possible thereafter, the 132280  
Director of Environmental Protection may request that the Director 132281  
of Budget and Management reappropriate any unexpended, 132282  
unencumbered balance of the prior fiscal year's appropriation to 132283  
the foregoing appropriation item 715607, Clean Ohio Revitalization 132284  
Operating, for fiscal year 2019. The Director of Budget and 132285  
Management may request additional information necessary for 132286  
evaluating the request, and the Director of Environmental 132287  
Protection shall provide the requested information to the Director 132288  
of Budget and Management. Based on the information provided by the 132289  
Director of Environmental Protection, the Director of Budget and 132290



Management shall determine the amount to be reappropriated, and 132291  
those amounts are hereby reappropriated for fiscal year 2019. 132292

**Section 279.10.** EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 132293

General Revenue Fund 132294  
GRF 172321 Operating Expenses \$ 608,205 \$ 608,205 132295  
TOTAL GRF General Revenue Fund \$ 608,205 \$ 608,205 132296  
TOTAL ALL BUDGET FUND GROUPS \$ 608,205 \$ 608,205 132297

**Section 281.10.** ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 132299

General Revenue Fund 132300  
GRF 935401 Statehouse News \$ 314,797 \$ 314,797 132301  
Bureau  
GRF 935402 Ohio Government \$ 1,408,526 \$ 1,408,526 132302  
Telecommunications  
Services  
GRF 935410 Content Development, \$ 3,838,381 \$ 3,838,381 132303  
Acquisition, and  
Distribution  
GRF 935430 Broadcast Education \$ 3,679,216 \$ 3,679,216 132304  
Operating  
TOTAL GRF General Revenue Fund \$ 9,240,920 \$ 9,240,920 132305  
Dedicated Purpose Fund Group 132306  
5FK0 935608 Media Services \$ 95,000 \$ 95,000 132307  
TOTAL DPF Dedicated Purpose Fund \$ 95,000 \$ 95,000 132308  
Group  
Internal Service Activity Fund Group 132309  
4F30 935603 Affiliate Services \$ 4,000 \$ 4,000 132310  
4T20 935605 Government \$ 7,000 \$ 7,000 132311  
Television/Telecommunications  
Operating  
TOTAL ISA Internal Service Activity 132312

Fund Group	\$	11,000	\$	11,000	132313
TOTAL ALL BUDGET FUND GROUPS	\$	9,346,920	\$	9,346,920	132314

**Section 281.20.** STATEHOUSE NEWS BUREAU 132316

The foregoing appropriation item 935401, Statehouse News 132317  
Bureau, shall be used solely to support the operations of the Ohio 132318  
Statehouse News Bureau. 132319

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 132320

The foregoing appropriation item 935402, Ohio Government 132321  
Telecommunications Services, shall be used solely to support the 132322  
operations of Ohio Government Telecommunications Services which 132323  
include providing multimedia support to the state government and 132324  
its affiliated organizations and broadcasting the activities of 132325  
the legislative, judicial, and executive branches of state 132326  
government, among its other functions. 132327

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 132328

The foregoing appropriation item 935410, Content Development, 132329  
Acquisition, and Distribution, shall be used for the development, 132330  
acquisition, and distribution of information resources by public 132331  
media and radio reading services and for educational use in the 132332  
classroom and online. 132333

Of the foregoing appropriation item 935410, Content 132334  
Development, Acquisition, and Distribution, up to \$977,856 in each 132335  
fiscal year shall be allocated equally among the Ohio educational 132336  
television stations. Funds shall be used for the production of 132337  
interactive instructional programming series with priority given 132338  
to resources aligned with state academic content standards. The 132339  
programming shall be targeted to the needs of the one-third lowest 132340  
capacity school districts as determined by the district's state 132341  
share index calculated by the Department of Education. 132342

Of the foregoing appropriation item 935410, Content 132343

Development, Acquisition, and Distribution, up to \$2,574,472 in 132344  
each fiscal year shall be distributed by the Broadcast Educational 132345  
Media Commission to Ohio's qualified public educational television 132346  
stations and educational radio stations to support their 132347  
operations. The funds shall be distributed pursuant to an 132348  
allocation formula used by the Ohio Educational Telecommunications 132349  
Network Commission unless a substitute formula is developed by the 132350  
Broadcast Educational Media Commission in consultation with Ohio's 132351  
qualified public educational television stations and educational 132352  
radio stations. 132353

Of the foregoing appropriation item 935410, Content 132354  
Development, Acquisition, and Distribution, up to \$286,053 in each 132355  
fiscal year shall be distributed by the Broadcast Educational 132356  
Media Commission to Ohio's qualified radio reading services to 132357  
support their operations. The funds shall be distributed pursuant 132358  
to an allocation formula used by the Ohio Educational 132359  
Telecommunications Network Commission unless a substitute formula 132360  
is developed by the Broadcast Educational Media Commission in 132361  
consultation with Ohio's qualified radio reading services. 132362

**Section 283.10. ETH OHIO ETHICS COMMISSION** 132363

General Revenue Fund 132364

GRF 146321 Operating Expenses	\$	1,457,245	\$	1,724,311	132365
TOTAL GRF General Revenue Fund	\$	1,457,245	\$	1,724,311	132366

Dedicated Purpose Fund Group 132367

4M60 146601 Operating Support	\$	862,026	\$	650,000	132368
TOTAL DPF Dedicated Purpose Fund	\$	862,026	\$	650,000	132369

Group

TOTAL ALL BUDGET FUND GROUPS	\$	2,319,271	\$	2,374,311	132370
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**Section 285.10. EXP OHIO EXPOSITIONS COMMISSION** 132372

General Revenue Fund 132373

GRF 723403	Junior Fair Subsidy	\$	363,750	\$	363,750	132374
TOTAL GRF	General Revenue Fund	\$	363,750	\$	363,750	132375
Dedicated Purpose Fund Group						132376
4N20 723602	Ohio State Fair	\$	375,000	\$	375,000	132377
Harness Racing						
5060 723601	Operating Expenses	\$	14,413,166	\$	14,913,166	132378
5060 723604	Grounds Maintenance	\$	300,000	\$	300,000	132379
and Repairs						
TOTAL DPF	Dedicated Purpose Fund	\$	15,088,166	\$	15,588,166	132380
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	15,451,916	\$	15,951,916	132381
STATE FAIR RESERVE						132382
The General Manager of the Expositions Commission, in						132383
consultation with the Director of Budget and Management, may						132384
submit a request to the Controlling Board to use available amounts						132385
in the State Fair Reserve Fund (Fund 6400) if revenues from either						132386
the 2017 or the 2018 Ohio State Fair are unexpectedly low.						132387
On July 1 of each fiscal year, or as soon as possible						132388
thereafter, the Director of Budget and Management, in consultation						132389
with the General Manager of the Expositions Commission, may						132390
determine that the Ohio Expositions Fund (Fund 5060) has a cash						132391
balance in excess of the anticipated operating costs of the						132392
Exposition Commission in that fiscal year. Notwithstanding section						132393
991.04 of the Revised Code, the Director of Budget and Management						132394
may transfer an amount up to the excess cash from Fund 5060 to						132395
Fund 6400 in each fiscal year.						132396
GROUND MAINTENANCE AND REPAIRS						132397
The foregoing appropriation item 723604, Grounds Maintenance						132398
and Repairs, shall be used for maintenance and repairs on the						132399
grounds of the Ohio Expo Center.						132400

<b>Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION</b>				132401
General Revenue Fund				132402
GRF	230321	Operating Expenses	\$ 6,305,000 \$ 6,305,000	132403
GRF	230401	Cultural Facilities	\$ 30,500,000 \$ 32,431,200	132404
Lease Rental Bond Payments				
GRF	230458	State Construction Management Services	\$ 1,697,500 \$ 1,455,000	132405
GRF	230908	Common Schools General Obligation Bond Debt Service	\$ 373,134,900 \$ 402,025,700	132406
TOTAL GRF	General Revenue Fund		\$ 411,637,400 \$ 442,216,900	132407
Internal Service Activity Fund Group				132408
1310	230639	State Construction Management Operations	\$ 8,500,000 \$ 8,750,000	132409
TOTAL ISA	Internal Service Activity Fund Group		\$ 8,500,000 \$ 8,750,000	132410
TOTAL ALL BUDGET FUND GROUPS			\$ 420,137,400 \$ 450,966,900	132411
<b>Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND</b>				132413
PAYMENTS				132414
The foregoing appropriation item 230401, Cultural Facilities				132415
Lease Rental Bond Payments shall be used to meet all payments				132416
during the period from July 1, 2017, through June 30, 2019, by the				132417
Ohio Facilities Construction Commission under the primary leases				132418
and agreements for cultural and sports facilities made under				132419
Chapters 152. and 154. of the Revised Code. These appropriations				132420
are the source of funds pledged for bond service charges on				132421
related obligations issued under Chapters 152. and 154. of the				132422
Revised Code.				132423
COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE				132424

The foregoing appropriation item 230908, Common Schools 132425  
General Obligation Bond Debt Service, shall be used to pay all 132426  
debt service and related financing costs during the period from 132427  
July 1, 2017, through June 30, 2019, on obligations issued under 132428  
sections 151.01 and 151.03 of the Revised Code. 132429

**Section 287.30. COMMUNITY PROJECT ADMINISTRATION** 132430

The foregoing appropriation item 230458, State Construction 132431  
Management Services, shall be used by the Ohio Facilities 132432  
Construction Commission in administering Cultural and Sports 132433  
Facilities Building Fund (Fund 7030) projects pursuant to section 132434  
123.201 of the Revised Code. 132435

**SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION** 132436

At the request of the Executive Director of the Ohio 132437  
Facilities Construction Commission, the Director of Budget and 132438  
Management may cancel encumbrances for school district projects 132439  
from a previous biennium if the district has not raised its local 132440  
share of project costs within thirteen months of receiving 132441  
Controlling Board approval under section 3318.05 or 3318.41 of the 132442  
Revised Code. The Executive Director of the Ohio Facilities 132443  
Construction Commission shall certify the amounts of the canceled 132444  
encumbrances to the Director of Budget and Management on a 132445  
quarterly basis. The amounts of the canceled encumbrances are 132446  
hereby appropriated. 132447

**Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND** 132448  
**APPROPRIATIONS** 132449

On July 1, 2017, or as soon as possible thereafter, the 132450  
Executive Director of the Ohio Facilities Construction Commission 132451  
shall certify to the Director of Budget and Management the amount 132452  
of cash receipts and related investment income, irrevocable 132453  
letters of credit from a bank, or certification of the 132454

availability of funds that have been received from a county or a 132455  
municipal corporation for deposit into the Capital Donations Fund 132456  
(Fund 5A10) and that are related to an anticipated project. These 132457  
amounts are hereby appropriated to appropriation item C37146, 132458  
Capital Donations. Prior to certifying these amounts to the 132459  
Director, the Executive Director shall make a written agreement 132460  
with the participating entity on the necessary cash flows required 132461  
for the anticipated construction or equipment acquisition project. 132462

**Section 287.50.** AMENDMENT TO PROJECT AGREEMENT FOR 132463  
MAINTENANCE LEVY 132464

The Ohio Facilities Construction Commission shall amend the 132465  
project agreement between the Commission and a school district 132466  
that is participating in the Accelerated Urban School Building 132467  
Assistance Program on the effective date of this section, if the 132468  
Commission determines that it is necessary to do so in order to 132469  
comply with division (B)(3)(c) of section 3318.38 of the Revised 132470  
Code. 132471

**Section 287.60.** Notwithstanding any other provision of law to 132472  
the contrary, the Ohio Facilities Construction Commission may 132473  
determine the amount of funding available for disbursement in a 132474  
given fiscal year for any project approved under sections 3318.01 132475  
to 3318.20 of the Revised Code in order to keep aggregate state 132476  
capital spending within approved limits and may take actions 132477  
including, but not limited to, determining the schedule for design 132478  
or bidding of approved projects, to ensure appropriate and 132479  
supportable cash flow. 132480

**Section 287.70.** ASSISTANCE TO JOINT VOCATIONAL SCHOOL 132481  
DISTRICT 132482

Notwithstanding division (B) of section 3318.40 of the 132483  
Revised Code, the Ohio Facilities Construction Commission may 132484

provide assistance to at least one joint vocational school 132485  
district each fiscal year for the acquisition of classroom 132486  
facilities in accordance with sections 3318.40 to 3318.45 of the 132487  
Revised Code. 132488

**Section 289.10.** GOV OFFICE OF THE GOVERNOR 132489

General Revenue Fund 132490

GRF 040321 Operating Expenses \$ 2,805,474 \$ 2,805,474 132491

TOTAL GRF General Revenue Fund \$ 2,805,474 \$ 2,805,474 132492

Internal Service Activity Fund Group 132493

5AK0 040607 Government Relations \$ 313,870 \$ 313,870 132494

TOTAL ISA Internal Service Activity 132495

Fund Group \$ 313,870 \$ 313,870 132496

TOTAL ALL BUDGET FUND GROUPS \$ 3,119,344 \$ 3,119,344 132497

GOVERNMENT RELATIONS 132498

A portion of the foregoing appropriation item 040607, 132499  
Government Relations, may be used to support Ohio's membership in 132500  
national or regional associations. 132501

The Office of the Governor may charge any state agency of the 132502  
executive branch using an intrastate transfer voucher such amounts 132503  
necessary to defray the costs incurred for the conduct of 132504  
governmental relations associated with issues that can be 132505  
attributed to the agency. Amounts collected shall be deposited in 132506  
the Government Relations Fund (Fund 5AK0). 132507

**Section 291.10.** DOH DEPARTMENT OF HEALTH 132508

General Revenue Fund 132509

GRF 440413 Local Health \$ 1,500,000 \$ 1,500,000 132510

Departments

GRF 440416 Mothers and Children \$ 4,295,175 \$ 4,295,175 132511

Safety Net Services



GRF 440431	Free Clinic Safety Net Services	\$	237,326	\$	237,326	132512
GRF 440438	Breast and Cervical Cancer Screening	\$	658,574	\$	658,574	132513
GRF 440444	AIDS Prevention and Treatment	\$	2,489,621	\$	3,489,621	132514
GRF 440451	Public Health Laboratory	\$	3,644,079	\$	3,644,079	132515
GRF 440452	Child and Family Health Services Match	\$	580,954	\$	580,954	132516
GRF 440453	Health Care Quality Assurance	\$	5,032,723	\$	5,032,723	132517
GRF 440454	Environmental Health/Radiation Protection	\$	1,173,147	\$	1,173,147	132518
GRF 440459	Help Me Grow	\$	19,980,226	\$	19,980,226	132519
GRF 440465	FQHC Primary Care Workforce Initiative	\$	2,345,478	\$	2,345,478	132520
GRF 440472	Alcohol Testing	\$	750,000	\$	750,000	132521
GRF 440473	Tobacco Prevention Cessation and Enforcement	\$	1,000,000	\$	1,000,000	132522
GRF 440474	Infant Vitality	\$	6,903,187	\$	6,903,187	132523
GRF 440477	Emergency Preparation and Response	\$	1,500,000	\$	1,500,000	132524
GRF 440482	Chronic Disease/Health Promotion	\$	3,475,984	\$	3,475,984	132525
GRF 440483	Infectious Disease Prevention and Control	\$	4,500,000	\$	4,500,000	132526
GRF 440505	Medically Handicapped Children	\$	10,512,451	\$	10,512,451	132527
GRF 440507	Targeted Health Care Services-Over 21	\$	1,090,414	\$	1,090,414	132528

GRF 654453	Medicaid - Health Care	\$	3,500,000	\$	3,500,000	132529
	Quality Assurance					
TOTAL GRF	General Revenue Fund	\$	75,169,339	\$	76,169,339	132530
	Highway Safety Fund Group					132531
4T40 440603	Child Highway Safety	\$	300,000	\$	300,000	132532
TOTAL HSF	Highway Safety Fund Group	\$	300,000	\$	300,000	132533
	Dedicated Purpose Fund Group					132534
4700 440647	Fee Supported	\$	26,630,900	\$	26,678,120	132535
	Programs					
4710 440619	Certificate of Need	\$	878,433	\$	878,433	132536
4730 440622	Lab Operating	\$	6,900,000	\$	6,900,000	132537
	Expenses					
4770 440627	Medically Handicapped	\$	2,500,000	\$	2,500,000	132538
	Children Audit					
4D60 440608	Genetics Services	\$	3,311,039	\$	3,311,039	132539
4F90 440610	Sickle Cell Disease	\$	1,032,824	\$	1,032,824	132540
	Control					
4G00 440636	Heirloom Birth	\$	15,000	\$	15,000	132541
	Certificate					
4G00 440637	Birth Certificate	\$	15,000	\$	15,000	132542
	Surcharge					
4L30 440609	HIV Care and	\$	17,500,000	\$	17,500,000	132543
	Miscellaneous					
	Expenses					
4P40 440628	Ohio Physician Loan	\$	700,000	\$	700,000	132544
	Repayment					
4V60 440641	Save Our Sight	\$	2,750,000	\$	2,750,000	132545
5B50 440616	Quality, Monitoring,	\$	736,194	\$	736,194	132546
	and Inspection					
5BX0 440656	Tobacco Use	\$	4,500,000	\$	4,500,000	132547
	Prevention					
5CN0 440645	Choose Life	\$	150,000	\$	60,000	132548

5D60	440620	Second Chance Trust	\$	1,000,000	\$	1,000,000	132549
5ED0	440651	Smoke Free Indoor Air	\$	500,000	\$	500,000	132550
5G40	440639	Adoption Services	\$	20,000	\$	20,000	132551
5PE0	440659	Breast and Cervical Cancer Services	\$	200,000	\$	200,000	132552
5QH0	440661	Dental Hygienist Resource Shortage Area	\$	5,000	\$	5,000	132553
5QJ0	440662	Dental Hygienist Loan Repayments	\$	135,000	\$	135,000	132554
5SH0	440520	Children's Wish Grant Program	\$	150,000	\$	150,000	132555
5TZ0	440621	Toxicology Screenings	\$	1,000,000	\$	1,000,000	132556
5Z70	440624	Ohio Dentist Loan Repayment	\$	200,000	\$	200,000	132557
6100	440626	Radiation Emergency Response	\$	1,210,000	\$	1,300,000	132558
6660	440607	Medically Handicapped Children - County Assessments	\$	21,739,617	\$	21,739,617	132559
6980	440634	Nurse Aide Training	\$	150,000	\$	150,000	132560
TOTAL DPF		Dedicated Purpose Fund Group	\$	93,929,007	\$	93,976,227	132561
		Internal Service Activity Fund Group					132562
1420	440646	Agency Health Services	\$	3,750,000	\$	3,750,000	132563
2110	440613	Central Support Indirect Costs	\$	25,000,000	\$	25,000,000	132564
TOTAL ISA		Internal Service Activity Fund Group	\$	28,750,000	\$	28,750,000	132565
		Holding Account Fund Group					132566
R014	440631	Vital Statistics	\$	44,986	\$	44,986	132567

R048	440625	Refunds, Grants	\$	20,000	\$	20,000	132568
		Reconciliation, and					
		Audit Settlements					
TOTAL HLD		Holding Account Fund	\$	64,986	\$	64,986	132569
Group							
Federal Fund Group							132570
3200	440601	Maternal Child Health	\$	23,500,000	\$	23,500,000	132571
		Block Grant					
3870	440602	Preventive Health	\$	8,000,000	\$	8,000,000	132572
		Block Grant					
3890	440604	Women, Infants, and	\$	230,000,000	\$	230,000,000	132573
		Children					
3910	440606	Medicare Survey and	\$	16,000,000	\$	16,000,000	132574
		Certification					
3920	440618	Federal Public Health	\$	92,144,287	\$	92,144,287	132575
		Programs					
3GD0	654601	Medicaid Program	\$	23,630,029	\$	24,340,949	132576
		Support					
3GN0	440660	Public Health	\$	25,000,000	\$	25,000,000	132577
		Emergency					
		Preparedness					
TOTAL FED		Federal Fund Group	\$	418,274,316	\$	418,985,236	132578
TOTAL ALL		BUDGET FUND GROUPS	\$	616,487,648	\$	618,245,788	132579

**Section 291.20.** MOTHERS AND CHILDREN SAFETY NET SERVICES 132581

Of the foregoing appropriation item 440416, Mothers and 132582  
 Children Safety Net Services, \$200,000 in each fiscal year shall 132583  
 be used to assist families with hearing impaired children under 132584  
 twenty-one years of age in purchasing hearing aids and hearing 132585  
 assistive technology. The Director of Health shall adopt rules 132586  
 governing the distribution of these funds, including rules that do 132587  
 both of the following: (1) establish eligibility criteria to 132588  
 include families with incomes at or below four hundred per cent of 132589

the federal poverty guidelines as defined in section 5101.46 of 132590  
the Revised Code, and (2) develop a sliding scale of disbursements 132591  
under this section based on family income. The Director may adopt 132592  
other rules as necessary to implement this section. Rules adopted 132593  
under this section shall be adopted in accordance with Chapter 132594  
119. of the Revised Code. 132595

AIDS PREVENTION AND TREATMENT 132596

The foregoing appropriation item 440444, AIDS Prevention and 132597  
Treatment, shall be used to administer educational and other 132598  
prevention initiatives. 132599

FQHC PRIMARY CARE WORKFORCE INITIATIVE 132600

The foregoing appropriation item 440465, FQHC Primary Care 132601  
Workforce Initiative, shall be provided to the Ohio Association of 132602  
Community Health Centers to administer the FQHC Primary Care 132603  
Workforce Initiative. The Initiative shall provide medical, 132604  
dental, behavioral health, physician assistant, and advanced 132605  
practice nursing students with clinical rotations through 132606  
federally qualified health centers. 132607

TOBACCO PREVENTION CESSATION AND ENFORCEMENT 132608

Of the foregoing appropriation item 440473, Tobacco 132609  
Prevention Cessation and Enforcement, \$500,000 in each fiscal year 132610  
shall be used to award grants in accordance with the section of 132611  
this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 132612

INFANT VITALITY 132613

The foregoing appropriation item 440474, Infant Vitality, 132614  
shall be used to fund a multi-pronged population health approach 132615  
to address infant mortality. This approach may include the 132616  
following: increasing awareness; supporting data collection; 132617  
analysis and interpretation to inform decision-making and ensure 132618  
accountability; targeting resources where the need is greatest; 132619

and implementing quality improvement science and programming that 132620  
is evidence-based or based on emerging practices. Measurable 132621  
interventions may include activities related to safe sleep, 132622  
community engagement, Centering Pregnancy, newborn screening, safe 132623  
birth spacing, gestational diabetes, smoking cessation, 132624  
breastfeeding, care coordination, and progesterone. 132625

EMERGENCY PREPARATION AND RESPONSE 132626

The foregoing appropriation item 440477, Emergency 132627  
Preparation and Response, shall be used to support public health 132628  
emergency preparedness and response efforts at the state level or 132629  
at a regional sub-level within the state, and may also be used to 132630  
support data infrastructure projects related to public health 132631  
emergency preparedness/response. 132632

TARGETED HEALTH CARE SERVICES-OVER 21 132633

The foregoing appropriation item 440507, Targeted Health Care 132634  
Services-Over 21, shall be used to administer the Cystic Fibrosis 132635  
Program and to implement the Hemophilia Insurance Premium Payment 132636  
Program. The Department of Health shall expend \$100,000 in each 132637  
fiscal year to implement the Hemophilia Insurance Premium Payment 132638  
Program. 132639

The foregoing appropriation item 440507, Targeted Health Care 132640  
Services-Over 21, shall also be used to provide essential 132641  
medications and to pay the copayments for drugs approved by the 132642  
Department of Health and covered by Medicare Part D that are 132643  
dispensed to Bureau for Children with Medical Handicaps (BCMH) 132644  
participants for the Cystic Fibrosis Program. 132645

The Department shall expend all of these funds. 132646

FEE SUPPORTED PROGRAMS 132647

Of the foregoing appropriation item 440647, Fee Supported 132648  
Programs, \$2,160,000 in each fiscal year shall be used to 132649

distribute subsidies to local health departments on a per capita 132650  
basis. 132651

CASH TRANSFER FROM THE GENERAL OPERATIONS FUND TO THE CENTRAL 132652  
SUPPORT INDIRECT COSTS FUND 132653

On July 1, 2018, or as soon as possible thereafter, the 132654  
Director of Budget and Management may transfer up to \$400,000 cash 132655  
from the General Operations Fund (Fund 4700) to the Central 132656  
Support Indirect Costs Fund (Fund 2110). Any transferred cash is 132657  
hereby appropriated. 132658

MEDICALLY HANDICAPPED CHILDREN AUDIT 132659

The Medically Handicapped Children Audit Fund (Fund 4770) 132660  
shall receive revenue from audits of hospitals and recoveries from 132661  
third-party payers. Moneys may be expended for payment of audit 132662  
settlements and for costs directly related to obtaining recoveries 132663  
from third-party payers and for encouraging Medically Handicapped 132664  
Children's Program recipients to apply for third-party benefits. 132665  
Moneys also may be expended for payments for diagnostic and 132666  
treatment services on behalf of medically handicapped children, as 132667  
defined in division (A) of section 3701.022 of the Revised Code, 132668  
and Ohio residents who are twenty-one or more years of age and who 132669  
are suffering from cystic fibrosis or hemophilia. Moneys may also 132670  
be expended for administrative expenses incurred in operating the 132671  
Medically Handicapped Children's Program. 132672

GENETICS SERVICES 132673

The foregoing appropriation item 440608, Genetics Services, 132674  
shall be used by the Department of Health to administer programs 132675  
authorized by sections 3701.501 and 3701.502 of the Revised Code. 132676  
None of these funds shall be used to counsel or refer for 132677  
abortion, except in the case of a medical emergency. 132678

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 132679

The foregoing appropriation item 440607, Medically  
Handicapped Children - County Assessments, shall be used to make  
payments under division (F) of section 3701.023 of the Revised  
Code.

TOXICOLOGY SCREENINGS 132684

The foregoing appropriation item 440621, Toxicology  
Screenings, shall be used in accordance with division (G)(1) of  
section 757.20 of this act.

**Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM** 132688

(A) The Department of Health shall create the Moms Quit for  
Two Grant Program. Recognizing the significant health risks posed  
to women and their children by tobacco use during and after  
pregnancy, the Department shall award grants to private, nonprofit  
entities or government entities that demonstrate the ability to  
deliver evidence-based tobacco cessation interventions to women  
who reside in communities that have the highest incidence of  
infant mortality, as determined by the Director of Health, and who  
are pregnant or live with children. Funds awarded under this  
section shall not be used to provide tobacco cessation  
interventions to women who are eligible for Medicaid. The  
Department may adopt any rules it considers necessary to  
administer the Program.

(B) The Department shall create a grant application and  
develop a process for receiving and evaluating completed grant  
applications on a competitive basis. The Department shall give  
first preference to the entities described in division (A) of this  
section that are able to target the interventions to pregnant  
women and second preference to such entities that are able to  
target the interventions to women living with children. The  
Department's decision regarding a submitted grant application is  
final.



(C) The Department shall establish performance objectives to be met by grant recipients. The Department shall monitor the performance of each grant recipient in meeting the objectives.

(D) Not later than December 31, 2017, the Department shall evaluate the program and prepare a report describing its findings and make a recommendation on whether the Program should be continued. The Department shall provide a copy of the report to the Governor and General Assembly. The copy to the General Assembly shall be provided in accordance with section 101.68 of the Revised Code. The Department also shall make the report available to the public on the Department's internet web site.

**Section 291.40. WIC VENDOR CONTRACTS**

(A) As used in this section, "WIC" means the Special Supplemental Nutrition Program for Women, Infants, and Children established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended.

(B) During fiscal year 2018 and fiscal year 2019, the Department of Health shall process and review a WIC vendor contract application pursuant to Chapter 3701-42 of the Administrative Code not later than forty-five days after receipt of the application if the applicant is a WIC-contracted vendor at the time of application and meets all of the following requirements:

(1) Submits a complete WIC vendor application with all required documents and information;

(2) Passes the required unannounced preauthorization visit within forty-five days of submitting a complete application;

(3) Completes the required in-person training within forty-five days of submitting the complete application.

(C) If an applicant fails to meet any of the requirements

described in division (B) of this section, the Department shall 132741  
deny the application for the contract. After an application has 132742  
been denied, the applicant may reapply for a contract to act as a 132743  
WIC vendor during the contracting cycle that is applicable to the 132744  
applicant's WIC region. 132745

**Section 291.70.** CASH TRANSFER TO EMERGENCY PREPARATION AND 132746  
RESPONSE FUND 132747

If the Director of Health determines that there are 132748  
insufficient funds in appropriation item 440477, Emergency 132749  
Preparation and Response, for public health emergency preparedness 132750  
and response activities, the Director may certify to the Director 132751  
of Budget and Management an amount necessary to address these 132752  
activities. Upon certification, the Director of Budget and 132753  
Management shall transfer up to \$500,000 cash in each fiscal year 132754  
from the Controlling Board Emergency Purposes/Contingencies Fund 132755  
(Fund 5KM0) to the Emergency Preparation and Response Fund (Fund 132756  
5UA0), which is hereby created in the state treasury. The amount 132757  
transferred is hereby appropriated. 132758

**Section 293.10.** HEF HIGHER EDUCATIONAL FACILITY COMMISSION 132759

Dedicated Purpose Fund Group				132760
4610 372601 Operating Expenses	\$	12,500	\$ 12,500	132761
TOTAL DPF Dedicated Purpose Fund	\$	12,500	\$ 12,500	132762
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	12,500	\$ 12,500	132763

**Section 295.10.** SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 132765

General Revenue Fund				132766
GRF 148321 Operating Expenses	\$	445,395	\$ 460,385	132767
TOTAL GRF General Revenue Fund	\$	445,395	\$ 460,385	132768
Dedicated Purpose Fund Group				132769

6010 148602	Special Initiatives	\$	24,558	\$	24,558	132770
TOTAL DPF Dedicated Purpose						132771
Fund Group		\$	24,558	\$	24,558	132772
TOTAL ALL BUDGET FUND GROUPS						132773

**Section 297.10.** OHS OHIO HISTORY CONNECTION 132775

General Revenue Fund 132776

GRF 360501 Education and Collections \$ 4,155,712 \$ 4,155,712 132777

GRF 360502 Site and Museum Operations \$ 5,762,853 \$ 5,762,853 132778

GRF 360504 Ohio Preservation Office \$ 281,300 \$ 281,300 132779

GRF 360505 National Afro-American Museum \$ 485,000 \$ 485,000 132780

GRF 360506 Hayes Presidential Center \$ 485,000 \$ 485,000 132781

GRF 360509 Outreach and Partnership \$ 155,583 \$ 155,583 132782

TOTAL GRF General Revenue Fund \$ 11,325,448 \$ 11,325,448 132783

Dedicated Purpose Fund Group 132784

5KL0 360602 Ohio History Tax Check-off \$ 150,000 \$ 150,000 132785

5PD0 360603 Ohio History License Plate \$ 10,000 \$ 10,000 132786

TOTAL DPF Dedicated Purpose Fund Group \$ 160,000 \$ 160,000 132787

TOTAL ALL BUDGET FUND GROUPS \$ 11,485,448 \$ 11,485,448 132788

SUBSIDY APPROPRIATION 132789

Upon approval by the Director of Budget and Management, the 132790  
foregoing appropriation items shall be released to the Ohio 132791  
History Connection in quarterly amounts that in total do not 132792

exceed the annual appropriations. The funds and fiscal records of 132793  
the Ohio History Connection for fiscal year 2018 and fiscal year 132794  
2019 shall be examined by independent certified public accountants 132795  
approved by the Auditor of State, and a copy of the audited 132796  
financial statements shall be filed with the Office of Budget and 132797  
Management. The Ohio History Connection shall prepare and submit 132798  
to the Office of Budget and Management the following: 132799

(A) An estimated operating budget for each fiscal year of the 132800  
biennium. The operating budget shall be submitted at or near the 132801  
beginning of each calendar year. 132802

(B) Financial reports, indicating actual receipts and 132803  
expenditures for the fiscal year to date. These reports shall be 132804  
filed at least semiannually during the fiscal biennium. 132805

The foregoing appropriations shall be considered to be the 132806  
contractual consideration provided by the state to support the 132807  
state's offer to contract with the Ohio History Connection under 132808  
section 149.30 of the Revised Code. 132809

OUTREACH AND PARTNERSHIP 132810

Of the foregoing appropriation item 360509, Outreach and 132811  
Partnership, \$70,000 in each fiscal year shall be distributed to 132812  
the Ohio World War I Centennial Working Group. 132813

**Section 299.10.** REP OHIO HOUSE OF REPRESENTATIVES 132814

General Revenue Fund 132815

GRF 025321 Operating Expenses \$ 23,756,565 \$ 23,756,565 132816

TOTAL GRF General Revenue Fund \$ 23,756,565 \$ 23,756,565 132817

Internal Service Activity Fund Group 132818

1030 025601 House of \$ 1,433,664 \$ 1,433,664 132819

Representatives

Reimbursement

4A40 025602 Miscellaneous Sales \$ 37,849 \$ 37,849 132820

TOTAL Internal Service Activity				132821	
Fund Group	\$	1,471,513	\$	1,471,513	132822
TOTAL ALL BUDGET FUND GROUPS	\$	25,228,078	\$	25,228,078	132823

OPERATING EXPENSES 132824

On July 1, 2017, or as soon as possible thereafter, the Chief 132825  
Administrative Officer of the House of Representatives may certify 132826  
to the Director of Budget and Management an amount up to the 132827  
unexpended, unencumbered balance of the foregoing appropriation 132828  
item 025321, Operating Expenses, at the end of fiscal year 2017 to 132829  
be reappropriated to fiscal year 2018. The amount certified is 132830  
hereby reappropriated to the same appropriation item for fiscal 132831  
year 2018. 132832

On July 1, 2018, or as soon as possible thereafter, the Chief 132833  
Administrative Officer of the House of Representatives may certify 132834  
to the Director of Budget and Management an amount up to the 132835  
unexpended, unencumbered balance of the foregoing appropriation 132836  
item 025321, Operating Expenses, at the end of fiscal year 2018 to 132837  
be reappropriated to fiscal year 2019. The amount certified is 132838  
hereby reappropriated to the same appropriation item for fiscal 132839  
year 2019. 132840

HOUSE REIMBURSEMENT 132841

If it is determined by the Chief Administrative Officer of 132842  
the House of Representatives that additional appropriations are 132843  
necessary for the foregoing appropriation item 025601, House 132844  
Reimbursement, the amounts are hereby appropriated. 132845

**Section 301.10.** HFA OHIO HOUSING FINANCE AGENCY 132846

Dedicated Purpose Fund Group				132847	
5AZ0 997601 Housing Finance Agency	\$	12,176,000	\$	12,176,000	132848
Personal Services					
TOTAL DPF Dedicated Purpose Fund	\$	12,176,000	\$	12,176,000	132849

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,176,000 \$ 12,176,000 132850

**Section 303.10.** IGO OFFICE OF THE INSPECTOR GENERAL 132852

General Revenue Fund 132853

GRF 965321 Operating Expenses \$ 1,401,581 \$ 1,401,581 132854

TOTAL GRF General Revenue Fund \$ 1,401,581 \$ 1,401,581 132855

Internal Service Activity Fund Group 132856

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 132857

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 132858

General for BWC/OIC

TOTAL ISA Internal Service Activity 132859

Fund Group \$ 825,000 \$ 825,000 132860

TOTAL ALL BUDGET FUND GROUPS \$ 2,226,581 \$ 2,226,581 132861

**Section 305.10.** INS DEPARTMENT OF INSURANCE 132863

Dedicated Purpose Fund Group 132864

5540 820601 Operating Expenses - \$ 180,000 \$ 180,000 132865

OSHIIP

5540 820606 Operating Expenses \$ 26,937,840 \$ 26,937,840 132866

5550 820605 Examination \$ 8,127,549 \$ 8,127,549 132867

5PT0 820613 Captive Insurance \$ 650,000 \$ 650,000 132868

Regulation &

Supervision

TOTAL DPF Dedicated Purpose 132869

Fund Group \$ 35,895,389 \$ 35,895,389 132870

Federal Fund Group 132871

3U50 820602 OSHIIP Operating \$ 2,793,150 \$ 2,793,150 132872

Grant

TOTAL FED Federal Fund Group \$ 2,793,150 \$ 2,793,150 132873

TOTAL ALL BUDGET FUND GROUPS \$ 38,688,539 \$ 38,688,539 132874

MARKET CONDUCT EXAMINATION 132875

When conducting a market conduct examination of any insurer 132876  
doing business in this state, the Superintendent of Insurance may 132877  
assess the costs of the examination against the insurer. The 132878  
Superintendent may enter into consent agreements to impose 132879  
administrative assessments or fines for conduct discovered that 132880  
may be violations of statutes or rules administered by the 132881  
Superintendent. All costs, assessments, or fines collected shall 132882  
be deposited to the credit of the Department of Insurance 132883  
Operating Fund (Fund 5540). 132884

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 132885

The Director of Budget and Management, at the request of the 132886  
Superintendent of Insurance, may transfer cash from the Department 132887  
of Insurance Operating Fund (Fund 5540), established by section 132888  
3901.021 of the Revised Code, to the Superintendent's Examination 132889  
Fund (Fund 5550), established by section 3901.071 of the Revised 132890  
Code, only for expenses incurred in examining domestic fraternal 132891  
benefit societies as required by section 3921.28 of the Revised 132892  
Code. 132893

TRANSFER OF FUNDS FOR CAPTIVE INSURANCE COMPANY REGULATION 132894  
AND SUPERVISION 132895

When funds from captive insurance company application fees, 132896  
reimbursements from captive insurance companies for examinations, 132897  
and other sources have accrued to the Captive Insurance Regulation 132898  
and Supervision Fund (Fund 5PT0) in such amounts as are deemed 132899  
sufficient to sustain operations, the Director of Budget and 132900  
Management, in consultation with the Superintendent of Insurance, 132901  
shall establish a schedule for repaying the amounts previously 132902  
transferred during fiscal years 2016 and 2017 from Fund 5PT0 to 132903  
Fund 5540. 132904

**Section 305.20.** APPLICATION FOR INNOVATIVE WAIVER 132905

The Superintendent of Insurance shall apply to the United States Secretary of Health and Human Services and the United States Secretary of the Treasury for an innovative waiver regarding health insurance coverage in this state as prescribed in section 3901.052 of the Revised Code not later than January 31, 2018.

**Section 307.10.** JFS DEPARTMENT OF JOB AND FAMILY SERVICES 132912

General Revenue Fund					132913	
GRF 600321	Program Support	\$	28,543,219	\$	28,543,219	132914
GRF 600410	TANF State Maintenance of Effort	\$	148,300,326	\$	148,300,326	132915
GRF 600413	Child Care State/Maintenance of Effort	\$	83,461,739	\$	83,461,739	132916
GRF 600416	Information Technology Projects	\$	58,615,048	\$	58,615,048	132917
GRF 600420	Child Support Programs	\$	6,576,797	\$	6,576,797	132918
GRF 600421	Family Assistance Programs	\$	3,103,334	\$	3,103,334	132919
GRF 600423	Families and Children Programs	\$	16,219,491	\$	16,219,491	132920
GRF 600445	Unemployment Insurance Administration	\$	20,955,498	\$	20,955,498	132921
GRF 600502	Child Support - Local	\$	23,456,891	\$	23,456,891	132922
GRF 600511	Disability Financial Assistance	\$	3,927,452	\$	0	132923
GRF 600521	Family Assistance - Local	\$	44,748,768	\$	44,748,768	132924
GRF 600523	Family and Children	\$	62,268,993	\$	62,268,993	132925



	Services				
GRF 600528	Adoption Services	\$	28,922,517	\$	28,922,517 132926
GRF 600533	Child, Family, and Community Protection Services	\$	13,500,000	\$	13,500,000 132927
GRF 600534	Adult Protective Services	\$	2,740,000	\$	2,740,000 132928
GRF 600535	Early Care and Education	\$	139,133,689	\$	139,133,689 132929
GRF 600541	Kinship Permanency Incentive Program	\$	1,000,000	\$	1,000,000 132930
GRF 655425	Medicaid Program Support	\$	7,000,000	\$	7,000,000 132931
GRF 655522	Medicaid Program Support - Local	\$	37,119,931	\$	37,119,931 132932
GRF 655523	Medicaid Program Support - Local Transportation	\$	41,000,000	\$	0 132933
TOTAL GRF	General Revenue Fund	\$	770,593,693	\$	725,666,241 132934
	Dedicated Purpose Fund Group				132935
1980 600647	Children's Trust Fund	\$	5,000,000	\$	5,000,000 132936
4A80 600658	Public Assistance Activities	\$	26,000,000	\$	26,000,000 132937
4A90 600607	Unemployment Compensation Administration Fund	\$	14,000,000	\$	14,000,000 132938
4E70 600604	Family and Children Services Collections	\$	650,000	\$	650,000 132939
4F10 600609	Family and Children Activities	\$	708,000	\$	708,000 132940
5DM0 600633	Audit Settlements and Contingency	\$	5,000,000	\$	5,000,000 132941
5ES0 600630	Food Bank Assistance	\$	500,000	\$	500,000 132942

5HC0	600695	Unemployment Compensation Interest	\$	1,000,000	\$	1,000,000	132943
5KT0	600696	Early Childhood Education	\$	20,000,000	\$	20,000,000	132944
5NG0	600660	Victims of Human Trafficking	\$	100,000	\$	100,000	132945
5RX0	600699	Workforce Development Projects	\$	2,000,000	\$	2,000,000	132946
5RY0	600698	Human Services Project	\$	2,500,000	\$	2,750,000	132947
5TZ0	600674	Children's Crisis Care	\$	150,000	\$	150,000	132948
5U60	600663	Family and Children Support	\$	3,000,000	\$	3,000,000	132949
TOTAL DPF		Dedicated Purpose Fund Group	\$	80,608,000	\$	80,858,000	132950
		Internal Service Activity Fund Group					132951
5HL0	600602	State and County Shared Services	\$	2,000,000	\$	2,000,000	132952
TOTAL ISA		Internal Service Activity Fund Group	\$	2,000,000	\$	2,000,000	132953
		Fiduciary Fund Group					132954
1920	600646	Child Support Intercept - Federal	\$	110,000,000	\$	110,000,000	132955
5830	600642	Child Support Intercept - State	\$	14,000,000	\$	14,000,000	132956
5B60	600601	Food Assistance Intercept	\$	1,000,000	\$	1,000,000	132957
TOTAL FID		Fiduciary Fund Group	\$	125,000,000	\$	125,000,000	132958
		Holding Account Fund Group					132959
R012	600643	Refunds and Audit Settlements	\$	500,000	\$	500,000	132960

TOTAL HLD Holding Account Fund	\$	500,000	\$	500,000	132961
Group					
Federal Fund Group					132962
3270 600606 Child Welfare	\$	27,500,000	\$	27,500,000	132963
3310 600615 Veterans Programs	\$	7,000,000	\$	7,000,000	132964
3310 600624 Employment Services	\$	26,000,000	\$	26,000,000	132965
Programs					
3310 600686 Workforce Programs	\$	5,800,000	\$	5,800,000	132966
3840 600610 Food Assistance	\$	145,000,000	\$	145,000,000	132967
Programs					
3850 600614 Refugee Services	\$	12,000,000	\$	12,000,000	132968
3950 600616 Federal Discretionary	\$	1,500,000	\$	1,500,000	132969
Grants					
3960 600620 Social Services Block	\$	42,000,000	\$	42,000,000	132970
Grant					
3970 600626 Child Support -	\$	175,000,000	\$	175,000,000	132971
Federal					
3980 600627 Adoption Program -	\$	175,000,000	\$	175,000,000	132972
Federal					
3A20 600641 Emergency Food	\$	4,000,000	\$	4,000,000	132973
Distribution					
3AW0 600675 Fatherhood Commission	\$	3,000,000	\$	3,000,000	132974
3D30 600648 Children's Trust Fund	\$	2,000,000	\$	2,000,000	132975
Federal					
3F01 655624 Medicaid Program	\$	180,000,000	\$	172,491,905	132976
Support - Federal					
3H70 600617 Child Care Federal	\$	231,000,000	\$	232,000,000	132977
3N00 600628 Foster Care Program -	\$	240,000,000	\$	240,000,000	132978
Federal					
3S50 600622 Child Support Projects	\$	534,050	\$	534,050	132979
3V00 600688 Workforce Innovation	\$	108,000,000	\$	108,000,000	132980
and Opportunity Act					
Programs					

3V40 600632	Trade Programs	\$ 15,000,000	\$ 15,000,000	132981
3V40 600678	Federal Unemployment Programs	\$ 85,814,212	\$ 80,814,212	132982
3V40 600679	Unemployment Compensation Review Commission - Federal	\$ 5,000,000	\$ 5,000,000	132983
3V60 600689	TANF Block Grant	\$ 836,437,504	\$ 848,935,211	132984
TOTAL FED	Federal Fund Group	\$ 2,327,585,766	\$ 2,328,575,378	132985
TOTAL ALL BUDGET FUND GROUPS		\$ 3,306,287,459	\$ 3,262,599,619	132986

**Section 307.20. COUNTY ADMINISTRATIVE FUNDS** 132988

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs. 132989  
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(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 132993  
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(C) In fiscal year 2018, the foregoing appropriation item 655523, Medicaid Program Support - Local Transportation, may be provided to county departments of job and family services to administer the Medicaid transportation program. 132997  
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133000

(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item: 133001  
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(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and 133006  
133007

(2) Appropriation item 655523, Medicaid Program Support - 133008

Local Transportation, and appropriation item 655522, Medicaid 133009  
Program Support - Local. 133010

(E) If receipts credited to the Medicaid Program Support Fund 133011  
(Fund 3F01) and the Supplemental Nutrition Assistance Program Fund 133012  
(Fund 3840) exceed the amounts appropriated, the Director of Job 133013  
and Family Services shall request the Director of Budget and 133014  
Management to authorize expenditures from those funds in excess of 133015  
the amounts appropriated. Upon approval of the Director of Budget 133016  
and Management, the additional amounts are hereby appropriated. 133017

**Section 307.25. KINSHIP CAREGIVER CHILD CARE PROGRAM** 133018

Of the foregoing appropriation item 600689, TANF Block Grant, 133019  
\$15,000,000 in each fiscal year shall be used to support a kinship 133020  
caregiver child care program to provide child care to kinship 133021  
caregivers, as defined in section 5101.85 of the Revised Code. 133022

The Department of Job and Family Services may adopt rules in 133023  
accordance with Chapter 119. of the Revised Code as necessary to 133024  
carry out the purposes of this section. Any rules shall at least 133025  
include eligibility criteria, benefit amounts, and attendance 133026  
tracking requirements. 133027

**Section 307.26. OHIO PARENTING AND PREGNANCY PROGRAM** 133028

Of the foregoing appropriation item 600410, TANF State 133029  
Maintenance of Effort, \$100,000 in each fiscal year shall be used 133030  
to support the Ohio Parenting and Pregnancy Program. 133031

**Section 307.30. NAME OF FOOD STAMP PROGRAM** 133032

The Director of Job and Family Services is not required to 133033  
amend rules regarding the Food Stamp Program to change the name of 133034  
the program to the Supplemental Nutrition Assistance Program. The 133035  
Director may refer to the program as the Food Stamp Program, the 133036  
Supplemental Nutrition Assistance Program, or the Food Assistance 133037

Program in rules and documents of the Department of Job and Family Services. 133038  
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**Section 307.35. HEALTHY FOOD FINANCING INITIATIVE** 133040

The foregoing appropriation item 600546, Healthy Food Financing Initiative, shall be used by the Director of Job and Family Services to support healthy food access in underserved communities in urban and rural Low and Moderate Income Areas, as defined by either the United States Department of Agriculture (USDA), as identified in the USDA's Food Access Research Atlas, or through a methodology that has been adopted for use by another governmental or philanthropic healthy food initiative. 133041  
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The Director of Job and Family Services, in cooperation with the Director of Health and with the approval of the Director of the Governor's Office of Health Transformation, shall contract with the Finance Fund Capital Corporation to administer a Healthy Food Financing Initiative. The Finance Fund Capital Corporation shall demonstrate a capacity to administer grant and loan programs in accordance with state and federal rules and accounting principles, and shall partner with one or more entities with demonstrable experience in healthy food access-related policy matters. 133049  
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The Director of Job and Family Services shall, not later than December 31, 2018, provide to the Governor, Speaker of the House of Representatives, President of the Senate, and Minority Leaders of the House of Representatives and Senate a written progress report on the Healthy Food Financing Initiative, including, but not limited to, state funds granted or loaned, the number of new or retained jobs associated with related projects, the health impact of the initiative and the number and location of healthy food access projects established or in development. 133059  
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**Section 307.40.** OHIO ASSOCIATION OF FOOD BANKS 133068

Of the foregoing appropriation items 600410, TANF State 133069  
Maintenance of Effort, 600658, Public Assistance Activities, and 133070  
600689, TANF Block Grant, a total of \$17,050,000 in each fiscal 133071  
year shall be used to provide funds to the Ohio Association of 133072  
Food Banks to purchase and distribute food products. 133073

Notwithstanding section 5101.46 of the Revised Code and any 133074  
other provision in this bill, including funds designated for the 133075  
Ohio Association of Food Banks in this section, in fiscal year 133076  
2018 and fiscal year 2019, the Director of Job and Family Services 133077  
shall provide assistance from eligible funds to the Ohio 133078  
Association of Food Banks in an amount not less than \$19,550,000 133079  
in each fiscal year. 133080

Eligible nonfederal expenditures made by member food banks of 133081  
the Association shall be counted by the Department of Job and 133082  
Family Services toward the TANF maintenance of effort requirements 133083  
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 133084  
shall enter into an agreement with the Ohio Association of Food 133085  
Banks, in accordance with sections 5101.80 and 5101.801 of the 133086  
Revised Code, to carry out the requirements under this section. 133087

**Section 307.45.** UNAFFILIATED FOOD BANKS 133088

Of the foregoing appropriation item 600689, TANF Block Grant, 133089  
\$500,000 in each fiscal year shall be provided to food banks or 133090  
food pantries unaffiliated with the Ohio Association of Food 133091  
Banks. 133092

**Section 307.50.** PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 133093

The foregoing appropriation item 600658, Public Assistance 133094  
Activities, shall be used by the Department of Job and Family 133095  
Services to meet the TANF maintenance of effort requirements of 42 133096

U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities.

**Section 307.60. FOOD STAMPS TRANSFER**

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Supplemental Nutrition Assistance Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0).

**Section 307.70. GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES**

Of the foregoing appropriation item 600689, TANF Block Grant, up to \$6,540,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to provide support to programs or organizations that provide services that align with the mission and goals of the Governor's Office of Faith-Based and Community Initiatives, as outlined in section 107.12 of the Revised Code, and that further at least one of the four purposes of the TANF program, as specified in 42 U.S.C. 601.

**Section 307.80. INDEPENDENT LIVING INITIATIVE**

Of the foregoing appropriation item 600689, TANF Block Grant, up to \$2,000,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support the Independent Living Initiative, including life skills training and work supports for older children in foster care and those who have recently aged out of foster care.

**Section 307.90. OHIO COMMISSION ON FATHERHOOD**



Of the foregoing appropriation item 600689, TANF Block Grant, 133125  
\$1,000,000 in each fiscal year shall be provided to the Ohio 133126  
Commission on Fatherhood. 133127

**Section 307.93. OHIO ALLIANCE OF BOYS AND GIRLS CLUBS** 133128

Of the foregoing appropriation item 600689, TANF Block Grant, 133129  
\$1,000,000 in each fiscal year shall be provided, in accordance 133130  
with sections 5101.80 and 5101.801 of the Revised Code, to the 133131  
Ohio Alliance of Boys and Girls Clubs to provide after-school and 133132  
summer programs that protect at-risk children and enable youth to 133133  
become responsible adults. Not less than \$50,000 in each fiscal 133134  
year shall be provided to the Boys and Girls Club of Massillon. 133135

**Section 307.95. BIG BROTHERS BIG SISTERS** 133136

Of the foregoing appropriation item 600689, TANF Block Grant, 133137  
\$500,000 in each fiscal year shall be provided, in accordance with 133138  
sections 5101.80 and 5101.801 of the Revised Code, to Big Brothers 133139  
Big Sisters of Central Ohio to provide mentoring services to 133140  
children throughout the state who have experienced trauma in their 133141  
lives, including parental incarceration. 133142

**Section 307.96. FAMILY AND YOUTH IN CRISIS** 133143

Of the foregoing appropriation item 600689, TANF Block Grant, 133144  
\$5,000,000 in each fiscal year shall be utilized to provide 133145  
services to youth with complex care needs whose parent or legal 133146  
guardian is at risk of relinquishing custody of the youth in order 133147  
to access needed services. Funds shall be administered pursuant to 133148  
division (A)(3) of section 121.37 of the Revised Code. The 133149  
Director of the Ohio Family and Children First Cabinet shall seek 133150  
stakeholder input and issue written guidance regarding 133151  
requirements to access these funds no later than 60 days following 133152  
the effective date of this section. 133153

**Section 307.97. COURT APPOINTED SPECIAL ADVOCATES** 133154

Of the foregoing appropriation item 600689, TANF Block Grant, 133155  
\$100,000 in each fiscal year shall be used, in consultation with 133156  
the Supreme Court of Ohio, to provide funding for the 133157  
establishment of up to three local court-appointed special 133158  
advocate programs in areas of the state that are not served by an 133159  
existing program. 133160

Of the foregoing appropriation item 600689, TANF Block Grant, 133161  
\$100,000 in each fiscal year shall be used, in consultation with 133162  
the Supreme Court of Ohio, to provide funding for the recruitment 133163  
and training of additional local court-appointed special advocates 133164  
in areas of the state with high rates of heroin use and overdoses. 133165

Of the foregoing appropriation item 600689, TANF Block Grant, 133166  
\$100,000 in each fiscal year shall be used, in consultation with 133167  
the Supreme Court of Ohio, to provide funding that enhances the 133168  
role of local court-appointed special advocate programs in the 133169  
recruitment, training, and support of local court-appointed 133170  
special advocates. 133171

**Section 307.100. FAMILIES AND CHILDREN PROGRAMS** 133172

Of the foregoing appropriation item 600423, Families and 133173  
Children Programs, \$2,000,000 in each fiscal year shall be used by 133174  
the Office of Families and Children to fund Predictive Analytics 133175  
to use current and historical data to predict future outcomes and 133176  
behaviors in high-risk foster care children. 133177

Of the foregoing appropriation item 600423, Families and 133178  
Children Programs, \$750,000 in each fiscal year shall be used to 133179  
support the Star House Youth Drop-In Center to provide services 133180  
for homeless youth. 133181

**Section 307.110. FAMILY AND CHILDREN SERVICES** 133182

Of the foregoing appropriation item 600523, Family and 133183  
Children Services, up to \$3,200,000 shall be used to match 133184  
eligible federal Title IV-B ESSA funds and federal Title IV-E 133185  
Chafee funds allocated to public children services agencies. 133186

Of the foregoing appropriation item, 600523, Family and 133187  
Children Services, not less than \$60,040,010 in each fiscal year 133188  
shall be provided to public children services agencies. Of that 133189  
amount, \$8,800,000 in each fiscal year shall be used to provide an 133190  
initial allocation of \$100,000 to each county and the remainder 133191  
shall be provided using the formula in section 5101.14 of the 133192  
Revised Code. 133193

**Section 307.120. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 133194

In collaboration with the county family and children first 133195  
council, a county department of job and family services or public 133196  
children services agency that receives an allocation from the 133197  
Department of Job and Family Services from the foregoing 133198  
appropriation item 600523, Family and Children Services, or 133199  
600533, Child, Family, and Community Protection Services, may 133200  
transfer a portion of either or both allocations to a flexible 133201  
funding pool as authorized by the section of this act titled 133202  
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 133203

**Section 307.130. CHILD, FAMILY, AND COMMUNITY PROTECTION** 133204  
**SERVICES** 133205

(A) The foregoing appropriation item 600533, Child, Family, 133206  
and Community Protection Services, and up to \$15,000,000 in each 133207  
fiscal year from the foregoing appropriation item 600689, TANF 133208  
Block Grant, shall be distributed to county departments of job and 133209  
family services. County departments shall use the funds 133210  
distributed to them under this section as follows, in accordance 133211  
with the written plan of cooperation entered into under section 133212

307.983 of the Revised Code: 133213

(1) To assist individuals in achieving or maintaining 133214  
self-sufficiency, including by reducing or preventing dependency 133215  
among individuals with family income not exceeding two hundred per 133216  
cent of the federal poverty guidelines; 133217

(2) Subject to division (B) of this section, to respond to 133218  
reports of abuse, neglect, or exploitation of children and adults, 133219  
including through the differential response approach program; 133220

(3) To provide outreach and referral services regarding home 133221  
and community-based services to individuals at risk of placement 133222  
in a group home or institution, regardless of the individuals' 133223  
family income and without need for a written application; 133224

(4) To provide outreach, referral, application assistance, 133225  
and other services to assist individuals receive assistance, 133226  
benefits, or services under Medicaid; Title IV-A programs, as 133227  
defined in section 5101.80 of the Revised Code; the Supplemental 133228  
Nutrition Assistance Program; and other public assistance 133229  
programs. 133230

(B) Protective services may be provided to a child or adult 133231  
as part of a response, under division (A)(2) of this section, to a 133232  
report of abuse, neglect, or exploitation without regard to a 133233  
child or adult's family income and without need for a written 133234  
application. The protective services may be provided if the case 133235  
record documents circumstances of actual or potential abuse, 133236  
neglect, or exploitation. 133237

**Section 307.140. FAMILY AND CHILDREN ACTIVITIES** 133238

The foregoing appropriation item 600609, Family and Children 133239  
Activities, shall be used to expend miscellaneous foundation funds 133240  
and grants to support family and children services activities. 133241

**Section 307.150.** ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 133242

Notwithstanding section 5101.073 of the Revised Code, the 133243  
ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also 133244  
consist of earned federal revenue the final disposition of which 133245  
is unknown. 133246

**Section 307.160.** ADOPTION ASSISTANCE LOAN 133247

The Department of Job and Family Services may use the State 133248  
Adoption Assistance Loan Fund (Fund 5DP0) for the administration 133249  
of adoption assistance loans pursuant to section 3107.018 of the 133250  
Revised Code. The amounts of any adoption assistance loans are 133251  
hereby appropriated. 133252

**Section 307.170.** EARLY CHILDHOOD EDUCATION 133253

The Director of Job and Family Services shall ensure, for 133254  
licensed child care programs that are rated in the quality rating 133255  
and improvement system, that reimbursement rates for each rating 133256  
tier are not lower than the reimbursement rates for each 133257  
corresponding rating tier that were in effect on December 31, 133258  
2016. 133259

**Section 307.180.** CASH TRANSFER FROM THE UNEMPLOYMENT 133260  
INSURANCE SUPPORT - OTHER SOURCES FUND TO THE UNEMPLOYMENT 133261  
COMPENSATION ADMINISTRATION FUND 133262

On July 1, 2017, or as soon as possible thereafter, the 133263  
Director of Job and Family Services shall certify to the Director 133264  
of Budget and Management the cash balance of the Unemployment 133265  
Insurance Support - Other Sources Fund (Fund 5KU0). Upon 133266  
certification, the Director of Budget and Management may transfer 133267  
the amount certified to the Unemployment Compensation 133268  
Administration Fund (Fund 4A90). 133269

**Section 307.190.** VICTIMS OF HUMAN TRAFFICKING 133270

The foregoing appropriation item 600660, Victims of Human 133271  
Trafficking, shall be used to provide treatment, care, 133272  
rehabilitation, education, housing, and assistance for victims of 133273  
trafficking in persons as specified in section 5101.87 of the 133274  
Revised Code. If receipts credited to the Victims of Human 133275  
Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to 133276  
the fund, the Director of Job and Family Services may request the 133277  
Director of Budget and Management to authorize expenditures from 133278  
the fund in excess of the amounts appropriated. Upon the approval 133279  
of the Director of Budget and Management, the additional amounts 133280  
are hereby appropriated. 133281

**Section 307.193.** CHILDREN'S CRISIS CARE 133282

The foregoing appropriation item 600674, Children's Crisis 133283  
Care, shall be used in accordance with division (G)(4) of Section 133284  
757.20 of this act. 133285

**Section 307.200.** FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 133286

The Fiduciary Fund Group and Holding Account Fund Group shall 133287  
be used to hold revenues until the appropriate fund is determined 133288  
or until the revenues are directed to the appropriate governmental 133289  
agency other than the Department of Job and Family Services. Any 133290  
Department of Job and Family Services refunds or reconciliations 133291  
received or held by the Department of Medicaid shall be 133292  
transferred or credited to the Refunds and Audit Settlement Fund 133293  
(Fund R012). If receipts credited to the Support Intercept - 133294  
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 133295  
5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and 133296  
Audit Settlements Fund (Fund R012), or the Forgery Collections 133297  
Fund (Fund R013) exceed the amounts appropriated from the fund, 133298  
the Director of Job and Family Services may request the Director 133299

of Budget and Management to authorize expenditures from the fund 133300  
in excess of the amounts appropriated. Upon the approval of the 133301  
Director of Budget and Management, the additional amounts are 133302  
hereby appropriated. 133303

**Section 307.210.** COMPREHENSIVE CASE MANAGEMENT AND EMPLOYMENT 133304  
PROGRAM 133305

During the period that begins July 1, 2017, and ends on the 133306  
effective date of the enactment by this act of section 5116.01 of 133307  
the Revised Code, the Comprehensive Case Management and Employment 133308  
Program created under Section 305.190 of Am. Sub. H.B. 64 of the 133309  
131st General Assembly shall continue in operation as enacted by 133310  
that act with the following modification: the minimum age for 133311  
participation in the program is reduced to fourteen. Beginning 133312  
with the effective date of section 5116.01 of the Revised Code, as 133313  
enacted by this act, the Comprehensive Case Management and 133314  
Employment Program shall begin operation in accordance with 133315  
Chapter 5116. of the Revised Code. 133316

**Section 307.230.** HEALTHIER BUCKEYE GRANT PILOT PROGRAM 133317

The Director of Job and Family Services shall permit 133318  
individuals and organizations receiving grant awards under the 133319  
Healthier Buckeye Grant Pilot Program established under Section 133320  
305.30 of Am. Sub. H.B. 64 of the 131st General Assembly to expend 133321  
those grant awards through December 31, 2017. 133322

**Section 307.240.** TRANSFER FROM THE UNEMPLOYMENT COMPENSATION 133323  
INTEREST CONTINGENCY FUND (FUND 5HC0) TO THE GENERAL REVENUE FUND 133324

On July 1, 2018, or as soon as possible thereafter, the 133325  
Director of Budget and Management shall transfer not less than 133326  
\$10,000,000 cash from the Unemployment Compensation Interest 133327  
Contingency Fund (Fund 5HC0) to the General Revenue Fund. If the 133328

unexpended, unencumbered cash balance in Fund 5HC0 is less than 133329  
\$10,000,000, the Director shall transfer the balance to the 133330  
General Revenue Fund. 133331

**Section 307.250.** TRANSFER FROM THE HEALTHIER BUCKEYE FUND 133332  
(FUND 5RC0) TO THE GENERAL REVENUE FUND 133333

On July 1, 2017, or as soon as possible thereafter, the 133334  
Director of Budget and Management shall transfer the unexpended, 133335  
unencumbered cash balance in the Healthier Buckeye Fund (Fund 133336  
5RC0) to the General Revenue Fund. 133337

**Section 309.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 133338  
General Revenue Fund 133339  
GRF 029321 Operating Expenses \$ 496,885 \$ 496,885 133340  
TOTAL GRF General Revenue Fund \$ 496,885 \$ 496,885 133341  
TOTAL ALL BUDGET FUND GROUPS \$ 496,885 \$ 496,885 133342

OPERATING GUIDANCE 133343

The Legislative Service Commission shall act as fiscal agent 133344  
for the Joint Committee on Agency Rule Review. Members of the 133345  
Committee shall be paid in accordance with section 101.35 of the 133346  
Revised Code. 133347

OPERATING EXPENSES 133348

On July 1, 2017, or as soon as possible thereafter, the 133349  
Executive Director of the Joint Committee on Agency Rule Review 133350  
may certify to the Director of Budget and Management an amount up 133351  
to the unexpended, unencumbered balance of the foregoing 133352  
appropriation item 029321, Operating Expenses, at the end of 133353  
fiscal year 2017 to be reappropriated to fiscal year 2018. The 133354  
amount certified is hereby reappropriated to the same 133355  
appropriation item for fiscal year 2018. 133356

On July 1, 2018, or as soon as possible thereafter, the 133357



Executive Director of the Joint Committee on Agency Rule Review 133358  
may certify to the Director of Budget and Management an amount up 133359  
to the unexpended, unencumbered balance of the foregoing 133360  
appropriation item 029321, Operating Expenses, at the end of 133361  
fiscal year 2018 to be reappropriated to fiscal year 2019. The 133362  
amount certified is hereby reappropriated to the same 133363  
appropriation item for fiscal year 2019. 133364

**Section 313.10.** JMO JOINT MEDICAID OVERSIGHT COMMITTEE 133365

General Revenue Fund 133366  
GRF 048321 Operating Expenses \$ 340,814 \$ 502,982 133367  
TOTAL GRF General Revenue Fund \$ 340,814 \$ 502,982 133368  
TOTAL ALL BUDGET FUND GROUPS \$ 340,814 \$ 502,982 133369

OPERATING EXPENSES 133370

The foregoing appropriation item 048321, Operating Expenses, 133371  
shall be used to support expenses related to the Joint Medicaid 133372  
Oversight Committee created by section 103.41 of the Revised Code. 133373

On July 1, 2017, or as soon as possible thereafter, the 133374  
Executive Director of the Joint Medicaid Oversight Committee may 133375  
certify to the Director of Budget and Management an amount up to 133376  
the unexpended, unencumbered balance of the foregoing 133377  
appropriation item 048321, Operating Expenses, at the end of 133378  
fiscal year 2017 to be reappropriated to fiscal year 2018. The 133379  
amount certified is hereby reappropriated to the same 133380  
appropriation item for fiscal year 2018. 133381

On July 1, 2018, or as soon as possible thereafter, the 133382  
Executive Director of the Joint Medicaid Oversight Committee may 133383  
certify to the Director of Budget and Management an amount up to 133384  
the unexpended, unencumbered balance of the foregoing 133385  
appropriation item 048321, Operating Expenses, at the end of 133386  
fiscal year 2018 to be reappropriated to fiscal year 2019. The 133387

amount certified is hereby reappropriated to the same 133388  
appropriation item for fiscal year 2019. 133389

The Legislative Service Commission shall act as fiscal agent 133390  
for the Joint Medicaid Oversight Committee. 133391

**Section 313.20. HEALTH COVERAGE STUDIES** 133392

(A) The Joint Medicaid Oversight Committee shall conduct a 133393  
study to determine the feasibility of simultaneously implementing 133394  
both of the following in this state: 133395

(1) A plan that is similar to the Healthy Indiana Plan 133396  
established under the laws of the state of Indiana; 133397

(2) A high-risk pool that provides health coverage to 133398  
uninsured residents of this state. 133399

(B) The Committee shall prepare a report of its findings from 133400  
the study. Not later than one year after the effective date of 133401  
this section, the Committee shall submit a copy of its report to 133402  
the Governor and, in accordance with section 101.68 of the Revised 133403  
Code, the General Assembly. 133404

**Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO** 133405

General Revenue Fund 133406

GRF 018321	Operating Expenses	\$	718,463	\$	715,163	133407
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TOTAL GRF	General Revenue Fund	\$	718,463	\$	715,163	133408
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Dedicated Purpose Fund Group 133409

4030 018601	Ohio Jury	\$	408,282	\$	431,346	133410
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Instructions

TOTAL DPF	Dedicated Purpose Fund	\$	408,282	\$	431,346	133411
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	1,126,745	\$	1,146,509	133412
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STATE COUNCIL OF UNIFORM STATE LAWS 133413

Notwithstanding section 105.26 of the Revised Code, of the 133414  
foregoing appropriation item 018321, Operating Expenses, up to 133415  
\$88,500 in fiscal year 2018 and up to \$91,832 in fiscal year 2019 133416  
shall be used to pay the expenses of the State Council of Uniform 133417  
State Laws, including membership dues to the National Conference 133418  
of Commissioners on Uniform State Laws. 133419

OHIO JURY INSTRUCTIONS FUND 133420

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 133421  
grants, royalties, dues, conference fees, bequests, devises, and 133422  
other gifts received for the purpose of supporting costs incurred 133423  
by the Judicial Conference of Ohio in its activities as a part of 133424  
the judicial system of the state as determined by the Judicial 133425  
Conference Executive Committee. Fund 4030 shall be used by the 133426  
Judicial Conference of Ohio to pay expenses incurred in its 133427  
activities as a part of the judicial system of the state as 133428  
determined by the Judicial Conference Executive Committee. Any 133429  
receipts credited to Fund 4030 in excess of the amount originally 133430  
appropriated from the fund are hereby appropriated for the 133431  
purposes authorized. No money in Fund 4030 shall be transferred to 133432  
any other fund by the Director of Budget and Management or the 133433  
Controlling Board. 133434

**Section 317.10.** JSC THE JUDICIARY/SUPREME COURT 133435

General Revenue Fund 133436

GRF	005321	Operating Expenses -	\$	161,228,513	\$	169,614,282	133437
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Judiciary/Supreme  
Court

GRF	005406	Law-Related Education	\$	166,172	\$	166,172	133438
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GRF	005409	Ohio Courts	\$	3,350,000	\$	3,350,000	133439
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Technology Initiative

TOTAL GRF	General Revenue Fund	\$	164,744,685	\$	173,130,454	133440
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Dedicated Purpose Fund Group 133441

4C80	005605	Attorney Services	\$	8,166,646	\$	8,122,279	133442
5HT0	005617	Court Interpreter Certification	\$	8,670	\$	9,537	133443
5SP0	005626	Civil Justice Grant Program	\$	350,000	\$	350,000	133444
5T80	005609	Grants and Awards	\$	6,000	\$	6,000	133445
6720	005601	Continuing Judicial Education	\$	100,000	\$	100,000	133446
6A80	005606	Supreme Court Admissions	\$	1,457,461	\$	1,477,098	133447
TOTAL DPF	Dedicated Purpose Fund Group		\$	10,088,777	\$	10,064,914	133448
Fiduciary Fund Group							133449
5JY0	005620	County Law Library Resources Boards	\$	357,500	\$	357,500	133450
TOTAL FID	Fiduciary Fund Group		\$	357,500	\$	357,500	133451
Federal Fund Group							133452
3J00	005603	Federal Grants	\$	1,705,708	\$	1,528,315	133453
TOTAL FED	Federal Fund Group		\$	1,705,708	\$	1,528,315	133454
TOTAL ALL BUDGET FUND GROUPS			\$	176,896,670	\$	185,081,183	133455

**Section 317.20. LAW-RELATED EDUCATION** 133457

The foregoing appropriation item 005406, Law-Related 133458  
Education, shall be distributed directly to the Ohio Center for 133459  
Law-Related Education for the purposes of providing continuing 133460  
citizenship education activities to primary and secondary 133461  
students, expanding delinquency prevention programs, increasing 133462  
activities for at-risk youth, and accessing additional public and 133463  
private money for new programs. 133464

**OHIO COURTS TECHNOLOGY INITIATIVE** 133465

The foregoing appropriation item 005409, Ohio Courts 133466  
Technology Initiative, shall be used to fund an initiative by the 133467

Supreme Court to facilitate the exchange of information and 133468  
warehousing of data by and between Ohio courts and other justice 133469  
system partners through the creation of an Ohio Courts Network, 133470  
the delivery of technology services to courts throughout the 133471  
state, including the provision of hardware, software, and the 133472  
development and implementation of educational and training 133473  
programs for judges and court personnel, and operation of the 133474  
Commission on Technology and the Courts by the Supreme Court for 133475  
the promulgation of statewide rules, policies, and uniform 133476  
standards, and to aid in the orderly adoption and comprehensive 133477  
use of technology in Ohio courts. 133478

ATTORNEY SERVICES 133479

The Attorney Services Fund (Fund 4C80) shall consist of money 133480  
received by the Supreme Court (The Judiciary) pursuant to the 133481  
Rules for the Government of the Bar of Ohio. In addition to 133482  
funding other activities considered appropriate by the Supreme 133483  
Court, the foregoing appropriation item 005605, Attorney Services, 133484  
may be used to compensate employees and to fund appropriate 133485  
activities of the following offices established by the Supreme 133486  
Court: the Office of Disciplinary Counsel, the Board of 133487  
Commissioners on Grievances and Discipline, the Clients' Security 133488  
Fund, and the Attorney Services Division. If it is determined by 133489  
the Administrative Director of the Supreme Court that additional 133490  
appropriations are necessary, the amounts are hereby appropriated. 133491

No money in Fund 4C80 shall be transferred to any other fund 133492  
by the Director of Budget and Management or the Controlling Board. 133493  
Interest earned on money in Fund 4C80 shall be credited to the 133494  
fund. 133495

COURT INTERPRETER CERTIFICATION 133496

The Court Interpreter Certification Fund (Fund 5HT0) shall 133497  
consist of money received by the Supreme Court (The Judiciary) 133498

pursuant to Rules 80 through 87 of the Rules of Superintendence 133499  
for the Courts of Ohio. The foregoing appropriation item 005617, 133500  
Court Interpreter Certification, shall be used to provide 133501  
training, to provide the written examination, and to pay language 133502  
experts to rate, or grade, the oral examinations of those applying 133503  
to become certified court interpreters. If it is determined by the 133504  
Administrative Director that additional appropriations are 133505  
necessary, the amounts are hereby appropriated. 133506

No money in Fund 5HT0 shall be transferred to any other fund 133507  
by the Director of Budget and Management or the Controlling Board. 133508  
Interest earned on money in Fund 5HT0 shall be credited to the 133509  
fund. 133510

CIVIL JUSTICE PROGRAM 133511

The Civil Justice Program Fund (Fund 5SP0) shall consist of 133512  
(1) \$50 voluntary donations made as part of the biennium attorney 133513  
registration process and (2) \$150 increase in the *pro hac vice* 133514  
fees for out-of-state attorneys pursuant to Government of the Bar 133515  
Rule amendments. The foregoing appropriation item 005626, Civil 133516  
Justice Program, shall be used by the Supreme Court of Ohio for 133517  
grants to not-for-profit organizations and agencies dedicated to 133518  
providing civil legal aid to underserved populations, to fund 133519  
innovative programs directed at this purpose, and to increase 133520  
access to judicial service to that population. 133521

No money in Fund 5SP0 shall be transferred to any other fund 133522  
by the Director of Budget and Management or the Controlling Board. 133523  
Interest earned on money in Fund 5SP0 shall be credited to the 133524  
fund. 133525

GRANTS AND AWARDS 133526

The Grants and Awards Fund (Fund 5T80) shall consist of 133527  
grants and other money awarded to the Supreme Court (The 133528  
Judiciary) by the State Justice Institute, the Division of 133529

Criminal Justice Services, or other entities. The foregoing 133530  
appropriation item 005609, Grants and Awards, shall be used in a 133531  
manner consistent with the purpose of the grant or award. If it is 133532  
determined by the Administrative Director of the Supreme Court 133533  
that additional appropriations are necessary, the amounts are 133534  
hereby appropriated. 133535

No money in Fund 5T80 shall be transferred to any other fund 133536  
by the Director of Budget and Management or the Controlling Board. 133537  
Interest earned on money in Fund 5T80 shall be credited or 133538  
transferred to the General Revenue Fund. 133539

JUDICIARY/SUPREME COURT EDUCATION 133540

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 133541  
consist of fees paid for attending judicial and public education 133542  
on the law, reimbursement of costs for judicial and public 133543  
education on the law, and other gifts and grants received for the 133544  
purpose of judicial and public education on the law. The foregoing 133545  
appropriation item 005601, Judiciary/Supreme Court Education, 133546  
shall be used to pay expenses for judicial education courses for 133547  
judges, court personnel, and those who serve the courts, and for 133548  
public education on the law. If it is determined by the 133549  
Administrative Director of the Supreme Court that additional 133550  
appropriations are necessary, the amounts are hereby appropriated. 133551

No money in Fund 6720 shall be transferred to any other fund 133552  
by the Director of Budget and Management or the Controlling Board. 133553  
Interest earned on money in Fund 6720 shall be credited to the 133554  
fund. 133555

SUPREME COURT ADMISSIONS 133556

The foregoing appropriation item 005606, Supreme Court 133557  
Admissions, shall be used to compensate Supreme Court employees 133558  
who are primarily responsible for administering the attorney 133559  
admissions program under the Rules for the Government of the Bar 133560

of Ohio, and to fund any other activities considered appropriate 133561  
by the court. Moneys shall be deposited into the Supreme Court 133562  
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 133563  
Government of the Bar of Ohio. If it is determined by the 133564  
Administrative Director of the Supreme Court that additional 133565  
appropriations are necessary, the amounts are hereby appropriated. 133566

No money in Fund 6A80 shall be transferred to any other fund 133567  
by the Director of Budget and Management or the Controlling Board. 133568  
Interest earned on money in Fund 6A80 shall be credited to the 133569  
fund. 133570

COUNTY LAW LIBRARY RESOURCES BOARD 133571

The Statewide Consortium of County Law Library Resources 133572  
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 133573  
to section 307.515 of the Revised Code into a county's law library 133574  
resources fund and forwarded by that county's treasurer for 133575  
deposit in the state treasury pursuant to division (E)(1) of 133576  
section 3375.481 of the Revised Code. The foregoing appropriation 133577  
item 005620, County Law Library Resources Board, shall be used for 133578  
the operation of the Statewide Consortium of County Law Library 133579  
Resources Boards. If it is determined by the Administrative 133580  
Director of the Supreme Court that additional appropriations are 133581  
necessary, the amounts are hereby appropriated. 133582

No money in Fund 5JY0 shall be transferred to any other fund 133583  
by the Director of Budget and Management or the Controlling Board. 133584  
Interest earned on money in Fund 5JY0 shall be credited to the 133585  
fund. 133586

FEDERAL GRANTS 133587

The Federal Grants Fund (Fund 3J00) shall consist of grants 133588  
and other moneys awarded to the Supreme Court (The Judiciary) by 133589  
the United States Government or other entities that receive the 133590  
moneys directly from the United States Government and distribute 133591



those moneys to the Supreme Court (The Judiciary). The foregoing 133592  
 appropriation item 005603, Federal Grants, shall be used in a 133593  
 manner consistent with the purpose of the grant or award. If it is 133594  
 determined by the Administrative Director of the Supreme Court 133595  
 that additional appropriations are necessary, the amounts are 133596  
 hereby appropriated. 133597

No money in Fund 3J00 shall be transferred to any other fund 133598  
 by the Director of Budget and Management or the Controlling Board. 133599  
 However, interest earned on money in Fund 3J00 shall be credited 133600  
 or transferred to the General Revenue Fund. 133601

**Section 319.10.** LEC LAKE ERIE COMMISSION 133602

Dedicated Purpose Fund Group					133603
4C00 780601 Lake Erie Protection	\$	568,000	\$	571,000	133604
TOTAL DPF Dedicated Purpose					133605
Fund Group	\$	568,000	\$	571,000	133606
TOTAL ALL BUDGET FUND GROUPS	\$	568,000	\$	571,000	133607

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 133608

On July 1 of each fiscal year, or as soon as possible 133609  
 thereafter, the Director of Budget and Management may transfer 133610  
 cash from the funds specified below, up to the amounts specified 133611  
 below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may 133612  
 accept contributions and transfers made to the fund. 133613

Fund	Fund Name	User	FY 2018	FY 2019	
5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000	133615
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000	133616
4700	General Operations	Department of Health	\$25,000	\$25,000	133617
1570	Central Support	Department of	\$25,000	\$25,000	133618

Indirect Natural Resources

On July 1, 2017, or as soon as possible thereafter, the 133619  
Director of Budget and Management may transfer \$25,000 cash from a 133620  
fund used by the Development Services Agency, as specified by the 133621  
Director of Development Services, to Fund 4C00. 133622

On July 1, 2018, or as soon as possible thereafter, the 133623  
Director of Budget and Management may transfer \$25,000 cash from a 133624  
fund used by the Development Services Agency, as specified by the 133625  
Director of Development Services, to Fund 4C00. 133626

TRANSFER CASH FROM AND ABOLISH THE LAKE ERIE RESOURCES FUND 133627

On July 1, 2017, or as soon as possible thereafter, the 133628  
Director of Environmental Protection shall certify to the Director 133629  
of Budget and Management the cash balance in the Lake Erie 133630  
Resources Fund (Fund 5D80). The Director of Budget and Management 133631  
may transfer the certified cash amount from Fund 5D80 to the Lake 133632  
Erie Protection Fund (Fund 4C00). Upon completion of the transfer, 133633  
the Director of Budget and Management shall cancel any existing 133634  
encumbrances against appropriation item 780602, Lake Erie 133635  
Resources, and reestablish them against appropriation item 780601, 133636  
Lake Erie Protection. The reestablished encumbrance amounts are 133637  
hereby appropriated and Fund 5D80 is abolished. 133638

**Section 321.10.** JLE JOINT LEGISLATIVE ETHICS COMMITTEE 133639

General Revenue Fund 133640

GRF 028321 Legislative Ethics \$ 550,000 \$ 550,000 133641  
Committee

TOTAL GRF General Revenue Fund \$ 550,000 \$ 550,000 133642

Dedicated Purpose Fund Group 133643

4G70 028601 Joint Legislative \$ 150,000 \$ 150,000 133644  
Ethics Committee

5HNO 028602 Investigations and \$ 10,000 \$ 10,000 133645

Financial Disclosure

TOTAL DPF Dedicated Purpose Fund	\$	160,000	\$	160,000	133646
Group					

TOTAL ALL BUDGET FUND GROUPS	\$	710,000	\$	710,000	133647
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LEGISLATIVE ETHICS COMMITTEE 133648

On July 1, 2017, or as soon as possible thereafter, the 133649  
Legislative Inspector General of the Joint Legislative Ethics 133650  
Committee may certify to the Director of Budget and Management an 133651  
amount up to the unexpended, unencumbered balance of the foregoing 133652  
appropriation item 028321, Legislative Ethics Committee, at the 133653  
end of fiscal year 2017 to be reappropriated to fiscal year 2018. 133654  
The amount certified is hereby reappropriated to the same 133655  
appropriation item for fiscal year 2018. 133656

On July 1, 2018, or as soon as possible thereafter, the 133657  
Legislative Inspector General of the Joint Legislative Ethics 133658  
Committee may certify to the Director of Budget and Management an 133659  
amount up to the unexpended, unencumbered balance of the foregoing 133660  
appropriation item 028321, Legislative Ethics Committee, at the 133661  
end of fiscal year 2018 to be reappropriated to fiscal year 2019. 133662  
The amount certified is hereby reappropriated to the same 133663  
appropriation item for fiscal year 2019. 133664

**Section 323.10.** LSC LEGISLATIVE SERVICE COMMISSION 133665

General Revenue Fund 133666

GRF 035321	Operating Expenses	\$	16,830,000	\$	16,830,000	133667
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GRF 035402	Legislative Fellows	\$	1,022,120	\$	1,022,120	133668
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GRF 035405	Correctional	\$	447,020	\$	447,020	133669
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Institution Inspection  
Committee

GRF 035407	Legislative Task Force	\$	400,000	\$	0	133670
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on Redistricting

GRF 035409	National Associations	\$	450,000	\$	450,000	133671
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GRF 035410	Legislative	\$	8,569,500	\$	8,569,500	133672
	Information Systems					
TOTAL GRF	General Revenue Fund	\$	27,718,640	\$	27,318,640	133673
	Dedicated Purpose Fund Group					133674
4100 035601	Sale of Publications	\$	10,000	\$	10,000	133675
TOTAL DPF	Dedicated Purpose Fund	\$	10,000	\$	10,000	133676
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	27,728,640	\$	27,328,640	133677

**Section 323.20. OPERATING EXPENSES** 133679

On July 1, 2017, or as soon as possible thereafter, the 133680  
 Director of the Legislative Service Commission may certify to the 133681  
 Director of Budget and Management an amount up to the unexpended, 133682  
 unencumbered balance of the foregoing appropriation item 035321, 133683  
 Operating Expenses, at the end of fiscal year 2017 to be 133684  
 reappropriated to fiscal year 2018. The amount certified is hereby 133685  
 reappropriated to the same appropriation item for fiscal year 133686  
 2018. 133687

On July 1, 2018, or as soon as possible thereafter, the 133688  
 Director of the Legislative Service Commission may certify to the 133689  
 Director of Budget and Management an amount up to the unexpended, 133690  
 unencumbered balance of the foregoing appropriation item 035321, 133691  
 Operating Expenses, at the end of fiscal year 2018 to be 133692  
 reappropriated to fiscal year 2019. The amount certified is hereby 133693  
 reappropriated to the same appropriation item for fiscal year 133694  
 2019. 133695

**LEGISLATIVE TASK FORCE ON REDISTRICTING** 133696

An amount equal to the unexpended, unencumbered balance of 133697  
 the foregoing appropriation item 035407, Legislative Task Force on 133698  
 Redistricting, at the end of fiscal year 2017 is hereby 133699  
 reappropriated to the Legislative Service Commission for the same 133700  
 purpose for fiscal year 2018. 133701

An amount equal to the unexpended, unencumbered balance of 133702  
the foregoing appropriation item 035407, Legislative Task Force on 133703  
Redistricting, at the end of fiscal year 2018 is hereby 133704  
reappropriated to the Legislative Service Commission for the same 133705  
purpose for fiscal year 2019. 133706

LEGISLATIVE INFORMATION SYSTEMS 133707

On July 1, 2017, or as soon as possible thereafter, the 133708  
Director of the Legislative Service Commission may certify to the 133709  
Director of Budget and Management an amount up to the unexpended, 133710  
unencumbered balance of the foregoing appropriation item 035410, 133711  
Legislative Information Systems, at the end of fiscal year 2017 to 133712  
be reappropriated to fiscal year 2018. The amount certified is 133713  
hereby reappropriated to the same appropriation item for fiscal 133714  
year 2018. 133715

On July 1, 2018, or as soon as possible thereafter, the 133716  
Director of the Legislative Service Commission may certify to the 133717  
Director of Budget and Management an amount up to the unexpended, 133718  
unencumbered balance of the foregoing appropriation item 035410, 133719  
Legislative Information Systems, at the end of fiscal year 2018 to 133720  
be reappropriated to fiscal year 2019. The amount certified is 133721  
hereby reappropriated to the same appropriation item for fiscal 133722  
year 2019. 133723

LITIGATION 133724

The foregoing appropriation item 035501, Litigation, shall be 133725  
used for any lawsuit in which the General Assembly is a party 133726  
because a legal or constitutional challenge is made against the 133727  
Ohio Constitution or an act of the General Assembly. The 133728  
chairperson and vice-chairperson of the Legislative Service 133729  
Commission shall both approve the use of the appropriated moneys. 133730

An amount equal to the unexpended, unencumbered balance of 133731  
the foregoing appropriation item 035501, Litigation, at the end of 133732

fiscal year 2017 is hereby reappropriated to the Legislative 133733  
Service Commission for the same purpose for fiscal year 2018. 133734

An amount equal to the unexpended, unencumbered balance of 133735  
the foregoing appropriation item 035501, Litigation, at the end of 133736  
fiscal year 2018 is hereby reappropriated to the Legislative 133737  
Service Commission for the same purpose for fiscal year 2019. 133738

**Section 325.10. LIB STATE LIBRARY BOARD** 133739

General Revenue Fund 133740

GRF 350321 Operating Expenses \$ 4,500,000 \$ 4,500,000 133741

GRF 350401 Ohioana Library \$ 295,114 \$ 300,114 133742  
Association

GRF 350502 Regional Library \$ 500,000 \$ 500,000 133743  
Systems

TOTAL GRF General Revenue Fund \$ 5,295,114 \$ 5,300,114 133744

Dedicated Purpose Fund Group 133745

4590 350603 Services for \$ 4,190,834 \$ 4,190,834 133746  
Libraries

4S40 350604 Ohio Public Library \$ 5,689,788 \$ 5,689,788 133747  
Information Network

5GB0 350605 Library for the Blind \$ 1,274,194 \$ 1,274,194 133748

TOTAL DPF Dedicated Purpose 133749

Fund Group \$ 11,154,816 \$ 11,154,816 133750

Internal Service Activity Fund 133751

1390 350602 Services for State \$ 8,000 \$ 8,000 133752  
Agencies

TOTAL ISA Internal Service Activity 133753

Fund Group \$ 8,000 \$ 8,000 133754

Federal Fund Group 133755

3130 350601 LSTA Federal \$ 5,350,000 \$ 5,350,000 133756

TOTAL FED Federal Fund Group \$ 5,350,000 \$ 5,350,000 133757



Leader of the House of Representatives, and the President and 133789  
Minority Leader of the Senate on any steps being taken by OPLIN 133790  
and public libraries in the state to limit and control such 133791  
improper usage as well as information on technological, legal, and 133792  
law enforcement trends nationally and internationally affecting 133793  
this area of public access and service. 133794

(C) The Ohio Public Library Information Network, INFOhio, and 133795  
OhioLINK shall, to the extent feasible, coordinate and cooperate 133796  
in their purchase or other acquisition of the use of electronic 133797  
databases for their respective users and shall contribute funds in 133798  
an equitable manner to such effort. 133799

LIBRARY FOR THE BLIND 133800

The foregoing appropriation item 350605, Library for the 133801  
Blind, shall be used for the statewide Talking Book Program to 133802  
assist the blind and disabled. 133803

TRANSFER TO OPLIN TECHNOLOGY FUND 133804

Notwithstanding sections 5747.03 and 5747.47 of the Revised 133805  
Code and any other provision of law to the contrary, in accordance 133806  
with a schedule established by the Director of Budget and 133807  
Management, the Director of Budget and Management shall transfer 133808  
\$3,689,788 cash in each fiscal year from the Public Library Fund 133809  
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 133810

TRANSFER TO LIBRARY FOR THE BLIND FUND 133811

Notwithstanding sections 5747.03 and 5747.47 of the Revised 133812  
Code and any other provision of law to the contrary, in accordance 133813  
with a schedule established by the Director of Budget and 133814  
Management, the Director of Budget and Management shall transfer 133815  
\$1,274,194 cash in each fiscal year from the Public Library Fund 133816  
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 133817

**Section 327.10.** LCO LIQUOR CONTROL COMMISSION 133818



Dedicated Purpose Fund Group				133819
5LP0 970601 Commission Operating	\$	844,553	\$ 851,269	133820
Expenses				
TOTAL DPF Dedicated Purpose Fund	\$	844,553	\$ 851,269	133821
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	844,553	\$ 851,269	133822

**Section 329.10.** LOT STATE LOTTERY COMMISSION 133824

State Lottery Fund Group				133825
7044 950321 Operating Expenses	\$	50,000,000	\$ 50,000,000	133826
7044 950402 Advertising Contracts	\$	25,800,000	\$ 25,800,000	133827
7044 950403 Gaming Contracts	\$	68,258,704	\$ 68,917,884	133828
7044 950601 Direct Prize Payments	\$	142,307,278	\$ 142,949,268	133829
7044 950605 Problem Gambling	\$	3,300,000	\$ 3,300,000	133830
8710 950602 Annuity Prizes	\$	81,000,000	\$ 81,000,000	133831
TOTAL SLF State Lottery Fund				133832
Group	\$	370,665,982	\$ 371,967,152	133833
TOTAL ALL BUDGET FUND GROUPS	\$	370,665,982	\$ 371,967,152	133834

OPERATING EXPENSES 133835

Notwithstanding sections 127.14 and 131.35 of the Revised 133836  
Code, the Controlling Board may, at the request of the State 133837  
Lottery Commission, authorize expenditures from the State Lottery 133838  
Fund in excess of the amounts appropriated, up to a maximum of 10 133839  
per cent of anticipated total revenue accruing from the sale of 133840  
lottery products. Upon the approval of the Controlling Board, the 133841  
additional amounts are hereby appropriated. 133842

DIRECT PRIZE PAYMENTS 133843

Any amounts, in addition to the amounts appropriated in 133844  
appropriation item 950601, Direct Prize Payments, that the 133845  
Director of the State Lottery Commission determines to be 133846  
necessary to fund prizes are hereby appropriated. 133847

ANNUITY PRIZES				133848
Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.				133849 133850 133851 133852 133853 133854 133855
Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest earnings are hereby appropriated.				133856 133857 133858 133859
TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND				133860
Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be \$1,092,060,000 in fiscal year 2018 and \$1,117,660,000 in fiscal year 2019. Transfers by the Director of Budget and Management to the Lottery Profits Education Fund shall be administered as the statutes direct.				133861 133862 133863 133864 133865 133866
<b>Section 331.10. MHC MANUFACTURED HOMES COMMISSION</b>				133867
Dedicated Purpose Fund Group				133868
4K90 996609 Operating Expenses	\$	227,165	\$	0 133869
5MC0 996610 Manufactured Homes Regulation	\$	460,212	\$	0 133870
TOTAL DPF Dedicated Purpose Fund Group	\$	687,377	\$	0 133871
TOTAL ALL BUDGET FUND GROUPS	\$	687,377	\$	0 133872
<b>Section 333.10. MCD DEPARTMENT OF MEDICAID</b>				133874
General Revenue Fund				133875

GRF	651425	Medicaid Program Support - State	\$ 176,312,968	\$ 178,754,197	133876
GRF	651525	Medicaid Health Care Services State	\$3,741,867,966	\$ 3,905,093,214	133877 133878
		Federal	\$8,866,173,162	\$ 9,251,578,717	133879
		Medicaid Health Care Services Total	\$2,608,041,128	\$13,156,671,931	133880
GRF	651526	Medicare Part D	\$ 440,611,628	\$ 479,694,803	133881
TOTAL GRF		General Revenue Fund			133882
		State	\$4,358,792,562	\$ 4,563,542,214	133883
		Federal	\$8,866,173,162	\$ 9,251,578,717	133884
		GRF Total	\$3,224,965,724	\$13,815,120,931	133885
		Dedicated Purpose Fund Group			133886
4E30	651605	Resident Protection Fund	\$ 4,878,000	\$ 4,878,000	133887
5AJ0	651631	Money Follows the Person	\$ 12,760,900	\$ 12,373,500	133888
5DL0	651639	Medicaid Services - Recoveries	\$ 774,381,570	\$ 722,709,203	133889
5DL0	651685	Medicaid Recoveries - Program Support	\$ 36,146,571	\$ 41,328,516	133890
5FX0	651638	Medicaid Services - Payment Withholding	\$ 12,000,000	\$ 12,000,000	133891
5GF0	651656	Medicaid Services - Hospital Upper Payment Limit	\$ 619,104,791	\$ 647,635,236	133892
5KC0	651682	Health Care Grants - State	\$ 5,000,000	\$ 5,000,000	133893
5R20	651608	Medicaid Services - Long Term	\$ 405,666,000	\$ 405,666,000	133894
5SC0	651683	Medicaid Services - Physician UPL	\$ 15,000,000	\$ 15,000,000	133895

5TN0	651684	Medicaid Services - HIC Fee	\$	593,195,389	\$	660,893,005	133896
5TZ0	651600	Brigid's Path Program	\$	500,000	\$	500,000	133897
6510	651649	Medicaid Services - Hospital Care Assurance Program	\$	238,057,429	\$	199,250,372	133898
TOTAL DPF	Dedicated Purpose Fund Group		\$	2,716,690,650	\$	2,727,233,832	133899
Holding Account Fund Group							133900
R055	651644	Refunds and Reconciliations	\$	1,000,000	\$	1,000,000	133901
TOTAL HLD	Holding Account Fund Group		\$	1,000,000	\$	1,000,000	133902
Federal Fund Group							133903
3ER0	651603	Medicaid Health and Transformation Technology	\$	61,896,000	\$	61,896,000	133904
3F00	651623	Medicaid Services - Federal	\$	2,390,806,106	\$	2,577,826,559	133905
3F00	651624	Medicaid Program Support - Federal	\$	607,899,720	\$	682,203,750	133906
3FA0	651680	Health Care Grants - Federal	\$	38,658,704	\$	38,664,967	133907
3G50	651655	Medicaid Interagency Pass Through	\$	125,651,597	\$	125,701,597	133908
TOTAL FED	Federal Fund Group		\$	3,224,912,127	\$	3,486,292,873	133909
TOTAL ALL	BUDGET FUND GROUPS		\$	19,167,568,501	\$	20,029,647,636	133910

**Section 333.20.** TEMPORARY AUTHORITY REGARDING EMPLOYEES 133912

(A) Until July 1, 2019, the Medicaid Director has the 133913  
authority to establish, change, and abolish positions for the 133914  
Department of Medicaid, and to assign, reassign, classify, 133915

reclassify, transfer, reduce, promote, or demote all employees of 133916  
the Department of Medicaid who are not subject to Chapter 4117. of 133917  
the Revised Code. 133918

(B) The authority granted under division (A) of this section 133919  
includes assigning or reassigning an exempt employee, as defined 133920  
in section 124.152 of the Revised Code, to a bargaining unit 133921  
classification if the Medicaid Director determines that the 133922  
bargaining unit classification is the proper classification for 133923  
that employee. The actions of the Medicaid Director shall be 133924  
consistent with the requirements of 5 C.F.R. 900.603 for those 133925  
employees subject to such requirements. If an employee in the E-1 133926  
pay range is to be assigned, reassigned, classified, reclassified, 133927  
transferred, reduced, or demoted to a position in a lower 133928  
classification under this section, the Medicaid Director, or in 133929  
the case of a transfer outside the Department of Medicaid, the 133930  
Director of Administrative Services, shall assign the employee to 133931  
the appropriate classification and place the employee in Step X. 133932  
The employee shall not receive any increase in compensation until 133933  
the maximum rate of pay for that classification exceeds the 133934  
employee's compensation. 133935

(C) Actions taken by the Medicaid Director and Director of 133936  
Administrative Services pursuant to this section are not subject 133937  
to appeal to the State Personnel Board of Review. 133938

(D) A portion of the foregoing appropriation items 651425, 133939  
Medicaid Program Support - State, 651603, Medicaid Health and 133940  
Transformation Technology, 651624, Medicaid Program Support - 133941  
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 133942  
Interagency Pass-Through, 651605, Resident Protection Fund, 133943  
651631, Money Follows the Person, 651682, Health Care Grants - 133944  
State, and 651654, Medicaid Program Support, may be used to pay 133945  
for costs associated with the administration of the Medicaid 133946  
program, including the assignment, reassignment, classification, 133947

reclassification, transfer, reduction, promotion, or demotion of 133948  
employees authorized by this section. 133949

**Section 333.30.** For fiscal years 2018 and 2019, the Director 133950  
of Budget and Management may transfer appropriation between 133951  
appropriation item 651425, Medicaid Program Support - State, and 133952  
appropriation item 655425, Medicaid Program Support. Any 133953  
appropriation so transferred shall be used to resolve funding 133954  
issues resulting from the transfer of medical assistance programs 133955  
from the Department of Job and Family Services to the Department 133956  
of Medicaid. 133957

**Section 333.33.** CASH TRANSFERS TO THE HEALTH AND HUMAN 133958  
SERVICES FUND 133959

On July 1, 2017, or as soon as possible thereafter, the 133960  
Director of Budget and Management shall transfer \$57,885,768 cash 133961  
from the General Revenue Fund to the Health and Human Services 133962  
Fund. 133963

Upon Controlling Board authorization of expenditures under 133964  
division (B) of the section of this act titled "HEALTH AND HUMAN 133965  
SERVICES FUND CONTINUED" during fiscal year 2018, the Director of 133966  
Budget and Management may transfer up to \$26,309,868 cash from the 133967  
Support and Recoveries Fund (Fund 5DL0), and up to \$196,226,296 133968  
cash from the HIC Class Franchise Fee Fund (Fund 5TN0) to the 133969  
Health and Human Services Fund. 133970

On July 1, 2018, or as soon as possible thereafter, the 133971  
Director of Budget and Management shall transfer \$68,661,704 cash 133972  
from the General Revenue Fund to the Health and Human Services 133973  
Fund. 133974

Upon Controlling Board authorization of expenditures under 133975  
division (B) of the section of this act titled "HEALTH AND HUMAN 133976  
SERVICES FUND CONTINUED" during fiscal year 2019, the Director of 133977

Budget and Management may transfer up to \$34,667,668 cash from the 133978  
Support and Recoveries Fund (Fund 5DL0), and up to \$226,841,369 133979  
cash from the HIC Class Franchise Fee Fund (Fund 5TN0) to the 133980  
Health and Human Services Fund. 133981

**Section 333.34. HEALTH AND HUMAN SERVICES FUND CONTINUED** 133982

(A) The Health and Human Services Fund created under Section 133983  
751.40 of Am. Sub. H.B. 64 of the 131st General Assembly shall 133984  
continue to exist during the 2018-2019 fiscal biennium. 133985

(B) Not more than once every six months during the 2018-2019 133986  
fiscal biennium, the Medicaid Director may request the Controlling 133987  
Board to authorize expenditure from the Health and Human Services 133988  
Fund in an amount necessary to pay for the costs of the Medicaid 133989  
program. The amount per request may not exceed the amount of such 133990  
costs for six months. The Controlling Board may authorize the 133991  
expenditure if both of the following requirements are met: 133992

(1) The United States Congress has not amended on or after 133993  
the effective date of this section the federal law governing the 133994  
federal medical assistance percentage in a manner that reduces the 133995  
percentage. 133996

(2) The Controlling Board is satisfied with both of the 133997  
following: 133998

(a) Any changes, other than a change described in division 133999  
(B)(1) of this section, made on or after the effective date of 134000  
this section by the United States Congress to federal law 134001  
governing health and human services issues; 134002

(b) The progress made by the executive branch of the 134003  
government of this state in all of the following: 134004

(i) Obtaining an innovative waiver regarding health insurance 134005  
coverage in this state as required by section 3901.052 of the 134006

Revised Code and subsequently implementing the waiver;	134007
(ii) Obtaining a federal Medicaid waiver for the Healthy Ohio Program established under section 5166.40 of the Revised Code and subsequently implementing the Program;	134008 134009 134010
(iii) Enforcing state law that requires health care providers to give cost estimates to patients before rendering health care services to the patients.	134011 134012 134013
<b>Section 333.40. MEDICAID HEALTH CARE SERVICES</b>	134014
The foregoing appropriation item 651525, Medicaid Health Care Services, shall not be limited by section 131.33 of the Revised Code.	134015 134016 134017
<b>Section 333.50. MANAGED CARE PERFORMANCE PAYMENT PROGRAM</b>	134018
At the beginning of each quarter, or as soon as possible thereafter, the Medicaid Director shall certify to the Director of Budget and Management the amount withheld in accordance with section 5167.30 of the Revised Code and this section for purposes of the Managed Care Performance Payment Program.	134019 134020 134021 134022 134023
Notwithstanding section 5167.30 of the Revised Code and for only fiscal year 2019, the sum of all withholdings from Medicaid managed care organizations' premium payments under division (B) of that section shall be three quarters of a per cent of the premium payments.	134024 134025 134026 134027 134028
<b>Section 333.53. MEDICAID MANAGED CARE QUALITY PAYMENT FUND</b>	134029
There is hereby created in the state treasury the Medicaid Managed Care Quality Payment Fund. The Department of Medicaid shall use money in the fund only to make performance payments under the Managed Care Performance Payment Program established under section 5167.30 of the Revised Code to Medicaid managed care	134030 134031 134032 134033 134034



organizations that meet the program's performance standards and 134035  
only if the unencumbered balance of the Managed Care Performance 134036  
Payment Fund created under section 5162.60 is zero at the time 134037  
such a performance payment is to be made. 134038

The Medicaid Managed Care Quality Payment Fund shall be 134039  
abolished July 1, 2019. When the fund is abolished, the Director 134040  
of Budget and Management may transfer the fund's unencumbered 134041  
balance to the General Revenue Fund or Budget Stabilization Fund. 134042

On July 1, 2017, or as soon as possible thereafter, the 134043  
Director of Budget and Management shall transfer \$20,000,000 cash 134044  
from the General Revenue Fund to the Medicaid Managed Care Quality 134045  
Payment Fund (Fund 5TX0). On July 1, 2018, or as soon as possible 134046  
thereafter, the Director of Budget and Management shall transfer 134047  
\$20,000,000 cash from the General Revenue Fund to Fund 5TX0. 134048

If the amount of quality payments earned by Medicaid managed 134049  
care organizations under section 5167.30 of the Revised Code 134050  
exceed \$103,500,000 in fiscal year 2018, and \$103,900,000 in 134051  
fiscal year 2019, the Medicaid Director may certify to the 134052  
Director of Budget and Management the amount of quality payments 134053  
earned that exceed this amount. Upon receipt of this 134054  
certification, the Director of Budget and Management shall 134055  
transfer the amount certified from the Medicaid Managed Care 134056  
Quality Payment Fund (Fund 5TX0) to the General Revenue Fund. The 134057  
amount certified, and its corresponding federal share, is hereby 134058  
appropriated to appropriation item 651525, Medicaid/Health Care 134059  
Services. 134060

**Section 333.60.** PERFORMANCE PAYMENTS FOR MEDICAID MANAGED 134061  
CARE 134062

(A) As used in this section: 134063

(1) "ICDS participant" has the same meaning as in section 134064

5164.01 of the Revised Code. 134065

(2) "Integrated Care Delivery System" and "ICDS" have the 134066  
same meaning as section 5164.01 of the Revised Code. 134067

(3) "Medicaid managed care organization" has the same meaning 134068  
as in section 5167.01 of the Revised Code. 134069

(B) For fiscal year 2018 and fiscal year 2019, the Department 134070  
of Medicaid shall provide performance payments as provided under 134071  
this section to Medicaid managed care organizations providing care 134072  
under the Integrated Care Delivery System. 134073

(C) If ICDS participants receive care through Medicaid 134074  
managed care organizations under ICDS, the Department shall, in 134075  
consultation with the United States Centers for Medicare and 134076  
Medicaid Services, do both of the following: 134077

(1) Develop quality measures designed specifically to 134078  
determine the effectiveness of the health care and other services 134079  
provided to ICDS participants by Medicaid managed care 134080  
organizations; 134081

(2) Determine an amount to be withheld from the Medicaid 134082  
premium payments paid to Medicaid managed care organizations for 134083  
ICDS participants. 134084

(D)(1) For the purposes of division (C)(2) of this section, 134085  
the Department shall establish an amount that is to be withheld 134086  
each time a premium payment is made to a Medicaid managed care 134087  
organization for an ICDS participant. The amount shall be 134088  
established as a percentage of each premium payment. The 134089  
percentage shall be the same for all Medicaid managed care 134090  
organizations providing care to ICDS participants. 134091

(2) Each Medicaid managed care organization shall agree to 134092  
the withholding as a condition of receiving or maintaining its 134093  
Medicaid provider agreement with the Department. 134094

(3) When the amount is established and each time the amount is modified thereafter, the Department shall certify the amount to the Director of Budget and Management and begin withholding the amount from each premium the Department pays to a Medicaid managed care organization for an ICDS participant.

(E) A Medicaid managed care organization subject to this section is not subject to section 5167.30 of the Revised Code for premium payments attributed to ICDS participants during fiscal year 2018 and fiscal year 2019.

**Section 333.63. BRIGID'S PATH PILOT**

The foregoing appropriation item 651600, Brigid's Path Pilot, shall be used in accordance with division (G)(5) of Section 757.20 of this act.

**Section 333.70. HOSPITAL FRANCHISE FEE PROGRAM**

The Director of Budget and Management may authorize additional expenditures from appropriation item 651623, Medicaid Services - Federal, appropriation item 651525, Medicaid Health Care Services, and appropriation item 651656, Medicaid Services - Hospital/UPL, in order to implement the programs authorized by sections 5168.20 through 5168.28 of the Revised Code. Any amounts authorized are hereby appropriated.

**Section 333.80. MEDICARE PART D**

The foregoing appropriation item 651526, Medicare Part D, may be used by the Department of Medicaid for the implementation and operation of the Medicare Part D requirements contained in the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon the request of the Department of Medicaid, the Director of Budget and Management may transfer the state share of appropriations between appropriation

item 651525, Medicaid Health Care Services, and appropriation item 134124  
651526, Medicare Part D. If the state share of appropriation item 134125  
651525, Medicaid Health Care Services, is adjusted, the Director 134126  
of Budget and Management shall adjust the federal share 134127  
accordingly. The Department of Medicaid shall provide notification 134128  
to the Controlling Board of any transfers at the next scheduled 134129  
Controlling Board meeting. 134130

**Section 333.90. HEALTH CARE SERVICES SUPPORT AND RECOVERIES** 134131  
FUND 134132

Of the amount received by the Department of Medicaid during 134133  
fiscal year 2018 and fiscal year 2019 from the first installment 134134  
of assessments paid under section 5168.06 of the Revised Code and 134135  
intergovernmental transfers made under section 5168.07 of the 134136  
Revised Code, the Medicaid Director shall deposit \$350,000 in each 134137  
fiscal year into the state treasury to the credit of the Health 134138  
Care Services Support and Recoveries Fund (Fund 5DL0). 134139

**Section 333.100. HOSPITAL CARE ASSURANCE MATCH** 134140

If receipts credited to the Health Care Federal Fund (Fund 134141  
3F00) exceed the amounts appropriated from the fund for making the 134142  
hospital care assurance program distribution, the Medicaid 134143  
Director may request the Director of Budget and Management to 134144  
authorize expenditures from the fund in excess of the amounts 134145  
appropriated. Upon the approval of the Director of Budget and 134146  
Management, the additional amounts are hereby appropriated. 134147

The foregoing appropriation item 651649, Medicaid Services - 134148  
Health Care Assurance Program, shall be used by the Department of 134149  
Medicaid for distributing the state share of all hospital care 134150  
assurance program funds to hospitals under section 5168.09 of the 134151  
Revised Code. If receipts credited to the Hospital Care Assurance 134152  
Program Fund (Fund 6510) exceed the amounts appropriated from the 134153

fund for making the hospital care assurance program distribution, 134154  
the Medicaid Director may request the Director of Budget and 134155  
Management to authorize expenditures from the fund in excess of 134156  
the amounts appropriated. Upon the approval of the Director of 134157  
Budget and Management, the additional amounts are hereby 134158  
appropriated. 134159

**Section 333.110. REFUNDS AND RECONCILIATION FUND** 134160

If receipts credited to the Refunds and Reconciliation Fund 134161  
exceed the amounts appropriated from the fund, the Medicaid 134162  
Director may request the Director of Budget and Management to 134163  
authorize expenditures from the fund in excess of the amounts 134164  
appropriated. Upon approval of the Director of Budget and 134165  
Management, the additional amounts are hereby appropriated. 134166

**Section 333.120. MEDICAID INTERAGENCY PASS-THROUGH** 134167

The Medicaid Director may request the Director of Budget and 134168  
Management to increase appropriation item 651655, Medicaid 134169  
Interagency Pass-Through. Upon the approval of the Director of 134170  
Budget and Management, the additional amounts are hereby 134171  
appropriated. 134172

**Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION** 134173

In order to ensure access to a non-emergency medical 134174  
transportation brokerage program established pursuant to section 134175  
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 134176  
upon the request of the Medicaid Director, the Director of Budget 134177  
and Management may transfer the state share appropriations between 134178  
General Revenue Fund appropriation item 651525, Medicaid Health 134179  
Care Services, within the Department of Medicaid and 655523, 134180  
Medicaid Program Support - Local Transportation, within the 134181  
Department of Job and Family Services. If such a transfer occurs, 134182

the Director of Budget and Management shall adjust, using the 134183  
federal reimbursement rate, the federal share appropriations of 134184  
General Revenue Fund appropriation line 651525, Medicaid Health 134185  
Care Services, within the Department of Medicaid, and the Medicaid 134186  
Program Support Fund (3F01) appropriation line 655624, Medicaid 134187  
Program Support - Federal, within the Department of Job and Family 134188  
Services. The Director of Medicaid shall transmit to the Medicaid 134189  
Program Support Fund (3F01) the federal funds which the Department 134190  
of Medicaid, as the state's sole point of contact with the federal 134191  
government for Medicaid reimbursements, has drawn for this 134192  
transaction. 134193

**Section 333.140. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION** 134194  
**SYSTEM IMPLEMENTATION** 134195

Upon the request of the Medicaid Director, the Director of 134196  
Budget and Management may transfer up to \$5,000,000 of state share 134197  
appropriations in each fiscal year between General Revenue Fund 134198  
appropriation item 651525, Medicaid Health Care Services, within 134199  
the Department of Medicaid, and 655522, Medicaid Program Support - 134200  
Local, within the Department of Job and Family Services. If such a 134201  
transfer occurs, the Director of Budget and Management shall 134202  
adjust, using the federal reimbursement rate, the federal share 134203  
appropriations of General Revenue Fund appropriation item 651525, 134204  
Medicaid Health Care Services, within the Department of Medicaid, 134205  
and the Medicaid Program Support Fund (Fund 3F01) appropriation 134206  
item 655624, Medicaid Program Support - Federal, within the 134207  
Department of Job and Family Services. The Director of Medicaid 134208  
shall transmit to the Medicaid Program Support Fund (3F01) the 134209  
federal funds which the Department of Medicaid, as the state's 134210  
sole point of contact with the federal government for Medicaid 134211  
reimbursements, has drawn for this transaction. 134212

Any increase in funding shall be provided to county 134213

departments of job and family services and shall only be used for 134214  
costs related to transitioning to a new public assistance 134215  
eligibility determination system. These funds shall not be used 134216  
for existing and ongoing operating expenses. The Medicaid Director 134217  
shall establish criteria for distributing these funds and for 134218  
county departments of job and family services to submit allowable 134219  
expenses. 134220

County departments of job and family services shall comply 134221  
with new roles, processes, and responsibilities related to the new 134222  
eligibility determination system. County departments of job and 134223  
family services shall report to the Ohio Department of Job and 134224  
Family Services and the Ohio Department of Medicaid, on a schedule 134225  
determined by the Medicaid Director, how the funds were used. 134226

**Section 333.150. MEDICAID PROGRAM SUPPORT - LOCAL** 134227  
TRANSPORTATION 134228

If the Department of Job and Family Services continues to 134229  
administer the Medicaid transportation program in fiscal year 134230  
2019, upon request of the Director of Job and Family Services, the 134231  
Director of Budget and Management may transfer up to \$45,100,000 134232  
in appropriation from appropriation item 651525, Medicaid Health 134233  
Care Services, to appropriation item 655523, Medicaid Program 134234  
Support-Local Transportation. Any appropriation so transferred 134235  
shall be used by the Department of Job and Family Services to 134236  
continue to administer the Medicaid transportation program. 134237

**Section 333.160. STATE PLAN HOME AND COMMUNITY-BASED SERVICES** 134238

For the period beginning July 1, 2017, and ending on the 134239  
effective date of the enactment by this act of section 5164.10 of 134240  
the Revised Code, the Medicaid program may continue to cover state 134241  
plan home and community-based services in the same manner that it 134242  
covered the services during fiscal year 2016 and fiscal year 2017 134243

under Section 327.190 of Am. Sub. H.B. 64 of the 131st General 134244  
Assembly. Beginning with the effective date of the enactment by 134245  
this act of section 5164.10 of the Revised Code, the Medicaid 134246  
program may cover state plan home and community-based services in 134247  
accordance with that section. 134248

**Section 333.165.** FISCAL YEAR 2018 AND FISCAL YEAR 2019 CAP ON 134249  
NURSING FACILITY PAYMENTS 134250

(A) As used in this section: 134251

(1) "Consulting organizations" means all of the following 134252  
organizations: 134253

(a) LeadingAge Ohio; 134254

(b) The Academy of Senior Health Sciences; 134255

(c) The Ohio Health Care Association. 134256

(2) "Integrated care delivery system" has the same meaning as 134257  
in section 5164.01 of the Revised Code. 134258

(3) "Medicaid managed care organization" has the same meaning 134259  
as in section 5167.01 of the Revised Code. 134260

(4) "Nursing facility" and "nursing facility services" have 134261  
the same meanings as in section 5165.01 of the Revised Code. 134262

(B) The total amount of payments made by the Department of 134263  
Medicaid under the fee-for-service component of the Medicaid 134264  
program in accordance with Chapter 5165. of the Revised Code, and 134265  
by Medicaid managed care organizations under the Integrated Care 134266  
Delivery System, for nursing facility services provided during 134267  
fiscal year 2018 and fiscal year 2019 shall not exceed the 134268  
following: 134269

(1) For fiscal year 2018, \$2,659,167,368; 134270

(2) For fiscal year 2019, \$2,664,485,703. 134271



(C)(1) The Department, in conjunction with the consulting organizations, shall do all of the following:

(a) Monitor the payments made under the fee-for-service component of the Medicaid program and the Integrated Care Delivery System for nursing facility services provided during fiscal year 2018 and fiscal year 2019;

(b) Beginning with the calendar quarter ending December 31, 2017, and each calendar quarter thereafter during fiscal year 2018 and fiscal year 2019, project whether the total amount of payments to be made for the fiscal year will exceed the applicable amount specified in division (B) of this section;

(c) If the total amount of payments to be made for fiscal year 2018 or fiscal year 2019 is projected under division (C)(1)(b) of this section to exceed the applicable amount specified in division (B) of this section, determine the percentage by which each nursing facility's rate under the fee-for-service component of the Medicaid program and the Integrated Care Delivery System needs to be reduced for the immediately following calendar quarter to ensure that the total amount of the payments to be made for the fiscal year will equal the applicable amount specified in division (B) of this section.

(2) For the purpose of division (C)(1)(a) of this section, the Department shall provide to the consulting organizations data about the payments on a monthly basis.

(D) If a rate reduction is needed to ensure that the total amount of payments made under the fee-for-service component of the Medicaid program and the Integrated Care Delivery System for nursing facility services provided during fiscal year 2018 or fiscal year 2019 equals the applicable amount specified in division (B) of this section, each nursing facility's rate shall be reduced by the percentage determined under division (C)(1)(c)

of this section. The reduction shall take effect on the first day 134303  
of the immediately following calendar quarter. The Department 134304  
shall notify the consulting organizations of the percentage 134305  
reduction at least thirty days before it is to take effect. 134306

**Section 333.180.** MEDICAID PAYMENT RATES FOR NONINSTITUTIONAL 134307  
PROVIDERS 134308

Notwithstanding section 5164.70 of the Revised Code as in 134309  
effect on June 30, 2017, and subject to the section of this act 134310  
titled "DURABLE MEDICAL EQUIPMENT, ORTHOSES, AND PROSTHESES," the 134311  
Department of Medicaid may establish Medicaid payment rates for 134312  
services provided by a Medicaid provider, other than a hospital, 134313  
nursing facility, or intermediate care facility for individuals 134314  
with intellectual disabilities, that may exceed the authorized 134315  
payment limits for the same service under the Medicare Program. 134316  
Such rates may take effect for dates of service on or after July 134317  
1, 2017. A portion of the foregoing appropriation items 651525, 134318  
Medicaid/Health Care Services, 651603, Medicaid Health Information 134319  
Technology, 651623, Medicaid Services - Federal, 651624, Medicaid 134320  
Program Support - Federal, 651680, Health Care Grants - Federal, 134321  
and 651682, Health Care Grants - State, may be used to pay for 134322  
Medicaid services and costs associated with the administration of 134323  
the Medicaid Program, including the establishment and payment of 134324  
rates in accordance with this section. 134325

**Section 333.183.** DURABLE MEDICAL EQUIPMENT, ORTHOSES, AND 134326  
PROSTHESES 134327

The maximum Medicaid payment rates for durable medical 134328  
equipment, orthoses, and prostheses provided during the period 134329  
beginning January 1, 2018, and ending July 1, 2019, shall not 134330  
exceed the Ohio-specific Medicare rates for those services in 134331  
effect on July 1, 2017. 134332

<b>Section 333.184. VISION CARE SERVICES</b>	134333
Both of the following apply to vision care services provided	134334
to Medicaid recipients during the period beginning January 1,	134335
2018, and ending July 1, 2019:	134336
(A) The Department of Medicaid shall establish a maximum	134337
Medicaid payment rate for the services unless there are no claims	134338
data available to the Department needed to establish the rate.	134339
(B) No payment methodology for the services shall rely only	134340
on a vision care service provider's charged amount.	134341
<b>Section 333.200. TRANSFER OF OHIO ACCESS SUCCESS PROJECT</b>	134342
ENROLLEES	134343
(A) As used in this section:	134344
(1) "Home and community-based Medicaid waiver component" has	134345
the same meaning as in section 5166.01 of the Revised Code.	134346
(2) "Ohio Access Success Project" means the program	134347
established under section 5166.35 of the Revised Code.	134348
(B) Before January 1, 2019, the Department of Medicaid shall	134349
transfer all Medicaid recipients who are enrolled in the Ohio	134350
Access Success Project to another home and community-based	134351
services Medicaid waiver component.	134352
<b>Section 333.203. MONEY FOLLOWS THE PERSON DEMONSTRATION</b>	134353
PROJECT	134354
The Money Follows the Person demonstration project is hereby	134355
abolished.	134356
<b>Section 333.220. PATIENT-CENTERED MEDICAL HOME PROGRAM</b>	134357
The Department of Medicaid's patient-centered medical home	134358
program, also known as the Comprehensive Primary Care Program, is	134359

hereby abolished. 134360

**Section 333.223.** MEDICAID MANAGED CARE ACADEMIC PERFORMANCE 134361  
INCENTIVES 134362

The Department of Medicaid shall not implement during the 134363  
2018-2019 fiscal biennium a program under which Medicaid managed 134364  
care organizations receive incentives for helping Medicaid 134365  
recipients who are enrolled in the organizations and attend 134366  
low-performing primary schools to improve their academic 134367  
performance. 134368

**Section 333.230.** NURSING FACILITY BED CONVERSION PILOT 134369  
PROGRAM 134370

(A) As used in this section: 134371

(1) "Nursing facility" has the same meaning as in section 134372  
5165.01 of the Revised Code. 134373

(2) "Nursing facility services" has the same meaning as in 134374  
section 5165.01 of the Revised Code. 134375

(B) The Department of Medicaid shall operate a pilot program 134376  
during fiscal years 2018 and 2019 under which the owners of 134377  
nursing facilities located in Cuyahoga County may voluntarily 134378  
cease to use one or more of the nursing facilities' beds for 134379  
nursing facility services and instead begin to use those beds for 134380  
substance use disorder treatment services. To so convert the use 134381  
of a bed, all of the following requirements must be met: 134382

(1) The bed so converted cannot be occupied by an individual 134383  
receiving nursing facility services or be needed for an individual 134384  
seeking such services; 134385

(2) The Department of Health must do the following: 134386

(a) If other beds in the nursing facility will continue to be 134387  
used for nursing facility services after the bed is converted, 134388

reduce the nursing facility's Medicaid certified capacity and the 134389  
corresponding nursing home licensed capacity by the bed being 134390  
converted; 134391

(b) If no beds in the nursing facility will continue to be 134392  
used for nursing facility services after the bed is converted, 134393  
terminate the nursing facility's Medicaid certification and 134394  
nursing home license. 134395

(3) The substance use disorder treatment services for which 134396  
the bed is to be used must satisfy the applicable standards for 134397  
certification under section 5119.36 of the Revised Code and, if 134398  
the owner of the bed seeks state or federal funds or funds 134399  
administered by a board of alcohol, drug addiction, and mental 134400  
health services to pay for the services, be certified under that 134401  
section. 134402

(C) The Department of Health and Department of Mental Health 134403  
and Addiction Services shall assist the Department of Medicaid 134404  
with the operation of the pilot program. 134405

(D) Not later than October 1, 2019, the Department of 134406  
Medicaid shall complete a report about the pilot program. The 134407  
report shall include the Department's recommendations about making 134408  
the pilot program a permanent and statewide program. The 134409  
Department shall submit the report to the Governor, General 134410  
Assembly, and Joint Medicaid Oversight Committee. The copy to the 134411  
General Assembly shall be submitted in accordance with section 134412  
101.68 of the Revised Code. The Department also shall make the 134413  
report available to the public. 134414

**Section 333.260. BEHAVIORAL HEALTH REDESIGN** 134415

(A) As used in this section: 134416

(1) "Care management system" means the system established 134417  
under section 5167.03 of the Revised Code. 134418

- (2) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 134419  
134420
- (3) "Community behavioral health services" means both of the following: 134421  
134422
- (a) Alcohol and drug addiction services provided by a community addiction services provider; 134423  
134424
- (b) Mental health services provided by a community mental health services provider. 134425  
134426
- (4) "Community mental health services provider" has the same meaning as in section 5119.01 of the Revised Code. 134427  
134428
- (B) None of the following changes to the Medicaid program's coverage of community behavioral health services may be implemented before January 1, 2018: 134429  
134430  
134431
- (1) Aligning billing codes for the services to national standards; 134432  
134433
- (2) Redefining mental health pharmacologic management and substance use disorder medical/somatic services as medical services; 134434  
134435  
134436
- (3) Separating and repricing the services and providing for lower acuity service coordination and support services; 134437  
134438
- (4) Requiring practitioners who are employed by a community addiction services provider or community mental health services provider and render the services to obtain a Medicaid provider agreement and be reported on Medicaid claims for the services; 134439  
134440  
134441  
134442
- (5) Requiring community addiction services providers and community mental health services providers to submit claims for the services to a third party responsible for some or all of the costs of the services before the providers submit Medicaid claims for the services. 134443  
134444  
134445  
134446  
134447
- (C)(1) Not later than October 1, 2017, the Medicaid Director 134448

and Director of Mental Health and Addiction Services shall adopt 134449  
all rules necessary to implement the following: 134450

(a) The changes to the Medicaid program's coverage of 134451  
community behavioral health services specified in division (B) of 134452  
this section; 134453

(b) The inclusion of community behavioral health services in 134454  
the care management system. 134455

(2) The rules required by division (C)(1) of this section 134456  
shall not provide for either of the following: 134457

(a) Implementing the changes to the Medicaid program's 134458  
coverage of community behavioral health services specified in 134459  
division (B) of this section before January 1, 2018; 134460

(b) Including community behavioral health services in the 134461  
care management system before July 1, 2018. 134462

**Section 333.270. STUDY COMMITTEE REGARDING MEDICAID MANAGED 134463  
CARE 134464**

(A) There is hereby established the Medicaid Managed Care 134465  
Long-Term Services and Supports Study Committee. The study 134466  
committee shall examine the merits of including in the care 134467  
management system established under section 5167.03 of the Revised 134468  
Code home and community-based services available under Medicaid 134469  
waiver components and nursing facility services. All of the 134470  
following shall serve as members of the study committee: 134471

(1) The chairperson of the Finance Subcommittee on Health and 134472  
Human Services of the House of Representatives; 134473

(2) The chairperson of the Aging and Long-Term Care Committee 134474  
of the House of Representatives; 134475

(3) The chairperson of the Finance - Health and Medicaid 134476  
Subcommittee of the Senate; 134477

(4) The chairperson of the Health, Human Services, and Medicaid Committee of the Senate;	134478 134479
(5) The Executive Director of the Office of Health Transformation or the Executive Director's designee;	134480 134481
(6) The Medicaid Director or the Director's designee;	134482
(7) The Director of Aging or the Director's designee;	134483
(8) The Director of Health or the Director's designee;	134484
(9) The State Long-Term Care Ombudsman or the Ombudsman's designee;	134485 134486
(10) One representative of each of the following organizations, as appointed by the chief executive of the organization:	134487 134488 134489
(a) Leadingage Ohio;	134490
(b) The Academy of Senior Health Sciences;	134491
(c) The Ohio Aging Advocacy Coalition;	134492
(d) The Ohio Assisted Living Association;	134493
(e) The Ohio Association of Health Plans;	134494
(f) The Ohio Association of Area Agencies on Aging;	134495
(g) The Ohio Council for Home Care and Hospice;	134496
(h) The Ohio Health Care Association;	134497
(i) The Ohio Olmstead Task Force;	134498
(j) The Universal Health Care Action Network Ohio;	134499
(k) AARP Ohio.	134500
(B) Appointments to the study committee shall be made not later than thirty days after the effective date of this section.	134501 134502
Members of the study committee shall serve without compensation or reimbursement, except to the extent that serving on the study	134503 134504



committee is part of their usual job duties. 134505

(C) The Speaker of the House of Representatives shall appoint 134506  
one of the members described in divisions (A)(1) and (2) of this 134507  
section as the study committee's co-chairperson and the President 134508  
of the Senate shall appoint one of the members described in 134509  
divisions (A)(3) and(4) of this section as the committee's 134510  
co-chairperson. The Department of Medicaid shall provide the study 134511  
committee any administrative assistance the study committee needs. 134512

(D) In conducting the examination required by division (A) of 134513  
this section, the study committee shall do all of the following: 134514

(1) Consider available information about the home and 134515  
community-based services Medicaid waiver component created as part 134516  
of the Integrated Care Delivery System pursuant to section 5166.16 134517  
of the Revised Code and the Medicaid program's coverage of nursing 134518  
facility services, including all of the following: 134519

(a) Information contained in reports required by section 134520  
5162.134 of the Revised Code; 134521

(b) Information contained in any evaluations of the 134522  
Integrated Care Delivery System completed by entities under 134523  
contract with the United States Department of Health and Human 134524  
Services; 134525

(c) Other available information the study committee 134526  
determines to be appropriate. 134527

(2) Estimate the costs that the state, Medicaid managed care 134528  
organizations, providers, and Medicaid recipients would incur; 134529

(3) Address any redundancies in rules governing home and 134530  
community-based services available under Medicaid waiver 134531  
components and nursing facility services and the terms and 134532  
conditions of contracts with Medicaid managed care organizations; 134533

(4) Estimate the projected benefits that Medicaid recipients 134534

would realize, including benefits that would result from changes 134535  
to any of the following: 134536

(a) Health care services available to, or utilized by, the 134537  
recipients; 134538

(b) The recipients' health outcomes; 134539

(c) Other quality indicators. 134540

(5) Consider policies and procedures that are intended to 134541  
promote efficient implementation and administration of including 134542  
the services in the care management system; 134543

(6) Recommend systems that can be used in either Medicaid 134544  
managed care long-term care services and supports or 134545  
fee-for-services Medicaid to reward providers of long-term care 134546  
services and supports that meet specified quality measures. 134547

(E) The study committee shall complete a report not later 134548  
than June 30, 2020. The report shall include the study committee's 134549  
recommendations regarding costs, benefits, and policies. The 134550  
report shall be submitted to the Governor, General Assembly, and 134551  
Joint Medicaid Oversight Committee. The copy to the General 134552  
Assembly shall be submitted in accordance with section 101.68 of 134553  
the Revised Code. The report also shall be made available to the 134554  
public. 134555

(F) On submission of its report, the study committee shall 134556  
cease to exist. 134557

(G) Section 809.10 of this act does not apply to this 134558  
section. 134559

**Section 333.280.** GENERAL ASSEMBLY'S INTENT REGARDING MEDICAID 134560

It is the intent of the General Assembly to use the Healthy 134561  
Ohio Program, as defined in section 5166.40 of the Revised Code, 134562  
as a model for making medical assistance available to the state's 134563

qualifying residents if the United States Congress transforms the 134564  
Medicaid program into a federal block grant. 134565

**Section 333.300.** NONINSTITUTIONAL LABORATORY, RADIOLOGY, AND 134566  
PATHOLOGY SERVICES 134567

The Medicaid payment rates for noninstitutional laboratory, 134568  
radiology, and pathology services provided to a Medicaid recipient 134569  
during the period beginning January 1, 2018, and ending July 1, 134570  
2019, shall be five per cent lower than the rates for the services 134571  
in effect on December 31, 2017. 134572

**Section 335.10.** MED STATE MEDICAL BOARD 134573

Dedicated Purpose Fund Group 134574

5C60 883609 Operating Expenses \$ 10,163,504 \$ 11,064,757 134575

TOTAL DPF Dedicated Purpose Fund \$ 10,163,504 \$ 11,064,757 134576

Group

TOTAL ALL BUDGET FUND GROUPS \$ 10,163,504 \$ 11,064,757 134577

**Section 337.10.** MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 134579  
SERVICES 134580

General Revenue Fund 134581

GRF 336321 Central \$ 14,597,616 \$ 14,597,616 134582

Administration

GRF 336402 Resident Trainees \$ 450,000 \$ 450,000 134583

GRF 336405 Family and Children \$ 1,386,000 \$ 1,386,000 134584

First

GRF 336406 Prevention and \$ 2,618,659 \$ 2,618,659 134585

Wellness

GRF 336412 Hospital Services \$ 218,206,280 \$ 222,849,644 134586

GRF 336415 Mental Health \$ 20,323,000 \$ 19,426,900 134587

Facilities Lease

Rental Bond Payments

GRF	336421	Continuum of Care Services	\$	72,089,846	\$	72,089,846	134588
GRF	336422	Criminal Justice Services	\$	13,416,418	\$	14,416,418	134589
GRF	336423	Addiction Services Partnership with Corrections	\$	25,500,000	\$	25,500,000	134590
GRF	336424	Recovery Housing	\$	1,000,000	\$	2,500,000	134591
GRF	336425	Specialized Docket Support	\$	5,000,000	\$	5,000,000	134592
GRF	336504	Community Innovations	\$	9,600,000	\$	13,000,000	134593
GRF	336506	Court Costs	\$	1,000,000	\$	1,000,000	134594
GRF	336510	Residential State Supplement	\$	15,002,875	\$	15,002,875	134595
GRF	336511	Early Childhood Mental Health Counselors and Consultation	\$	2,500,000	\$	2,500,000	134596
GRF	652321	Medicaid Support	\$	1,250,367	\$	1,250,367	134597
TOTAL GRF		General Revenue Fund	\$	403,941,061	\$	413,588,325	134598
		Dedicated Purpose Fund Group					134599
5AH0	336642	Drug and Opiate Addiction Detection	\$	2,500,000	\$	2,500,000	134600
5TZ0	336600	Substance Abuse Stabilization Centers	\$	6,000,000	\$	6,000,000	134601
2320	336621	Family and Children First	\$	410,113	\$	410,113	134602
4750	336623	Statewide Treatment and Prevention	\$	20,450,000	\$	15,550,000	134603
4850	336632	Mental Health Operating	\$	2,611,733	\$	2,611,733	134604
5AU0	336615	Behavioral Health Care	\$	7,850,000	\$	7,850,000	134605

5JL0	336629	Problem Gambling and Casino Addiction	\$	6,267,609	\$	6,267,609	134606
5T90	336641	Problem Gambling Services	\$	1,495,000	\$	1,495,000	134607
6320	336616	Community Capital Replacement	\$	350,000	\$	350,000	134608
6890	336640	Education and Conferences	\$	150,000	\$	150,000	134609
TOTAL DPF Dedicated Purpose Fund Group			\$	48,084,455	\$	43,184,455	134610
Internal Service Activity Fund Group							134611
1490	336609	Hospital Operating Expenses	\$	22,749,000	\$	22,790,000	134612
1490	336610	Operating Expenses	\$	5,500,000	\$	5,500,000	134613
1500	336620	Special Education	\$	150,000	\$	150,000	134614
1510	336601	Ohio Pharmacy Services	\$	70,302,017	\$	70,302,017	134615
4P90	336604	Community Mental Health Projects	\$	1,250,000	\$	250,000	134616
TOTAL ISA Internal Service Activity Fund Group			\$	99,951,017	\$	98,992,017	134617
Federal Fund Group							134618
3HB0	336503	Cures Opioid STR	\$	11,000,000	\$	0	134619
3240	336605	Medicaid/Medicare	\$	17,500,000	\$	17,500,000	134620
3A60	336608	Federal Miscellaneous	\$	1,010,000	\$	1,010,000	134621
3A70	336612	Social Services Block Grant	\$	8,450,000	\$	8,450,000	134622
3A80	336613	Federal Grants	\$	5,500,000	\$	5,500,000	134623
3A90	336614	Mental Health Block Grant	\$	17,058,470	\$	17,058,470	134624
3G40	336618	Substance Abuse Block Grant	\$	65,865,756	\$	65,865,756	134625

3H80	336606	Demonstration Grants	\$	15,000,000	\$	15,000,000	134626
3N80	336639	Administrative Reimbursement	\$	1,000,000	\$	1,000,000	134627
3B10	652635	Community Medicaid Legacy Costs	\$	5,000,000	\$	5,000,000	134628
3B10	652636	Community Medicaid Legacy Support	\$	6,000,000	\$	6,000,000	134629
TOTAL FED	Federal Fund Group		\$	153,384,226	\$	142,384,226	134630
TOTAL ALL BUDGET FUND GROUPS			\$	705,360,759	\$	698,149,023	134631

**Section 337.30. PREVENTION AND WELLNESS** 134633

The foregoing appropriation item 336406, Prevention and 134634  
Wellness, shall be used as follows: 134635

(A) Up to \$500,000 in each fiscal year shall be used to 134636  
support evidence-based prevention in school settings. 134637

(B) Up to \$1,500,000 in each fiscal year shall be distributed 134638  
to boards of alcohol, drug addiction, and mental health services 134639  
to purchase the provision of evidence-based prevention services 134640  
from providers certified by the Department of Mental Health and 134641  
Addiction Services. 134642

(C) Up to \$500,000 in each fiscal year shall be used to 134643  
support suicide prevention efforts. 134644

**Section 337.40. MENTAL HEALTH FACILITIES LEASE RENTAL BOND** 134645  
**PAYMENTS** 134646

The foregoing appropriation item 336415, Mental Health 134647  
Facilities Lease Rental Bond Payments, shall be used to meet all 134648  
payments during the period from July 1, 2017, through June 30, 134649  
2019, by the Department of Mental Health and Addiction Services 134650  
under leases and agreements made under section 154.20 of the 134651  
Revised Code. These appropriations are the source of funds pledged 134652  
for bond service charges on obligations issued pursuant to Chapter 134653

154. of the Revised Code. 134654

**Section 337.50. CONTINUUM OF CARE SERVICES** 134655

The foregoing appropriation item 336421, Continuum of Care Services, shall be used as follows: 134656  
134657

(A) A portion of this appropriation shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services for the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code. Boards may use a portion of the funds allocated: 134658  
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134660  
134661  
134662  
134663  
134664

(1) To provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and 134665  
134666  
134667

(2) To provide subsidized support for medication-assisted treatment costs. 134668  
134669

(B) A portion of this appropriation may be distributed to boards of alcohol, drug addiction, and mental health services, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of initiatives concerning mental health and addiction services. 134670  
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(C) Of the foregoing appropriation item 336421, Continuum of Care Services, \$100,000 in each fiscal year shall be allocated to the Chardon School District to be used for program-related activities. 134676  
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**Section 337.60. CRIMINAL JUSTICE SERVICES** 134680

The foregoing appropriation item 336422, Criminal Justice Services, shall be used to provide forensic psychiatric 134681  
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evaluations to courts of common pleas and to conduct evaluations 134683  
of patients of forensic status in facilities operated or 134684  
designated by the Department of Mental Health and Addiction 134685  
Services prior to conditional release to the community. A portion 134686  
of this appropriation may be allocated through boards of alcohol, 134687  
drug addiction, and mental health services to community addiction 134688  
and/or mental health services providers in accordance with a 134689  
distribution methodology as determined by the Director of Mental 134690  
Health and Addiction Services. 134691

The foregoing appropriation item 336422, Criminal Justice 134692  
Services, may also be used to: 134693

(A) Provide forensic monitoring and tracking of individuals 134694  
on conditional release; 134695

(B) Provide forensic training; 134696

(C) Support projects that assist courts and law enforcement 134697  
to identify and develop appropriate alternative services to 134698  
incarceration for nonviolent mentally ill offenders; 134699

(D) Provide specialized re-entry services to offenders 134700  
leaving prisons and jails; 134701

(E) Provide specific grants in support of addiction services 134702  
alternatives to incarceration; 134703

(F) Support therapeutic communities; and 134704

(G) Support specialty dockets and expand or create new 134705  
certified court programs. 134706

**Section 337.70. MEDICATION-ASSISTED TREATMENT IN SPECIALIZED 134707  
DOCKET PROGRAMS FOR DRUGS 134708**

(A) As used in this section: 134709

(1) "Community addiction services provider" has the same 134710  
meaning as in section 5119.01 of the Revised Code. 134711



(2) "Medication-assisted treatment drug court program" and 134712  
"MAT drug court program" mean a session of any of the following 134713  
that holds initial or final certification from the Supreme Court 134714  
of Ohio as a specialized docket program for drugs and that uses 134715  
medication-assisted treatment as part of its specialized docket 134716  
program: a common pleas court, municipal court, or county court, 134717  
or a division of any of those courts. 134718

(3) "Prescriber" has the same meaning as in section 4729.01 134719  
of the Revised Code. 134720

(4) "Recovery supports" has the same meaning as in section 134721  
5119.01 of the Revised Code. 134722

(B)(1) The Department of Mental Health and Addiction Services 134723  
shall conduct a program to provide addiction treatment, which may 134724  
include medication-assisted treatment and recovery supports, to 134725  
persons who are eligible to participate in a medication-assisted 134726  
treatment drug court program and are selected under this section 134727  
to be participants in a MAT drug court program because of their 134728  
dependence on opioids, alcohol, or both. 134729

(2) The Department shall conduct its program in collaboration 134730  
with those courts of Allen, Butler, Clermont, Clinton, Columbiana, 134731  
Coshocton, Crawford, Cuyahoga, Franklin, Gallia, Hamilton, Hardin, 134732  
Highland, Hocking, Jackson, Lake, Lorain, Lucas, Mahoning, Marion, 134733  
Medina, Mercer, Montgomery, Muskingum, Ottawa, Richland, Ross, 134734  
Stark, Summit, Trumbull, Tuscarawas, Union, and Warren counties 134735  
that are conducting MAT drug court programs. If in any of these 134736  
counties there is no court conducting a MAT drug court program, 134737  
the Department shall conduct its program in collaboration with a 134738  
court that is conducting a MAT drug court program in another 134739  
county. 134740

(3) In addition to conducting its program in accordance with 134741  
division (B)(2) of this section, the Department may conduct its 134742

program in collaboration with any other court that is conducting a MAT drug court program.

(C) In conducting its program, the Department shall collaborate with the Supreme Court, the Department of Rehabilitation and Correction, and any agency of the state that the Department of Mental Health and Addiction Services determines may be of assistance in accomplishing the objectives of the Department's program. The Department may collaborate with the boards of alcohol, drug addiction, and mental health services and with local law enforcement agencies that serve the counties in which a court participating in the Department's program is located.

(D)(1) A MAT drug court program participating in the Department's program shall select the persons who are to be its participants for purposes of the Department's program. To be selected, a person must be a criminal offender or involved in a family drug or dependency court. A person shall not be selected to be a participant unless the person meets the legal and clinical eligibility criteria for the MAT drug court program and is an active participant in the MAT drug court program.

(2) The total number of persons participating in the Department's program at any time shall not exceed one thousand five hundred, subject to available funding, except that the Department may authorize the maximum number to be exceeded in circumstances that the Department considers to be appropriate.

(3) After a MAT drug court program enrolls a person as a participant for purposes of the Department's program, the participant shall comply with all requirements of the MAT drug court program.

(E) The addiction treatment and recovery supports provided under the Department's program in collaboration with a MAT drug

court program shall be provided by a community addiction services provider. The provider shall do all of the following: 134774  
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(1) Provide treatment based on an integrated service delivery model that consists of the coordination of care between a prescriber and the community addiction services provider; 134776  
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(2) Conduct professional, comprehensive substance abuse and mental health diagnostic assessments of a person under consideration for selection as a program participant to determine whether the person would benefit from substance abuse treatment and monitoring; 134779  
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(3) Determine, based on the assessment described in division (E)(2) of this section, the treatment needs of the program participants served by the community addiction services provider; 134784  
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(4) Develop, for program participants served by the community addiction services provider, individualized goals and objectives; 134787  
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(5) Provide access to the long-acting antagonist therapies, partial agonist therapies, or both, that are included in the program's medication-assisted treatment; 134789  
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(6) Provide other types of therapies, including psychosocial therapies, for both substance abuse and any disorders that are considered by the community addiction services provider to be co-occurring disorders; 134792  
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(7) Monitor program compliance through the use of regular drug testing, including urinalysis, of the program participants served by the community addiction services provider; 134796  
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(8) Provide access to time-limited recovery supports that help eliminate barriers to treatment and are specific to the participant's needs, including assistance with housing, transportation, child care, job training, obtaining a driver's license or state identification card, and any other matter 134799  
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considered relevant by the provider. 134804

(F) In the case of medication-assisted treatment provided 134805  
under the Department's program, all of the following conditions 134806  
apply: 134807

(1) A drug may be used only if the drug has been approved by 134808  
the United States Food and Drug Administration for use in treating 134809  
dependence on opioids, alcohol, or both, or for preventing relapse 134810  
into the use of opioids, alcohol, or both. 134811

(2) One or more drugs may be used, but each drug that is used 134812  
must constitute long-acting antagonist therapy or partial agonist 134813  
therapy. 134814

(3) If a drug constituting partial agonist therapy is used, 134815  
the program shall provide safeguards to minimize abuse and 134816  
diversion of the drug, including such safeguards as routine drug 134817  
testing of program participants. 134818

(G) It is anticipated and expected that MAT drug court 134819  
programs will expand their ability to serve more drug court 134820  
participants as a result of increased access to commercial or 134821  
publicly funded health insurance. In order to ensure that funds 134822  
appropriated to support the Department's program are used in the 134823  
most efficient manner with a goal of enrolling the maximum number 134824  
of participants, the Medicaid Director, in collaboration with 134825  
major Ohio health care plans, shall develop plans consistent with 134826  
this division. There shall be no prior authorizations or step 134827  
therapy for medication-assisted treatment for program 134828  
participants. The plans developed under this division shall ensure 134829  
all of the following: 134830

(1) The development of an efficient and timely process for 134831  
review of eligibility for health benefits for all persons selected 134832  
to participate in the program; 134833

(2) A rapid conversion to reimbursement for all health care 134834

services by the participant's health care plan following approval 134835  
for coverage of health care benefits; 134836

(3) The development of a consistent benefit package that 134837  
provides ready access to and reimbursement for essential health 134838  
care services including, but not limited to, primary health care 134839  
services, alcohol and opioid detoxification services, appropriate 134840  
psychosocial services, and medication for long-acting injectable 134841  
antagonist therapies and partial agonist therapies; 134842

(4) The development of guidelines that require the provision 134843  
of all treatment services, including medication, with minimal 134844  
administrative barriers and within a time frame that meets the 134845  
requirements of individual patient care plans. 134846

(H) Upon completion of the report required by division (J) of 134847  
Section 331.90 of Am. Sub. H.B. 64 of the 131st General Assembly, 134848  
the research institution that prepared the report shall submit the 134849  
report to the Governor, Chief Justice of the Supreme Court, 134850  
President of the Senate, Speaker of the House of Representatives, 134851  
Director of Mental Health and Addiction Services, Director of 134852  
Rehabilitation and Correction, and any state agency that the 134853  
Department of Mental Health and Addiction Services collaborates 134854  
with in conducting the program. 134855

(I) Not later than ninety days after the effective date of 134856  
this section, the Department of Mental Health and Addiction 134857  
Services shall select a research institution to evaluate the 134858  
Department's program, as conducted in fiscal year 2018 and fiscal 134859  
year 2019. To be selected, a research institution must have 134860  
experience in evaluating multiple court systems across 134861  
jurisdictions, in both rural and urban regions, experience in 134862  
evaluating the use of agonist and antagonist therapies in MAT drug 134863  
court programs, a record of producing material for scientific 134864  
publications, expertise in health economics, and experience with 134865  
patient issues involving ethics and consent. In addition, the 134866

institution must have an internal review board. 134867

The research institution selected shall prepare a report of 134868  
its findings from the evaluation of the Department's program. The 134869  
institution shall complete its report not later than December 31, 134870  
2019. On completion, the institution shall submit the report to 134871  
the Governor, Chief Justice of the Supreme Court, President of the 134872  
Senate, Speaker of the House of Representatives, Department of 134873  
Mental Health and Addiction Services, Department of Rehabilitation 134874  
and Correction, and any other state agency that the Department of 134875  
Mental Health and Addiction Services collaborates with in 134876  
conducting its program. 134877

(J) Of the foregoing appropriation item 336422, Criminal 134878  
Justice Services, up to \$8,000,000 in each fiscal year shall be 134879  
used to support medication-assisted treatment for drug court 134880  
specialized docket programs. 134881

**Section 337.80. ADDICTION SERVICES PARTNERSHIP WITH** 134882  
**CORRECTIONS** 134883

Any business commenced but not completed by July 1, 2015, by 134884  
the Department of Rehabilitation and Correction regarding recovery 134885  
services shall be completed by the Department of Mental Health and 134886  
Addiction Services. No validation, cure, right, privilege, remedy, 134887  
obligation, or liability is lost or impaired by reason of the 134888  
transfer required by this section and shall be administered by the 134889  
Department of Mental Health and Addiction Services. Any rules, 134890  
orders, and determinations pertaining to the Bureau of Recovery 134891  
Services continue in effect as rules, orders, and determinations 134892  
of the Department of Mental Health and Addiction Services until 134893  
modified or rescinded by the Department of Mental Health and 134894  
Addiction Services. If necessary to ensure the integrity of the 134895  
numbering of the Administrative Code, the Director of the 134896  
Legislative Service Commission shall renumber the numbers to 134897

reflect their transfer to the Department of Mental Health and 134898  
Addiction Services. 134899

Subject to the lay-off provisions of sections 124.321 to 134900  
124.382 of the Revised Code, all employees of the Bureau of 134901  
Recovery Services are hereby transferred to the Department of 134902  
Mental Health and Addiction Services and retain their positions 134903  
and all of their benefits. 134904

Wherever the Bureau of Recovery Services is referred to in 134905  
any law, contract, or other document, the reference shall be 134906  
deemed to refer to the Department of Mental Health and Addiction 134907  
Services or its director, as appropriate. 134908

Any business commenced but not completed under appropriation 134909  
item 505321, Institution Medical Services, pertaining to the 134910  
Bureau of Recovery Services, shall be completed under 134911  
appropriation item 336423, Addiction Services Partnership with 134912  
Corrections, in the same manner, and with the same effect, as if 134913  
completed with regard to appropriation item 505321, Institution 134914  
Medical Services. 134915

**Section 337.90. RECOVERY HOUSING** 134916

The foregoing appropriation item 336424, Recovery Housing, 134917  
shall be used to expand and support access to recovery housing as 134918  
defined in section 340.01 of the Revised Code and in accordance 134919  
with section 340.034 of the Revised Code. For expenditures that 134920  
are capital in nature, the Department of Mental Health and 134921  
Addiction Services shall develop procedures to administer these 134922  
funds in a manner that is consistent with current community 134923  
capital assistance guidelines. 134924

**Section 337.100. SPECIALIZED DOCKET SUPPORT** 134925

(A) The foregoing appropriation item 336425, Specialized 134926  
Docket Support, shall be used to defray a portion of the annual 134927

payroll costs associated with the specialized docket of a common 134928  
pleas court, municipal court, county court, juvenile court, or 134929  
family court that meets all of the eligibility requirements in 134930  
division (B) of this section, including a family dependency 134931  
treatment docket. The foregoing appropriation item 336425, 134932  
Specialized Docket Support, may also be used to defray costs 134933  
associated with treatment services and recovery supports for 134934  
participants. 134935

(B) To be eligible, the specialized docket must have received 134936  
Supreme Court of Ohio final certification and include participants 134937  
with behavioral health needs in its target population. 134938

(C) Of the foregoing appropriation item 336425, Specialized 134939  
Docket Support, the Department of Mental Health and Addiction 134940  
Services shall use up to one per cent of the funds appropriated in 134941  
each fiscal year to pay the cost it incurs in administering the 134942  
duties established in this section. 134943

(D) The Department, in consultation with the Supreme Court of 134944  
Ohio, may adopt funding distribution methodology, guidelines, and 134945  
procedures as necessary to carry out the purposes of this section. 134946

**Section 337.110. COMMUNITY INNOVATIONS** 134947

The foregoing appropriation item 336504, Community 134948  
Innovations, may be used by the Department of Mental Health and 134949  
Addiction Services to make targeted investments in programs, 134950  
projects, or systems operated by or under the authority of other 134951  
state agencies, governmental entities, or private not-for-profit 134952  
agencies that impact, or are impacted by, the operations and 134953  
functions of the Department, with the goal of achieving a net 134954  
reduction in expenditure of state general revenue funds and/or 134955  
improved outcomes for Ohio citizens without a net increase in 134956  
state general revenue fund spending. 134957



The Director shall identify and evaluate programs, projects, or systems proposed or operated, in whole or in part, outside of the authority of the Department, where targeted investment of these funds in the program, project, or system is expected to decrease demand for the Department or other resources funded with state general revenue funds, and/or to measurably improve outcomes for Ohio citizens with mental illness or with alcohol, drug, or gambling addictions. The Director shall have discretion to transfer money from the appropriation item to other state agencies, governmental entities, or private not-for-profit agencies in amounts, and subject to conditions, that the Director determines most likely to achieve state savings and/or improved outcomes. Distribution of moneys from this appropriation item shall not be subject to sections 9.23 to 9.239 or Chapter 125. of the Revised Code.

The Department shall enter into an agreement with each recipient of community innovation funds, identifying: allowable expenditure of the funds; other commitment of funds or other resources to the program, project, or system; expected state savings and/or improved outcomes and proposed mechanisms for measurement of such savings or outcomes; and required reporting regarding expenditure of funds and savings or outcomes achieved.

Of the foregoing appropriation item 336504, Community Innovations, up to \$3,000,000 in fiscal year 2018 and \$4,000,000 in fiscal year 2019 shall be used to provide funding for community projects across the state that focus on support for families, assisting families in avoiding crisis, and crisis intervention.

Of the foregoing appropriation item 336504, Community Innovations, up to \$500,000 in fiscal year 2018 and \$750,000 in fiscal year 2019 shall be used to enhance access to naloxone across the state for county health departments to then disperse through a grant program to local law enforcement, emergency

personnel, and first responders. If local law enforcement, 134990  
emergency personnel, and first responders are not making use of 134991  
the naloxone grant funds, the county health department may use 134992  
grant funding to provide naloxone through a Project DAWN program 134993  
within the county. 134994

Of the foregoing appropriation item 336504, Community 134995  
Innovations, up to \$850,000 in fiscal year 2018 and \$2,000,000 in 134996  
fiscal year 2019 shall be used to support projects that assist 134997  
local communities in implementing a full continuum of care, 134998  
including workforce development, as described in division (A)(1) 134999  
of section 340.03 of the Revised Code. 135000

Of the foregoing appropriation item 336504, Community 135001  
Innovations, \$4,000,000 in each fiscal year shall be allocated to 135002  
the Psychotropic Drug Reimbursement Program established in section 135003  
5119.19 of the Revised Code. On July 1, 2018, or as soon as 135004  
possible thereafter, the Director of Mental Health and Addiction 135005  
Services shall certify to the Director of Budget and Management 135006  
the amount of the unexpended, unencumbered allocation for the 135007  
program in fiscal year 2018. The amount certified is hereby 135008  
reappropriated to appropriation item 336504, Community 135009  
Innovations, in fiscal year 2019 for the same purpose. 135010

**Section 337.120. RESIDENTIAL STATE SUPPLEMENT** 135011

(A) The foregoing appropriation item 336510, Residential 135012  
State Supplement, may be used by the Department of Mental Health 135013  
and Addiction Services to provide training for residential 135014  
facilities providing accommodations, supervision, and personal 135015  
care services to three to sixteen unrelated adults with mental 135016  
illness and to make payments to residential state supplement 135017  
recipients. 135018

(B) The Department of Mental Health and Addiction Services 135019  
shall adopt rules establishing eligibility criteria and payment 135020

amounts under section 5119.41 of the Revised Code. 135021

**Section 337.130.** EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 135022  
CONSULTATION 135023

The foregoing appropriation item 336511, Early Childhood 135024  
Mental Health Counselors and Consultation, shall be used to 135025  
promote identification and intervention for early childhood mental 135026  
health and to enhance healthy social emotional development in 135027  
order to reduce preschool to third grade classroom expulsions. 135028  
Funds shall be used by the Department of Mental Health and 135029  
Addiction Services to support early childhood mental health 135030  
credentialed counselors and consultation services, as well as 135031  
administration and workforce development for the program. 135032

**Section 337.140.** MEDICAID SUPPORT 135033

The foregoing appropriation item 652321, Medicaid Support, 135034  
shall be used to fund specified Medicaid Services as delegated by 135035  
the state's single agency responsible for the Medicaid Program. 135036

**Section 337.150.** PROBLEM GAMBLING AND CASINO ADDICTION 135037

A portion of appropriation item 336629, Problem Gambling and 135038  
Casino Addiction, shall be allocated to boards of alcohol, drug 135039  
addiction, and mental health services in accordance with a 135040  
distribution methodology determined by the Director of Mental 135041  
Health and Addiction Services. 135042

**Section 337.160.** FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 135043  
POOL 135044

A county family and children first council may establish and 135045  
operate a flexible funding pool in order to assure access to 135046  
needed services by families, children, and older adults in need of 135047  
protective services. The operation of the flexible funding pools 135048

shall be subject to the following restrictions: 135049

(A) The county council shall establish and operate the 135050  
flexible funding pool in accordance with formal guidance issued by 135051  
the Family and Children First Cabinet Council; 135052

(B) The county council shall produce an annual report on its 135053  
use of the pooled funds. The annual report shall conform to a 135054  
format prescribed in the formal guidance issued by the Family and 135055  
Children First Cabinet Council; 135056

(C) Unless otherwise restricted, funds transferred to the 135057  
flexible funding pool may include state general revenues allocated 135058  
to local entities to support the provision of services to families 135059  
and children; 135060

(D) The amounts transferred to the flexible funding pool 135061  
shall be limited to amounts that can be redirected without 135062  
impairing the achievement of the objectives for which the initial 135063  
allocation is designated; and 135064

(E) Each amount transferred to the flexible funding pool from 135065  
a specific allocation shall be approved for transfer by the 135066  
director of the local agency that was the original recipient of 135067  
the allocation. 135068

**Section 337.170. MEDICAID SPENDING AS MAINTENANCE OF EFFORT** 135069

The designation of administering agency for federal aid shall 135070  
be held jointly by the Department of Mental Health and Addiction 135071  
Services and the Department of Medicaid for determining 135072  
maintenance of effort pursuant to 42 U.S.C. 300x-30. The 135073  
Department of Mental Health and Addiction Services remains the 135074  
designated agency for all other purposes established by 42 U.S.C. 135075  
300x et seq. and section 5119.32 of the Revised Code. 135076

**Section 337.180. ACCESS SUCCESS II PROGRAM** 135077

To the extent cash is available, the Director of Budget and Management may transfer cash from the Money Follows the Person Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used by the Department of Mental Health and Addiction Services. The transferred cash is hereby appropriated.

The Department of Mental Health and Addiction Services shall use the transferred funds to administer the Access Success II Program to help non-Medicaid patients in any hospital established, controlled, or supervised by the Department under Chapter 5119. of the Revised Code to transition from inpatient status to a community setting.

**Section 337.190.** CASH TRANSFER FROM THE INDIGENT DRIVERS ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION FUND

On a schedule determined by the Director of Budget and Management, the Director of Mental Health and Addiction Services shall certify to the Director of Budget and Management the amount of excess license reinstatement fees that are available pursuant to division (F)(2)(c) of section 4511.191 of the Revised Code to be transferred from the Indigent Drivers Alcohol Treatment Fund (Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 4750). Upon certification, the Director of Budget and Management may transfer cash from the Indigent Drivers Alcohol Treatment Fund to the Statewide Treatment and Prevention Fund.

**Section 337.200.** CURES OPIOID STR

The foregoing appropriation item 336503, Cures Opioid STR, shall be used pursuant to the goals and requirements of the State Targeted Response to the Opioid Crisis Grant provision in the federal "21st Century Cures Act," Public Law 114-255.

<b>Section 337.210.</b>	DRUG AND OPIATE ADDICTION DETECTION				135108	
	The foregoing appropriation item 336642, Drug and Opiate				135109	
	Addiction Detection, shall be used to develop a program to help				135110	
	teachers and educators identify students using or addicted to				135111	
	drugs, including opioids. The Department of Mental Health and				135112	
	Addiction Services shall collaborate with the Department of				135113	
	Education to develop this program.				135114	
<b>Section 337.211.</b>	TRANSFER FROM STATE BOARD OF EDUCATION				135115	
	LICENSURE FUND TO DRUG AND OPIATE ADDICTION DETECTION AND RESPONSE				135116	
	FUND				135117	
	Notwithstanding any provision of law to the contrary, on July				135118	
	1 of each fiscal year, or as soon as possible thereafter, the				135119	
	Director of Budget and Management shall transfer \$5,000,000 cash				135120	
	from the State Board of Education Licensure Fund (Fund 4L20) to				135121	
	the Drug and Opiate Addiction Detection and Response Fund (Fund				135122	
	5AH0), which is hereby created in the state treasury.				135123	
<b>Section 337.220.</b>	SUBSTANCE ABUSE STABILIZATION CENTERS				135124	
	The foregoing appropriation item 336600, Substance Abuse				135125	
	Stabilization Centers, shall be used in accordance with division				135126	
	(G)(3) of Section 757.20 of this act.				135127	
<b>Section 339.10.</b>	MIH COMMISSION ON MINORITY HEALTH				135128	
	General Revenue Fund				135129	
GRF 149321	Operating Expenses	\$	654,939	\$	654,939	135130
GRF 149501	Demonstration Grants	\$	852,606	\$	852,606	135131
GRF 149502	Lupus Program	\$	93,120	\$	93,120	135132
GRF 149503	Infant Mortality	\$	985,000	\$	985,000	135133
	Health Grants					
TOTAL GRF	General Revenue Fund	\$	2,585,665	\$	2,585,665	135134

Dedicated Purpose Fund Group				135135
4C20 149601 Minority Health	\$	50,000	\$ 50,000	135136
Conference				
TOTAL DPF Dedicated Purpose Fund	\$	50,000	\$ 50,000	135137
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	2,635,665	\$ 2,635,665	135138
<b>Section 341.10.</b> CRB MOTOR VEHICLE REPAIR BOARD				135140
Dedicated Purpose Fund Group				135141
4K90 865601 Operating Expenses	\$	587,371	\$ 604,593	135142
TOTAL DPF Dedicated Purpose Fund	\$	587,371	\$ 604,593	135143
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	587,371	\$ 604,593	135144
<b>Section 343.10.</b> DNR DEPARTMENT OF NATURAL RESOURCES				135146
General Revenue Fund				135147
GRF 725401 Division of	\$	1,773,000	\$ 1,773,000	135148
Wildlife-Operating				
Subsidy				
GRF 725413 Parks and Recreational	\$	39,002,200	\$ 44,442,400	135149
Facilities Lease				
Rental Bond Payments				
GRF 725456 Canal Lands	\$	130,950	\$ 130,950	135150
GRF 725505 Healthy Lake Erie	\$	800,000	\$ 1,000,000	135151
Program				
GRF 725507 Coal and Mine Safety	\$	2,773,178	\$ 2,773,178	135152
Programs				
GRF 725903 Natural Resources	\$	25,450,300	\$ 19,317,800	135153
General Obligation				
Bond Debt Service				
GRF 727321 Division of Forestry	\$	2,672,919	\$ 4,612,919	135154
GRF 729321 Office of Information	\$	179,750	\$ 179,750	135155

		Technology					
GRF	730321	Parks and Recreation	\$	30,579,551	\$	30,596,130	135156
GRF	736321	Division of	\$	2,034,175	\$	2,017,848	135157
		Engineering					
GRF	737321	Division of Water	\$	946,530	\$	1,183,161	135158
		Resources					
GRF	738321	Office of Real Estate	\$	720,175	\$	720,175	135159
		and Land Management					
GRF	741321	Division of Natural	\$	986,149	\$	1,232,686	135160
		Areas and Preserves					
TOTAL GRF		General Revenue Fund	\$	108,048,877	\$	109,979,997	135161
		Dedicated Purpose Fund Group					135162
2270	725406	Parks Projects	\$	850,000	\$	900,000	135163
		Personnel					
4300	725671	Canal Lands	\$	924,919	\$	927,128	135164
4S90	725622	NatureWorks Personnel	\$	800,000	\$	800,000	135165
4U60	725668	Scenic Rivers	\$	100,000	\$	100,000	135166
		Protection					
5090	725602	State Forest	\$	9,695,418	\$	8,009,525	135167
5110	725646	Ohio Geological	\$	3,922,925	\$	3,818,039	135168
		Mapping					
5120	725605	State Parks Operations	\$	31,000,000	\$	31,000,000	135169
5140	725606	Lake Erie Shoreline	\$	2,125,649	\$	1,681,699	135170
5160	725620	Water Management	\$	2,864,291	\$	2,878,291	135171
5180	725643	Oil and Gas Regulation	\$	19,444,876	\$	19,444,876	135172
		and Safety					
5180	725677	Oil and Gas Well	\$	3,000,000	\$	3,000,000	135173
		Plugging					
5210	725627	Off-Road Vehicle	\$	350,000	\$	350,000	135174
		Trails					
5220	725656	Natural Areas and	\$	650,000	\$	546,973	135175
		Preserves					
5290	725639	Mining Regulation and	\$	4,764,897	\$	4,499,705	135176



		Safety					
5310	725648	Reclamation Forfeiture	\$	5,315,262	\$	217,471	135177
5EL0	725612	Wildlife Law	\$	12,000	\$	12,000	135178
		Enforcement					
5EM0	725613	Natural Resources Law	\$	34,000	\$	34,000	135179
		Enforcement					
5HK0	725625	Ohio Nature Preserves	\$	55,162	\$	1,000	135180
5MF0	725635	Ohio Geology License	\$	5,000	\$	5,000	135181
		Plate					
5MW0	725604	Natural Resources	\$	2,000,000	\$	2,000,000	135182
		Special Purposes					
5P20	725634	Wildlife Boater Angler	\$	4,000,000	\$	4,000,000	135183
		Administration					
5TD0	725514	Park Maintenance	\$	1,356,000	\$	1,356,000	135184
6150	725661	Dam Safety	\$	1,155,691	\$	1,155,691	135185
6970	725670	Submerged Lands	\$	717,155	\$	717,155	135186
7015	740401	Division of Wildlife	\$	60,000,000	\$	60,000,000	135187
		Conservation					
7086	725414	Waterways Improvement	\$	6,193,671	\$	6,193,671	135188
7086	739401	Watercraft Operations	\$	21,228,023	\$	21,228,023	135189
8150	725636	Cooperative Management	\$	650,000	\$	650,000	135190
		Projects					
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	135191
8170	725655	Wildlife Conservation	\$	2,000,000	\$	2,000,000	135192
		Checkoff					
8180	725629	Cooperative Fisheries	\$	1,500,000	\$	1,500,000	135193
		Research					
8190	725685	Ohio River Management	\$	140,000	\$	140,000	135194
81B0	725688	Wildlife Habitats	\$	1,200,000	\$	1,200,000	135195
TOTAL	DPF	Dedicated Purpose Fund	\$	189,021,824	\$	181,333,132	135196
		Group					
		Internal Service Activity Fund Group					135197
1550	725601	Departmental Projects	\$	1,523,950	\$	1,629,913	135198

1550	725676	Hocking Hills State Park Lodge	\$	500,000	\$	500,000	135199
1570	725651	Central Support Indirect	\$	5,632,162	\$	5,632,162	135200
2040	725687	Information Services	\$	5,791,238	\$	5,791,238	135201
2050	725696	Human Resource Direct Services	\$	2,698,048	\$	2,735,732	135202
2230	725665	Law Enforcement Administration	\$	2,664,717	\$	2,827,473	135203
5100	725631	Maintenance - State-owned Residences	\$	249,611	\$	249,611	135204
6350	725664	Fountain Square Facilities Management	\$	3,647,224	\$	3,768,109	135205
TOTAL ISA Internal Service Activity							135206
Fund Group			\$	22,706,950	\$	23,134,238	135207
Capital Projects Fund Group							135208
7061	725405	Clean Ohio Trail Operating	\$	301,796	\$	301,796	135209
TOTAL CPF Capital Projects Fund Group			\$	301,796	\$	301,796	135210
Fiduciary Fund Group							135211
4M80	725675	FOP Contract	\$	20,219	\$	20,219	135212
TOTAL FID Fiduciary Fund Group			\$	20,219	\$	20,219	135213
Holding Account Fund Group							135214
R017	725659	Performance Cash Bond Refunds	\$	528,993	\$	528,993	135215
R043	725624	Forestry	\$	2,100,000	\$	2,100,000	135216
TOTAL HLD Holding Account Fund Group							135217
Fund Group			\$	2,628,993	\$	2,628,993	135218
Federal Fund Group							135219
3320	725669	Federal Mine Safety	\$	265,000	\$	265,000	135220

		Grant					
3B30	725640	Federal Forest	\$	350,000	\$	350,000	135221
		Pass-Thru					
3B40	725641	Federal Flood	\$	350,000	\$	350,000	135222
		Pass-Thru					
3B50	725645	Federal Abandoned	\$	12,541,621	\$	15,465,471	135223
		Mine Lands					
3B60	725653	Federal Land and	\$	950,634	\$	950,634	135224
		Water Conservation					
		Grants					
3B70	725654	Reclamation -	\$	1,986,569	\$	1,697,242	135225
		Regulatory					
3P10	725632	Geological Survey -	\$	160,000	\$	160,000	135226
		Federal					
3P20	725642	Oil and Gas - Federal	\$	147,000	\$	147,000	135227
3P30	725650	Coastal Management -	\$	1,905,150	\$	1,905,150	135228
		Federal					
3P40	725660	Federal - Soil and	\$	601,000	\$	608,000	135229
		Water Resources					
3R50	725673	Acid Mine Drainage	\$	1,200,000	\$	1,200,000	135230
		Abatement/Treatment					
3Z50	725657	Federal Recreation	\$	1,600,000	\$	1,600,000	135231
		and Trails					
TOTAL FED	Federal Fund Group		\$	22,056,974	\$	24,698,497	135232
TOTAL ALL BUDGET FUND GROUPS			\$	344,785,633	\$	342,096,872	135233

**Section 343.20. PARK MAINTENANCE** 135235

The foregoing appropriation item 725514, Park Maintenance, 135236  
shall be used by the Department of Natural Resources to pay the 135237  
costs of projects supported by the State Park Maintenance Fund 135238  
(Fund 5TD0) under section 1501.08 of the Revised Code. 135239

On July 1, 2017, or as soon as possible thereafter, the 135240  
Director of Natural Resources shall certify the amount of five 135241

percent of the average of the previous five years of deposits in 135242  
the State Park Fund (Fund 5120) to the Director of Budget and 135243  
Management. The Director of Budget and Management may transfer up 135244  
to \$1,500,000 from Fund 5120 to the State Park Maintenance Fund 135245  
(Fund 5TD0). 135246

**Section 343.30. CENTRAL SUPPORT INDIRECT FUND** 135247

The Department of Natural Resources, with approval of the 135248  
Director of Budget and Management, shall use a methodology for 135249  
determining each division's payments into the Central Support 135250  
Indirect Fund (Fund 1570). The methodology used shall contain the 135251  
characteristics of administrative ease and uniform application in 135252  
compliance with federal grant requirements. It may include direct 135253  
cost charges for specific services provided. Payments to Fund 1570 135254  
shall be made using an intrastate transfer voucher. 135255

The foregoing appropriation item 725401, Division of 135256  
Wildlife-Operating Subsidy, shall be used to pay the direct and 135257  
indirect costs of the Division of Wildlife. 135258

**Section 343.40. PARKS AND RECREATIONAL FACILITIES LEASE** 135259  
**RENTAL BOND PAYMENTS** 135260

The foregoing appropriation item 725413, Parks and 135261  
Recreational Facilities Lease Rental Bond Payments, shall be used 135262  
to meet all payments during the period from July 1, 2017, through 135263  
June 30, 2019, by the Department of Natural Resources pursuant to 135264  
leases and agreements made under section 154.22 of the Revised 135265  
Code. These appropriations are the source of funds pledged for 135266  
bond service charges on related obligations issued under Chapter 135267  
154. of the Revised Code. 135268

**HEALTHY LAKE ERIE PROGRAM** 135269

The foregoing appropriation item 725505, Healthy Lake Erie 135270  
Program, shall be used by the Director of Natural Resources, in 135271

support of (1) conservation measures in the Western Lake Erie Basin as determined by the Director; (2) funding assistance for soil testing, winter cover crops, edge of field testing, tributary monitoring, animal waste abatement; and (3) any additional efforts to reduce nutrient runoff as the Director may decide. The Director shall give priority to recommendations that encourage farmers to adopt agricultural production guidelines commonly known as 4R nutrient stewardship practices.

COAL AND MINE SAFETY PROGRAM

The foregoing appropriation item 725507, Coal and Mine Safety Program, shall be used for the administration of the Mine Safety Program and the Coal Regulation Program.

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 725903, Natural Resources General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2017, through June 30, 2019, on obligations issued under sections 151.01 and 151.05 of the Revised Code.

**Section 343.50.** OIL AND GAS WELL PLUGGING

The foregoing appropriation item 725677, Oil and Gas Well Plugging, shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised Code. This appropriation item shall not be used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributed to the plugging of an idle or orphan well. This appropriation item shall not be used to transfer cash to any other fund or appropriation item.

WELL LOG FILING FEES

The Chief of the Division of Water Resources shall deposit

fees forwarded to the Division pursuant to section 1521.05 of the Revised Code into the Water Management Fund (Fund 5160) for the purposes described in that section.

PARKS CAPITAL EXPENSES FUND

The Director of Natural Resources shall submit to the Director of Budget and Management the estimated design, engineering, and planning costs of capital-related work to be done by Department of Natural Resources staff for parks projects within the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the Director of Budget and Management approves the estimated costs, the Director may release appropriations from Fund 7035 appropriation item C725E6, Project Planning, for those purposes. Upon release of the appropriations, the Department of Natural Resources shall pay for these expenses from the Parks Capital Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by Fund 7035 using an intrastate transfer voucher.

NATUREWORKS CAPITAL EXPENSES FUND

The Department of Natural Resources shall submit to the Director of Budget and Management the estimated design, planning, and engineering costs of capital-related work to be done by Department of Natural Resources staff for each capital improvement project within the Ohio Parks and Natural Resources Fund (Fund 7031). If the Director of Budget and Management approves the estimated costs, the Director may release appropriations from Fund 7031 appropriation item C725E5, Project Planning, for those purposes. Upon release of the appropriations, the Department of Natural Resources shall pay for these expenses from the Capital Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 using an intrastate transfer voucher.

**Section 343.60.** HUMAN RESOURCES DIRECT SERVICE

The foregoing appropriation item 725696, Human Resources 135332  
Direct Service, shall be used to cover the cost of support, 135333  
coordination, and oversight of the Department of Natural 135334  
Resources' human resources functions. The Human Resources 135335  
Chargeback Fund (Fund 2050) shall consist of cash transferred to 135336  
it via intrastate transfer voucher from other funds as determined 135337  
by the Director of Natural Resources and the Director of Budget 135338  
and Management. 135339

LAW ENFORCEMENT ADMINISTRATION 135340

The foregoing appropriation item 725665, Law Enforcement 135341  
Administration, shall be used to cover the cost of support, 135342  
coordination, and oversight of the Department of Natural 135343  
Resources' law enforcement functions. The Law Enforcement 135344  
Administration Fund (Fund 2230) shall consist of cash transferred 135345  
to it via intrastate transfer voucher from other funds as 135346  
determined by the Director of Natural Resources and the Director 135347  
of Budget and Management. 135348

FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO EXPO CENTER 135349

The foregoing appropriation item 725664, Fountain Square 135350  
Facilities Management, shall be used for payment of repairs, 135351  
renovation, utilities, property management, and building 135352  
maintenance expenses for the Fountain Square complex and the 135353  
Department of Natural Resources grounds at the Ohio Expo Center. 135354  
Cash transferred by intrastate transfer vouchers from various 135355  
department funds and rental income received by the Department of 135356  
Natural Resources shall be deposited into the Fountain Square 135357  
Facilities Management Fund (Fund 6350). 135358

**Section 343.70.** CLEAN OHIO TRAIL OPERATING EXPENSES 135359

The foregoing appropriation item 725405, Clean Ohio Trail 135360  
Operating, shall be used by the Department of Natural Resources in 135361

administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 135362  
to section 1519.05 of the Revised Code. 135363

**Section 345.10.** NUR STATE BOARD OF NURSING 135364

Dedicated Purpose Fund Group 135365

4K90 884609 Operating Expenses \$ 8,909,895 \$ 9,317,358 135366

5AC0 884602 Nurse Education Grant \$ 1,518,500 \$ 1,518,500 135367  
Program

5P80 884601 Nursing Special \$ 2,000 \$ 2,000 135368

Issues

TOTAL DPF Dedicated Purpose 135369

Fund Group \$ 10,430,395 \$ 10,837,858 135370

TOTAL ALL BUDGET FUND GROUPS \$ 10,430,395 \$ 10,837,858 135371

**Section 347.10.** PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 135373  
AND ATHLETIC TRAINERS BOARD 135374

Dedicated Purpose Fund Group 135375

4K90 890609 Operating Expenses \$ 612,956 \$ 0 135376

TOTAL DPF Dedicated Purpose Fund \$ 612,956 \$ 0 135377

Group

TOTAL ALL BUDGET FUND GROUPS \$ 612,956 \$ 0 135378

**Section 353.10.** OOD OPPORTUNITIES FOR OHIOANS WITH 135380  
DISABILITIES AGENCY 135381

General Revenue Fund 135382

GRF 415402 Independent Living \$ 200,640 \$ 200,640 135383

Council

GRF 415406 Assistive Technology \$ 25,819 \$ 25,819 135384

GRF 415431 Brain Injury \$ 126,567 \$ 126,567 135385

GRF 415506 Services for \$ 15,580,444 \$ 15,580,444 135386

Individuals with  
Disabilities



GRF	415508	Services for the Deaf	\$	27,580	\$	27,580	135387
TOTAL GRF	General Revenue Fund		\$	15,961,050	\$	15,961,050	135388
Dedicated Purpose Fund Group							135389
4670	415609	Business Enterprise	\$	1,555,368	\$	1,555,368	135390
		Operating Expenses					
4680	415618	Third Party Services	\$	12,300,000	\$	12,300,000	135391
		Funding					
4L10	415619	Services for	\$	3,575,191	\$	3,575,191	135392
		Rehabilitation					
TOTAL DPF	Dedicated Purpose						135393
Fund Group			\$	17,430,559	\$	17,430,559	135394
Internal Service Activity Fund Group							135395
4W50	415606	Program Management	\$	12,486,502	\$	12,785,665	135396
TOTAL ISA	Internal Service Activity						135397
Fund Group			\$	12,486,502	\$	12,785,665	135398
Federal Fund Group							135399
3170	415620	Disability	\$	82,228,048	\$	82,932,645	135400
		Determination					
3790	415616	Federal - Vocational	\$	115,837,977	\$	117,416,322	135401
		Rehabilitation					
3GH0	415602	Personal Care	\$	3,139,040	\$	3,139,040	135402
		Assistance					
3GH0	415604	Community Centers for	\$	1,022,000	\$	1,022,000	135403
		the Deaf					
3GH0	415613	Independent Living	\$	627,128	\$	627,128	135404
3L10	415608	Social Security	\$	7,000,000	\$	8,000,000	135405
		Special Program					
		Assistance					
3L40	415615	Federal - Supported	\$	1,000,000	\$	1,000,000	135406
		Employment					
3L40	415617	Vocational	\$	1,778,721	\$	1,778,721	135407
		Rehabilitation					

Programs

TOTAL FED Federal Fund Group	\$ 212,632,914	\$ 215,915,856	135408
TOTAL ALL BUDGET FUND GROUPS	\$ 258,511,025	\$ 262,093,130	135409
INDEPENDENT LIVING			135410
The foregoing appropriation item 415402, Independent Living Council, shall be used to support the state independent living programs and centers under Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d.			135411 135412 135413 135414 135415
Of the foregoing appropriation item 415402, Independent Living Council, \$67,662 in each fiscal year shall be used as state matching funds for vocational rehabilitation innovation and expansion activities.			135416 135417 135418 135419
ASSISTIVE TECHNOLOGY			135420
The total amount of the foregoing appropriation item 415406, Assistive Technology, shall be provided to Assistive Technology of Ohio to provide grants and assistive technology services for people with disabilities in the State of Ohio.			135421 135422 135423 135424
BRAIN INJURY			135425
The foregoing appropriation item 415431, Brain Injury, shall be provided to The Ohio State University College of Medicine to support the Brain Injury Program established under section 3335.60 of the Revised Code.			135426 135427 135428 135429
SERVICES FOR THE DEAF			135430
The foregoing appropriation item 415508, Services for the Deaf, shall be used to provide grants to community centers for the deaf.			135431 135432 135433
<b>Section 355.10.</b> ODB OHIO OPTICAL DISPENSERS BOARD			135434
Dedicated Purpose Fund Group			135435

4K90 894609	Program Support	\$	235,768	\$	0	135436
TOTAL DPF	Dedicated Purpose Fund	\$	235,768	\$	0	135437
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	235,768	\$	0	135438

**Section 357.10.** OPT STATE BOARD OF OPTOMETRY 135440

Dedicated Purpose Fund Group						135441
4K90 885609	Program Support	\$	227,394	\$	0	135442
TOTAL DPF	Dedicated Purpose Fund	\$	227,394	\$	0	135443
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	227,394	\$	0	135444

**Section 359.10.** OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS 135446  
135447

Dedicated Purpose Fund Group						135448
4K90 973609	Operating Expenses	\$	122,574	\$	0	135449
TOTAL DPF	Dedicated Purpose Fund	\$	122,574	\$	0	135450
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	122,574	\$	0	135451

**Section 361.10.** PEN PENSION SUBSIDIES 135452

General Revenue Fund						135453
GRF 090524	Police and Fire	\$	3,000	\$	3,000	135454
Disability Pension Fund						
GRF 090534	Police and Fire Ad	\$	42,000	\$	42,000	135455
Hoc Cost of Living						
GRF 090554	Police and Fire	\$	355,000	\$	355,000	135456
Survivor Benefits						
GRF 090575	Police and Fire Death	\$	20,000,000	\$	20,000,000	135457
Benefits						
TOTAL GRF	General Revenue Fund	\$	20,400,000	\$	20,400,000	135458

TOTAL ALL BUDGET FUND GROUPS	\$	20,400,000	\$	20,400,000	135459
POLICE AND FIRE DEATH BENEFIT FUND					135460
The foregoing appropriation item 090575, Police and Fire					135461
Death Benefits, shall be disbursed quarterly by the Treasurer of					135462
State at the beginning of each quarter of each fiscal year to the					135463
Board of Trustees of the Ohio Police and Fire Pension Fund. The					135464
Treasurer of State shall certify such amounts quarterly to the					135465
Director of Budget and Management. By the twentieth day of June of					135466
each fiscal year, the Board of Trustees of the Ohio Police and					135467
Fire Pension Fund shall certify to the Treasurer of State the					135468
amount disbursed in the current fiscal year to make the payments					135469
required by section 742.63 of the Revised Code and shall return to					135470
the Treasurer of State moneys received from this appropriation					135471
item but not disbursed.					135472
<b>Section 363.10.</b> UST PETROLEUM UNDERGROUND STORAGE TANK					135473
RELEASE COMPENSATION BOARD					135474
Dedicated Purpose Fund Group					135475
6910 810632 Petroleum Underground	\$	1,433,220	\$	1,461,073	135476
Storage Tank Release					
Compensation Board -					
Operating					
TOTAL DPF Dedicated Purpose Fund	\$	1,433,220	\$	1,461,073	135477
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,433,220	\$	1,461,073	135478
<b>Section 365.10.</b> PHS STATE PHYSICAL HEALTH SERVICES BOARD					135480
Dedicated Purpose Fund Group					135481
4K90 127609 Operating Expenses	\$	576,740	\$	1,122,918	135482
TOTAL DPF Dedicated Purpose Fund	\$	576,740	\$	1,122,918	135483
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	576,740	\$	1,122,918	135484

<b>Section 367.10. PRX STATE BOARD OF PHARMACY</b>				135486
Dedicated Purpose Fund Group				135487
4A50	887605	Drug Law Enforcement	\$ 150,000 \$ 150,000	135488
4K90	658605	OARRS Integration - State	\$ 175,000 \$ 210,000	135489
4K90	887609	Operating Expenses	\$ 8,285,214 \$ 8,507,387	135490
5SG0	887612	Drug Database	\$ 200,000 \$ 200,000	135491
5SY0	887613	Medical Marijuana Control Program	\$ 1,455,700 \$ 1,335,200	135492
TOTAL DPF Dedicated Purpose Fund Group				135493
Federal Fund Group				135494
3EB0	887608	2008 Developing/Enhancing PMP	\$ 50,000 \$ 0	135495
3HD0	887614	Pharmacy Federal Grants	\$ 350,001 \$ 350,000	135496
3HH0	658601	OARRS Integration - Federal	\$ 1,700,000 \$ 2,100,000	135497
TOTAL FED Federal Fund Group				135498
TOTAL ALL BUDGET FUND GROUPS				135499
<b>Section 369.10. PSY STATE BOARD OF PSYCHOLOGY</b>				135501
Dedicated Purpose Fund Group				135502
4K90	882609	Operating Expenses	\$ 624,880 \$ 659,900	135503
TOTAL DPF Dedicated Purpose Fund Group				135504
TOTAL ALL BUDGET FUND GROUPS				135506
<b>Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION</b>				135508
General Revenue Fund				135509

GRF	019401	State Legal Defense Services	\$	3,785,087	\$	4,006,983	135510
GRF	019403	Multi-County: State Share	\$	2,058,370	\$	2,079,410	135511
GRF	019404	Trumbull County - State Share	\$	553,340	\$	548,413	135512
GRF	019405	Training Account	\$	50,000	\$	50,000	135513
GRF	019501	County Reimbursement	\$	30,066,220	\$	31,188,211	135514
TOTAL GRF	General Revenue Fund		\$	36,513,017	\$	37,873,017	135515
Dedicated Purpose Fund Group							135516
1010	019607	Juvenile Legal Assistance	\$	207,351	\$	204,756	135517
4060	019603	Training and Publications	\$	25,000	\$	25,000	135518
4070	019604	County Representation	\$	407,613	\$	413,815	135519
4080	019605	Client Payments	\$	789,868	\$	807,884	135520
4C70	019601	Multi-County: County Share	\$	2,558,173	\$	2,662,641	135521
4N90	019613	Gifts and Grants	\$	10,530	\$	10,530	135522
4X70	019610	Trumbull County - County Share	\$	685,699	\$	698,234	135523
5740	019606	Civil Legal Aid	\$	17,750,000	\$	17,750,000	135524
5CX0	019617	Civil Case Filing Fee	\$	556,331	\$	533,722	135525
5DY0	019618	Indigent Defense Support - County Share	\$	32,868,000	\$	32,868,000	135526
5DY0	019619	Indigent Defense Support - State Office	\$	7,167,143	\$	7,212,874	135527
TOTAL DPF	Dedicated Purpose Fund Group		\$	63,025,708	\$	63,187,456	135528 135529
Federal Fund Group							135530

3GJ0 019622	Byrne Memorial Grant	\$	7,766	\$	0	135531
3S80 019608	Federal	\$	37,845	\$	38,315	135532
	Representation					
TOTAL FED	Federal Fund Group	\$	45,611	\$	38,315	135533
TOTAL ALL BUDGET FUND GROUPS		\$	99,584,336	\$	101,098,788	135534
	INDIGENT DEFENSE OFFICE					135535
	The foregoing appropriation items 019404, Trumbull County - State Share, and 019610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County.					135536 135537 135538
	MULTI-COUNTY OFFICE					135539
	The foregoing appropriation items 019403, Multi-County: State Share, and 019601, Multi-County: County Share, shall be used to support the Office of the Ohio Public Defender's Multi-County Branch Office Program.					135540 135541 135542 135543
	TRAINING ACCOUNT					135544
	The foregoing appropriation item 019405, Training Account, shall be used by the Ohio Public Defender to provide legal training programs at no cost for private appointed counsel who represents at least one indigent defendant at no cost, state and county public defenders, and attorneys who contract with the Ohio Public Defender to provide indigent defense services.					135545 135546 135547 135548 135549 135550
	INDIGENT DEFENSE SUPPORT FUND					135551
	The foregoing appropriation item 019619, Indigent Defense Support - State Office, shall be used by the Ohio Public Defender for the purposes of appointing assistant state public defenders, providing other personnel, equipment, and facilities necessary for the operation of the state public defender office, and providing training, developing and implementing electronic forms, or establishing and maintaining an information technology system used for the uniform operation of Chapter 120. of the Revised Code. Notwithstanding section 120.08 of the Revised Code, from July 1,					135552 135553 135554 135555 135556 135557 135558 135559 135560

2017, until the effective date of the amendments to that section 135561  
by this act, the Ohio Public Defender may use up to seventeen per 135562  
cent of the money in the Indigent Defense Support Fund (Fund 5DY0) 135563  
for those purposes. 135564

FEDERAL REPRESENTATION 135565

The foregoing appropriation item 019608, Federal 135566  
Representation, shall be used to support representation provided 135567  
by the Ohio Public Defender in federal court cases. 135568

**Section 373.10.** DPS DEPARTMENT OF PUBLIC SAFETY 135569

General Revenue Fund 135570

GRF	763403	EMA Operating	\$	4,300,443	\$	4,716,556	135571
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GRF	767420	Investigative Unit	\$	11,614,478	\$	11,973,378	135572
		Operating					

GRF	768425	Justice Program	\$	702,848	\$	1,001,194	135573
		Services					

GRF	769406	Homeland Security -	\$	2,586,618	\$	2,699,745	135574
		Operating					

TOTAL GRF	General Revenue Fund	\$	19,204,387	\$	20,390,873	135575
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Dedicated Purpose Fund Group 135576

4P60	768601	Justice Program	\$	330,000	\$	210,000	135577
		Services					

4V30	763662	EMA Service and	\$	751,000	\$	751,000	135578
		Reimbursements					

5BK0	768687	Criminal Justice	\$	550,000	\$	400,000	135579
		Services - Operating					

5BK0	768689	Family Violence	\$	1,550,000	\$	1,550,000	135580
		Shelter Programs					

5ET0	768625	Drug Law Enforcement	\$	8,000,000	\$	8,000,000	135581
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5LM0	768698	Criminal Justice	\$	850,946	\$	850,946	135582
		Services Law					



		Enforcement Support					
5ML0	769635	Infrastructure	\$	100,000	\$	100,000	135583
		Protection					
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000	135584
5RS0	768621	Community Police	\$	1,000,000	\$	1,000,000	135585
		Relations					
5Y10	767696	Ohio Investigative	\$	20,000	\$	20,000	135586
		Unit Continuing					
		Professional Training					
6220	767615	Investigative,	\$	1,000,000	\$	1,000,000	135587
		Contraband, and					
		Forfeiture					
6570	763652	Utility Radiological	\$	1,258,624	\$	1,258,624	135588
		Safety					
6810	763653	SARA Title III Hazmat	\$	273,629	\$	273,629	135589
		Planning					
8500	767628	Investigative Unit	\$	175,000	\$	175,000	135590
		Salvage					
TOTAL	DPF	Dedicated Purpose Fund	\$	16,759,199	\$	16,489,199	135591
		Group					
		Federal Fund Group					135592
3290	763645	Federal Mitigation	\$	7,960,000	\$	7,200,000	135593
		Program					
3370	763609	Federal Disaster	\$	20,019,000	\$	18,017,000	135594
		Relief					
3390	763647	Emergency Management	\$	49,600,000	\$	44,700,000	135595
		Assistance and					
		Training					
3FK0	768615	Justice Assistance	\$	100,000	\$	100,000	135596
		Grants - FFY11					
3FP0	767620	Ohio Investigative	\$	55,000	\$	55,000	135597
		Unit Justice					
		Contraband					

3FY0	768616	Justice Assistance Grants - FFY12	\$	100,000	\$	100,000	135598
3FZ0	768617	Justice Assistance Grants - FFY13	\$	400,000	\$	400,000	135599
3GA0	768618	Justice Assistance Grants - FFY14	\$	900,000	\$	900,000	135600
3GL0	768619	Justice Assistance Grants - FFY15	\$	12,500,000	\$	12,500,000	135601
3GT0	767691	Investigative Unit Federal Equity Share	\$	300,000	\$	300,000	135602
3GU0	769610	Investigations Grants - Food Stamps, Liquor and Tobacco Laws	\$	1,400,000	\$	1,400,000	135603
3GU0	769631	Homeland Security Disaster Grants	\$	1,400,000	\$	1,400,000	135604
3L50	768604	Justice Program	\$	10,500,000	\$	10,500,000	135605
3N50	763644	U.S. Department of Energy Agreement	\$	31,672	\$	31,672	135606
TOTAL FED	FEDERAL FUND GROUP		\$	105,265,672	\$	97,603,672	135607
TOTAL ALL BUDGET FUND GROUPS			\$	141,229,258	\$	134,483,744	135608

**Section 373.20. STATE DISASTER RELIEF** 135610

The State Disaster Relief Fund (Fund 5330) may accept 135611  
transfers of cash or appropriations from Controlling Board 135612  
appropriation items for the Ohio Emergency Management Agency 135613  
disaster response costs and disaster program management costs, and 135614  
may also be used for the following purposes: 135615

(A) To accept transfers of cash or appropriations from 135616  
Controlling Board appropriation items for Ohio Emergency 135617  
Management Agency public assistance and mitigation program match 135618  
costs to reimburse eligible local governments and private 135619  
nonprofit organizations for costs related to disasters; 135620

(B) To accept transfers of cash to reimburse the costs 135621  
associated with Emergency Management Assistance Compact (EMAC) 135622  
deployments; 135623

(C) To accept disaster related reimbursement from federal, 135624  
state, and local governments. The Director of Budget and 135625  
Management may transfer cash from reimbursements received by this 135626  
fund to other funds of the state from which transfers were 135627  
originally approved by the Controlling Board. 135628

(D) To accept transfers of cash or appropriations from 135629  
Controlling Board appropriation items to fund the State Disaster 135630  
Relief Program, for disasters that qualify for the program by 135631  
written authorization of the Governor, and the State Individual 135632  
Assistance Program for disasters that have been declared by the 135633  
federal Small Business Administration and that qualify for the 135634  
program by written authorization from the Governor. The Ohio 135635  
Emergency Management Agency shall publish and make available 135636  
application packets outlining procedures for the State Disaster 135637  
Relief Program and the State Individual Assistance Program. 135638

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 135639  
AGENCY SERVICE AND REIMBURSEMENT FUND 135640

On July 1 of each fiscal year, or as soon as possible 135641  
thereafter, the Director of Budget and Management shall transfer 135642  
\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the 135643  
Emergency Management Agency Service and Reimbursement Fund (Fund 135644  
4V30) to be distributed to the Ohio Task Force One - Urban Search 135645  
and Rescue Unit, other similar urban search and rescue units 135646  
around the state, and for maintenance of the statewide fire 135647  
emergency response plan by an entity recognized by the Ohio 135648  
Emergency Management Agency. 135649

DRUG LAW ENFORCEMENT FUND 135650

Notwithstanding division (D) of section 5502.68 of the 135651

Revised Code, in each of fiscal years 2018 and 2019, the 135652  
cumulative amount of funding provided to any single drug task 135653  
force out of the Drug Law Enforcement Fund (Fund 5ET0) may not 135654  
exceed \$500,000 in any calendar year. 135655

COMMUNITY POLICE RELATIONS 135656

The foregoing appropriation item 768621, Community Police 135657  
Relations, shall be used to implement key recommendations of the 135658  
Ohio Task Force on Community-Police Relations, including a 135659  
database on use of force and officer involved shootings, a public 135660  
awareness campaign, and state-provided assistance with 135661  
policy-making and manuals. 135662

SARA TITLE III HAZMAT PLANNING 135663

The SARA Title III Hazmat Planning Fund (Fund 6810) is 135664  
entitled to receive grant funds from the Emergency Response 135665  
Commission to implement the Emergency Management Agency's 135666  
responsibilities under Chapter 3750. of the Revised Code. 135667

**Section 375.10.** PUC PUBLIC UTILITIES COMMISSION OF OHIO 135668

Dedicated Purpose Fund Group 135669

4A30 870614 Grade Crossing \$ 750,000 \$ 1,000,000 135670

Protection

Devices-State

4L80 870617 Pipeline Safety-State \$ 331,992 \$ 331,992 135671

5610 870606 Power Siting Board \$ 581,000 \$ 581,000 135672

5F60 870622 Utility and Railroad \$ 31,826,624 \$ 31,826,624 135673

Regulation

5F60 870624 NARUC/NRRI Subsidy \$ 85,000 \$ 85,000 135674

5LT0 870640 Intrastate \$ 195,000 \$ 195,000 135675

Registration

5LT0 870641 Unified Carrier \$ 450,000 \$ 450,000 135676

Registration

5LT0	870642	Hazardous Materials Registration	\$	775,000	\$	775,000	135677
5LT0	870643	Non-hazardous Materials Civil Forfeiture	\$	292,000	\$	292,000	135678
5LT0	870644	Hazardous Materials Civil Forfeiture	\$	898,800	\$	898,800	135679
5LT0	870645	Motor Carrier Enforcement	\$	4,750,000	\$	4,750,000	135680
5Q50	870626	Telecommunications Relay Service	\$	3,500,000	\$	3,500,000	135681
5QR0	870646	Underground Facilities Protection	\$	50,000	\$	50,000	135682
5QS0	870647	Underground Facilities Administration	\$	316,000	\$	316,000	135683
TOTAL DPF		Dedicated Purpose Fund Group	\$	44,801,416	\$	45,051,416	135684
		Federal Fund Group					135685
3330	870601	Gas Pipeline Safety	\$	597,959	\$	597,959	135686
3500	870608	Motor Carrier Safety	\$	6,250,000	\$	6,250,000	135687
3V30	870604	Commercial Vehicle Information Systems/Networks	\$	100,000	\$	100,000	135688
TOTAL FED		Federal Fund Group	\$	6,947,959	\$	6,947,959	135689
TOTAL ALL BUDGET FUND GROUPS			\$	51,749,375	\$	51,999,375	135690
		<b>Section 377.10. PWC PUBLIC WORKS COMMISSION</b>					135692
		General Revenue Fund					135693
GRF	150904	Conservation General Obligation Bond Debt Service	\$	37,500,000	\$	40,500,000	135694
GRF	150907	Infrastructure	\$	227,005,100	\$	220,142,200	135695

Improvement General			
Obligation Bond Debt			
Service			
TOTAL GRF General Revenue Fund	\$	264,505,100	\$ 260,642,200 135696
Capital Projects Fund Group			135697
7038 150321 State Capital	\$	880,952	\$ 880,952 135698
Improvements Program			
- Operating Expenses			
7056 150403 Clean Ohio	\$	296,051	\$ 296,051 135699
Conservation			
Operating			
TOTAL CPF Capital Projects Fund	\$	1,177,003	\$ 1,177,003 135700
Group			
TOTAL ALL BUDGET FUND GROUPS	\$	265,682,103	\$ 261,819,203 135701

**Section 377.20.** CONSERVATION GENERAL OBLIGATION BOND DEBT 135703  
SERVICE 135704

The foregoing appropriation item 150904, Conservation General 135705  
Obligation Bond Debt Service, shall be used to pay all debt 135706  
service and related financing costs during the period from July 1, 135707  
2017, through June 30, 2019, at the times they are required to be 135708  
made for obligations issued under sections 151.01 and 151.09 of 135709  
the Revised Code. 135710

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 135711  
SERVICE 135712

The foregoing appropriation item 150907, Infrastructure 135713  
Improvement General Obligation Bond Debt Service, shall be used to 135714  
pay all debt service and related financing costs during the period 135715  
from July 1, 2017, through June 30, 2019, at the times they are 135716  
required to be made for obligations issued under sections 151.01 135717  
and 151.08 of the Revised Code. 135718

CLEAN OHIO CONSERVATION OPERATING 135719

The foregoing appropriation item 150403, Clean Ohio Conservation Operating, shall be used by the Ohio Public Works Commission in administering Clean Ohio Conservation Fund (Fund 7056) projects pursuant to sections 164.20 to 164.27 of the Revised Code.

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES

The foregoing appropriation item 150321, State Capital Improvements Program - Operating Expenses, shall be used by the Ohio Public Works Commission to administer the State Capital Improvement Program under sections 164.01 to 164.16 of the Revised Code.

DISTRICT ADMINISTRATION COSTS

The Director of the Public Works Commission is authorized to create a District Administration Costs Program from proceeds of the Capital Improvements Fund and Local Transportation Improvement Program Fund. The program shall be used to provide for the direct costs of district administration of the nineteen public works districts. Districts choosing to participate in the program shall only expend State Capital Improvements Fund moneys for State Capital Improvements Fund costs and Local Transportation Improvement Program Fund moneys for Local Transportation Improvement Program Fund costs. The District Administration Costs Program account shall not exceed \$1,235,000 per fiscal year. Each public works district may be eligible for up to \$65,000 per fiscal year from its district allocation as provided in sections 164.08 and 164.14 of the Revised Code.

The Director, by rule, shall define allowable and nonallowable costs for the purpose of the District Administration Costs Program. Nonallowable costs include indirect costs, elected official salaries and benefits, and project-specific costs. No district public works committee may participate in the District

Administration Costs Program without the approval of those costs 135751  
by the district public works committee under section 164.04 of the 135752  
Revised Code. 135753

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 135754

The Director of the Public Works Commission is authorized to 135755  
create a District Administration Costs Program for districts 135756  
represented by natural resource assistance councils. This program 135757  
shall be funded from proceeds of the Clean Ohio Conservation Fund. 135758  
The program shall be used by natural resource assistance councils 135759  
in order to provide for administration costs of the nineteen 135760  
natural resource assistance councils for the direct costs of 135761  
council administration. Councils choosing to participate in this 135762  
program may be eligible for up to \$15,000 per fiscal year from its 135763  
district allocation as provided in section 164.27 of the Revised 135764  
Code. The director shall define allowable and nonallowable costs 135765  
for the purpose of the District Administration Costs Program. 135766  
Nonallowable costs include indirect costs, elected official 135767  
salaries and benefits, and project-specific costs. 135768

**Section 379.10.** RAC STATE RACING COMMISSION 135769

Dedicated Purpose Fund Group 135770

5620 875601 Thoroughbred \$ 1,400,000 \$ 1,400,000 135771  
Development

5630 875602 Standardbred \$ 1,550,000 \$ 1,550,000 135772  
Development

5650 875604 Racing Commission \$ 3,743,995 \$ 3,770,948 135773  
Operating

5JK0 875610 Horse Racing \$ 8,512,095 \$ 8,512,095 135774  
Development-Casino

5NL0 875611 Revenue \$ 8,000,000 \$ 8,000,000 135775  
Redistribution

TOTAL DPF Dedicated Purpose Fund \$ 23,206,090 \$ 23,233,043 135776



Group

Fiduciary Fund Group					135777
5C40 875607 Simulcast Horse	\$	9,000,000	\$	9,000,000	135778
Racing Purse					
TOTAL FID Fiduciary Fund Group	\$	9,000,000	\$	9,000,000	135779
Holding Account Fund Group					135780
R021 875605 Bond Reimbursements	\$	100,000	\$	100,000	135781
TOTAL HLD Holding Account Fund	\$	100,000	\$	100,000	135782
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	32,306,090	\$	32,333,043	135783

**Section 381.10.** BOR DEPARTMENT OF HIGHER EDUCATION 135785

General Revenue Fund					135786
GRF 235321 Operating Expenses	\$	5,591,743	\$	5,590,720	135787
GRF 235402 Sea Grants	\$	299,250	\$	299,250	135788
GRF 235406 Articulation and	\$	1,812,773	\$	1,812,773	135789
Transfer					
GRF 235408 Midwest Higher	\$	111,550	\$	111,550	135790
Education Compact					
GRF 235414 Grants and Scholarship	\$	818,433	\$	818,433	135791
Administration					
GRF 235417 Technology Maintenance	\$	4,313,698	\$	4,313,698	135792
and Operations					
GRF 235438 Choose Ohio First	\$	16,174,447	\$	16,174,447	135793
Scholarship					
GRF 235443 Adult Basic and	\$	7,083,344	\$	7,083,344	135794
Literacy Education -					
State					
GRF 235444 Ohio Technical Centers	\$	16,476,150	\$	16,640,913	135795
GRF 235474 Area Health Education	\$	873,000	\$	873,000	135796
Centers Program					
Support					

GRF 235492	Campus Safety and Training	\$	750,000	\$	750,000	135797
GRF 235501	State Share of Instruction	\$	1,979,416,550	\$	1,979,416,550	135798
GRF 235502	Student Support Services	\$	632,974	\$	632,974	135799
GRF 235504	War Orphans Scholarships	\$	8,077,000	\$	8,372,500	135800
GRF 235507	OhioLINK	\$	6,024,682	\$	6,024,682	135801
GRF 235508	Air Force Institute of Technology	\$	1,566,723	\$	1,566,723	135802
GRF 235510	Ohio Supercomputer Center	\$	4,388,513	\$	4,388,513	135803
GRF 235511	Cooperative Extension Service	\$	23,920,111	\$	23,913,219	135804
GRF 235514	Central State Supplement	\$	11,685,516	\$	11,685,516	135805
GRF 235515	Case Western Reserve University School of Medicine	\$	2,081,865	\$	2,081,865	135806
GRF 235519	Family Practice	\$	3,071,199	\$	3,071,199	135807
GRF 235520	Shawnee State Supplement	\$	2,537,456	\$	2,537,456	135808
GRF 235525	Geriatric Medicine	\$	506,486	\$	506,486	135809
GRF 235526	Primary Care Residencies	\$	1,455,000	\$	1,455,000	135810
GRF 235535	Ohio Agricultural Research and Development Center	\$	36,361,470	\$	36,361,470	135811
GRF 235536	The Ohio State University Clinical Teaching	\$	9,378,873	\$	9,378,873	135812
GRF 235537	University of	\$	7,713,996	\$	7,713,996	135813

	Cincinnati Clinical Teaching					
GRF 235538	University of Toledo Clinical Teaching	\$	6,012,642	\$	6,012,642	135814
GRF 235539	Wright State University Clinical Teaching	\$	2,921,058	\$	2,921,058	135815
GRF 235540	Ohio University Clinical Teaching	\$	2,823,876	\$	2,823,876	135816
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,904,353	\$	2,904,353	135817
GRF 235546	Central State Agricultural Research and Development	\$	1,437,017	\$	1,437,017	135818
GRF 235548	Central State Cooperative Extension Services	\$	1,346,976	\$	1,346,976	135819
GRF 235552	Capital Component	\$	6,350,817	\$	1,584,491	135820
GRF 235555	Library Depositories	\$	1,397,132	\$	1,397,132	135821
GRF 235556	Ohio Academic Resources Network	\$	3,077,343	\$	3,077,343	135822
GRF 235558	Long-term Care Research	\$	315,541	\$	315,541	135823
GRF 235563	Ohio College Opportunity Grant	\$	103,425,000	\$	104,875,000	135824
GRF 235572	The Ohio State University Clinic Support	\$	743,537	\$	743,537	135825
GRF 235591	Co-Op Internship Program	\$	700,000	\$	700,000	135826
GRF 235599	National Guard Scholarship Program	\$	18,900,003	\$	18,900,003	135827

GRF 235909	Higher Education	\$ 272,425,600	\$ 300,094,600	135828
	General Obligation			
	Bond Debt Service			
TOTAL GRF	General Revenue Fund	\$ 2,577,903,697	\$ 2,602,708,719	135829
	Dedicated Purpose Fund Group			135830
2200 235614	Program Approval and	\$ 664,562	\$ 664,562	135831
	Reauthorization			
4560 235603	Sales and Services	\$ 199,250	\$ 199,250	135832
4E80 235602	Higher Educational	\$ 50,000	\$ 50,000	135833
	Facility Commission			
	Administration			
5D40 235675	Conference/Special	\$ 791,503	\$ 791,503	135834
	Purposes			
5FR0 235650	State and Non-Federal	\$ 500,000	\$ 500,000	135835
	Grants and Award			
5JC0 235407	Appalachian New	\$ 1,477,500	\$ 1,477,500	135836
	Economy Workforce			
	Partnership			
5JC0 235654	Federal Research	\$ 1,750,000	\$ 1,750,000	135837
	Network			
5NH0 235517	Short-Term	\$ 0	\$ 5,000,000	135838
	Certificates			
5NH0 235684	OhioMeansJobs	\$ 250,000	\$ 250,000	135839
	Workforce Development			
	Revolving Loan			
	Program			
5P30 235663	Variable Savings Plan	\$ 7,250,000	\$ 7,250,000	135840
6450 235664	Guaranteed Savings	\$ 1,061,886	\$ 1,061,886	135841
	Plan			
6820 235606	Nursing Loan Program	\$ 891,320	\$ 891,320	135842
TOTAL DPF	Dedicated Purpose Fund	\$ 14,886,021	\$ 19,886,021	135843
	Group			
	Bond Research and Development Fund Group			135844

7011	235634	Research Incentive	\$	8,000,000	\$	8,000,000	135845
		Third Frontier					
TOTAL BRD		Bond Research and	\$	8,000,000	\$	8,000,000	135846
		Development Fund Group					
		Federal Fund Group					135847
3120	235611	Gear-up Grant	\$	2,000,000	\$	2,000,000	135848
3120	235612	Carl D. Perkins	\$	1,350,000	\$	1,350,000	135849
		Grant/Plan					
		Administration					
3120	235617	Improving Teacher	\$	2,800,000	\$	2,800,000	135850
		Quality Grant					
3120	235641	Adult Basic and	\$	16,400,000	\$	16,600,000	135851
		Literacy Education -					
		Federal					
3BG0	235651	Gear Up Grant	\$	1,250,000	\$	1,250,000	135852
		Scholarships					
3H20	235608	Human Services	\$	375,000	\$	375,000	135853
		Project					
3N60	235658	John R. Justice	\$	60,000	\$	60,000	135854
		Student Loan					
		Repayment Program					
TOTAL FED		Federal Fund Group	\$	24,235,000	\$	24,435,000	135855
TOTAL ALL		BUDGET FUND GROUPS	\$	2,625,024,718	\$	2,655,029,740	135856

**Section 381.20. SEA GRANTS** 135858

The foregoing appropriation item 235402, Sea Grants, shall be 135859  
used to match federal dollars and leverage additional support by 135860  
The Ohio State University's Sea Grant program, including Stone 135861  
Laboratory, for research, education, and outreach to enhance the 135862  
economic value, public utilization, and responsible management of 135863  
Lake Erie and Ohio's coastal resources. 135864

**Section 381.30. ARTICULATION AND TRANSFER** 135865

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of Higher Education to maintain and expand the work of the Articulation and Transfer Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer and have coursework apply to their majors and degrees at any other state institution of higher education without unnecessary duplication or institutional barriers under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

**Section 381.40. MIDWEST HIGHER EDUCATION COMPACT** 135875

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of Higher Education under section 3333.40 of the Revised Code.

**Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION** 135879

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National Guard Scholarship Program.

**Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS** 135889

The foregoing appropriation item 235417, Technology Maintenance and Operations, shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and capacity of the Department of Higher Education.

The information technology solutions may be provided by the Ohio Technology Consortium (OH-TECH). 135895  
135896

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year may be used by the Chancellor to support the continued implementation of eStudent Services, a consortium organized under division (T) of section 3333.04 of the Revised Code to expand access to dual enrollment opportunities for high school students, as well as adult and higher education opportunities through technology. The funds shall be used by eStudent Services to develop and promote learning and assessment through the use of technology, to test and provide advice on emerging learning-directed technologies, to facilitate cost-effectiveness through shared educational technology investments, and for any other priorities of the Chancellor of Higher Education. 135897  
135898  
135899  
135900  
135901  
135902  
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135904  
135905  
135906  
135907  
135908  
135909

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year shall be used by the Chancellor to implement a high priority data warehouse, advanced analytics, and visualization integration services associated with the Higher Education Information (HEI) system. The services may be facilitated by OH-TECH. 135910  
135911  
135912  
135913  
135914  
135915

TECHNOLOGY INTEGRATION AND PROFESSIONAL DEVELOPMENT LINE ITEM TRANSFER 135916  
135917

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management, upon request by the Chancellor of Higher Education, shall cancel any existing encumbrances against appropriation item 235483, Technology Integration and Professional Development, and re-establish them against appropriation item 235417, Technology Maintenance and Operations. The re-established encumbrance amounts are hereby appropriated. 135918  
135919  
135920  
135921  
135922  
135923  
135924

**Section 381.80.** CHOOSE OHIO FIRST SCHOLARSHIP 135925

The foregoing appropriation item 235438, Choose Ohio First Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.69 of the Revised Code.

During each fiscal year, the Chancellor of Higher Education, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235438, Choose Ohio First Scholarship. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Choose Ohio First Scholarship Reserve Fund (Fund 5PV0).

**Section 381.90. ADULT BASIC AND LITERACY EDUCATION**

The foregoing appropriation item 235443, Adult Basic and Literacy Education - State, shall be used to support the adult basic and literacy education instructional grant program and state leadership program. The supported programs shall satisfy the state match and maintenance of effort requirements for the state-administered grant program.

**Section 381.100. OHIO TECHNICAL CENTERS FUNDING**

The foregoing appropriation item 235444, Ohio Technical Centers, shall be used by the Chancellor of Higher Education to support post-secondary adult career-technical education. The Chancellor shall provide coordination for Ohio Technical Centers through program approval processes, data collection of program and student outcomes, and subsidy disbursements from the foregoing appropriation item 235444, Ohio Technical Centers.

(A)(1) As soon as possible in each fiscal year, in accordance with instructions of the Chancellor, each Ohio Technical Center shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's files, to the



Chancellor. 135956

(a) In defining the number of full-time equivalent students 135957  
for state subsidy purposes, the Chancellor shall exclude all 135958  
students who are not residents of Ohio. 135959

(b) A full-time equivalent student shall be defined as a 135960  
student who completes 450 hours. Those students that complete some 135961  
portion of 450 hours shall be counted as a partial full-time 135962  
equivalent for funding purposes, while students that complete more 135963  
than 450 hours shall be counted as proportionally greater than one 135964  
full-time equivalent. 135965

(c) In calculating each Ohio Technical Center's full-time 135966  
equivalent students, the Chancellor shall use a three-year 135967  
average. 135968

(d) After June 30, 2019, Ohio Technical Centers shall operate 135969  
with, or be an active candidate for, accreditation by an 135970  
accreditor authorized by the United States Department of Education 135971  
to be eligible to receive subsidies from the foregoing 135972  
appropriation item 235444, Ohio Technical Centers. 135973

(2) In each fiscal year, twenty-five per cent of the 135974  
allocation for Ohio Technical Centers shall be distributed based 135975  
on the proportion of each Center's full-time equivalent students 135976  
to the total full-time equivalent students who complete a 135977  
post-secondary technical workforce training program approved by 135978  
the Chancellor with a grade of C or better or a grade of pass if 135979  
the program is evaluated on a pass/fail basis. 135980

(3) In each fiscal year, twenty per cent of the allocation 135981  
for Ohio Technical Centers shall be distributed based on the 135982  
proportion of each Center's full-time equivalent students to the 135983  
total full-time equivalent students who complete 50 per cent of a 135984  
program of study as a measure of student retention. 135985

(4) In each fiscal year, fifty per cent of the allocation for 135986

Ohio Technical Centers shall be distributed based on the 135987  
proportion of each Center's full-time equivalent students to the 135988  
total full-time equivalent students who have found employment, 135989  
entered military service, or enrolled in additional post-secondary 135990  
education and training in accordance with the placement 135991  
definitions of the Carl D. Perkins Career and Technical Education 135992  
Act of 2006 (Perkins). The calculation for eligible full-time 135993  
equivalent students shall be based on the per cent of Perkins 135994  
placements for students who have completed at least 50 per cent of 135995  
a program of study. 135996

(5) In each fiscal year, five per cent of the allocation for 135997  
Ohio Technical Centers shall be distributed based on the 135998  
proportion of each Center's full-time equivalent students to the 135999  
total full-time equivalent students who have earned a credential 136000  
from an industry-recognized third party. 136001

(B) Of the foregoing appropriation item 235444, Ohio 136002  
Technical Centers, up to 2.38 per cent in each fiscal year may be 136003  
distributed by the Chancellor to the Ohio Central School System, 136004  
up to \$48,000 in each fiscal year may be utilized for assistance 136005  
for Ohio Technical Centers, and up to \$1,300,000 in each fiscal 136006  
year may be distributed by the Chancellor to Ohio Technical 136007  
Centers that provide business consultation with matching local 136008  
dollars, with preference to industries on the in-demand jobs list 136009  
created under section 6301.11 of the Revised Code or in regionally 136010  
emerging fields. Centers meeting this requirement shall receive an 136011  
amount not to exceed \$25,000 per center. 136012

(C) The remainder of the foregoing appropriation item 235444, 136013  
Ohio Technical Centers, in each fiscal year shall be distributed 136014  
in accordance with division (A) of this section. 136015

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 136016  
CENTERS 136017

(1) In fiscal year 2018, no Ohio Technical Center shall receive performance funding calculated under division (A) of this section, excluding funding for third party credentials calculated under division (A)(5) of this section, that is less than 95 per cent of the average allocation the Center received, excluding funding for third party credentials, in the three prior fiscal years.

In fiscal year 2019, no Ohio Technical Center shall receive performance funding calculated under division (A) of this section, excluding funding for third party credentials calculated under division (A)(5) of this section, that is less than 94 per cent of the average allocation the Center received, excluding funding for third party credentials, in the three prior fiscal years.

(2) In order to ensure that no Center receives less than the amounts identified for each fiscal year in accordance with division (D)(1) of this section, funds shall be made available to support the phase-in allocation by proportionally reducing formula earnings from each Center not receiving phase-in funding.

**Section 381.110. AREA HEALTH EDUCATION CENTERS PROGRAM SUPPORT**

The foregoing appropriation item 235474, Area Health Education Centers Program Support, shall be used by the Chancellor of Higher Education to support the medical school regional area health education centers' educational programs for the continued support of medical and other health professions education and for support of the Area Health Education Center Program.

**Section 381.120. CAMPUS SAFETY AND TRAINING**

The foregoing appropriation item 235492, Campus Safety and Training, shall be used by the Chancellor of Higher Education for the purpose of developing model best practices for preventing and

responding to sexual violence on campus. The Chancellor, in 136048  
consultation with state institutions of higher education as 136049  
defined in section 3345.011 of the Revised Code and private 136050  
nonprofit institutions of higher education holding certificates of 136051  
authorization under Chapter 1713. of the Revised Code, shall 136052  
continue to develop model best practices in line with emerging 136053  
trends, research, and evidence-based training for preventing and 136054  
responding to sexual violence and protecting students and staff 136055  
who are victims of sexual violence on campus. The Chancellor shall 136056  
convene state institutions of higher education and private 136057  
nonprofit institutions of higher education in the training and 136058  
implementation of best practices regarding campus sexual violence. 136059

**Section 381.140.** STATE SHARE OF INSTRUCTION FORMULAS 136060

The Chancellor of Higher Education shall establish procedures 136061  
to allocate the foregoing appropriation item 235501, State Share 136062  
of Instruction, based on the formulas detailed in this section 136063  
that utilize the enrollment, course completion, degree attainment, 136064  
and student achievement factors reported annually by each state 136065  
institution of higher education participating in the Higher 136066  
Education Information (HEI) system. 136067

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 136068  
COMPLETIONS 136069

(1) As soon as possible during each fiscal year of the 136070  
biennium ending June 30, 2019, in accordance with instructions of 136071  
the Department of Higher Education, each state institution of 136072  
higher education shall report its actual data, consistent with the 136073  
definitions in the Higher Education Information (HEI) system's 136074  
enrollment files, to the Chancellor of Higher Education. 136075

(2) In defining the number of full-time equivalent students 136076  
for state subsidy instructional cost purposes, the Chancellor 136077  
shall exclude all undergraduate students who are not residents of 136078

Ohio or who do not meet the definition of residency for state 136079  
subsidy and tuition surcharge purposes, except those charged 136080  
in-state fees in accordance with reciprocity agreements made under 136081  
section 3333.17 of the Revised Code or employer contracts entered 136082  
into under section 3333.32 of the Revised Code. 136083

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 136084

For purposes of calculating state share of instruction 136085  
allocations, the total instructional costs per full-time 136086  
equivalent student shall be: 136087

Model	Fiscal Year 2018	Fiscal Year 2019	
ARTS AND HUMANITIES 1	\$8,678	\$8,837	136089
ARTS AND HUMANITIES 2	\$12,238	\$12,463	136090
ARTS AND HUMANITIES 3	\$15,530	\$15,814	136091
ARTS AND HUMANITIES 4	\$24,455	\$24,903	136092
ARTS AND HUMANITIES 5	\$39,092	\$39,809	136093
ARTS AND HUMANITIES 6	\$40,081	\$40,815	136094
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$8,258	\$8,409	136095
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,278	\$9,448	136096
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$11,903	\$12,121	136097
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$13,855	\$14,109	136098
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$22,149	\$22,555	136099
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$23,377	\$23,805	136100
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$34,909	\$35,549	136101
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$8,059	\$8,206	136102

MEDICINE 1			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$10,889	\$11,088	136103
MEDICINE 2			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$12,615	\$12,846	136104
MEDICINE 3			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$14,845	\$15,117	136105
MEDICINE 4			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$19,560	\$19,918	136106
MEDICINE 5			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$20,673	\$21,052	136107
MEDICINE 6			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$23,500	\$23,930	136108
MEDICINE 7			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$38,870	\$39,582	136109
MEDICINE 8			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$54,329	\$55,324	136110
MEDICINE 9			
Doctoral I and Doctoral II models shall be allocated in			136111
accordance with division (D)(2) of this section.			136112
Medical I and Medical II models shall be allocated in			136113
accordance with divisions (D)(3) and (D)(4) of this section.			136114
(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL,			136115
AND GRADUATE WEIGHTS			136116
For the purpose of implementing the recommendations of the			136117

2006 State Share of Instruction Consultation and the Higher 136118  
Education Funding Study Council that priority be given to 136119  
maintaining state support for science, technology, engineering, 136120  
mathematics, medicine, and graduate programs, the costs in 136121  
division (B) of this section shall be weighted by the amounts 136122  
provided below: 136123

Model	Fiscal Year 2018	Fiscal Year 2019	
ARTS AND HUMANITIES 1	1.0000	1.0000	136124
ARTS AND HUMANITIES 2	1.0000	1.0000	136125
ARTS AND HUMANITIES 3	1.0000	1.0000	136126
ARTS AND HUMANITIES 4	1.0000	1.0000	136127
ARTS AND HUMANITIES 5	1.0425	1.0425	136128
ARTS AND HUMANITIES 6	1.0425	1.0425	136129
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	136130
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	136131
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	136132
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	136133
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	136134
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	136135
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	136136
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	136137
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	136138

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	136140
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	136141
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	136142
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	136143
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380	136144
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675	136145
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361	136146
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			136147
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			136148
(1) Of the foregoing appropriation item 235501, State Share			136149
of Instruction, 50 per cent of the appropriation for universities,			136150
as established in division (A)(2) of the section of this act			136151
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND			136152
2019," in each fiscal year shall be reserved for support of			136153
associate, baccalaureate, master's, and professional level degree			136154
attainment.			136155
The degree attainment funding shall be allocated to			136156
universities in proportion to each campus's share of the total			136157



statewide degrees granted, weighted by the cost of the degree 136158  
programs. The degree cost calculations shall include the model 136159  
cost weights for the science, technology, engineering, 136160  
mathematics, and medicine models as established in division (C) of 136161  
this section. 136162

For degrees including credits earned at multiple 136163  
institutions, degree attainment funding shall be allocated to 136164  
universities in proportion to each campus's share of the 136165  
student-specific cost of earned credits for the degree. Each 136166  
institution shall receive its prorated share of degree funding for 136167  
credits earned at that institution. Cost of credits not earned at 136168  
a university main or regional campus shall be credited to the 136169  
degree-granting institution for the first degree earned by a 136170  
student at each degree level. The cost credited to the 136171  
degree-granting institution shall not be eligible for at-risk 136172  
weights and shall be limited to 12.5 per cent of the 136173  
student-specific degree costs. However, the 12.5 per cent 136174  
limitation shall not apply if the student transferred 12 or fewer 136175  
credits into the degree granting institution. 136176

In calculating the subsidy entitlements for degree attainment 136177  
for universities, the Chancellor shall use the following count of 136178  
degrees and degree costs: 136179

(a) The subsidy eligible undergraduate degrees shall be 136180  
defined as follows: 136181

(i) The subsidy eligible degrees conferred to students 136182  
identified as residents of the state of Ohio in any term of their 136183  
studies, as reported through the Higher Education Information 136184  
(HEI) system student enrollment file, shall be weighted by a 136185  
factor of 1. 136186

(ii) The subsidy eligible degrees conferred to students 136187  
identified as out-of-state residents during all terms of their 136188

studies, as reported through the Higher Education Information 136189  
(HEI) system student enrollment file, who remain in the state of 136190  
Ohio at least one year after graduation, as calculated based on 136191  
the three-year average in-state residency rate using the 136192  
Unemployment Wage data for out-of-state graduates at each 136193  
institution, shall be weighted by a factor of 50 per cent. 136194

(iii) Subsidy eligible associate degrees are defined as those 136195  
earned by students attending any state-supported university main 136196  
or regional campus. 136197

(b) In calculating each campus's count of degrees, the 136198  
Chancellor shall use the three-year average associate, 136199  
baccalaureate, master's, and professional degrees awarded for the 136200  
three-year period ending in the prior year. 136201

(i) If a student is awarded an associate degree and, 136202  
subsequently, is awarded a baccalaureate degree, the amount funded 136203  
for the baccalaureate degree shall be limited to either the 136204  
difference in cost between the cost of the baccalaureate degree 136205  
and the cost of the associate degree paid previously, or if the 136206  
associate degree has a higher cost than the baccalaureate degree, 136207  
the cost of the credits earned by the student after the associate 136208  
degree was awarded. 136209

(ii) If a student earns an associate degree then, 136210  
subsequently, earns a baccalaureate degree, the associate degree 136211  
granting institution shall only receive the prorated share of the 136212  
baccalaureate degree funding for the credits earned at that 136213  
institution after the associate degree is awarded. 136214

(iii) If a student earns more than one degree at the same 136215  
institution at the same degree level in the same fiscal year, the 136216  
funding for the highest cost degree shall be prorated among 136217  
institutions based on where the credits were earned and additional 136218  
degrees shall be funded at 25 per cent of the cost of the degrees. 136219

(c) Associate degrees and baccalaureate degrees earned by a student defined as at-risk based on academic underpreparation, age, minority status, financial status, or first generation post-secondary status based on neither parent completing any education beyond high school, shall be defined as degrees earned by an at-risk student and shall be weighted by the following:

A student-specific degree completion weight, where the weight is calculated based on the at-risk factors of the individual student, determined by calculating the difference between the percentage of students with each risk factor who earned a degree and the percentage of non-at-risk students who earned a degree.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, up to 11.78 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 and 2019," in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.

In fiscal year 2018, NEOMED shall receive \$250,000 and in fiscal year 2019 NEOMED shall receive \$275,000 of the doctoral set-aside funding allocation with the remaining doctoral set-aside allocated to universities as follows:

(a) 32.50 per cent of the remaining doctoral set-aside in fiscal year 2018 and 25 per cent of the remaining doctoral set-aside in fiscal year 2019 shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Doctoral I equivalent FTEs as calculated on an institutional basis using historical FTEs for the period fiscal year 1994 through fiscal year 1998 with annualized FTEs for fiscal years 1994 through 1997 and all-term FTEs for fiscal year 1998 as adjusted to reflect the effects of doctoral

review and subsequent changes in Doctoral I equivalent 136252  
enrollments. For the purposes of this calculation, Doctoral I 136253  
equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 136254  
times the sum of Doctoral II FTEs. 136255

(b) 45 per cent of the doctoral set-aside in fiscal year 2018 136256  
and 50 per cent of the doctoral set-aside in fiscal year 2019 136257  
shall be allocated to universities in proportion to each campus's 136258  
share of the total statewide doctoral degrees, weighted by the 136259  
cost of the doctoral discipline. In calculating each campus's 136260  
doctoral degrees the Chancellor shall use the three-year average 136261  
doctoral degrees awarded for the three-year period ending in the 136262  
prior year. 136263

(c) 22.5 per cent of the doctoral set-aside in fiscal year 136264  
2018 and 25 per cent of the doctoral set-aside in fiscal year 2019 136265  
shall be allocated to universities in proportion to their share of 136266  
research grant activity. Funding for this component shall be 136267  
allocated to eligible universities in proportion to their share of 136268  
research grant activity published by the National Science 136269  
Foundation. Grant awards from the Department of Health and Human 136270  
Services shall be weighted at 50 per cent. 136271

(3) Of the foregoing appropriation item 235501, State Share 136272  
of Instruction, 6.41 per cent of the appropriation for 136273  
universities, as established in division (A)(2) of the section of 136274  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 136275  
2018 AND 2019," in each fiscal year shall be reserved for support 136276  
of Medical II FTEs. The amount so reserved shall be referred to as 136277  
the medical II set-aside. 136278

The medical II set-aside shall be allocated to universities 136279  
in proportion to their share of the statewide total of each state 136280  
institution's three-year average Medical II FTEs as calculated in 136281  
division (A) of this section. 136282

In calculating the core subsidy entitlements for Medical II models only, students repeating terms may be no more than five per cent of current year enrollment.

(4) Of the foregoing appropriation item 235501, State Share of Instruction, 1.48 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND 2019," in each fiscal year shall be reserved for support of Medical I FTEs. The amount so reserved shall be referred to as the medical I set-aside.

The medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical I FTEs as calculated in division (A) of this section.

(5) In calculating the course completion funding for universities, the Chancellor shall use the following count of FTE students:

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file;

(b) Those undergraduate FTE students with successful course completions, identified in division (D)(5)(a) of this section, that are defined as at-risk based on academic under-preparation or financial status shall have their eligible completions weighted by the following:

(i) Institution-specific course completion indexes, where the indexes are calculated based upon the number of at-risk students enrolled during the 2014-2016 academic years; and

(ii) A statewide average at-risk course completion weight determined for each subsidy model. The statewide average at-risk

course completion weight shall be determined by calculating the 136314  
difference between the percentage of traditional students who 136315  
complete a course and the percentage of at-risk students who 136316  
complete the same course. 136317

(c) The course completion earnings shall be determined by 136318  
multiplying the amounts listed above in divisions (B) and (C) of 136319  
this section by the subsidy-eligible FTEs for the three-year 136320  
period ending in the prior year for all models except Medical I, 136321  
Medical II, Doctoral I, and Doctoral II. 136322

(d) For universities, the Chancellor shall compute the course 136323  
completion earnings by dividing the appropriation for 136324  
universities, established in division (A)(2) of the section of 136325  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 136326  
2018 AND 2019," less the degree attainment funding as calculated 136327  
in division (D)(1) of this section, less the doctoral set-aside, 136328  
less the medical I set-aside, and less the medical II set-aside, 136329  
by the sum of all campuses' instructional costs as calculated in 136330  
division (D)(5) of this section. 136331

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 136332  
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 136333

(1) Of the foregoing appropriation item 235501, State Share 136334  
of Instruction, 50 per cent of the appropriation for 136335  
state-supported community colleges, state community colleges, and 136336  
technical colleges as established in division (A)(1) of the 136337  
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 136338  
YEARS 2018 AND 2019," in each fiscal year shall be reserved for 136339  
course completion FTEs as aggregated by the subsidy models defined 136340  
in division (B) of this section. 136341

The course completion funding shall be allocated to campuses 136342  
in proportion to each campus's share of the total sector's course 136343  
completions, weighted by the instructional cost of the subsidy 136344

models. 136345

To calculate the subsidy entitlements for course completions 136346  
at community colleges, state community colleges, and technical 136347  
colleges, the Chancellor shall use the following calculations: 136348

(a) In calculating each campus's count of FTE course 136349  
completions, the Chancellor shall use a three-year average for 136350  
course completions for the three year period ending in the prior 136351  
year. 136352

(b) The subsidy eligible enrollments by model shall equal 136353  
only those FTE students who successfully complete the course as 136354  
defined and reported through the Higher Education Information 136355  
(HEI) system course enrollment file. 136356

(c) Those students with successful course completions, that 136357  
are defined as access students based on financial status, minority 136358  
status, age, or academic under-preparation shall have their 136359  
eligible course completions weighted by a statewide access weight. 136360  
The weight given to any student that meets any access factor shall 136361  
be 15 per cent for all course completions. 136362

(d) The model costs as used in the calculation shall be 136363  
augmented by the model weights for science, technology, 136364  
engineering, mathematics, and medicine models as established in 136365  
division (C) of this section. 136366

(2) Of the foregoing appropriation item 235501, State Share 136367  
of Instruction, 25 per cent of the appropriation for 136368  
state-supported community colleges, state community colleges, and 136369  
technical colleges as established in division (A)(1) of the 136370  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 136371  
FISCAL YEARS 2018 AND 2019," in each fiscal year shall be reserved 136372  
for colleges in proportion to their share of college student 136373  
success factors. 136374

Student success factors shall be awarded at the institutional 136375

level for each student that successfully: 136376

(a) Completes a developmental math course and, within the 136377  
next year, enrolls in a college-level math course. 136378

(b) Completes a developmental English course and, within the 136379  
next year, enrolls in a college-level English course. 136380

(c) Completes 12 semester credit hours of college-level 136381  
coursework. 136382

(d) Completes 24 semester credit hours of college-level 136383  
coursework. 136384

(e) Completes 36 semester credit hours of college-level 136385  
coursework. 136386

(3) Of the foregoing appropriation item 235501, State Share 136387  
of Instruction, 25 per cent of the appropriation for 136388  
state-supported community colleges, state community colleges, and 136389  
technical colleges shall be reserved for completion milestones. 136390

Completion milestones shall include associate degrees, 136391  
technical certificates over 30 credit hours as designated by the 136392  
Department of Higher Education, and students transferring to any 136393  
four-year institution with at least 12 credit hours of 136394  
college-level coursework earned at that community college, state 136395  
community college, or technical college. 136396

The completion milestone funding shall be allocated to 136397  
colleges in proportion to each institution's share of the sector's 136398  
total completion milestones, weighted by the instructional cost of 136399  
the associate degree, certificate, or transfer models. Costs for 136400  
technical certificates over 30 hours shall be weighted at one-half 136401  
of the associate degree model costs and transfers with at least 12 136402  
credit hours of college-level coursework shall be weighted at 136403  
one-fourth of the average cost for all associate degree model 136404  
costs. 136405



(4) To calculate the subsidy entitlements for completions at community colleges, state community colleges, and technical colleges, the Chancellor shall use the following calculations:

(a) In calculating each campus's count of completions, the Chancellor shall use a three-year average for completion metrics.

(b) The subsidy eligible completions by model shall equal only those students who successfully complete an associate degree or technical certificate over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework as defined and reported in the Higher Education Information (HEI) system. Student completions reported in HEI shall have an accompanying course enrollment record in order to be subsidy eligible.

(c) Those students with successful completions for associate degrees, technical certificates over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework, identified in division (E)(3) of this section, that are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible completions weighted by a statewide access weight. The weight shall be 25 per cent for students with one access factor, 66 per cent for students with two access factors, 150 per cent for students with three access factors, and 200 per cent for students with four access factors.

(d) For those students who complete more than one completion milestone, funding for each additional associate degree or technical certificate over 30 credit hours designated as such by the Department of Higher Education shall be funded at 50 per cent of the model costs as defined in division (3) of this section.

(F) CAPITAL COMPONENT DEDUCTION

After all other adjustments have been made, state share of

instruction earnings shall be reduced for each campus by the 136437  
amount, if any, by which debt service charged in Am. H.B. 748 of 136438  
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 136439  
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 136440  
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 136441  
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 136442  
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 136443  
562 of the 127th General Assembly for that campus exceeds that 136444  
campus's capital component earnings. The sum of the amounts 136445  
deducted shall be transferred to appropriation item 235552, 136446  
Capital Component, in each fiscal year. 136447

(G) EXCEPTIONAL CIRCUMSTANCES 136448

Adjustments may be made to the state share of instruction 136449  
payments and other subsidies distributed by the Chancellor of 136450  
Higher Education to state colleges and universities for 136451  
exceptional circumstances. No adjustments for exceptional 136452  
circumstances may be made without the recommendation of the 136453  
Chancellor and the approval of the Controlling Board. 136454

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 136455  
INSTRUCTION 136456

The standard provisions of the state share of instruction 136457  
calculation as described in the preceding sections of temporary 136458  
law shall apply to any reductions made to appropriation item 136459  
235501, State Share of Instruction, before the Chancellor has 136460  
formally approved the final allocation of the state share of 136461  
instruction funds for any fiscal year. 136462

Any reductions made to appropriation item 235501, State Share 136463  
of Instruction, after the Chancellor has formally approved the 136464  
final allocation of the state share of instruction funds for any 136465  
fiscal year, shall be uniformly applied to each campus in 136466  
proportion to its share of the final allocation. 136467

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 136468

The state share of instruction payments to the institutions 136469  
shall be in substantially equal monthly amounts during the fiscal 136470  
year, unless otherwise determined by the Director of Budget and 136471  
Management pursuant to section 126.09 of the Revised Code. 136472  
Payments during the first six months of the fiscal year shall be 136473  
based upon the state share of instruction appropriation estimates 136474  
made for the various institutions of higher education and payments 136475  
during the last six months of the fiscal year shall be based on 136476  
the final data from the Chancellor. 136477

(J) STUDY ON THE USE OF SCIENCE, TECHNOLOGY, ENGINEERING, 136478  
MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS 136479

The presidents of public institutions of higher education as 136480  
defined in section 3345.011 of the Revised Code, or their 136481  
designees, in consultation with the Chancellor of Higher 136482  
Education, shall study the effectiveness of the science, 136483  
technology, engineering, mathematics, medicine, and graduate 136484  
weights as originally recommended by the 2006 State Share of 136485  
Instruction Consultation and the Higher Education Funding Study 136486  
Council and as implemented in division (C) of this section. The 136487  
study shall identify the extent to which STEMM and graduate 136488  
weights re-allocate resources among institutions within the State 136489  
Share of Instruction line item, the extent to which the resource 136490  
re-allocation affects institutional production of STEMM and 136491  
graduate completions, and the extent to which the weights are 136492  
appropriate given current workforce data associated with emerging 136493  
and in-demand fields. The study shall be completed by October 15, 136494  
2017. Notwithstanding any provision of law to the contrary, the 136495  
presidents of public institutions of higher education as defined 136496  
in section 3345.011 of the Revised Code, or their designees, in 136497  
consultation with the Chancellor, shall use the results of the 136498  
study to recommend changes in the science, technology, 136499

engineering, mathematics, medicine, and graduate weights as 136500  
originally recommended by the 2006 State Share of Instruction 136501  
Consultation and the Higher Education Funding Study Council and as 136502  
implemented in division (C) of this section. Not later than 136503  
December 1, 2017, the members shall report any changes to the 136504  
Governor, the General Assembly, and the Office of Budget and 136505  
Management. 136506

**Section 381.150.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 136507  
2018 AND 2019 136508

(A) The foregoing appropriation item 235501, State Share of 136509  
Instruction, shall be distributed according to the section of this 136510  
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 136511

(1) Of the foregoing appropriation item 235501, State Share 136512  
of Instruction, \$456,256,006 in each fiscal year shall be 136513  
distributed to state-supported community colleges, state community 136514  
colleges, and technical colleges. 136515

(2) Of the foregoing appropriation item 235501, State Share 136516  
of Instruction, \$1,523,160,544 in each fiscal year shall be 136517  
distributed to state-supported university main and regional 136518  
campuses. 136519

**Section 381.160.** RESTRICTION ON FEE INCREASES 136520

(A) In fiscal years 2018 and 2019, the boards of trustees of 136521  
state institutions of higher education shall restrain increases in 136522  
in-state undergraduate instructional and general fees. 136523

(1) For the 2017-2018 academic year, each state university or 136524  
college, as defined in section 3345.12 and university branches 136525  
established under Chapter 3355. of the Revised Code may increase 136526  
its in-state undergraduate instructional and general fees by not 136527  
more than \$10 per credit hour over what the institution charged 136528  
for the previous academic year. 136529

(2) For the 2018-2019 academic year, each state university or college, as defined in section 3345.12 and university branches established under Chapter 3355. of the Revised Code may increase its in-state undergraduate instructional and general fees over what the institution charged for the 2017-2018 academic year by an amount that is not more than the rate of inflation, as measured by the consumer price index prepared by the Bureau of Labor Statistics of the United States Department of Labor (all urban consumers, all items), for the previous year or by 2.0 per cent, whichever is lower.

Any fee increase under divisions (A)(1) and (2) of this section shall be used to support quality academic programming, need-based financial aid, or career services.

(3) For the 2017-2018 and 2018-2019 academic years, each community college established under Chapter 3354., state community college established under Chapter 3358., or technical college established under Chapter 3357. of the Revised Code may increase its in-state undergraduate instructional and general fees by not more than \$10 per credit hour over what the institution charged for the previous academic year to support quality academic programming.

(4) The limitations under divisions (A)(1) to (3) of this section do not apply to room and board, student health insurance, fees for auxiliary goods or services provided to students at the cost incurred to the institution, fees assessed to students as a pass-through for licensure and certification examinations, fees in elective courses associated with travel experiences, elective service charges, fines, voluntary sales transactions, career services, and fees, which may appear directly on a student's tuition bill as assessed by the institution's bursar, to offset the cost of providing textbooks to students.

(5) For the 2017-2018 and 2018-2019 academic years, the

Chancellor of Higher Education may permit a state institution of higher education to increase noninstructional program fees if the Chancellor determines the fee increase is necessary to provide quality service to students. A state institution of higher education shall submit a formal request to increase any noninstructional program fee to the Chancellor.

(6) Any institution that increases any fee under division (A)(4) or (5) of this section shall demonstrate, upon request of the Chancellor, that revenue derived from the fee is dedicated for the purposes for which the fee is assessed.

(B) The limitations under this section shall not apply to increases required to comply with institutional covenants related to their obligations or to meet unfunded legal mandates or legally binding obligations incurred or commitments made prior to the effective date of this section with respect to which the institution had identified such fee increases as the source of funds. Any increase required by such covenants and any such mandates, obligations, or commitments shall be reported by the Chancellor of Higher Education to the Controlling Board. These limitations may also be modified by the Chancellor, with the approval of the Controlling Board, to respond to exceptional circumstances as identified by the Chancellor.

(C) These limitations shall not apply to institutions participating in an undergraduate tuition guarantee program pursuant to section 3345.48 of the Revised Code.

**Section 381.170. HIGHER EDUCATION - BOARD OF TRUSTEES**

(A) Funds appropriated for instructional subsidies at colleges and universities may be used to provide such branch or other off-campus undergraduate courses of study and such master's degree courses of study as may be approved by the Chancellor of Higher Education.

(B) In providing instructional and other services to students, boards of trustees of state institutions of higher education shall supplement state subsidies with income from charges to students. Except as otherwise provided in this act, each board shall establish the fees to be charged to all students, including an instructional fee for educational and associated operational support of the institution and a general fee for noninstructional services, including locally financed student services facilities used for the benefit of enrolled students. The instructional fee and the general fee shall encompass all charges for services assessed uniformly to all enrolled students. Each board may also establish special purpose fees, service charges, and fines as required; such special purpose fees and service charges shall be for services or benefits furnished individual students or specific categories of students and shall not be applied uniformly to all enrolled students. A tuition surcharge shall be paid by all students who are not residents of Ohio.

The board of trustees of a state institution of higher education shall not authorize a waiver or nonpayment of instructional fees or general fees for any particular student or any class of students other than waivers specifically authorized by law or approved by the Chancellor. This prohibition is not intended to limit the authority of boards of trustees to provide for payments to students for services rendered the institution, nor to prohibit the budgeting of income for staff benefits or for student assistance in the form of payment of such instructional and general fees.

Each state institution of higher education in its statement of charges to students shall separately identify the instructional fee, the general fee, the tuition charge, and the tuition surcharge. Fee charges to students for instruction shall not be considered to be a price of service but shall be considered to be

an integral part of the state government financing program in 136625  
support of higher educational opportunity for students. 136626

(C) The boards of trustees of state institutions of higher 136627  
education shall ensure that faculty members devote a proper and 136628  
judicious part of their work week to the actual instruction of 136629  
students. Total class credit hours of production per academic term 136630  
per full-time faculty member is expected to meet the standards set 136631  
forth in the budget data submitted by the Chancellor of Higher 136632  
Education. 136633

(D) The authority of government vested by law in the boards 136634  
of trustees of state institutions of higher education shall in 136635  
fact be exercised by those boards. Boards of trustees may consult 136636  
extensively with appropriate student and faculty groups. 136637  
Administrative decisions about the utilization of available 136638  
resources, about organizational structure, about disciplinary 136639  
procedure, about the operation and staffing of all auxiliary 136640  
facilities, and about administrative personnel shall be the 136641  
exclusive prerogative of boards of trustees. Any delegation of 136642  
authority by a board of trustees in other areas of responsibility 136643  
shall be accompanied by appropriate standards of guidance 136644  
concerning expected objectives in the exercise of such delegated 136645  
authority and shall be accompanied by periodic review of the 136646  
exercise of this delegated authority to the end that the public 136647  
interest, in contrast to any institutional or special interest, 136648  
shall be served. 136649

**Section 381.180. STUDENT SUPPORT SERVICES** 136650

The foregoing appropriation item 235502, Student Support 136651  
Services, shall be distributed by the Chancellor of Higher 136652  
Education to Ohio's state colleges and universities that incur 136653  
disproportionate costs in the provision of support services to 136654  
disabled students. 136655



**Section 381.190. WAR ORPHANS SCHOLARSHIPS** 136656

The foregoing appropriation item 235504, War Orphans 136657  
Scholarships, shall be used to reimburse state institutions of 136658  
higher education for waivers of instructional fees and general 136659  
fees provided by them, to provide grants to institutions that have 136660  
received a certificate of authorization from the Chancellor of 136661  
Higher Education under Chapter 1713. of the Revised Code, in 136662  
accordance with the provisions of section 5910.04 of the Revised 136663  
Code, and to fund additional scholarship benefits provided by 136664  
section 5910.032 of the Revised Code. 136665

During each fiscal year, the Chancellor, as soon as possible 136666  
after cancellation, may certify to the Director of Budget and 136667  
Management the amount of canceled prior-year encumbrances in 136668  
appropriation item 235504, War Orphans Scholarships. Upon receipt 136669  
of the certification, the Director of Budget and Management may 136670  
transfer cash, up to the certified amount, from the General 136671  
Revenue Fund to the War Orphans Scholarship Reserve Fund (Fund 136672  
5PW0). 136673

**Section 381.200. OHIOLINK** 136674

The foregoing appropriation item 235507, OhioLINK, shall be 136675  
used by the Chancellor of Higher Education to support OhioLINK, a 136676  
consortium organized under division (T) of section 3333.04 of the 136677  
Revised Code to serve as the state's electronic library 136678  
information and retrieval system, which provides access statewide 136679  
to an extensive set of electronic databases and resources, the 136680  
library holdings of Ohio's public and participating private 136681  
nonprofit colleges and universities, and the State Library of 136682  
Ohio. 136683

**Section 381.210. AIR FORCE INSTITUTE OF TECHNOLOGY** 136684

The foregoing appropriation item 235508, Air Force Institute of Technology, shall be used to: (A) strengthen the research and educational linkages between the Wright Patterson Air Force Base and institutions of higher education in Ohio; and (B) support the Dayton Area Graduate Studies Institute, an engineering graduate consortium of Wright State University, the University of Dayton, and the Air Force Institute of Technology, with the participation of the University of Cincinnati and The Ohio State University.

**Section 381.220. OHIO SUPERCOMPUTER CENTER** 136693

The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of Higher Education to support the operation of the Ohio Supercomputer Center, a consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

Funds shall be used, in part, to support AweSim, the Ohio Supercomputer Center's industrial outreach program. The Ohio Supercomputer Center's services shall support Ohio's colleges, universities, and businesses to make Ohio a leader in using computational science, modeling, and simulation to promote higher education, research, and economic competitiveness.

**Section 381.230. COOPERATIVE EXTENSION SERVICE** 136709

The foregoing appropriation item 235511, Cooperative Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

**Section 381.240.** CENTRAL STATE SUPPLEMENT 136715

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University in accordance with the plan developed by the Chancellor and submitted to the Governor and the General Assembly as directed by Am. Sub. H.B. 153 of the 129th General Assembly. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred. 136716  
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The Chancellor shall monitor the implementation of the plan and the use of funds. Central State University shall provide any information requested by the Chancellor related to the implementation of the plan. If the Chancellor determines that Central State University's use of supplemental funds is not in accordance with the plan or if the plan is not having the desired effect, the Chancellor may notify Central State University that the plan is suspended. Upon receiving such notice, Central State University shall avoid all unnecessary expenditures under the plan. The Chancellor shall notify the Controlling Board of the suspension of the plan and within sixty days prepare a new plan for the use of any remaining funds. 136724  
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**Section 381.250.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE 136736  
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The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities. 136738  
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**Section 381.260. FAMILY PRACTICE** 136745

The Chancellor of Higher Education shall develop plans 136746  
consistent with existing criteria and guidelines as may be 136747  
required for the distribution of appropriation item 235519, Family 136748  
Practice. 136749

**Section 381.270. SHAWNEE STATE SUPPLEMENT** 136750

The foregoing appropriation item 235520, Shawnee State 136751  
Supplement, shall be disbursed by the Chancellor of Higher 136752  
Education to Shawnee State University in accordance with the plan 136753  
developed by the Chancellor and submitted to the Governor and the 136754  
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 136755  
General Assembly. Funds shall be used in a manner consistent with 136756  
the goals of improving course completion, increasing the number of 136757  
degrees conferred, and furthering the university's mission of 136758  
service to the Appalachian region. 136759

The Chancellor shall monitor the implementation of the plan 136760  
and the use of funds. Shawnee State University shall provide any 136761  
information requested by the Chancellor related to the 136762  
implementation of the plan. If the Chancellor determines that 136763  
Shawnee State University's use of supplemental funds is not in 136764  
accordance with the plan or if the plan is not having the desired 136765  
effect, the Chancellor may notify Shawnee State University that 136766  
the plan is suspended. Upon receiving such notice, Shawnee State 136767  
University shall avoid all unnecessary expenditures under the 136768  
plan. The Chancellor shall notify the Controlling Board of the 136769  
suspension of the plan and within sixty days prepare a new plan 136770  
for the use of any remaining funds. 136771

**Section 381.280. GERIATRIC MEDICINE** 136772

The Chancellor of Higher Education shall develop plans 136773

consistent with existing criteria and guidelines as may be 136774  
required for the distribution of appropriation item 235525, 136775  
Geriatric Medicine. 136776

**Section 381.281. PRIMARY CARE RESIDENCIES** 136777

The Chancellor of Higher Education shall develop plans 136778  
consistent with existing criteria and guidelines as may be 136779  
required for the distribution of appropriation item 235526, 136780  
Primary Care Residencies. 136781

The foregoing appropriation item 235526, Primary Care 136782  
Residencies, shall be distributed in each fiscal year of the 136783  
biennium, based on whether or not the institution has submitted 136784  
and gained approval for a plan. If the institution does not have 136785  
an approved plan, it shall receive five per cent less funding per 136786  
student than it would have received from its annual allocation. 136787  
The remaining funding shall be distributed among those 136788  
institutions that meet or exceed their targets. 136789

**Section 381.290. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT** 136790  
**CENTER** 136791

The foregoing appropriation item 235535, Ohio Agricultural 136792  
Research and Development Center, shall be disbursed through the 136793  
Chancellor of Higher Education to The Ohio State University in 136794  
monthly payments, unless otherwise determined by the Director of 136795  
Budget and Management under section 126.09 of the Revised Code. 136796  
The Ohio Agricultural Research and Development Center shall not be 136797  
required to remit payment to The Ohio State University during the 136798  
biennium ending June 30, 2019, for cost reallocation assessments. 136799  
The cost reallocation assessments include, but are not limited to, 136800  
any assessment on state appropriations to the Center. 136801

The Ohio Agricultural Research and Development Center, an 136802  
entity of the College of Food, Agricultural, and Environmental 136803

Sciences of The Ohio State University, shall further its mission 136804  
of enhancing Ohio's economic development and job creation by 136805  
continuing to internally allocate on a competitive basis 136806  
appropriated funding of programs based on demonstrated 136807  
performance. Academic units, faculty, and faculty-driven programs 136808  
shall be evaluated and rewarded consistent with agreed-upon 136809  
performance expectations as called for in the College's 136810  
Expectations and Criteria for Performance Assessment. 136811

**Section 381.300. STATE UNIVERSITY CLINICAL TEACHING** 136812

The foregoing appropriation items 235536, The Ohio State 136813  
University Clinical Teaching; 235537, University of Cincinnati 136814  
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 136815  
235539, Wright State University Clinical Teaching; 235540, Ohio 136816  
University Clinical Teaching; and 235541, Northeast Ohio Medical 136817  
University Clinical Teaching, shall be distributed through the 136818  
Chancellor of Higher Education. 136819

**Section 381.310. CENTRAL STATE AGRICULTURAL RESEARCH AND** 136820  
**DEVELOPMENT** 136821

The foregoing appropriation item 235546, Central State 136822  
Agricultural Research and Development, shall be used in 136823  
conjunction with appropriation item 235548, Central State 136824  
Cooperative Extension Services, by Central State University for 136825  
its state match requirement as an 1890 land grant university. 136826

**Section 381.320. CAPITAL COMPONENT** 136827

The foregoing appropriation item 235552, Capital Component, 136828  
shall be used by the Chancellor of Higher Education to provide 136829  
funding for prior commitments made pursuant to the state's former 136830  
capital funding policy for state colleges and universities that 136831  
was originally established in Am. H.B. 748 of the 121st General 136832

Assembly. Appropriations from this item shall be distributed to 136833  
all campuses for which the estimated campus debt service 136834  
attributable to qualifying capital projects was less than the 136835  
campus's formula-determined capital component allocation. Campus 136836  
allocations shall be determined by subtracting the estimated 136837  
campus debt service attributable to qualifying capital projects 136838  
from the campus's formula-determined capital component allocation. 136839  
Moneys distributed from this appropriation item shall be 136840  
restricted to capital-related purposes. 136841

Any campus for which the estimated campus debt service 136842  
attributable to qualifying capital projects is greater than the 136843  
campus's formula-determined capital component allocation shall 136844  
have the difference subtracted from its State Share of Instruction 136845  
allocation in each fiscal year. Appropriation equal to the sum of 136846  
all such amounts except that of the Ohio Agricultural Research and 136847  
Development Center shall be transferred from appropriation item 136848  
235501, State Share of Instruction, to appropriation item 235552, 136849  
Capital Component. Appropriation equal to any estimated Ohio 136850  
Agricultural Research and Development Center debt service 136851  
attributable to qualifying capital projects that is greater than 136852  
the Center's formula-determined capital component allocation shall 136853  
be transferred from appropriation item 235535, Ohio Agricultural 136854  
Research and Development Center, to appropriation item 235552, 136855  
Capital Component. 136856

**Section 381.330. LIBRARY DEPOSITORIES** 136857

The foregoing appropriation item 235555, Library 136858  
Depositories, shall be distributed to the state's five regional 136859  
depository libraries for the cost-effective storage of and access 136860  
to lesser-used materials in university library collections. The 136861  
depositories shall be administrated by the Chancellor of Higher 136862  
Education, or by OhioLINK at the discretion of the Chancellor. 136863

**Section 381.340.** OHIO ACADEMIC RESOURCES NETWORK (OARNET) 136864

The foregoing appropriation item 235556, Ohio Academic 136865  
Resources Network, shall be used by the Chancellor of Higher 136866  
Education to support the operations of the Ohio Academic Resources 136867  
Network, a consortium organized under division (T) of section 136868  
3333.04 of the Revised Code, which shall include support for 136869  
Ohio's colleges and universities in maintaining and enhancing 136870  
network connections, using new network technologies to improve 136871  
research, education, and economic development programs, and 136872  
sharing information technology services. To the extent network 136873  
capacity is available, OARnet shall support allocating bandwidth 136874  
to eligible programs directly supporting Ohio's economic 136875  
development. 136876

**Section 381.350.** LONG-TERM CARE RESEARCH 136877

The foregoing appropriation item 235558, Long-term Care 136878  
Research, shall be disbursed to Miami University for long-term 136879  
care research. 136880

**Section 381.360.** OHIO COLLEGE OPPORTUNITY GRANT 136881

(A) Except as provided in division (C) of this section: 136882

Of the foregoing appropriation item 235563, Ohio College 136883  
Opportunity Grant, at least \$97,792,598 in fiscal year 2018 and at 136884  
least \$99,132,084 in fiscal year 2019 shall be used by the 136885  
Chancellor of Higher Education to award need-based financial aid 136886  
to students enrolled in eligible public and private nonprofit 136887  
institutions of higher education, excluding early college high 136888  
school and post-secondary enrollment option participants. 136889

The remainder of the foregoing appropriation item 235563, 136890  
Ohio College Opportunity Grant, shall be used by the Chancellor to 136891  
award needs-based financial aid to students enrolled in eligible 136892



private for-profit career colleges and schools. 136893

(B)(1) As used in this section: 136894

(a) "Eligible institution" means any institution described in 136895  
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 136896  
Code. 136897

(b) The three "sectors" of institutions of higher education 136898  
consist of the following: 136899

(i) State colleges and universities, community colleges, 136900  
state community colleges, university branches, and technical 136901  
colleges; 136902

(ii) Eligible private nonprofit institutions of higher 136903  
education; 136904

(iii) Eligible private for-profit career colleges and 136905  
schools. 136906

(2) Awards for students attending eligible private nonprofit 136907  
institutions of higher education shall be determined at twice the 136908  
rate of the awards for students attending eligible public 136909  
institutions of higher education. 136910

(3) For students attending an eligible institution 136911  
year-round, awards may be distributed on an annual basis, once 136912  
Pell grants have been exhausted. 136913

(4) If the Chancellor determines that the amounts 136914  
appropriated for support of the Ohio College Opportunity Grant 136915  
program are inadequate to provide grants to all eligible students 136916  
as calculated under division (D) of section 3333.122 of the 136917  
Revised Code, the Chancellor may create a distribution formula for 136918  
fiscal year 2018 and fiscal year 2019 based on the formula used in 136919  
fiscal year 2017, or may follow methods established in division 136920  
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. The 136921  
Chancellor shall notify the Controlling Board of the distribution 136922

method. Any formula calculated under this division shall be 136923  
complete and established to coincide with the start of the 136924  
2017-2018 academic year. 136925

(C) Prior to determining the amount of funds available to 136926  
award under this section and section 3333.122 of the Revised Code, 136927  
the Chancellor shall use the foregoing appropriation item 235563, 136928  
Ohio College Opportunity Grant, to pay for renewals or partial 136929  
renewals of scholarships students receive under the Ohio Academic 136930  
Scholarship Program under sections 3333.21 and 3333.22 of the 136931  
Revised Code. In paying for scholarships under this division, the 136932  
Chancellor shall deduct funds from the allocations made under 136933  
division (A) of this section. Deductions shall be proportionate to 136934  
the amounts allocated to each sector from the total amounts 136935  
appropriated for each sector under the foregoing appropriation 136936  
item 235563, Ohio College Opportunity Grant. 136937

In each fiscal year, with the exception of sections 3333.121 136938  
and 3333.124 of the Revised Code and the section of this act 136939  
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 136940  
shall not distribute or obligate or commit to be distributed an 136941  
amount greater than what is appropriated under the foregoing 136942  
appropriation item 235563, Ohio College Opportunity Grant. 136943

(D) The Chancellor shall establish, and post on the 136944  
Department of Higher Education's web site, award tables based on 136945  
any formulas created under division (B) of this section. The 136946  
Chancellor shall notify students and institutions of any 136947  
reductions in awards under this section. 136948

(E) Notwithstanding section 3333.122 of the Revised Code, no 136949  
student shall be eligible to receive an Ohio College Opportunity 136950  
Grant for more than ten semesters, fifteen quarters, or the 136951  
equivalent of five academic years, less the number of semesters or 136952  
quarters in which the student received an Ohio Instructional 136953  
Grant. 136954

(F) During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235563, Ohio College Opportunity Grant. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Ohio College Opportunity Grant Program Reserve Fund (Fund 5PU0).

**Section 381.370.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT 136963

The foregoing appropriation item 235572, The Ohio State University Clinic Support, shall be distributed through the Chancellor of Higher Education to The Ohio State University for support of dental and veterinary medicine clinics.

**Section 381.371.** CO-OP INTERNSHIP PROGRAM 136968

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of Ohio University's Voinovich School.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of The Ohio State University's John Glenn College of Public Affairs.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Bliss Institute of Applied Politics at the University of Akron.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Center for Public Management and Regional Affairs at Miami University.

Of the foregoing appropriation item 235591, Co-op Internship 136983

Program, \$150,000 in each fiscal year shall be used to support 136984  
students who attend institutions of higher education in Ohio and 136985  
are participating in the Washington Center Internship Program. 136986

Of the foregoing appropriation item 235591, Co-op Internship 136987  
Program, \$50,000 in each fiscal year shall be used to support the 136988  
Ohio Center for the Advancement of Women in Public Service at the 136989  
Maxine Goodman Levin College of Urban Affairs at Cleveland State 136990  
University. 136991

Of the foregoing appropriation item 235591, Co-op Internship 136992  
Program, \$50,000 in each fiscal year shall be used to support the 136993  
University of Cincinnati Internship Program. 136994

Of the foregoing appropriation item 235591, Co-op Internship 136995  
Program, \$50,000 in each fiscal year shall be used to support the 136996  
operations of the Center for Regional Development at Bowling Green 136997  
State University. 136998

Of the foregoing appropriation item 235591, Co-op Internship 136999  
Program, \$50,000 in each fiscal year shall be used to support the 137000  
operations of the Center for Liberal Arts Student Success at 137001  
Wright State University. 137002

Of the foregoing appropriation item 235591, Co-op Internship 137003  
Program, \$50,000 in each fiscal year shall be used to support the 137004  
Kent State University Columbus Program. 137005

Of the foregoing appropriation item 235591, Co-op Internship 137006  
Program, \$50,000 in each fiscal year shall be used to support the 137007  
University of Toledo Urban Affairs Center. 137008

Of the foregoing appropriation item 235591, Co-op Internship 137009  
Program, \$50,000 in each fiscal year shall be used to support the 137010  
Center for Urban and Regional Studies at Youngstown State 137011  
University. 137012

**Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM** 137013

The Chancellor of Higher Education shall disburse funds from 137014  
appropriation item 235599, National Guard Scholarship Program. 137015  
During each fiscal year, the Chancellor, as soon as possible after 137016  
cancellation, may certify to the Director of Budget and Management 137017  
the amount of canceled prior-year encumbrances in appropriation 137018  
item 235599, National Guard Scholarship Program. Upon receipt of 137019  
the certification, the Director of Budget and Management may 137020  
transfer cash, up to the certified amount, from the General 137021  
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 137022  
5BM0). 137023

**Section 381.390. PLEDGE OF FEES** 137024

Any new pledge of fees, or new agreement for adjustment of 137025  
fees, made in the biennium ending June 30, 2019, to secure bonds 137026  
or notes of a state institution of higher education for a project 137027  
for which bonds or notes were not outstanding on the effective 137028  
date of this section shall be effective only after approval by the 137029  
Chancellor of Higher Education, unless approved in a previous 137030  
biennium. 137031

**Section 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND** 137032  
**DEBT SERVICE** 137033

The foregoing appropriation item 235909, Higher Education 137034  
General Obligation Bond Debt Service, shall be used to pay all 137035  
debt service and related financing costs during the period from 137036  
July 1, 2017, through June 30, 2019, for obligations issued under 137037  
sections 151.01 and 151.04 of the Revised Code. 137038

**Section 381.410. SALES AND SERVICES** 137039

The Chancellor of Higher Education is authorized to charge 137040  
and accept payment for the provision of goods and services. Such 137041  
charges shall be reasonably related to the cost of producing the 137042

goods and services. Except as otherwise provided by law, no 137043  
charges may be levied for goods or services that are produced as 137044  
part of the routine responsibilities or duties of the Chancellor. 137045  
All revenues received by the Chancellor shall be deposited into 137046  
Fund 4560, and may be used by the Chancellor to pay for the costs 137047  
of producing the goods and services. 137048

**Section 381.420. HIGHER EDUCATIONAL FACILITY COMMISSION 137049**  
ADMINISTRATION 137050

The foregoing appropriation item 235602, Higher Educational 137051  
Facility Commission Administration, shall be used by the 137052  
Chancellor of Higher Education for operating expenses related to 137053  
the Chancellor's support of the activities of the Ohio Higher 137054  
Educational Facility Commission. Upon the request of the 137055  
Chancellor, the Director of Budget and Management may transfer up 137056  
to \$50,000 cash in each fiscal year from the HEFC Operating 137057  
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 137058  
4E80). 137059

**Section 381.431. APPALACHIAN NEW ECONOMY WORKFORCE 137060**  
PARTNERSHIP 137061

The foregoing appropriation item 235407, Appalachian New 137062  
Economy Workforce Partnership, shall be distributed to Ohio 137063  
University to continue a multi-campus and multi-agency coordinated 137064  
effort to link Appalachia to the new economy. Ohio University 137065  
shall use these funds to provide leadership in the development and 137066  
implementation of initiatives in the areas of entrepreneurship, 137067  
management, education, and technology. 137068

**Section 381.440. FEDERAL RESEARCH NETWORK 137069**

The foregoing appropriation item 235654, Federal Research 137070  
Network, shall be allocated to The Ohio State University to 137071

collaborate with federal installations in Ohio, state institutions 137072  
of higher education as defined in section 3345.011 of the Revised 137073  
Code, private nonprofit institutions of higher education holding 137074  
certificates of authorization under Chapter 1713. of the Revised 137075  
Code, and the private sector to align the state's research assets 137076  
with emerging missions and job growth opportunities emanating from 137077  
federal installations, strengthen related workforce development 137078  
and technology commercialization programs, and better position the 137079  
state's university system to directly impact new job creation in 137080  
Ohio. A portion of the foregoing appropriation item 235654, 137081  
Federal Research Network, shall be used to support the growth of 137082  
small business federal contractors in the state and to expand the 137083  
participation of Ohio businesses in the federal Small Business 137084  
Innovation Research Program and related federal programs. 137085

**Section 381.443. SHORT-TERM CERTIFICATES** 137086

The foregoing appropriation item 235517, Short-Term 137087  
Certificates, shall be used by the Chancellor to award need-based 137088  
financial aid to students who are enrolled in a state institution 137089  
of higher education in a program that may be completed in less 137090  
than one year and for which a certificate or industry-recognized 137091  
credential is awarded in an in-demand job. 137092

**Section 381.450. OHIOMEANSJOBS WORKFORCE DEVELOPMENT** 137093  
REVOLVING LOAN PROGRAM 137094

The foregoing appropriation item 235684, OhioMeansJobs 137095  
Workforce Development Revolving Loan Program, shall be used by the 137096  
Chancellor of Higher Education to provide administrative support 137097  
for the OhioMeansJobs Workforce Development Revolving Loan 137098  
Program. 137099

**Section 381.510. STATE FINANCIAL AID RECONCILIATION** 137100

By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior year obligations to higher education institutions for the state's financial aid programs. The amounts certified are hereby appropriated to appropriation item 235618, State Financial Aid Reconciliation, from revenues received in the State Financial Aid Reconciliation Fund (Fund 5Y50).

**Section 381.513. NURSING LOAN PROGRAM**

The foregoing appropriation item 235606, Nursing Loan Program, shall be used to administer the nurse education assistance program.

**Section 381.520. RESEARCH INCENTIVE THIRD FRONTIER**

The foregoing appropriation item 235634, Research Incentive Third Frontier, shall be used by the Chancellor of Higher Education to advance collaborative research at institutions of higher education. Of the foregoing appropriation item 235634, Research Incentive Third Frontier, up to \$2,000,000 in each fiscal year may be allocated toward research regarding the improvement of water quality, up to \$1,000,000 in each fiscal year may be allocated toward research regarding the reduction of infant mortality, up to \$1,000,000 in each fiscal year may be allocated toward research regarding opiate addiction issues in Ohio, up to \$750,000 in each fiscal year may be allocated toward research regarding cyber security initiatives, and up to \$500,000 in each fiscal year may be allocated toward the I-Corps@Ohio program.

**Section 381.530. VETERANS PREFERENCES**

The Chancellor of Higher Education shall work with the Department of Veterans Services to develop specific veterans



preference guidelines for higher education institutions. These 137130  
guidelines shall ensure that the institutions' hiring practices 137131  
are in accordance with the intent of Ohio's veterans preference 137132  
laws. 137133

**Section 381.540.** (A) As used in this section: 137134

(1) "Board of trustees" includes the managing authority of a 137135  
university branch district. 137136

(2) "State institution of higher education" has the same 137137  
meaning as in section 3345.011 of the Revised Code. 137138

(B) The board of trustees of any state institution of higher 137139  
education, notwithstanding any rule of the institution to the 137140  
contrary, may adopt a policy providing for mandatory furloughs of 137141  
employees, including faculty, to achieve spending reductions 137142  
necessitated by institutional budget deficits. 137143

**Section 381.550.** EFFICIENCY REPORTS 137144

In each fiscal year, the board of trustees of each public 137145  
institution of higher education shall approve the institution's 137146  
efficiency report submitted to the Chancellor of Higher Education 137147  
under section 3333.95 of the Revised Code. Each institution's 137148  
report shall be based on the recommendations of the Ohio Task 137149  
Force on Affordability and Efficiency in Higher Education, as 137150  
established by the Governor's executive order, and shall benchmark 137151  
and document institutional progress towards implementing the 137152  
recommendations of the Task Force as compared to the institution's 137153  
prior fiscal year efficiency report. 137154

**Section 381.570.** Not later than June 30, 2018, the Chancellor 137155  
of Higher Education, in consultation with representatives from the 137156  
Inter-University Council of Ohio and the Ohio Association of 137157  
Community Colleges, shall develop a model for "3+1" baccalaureate 137158

degree programs for state universities and state community 137159  
colleges, community colleges, and technical colleges. The model 137160  
shall outline how a student may complete the equivalent of three 137161  
academic years, or ninety semester credit hours, at a state 137162  
community college, community college, or technical college and 137163  
then transfer to a state university to complete the final academic 137164  
year, or thirty semester credit hours, or the remainder of the 137165  
student's baccalaureate degree program. 137166

In developing the model, the Chancellor shall seek input from 137167  
administrators of state institutions of higher education currently 137168  
participating in such a program, as well as faculty leaders in the 137169  
academic fields or disciplines under consideration for the 137170  
program. 137171

Further, the Chancellor shall evaluate existing "3+1" 137172  
baccalaureate degree programs for their cost effectiveness for 137173  
students. 137174

As used in this section, "state institution of higher 137175  
education" and "state university" have the same meanings as in 137176  
section 3345.011 of the Revised Code. 137177

**Section 381.580.** The Chancellor of Higher Education shall 137178  
support the continued development of the Ohio Innovation Exchange 137179  
for the purpose of showcasing the research expertise of Ohio's 137180  
university and college faculty in a variety of fields, including, 137181  
but not limited to, engineering, biomedicine, and information 137182  
technology, and to identify institutional research equipment 137183  
available in the state. 137184

**Section 381.590.** The Chancellor of Higher Education shall 137185  
work with state institutions of higher education, as defined by 137186  
section 3345.011 of the Revised Code, Ohio Technical Centers, as 137187  
recognized by the Chancellor, and industry partners to develop 137188

program models that include project-based learning to increase 137189  
continuing education and non-credit program offerings that lead to 137190  
a credential in order to meet the state's in-demand job needs. 137191

**Section 381.601.** TRANSFERS FROM THE GRF TO THE ECONOMIC 137192  
DEVELOPMENT PROGRAMS FUND (FUND 5JC0) 137193

On July 1 of each fiscal year, or as soon as possible 137194  
thereafter, the Director of Budget and Management shall transfer 137195  
\$1,750,000 cash from the General Revenue Fund to the Economic 137196  
Development Programs Fund (Fund 5JC0) to support the 137197  
appropriations made for the Federal Research Network. 137198

**Section 381.617.** TRANSFER FROM THE OHIO COLLEGE OPPORTUNITY 137199  
GRANT PROGRAM RESERVE FUND (FUND 5PU0) TO THE GRF 137200

On July 1, 2017, or as soon as possible thereafter, the 137201  
Director of Budget and Management shall transfer \$8,000,000 cash 137202  
from the Ohio College Opportunity Grant Program Reserve Fund (Fund 137203  
5PU0) to the General Revenue Fund for purposes of the Ohio College 137204  
Opportunity Grant Program created in section 3333.122 of the 137205  
Revised Code. 137206

**Section 381.620.** FUND NAME CHANGES 137207

On July 1, 2017, or as soon as possible thereafter, the 137208  
Director of Budget and Management shall rename the Star Schools 137209  
Fund (Fund 3BG0) the GEAR-UP Grant Scholarships Fund (Fund 3BG0). 137210

On July 1, 2017, or as soon as possible thereafter, the 137211  
Director of Budget and Management shall rename the Joyce 137212  
Foundation Grant Fund (Fund 5FR0) the State and Non-Federal Grants 137213  
and Awards Fund (Fund 5FR0). 137214

On July 1, 2017, or as soon as possible thereafter, the 137215  
Director of Budget and Management shall rename the Federal Grants 137216

Fund (Fund 3N60) the John R. Justice Student Loan Repayment Fund				137217
(Fund 3N60).				137218
<b>Section 383.10. DRC DEPARTMENT OF REHABILITATION AND</b>				137219
CORRECTION				137220
General Revenue Fund				137221
GRF 501321	Institutional	\$ 1,046,933,997	\$ 1,047,161,916	137222
	Operations			
GRF 501405	Halfway House	\$ 66,770,618	\$ 66,770,618	137223
GRF 501406	Adult Correctional	\$ 78,505,000	\$ 78,540,400	137224
	Facilities Lease			
	Rental Bond Payments			
GRF 501407	Community	\$ 56,578,573	\$ 73,161,958	137225
	Nonresidential			
	Programs			
GRF 501408	Community Misdemeanor	\$ 9,356,800	\$ 9,356,800	137226
	Programs			
GRF 501501	Community Residential	\$ 78,531,698	\$ 78,531,698	137227
	Programs - Community			
	Based Correctional			
	Facilities			
GRF 503321	Parole and Community	\$ 80,883,748	\$ 82,807,332	137228
	Operations			
GRF 504321	Administrative	\$ 24,034,553	\$ 24,611,945	137229
	Operations			
GRF 505321	Institution Medical	\$ 267,206,462	\$ 272,013,566	137230
	Services			
GRF 506321	Institution Education	\$ 32,581,211	\$ 33,372,312	137231
	Services			
TOTAL GRF General Revenue Fund		\$ 1,741,382,660	\$ 1,766,328,545	137232
Dedicated Purpose Fund Group				137233
4B00 501601	Sewer Treatment	\$ 2,230,000	\$ 2,230,000	137234

		Services				
4D40	501603	Prisoner Programs	\$	1,300,000	\$	1,300,000 137235
4L40	501604	Transitional Control	\$	1,950,000	\$	1,950,000 137236
4S50	501608	Education Services	\$	4,725,000	\$	4,725,000 137237
5AF0	501609	State and Non-Federal	\$	875,000	\$	875,000 137238
		Awards				
5H80	501617	Offender Financial	\$	2,500,000	\$	3,110,000 137239
		Responsibility				
5TZ0	501610	Probation Improvement	\$	10,000,000	\$	10,000,000 137240
		and Incentive Grants				
5UB0	501612	Institution Addiction	\$	1,000,000	\$	1,000,000 137241
		Treatment Services				
TOTAL DPF		Dedicated Purpose Fund	\$	24,580,000	\$	25,190,000 137242
		Group				
		Internal Service Activity Fund Group				137243
1480	501602	Institutional	\$	2,925,000	\$	2,925,000 137244
		Services				
2000	501607	Ohio Penal Industries	\$	52,900,000	\$	52,900,000 137245
4830	501605	Leased Property	\$	2,000,000	\$	2,000,000 137246
		Maintenance & Operating				
5710	501606	Corrections Training	\$	480,000	\$	480,000 137247
		Maintenance & Operating				
5L60	501611	Information	\$	1,300,000	\$	1,300,000 137248
		Technology Services				
TOTAL ISA		Internal Activity				137249
Fund Group			\$	59,605,000	\$	59,605,000 137250
		Federal Fund Group				137251
3230	501619	Federal Grants	\$	1,985,000	\$	1,985,000 137252
3CW0	501622	Federal Equitable	\$	455,000	\$	455,000 137253
		Sharing				

TOTAL FED Federal			137254
Fund Group	\$ 2,440,000	\$ 2,440,000	137255
TOTAL ALL BUDGET FUND GROUPS	\$ 1,828,007,660	\$ 1,853,563,545	137256
ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS			137257
The foregoing appropriation item 501406, Adult Correctional			137258
Facilities Lease Rental Bond Payments, shall be used to meet all			137259
payments during the period from July 1, 2017, through June 30,			137260
2019, by the Department of Rehabilitation and Correction under the			137261
primary leases and agreements for those buildings made under			137262
Chapters 152. and 154. of the Revised Code. These appropriations			137263
are the source of funds pledged for bond service charges on			137264
related obligations issued under Chapters 152. and 154. of the			137265
Revised Code.			137266
PROBATION IMPROVEMENT AND INCENTIVE GRANTS			137267
The foregoing appropriation item 501610, Probation			137268
Improvement and Incentive Grants, shall be allocated by the			137269
Department of Rehabilitation and Correction to municipalities as			137270
Probation Improvement and Incentive Grants in accordance with			137271
division (G)(2) of section 757.20 of this act with an emphasis on:			137272
(1) providing services to those addicted to opiates and other			137273
illegal substances, and (2) supplementing the programs and			137274
services funded by grants distributed from the foregoing			137275
appropriation item 501407, Community Nonresidential Programs.			137276
CASH TRANSFER FROM THE INDIGENT DRIVERS ALCOHOL TREATMENT			137277
FUND TO THE INSTITUTION ADDICTION TREATMENT SERVICES FUND			137278
Notwithstanding any provision of law to the contrary, on July			137279
1 of each fiscal year, or as soon as possible thereafter, the			137280
Director of Budget and Management shall transfer \$1,000,000 cash			137281
from the Indigent Drivers Alcohol Treatment Fund (Fund 7049) to			137282
the Institution Addiction Treatment Services Fund (Fund 5UB0),			137283
which is hereby created in the state treasury.			137284

The foregoing appropriation item 501612, Institution 137285  
Addiction Treatment Services, shall be used to pay for the costs 137286  
of providing substance abuse treatment services to offenders 137287  
incarcerated in institutions operated by the Department of 137288  
Rehabilitation and Correction. 137289

OSU MEDICAL CHARGES 137290

Notwithstanding section 341.192 of the Revised Code, at the 137291  
request of the Department of Rehabilitation and Correction, The 137292  
Ohio State University Medical Center, including the Arthur G. 137293  
James Cancer Hospital and Richard J. Solove Research Institute and 137294  
the Richard M. Ross Heart Hospital, shall provide necessary care 137295  
to persons who are confined in state adult correctional 137296  
facilities. The provision of necessary inpatient care billed to 137297  
the Department shall be reimbursed at a rate not to exceed the 137298  
authorized reimbursement rate for the same service established by 137299  
the Department of Medicaid under the Medicaid Program. 137300

**Section 385.10.** RCB RESPIRATORY CARE BOARD 137301

Dedicated Purpose Fund Group 137302  
4K90 872609 Operating Expenses \$ 363,106 \$ 0 137303  
TOTAL DPF Dedicated Purpose 137304  
Fund Group \$ 363,106 \$ 0 137305  
TOTAL ALL BUDGET FUND GROUPS \$ 363,106 \$ 0 137306

**Section 387.10.** RDF STATE REVENUE DISTRIBUTIONS 137308

General Revenue Fund Group 137309  
GRF 110908 Property Tax \$ 641,015,200 \$ 645,785,000 137310  
Reimbursement - Local  
Government  
GRF 200903 Property Tax \$ 1,180,084,800 \$ 1,199,315,000 137311  
Reimbursement -  
Education

TOTAL GRF General Revenue Fund	\$ 1,821,100,000	\$ 1,845,100,000	137312
Group			
Revenue Distribution Fund Group			137313
5JG0 110633 Gross Casino Revenue	\$ 128,400,000	\$ 126,500,000	137314
Payments-County			
5JH0 110634 Gross Casino Revenue	\$ 85,600,000	\$ 84,300,000	137315
Payments- School			
Districts			
5JJ0 110636 Gross Casino Revenue	\$ 12,500,000	\$ 12,400,000	137316
- Host City			
7047 200902 Property Tax	\$ 207,311,667	\$ 165,229,141	137317
Replacement Phase			
Out-Education			
7049 336900 Indigent Drivers	\$ 2,250,000	\$ 2,250,000	137318
Alcohol Treatment			
7050 762900 International	\$ 22,000,000	\$ 22,000,000	137319
Registration Plan			
Distribution			
7051 762901 Auto Registration	\$ 325,000,000	\$ 325,000,000	137320
Distribution			
7060 110960 Gasoline Excise Tax	\$ 375,000,000	\$ 375,000,000	137321
Fund			
7065 110965 Public Library Fund	\$ 386,300,000	\$ 398,100,000	137322
7066 800966 Undivided Liquor	\$ 14,600,000	\$ 14,600,000	137323
Permits			
7068 110968 State and Local	\$ 196,000,000	\$ 196,000,000	137324
Government Highway			
Distributions			
7069 110969 Local Government Fund	\$ 381,800,000	\$ 393,500,000	137325
7081 110907 Property Tax	\$ 30,844,526	\$ 16,700,147	137326
Replacement Phase			
Out-Local Government			
7082 110982 Horse Racing Tax	\$ 60,000	\$ 60,000	137327



7083	700900	Ohio Fairs Fund	\$	1,000,000	\$	1,000,000	137328
7104	110997	Medicaid Local Sales	\$	207,000,000	\$	0	137329
		Tax Transition Fund					
TOTAL RDF Revenue Distribution							137330
Fund Group			\$	2,375,666,193	\$	2,132,639,288	137331
Fiduciary Fund Group							137332
4P80	001698	Cash Management	\$	3,100,000	\$	3,100,000	137333
		Improvement Fund					
6080	001699	Investment Earnings	\$	120,000,000	\$	125,000,000	137334
7001	110996	Horse Racing Tax	\$	240,000	\$	240,000	137335
		Local Government					
		Payments					
7062	110962	Resort Area Excise	\$	1,200,000	\$	1,200,000	137336
		Tax Distribution					
7063	110963	Permissive Sales Tax	\$	2,577,800,000	\$	2,653,900,000	137337
		Distribution					
7067	110967	School District	\$	435,200,000	\$	451,200,000	137338
		Income Tax					
		Distribution					
7085	800985	Volunteer Firemen's	\$	300,000	\$	300,000	137339
		Dependents Fund					
7093	110640	Next Generation 9-1-1	\$	1,000,000	\$	1,000,000	137340
7094	110641	Wireless 9-1-1	\$	25,700,000	\$	25,700,000	137341
		Government Assistance					
7095	110995	Municipal Income Tax	\$	8,000,000	\$	8,000,000	137342
7099	762902	Permissive Tax	\$	180,000,000	\$	180,000,000	137343
		Distribution - Auto					
		Registration					
TOTAL FID Fiduciary Fund Group			\$	3,352,540,000	\$	3,449,640,000	137344
Holding Account Fund Group							137345
R045	110617	International Fuel	\$	36,100,000	\$	36,100,000	137346
		Tax Distribution					

TOTAL HLD Holding Account Fund	\$	36,100,000	\$	36,100,000	137347
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	7,585,406,193	\$	7,463,479,288	137348

**Section 387.20.** ADDITIONAL APPROPRIATIONS 137350

Appropriation items in this section shall be used for the 137351  
purpose of administering and distributing the designated revenue 137352  
distribution funds according to the Revised Code. If it is 137353  
determined that additional appropriations are necessary for this 137354  
purpose, such amounts are hereby appropriated. 137355

GENERAL REVENUE FUND TRANSFERS 137356

Notwithstanding any provision of law to the contrary, in 137357  
fiscal year 2018 and fiscal year 2019, the Director of Budget and 137358  
Management may transfer from the General Revenue Fund to the Local 137359  
Government Tangible Property Tax Replacement Fund (Fund 7081) and 137360  
the School District Tangible Property Tax Replacement Fund (Fund 137361  
7047) in the Revenue Distribution Fund Group, those amounts 137362  
necessary to reimburse local taxing units and school districts 137363  
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 137364  
fiscal year 2018 and fiscal year 2019, the Director of Budget and 137365  
Management may make temporary transfers from the General Revenue 137366  
Fund to ensure sufficient balances in the Local Government 137367  
Tangible Property Tax Replacement Fund (Fund 7081) and the School 137368  
District Tangible Property Tax Replacement Fund (Fund 7047) and to 137369  
replenish the General Revenue Fund for such transfers. 137370

MUNICIPAL INCOME NET PROFITS TAX 137371

The foregoing appropriation item 110995, Municipal Income Net 137372  
Profits Tax, shall be used to make payments to municipal 137373  
corporations under section 5745.05 of the Revised Code. If it is 137374  
determined that additional appropriations are necessary to make 137375  
such payments, such amounts are hereby appropriated. 137376

PROPERTY TAX REIMBURSEMENT - EDUCATION 137377

The foregoing appropriation item 200903, Property Tax 137378  
Reimbursement - Education, is appropriated to pay for the state's 137379  
costs incurred because of the homestead exemption, the property 137380  
tax rollback, and payments required under division (C) of section 137381  
5705.2110 of the Revised Code. In cooperation with the Department 137382  
of Taxation, the Department of Education shall distribute these 137383  
funds directly to the appropriate school districts of the state, 137384  
notwithstanding sections 321.24 and 323.156 of the Revised Code, 137385  
which provide for payment of the homestead exemption and property 137386  
tax rollback by the Tax Commissioner to the appropriate county 137387  
treasurer and the subsequent redistribution of these funds to the 137388  
appropriate local taxing districts by the county auditor. 137389

Upon receipt of these amounts, each school district shall 137390  
distribute the amount among the proper funds as if it had been 137391  
paid as real or tangible personal property taxes. Payments for the 137392  
costs of administration shall continue to be paid to the county 137393  
treasurer and county auditor as provided for in sections 319.54, 137394  
321.26, and 323.156 of the Revised Code. 137395

Any sums, in addition to the amount specifically appropriated 137396  
in appropriation item 200903, Property Tax Reimbursement - 137397  
Education, for the homestead exemption and the property tax 137398  
rollback payments, and payments required under division (C) of 137399  
section 5705.2110 of the Revised Code, which are determined to be 137400  
necessary for these purposes, are hereby appropriated. 137401

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 137402

The foregoing appropriation item 110908, Property Tax 137403  
Reimbursement-Local Government, is hereby appropriated to pay for 137404  
the state's costs incurred due to the Homestead Exemption, the 137405  
Manufactured Home Property Tax Rollback, and the Property Tax 137406  
Rollback. The Tax Commissioner shall distribute these funds 137407

directly to the appropriate local taxing districts, except for 137408  
school districts, notwithstanding the provisions in sections 137409  
321.24 and 323.156 of the Revised Code, which provide for payment 137410  
of the Homestead Exemption, the Manufactured Home Property Tax 137411  
Rollback, and Property Tax Rollback by the Tax Commissioner to the 137412  
appropriate county treasurer and the subsequent redistribution of 137413  
these funds to the appropriate local taxing districts by the 137414  
county auditor. 137415

Upon receipt of these amounts, each local taxing district 137416  
shall distribute the amount among the proper funds as if it had 137417  
been paid as real property taxes. Payments for the costs of 137418  
administration shall continue to be paid to the county treasurer 137419  
and county auditor as provided for in sections 319.54, 321.26, and 137420  
323.156 of the Revised Code. 137421

Any sums, in addition to the amounts specifically 137422  
appropriated in appropriation item 110908, Property Tax Allocation 137423  
- Local Government, for the Homestead Exemption, the Manufactured 137424  
Home Property Tax Rollback, and the Property Tax Rollback 137425  
payments, which are determined to be necessary for these purposes, 137426  
are hereby appropriated. 137427

PUBLIC LIBRARY FUND 137428

Notwithstanding the requirement in division (B) of section 137429  
131.51 of the Revised Code that the Director of Budget and 137430  
Management shall credit to the Public Library Fund one and 137431  
sixty-six one-hundredths per cent of the total tax revenue 137432  
credited to the General Revenue Fund during the preceding month, 137433  
the Director shall instead calculate these amounts during fiscal 137434  
year 2018 and fiscal year 2019 using one and sixty-eight 137435  
one-hundredths as the percentage. 137436

MEDICAID LOCAL SALES TAX TRANSITION FUND 137437

(A) There is hereby created in the state treasury the 137438

Medicaid Local Sales Tax Transition Fund. The fund shall consist 137439  
of money transferred to it. The fund shall be used to mitigate the 137440  
effects of, and assist in the adjustment to, the reduced sales tax 137441  
revenues of counties and affected transit authorities caused by 137442  
the repeal of sales tax collected by Medicaid health insuring 137443  
corporations on health care service transactions. 137444

Amounts provided to counties and transit authorities under 137445  
this section from the Medicaid Local Sales Tax Transition Fund use 137446  
the jurisdictions' annualized Medicaid sales tax revenues during 137447  
the calendar year 2015 and 2016 periods. Based on these figures, 137448  
the payments provided in this section provide full replacement of 137449  
the calculated forgone Medicaid sales tax revenues in calendar 137450  
year 2017, which will occur during the October 2017 through 137451  
December 2017 period. The payments under this section also reflect 137452  
a computation of the ability of the counties and transit 137453  
authorities to reasonably adjust to the effects of forgone 137454  
Medicaid sales tax revenues. Over time, each jurisdiction will be 137455  
able to absorb an increasing portion of its forgone Medicaid sales 137456  
tax revenue until it has adjusted to the full forgone revenue. 137457  
Before such full adjustment to the Medicaid sales tax change 137458  
finally occurs, for each year in which the jurisdiction's 137459  
annualized Medicaid sales tax revenue exceeds the amount it is 137460  
computed as being able to reasonably absorb in that year, such 137461  
difference becomes part of the overall distribution provided under 137462  
this section. The amount the jurisdiction is able to absorb in a 137463  
given year is the product derived from multiplying the 137464  
jurisdiction's annualized total sales tax revenues for calendar 137465  
years 2015 and 2016 by the total absorption rate assigned to the 137466  
jurisdiction. The absorption rate, which grows by the same 137467  
increment each year, is initially established at a level that 137468  
takes into account the relative sales tax capacity of a 137469  
jurisdiction; the assigned initial absorption rate is four percent 137470  
but is a smaller amount to the extent the jurisdiction's sales tax 137471

capacity is below statewide average sales tax capacity. 137472

(B) If the Tax Commissioner orders the cessation of 137473  
collection of sales and use taxes pursuant to division (B)(11)(b) 137474  
of section 5739.01 of the Revised Code, the Commissioner shall 137475  
certify such result to the Director of Budget and Management. 137476  
After receipt of this certification by the Director, the 137477  
requirements in divisions (C), (D), and (E) of this section shall 137478  
take effect. 137479

(C) On or before October 15, 2017, each county and transit 137480  
authority that as of January 1, 2017, levies any tax under 137481  
sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 137482  
5741.023 of the Revised Code shall establish a County and Transit 137483  
Authority Medicaid Sales Tax Transition Fund. The fund shall 137484  
consist of money distributed to it under this section. Money 137485  
provided to such fund shall be transferred to the general fund or 137486  
other fund that receives a lawful portion of the county's or 137487  
transit authority's sales tax revenue in accordance with a 137488  
resolution adopted by the board of county commissioners, the 137489  
county transit board, or trustees of a regional transit authority, 137490  
as appropriate. Money may be transferred from the County and 137491  
Transit Authority Medicaid Sales Tax Transition Fund at any time 137492  
and in any quantity as indicated by the resolution. 137493

(D) On or before November 1, 2017, the Tax Commissioner shall 137494  
provide for payment to each county and transit authority in the 137495  
amounts provided in division (E) of this section. The county 137496  
treasurer or transit authority fiscal officer shall deposit such 137497  
amount into the County and Transit Authority Medicaid Sales Tax 137498  
Transition Fund within five business days of its receipt. 137499

(E) Distributions made to counties and transit authorities 137500  
under this section shall equal the following amounts: 137501

Counties: 137502

Adams	\$2,338,462	137503
Allen	\$499,518	137504
Ashland	\$247,665	137505
Ashtabula	\$1,953,705	137506
Athens	\$1,361,470	137507
Auglaize	\$164,879	137508
Belmont	\$513,695	137509
Brown	\$2,608,692	137510
Butler	\$2,131,220	137511
Carroll	\$222,196	137512
Champaign	\$696,332	137513
Clark	\$6,072,014	137514
Clermont	\$1,385,155	137515
Clinton	\$648,501	137516
Columbiana	\$4,912,012	137517
Coshocton	\$1,095,382	137518
Crawford	\$1,747,652	137519
Cuyahoga	\$25,041,192	137520
Darke	\$394,752	137521
Defiance	\$142,872	137522
Delaware	\$223,143	137523
Erie	\$152,337	137524
Fairfield	\$868,591	137525
Fayette	\$392,342	137526
Franklin	\$14,101,763	137527
Fulton	\$368,374	137528
Gallia	\$950,776	137529
Geauga	\$104,067	137530
Greene	\$681,774	137531
Guernsey	\$550,466	137532
Hamilton	\$9,611,825	137533
Hancock	\$116,906	137534
Hardin	\$662,553	137535

Harrison	\$122,629	137536
Henry	\$216,876	137537
Highland	\$1,802,649	137538
Hocking	\$982,451	137539
Holmes	\$35,327	137540
Huron	\$781,761	137541
Jackson	\$1,628,743	137542
Jefferson	\$1,717,858	137543
Knox	\$472,792	137544
Lake	\$640,963	137545
Lawrence	\$4,457,248	137546
Licking	\$1,325,897	137547
Logan	\$404,753	137548
Lorain	\$2,425,083	137549
Lucas	\$12,058,600	137550
Madison	\$534,899	137551
Mahoning	\$5,235,592	137552
Marion	\$1,688,310	137553
Medina	\$240,830	137554
Meigs	\$3,504,185	137555
Mercer	\$70,711	137556
Miami	\$426,061	137557
Monroe	\$162,021	137558
Montgomery	\$9,198,720	137559
Morgan	\$1,165,475	137560
Morrow	\$1,497,739	137561
Muskingum	\$1,580,290	137562
Noble	\$268,375	137563
Ottawa	\$226,182	137564
Paulding	\$651,361	137565
Perry	\$3,014,204	137566
Pickaway	\$2,027,117	137567
Pike	\$2,030,999	137568



Portage	\$1,168,359	137569
Preble	\$1,050,742	137570
Putnam	\$126,494	137571
Richland	\$955,179	137572
Ross	\$1,903,651	137573
Sandusky	\$558,488	137574
Scioto	\$6,331,880	137575
Seneca	\$904,551	137576
Shelby	\$201,342	137577
Stark	\$1,471,853	137578
Summit	\$2,309,202	137579
Trumbull	\$3,958,878	137580
Tuscarawas	\$353,741	137581
Union	\$111,287	137582
Van Wert	\$300,928	137583
Vinton	\$2,803,310	137584
Warren	\$317,939	137585
Washington	\$521,996	137586
Wayne	\$585,869	137587
Williams	\$496,855	137588
Wood	\$237,910	137589
Wyandot	\$121,144	137590
Transit Authorities:		137591
Greater Cleveland Regional Transit Authority	\$20,068,166	137592
Central Ohio Regional Transit Authority	\$5,273,867	137593
Laketran Transit Authority	\$160,420	137594
Western Reserve Transit Authority	\$1,055,799	137595
Greater Dayton Regional Transit Authority	\$4,605,453	137596
Portage Area Regional Transit	\$234,905	137597

Authority				
Stark Area Regional Transit		\$735,589		137598
Authority				
Metro Regional Transit Authority		\$2,315,641		137599
<b>Section 389.10. SAN BOARD OF SANITARIAN REGISTRATION</b>				137600
Dedicated Purpose Fund Group				137601
4K90 893609 Operating Expenses	\$	43,633	\$	0 137602
TOTAL DPF Dedicated Purpose				137603
Fund Group	\$	43,633	\$	0 137604
TOTAL ALL BUDGET FUND GROUPS	\$	43,633	\$	0 137605
<b>Section 391.10. OSB OHIO STATE SCHOOL FOR THE BLIND</b>				137607
General Revenue Fund				137608
GRF 226321 Operations	\$	10,147,767	\$	10,385,938 137609
TOTAL GRF General Revenue Fund	\$	10,147,767	\$	10,385,938 137610
Dedicated Purpose Fund Group				137611
4H80 226602 Education Reform	\$	354,000	\$	354,000 137612
Grants				
4M50 226601 Work Study and	\$	461,521	\$	461,521 137613
Technology Investment				
5NJ0 226622 Food Service Program	\$	9,500	\$	9,500 137614
TOTAL DPF Dedicated Purpose				137615
Fund Group	\$	825,021	\$	825,021 137616
Federal Fund Group				137617
3100 226626 Federal Grants	\$	183,000	\$	183,000 137618
3DT0 226621 Ohio Transition	\$	650,000	\$	650,000 137619
Collaborative				
3P50 226643 Medicaid Professional	\$	100,000	\$	100,000 137620
Services				
Reimbursement				
TOTAL FED Federal Fund Group	\$	933,000	\$	933,000 137621

TOTAL ALL BUDGET FUND GROUPS	\$	11,905,788	\$	12,143,959	137622
<b>Section 393.10.</b> OSD OHIO SCHOOL FOR THE DEAF					137624
General Revenue Fund					137625
GRF 221321 Operations	\$	10,856,987	\$	11,079,816	137626
TOTAL GRF General Revenue Fund	\$	10,856,987	\$	11,079,816	137627
Dedicated Purpose Fund Group					137628
4M00 221601 Educational Program	\$	105,000	\$	105,000	137629
Expenses					
4M10 221602 Education Reform	\$	370,000	\$	370,000	137630
Grants					
5H60 221609 Even Start Fees and	\$	62,999	\$	63,000	137631
Gifts					
5NK0 221610 Food Service Program	\$	9,500	\$	9,500	137632
TOTAL DPF Dedicated Purpose					137633
Fund Group	\$	547,499	\$	547,500	137634
Federal Fund Group					137635
3110 221625 Federal Grants	\$	385,000	\$	385,000	137636
3R00 221684 Medicaid Professional	\$	206,000	\$	206,000	137637
Services					
Reimbursement					
TOTAL FED Federal Fund Group	\$	591,000	\$	591,000	137638
TOTAL ALL BUDGET FUND GROUPS	\$	11,995,486	\$	12,218,316	137639
<b>Section 395.10.</b> SOS SECRETARY OF STATE					137641
Dedicated Purpose Fund Group					137642
4120 050609 Notary Commission	\$	475,000	\$	475,000	137643
4S80 050610 Board of Voting	\$	7,200	\$	7,200	137644
Machine Examiners					
5990 050603 Business Services	\$	14,385,400	\$	14,385,400	137645
Operating Expenses					
5990 050629 Statewide Voter	\$	700,000	\$	700,000	137646

		Registration Database				
5990	050630	Elections Support	\$	2,144,030	\$	2,144,030 137647
		Supplement				
5990	050631	Precinct Election	\$	234,196	\$	234,196 137648
		Officials Training				
5FG0	050620	BOE Reimbursement and	\$	80,000	\$	80,000 137649
		Education				
5SN0	050626	Address	\$	100,000	\$	100,000 137650
		Confidentiality				
TOTAL DPF		Dedicated Purpose Fund	\$	18,125,826	\$	18,125,826 137651
		Group				
		Holding Account Fund Group				137652
R001	050605	Uniform Commercial	\$	30,000	\$	30,000 137653
		Code Refunds				
R002	050606	Corporate/Business	\$	85,000	\$	85,000 137654
		Filing Refunds				
TOTAL HLD		Holding Account Fund	\$	115,000	\$	115,000 137655
		Group				
		Federal Fund Group				137656
3AS0	050616	Help America Vote Act	\$	16,000	\$	0 137657
		(HAVA)				
3FM0	050624	Miscellaneous Federal	\$	8,600	\$	4,400 137658
		Grants				
TOTAL FED		Federal Fund Group	\$	24,600	\$	4,400 137659
TOTAL ALL BUDGET FUND GROUPS			\$	18,265,426	\$	18,245,226 137660

**Section 395.20.** CITIZEN EDUCATION PRECINCT ELECTION OFFICIAL TRAINING 137662  
137663

At the end of FY 2017, an amount equal to the unexpended, 137664  
unencumbered portion of appropriation item 050602, Citizen 137665  
Education (Fund 4140) is hereby reappropriated in fiscal year 2018 137666  
for the same purpose. 137667

The foregoing appropriation item 050631, Precinct Election Official Training, shall be used to reimburse county boards of elections for precinct election official (PEO) training pursuant to section 3501.27 of the Revised Code. At the end of fiscal year 2018, an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050631, Precinct Election Official Training, is hereby reappropriated in fiscal year 2019 for the same purpose.

BOARD OF VOTING MACHINE EXAMINERS

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Such amounts are hereby appropriated.

HOLDING ACCOUNT FUND GROUP

The foregoing appropriation items 050605, Uniform Commercial Code Refunds, and 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Such amounts are hereby appropriated.

MISCELLANEOUS FEDERAL GRANTS

Appropriation item 050624, Miscellaneous Federal Grants,

shall be used to support programs that are supported by federal grants deposited into the Miscellaneous Federal Grants Fund (Fund 3FM0) pursuant to Section 111.28 of the Revised Code.

ADDRESS CONFIDENTIALITY PROGRAM

Upon the request of the Secretary of State, the Director of Budget and Management may transfer up to \$50,000 per fiscal year in cash from the Business Services Operating Expenses Fund (Fund 5990) to the Address Confidentiality Program Fund (Fund 5SN0).

LITIGATION RELATED EXPENSES

Upon the request of the Secretary of State, the Director of Budget and Management may transfer cash and appropriation from any fund and appropriation item used by the Secretary of State to Litigation Related Expenses Fund (Fund 5QE0) appropriation item 050625, Litigation Related Expenses, or Business Services Operating Expenses Fund (Fund 5990) appropriation item 050628, Litigation Related Expenses. The amounts transferred shall be used to pay for any expenses related to lawsuits or legal proceedings against the Secretary of State.

ABSENT VOTER'S BALLOT APPLICATION MAILING

Notwithstanding Division (B) of Section 111.31 of the Revised Code, upon the request of the Secretary of State, the Controlling Board shall approve cash transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by the Secretary of State to pay the costs of printing and mailing unsolicited applications for absent voters' ballots for the general election to be held in November 2018. Such amounts are hereby appropriated.

BALLOT ADVERTISING COSTS

Notwithstanding Division (G) of Section 3501.17 of the

Revised Code, upon requests submitted by the Secretary of State, 137729  
the Controlling Board may approve transfers from the Controlling 137730  
Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the 137731  
Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for 137732  
the cost of public notices associated with statewide ballot 137733  
initiatives. 137734

**Section 397.10. SEN THE OHIO SENATE** 137735

General Revenue Fund 137736

GRF 020321 Operating Expenses	\$	15,023,367	\$	15,023,367	137737
TOTAL GRF General Revenue Fund	\$	15,023,367	\$	15,023,367	137738

Internal Service Activity Fund Group 137739

1020 020602 Senate Reimbursement	\$	425,800	\$	425,800	137740
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4090 020601 Miscellaneous Sales	\$	34,497	\$	34,497	137741
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TOTAL ISA Internal Service Activity 137742

Fund Group	\$	460,297	\$	460,297	137743
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TOTAL ALL BUDGET FUND GROUPS	\$	15,483,664	\$	15,483,664	137744
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**OPERATING EXPENSES** 137745

On July 1, 2017, or as soon as possible thereafter, the Clerk 137746  
of the Senate may certify to the Director of Budget and Management 137747  
an amount up to the unexpended, unencumbered balance of the 137748  
foregoing appropriation item 020321, Operating Expenses, at the 137749  
end of fiscal year 2017 to be reappropriated to fiscal year 2018. 137750  
The amount certified is hereby reappropriated to the same 137751  
appropriation item for fiscal year 2018. 137752

On July 1, 2018, or as soon as possible thereafter, the Clerk 137753  
of the Senate may certify to the Director of Budget and Management 137754  
an amount up to the unexpended, unencumbered balance of the 137755  
foregoing appropriation item 020321, Operating Expenses, at the 137756  
end of fiscal year 2018 to be reappropriated to fiscal year 2019. 137757  
The amount certified is hereby reappropriated to the same 137758

appropriation item for fiscal year 2019. 137759

**Section 399.20.** CSV COMMISSION ON SERVICE AND VOLUNTEERISM 137760

General Revenue Fund 137761

GRF 866321 CSV Operations \$ 300,000 \$ 300,000 137762

TOTAL GRF General Revenue Fund \$ 300,000 \$ 300,000 137763

Dedicated Purpose Fund Group 137764

5GN0 866605 Serve Ohio Support \$ 7,594 \$ 0 137765

TOTAL DPF Dedicated Purpose Fund \$ 7,594 \$ 0 137766

Group

Federal Fund Group 137767

3R70 866617 AmeriCorps Programs \$ 8,000,000 \$ 8,000,000 137768

TOTAL FED Federal Fund Group \$ 8,000,000 \$ 8,000,000 137769

TOTAL ALL BUDGET FUND GROUPS \$ 8,307,594 \$ 8,300,000 137770

**Section 401.10.** CSF COMMISSIONERS OF THE SINKING FUND 137772

Debt Service Fund Group 137773

7070 155905 Third Frontier \$ 86,015,000 \$ 93,539,900 137774

Research and  
Development Bond  
Retirement Fund

7072 155902 Highway Capital \$ 117,606,700 \$ 135,589,800 137775

Improvement Bond  
Retirement Fund

7073 155903 Natural Resources Bond \$ 25,450,300 \$ 19,317,800 137776

Retirement Fund

7074 155904 Conservation Projects \$ 39,367,200 \$ 44,001,700 137777

Bond Retirement Fund

7076 155906 Coal Research and \$ 6,319,500 \$ 7,820,600 137778

Development Bond  
Retirement Fund

7077 155907 State Capital \$ 230,880,100 \$ 228,392,200 137779



		Improvement Bond				
		Retirement Fund				
7078	155908	Common Schools Bond	\$	375,134,900	\$	404,025,700 137780
		Retirement Fund				
7079	155909	Higher Education Bond	\$	267,425,600	\$	295,094,600 137781
		Retirement Fund				
7080	155901	Persian Gulf,	\$	7,118,300	\$	5,090,700 137782
		Afghanistan, and Iraq				
		Conflict Bond				
		Retirement Fund				
7090	155912	Job Ready Site	\$	15,657,175	\$	15,591,200 137783
		Development Bond				
		Retirement Fund				
TOTAL	DSF	Debt Service Fund Group	\$	1,170,974,775	\$	1,248,464,200 137784
TOTAL	ALL BUDGET FUND GROUPS		\$	1,170,974,775	\$	1,248,464,200 137785
		ADDITIONAL APPROPRIATIONS				137786
		Appropriation items in this section are for the purpose of				137787
		paying debt service and financing costs during the period from				137788
		July 1, 2017 through June 30, 2019 on bonds or notes of the state				137789
		issued under the Ohio Constitution and acts of the General				137790
		Assembly. If it is determined that additional amounts are				137791
		necessary for this purpose, such amounts are hereby appropriated.				137792
		<b>Section 403.10.</b> SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY				137793
		DEVELOPMENT FOUNDATION				137794
		Dedicated Purpose Fund Group				137795
5M90	945601	Operating Expenses	\$	352,930	\$	352,930 137796
TOTAL	DPF	Dedicated Purpose Fund	\$	352,930	\$	352,930 137797
		Group				
TOTAL	ALL BUDGET FUND GROUPS		\$	352,930	\$	352,930 137798
		<b>Section 404.10.</b> SHP STATE SPEECH AND HEARING PROFESSIONALS				137800

BOARD				137801
Dedicated Purpose Fund Group				137802
4K90 123609 Operating Expenses	\$	279,708	\$ 615,704	137803
TOTAL DPF Dedicated Purpose Fund Group	\$	279,708	\$ 615,704	137804
TOTAL ALL BUDGET FUND GROUPS	\$	279,708	\$ 615,704	137805

<b>Section 405.10.</b> SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY				137807
Dedicated Purpose Fund Group				137808
4K90 886609 Operating Expenses	\$	333,269	\$ 0	137810
TOTAL DPF Dedicated Purpose Fund Group	\$	333,269	\$ 0	137811
TOTAL ALL BUDGET FUND GROUPS	\$	333,269	\$ 0	137812

<b>Section 407.10.</b> BTA BOARD OF TAX APPEALS				137814
General Revenue Fund				137815
GRF 116321 Operating Expenses	\$	1,822,552	\$ 1,857,751	137816
TOTAL GRF General Revenue Fund	\$	1,822,552	\$ 1,857,751	137817
TOTAL ALL BUDGET FUND GROUPS	\$	1,822,552	\$ 1,857,751	137818

<b>Section 409.10.</b> TAX DEPARTMENT OF TAXATION				137820
General Revenue Fund				137821
GRF 110321 Operating Expenses	\$	67,260,978	\$ 69,735,978	137822
GRF 110404 Tobacco Settlement Enforcement	\$	0	\$ 167,567	137823
TOTAL GRF General Revenue Fund	\$	67,260,978	\$ 69,903,545	137824
Dedicated Purpose Fund Group				137825
2280 110628 CAT Administration	\$	17,496,584	\$ 14,996,584	137826
4330 110602 Municipal Data Exchange	\$	178,156	\$ 178,156	137827

		Administration					
4350	110607	Local Tax	\$	21,000,000	\$	21,000,000	137828
		Administration					
4360	110608	Motor Vehicle Audit	\$	1,523,113	\$	1,523,113	137829
		Administration					
4370	110606	Income Tax Refund	\$	38,800	\$	38,800	137830
		Contribution					
		Administration					
4380	110609	School District	\$	6,427,960	\$	6,427,960	137831
		Income Tax					
		Administration					
4C60	110616	International	\$	705,869	\$	705,869	137832
		Registration Plan					
		Administration					
4R60	110610	Tire Tax	\$	255,836	\$	255,836	137833
		Administration					
5BP0	110639	Wireless 9-1-1	\$	298,794	\$	298,794	137834
		Administration					
5BW0	110630	Tax Amnesty Promotion	\$	2,500,000	\$	0	137835
		and Administration					
5JM0	110637	Casino Tax	\$	75,000	\$	75,000	137836
		Administration					
5MN0	110638	STARS Development and	\$	3,000,000	\$	3,000,000	137837
		Implementation					
5N50	110605	Municipal Income Tax	\$	2,400,000	\$	5,150,000	137838
		Administration					
5N60	110618	Kilowatt Hour Tax	\$	100,000	\$	100,000	137839
		Administration					
5NY0	110643	Petroleum Activity	\$	1,000,000	\$	1,000,000	137840
		Tax Administration					
5V70	110622	Motor Fuel Tax	\$	5,175,897	\$	5,175,897	137841
		Administration					
5V80	110623	Property Tax	\$	6,000,000	\$	6,000,000	137842

		Administration				
5W70	110627	Exempt Facility	\$	49,500	\$	49,500 137843
		Administration				
6390	110614	Cigarette Tax	\$	1,965,511	\$	1,797,944 137844
		Enforcement				
6880	110615	Local Excise Tax	\$	500,000	\$	500,000 137845
		Administration				
TOTAL DPF		Dedicated Purpose Fund	\$	70,691,020	\$	68,273,453 137846
		Group				
		Fiduciary Fund Group				137847
4250	110635	Tax Refunds	\$	1,911,472,500	\$	1,876,628,500 137848
5CZ0	110631	Vendor's License	\$	380,000	\$	380,000 137849
		Application				
6420	110613	Ohio Political Party	\$	180,000	\$	180,000 137850
		Distributions				
TOTAL FID		Fiduciary Fund Group	\$	1,912,032,500	\$	1,877,188,500 137851
		Holding Account Fund Group				137852
R010	110611	Tax Distributions	\$	25,000	\$	25,000 137853
R011	110612	Miscellaneous Income	\$	500	\$	500 137854
		Tax Receipts				
TOTAL HLD		Holding Account Fund	\$	25,500	\$	25,500 137855
		Group				
TOTAL ALL BUDGET FUND GROUPS			\$	2,050,009,998	\$	2,015,390,998 137856

**Section 409.20. TAX REFUNDS** 137858

The foregoing appropriation item 110635, Tax Refunds, shall 137859  
be used to pay refunds under section 5703.052 of the Revised Code. 137860  
If it is determined that additional appropriations are necessary 137861  
for this purpose, such amounts are hereby appropriated. 137862

**VENDOR'S LICENSE PAYMENTS** 137863

The foregoing appropriation item 110631, Vendor's License 137864  
Application, shall be used to make payments to county auditors 137865

under section 5739.17 of the Revised Code. If it is determined 137866  
that additional appropriations are necessary to make such 137867  
payments, such amounts are hereby appropriated. 137868

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 137869

The foregoing appropriation item 110616, International 137870  
Registration Plan Administration, shall be used under section 137871  
5703.12 of the Revised Code for audits of persons with vehicles 137872  
registered under the International Registration Plan. 137873

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 137874

Of the foregoing appropriation item 110607, Local Tax 137875  
Administration, the Tax Commissioner may disburse funds, if 137876  
available, for the purposes of paying travel expenses incurred by 137877  
members of Ohio's delegation to the Streamlined Sales Tax Project, 137878  
as appointed under section 5740.02 of the Revised Code. Any travel 137879  
expense reimbursement paid for by the Department of Taxation shall 137880  
be done in accordance with applicable state laws and guidelines. 137881

TOBACCO SETTLEMENT ENFORCEMENT 137882

The foregoing appropriation item 110404, Tobacco Settlement 137883  
Enforcement, shall be used by the Tax Commissioner to pay costs 137884  
incurred in the enforcement of divisions (F) and (G) of section 137885  
5743.03 of the Revised Code. In fiscal year 2018, expenses 137886  
associated with these enforcement activities will be covered by 137887  
appropriation item 110614, Cigarette Tax Enforcement. 137888

STARS DEVELOPMENT AND IMPLEMENTATION FUND 137889

The foregoing appropriation item 110638, STARS Development 137890  
and Implementation, shall be used to pay costs incurred in the 137891  
development and implementation of the department's State Tax 137892  
Accounting and Revenue System. The Director of Budget and 137893  
Management, under a plan submitted by the Tax Commissioner, or as 137894  
otherwise determined by the Director of Budget and Management, 137895

shall set a schedule to transfer cash from the Revenue Enhancement Fund, Local Sales Tax Administrative Fund, General School District Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, Property Tax Administration Fund, and the Motor Fuel Tax Administration Fund to the credit of the STARS Development and Implementation Fund (Fund 5MN0). The transfers of cash shall not exceed \$6,000,000 in the biennium.

APPROPRIATION INCREASE AND CASH TRANSFER TO THE MUNICIPAL INCOME TAX ADMINISTRATION FUND

(A) During fiscal year 2018 and fiscal year 2019, if the Tax Commissioner determines that the Municipal Income Tax Administration Fund (Fund 5N50) created in section 5745.03 of the Revised Code has insufficient cash balances to pay expenses required by administering the new tax duties imposed by sections 718.80 to 718.95 of the Revised Code, the Tax Commissioner shall certify to the Director of Budget and Management the additional cash necessary to carry out the duties imposed by sections 718.80 to 718.95 of the Revised Code. After receiving the certification from the Commissioner and if the Director determines that sufficient funds are available in the General Revenue Fund, the Director shall transfer cash from the General Revenue Fund to Fund 5N50 in an amount that will enable the Commissioner to carry out the duties imposed by sections 718.80 to 718.95 of the Revised Code.

(B) If a cash transfer is made from the General Revenue Fund to the Municipal Income Tax Administration Fund under division (A) of this section, the Director of Budget and Management and the Tax Commissioner shall jointly develop a plan to repay the General Revenue Fund as soon as is deemed practical.

(C) During fiscal year 2018 and fiscal year 2019, if the Tax Commissioner determines that the Municipal Income Tax Administration Fund (Fund 5N50) has insufficient appropriations

due to the new tax administration obligations imposed by sections 137928  
718.80 to 718.95 of the Revised Code, the Tax Commissioner shall 137929  
certify to the Director of Budget and Management the additional 137930  
appropriations necessary to carry out the duties imposed by 137931  
sections 718.80 to 718.95 of the Revised Code. After receiving the 137932  
certification from the Commissioner and if the Director determines 137933  
that sufficient funds are available in Fund 5N50, the Director 137934  
shall approve the certified appropriation increase. Any approved 137935  
appropriation increase is hereby appropriated. 137936

TAX AMNESTY PROMOTION AND ADMINISTRATION 137937

The foregoing appropriation item 110630, Tax Amnesty 137938  
Promotion and Administration, shall be used to pay expenses 137939  
incurred to promote and administer the tax amnesty program to be 137940  
conducted from January 1, 2018, to February 15, 2018, by the 137941  
Department of Taxation. The Department of Taxation and Attorney 137942  
General's Office shall work in close collaboration on promotion 137943  
activities in relation to the Tax Amnesty Promotion and 137944  
Administration program. 137945

**Section 411.10.** DOT DEPARTMENT OF TRANSPORTATION 137946

General Revenue Fund 137947

GRF	775451	Public Transportation	\$	6,500,000	\$	6,500,000	137948
		- State					

GRF	776465	Rail Development	\$	985,000	\$	1,000,000	137949
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GRF	777471	Airport Improvements	\$	6,455,000	\$	5,910,000	137950
		- State					

TOTAL GRF	General Revenue Fund	\$	13,940,000	\$	13,410,000	137951
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Dedicated Purpose Fund Group 137952

5QT0	776670	Ohio Maritime	\$	2,000,000	\$	2,000,000	137953
		Assistance Program					

TOTAL DPF	Dedicated Purpose Fund	\$	2,000,000	\$	2,000,000	137954
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Transportation, the Director of Budget and Management shall 137986  
transfer \$2,000,000 cash in each fiscal year from the Facilities 137987  
Establishment Fund (Fund 7037) to the Ohio Maritime Assistance 137988  
Fund (Fund 5QT0), which is hereby created in the state treasury. 137989  
The Ohio Maritime Assistance Fund shall consist of state and 137990  
federal dollars allocated to it as permitted by law. 137991

**Section 413.10.** TOS TREASURER OF STATE 137992

General Revenue Fund 137993

GRF 090321 Operating Expenses \$ 8,119,779 \$ 8,119,029 137994

GRF 090401 Office of the Sinking Fund \$ 476,836 \$ 476,836 137995

GRF 090402 Continuing Education \$ 175,000 \$ 175,000 137996

GRF 090406 Treasury Management System Lease Rental Payments \$ 1,113,900 \$ 1,114,700 137997

GRF 090613 ABLE Account Administration \$ 1,660,000 \$ 1,660,000 137998

TOTAL GRF General Revenue Fund \$ 11,545,515 \$ 11,545,565 137999

Dedicated Purpose Fund Group 138000

4E90 090603 Securities Lending Income \$ 5,290,000 \$ 5,290,000 138001

5770 090605 Investment Pool Reimbursement \$ 1,050,000 \$ 1,050,000 138002

5C50 090602 County Treasurer Education \$ 320,057 \$ 320,057 138003

5NH0 090610 OhioMeansJobs Workforce Development \$ 16,250,000 \$ 0 138004

6050 090609 Treasurer of State Administrative Fund \$ 700,000 \$ 700,000 138005

TOTAL DPF Dedicated Purpose Fund Group 138006

\$ 23,610,057 \$ 7,360,057 138007

Fiduciary Fund Group				138008	
4250 090635 Tax Refunds	\$	12,000,000	\$	12,000,000	138009
TOTAL FID Fiduciary Fund Group	\$	12,000,000	\$	12,000,000	138010
TOTAL ALL BUDGET FUND GROUPS	\$	47,155,572	\$	30,905,622	138011

**Section 413.20.** OFFICE OF THE SINKING FUND 138013

The foregoing appropriation item 090401, Office of the 138014  
Sinking Fund, shall be used for costs incurred by or on behalf of 138015  
the Commissioners of the Sinking Fund and the Ohio Public 138016  
Facilities Commission with respect to State of Ohio general 138017  
obligation bonds or notes, and the Treasurer of State with respect 138018  
to State of Ohio general obligation and special obligation bonds 138019  
or notes, including, but not limited to, printing, advertising, 138020  
delivery, rating fees and the procurement of ratings, professional 138021  
publications, membership in professional organizations, and other 138022  
services referred to in division (D) of section 151.01 of the 138023  
Revised Code. The General Revenue Fund shall be reimbursed for 138024  
such costs relating to the issuance and administration of Highway 138025  
Capital Improvement bonds or notes authorized under Ohio 138026  
Constitution, Article VIII, Section 2m and Chapter 151. of the 138027  
Revised Code. That reimbursement shall be made from appropriation 138028  
item 155902, Highway Capital Improvement Bond Retirement Fund, by 138029  
intrastate transfer voucher pursuant to a certification by the 138030  
Office of the Sinking Fund of the actual amounts used. The amounts 138031  
necessary to make such a reimbursement are hereby appropriated 138032  
from the Highway Capital Improvement Bond Retirement Fund created 138033  
in section 151.06 of the Revised Code. 138034

ABLE ACCOUNT ADMINISTRATION 138035

The foregoing appropriation item 090613, ABLE Account 138036  
Administration, shall be used for administration of an Achieve a 138037  
Better Living Experience (ABLE) account program. 138038

TAX REFUNDS 138039

The foregoing appropriation item 090635, Tax Refunds, shall 138040  
be used to pay refunds under section 5703.052 of the Revised Code. 138041  
If the Director of Budget and Management determines that 138042  
additional amounts are necessary for this purpose, such amounts 138043  
are hereby appropriated. 138044

**Section 413.30.** TREASURY MANAGEMENT SYSTEM LEASE RENTAL 138045  
PAYMENTS 138046

The foregoing appropriation item 090406, Treasury Management 138047  
System Lease Rental Payments, shall be used for payments during 138048  
the period from July 1, 2017, through June 30, 2019, pursuant to 138049  
leases and agreements entered into under Section 701.20 of Am. 138050  
Sub. H.B. 497 of the 130th General Assembly with respect to 138051  
financing the costs associated with the acquisition and 138052  
implementation of the Treasury Management System. If it is 138053  
determined that additional appropriations are necessary for this 138054  
purpose, the amounts are hereby appropriated. 138055

**Section 413.40.** OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING 138056  
LOAN PROGRAM 138057

The foregoing appropriation item 090610, OhioMeansJobs 138058  
Workforce Development, shall be used for the OhioMeansJobs 138059  
Workforce Development Revolving Loan Program to provide loans to 138060  
individuals for workforce training. 138061

Of the foregoing appropriation item 090610, OhioMeansJobs 138062  
Workforce Development, up to \$250,000 in fiscal year 2018 may be 138063  
used by the Treasurer of State to administer the program. 138064

Any unexpended and unencumbered portion of the foregoing 138065  
appropriation item 090610, OhioMeansJobs Workforce Development, at 138066  
the end of fiscal year 2018 is hereby reappropriated for the same 138067  
purpose in fiscal year 2019. To the extent that reappropriated 138068  
funds are available, of the foregoing appropriation item 090610, 138069

OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 138070  
2019 may be used by the Treasurer of State to administer the 138071  
program. 138072

**Section 413.50. VTO VETERANS' ORGANIZATIONS** 138073

General Revenue Fund 138074

VAP AMERICAN EX-PRISONERS OF WAR 138075

GRF 743501 State Support \$ 28,910 \$ 28,910 138076

VAN ARMY AND NAVY UNION, USA, INC. 138077

GRF 746501 State Support \$ 63,539 \$ 63,539 138078

VKW KOREAN WAR VETERANS 138079

GRF 747501 State Support \$ 57,118 \$ 57,118 138080

VJW JEWISH WAR VETERANS 138081

GRF 748501 State Support \$ 34,321 \$ 34,321 138082

VCW CATHOLIC WAR VETERANS 138083

GRF 749501 State Support \$ 66,978 \$ 66,978 138084

VPH MILITARY ORDER OF THE PURPLE HEART 138085

GRF 750501 State Support \$ 65,116 \$ 65,116 138086

VVV VIETNAM VETERANS OF AMERICA 138087

GRF 751501 State Support \$ 214,776 \$ 214,776 138088

VAL AMERICAN LEGION OF OHIO 138089

GRF 752501 State Support \$ 349,189 \$ 349,189 138090

VII AMVETS 138091

GRF 753501 State Support \$ 332,547 \$ 332,547 138092

VAV DISABLED AMERICAN VETERANS 138093

GRF 754501 State Support \$ 249,836 \$ 249,836 138094

VMC MARINE CORPS LEAGUE 138095

GRF 756501 State Support \$ 133,947 \$ 133,947 138096

V37 37TH DIVISION VETERANS' ASSOCIATION 138097

GRF 757501 State Support \$ 6,868 \$ 6,868 138098

VFW VETERANS OF FOREIGN WARS 138099

GRF 758501 State Support \$ 284,841 \$ 284,841 138100

TOTAL GRF General Revenue Fund	\$	1,887,986	\$	1,887,986	138101
TOTAL ALL BUDGET FUND GROUPS	\$	1,887,986	\$	1,887,986	138102
RELEASE OF FUNDS					138103
The Director of Budget and Management may release the					138104
foregoing appropriation items 743501, 746501, 747501, 748501,					138105
749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,					138106
and 758501, State Support.					138107
<b>Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES</b>					138108
General Revenue Fund					138109
GRF 900321 Veterans' Homes	\$	27,017,986	\$	27,017,986	138110
GRF 900402 Hall of Fame	\$	112,106	\$	112,106	138111
GRF 900408 Department of	\$	2,757,269	\$	2,757,269	138112
Veterans Services					
GRF 900901 Veterans Compensation	\$	7,118,300	\$	5,090,700	138113
General Obligation					
Bond Debt Service					
TOTAL GRF General Revenue Fund	\$	37,005,661	\$	34,978,061	138114
Dedicated Purpose Fund Group					138115
4840 900603 Veterans' Homes	\$	990,000	\$	995,000	138116
Services					
4E20 900602 Veterans' Homes	\$	13,389,605	\$	13,400,000	138117
Operating					
5DB0 900643 Military Injury	\$	1,000,000	\$	1,000,000	138118
Relief Program					
5PH0 900642 Veterans Initiatives	\$	70,000	\$	70,000	138119
6040 900604 Veterans' Homes	\$	500,000	\$	500,000	138120
Improvement					
TOTAL DPF Dedicated Purpose Fund	\$	15,949,605	\$	15,965,000	138121
Group					
Debt Service Fund Group					138122

7041 900615	Veteran Bonus Program	\$	330,163	\$	272,687	138123
	- Administration					
7041 900641	Persian Gulf,	\$	1,132,362	\$	1,132,706	138124
	Afghanistan, and Iraq					
	Compensation					
TOTAL DSF Debt Service						138125
Fund Group		\$	1,462,525	\$	1,405,393	138126
Federal Fund Group						138127
3680 900614	Veterans Training	\$	782,898	\$	805,851	138128
3740 900606	Troops to Teachers	\$	125,002	\$	130,001	138129
3BX0 900609	Medicare Services	\$	3,352,135	\$	3,578,278	138130
3L20 900601	Veterans' Homes	\$	32,021,561	\$	33,378,119	138131
	Operations - Federal					
TOTAL FED Federal Fund Group						138132
TOTAL ALL BUDGET FUND GROUPS						138133
VETERANS ORGANIZATIONS' RENT						138134
The foregoing appropriation item 900408, Department of						138135
Veterans Services, shall be used to pay veterans organizations'						138136
rent in buildings managed by the Department of Administrative						138137
Services.						138138
VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE						138139
The foregoing appropriation item 900901, Veterans						138140
Compensation General Obligation Bond Debt Service, shall be used						138141
to pay all debt service and related financing costs during the						138142
period from July 1, 2017, through June 30, 2019, on obligations						138143
issued under sections 151.01 and 151.12 of the Revised Code.						138144
<b>Section 417.10.</b> DVM STATE VETERINARY MEDICAL LICENSING BOARD						138145
Dedicated Purpose Fund Group						138146
4K90 888609	Operating Expenses	\$	396,369	\$	439,369	138147
TOTAL DPF Dedicated Purpose						138148

Fund Group		\$	396,369	\$	439,369	138149
Internal Service Activity Fund Group						138150
5BU0 888602	Veterinary Student	\$	30,000	\$	30,000	138151
	Loan Program					
TOTAL ISA Internal Service Activity						138152
Fund Group		\$	30,000	\$	30,000	138153
TOTAL ALL BUDGET FUND GROUPS		\$	426,369	\$	469,369	138154
 <b>Section 419.10. VPB STATE VISION PROFESSIONALS BOARD</b>						138156
Dedicated Purpose Fund Group						138157
4K90 129609	Operating Expenses	\$	400,809	\$	650,607	138158
TOTAL DPF Dedicated Purpose Fund		\$	400,809	\$	650,607	138159
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	400,809	\$	650,607	138160
 <b>Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES</b>						138162
General Revenue Fund						138163
GRF 470401	RECLAIM Ohio	\$	155,590,859	\$	159,227,635	138164
GRF 470412	Juvenile Correctional	\$	17,515,369	\$	17,086,697	138165
	Facilities Lease					
	Rental Bond Payments					
GRF 470510	Youth Services	\$	16,285,160	\$	16,285,160	138166
GRF 472321	Parole Operations	\$	10,330,877	\$	10,481,781	138167
GRF 477321	Administrative	\$	11,285,391	\$	11,574,760	138168
	Operations					
TOTAL GRF General Revenue Fund		\$	211,007,656	\$	214,656,033	138169
Dedicated Purpose Fund Group						138170
1470 470612	Vocational Education	\$	1,690,000	\$	1,463,162	138171
1750 470613	Education Services	\$	3,385,248	\$	3,492,983	138172
4790 470609	Employee Food Service	\$	60,273	\$	44,107	138173
4A20 470602	Child Support	\$	187,998	\$	153,968	138174
4G60 470605	Juvenile Special	\$	115,000	\$	115,000	138175

Revenue - Non-Federal				
5BN0	470629	E-Rate Program	\$ 75,000	\$ 75,000 138176
TOTAL DPF Dedicated Purpose				138177
Fund Group			\$ 5,513,519	\$ 5,344,220 138178
Federal Fund Group				138179
3210	470601	Education	\$ 947,275	\$ 961,519 138180
3210	470603	Juvenile Justice	\$ 2,144,540	\$ 2,232,533 138181
Prevention				
3210	470606	Nutrition	\$ 930,000	\$ 930,000 138182
3210	470614	Title IV-E	\$ 5,766,624	\$ 5,766,624 138183
Reimbursements				
3FC0	470642	Federal Juvenile	\$ 1,000	\$ 0 138184
Programs FFY 12				
3GB0	470643	Federal Juvenile	\$ 16,352	\$ 200 138185
Programs FFY 13				
3V50	470604	Juvenile	\$ 1,720,000	\$ 1,720,000 138186
Justice/Delinquency				
Prevention				
TOTAL FED Federal				138187
Fund Group			\$ 11,525,791	\$ 11,610,876 138188
TOTAL ALL BUDGET FUND GROUPS				\$ 228,046,966 \$ 231,611,129 138189
JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS				138190
The foregoing appropriation item 470412, Juvenile				138191
Correctional Facilities Lease Rental Bond Payments, shall be used				138192
to meet all payments during the period from July 1, 2017, through				138193
June 30, 2019, by the Department of Youth Services under the				138194
leases and agreements for facilities made under Chapters 152. and				138195
154. of the Revised Code. This appropriation is the source of				138196
funds pledged for bond service charges on related obligations				138197
issued under Chapters 152. and 154. of the Revised Code.				138198
EDUCATION SERVICES				138199
The foregoing appropriation item 470613, Education Services,				138200



shall be used to fund the operating expenses of providing 138201  
educational services to youth supervised by the Department of 138202  
Youth Services. Operating expenses include, but are not limited 138203  
to, teachers' salaries, maintenance costs, and educational 138204  
equipment. 138205

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 138206

In collaboration with the county family and children first 138207  
council, the juvenile court of that county that receives 138208  
allocations from one or both of the foregoing appropriation items 138209  
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 138210  
portions of those allocations to a flexible funding pool as 138211  
authorized by the section of this act titled "FAMILY AND CHILDREN 138212  
FIRST FLEXIBLE FUNDING POOL." 138213

**Section 503.10.** PERSONAL SERVICE EXPENSES 138214

Unless otherwise prohibited by law, any appropriation from 138215  
which personal service expenses are paid shall bear the employer's 138216  
share of public employees' retirement, workers' compensation, 138217  
disabled workers' relief, and insurance programs; and the costs of 138218  
centralized financial services, centralized payroll processing, 138219  
and related reports and services; centralized human resources 138220  
services, including affirmative action and equal employment 138221  
opportunity programs; the Office of Collective Bargaining; 138222  
centralized information technology management services; 138223  
administering the enterprise resource planning system; and 138224  
administering the state employee merit system as required by 138225  
section 124.07 of the Revised Code. These costs shall be 138226  
determined in conformity with the appropriate sections of law and 138227  
paid in accordance with procedures specified by the Office of 138228  
Budget and Management. Expenditures from appropriation item 138229  
070601, Public Audit Expense - Intra-State, may be exempted from 138230  
the requirements of this section. 138231

**Section 503.20.** SATISFACTION OF JUDGMENTS AND SETTLEMENTS 138232  
AGAINST THE STATE 138233

Except as otherwise provided in this section, an 138234  
appropriation in this act or any other act may be used for the 138235  
purpose of satisfying judgments, settlements, or administrative 138236  
awards ordered or approved by the Court of Claims or by any other 138237  
court of competent jurisdiction in connection with civil actions 138238  
against the state. This authorization does not apply to 138239  
appropriations to be applied to or used for payment of guarantees 138240  
by or on behalf of the state, or for payments under lease 138241  
agreements relating to, or debt service on, bonds, notes, or other 138242  
obligations of the state. Notwithstanding any other statute to the 138243  
contrary, this authorization includes appropriations from funds 138244  
into which proceeds of direct obligations of the state are 138245  
deposited only to the extent that the judgment, settlement, or 138246  
administrative award is for, or represents, capital costs for 138247  
which the appropriation may otherwise be used and is consistent 138248  
with the purpose for which any related obligations were issued or 138249  
entered into. Nothing contained in this section is intended to 138250  
subject the state to suit in any forum in which it is not 138251  
otherwise subject to suit, and is not intended to waive or 138252  
compromise any defense or right available to the state in any suit 138253  
against it. 138254

**Section 503.30.** CAPITAL PROJECT SETTLEMENTS 138255

This section specifies an additional and supplemental 138256  
procedure to provide for payments of judgments and settlements if 138257  
the Director of Budget and Management determines, pursuant to 138258  
division (C)(4) of section 2743.19 of the Revised Code, that 138259  
sufficient unencumbered moneys do not exist in the fund to support 138260  
a particular appropriation to pay the amount of a final judgment 138261  
rendered against the state or a state agency, including the 138262

settlement of a claim approved by a court, in an action upon and 138263  
arising out of a contractual obligation for the construction or 138264  
improvement of a capital facility if the costs under the contract 138265  
were payable in whole or in part from a state capital projects 138266  
appropriation. In such a case, the Director may either proceed 138267  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 138268  
or apply to the Controlling Board to increase an appropriation or 138269  
create an appropriation out of any unencumbered moneys in the 138270  
state treasury to the credit of the capital projects fund from 138271  
which the initial state appropriation was made. The amount of an 138272  
increase in appropriation or new appropriation approved by the 138273  
Controlling Board is hereby appropriated from the applicable 138274  
capital projects fund and made available for the payment of the 138275  
judgment or settlement. 138276

If the Director does not make the application authorized by 138277  
this section or the Controlling Board disapproves the application, 138278  
and the Director does not make application under division (C)(4) 138279  
of section 2743.19 of the Revised Code, the Director shall for the 138280  
purpose of making that payment make a request to the General 138281  
Assembly as provided for in division (C)(5) of that section. 138282

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 138283

In order to provide funds for the reissuance of voided 138284  
warrants under section 126.37 of the Revised Code, there is hereby 138285  
appropriated, out of moneys in the state treasury from the fund 138286  
credited as provided in section 126.37 of the Revised Code, that 138287  
amount sufficient to pay such warrants when approved by the Office 138288  
of Budget and Management. 138289

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 138290  
**BALANCES OF OPERATING APPROPRIATIONS** 138291

(A) Notwithstanding the original year of appropriation or 138292

encumbrance the unexpended balance of an operating appropriation 138293  
or reappropriation that a state agency lawfully encumbered prior 138294  
to the close of fiscal year 2017 or fiscal year 2018 is hereby 138295  
reappropriated on the first day of July of the following fiscal 138296  
year from the fund from which it was originally appropriated or 138297  
reappropriated for the period of time listed in this section and 138298  
shall remain available only for the purpose of discharging the 138299  
encumbrance: 138300

(1) For an encumbrance for personal services, maintenance, 138301  
equipment, or items for resale not otherwise identified in this 138302  
section for a period of not more than five months from the end of 138303  
the fiscal year; 138304

(2) For an encumbrance for an item of special order 138305  
manufacture not available on state contract or in the open market, 138306  
for a period of not more than five months from the end of the 138307  
fiscal year or, with the written approval of the Director of 138308  
Budget and Management, for a period of not more than twelve months 138309  
from the end of the fiscal year; 138310

(3) For an encumbrance for reclamation of land or oil and gas 138311  
wells, for a period ending when the encumbered appropriation is 138312  
expended provided such period does not extend beyond the FY 2018 - 138313  
FY 2019 biennium; 138314

(4) For an encumbrance for any other expense not otherwise 138315  
identified in this section, for such period as the Director 138316  
approves, provided such period does not extend beyond the FY 2018 138317  
- FY 2019 biennium. 138318

(B) Any operating appropriations for which unexpended 138319  
balances are reappropriated in fiscal year 2018 or fiscal year 138320  
2019 pursuant to division (A)(2) of this section shall be reported 138321  
to the Controlling Board by the Director of Budget and Management 138322  
by the thirty-first day of December of each year. The report shall 138323

include the item, the cost of the item, and the name of the 138324  
vendor. The report shall be updated on a quarterly basis for 138325  
encumbrances remaining open. 138326

(C) Upon the expiration of the reappropriation period set out 138327  
in division (A) of this section, a reappropriation made by this 138328  
section lapses, and the Director of Budget and Management shall 138329  
cancel the encumbrance of the unexpended reappropriation not later 138330  
than the end of the weekend following the expiration of the 138331  
reappropriation period. 138332

(D) If the Controlling Board approved a purchase, that 138333  
approval remains in effect so long as the appropriation used to 138334  
make that purchase remains encumbered. 138335

**Section 503.60. CORRECTION OF ACCOUNTING ERRORS** 138336

(A) The Director of Budget and Management may correct 138337  
accounting errors committed by the staff of the Office of Budget 138338  
and Management, such as reestablishing encumbrances or 138339  
appropriations canceled in error, during the cancellation of 138340  
operating encumbrances in November and of non-operating 138341  
encumbrances in December. 138342

(B) The Director of Budget and Management may at any time 138343  
correct accounting errors committed by staff or a state agency or 138344  
state institution of higher education, as defined in section 138345  
3345.011 of the Revised Code, such as reestablishing prior year 138346  
non-operating encumbrances canceled or modified in error. The 138347  
reestablished encumbrance amounts are hereby appropriated. 138348

**Section 503.70. TEMPORARY REVENUE HOLDING** 138349

The Director of Budget and Management may create funds in the 138350  
state treasury solely for the purpose of temporarily holding 138351  
revenue required to be credited to a fund in the state treasury, 138352  
whose disposition is not immediately known at the time of receipt. 138353

Once identified, the Director shall credit the revenue to the 138354  
appropriate fund in the state treasury. 138355

**Section 503.80.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 138356  
RE-ESTABLISHMENT OF ENCUMBRANCES 138357

Any cash transferred by the Director of Budget and Management 138358  
under section 126.15 of the Revised Code is hereby appropriated. 138359  
Any amounts necessary to re-establish appropriations or 138360  
encumbrances under section 126.15 of the Revised Code are hereby 138361  
appropriated. 138362

**Section 503.90.** TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 138363

The Director of Budget and Management may transfer 138364  
appropriations between the Third Frontier Research and Development 138365  
Fund (Fund 7011) and the Third Frontier Research and Development 138366  
Taxable Bond Fund (Fund 7014) as necessary to maintain the 138367  
exclusion from the calculation of gross income for federal income 138368  
taxation purposes under the "Internal Revenue Code of 1986," 100 138369  
Stat. 2085, 26 U.S.C. 1 et seq., with respect to obligations 138370  
issued to fund projects appropriated from the Third Frontier 138371  
Research and Development Fund (Fund 7011). 138372

The Director may also create new appropriation items within 138373  
the Third Frontier Research and Development Taxable Bond Fund 138374  
(Fund 7014) and make transfers of appropriations to them for 138375  
projects originally funded from appropriations made from the Third 138376  
Frontier Research and Development Fund (Fund 7011). 138377

**Section 503.100.** INCOME TAX DISTRIBUTION TO COUNTIES 138378

There are hereby appropriated out of any moneys in the state 138379  
treasury to the credit of the General Revenue Fund, which are not 138380  
otherwise appropriated, funds sufficient to make any payment 138381  
required by division (B)(2) of section 5747.03 of the Revised 138382

Code. 138383

**Section 503.110.** EXPENDITURES AND APPROPRIATION INCREASES 138384  
APPROVED BY THE CONTROLLING BOARD 138385

Any money that the Controlling Board approves for expenditure 138386  
or any increase in appropriation that the Controlling Board 138387  
approves under sections 127.14, 131.35, and 131.39 of the Revised 138388  
Code or any other provision of law is hereby appropriated for the 138389  
period ending June 30, 2019. 138390

**Section 503.120.** FUNDS RECEIVED FOR USE OF GOVERNOR'S 138391  
RESIDENCE 138392

If the Governor's Residence Fund (Fund 4H20) receives payment 138393  
for use of the residence pursuant to section 107.40 of the Revised 138394  
Code, the amounts so received are hereby appropriated to 138395  
appropriation item 100604, Governor's Residence Gift. 138396

**Section 506.10.** UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 138397

Unless the agency and nuclear electric utility mutually agree 138398  
to a higher amount by contract, the maximum amounts that may be 138399  
assessed against nuclear electric utilities under division (B)(2) 138400  
of section 4937.05 of the Revised Code and deposited into the 138401  
specified funds are as follows: 138402

<u>Fund</u>	<u>User</u>	<u>FY 2018</u>	<u>FY 2019</u>	
Utility	Department of	\$ 140,176	\$ 140,176	138403
Radiological	Agriculture			
Safety Fund				
(Fund 4E40)				
Radiation	Department of	\$ 1,210,000	\$ 1,300,000	138405
Emergency	Health			
Response Fund				
(Fund 6100)				

ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 332,403	\$	352,430	138406
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$1,258,624	\$	1,258,624	138407

**Section 512.10.** TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED 138408  
138409

Notwithstanding any provision of law to the contrary, the Director of Budget and Management, through June 30, 2019, may transfer interest earned by any state fund to the General Revenue Fund. This section does not apply to funds whose source of revenue is restricted or protected by the Ohio Constitution, federal tax law, or the "Cash Management Improvement Act of 1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as amended. 138410  
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138416

**Section 512.20.** CASH TRANSFERS TO THE GENERAL REVENUE FUND FROM NON-GRF FUNDS 138417  
138418

Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to \$200,000,000 in cash, during the biennium ending June 30, 2019, from non-General Revenue Funds that are not constitutionally restricted to the General Revenue Fund. 138419  
138420  
138421  
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138423

**Section 512.25.** TRANSFER FROM THE CASINO OPERATOR SETTLEMENT FUND (FUND 5KT0) TO THE GENERAL REVENUE FUND 138424  
138425

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$10,000,000 from the Casino Operator Settlement Fund (Fund 5KT0) to the General Revenue Fund. 138426  
138427  
138428  
138429

**Section 512.26.** TRANSFER FROM THE OHIOMEANSJOBS WORKFORCE 138430



DEVELOPMENT REVOLVING LOAN FUND (FUND 5NH0) TO THE GRF 138431

On July 1, 2017, or as soon as possible thereafter, the 138432  
Director of Budget and Management shall transfer \$2,000,000 cash 138433  
from the OhioMeansJobs Workforce Development Revolving Loan Fund 138434  
(Fund 5NH0) to the General Revenue Fund. 138435

**Section 512.30. RACETRACK RELOCATION FUND 138436**

On July 1, 2017, or as soon as possible thereafter, the 138437  
Director of Budget and Management shall transfer the cash balance 138438  
of the Racetrack Relocation Fund (Fund 5MG0) to the General 138439  
Revenue Fund. Upon completion of the transfer, the Racetrack 138440  
Relocation Fund is hereby abolished. On and after July 1, 2017, 138441  
any payment that is otherwise required to be credited to the 138442  
Racetrack Relocation Fund shall be credited to the General Revenue 138443  
Fund. 138444

**Section 512.40. UNCLAIMED FUND REMITTANCE 138445**

Notwithstanding division (A) of section 169.05 of the Revised 138446  
Code, during the biennium ending June 30, 2019, the Director of 138447  
Budget and Management may request the Director of Commerce to 138448  
remit to the General Revenue Fund, up to \$200,000,000 of unclaimed 138449  
funds that have been reported by holders of unclaimed funds under 138450  
section 169.05 of the Revised Code, irrespective of the allocation 138451  
of the unclaimed funds under that section. The Director of 138452  
Commerce shall remit the funds at the time requested by the 138453  
Director of Budget and Management. 138454

**Section 512.50. FISCAL YEAR 2017 GENERAL REVENUE FUND ENDING 138455  
BALANCE 138456**

Notwithstanding divisions (B) and (C) of section 131.44 of 138457  
the Revised Code, the Director of Budget and Management shall 138458

determine the surplus General Revenue Fund revenue that existed on 138459  
June 30, 2017, in excess of the amount required under division 138460  
(A)(3) of section 131.44 of the Revised Code, and allocate that 138461  
amount, to the extent of the amount so determined, as follows: 138462

(A) First, the Director of Budget and Management shall 138463  
transfer a cash amount of up to \$207,000,000 to the Medicaid Local 138464  
Sales Tax Transition Fund; 138465

(B) Second, the Director shall transfer a cash amount of up 138466  
to \$273,415 to the Lake Erie Protection Fund. 138467

**Section 512.60. GENERAL REVENUE FUND TRANSFER TO TOURISM FUND** 138468

Not later than October 20, 2018, the Tax Commissioner shall 138469  
calculate the growth in fiscal year 2017 revenue relative to the 138470  
prior fiscal year from the sales tax imposed under section 5739.02 138471  
of the Revised Code on categories that have been determined to be 138472  
related to tourism and certify that amount to the Director of 138473  
Budget and Management. On or before the last day of October 2018, 138474  
the Director of Budget and Management may transfer from the 138475  
General Revenue Fund to the Tourism Fund (Fund 5MJ0) the amount 138476  
certified by the Commissioner under this division, except that the 138477  
transfer shall not exceed the amount transferred from the General 138478  
Revenue Fund to the Tourism Fund in fiscal year 2018. 138479

**Section 512.70. MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS** 138480

On October 1, 2017, or as soon as possible thereafter, the 138481  
Director of Commerce and the Executive Director of the Board of 138482  
Pharmacy shall consult with the Director of Budget and Management 138483  
to determine a repayment schedule for the biennium ending June 30, 138484  
2019, to fully repay the fiscal year 2017 transfer on behalf of 138485  
each agency from the Emergency Purposes/Contingency Fund (Fund 138486  
5KM0) to the Medical Marijuana Control Program Fund (Fund 5YS0). 138487  
Payments made by the Department of Commerce and the Board of 138488

Pharmacy in accordance with this repayment schedule shall be 138489  
credited to the General Revenue Fund. 138490

**Section 512.80. DIESEL EMISSIONS REDUCTION GRANT PROGRAM** 138491

There is hereby established in the Highway Operating Fund 138492  
(Fund 7002), used by the Department of Transportation, a Diesel 138493  
Emissions Reduction Grant Program. The Director of Environmental 138494  
Protection shall administer the program and shall solicit, 138495  
evaluate, score, and select projects submitted by public and 138496  
private entities that are eligible for the federal Congestion 138497  
Mitigation and Air Quality (CMAQ) Program. The Director of 138498  
Transportation shall process Federal Highway 138499  
Administration-approved projects as recommended by the Director of 138500  
Environmental Protection. 138501

In addition to the allowable expenditures set forth in 138502  
section 122.861 of the Revised Code, Diesel Emissions Reduction 138503  
Grant Program funds also may be used to fund projects involving 138504  
the purchase or use of hybrid and alternative fuel vehicles that 138505  
are allowed under guidance developed by the Federal Highway 138506  
Administration for the CMAQ Program. 138507

Public entities eligible to receive funds under section 138508  
122.861 of the Revised Code and CMAQ shall be reimbursed from 138509  
moneys in Fund 7002 designated for the Department of 138510  
Transportation's Diesel Emissions Reduction Grant Program. 138511

Private entities eligible to receive funds under section 138512  
122.861 of the Revised Code and CMAQ shall be reimbursed at the 138513  
direction of the local public agency sponsor and upon approval of 138514  
the Department of Transportation, through direct payments. These 138515  
reimbursements shall be made from moneys in Fund 7002 designated 138516  
for the Department of Transportation's Diesel Emissions Reduction 138517  
Grant Program. Total expenditures from Fund 7002 for the Diesel 138518  
Emissions Reduction Grant Program shall not exceed \$10,000,000 in 138519

both fiscal year 2018 and fiscal year 2019. 138520

Any allocations under this section represent CMAQ program 138521  
moneys within the Department of Transportation for use by the 138522  
Diesel Emissions Reduction Grant Program by the Environmental 138523  
Protection Agency. These allocations shall not reduce the amount 138524  
of such moneys designated for metropolitan planning organizations. 138525

The Director of Environmental Protection, in consultation 138526  
with the Director of Transportation, shall develop guidance for 138527  
the distribution of funds and for the administration of the Diesel 138528  
Emissions Reduction Grant Program. The guidance shall include a 138529  
method of prioritization for projects, acceptable technologies, 138530  
and procedures for awarding grants. 138531

**Section 512.90. CASH TRANSFERS AND ABOLISHMENT OF FUNDS** 138532

(A) On July 1, 2017, or as soon as possible thereafter, the 138533  
Director of Budget and Management shall transfer the cash balance 138534  
from each of the funds as indicated in the table below to the fund 138535  
also indicated in the table below. Upon completion of each 138536  
transfer and on the effective date of its repeal by this act, 138537  
where applicable, the fund from which the cash balance was 138538  
transferred is hereby abolished. 138539

User	Transfer from:	Transfer to:	
Agency Fund		Fund	
Code	Code Fund Name	Code Fund Name	
AGE	4J40 Passport/Preferred Choices	GRF General Revenue Fund	138543
AGE	5AA0 Ohio's Best Rx Administration	GRF General Revenue Fund	138544
AGE	5R50 Ohio Reads/Stars	GRF General Revenue Fund	138545
AGR	5880 Brand Registration	6520 Animal and Consumer Protection Laboratory Fund	138546

AGR	5CP0	Ohio Agriculture License Scholarship	4900	AGRO	Ohio Fund	138547
BOR	3BE0	AEFLA Incentive Grant	GRF		General Revenue Fund	138548
BOR	3T00	Ohio Loan Repayment	GRF		General Revenue Fund	138549
BOR	5FN0	College Access Challenge Grant	GRF		General Revenue Fund	138550
BOR	5HZ0	Distance Learning Clearinghouse	GRF		General Revenue Fund	138551
BOR	HJT0	Health Care Assessment Fee	GRF		General Revenue Fund	138552
BOR	5JV0	Ohio Articulation and Transfer Network	GRF		General Revenue Fund	138553
BOR	5QF0	Student Debt Reduction	GRF		General Revenue Fund	138554
BOR	5SF0	STEM Degree Loan Repayment	GRF		General Revenue Fund	138555
BOR	5X20	STEM and Foreign Language Academy	GRF		General Revenue Fund	138556
COM	7043	Liquor Control	GRF		General Revenue Fund	138557
COM	5450	Savings Institution	5440		Banks	138558
DAS	5RT0	Electronic Pollbook	GRF		General Revenue Fund	138559
DAS	5C30	Minor Construction Project Management	1320		Building Management	138560
DDD	5CT0	Intensive Behavioral Needs	5GE0		Operating and Services	138561
DDD	3M70	Community Alternative Funding Source	3A40		Medicaid-Medicare	138562
DDD	3G60	Medicaid Waiver	3A40		Medicaid-Medicare	138563
DEV	5Y60	Economic Development Contingency	GRF		General Revenue Fund	138564
DNR	5EN0	Watercraft Law Enforcement	5EM0		Natural Resources Law Enforcement	138565
DNR	2070	Real Estate	1550		Departmental Projects	138566
DNR	5260	Coal Mining	5290		Mining Regulation and	138567

		Administration and Reclamation Reserve		Safety	
DNR	5270	Surface Mining	5290	Mining Regulation and Safety	138568
DNR	5B30	Mining Regulation	5290	Mining Regulation and Safety	138569
DNR	4J20	Injection Well Review	5110	Geological Mapping	138570
DNR	4M70	Wildfire Suppression	5090	State Forest	138571
EPA	3F50	Nonpoint Source Pollution Management	3BU0	Water Quality Protection	138572
EPA	3540	Federal Hazardous Waste Management	3F30	Federally Supported Cleanup and Response	138573
LEC	5D80	Lake Erie Resources	4C00	Lake Erie Protection	138574
MCD	5KW0	Managed Care Performance Payment	GRF	General Revenue Fund	138575
MCD	5U30	Health Care Services Administration	5DL0	Medicaid Support and Recoveries	138576
MHA	5CH0	Residential State Supplement	4750	Statewide Treatment and Prevention	138577
					138578
					138579
					138580
					138581
					138582
					138583
					138584
					138585
					138586
		Cancel existing encumbrances against:		Reestablish encumbrances against:	138587
		Fund		Fund	138588
		Code Appropriation Item		Code Appropriation Item	138589
		5CT0 653607 - Intensive		5GE0 653606 - ICF/IID and	138590

	Behavioral Needs		Waiver Match	
3M70	653650 - CAFS Medicaid	3A40	653605 - DC and Residential Facilities Services and Support	138591
3G60	653639 - Medicaid Waiver Program Support	3A40	653605 - DC and Residential Facilities Services and Support	138592
2070	725690 - Real Estate Services	1550	725601 - Departmental Projects	138593
5EN0	725614 - Watercraft Law Enforcement	5EM0	725613 - Natural Resources Law Enforcement	138594
4J20	725628 - Injection Well Review	5110	725646 - Ohio Geological Mapping	138595
5260	725610 - Strip Mining Administration Fee	5290	725639 - Mining Regulation and Safety	138596
5270	725637 - Surface Mining Administration	5290	725639 - Mining Regulation and Safety	138597
5B30	725674 - Mining Reclamation	5290	725639 - Mining Regulation and Safety	138598
4M70	725686 - Wildfire Suppression	5090	725602 - State Forest	138599
3F50	715641 - Nonpoint Source Pollution Management	3F30	715632 - Federally Supported Cleanup and Response	138600
3540	715614 - Hazardous Waste Management - Federal	3F30	715632 - Federally Supported Cleanup and Response	138601
5D80	780602 - Lake Erie Resources	4C00	780601 - Lake Erie Protection	138602
5KW0	651612 - Managed Care Performance Payments	GRF	651525 - Medicaid/Health Care Services	138603
5U30	651654 - Medicaid Program Support	5DL0	651685 - Medicaid Recoveries - Program	138604

Support

(C) The following funds, used by the Department of Aging, 138605  
shall be abolished on the effective date of their repeal by this 138606  
act: the General Operations Fund (Fund 4H10) and the Special 138607  
Projects Fund (Fund 5CE0). 138608

(D) The following fund, used by the Facility Construction 138609  
Commission shall be abolished on the effective date of its repeal 138610  
by this act: the Cultural Facilities Commission Administration 138611  
Fund (Fund 4T80). 138612

(E) The following fund, used by the Environmental Protection 138613  
Agency, shall be abolished on the effective date of its repeal by 138614  
this act: the Clean Diesel School Bus Fund (Fund 5CD0). 138615

(F) The following fund, used by the Department of Natural 138616  
Resources, shall be abolished on the effective date of their 138617  
repeal by this act: the Water Resources Council Fund (Fund 4X80). 138618

**Section 512.100. CASH TRANSFER FROM THE SMALL BUSINESS 138619**  
ASSISTANCE FUND TO THE TITLE V CLEAN AIR FUND 138620

On July 1, 2017, or as soon as possible thereafter, the 138621  
Director of Budget and Management may transfer up to \$1,500,000 138622  
cash from the Small Business Assistance Fund (Fund 5A00) used by 138623  
the Air Quality Development Authority to the Title V Clean Air 138624  
Fund (Fund 4T30) used by the Environmental Protection Agency. 138625

**Section 512.120. CASH TRANSFER FROM SAVINGS INSTITUTION FUND 138626**

On the effective date of section 1121.30 of the Revised Code, 138627  
as amended by this act, or as soon as possible thereafter, the 138628  
Director of Budget and Management, upon the written request of the 138629  
Director of the Department of Commerce, may transfer the cash 138630  
balance in the Savings Institution Fund (Fund 5450) to the Banks 138631  
Fund (Fund 5440). Upon completion of the transfer, Fund 5450 is 138632  
hereby abolished. 138633



**Section 512.130.** CASH TRANSFER FROM THE CONTROLLING BOARD 138634  
EMERGENCY PURPOSES/CONTINGENCIES FUND 138635

On July 1, 2017, or as soon as possible thereafter, the 138636  
Director of Budget and Management shall transfer \$7,500,000 cash 138637  
from the Controlling Board Emergency Purposes/Contingencies Fund 138638  
(Fund 5KM0) to the GRF. 138639

**Section 512.140.** Notwithstanding any provision of law to the 138640  
contrary, not later than thirty days following the effective date 138641  
of this section, the Director of Budget and Management shall 138642  
transfer \$2,500,000 in cash from the Budget Stabilization Fund 138643  
(Fund 7013) to the Tax Amnesty Promotion and Administration Fund 138644  
(Fund 5BW0), which is hereby created in the state treasury. The 138645  
money shall be used by the Department of Taxation to pay expenses 138646  
incurred in promoting and administering the tax amnesty program 138647  
that is to be conducted from January 1, 2018, to February 15, 138648  
2018, pursuant to Section 757.110 of this act. 138649

After receiving the revenue receipts from the tax amnesty 138650  
program, the Director of Budget and Management shall transfer the 138651  
first \$2,500,000 in payments from the amnesty program to the 138652  
Budget Stabilization Fund as repayment, the next \$12,500,000 to 138653  
the General Revenue Fund, and the remaining excess fund balance to 138654  
the Budget Stabilization Fund. 138655

**Section 512.150.** TRANSFER FROM THE WORKFORCE AND HIGHER 138656  
EDUCATION PROGRAMS FUND (FUND 5RA0) TO THE GENERAL REVENUE FUND 138657

On July 1, 2017, or as soon as possible thereafter, the 138658  
Director of Budget and Management shall transfer the unexpended, 138659  
unencumbered cash balance in the Workforce and Higher Education 138660  
Programs Fund (Fund 5RA0) to the General Revenue Fund. 138661

**Section 512.160.** TRANSFER FROM THE LOCAL GOVERNMENT 138662

INNOVATION FUND (FUND 5KN0) TO THE GENERAL REVENUE FUND 138663

On July 1, 2017, or as soon as possible thereafter, the 138664  
Director of Budget and Management shall transfer the unexpended, 138665  
unencumbered cash balance in the Local Government Innovation Fund 138666  
(Fund 5KN0) to the General Revenue Fund. 138667

**Section 515.10.** (A) On the effective date of this section, 138668  
the Ohio School Facilities Commission is hereby abolished and all 138669  
of its functions, assets, and liabilities are transferred to the 138670  
Ohio Facilities Construction Commission. The Ohio Facilities 138671  
Construction Commission is successor to, assumes the power and 138672  
obligations and authority of, and otherwise constitutes the 138673  
continuation of the Ohio School Facilities Commission as if 138674  
completed by the Ohio School Facilities Commission. Whenever the 138675  
Ohio School Facilities Commission is referred to in any law, 138676  
contract, or other document, the reference shall be deemed to 138677  
refer to the Ohio Facilities Construction Commission. 138678

(B) Any business commenced but not completed by the Ohio 138679  
School Facilities Commission shall be completed by the Ohio 138680  
Facilities Construction Commission in the same manner and with the 138681  
same effect as if completed by the Ohio School Facilities 138682  
Commission. No validation, cure, right, privilege, remedy, 138683  
obligation, or liability is lost or impaired by reason of the 138684  
transfer and shall be recognized, administered, performed, or 138685  
enforced by the Ohio Facilities Construction Commission. All 138686  
rules, orders, resolutions, and determinations of the Ohio School 138687  
Facilities Commission continue in effect as rules, orders, 138688  
resolutions, and determinations of the Ohio Facilities 138689  
Construction Commission until modified or rescinded by the Ohio 138690  
Facilities Construction Commission. If necessary to ensure the 138691  
integrity of the numbering system of the Ohio Administrative Code, 138692  
the Director of the Legislative Service Commission shall renumber 138693

the Ohio School Facilities Commission's rules to reflect their 138694  
transfer to the Ohio Facilities Construction Commission. 138695

(C) No judicial or administrative action or proceeding to 138696  
which the Ohio School Facilities Commission or an authorized 138697  
officer of the Ohio School Facilities Commission is a party that 138698  
is pending on the effective date of this section, or on such later 138699  
date as may be established by an authorized officer of the Ohio 138700  
Facilities Construction Commission, is affected by the 138701  
abolishment. Any such action or proceeding shall be prosecuted or 138702  
defended in the name of the Ohio Facilities Construction 138703  
Commission. On application to the court or agency, the Ohio 138704  
Facilities Construction Commission or an authorized officer of the 138705  
Ohio Facilities Construction Commission may be substituted for the 138706  
Ohio School Facilities Commission or an authorized officer of the 138707  
Ohio School Facilities Commission as a party to the action or 138708  
proceeding. 138709

(D) Notwithstanding any provision of the law to the contrary, 138710  
on or after the effective date of this section, the Director of 138711  
Budget and Management shall make budget and accounting changes 138712  
made necessary by the abolishment, if any, including 138713  
administrative organization, program transfers, the renaming of 138714  
funds, the creation of new funds, the transfer of state funds, and 138715  
the consolidation of funds as authorized by this section. The 138716  
Director may, if necessary, cancel or establish encumbrances or 138717  
parts of encumbrances in fiscal years 2018 and 2019 in the 138718  
appropriate fund and appropriation items for the same purpose and 138719  
for payment to the same vendor. The established encumbrances are 138720  
hereby appropriated. 138721

(E) All records, documents, files, equipment, assets, and 138722  
other materials of the Ohio School Facilities Commission are 138723  
transferred to the Ohio Facilities Construction Commission. 138724

**Section 515.13.** (A) The State Board of Sanitarian 138725  
Registration is abolished beginning on the effective date of this 138726  
section. 138727

(B) Any business commenced but not completed by the effective 138728  
date of this section by the State Board of Sanitarian Registration 138729  
shall be completed by the Department of Health or by the Director 138730  
of Health in the same manner, and with the same effect, as if 138731  
completed by the State Board of Sanitarian Registration. 138732

(C)(1) All rules, orders, and determinations of the State 138733  
Board of Sanitarian Registration shall continue in effect as 138734  
rules, orders, and determinations of the Director of Health, until 138735  
modified or rescinded by the Director. 138736

(2) Any certificates, registrations, or continuing education 138737  
credit issued before the effective date of this section by the 138738  
State Board of Sanitarian Registration shall continue in effect as 138739  
if issued by the Director. 138740

(D) Beginning on the effective date of this section, whenever 138741  
the term "State Board of Sanitarian Registration" is used in any 138742  
statute, rule, contract, or other document, the use shall be 138743  
construed to mean the "Department of Health" or the "Director of 138744  
Health," as appropriate. 138745

Whenever the Chairperson or Vice-chairperson of the State 138746  
Board of Sanitarian Registration is used in any statute, rule, 138747  
contract, or other document, the use shall be construed to mean 138748  
the Director of Health. 138749

(E) No validation, cure, right, privilege, remedy, 138750  
obligation, or liability is lost or impaired by reason of the 138751  
transfer required by this section and shall be administered by the 138752  
Director of Health. No action or proceeding pending on the 138753  
effective date of this section is affected by the transfer, and 138754

shall be prosecuted or defended in the name of the Department of 138755  
Health or the Director of Health, as appropriate. In all such 138756  
actions and proceedings, the Department of Health or the Director 138757  
shall be substituted as a party. 138758

(F) On the effective date of this section, all records, 138759  
documents, files, equipment, assets, and other materials of the 138760  
State Board of Sanitarian Registration are transferred to the 138761  
Department of Health. 138762

**Section 515.15.** BOARD OF SANITARIAN REGISTRATION TRANSFER TO 138763  
THE DEPARTMENT OF HEALTH 138764

On or before October 30, 2017, the Director of Health shall 138765  
certify to the Director of Budget and Management the amount of 138766  
cash in the Occupational Licensing and Regulatory Fund (Fund 4K90) 138767  
representing the amount of remaining receipts deposited into the 138768  
fund by the Board of Sanitarian Registration. The Director of 138769  
Budget and Management may transfer up to this amount to the 138770  
General Operations Fund (Fund 4700). The Director of Budget and 138771  
Management shall cancel any existing encumbrances against 138772  
appropriation item 893609, Operating Expenses, and re-establish 138773  
them against appropriation item 440647, Fee Supported Programs. 138774  
The re-established amounts are hereby appropriated. Any business 138775  
commenced but not completed under appropriation item 893609, 138776  
Operating Expenses, shall be completed under appropriation item 138777  
440647, Fee Supported Programs. 138778

Notwithstanding any provision of law to the contrary, on and 138779  
after the effective date of this section, the Director of Budget 138780  
and Management may make any budget changes necessary as a result 138781  
of the transfer to the Department of Health. 138782

**Section 515.30.** (A) Effective January 21, 2018, the State 138783  
Board of Optometry and the Ohio Optical Dispensers Board are 138784

abolished. 138785

(B) Any business commenced but not completed by January 21, 138786  
2018, by the State Board of Optometry and the Ohio Optical 138787  
Dispensers Board or by the executive director or executive 138788  
secretary-treasurer of those boards, as applicable, shall be 138789  
completed by the State Vision Professionals Board or the Executive 138790  
Director of the State Vision Professionals Board in the same 138791  
manner, and with the same effect, as if completed by the State 138792  
Board of Optometry or the Ohio Optical Dispensers Board or by the 138793  
executive director or executive secretary-treasurer of those 138794  
boards, as applicable. 138795

(C) All rules, orders, and determinations of the State Board 138796  
of Optometry and the Ohio Optical Dispensers Board or by the 138797  
executive director or executive secretary-treasurer of those 138798  
boards, as applicable, shall continue in effect as rules, orders, 138799  
and determinations of the State Vision Professionals Board until 138800  
modified or rescinded by the State Vision Professionals Board. If 138801  
necessary to ensure the integrity of the numbering of the 138802  
Administrative Code, the Director of the Legislative Service 138803  
Commission shall renumber any rule to reflect its transfer to the 138804  
State Vision Professionals Board. 138805

Any licenses, certificates, permits, registrations, or 138806  
endorsements issued before January 21, 2018, by the State Board of 138807  
Optometry or the Ohio Optical Dispensers Board shall continue in 138808  
effect as if issued by the State Vision Professionals Board. 138809

(D) Effective January 21, 2018, whenever the term "State 138810  
Board of Optometry" or "Ohio Optical Dispensers Board" is used in 138811  
any statute, rule, contract, or other document, the use shall be 138812  
construed to mean the "State Vision Professionals Board." 138813

Whenever the term "Executive Director of the State Board of 138814  
Optometry" or "Executive Secretary-Treasurer of the Ohio Optical 138815

Dispensers Board" is used in a statute, rule, contract, or other document, the use shall be construed to mean the Executive Director of the State Vision Professionals Board.

(E)(1) Subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code, all employees of the State Board of Optometry and the Ohio Optical Dispensers Board are transferred to the State Vision Professionals Board. The employees shall retain their positions and benefits.

(2) During the period beginning January 21, 2018, and ending June 30, 2019, the Executive Director of the State Vision Professionals Board may establish, change, and abolish positions on the Board and assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Board who are not subject to Chapter 4117. of the Revised Code.

(3) The authority granted to the Executive Director of the Board under division (E)(2) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification that the Executive Director determines is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the Executive Director, or in the case of a transfer to a position outside the Board, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(4) Actions taken by the Executive Director pursuant to division (E) of this section are not subject to appeal to the State Personnel Board of Review.

(F) Notwithstanding section 145.297 of the Revised Code, the State Board of Optometry and the Ohio Optical Dispensers Board may, at that board's discretion and with approval from the Office of Budget and Management, establish a retirement incentive plan for eligible employees of those boards who are members of the Public Employees Retirement System. Any retirement incentive plan established pursuant to this section shall remain in effect until January 20, 2018.

(G) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section and shall be administered by the State Vision Professionals Board. No action or proceeding pending on the effective date of this act is affected by the transfer, and shall be prosecuted or defended in the name of the State Vision Professionals Board or the Board's Executive Director, as appropriate. In all such actions and proceedings, the State Vision Professionals Board or the Board's Executive Director shall be substituted as a party.

(H) Effective January 21, 2018, all records, documents, files, equipment, assets, and other materials of the State Board of Optometry and the Ohio Optical Dispensers Board are transferred to the State Vision Professionals Board.

**Section 515.31.** (A) Effective January 21, 2018, the Ohio Board of Dietetics is abolished.

(B) Any business commenced but not completed by January 21, 2018, by the Ohio Board of Dietetics, or by the Executive Secretary of the Board, shall be completed by the State Medical Board or the Executive Director of the State Medical Board in the same manner, and with the same effect, as if completed by the Ohio Board of Dietetics, or by the Executive Secretary of the Board.

(C) All rules, orders, and determinations of the Ohio Board



of Dietetics, or by the Executive Secretary of the Board shall 138879  
continue in effect as rules, orders, and determinations of the 138880  
State Medical Board until modified or rescinded by the State 138881  
Medical Board. If necessary to ensure the integrity of the 138882  
numbering of the Administrative Code, the Director of the 138883  
Legislative Service Commission shall renumber any rule to reflect 138884  
its transfer to the State Medical Board. 138885

Any licenses, certificates, permits, registrations, or 138886  
endorsements issued before January 21, 2018, by the Ohio Board of 138887  
Dietetics shall continue in effect as if issued by the State 138888  
Medical Board. 138889

(D) Effective January 21, 2018, whenever the term "Ohio Board 138890  
of Dietetics" is used in any statute, rule, contract, or other 138891  
document, the use shall be construed to mean the "State Medical 138892  
Board." 138893

Whenever the Executive Secretary of the Ohio Board of 138894  
Dietetics is used in any statute, rule, contract, or other 138895  
document, the use shall be construed to mean the Executive 138896  
Director of the State Medical Board. 138897

(E)(1) Subject to the lay-off provisions of sections 124.321 138898  
to 124.328 of the Revised Code, all employees of the Ohio Board of 138899  
Dietetics are transferred to the State Medical Board. The 138900  
employees shall retain their positions and benefits. 138901

(2) During the period beginning January 21, 2018, and ending 138902  
June 30, 2019, the Executive Director of the State Medical Board 138903  
may establish, change, and abolish positions on the Board and 138904  
assign, reassign, classify, reclassify, transfer, reduce, promote, 138905  
or demote all employees transferred to the Board under this 138906  
section who are not subject to Chapter 4117. of the Revised Code. 138907

(3) The authority granted to the Executive Director of the 138908  
Board under division (E)(2) of this section includes assigning or 138909

reassigning an exempt employee, as defined in section 124.152 of 138910  
the Revised Code, to a bargaining unit classification that the 138911  
Executive Director determines is the proper classification for 138912  
that employee. If an employee in the E-1 pay range is to be 138913  
assigned, reassigned, classified, reclassified, transferred, 138914  
reduced, or demoted to a position in a lower classification during 138915  
the period specified in this section, the Executive Director, or 138916  
in the case of a transfer to a position outside the Board, the 138917  
Director of Administrative Services, shall assign the employee to 138918  
the appropriate classification and place the employee in Step X. 138919  
The employee shall not receive any increase in compensation until 138920  
the maximum rate of pay for that classification exceeds the 138921  
employee's compensation. 138922

(4) Actions taken by the Executive Director pursuant to 138923  
division (E) of this section are not subject to appeal to the 138924  
State Personnel Board of Review. 138925

(F) Notwithstanding section 145.297 of the Revised Code, the 138926  
Ohio Board of Dietetics may, at that Board's discretion and with 138927  
approval from the Office of Budget and Management, establish a 138928  
retirement incentive plan for eligible employees of the Board who 138929  
are members of the Public Employees Retirement System. Any 138930  
retirement incentive plan established pursuant to this section 138931  
shall remain in effect until January 20, 2018. 138932

(G) No validation, cure, right, privilege, remedy, 138933  
obligation, or liability is lost or impaired by reason of the 138934  
transfer required by this section and shall be administered by the 138935  
State Medical Board. No action or proceeding pending on the 138936  
effective date of this act is affected by the transfer, and shall 138937  
be prosecuted or defended in the name of the State Medical Board 138938  
or the Board's Executive Director, as appropriate. In all such 138939  
actions and proceedings, the State Medical Board or the Board's 138940  
Executive Director shall be substituted as a party. 138941

(H) Effective January 21, 2018, all records, documents, 138942  
files, equipment, assets, and other materials of the Ohio Board of 138943  
Dietetics are transferred to the State Medical Board. 138944

**Section 515.32.** (A) Effective January 21, 2018, the Ohio 138945  
Occupational Therapy, Physical Therapy, and Athletic Trainers 138946  
Board and the State Board of Orthotics, Prosthetics, and 138947  
Pedorthics are abolished. 138948

(B) Any business commenced but not completed by January 21, 138949  
2018, by the Ohio Occupational Therapy, Physical Therapy, and 138950  
Athletic Trainers Board and the State Board of Orthotics, 138951  
Prosthetics, and Pedorthics, or by the executive directors of 138952  
those boards shall be completed by the State Physical Health 138953  
Services Board or the Executive Director of the State Physical 138954  
Health Services Board in the same manner, and with the same 138955  
effect, as if completed by the Ohio Occupational Therapy, Physical 138956  
Therapy, and Athletic Trainers Board or the State Board of 138957  
Orthotics, Prosthetics, and Pedorthics, or by the executive 138958  
directors of those boards. 138959

(C) All rules, orders, and determinations of the Ohio 138960  
Occupational Therapy, Physical Therapy, and Athletic Trainers 138961  
Board and the State Board of Orthotics, Prosthetics, and 138962  
Pedorthics, or by the executive directors of those boards continue 138963  
in effect as rules, orders, and determinations of the State 138964  
Physical Health Services Board until modified or rescinded by the 138965  
State Physical Health Services Board. If necessary to ensure the 138966  
integrity of the numbering of the Administrative Code, the 138967  
Director of the Legislative Service Commission shall renumber any 138968  
rule to reflect its transfer to the State Physical Health Services 138969  
Board. 138970

Any licenses, certificates, permits, registrations, or 138971  
endorsements issued before January 21, 2018, by the Ohio 138972

Occupational Therapy, Physical Therapy, and Athletic Trainers 138973  
Board or the State Board of Orthotics, Prosthetics, and Pedorthics 138974  
shall continue in effect as if issued by the State Physical Health 138975  
Services Board. 138976

(D) Effective January 21, 2018, whenever the term "Ohio 138977  
Occupational Therapy, Physical Therapy, and Athletic Trainers 138978  
Board" or "State Board of Orthotics, Prosthetics, and Pedorthics" 138979  
is used in any statute, rule, contract, or other document, the use 138980  
shall be construed to mean the "State Physical Health Services 138981  
Board." 138982

Whenever the Executive Director of the "Ohio Occupational 138983  
Therapy, Physical Therapy, and Athletic Trainers Board" or "State 138984  
Board of Orthotics, Prosthetics, and Pedorthics" is used in any 138985  
statute, rule, contract, or other document, the use shall be 138986  
construed to mean the Executive Director of the State Physical 138987  
Health Services Board. 138988

(E)(1) Subject to the lay-off provisions of sections 124.321 138989  
to 124.328 of the Revised Code, all employees of the Ohio 138990  
Occupational Therapy, Physical Therapy, and Athletic Trainers 138991  
Board and the State Board of Orthotics, Prosthetics, and 138992  
Pedorthics are transferred to the State Physical Health Services 138993  
Board. The employees shall retain their positions and benefits. 138994

(2) During the period beginning January 21, 2018, and ending 138995  
June 30, 2019, the Executive Director of the State Physical Health 138996  
Services Board may establish, change, and abolish positions on the 138997  
Board and assign, reassign, classify, reclassify, transfer, 138998  
reduce, promote, or demote all employees of the Board who are not 138999  
subject to Chapter 4117. of the Revised Code. 139000

(3) The authority granted to the Executive Director of the 139001  
Board under division (E)(2) of this section includes assigning or 139002  
reassigning an exempt employee, as defined in section 124.152 of 139003

the Revised Code, to a bargaining unit classification that the Executive Director determines is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the Executive Director, or in the case of a transfer to a position outside the Board, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(4) Actions taken by the Executive Director pursuant to division (E) of this section are not subject to appeal to the State Personnel Board of Review.

(F) Notwithstanding section 145.297 of the Revised Code, the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and the State Board of Orthotics, Prosthetics, and Pedorthics may, at that board's discretion and with approval from the Office of Budget and Management, establish a retirement incentive plan for eligible employees of those boards who are members of the Public Employees Retirement System. Any retirement incentive plan established pursuant to this section shall remain in effect until January 20, 2018.

(G) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section and shall be administered by the State Physical Health Services Board. No action or proceeding pending on the effective date of this act is affected by the transfer, and shall be prosecuted or defended in the name of the State Physical Health Services Board or the Board's Executive Director, as appropriate. In all such actions and proceedings, the

State Physical Health Services Board or the Board's Executive Director shall be substituted as a party. 139036  
139037

(H) Effective January 21, 2018, all records, documents, files, equipment, assets, and other materials of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and the State Board of Orthotics, Prosthetics, and Pedorthics are transferred to the State Physical Health Services Board. 139038  
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**Section 515.33.** (A) Effective January 21, 2018, the Hearing Aid Dealers and Fitters Licensing Board and the Board of Speech-Language Pathology and Audiology are abolished. 139044  
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(B) Any business commenced but not completed by January 21, 2018, by the Hearing Aid Dealers and Fitters Licensing Board and the Board of Speech-Language Pathology and Audiology or by the executive director or secretary of those boards, as applicable, shall be completed by the State Speech and Hearing Professionals Board or the Executive Director of the State Speech and Hearing Professionals Board in the same manner, and with the same effect, as if completed by the Hearing Aid Dealers and Fitters Licensing Board or the Board of Speech-Language Pathology and Audiology or by the executive director or secretary of those boards, as applicable. 139047  
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(C) All rules, orders, and determinations of the Hearing Aid Dealers and Fitters Licensing Board and the Board of Speech-Language Pathology and Audiology or by the executive director or secretary of those boards, as applicable, shall continue in effect as rules, orders, and determinations of the State Speech and Hearing Professionals Board until modified or rescinded by the State Speech and Hearing Professionals Board. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service 139058  
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Commission shall renumber any rule to reflect its transfer to the State Speech and Hearing Professionals Board.

Any licenses, certificates, permits, registrations, or endorsements issued before January 21, 2018, by the Hearing Aid Dealers and Fitters Licensing Board, or the Board of Speech-Language Pathology and Audiology shall continue in effect as if issued by the State Speech and Hearing Professionals Board.

(D) Effective January 21, 2018, whenever the term "Hearing Aid Dealers and Fitters Licensing Board" or "Board of Speech-Language Pathology and Audiology" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "State Speech and Hearing Professionals Board."

Whenever the term "Secretary of the Hearing Aid Dealers and Fitters Licensing Board" or "Executive Director of the Board of Speech-Language Pathology and Audiology" is used in a statute, rule, contract, or other document, the use shall be construed to mean the Executive Director of the State Speech and Hearing Professionals Board.

(E)(1) Subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code, all employees of the Hearing Aid Dealers and Fitters Licensing Board and the Board of Speech-Language Pathology and Audiology are transferred to the State Speech and Hearing Professionals Board. The employees shall retain their positions and benefits.

(2) During the period beginning January 21, 2018, and ending June 30, 2019, the Executive Director of the State Speech and Hearing Professionals Board may establish, change, and abolish positions on the Board and assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Board who are not subject to Chapter 4117. of the Revised Code.

(3) The authority granted to the Executive Director of the

Board under division (E)(2) of this section includes assigning or 139098  
reassigning an exempt employee, as defined in section 124.152 of 139099  
the Revised Code, to a bargaining unit classification that the 139100  
Executive Director determines is the proper classification for 139101  
that employee. If an employee in the E-1 pay range is to be 139102  
assigned, reassigned, classified, reclassified, transferred, 139103  
reduced, or demoted to a position in a lower classification during 139104  
the period specified in this section, the Executive Director, or 139105  
in the case of a transfer to a position outside the Board, the 139106  
Director of Administrative Services, shall assign the employee to 139107  
the appropriate classification and place the employee in Step X. 139108  
The employee shall not receive any increase in compensation until 139109  
the maximum rate of pay for that classification exceeds the 139110  
employee's compensation. 139111

(4) Actions taken by the Executive Director pursuant to 139112  
division (E) of this section are not subject to appeal to the 139113  
State Personnel Board of Review. 139114

(F) Notwithstanding section 145.297 of the Revised Code, the 139115  
Hearing Aid Dealers and Fitters Licensing Board and the Board of 139116  
Speech-Language Pathology and Audiology may, at that board's 139117  
discretion and with approval from the Office of Budget and 139118  
Management, establish a retirement incentive plan for eligible 139119  
employees of those boards who are members of the Public Employees 139120  
Retirement System. Any retirement incentive plan established 139121  
pursuant to this section shall remain in effect until January 20, 139122  
2018. 139123

(G) No validation, cure, right, privilege, remedy, 139124  
obligation, or liability is lost or impaired by reason of the 139125  
transfer required by this section and shall be administered by the 139126  
State Speech and Hearing Professionals Board. No action or 139127  
proceeding pending on the effective date of this act is affected 139128  
by the transfer, and shall be prosecuted or defended in the name 139129



of the State Speech and Hearing Professionals Board or the Board's Executive Director, as appropriate. In all such actions and proceedings, the State Speech and Hearing Professionals Board or the Board's Executive Director shall be substituted as a party.

(H) Effective January 21, 2018, all records, documents, files, equipment, assets, and other materials of the Hearing Aid Dealers and Fitters Licensing Board and the Board of Speech-Language Pathology and Audiology are transferred to the State Speech and Hearing Professionals Board.

**Section 515.34.** (A) Effective January 21, 2018, the Ohio Respiratory Care Board is abolished.

(B) Any business commenced but not completed by January 21, 2018, by the Ohio Respiratory Care Board, or by the Executive Director of the Board, shall be completed by the State Board of Pharmacy, with respect to implementing Chapter 4752. of the Revised Code, and the State Medical Board, with respect to implementing Chapter 4761. of the Revised Code, or by the executive directors of those boards in the same manner, and with the same effect, as if completed by the Ohio Respiratory Care Board, or by the Executive Director of the Board.

(C) All rules, orders, and determinations of the Ohio Respiratory Care Board, or by the Executive Director of the Board shall continue in effect as rules, orders, and determinations of the State Board of Pharmacy, with respect to implementing Chapter 4752. of the Revised Code, and the State Medical Board, with respect to implementing Chapter 4761. of the Revised Code, until modified or rescinded by the State Board of Pharmacy or the State Medical Board. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber any rule to reflect its transfer to the State Board of Pharmacy or the State Medical

Board. 139161

Any licenses, certificates, permits, registrations, or 139162  
endorsements issued before January 21, 2018, by the Ohio 139163  
Respiratory Care Board shall continue in effect as if issued by 139164  
the State Board of Pharmacy, with respect to implementing Chapter 139165  
4752. of the Revised Code, and the State Medical Board, with 139166  
respect to implementing Chapter 4761. of the Revised Code. 139167

(D) Effective January 21, 2018, whenever the term "Ohio 139168  
Respiratory Care Board" is used in any statute, rule, contract, or 139169  
other document, the use shall be construed to mean the "State 139170  
Board of Pharmacy," with respect to implementing Chapter 4752. of 139171  
the Revised Code, or the "State Medical Board," with respect to 139172  
implementing Chapter 4761. of the Revised Code. 139173

Whenever the Executive Director of the Ohio Respiratory Care 139174  
Board is used in any statute, rule, contract, or other document, 139175  
the use shall be construed to mean the Executive Director of the 139176  
State Board of Pharmacy, with respect to implementing Chapter 139177  
4752. of the Revised Code, or the Executive Director of the State 139178  
Medical Board, with respect to implementing Chapter 4761. of the 139179  
Revised Code. 139180

(E)(1) Subject to the lay-off provisions of sections 124.321 139181  
to 124.328 of the Revised Code, all employees of the Ohio 139182  
Respiratory Care Board are transferred to the State Board of 139183  
Pharmacy, with respect to implementing Chapter 4752. of the 139184  
Revised Code, or the State Medical Board, with respect to 139185  
implementing Chapter 4761. of the Revised Code. The employees 139186  
shall retain their positions and benefits. 139187

(2) During the period beginning January 21, 2018, and ending 139188  
June 30, 2019, the executive directors of the State Board of 139189  
Pharmacy and the State Medical Board may establish, change, and 139190  
abolish positions on those boards and assign, reassign, classify, 139191

reclassify, transfer, reduce, promote, or demote all employees 139192  
transferred to those boards under this section who are not subject 139193  
to Chapter 4117. of the Revised Code. 139194

(3) The authority granted to the executive directors of the 139195  
State Board of Pharmacy and the State Medical Board under division 139196  
(E)(2) of this section includes assigning or reassigning an exempt 139197  
employee, as defined in section 124.152 of the Revised Code, to a 139198  
bargaining unit classification that the executive directors 139199  
determine is the proper classification for that employee. If an 139200  
employee in the E-1 pay range is to be assigned, reassigned, 139201  
classified, reclassified, transferred, reduced, or demoted to a 139202  
position in a lower classification during the period specified in 139203  
this section, the executive directors, or in the case of a 139204  
transfer to a position outside those boards, the Director of 139205  
Administrative Services, shall assign the employee to the 139206  
appropriate classification and place the employee in Step X. The 139207  
employee shall not receive any increase in compensation until the 139208  
maximum rate of pay for that classification exceeds the employee's 139209  
compensation. 139210

(4) Actions taken by the executive directors pursuant to 139211  
division (E) of this section are not subject to appeal to the 139212  
State Personnel Board of Review. 139213

(F) Notwithstanding section 145.297 of the Revised Code, the 139214  
Ohio Respiratory Care Board may, at the Board's discretion and 139215  
with approval from the Office of Budget and Management, establish 139216  
a retirement incentive plan for eligible employees of the Board 139217  
who are members of the Public Employees Retirement System. Any 139218  
retirement incentive plan established pursuant to this section 139219  
shall remain in effect until January 20, 2018. 139220

(G) No validation, cure, right, privilege, remedy, 139221  
obligation, or liability is lost or impaired by reason of the 139222  
transfer required by this section and shall be administered by the 139223

State Board of Pharmacy, with respect to implementing Chapter 139224  
4752. of the Revised Code, and the State Medical Board, with 139225  
respect to implementing Chapter 4761. of the Revised Code. No 139226  
action or proceeding pending on the effective date of this act is 139227  
affected by the transfer, and shall be prosecuted or defended in 139228  
the name of the State Board of Pharmacy or the State Medical 139229  
Board, as applicable, or that board's executive director, as 139230  
appropriate. In all such actions and proceedings, the State Board 139231  
of Pharmacy or the State Medical Board, as applicable, or that 139232  
board's executive director shall be substituted as a party. 139233

(H) Effective January 21, 2018, all records, documents, 139234  
files, equipment, assets, and other materials of the Ohio 139235  
Respiratory Care Board are transferred to the State Board of 139236  
Pharmacy, with respect to implementing Chapter 4752. of the 139237  
Revised Code and the State Medical Board, with respect to 139238  
implementing Chapter 4761. of the Revised Code. 139239

**Section 515.35.** Notwithstanding any provision of the law to 139240  
the contrary, on or after the effective date of this section, the 139241  
Director of Budget and Management shall make any accounting 139242  
changes made necessary by the transfers and consolidations 139243  
contained in Sections 515.30 to 515.34 of this act. 139244

On or after January 21, 2018, the Director of Budget and 139245  
Management may cancel any existing encumbrances of any agency 139246  
abolished in Sections 515.30 to 515.34 of this act and reestablish 139247  
those encumbrances to the State Vision Professionals Board, the 139248  
State Speech and Hearing Professionals Board, the State Physical 139249  
Health Services Board, the State Pharmacy Board, or the State 139250  
Medical Board as necessary. The reestablished encumbrance amounts 139251  
are hereby appropriated. 139252

**Section 515.40.** (A) On January 21, 2018, the Barber Board is 139253

abolished. The State Cosmetology and Barber Board is successor to, 139254  
assumes the obligations, and authority of the Barber Board. Any 139255  
business commenced but not completed by the Barber Board shall be 139256  
completed by the State Cosmetology and Barber Board. Any 139257  
validation, right, cure, privilege, remedy, obligation, or 139258  
liability is not lost or impaired solely by this abolishment and 139259  
shall be administered by the State Cosmetology and Barber Board. 139260  
Any action or proceeding pending on January 21, 2018, that is not 139261  
affected by the abolishment of the Barber Board and shall be 139262  
prosecuted or defended in the name of the State Cosmetology and 139263  
Barber Board. In all such actions and proceedings, the State 139264  
Cosmetology and Barber Board may be substituted as a party upon 139265  
application to the court or other tribunal. 139266

(B)(1) Subject to the layoff provisions of sections 124.321 139267  
to 124.328 of the Revised Code, on January 21, 2018, all employees 139268  
of the Barber Board are transferred to the State Cosmetology and 139269  
Barber Board. The employees shall retain their positions and 139270  
benefits. 139271

(2) During the period beginning January 21, 2018, and ending 139272  
June 30, 2019, the Executive Director of the State Cosmetology and 139273  
Barber Board may establish, change, and abolish positions of the 139274  
State Cosmetology and Barber Board and assign, reassign, classify, 139275  
reclassify, transfer, reduce, promote, or demote all employees of 139276  
the Board who are not subject to Chapter 4117. of the Revised 139277  
Code. 139278

(3) The authority granted under division (B)(2) of this 139279  
section includes assigning or reassigning an exempt employee, as 139280  
defined in section 124.152 of the Revised Code, to a bargaining 139281  
unit classification if the Executive Director determines that the 139282  
bargaining unit classification is the proper classification for 139283  
that employee. If an employee in the E-1 pay range is to be 139284

assigned, reassigned, classified, reclassified, transferred, 139285  
reduced, or demoted to a position in a lower classification during 139286  
the period specified in division (B)(2) of this section, the 139287  
Executive Director, or in the case of a transfer outside the Board 139288  
the Director of Administrative Services, shall assign the employee 139289  
to the appropriate classification and place the employee in Step 139290  
X. The employee shall not receive any increase in compensation 139291  
until the maximum rate of pay for that classification exceeds the 139292  
employee's compensation. 139293

(4) Actions taken by the Executive Director pursuant to 139294  
division (B) of this section are not subject to appeal to the 139295  
State Personnel Board of Review. 139296

(C) Notwithstanding section 145.297 of the Revised Code, the 139297  
Barber Board may at the Board's discretion and with approval from 139298  
the Office of Budget and Management, establish a retirement 139299  
incentive plan for eligible employees of the Barber Board who are 139300  
members of the Public Employees Retirement System. Any retirement 139301  
incentive plan established pursuant to this section shall remain 139302  
in effect until January 20, 2018. 139303

(D) On January 21, 2018, all equipment, assets, supplies, 139304  
records, and other property of the Barber Board is transferred to 139305  
the State Cosmetology and Barber Board. 139306

(E) All rules, orders, and determinations made or undertaken 139307  
by the Barber Board shall continue in effect as the rules, orders, 139308  
and determinations of the State Cosmetology and Barber Board until 139309  
modified, rescinded, or replaced. If necessary to ensure the 139310  
integrity of the Administrative Code, the Director of the 139311  
Legislative Service Commission shall renumber the rules relating 139312  
to the Barber Board to reflect its abolishment pursuant to this 139313  
provision and transfer of duties to the State Cosmetology and 139314  
Barber Board pursuant to the provisions contained within this act. 139315  
Within one hundred eighty days after the effective date of this 139316

section, the State Cosmetology and Barber Board shall submit 139317  
proposed rules to the Joint Committee on Agency Rule Review 139318  
addressing fees and fines previously assessed by the Barber Board 139319  
pursuant to Chapter 4709. of the Revised Code, and where 139320  
reasonably possible, shall reduce the amount and frequency of 139321  
collection and assessment. 139322

(F) Any licenses, certificates, permits, registrations, or 139323  
endorsements issued before January 21, 2018, by the Barber Board 139324  
shall continue in effect as if issued by the State Cosmetology and 139325  
Barber Board. 139326

(G) On or after January 21, 2018, notwithstanding any 139327  
provision of law to the contrary, the Director of Budget and 139328  
Management may make budget changes made necessary by this section, 139329  
including cancelling encumbrances of the Barber Board and 139330  
reestablishing them as encumbrances of the State Cosmetology and 139331  
Barber Board. Any reestablished encumbrances are hereby 139332  
appropriated. 139333

**Section 515.50.** An amount up to \$100,000 of the unexpended, 139334  
unencumbered balance of appropriation item 047321, Operating 139335  
Expenses, at the end of fiscal year 2017 is hereby reappropriated 139336  
to the same appropriation item for fiscal year 2018. Of that 139337  
amount, up to \$75,000 shall be used for the Joint Education 139338  
Oversight Committee's operating expenses for that fiscal year, and 139339  
up to \$25,000 shall be used to pay obligations associated with the 139340  
closure of the Joint Education Oversight Committee, including any 139341  
final payroll expenses occurring after the closure of the 139342  
Committee. 139343

**Section 518.10.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS 139344

Certain appropriations are in this act for the purpose of 139345  
paying debt service and financing costs on general obligation 139346

bonds or notes of the state issued pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

**Section 518.20.** LEASE RENTAL PAYMENTS FOR DEBT SERVICE

Certain appropriations are in this act for the purpose of making lease rental payments pursuant to leases and agreements relating to bonds or notes issued by the Treasurer of State, or previously by the Ohio Building Authority, pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

**Section 518.30.** AUTHORIZATION FOR TREASURER OF STATE AND OBM TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS

The Office of Budget and Management shall process payments from general obligation and lease rental payment appropriation items during the period from July 1, 2017, through June 30, 2019, relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2r, 2s, and 15 of Article VIII, Ohio Constitution, and Chapters 151., 152., and 154. of the Revised Code. Payments shall be made upon certification by the Treasurer of State of the dates and the amounts due on those dates.

**Section 521.10.** STATE AND LOCAL REBATE AUTHORIZATION

If it is determined that a payment is necessary in the amount computed at the time to represent the portion of investment income to be rebated or amounts in lieu of or in addition to any rebate amount to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes of interest on those state obligations under section 148(f) of the



Internal Revenue Code, such an amount is hereby appropriated from 139376  
those funds designated by or pursuant to the applicable 139377  
proceedings authorizing the issuance of state obligations. 139378

Payments for this purpose shall be approved and vouchered by 139379  
the Office of Budget and Management. 139380

**Section 521.20. STATEWIDE INDIRECT COST RECOVERY** 139381

Whenever the Director of Budget and Management determines 139382  
that an appropriation made to a state agency from a fund of the 139383  
state is insufficient to provide for the recovery of statewide 139384  
indirect costs under section 126.12 of the Revised Code, the 139385  
amount required for such purpose is hereby appropriated from the 139386  
available receipts of such fund. 139387

**Section 521.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT** 139388  
**COST ALLOCATION PLAN** 139389

The total transfers made from the General Revenue Fund by the 139390  
Director of Budget and Management under this section shall not 139391  
exceed the amounts transferred into the General Revenue Fund under 139392  
section 126.12 of the Revised Code. 139393

The director of an agency may certify to the Director of 139394  
Budget and Management the amount of expenses not allowed to be 139395  
included in the Statewide Indirect Cost Allocation Plan under 139396  
federal regulations, from any fund included in the Statewide 139397  
Indirect Cost Allocation Plan, prepared as required by section 139398  
126.12 of the Revised Code. 139399

Upon determining that no alternative source of funding is 139400  
available to pay for such expenses, the Director of Budget and 139401  
Management may transfer cash from the General Revenue Fund into 139402  
the fund for which the certification is made, up to the amount of 139403  
the certification. The director of the agency receiving such funds 139404  
shall include, as part of the next budget submission prepared 139405

under section 126.02 of the Revised Code, a request for funding 139406  
for such activities from an alternative source such that further 139407  
federal disallowances would not be required. 139408

The director of an agency may certify to the Director of 139409  
Budget and Management the amount of expenses paid in error from a 139410  
fund included in the Statewide Indirect Cost Allocation Plan. The 139411  
Director of Budget and Management may transfer cash from the fund 139412  
from which the expenditure should have been made into the fund 139413  
from which the expenses were erroneously paid, up to the amount of 139414  
the certification. 139415

The director of an agency may certify to the Director of 139416  
Budget and Management the amount of expenses or revenues not 139417  
allowed to be included in the Statewide Indirect Cost Allocation 139418  
Plan under federal regulations, for any fund included in the 139419  
Statewide Indirect Cost Allocation Plan, for which the federal 139420  
government requires payment. If the Director of Budget and 139421  
Management determines that an appropriation made to a state agency 139422  
from a fund of the state is insufficient to pay the amount 139423  
required by the federal government, the amount required for such 139424  
purpose is hereby appropriated from the available receipts of such 139425  
fund, up to the amount of the certification. 139426

**Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 139427

Notwithstanding any provision of law to the contrary, on or 139428  
before the first day of September of each fiscal year, the 139429  
Director of Budget and Management, in order to reduce the payment 139430  
of adjustments to the federal government, as determined by the 139431  
plan prepared under division (A) of section 126.12 of the Revised 139432  
Code, may designate such funds as the Director considers necessary 139433  
to retain their own interest earnings. 139434

**Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 139435

Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management may cancel and re-establish all or part of encumbrances in like amounts within the funds identified by the plan. The amounts necessary to re-establish all or part of encumbrances are hereby appropriated.

**Section 610.10.** That Section 369.540 of Am. Sub. H.B. 64 of the 131st General Assembly be amended and that Section 369.540 of Am. Sub. H.B. 64 of the 131st General Assembly be amended to codify it as section 3333.95 of the Revised Code to read as follows:

**Sec. ~~369.540~~ 3333.95. ~~EFFICIENCY ADVISORY COMMITTEE~~**

The ~~Chancellor~~ chancellor of ~~Higher Education~~ higher education shall maintain an efficiency advisory committee for the purpose of generating ~~optimal~~ institutional efficiency ~~plans~~ reports for campuses, identifying shared services opportunities, streamlining administrative operations, and sharing best practices in efficiencies among public institutions of higher education. The committee shall meet at the call of the ~~Chancellor~~ chancellor or the ~~Chancellor's~~ chancellor's designee. Each state institution of higher education shall designate an employee to serve as its efficiency officer responsible for the evaluation and improvement of operational efficiencies on campus. Each efficiency officer shall serve on the efficiency advisory committee.

By the thirty-first day of December ~~31~~ of each year, the ~~Chancellor~~ chancellor of ~~Higher Education~~ higher education shall provide a report to the ~~Office~~ office of ~~Budget~~ budget and ~~Management~~ management, the ~~Governor~~ governor, and the ~~General Assembly~~ president of the senate, and the speaker of the house of representatives compiling efficiency reports from all public

institutions of higher education and benchmarking efficiency gains 139466  
realized over the preceding year. The reports from each 139467  
institution shall identify efficiencies at each public institution 139468  
of higher education, and quantify revenue enhancements, 139469  
reallocation of resources, expense reductions, and cost avoidance 139470  
where possible in the areas of general operational functions, 139471  
academic program delivery, energy usage, and information 139472  
technology and procurement reforms. The reports shall particularly 139473  
emphasize areas where these reforms are demonstrating savings or 139474  
cost avoidance to students. The report shall also be made 139475  
available to the public on the ~~Department~~ department of ~~Higher~~ 139476  
Education's higher education's web site. 139477

**Section 610.11.** That existing Section 369.540 of Am. Sub. 139478  
H.B. 64 of the 131st General Assembly is hereby repealed. 139479

**Section 610.20.** That Section 529.10 of S.B. 310 of the 131st 139480  
General Assembly be amended and that Section 529.10 of S.B. 310 of 139481  
the 131st General Assembly be amended to codify it as section 139482  
123.211 of the Revised Code to read as follows: 139483

**Sec. ~~529.10~~ 123.211.** ~~AGENCY ADMINISTRATION OF CAPITAL~~ 139484  
~~FACILITIES PROJECTS~~ 139485

(A) Notwithstanding any contrary provision of section 123.21 139486  
of the Revised Code, the ~~Executive Director~~ executive director of 139487  
the Ohio ~~Facilities Construction Commission~~ facilities 139488  
construction commission may authorize any of the ~~Departments of~~ 139489  
~~Mental Health and Addiction Services, Developmental Disabilities,~~ 139490  
~~Agriculture, Job and Family Services, Rehabilitation and~~ 139491  
~~Correction, Youth Services, Public Safety, Transportation,~~ 139492  
~~Veterans Services, and the Bureau of Workers' Compensation~~ 139493  
following agencies to administer any capital facilities ~~projects~~ 139494  
project, the estimated cost of which, including design fees, 139495

construction, equipment, and contingency amounts, is less than	139496
<u>\$1,500,000 one million five hundred thousand dollars:</u>	139497
<u>(1) The department of mental health and addiction services;</u>	139498
<u>(2) The department of developmental disabilities;</u>	139499
<u>(3) The department of agriculture;</u>	139500
<u>(4) The department of job and family services;</u>	139501
<u>(5) The department of rehabilitation and correction;</u>	139502
<u>(6) The department of youth services;</u>	139503
<u>(7) The department of public safety;</u>	139504
<u>(8) The department of transportation;</u>	139505
<u>(9) The department of veterans services;</u>	139506
<u>(10) The bureau of workers' compensation;</u>	139507
<u>(11) The department of administrative services;</u>	139508
<u>(12) The state school for the deaf;</u>	139509
<u>(13) The state school for the blind. Requests</u>	139510
<u>(B) A state agency that wishes to administer a project under</u>	139511
<u>division (A) of this section shall submit a request for</u>	139512
<u>authorization to administer capital facilities projects shall be</u>	139513
<u>made through the OAKS-CI Ohio administrative knowledge system</u>	139514
<u>capital improvements application by the applicable state agency.</u>	139515
<u>Upon the release of funds for the projects by the Controlling</u>	139516
<u>Board controlling board or the Director director of Budget budget</u>	139517
<u>and Management management, the agency may administer the capital</u>	139518
<u>project or projects for which agency administration has been</u>	139519
<u>authorized without the supervision, control, or approval of the</u>	139520
<u>Executive Director executive director of the Ohio Facilities</u>	139521
<u>Construction Commission facilities construction commission.</u>	139522
<u>(C) A state agency authorized by the Executive Director</u>	139523

executive director of the Ohio ~~Facilities Construction Commission~~ 139524  
facilities construction commission to administer capital 139525  
 facilities projects pursuant to this section shall comply with the 139526  
 applicable procedures and guidelines established in Chapter 153. 139527  
 of the Revised Code and shall track all project information in 139528  
~~OAKS-CI~~ the Ohio administrative knowledge system capital 139529  
improvements application pursuant to Ohio ~~Facilities Construction~~ 139530  
~~Commission~~ facilities construction commission guidelines. 139531

**Section 610.21.** That existing Section 529.10 of S.B. 310 of 139532  
 the 131st General Assembly is hereby repealed. 139533

**Section 610.23.** That Sections 213.10, 213.20, and 217.10 of 139534  
 S.B. 310 of the 131st General Assembly be amended to read as 139535  
 follows: 139536

**Sec. 213.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 139537

Building Improvement Fund (Fund 5KZ0)			139538
C10035	Building Improvement	\$ 10,693,000	139539
TOTAL	Building Improvement Fund	\$ 10,693,000	139540
Administrative Building Fund (Fund 7026) 139541			
C10011	Statewide Communications System	\$ 3,900,000	139542
C10015	SOCC Facility Renovations	\$ 15,884,371	139543
C10020	North High Street Complex Renovation	\$ 18,075,000	139544
C10034	Aronoff Center - Systems/Capital	\$ 750,000	139545
	Replacement		
C10036	Rhodes Tower Renovations	\$ 19,250,000	139546
<u>C10037</u>	<u>Voting Machine Reimbursement</u>	<u>\$ 1,000,000</u>	139547
TOTAL	Administrative Building Fund	\$ <del>57,859,371</del>	139548
		<u>58,859,371</u>	
TOTAL ALL FUNDS		\$ <del>68,552,371</del>	139549
		<u>69,552,371</u>	
<u>VOTING MACHINE REIMBURSEMENT</u>			139550

The foregoing appropriation item C10037, Voting Machine Reimbursement, shall be used to reimburse counties that have entered into agreements for new voting machines and associated services and equipment on or after January 1, 2014, for up to 50% of their acquisition costs. Counties shall notify the Office of Procurement Services of the agreement to be reimbursed, and provide all necessary information to the Office before reimbursement can be issued. All reimbursements are not to exceed \$250,000, and shall be paid to the county's general fund.

The Director of Administrative Services, in consultation with the Secretary of State, on the effective date of this section, shall issue a request for proposal (RFP) and select not more than three vendors certified under section 3506.05 of the Revised Code, for the purpose of creating a unified statewide purchasing or leasing plan for voting and tabulation equipment.

It is the intent of the General Assembly to provide additional funding to counties for voting machine and associated services and equipment purchases, leases, or reimbursements by FY 2019 in the manner provided under this section.

**Sec. 213.20.** The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed ~~\$102,000,000~~ \$103,500,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the Administrative Building Fund (Fund 7026) to pay costs associated with previously authorized capital facilities and the appropriations in this act made from Fund 7026.

<b>Sec. 217.10.</b>	COM DEPARTMENT OF COMMERCE		139582
	State Fire Marshal Fund (Fund 5460)		139583
C80009	Forensic Laboratory Equipment	\$ 110,000	139584
C80023	SFM Renovations and Improvements	\$ 1,900,000	139585
C80026	Forensic Evidence Storage/Maintenance Structure	\$ 2,187,500	139586
	TOTAL State Fire Marshal Fund	\$ 4,197,500	139587
	Administrative Building Fund (Fund 7026)		139588
C80032	Wellston Burn Building	\$ 300,000	139589
<u>C80033</u>	<u>Wayne County Regional Training Facility</u>	<u>\$ 500,000</u>	139590
	TOTAL Administrative Building Fund	\$ <del>300,000</del>	139591
		<u>800,000</u>	
	TOTAL ALL FUNDS	\$ <del>4,497,500</del>	139592
		<u>4,997,500</u>	

**Section 610.24.** That existing Sections 213.10, 213.20, and 217.10 of S.B. 310 of the 131st General Assembly are hereby repealed.

**Section 610.25.** That Section 253.330 of Am. Sub. S.B. 260 of the 131st General Assembly be amended to read as follows:

Reappropriations

<b>Sec. 253.330.</b>	UCN UNIVERSITY OF CINCINNATI		139599
	Higher Education Improvement Taxable Fund (Fund 7024)		139600
C26690	Hamilton County Fairgrounds Improvements - Taxable	\$ 27,567	139601
	TOTAL Higher Education Improvement Taxable Fund	\$ 27,567	139602
	Higher Education Improvement Fund (Fund 7034)		139603
C26502	Raymond Walters Renovations	\$ 1,112	139604
C26503	Institutional and Data Processing Equipment	\$ 59,883	139605



C26553	Developmental Neurobiology	\$	303,750	139606
C26604	Barrett Cancer Center	\$	27,594	139607
C26606	Hebrew Union College	\$	119,167	139608
C26615	Beech Acres	\$	1,790	139609
C26666	Snyder Building Roof Replacement - Clermont	\$	472,048	139610
C26669	General Electric Aviation Research Center	\$	1,023,199	139611
C26671	Muntz Hall Renovations, 100 Level	\$	42,791	139612
C26673	MRI Pilot Microfactory	\$	50,976	139613
C26676	Wherry and Health Professions Building Rehabilitation	\$	7,323,893	139614
C26677	Roof Repair and Replacement - Blue Ash	\$	742,072	139615
C26678	Muntz Hall - Blue Ash	\$	1,000,000	139616
C26679	HVAC Repair and Replacements - Clermont	\$	1,750,000	139617
C26681	Institutional Roof Replacement	\$	1,170,157	139618
<del>C26682</del>	<del>Boys and Girls Club</del>	<del>\$</del>	<del>250,000</del>	139619
C26684	Whole Home Modifications	\$	215,000	139620
C26685	Clermont County Airport Improvements	\$	500,000	139621
C26688	Angle X-Ray Scattering System	\$	60,000	139622
TOTAL Higher Education Improvement Fund		\$	<del>15,113,432</del> <u>14,863,432</u>	139623
TOTAL ALL FUNDS		\$	<del>15,140,999</del> <u>14,890,999</u>	139624

BASIC RENOVATIONS

139625

The amount reappropriated for the foregoing appropriation 139626  
item C26500, Basic Renovations, is the unencumbered and unallotted 139627  
balance as of June 30, 2016, in appropriation item C26500, Basic 139628  
Renovations, plus \$81,117, plus the unencumbered and unallotted 139629  
balance as of June 30, 2016, in appropriation items C26628, 139630  
Rieveschl 500 Teaching Lab, and C26675, Kettering Lab - Mechanical 139631  
and Electrical Renovation. Prior to the expenditure of this 139632  
appropriation, the University of Cincinnati shall certify to the 139633

Director of Budget and Management canceled encumbrances in the amount of at least \$81,117.

WHERRY AND HEALTH PROFESSIONS BUILDING RENOVATION AND EXPANSION

The amount reappropriated for the foregoing appropriation item C26676, Wherry and Health Professions Building Rehabilitation, is the unencumbered and unallotted balance as of June 30, 2016, in appropriation item C26676, Wherry and Health Professions Building Rehabilitation, plus the unencumbered and unallotted balance as of June 30, 2016, in appropriation item C26530, Medical Sciences Building Renovation and Expansion.

MUNTZ HALL - BLUE ASH

The amount reappropriated for the foregoing appropriation item C26678, Muntz Hall - Blue Ash, is the unencumbered and unallotted balance as of June 30, 2016, in appropriation item C26678, Muntz Hall - Blue Ash, plus the unencumbered and unallotted balance as of June 30, 2016, in appropriation items C26680, Muntz Hall Rehabilitation - Phase 1, and C26689, UCBA Walters Hall Roof.

**Section 610.26.** That existing Section 253.330 of Am. Sub. S.B. 260 of the 131st General Assembly is hereby repealed.

**Section 610.30.** That Sections 203.10 and 207.290 of S.B. 310 of the 131st General Assembly, as amended by Sub. H.B. 390 of the 131st General Assembly, be amended to read as follows:

**Sec. 203.10.** ADJ ADJUTANT GENERAL

Army National Guard Service Contract Fund (Fund 3420)  
C74537 Renovation Projects - Federal Share \$ 7,100,000  
C74539 Renovations and Improvements - Federal \$ 15,000,000

TOTAL Army National Guard Service Contract Fund	\$	22,100,000	139662
Administrative Building Fund (Fund 7026)			139663
C74528 Camp Perry Improvements	\$	2,250,000	139664
C74535 Renovations and Improvements	\$	5,100,000	139665
C74540 Aerial Port of Embarkation/Debarkation	\$	250,000	139666
TOTAL Administrative Building Fund	\$	7,600,000	139667
TOTAL ALL FUNDS	\$	29,700,000	139668

RENOVATIONS AND IMPROVEMENTS - FEDERAL 139669

The foregoing appropriation item C74539, Renovations and 139670  
Improvements - Federal, shall be used to fund capital projects 139671  
that are coded as receiving one hundred per cent federal support 139672  
pursuant to the agreement support code identified in the 139673  
Facilities Inventory and Support Plan between the Office of the 139674  
Adjutant General and the Army National Guard. Notwithstanding 139675  
section 131.35 of the Revised Code, if after the effective date of 139676  
this section, additional federal funds are made available to the 139677  
Adjutant General to carry out the Facilities Inventory Support 139678  
Plan, the Adjutant General may request that the Director of Budget 139679  
and Management authorize expenditures in excess of the amounts 139680  
appropriated to appropriation item C74539, Renovations and 139681  
Improvements - Federal. Upon approval of the Director of Budget 139682  
and Management the additional amounts are hereby appropriated. 139683  
Notwithstanding section 126.14 of the Revised Code, if the 139684  
Adjutant General is approved by the federal government to complete 139685  
additional, unanticipated one hundred per cent federally funded 139686  
projects after July 1, 2017, and before October 1, 2017, the 139687  
appropriations for these additional projects may be released upon 139688  
written approval of the Director of Budget and Management. 139689

AERIAL PORT OF EMBARKATION/DEBARKATION 139690

The foregoing appropriation item C74540, Aerial Port of 139691  
Embarkation/Debarkation, shall be used to acquire a cargo 139692  
facility, tarmac, and the surrounding property from the Western 139693

Reserve Port Authority. 139694

**Sec. 207.290.** SOC SOUTHERN STATE COMMUNITY COLLEGE 139695

Higher Education Improvement Fund (Fund 7034) 139696

C32206 Adams County Satellite Campus \$ ~~2,000,000~~ 139697  
3,000,000

C32208 Southern Gateway Economic Innovation \$ 1,000,000 139698  
Development Center

C32212 Clarksville Fire Training Center \$ 850,000 139699

C32213 Wilmington College Center for the \$ 1,500,000 139700  
Sciences and Agriculture

C32214 Hillsboro Hi-Tech Center \$ 25,000 139701

C32215 Hobart/Southern State Project \$ 35,000 139702

C32216 Wilmington Air Park Aviation \$ 3,000,000 139703  
Infrastructure Improvements

TOTAL Higher Education Improvement Fund \$ ~~8,410,000~~ 139704  
9,410,000

TOTAL ALL FUNDS \$ ~~8,410,000~~ 139705  
9,410,000

~~WILMINGTON AIR PARK AVIATION INFRASTRUCTURE IMPROVEMENTS~~ 139706

~~Of the foregoing appropriation item C32216, Wilmington Air~~ 139707

~~Park Aviation Infrastructure Improvements, \$450,000 shall be used~~ 139708

~~to replace antenna equipment, \$1,274,800 shall be used for crack~~ 139709

~~sealing, and \$1,275,200 shall be used for concrete repairs.~~ 139710

**Section 610.31.** That existing Sections 203.10 and 207.290 of 139711

S.B. 310 of the 131st General Assembly, as amended by Sub. H.B. 139712

390 of the 131st General Assembly, are hereby repealed. 139713

**Section 610.32.** That Section 221.10 of S.B. 310 of the 131st 139714

General Assembly, as most recently amended by Am. Sub. H.B. 384 of 139715

the 131st General Assembly, be amended to read as follows: 139716

<b>Sec. 221.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION</b>			139717
SERVICES			139718
Mental Health Facilities Improvement Fund (Fund 7033)			139719
C58001	Community Assistance Projects	\$ <del>12,000,000</del>	139720
		<u>32,000,000</u>	
C58007	Infrastructure Renovations	\$ 21,310,000	139721
C58021	Providence House	\$ 100,000	139722
C58024	Bellefaire Jewish Children's Home	\$ 550,000	139723
C58026	Cocoon Emergency Shelter	\$ 800,000	139724
C58028	Child Focus, Inc.	\$ 415,000	139725
C58029	CHOICES for Victims of Domestic Violence Campaign	\$ 500,000	139726
C58030	Family Services of Northwest Ohio Adult Crisis Stabilization Unit	\$ 100,000	139727
C58031	Glenbeigh Hospital Multipurpose Building	\$ 400,000	139728
C58032	OhioGuidestone Residential Treatment Building Renovation	\$ 350,000	139729
C58033	Salvation Army of Greater Cleveland Harbor Light Complex	\$ 350,000	139730
C58034	Greenville East Main Street Recovery Center	\$ 25,000	139731
C58035	Columbus Briggsdale Apartments - Phase II	\$ 250,000	139732
C58036	The Buckeye Ranch, Inc.	\$ 100,000	139733
C58037	Expansion of Lettuce Work	\$ 250,000	139734
C58038	Ravenwood Mental Health Facility Expansion	\$ 500,000	139735
C58039	Cincinnati Center for Addiction Treatment Expansion	\$ 2,000,000	139736
C58040	Painesville Mental Health Services Agency	\$ 200,000	139737
C58041	Tri-County Board of Recovery and Mental Health Services	\$ 500,000	139738
C58042	McKinley Hall Renovation	\$ 75,000	139739

C58043	Glenway Outpatient Opiate Facility	\$	200,000	139740
C58044	Alvis Women Community Reentry Project	\$	50,000	139741
C58045	Daybreak Youth Shelter and Employment Center	\$	250,000	139742
C58046	Summer Entrepreneurial Experience and Knowledge	\$	100,000	139743
TOTAL Mental Health Facilities Improvement Fund		\$	<del>41,375,000</del> <u>61,375,000</u>	139744
TOTAL ALL FUNDS		\$	<del>41,375,000</del> <u>61,375,000</u>	139745

COMMUNITY ASSISTANCE PROJECTS 139746

The foregoing appropriation for the Department of Mental Health and Addiction Services, C58001, Community Assistance Projects, may be used for facilities constructed or to be constructed pursuant to Chapter 340., 5119., 5123., or 5126. of the Revised Code or the authority granted by section 154.20 of the Revised Code and the rules issued pursuant to those chapters and that section and shall be distributed by the Department of Mental Health and Addiction Services subject to Controlling Board approval.

Of the foregoing appropriation item C58001, Community Assistance Projects, \$20,000,000 shall be used to expand recovery housing as defined in section 340.01 of the Revised Code.

**Section 610.33.** That existing Section 221.10 of S.B. 310 of the 131st General Assembly, as most recently amended by Am. Sub. H.B. 384 of the 131st General Assembly, is hereby repealed.

**Section 610.34.** That Section 223.10 of S.B. 310 of the 131st General Assembly, as amended by Am. Sub. H.B. 384 of the 131st General Assembly, be amended to read as follows:

**Sec. 223.10.** DNR DEPARTMENT OF NATURAL RESOURCES 139765

Wildlife Fund (Fund 7015)			139766
C725B0	Access Development	\$ 13,600,000	139767
C725K9	Wildlife Area Building Development/Renovations	\$ 8,150,000	139768
C725W0	MARCS Equipment	\$ 1,866,087	139769
TOTAL Wildlife Fund		\$ 23,616,087	139770
Administrative Building Fund (Fund 7026)			139771
C725D7	MARCS Equipment	\$ 5,996,598	139772
C725N7	District Office Renovations	\$ 3,000,000	139773
TOTAL Administrative Building Fund		\$ 8,996,598	139774
Ohio Parks and Natural Resources Fund (Fund 7031)			139775
C72512	Land Acquisition	\$ 475,000	139776
C72549	DNR Facilities Development	\$ 1,500,000	139777
C725E1	Local Parks Projects Statewide	\$ 5,108,985	139778
C725E5	Project Planning	\$ 1,100,938	139779
C725K0	State Park Renovations/Upgrading	\$ 11,060,000	139780
C725M0	Dam Rehabilitation	\$ 2,550,000	139781
C725N5	Wastewater/Water Systems Upgrades	\$ 2,750,000	139782
C725N8	Operations Facilities Development	\$ 1,000,000	139783
TOTAL Ohio Parks and Natural Resources Fund		\$ 25,544,923	139784
Parks and Recreation Improvement Fund (Fund 7035)			139785
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$ 23,910,514	139786
C725B5	Buckeye Lake Dam Rehabilitation	\$ 61,546,960	139787
C725C4	Muskingum River Lock and Dam	\$ 3,750,000	139788
C725E2	Local Parks Projects	<del>\$ 46,383,500</del>	139789
		<u>\$ 46,733,500</u>	139790
C725E6	Project Planning	\$ 6,070,285	139791
C725R4	Dam Rehabilitation - Parks	\$ 55,425,000	139792
C725R5	Lake White State Park - Dam Rehabilitation	\$ 27,376,761	139793
C725U4	Water Quality Equipment and Projects	\$ 7,400,000	139794
TOTAL Parks and Recreation Improvement Fund		<del>\$ 231,863,020</del>	139795

	\$	<u>232,213,020</u>	139796
Clean Ohio Trail Fund (Fund 7061)			139797
C72514 Clean Ohio Trail Fund	\$	12,500,000	139798
TOTAL Clean Ohio Trail Fund	\$	12,500,000	139799
Waterways Safety Fund (Fund 7086)			139800
C725A7 Cooperative Funding for Boating Facilities	\$	16,750,000	139801
C725N9 Operations Facilities Development	\$	2,300,000	139802
C725Z0 MARCS Equipment	\$	1,511,165	139803
TOTAL Waterways Safety Fund	\$	20,561,165	139804
TOTAL ALL FUNDS	\$	<del>323,081,793</del>	139805
	\$	<u>323,431,793</u>	139806
FEDERAL REIMBURSEMENT			139807
All reimbursements received from the federal government for			139808
any expenditures made pursuant to this section shall be deposited			139809
in the state treasury to the credit of the fund from which the			139810
expenditure originated.			139811
LOCAL PARKS PROJECTS			139812
Of the foregoing appropriation item C725E2, Local Parks			139813
Projects, an amount equal to two per cent of the projects listed			139814
may be used by the Department of Natural Resources for the			139815
administration of local projects, \$4,025,000 shall be used for the			139816
Scioto Peninsula Park and Parking Garage, \$3,500,000 shall be used			139817
for the Lakefront Pedestrian Bridge, \$2,500,000 shall be used for			139818
the Cuyahoga River Franklin Hill Stabilization, \$2,000,000 shall			139819
be used for the Flats East Development, \$1,200,000 shall be used			139820
for the Harley Jones Rotary Memorial Amphitheater in Bryson Park,			139821
\$1,000,000 shall be used for the South Point Community Pool,			139822
\$1,000,000 shall be used for the Champion Mill Sports Complex			139823
Improvements, \$1,000,000 shall be used for the Bridge to Wendy			139824
Park, \$1,000,000 shall be used for the Franklin Park Conservatory,			139825



\$1,000,000 shall be used for the Worthington Pools Renovation,	139826
\$1,000,000 shall be used for the Lorain County Mill Creek	139827
Conservation and Flood Control, \$1,000,000 shall be used for the	139828
Promenade Park and ProMedica Parking Facility, \$1,000,000 shall be	139829
used for the City of Canton Market Square Enhancement Project,	139830
\$1,000,000 shall be used for The Magnolia Flowering Mills/Stark	139831
County Park district, \$750,000 shall be used for the Gorge Dam	139832
Removal, \$700,000 shall be used for the Todds Fork Trail, \$600,000	139833
shall be used for the St. Henry Swimming Pool, \$500,000 shall be	139834
used for the Kuenning-Dicke Natural Area Preserve, \$500,000 shall	139835
be used for the West Chester Soccer Complex, \$500,000 shall be	139836
used for the Van Aken District Bicycle and Pedestrian Connections,	139837
\$500,000 shall be used for the Galloway Sports Complex, \$500,000	139838
shall be used for the Scioto Audubon Metro Park Pedestrian Bridge,	139839
\$500,000 shall be used for the Scioto River Park Development,	139840
\$500,000 shall be used for the Dream Field at Windsor Park	139841
Playground, \$500,000 shall be used for the Columbus Crew Practice	139842
Facility, \$500,000 shall be used for the Holmes County	139843
Agricultural Facility Improvements, \$500,000 shall be used for the	139844
City of Sylvania SOMO Project, \$500,000 shall be used for The	139845
White Rhinoceros Barn, \$500,000 shall be used for the Thornport	139846
Buckeye Lake Public Access and Park, \$500,000 shall be used for	139847
the Redskin Memorial Park Development, \$500,000 shall be used for	139848
the Warren County Sports Complex, \$406,000 shall be used for the	139849
Bryson Pool Improvements Splash Park, \$400,000 shall be used for	139850
the Cadiz Bike Trail/Public Infrastructure Connectivity Project,	139851
\$400,000 shall be used for the Cave Lake Dam Safety Modifications,	139852
\$400,000 shall be used for the Preble County Agricultural Facility	139853
Improvements, \$400,000 shall be used for the Nimisila Spillway and	139854
Bridge Demolition and Replacement, \$400,000 shall be used for the	139855
Green Central Park, \$350,000 shall be used for the Rocky River	139856
Bradstreets Landing Park, \$350,000 shall be used for the Little	139857
Miami Scenic Trail, \$350,000 shall be used for the East View Park	139858

Ball Diamonds and Field Improvements, \$300,000 shall be used for 139859  
the Schoonover Lake Dam Restoration, \$300,000 shall be used for 139860  
the Columbiana County Agricultural Facility Improvements, \$300,000 139861  
shall be used for the Bill Stanton Community Park Shoreline 139862  
Enhancement, \$300,000 shall be used for the Chesapeake Community 139863  
Building, \$300,000 shall be used for the Glenford Earthworks Phase 139864  
III, \$300,000 shall be used for the Wilderness Center's Facility 139865  
Enhancement Project, \$250,000 shall be used for the Carroll County 139866  
Ohio FFA Camp Muskingum, \$250,000 shall be used for the Clinton 139867  
County Agricultural Facility Improvements, \$250,000 shall be used 139868  
for the Greenville Downtown Park, \$250,000 shall be used for the 139869  
Greenville Harmon Field, \$250,000 shall be used for the McCutcheon 139870  
Road Park, \$250,000 shall be used for the Heritage Rail Trail 139871  
Extension, \$250,000 shall be used for the Upper Arlington 139872  
Shared-Use Path Expansion Projects, \$250,000 shall be used for the 139873  
Tremont Road-Zollinger Road Shared-Use Path Connector, \$250,000 139874  
shall be used for the Hobson Freedom Park: Phase II, \$250,000 139875  
shall be used for the Blue Ash Summit Park, \$250,000 shall be used 139876  
for the Pro Football Hall of Fame Comprehensive Master Study, 139877  
\$250,000 shall be used for the Cascade Plaza Phase II, \$250,000 139878  
shall be used for the Richwood Lake Trail, \$250,000 shall be used 139879  
for the Wren Community Building Shelter and Pavilion, \$250,000 139880  
shall be used for the Massillon Reservoir Dam Project in Stark 139881  
County, \$250,000 shall be used for the Union Township Recreational 139882  
Facility, \$200,000 shall be used for the J.W. Denver Memorial 139883  
Park, \$200,000 shall be used for the Chippewa Creek Headwater 139884  
Park, \$200,000 shall be used for the City of Strongsville 139885  
Recreation Center, \$200,000 shall be used for the Brewing Heritage 139886  
Trail Segment 1, \$200,000 shall be used for the Cincinnati Mill 139887  
Creek Flood Mitigation/Mill Creek Barrier Dam, \$200,000 shall be 139888  
used for the Southern State Community College Pathway, \$200,000 139889  
shall be used for the Ernsthansen Recreation Center Splash Pad, 139890  
\$200,000 shall be used for the Ohio University Proctorville 139891

Walking Path, \$200,000 shall be used for the Coldwater Recreation 139892  
Space and Amphitheatre, \$200,000 shall be used for the Perry 139893  
County Home Farm, \$200,000 shall be used for the Coppel Soccer 139894  
Complex Improvements, \$200,000 shall be used for the Jungle 139895  
Junction Indoor Playground, \$200,000 shall be used for the Shelby 139896  
County Agricultural Facility Improvements, \$200,000 shall be used 139897  
for the Middle Point Ballpark Improvements, \$175,000 shall be used 139898  
for the Fairfield Township Metro Parks, \$170,000 shall be used for 139899  
the Chamberlin Park Bike/Pedestrian Access Improvements, \$150,000 139900  
shall be used for the Columbus Topiary Park Improvements, \$150,000 139901  
shall be used for the Gallipolis City Park, \$150,000 shall be used 139902  
for the Cincinnati Ault Park, \$150,000 shall be used for the Green 139903  
Township Hike/Bike Trail, \$150,000 shall be used for the Kenton 139904  
Baseball Park Lighting Improvements, \$150,000 shall be used for 139905  
the Kamp Dovetail, \$150,000 shall be used for the Avon Lake 139906  
Veterans Park, \$150,000 shall be used for the Marion Tallgrass 139907  
Trail, \$149,000 shall be used for the Ohio City Recreation 139908  
Facility, \$125,000 shall be used for the Cleveland Cultural 139909  
Gardens, \$125,000 shall be used for the Village of Fort Recovery 139910  
Community Park, \$125,000 shall be used for the Delphos Community 139911  
Pool and Splash Park, \$100,000 shall be used for the Auglaize 139912  
County Agricultural Facility Improvements, \$100,000 shall be used 139913  
for the Clarksville Upground Reservoir Safety Upgrades, \$100,000 139914  
shall be used to support the Grand River Park construction project 139915  
in the Village of Grand River, \$100,000 shall be used for the 139916  
Little Hearts Big Smiles All Children's Playground, \$100,000 shall 139917  
be used for The Wilds Educational Animal Display, \$80,000 shall be 139918  
used for the Rockford Shane's Park Playground Equipment, \$75,000 139919  
shall be used for the City of Parma Park Improvements, \$75,000 139920  
shall be used for the Deerasic Park Whitetail Deer Museum and 139921  
Educational Center, \$75,000 shall be used for the Stoll Lane Park 139922  
Redevelopment, \$75,000 shall be used for the Montpelier Park Barn 139923  
Roof Replacement, \$67,500 shall be used for the Waddell Park 139924

Public Swimming Pool Renovation, \$60,000 shall be used for the 139925  
Loveland McCoy Park Improvements, \$55,000 shall be used for the 139926  
Columbia Township Community Natural Park, \$50,000 shall be used 139927  
for the Columbiana County Beaver Creek Wildlife Education Center, 139928  
\$50,000 shall be used for the Hicksville Splash Pad, \$50,000 shall 139929  
be used for the City of Marion Ball Field Complex, \$50,000 shall 139930  
be used for the City of Fremont Basketball Court Upgrades (Roger 139931  
Young Park), \$50,000 shall be used for the Upper Sandusky 139932  
Bicentennial Park Project, \$45,000 shall be used for the Noble 139933  
County Happy Time Pool, \$45,000 shall be used for the Lebanon Bike 139934  
Park, \$40,000 shall be used for the Blanchester Playground, 139935  
\$40,000 shall be used for the Beaver Park Sports Field, \$40,000 139936  
shall be used for the City of Tiffin City Park Upgrades, \$30,000 139937  
shall be used for the London Municipal Pool, \$20,000 shall be used 139938  
for the Waverly Canal Park, and \$11,000 shall be used for the 139939  
Washington Township Lake Stabilization Project. 139940

**Section 610.35.** That existing Section 223.10 of S.B. 310 of 139941  
the 131st General Assembly, as amended by Am. Sub. H.B. 384 of the 139942  
131st General Assembly, is hereby repealed. 139943

**Section 610.36.** That Section 239.10 of S.B. 310 of the 131st 139944  
General Assembly, as amended by Sub. H.B. 26 of the 132nd General 139945  
Assembly, be amended to read as follows: 139946

**Sec. 239.10.** FCC FACILITIES CONSTRUCTION COMMISSION 139947  
  
Lottery Profits Education Fund (Fund 7017) 139948  
C23014 Classroom Facilities Assistance Program \$ 50,000,000 139949  
- Lottery Profits  
TOTAL Lottery Profits Education Fund \$ 50,000,000 139950  
  
Public School Building Fund (Fund 7021) 139951  
C23001 Public School Buildings \$ 100,000,000 139952

TOTAL Public School Building Fund	\$	100,000,000	139953
Administrative Building Fund (Fund 7026)			139954
C23016 Energy Conservation Projects	\$	2,000,000	139955
C230E5 State Agency Planning/Assessment	\$	1,500,000	139956
TOTAL Administrative Building Fund	\$	3,500,000	139957
Cultural and Sports Facilities Building Fund (Fund 7030)			139958
C23023 OHS - Ohio History Center Exhibit Replacement	\$	1,000,000	139959
C23024 OHS - Statewide Site Exhibit Renovation	\$	750,000	139960
C23025 OHS - Statewide Site Repairs	\$	1,050,410	139961
C23028 OHS - Basic Renovations and Emergency Repairs	\$	1,000,000	139962
C23030 OHS - Rankin House State Memorial	\$	393,250	139963
C23031 OHS - Harding Home State Memorial	\$	1,354,559	139964
C23032 OHS - Ohio Historical Center Rehabilitation	\$	1,007,370	139965
C23033 OHS - Stowe House State Memorial	\$	1,028,500	139966
C23045 OHS - Lockington Locks Stabilization	\$	513,521	139967
C23051 Tecumseh Theater Opera House Restoration	\$	50,000	139968
C23057 OHS - Online Portal to Ohio's Heritage	\$	850,000	139969
C23083 Stan Hywet Hall and Gardens Manor House	\$	250,000	139970
C23098 Twin City Opera House	\$	100,000	139971
C230AA Cleveland Grays Armory Museum	\$	350,000	139972
C230AB Cleveland Music Hall	\$	400,000	139973
C230AC Cleveland Zoological Society	\$	200,000	139974
C230AD Saint Luke's Pointe	\$	200,000	139975
C230AE Variety Theatre	\$	250,000	139976

C230AF	Fairview Park Bain Park Cabin	\$	70,000	139977
C230AG	Darke County Historical Society Garst Museum Parking Lot	\$	150,000	139978
C230AH	Longtown Clemens Farmstead Museum	\$	90,000	139979
C230AJ	Auglaize Village Mansfield Museum and Train Depot	\$	125,000	139980
C230AK	Sandusky State Theatre	\$	750,000	139981
C230AL	Fairfield Decorative Arts Center	\$	60,000	139982
C230AM	General Sherman House Museum	\$	100,000	139983
C230AN	Villages of Millersport and Buckeye Lake	\$	250,000	139984
C230AP	Fayette County Museum	\$	25,000	139985
C230AQ	Aminah Robinson Cultural Arts and Community Center	\$	150,000	139986
C230AR	COSI Building Exhibit Expansion	\$	5,000,000	139987
C230AS	Renovations of the Lincoln Theatre	\$	300,000	139988
C230AT	Motts Military Museum and 9-11 Memorial	\$	50,000	139989
C230AU	Charleen and Charles Hinson Amphitheater	\$	1,000,000	139990
C230AV	Veterans Memorial for Senecaville	\$	15,000	139991
C230AW	Carnegie Center of Columbia - Tusculum Renovation	\$	131,000	139992
C230AX	Cincinnati Shakespeare Company	\$	750,000	139993
C230AY	Ensemble Theatre Cincinnati	\$	100,000	139994
C230AZ	Madcap Productions - New Madcap Puppet Theater	\$	200,000	139995
C230B1	Karamu House 2.0	\$	800,000	139996
C230BA	Riverbend and Taft Theater	\$	85,000	139997
C230BB	Golf Manor Volunteer Park Outdoor Amphitheater	\$	45,000	139998
C230BC	Native American Museum of Mariemont	\$	400,000	139999
C230BD	Hancock County Sports Hall of Fame	\$	15,000	140000

C230BE	Four Corners Heritage Center Historic Structure	\$	100,000	140001
C230BF	Malinta Ohio Historical Site Rehabilitation	\$	19,000	140002
C230BG	William Scott House	\$	110,000	140003
C230BH	Loudonville Opera House Renovations	\$	250,000	140004
C230BJ	Oak Hill Liberty Theatre	\$	100,000	140005
C230BK	Knox County Memorial Theatre	\$	150,000	140006
C230BL	Fairport Harbor Lighthouse Project	\$	200,000	140007
C230BM	Lake County History Center Rehab Project	\$	250,000	140008
C230BN	Ro-Na Theater Performing Arts Center	\$	200,000	140009
C230BP	Weathervane Playhouse Renovations	\$	50,000	140010
C230BQ	Logan County Veterans Memorial Hall Restoration	\$	300,000	140011
C230BR	Amherst Historical Water Tower Project	\$	40,000	140012
C230BS	Elyria Pioneer Plaza	\$	75,000	140013
C230BT	LaGrange Township Historic Fire Station	\$	32,000	140014
C230BU	Lorain Palace Theatre and Civic Center Rehabilitation	\$	150,000	140015
C230BV	Downtown Toledo Music Hall	\$	400,000	140016
C230BW	Toledo Museum of Art Polishing the Gem Project	\$	1,500,000	140017
C230BX	Plain City Restoration of Historic Clock Tower	\$	30,000	140018
C230BY	Homerville Community Center Expansion	\$	100,000	140019
C230BZ	Medina County Historical Society	\$	100,000	140020
C230CA	Fort Recovery Historical Society	\$	75,000	140021
C230CB	Boonshoft Museum of Discovery	\$	1,000,000	140022

C230CC	Dayton History Heritage Center of Regional Leadership	\$ 1,500,000	140023
C230CD	Dayton Project M & M	\$ 550,000	140024
C230CE	Trotwood Community Center	\$ 250,000	140025
C230CF	Zanesville Community Theater	\$ 75,000	140026
C230CG	John Paulding Historical Museum Expansion	\$ 30,000	140027
C230CH	Mt. Perry Scenic Railroad Structure Renovations	\$ 125,000	140028
C230CJ	Perry County Opera House / Community Center	\$ 50,000	140029
C230CK	Circleville Memorial Hall	\$ 150,000	140030
C230CL	Everts Community & Arts Center	\$ 200,000	140031
C230CM	Waverly Old Children's Home Renovation	\$ 20,000	140032
C230CN	Garrettsville Buckeye Block Community Theatre	\$ 700,000	140033
C230CP	Historic Hiram Hayden Auditorium	\$ 375,000	140034
C230CR	Kent Stage Theater Restoration Project	\$ 450,000	140035
C230CS	Mantua Township Historic Bell Tower	\$ 140,000	140036
C230CT	Windham Veterans Memorial Plaque	\$ 12,000	140037
C230CV	Majestic Theatre Renovation Project Phase II	\$ 750,000	140038
C230CW	Seneca County Museum	\$ 50,000	140039
C230CX	Arts In Stark	\$ 355,000	140040
C230CY	City of Canton Central Plaza Memorial Statues	\$ 100,000	140041
C230CZ	McKinley Presidential Museum	\$ 135,000	140042
C230DA	Jackson North Park Amphitheater	\$ 1,000,000	140043
C230DB	Five Oaks Historic Home	\$ 350,000	140044
C230DC	Massillon Museum	\$ 1,500,000	140045
C230DD	1893 Genoa Schoolhouse Restoration	\$ 57,000	140046



C230DE	Melscheimer Schoolhouse Restoration	\$	15,000	140047
C230DF	Bud and Susie Rogers Garden	\$	400,000	140048
C230DG	The Courtyard at East Woods	\$	90,000	140049
C230DH	W.D. Packard Music Hall Elevator	\$	200,000	140050
C230DJ	Tuscarawas County Cultural Arts Center	\$	500,000	140051
C230DK	Zoar Bicentennial Village	\$	12,000	140052
C230DL	Marysville Avalon Theatre Renovations	\$	300,000	140053
C230DM	Convoy Opera House	\$	60,000	140054
C230DN	Van Wert Historical Society Museum	\$	112,000	140055
C230DP	Wassenberg Art Center	\$	175,000	140056
C230DR	Warren County Historical Society Handicap Entrance Project	\$	190,000	140057
C230DS	Smithville Community Historical Society	\$	50,000	140058
C230DT	Wayne County Buckeye Agricultural Museum & Education Center	\$	400,000	140059
C230DU	Kister Water Mill and Education Center	\$	200,000	140060
C230DV	Wayne Center for the Arts	\$	150,000	140061
C230DW	West Liberty Town Hall Opera House	\$	150,000	140062
C230DX	Medina City Parking Deck	\$	1,000,000	140063
C230DY	Cincinnati Zoo Cheetah Run & Encounter	\$	250,000	140064
C230DZ	Columbus Zoo - Asia Quest	\$	250,000	140065
C230EA	Cleveland Museum of Art	\$	1,100,000	140066
C230EB	Unionville Tavern Rehabilitation - Phase I Exterior	\$	160,000	140067
C230EC	Triumph of Flight	\$	250,000	140068
C230ED	OHS - Historical Center/Ohio Village Buildings	\$	300,000	140069
C230EG	Parma Heights Cassidy Theatre	\$	50,000	140070

	Cultural Center		
C230EH	Warren County Historical Society	\$	116,000 140071
<u>C230EJ</u>	<u>James A. Garfield Monument</u>	<u>\$</u>	<u>500,000</u> 140072
	<u>Maintenance</u>		
<u>C230EK</u>	<u>Ohio Soldiers and Sailors Orphans</u>	<u>\$</u>	<u>150,000</u> 140073
	<u>Home/Ohio Veterans Children's Home</u>		
	<u>Chapel Restoration</u>		
C230H2	Cozad Bates House	\$	70,000 140074
C230J4	Cleveland Museum of Natural History	\$	3,300,000 140075
C230K1	Historic Strand Theatre Renovation	\$	175,000 140076
C230K9	Washington Court House Auditorium	\$	100,000 140077
C230L5	CAPA's Renovations of the Palace	\$	250,000 140078
	Theatre		
C230L7	Sauder Village Experience	\$	500,000 140079
C230L9	Ariel Theatre	\$	200,000 140080
C230M3	Geauga Lyric Theater Guild	\$	200,000 140081
C230M6	Cincinnati Art Museum	\$	750,000 140082
C230M8	Cincinnati Zoo	\$	1,750,000 140083
C230N1	Cincinnati Music Hall	\$	500,000 140084
C230N8	Steubenville Grand Theatre	\$	75,000 140085
	Restoration Project		
C230N9	South Leroy Meeting House	\$	50,000 140086
	Restoration		
C230P1	Fine Arts Association Facility	\$	650,000 140087
	Expansion/Renovation		
C230Q1	Imagination Station	\$	200,000 140088
C230Q3	Columbus Zoo - Entry Village Guest	\$	500,000 140089
	Services Improvements		
C230Q7	Butler Institute of American Art	\$	500,000 140090
C230Q8	Henry H. Stambaugh Auditorium	\$	500,000 140091
C230Q9	Marion Palace Theatre	\$	100,000 140092
C230R1	Bradford Railway Museum	\$	75,000 140093
C230R7	Dayton Art Institute's Centennial -	\$	1,000,000 140094

	Preservation & Accessibility		
C230T2	John Brown House and Grounds Restoration	\$ 250,000	140095
C230T3	Hale Farm & Village Capital Improvement Project	\$ 100,000	140096
C230U2	Folger Home of Avon Lake	\$ 75,000	140097
C230U3	DeYor Performing Arts Center Heating and Cooling	\$ 1,250,000	140098
C230W7	OHS - Lundy House Restoration	\$ 409,370	140099
C230W8	OHS - Cedar Bog Improvements	\$ 193,600	140100
C230W9	OHS - Hayes Center Improvements	\$ 290,400	140101
C230X1	OHS - Site Energy Conservation	\$ 239,580	140102
C230X2	OHS - Collections Storage Facility Object Evaluation	\$ 400,000	140103
C230X5	OHS - State Archives Shelving	\$ 3,000,000	140104
C230X6	OHS - Fort Ancient Earthworks	\$ 219,440	140105
C230Y1	Meigs Township Veterans Monument	\$ 5,000	140106
C230Y2	Serpent Mound	\$ 50,000	140107
C230Y3	Allen County Museum	\$ 100,000	140108
C230Y4	Schine's Theater Restoration	\$ 300,000	140109
C230Y5	Hayesville Opera House	\$ 20,000	140110
C230Y6	Ashtabula Maritime and Surface Transportation Museum	\$ 100,000	140111
C230Y7	Ashtabula Covered Bridge Festival Entertainment Pavilion	\$ 100,000	140112
C230Y8	Armstrong Air and Space Museum and STEM Education Center	\$ 900,000	140113
C230Y9	Gaslight Theatre Building Renovation Project	\$ 300,000	140114
C230Z1	Caroline Scott Harrison Statue	\$ 75,000	140115
C230Z2	City of Trenton Amphitheatre Cover	\$ 50,000	140116
C230Z3	Historic Batavia Armory	\$ 300,000	140117
C230Z4	Columbiana County Bowstring Arch	\$ 200,000	140118

	Bridge Rehabilitation			
C230Z5	Coshocton Planetarium	\$	75,000	140119
C230Z6	Bedford Historical Society	\$	100,000	140120
C230Z7	Historical Society of Broadview Heights	\$	150,000	140121
C230Z8	Brooklyn John Frey Park	\$	90,000	140122
C230Z9	Chagrin Falls Center Community Arts	\$	600,000	140123
TOTAL Cultural and Sports Facilities Building Fund		\$	<del>63,431,000</del> <u>64,081,000</u>	140124
School Building Program Assistance Fund (Fund 7032)				140125
C23002	School Building Program Assistance	\$	500,000,000	140126
TOTAL School Building Program Assistance Fund		\$	500,000,000	140127
TOTAL ALL FUNDS		\$	<del>716,931,000</del> <u>717,581,000</u>	140128

STATE AGENCY PLANNING/ASSESSMENT 140129

The foregoing appropriation item C230E5, State Agency Planning/Assessment, shall be used by the Facilities Construction Commission to provide assistance to any state agency for assessment, capital planning, and maintenance management. 140130  
140131  
140132  
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SCHOOL BUILDING PROGRAM ASSISTANCE 140134

The foregoing appropriation item C23002, School Building Program Assistance, shall be used by the School Facilities Commission to provide funding to school districts that receive conditional approval from the Commission pursuant to Chapter 3318. of the Revised Code. 140135  
140136  
140137  
140138  
140139

**Section 610.37.** That existing Section 239.10 of S.B. 310 of the 131st General Assembly, as amended by Sub. H.B. 26 of the 132nd General Assembly, is hereby repealed. 140140  
140141  
140142

**Section 610.38.** That Sections 125.13 and 327.270 of Am. Sub. H.B. 64 of the 131st General Assembly be amended to read as 140143  
140144

follows:	140145
<b>Sec. 125.13.</b> Sections 125.10, 125.11, and 125.12 of <del>this act</del>	140146
<u>Am. Sub. H.B. 64 of the 131st General Assembly</u> take effect <del>January</del>	140147
<del>1, 2018</del> <u>July 1, 2017.</u>	140148
<b>Sec. 327.270.</b> NURSING FACILITY DEMONSTRATION PROJECT	140149
(A) As used in this section:	140150
(1) "Freestanding long-term care hospital" means a hospital	140151
to which all of the following apply:	140152
(a) It is a freestanding long-term care hospital as defined	140153
in 42 C.F.R. 412.23(e)(5).	140154
(b) It has a Medicaid provider agreement to provide inpatient	140155
hospital services.	140156
(c) Pursuant to rules adopted under section 5164.02 of the	140157
Revised Code, it is exempt from the all patient refined diagnosis	140158
related groups (APR-DRG) and prospective payment methodology the	140159
Department of Medicaid uses to determine Medicaid payment rates	140160
for inpatient services provided by other types of hospitals not	140161
also excluded from the methodology.	140162
(2) "Nursing facility," "nursing facility services," "nursing	140163
home," and "provider" have the same meanings as in section 5165.01	140164
of the Revised Code.	140165
(B) <del>Not later than thirty days after the effective date of</del>	140166
<del>this section, the</del> <u>The</u> Department of Medicaid shall submit to the	140167
United States Secretary of Health and Human Services a request <del>for</del>	140168
<del>a Medicaid Waiver to operate, beginning January 1, 2016, a</del>	140169
<del>two year</del> <u>to extend until June 30, 2019, and modify the operation</u>	140170
<u>of the demonstration project authorized by this section</u> under	140171
which Medicaid recipients receive nursing facility services in	140172
participating nursing facilities in lieu of hospital inpatient	140173

services in freestanding long-term care hospitals. 140174

(1) The Department shall select ~~four~~ six nursing facilities 140175  
to participate in the demonstration project. To be selected for 140176  
participation, a nursing facility must meet all of the following 140177  
requirements: 140178

(a) The nursing facility's provider must hold the nursing 140179  
facility out to the public as providing short-term rehabilitation 140180  
services. 140181

(b) The nursing facility must have a hydrotherapy pool. 140182

(c) The nursing facility's Medicaid-certified capacity must 140183  
include at least ten single-occupancy sleeping rooms that will be 140184  
used for Medicaid recipients admitted to the nursing facility 140185  
under the demonstration project. 140186

~~(d) The nursing facility must have been initially 140187  
constructed, licensed as a nursing home, and certified as a 140188  
nursing facility on or after January 1, 2010. 140189~~

(2) In selecting ~~four~~ six nursing facilities to participate 140190  
in the demonstration project, the Department shall select one 140191  
nursing facility located in Brown County, one located in Cuyahoga 140192  
~~county~~ County, one located in Franklin ~~county~~ County, one located 140193  
in Hamilton ~~county~~ County, ~~and~~ one located in Lucas ~~county~~ County, 140194  
and one located in Sandusky County. However, the Department may 140195  
select a nursing facility located in another county if necessary 140196  
to find ~~four~~ six nursing facilities that meet the requirements 140197  
specified in division (B)(1) of this section. 140198

(C)(1) The provider of each participating nursing facility 140199  
shall develop admission criteria that Medicaid recipients must 140200  
meet to be admitted to the nursing facility under the 140201  
demonstration project. The provider shall give the criteria to 140202  
each hospital that is located within fifty miles of the nursing 140203  
facility and routinely refers Medicaid patients to freestanding 140204

long-term care hospitals. A hospital that receives the criteria 140205  
shall consider the criteria when determining where to refer a 140206  
Medicaid recipient who needs the types of services freestanding 140207  
long-term care hospitals provide. 140208

(2) A Medicaid recipient may refuse a referral to a 140209  
participating nursing facility and instead seek admission to a 140210  
freestanding long-term care hospital. If a Medicaid recipient 140211  
seeks admission to a participating nursing facility under the 140212  
demonstration project, the nursing facility's staff shall ensure 140213  
that the recipient meets the nursing facility's criteria before 140214  
admitting the recipient. 140215

(3) A participating nursing facility shall notify the 140216  
Department each time it admits a Medicaid recipient under the 140217  
demonstration project. A Medicaid recipient's admission to a 140218  
participating nursing facility under the demonstration project is 140219  
not subject to prior authorization from the Department or a 140220  
designee of the Department. 140221

(D) Notwithstanding Chapter 5165. of the Revised Code, the 140222  
Medicaid payment rate for nursing facility services that a 140223  
Medicaid recipient receives from a participating nursing facility 140224  
under the demonstration project shall not exceed the Medicaid 140225  
payment rate for comparable hospital inpatient services provided 140226  
by freestanding long-term care hospitals in effect at the time the 140227  
nursing facility services are provided. 140228

(E) Not later than thirty days after the end of each quarter 140229  
of the demonstration project, the provider of each participating 140230  
nursing facility shall report to the Department all of the 140231  
following information about each Medicaid recipient residing in 140232  
the nursing facility under the demonstration project during the 140233  
quarter: 140234

(1) The cost of the nursing facility services that the 140235

nursing facility provided to the recipient that quarter;	140236
(2) The number of days the recipient resided in the nursing facility that quarter;	140237 140238
(3) The recipient's health outcomes;	140239
(4) The recipient's satisfaction with the nursing facility as reported to the nursing facility's staff;	140240 140241
(5) All other information that the Department requires the providers to include in the reports.	140242 140243
(F) Not later than three months after the demonstration project ends, the Department shall complete a report about it. The report shall include an analysis of the information submitted to the Department under division (E) of this section. The report also shall include recommendations about resuming operation of the demonstration project and selecting nursing facilities from additional counties to participate. The Department shall submit the report to all of the following:	140244 140245 140246 140247 140248 140249 140250 140251
(1) The Governor;	140252
(2) In accordance with section 101.68 of the Revised Code, the General Assembly;	140253 140254
(3) The Joint Medicaid Oversight Committee.	140255
<b>Section 610.39.</b> That existing Sections 125.13 and 327.270 of Am. Sub. H.B. 64 of the 131st General Assembly are hereby repealed.	140256 140257 140258
<b>Section 610.40.</b> That Sections 125.10 and 125.11 of Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. Sub. H.B. 64 of the 131st General Assembly, be amended to read as follows:	140259 140260 140261
<b>Sec. 125.10.</b> <del>(A)</del> Sections 5168.01, 5168.02, 5168.03, 5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11,	140262 140263



5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 140264  
repealed, effective October 16, ~~2017~~ 2019. 140265

~~(B) Notwithstanding the repeal by this act of section 5168.12 140266  
of the Revised Code, any money remaining in the Legislative Budget 140267  
Services Fund on the effective date of the repeal of that section 140268  
shall be used solely for the purposes stated in then former 140269  
section 5168.12 of the Revised Code. When all money in the 140270  
Legislative Budget Services Fund has been spent after then former 140271  
section 5168.12 of the Revised Code is repealed, the fund shall 140272  
cease to exist. 140273~~

**Sec. 125.11.** Sections 5168.20, 5168.21, 5168.22, 5168.23, 140274  
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 140275  
Code are hereby repealed, effective October 1, ~~2017~~ 2019. 140276

**Section 610.41.** That existing Sections 125.10 and 125.11 of 140277  
Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. 140278  
Sub. H.B. 64 of the 131st General Assembly, are hereby repealed. 140279

**Section 610.50.** That Section 2 of Am. Sub. S.B. 1 of the 140280  
130th General Assembly, as amended by Am. Sub. H.B. 64 of the 140281  
131st General Assembly, be amended to read as follows: 140282

**Sec. 2.** (A) As used in this section: 140283

(1) "Institution" means any of the following: 140284

(a) A state institution of higher education, as defined in 140285  
section 3345.011 of the Revised Code; 140286

(b) A private career school, as defined in section 3332.01 of 140287  
the Revised Code; 140288

(c) A private, nonprofit institution in this state holding a 140289  
certificate of authorization pursuant to Chapter 1713. of the 140290

Revised Code;	140291
(d) A private institution exempt from regulation under	140292
Chapter 3332. of the Revised Code as prescribed in section	140293
3333.046 of the Revised Code, if the program has a certificate of	140294
authorization pursuant to Chapter 1713. of the Revised Code;	140295
(e) A career-technical center, joint vocational school	140296
district, comprehensive career-technical center, or compact	140297
career-technical center offering adult training.	140298
(2) "Workforce training program" includes any of the	140299
following:	140300
(a) Courses, programs, or a degree from an institution;	140301
(b) Vocational education classes offered to adult learners;	140302
(c) <u>Non-Credit certificate programs that align with the</u>	140303
<u>state's in-demand jobs, as determined by the list of in-demand</u>	140304
<u>jobs posted to the web site of OhioMeansJobs.</u>	140305
(d) Any other training program designed to meet the special	140306
requirements of a particular employer.	140307
(B)(1) The OhioMeansJobs Workforce Development Revolving Loan	140308
Program is hereby established for the purpose of assisting with	140309
job growth and advancement through training and retraining. The	140310
Chancellor of Higher Education shall award funds to an institution	140311
that the institution shall use to award loans to participants in a	140312
workforce training program that is approved by the Chancellor and	140313
that is administered by the institution.	140314
(2) In awarding funds under this section, the Chancellor	140315
shall give a preference to an institution for a workforce training	140316
program in which the institution partners with a business that is	140317
willing to repay all or part of the loan on behalf of a program	140318
participant or with a business that also provides funding for the	140319
program, in comparison to a program that does not have such a	140320

partnership. The Chancellor shall consider a program that has 140321  
employment opportunities in areas that are in demand, including, 140322  
but not limited to, energy exploration. 140323

(3) The Chancellor also shall consider all of the following 140324  
factors when determining whether to award funds under this section 140325  
to an institution for a workforce training program, to the extent 140326  
that these factors apply to the program: 140327

(a) The success rate of the workforce training program 140328  
offered by the institution; 140329

(b) The cost of the workforce training program based upon a 140330  
comparison of similar workforce training programs offered in this 140331  
state; 140332

(c) The rate that the workforce training program participants 140333  
obtain employment in the field in which they receive training 140334  
under the program; 140335

(d) The willingness of the institution to assist a 140336  
participant in paying for the costs of participating in the 140337  
workforce training program; 140338

(e) The extent to which the program has demonstrated support 140339  
from business partners. 140340

(4) After the initial funds are awarded to institutions under 140341  
this section, the Chancellor, in awarding subsequent funds under 140342  
this section, shall give greater weight to the factors listed in 140343  
division (B)(3)(a) of this section in comparison to the other 140344  
factors listed in division (B)(3) of this section, but shall not 140345  
give that factor greater weight than the preference given in 140346  
division (B)(2) of this section. 140347

(C) Funds shall be disbursed to successful applicants using 140348  
moneys from the OhioMeansJobs Workforce Development Revolving Loan 140349  
Fund established in section 6301.14 of the Revised Code. The 140350

Chancellor shall not award to an institution more than ~~one~~ two 140351  
hundred fifty thousand dollars per workforce training program per 140352  
year under this section. An institution receiving funds under this 140353  
section shall establish, in consultation with the Department of 140354  
Higher Education, eligibility requirements that a participant in 140355  
the workforce training program for which the institution received 140356  
the funds shall satisfy to receive a loan under this section, and 140357  
the institution shall apply the loan proceeds to program costs for 140358  
those participants who satisfy those requirements. A loan applied 140359  
by an institution to program costs for a participant under this 140360  
section shall not exceed ten thousand dollars per program in which 140361  
the participant participates. 140362

(D) Except as provided in the rules adopted by the Treasurer 140363  
of State pursuant to division (G) of this section, a loan to a 140364  
program participant shall remain interest-free until six months 140365  
after the date the participant successfully completes the 140366  
workforce training program, if the participant also continues to 140367  
reside in this state. Beginning on the earlier of the date that is 140368  
six months after the individual completes the workforce training 140369  
program for which the participant received a loan under this 140370  
section, the date the individual terminates enrollment in the 140371  
workforce training program without completion, or the date the 140372  
participant ceases to reside in this state, the Treasurer of State 140373  
shall assess a rate of interest of not more than four per cent per 140374  
annum on any outstanding principal balance of that loan. The 140375  
Treasurer of State shall not assess a zero per cent interest rate. 140376  
The Treasurer of State shall establish a payment schedule not to 140377  
exceed seven years after the date a participant successfully 140378  
completes the workforce training program. 140379

(E) The Chancellor shall prescribe, by rule adopted in 140380  
accordance with Chapter 119. of the Revised Code, procedures 140381  
necessary to carry out this section, including all of the 140382

following: 140383

(1) Application procedures for funds under this section, 140384  
which shall require an applicant to include a description of the 140385  
workforce training program for which the institution intends to 140386  
award loans and the number of individuals who will be 140387  
participating in that program; 140388

(2) A method to determine the amount of funds awarded to an 140389  
institution based on the costs of the workforce training program 140390  
for which a program participant receives a loan and the number of 140391  
individuals the institution estimates will participate in the 140392  
program; 140393

(3) The process by which the Chancellor approves workforce 140394  
training programs for which loans are granted under this section. 140395

(F) The Treasurer of State shall be responsible for making 140396  
deposits and withdrawals and maintaining records pertaining to the 140397  
OhioMeansJobs Workforce Development Revolving Loan Fund. 140398

(G) The Treasurer of State shall service the loans described 140399  
in this section and may designate a third party to serve as an 140400  
agent of the Treasurer of State in servicing the loans. A third 140401  
party designated by the Treasurer of State is authorized to take 140402  
such actions, to enter into such contracts, and to execute all 140403  
instruments necessary or appropriate to service those loans. The 140404  
Treasurer of State shall adopt rules pursuant to section 111.15 of 140405  
the Revised Code to do all of the following: 140406

(1) Establish a fee to be charged to a loan recipient to 140407  
offset the cost of servicing the loan; 140408

(2) Establish terms of repayment for a loan; 140409

(3) Assess interest on loans for a participant who fails to 140410  
comply with continuing eligibility requirements, who fails to 140411  
complete the workforce training program for which the participant 140412

received the loan, or whose participation in the program is on a 140413  
staggered basis; 140414

(4) Disburse funds to an institution. 140415

(H) The Treasurer of State may adopt any additional rules 140416  
pursuant to section 111.15 of the Revised Code that the Treasurer 140417  
of State considers necessary to implement division (G) of this 140418  
section. 140419

(I) The loan servicing fee established pursuant to division 140420  
(G)(1) of this section shall not exceed the actual cost of 140421  
servicing the loan. 140422

(J)(1) The Chancellor shall prepare a report outlining the 140423  
amount each institution received under this section during the 140424  
previous year, including the amount awarded to each individual 140425  
workforce training program. 140426

(2) Beginning on July 1, 2014, and continuing every year 140427  
thereafter for so long as the Chancellor awards funds under the 140428  
Program, the Chancellor shall submit the report prepared in 140429  
division (J)(1) of this section to the Governor, the Speaker and 140430  
Minority Leader of the House of Representatives, and the President 140431  
and Minority Leader of the Senate. 140432

**Section 610.51.** That existing Section 2 of Am. Sub. S.B. 1 of 140433  
the 130th General Assembly, as amended by Am. Sub. H.B. 64 of the 140434  
131st General Assembly, is hereby repealed. 140435

**Section 610.53.** That Section 3 of Sub. S.B. 9 of the 130th 140436  
General Assembly be amended to read as follows: 140437

**Sec. 3.** (A) During the period beginning on January 1, 2014, 140438  
and expiring January 1, ~~2018~~ 2022, the operation of sections 140439  
1751.15, 1751.16, 1751.17, 3923.122, 3923.58, 3923.581, 3923.582, 140440  
3923.59, 3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 3924.111, 140441

3924.12, 3924.13, and 3924.14 of the Revised Code are suspended. 140442

The suspension shall take effect in accordance with the following: 140443

(1) Carriers shall not be required to offer open enrollment 140444  
coverage under the Ohio Open Enrollment Program on or after 140445  
January 1, 2014. In addition, carriers shall not reinsure any 140446  
insurance policies with the Ohio Health Reinsurance Program during 140447  
the suspension of the Program on or after January 1, 2014. 140448

(2) Notwithstanding this section, the Board of Directors of 140449  
the Ohio Health Reinsurance Program shall continue to have all of 140450  
the authority and protection provided by sections 3924.07 to 140451  
3924.14 of the Revised Code during the period beginning January 1, 140452  
2014, and ending December 31, 2014, in order to wind up the 140453  
affairs of the Ohio Health Reinsurance Program. This shall 140454  
include, but is not limited to, the receipt, processing, and 140455  
payment of all claims incurred on or before January 1, 2014, 140456  
assessments needed to fund the wind up of the Program, the refund 140457  
of any excess assessments, and the preparation of final audited 140458  
financial statements and tax returns. 140459

(3) With respect to an open enrollment or conversion policy 140460  
or contract issued prior to January 1, 2014, a carrier may 140461  
terminate such policy or contract on or after January 1, 2014, if 140462  
the carrier does both of the following: 140463

(a) Provides notice of termination to the policy or contract 140464  
holder at the time the policy is issued or at least ninety days 140465  
prior to the termination; 140466

(b) Offers the policy or contract holder the option to 140467  
purchase other coverage offered by the insurer to be effective at 140468  
the time of the termination. 140469

(4) Carriers shall not be required to include any option to 140470  
convert coverage as required by sections 1751.16, 1751.17, and 140471

3923.122 of the Revised Code in any policy or contract issued on 140472  
or after January 1, 2014. 140473

(B) If the amendments made by 42 U.S.C. 300gg-1 and 300gg-6, 140474  
regarding the requirements related to health insurance coverage, 140475  
~~do not take effect January 1, 2014, or~~ become ineffective prior to 140476  
the expiration of the suspension on January 1, ~~2018~~ 2022, then 140477  
sections 1751.15, 1751.16, 1751.17, 3923.122, 3923.58, 3923.581, 140478  
3923.582, 3923.59, 3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 140479  
3924.111, 3924.12, 3924.13, and 3924.14 of the Revised Code, in 140480  
either their present form or as they are later amended, again 140481  
become operational. 140482

**Section 610.54.** That existing Section 3 of Sub. S.B. 9 of the 140483  
130th General Assembly is hereby repealed. 140484

**Section 610.60.** That Section 7 of Sub. H.B. 532 of the 129th 140485  
General Assembly, as amended by Am. Sub. H.B. 64 of the 131st 140486  
General Assembly, be amended to read as follows: 140487

**Sec. 7.** (A) This section applies only to a city school 140488  
district that currently leases an athletic field to the governing 140489  
authority of a chartered nonpublic school. 140490

(B) Notwithstanding sections 3313.41 and 3313.413 of the 140491  
Revised Code, the board of education of a school district to which 140492  
this section applies may offer for sale an athletic field that it 140493  
owns in its corporate capacity to the chartered nonpublic school 140494  
that is the current leaseholder of that property prior to offering 140495  
that property for sale under the provisions of sections 3313.41 140496  
and 3313.413 of the Revised Code. 140497

(C) This section shall expire on December 31, ~~2017~~ 2019. 140498

**Section 610.61.** That existing Section 7 of Sub. H.B. 532 of 140499



the 129th General Assembly, as amended by Am. Sub. H.B. 64 of the 140500  
131st General Assembly, is hereby repealed. 140501

**Section 610.70.** That Section 227.10 of S.B. 310 of the 131st 140502  
General Assembly be amended to read as follows: 140503

**Sec. 227.10.** DPS DEPARTMENT OF PUBLIC SAFETY 140504

Administrative Building Fund (Fund 7026) 140505

C76034 EMA Building System and Equipment \$ 300,000 140506

C76049 EMA Building Renovations and \$ 250,000 140507  
Improvements

C76051 Fayette County MARCS Tower Project \$ 1,385,941 140508

C76052 Reading Flood Plain Study/Remediation \$ 200,000 140509

C76053 Summit Law Enforcement Training Center \$ 200,000 140510  
and Indoor Firing Range

C76054 Wayne County MARCS EMS Phase II \$ 600,000 140511

C76055 Highland County MARCS Tower Project \$ 300,000 140512

TOTAL Administrative Building Fund \$ ~~2,935,941~~ 140513  
3,235,941

Highway Safety Fund (Fund 7036) 140514

C76035 Alum Creek Facility Renovations and \$ 1,200,000 140515  
Upgrades

C76036 Shipley Building Renovations and \$ 1,500,000 140516  
Improvements

C76043 Minor Capital Projects \$ 2,500,000 140517

C76044 OSHP Headquarters/Post Renovations and \$ 2,250,000 140518  
Improvements

C76045 OSHP Academy Renovations and \$ 1,250,000 140519  
Improvements

C76046 OSHP - K-9 Training Facility \$ 1,250,000 140520

TOTAL Highway Safety Fund \$ 9,950,000 140521

TOTAL ALL FUNDS \$ ~~12,885,941~~ 140522

13,185,941

HIGHLAND COUNTY MARCS TOWER PROJECT 140523

The foregoing appropriation item C76055, Highland County 140524

MARCS Tower Project, shall be used for the purpose of providing 140525

end user radios for the Highland County MARCS Tower Project. 140526

**Section 610.71.** That existing Section 227.10 of S.B. 310 of 140527  
the 131st General Assembly is hereby repealed. 140528

**Section 610.80.** That Sections 229.10 and 229.30 of S.B. 310 140529  
of the 131st General Assembly be amended to read as follows: 140530

**Sec. 229.10.** DRC DEPARTMENT OF REHABILITATION AND CORRECTION 140531

Adult Correctional Building Fund (Fund 7027) 140532

C50101 Community-Based Correctional Facilities \$ 20,287,590 140533

C50105 Water System/Plant Improvements \$ 7,500,000 140534

C50106 Industrial Equipment - Statewide \$ 4,602,109 140535

C50114 Community Residential Program \$ 2,000,000 140536

C50136 General Building Renovations \$ 116,461,868 140537

C501HE Ohio River Valley Jail Facility \$ 1,250,000 140538

TOTAL Adult Correctional Building Fund \$ ~~150,851,567~~ 140539

152,101,567

TOTAL ALL FUNDS \$ ~~150,851,567~~ 140540

152,101,567

**Sec. 229.30.** COMMUNITY RESIDENTIAL PROGRAM RENOVATIONS 140542

The foregoing appropriation item C50114, Community 140543

Residential Program, may be used by the Department of 140544

Rehabilitation and Correction, pursuant to sections 5120.103 to 140545

5120.105 of the Revised Code, to provide for the construction or 140546

renovation of halfway house facilities for offenders eligible for 140547

community supervision by the Department of Rehabilitation and 140548

Correction.	140549
<u>OHIO RIVER VALLEY JAIL FACILITY</u>	140550
<u>The foregoing appropriation item C501HE, Ohio River Valley Jail Facility, shall be used for the development of the Ohio River Valley Jail Facility to be located in Scioto county, including, but not limited to, the costs of construction, renovations, site development, capital equipment, and planning.</u>	140551 140552 140553 140554 140555
<b>Section 610.81.</b> That existing Sections 229.10 and 229.30 of S.B. 310 of the 131st General Assembly are hereby repealed.	140556 140557
<b>Section 610.90.</b> That Section 221.20 of S.B. 310 of the 131st General Assembly be amended to read as follows:	140558 140559
<b>Sec. 221.20.</b> The Treasurer of State is hereby authorized to issue and sell in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.20 of the Revised Code, original obligations in an aggregate principal amount not to exceed <del>\$54,000,000</del> <u>74,000,000</u> in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the Mental Health Facilities Improvement Fund (Fund 7033) to pay costs of capital facilities as defined in section 154.01 of the Revised Code for mental hygiene and retardation.	140560 140561 140562 140563 140564 140565 140566 140567 140568 140569 140570 140571 140572
<b>Section 610.91.</b> That existing Section 221.20 of S.B. 310 of the 131st General Assembly is hereby repealed.	140573 140574
<b>Section 610.100.</b> That Section 207.440 of S.B. 310 of the 131st General Assembly be amended to read as follows:	140575 140576

**Sec. 207.440.** The Ohio Public Facilities Commission is hereby 140577  
authorized to issue and sell, in accordance with Section 2n of 140578  
Article VIII, Ohio Constitution, and Chapter 151. and particularly 140579  
sections 151.01 and 151.04 of the Revised Code, original 140580  
obligations in an aggregate principal amount not to exceed 140581  
~~\$480,000,000~~ \$481,000,000, in addition to the original issuance of 140582  
obligations heretofore authorized by prior acts of the General 140583  
Assembly. These authorized obligations shall be issued, subject to 140584  
applicable constitutional and statutory limitations, as needed to 140585  
provide sufficient moneys to the credit of the Higher Education 140586  
Improvement Fund (Fund 7034) and the Higher Education Improvement 140587  
Taxable Fund (Fund 7024) to pay costs of capital facilities as 140588  
defined in sections 151.01 and 151.04 of the Revised Code for 140589  
state-supported and state-assisted institutions of higher 140590  
education. 140591

**Section 610.101.** That existing Section 207.440 of S.B. 310 of 140592  
the 131st General Assembly is hereby repealed. 140593

**Section 610.110.** That Sections 205.10, 205.20, and 812.50 of 140594  
Sub. H.B. 26 of the 132nd General Assembly be amended to read as 140595  
follows: 140596

**Sec. 205.10.** DPS DEPARTMENT OF PUBLIC SAFETY 140597

Highway Safety Fund Group 140598

5TM0 761401	Public Safety	\$	2,437,200	\$	2,441,300	140599
	Facilities Lease					
	Rental Bond Payments					
5TM0 762321	Operating Expense -	\$	102,654,677	\$	101,709,677	140600
	BMV					
5TM0 762636	Financial	\$	4,914,824	\$	4,914,824	140601
	Responsibility					

		Compliance					
5TM0	762637	Local Immobilization	\$	200,000	\$	200,000	140602
		Reimbursement					
5TM0	764321	Operating Expense - Highway Patrol	\$	<del>303,297,721</del> <u>303,797,721</u>	\$	311,395,776	140603
5TM0	764605	Motor Carrier Enforcement Expenses	\$	2,981,040	\$	2,981,040	140604
5TM0	769636	Administrative Expenses - Highway Purposes	\$	43,133,359	\$	44,546,921	140605
8370	764602	Turnpike Policing	\$	11,905,872	\$	11,905,872	140606
83C0	764630	Contraband, Forfeiture, and Other	\$	1,122,894	\$	1,122,894	140607
83F0	764657	Law Enforcement Automated Data System	\$	8,665,152	\$	8,665,152	140608
83G0	764633	OMVI Enforcement/Education	\$	641,927	\$	641,927	140609
83M0	765624	Operating - EMS	\$	4,035,127	\$	4,135,074	140610
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000	140611
8400	764607	State Fair Security	\$	1,356,354	\$	1,356,354	140612
8400	764617	Security and Investigations	\$	12,155,202	\$	12,505,202	140613
8400	764626	State Fairgrounds Police Force	\$	1,109,770	\$	1,109,770	140614
8460	761625	Motorcycle Safety Education	\$	3,504,741	\$	3,544,104	140615
8490	762627	Automated Title Processing Board	\$	16,446,027	\$	16,446,027	140616
8490	762630	Electronic Liens and Titles	\$	2,900,000	\$	2,900,000	140617
TOTAL	HSF Highway Safety Fund Group		\$	<del>526,361,887</del> <u>526,861,887</u>	\$	535,421,914	140618
	Dedicated Purpose Fund Group						140619

5390	762614	Motor Vehicle Dealers Board	\$	140,000	\$	140,000	140620
5B90	766632	Private Investigator and Security Guard Provider	\$	1,722,610	\$	1,794,295	140621
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	140622
5Y10	764695	State Highway Patrol Continuing Professional Training	\$	134,000	\$	134,000	140623
TOTAL DPF Dedicated Purpose Fund Group			\$	3,996,610	\$	4,068,295	140624
Fiduciary Fund Group							140625
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	140626
5V10	762682	License Plate Contributions	\$	2,700,000	\$	2,700,000	140627
TOTAL FID Fiduciary Fund Group			\$	4,200,000	\$	4,200,000	140628
Holding Account Fund Group							140629
R024	762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000	140630
R052	762623	Security Deposits	\$	350,000	\$	350,000	140631
TOTAL HLD Holding Account Fund Group			\$	2,235,000	\$	2,235,000	140632
Federal Fund Group							140633
3DU0	762628	BMV Grants	\$	250,000	\$	0	140634
3GR0	764693	Highway Patrol Justice Contraband	\$	2,223,000	\$	2,232,000	140635
3GS0	764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000	140636
3GU0	761610	Information and Education Grant	\$	300,000	\$	300,000	140637

3GU0 764608	Fatality Analysis Report System Grant	\$ 175,000	\$ 175,000	140638
3GU0 764610	Highway Safety Programs Grant	\$ 3,776,000	\$ 3,850,000	140639
3GU0 764659	Motor Carrier Safety Assistance Program Grant	\$ 5,571,000	\$ 5,710,000	140640
3GU0 765610	EMS Grants	\$ 225,000	\$ 225,000	140641
3GV0 761612	Traffic Safety Action Plan Grants	\$ 30,200,000	\$ 30,200,000	140642
TOTAL FED	Federal Fund Group	\$ 42,741,000	\$ 42,713,000	140643
TOTAL ALL BUDGET FUND GROUPS		\$ <del>579,534,497</del>	\$ 588,638,209	140644
			<u>580,034,497</u>	

**Sec. 205.20. MOTOR VEHICLE REGISTRATION** 140646

The Director of Public Safety may deposit revenues to meet 140647  
the cash needs of the Public Safety - Highway Purposes Fund (Fund 140648  
5TM0) established in section 4501.06 of the Revised Code, obtained 140649  
under section 4503.02 of the Revised Code, less all other 140650  
available cash. Revenue deposited pursuant to this paragraph shall 140651  
support in part appropriations for the administration and 140652  
enforcement of laws relative to the operation and registration of 140653  
motor vehicles, for payment of highway obligations and other 140654  
statutory highway purposes. Notwithstanding section 4501.03 of the 140655  
Revised Code, the revenues shall be paid into Fund 5TM0 before any 140656  
revenues obtained pursuant to section 4503.02 of the Revised Code 140657  
are paid into any other fund. The deposit of revenues to meet the 140658  
aforementioned cash needs shall be in approximately equal amounts 140659  
on a monthly basis or as otherwise approved by the Director of 140660  
Budget and Management. Prior to July 1 of each fiscal year, the 140661  
Director of Public Safety shall submit a plan to the Director of 140662  
Budget and Management requesting approval of the anticipated 140663  
revenue amounts to be deposited into Fund 5TM0 pursuant to this 140664

paragraph. If during the fiscal year changes to the plan as 140665  
approved by the Director of Budget and Management are necessary, 140666  
the Director of Public Safety shall submit a revised plan to the 140667  
Director of Budget and Management for approval prior to any change 140668  
in the deposit of revenues. 140669

PUBLIC SAFETY FACILITIES LEASE RENTAL BOND PAYMENTS 140670

The foregoing appropriation item 761401, Public Safety 140671  
Facilities Lease Rental Bond Payments, shall be used to meet all 140672  
payments during the period July 1, 2017, through June 30, 2019, by 140673  
the Department of Public Safety under the leases and agreements 140674  
for facilities under Chapters 152. and 154. of the Revised Code. 140675  
The appropriations are the source of funds pledged for bond 140676  
service charges on related obligations issued under Chapters 152. 140677  
and 154. of the Revised Code. 140678

CASH TRANSFERS - HIGHWAY PATROL 140679

Upon written request of the Director of Public Safety, the 140680  
Director of Budget and Management may transfer cash from the State 140681  
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0) 140682  
to the Security, Investigations and Policing Fund (Fund 8400). 140683

CASH TRANSFERS TO THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND - 140684  
SHIPLEY UPGRADES 140685

Pursuant to a plan submitted by the Director of Public 140686  
Safety, or as otherwise determined by the Director of Budget and 140687  
Management, the Director of Budget and Management may make 140688  
appropriate cash transfers on a pro-rata basis as approved by the 140689  
Director of Budget and Management from other funds used by the 140690  
Department of Public Safety, excluding the Public Safety Building 140691  
Fund (Fund 7025), to the Public Safety - Highway Purposes Fund 140692  
(Fund 5TM0) in order to reimburse expenditures for capital 140693  
upgrades to the Shipley Building. 140694

CASH TRANSFER FROM THE CONTROLLING BOARD EMERGENCY 140695



<u>PURPOSES/CONTINGENCIES FUND TO THE PUBLIC SAFETY - HIGHWAY</u>	140696
<u>PURPOSES FUND</u>	140697
<u>On July 1, 2017, or as soon as possible thereafter, the</u>	140698
<u>Director of Budget and Management shall transfer \$500,000 cash</u>	140699
<u>from the Controlling Board Emergency Purposes/Contingencies Fund</u>	140700
<u>(Fund 5KM0) to the Public Safety - Highway Purposes Fund (Fund</u>	140701
<u>5TM0).</u>	140702
<u>OPERATING EXPENSE - HIGHWAY PATROL</u>	140703
<u>Of the foregoing appropriation item 764321, Operating Expense</u>	140704
<u>- Highway Patrol, \$500,000 in fiscal year 2018 shall be used by</u>	140705
<u>the Department of Public Safety to fund criminal laboratory case</u>	140706
<u>work primarily related to opioid or other criminal cases submitted</u>	140707
<u>to the Department of Public Safety.</u>	140708
<u>COLLECTIVE BARGAINING INCREASES</u>	140709
<u>Notwithstanding division (D) of section 127.14 and division</u>	140710
<u>(B) of section 131.35 of the Revised Code, except for the General</u>	140711
<u>Revenue Fund, the Controlling Board may, upon the request of</u>	140712
<u>either the Director of Budget and Management, or the Department of</u>	140713
<u>Public Safety with the approval of the Director of Budget and</u>	140714
<u>Management, authorize expenditures in excess of appropriations and</u>	140715
<u>transfer appropriations, as necessary, for any fund used by the</u>	140716
<u>Department of Public Safety, to assist in paying the costs of</u>	140717
<u>increases in employee compensation that have occurred pursuant to</u>	140718
<u>collective bargaining agreements under Chapter 4117. of the</u>	140719
<u>Revised Code and, for exempt employees, under section 124.152 of</u>	140720
<u>the Revised Code. Any money approved for expenditure under this</u>	140721
<u>paragraph is hereby appropriated.</u>	140722
<u>CASH BALANCE FUND REVIEW</u>	140723
<u>The Director of Public Safety shall review the cash balances</u>	140724
<u>for each fund in the State Highway Safety Fund Group, and may</u>	140725
<u>submit a request in writing to the Director of Budget and</u>	140726

Management to transfer amounts from any fund in the State Highway 140727  
Safety Fund Group to the credit of the Public Safety - Highway 140728  
Purposes Fund (Fund 5TM0), as appropriate. Upon receipt of such a 140729  
request, the Director of Budget and Management may make 140730  
appropriate transfers as requested by the Director of Public 140731  
Safety or as otherwise determined by the Director of Budget and 140732  
Management. 140733

CASH TRANSFER - SECURITY, POLICE, AND INVESTIGATIONS 140734

Upon written request of the Director of Public Safety, the 140735  
Director of Budget and Management may transfer up to \$2,000,000 140736  
cash in each fiscal year from the Trauma and Emergency Medical 140737  
Services Fund (Fund 83M0) to the Security, Investigations, and 140738  
Policing Fund (Fund 8400). 140739

CASH TRANSFER - TRAUMA AND EMERGENCY MEDICAL SERVICES GRANT 140740  
FUND 140741

On July 1, 2017, or as soon as possible thereafter, the 140742  
Director of Budget and Management shall transfer the cash balance 140743  
in the Trauma and Emergency Medical Services Grants Fund (Fund 140744  
83P0) to the Trauma and Emergency Medical Services Fund (Fund 140745  
83M0). Upon completion of the transfer, Fund 83P0 is abolished. 140746

**Sec. 812.50.** Section 755.30 of this act is hereby repealed 140747  
~~one year~~ two years after the effective date of that section. 140748

**Section 610.111.** That existing Sections 205.10, 205.20, and 140749  
812.50 of Sub. H.B. 26 of the 132nd General Assembly are hereby 140750  
repealed. 140751

**Section 620.10.** That Section 7 of Am. Sub. H.B. 52 of the 140752  
131st General Assembly is hereby repealed. 140753

**Section 620.20.** That section 745.20 of Sub. H.B. 26 of the 140754

132nd General Assembly is hereby repealed. 140755

**Section 701.10.** The following agencies are retained under 140756  
division (D) of section 101.83 of the Revised Code and expire at 140757  
the end of December 31, 2020: 140758

ABLE Account Program Advisory Board R.C. 113.56 140759

Ohio Healthier Buckeye Advisory Council R.C. 5101.91 140760

Underground Technical Committee R.C. 3781.34 140761

**Section 701.20.** The Ohio Constitutional Modernization 140762  
Commission shall cease operations on or before July 1, 2017. 140763  
Notwithstanding section 126.29 of the Revised Code, the Director 140764  
of the Legislative Service Commission shall attend to any matters 140765  
associated with winding up the affairs of the Ohio Constitutional 140766  
Modernization Commission. 140767

**Section 715.10.** For all applications for which a hearing has 140768  
been held under section 1509.28 of the Revised Code prior to 140769  
January 1, 2018, and for which the chief of the division of oil 140770  
and gas resources management issues an order providing for the 140771  
unit operation of a pool or part thereof, the applicant shall not 140772  
be required to commence any unit operations sooner than 140773  
twenty-four months from the effective date of such order. 140774

**Section 733.10.** Notwithstanding division (O)(6)(a) of section 140775  
3301.0711 of the Revised Code, as amended by this act, in 2017, 140776  
the Department of Education shall not release as public records 140777  
any questions and corresponding preferred answers from the English 140778  
language arts and mathematics assessments prescribed under 140779  
division (A) of section 3301.0710 of the Revised Code that were 140780  
administered in the 2015-2016 school year. 140781

**Section 733.13.** The Department of Education shall prepare a report of the information maintained in the Education Management Information System that relates to persons at whom violent student behavior resulting in reported disciplinary actions was directed as required by division (B)(1)(o) of section 3301.0714 of the Revised Code, as amended by this act, for the first two school years following the effective date of this section. Not later than the first day of October that next succeeds the final day of the second school year following the effective date of this section, the Department shall submit the report prepared under this section to the President and Minority Leader of the Senate, Speaker and Minority Leader of the House of Representatives, and the chairpersons and ranking minority members of the standing committees on education of the Senate and House of Representatives.

**Section 733.20.** The revisions by this act to section 3365.03 of the Revised Code shall first apply to students seeking to participate in the College Credit Plus program during the 2018-2019 school year. For participation during the 2017-2018 school year, students shall meet the eligibility requirements prescribed by section 3365.03 of the Revised Code, as it existed prior to the effective date of this section.

**Section 733.40.** Not later than July 1, 2018, the Department of Education, in consultation with the Department of Higher Education and the Governor's Office of Workforce Transformation, shall develop both of the following:

(A) A plan that permits and encourages school districts and chartered nonpublic schools to integrate academic content in subject areas for which the State Board of Education adopts standards under section 3301.079 of the Revised Code into other

coursework so that students may earn simultaneous credit in 140812  
accordance with division (I) of section 3313.603 of the Revised 140813  
Code; 140814

(B) Guidance to assist school districts and schools that 140815  
choose to implement integrated coursework under division (I) of 140816  
section 3313.603 of the Revised Code that includes guidance on 140817  
appropriate licensure teachers must have to teach integrated 140818  
coursework and guidance on appropriately integrating subject area 140819  
content into course curriculum to ensure that students receive 140820  
instruction in the academic content necessary to meet graduation 140821  
requirements. 140822

**Section 733.50.** The Chancellor of Higher Education, in 140823  
consultation with the Director of the Governor's Office of 140824  
Workforce Transformation and the Superintendent of Public 140825  
Instruction, shall work with the business community and higher 140826  
education institutions to develop a program targeted at increasing 140827  
the number of high school students in Ohio who pursue certificates 140828  
or degrees in the field of advanced technology and cyber security. 140829

**Section 733.60.** Beginning with the 2017-2018 school year, the 140830  
Ohio Teacher Residency Program established under section 3319.223 140831  
of the Revised Code, as it existed prior to the effective date of 140832  
this section, shall cease to exist. Any individual who is 140833  
currently participating in the program shall not be required to 140834  
complete the program or any component of the program. 140835  
Additionally, the State Board of Education shall not require any 140836  
applicant for a new educator license, or for renewal of any 140837  
educator license, under section 3319.22 or 3319.26 of the Revised 140838  
Code to complete the program or any component of the program as a 140839  
condition for issuance of an educator license. 140840

**Section 733.63.** The General Assembly finds that the Ohio FFA 140841

Association is an integral part of the organized instructional 140842  
programs in career-technical agricultural education that prepare 140843  
students for a wide range of careers in agriculture, agribusiness, 140844  
and other agriculture-related occupations. 140845

**Section 733.65.** (A) The Superintendent of Public Instruction 140846  
shall establish a workgroup on related services personnel. The 140847  
purpose of the workgroup shall be to improve the coordination of 140848  
state, school, and provider efforts to address the related 140849  
services needs of students with disabilities. 140850

(B) The workgroup shall include the following members: 140851

(1) Employees of the Department of Education, the Department 140852  
of Higher Education, and other state agencies that have a role in 140853  
addressing the related services needs of students with 140854  
disabilities; 140855

(2) Representatives of interested parties, which shall 140856  
include at least the following: 140857

(a) The Ohio Speech-Language-Hearing Association; 140858

(b) The Ohio School Psychologists Association; 140859

(c) The Ohio Educational Service Center Association. 140860

(3) Representatives of school district superintendents, 140861  
treasurers or business managers, and other school business 140862  
officials. 140863

(C) The workgroup shall do all of the following: 140864

(1) Identify and evaluate causes and solutions for the 140865  
shortage of related services personnel in the school setting, 140866  
including evaluating the long-term sustainability of potential 140867  
solutions; 140868

(2) Establish short-term, medium-term, and long-term goals to 140869  
address the shortage of related services personnel in the state 140870

and monitor progress on those goals; 140871

(3) Report, as needed, on the work and findings of the 140872  
workgroup. 140873

(D) The Department of Education shall provide administrative 140874  
support to the workgroup. 140875

(E) The workgroup shall cease to exist on June 30, 2019, 140876  
unless the General Assembly authorizes its continuation. 140877

(F) As used in this section, "related services" has the same 140878  
meaning as in section 3323.01 of the Revised Code. 140879

**Section 737.10.** All money received by the Director of 140880  
Environmental Protection under section 3751.05 of the Revised Code 140881  
as that section existed prior to its amendment by this act shall 140882  
remain in the Toxic Chemical Release Reporting Fund, to be used 140883  
exclusively for purposes of implementing, administering, and 140884  
enforcing Chapter 3751. of the Revised Code and rules adopted and 140885  
orders issued under it. In addition, any money received by the 140886  
Director after the act's effective date under section 3751.05 of 140887  
the Revised Code for filing fees or late fees required to be paid 140888  
under that section prior to the act's effective date shall be 140889  
deposited in the Fund and used for those purposes. 140890

**Section 737.21.** (A) There is hereby created the Ohio Lead 140891  
Legislative Study Group to study lead poisoning treatment and 140892  
control issues and propose a plan to address those issues. The 140893  
Study Group shall include all of the following participants: 140894

(1) The chairs of the committees of the House of 140895  
Representatives and the Senate with a primary responsibility over 140896  
health and education issues. Each chair may appoint a designee to 140897  
serve in place of the chair at meetings of the Study Group. 140898

(2) The ranking minority members of the committees of the 140899

House of Representatives and the Senate with a primary 140900  
responsibility over health and education issues. Each ranking 140901  
minority member may appoint a designee to serve in place of the 140902  
member at meetings of the Study Group. 140903

(3) A representative from each of the following 140904  
organizations, appointed by the Governor: 140905

(a) Coalition on Homelessness and Housing in Ohio; 140906

(b) Cleveland Lead Safe Network; 140907

(c) Marion County Public Health; 140908

(d) Ohio Association of Realtors; 140909

(e) Ohio Children's Hospital Association; 140910

(f) Ohio Conference on Community Development; 140911

(g) Ohio Healthy Homes Network; 140912

(h) Ohio Poverty Law Center; 140913

(i) People Working Cooperatively; 140914

(j) Toledo Lead Poisoning Prevention Coalition; 140915

(k) A representative of the Ohio Department of Health. 140916

(B) The Governor shall make appointments to the Study Group 140917  
not later than thirty days after the effective date of this 140918  
section. The chair of the committee of the Senate with primary 140919  
responsibility for education issues, or the chair's designee, 140920  
shall serve as the initial chair of the Study Group. Not later 140921  
than ninety days after the Group's first meeting, the Study Group 140922  
shall elect a chair to serve for the remainder of the Study 140923  
Group's mandate, and shall appoint ten additional members to the 140924  
Study Group representing interested agencies and advocacy groups. 140925

(C) Not later than eighteen months after the effective date 140926  
of this section, the Ohio Lead Legislative Study Group shall 140927  
submit a report of its findings and recommendations to the Speaker 140928



and Minority Leader of the House of Representatives and the 140929  
President and Minority Leader of the Senate. 140930

(D) Upon submission of the report, the Group shall cease to 140931  
exist. 140932

**Section 737.23.** The Legislative Committee on Public Health 140933  
Futures is re-established effective January 1, 2018. The Committee 140934  
shall review relevant reports previously produced by similar 140935  
public health futures committees in this state. The Legislative 140936  
Committee shall review the effectiveness of recommendations from 140937  
those reports that are being or that have been implemented. And, 140938  
based on the knowledge and insight gained from its reviews, the 140939  
Legislative Committee shall make legislative and fiscal policy 140940  
recommendations that it believes would improve local public health 140941  
services in Ohio. 140942

The Legislative Committee, not later than January 31, 2019, 140943  
shall prepare a report that describes its review of the reports 140944  
and its review of the recommendations that are being or that have 140945  
been implemented, and that states and provides explanations of the 140946  
Committee's new policy recommendations. 140947

The Legislative Committee shall transmit a copy of its report 140948  
to the Governor, the President and Minority Leader of the Senate, 140949  
and the Speaker and Minority Leader of the House of 140950  
Representatives. Upon transmitting its report, the Legislative 140951  
Committee ceases to exist. 140952

Each of the following associations shall appoint one 140953  
individual to the Legislative Committee: the County Commissioners 140954  
Association of Ohio, the Ohio Township Association, the Department 140955  
of Health, the Ohio Public Health Association, the Ohio 140956  
Environmental Health Association, the Ohio Boards of Health 140957  
Association, the Ohio Municipal League, and the Ohio Hospital 140958  
Association. The Association of Ohio Health Commissioners shall 140959

appoint two individuals to the Legislative Committee. The 140960  
President and Minority Leader of the Senate each shall appoint two 140961  
members to the Legislative Committee. The Speaker and Minority 140962  
Leader of the House of Representatives shall appoint two members 140963  
to the Legislative Committee. Of the two appointments made by each 140964  
legislative leader, one shall be a member of the General Assembly 140965  
from the appointing member's chamber. Appointments shall be made 140966  
as soon as possible but not later than January 31, 2018. Vacancies 140967  
on the Legislative Committee shall be filled in the same manner as 140968  
the original appointment. 140969

As soon as all members have been appointed to the Legislative 140970  
Committee, the President of the Senate shall fix a time and place 140971  
for the Legislative Committee to hold its first meeting. At that 140972  
meeting, the Legislative Committee shall elect from among its 140973  
membership a chairperson, a vice-chairperson, and a secretary. The 140974  
Director of Health shall provide the Legislative Committee with 140975  
meeting and office space, equipment, and professional, technical, 140976  
and clerical staff as are necessary to enable the Legislative 140977  
Committee successfully to complete its work. 140978

**Section 749.10.** (A) The Public Utilities Commission shall 140979  
explore, in whatever format it considers appropriate, the latest 140980  
technological and regulatory innovations for the electric 140981  
distribution system, which may include researching the following: 140982

- (1) Distributed energy resources, including battery storage; 140983
- (2) Advanced metering infrastructure; 140984
- (3) Electric distribution automation, sensors, controls, and 140985  
data exchange and use; 140986
- (4) Associated electric rate design; 140987
- (5) Any other available technological and regulatory 140988  
innovations, including those that may be developed in the future. 140989

(B) Upon completion of the research under division (A) of this section, and if the Commission finds it necessary, the Commission may examine any resulting work product and issue a report that summarizes the major findings and recommends a course of action to implement cost-effective distribution system innovations.

**Section 749.20.** (A) As used in this section:

(1) "Communications services" means any of the following:

(a) Telecommunications service, as defined in 47 U.S.C. 153(53);

(b) Cable service, as defined in 47 U.S.C. 522(6);

(c) Information service, as defined in 47 U.S.C. 153(24);

(d) Wireless service;

(e) Any other one-way or two-way communication service, including internet access service.

(2) "University" means the Ohio State University, Columbus, Ohio campus.

(3) "Utility agreement" means the agreement between the university and a special purpose vehicle selected pursuant to this section to operate, develop, equip, maintain, improve, control and increase the energy efficiency of the utility system.

(4) "Utility system" means the university-owned system for producing, transforming, or distributing any one or more of the following in order to serve the university's Columbus, Ohio campus and intended solely for consumption by that campus or the university's lessees: power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity. "Utility system" includes any building, structure, facility, in whole or in

part, owned or leased by the university on real property; 141019

(a) Owned or leased by the university; and 141020

(b) Behind the meter of the public utility service provider 141021  
serving the Columbus, Ohio campus of the university. 141022

(B) Beginning in calendar year 2017, the university, 141023  
notwithstanding any law to the contrary, may enter into a utility 141024  
agreement with a special purpose vehicle to operate, develop, 141025  
equip, maintain, improve, control and increase the energy 141026  
efficiency of the university's utility system. The utility 141027  
agreement shall not permit the special purpose vehicle to take 141028  
ownership of electricity or natural gas delivered by a public 141029  
utility. The utility system shall not be used to provide or offer 141030  
communications services. 141031

(C) The university shall issue a request for proposals for 141032  
the management, maintenance, and improvement of the utility system 141033  
and meeting certain energy use and sustainability requirements for 141034  
the utility system. The request shall include any and all relevant 141035  
information, including a general description of the project, the 141036  
date by which proposals shall be submitted, information that shall 141037  
be included in the proposal, selection criteria, and a timeline 141038  
for selection. 141039

(D) In evaluating proposals, the university may consider any 141040  
criteria that it considers appropriate, including, but not limited 141041  
to, the following: 141042

(1) The technical ability of the special purpose vehicle 141043  
based on its key personnel, corporate structure, organization, and 141044  
staffing plan; 141045

(2) The financial ability of the special purpose vehicle 141046  
based on its approach to financing, sources and uses of funds, and 141047  
debt structuring; 141048

(3) The energy conservation measures proposed by the special purpose vehicle. 141049  
141050

(E) The university may evaluate and select a proposal, with or without negotiations, based on qualifications, best value, or both. 141051  
141052  
141053

(F) After selection of the proposal, the university may enter into a utility agreement with the selected special purpose vehicle for a duration determined by the university, in exchange for fees or other consideration as determined by the university, and on other terms and conditions that the university determines are necessary or appropriate. 141054  
141055  
141056  
141057  
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(G) Nothing in this section affects the university's right to accept or reject any or all proposals in whole or in part. 141060  
141061

(H) Property owned by the university that is leased to the special purpose vehicle shall continue to be exempt from taxation so long as such property is used for the purpose of operating the utility system for the benefit of the Columbus, Ohio campus of the university and the university's lessees pursuant to the utility agreement. For purposes of any sales or use tax permitted to be levied under the Revised Code, the following shall be deemed sold to the university if, pursuant to the utility agreement, they are: 141062  
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141064  
141065  
141066  
141067  
141068  
141069

(1) Building and construction materials to be incorporated into the utility system; 141070  
141071

(2) Materials related to energy conservation measures to be developed by the special purpose vehicle. 141072  
141073

(I) To the extent the utility system serves only buildings, structures, and facilities located on property owned or leased by the university, the special purpose vehicle shall not be considered any of the following: 141074  
141075  
141076  
141077

(1) A "public utility" for purposes of Chapter 4905. of the 141078

Revised Code;	141079
(2) An "electric services company" for purposes of Chapter 4928. of the Revised Code;	141080 141081
(3) A "retail natural gas supplier" for purposes of Chapter 4929. of the Revised Code;	141082 141083
(4) An "electric supplier" for purposes of Chapter 4933. of the Revised Code.	141084 141085
(J) To the extent the utility system serves only the Columbus, Ohio campus of the university or the university's lessees, section 4928.08 of the Revised Code shall not apply to the university or the special purpose vehicle.	141086 141087 141088 141089
(K) The university shall not be considered a "public utility property lessor" for purposes of Chapter 5727. of the Revised Code.	141090 141091 141092
(L) Sections 9.331 to 9.335 of the Revised Code, Chapter 153. of the Revised Code, and sections 3345.61 to 3345.66 of the Revised Code shall not apply to the following:	141093 141094 141095
(1) The university's evaluation or selection of, or contracting with, a special purpose vehicle;	141096 141097
(2) Performance of any of the following activities pursuant to the utility agreement, provided that the special purpose vehicle uses a best value or competitive selection process to identify the provider: design, demolition, project management, construction, repair, replacement, remodeling, renovation, reconstruction, enlargement, addition, alteration, painting, or structural or other improvements;	141098 141099 141100 141101 141102 141103 141104
(3) Heating, cooling, or ventilating plants and other equipment installed or materials supplied for any of the activities specified in division (L)(2) of this section.	141105 141106 141107
Notwithstanding the foregoing, the special purpose vehicle is	141108

not required to engage in a best value or competitive selection of 141109  
the energy conservation measure provider named in the utility 141110  
agreement. 141111

(M) Notwithstanding division (Q) of section 3345.12 of the 141112  
Revised Code, the university shall not be required to hold, 141113  
invest, or use the proceeds of the utility agreement for the same 141114  
purposes for which proceeds may be used under sections 3345.07, 141115  
3345.11, and 3345.36 of the Revised Code. 141116

(N) For the sole purpose of determining the applicability of 141117  
section 125.13 of the Revised Code, personal property related to 141118  
the utility system that is sold or leased to a special purpose 141119  
vehicle pursuant to a utility agreement shall not be considered 141120  
excess or surplus supplies. Personal property to be sold to the 141121  
special purpose vehicle does not include any installed components, 141122  
in whole or in part, of the utility system. 141123

(O) The authority provided under this section shall terminate 141124  
on the date that all obligations under a utility agreement between 141125  
a special purpose vehicle and the university have been completed. 141126

(P) Nothing in this section shall be construed to permit: 141127

(1) The special purpose vehicle to take ownership of any 141128  
utility services delivered to the Columbus, Ohio campus of the 141129  
university by a public utility; or 141130

(2) The university or special purpose vehicle to sell 141131  
electricity generated by the utility system to any customer 141132  
outside of the utility system unless the university or the special 141133  
purpose vehicle, as applicable, complies with state and federal 141134  
laws and rules of the Public Utilities Commission of Ohio. 141135

(Q) Nothing in this section shall exempt the university from 141136  
complying with all of the following: 141137

(1) Any applicable tariffs of the public utilities from which 141138

the Columbus, Ohio campus of the university receives utility	141139
services;	141140
(2) Any applicable rules of the Public Utilities Commission	141141
of Ohio;	141142
(3) Any other applicable state or federal laws.	141143
(R) At all times during the utility agreement, the university	141144
shall be the customer of record for any public utility providing	141145
utility service to the Columbus, Ohio campus of the university.	141146
<b>Section 751.10.</b> (A) There is hereby created in the Department	141147
of Job and Family Services the Foster Care Advisory Group to	141148
advise and assist the Department in identifying and implementing	141149
best practices to recruit, retain, and support foster caregivers.	141150
(B) The Group shall consist of at least twelve members. The	141151
members shall include, at a minimum:	141152
(1) The Director of Job and Family Services, or the	141153
Director's designee;	141154
(2) All of the following, to be appointed by the Director:	141155
(a) Four foster caregivers who each hold a valid foster home	141156
certificate issued under section 5103.03 of the Revised Code;	141157
(b) Two representatives of two different public children	141158
services agencies;	141159
(c) Two representatives of two different private child	141160
placing agencies or private noncustodial agencies;	141161
(d) A representative of the Ohio Family Care Association;	141162
(e) A representative of the Ohio Association of Child Caring	141163
Agencies;	141164
(f) A representative of the Public Children Services	141165
Association of Ohio.	141166



(C) Appointments under division (B)(2) of this section shall be made not later than September 1, 2017.	141167 141168
(D) There shall be two co-chairpersons of the Group. One co-chairperson shall be the Director, or the Director's designee, and one co-chairperson shall be appointed by members of the group.	141169 141170 141171
(E) The Group shall determine the frequency of meetings and any other administrative matters needed to perform its duties.	141172 141173
(F) Members shall serve without compensation, but shall be reimbursed for necessary expenses.	141174 141175
(G) The Group shall advise the Director on matters affecting foster caregivers. These matters include:	141176 141177
(1) Current certification requirements;	141178
(2) Options to streamline the certification requirements and process while maintaining quality, safety, and accountability;	141179 141180
(3) Additional supports foster caregivers need in order to best respond to children affected by parental drug use and how to deliver and sustain those supports;	141181 141182 141183
(4) Best practices for identifying and recruiting foster caregivers.	141184 141185
(H) Not later than May 1, 2018, the Group shall issue a report that addresses and makes recommendations regarding the matters in division (G) of this section. Copies of the report shall be provided to all of the following:	141186 141187 141188 141189
(1) The Director;	141190
(2) The Governor;	141191
(3) The Speaker and Minority Leader of the House of Representatives;	141192 141193
(4) The President and Minority Leader of the Senate.	141194
(I) Upon submission of the report, the group shall cease to	141195

exist. 141196

**Section 753.20.** (A) The Governor may execute a deed in the 141197  
name of the state conveying to one or more purchasers, and to the 141198  
purchaser or purchaser's heirs and assigns or successors and 141199  
assigns, all of the state's and University's right, title, and 141200  
interest in any or all parcels of real estate, held for the use 141201  
and benefit of the University of Akron, described as follows: 141202

Situated in the City of Akron, County of Summit and State of 141203  
Ohio and being all of Lot Number 36 and Lot Number 37 of the 141204  
FAIRWAY ESTATES ALLOTMENT as the same is numbered and delineated 141205  
upon the recorded plat thereof, of record in Plat Book 48, Pages 6 141206  
through 9, Summit County Records. 141207

Also known as 465 Burning Tree Drive. 141208

Parcel Numbers: Lot 36: 6715076 (01-01669-04-005.000) and 141209  
Loft 37: 6751600 (01-01669-04-004.000) 141210

Prior Instrument Reference: Inst. # 54252035 (Lot 36) and 141211  
Inst. # 24252036 (Lot 37) 141212

The foregoing legal description may be corrected or modified 141213  
by the Department of Administrative Services as necessary in order 141214  
to facilitate the recording of the deed or deeds. 141215

(B) The real estate described in division (A) of this section 141216  
shall be sold as an entire tract and not in parcels. The 141217  
conveyance shall include the improvements and chattels situated on 141218  
the real estate, and shall be subject to all easements, covenants, 141219  
conditions, and restrictions of record; all legal highways and 141220  
public rights-of-way; zoning, building, and other laws, 141221  
ordinances, restrictions, and regulations; and real estate taxes 141222  
and assessments not yet due and payable. The real estate shall be 141223  
conveyed in an "as-is, where-is, with all faults" condition. 141224

(C) The University of Akron may use a sale process acceptable 141225

to the Board of Trustees of the University of Akron, including, 141226  
but not limited to, a sale by sealed bid auction or public 141227  
auction, or through contracting for the services of a real estate 141228  
broker selected by the University using the University's normal 141229  
competitive selection process for vendors. 141230

(D) Consideration for conveyance of the real estate shall be 141231  
a purchase price and any terms and conditions acceptable to the 141232  
Board of Trustees of the University of Akron. 141233

(E) The purchaser or purchasers shall pay the costs of the 141234  
conveyance, including recordation costs of the deed or deeds, 141235  
closing and conveyance fees, including any surveys, title 141236  
evidence, title insurance, transfer costs and fees, recording 141237  
costs and fees, any taxes and other fees, assessments, and costs 141238  
that may be imposed. 141239

(F) Upon adoption of a resolution by the Board of Trustees of 141240  
the University of Akron specifically describing the parcel or 141241  
parcels of real estate to be conveyed, the purchaser or purchasers 141242  
of the real estate, the consideration paid or to be paid, and any 141243  
terms and conditions, the Auditor of State, with the assistance of 141244  
the Attorney General, shall prepare a deed or deeds to the real 141245  
estate described in the resolution. The deed or deeds also shall 141246  
contain any exceptions, reservations, or conditions and any right 141247  
of reentry or reverter specified in the resolution. The deed or 141248  
deeds shall be executed by the Governor in the name of the state, 141249  
countersigned by the Secretary of State, sealed with the Great 141250  
Seal of the State, presented in Office of the Auditor of State for 141251  
recording, and delivered to the purchaser or purchasers. The 141252  
purchaser or purchasers shall present the deed or deeds for 141253  
recording in the Office of the Summit County Recorder. 141254

(G) The net proceeds of the sale of the real estate shall be 141255  
paid to the University of Akron and deposited in the University of 141256  
Akron's endowment account for purposes to be determined by the 141257

Board of Trustees of the University of Akron. 141258

(H) The Board of Trustees of the University of Akron may 141259  
release any exceptions, reservations, or conditions or any right 141260  
of reentry or reverter contained in any deed authorized under 141261  
division (A) of this section without further need for legislation. 141262

(I) This section expires three years after its effective 141263  
date. 141264

**Section 753.30.** (A) The Governor may execute a deed in the 141265  
name of the state conveying to Cincinnati Center City Development 141266  
Corporation, an Ohio nonprofit corporation, or a wholly owned 141267  
subsidiary thereof, and to its successors and assigns, or to an 141268  
alternate grantee or grantees as set forth below in division (C) 141269  
of this section, all of the state's right, title, and interest in 141270  
the following described real estate: 141271

A 0.9565 acre parcel known as Hamilton County Parcel No. 141272  
075-0004-0162-00 located at 1112 Walnut Street, Cincinnati, Ohio, 141273  
and further described as; 141274

All that lot of ground commencing at the northeast corner of 141275  
North Canal and Walnut Streets in the City of Cincinnati, County 141276  
of Hamilton and State of Ohio, running thence north on the east 141277  
line of Walnut Street two hundred and thirty-two (232) feet more 141278  
or less to Wilkymacky Alley; thence east in the south line of said 141279  
Alley one hundred and eighty (180) feet more or less to Clay 141280  
Street; thence south on the west side of Clay Street two hundred 141281  
and thirty two feet, more or less to North Canal Street; thence 141282  
west on North Canal Street one hundred and eighty (180) feet to 141283  
Walnut Street, the place of beginning. 141284

Prior Instrument: Deed Book 4125, Page 696. 141285

The foregoing legal description may be corrected or modified 141286  
by the Department of Administrative Services as necessary in order 141287

to facilitate the recording of the deed. 141288

(B)(1) The conveyance shall include the state's right, title, 141289  
and interest in and to the improvements and chattels situated on 141290  
the real estate, and is subject to all easements, covenants, 141291  
conditions, and restrictions of record; all legal highways and 141292  
public rights-of-way; zoning, building, and other laws, 141293  
ordinances, restrictions, and regulations; and real estate taxes 141294  
and assessments not yet due and payable. The real estate shall be 141295  
conveyed in an "as-is, where-is, with all faults" condition. 141296

(2) The real estate shall be conveyed as an entire tract and 141297  
not in parcels. 141298

(3) The deed or deeds may contain restrictions, exceptions, 141299  
reservations, reversionary interests, or other terms and 141300  
conditions the Board of Trustees of the University of Cincinnati 141301  
determine to be in the best interest of the state. 141302

(4) Subsequent to the conveyance, any restrictions, 141303  
exceptions, reservations, reversionary interests, or other terms 141304  
and conditions contained in the deed may be released by the state 141305  
or the Board of Trustees of the University of Cincinnati without 141306  
the necessity of further legislation. 141307

(C) The terms of the conveyance of the state's interest in 141308  
the real estate shall be as set forth in a real estate purchase 141309  
agreement to be prepared by the Board of Trustees of the 141310  
University of Cincinnati. If Cincinnati Center City Development 141311  
Corporation, an Ohio nonprofit corporation, or a wholly owned 141312  
subsidiary thereof, does not complete the purchase of the real 141313  
estate within the time period provided in the real estate purchase 141314  
agreement to be prepared by the Board of Trustees of the 141315  
University of Cincinnati, the Board of Trustees of the University 141316  
of Cincinnati may use any reasonable method of sale considered 141317  
acceptable by the Board of Trustees of the University of 141318

Cincinnati to select an alternate grantee or grantees to complete 141319  
the purchase not later than three years after the effective date 141320  
of this section. All advertising costs, additional fees, and other 141321  
costs incidental to the sale of the real estate to an alternate 141322  
grantee or grantees shall be negotiated by the University of 141323  
Cincinnati as specified in a real estate purchase agreement with 141324  
the alternate grantee or grantees. 141325

(D) Consideration for conveyance of the real estate shall be 141326  
an amount acceptable to the Board of Trustees of the University of 141327  
Cincinnati. 141328

(E) Except as otherwise specified in this section, the 141329  
grantee shall pay all costs associated with the purchase, closing, 141330  
and conveyance, including surveys, title evidence, title 141331  
insurance, transfer costs and fees, recording costs and fees, 141332  
taxes, and any other fees, assessments, and costs that may be 141333  
imposed. 141334

(F) The net proceeds of the sale of the state's interest 141335  
shall be deposited into university accounts for purposes to be 141336  
determined by the Board of Trustees of the University of 141337  
Cincinnati. 141338

(G) Upon payment of the purchase price set forth in the real 141339  
estate purchase agreement to be prepared by the Board of Trustees 141340  
of the University of Cincinnati, the Auditor of State, with the 141341  
assistance of the Attorney General, shall prepare a deed to the 141342  
real estate. The deed shall state the consideration and shall be 141343  
executed by the Governor in the name of the state, countersigned 141344  
by the Secretary of State, sealed with the Great Seal of the 141345  
State, presented in the Office of the Auditor of State for 141346  
recording, and delivered to the grantee. The grantee shall present 141347  
the deed for recording in the Office of the Hamilton County 141348  
Recorder. 141349

(H) This section expires three years after its effective date. 141350  
141351

**Section 757.20.** (A) Notwithstanding the requirements of 141352  
division (C)(2) of section 5747.50 of the Revised Code, the Tax 141353  
Commissioner shall reduce the total amount available for 141354  
distribution to municipal corporations during the current month, 141355  
as defined in that division, by one million dollars in each month 141356  
of the period beginning with July 2017, and ending with December 141357  
2017, before calculating the amount to be distributed to each 141358  
municipal corporation. 141359

(B) On or before the tenth day of each month in the period 141360  
beginning with July 2017 and ending with December 2017, the tax 141361  
commissioner shall provide for payment to each county undivided 141362  
local government fund of a supplement for townships. The 141363  
commissioner shall determine the amounts paid to each fund as 141364  
follows: 141365

(1) An amount equal to forty-one and sixty-seven 141366  
one-hundredths per cent of one million dollars shall be divided 141367  
among every county fund so that each township in the state 141368  
receives an equal amount. 141369

(2) An amount equal to forty-one and sixty-seven 141370  
one-hundredths per cent of one million dollars shall be divided 141371  
among every county fund so that each township receives a 141372  
proportionate share based on the proportion that the total 141373  
township road miles in the township is of the total township road 141374  
miles in all townships in the state. 141375

(C)(1) As used in this division, "qualifying village" means a 141376  
village with a population of less than one thousand according to 141377  
the most recent federal decennial census. 141378

(2) On or before the tenth day of each month in the period 141379

beginning with July 2017, and ending with December 2017, the tax 141380  
commissioner shall provide for payment to each county undivided 141381  
local government fund of a supplement for qualifying villages. The 141382  
commissioner shall determine the amounts paid to each fund as 141383  
follows: 141384

(a) An amount equal to eight and thirty-three one-hundredths 141385  
per cent of one million dollars shall be divided among every 141386  
county fund so that each qualifying village in the state receives 141387  
an equal amount. 141388

(b) An amount equal to eight and thirty-three one-hundredths 141389  
per cent of one million dollars shall be divided among every 141390  
county fund so that each qualifying village receives a 141391  
proportionate share based on the proportion that the total village 141392  
road miles in the qualifying village is of the total village road 141393  
miles in all qualifying villages in the state. 141394

(D) The tax commissioner shall separately identify to the 141395  
county treasurer the amounts to be allocated to each township 141396  
under divisions (B)(1) and (2) of this section and to each 141397  
qualifying village under divisions (C)(2)(a) and (b) of this 141398  
section. The treasurer shall transfer those amounts to townships 141399  
and qualifying villages from the undivided local government fund. 141400

(E) There is hereby created in the state treasury the 141401  
Targeting Addiction Assistance Fund. 141402

(F) Notwithstanding the requirement in division (C)(2) of 141403  
section 5747.50 of the Revised Code, the amounts that would 141404  
otherwise be distributed to municipal corporations pursuant to 141405  
that division during each month of fiscal years 2018 and 2019 141406  
shall be deposited in the state treasury to the credit of the 141407  
Targeting Addiction Assistance Fund (Fund 5TZ0). The amounts 141408  
credited to Fund 5TZ0 shall be after any other reductions required 141409  
by law to the amounts distributed to municipal corporations from 141410



the Local Government Fund under division (C) of section 5747.50 of 141411  
the Revised Code and after the payments specified in divisions (A) 141412  
to (D) of this section. 141413

(G) The Targeting Addiction Assistance Fund shall be used as 141414  
follows: 141415

(1) In each fiscal year, \$1,000,000 shall be used by the 141416  
Department of Health to reimburse county coroners in counties in 141417  
which the coroner has performed toxicology screenings on victims 141418  
of a drug overdose. The Director of Health shall transfer the 141419  
funds to the counties in proportion to the numbers of toxicology 141420  
screenings performed per county. 141421

(2) In each fiscal year, \$10,000,000 shall be allocated by 141422  
the Department of Rehabilitation and Correction as Probation 141423  
Improvement and Incentive Grants to municipalities with an 141424  
emphasis on: (1) providing services to those addicted to opiates 141425  
and other illegal substances, and (2) supplementing the programs 141426  
and services funded by grants distributed from GRF appropriation 141427  
item 501407, Community Nonresidential Programs. 141428

(3) In each fiscal year, \$6,000,000 shall be allocated by the 141429  
Department of Mental Health and Addiction Services to boards of 141430  
alcohol, drug addiction, and mental health services. The boards 141431  
shall use their allocations to establish and administer, in 141432  
collaboration with the other boards that serve the same state 141433  
psychiatric hospital region, acute substance use disorder 141434  
stabilization centers. There shall be one center located in each 141435  
state psychiatric hospital region. The Department of Mental Health 141436  
and Addiction Services shall conduct an analysis of each acute 141437  
substance use disorder stabilization center. Not later than June 141438  
30, 2019, the Department shall submit the findings of the analysis 141439  
to the Governor and the General Assembly, in accordance with 141440  
section 101.68 of the Revised Code. 141441

(4) In each fiscal year, \$150,000 shall be allocated by the Department of Job and Family Services to children's crisis care facilities as defined in section 5103.13 of the Revised Code. The Director of Job and Family Services shall allocate funds based on the number of children at each facility. A children's crisis care facility may decline to receive funds provided under this section. A children's crisis care facility that accepts funds provided under this section shall use the funds in accordance with section 5103.13 of the Revised Code and the rules as defined in rule 5101:2-9-36 of the Administrative Code.

(5) In each fiscal year, \$500,000 shall be used by the Department of Medicaid, in consultation with the Department of Job and Family Services and the Department of Health, to develop a pilot program under which newborns who have neonatal abstinence syndrome are, after being medically stabilized at a hospital, transferred to a nonhospital, community facility that is located in Montgomery County and provides the newborns medical, pharmacological, and therapeutic services specified by the Department of Medicaid, the Department of Job and Family Services, and the Department of Health. The departments shall begin operation of the pilot program not later than ninety days after the effective date of this section and shall cease operation of the pilot program on July 1, 2018. Not later than ninety days after the date the pilot program ends, the Department of Medicaid, the Department of Job and Family Services, and the Department of Health shall jointly complete a report about the pilot program. The report shall include recommendations for making the pilot program statewide and part of the Medicaid program. The Department of Medicaid, the Department of Job and Family Services, and the Department of Health jointly shall submit the report to the General Assembly in accordance with section 101.68 of the Revised Code.

(H) Boards of alcohol, drug addiction, and mental health services shall ensure that each acute substance use disorder stabilization center established and administered under division (G)(3) of this section complies with all of the following:	141474 141475 141476 141477
(1) It admits individuals before and after the individuals receive treatment and care at hospital emergency departments or freestanding emergency departments.	141478 141479 141480
(2) It admits individuals before and after the individuals are confined in state or local correctional facilities.	141481 141482
(3) It has a Medicaid provider agreement.	141483
(4) It is located in a building constructed for another purpose before the effective date of this section.	141484 141485
(5) It admits individuals who have been identified as needing the stabilization services provided by the center.	141486 141487
(6) It connects individuals when they are discharged from the center with community-based continuum of care services and supports as described in section 340.032 of the Revised Code.	141488 141489 141490
(I) As used in this section:	141491
(1) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	141492 141493
(2) "State or local correctional facility" means any of the following:	141494 141495
(a) A "state correctional institution," as defined in section 2967.01 of the Revised Code;	141496 141497
(b) A "local correctional facility," as defined in section 2903.13 of the Revised Code;	141498 141499
(c) A correctional facility that is privately operated and managed pursuant to section 9.06 of the Revised Code.	141500 141501
(3) "State psychiatric hospital regions" means the six	141502

districts into which the Department of Mental Health and Addiction 141503  
Services has divided the state pursuant to division (B)(2) of 141504  
section 5119.14 of the Revised Code. 141505

**Section 757.40.** In order to facilitate an understanding of 141506  
business incentive tax credits, as defined in section 107.036 of 141507  
the Revised Code, the following table provides an estimate of the 141508  
amount of credits that may be authorized in each fiscal year of 141509  
the 2018-2019 biennium, an estimate of the credits expected to be 141510  
claimed in each fiscal year of that biennium, and an estimate of 141511  
the amount of credits authorized that will remain outstanding at 141512  
the end of that biennium. In totality, this table provides an 141513  
estimate of the state revenue forgone due to business incentive 141514  
tax credits in the 2018-2019 biennium and future biennia. 141515

Biennial Business Incentive Tax Credit Estimates 141516  
141517

Estimate of total value	Estimate of tax	Expected	141518
of tax credits	credits issued/claimed	Outstanding	
authorized		credits	

(All figures in 141519  
thousands of dollars)

Tax	FY 2018	FY 2019	FY 2018	FY 2019	End of	141520
Credit					Biennium	141521

Job	\$100,000	\$100,000	\$105,000	\$100,000	\$885,000	141522
Creation						141523

Tax						
Credit*						141524

Job	\$ 0	\$ 0	\$55,000	\$55,000	\$290,000	141525
Retention						

Tax						
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Credit						141526
Historic	\$60,000	\$60,000	\$120,000	\$90,000	\$190,000	141527
Preservation						
Tax						
Credit						141528
Motion	\$40,000	\$40,000	\$50,000	\$50,000	\$35,000	141529
Picture						
Tax						
Credit						141530
New	\$10,000	\$10,000	\$9,795	\$10,000	\$38,205	141531
Markets						
Tax						
Credit						141532
R&D Loan	\$4,500	\$4,500	\$4,500	\$4,000	\$30,000	141533
Tax						
Credit						141534
InvestOhio	\$12,500	\$12,500	\$18,000	\$15,000	\$42,000	141535
Tax						
Credit						141536
Estimate	\$227,000	\$227,000	\$362,295	\$324,000	\$1,510,205	141537
Total						

\*The Job Creation Tax Credit (JCTC) estimate of credits 141538  
outstanding is not just for tax credit certificates already 141539  
issued, but also for the estimated potential value of certificates 141540  
to be issued under the program through 2035 when looking at the 141541  
existing portfolio of approved and active incentives. The estimate 141542  
assumes that the companies receiving credits will continue to meet 141543

the performance objectives required to continue receiving the 141544  
credit. 141545

**Section 757.50.** (A) The amendment by this act of section 141546  
5713.051 of the Revised Code clarifies the intent of the General 141547  
Assembly that the method described in section 5713.051 of the 141548  
Revised Code for determining the true value in money of oil and 141549  
gas reserves for property tax purposes continues to represent the 141550  
only method for valuing oil and gas reserves for property tax 141551  
purposes. 141552

(B) The amendment by this act of section 5713.051 of the 141553  
Revised Code applies to any addition of oil and gas reserves to 141554  
the tax list and duplicate on or after the effective date of that 141555  
amendment, including oil and gas reserves added to the tax list 141556  
pursuant to section 319.35, 319.36, or 5713.20 of the Revised 141557  
Code. The amendment by this act of section 5713.051 of the Revised 141558  
Code applies to any taxes for oil and gas reserves charged by a 141559  
county auditor or county treasurer, including taxes for oil and 141560  
gas reserves charged under section 319.40 or 5713.20 of the 141561  
Revised Code on or after the effective date of that amendment. 141562

(C) Division (B) of this section applies without regard to 141563  
the tax year or tax years to which the addition or charged taxes 141564  
relate. 141565

**Section 757.60.** The Department of Taxation shall study the 141566  
feasibility of allowing taxpayers to file municipal income tax 141567  
returns through the joint federal and state Modernized e-File 141568  
(MeF) program. In conducting the study, the Department shall do 141569  
both of the following: 141570

(A) Estimate the cost to the state and to municipal 141571  
corporations of accepting municipal income tax returns through the 141572  
MeF program; 141573

(B) Establish a timeline for the incorporation of municipal 141574  
income tax filing into the MeF program. 141575

Upon completion of the study, and not later than December 31, 141576  
2017, the Department shall submit copies of the study to the 141577  
President and Minority Leader of the Senate, the Speaker and 141578  
Minority Leader of the House of Representatives, and the 141579  
chairpersons of the House and Senate Ways and Means committees. 141580

**Section 757.70.** (A) As used in this section: 141581

(1) "Certificate owner" and "qualified rehabilitation 141582  
expenditures" have the same meanings as in section 149.311 of the 141583  
Revised Code. 141584

(2) "Taxpayer," "tax period," "excluded person," "combined 141585  
taxpayer," and "consolidated elected taxpayer," have the same 141586  
meanings as in section 5751.01 of the Revised Code. 141587

(3) "Pass-through entity" has the same meaning as in section 141588  
5733.04 of the Revised Code. 141589

(B) A taxpayer that is the certificate owner of a 141590  
rehabilitation tax credit certificate issued under section 149.311 141591  
of the Revised Code may claim a credit against the tax levied by 141592  
section 5751.02 of the Revised Code for tax periods ending on or 141593  
before June 30, 2019, provided that the taxpayer is unable to 141594  
claim the credit under section 5725.151, 5725.34, 5726.52, 141595  
5729.17, or 5747.76 of the Revised Code. 141596

The credit shall equal the lesser of twenty-five per cent of 141597  
the dollar amount of the qualified rehabilitation expenditures 141598  
indicated on the certificate or five million dollars. The credit 141599  
shall be claimed for the calendar year specified in the 141600  
certificate and after the credits authorized in divisions (A)(1) 141601  
to (4) of section 5751.98 of the Revised Code, but before the 141602  
credits authorized in divisions (A)(5) to (7) of that section. 141603

If the credit allowed for any calendar year exceeds the tax 141604  
otherwise due under section 5751.02 of the Revised Code, after 141605  
allowing for any other credits preceding the credit in the order 141606  
prescribed by this section, the excess shall be refunded to the 141607  
taxpayer. However, if any amount of the credit is refunded, the 141608  
sum of the amount refunded and the amount applied to reduce the 141609  
tax otherwise due for that year shall not exceed three million 141610  
dollars. The taxpayer may carry forward any balance of the credit 141611  
in excess of the amount claimed for that year for not more than 141612  
five calendar years after the calendar year specified in the 141613  
certificate, and shall deduct any amount claimed in any such year 141614  
from the amount claimed in an ensuing year. 141615

A person that is an excluded person may file a return under 141616  
section 5751.051 of the Revised Code for the purpose of claiming 141617  
the credit authorized in this section. 141618

If the certificate owner is a pass-through entity, the credit 141619  
may not be allocated among the entity's owners in proportions or 141620  
amounts as the owners mutually agree unless either the owners are 141621  
part of the same combined or consolidated elected taxpayer as the 141622  
pass-through entity or the director of development services issued 141623  
the certificate in the name of the pass-through entity's owners in 141624  
the agreed-upon proportions or amounts. If the credit is allocated 141625  
among those owners, an owner may claim the credit authorized in 141626  
this section only if that owner is a corporation or an association 141627  
taxed as a corporation for federal income tax purposes and is not 141628  
a corporation that has made an election under Subchapter S of 141629  
Chapter 1 of Subtitle A of the Internal Revenue Code. 141630

The credit authorized in this section may be claimed only on 141631  
the basis of a rehabilitation tax credit certificate with an 141632  
effective date after December 31, 2013, but before June 30, 2019. 141633

A person claiming a credit under this section shall retain 141634  
the rehabilitation tax credit certificate for four years following 141635



the end of the latest calendar year in which the credit was 141636  
applied, and shall make the certificate available for inspection 141637  
by the tax commissioner upon request. 141638

**Section 757.80.** One or more resolutions adopted by a board of 141639  
county commissioners on or after the date this act becomes law and 141640  
before the effective date of the enactment by this act of section 141641  
5705.233 of the Revised Code are hereby ratified and shall be 141642  
treated as though the resolution or resolutions were adopted after 141643  
that date so long as the resolutions otherwise conform to the 141644  
requirements of that section. Notwithstanding division (C) of 141645  
section 5705.233 of the Revised Code, the board of elections of 141646  
such a county shall accept such a resolution and make arrangements 141647  
for the submission of the question proposed therein to the 141648  
electors of the county at the general election to be held November 141649  
7, 2017, if the resolution is certified by the board of county 141650  
commissioners to the board of elections not later than seven days 141651  
after the effective date of the enactment of that section. 141652

**Section 757.90.** The amendment by this act of section 5709.12 141653  
of the Revised Code applies to tax year 2017 and thereafter and 141654  
the tax years at issue in any application for exemption from 141655  
taxation or any appeal from such an application pending before the 141656  
Tax Commissioner, the Board of Tax Appeals, any Court of Appeals, 141657  
or the Supreme Court on the effective date of this section and to 141658  
the property that is the subject of any such application or 141659  
appeal. 141660

**Section 757.100.** The legislative authority of a county or 141661  
transit authority shall not impose a tax levied under, or increase 141662  
or decrease the rate of a tax levied under section 5739.021, 141663  
5739.023, 5739.026, 5741.021, 5741.022, or 5741.023 of the Revised 141664  
Code at or according to the one-tenth of one per cent rate 141665

increment authorized by the amendment by this act of sections 141666  
5739.021, 5739.023, and 5739.026 of the Revised Code until July 1, 141667  
2018, or the first day of any following calendar quarter. The rate 141668  
at which such a tax may be imposed, increased, or decreased before 141669  
July 1, 2018, shall be in the increments authorized under those 141670  
sections as those sections existed before the effective date of 141671  
that amendment. 141672

**Section 757.110.** (A) As used in this section: 141673

(1) "Qualifying delinquent taxes" means any tax levied under 141674  
Title LVII of the Revised Code, including the taxes required to be 141675  
withheld under Chapters 5747. and 5748. of the Revised Code, which 141676  
were due and payable from any person as of May 1, 2017, were 141677  
unreported or underreported, and remain unpaid. 141678

(2) "Qualifying delinquent personal property taxes" means a 141679  
tax for which a return was required to be filed under section 141680  
5711.02 of the Revised Code. 141681

(3) "Qualifying delinquent taxes" and "qualifying delinquent 141682  
personal property taxes" do not include any tax for which a notice 141683  
of assessment or audit has been issued, for which a bill has been 141684  
issued, which relates to a tax period that ends after the 141685  
effective date of this section, or for which an audit has been 141686  
conducted or is currently being conducted. 141687

(B) The Tax Commissioner shall establish and administer a tax 141688  
amnesty program with respect to qualifying delinquent taxes and 141689  
qualifying delinquent personal property taxes. The program shall 141690  
commence on January 1, 2018, and shall conclude on February 15, 141691  
2018. The Tax Commissioner shall issue forms and instructions and 141692  
take other actions necessary to implement the program. The Tax 141693  
Commissioner shall publicize the program so as to maximize public 141694  
awareness and participation in the program. 141695

(C)(1) During the program, if a person pays the full amount 141696  
of qualifying delinquent taxes owed by that person and one-half of 141697  
any interest that has accrued as a result of the person failing to 141698  
pay those taxes in a timely fashion, the Tax Commissioner shall 141699  
waive or abate all applicable penalties and one-half of any 141700  
interest that accrued on the qualifying delinquent taxes. 141701

(2) During the program, if a person who owes qualifying 141702  
delinquent personal property taxes files a return with the Tax 141703  
Commissioner, in the form and manner prescribed by the Tax 141704  
Commissioner, listing all taxable property that was required to be 141705  
listed on the return required to be filed under section 5711.02 of 141706  
the Revised Code, the Tax Commissioner shall issue a preliminary 141707  
assessment certificate to the appropriate county auditor. Upon 141708  
receiving a preliminary assessment certificate issued by the Tax 141709  
Commissioner pursuant to this division, the county auditor shall 141710  
compute the amount of qualifying delinquent personal property 141711  
taxes owed by the person and shall add to that amount one-half of 141712  
the interest prescribed under sections 5711.32 and 5719.041 of the 141713  
Revised Code. The county treasurer shall collect the amount of tax 141714  
and interest computed by the county auditor under this division by 141715  
preparing and mailing a tax bill to the person as prescribed in 141716  
section 5711.32 of the Revised Code. If the person pays the full 141717  
amount of tax and interest thereon on or before the date shown on 141718  
the tax bill all applicable penalties and one-half of any interest 141719  
that accrued on the qualifying delinquent personal property taxes 141720  
shall be waived. 141721

(3) No payment required under division (G) of section 321.24 141722  
of the Revised Code shall be made with respect to any person who 141723  
pays qualifying delinquent personal property taxes under division 141724  
(C)(2) of this section. 141725

(4) Notwithstanding any contrary provision of the Revised 141726  
Code, the Tax Commissioner shall not furnish to the county auditor 141727

any information pertaining to the exemption from taxation under 141728  
division (C)(3) of section 5709.01 of the Revised Code insofar as 141729  
that information pertains to any person who pays qualifying 141730  
delinquent personal property taxes under division (C)(2) of this 141731  
section. 141732

(D) The Tax Commissioner may require a person participating 141733  
in the program to file returns or reports, including amended 141734  
returns and reports, in connection with the person's payment of 141735  
qualifying delinquent taxes or qualifying delinquent personal 141736  
property taxes. 141737

(E) A person who participates in the program and pays in full 141738  
any outstanding qualifying delinquent tax or qualifying delinquent 141739  
personal property tax and the interest payable on such tax in 141740  
accordance with this section shall not be subject to any criminal 141741  
prosecution or any civil action with respect to that tax, and no 141742  
assessment shall thereafter be issued against that person with 141743  
respect to that tax. 141744

(F) Taxes and interest collected under the program shall be 141745  
considered as revenue arising from the tax to which the payment 141746  
relates, and shall be distributed in accordance with Section 141747  
512.140 of this act. 141748

**Section 757.120.** (A) All terms used in this section have the 141749  
same meanings as in sections 5739.01 and 5741.01 of the Revised 141750  
Code. As used in this section: 141751

(1) "Clothing" means all human wearing apparel suitable for 141752  
general use. "Clothing" includes, but is not limited to, aprons, 141753  
household and shop; athletic supporters; baby receiving blankets; 141754  
bathing suits and caps; beach capes and coats; belts and 141755  
suspenders; boots; coats and jackets; costumes; diapers, children 141756  
and adult, including disposable diapers; ear muffs; footlets; 141757  
formal wear; garters and garter belts; girdles; gloves and mittens 141758

for general use; hats and caps; hosiery; insoles for shoes; lab 141759  
coats; neckties; overshoes; pantyhose; rainwear; rubber pants; 141760  
sandals; scarves; shoes and shoe laces; slippers; sneakers; socks 141761  
and stockings; steel-toed shoes; underwear; uniforms, athletic and 141762  
nonathletic; and wedding apparel. "Clothing" does not include 141763  
items purchased for use in a trade or business; clothing 141764  
accessories or equipment; protective equipment; sports or 141765  
recreational equipment; belt buckles sold separately; costume 141766  
masks sold separately; patches and emblems sold separately; sewing 141767  
equipment and supplies including, but not limited to, knitting 141768  
needles, patterns, pins, scissors, sewing machines, sewing 141769  
needles, tape measures, and thimbles; and sewing materials that 141770  
become part of "clothing" including, but not limited to, buttons, 141771  
fabric, lace, thread, yarn, and zippers. 141772

(2) "School supplies" means items commonly used by a student 141773  
in a course of study. "School supplies" includes only the 141774  
following items: binders; book bags; calculators; cellophane tape; 141775  
blackboard chalk; compasses; composition books; crayons; erasers; 141776  
folders, expandable, pocket, plastic, and manila; glue, paste, and 141777  
paste sticks; highlighters; index cards; index card boxes; legal 141778  
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 141779  
notebook paper, copy paper, graph paper, tracing paper, manila 141780  
paper, colored paper, poster board, and construction paper; pencil 141781  
boxes and other school supply boxes; pencil sharpeners; pencils; 141782  
pens; protractors; rulers; scissors; and writing tablets. "School 141783  
supplies" does not include any item purchased for use in a trade 141784  
or business. 141785

(3) "School instructional material" means written material 141786  
commonly used by a student in a course of study as a reference and 141787  
to learn the subject being taught. "School instructional material" 141788  
includes only the following items: reference books, reference maps 141789  
and globes, textbooks, and workbooks. "School instructional 141790

material" does not include any material purchased for use in a trade or business.

(B) Taxes levied by or under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code do not apply to the sale or storage, use, or other consumption of any of the following if the sale or purchase occurs on August 3, 4, or 5, 2018:

(1) An item of clothing, the price of which is seventy-five dollars or less;

(2) An item of school supplies, the price of which is twenty dollars or less;

(3) An item of school instructional material, the price of which is twenty dollars or less.

(C) This section is repealed effective August 10, 2018.

**Section 757.130.** (A) There is hereby created the Joint Committee on Ohio College Affordability composed of the following members:

(1) Five members of the Senate, appointed by the President of the Senate, not more than three of whom may be members of the same political party;

(2) Five members of the House of Representatives, appointed by the Speaker of the House of Representatives, not more than three of whom may be members of the same political party.

(B) The President of the Senate and the Speaker of the House of Representatives shall appoint the members of the committee within thirty days after the effective date of this act. The committee shall hold an initial meeting within sixty days after the effective date of this act and shall meet thereafter at the discretion of the committee members.

(C) The committee shall study and develop strategies to 141820  
reduce the cost of attending colleges and universities in this 141821  
state. As part of this process, the committee shall consult with 141822  
the Chancellor of Higher Education and persons or organizations 141823  
representing institutions of higher education. 141824

(D) The committee shall compile a report of its activities, 141825  
findings, and recommendations and shall furnish a copy of the 141826  
report to the Governor, President of the Senate, and Speaker of 141827  
the House of Representatives not later than one year after the 141828  
effective date of this act, at which time the committee shall 141829  
dissolve by operation of law. 141830

**Section 763.10.** Not later than June 30, 2019, the governor's 141831  
office of workforce transformation, in conjunction with the Ohio 141832  
library council or its successor organization, may develop a brand 141833  
for public libraries as "continuous learning centers" that serve 141834  
as hubs for information about local in-demand jobs and relevant 141835  
education and job training resources. 141836

Not later than June 30, 2019, the state library of Ohio shall 141837  
strengthen the online education resources of the Ohio digital 141838  
library to provide more accessible job training materials to adult 141839  
learners. 141840

**Section 803.10.** (A) The member of the Ohio Facilities 141841  
Construction Commission appointed by the Governor under division 141842  
(B) of section 123.20 of the Revised Code as it existed prior to 141843  
the amendments to that section made by this act shall serve the 141844  
remainder of the member's term. Upon the expiration of the term, 141845  
the Governor shall appoint a member to the Commission in the 141846  
manner provided by section 123.20 of the Revised Code as amended 141847  
by this act. 141848

(B) If the member serving the unexpired term under division 141849

(A) of this section is unable to fulfill the term, the Governor 141850  
shall appoint a member to fill the vacancy in the manner provided 141851  
by section 123.20 of the Revised Code as amended by this act. 141852

**Section 803.20.** EXCHANGE OF CERTAIN INFORMATION BETWEEN 141853  
SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES 141854

Until the amendments to sections 191.04 and 191.06 of the 141855  
Revised Code made by this act take effect in accordance with 141856  
section 101.01 of this act, and notwithstanding any provision of 141857  
the Revised Code to the contrary, the provisions in sections 141858  
191.04 and 191.06 of the Revised Code apply for fiscal years 2013 141859  
through 2019. 141860

A portion of the foregoing appropriation items 651425, 141861  
Medicaid Program Support-State, 651525, Medicaid/Health Care 141862  
Services, 651639, Medicaid Services-Recoveries, 651638, Medicaid 141863  
Services-Payment Withholding, 651624, Medicaid Program 141864  
Support-Federal, 651680, Health Care Grants-Federal, 651655, 141865  
Medicaid Interagency Pass-Through, 651605, Resident Protection 141866  
Fund, 651631, Money Follows the Person, 651656, Medicaid 141867  
Services-Hospitals/UPL, 651682, Health Care Grants-State, 651608, 141868  
Medicaid Services-Long Term Care, 651654, Medicaid Program 141869  
Support, and 651649, Medicaid Services-HCAP, may be used to pay 141870  
for services and costs associated with operating protocols adopted 141871  
under sections 191.04 and 191.06 of the Revised Code. 141872

**Section 803.30.** Notwithstanding section 1123.01 of the 141873  
Revised Code, as amended by this act, both of the following apply: 141874

(A) The appointed members who are serving on the Banking 141875  
Commission as of the effective date of this section shall serve 141876  
until the end of the term for which the member was appointed. The 141877  
terms of office set forth in division (B) of that section and the 141878  
qualifications for membership set forth in division (D) of that 141879



section shall first apply to the members appointed on or after the 141880  
effective date of this section. 141881

(B) The Banking Commission shall, on the effective date of 141882  
this section, additionally consist of the six members appointed to 141883  
the Savings and Loan Associations and Savings Banks Board under 141884  
section 1181.16 of the Revised Code. Each such member shall serve 141885  
until the end of the term for which the member was appointed. 141886

**Section 803.40.** A certificate to practice medicine and 141887  
surgery, osteopathic medicine and surgery, or podiatric medicine 141888  
and surgery issued under Chapter 4731. of the Revised Code, as 141889  
that chapter existed immediately prior to the effective date of 141890  
this section, satisfies the requirements for licensure created by 141891  
this act until the certificate is required to be renewed. Any 141892  
renewal shall be in the form of a license issued under Chapter 141893  
4731. of the Revised Code. 141894

**Section 803.50.** The amendment by this act of section 3517.17 141895  
of the Revised Code applies to the first distribution to be made 141896  
under that section after designations under section 5747.081 of 141897  
the Revised Code for taxable years beginning in 2017 are available 141898  
to the Tax Commissioner, and to every distribution thereafter. 141899

**Section 803.100.** (A) The amendment or enactment by this act 141900  
of sections 113.061, 718.01, 718.02, 718.06, 718.60, 718.80, 141901  
718.81, 718.82, 718.83, 718.84, 718.85, 718.851, 718.86, 718.87, 141902  
718.88, 718.89, 718.90, 718.91, 718.92, 718.93, 718.94, 718.95, 141903  
5703.052, 5703.053, 5703.054, 5703.056, 5703.19, 5703.21, 141904  
5703.371, 5703.50, 5703.57, 5703.70, and 5703.75 applies to 141905  
taxable years beginning on or after January 1, 2018. 141906

(B) In accordance with division (A) of section 718.04 of the 141907  
Revised Code, each municipal corporation shall adopt, by ordinance 141908  
or resolution, the provisions of sections 718.80, 718.81, 718.82, 141909

718.83, 718.84, 718.85, 718.851, 718.86, 718.87, 718.88, 718.89, 141910  
718.90, 718.91, 718.92, 718.93, 718.94, and 718.95 of the Revised 141911  
Code on or before January 31, 2018. Such resolution or ordinance 141912  
shall specify that the enactment of those provisions applies to 141913  
taxable years beginning on or after January 1, 2018. 141914

(C) The amendment by this act of section 718.08 of the 141915  
Revised Code applies to taxable years beginning on or after 141916  
January 1, 2018. 141917

(D) The amendment by this act of section 718.27 of the 141918  
Revised Code applies on and after the effective date of this 141919  
section. 141920

**Section 803.110.** The amendment by this act of sections 141921  
319.54, 321.27, 5731.46, and 5731.49 of the Revised Code applies 141922  
to all settlements required under section 5731.46 of the Revised 141923  
Code on and after the effective date of this section. 141924

**Section 803.120.** The amendment by this act of sections 141925  
3734.9011, 5735.02, 5743.15, and 5743.61 of the Revised Code 141926  
applies on and after January 1, 2018. 141927

**Section 803.140.** The amendment by this act of sections 141928  
5739.01, 5739.02, 5739.033, 5739.10, and 5741.02 of the Revised 141929  
Code, except for division (C) of section 5739.01 and division 141930  
(B)(55) of section 5739.02 of the Revised Code, applies on and 141931  
after October 1, 2017. 141932

**Section 803.150.** The amendment by this act of section 5739.30 141933  
of the Revised Code applies on and after January 1, 2018. 141934

**Section 803.180.** The amendment by this act of sections 141935  
5743.03 and 5743.081 of the Revised Code applies on and after July 141936  
1, 2017. 141937

**Section 803.210.** The amendment or enactment by this act of sections 131.44, 131.51, 5747.50, 5747.502, 5747.503, 5747.504, 5747.51, and 5747.53 of the Revised Code applies to distributions made from the Local Government Fund on or after January 1, 2018.

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**Section 803.220.** The amendment by this act of sections 5749.01, 5749.03, 5749.04, 5749.06, and 5749.17 shall apply on and after October 1, 2017.

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**Section 803.260.** The amendment by this act of divisions (B)(3)(e), (Y), and (LLL) of section 5739.01 of the Revised Code is intended to be remedial in nature and to clarify existing law. Such amendments shall apply retrospectively to all cases pending on or transactions occurring on or after the effective date of the amendment of that section by Sub. H.B. 157 of the 127th General Assembly.

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**Section 803.270.** The amendment by this act of divisions (A), (C), (D), and (I) of section 122.17 of the Revised Code concerning qualifying work-from-home employees applies to applications submitted under division (C)(1) of that section on or after the effective date of this section.

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**Section 803.280.** The amendment by this act of sections 307.283 and 5739.026 of the Revised Code applies to all grant revenue derived from tax levies approved on and after the effective date of this section and to grant revenue derived from tax levies approved before that date if the act's amendments concerning the use of such revenue are not inconsistent with the board of county commissioners' resolution levying the tax or the ballot language approved by the electors of the county. For the purposes of this section:

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(A) A tax levied under section 5739.026 of the Revised Code 141966  
is "approved" on the date of the election at which the resolution 141967  
is submitted to and approved by the electors of the county 141968  
pursuant to division (D) of that section. 141969

(B) A tax levied under section 5741.023 of the Revised Code 141970  
is "approved" on the same date as the corresponding tax levied 141971  
under section 5739.026 of the Revised Code. 141972

(C) "Grant revenue" has the same meaning as in section 141973  
307.283 of the Revised Code. 141974

**Section 803.290.** The amendment by this act of section 307.678 141975  
and division (J) and the third paragraph of division (A)(1) of 141976  
section 5739.09 of the Revised Code is intended to promote 141977  
development of sites and facilities for and in support of 141978  
industry, commerce, distribution, and research and development 141979  
within tourism development districts established in this state, in 141980  
furtherance of the public purposes established under section 2p of 141981  
Article VIII, Ohio Constitution, and thereby to create and 141982  
preserve jobs, enhance employment and educational opportunities, 141983  
and improve the quality of life and the general and economic 141984  
well-being of the people and businesses of this state, all to 141985  
better ensure the public health, safety, and welfare of the people 141986  
of this state, through cooperative efforts and activities by 141987  
political subdivisions, port authorities, and other persons in 141988  
furtherance of these purposes, including funding, financing, and 141989  
construction activities consistent with the procedures authorized 141990  
and established in that amendment pursuant to division (F) of 141991  
section 2p of Article VIII, Ohio Constitution. Therefore, the 141992  
amendment applies to projects and related work, including funding, 141993  
financing, and construction activities or proceedings with respect 141994  
to projects, commenced or to be commenced, as well as all work, 141995  
activities, and proceedings with respect to projects occurring or 141996

to occur, after the effective date of that amendment. The 141997  
amendment shall also apply, insofar as those amendments are 141998  
applicable, to support or facilitate any project or related work, 141999  
including funding, financing, and construction activities, or 142000  
proceedings with respect to any project that is pending, in 142001  
progress, or completed on such effective date, also to all such 142002  
projects, work, activities, and proceedings, to any contracts or 142003  
agreements made or performed, and to any securities or other 142004  
obligations, to any credit enhancement facilities or related 142005  
reimbursement obligations authorized or issued pursuant to those 142006  
proceedings, and any such projects, work, activities, or 142007  
proceedings pending, in progress or completed, any contracts or 142008  
agreements made or performed, any credit enhancement facilities or 142009  
related reimbursement obligations authorized, issued, or agreed, 142010  
and any securities or other obligations authorized, sold, issued, 142011  
delivered, or validated pursuant to those proceedings, all of 142012  
which projects, work, activities, or proceedings shall be 142013  
considered to have been taken, made or performed, authorized, 142014  
issued and agreed, or authorized, sold, issued, delivered, and 142015  
validated, in conformity with that amendment pursuant to section 142016  
2p of Article VIII, Ohio Constitution, and other applicable 142017  
provisions of the Ohio Constitution and the Revised Code. 142018

**Section 803.300.** (A) The amendment by this act of sections 142019  
5595.03, 5595.06, and 5595.13 applies to regional transportation 142020  
improvement projects to which any of the following applies: 142021

(1) The effective date of the cooperative agreement for the 142022  
project is on or after the effective date of this section. 142023

(2) The cooperative agreement for the project is amended by 142024  
the participating counties on or after the effective date of this 142025  
section. 142026

(3) The governing board of the project receives revenue from 142027  
the state, a political subdivision, or a taxing district under 142028  
section 5595.06 of the Revised Code on or after the effective date 142029  
of this section. 142030

(B) If the act's amendment of sections 5595.03, 5595.06, and 142031  
5595.13 of the Revised Code conflicts with the cooperative 142032  
agreement of a regional transportation improvement project 142033  
described by division (A) of this section, the participating 142034  
counties shall amend the cooperative agreement in the manner 142035  
prescribed by division (D) of section 5595.03 of the Revised Code 142036  
to comply with the act's amendment of those sections. 142037

**Section 803.330.** The amendment by this act of section 142038  
4503.066 of the Revised Code shall apply to applications and forms 142039  
due to the county auditor in tax year 2017 and thereafter. 142040

**Section 803.340.** The amendment by this act of section 5709.92 142041  
of the Revised Code applies to payments to be made under that 142042  
section in fiscal year 2018 and thereafter. 142043

**Section 803.350.** For each county, the amendment by this act 142044  
of sections 5713.31, 5713.34, and 5715.01 of the Revised Code 142045  
shall apply to the first tax year after tax year 2016 in which a 142046  
sexennial appraisal or triennial update is performed for the 142047  
county. 142048

**Section 803.360.** The amendment by this act of section 5747.70 142049  
of the Revised Code applies to taxable years ending on or after 142050  
the effective date of this act. 142051

**Section 803.370.** The amendment by this act of sections 142052  
5743.01, 5743.51, 5743.62, and 5743.63 of the Revised Code applies 142053  
to invoices dated on or after July 1, 2017. 142054

**Section 806.10.** The items of law contained in this act, and 142055  
their applications, are severable. If any item of law contained in 142056  
this act, or if any application of any item of law contained in 142057  
this act, is held invalid, the invalidity does not affect other 142058  
items of law contained in this act and their applications that can 142059  
be given effect without the invalid item of law or application. 142060

**Section 809.10.** An item of law, other than an amending, 142061  
enacting, or repealing clause, that composes the whole or part of 142062  
an uncodified section contained in this act has no effect after 142063  
June 30, 2019, unless its context clearly indicates otherwise. 142064

**Section 812.10.** Except as otherwise provided in this act, the 142065  
amendment, enactment, or repeal by this act of a section is 142066  
subject to the referendum under Ohio Constitution, Article II, 142067  
section 1c and therefore takes effect on the ninety-first day 142068  
after this act is filed with the Secretary of State or, if a later 142069  
effective date is specified below, on that date. 142070

Sections 3701.83, 3704.035, 3710.01, 3710.02, 3710.04, 142071  
3710.05, 3710.051, 3710.06, 3710.07, 3710.08, 3710.09, 3710.10, 142072  
3710.11, 3710.12, 3710.13, 3710.14, 3710.15, 3710.17, 3710.19, and 142073  
3710.99 of the Revised Code take effect January 1, 2018. 142074

Sections 107.56, 125.22, 4709.02, 4709.04, 4709.05, 4709.06, 142075  
4709.07, 4709.08, 4709.09, 4709.10, 4709.12, 4709.13, 4709.14, 142076  
4709.23, 4709.26, 4709.27, 4713.01, 4713.02, 4713.03, 4713.04, 142077  
4713.05, 4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 4713.082, 142078  
4713.09, 4713.11, 4713.13, 4713.141, 4713.17, 4713.20, 4713.22, 142079  
4713.24, 4713.25, 4713.28, 4713.29, 4713.30, 4713.31, 4713.32, 142080  
4713.34, 4713.35, 4713.37, 4713.39, 4713.41, 4713.44, 4713.45, 142081  
4713.48, 4713.50, 4713.51, 4713.55, 4713.57, 4713.58, 4713.59, 142082  
4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 4713.65, 4713.66, 142083  
4713.68, 4713.69, and 4723.05 of the Revised Code take effect on 142084

January 21, 2018. 142085

**Section 812.20.** The amendment, enactment, or repeal by this 142086  
act of the sections listed below is exempt from the referendum 142087  
under Ohio Constitution, Article II, section 1d and therefore 142088  
takes effect immediately when this act becomes law or, if a later 142089  
effective date is specified below, on that date. 142090

Sections 3301.0715, 4301.43, 5168.75, 5168.76, 5168.77, 142091  
5168.78, 5168.79, 5168.80, 5168.81, 5168.82, 5168.83, 5168.84, 142092  
5168.85, 5168.86, 5743.01, 5743.03, 5743.081, 5743.51, 5743.62, 142093  
and 5743.63 of the Revised Code. 142094

The amendment by this act of section 5164.753 of the Revised 142095  
Code takes effect on July 1, 2017. 142096

The amendment by this act of section 5751.02 of the Revised 142097  
Code takes effect July 1, 2017. 142098

Sections of this act prefixed with section numbers in the 142099  
200s, 300s, and 400s. 142100

Sections 610.20, 610.21, 610.30, 610.31, 610.38, 610.39, 142101  
610.50, and 610.51 of this act. 142102

Section 701.20 of this act. 142103

Section 757.20 of this act. 142104

Sections 803.180, 803.210, and 803.370 of this act. 142105

Sections or parts of sections that state that referenced 142106  
sections in whole or in part are exempt from the referendum. 142107

**Section 812.40.** (A) The repeal of sections 5115.01, 5115.02, 142108  
5115.03, 5115.04, 5115.05, 5115.06, 5115.07, 5115.20, 5115.22, and 142109  
5115.23 and the amendment of sections 126.35, 131.23, 323.01, 142110  
323.32, 329.03, 329.051, 2151.43, 2151.49, 3111.04, 3113.06, 142111  
3113.07, 3119.05, 5101.16, 5101.17, 5101.18, 5101.181, 5101.184, 142112



5101.26, 5101.27, 5101.28, 5101.33, 5101.35, 5101.36, 5117.10, 142113  
5123.01, 5168.02, 5168.09, 5168.14, 5168.26, 5502.13, 5709.64, and 142114  
5747.122 of the Revised Code take effect on December 31, 2017. 142115

(B) Notwithstanding the provisions of Chapter 5115. of the 142116  
Revised Code, on and after the effective date of this section and 142117  
until December 31, 2017, all of the following apply to the 142118  
Disability Financial Assistance Program: 142119

(1) Beginning July 1, 2017, the Department of Job and Family 142120  
Services shall not accept any new application for disability 142121  
financial assistance. 142122

(2) Before July 31, 2017, the Department shall notify the 142123  
following individuals that benefits shall terminate on July 31, 142124  
2017: 142125

(a) Recipients who have applications for Supplemental 142126  
Security Income or Social Security Disability Insurance benefits 142127  
pending before the federal Social Security Administration and who 142128  
have received a denial of reconsideration from the Administration 142129  
on or before July 1, 2017; 142130

(b) Recipients who do not have applications for Supplemental 142131  
Security Income or Social Security Disability Insurance benefits 142132  
pending before the Social Security Administration and who have 142133  
received from the Administration on or before July 1, 2017, an 142134  
initial denial of benefits or denial of reconsideration. 142135

(3) Beginning on July 1, 2017, and ending on October 1, 2017, 142136  
the Department shall provide disability financial assistance 142137  
benefits only to recipients who have not received a denial of 142138  
reconsideration from the Social Security Administration. 142139

(4) After October 1, 2017, the Department shall provide 142140  
disability financial assistance benefits only to recipients who 142141  
have applications for Supplemental Security Income or Social 142142

Security Disability Insurance benefits pending before the Social Security Administration and have not received a denial of reconsideration from the Administration.

(C) Until July 1, 2019, the Department, or the county department of job and family services at the request of the Department, may take any action described in former section 5115.23 of the Revised Code to recover erroneous payments, including instituting a civil action.

(D) Beginning December 31, 2017, the Executive Director of the Governor's Office of Health Transformation, in cooperation with the Directors of the Departments of Job and Family Services and Mental Health and Addiction Services, the Medicaid Director, and the Executive Director of the Opportunities for Ohioans with Disabilities Agency, shall ensure the establishment of a program to do both of the following:

(1) Refer adult Medicaid recipients who have been assessed to have health conditions to employment readiness or vocational rehabilitation services;

(2) Assist adult Medicaid recipients who have been assessed to have disabling health conditions to expedite applications for Supplemental Security Income or Social Security Disability Insurance benefits.

**Section 815.10.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 105.41 of the Revised Code as amended by both Am.	142173
Sub. H.B. 64 and Am. H.B. 141 of the 131st General Assembly.	142174
Section 109.572 of the Revised Code as amended by both Sub.	142175
H.B. 523 and Am. Sub. S.B. 227 of the 131st General Assembly.	142176
Section 135.143 of the Revised Code as amended by both Sub.	142177
H.B. 471 and Sub. H.B. 476 of the 131st General Assembly.	142178
Section 135.63 of the Revised Code as amended by both Sub.	142179
H.B. 545 and Am. Sub. H.B. 562 of the 127th General Assembly.	142180
Section 2151.353 of the Revised Code as amended by both Sub.	142181
H.B. 50 and Sub. H.B. 158 of the 131st General Assembly.	142182
Section 2151.417 of the Revised Code as amended by both Am.	142183
Sub. H.B. 213 and Am. Sub. H.B. 483 of the 130th General Assembly.	142184
Section 2329.66 of the Revised Code as amended by both H.B.	142185
155 and Sub. S.B. 11 of the 131st General Assembly.	142186
Section 2929.20 of the Revised Code as amended by both Am.	142187
Sub. H.B. 64 and Am. Sub. S.B. 97 of the 131st General Assembly.	142188
Section 3302.03 of the Revised Code as amended by both Am.	142189
Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st General Assembly.	142190
Section 3313.372 of the Revised Code as amended by both Am.	142191
Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th General Assembly.	142192
Section 3314.03 of the Revised Code as amended by Am. Sub.	142193
H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 131st	142194
General Assembly.	142195
Section 3318.37 of the Revised Code as amended by both Am.	142196
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	142197
Section 3326.11 of the Revised Code as amended by Am. Sub.	142198
H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 131st	142199
General Assembly.	142200
Section 3734.42 of the Revised Code as amended by both Sub.	142201

S.B. 294 and Sub. S.B. 302 of the 129th General Assembly.	142202
Section 3742.01 of the Revised Code as amended by both Am.	142203
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	142204
Section 3781.06 of the Revised Code as amended by both Sub.	142205
H.B. 276 and Am. Sub. H.B. 487 of the 129th General Assembly.	142206
Section 4301.62 of the Revised Code as amended by Sub. H.B.	142207
37, Sub. H.B. 47, Sub. H.B. 178, and Sub. H.B. 342, all of the	142208
131st General Assembly.	142209
Section 4725.09 of the Revised Code as amended by both Am.	142210
Sub. H.B. 104 and Sub. H.B. 149 of the 127th General Assembly.	142211
Section 4729.01 of the Revised Code as amended by Sub. H.B.	142212
216, Sub. H.B. 290, Sub. H.B. 505, and Sub. S.B. 332, all of the	142213
131st General Assembly.	142214
Section 4729.51 of the Revised Code as amended by both Sub.	142215
H.B. 290 and Sub. S.B. 319 of the 131st General Assembly.	142216
Section 4731.07 of the Revised Code as amended by both Am.	142217
Sub. H.B. 64 and Sub. S.B. 110 of the 131st General Assembly.	142218
Section 4731.22 of the Revised Code as amended by Sub. H.B.	142219
290, Sub. S.B. 127, and Sub. S.B. 319, all of the 131st General	142220
Assembly.	142221
Section 4731.295 of the Revised Code as amended by both Sub.	142222
H.B. 320 of the 130th General Assembly and Am. Sub. H.B. 64 of the	142223
131st General Assembly.	142224
Section 5123.47 of the Revised Code as amended by both Sub.	142225
H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly.	142226
Section 5149.311 of the Revised Code as amended by both Am.	142227
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.	142228
Section 5165.01 of the Revised Code as amended by both Sub.	142229
H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly.	142230

Section 5703.57 of the Revised Code as amended by both Sub. H.B. 5 and Am. Sub. S.B. 243 of the 130th General Assembly.	142231 142232
Section 5709.12 of the Revised Code as amended by Sub. H.B. 166, Sub. H.B. 182, and Am. Sub. H.B. 233, all of the 131st General Assembly.	142233 142234 142235
Section 5739.01 of the Revised Code as amended by both Sub. H.B. 390 and H.B. 466 of the 131st General Assembly.	142236 142237
Section 5747.02 of the Revised Code as amended by both Sub. H.B. 182 and Sub. S.B. 208 of the 131st General Assembly.	142238 142239
<b>Section 815.20.</b> Several sections of law in this act are amended more than once by this act. If the amendments are without reference to one another, they are to be harmonized and effect given to each amendment under division (B) of section 1.52 of the Revised Code. If, however, the amendments are irreconcilable and cannot be harmonized, they are to be construed under section 1.51 of the Revised Code.	142240 142241 142242 142243 142244 142245 142246